

RIVERTON CITY COUNCIL

JULY 19, 2005

Riverton City Council convened at 5:30 p.m. in the Riverton City Civic Center, 12830 South 1700 West, Riverton, Utah.

Staff Present: Mayor Mont Evans (only at Closed Session); Council Members William Applegarth, Gayla Brinkerhoff, Al Leavitt, Lisa Mariano, Roy Tingey; City Manager Mark Cram; City Attorney David Church (only at Closed Session); Planning Director Brian Maxfield; Planner Jason Lethbridge; City Engineer Fred Lutze; Deputy City Recorder Joan Cutler.

Others Present: N/A

1. **Call To Order.**

Mayor Evans called the Regular Meeting to order at 5:30 p.m.

Pledge – Lisa Mariano

2. **Roll Call.**

All Council Members were in attendance.

3. **Convene Into Closed Session to Discuss Litigation.**

Council Member Tingey made a motion to go into a Closed Session to discuss litigation. Council Member Applegarth seconded it. Roll call – all aye.

4. **Reconvene Into Open Session.**

The minutes of the Closed Session were deposited in the City Safe. Those minutes will note the details of the motion to reconvene into an Open Session.

5. **Riverton City Choice Awards.**

Kris Kimball teaches Fifth Grade at Rosamond Elementary, and is a teacher for all learners. She understands the learning needs of her students and plans accordingly to meet those needs. She is effective with the struggling student and the gifted learner alike. She is a leader among her fellow teachers in the area of Language Arts and her every action tells us that she loves teaching.

Council Member Brinkerhoff was happy to have her in attendance. It is great to honor a teacher, and she is impressed with the caliber of teachers in the area, and Ms. Kimball's ability to teach all students. Council Member Mariano thanked her for the difficult job she does. Council Member Tingey appreciates teachers and their work as his wife is in the education field. It involves sacrifice and hard work, and takes a lot of time to be exceptional. Council Member Leavitt expressed his gratitude for those who go beyond the mark to be exceptional. Council Member Applegarth noted she taught both high and low students, and obviously understands learning strategies.

Felicia Messervy will be a Sixth Grader this fall at Rosamond Elementary. She really cares about school and works hard to keep her grades up. She is a leader among her classmates, and is very kind to other students. Felicia also stays busy with piano and soccer.

Council Member Brinkerhoff was glad to have Felicia at the meeting, and commended her for all she accomplishes. This award is a result of others seeing what she has done. She advised Felicia to continue doing what she has been doing, and she will be a success. The choices will last a lifetime. Council Member Mariano added that getting education and good study habits is so important now and in the future, and was happy she also focuses on sports and music. Council Member Leavitt recalled Sixth Grade as being one of the greatest years he could remember. He told of a male teacher who helped him to love every aspect of school. Also, he felt that it was commendable that Felicia pulled the little ones up by setting a good example.

Connor Healy will be entering Sixth Grade at Rosamond Elementary. He is an exceptional young man and an outstanding student. He keeps his grades high and shows many talents. Connor is kind to other students, and is willing to help his classmates in a very non-judgmental way.

Council Member Brinkerhoff enjoyed Connor's brief biography that says a lot about him individually. The hardest classes are always the ones to be remembered. Keep up the good work. Council Member Tingey recalled that an early lesson in his life was to do his best in scouting, athletics, and school. This will bring success in life. Council Member Mariano congratulated Connor on the great job he has done with his education. His classmates need a role model to live up to. Council Member Leavitt added that it is good to reach out to other students who need help or are not doing as well.

6. Public Comment (Limit 2 Minutes).

Mayor Pro Tem Applegarth recognized Scout Troop 1115 in attendance to work on its Communications Merit Badge. He noted it was the first troop and leader in his memory to attend Council Meeting with all in uniform. The spokesman added that the troop has performed service projects such as the annual Food Drive.

