

Riverton City, Utah
CITY COUNCIL MEETING
Minutes
August 20, 2019

Riverton City Hall
12830 South 1700 West
Riverton, Utah 84065

Attendance:

Mayor Trent Staggs

Council Members:

Council Member Tish Buroker
Council Member Brent Johnson
Council Member Tawnee McCay
Council Member Sheldon Stewart
Council Member Tricia Tingey

City Staff:

Konrad Hildebrandt, City Manager
Virginia Loader, City Recorder
Ryan Carter, City Attorney
Trace Robinson, Public Works Director
Kevin Hicks, Administrative Services Director
Sheril Garn, Parks & Public Services Director
Jason Lethbridge, Development Services Director
Casey Saxton, Communications Director
Chief Don Hutson, RPD
Duane Green, Water Director
Wade Watkins, UFA Battalion Chief

1. Mayor and Council Informal Meeting – No action on any items

2. WORK SESSION – 5:45 PM

3. Call to Order

Mayor Staggs called the Work Session to order at 5:45 p.m. Council Members Buroker, Johnson, McCay, Stewart, and Tingey were present.

4. Presentations

a. Reconnaissance Level Survey-Historic Preservation Commission

Korral Broschinsky, Preservation Documentation Resource, explained that she conducted the Reconnaissance Level Survey (RLS) at the request of the Riverton Historic Preservation Commission. The survey was conducted as a selective survey within the municipal boundaries of Riverton City. The survey was conducted in accordance with the Utah SHPO's standard Operating procedures for Reconnaissance Level Surveys, the National Register of Historic Places (NRHP) Bulletin 15, and federal regulations 36 CFR 60.

Ms. Broschinsky explained that the historic resources of Riverton City have been surveyed through a series of 12 Reconnaissance Level Surveys conducted from 1990 and 2016. At the request of the Historic Preservation Commission, the 2019 survey had two objectives. The first objective was to identify and evaluate properties as potential individual nominations to the

National Register of Historic Places. The second objective was to gather data for the second phase of the project, which is to produce a Multiple Property Submission (MPS) process to support future NRHP candidates. She said that in order to support the objectives, the survey identified seven goals.

Ms. Broschinsky explained that, to stay within the budget of Riverton's Certified Local Government grant, the survey used a cut-off date of 1969 for historic resources. Because of the survey's emphasis on identifying individual candidates for the NRHP, properties within boundaries of the existing Riverton Historic District were excluded. Also excluded were properties within the boundaries of two early subdivision within Riverton, which she said were more likely to produce a future historic district rather than individually eligible properties. In general, she said that a property that is eligible for the NRHP is at least 50-years old, retains its historic integrity, and meets one of the NRHP's areas of significance.

In review, Ms. Broschinsky said that Riverton City's Historic Buildings and Sites Preservation Ordinance presents the following purpose:

Riverton City recognizes that the historical heritage of the community is among its most valued and important assets. It is the intent of the city to identify preserve, protect, and enhance historic buildings, sites, monuments, streetscapes and landmarks within the city deemed architecturally or historically significant. By protecting such historically significant sites and structures, they will be preserved for the use, observation, education, pleasure and general welfare of the present and future residents of the city.

Ms. Brochinsky said the survey was an important step towards helping the City and the Riverton Historic Preservation Commission to fulfill its historic preservation goals.

Linda Abel, HPC Chair, said the HPC is planning to apply for a new CLG matching grant in January 2020 to consider a more Intensive Level Survey of the 30 identified properties that meet state requirements for submission to the national registry. She is recommending that the City recognize those residents who qualify with a certificate and press recognition for their efforts in preservation and renovation of historic structures in Riverton. She also presented the idea of a traveling trunk show that could be taken to schools, the library, etc. in order to engage residents to the significance of historic preservation.

Questions and comments of the Council Members were then addressed.

b. Economic Development Committee Report – Terry Webb, Chair

Terry Webb, Chair, introduced the following EDC Riverton Committee Members: Doug Harris, Matt Wilkinson, Matt Renlund, Andy Pierucci, and Clark Harvey. Chair Webb then presented information prepared by the Economic Development Committee.

- Utah EDC: Last contact was several months ago, no updates from EDC Utah, they have had several internal personnel changes, and have indicated they have other processes that they need to complete before they can work on various options with us.

