

## RIVERTON CITY COUNCIL

JANUARY 25, 2005

Riverton City Council met at 6:00 p.m. in Riverton City Hall, 12765 South 1400 West, Riverton, Utah.

**Staff Present: Council Members William Applegarth, Gayla Brinkerhoff, Al Leavitt, Lisa Marino, Roy Tingey; City Manager Mark Cram; Public Works Director Mike Hutchinson; City Engineer Fred Lutze; Planner Jason Lethbridge; Recreation Director Sheril Garn; Water Supervisor Scott Hill; Deputy City Recorder Joan Cutler. Mayor Mont Evans arrived later as noted in the minutes. The five Council Members and City Manager were present in the Closed Session.**

**Others Present: Scott Petersen, Tricia Tingey, Tom Little, Larry Nielsen, Bonnie Nielsen, Don Payne, Wyoma Darlington, Randy Brinkerhoff, Elliott Smith, Stacey Woolley, Alina Kalm, Elliot Smith, Steve White, Stacey Woolley.**

### **1. Convene Into Closed Session to Discuss Property Acquisition.**

Mayor Pro Tem Applegarth opened the meeting at 6:00 p.m. Council Member Tingey made a motion to convene into a Closed Session to discuss property acquisition. Council Member Mariano seconded it. Roll call – all aye.

Minutes of this meeting and the motion to adjourn back into an Open Session were taken and deposited in the City safe.

### **2. Update on Fire and Police – Chief Park and Captain Burdette.**

Lt. Lowry represented the Sheriff's Department, and explained some information that was included in the packet this time that was a little different. The number of Deputies who respond to an incident is shown. He also advised Council Members how to report concerns to the Sheriff that neighbors might turn in to them.

Lt. Lowry also discussed some type of an alarm system to be installed in the Civic Center. There is money available to fund equipment only. Council Member Applegarth suggested that this item be discussed at the next meeting for disposition.

The Sheriff's Department is patrolling 12600 South very heavily at this time as speeding is increasing. The cross bridge at 2700 West is functioning, but UDOT still considers it a school zone. It was suggested that UDOT study 12600 South to see if it qualifies for a higher speed limit.

Lt. Lowry reported on a new study with UDOT concerning flashing a printed warning when a yellow light comes on to remind motorists to slow down and/or prepare to stop.

**3. Discussion on Fee Schedule for Civic Center Rental Rates – Sheril Garn.**

Recreation Director Sheril Garn reported on the new fee schedule being prepared for the Civic Center when it opens for public use. Council Member Applegarth felt that a Riverton business ought to be offered the resident fee when it utilized the building since it is technically a resident. Ms. Garn thought that was appropriate.

There was much discussion about the security afforded the Court Room on Level One. There was concern that the Court Room could be used for functions that were not a high security risk but which would allow someone to leave a device that could harm the court at a later time.

Ms. Garn also explained that some rooms will not be rented out much because of the continual use and need for storage by some entities of the City. Also, some extra fees may be charged to attend classes that charge admission.

Residents may select reservations up to six months ahead. The City gets first choice, then entities sponsored by the City, then residents, then other outside interests who may wish to use the building. A charge of 25% of the fee will be kept when an event is cancelled.

It was decided that security can be covered in more detail at a later date. There was general consensus about support for the fee schedule, but it should be discussed again.

**Council Member Brinkerhoff made a motion to support the proposed Fee Schedule for the Civic Center, and make further decisions at a future meeting. Council Member Mariano seconded it. Roll call – all aye.**

**4. Presentation From Don Payne on Car Wash Fence.**

Planner Jason Lethbridge explained a Water Conservancy easement on the edge of the property, and the restrictions it imposes. The ground level for the Car Wash was raised about four feet. The Council required a six-foot fence to screen light. The best location for the fence is on the same level as the car wash, but the easement will not allow it. This requires that the fence be on the edge of the property at the grade level.

Council Member Tingey asked about landscaping, but was told that the restrictive easement allows absolutely nothing. It was not clear why the Car Wash was required to raise the level about four feet.

Council Member Applegarth quoted from Title 12 about the requirements regarding light pollution from neighboring businesses.