Ralph Winburg resides south across the street from City Park. He expressed concern about the number of dog trainers who are using the park facilities to teach attack tactics

to their dogs. The area is shared with many young people who play soccer at the same time, and he is worried that the dogs will take the running of the children as an invitation to attack. City Manager Cram will look into it.

7. Public Hearing: Proposed Ordinance to Rezone Property Located at 2888 West 13400 South From RR-22 to R-4, Robin Frank, Applicant.

Planner Lethbridge showed the location of this project, and mentioned an existing home at the south end of the property and an accessory building to the north. Most of the surroundings are zoned RR-22 except to the south which is R-4 with an SD designation. Robin Frank wants to subdivide the property into two quarter-acre lots. The Planning Commission recommended denial. The applicant was unable to attend this evening, but she would like the action postponed until she could be at the meeting to address any concerns.

Council Member Leavitt made a motion to open the Public Hearing. Council Member Tingey seconded it. Roll call – all aye.

Dale Hogan lives next door to the east, and Mr. Kane lives east of him. He speaks both for himself and Mr. Kane. He asked the Council not to set a precedent. This was brought to Council a few years ago and turned down at that time.

Robin Frank's son lives on the property. Since 13400 South has been widened, he would like to build a new home on the back quarter of the lot, and rent out the front portion. The frontage would stay the same because of the location of the houses.

Council Member Mariano made a motion to close the Public Hearing. Council Member Brinkerhoff seconded it. Roll call – all aye.

Council came to a consensus to agenda a decision on this item in two weeks.

8. Action on Amendment to Title 14 of Riverton City Ordinance – Backflow Issues – Scott Hill.

There were several corrections noted by the Council Members:

Ordinance itself – Item 1 – change “to read a” to “to read as”
14-1-13-1-a – change “if the meter” to “if the meter is”
14-1-20, Para 1 – clarify that fishing is not prohibited

After some discussion Council Member Mariano withdrew the fishing concern since this ordinance involves only culinary water.

City Attorney Church has read the proposed ordinance and approved it.

Council Member Brinkerhoff has no problem with the \$250 that the Mayor was concerned about.

Council Member Brinkerhoff made a motion to approve Ordinance #7-19-05-1 amending Title 14 Riverton City Code concerning City Utilities with the above corrections. Council Member Mariano seconded it. Roll call – all aye.

9. Approval of Polling Site Locations Requested by Salt Lake County for the 2005 Election – Mark Cram.

There were several corrections noted by the Council Members:

Heading of Resolution – change “poling” to “polling”
Item #1 – change “minicipal” to “municipal”
Item #1 – change “present” to “presented”

Council Member Tingey made a motion to approve Resolution #7-19-05-1 giving approval of the “Consolidation of Polling Location Plan,” requested by the Salt Lake County Clerks Office, Election Division, to consolidate and use the same polling precincts for both Municipal and County Elections with the above corrections. Council Member Leavitt seconded it. Roll call – all aye.

10. Discussion and Approval of Hamilton Square/Wingers Right-of-Way – Jason Lethbridge.

Council Member Applegarth noted that there were technical problems with this project that have been solved, and Council Member Brinkerhoff congratulated the people who have keep helped this project going.

Council Member Leavitt made a motion to approve giving the Mayor the authority to sign the revised Settlement Agreement pertaining to the above project on 13400 South Bangerter Highway. Council Member Brinkerhoff seconded it. Roll call – all aye.

11. Discussion and Approval Regarding Contract From ASWN for Roi Hardy Park – Fred Lutze.

John Moss, ASWN, explained that bids were opened on June 28 regarding the development of Roi Hardy Park, and recommended that the Council accept the bid from Childs Enterprise for the base price plus Alternative 2 only, in the amount of \$1,155,911.

Funding has been supplied by two donations - one for land, and one for the expense of developing the park.