- Historic Downtown: The Committee has met with an economic consultant, Mr. Sant, and established a SWOT analysis of Strengths, Weaknesses, Opportunities and Threats. They addressed areas such as the Golf Course, County Swimming Pool and any options to make the

area more attractive and bring additional revenue to the City. Since their meeting in May, they have not heard back from Mr. Sant and are looking for more direction from him.

Mayor Staggs said that two of the eight strategic priorities deal specifically with the economic development of the downtown area. He said he was disappointed with the lack of response from the consultant firm. Mr. Lethbridge stated that Mr. Sant had telephoned in July and said they were prepared to present to Council and the EDC.

Mayor Staggs had asked the EDC to come to the Council with recommendations regarding a re-invigoration of the old downtown area, whether it be development area designation or other suggestions concluded from the study. He said he was anxious for this committee to be very much involved with the invigoration of old down town. He also said that the City was paying EDC Utah \$12,000 annually to provide assistance to the City. Other than a flyer, there has been no movement with EDC Utah to set up conferences or meetings with potential employers who are looking to locate in an excellent project area in Riverton.

- USU Downtown Trail System: USU student interns had been assigned, however they all went home for the summer, hopefully now that school is back in session we will move forward with the intern project.

- Municipal Broadband: Matt Renland said the first thing the EDC looked at was the question, is Broadband a utility? He reported that of the original EDC group of seven members, the utility question was split in both directions. In a casual poll with the committee's neighbors, the results were less than popular. Mr. Renland said that a great deal of education would need to occur from the Council and the consulting firms if this was going to be presented as a utility to the residents.

The committee also looked at funding and the structure of establishing a broadband utility. Initially they looked at a General Obligation Bond, however, recently they learned that a Revenue Bond option would be a better direction. The build as you go, opt in or opt out models had some obstacles. For the opt in model to be financially viable for the City, current estimates are that at least 40% of the residents would need to participate if the City wants to get the initial pay back for the infrastructure costs. The committee feels that in the current environment, the needed 40% threshold would not be reached without a substantial amount of outreach and education to the public.

Mr. Renland said that the committee feels that using Entry Point Inc. as the consultant seemed to be a conflict of interest as they appear to have "skin in the game." However, in a recent City Council Work Session it appeared that Council Members were moving forward with other consultants, which he said was pleasing to the committee.

Doug Harris said the committee felt that the major hurdle would be to convince the residents of the need and information and education would need to occur. Additionally, he said that, where broadband has traditionally been a private utility, asking the residents to accept it as a public utility might be an issue. Locally, Kaysville and American Fork are both moving forward with a broadband utility. The committee is looking at what the resident's opinions in those communities are. He also talked about the political ramifications of establishing a city based utility. He felt that if the residents want a city wide broadband and the City gets more than 40% to opt in, that would be a great lasting legacy for everyone involved. However, if the citizens do not want to move forward and it still gets pushed through, it would not be good for the Council.

Mr. Harris asked what projects the Council would like to see the EDC involved with. Mayor Staggs previously stated that EDC Utah and the Historic Downtown were his priorities; however, the committee requested input from the Council as well. He commented that approximately 80% of their time has been spent on the broadband issue and the EDC was unaware that an additional Broadband Committee had been established by the Mayor until last month. Working in silos instead of together has been a learning experience. He asked the again if the Council had specific priorities for the EDC.

Mayor Staggs said that the Old Downtown and ways in which the City could grow economically were his priorities, which would satisfy Strategic Priority Number 2. Promoting a thriving business environment that meets the needs of our residents.

Council Member Stewart said he would like to see the committee spend a good amount of time finding and attracting businesses. He said that he sits on the Broadband Committee and shared incidents that occurred in his District during the month of July. He said he has had residents call him because the broadband rate in their area is not high enough for their needs and what could he do to force the utility company to remedy it. He said that broadband has become the roadways within cities, and when there are problems, he receives phone calls from residents. He said he has spent much time on the broadband issue and said that by controlling broadband, the City controls the roadways. He said that many cities were viewing broadband as an essential utility, and that the City has data monopoly within Riverton City and it needs to be expanded and competition encouraged.

