

**Riverton City, Utah  
CITY COUNCIL MEETING  
Minutes  
September 15, 2020**

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

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**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  
Virginia Loader, City 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**

**a. Utah Housing Connect**

Janice Kimball, CEO Utah Housing Connect, was not in attendance and did not make her presentation.

**5. Discussion Items**

**6. Mayor/Council/Manager Reports**

Kevin Hicks, Administrative Services Director, presented calendaring information regarding a new Riverton Fire Service Area (RFSA) and property tax increase requirements that he said needed to be met by December 15, 2020. He also said that RFSA budget discussions needed to occur in October as well as Fire Impact Fees. Mr. Hicks then addressed questions from Councilmembers.

Sheril Garn, Parks & Public Services Director, presented information regarding upcoming City sponsored events that could comply with social distancing requirements, which include the following:

- Live in Real Life – September 28, 2020

- Monsters After Dark – Beginning October 1, 2020
- Halloween Bash / Scare Rodeo
- Santa’s Arrival – First Monday following Thanksgiving

Mrs. Garn then reported on the success of the recent 9/11 Remembrance Event, which included 9/11 flags throughout the City, a car parade and fireworks. Councilmembers spoke of the many positive comments they had received regarding the event and discussion was held in regards to holding the event on an annual basis. She then asked for the Council’s input regarding the Employee Christmas Party. The Council favored

There were no Council reports given.

Councilmember Stewart requested a report from Chief Wade Watkins upon his return from his experience with the California fires.

Mayor Staggs spoke of an amendment to the CARES Act and said that the City would be receiving an additional \$1.3 million.

## **7. Adjournment of Work Session**

Councilmember McDougal **MOVED to adjourn the Work Session**. 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. The Work Session adjourned at 6:17 PM.

## **8. 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 6:18 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.

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

## **9. COUNCIL MEETING**

### **10. 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.

## **11. Prayer / Pledge of Allegiance**

Jason Lethbridge offered the invocation and Kevin Hicks led the Pledge of Allegiance.

## **12. Citizen Comment**

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

## **13. Mayor/Council Reports**

Mayor Staggs mentioned a report that occurred in the Work Session regarding recent events and upcoming events that had been planned for the remainder of the year.

Councilmember McDougal – No Report.

Councilmember McCay thanked staff for the great success of the recent 9/11 Remembrance event.

Councilmember Stewart also thanked staff for the great success of the recent 9/11 Remembrance event. He then reported on a recent UFA/UFSA Meeting and said that Auto Vehicle Location (AVL) was being implemented for six months across all fire agencies, which would be evaluated for six months to see if crossover services were working.

Councilmember Wells also thanked staff for the great success of the recent 9/11 Remembrance event.

Councilmember Buroker also thanked staff for the great success of the recent 9/11 Remembrance event. She then commended UFA for their service and kindness. She then that no West Nile Virus cases had been reported in the Riverton area.

## **14. Presentations/Recognitions/Reports**

### **a. Riverton Police Department (RPD) Presentation and Report**

Chief Hutson reported that August was highlighted by the return of the students to school and the associated responsibilities it brings to their department. He said they spent time during the summer to solidify their emergency response plans at the two middle schools and Riverton High School. He said the School Resource Officers had a year under their belt and were excited to be in the halls protecting the students. Additionally, they devised some innovative ways to teach DARE curriculum while being conscientious about the spread of COVID-19.

Chief Hutson said they were still seeing vehicle burglaries in the city at a level that makes him uncomfortable. He said this was not an issue specific to Riverton as surrounding communities were seeing an even more dramatic increase in those types of crimes. He said they had coordinated with the Communications Department and engaged in a public service campaign on social media platforms to inform the public about the risk of leaving garage doors open at night, cars unlocked, and valuable items in vehicles.

Chief Hutson reported that DUI arrests were again outstanding during August as the graveyard crew continued to focus on identifying drivers who may be impaired on the roadways to ensure the safety of the residents. He said the traffic units also continued to ramp up their speed enforcement efforts as we see the threat of the spread of COVID-19 reduce with time, which resulted in an increase in traffic violations. Chief Hutson then reviewed the Incident Report for August 2020.