**Council Member Applegarth made a motion to issue no permit of occupancy until the light problem is addressed and the location and height of the fence is solved and approved by the Council so that light does not affect the neighbors. Council Member Mariano seconded it.**

Council Member Tingey felt that lack of landscaping is a problem, and the current situation is not good. Could the fence be changed? Could the business be limited to daylight hours for now? Council Member Mariano reminded them that the business is self-serve. Council Member Brinkerhoff felt it is hard to keep clients if the hours of operation are changing. The fence was erected in one day without approval so the Council needs to stick to its requirements. Council Member Leavitt added that the owner already knew the Council was requiring a fence eight or nine feet high.

**Roll call – Council Members Applegarth, Brinkerhoff, Leavitt, Mariano – aye; Council Member Tingey – no. Motion passed.**

Council asked that Staff move as quickly as possible. It does not want to penalize the owner.

Council Member Tingey asked if it is the intent that the fence should definitely be raised. Mr. Applegarth replied no, but a solution must be worked out between the owner and Staff. Then it should be brought back to Council to approve and enforce it.

City Manager Cram felt that the screening out of truck lights is paramount. The lights on the bays and the building should be shaded to keep light out of the neighboring homes.

**5. Discussion on Proposed Changes to Water Ordinance – Scott Hill.**

Water Supervisor Hill explained that the changes requested are needed because the court is questioning the definitions used in the ordinances, and throwing out cases that are ambiguous. City Attorney Church has not yet seen the proposed changes, but Mr. Hill wanted Council to look at them before pursuing it with Mr. Church. Council Member Applegarth would like inspections required when any connections are installed or changed.

There are three options open to the citizens for connecting culinary and secondary water. They were discussed at length.

Council Member Leavitt would like the Water Department to write another article in the City Newsletter concerning the problem, and explaining the danger to occupants of the home if the connections are faulty.

**6. Presentation on Charter School – Jed Stevenson.**

Jed Stevenson was not in attendance so the matter will be heard at another time.

**7. Discussion of Resolution on Road Boundaries Between Herriman and Riverton – Mike Hutchinson.**

Public Works Director Hutchinson did not have a copy of Herriman's Resolution on this subject when the packet was delivered, so he distributed a copy at the meeting. The roads in question are 5600 West from 13400 South to the southern side of Autumn Hill Subdivision, or approximately 13600 South; 13400 South from 5600 West to 4800 West; and 12600 South from 4800 West to the western side of Canyon View Subdivision. No residences are affected by the change, only roads. The City is exchanging a lot for very little, but the City also is relieved of maintenance on the affected roads, so cost will go down. Coordination will be necessary with Herriman so that both cities allocate money and time for maintenance together.

Mayor Pro Tem Applegarth asked if there were any questions about Herriman's resolution. City Manager Cram suggested that the Council might want to pass a resolution to agree to the initial division, and then another resolution to work out the problems inherent with the action.

**Council agreed unanimously to a consensus that the roads be divided. Then Staff can draw up a resolution to cover this step plus work out the problems. A Public Hearing will be heard on February 15 with a vote the same night.**

**8. Ordinance Adoption: An Ordinance Adopting the Current Edition of the International Fire Code – Jason Lethbridge.**

Planner Lethbridge explained this was a basic procedure to update the changes in the International Fire Code. It doesn't need a Public Hearing, and Staff is comfortable with the change.

**Council Member Leavitt made a motion to approve Ordinance 1-25-05-1 adopting the 2003 Edition of the International Fire Code. Council Member Mariano seconded it. Roll call – all aye.**

**9. Bond Release 90% for Meadows 5 Subdivision – Fred Lutze.**

There were no concerns with this Bond Release. It is to be on the agenda next week.

**10. Bond Release 90% for Riverton Farms 3 Subdivision – Fred Lutze.**

There were no concerns with this Bond Release. It is to be on the agenda next week.

**11. Bond Release 90% Ridge Park Subdivision – Fred Lutze.**

There were no concerns with this Bond Release. It is to be on the agenda next week.

**12. Bond Release 90% Ridge Park Subdivision – Fred Lutze.**

There were no concerns with this Bond Release. It is to be on the agenda next week.

