

River Heights City Council  
Minutes of the Meeting  
August 26, 2014

Present were: Mayor James Brackner  
Council members: Richard Okelberry  
Geoff Smith  
Dixie Wilson  
Blake Wright  
Recorder Sheila Lind  
Public Works Director Clayton Nelson  
Finance Director Clifford Grover

Excused Councilmember Doug Clausen

Others Present: Gayle Brackner, Jonah, Mark and Heather McKell, Ken Bullen, Sharlie Gallup, Linda Huffaker, Ross and Kay Peterson, Jim Wyatt

The following motions were made during the meeting:

Motion #1

Councilmember Wright moved to “adopt the minutes of the August 12, 2014 Council Meeting, and the evening’s agenda.” Council member Okelberry seconded the motion, which passed with Okelberry, Smith, Wilson and Wright in favor. No one opposed. Clausen was absent.

Motion #2

Councilmember Wright moved to “pay the bills as listed.” Councilmember Wilson seconded the motion, which passed with Okelberry, Smith, Wilson and Wright in favor. No one opposed. Clausen was absent.

Motion #3

Councilmember Wilson moved to “accept the eagle scout plan of Jonah McKell in the amount of not more than \$450.” Councilmember Okelberry seconded the motion which passed with Okelberry, Smith, Wilson and Wright in favor. No one was opposed. Clausen was absent.

Motion #4

Councilmember Wright moved to “adopt Ordinance 5-2014, an Ordinance to Adopt Changes to the City Code of River Heights, Utah with the following correction: 10-7-4 D ‘City Council’ will be replaced with ‘Planning Commission’.” Councilmember Okelberry seconded the motion, which carried with Okelberry, Smith, Wilson and Wright in favor. No one opposed. Clausen was absent.

Proceedings of the Meeting:

The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in the River Heights City Building on Tuesday, August 26, 2014.

Opening Remarks and Pledge of Allegiance: Councilmember Okelberry opened the meeting with a few comments concerning the discontent that is going on in the US today. He hoped we didn't feel that this is the norm. Councilmember Wilson led the group in the Pledge of Allegiance.

Adoption of Previous Minutes and Agenda: Minutes of the August 12, 2014 Council Meeting, were reviewed.

**Councilmember Wright moved to “adopt the minutes of the August 12, 2014 Council Meeting, and the evening’s agenda.” Council member Okelberry seconded the motion, which passed with Okelberry, Smith, Wilson and Wright in favor. No one opposed. Clausen was absent.**

Pay Bills: The bills were presented and discussed. Councilmember Wilson asked which account the public works wages are taken from when they work on parks. She was informed that a certain percentage of their wages comes out of the parks budget, as well as other budgets. FD Grover said she doesn't need to budget for it, since it's already taken care of. Mayor Brackner announced the cost for animal control and police protection is higher because the Sheriff's Department has raised the contract price. We have no other option so the budget will be adjusted later.

**Councilmember Wright moved to “pay the bills as listed.” Councilmember Wilson seconded the motion, which passed with Okelberry, Smith, Wilson and Wright in favor. No one opposed. Clausen was absent.**

Finance Director Report: FD Grover asked each council member to review the budget reports he gave them and ask him questions as needed. He is meeting with the auditor in the next two weeks and is getting the statements in order now.

Purchase Requisition Requests: There were none.

Public Works Report and Discussion: PWD Nelson reported on the following:

- Tech Electric has had the park LED lights for a while. They are waiting on the dimmer switch which should arrive on Friday or next Tuesday.
- The crossing guards have all watched the training video.
- The city building basement has been flooding, due to all the rain. He purchased a carpet cleaner to take care of the mess. He has cleaned the drain and rain gutters. They may want to consider extending the roof so the rain wouldn't fall into the stairwell.
- The 400 South road project is underway. AAA has come back to fix the problems they caused during last year's water line replacement. They left a mess. Engineer Eric Dursteler is going to contact them about getting it cleaned up.
- All the missing street signs have been ordered.
- They plan to mow north of the cemetery tomorrow.
- He asked the council to take notice of the decorative street lights they see in other cities to help determine what River Heights may want. He needs to know if they prefer decorative or the traditional wood poles. Mayor Brackner explained that Mr. Nelson can maintain the decorative type but not the wood ones. Mr. Nelson mentioned some areas they can look.