Chief Hutson introduced RPD Officers who were involved an incident and had Officer Daniel McCarter report on the incident. Mayor Staggs then presented Certificates of Appreciation to the following Officers for superior performance of police duties and professional contributions to the citizens of the community: Officer Zachary Hutto, Officer Daniel McCarter, Officer Robert Snell, and Sergeant Dan Thomas-excused

### **b. Riverton City Youth Council - Oath of Office**

Mayor Staggs recognized the Youth Council Leaders Pam Henderson and Becky Taylor and the following members of the Riverton Youth Council:

Riverton Youth Mayor:	Elinor Fox
Mayor Pro Temp:	Steven Wills
Historian/Deputy Recorder:	Eva Anderson
Treasurer:	Kija Nelson
Public Relations:	Camden Stewart
Service Coordinator:	Kathryn Howard
Youth Council Attorney:	Rachel Carter
Hospitality Coordinator:	Shaylee Taylor

The Youth Councilmembers introduced themselves followed by Virginia Loader, City Recorder, administering them the Oath of Office.

### **15. Consent Items**

Mayor Staggs presented the following Consent Agenda:

- a. Minutes: 09-01-2020
- b. **Resolution No. 20-61** - Approving an Agreement with the Unified Fire Service Area Detailing the Terms of Riverton City's Withdrawal from Said Service Area- Ryan Carter, City Attorney
- c. **Resolution No. 20-58** - Approving a Vehicle Lease Agreement with Zions Bank - Craig Calvert, Operations Director
- d. Performance Bond release for Country View Condo Expansion

Councilmember McCay **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.

### **16. Public Hearing(s) / Action Items**

- a. **Ordinance No. 20-19 - Correcting an error in the Recorded Vacation of Property at 12245 S Brinley Peak Ct, Which was Originally Vacated June 5, 2014**

Jason Lethbridge, Development Services Director, explained that In June of 2014, the City vacated an undeveloped and unneeded portion of a public right-of-way within the Heritage Farms subdivision north of the Riverton High School. He said that the right-of-way was part of an existing cul-de-sac that terminated against a canal. When the subdivision was first approved, the right-of-way was left extending past the cul-de-sec as, at that time, a bridge extending across the canal

was considered a possibility. Once the decision was made that no bridge would be extended across the canal, the question of maintenance and ownership of the remnant parcel was raised. The Council ultimately decided to vacate the undeveloped portion to the adjacent property owner and a quit claim deed was recorded on June 5, 2014 deeding the property to that owner.

Mr. Lethbridge said that, unfortunately, a recording error was made that was not discovered until this year that rendered the document invalid. The property has remained in the name of the City since 2014; however, the property owner enclosed and incorporated the property into his yard area, believing the recorded quit claim deed to have transferred the property to him. As this was a technical error, the documentation corrects that error, and as State Code requires an updated ordinance of vacation, establishes that, as well. He said the documents would be recorded and would finalize the transfer of the property as intended in 2014. He said no change had been made to the area, legal description, or any other element of the deed. As this was an issue of disposition of public property, he said no review or recommendation from the Planning Commission was required; however, public notice was made of this action.

Mayor Staggs opened a Public Hearing and called for public comment; there being none, he declared the Public Hearing closed.

Councilmember Stewart **MOVED** that the City Council adopt Ordinance No. 20-19 - Vacating a portion of undeveloped public right-of-way within the Heritage Farms Phase 5 Subdivision, as shown on Exhibit “A”. Councilmember Buroker **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.

**b. Ordinance No. 20-20 - Approving Amendments to Title 18 Regarding Maximum Building Heights in Commercial and Industrial Zones - Jason Lethbridge, Development Services Director**

Jason Lethbridge, Development Services Director, explained a Zoning Text Change proposed by Riverton City and explained that Riverton had different maximum height requirements for each of the six commercial zones, and no maximum height in the M-1 Zone. He said that some of the maximum heights were listed with exceptions that allowed the building to be higher if next to a Regional Transportation Corridor. Some of the zones also limit building heights by the number of building stories. He reviewed a table showing each zone with the Code section and current maximum height.

Mr. Lethbridge further explained that the proposed zone text change would eliminate the bonus height allowed next to regional transportation corridors, remove the ambiguous limitations of building stories, and add a maximum building height for the M-1 Zone. No changes were proposed to the maximum heights as they were currently defined in each chapter. However, he said that on August 13 the Planning Commission held a public hearing to consider the proposed text change. They then included in their recommendation that commercial building heights adjacent to residential zones or uses be limited to 35 feet in all zones, which would only affect the Commercial Downtown, Commercial Regional, Planned Commercial Center, and M1 Zones, as all others have a maximum of 35 feet. He then emphasized that the language did not specify what “adjacent” means and that Commercial zones require one foot for every foot in building height as separation from residential uses/zones.

Mr. Lethbridge then spoke of the C-PO Zone: Building Height. Buildings shall not exceed 35 feet in height, and he proposed the following: except on developments of at least 20 acres adjacent to the Bangerter Highway or Mountain View Corridor, where buildings may not exceed 80 feet in height.