**13. Riverton City Choice Awards**

**Marshall Robison – Senior at Riverton High School  
Heather Elkins – Senior at Riverton High School  
Gwen Dean – French Teacher at Riverton High School**

The recipients had been told this item would occur about 8:30 p.m. so they have not yet arrived. This will be addressed later in the meeting.

**14. Rezone, Desert Point Builders, Located at 12166 South Redwood Road, From R-4 to C-N, Approximately 1 Acre, Wade Kelson (Contact Person For Applicant) – Jason Lethbridge.**

Planner Lethbridge explained the surrounding zoning of this area as R-4 with some R-3 across the street. The request is to rezone it to C-N. Pictures of the area will be available at the Public Hearing next week.

Council Member Applegarth asked if this would be consider “spot zoning.” Mr. Lethbridge explained the definition of spot zoning, and felt this would be legal if passed. It is compatible zoning because the surrounding areas work well together but are a variety of zonings. Mr. Applegarth then asked how it would be developed if it went residential rather than C-N. Mr. Lethbridge felt it would accommodate about three or four homes on the acre.

It was agreed to put it on next week’s agenda.

**15. Rezone, The Neighborhood Asphalt and Fire Improvement Project, Located At Approximately 12900 South 4570 West, From R-1 to RR-22, Approximately 60 Acres, Lonn & Jackie Burrows, Applicant – Jason Lethbridge.**

Planner Lethbridge stated this land retains animal rights from R-1 to RR-22. The Planning Commission denied the application.

Mayor Pro Tem Applegarth explained there are existing homes, and the goal of the rezone by the Neighborhood Asphalt and Fire Improvement Project is to get improvements back into the area.

Mr. Lethbridge explained that any change of zoning on the ground does not trigger improvements to begin. It only means that it can be developed into smaller lots than one acre. More owners in the total area of ground would mean more people to help fund the improvements so it could be affordable to everyone.

Council Member Tingey asked if the General Plan rather than this proposed rezone could solve it. Mr. Lethbridge said the General Plan at the current time allows both R-1 and RR-22 in this area.

City Manager Cram asked Mr. Lethbridge to explain why some spots were not included, and their effect. Mr. Lethbridge stated that one homeowner did not want to subdivide so did not include himself in the action. Larry Brown is another one who chose not to participate. The owner of an area near the top of the map could see no advantage.

Council Member Applegarth asked how the City would get improvements down there? A fire hydrant  $\frac{3}{4}$  of a mile from a home is bad. Unless the residents get together and develop their properties at the same time, he can see no advantage to the rezone. The alternatives include having the City install improvements, the neighbors installing improvements, or a bond established to give the residents 20 years to finance it. There have been accusations that the City promised improvements if they annexed. How can this rezone help the citizens? If there is no advantage the citizens have the right to know that before going forward. What would a special district do? It was explained that a 20-year bond would give the citizens an opportunity to pay so much each year for the improvements done up front.

Mr. Lethbridge added that the road proposed would not solve the problem. The City will continue to pursue putting the road in, however.

Council Member Applegarth felt that if the citizens want this item on the agenda, then it should be put on. But Staff should ask them if they want to pull it from the agenda and set up a group to get all the facts before going any further.

**16. Rezone, Richmond American Homes of Utah, Inc., Located at Approximately 12800 South 3300 West, From RR-22 to R-3, 46.68 Acres, Elliot Smith (Contact Person for Applicant) – Jason Lethbridge.**

Planner Lethbridge stated this is property that was supposed to be public institutional and industrial. He stated that the Planning Commission did vote for approval.

Council Member Applegarth inquired how the City would finance bridges. Mr. Lethbridge stated there is an agreement between various property owners and developers to help finance them, and there are impact fees. He added that if the Council would agree, the developer would like five minutes to speak concerning some of these problems and how he would address them. Mr. Applegarth agreed to giving the developer five minutes as well as a representative from the neighborhood. Mr. Lethbridge added that this item will come before Council as a Public Hearing on February 15.

**Elliot Smith**, Richmond Homes, explained how he proposes to buffer some of his R-3 land from RR-22 property with animal rights. He will buffer the south edge with four half-acre lots along the southern edge. Along the northern edge he would add a park

and more half-acre lots if requested. Council Member Applegarth would like RR-22 zoning to back up the property everywhere except at the cemetery boundary.

