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**Riverton City**  
**REGULAR CITY COUNCIL MEETING**  
**Minutes**  
**Tuesday, April 23, 2013**

**Riverton City Hall**  
**12830 South 1700 West**  
**Riverton, Utah 84065**

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10 **Attendance:**

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12 Mayor William R. Applegarth

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14 **Council Members:**

15 Council Member Brent Johnson  
16 Council Member Al Leavitt  
17 Council Member Sheldon Stewart  
18 Council Member Tracy Thaxton  
19 Council Member Roy Tingey

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**City Staff:**

Lance Blackwood, City Manager  
Ryan Carter, City Attorney  
Virginia Loader, Recorder  
Jason Lethbridge, Planning Manager  
Jeff Hawker, Asst. City Manager  
Trace Robinson, Public Works Director  
Sheril Garn, Public Services Director  
Rod Norton, UPD Chief

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**Citizens:** Michael Johnson, Wyoma Darlington, Merillee Booren, Rebecca Barber, Rebecca Evans, Margo Chapman, Loni Larsen, Fred Larsen, Karen Hansen, Kathy Larsen, Dave & Sharon Carter, Alan Weston, Greg & Kathy Hunter, Dollores B Shelledn, Angela Healy, Marci Seegmiller, Chris Seegmiller, Samantha Seegmiller, Burton Clark, Bruce R. Baird, Cameron Francis, Paul Van Komen, Tadd Casper, Holly Casper, Richard and Adelle Dorrance

**GENERAL BUSINESS**

**Call to Order and Roll Call** - Mayor Applegarth called the meeting to order at 6:36 p.m. and welcomed those in attendance. He then conducted a Roll Call and Council Members Johnson, Leavitt, Stewart, Thaxton and Tingey were present.

[6:39:26 PM](#) **Pledge of Allegiance** – Scout Troop 1201, directed the Pledge of Allegiance.

**PRESENTATIONS/REPORTS:**

[6:42:02 PM](#) Mayor Applegarth read the following Proclamations.

**1. ARBOR DAY PROCLAMATION** – proclaiming **April 26, 2013** as “**Arbor Day**” in Riverton City, and encouraging all residents and visitors to become active in planting, promoting, and preserving trees throughout the year.

1 **2. MUNICIPAL CLERKS WEEK PROCLAMATION** – proclaiming **May 5 through**  
2 **May 11, 2013 as “Municipal Clerks Week”** in Riverton City, and extend our appreciation to  
3 Municipal Clerks, Virginia Loader, MMC, and Joy Johnson, CMC, and to all Municipal Clerks  
4 for the vital services they perform and their exemplary dedication to the communities they  
5 represent.

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7 **PUBLIC COMMENTS**

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9 [6:50:52 PM](#) Mayor Applegarth called for public comments. There were no public comments and  
10 Mayor Applegarth closed the Public Comment period.

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12 **STAFF REPORTS**

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14 [6:51:44 PM](#) **Lance Blackwood, City Manager** – May 7<sup>th</sup> the Mayor’s Budget will be submitted  
15 to the City Council.

16  
17 [6:52:35 PM](#) **Safety Training Report - Ryan Carter, City Attorney** – Reported on the Incident  
18 Review Board, which shows a need for heavy equipment training. He also discussed Utah Law  
19 and how it applies to all City Employees regarding purchasing procedures and reported that  
20 training would be forthcoming.

21  
22 **DISCUSSION/ACTION ITEMS**

23  
24 **1. RESOLUTION NO. 13-16 - CONSIDERATION AND ADOPTION OF A**  
25 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERTON, UTAH**  
26 **(THE “ISSUER”), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE**  
27 **THAN \$5,700,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE**  
28 **REFUNDING BONDS, SERIES 2013 AND RELATED MATTERS**

29  
30 [6:54:22 PM](#) Ryan Carter, City Attorney, presented information regarding the issuance and sale of  
31 Water Revenue Refunding Bonds, Series 2013. He explained that in the year 2011, the Council  
32 authorized issuance of certain water revenue refunding bonds, conveniently titled “Water  
33 Revenue Refunding Bonds, Series 2011 (the “2011 Bonds”). The Riverton City Council opted to  
34 issue the Series 2011 bonds to repay water revenue bonds issued in 2003, because interest rates  
35 on sums borrowed under said revenue bonds had declined. Since the year 2004, interest rates  
36 have declined yet again. The Series 2004 Bonds were issued at an interest rate of 5%; current  
37 market conditions will likely enable Riverton City to issue water revenue bonds at an interest  
38 rate of 4%. Thus, current market conditions call for Riverton City to undergo once again the  
39 process to refinance its water revenue bonds by issuing new water revenue bonds to repay the  
40 2004 bonds and pay off the new debt incurred at the lower interest rate.