Mayor Staggs thanked the committee and said there were several exciting projects coming, especially with the downtown area and the walkway trails. He mentioned a hybrid possibility with the broadband issue, which includes a wireless option where the speed would be quicker and the cost would be much less. He said that from an economic development standpoint, having the ability within the City would be a distinguishing factor for Riverton, and would attract some employers.

Council Member Johnson expressed appreciation to the EDC for their report and encouraged them to stay on top of the contract consultants to provide the needed feedback needed. He asked them to follow-up if a month goes by without communication from the consultant.

5. Discussion Items – N/A

6. Mayor / Council / Manager Reports

City Manager Konrad Hildebrandt reported on the Monthly Manager Report and Better Way of Doing Things and asked for feedback from the Council. He said he was actively participating in the recruitment of an Emergency Management Coordinator, which he said was getting close. He reported that there were no major issues with crossings at schools on the opening day of school and that all was going well there. He said that staff has worked with principals who have identified some curbs that needed painting, etc. He said the Rate Study that he had been directed to conduct, specifically for sanitation and water, would be provided very soon. He reported that he had notified the Council of the returns on the 2013 bonds with a parameters resolution attached, with an estimated savings of between 1.2 and 1.5 million dollars over the life of the new refunded bond. He said the bond issue would be presented at the next City Council Meeting. Mr. Hildebrandt then reported that he had obtained a free 40 foot bus from UTA and that the Communications Department was looking at ways to utilize this as a promotional tool for the City.

Mayor Staggs and Council Members recommended the following items for further action or future meetings:

- Senior Center use and breakdown report – Mayor Staggs
- JWCD Presentation to Joint Planning Commission and City Council Meeting – Mayor Staggs
- Recommendations needed for Committee Appointments – Mayor Staggs
- UFSA Report – September 3rd Work Session – Council Member Stewart
- RPD Canine Titan frequently visit Riverton High School – Council Member McCay
- Salt Lake County Community Development Block Grants (CDBG) Representative present at future Work Session – Council Member McCay
- Lindsay Rogers, US Bureau of Reclamation – Smart Water Funding Available – Council Member Johnson

7. Adjournment

Council Member Tingey MOVED to adjourn the Work Session. Council Member McCay **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously. The Work Session adjourned 6:52 PM.

COUNCIL MEETING

1. Call to Order

Mayor Staggs called the Riverton City Council Meeting to order at 7:00 p.m. and conducted a roll call. Council Members Buroker, Johnson, McCay, Stewart, and Tingey were present.

2. Prayer / Pledge of Allegiance

Bishop Chad Collard, Riverton Ranch, offered the invocation and Claude Wells led the Pledge of Allegiance.

3. Public Comments

Mayor Staggs opened the Public Comment period and called for public comments; there being none, he closed the public comment period.

Claude Wells, Candidate Council District No. 5, stated the reasons why he was running for Council Member in District 5. He said he was interested in serving the City and help shape the City.

Jake Barlocher spoke of a fencing problem occurring between him and his neighbor Broomhead Funeral Home. He said Broomhead's were not complying with City ordinances related to fencing between the two properties. He requested assistance from City Staff regarding the issue. Mayor Staggs said Staff would follow up on the issue.

Nicholas Riche said the Emergency Management Advisory Council recently participated in a presentation provided by Utah Division of Emergency Management Critical Infrastructure Specialist Kathryn McMullin. She introduced the Rapid Disaster Assessment (RDA) Program the RDA would improve vertical and horizontal integration of multiple emergency operation plans, fulfill several committee goals, support Objective No. 1 of Riverton's Strategic Plan and better facilitate non-federal cost sharing for eligible emergency work following declared disasters. In support of the State's efforts to provide organizations within the community this tool kit, we would like to invite Kathryn McMullin to present the RDA Program to specific organizations with the community on October 2nd at no cost to the City.

Mark Strong, State Representative, introduced himself and said he represents most of Riverton and encouraged the Council to contact him with any comments, questions or suggestions.

Mayor Staggs recognized State Representative Pulsipher, who was also in attendance.

There being no further comments, Mayor Staggs closed the Public Comment period.

5. Recognitions / Proclamations

a. Proclamation-International Overdose Awareness Day-August 31, 2019

Mayor Staggs read a proclamation regarding International Overdose Awareness Day 2019, which stated that "on August 31st communities around American and the world will commemorate International Overdose Awareness Day. It also stated that in 2017, more than 70,000 Americans lost their lives due to drug overdose and the problem is getting worse. Mayor Staggs then proclaimed August 31st, 2019, as International Overdose Awareness Day, and called upon all citizens to renew their commitment to be educated on the impact of overdose and join in working for its awareness and prevention within our community.

b. Outstanding Citizen Award – Scott Reid – Mayor Staggs

Mayor Staggs presented Scott Reid the Outstanding Citizen Award for his willingness, dedication and service to Riverton City. He said that Scott has been an extraordinary city volunteer for many years. Since he was about 16 years old he has been volunteering to help with Riverton Town Days. He first began as a sound technician for the entertainment portion of Town Days, and now he helps with just about everything. For a number of years Scott would sleep on the stage in the park to make sure all the equipment was safe and secure. That same caring and hard-working mentality has continued as the years have gone past. In addition, Scott also spent a number of years volunteering for the Riverton City Arts Council as the sound and lighting technical director. Scott currently serves as the chair for the Riverton Community Events Committee. The following is a quote from the nominator: "Scott refuses to accept anything more than a simple thank you for all of his service and efforts that he gives to the city. He is an amazing husband, father, and public servant. We are fortunate to have such an individual be part of our community."

c. Vaping Awareness Campaign

Matthew Drachman & Sarah Strong, Riverton High School, made a presentation relating to a Vaping Awareness Campaign that they are promoting. They said that they are raising awareness through their presentation that addresses why students are vaping, current policies

and knowledge, and by offering the following solutions: education to students and influencers over students, through various safe coping mechanisms, through parent involvement, and through negative stigma. They also presented the following conclusions:

- Current methods for prevention and rehabilitation are ineffective
- Better education is needed to update current curriculum and help educate young people about the definite health effects of vaping.
- Teens in the state of Utah need this most out of any state in the United states, to help find better coping mechanisms and to help solve the overall problem of teenage depression and anxiety.
- Parents, be open and honest with your children, get involved, you are the biggest line of defense when it comes to wisdom for your children.

Mayor Staggs and Council Members thanked and commended Mathew and Sarah on their presentation and recommended further discussion at the future Work Session.

d. Oath of Office Administered to Riverton City Youth Council – Virginia Loader, Recorder

Mayor Staggs introduced the Riverton City Youth Council 2019-2020 Officers. Mayor Staggs commended Pam Henderson and the Youth Council for the service they render in the City's behalf. Mrs. Henderson spoke and commended the Youth City Council for their willingness to participate and serve the community. She reported that last year the Youth City Council donated 1,000 hours of service to the community.

Youth Mayor Rachel Carter introduced their theme for the upcoming year, which is "Grow towards the Future". Each of the members of the Youth Council introduced themselves.

City Recorder Virginia Loader then administered the Oath of Office to the following Riverton City Youth Council Officers:

Youth Mayor – Rachel Carter
Youth Pro Tempore – Kathryn Howard
Secretary - Macy Lym
Treasurer – Irena Weed
Youth Attorney – Conner Roberts
Public Relations – Maddie Cook
Hospitality Coordinator – Ainsley Rossiter
Assistant Hospitality Coordinator – Jared Dickson
Service Coordinator – Kathryn Howard

4. Mayor/Council Reports

Mayor Staggs reported that the Southwest Valley Visioning Study had officially begun. He then reported on the recent roadway opening of 4570 West 13400 South to the Mountain Ridge High School. He thanked all the participants for their efforts to make the roadway possible.

Council Member Johnson reported on a meeting held with Salt Lake County regarding the Arts. He said that in that meeting Mayor Staggs reported that since the year 2000, 70% of the growth in Salt Lake County had occurred in the southwest quadrant of the County but the area had only received 7% of the available funds that had been allocated. The County asked what would be

the vision of our success, and the overwhelming response was to have more facilities in this end of the valley that would be packed.

Council Member Stewart spoke of the recently opened roadway on 4570 West 13400 South, which he said would be named Sentinel Ridge Blvd. He then thanked Herriman City for their completion of their portion of the road. He reported on a UFA Board Meeting wherein discussion was held regarding the completion of a seismic study of all the UFA stations. He reported that all the stations in Riverton were sound with a just few improvements needed. He then reported that as of 2020 Brighton would be an incorporated township and said that a 2.2 million dollar subsidy from UFSA helps that town. That subsidy goes to UFA from the County, and only because of some legislative changes that afforded that opportunity for them to have one or two years guaranteed on that subsidy. If that does not happen, he said that cost would be spread throughout UFSA because Brighton would be members of UFSA, unless they pull away. He requested further discussion of UFSA at the September 3rd Work Session.

Council Member McCay – No report

Council Member Tingey thanked Chief Hutson for response to her district needs. She asked if the area to the west of Oxford Farms, thistle area, had been addressed by UDOT. She said the area had become a fire hazard and UDOT needed to take responsibility for that land. She said that she and Council Member Buroker would like to attend the Kaysville City Council Meeting wherein Broadband was being discussed. She then requested an update from Ryan Carter regarding Midas Creek land to the south of the elementary school from Ryan Carter. She then spoke of a damaged neighborhood sign and said that citizens were looking for an answer as to who is responsible for fixing signs. Jason Lethbridge explained that City ordinance does not require those signs to be replaced and it is up to the property owner to remove or replace the signs. Konrad Hildebrandt said he would try to contact the property owner regarding the sign mentioned. Council Member Tingey addressed Trace Robinson and Jason Lethbridge regarding the DAI property and made a recommendation for placement of a road; they agreed to meet at a later time and discuss the issue.

Mayor Staggs stated that the purpose of the Elected Official Reports was intended to be a time for a Council Member to report to the public or to the Council on matters of importance that relate to their district specifically or to the City as a whole or to one of the Boards they sit on. He said that, although important, asking questions of staff and getting into conversations should be discussed in a Work Session; or, if there is a discussion item that a Council Member would like to have on the agenda, then forward it to him, Virginia and Konrad.

6. Consent Agenda

Mayor Staggs presented the following Consent Agenda:

- a. **Minutes:** WS/CCM 07-16-19
- b. **Bond Release(s):** Bench Acres-Warranty Release
- c. Resolution No. 19-52 – Approving the Purchase of 21 Streetlights for Installation on Old Liberty Way (4050 West)
- d. Resolution No. 19-53 – Approving a PO Contract to T-O Engineering for the Design of the “S Curve”
- e. Resolution No. 19-54 – Approving a PO Contract to RB&G Engineering Roadway Design of 1300 West

- f. Resolution No. 19-55 – Approval the purchase of a Storage Area Network (SAN) Computer Storage Device
- g. Resolution No. 19-56 – Granting Approval to the City to enter into a contract with a Consultant or Consultants for the Implementation of a Network Plan of City-Owned, Fiber to the Home, Open Access Broadband Network that operates as a City Utility
- h. Resolution No. 19-57– Authorizing the City to Approve Amendment No. 1 to Salt Lake County Contract No. 0000001761, which provides Funding for Construction of Improvements to the “S Curve” and provide City Wide Striping of Bike Lanes
- i. Resolution No. 19-58 – Authorizing the City to enter into a Federal Aid Agreement with The Utah Department of Transportation for Funding of the 4150 W from Majestic Rise Parkway to 12600 South

Council Member McCay requested the removal of Consent Agenda Item No. g. Resolution No. 19-56 to allow for discussion.

Council Member McCay **MOVED that the City Council approve the Consent Agenda except Item g. Resolution No. 19-56.** Council Member Stewart **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously.

- g. Resolution No. 19-56 – Granting Approval to the City to enter into a contract with a Consultant or Consultants for the Implementation of a Network Plan of City-Owned, Fiber to the Home, Open Access Broadband Network that operates as a City Utility

Council Member McCay asked for clarification regarding the funding for the consultants and what was determined to be the next step regarding this issue.

Craig Calvert explained that the dollar amount was unknown because it had not yet been solicited. He said that there was \$18,000 remaining from the EntryPoint Contract, and if the proposed contract for consultants exceeds that amount, the issue would be brought back to the City Council for approval. It was clarified that the consultants would determine the next step for the City to take in the broadband process.

Council Member Stewart **MOVED that the City Council approve Resolution No. 19-56 - for the all Open Access Network Implementation as listed.** Council Member Tingey **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously.

7. Public Hearing(s) / Action Items

- a. Proposed Ordinance No. 19-17 – Amending the Land Use Code Chapter 18.100 Planned Commercial Center and Chapter 18.90 Table of Commercial Uses, DAI Partners, Jim Giles & Nate Shipp – Jason Lethbridge, Development Services Director – *Public Hearing continued from CC 08-06-19*

Jason Lethbridge, Development Services Director, explained that DAI Partners requested text amendments to Riverton City’s Table of Commercial Uses Chart and the PCC zone. The Table of Commercial Uses Chart lists uses and categories of uses and indicates whether they are

allowed or disallowed in various zones. He said the application seeks to add the uses to the PCC zone in that chart, and also specific text to the zone itself.

Mr. Lethbridge said that the applicant has development interest in a portion of a project area, and approached staff with a concept for an office/warehouse project that would include a potential range of light industrial uses. He said the PCC zone is not currently included on the Table of Commercial Uses, and therefore the only permitted uses are as indicated in the zone itself. The applicants are proposing expanding the allowed uses in the PCC zone to include the same uses as found in the Commercial Regional Zone, and also a range of uses currently found only in Riverton City's manufacturing/light industrial zone. He said the proposed change to the text would allow these uses as described within all properties currently zoned PCC.

Mr. Lethbridge explained that when this was first presented to the Council at the August 6th City Council meeting, there were significant concerns that were discussed regarding the proposed uses and the zoning itself. Staff has met with the applicant and reviewed the concerns. In response, an amendment to the originally proposed language has been prepared. It is based on the Table of Commercial Uses for the SLR Project Area, which is adjacent to the PCC zoning. As that table will govern the adjacent properties to the south, it was suggested that it was the more appropriate template for uses in the PCC Zone. The proposed amendment incorporates the SLR Table with a few changes. Manufacturing and mechanical assembly was added, with the stipulation that those uses could only occur inside a building. Even with the minor amendments, this would remain substantially similar to the SLR Project Area uses, and will help insure a more seamless transition between the properties in the area. As the table does not correspond directly with the existing table for other commercial zones in the City, it is proposed to add directly to the zoning document itself, with references within directed there rather than to the existing table. This would replace the proposed amendment adding a PCC column to the existing table.

Mr. Lethbridge further explained that the building architecture was also discussed. The existing PCC Zone has building and architectural standards that are essentially what is found in the Commercial Regional Zone for the City. There are no special exceptions or standards for a "flex" type building such as those the applicant has proposed. This means all buildings within the PCC Zone will be similar in appearance and architecture to those found in the surround Commercial Regional Zone, and that all sides of the buildings would be equally treated. One specific concern was the potential for loading docks on the buildings. As this is not specifically addressed, staff is proposing the following language be added to the PCC Zone:

- (4) Loading Docks/Areas. This section is in reference to loading docks or areas utilized for loading or unloading, and may also include vehicular access doors.
 - a. Loading docks/areas are encouraged to be oriented away from residential or other incompatible uses and major roadways, and located internal to a site wherever possible.
 - b. Site and/or building plans where loading docks/areas are not oriented away from incompatible uses, including major roadways, must demonstrate that such an orientation is not technically feasible, as opposed to other considerations such as cost or density.
 - c. Loading docks/areas should be oriented to minimize visual, audible, and other impacts to surrounding uses and properties.
 - d. The City may require mitigation of loading docks/areas using distance, landscaping, physical screening, or other methods as determined during site plan approval.

Mr. Lethbridge explained one other proposed amendment to the current requirement for a minimum of 20 acres for development within the PCC Zone. He said the original intent of this

requirement was to promote large scale development and to allow for infrastructure to be built with as few obstacles as possible. With the reduction in area of property zoned PCC, staff proposed that this be amended to 1 acre, the exception being pad sites within a larger development.

Mr. Lethbridge addressed comments and questions from the Council Members. Council Member Tingey recommended that the 20 acre minimum be reduced to a larger than a one acre minimum. Mr. Lethbridge said that a reasonable range would be from 3 to 5 acre minimum in that area.

Mayor Staggs convened the public hearing that was suspended from August 6, 2019, and called for public comment.

Nate Shipp, representing the applicant, said it was not their intent to do any kind of indoor storage there; he said it was for the businesses that will be located there. He said it was their intent to provide an upscale look and encouraged the streetscape of the road to buffer concrete road with landscaping will add to the ambiance to the look and feel that they are trying to create. He then spoke of the different intended uses on their property.

Tracie Halvorsen said that if you actually read the regional commercial zone states “the regional commercial zone is established to stimulate economic development by allowing for a diversity of land uses in areas of Riverton City that are accessible to regional transportation facilities and developed in planned commercial centers.” She said the regional commercial zone and the PCC were designed to work together. She said there is currently a light industrial zone, which is where Stampin’ Up is located. She asked if the proposed text amendment went against the Master Plan, and what kind of ordinance it would violate if it changed because currently it looks like the General Plan was to save for larger developments. She said the text amendment request should be denied because current land space is limited and this is saved for good, big development, something that could bring us some good sales tax.

There being no further comments, Mayor Staggs declared the public hearing closed.

Council Member Stewart recommended adding variation of depth to the architectural standards and discussion ensued. Mr. Lethbridge explained that the PCC zone requires bulk commercial buildings shall be encouraged to be designed with architectural wall variations at least every 70 feet in linear width and variations could employ an undulation in wall surface. Mayor Staggs felt that the issues discussed were covered in the Code.

Council Member Stewart **MOVED** that the City Council approve Ordinance No. 19-17 – **Amending the Table of Commercial Uses Chart and PCC Zone, as described in Exhibit A with the following changes: Anything lower than 5 acres would have to have an evaluation by the Planning Commission with a reasonable cause statement and that the City require mitigation with loading docks that are not oriented away from residential use versus the word may, it will be required.** Council Member Tingey **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously.

- b. Proposed Ordinance No. 19-21 – Amending Sections 18.225, Accessory Structures, and 18.145, Automobile Parking, Addressing Accessory Dwelling Units In Riverton City, Proposed by Riverton City – Ryan Carter, City Attorney– *Public Hearing continued from CC 08-06-19*

Ryan Carter, City Attorney, explained that in the August 6, 2019 meeting of the Riverton City Council, the Council opened the public hearing regarding the adoption of an ordinance that allowed Accessory Dwelling Units (“ADUs”) within specific residential zones in Riverton City: R-3, R-2, RR-22, and R-1. He said this project was assigned to staff following strategic planning discussions held by the Council regarding how to respond to Senate Bill 34. This adopted legislation requires cities to add a number of elements to their respective general planning documents to provide a greater number of options for affordable housing. SB 34’s approach to this mandate is to require municipalities to consider adopting at least three of 23 available options provided by the Legislature. [See: Utah Code §10-9a-403(2)(b)(iii)]. Once such option is to, “create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.” Accordingly, the Council directed staff to return with an ordinance that allows for ADU’s in residential zones.

Mr. Carter said that, from the public comment period held on August 6, the Council received comments from the public at large, which were generally supportive. He said that Staff also received some comments from the Council. He provided the following summarized Council comments along with a response to each comment:

1. Councilmember Stewart suggested to allow ADUs in R-4 zones. The ordinance currently does not allow ADU’s in zoning greater than R-3. Councilmember Stewart also suggested reducing minimum lot sizes to .25 acre.
 - a. **Staff response:** such decisions are well within the discretion of the Council. Staff has not amended the ordinance to reflect this change, but we offer a motion below which will enable the same. Regarding the setting of the minimum lot size to .25 acre, staff notes that 18.225.070 (1) states, “Accessory dwelling units shall not be permitted on a parcel of property which does not meet the minimum square footage requirements of the underlying zone.” We recommend allowing this provision to stand as the means to regulate minimum lot sizing. Alternatively, this provision could be amended to read, “Accessory dwelling units shall not be permitted on a parcel of property which does not meet the minimum square footage requirements of the underlying zone, but in no case may an accessory dwelling unit be allowed on a lot size that is lesser than .25 acres.”
2. Councilmember McCay questioned whether regulations pertaining to windows and door placement could be too restrictive? Councilmember McCay also stated concern about restricting occupancy on second story ADUs.
 - a. **Staff response:** Stated generally, an accessory dwelling unit could be found in an accessory structure. Where this is the case, regulations limiting placement of windows or second story occupancy can be seen as a means to mitigate impacts brought upon neighboring residences. Staff therefore acted out of caution for the jarring effect this ordinance may create among residents and adopted a conservative approach to drafting the same.
3. Councilmember McCay also questioned the length of the document provided.
 - a. **Staff response:** the purpose of the lengthy submittal was to show all areas of Riverton Municipal Code affected by this ordinance. The amendments

themselves are significantly less lengthy. In this submittal, staff has provided an ordinance that strictly limits presentation of text changes within any given ordinance section; the resulting document is 7 pages. However, only one line is amended in Section 18.145.120, which addresses parking and sets a standard of one space per ADU.

Mr. Carter reviewed the proposed ordinance in detail and said that he received recommendations from individuals as well as Council Members. He then recommended that the proposed ordinance be brought back for ratification when changes to the ordinance have been made.

Council Member Stewart recommended that below an R-3 would be permitted as long as the lot size is 1/4 acre.

Mayor Staggs convened the Public Hearing that was suspended on August 6, 2019, and called for public comment.

Martin Cluff, resident, spoke of windows allowed in accessory units. He spoke in opposition of Section 18-225-070 #4 – and recommended elimination of restrictions on square footage; 3b – He said that owner occupancy poses an issue for people who are participating in a 1031 exchange with a rental property they have sold elsewhere; 8d – He was not in favor of limiting space on a second story and thinks dwelling units should be allowed on second story homes; 8e - Size Requirement – He said that if it is ok for a home it should be okay for an ADU; 8h – he said that, if a can secondary story deck can be built on a home, it should be allowed to be built on an ADU; #10 – He said he did not understand why anyone would want to do that. He said he would like to see some of the things eliminated from the ordinance before it is approved.

Greg Hill, resident, also made recommendations to the proposed ordinance. Section 1 – rephrase to “ADU’s will be allowed in any single residential zone so long as the lot size satisfies some criteria” with some flexibility as to whether the ADU should be in a detached building or whether its conversion of space that is inside of the existing house. Section 6 – Parking Requirement – clarify that it is one additional parking stall beyond what was already required by the underlying zone. Section 7b – Restriction about size of the ADU within a dwelling – he feels this requirement does not accomplish anything. 8.f a setback requirement between exterior stairs on an accessory building and a property line – let existing code stand without any adjustments; Windows – unnecessary restriction. Section 9 & 10 – Requirement of Building Permit and Certificate of Occupancy – questioned requirement.

There being no further comments, Mayor Staggs declared the public hearing closed.

Mr. Carter explained that, although staff may be flexible on some issues, they cannot be flexible on the requirement of a Certificate of Occupancy. He said that the only way to keep those accessory structures safe is to withhold a certificate of occupancy until it has been through a building permit process, inspection process and an approval process to get to a Certificate of Occupancy. If a Certificate of Occupancy is not required on an accessory structure, the message will be sent that people can make internal amendments to their homes in violation of the code, potentially creating safety hazards where no one can do anything about it.

Council Member McCay spoke of a few of her concerns and said the proposed ordinance was excessively restrictive. She recommended bringing the proposed ordinance back to a Work Session for further discussion

Council Member McCay **MOVED that the City Council table Ordinance No. 19-21 to the September 3, 2019 Work Session.** Council Member Tingey **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously.

8. Discussion / Action Items

9. Upcoming Meetings

- a. August 27, 2019 – 5:30 p.m. – Board of Canvassers Meeting / Special City Council Meeting
- b. September 03, 2019 – 5:00 p.m. – Work Session & City Council Meeting
- c. September 17, 2019 – 5:00 p.m. – Work Session & City Council Meeting

Council Member Stewart **MOVED to suspend the City Council Meeting at 9:15 p.m. to meet in a RLESA Meeting.** Council Member McCay **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously.

10. Closed Session

- a. Strategy session to discuss the purchase, exchange, sale or lease of real property
- b. Strategy session to discuss pending or reasonably imminent litigation

At 9:41 p.m. Council Member Stewart **MOVED that the City Council meet in a Closed Session for a strategy session to discuss the purchase, exchange, sale or lease of real property and pending or reasonably imminent litigation.** Council Member Tingey **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously.

Minutes of the Closed Session were taken and recorded and are now on file as a Protected Record.

11. Adjournment

Council Member Tingey **MOVED to adjourn the City Council Meeting.** Council Member McCay **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and the vote was as follows: Council Members Buroker-Excused, Johnson-Yes, McCay-Yes, Stewart-Yes, and Tingey-Yes. The motion passed unanimously. The meeting adjourned at 10:40 PM.

Approved: CC 09-03-19