Planner Lethbridge explained he knew of some property owners on the northern edge who would like to rezone commercial, and would not like RR-22 zoning. Council Member Tingey added that those owners need to let the Council know right away what their plans are before the Council makes a decision that would be a mistake.

**Steve White**, a citizen, would prefer to have the southern portion kept entirely in half-acre lots and build a cul-de-sac to eliminate through traffic.

It was stated that the smaller size cemetery resulting from this action will still accommodate 30,000 people, more than ample for this area.

**Stacey Woolley** appreciated the fact that the developers were willing to work with the neighbors on this project.

**Steve White** added that there was a flood in the area in 1982, so storm drainage is vitally important.

**Mayor Evans** arrived at this point in the meeting at 8:30 p.m. He apologized for being late.

17. **Presentation on Trust for Public Lands – Michael Patrick.**

The representative from Trust for Public Lands had not yet arrived, so this item will be heard later.

It was agreed to return to Item #13.

13. **Riverton City Choice Awards**

**Marshall Robison – Senior at Riverton High School**  
**Heather Elkins – Senior at Riverton High School**  
**Gwen Dean – French Teacher at Riverton High School**

**Principal Park** was present to support the awards.

**Marshall Robison** has made a tremendous turnaround in his senior year at Riverton High School bringing his GPA up to 3.6. Marshall is on the Wrestling Team and demonstrated great drive and determination in his athletic and academic goals.

**Gwen Dean** teaches French at Riverton High School and is totally professional in all her dealings. Gwen has a genuine concern for each of her students and is willing to go the extra mile for them. She is always upbeat and positive. Mrs. Dean is loved and respected by students and faculty at Riverton High.

**Heather Elkins** is a senior at Riverton High School and is willing to stop whatever she is doing to help a friend or neighbor. She is always smiling and cheerful and a positive influence on her fellow students. She supports every school program and all the students in the school. Heather was given a special award from the Student Body Officers for her extraordinary effort in the school fund-raiser to help the South Valley Sanctuary.

**Council Member Applegarth** expressed pride in the students as well as the teachers, and especially the accomplishment of combining high GPA and athletics.

**Council Member Brinkerhoff** stated that teachers can be an influence on children and teach them core values. She was glad that Marshall was able to raise his GPA. When you reach out in service you affect your own life, too. Principal Park demonstrates the leadership the schools need.

**Council Member Tingey** explained it means a lot to be recognized by peers. He appreciated the attendance of the principal. You will all be an asset to Riverton or wherever you end up.

**Council Member Mariano** commended the students for their accomplishments and goals, and their example to others. She also thanked the teacher for her efforts.

**Council Member Leavitt** was impressed by the drive, determination, and effort exemplified here. 100% is not good enough any more. You have to go further, and you are willing to do that.

**Principal Park** appreciates the City honoring the teachers and students. Riverton High raised \$55,000 for the South Valley Sanctuary, more than any Utah school has ever raised for such a cause.

#### **17. Presentation on Trust for Public Lands – Michael Patrick.**

The representative has not yet arrived, but Mayor Evans asked for comments about the trip to Washington, D.C.

Council Member Tingey reported that they met with Senators Hatch and Bennett and Representative Cannon about funding on projects such as open space. There seemed to be a genuine interest by them in Riverton's needs and the importance of them.

Council Member Applegarth added that if the City is successful it will be because of the hard work and effort of the Staff and Mayor Evans. Preparation played a big part in the project.

Mayor Evans went on to explain what would be discussed once the Trust for Public Lands arrived.

**18. Follow-up Items.**

**a. Discussion on Bangerter Highway Fence.**

The developer has responded regarding the wall completion. See more information under Item e. .

**b. 12600 South Redwood Road Northwest Corner.**

City Staff has received the appraisal value and the legal description of the Beto's property from UDOT. Engineering staff has surveyed the corner and compared it to the UDOT description to verify its accuracy. The planned corner improvements have been superimposed on to the described property for the purpose of establishing net acreage for the property. This information has been conveyed to Phil Holland, owner of Green Isle Development, with the understanding that Green Isle Development has interest in expanding with an additional building near this corner. An independent appraisal has been requested this week by Engineering staff to establish a value for the property. Once this is completed, a meeting will be set up between Riverton City, Green Isle Development and Wells Fargo Bank. The purpose of this meeting is to negotiate possible transfers of property that would allow expansion of Green Isle Development, as well as establishing participation in the beautification of this property by all parties.

