

**Riverton City, Utah
CITY COUNCIL MEETING
Minutes
October 6, 2020**

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

Attendance:

Mayor Trent Staggs

Councilmembers:

Councilmember Tish Buroker
Councilmember Tawnee McCay
Councilmember Troy McDougal
Councilmember Sheldon Stewart
Councilmember Claude Wells

City Staff:

David Brickey, City Manager
Joy Johnson, Deputy Recorder
Jason Lethbridge, Development Services Director
Trace Robinson, Public Works Director
Kevin Hicks, Administrative Services Director
Chief Don Hutson, RPD
Ryan Carter, City Attorney
Sheril Garn, Parks & Public Services Director
Casey Saxton, Communications Director

1. Mayor and Council Informal Meeting

2. WORK SESSION – 5:45 PM

3. Call to Order

4. Presentations

5. Discussion Items

a. Proposed Ordinance regarding Freedom to Assemble

Ryan Carter, City Attorney, proposed a new ordinance regarding public gatherings related to protesting. He said the ordinance includes the purposes, definitions, time, place and manner of free speech activities, expected appeals, applications, First Amendment guidelines and targeted residential demonstrations/ picketing.

Mr. Carter stated that the government allows cities to regulate the “Time, manner and place” of these types of gatherings, allowing residents to maintain their first amendment rights within the bounds of public safety concerns, and without property damage or other negative impacts.

Mayor Staggs clarified that the proposed ordinance would be presented at a future date to the Council for approval, and that it was not a land use item and would not be presented to the Planning Commission. Mayor also requested that the term “peaceable” be injected in the ordinance.

Councilmember Stewart suggested that in definitions, a Salt Lake County sponsored activity be changed to any county sponsored activity.

Councilmember Buroker suggested some minor grammatical corrections and also expressed her concern for the length of time required to make application and suggested requiring a reasonable time frame, making it as friendly as possible.

Mr. Carter offered more clarity on the time for the application stating that City staff and Police needed time to coordinate, adjust schedules and prepare for any events.

Councilmember Wells asked who would be responsible for cleaning up after the events and said that similar events usually involve an abundance of trash. He recommended a deposit be required to assist with clean up and reparations after.

Councilmember McCay spoke in favor of the ordinance and wanted clarity that the applicants leave the area clean, and that violent acts would not be permitted. She talked about spray paint damages and requiring a deposit.

Mr. Carter said he would make adjustments to the proposed ordinance based on the suggestions from Council and it would be presented for Council's approval in the near future.

b. Discussion of Maximum Allowed Square Footage for Accessory Structures

Jason Lethbridge, Development Services Director explained that Council had recently had discussions regarding the method of measuring for allowing accessory structure permits. In this proposal Mr. Lethbridge explained that the current method of measurement used to determine the size of these structures was based on the percentage of the rear yard size (approximately 25%). The proposed measurement method changes would be to calculate a percentage of the total lot size. He said that other cities use between 8 and 12% as their standard. He said that Staff recommended adjusting the measurement allowed for accessory structures to be calculated at 10% of the lot size.

A brief discussion took place and Councilmembers felt 10% was a good number to present to the Planning Commission.

c. Ranked Choice Voting

Councilmembers Tawnee McCay and Tish Buroker introduced Kory Holdaway, Utah Rank Choice (RCV) Voting. Mr. Holdaway explained RCV is a voting program cities can opt in if they choose. Since 2018 two Utah cities have opted to use RCV, Vineyard and Payson.

Mr. Holdaway stated that he feels that RCV was gaining favor and was successful in the Utah County cities that used it in the 2019 Election. He said the key benefit is cost savings because the need for a primary election can be eliminated. He explained other cost savings such as the elimination of two campaign seasons, which he said benefits the candidates and they appreciate the savings as well as the citizens. Additionally he stated that the type of debates that occur in a RCV election are more collegiate. There was an example used of two opposing candidates for the same position in an RCV run election who stated, "Hey if I am not your number 1 choice let me be your number 2 choice." He said another benefit of RCV was the ability to get to a majority.

Mr. Holdaway stated that County Clerks were hesitant and generally non-supportive. He said Salt Lake County's Sherrie Swenson would not allow RCV.

Mr. Holdaway and Councilmember McCay suggested Riverton City could contract with Utah County to conduct Riverton's elections.

Councilmember Stewart asked Mr. Holdaway, who was paying him to be at the meeting and Mr. Holdaway replied "Fair Votes". Mr. Stewart stated that Kory Holdaway is a lobbyist.

Councilmember McDougal asked Mr. Holdaway what his motivation and Mr. Holdaway answered, "better elections, less contention, voter engagement." Councilmember McDougal asked if RCV would only be for our city run elections. Mr. Holdaway answered, yes.

Councilmember Buroker said she appreciated the Council listening, and said that we always tend to be suspicious when there is something new to consider. Last election we had 36% voter turnout and she felt that was a poor turnout. She appreciated the education presented but said we are not ready to move forward.

Councilmember McCay asked Mr. Holdaway if could vote for one candidate on the ballot and not select a second, or third choice. Mr. Holdaway answered yes. She then said she feels the current election process is toxic.

Mr. Holdaway asked the Council to please send a letter to Salt Lake County Clerk in hopes of softening Sherrie Swensen.

Councilmember Wells asked what happened once a city makes a decision to go with RCV. What then. Mr. Holdaway answered that you need to let the Lt. Governor's Office know by April 15 if you want to participate or not.

Councilmember Stewart spoke of the Council Rules of Order and Procedure and said he was not comfortable with where this was coming from and the explanations provided.

Councilmember McDougal asked if the RVC process was completely electronic, and if so, when ballots are counted multiple times, was there an increase in the cost. Mr. Holdaway stated there would be no additional cost.

Councilmember McCay requested that the City prepare a letter of intent and send to Salt Lake County so they know of our intent. She also asked that we could set this item for another Council Session for further discussion, and that we have until April 15 to decide if we want to move forward or not. She feels a letter of interest would encourage the County.

Mayor Staggs stated he would leave it to City Manager David Brickey. He said there were a couple of Council Members of the Council who wanted to author a letter to be sent to the County Clerk's Office. Mayor also said that, based on Mr. Holdaway's comments, he would like to know which of the cities in Salt Lake have expressed in interest in RCV to the County in written format.

City Manager David Brickey said he would like to have further discussions to answer questions from Councilmembers. He said he would provide Council with more information by the end of December.

6. Mayor/Council/Manager Reports

City Manager Brickey stated that the October 20th Meeting has been moved to Friday, October 16th at 12:30 PM and Councilmembers may attend via zoom if needed.

Administrative Services Director Kevin Hicks explained that information would be mailed to residents regarding the proforma notifications for the Riverton Fire Service Area (RFSA) on October 27th. He explained that the revenue request for property taxes for 2021 would be based on the same rate as the Unified Fire Service Area. He said there would be further discussions at the October 16th meeting.

7. Adjournment of Work Session

Councilmember Stewart **MOVED to adjourn the Work Session**. Councilmember McDougal **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: Councilmembers Buroker-Yes, McCay-Yes, McDougal-Yes, Stewart-Yes, and Wells-Yes. The motion passed unanimously. The Work Session adjourned at 7:50 PM.

8. COUNCIL MEETING

9. Call to Order

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

10. Prayer / Pledge of Allegiance

Casey Saxton offered the invocation and Holly Anderson, Girl Scout Troop 746, led the audience in the Pledge of Allegiance.

11 Citizen Comment

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

12. Mayor/Council Reports

Mayor Staggs reported on the Livin' Real Life Event, and said what a great program it had been for many who attended. He explained that the program supports the need for information and prevention with suicide. He discussed the "Safe UT" app and the need for all to download and use this great tool.

Councilmember McDougal – No Report.

Councilmember McCay reported that she was recently asked to serve on the Board of the Utah League of Cities and Towns. She discussed the CARES Act and the division of funds for the smaller communities and tourist communities that have been particularly hard hit by the COVID shut downs.

Councilmember Stewart commended the Livin' Real Life series. He also discussed the Light the Night event for fallen fire fighters. He said he was working with David Brickey, City Manager, to address some potential additional requests from UFA.

Councilmember Wells commended the annual Light the Night event, which honored 103 fire fighters across the nation who have died in the line of service in the last year. He also mentioned the new Chair at the South Valley Chamber, Jay Francis.

Councilmember Buroker reported that she attended the annual fall conference of the Utah League of Cities and Towns online this past month. She said it was difficult online and she missed the connection with others. She also thanked the McCay family for supporting the Floating in the Jordan River event.

13. Presentations/Recognitions/Reports

a. Riverton Choice Awards for Excellence in Education, South Hills Middle School

Councilmember McCay presented the Riverton Choice Awards for Excellence in Education to the following South Hills Middle School Students Isabel King and Thayne Ward and Teacher Ms. Kristina Schulist.

14. Consent Items

Mayor Staggs presented the following Consent Agenda:

- a. Minutes: 09-15-2020
- b. **Resolution No. 20-64** – Approving UFSA CARES Act Reimbursement

Councilmember Buroker **MOVED that the City Council approve the Consent Agenda as listed.** Councilmember Wells **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: Councilmembers Buroker-Yes, McCay-Yes, McDougal-Yes, Stewart-Yes, and Wells-Yes. The motion passed unanimously.

15. Discussion/Action Items

a. Resolution No. 20-62 - Approving a Riverton Fire Service Area to Fund First Responder Services Within Riverton City

Ryan Carter, City Attorney, and Kevin Hicks, Administrative Services Director, explained that Riverton City has completed a lengthy process to create the Riverton Fire Service Area. The City Council adopted Resolution No. 20-31 that formally commenced the process to begin the creation of the Riverton Fire Service Area, or "RFSA" on May 5, 2020.

Mr. Carter further explained that the City Council held a public hearing on June 16, 2020 which allowed the public to ask questions and obtain further information regarding the issues contained in resolution No.17-42, pursuant to See: Utah Code Ann. §17B-1-210. This hearing also commenced the time for persons to file protests against creation of the district if they so desired. The 60-day deadline to file protests (following the August 15 public hearing) lapsed on August 15, 2020. Riverton City received no protests from the public by this date, nor has the City received any protests afterward.

Mr. Carter said that in order to perfect creation of the Riverton Fire Service Area, one of the remaining steps was to file an appropriate local entity plat with the State of Utah, Office of the Lieutenant Governor, which was ordinarily required to occur within ten days of filing a resolution approving creation of the district. However, said districts, once approved commonly run into problems with filing said plat within the ten day deadline. Mr. Carter said that Staff has done what it can to the date of this memorandum to assure a smooth filing process but we don't yet have the verification we need from Salt Lake County to be fully assured. He said that, in a "worst case scenario," an entity which cannot file a plat within the 10 day filing period simply needs to adopt another approval resolution to reset the filing period, and the appropriate plat would be accepted by the Lt. Governor's Office at a later date.

Councilmembers made a few technical and grammatical changes. Mr. Carter said he would make the changes and prepare the final draft for the next City Council Meeting.

Councilmember Stewart **MOVED** that the City Council adopt Resolution No. 20-62 - **Approving the Creation of the Riverton Fire Service Area to Fund First Responder Services within Riverton City, noting the adjustments to the statements as discussed.** Councilmember Wells **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: Councilmembers Buroker-Yes, McCay-Yes, McDougal-Yes, Stewart-Yes, and Wells-Yes. The motion passed unanimously.

16. Upcoming Meetings

- a. October 16, 2020 – 12:30 PM - Work Session & City Council Meeting. This will replace the regularly scheduled Oct 20th Meeting.
- b. November 17, 2020 - 5:00 PM - Work Session & City Council Meeting & RDA
- c. December 01 - 5:00 PM - Work Session & City Council Meeting
- d. December 15 - 5:00 PM - Work Session & City Council Meeting

17. Closed Session

- a. Discussion of the character, professional competence, or physical or mental health of an individual
- b. Strategy session to discuss pending or reasonably imminent litigation
- c. Strategy session to discuss the sale, purchase, exchange or lease of real property, including any form of a water rights or water shares

At 7:35 PM Councilmember McDougal **MOVED to meet in a Closed Session for a strategy session to discuss pending or reasonably imminent litigation and the sale, purchase, exchange or lease of real property, including any form of a water rights or water shares.** Councilmember 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: Councilmembers Buroker-Yes, McCay-Yes, McDougal-Yes, Stewart-Yes, and Wells-Yes. The motion passed unanimously. Items b and c.

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

18. Adjournment

Councilmember Stewart **MOVED to adjourn**. Councilmember Buroker **SECONDED** the motion. Mayor Staggs called for discussion on the motion; there being none, he called for a roll call vote and all Councilmembers voted Yes and the motion passed unanimously. The meeting adjourned at 8:55 PM.

Approved: CC 10-16-20