Council Member Tingey wanted to know why Alternative #3 varied so greatly between the two bids, and what would happen if the Alternative were accepted. City Engineer

Lutze explained that the amount of the donations would only cover the base price plus Alternative #2. Alternative #3 was included in the bid for information, but the City never seriously considered including it, so it is a moot point.

Council Member Leavitt made a motion to accept the bid from Childs Enterprises for the Base Bid plus Alternative #2 only for Roi Hardy Park. Council Member Mariano seconded it. Roll call – all aye.

12. Discussion and Approval of Bond on South Meadows and Relocation of Power Poles – Fred Lutze.

City Engineer Lutze informed Council that moving the ten power poles on 3600 West has grown into a little more work than was at first thought.

Council Member Tingey asked if the Council should seek legal advice. Mr. Lutze answered that City Attorney Church said the City should give the developer an opportunity to relocate them, and then if the work did not proceed, to arrange for the City to do it.

Council Member Mariano stated that the original conditions state the work should be done according to City laws and ordinance, and the City does not leave poles in the road.

A lively discussion was held between Randy Sorenson and Fred Lutze. Mr. Sorenson felt that Mr. Lutze had agreed to remove the poles at City expense. Mr. Lutze felt the City had decided to remove the poles but he didn't agree that the City would accept the expense. Mr. Sorenson claimed that the \$10,000 mentioned as being for pole relocation was actually for fencing, not for poles. He has still not received anything in writing. He donated the land and paid for some improvements. Mr. Lutze felt that the group should ask for Church's opinion on what was agreed upon.

Council Member Mariano would like Staff to take a look back at the minutes for other meetings in which bond releases have been discussed and acted upon for this project, and provide the Council with all minutes and bond releases in connection with South Meadows.

13. Discussion Rezone, Coulter Family Rezone Property Located at 12395 South 4000 West From R-1 to C-R, BP Properties, LLC, Applicant – Jason Lethbridge.

Planner Lethbridge explained the location and current zoning, noting that the request is to rezone from R-1 to C-R. This would make this property consistent with all the surrounding property next to Bangerter Highway. Tonight is only a discussion but a decision will be on the agenda in two weeks.

Council Member Tingey agreed that if this were developed commercial it would have to be developed in connection with the adjoining property to the south.

This has been discussed in earlier meetings, and now a development has been brought in to use the land.

14. Discussion on Single Phase Subdivision, Wilshire Estates, 12 Lots, Located at 12300 South 4000 West, Zone R-3, Approximately 6.9 Acres, Troy Sanders Representing Buckskin Land & Livestock, Applicant.

Planner Lethbridge stated that all lots in this subdivision meet the minimum requirements, and there is only one layout and one access possible. There was a lengthy discussion concerning small discrepancies apparent in the size of the lots, and the limitation of the number of lots allowed on a private lane.

15. Discussion on Subdivision Final Plat, Castlewood Estates Phase 1, Located at Approximately 12600 South 3300 West, R-3 Zone, 7.57 Acres, 16 Lots, Richmond American Homes, Applicant.

Planner Lethbridge explained this is Phase 1 of Castlewood Estates with 16 lots and the associated infrastructure. This phase will be accessed from 12600 South, tying into the existing stub road on that roadway. Some additional water infrastructure may be required to continue water service to some existing lots adjacent to this property.

Council Member Applegarth inquired about two lots that appear to be below 14,000 square feet. Mr. Lethbridge will check with the developer and have it worked out before the next meeting when it will be acted upon.

Council Member Tingey added that the second access would become more and more important as work continues, so it should be provided as quickly as possible.

16. Discussion on Summerfield LDS Church Meetinghouse, 13400 South 3200 West, R-4-SD Zone, 4.088 Acres, Scott Wilkenson/ASWN, Applicant Representative.

Planner Lethbridge stated this development is close to 13400 South and 2700 West in the Hamilton properties recently rezoned. There will be no access to 13400 South because of the great amount of traffic already on this road. The Planning Commission recommended that 13400 South be a no-parking zone.