Mayor Evans reported receiving a call from Phil Holland in California who wanted to make an offer on the property, but it will be excessive. The City also has an appraisal, and it came back at \$65,000. There will undoubtedly be a chasm between the two figures.

**c. Lighting for Street Lights and Parks.**

Engineering staff has generated mapping for all the City parks and is in the process of identifying power sources in proximity to each of the parks. The power sources and existing lighting will be combined to assist in locating potential lights in the parks. Once this information is compiled, staff can generate estimated quantities in order to solicit unit costs for construction. This figure will be submitted to the Council for consideration of budgeting money for these improvements.

Public Works Director Hutchinson wrote a policy requiring requests for lighting parks be submitted in writing along with the names, addresses, and signatures of at least 50% of the residents abutting or across the street from the park. This request will then be submitted to the Mayor and Council during a regular meeting for consideration. Additional park lights will reduce the number of lights that can be placed along streets.

City Manager Cram asked for comments about verifying the needs and costs. This is to be taken off of the follow-up agenda, and put on as a separate item next time.

**d. Illegal Signs / Ordinance Update.**

Some information regarding the temporary sign ordinance and its enforcement were included in the packet for further consideration.

**e. Peterson Development.**

Peterson Development stated that South Meadows Subdivision has a wall that has jogs causing concern to UDOT, so they have not been willing to remove the chain link for safety reasons. Peterson will move forward on its section, but must find a solution as to how best tie the chain link into the wall on both the north and south ends of the wall. Coloring of the wall must wait for warmer weather

**f. Road Width of 4000 West 12600 South (near Fire Station).**

Engineering staff is reviewing if three-way road width on 12600 South 4000 West (near the fire station) is sufficient. A map showing typical road width was distributed.

City Engineer Lutze asked for any questions, but there were none.

In addition, flashing lights on 2700 West at Riverton High were discussed. Mayor Evans stated that the school had agreed to perform the service of seeing that the lights were turned on and off. This is the second time the school has tried to give the responsibility back to the City. Timers would cost about \$1,000, but are impractical because of the varying days the lights are needed. It is not known if the school would pay for timers. Council Member Applegarth was under the impression that the school didn't want the lights to begin with. The Sheriff's Department likes them because it slows down the traffic. Council Member Leavitt suggested sending a letter to the school giving them its options. Council Member Brinkerhoff inquired if Southland crossing guards could turn the lights on and off.

Mayor Evans would like to examine the time differential between high school and elementary school needs, and to sound out the crossing guards. Put it on the agenda and bring it back to Council.

**19. Warrant Register.**

Mayor Evans asked if there were any questions about the Warrant Register. City Manager Cram mentioned that computer repair on page 5 was to remove spy ware and troubleshoot; the Easter budget is \$3,000; the float expense is a deposit. Council Member Brinkerhoff interjected her opinion that the float did not promote Miss Riverton last year, only the parade theme. Mr. Cram went on to explain multiple bond payments and the reserve account.

**Council Member Leavitt made a motion to approve the Warrant Register. Council Member Applegarth seconded it. Roll call – all aye.**

**17. Presentation on Trust for Public Lands – Michael Patrick.**

**Aline Bokde**, project manager for Trust for Public Lands, was in attendance in place of Michael Patrick. She gave a general presentation and overview of what the Trust does. It is a National Land Conservation organization, conserving land for people. The challenge is open space, which is disappearing at the rate of three million acres/year. She identified some areas that are important in Utah. They include the Bonneville Shoreline, Grandeur Peak in Parley's Canyon, Forest Legacy, Farm and Ranchland Protection Program, USFS High Uintas, Bear River Massacre, Range Creek Ranch, Corner Canyon in Draper, Jordan River Parkway, and Conservation Finance measures.

Local government can approach the Trust for help. She left some information for the Council to study. It is non-profit, but not membership-based. 70% to 75% of the funds are donated from landowners who have been successful.