41  
42 Mr. Carter said that if the proposed parameters Resolution is adopted, it will authorize Riverton  
43 City to issue a new series of revenue bonds, conveniently titled “City of Riverton, Utah Water  
44 Revenue Bonds, Series 2013” (the “2013 Bonds”); provided, however that certain market  
45 conditions fall into place. The Series 2013 Bonds will be used solely to: (a) refund all or a  
46 portion of the outstanding 2011 Bonds, (b) fund a debt service reserve fund, if necessary, and (c)  
47 pay costs of issuance of the Series 2013 Bonds, pursuant to this Resolution. In other words, he  
48 said the City shall not be incurring additional debt by issuance of the 2013 bonds after the 2011

1 Bonds are repaid and issuance costs are paid as well. He said that actions taken will occur with  
2 consultation from the City’s Financial Adviser, Lewis Young Robertson & Burningham.

3  
4 [6:56:42 PM](#) Laura Lewis, Lewis Young Robertson & Burningham stated that the Water Revenue  
5 Refunding Bonds are replacing the issued Water Revenue Refunding Bonds, Series 2004 rather  
6 than Series 2011.

7  
8 [6:55:59 PM](#) Council Member Tracy Thaxton **MOVED to adopt Resolution No. 13-16,**  
9 **authorizing the issuance and sale of not more than \$5,700,000.00 aggregate principal**  
10 **amount Water Revenue Refunding Bonds, in the year 2013, to replace the issued Water**  
11 **Revenue Refunding Bonds, Series 2011, in the event certain market conditions render**  
12 **replacement of the Series 2011 Bonds to be beneficial to the City, and provided bond**  
13 **issuance satisfies the parameters described herein. (A friendly amendment was made to**  
14 **change Series 2011, wherever mentioned, to Series 2004.)** Council Member Roy Tingey  
15 **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being  
16 none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Leavitt-Yes,  
17 Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The motion passed unanimously.**

18 **PUBLIC HEARINGS**

19  
20 **1. CONSIDERATION OF A PETITION TO CLOSE A NORTHERN PORTION OF**  
21 **REEVES LANE – *Continued From RCCM 04-02-13***

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23 [6:58:07 PM](#) Ryan Carter, City Attorney, presented the following summary regarding a petition  
24 received to close a northern portion of Reeves Lane:

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26 “March 5, 2013, residents located in the Windy River Subdivision submitted a  
27 petition asking Riverton City to consider whether to “prevent access between the  
28 planned development of the Peter Coats Property and Reeves Lane.” Otherwise,  
29 stated, this petition seeks closure of the northern end of Reeves Lane by vacating  
30 a small segment of the street, or by erecting a security gate which allows ingress  
31 and egress for public safety vehicles and City public works vehicles. Because  
32 either scenario would prevent public access to and from property to the north of  
33 Reeves Lane, this petition request must be processed as though it proposes to  
34 vacate a portion of the street, regardless of the final result.

35  
36 Developer’s concerns aside, a decision to vacate or install a security gate at the  
37 northern end of Reeves Lane would violate Riverton street standards found in  
38 Title 17 of the Riverton City Municipal Code. Either scenario eliminates any  
39 right of the public to travel through the area. Because the public’s right of way  
40 would come to and end at the northern point of Reeves Lane under either option,  
41 the street would be considered a cul de sac under Municipal Code standards.