Administrative Report: Recorder Lind didn't have anything.

Public Comment: Sharlie Gallup expressed frustration with the communication the city didn't have with the residents of 400 South regarding the road project. Next time, she hopes the council

92 would let people know where the city's right-of-way is, in advance. Mayor Brackner doesn't feel the  
93 council was negligent. They turn these projects over to the city engineer, who does the notifying.

94 Miss Gallup also discussed a camper in the lot across from her house. There is someone living  
95 inside, with no access to water, sewer or other utilities. Mayor Brackner explained he contacted the  
96 sheriff on Sunday regarding the matter. The sheriff went to the camper but no one answered so he  
97 couldn't do anything. On Monday he and PWD Nelson talked with the tenant who said Tony Johnson  
98 (property owner) had given permission for him to stay there. Mayor Brackner said the property owner  
99 has been contacted. He will follow up with the sheriff again after this meeting.

100 Ken Bullen couldn't understand why the tenant wasn't told to leave when he was spoken to.  
101 PWD Nelson said the guy informed him that the trailer would be moved as soon as he could get a  
102 vehicle to pull it. Sharlie Gallup hopes it gets resolved this time. Councilmember Okelberry said it  
103 will happen eventually.

104 Ken Bullen (a resident of 400 South) stated prior to the start of the road project he asked a  
105 couple of people and was told his sidewalk wasn't going to move; now it's moved. He's fine with the  
106 project and thinks it will look better, but he wishes there was better communication.

107 Eagle Project Presentation: Jonah McKell thanked the council for their time. He would like to  
108 construct a welcome to River Heights sign to be placed on the east side of the city. He handed out  
109 copies of the design he is considering and associated costs. He'd like to build it out of wood with a  
110 metal plate on the front that says River Heights and the date of establishment. He discussed the  
111 estimated costs which total \$437.49. Locations for placement were discussed: on 600 South near 1000  
112 East and on 1000 East, south of 600 South. PWD Nelson discussed materials the city could help out  
113 with. He will help determine an exact location. Mark McKell requested it could be done sooner than  
114 later. The Council agreed.

115 **Councilmember Wilson moved to "accept the eagle scout plan of Jonah McKell in the**  
116 **amount of not more than \$450." Councilmember Okelberry seconded the motion which passed**  
117 **with Okelberry, Smith, Wilson and Wright in favor. No one was opposed. Clausen was absent.**

118 Mayor Brackner thanked Jonah for doing this for the community.

119 Discuss Inappropriate Use of Residential Property at 564 South 400 East: Heather McKell  
120 informed she has lived next door to the property for nearly 7 years. She doesn't know who owns it for  
121 sure. Councilmember Wright said it is owned by William Carson and is being leased to Tony Johnson  
122 for storage and garbage. The McKells have tried to talk to the people they have seen there. They are  
123 never clear who owns it. Ms. McKell read from the city code about the storing of junk and vehicles,  
124 etc. She brought some photos of the property which the council reviewed. They have cleaned up a  
125 pile of tires and they do keep the weeds down. But, they store a bunch of garbage there.

126 Discussion was held on the fact that it is a residential zone. Jim Wyatt said when he was on the  
127 council it went to court and was decided the property could only be used as a service station. There  
128 were also vehicle restrictions. Recorder Lind verified there is no business license issued to this  
129 address.

130 Discussion was held on conditional use permits. Councilmember Wright explained that these  
131 go with the property, not the owner. Councilmember Wilson said in this case the use was  
132 discontinued.

133 Councilmember Wright stated this is not the first time he has dealt with this property and  
134 wonders if the problem won't go away until there is a different owner

135 Councilmember Okelberry suggested the neighbors submit a written complaint that the city  
136 could put before their attorney. Then he can write a letter stating the violations. At this point, the  
137 owner will either clean it up or go to court.

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PWD Nelson would like to talk with Bill Carson first.

Councilmember Wilson doesn't want to see it go to court again. City ordinance should be able to take care of the problem. She pointed out that there were five neighbors to this property in attendance at the evening's meeting.

Mayor Brackner will look into this and get back with the council about it.

Councilmember Wright said he was unaware there was a previous court case and judgment. He would like to see if the city attorney could give an opinion on what can and can't be done with this property. It would be good for the owner and the city to know exactly what is allowed.

Mayor Brackner will talk with Attorney Jenkins. Heather McKell plans to submit a written complaint signed by all the neighbors.

Approval of an Ordinance to Adopt Changes to the City Code of River Heights, Utah:

Councilmember Wright said the Planning Commission has suggested a few changes to the city's zoning ordinance. The first would be to allow temporary off-street parking, only in the commercial zone.

Discussion was held on whether the Council or Planning Commission would grant an extension, if one is needed. The Council agreed to allow the Commission to handle this. If there were an appeal, it would come to the council.

The other change came at the request of Councilmember Clausen and deals with street lighting. Previously, Rocky Mountain Power has taken care of installation costs and the city has paid a maintenance fee, as well as for power usage. PWD Nelson explained the code change would state the developer would pay for the lighting installation and the city would be responsible for maintenance and energy use.

**Councilmember Wright moved to "adopt Ordinance 5-2014, an Ordinance to Adopt Changes to the City Code of River Heights, Utah with the following correction: 10-7-4 D 'City Council' will be replaced with 'Planning Commission'." Councilmember Okelberry seconded the motion, which carried with Okelberry, Smith, Wilson and Wright in favor. No one opposed. Clausen was absent.**

Mayor and Council Reports: Councilmember Wright informed, the Planning Commission is in the process of completing the biannual moderate income housing report and getting it turned into the state.

Councilmember Wilson found a letter from Heather McKell, written in 2012, regarding the yard mess talked about earlier in the meeting. Ms. Wilson read this letter to the council in June of this same year. These neighbors have been asking for help with this issue for quite a while. She thanked everyone who helped with Apple Days. The park looked beautiful. PWD Nelson asked that next year the bounce houses be placed on the north side of the park to prevent vehicles driving across the park. Mayor Brackner suggested having organized activities to attract the teenagers.

Councilmember Okelberry asked Recorder Lind to send a digital copy of the city information.

Councilmember Smith asked the council to sign thank you cards for the Apple Days Committee. He stated who was on the committee. He feels the event will come in under budget. The public likes that the activities are free. Councilmember Smith won't be here for the next two council meetings.

Mayor Brackner discussed the sidewalk situation on 400 South. Based on city ordinance, where sidewalk is existing and being replaced, the city bears full cost of replacement. Whenever there is new sidewalk the cost is split 50/50. In the case of 400 South, the only property owner that will be billed is Tony Johnson.

183 Mayor Brackner stated Sharlie Gallup has asked for a memo of understanding since the 400  
184 South road project is making her lot become non-conforming. Ms. Gallup explained that her lot  
185 already was non-conforming, but she'd still like a MOU in case she needs it in the future.  
186 Councilmember Wright doesn't believe it's needed because it was a legally existing non-conforming  
187 use before the city project started. They are all over town. Mr. Wright agreed to assist Mayor  
188 Brackner in drafting the MOU.

189 The meeting adjourned at 7:55 p.m.

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Sheila Lind, Recorder

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James Brackner, Mayor