Council Member Applegarth felt it was important to match the City's needs with the Trust's resources. The City's projects are small, but they are big to the City anyway. The City could bond, but would like to get Federal money for the Open Space project near the Jordan River. If it is not acquired within a year it will go to development.

Ms. Bokde was not sure exactly what the City needs and wants, but the Trust has a group of Federal lobbyists in D.C. who could help locate funds from Federal programs, and gauge what the level of Federal interest is.

Mr. Applegarth added that the City's representatives in D.C. are supportive, but where do they go to get the money?

Mayor Evans would like to consider a contract with the Trust of Public Lands, and will put it on next week's agenda. It needs rapid action. Ms. Bokde asked about who will own the lands, and Council Member Tingey reported that the City is not particular about who owns it, just so it stays open.

Council Member Applegarth wanted to know what a contract entails? Ms. Bokde said that has yet to be defined. She would utilize a conference call between interested parties tomorrow or Thursday to figure out what kinds of funding options to go after. Mr. Applegarth added that the initial step is to gather information, and wanted assurance that no money is asked for as a donation at this time. Ms. Bokde then stated that the second step is helping to acquire property.

Mayor Evans would like an information update on next week's agenda.

**20. City Manager Report.**

City Manager Cram distributed information explaining the bonds the Council is working toward. The draft letter will keep the ball rolling on theater.

Mr. Cram also asked for feedback on an interlocal agreement for contribution of funds for a study on water recycling. The players would include the Central Utah Project and various local water entities that have expressed interested in a study regarding recycling. It would cost \$5000 from the water funds to participate in the study. Mr. Cram will put the information in the packet to be considered three weeks from tonight.

**21. Mayor Report.**

Mayor Evans reported on some interesting items in the Legislature. Senator Walker has sponsored a bill to provide interjurisdictional transfers to put State Roads back under City responsibility. It would transfer 12600 South and Redwood Road back to the City but would not include enough money to pay for it. It was finally changed to a Task Force to study the problem.

Nothing new has surfaced regarding sales tax. There are different versions. Action is waiting for an okay from the League. Representative Hogue wants to change the calendar provisions for initiative propositions, but got little support.

There is no new word on the fluoride issue, but he will follow up before the deadline at the end of the week.

**22. Council Members' Reports – William Applegarth, Gayla Brinkerhoff, Al Leavitt, Lisa Marino, Roy Tingey.**

Council Member Leavitt asked about the early use of the skateboard park. Is the City covered for liability? City Manager Cram said yes. The City is still in the process of getting rules published and posted, but the City can't put limits on its use by bikes or skateboards. It is not yet completed nor landscaped, but bikers and boarders must agree to play nicely together. The hours are the same as other City parks. Mr. Tingey would like the hours enforced.

Council Member Mariano asked about pocket bikes. She thought they were already regulated, so she wondered why so many cities were addressing the problem separately. Currently the pocket bikes would require a license and an inspection like any other motorized vehicle, and a licensed driver. There is no problem with use on private property. It should be an issue of strict enforcement. Mr. Cram will address the problem the next meeting he has with the Sheriff's Department. Regarding fire inspection fees, the City is working on the problem, and will probably issue a refund.

Council Member Tingey is concerned about the variable lot ordinance still being in effect. Coming up with a solution is taking too long. Could the Council repeal the variable lot ordinance, and then pass a substitute when it is written? It was the consensus that it be repealed and the word be given out to the Planning Commission. There are other laws in place, so it is feasible to repeal all the ordinances concerning variable lots.

Council Member Brinkerhoff reported on her meeting with the UFA. All vehicles older than seven years will be replaced. Administrative Services Director Atkinson was in attendance, also. There is a problem with money from Gold Cross Ambulances, but it will be settled once Medicare gets its regulations straightened out. In the new fire station, UFA will supply such equipment as refrigerators, and would be a saving to the City. UFA wants to sit down with Mr. Cram to discuss the budget, but that can't be done for several months.

Council Member Applegarth spoke about a letter to City Planner Maxfield regarding theaters. It should be discussed with the Council and Mr. Cram as soon as possible.

**Council Member Leavitt made a motion to adjourn the meeting. Council Member Mariano seconded it. Roll call – all aye.**

**Meeting adjourned.**

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**Mayor**

**Attest:**

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**Deputy City Recorder**