42  
43 Section 17.20.010 of the Riverton City Code requires that streets created in a  
44 subdivision shall be located so they “will connect with existing streets. Streets  
45 shall be located and designed so that the adjoining land shall not be diminished in  
46 value. If the adjoining land is zoned for residential use, streets shall be located so  
47 that the adjacent land may be most efficiently subdivided.” In other words, streets  
48 must be designed in such a way that they do not isolate an undivided parcel of

1 land, and encourage development of the same.  
2

3 Occasionally, street designs call for cul-de-sacs, but they are permitted only in  
4 limited instances. Section 17.20.010 of the Riverton City Code restricts the extent  
5 cul-de-sacs can be included in a street design. It states, “Minor terminal streets  
6 (cul-de-sacs) shall not be longer than 450 feet from the centerline of the adjoining  
7 street to the center of the cul-de-sac.” Reeves Lane would become a minor  
8 terminal street (or a cul-de-sac) upon closure of the north end either by vacating  
9 or installing a security gate. Indeed, Reeves Lane currently meets the definition  
10 of a cul-de-sac because it does not connect with additional streets on either end of  
11 Reeves Lane. Because Reeves Lane is longer than 450 feet from the center line of  
12 Lampton View Drive, its current design is in violation of Riverton Municipal  
13 Code. In other words, Reeves Lane is an illegal street.  
14

15 The 450 foot maximum length standard found in Riverton Municipal Code for  
16 minor terminal streets was in existence at the time Reeves Lane was originally  
17 constructed. The legislative body of Riverton City understood that granting  
18 subdivision approval for Reeves Lane would create an illegal street, but this  
19 violation of the Riverton Municipal Code was overlooked because the developer  
20 of Reeves Lane represented to the Riverton City Council that a development in  
21 South Jordan City would connect the north end of Reeves Lane to streets in South  
22 Jordan, which would eventually lead to 11400 South Street. According to records  
23 kept regarding development approval for the Windy River Subdivision, the  
24 subdivision applicant stated that development in South Jordan would occur within  
25 6 months of granting subdivision approval for Reeves Lane. One might infer  
26 from these records that the Council fudged a little on upholding the City’s length  
27 standards for cul de sacs, due to the close timing of development expected in  
28 Riverton and South Jordan. The development in South Jordan, as described by  
29 the developer, is now 17 years overdue.  
30

31 In retrospect, the City Council should not have allowed building permits for any  
32 lots on Reeves Lane which were located at a distance greater than 450 Feet from  
33 Lampton View Drive. Alternatively, the City Council could have required the  
34 Windy River Subdivision to be developed in phases to restrict the development of  
35 Reeves lane to 450 feet from Lampton View Drive. In either event, approval to  
36 build homes on Reeves Lane beyond the 450 foot limit should not have occurred  
37 until, at minimum, the City Council received word that South Jordan had granted  
38 subdivision approval to the north of Reeves Lane. The problem we face with this  
39 situation in the present day is: any decision by the current Riverton City Council  
40 to vacate the public’s right of way or install a security gate would, in itself,  
41 constitute a violation of Riverton City Code. Thus, this office cannot recommend  
42 either vacating Reeves Lane or installing a security gate, unless or ordinances  
43 regarding streets standards are first amended to allow a legal means to  
44 accommodate the petitioners request.”  
45

46 Mr. Carter then presented the following options for the City Council to consider:  
47

- 1 • Adopt an ordinance to vacate the northern portion of Reeves Lane at the location  
2 described in Exhibit A provided by City staff. (Note: although this is provided as an  
3 option, it is not recommended by the City Attorney's office given the City's current  
4 standards regarding cul-de-sacs under Riverton City Municipal Code, Section 17.20.010)  
5
- 6 • Adopt an ordinance to close the public's right of way at the northern end of Reeves Lane  
7 as described in Exhibit B and install a security gate which solely allows the ingress and  
8 egress of public safety vehicles, and public works vehicles. An ordinance which would  
9 enable this option is enclosed with this issue paper. (Note: although this is provided as an  
10 option, it is not recommended by the City Attorney's office given the City's current  
11 standards regarding cul de sacs under Riverton City Municipal Code, Section 17.20.010).  
12
- 13 • Continue this matter until June 18, 2013 and direct staff to craft an ordinance which  
14 provides objective standards by which the Riverton City Council may install security  
15 gates in lieu of requiring interconnectivity of all minor streets within Riverton City, and  
16 further direct staff to return to the council no later than June 4, 2013 with said ordinance  
17 for consideration and possible adoption.  
18
- 19 • Move to decline the request of petitioners and keep Reeves Lane open to connect with  
20 future development in South Jordan City.  
21