He then requested feedback from the Council regarding the Commission's recommendation and the Council determined adjacent to mean "within 100 feet of".

Mayor Staggs opened a Public Hearing and called for public comment; there being none, he declared the Public Hearing closed.

Councilmember Wells **MOVED** that the City Council adopt Ordinance No. 20-20 - Amending Section 18.65, .70, .75, .80, .85, .95, and .100 setting maximum commercial building heights as shown in Exhibit "A", with the stipulation that building heights within 100 feet of residential zones or uses be limited to a maximum of thirty-five (35) feet in all commercial zones, and that the C-PO zone shall include "except on developments of at least 20 acres adjacent to the Bangerter Highway or Mountain View Corridor, where buildings may not exceed 80 feet in height". Councilmember 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: Councilmembers Buroker-Yes, McCay-Yes, McDougal-Yes, Stewart-Yes, and Wells-Yes. The motion passed unanimously.

**c. Ordinance No. 20-21 - Approving Amendments to Title 18.225 Accessory Structures Regarding Side Yard Setbacks and Maximum Building Size**

Jason Lethbridge, Development Services Director, explained a Zoning Text Change proposed by Riverton City and explained that the Zone text change involved two changes to Chapter 18.225 Accessory Structures. He said the first change was a maximum building size. The Architectural Standards for accessory structures found in 18.225.040 already included a maximum total size for all combined accessory structures on a property, but did not have a maximum size on an individual accessory structure. He said the recommendation was that the maximum size of individual accessory structure be 2-times the footprint of the primary structure and that the existing standard of 25% of the rear yard also continue to apply.

Mr. Lethbridge said that the second change was a series of clarifying changes to chapter 18.225.030. He said the proposal changed the order and hierarchy of the existing text, with some minor additions and subtractions to the text to clarify setback requirements as they had been interpreted and applied by staff. He said it primarily affected the distance required between accessory structures. He said that had been listed under the "Side Yards" section of the code, which led to confusion as to whether the requirement only applied if an accessory structure was located in the side yard of a lot. The proposed change moved that requirement into the general section of the code, clarifying that it applied to all accessory structures regardless of placement on property.

Mr. Lethbridge said that on August 13, 2020, the Planning Commission held a public hearing to review the proposed text amendment, and voted to recommend approval of the amendment and staff concurred with that recommendation.

Mr. Lethbridge brought up a secondary issue that was not included in the proposed amendment. He stated that the accessory structure ordinance currently limits the total allowed square footage for accessory structures to 25% of the rear yard. He said that this is defined as the space from the closest point of the home back to the rear property line, and accessory structures are limited to

25% of that space. Mr. Lethbridge told the Council that this is both difficult to measure and results in some inconsistencies between lots of the same size where a lot is wide instead of deep. Mr. Lethbridge showed the Council examples of this. He recommended that the City explore making the total allowed square footage a percentage of the total lot size rather than the rear yard, as this is easier to understand and measure for property owners. Mr. Lethbridge asked the Council if they would like staff to bring a potential amendment through the review process with the Council. Councilmember Stewart indicated support for reviewing and simplifying the language, and suggested that staff show how the different methods of measurement compare to recently approved accessory structure square footages. There was general consensus from the Council for reviewing this language.

Mayor Staggs opened a Public Hearing and called for public comment; there being none, he declared the Public Hearing closed.

Councilmember Stewart **MOVED** that the City Council adopt Ordinance No. 20-21 - Amending Section 18.225.030 & 040, addressing maximum height and side setbacks for accessory structures, as shown on Exhibit “A” and to explore items discussed. Councilmember Buroker. **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.

**d. Ordinance No. 20-22 - Approving Amendments to Title 18.145 Automobile Parking Regarding Parking in Front of Commercial Buildings**

Jason Lethbridge, Development Services Director, explained a Zoning Text Change proposed by Riverton City. He said the Automobile parking ordinance and the commercial landscaping codes direct parking lots to be developed to include significant shading of parking lots. He said that one requirement that was very effective in most situations was a landscape island roughly the same size as a parking stall every 10-spaces, with at least one tree planted in the island.

Mr. Lethbridge said that, however, when parking fronts onto a building of approximately 100 to 150 feet long, the landscape island every 10-stalls requirement produces less desirable outcomes. In these scenarios, he said the required landscape island would be centered where the designers often wish to place the ADA access and parking. The adjustment designers make is to add an island after one or two stalls on one side of the parking, which creates an unbalanced site and takes away prime parking adjacent to the building.

Mr. Lethbridge said that staff proposed a slight change to the “Landscaping in parking areas” ordinance so that building frontages less than 150-ft may use the ADA access aisle that is required next to ADA parking stalls as a substitute for the landscape island. This would only apply to parking adjacent to the building. On August 13, 2020 the Planning Commission recommended approval of the proposed text amendment, and staff concurred with that recommendation.

Mayor Staggs opened a Public Hearing and called for public comment; there being none, he declared the Public Hearing closed.

Councilmember McCay **MOVED** that the City Council adopt Ordinance No. 20-22 - Amending Section 18.145.050, allowing an ADA access aisle to replace a required landscape island along certain commercial building fronts, as shown on Exhibit “A”. 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.

- e. **Resolution No. 20-60 - Approving and Authorizing the Execution of an Agreement with Salt Lake County, Town of Alta, Town of Brighton, Bluffdale City, Copperton Metro Township, Cottonwood Heights City, Draper City, Emigration Canyon Metro Township, Herriman City, Holladay City, Kearns Metro Township, Magna Metro Township, Midvale City Corp., City of Millcreek, Murray City, City of South Salt Lake, and White City Metro Township Relating to the Conduct of the Community Development Block Grant Program, Emergency Solutions Grant Program and the Home Investment Partnership Program**

Ryan Carter, City Attorney explained that approved interlocal agreements were currently in place between Riverton City and Salt Lake County regarding the County's administration of several grant programs, namely the Community Development Block Grant Program (CDBG), the Emergency Solutions Grant Program (ESG), and the Home Investment Partnership Program (HOME). He said an urgent notice from Salt Lake County was received indicating that the U.S. Department of Housing and Urban Development (HUD), who oversees the programs at a federal level, had identified critical deficiencies in the County's interlocal agreements with Riverton City and other communities that would impact the County's application to renew its "Urban County" qualification. This qualification enables the County to receive funding allocations through these grant programs. The County asked that Riverton City, and all other communities included in the interlocal agreements, adopt revisions to those agreements based on guidance from HUD prior to September 18, 2020.

Brief discussion was held regarding grants and Mr. Carter addressed questions from Councilmembers.

Mayor Staggs opened a Public Hearing and called for public comment; there being none, he declared the Public Hearing closed.

Councilmember Buroker **MOVED** that the City Council adopt **Resolution No. 20-60 - Approving and authorizing the execution of an interlocal cooperation agreement with Salt Lake County relating to the conduct of the Community Development Block Grant, Emergency Solutions Grant, and Home Investment Partnership Programs, as shown on the attached exhibit.** 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.

## 17. Discussion/Action Items

- a. **Resolution No. 20-59 - Authorizing the Mayor to Execute the Memorandum of Understanding with Riverton Arts Council**

David Brickey, City Manager, explained that the Riverton Arts Council had served the residents of Riverton City for many years and would like to continue to grow and expand. He said that Riverton City plans to support the Riverton Arts Council by working with the Riverton Arts Council to improve the facilities in which it stages performances. Also, privately donated funds to assist with the cost to construct new performing arts facilities needs to be secured and that executing a Memorandum of Understanding with the Riverton Arts Council would enable it to obtain private funding to upgrade

and expand the facilities used by the Riverton Arts Council. He said that Riverton City agrees through the Memorandum of Understanding to contribute \$500,000 toward the costs of the project paid in annual installments of \$100,000 per year for the first five years, with Riverton Arts Council being responsible for the remaining costs. He said that the MOU would begin the process for the Riverton Arts Council to seek other funding.

Heath Bateman addressed the City Council and explained that the Riverton Arts Council's goal was to have their own space, and they want an agreement to be fair, equitable and honest for the City.

Discussion was held regarding the MOU, other locations, funding, etc. Mr. Brickey, along with City Attorney Ryan Carter, addressed questions from the Councilmembers.

Councilmember Wells **MOVED** that the City Council adopt Resolution No. 20-59 - Authorizing the Mayor to Execute the Memorandum of Understanding with Riverton Arts Council. Councilmember 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: Councilmembers Buroker-Yes, McCay-Yes, McDougal-Yes, Stewart-Yes, and Wells-Yes. The motion passed unanimously.

## 18. Upcoming Meetings

- a. October 06, 2020 - 5:00 PM - Work Session & City Council Meeting
- b. October 20, 2020 - 5:00 PM - Work Session & City Council Meeting
- c. November 17, 2020 - 5:00 PM - Work Session & City Council Meeting
- d. December 01 - 5:00 PM - Work Session & City Council Meeting
- e. December 15 - 5:00 PM - Work Session & City Council Meeting

## 19. Adjournment

Councilmember McDougal **MOVED to adjourn**. Councilmember Stewart **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 8:46 p.m.

**Approved:** CC 10-06-20