Council Member Applegarth asked the City to be sure the LDS Church has done what City Attorney Church would like done so the City doesn't get into a legal problem. He then asked about noise from the pavilion. Is there enough landscaping to solve the problem? The same standard should be applied to this pavilion and its accompanying noise as to any other project of this type.

17. **Discussion on Site Plan, Heritage Farms LDS Church, Approximately 12279 South 3200 West, SD R-4 Zone, 3.6 Acres, Scott Wilkinson for ASWN, Applicant Representative.**

Planner Lethbridge explained that this project is much like the preceding project. It is an LDS meetinghouse being built on land originally owned by the LDS Church that was rezoned when Hamilton took title. These two plots were left with the Church for development.

18. **Discussion Commercial Subdivision, Home Depot Commercial Development, 13400 South 3600 West (approximately), C-R Zone, Jeff Kochevar, Applicant.**

Planner Lethbridge stated that this type of development usually accompanies other developers that come through instead of separately. This is unusual because it involves dividing up the Intel property into smaller plots within the Home Depot Development.

Now that the proposed use of this property has been established, and to facilitate the transfer of land between the parties involved, this is being submitted separately.

19. **Discussion on Site Plan, 12600 South Plaza, 2778 West 12600 South, C-G Zone, .6 Acres, Habib Solaimanian, Applicant.**

Planner Lethbridge introduced the project near the Riverton High School. There is an access to the school along the west edge of the property, and the applicant tried to develop an access to that road, but the School District was not agreeable to such a change. Landscaping has been addressed, and some alternatives have been worked out with the school.

Council Member Mariano questioned why the City was allowing this “strip mall” type of development when the City doesn’t want strip malls. Mr. Lethbridge answered there was not enough space between the widened 12600 South and the high school to build anything that allowed parking to be in the rear. This design was offered as an alternative.

20. **Discussion on Rezone, 11850 South Redwood Road, From RR-22 to RM-8 on Approximately 1 Acres, Armando Alvarez of American Homes, Applicant.**

Planning Director Maxfield stated this is a request to rezone one acre. Rezoning this to RM-8 would allow the property to be combined with the adjacent five-acre property for development as a single project. The Land Use Element of the General Plan designates this property at 5 to 8 units per acre.

21. **Discussion on 90% Bond Release for Lil Old Lane – Fred Lutze.**

City Engineer Lutze stated this was a small subdivision with no problems that is requesting a bond release.

Council agreed to put it on the Consent Agenda at the next meeting.

22. Discussion on 90% Bond Release for Legacy Apartments – Fred Lutze.

City Engineer Lutze informed Council this has been inspected by both Water and Street Departments, and it is now requesting a bond release.

Council agreed to put it on the Consent Agenda at the next meeting.

23. Discussion of Acquisition of Property on 13400 South 2900 West, and 1563 West 12100 South – Fred Lutze.

City Engineer Lutze felt this was a housecleaning item. The City has been working with Ivory Homes in an attempt to get sidewalks and roads to line up. This requires the City to purchase small pieces of property. The owners were promised that the City wouldn't take any more property. Regarding the 12100 South property, there is a gap of private property that doesn't allow the two roads to hook up. Mr. Lutze conceded that the purchase of 2900 West property could be held up pending the outcome of the rezone.

Council Member Leavitt made a motion to authorize City Manager Cram and Staff to negotiate the purchase of land at 1563 West 12100 South. Council Member Mariano seconded it.

Council Member Applegarth felt that the situation was very touchy and could be explosive, but he felt that Mr. Cram would handle it properly.

Roll call – all aye.

24. Discussion/Follow-up Regarding Volunteer Issues – Mayor Evans.

Tabled.

25. Discussion on Police Services – Mayor Evans.

City Manager Cram led the discussion because of Mayor Evans' absence. Mr. Cram stated that all the cities that he met with last week have decided on a path of action except Riverton, and he would like direction from the Council.

There was a lengthy discussion regarding all possible scenarios on this item. It was questioned whether Mr. Cram wanted a recommendation, or an agreement from Council to leave it up to him. There were four alternatives listed in the packet.

It was finally decided that the Council would like Riverton to stay committed to cost issues, service, coverage, and some local control. Council Member Leavitt would like to add citizen group input. Council Member Brinkerhoff wanted it indicated that the City is not in a rush, but wants to arrive at a good decision after much research.

26. Approval of Minutes for June 28, 2005.

Council Member Leavitt made a motion to approve the minutes for June 28, 2005, as written. Council Member Tingey seconded it. Roll call – all aye.

Two other sets of minutes will be considered at the next meeting.

27. Warrant Register.

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

28. City Manager Report.

City Manager Cram updated the Council concerning the budget process. The Council had approved hiring a consultant in the Engineering Department for a particular type of work. The Department now feels an Intern could be hired at reduced cost. There were no concerns from the Council.

Mr. Cram will continue talking to Trust For Public Lands as per Council's request. The Trust is happy to continue working with Riverton regarding the open space in the River Bottoms.

The Washington, D.C. lobbyist reported that the requests for funding are still going through the process.

Home Depot has asked to be involved in a service project for the City. They will provide 20 people on September 8 for park work at a location decided by the City. It was suggested by Council that Intel be approached to see if it would like to coordinate with Home Depot on the same day. It was also mentioned that other Riverton citizens and Staff Members might want to join the group. Also, Home Depot is donating \$800 to cover the cost of any improvements.

The State Fire Officials have designated that no fireworks be allowed in Salt Lake County east of Wasatch Boulevard or west of SR 111. Riverton has no additional restrictions.

Mr. Cram wrote a letter of response in answer to a Scout's inquiry. He distributed the proposed letter, and will incorporate any changes and send it out.

Mr. Cram noted that Council Member Leavitt had asked for an update on the status of economic development. The results were distributed to the Council.

29. Mayor's Report.

No report.

30. Council Members' Reports – William Applegarth, Gayla Brinkerhoff, Al Leavitt, Lisa Mariano, Roy Tingey.

Council Member Mariano asked about the date for the Joint Meeting with the Planning Commission. It is August 4, but the time is not yet set.

Council Member Tingey had issues about the streets becoming used car lots, especially on the west side of the City. He feels it is a significant issue that needs attention.

Council Member Brinkerhoff complimented everyone on the great Town Days. Everyone she knew was very happy with it. She noticed that some other cities have cut back on the menu offerings for the breakfasts, and wondered if Riverton should do the same. She expressed appreciation for the work on 2700 West. She asked about the Jardine-Maynard property water leak, and was told it was found and taken care of by the City.

Council Member Leavitt would like an update on the weed problem west of IFA, work on the median west of IFA, and screening of the IFA building on the west side. He was told that Brent Bennett is working on getting more rock for the median. In addition, Mr. Leavitt felt that the rodeo was great, and that the City should furnish some improvements for it, such as additional seating.

Council Member Applegarth is concerned about building materials on independent structures located in larger areas such as Home Depot and IFA. He wants the City to be consistent in how it treats IFA, Home Depot, and any other retailers who come in. Walgreen's landscaping has never been finished. Mr. Cram explained that all the details have not been addressed, and when they have the entire project will be done at once. Mr. Applegarth added that he would like to have some input with the State regarding the location of a proposed liquor store, especially in residential areas. It was decided to invite the State to attend a Work Session of the Council for some discussion on this item. This will be put on an agenda in the near future.

Council Member Tingey asked if the City had responded to the gentleman who wanted lights in his neighborhood. He has attended Council three times, and Mr. Tingey wants to be sure he doesn't have to show up again to get his request up for approval. Mr. Cram will be sure that has been done.

Council Member Tingey made a motion to adjourn. Council Member Brinkerhoff seconded it. Roll call – all aye.

ADJOURN

Deputy City Recorder