22 [7:04:35 PM](#) Bruce Baird, Counsel for McKeon Land and Ivory Homes, stated he wished to make  
23 a public record regarding this issue. He stated that closing this street would be a bad idea. Gating  
24 is not a good idea because it is bad land planning, bad transportation planning, bad emergency  
25 planning and bad government to change an ordinance to accommodate some people who are  
26 making a lot of noise. He said It may well come back to bite the City in the future. He said that  
27 once you tailor an ordinance you are open to future pressure to tailor it again. He further stated  
28 that his firm strongly opposes the possible closure of this road. He continued by stating his firm  
29 does not oppose the proposed gating, "although we think it is a bad idea". It is a bad idea because  
30 you will end up with 51 homes with a single access point; fifty-one homes with one point of  
31 access is not wise emergency planning. He then stated for the record that his firm will not oppose  
32 the gating of the subdivision but they will oppose the closure of the road.  
33

34 [7:07:50 PM](#) Council Member Al Leavitt said he supports City Attorney Ryan Carter crafting an  
35 ordinance amendment.  
36

37 [7:08:23 PM](#) Council Member Sheldon Stewart commented on the implications of thinking in the  
38 moment. He feels that a negative message will be sent with this type of ordinance. He said that a  
39 gate is a physical and mental statement of division and the future of the area needs to be  
40 considered.  
41

42 Mayor Applegarth said that he is in support of a new ordinance and stated that Ivory Homes has  
43 been the good guy in this process and deserves recognition by the residents. He then opened a  
44 Public Hearing and called for public comments.  
45

46 [7:11:19 PM](#) **Cameron Francis**, spokesperson for the neighborhood, discussed concerns  
47 addressed by Council Member Stewart. He stated that this gate would be a natural boundary

1 between cities and feels it is acceptable. He also thanked Mr. Baird and Ivory Homes for not  
2 opposing the proposed gate. Mr. Francis said that he and his neighbors love Reeves Lane and  
3 want to keep it the quiet little sleepy neighborhood that it has become.  
4

5 [7:15:20 PM](#) **Angela Healy** said they are not just a bunch of self serving residents living on a  
6 street that they don't want a lot of traffic coming down. She said they are deeply concerned about  
7 the safety of people using the streets and of property values. Ms. Healy stated that her group has  
8 worked very hard to improve the situation, not only for people of Riverton, but for the people of  
9 South Jordan as well.  
10

11 [7:17:20 PM](#) **Paul Van Komen** discussed the original plans for connecting to 11400 South;  
12 clarified that 11400<sup>th</sup> South was not a street when this development was initially completed but  
13 said 11400 South turned into a four lane highway. He discussed the connecting streets, Marco  
14 Polo Lane, Palisade Rim Drive, and South Jana Lynn Drive. Mr. Van Kommen made reference  
15 to Riverton City Code 17.5.020; which states the number one purpose is to promote the health  
16 safety and general welfare of the residents of the city. He said he is hopeful that something can  
17 be worked out for a gate that does not allow continuous flow of traffic.  
18

19 [7:24:32 PM](#) **A resident** requested that all access to the bike trail remains undisturbed. He stated  
20 that during the construction phase we have an agreement with South Jordan City that all Reeves  
21 Lane access will be blocked during the construction phase.  
22

23 There were no additional comments.  
24

25 [7:30:19 PM](#) Mr. Ryan Carter clarified information regarding the completion of 11400 South. He  
26 also informed Council that they would need to make a motion regarding Reeves Lane based on  
27 the suggestions as outlined.  
28

29 [7:29:42 PM](#) Council Member Al Leavitt **MOVED to continue this matter until June 18, 2013**  
30 **and direct staff to craft an ordinance which provides objective standards by which the**  
31 **Riverton City Council may install security gates in lieu of requiring interconnectivity of all**  
32 **minor streets within Riverton City, and further direct staff to return to the Council no later**  
33 **than June 4, 2013 with said ordinance for consideration and possible adoption.** Council  
34 Member Brent Johnson **SECONDED** the motion. Mayor Applegarth called for discussion on  
35 the motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-  
36 Yes, Leavitt-Yes, Stewart-No, Thaxton-Yes and Tingey-Yes. **The motion passed 4 to 1.**  
37

### 38 **CONSENT AGENDA**

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40 [7:32:46 PM](#) Mayor Applegarth presented the following Consent Agenda:  
41

1. **Minutes:** WS 03-19-13, RCCM 04-02-13
2. **Bond Releases:** N/A
3. **Resolution No. 13-17** – Approving the purchase of a standby diesel engine generator system from Cummins Rocky Mountain for the Public Works Facility
4. **Resolution No. 13-18** – Approving the Polling Locations for the 2013 Municipal Elections

5. **Resolution No. 13-19** – Authorizing the City to enter into a contract with Vinyl Industries to furnish and install a concrete fence at the Pueblo Del Montana Park
6. **Resolution No. 13-20** - Authorizing the Mayor to sign an Addendum to an Agreement with Ted G. Severe & Beverly Severe, located at 4177 West 13400 South, Riverton, Utah (13400 South Road Widening)
7. **Resolution No. 13-21** – Authorizing the City to contract with Hidden Peak Electric to complete the 2013 Streetlight Refurbishing Project

1  
2 [7:33:30 PM](#) Council Member Al Leavitt **MOVED to approve the Consent Agenda as**  
3 **presented.** Council Member Tracy Thaxton **SECONDED** the motion. Mayor Applegarth  
4 called for discussion on the motion; there being none, he called for a Roll Call Vote. The vote  
5 was as follows: Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Yes. **The**  
6 **motion passed unanimously.**

#### 7 8 **MAYOR/COUNCIL REPORTS**

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10 **Mayor Bill Applegarth** – No report

11  
12 **Council Member Roy Tingey** – No report

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14 **Council Member Sheldon Stewart** – [7:35:58 PM](#) Wanted to thank staff for spending time  
15 to clarify some issues he has had the last few weeks. He feels that City Staff has been awesome  
16 to work with.

17  
18 **Council Member Tracy Thaxton** – No report

19  
20 **Council Member Brent Johnson** – [7:36:15 PM](#) reported on feed back from residents that  
21 live next to the cemetery. Residents are concerned with the continual breaking of bollards used  
22 as traffic barriers. Mr. Johnson feels the City Engineers should address the water damaged areas,  
23 sprinklers, the damaged and uneven sod as well as the 90° turns, which make navigation difficult  
24 on the roads.

25  
26 Mayor Applegarth informed Council Members that any cemetery re-design and sprinkler issues  
27 which are not covered by warranty will need to be covered by the fund balance or the rainy day  
28 fund and would require approval from the City Council. Council Members all agreed to making  
29 necessary road improvements and repairs.

30  
31 **Council Member Al Leavitt** – [7:44:04 PM](#) attended a luncheon honoring special students in  
32 law enforcement and stated it was very impressive.

#### 33 34 **UPCOMING MEETINGS**

35  
36 Mayor Applegarth reviewed the following upcoming meetings:

- 37 1. May 07, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
2. May 07, 2013 – Regular City Council Meeting – Budget Work Session - 6:30 p.m.
3. May 14, 2013 – Work Session – 6:30 p.m.
4. May 21, 2013 – Work Session – 6:30 p.m.

5. June 04, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
6. June 04, 2013 – Regular City Council Meeting – 6:30 p.m.
7. June 18, 2013 – Riverton Redevelopment Agency Meeting - 6:20 p.m.
8. June 18, 2013 – Regular City Council Meeting – 6:30 p.m.

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**8. ADJOURN**

[7:48:45 PM](#) Council Member Tracy Thaxton **MOVED to adjourn**. Council Member Al Leavitt **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a vote. The vote was as follows: Council Member Johnson-Yes, Leavitt-Yes, Stewart-Yes, Thaxton-Yes and Tingey-Excused. **The motion passed unanimously**. The City Council Meeting adjourned at 7:48 p.m.

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Virginia Loader, MMC  
Recorder

Approved:

