

River Heights City

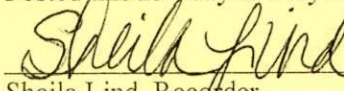
COUNCIL MEETING AGENDA

Tuesday, May 26, 2015

Notice is hereby given that the River Heights City Council will hold its regular council meeting beginning at 6:30 p.m. in the River Heights City Office Building at 520 S 500 E.

- 6:30 p.m. Opening Remarks and Pledge of Allegiance
- 6:35 p.m. Adoption of Previous Minutes and Agenda
Pay Bills
Purchase Requisitions
Finance Director Report
Public Works Report
Administrative Report
Public Comment
- 6:45 p.m. Discuss Candidates to Fill Council Vacancy
- 6:55 p.m. Discuss and Adopt a Resolution Transferring any Excess General Fund Balance to the Capital Projects Fund
- 7:00 p.m. Mayor and Council Reports
- 7:20 p.m. Review Orchard Heights Minor Subdivision Final Plat Submitted by Casey McFarland
- 7:45 p.m. Adjourn

Posted this 23rd day of May 2015



Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Council
Minutes of the Meeting
May 26, 2015

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6 Present were: Mayor James Brackner
7 Council members: Doug Clausen
8 Geoff Smith
9 Dixie Wilson
10 Blake Wright
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12 Recorder Sheila Lind
13 Public Works Director Clayton Nelson
14 Finance Director Clifford Grover
15
16 Excused Councilmember Richard Okelberry
17
18 Others Present: Gayle Brackner, Bob Green, Cory and Kristie Bowers,
19 Robert Scott, Casey McFarland, Kevin Opsal, Darlene
20 Craney, Bill Baker
21
22

23 The following motions were made during the meeting:

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25 Motion #1

26 Councilmember Smith moved to “adopt the minutes of the May 12, 2015 Council Meeting,
27 and the evening’s agenda.” Council member Clausen seconded the motion, which passed with
28 Clausen, Smith, Wilson and Wright in favor. No one opposed. Okelberry was absent.
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30 Motion #2

31 Councilmember Clausen moved to “pay the bills as listed.” Councilmember Wright seconded
32 the motion, which passed with Clausen, Smith, Wilson and Wright in favor. No one opposed.
33 Okelberry was absent.
34

35 Motion #3

36 Councilmember Clausen moved to “adopt Resolution 4-2015, A Resolution Transferring any
37 Excess General Fund Balance to the Capital Projects Fund.” Councilmember Smith seconded the
38 motion, which carried with Clausen, Smith, Wilson and Wright in favor. No one opposed. Okelberry
39 was absent.
40

41 Motion #4

42 Councilmember Wright moved to, “table the Orchard Heights Minor Subdivision discussion
43 until Mr. McFarland can do some research with the title company and his homeowner’s insurance
44 company, and meet with the city engineer and his engineer regarding the sewer line easement being
45 placed directly north of the existing sewer manhole in Orchard Drive.”

47
48 Proceedings of the Meeting:
49

50 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in
51 the River Heights City Building on Tuesday, May 26, 2015.

52 Opening Remarks and Pledge of Allegiance: Councilmember Smith opened the meeting with a
53 prayer. Mayor Brackner led the group in the Pledge of Allegiance.

54 Adoption of Previous Minutes and Agenda: Minutes of the May 12, 2015 Council Meeting,
55 were reviewed.

56 **Councilmember Smith moved to “adopt the minutes of the May 12, 2015 Council
57 Meeting, and the evening’s agenda.” Council member Clausen seconded the motion, which
58 passed with Clausen, Smith, Wilson and Wright in favor. No one opposed. Okelberry was
59 absent.**

60 Pay Bills: The bills were presented and discussed.

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

64 Finance Director Report: FD Grover reported that the city currently has \$1,055,457.00 in its
65 combined accounts.

66 Purchase Requisition Requests: There were none.

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

- 68 • He has been working with Conservice. About all they have left is tweaking their lighting plan.
69 • He asked Councilmember Wright about the progress of the 8 foot easement on 800 South (the
70 south side of the road along the Conservice property) to be given to the city from the
71 Cobblestone developer. Mr. Wright didn’t know but said he’d discuss it with Engineer
72 Rasmussen, to find out what needs to happen.
73 • The 650 South and 600 East road projects are planned to go out to bid within a couple weeks.
74 • The water looping project between 700 South and 800 South is also close to going out for bid.
75 • He noted the city’s sewer bill has dropped since they sealed the leaks in the sewer pipe.

76 Administrative Report: Recorder Lind reminded about the newsletter, for those that still
77 wanted to make a contribution.

78 Public Comment: There was none.

79 Discuss Candidates to Fill Council Vacancy: Mayor Brackner asked each of those interested in
80 filling the council seat vacancy to give a brief biographical sketch, why and how they are qualified and
81 if they would be willing to work with community affairs and emergency preparedness. Bob Green,
82 Cory Bowers and Robert Scott each took a turn.

83 Mayor Brackner explained how the voting process would go. Each council member wrote
84 down their vote and handed it to him. After tabulating, Mayor Brackner reported there were two votes
85 for Bob Green and two votes for Robert Scott. The Council voted again and came up with the same
86 vote, which put Mayor Brackner in the position to make the deciding vote. He explained that each one
87 would do a great job but that his vote would be for Robert Scott because of his background in
88 emergency preparedness. Mr. Scott will take his position at the next meeting.

89 Discuss and Adopt a Resolution Transferring any Excess General Fund Balance to the Capital
90 Projects Fund: FD Grover explained the reason for the resolution is to be able to transfer money at the
91 end of the fiscal year to the Capital Projects Fund, without being out of compliance with state
92 regulations.

93 Councilmember Clausen moved to “adopt Resolution 4-2015, A Resolution Transferring
94 any Excess General Fund Balance to the Capital Projects Fund.” Councilmember Smith
95 seconded the motion, which carried with Clausen, Smith, Wilson and Wright in favor. No one
96 opposed. Okelberry was absent.

97 Mayor and Council Reports: Councilmember Wright reported on the last Planning
98 Commission meeting. They discussed changes to the General Plan, which will come to the Council for
99 final approval. Conservice wants to acquire and rezone two properties east of their property from
100 agricultural to commercial. Currently, the General Plan won’t allow for this, since these parcels are
101 shown as agricultural. The Commission expressed concern because the properties go further north
102 than surrounding properties. They would like to discuss it further before making a decision. The
103 Commission was also presented with the recent code changes, which they entertained and agreed on.
104 They are ready to hold a public hearing on the changes, which will be in three weeks.

105 Councilmember Wilson said t-ball is going good.

106 Councilmember Clausen asked if anyone had heard back from the Opera Company, concerning
107 the Old Church Building. No one had. It’s been longer than a month, which was the time frame for a
108 response.

109 Councilmember Smith said he will miss the next two council meetings.

110 Mayor Brackner discussed the agreement Lonnie Nyman has with the city to purchase the 800
111 South easement, adjacent to the Nyman property. Mr. Brackner asked what price had been decided on
112 so they can move ahead on this. The Council remembers it being discussed and decided about two
113 years ago in a council meeting, but they couldn’t remember the amount.

114 Mayor Brackner discussed a pre-disaster mitigation meeting put on by the Sheriff’s Department
115 on Thursday from 11:00am – 1:30pm. Robert Scott said he would try to attend.

116 Mayor Brackner announced a wildfire protection meeting and asked if anyone could go. He
117 read the letter from the ULCT letter concerning the topic of the meeting and asked that PWD Nelson
118 attend, which he agreed to.

119 Mayor Brackner reported on the negotiations between Logan and the 6 sister cities regarding
120 contracts by the 6 sister cities with Logan for waste water treatment. Logan presented a draft of a
121 proposed interlocal agreement that was reviewed by the other mayors and their legal counsel, Todd
122 Godfrey. Counter proposals were submitted to Logan but no meaningful negotiations have taken
123 place. He received a message from Todd Godfrey today at 4:55 pm that follows:

124
125 *Mayors;*

126 *I’ve just heard through Lisa Nelson that Logan has rejected most of the meaningful changes we*
127 *made to the agreement, and particularly the change on voting. They have never contacted me, and*
128 *instead have just made their pitch to DWQ staff. When I spoke with Lisa, she asked what your position*
129 *would be tomorrow, and I told her I didn’t yet have authority to definitively say, but that I expected*
130 *they would be asking me to represent that they object to the State providing low interest funding when*
131 *the approach taken by Logan is contrary to State policy favoring regional facilities and a regional*
132 *approach. Lisa was very concerned about that and Walt has already called me to try and get you to*
133 *back off a bit.*

134 *With this email, I’m asking for your concurrence that this is the approach we need to take*
135 *tomorrow. I see this a very critical juncture and I don’t really have any idea of whether or not you’ll*
136 *have any Board support. I’ve heard suggestions that you will, but nothing is certain yet. I also don’t*
137 *know what will happen if we take that approach and Logan wins the day. If so, they may not then be*
138 *inclined to sign any agreement, or they may ask for even more difficult terms.*

139 *I'm preparing a very short set of comments now to deliver tomorrow taking this position.*
140 *Please let me know that you agree.*

141 *Thank you for your attention to these matters.*

142 Mayor Brackner will go to the DWQ meeting in Salt Lake City tomorrow to monitor the
143 progress of Logan's agreement to borrow \$70 million to build their new waste water treatment plant.

144 Review Orchard Heights Minor Subdivision Final Plat Submitted by Casey McFarland: Mayor
145 Brackner asked Councilmember Wright to present this issue. Mr. Wright explained that Mr.
146 McFarland has complied with all the city engineer's comments. The Commission has given their
147 approval to pass it to the Council. Mr. Wright explained that currently, there is a sewer main that runs
148 under Mr. McFarland's driveway and carport (used by three homes above his). The city feels this is
149 the right time to move the line so it will be in compliance with city code. The Commission has agreed.
150 The old line would be abandoned.

151 Councilmember Wright said the line could be left as it currently is. If the line failed in the
152 future, the city could do what they needed for repairs since it is located in the city's easement. PWD
153 Nelson would like to find out if the sewer line actually belongs to the city.

154 Mayor Brackner asked what the probability is of a problem occurring with the line in the
155 future. PWD Nelson stated the bad thing about it is the current line is angled. Casey McFarland
156 suggested leaving it and if there is a problem in the future, he would agree to let the city do what they
157 need to since the easement is on his property. Mr. Nelson informed it would cost less money to move
158 the line now because it would be installed on a vacant lot. Once it is landscaped it will cost more. He
159 suggests running the line directly straight, rather than slightly angled, as suggested by the engineers.

160 Casey McFarland has estimated the cost for a new line would be between \$12,000 and \$20,000.
161 He would feel better about the situation if the city agreed to split the cost with him. He was also
162 agreeable to have the line straightened out and run on the parcel containing his home, rather than on
163 the vacant lot (as shown by the engineers).

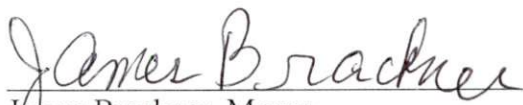
164 Robert Scott suggested checking with the title company to see what was recorded. There is
165 title insurance that may cover an issue like this.

166 Councilmember Clausen asked if his homeowners insurance would be affected if the line had to
167 be dug up in the future.

168 **Councilmember Wright moved to, "table the Orchard Heights Minor Subdivision**
169 **discussion until Mr. McFarland can do some research with the title company and his**
170 **homeowner's insurance company, and meet with the city engineer and his engineer regarding**
171 **the sewer line easement being placed directly north of the existing sewer manhole in Orchard**
172 **Drive."**

173 Past mayor, Bill Baker entered the meeting. He was asked if he remembered the amount
174 Nyman agreed to pay the city for the 800 South Easement. Mr. Baker remembered it was \$7,500.

175 The meeting adjourned at 8:00 p.m.

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181 James Brackner, Mayor
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Sheila Lind, Recorder

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Al's Trophies & Frames	Royalty Photo & T-Ball Trophies			\$400.00		\$46.24				\$446.24
2	Badger Screen Printing Co.	T-Ball Shirts & Hats			\$709.80						\$709.80
3	Beazer Lock & Key	Key Lock Box			\$11.25			\$11.25	\$11.25	\$11.24	\$44.99
4	Cache Valley Publishing	Newspaper Notice	\$47.06	\$41.71							\$88.77
5	City of Logan	Garbage, Recycle, 911, Sewer	\$10,193.60			\$1,806.00				\$5,424.16	\$17,423.76
6	Comcast	High Speed Internet	\$21.25						\$21.25	\$21.25	\$63.75
7	Ferguson Enterprises, Inc.	Drinking Fountain Repair			\$59.07						\$59.07
8	Krystle Briel	Crossing Guard & PC Minutes	\$30.00			\$9.00					\$39.00
9	Logan City	Water Consumption							\$188.81		\$188.81
10	Questar	Gas Monthly Charges	\$34.82		\$44.07			\$20.34	\$95.13	\$20.33	\$214.69
11	South Fork Hardware	Storm Drain Temple View Dr.							\$30.26		\$30.26
12	Thomas Petroleum	Fuel/City Vehicles						\$31.43	\$31.43	\$31.43	\$94.29
13	Thurcon, Inc.	Community Affairs Dumpster					\$276.00				\$276.00
14	USA BlueBook	Road Plug & Water Repair Item						\$160.67	\$116.56		\$277.23
15	Utah Local Government Trust	Monthly Workers Comp Fee	\$14.94		\$22.95			\$70.06	\$88.75	\$93.42	\$290.12
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22	**Pump House Phone from Century Link Was Canceled Received Credit of \$6.43										
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Page 1 SubTotals			\$10,341.67	\$41.71	\$1,247.14	\$1,815.00	\$322.24	\$293.75	\$583.44	\$5,601.83	\$20,246.78

RIVER HEIGHTS CITY
 COMBINED INVESTMENT
 RUNNING TOTAL - LAST 12 MONTHS

		Final Jun-14	Final Jul-14	Final Aug-14	Final Sep-14	Final Oct-14	Final Nov-14	Final Dec-14	Final Jan-15	Final Feb-15	Final Mar-15	Final Apr-15	Final May-15
Combined Cash Accounts													
01-1010	Checking-General	249,368.24	259,376.49	223,477.14	276,567.16	126,283.50	109,352.45	142,957.41	156,647.98	212,242.41	267,048.75	299,526.00	314,325.66
01-1020	PTIF	47,691.62	47,710.63	47,729.67	47,748.37	47,768.04	47,787.95	47,808.56	47,808.56	47,848.18	47,869.70	47,891.24	47,891.24
01-1025	Zions Savings	239,100.27	239,100.27	239,100.27	239,178.63	239,178.63	239,178.63	239,100.65	239,100.65	239,100.65	239,177.31	239,177.31	239,177.31
01-1030	Lewiston Savings	245,504.05	245,504.05	245,504.05	245,586.78	245,605.96	245,605.96	245,698.82	245,698.82	245,698.82	245,789.69	245,789.69	245,789.69
01-1035	Cache Valley Savings	246,042.73	246,092.88	246,143.04	246,191.59	246,241.77	246,290.34	246,340.54	246,340.54	246,436.11	246,486.34	246,534.96	246,534.96
01-1075	Utility Cash Clearing Account	-	-	-	-	-	-	-	-	(607.42)	-	-	(38,260.90)
Total Combined Cash		1,027,706.91	1,037,784.32	1,001,954.17	1,055,272.53	905,077.90	888,215.33	921,905.98	935,596.55	990,718.75	1,046,371.79	1,078,919.20	1,055,457.96
01-1000	Cash Allocated to Other Funds	(1,027,706.91)	(1,037,784.32)	(1,001,954.17)	(1,055,272.53)	(905,077.90)	(888,215.33)	(921,905.98)	(935,596.55)	(990,718.75)	(1,046,371.79)	(1,078,919.20)	(1,055,457.96)
Total Unallocated Cash		-	-	-	-	-	-	-	-	-	-	-	-
Cash Allocation Reconciliation													
10	Allocation to General Fund	328,977.56	320,028.57	251,963.75	268,189.25	96,550.48	64,336.50	(145,398.38)	176,250.67	212,855.34	232,409.48	251,942.62	247,035.72
40	Allocation to Capital Projects Fund	314,307.14	314,328.79	314,352.67	314,425.50	314,455.20	314,479.61	534,630.58	210,590.21	210,620.80	210,672.59	207,316.36	193,303.36
51	Allocation to Water Fund	7,089.22	26,550.20	50,578.64	76,152.42	98,354.00	113,395.50	128,250.55	138,565.72	151,401.43	171,356.48	193,692.51	187,299.46
52	Allocation to Sewer Fund	377,332.99	376,876.76	385,059.11	396,555.36	395,718.22	396,003.72	404,423.23	410,189.95	415,841.18	431,933.24	425,967.71	427,819.42
Total Allocations from Other Funds		1,027,706.91	1,037,784.32	1,001,954.17	1,055,272.53	905,077.90	888,215.33	921,905.98	935,596.55	990,718.75	1,046,371.79	1,078,919.20	1,055,457.96
Allocations from Combined Cash Fund		(1,027,706.91)	(1,037,784.32)	(1,001,954.17)	(1,055,272.53)	(905,077.90)	(888,215.33)	(921,905.98)	(935,596.55)	(990,718.75)	(1,046,371.79)	(1,078,919.20)	(1,055,457.96)
Check - Allocations Balance		-	-	-	-	-	-	-	-	-	-	-	-

Resolution 4-2015

A RESOLUTION TRANSFERRING ANY EXCESS GENERAL FUND BALANCE TO THE
CAPITAL PROJECTS FUND

WHEREAS, the City of River Heights desires to comply with the State's guidelines regarding fund balance limitations for the General Fund.

NOW THEREFORE BE IT RESOLVED by the River Heights City Council, State of Utah, that any and all General Fund balance at year-end in excess of 25% of the following year's total estimated revenue of the General Fund, be transferred out to the Capital Projects Fund on the last day of that fiscal year.

Adopted and effective this 26th day of May, 2015 by motion from Councilmember _____ and seconded by Councilmember _____ and approved by Clausen, Okelberry, Smith, Wilson and Wright. No one opposed.

James W Brackner, Mayor

Attest:

Sheila Lind, Recorder

May 19, 2015

Mark Malmstrom, Chairman
River Heights City Planning Commission
420 South 500 East
River Heights City, Utah 84321

RE: Orchard Heights Minor Subdivision

Dear Mr. Malmstrom,

I have completed a review of the revised subdivision plan for the Orchard Heights Minor Subdivision. The minor subdivision is part of the original Orchard Heights Subdivision and includes adjustments per prior review comments.

The revised plat/plan incorporates relocation of the sewer line under the garage. It is proposed that the sewer line be moved to an easement along the east side of the new lot line as shown on the attached plat. In addition to relocating the sewer line, a sewer service to the new lot, and a water service are also shown as required by City ordinance.

The plat addresses prior errors in the location of the westerly side of the lot to be divided and proposes a method to resolve the errors by quit claim deed to the neighbor.

It is my opinion that the revised plat/plan is in conformance with River Heights City Ordinance and with sound engineering principles. Therefore, based upon my understanding of the proposed minor subdivision, I find it acceptable for recommendation to the Council for further action/approval.

Please let me know if you have questions related to the engineering review for this minor subdivision.

Respectfully,



Craig L. Rasmussen, P.E.
Contract City Engineer

CC: Clint Hansen, Surveyor for Casey Mcfarland
Clayten Nelson, River Heights City Public Works

Orchard Heights Minor Subdivision

River Heights City, Cache County, Utah
 A Part of the Northwest Quarter of Section 2,
 Township 11 North, Range 1 East, Salt Lake Base & Meridian
 & A Part of Lots 10 & 11 of Orchard Heights Subdivision

SURVEY CERTIFICATE

I, Clinton C. Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 20, Chapter 22, Professional Engineers and Land Surveyors Act and I have completed a Survey of the Property Described on this Plat in accordance with Section 17-23-17 and have verified all measurements, and have placed monuments as represented on this Plat, and have hereby subdivided said tract into two (2) lots, known hereafter as ORCHARD HEIGHTS MINOR SUBDIVISION in Cache County, Utah, and has been correctly drawn on the designated scale and is a true and correct representation of the herein described lands included in said subdivision, based upon data compiled from records in the Cache County Recorder's Office and from said survey made by me on the ground. I further hereby certify that the requirements of all applicable statutes and ordinances of the City of River Heights concerning zoning requirements regarding lot measurements have been complied with.

Signed this _____ day of _____ 20____

Clinton C. Hansen P.L.S.
 Utah Land Surveyor License No. 7881367



PARCEL DESCRIPTIONS

PARCEL A
 A Part of the Northwest Quarter of Section 2, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lot 10 of Orchard Heights Subdivision, Cache County Entry #347796
 Beginning at the Southwest Corner of said Lot 10 and Running Thence South 89°32'00" West 84.80 Feet Along the South Line of said Lot 10; Thence North 0°05'28" West 120.00 Feet to the North Line of said Lot 10; Thence Along the Perimeter of said Lot 10 the Following Two (2) Courses: (1) North 89°32'00" East 84.85 Feet; (2) South 00°06'00" East 120.00 Feet to the Point of Beginning, Containing 0.234 Acres.

PARCEL B
 A Part of the Northwest Quarter of Section 2, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lots 10 & 11 of Orchard Heights Subdivision, Cache County Entry #347796
 Beginning at a Point Located 84.80 Feet South 89°32'00" West Along the South Line of said Lot 10 from the Southwest Corner of said Lot 10 and Running Thence South 89°32'00" West 114.61 Feet Along the South Line of said Lot 10 and said Lot 11; Thence North 82°00'17" East 129.30 Feet (North 82°21' East 130.00 Feet By Record) to the Northwest Corner of said Lot 11; Thence North 89°32'00" East Along the North Line of said Lot 10 25.15 Feet (25.00 Feet By Record); Thence South 00°09'28" East 120.00 Feet to the Point of Beginning, Containing 0.331 Acres.

PARCEL C (To Be Given Claimed to Lisa Johnson or Current Adjacent)
 A Part of the Northwest Quarter of Section 2, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lot 11 of Orchard Heights Subdivision, Cache County Entry #347796
 Beginning at a Point Located 198.31 Feet South 89°32'00" West Along the North Right-of-Way Line of Orchard Drive from the East Corner of Lot 10 said Subdivision and Running Thence South 89°32'00" West 106.41 Feet to the Northwest Corner of said Lot 11; Thence North 82°00'17" East 129.30 Feet (North 82°21' East 130.00 Feet By Record) to the Northwest Corner of said Lot 11; Thence North 89°32'00" East Along the North Line of said Lot 10 25.15 Feet (25.00 Feet By Record); Thence South 00°09'28" East 120.00 Feet to the Point of Beginning, Containing 0.012 Acres or 523 Square Feet.

OWNER'S DEDICATION

Know all men by these presents that we, the undersigned owners of the above described tract of land, having agreed the same to be subdivided into lots to be hereafter known as ORCHARD HEIGHTS MINOR SUBDIVISION,

In witness we have hereunto set our signatures this _____ day of _____ 20____

Steven C. McFarland Melanie McFarland

ACKNOWLEDGMENT

State of Utah
 County of _____
 On this _____ day of _____, 2015, Steven C. McFarland and Melanie McFarland, Husband and Wife as Joint Tenants, Personally Appeared before me, the Undersigned Notary Public in and for said County of _____, in the State of Utah, the Signers of the Attached Owners' Dedication, in the presence of me, who duly Acknowledged to me they Signed it Freely and Voluntarily and for the Purpose therein mentioned.

Notary Public

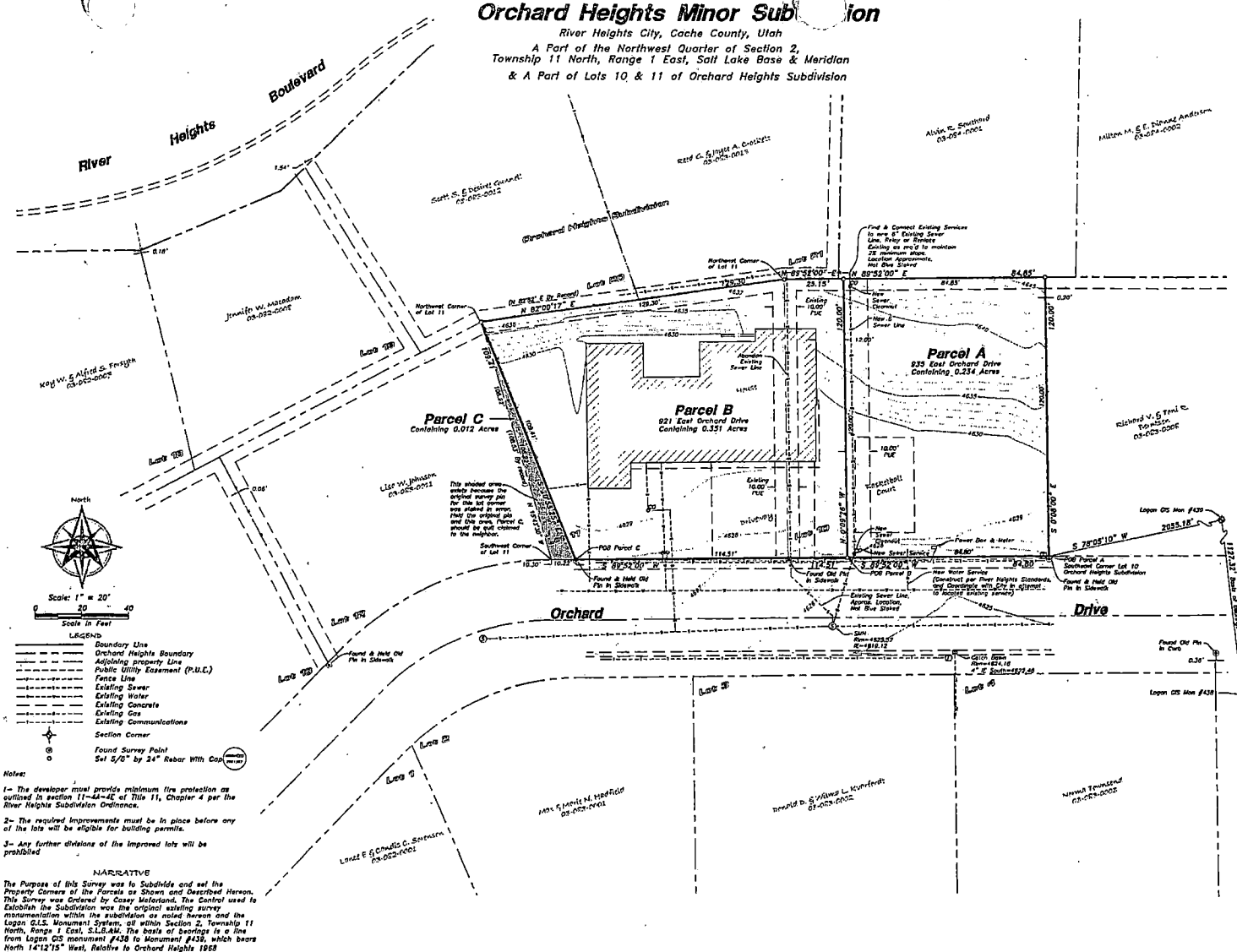


ADVANCED LAND SURVEYING INC
 1770 Research Park Way #11
 Logan Utah 84341
 (p) 435-770-1625 (f) 435-94-5583
 www.advancedl.com

COUNTY RECORDER'S NO.

State of Utah, County Cache, Recorded and Filed at the Request of _____
 Date _____ Time _____ Fee _____
 Abstracted _____
 Index _____
 Filed in: File of Plats _____

County Recorder _____



- LEGEND**
- Boundary Line
 - Orchard Heights Boundary
 - Adjoining property Line
 - Public Utility Easement (P.U.E.)
 - Fence Line
 - Existing Sewer
 - Existing Water
 - Existing Concrete
 - Existing Gas
 - Existing Communications
 - Section Corner
 - Found Survey Point
 - Set 5/8" by 24" Rebar With Cap

- Notes:**
- The developer must provide minimum fire protection as outlined in section 11-44-4E of Title 11, Chapter 4 per the River Heights Subdivision Ordinance.
 - The required improvements must be in place before any of the lots will be eligible for building permits.
 - Any further divisions of the improved lots will be prohibited.

NARRATIVE
 The Purpose of this Survey was to Subdivide and set the Property Corners of the Parcels as Shown and Described Hereon. This Survey was Ordered by Casey McFarland. The Control used to Establish the Subdivision was the original existing survey monumentation within the subdivision as noted hereon and the Logan G.L.S. Monument System, all within Section 2, Township 11 North, Range 1 East, S.L.L.B.M. The basis of bearings is a line from Logan G.S. monument #438 to Monument #439, which bears North 14°12'15" West, Relative to Orchard Heights 1988 Subdivision Plat.

COUNTY SURVEYOR'S CERTIFICATE
 I certify that I have examined this plat and find it to be correct and in accordance with the information on file in this office.

BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL
 Waste disposal system & culinary system approval this _____ day of _____ 20____

CERTIFICATE OF REVIEW
 I certify that I have examined this plat and find it to be correct and in accordance with the information on file in this office.

PLANNING AND ZONING APPROVAL
 This plat approved by the City of River Heights Planning and Zoning Commission this _____ day of _____ A.D., 20____
 Attest: _____

CITY COUNCIL ACCEPTANCE AND APPROVAL
 Approved by the River Heights City Council, this _____ day of _____ A.D., 20____
 Attest: _____

APPROVAL AS TO FORM
 Approved as to form this _____ day of _____ 20____

County Surveyor _____ Date _____ City Engineer _____ Date _____ City Engineer _____ Date _____ Chairman _____ Secretary _____ Mayor _____ City Recorder _____ Attorney _____ County Recorder _____

Casey McFarland's Proposal

In regards to the recommendations made by the city engineer and after talking with my engineer I want to suggest the following proposals.

First:

The surveyor proposes to quit claim deed the Parcel C property to the owner of parcel 03-083-0011 as this person has been occupying the property, and the expense of relocating the existing rock side fence would be substantial.

I do not have a problem deeding Parcel C to the owners west of me. I do not know what this entails as of yet. I can talk to the owners about this at some point.

In regards to the sewer easement issue. The city engineer recommends the following:

The sewer line under the garage, although not unprecedented, is of concern. At some future point the line will need maintained and/or replaced. As a condition of approval, the City could require the divider of the property to install a new sewer line along the proposed lot boundary line in a new easement created with the minor subdivision. Although reasonable as part of the property split, this may not seem equitable to the property owner, who probably purchased the property not knowing that there was a sewer line under the garage. However, there is value to the property owner to relocate the sewer out from under the house because it is not likely that the City's insurance would cover damages to the home in the event of a problem with the sewer line since the sewer is constructed in an established easement that should have been honored.

A couple months ago when I first began the process of subdividing I went to the city to ask about the easement. I wanted to make sure that the sewer would not be an issue before I spent a lot of money moving forward with this split. I called the city public works official and he came out to look into the sewer situation. After he and I walked the property and lifted the lid on the sewer he determined that it would not be an issue. I asked him then if he thought this would be an issue and if it was ok if I went forward with this and he said he did not believe it would be an issue. I only mention this to make the city aware that I was aware of this easement (although I believed it to be on the east of my driveway) and hoped to address this early.

I propose the following:

I propose that the sewer be left as is. The original owner of the home, I am told by Max Hadfield, built over the top of the easement before they even moved into the home as part of a last minute remodel. How or if they were granted approval from the city I do not know and nobody seems to know. The sewer has been as is for now forty-six years without any question or concern from the city nor has there been any problems.

The cost to cut into the road, dig down 12 feet to the sewer line and disrupt service to my neighbors is one that no one individual would want to front especially when it is shared with 4 different homes. Not to mention the destruction it will cause to my established trees, shrubs (the only shrubs I want to keep to prevent my hill from eroding) and plants that are in the line of fire for a new line. Also in the line of fire is a patio built of pavers and steps built up the side of the hill, etc... All of this costs money to replace and some of it takes years to grow or rebuild.

This line would also have to run underneath a brand new fence that was recently and expensively installed by Reed Crockett and Al Southard. Parts of the fence have already been destroyed and repaired at much cost last year due to 4 of my large trees falling in a wind storm and crushing the fence. There will likely also be damage done to Reed Crockett's and/or Al Southard's yard and sprinkler system with tractors digging up all of the shrubs and lawn that exist in the line of fire for the new line. If at all possible it would be nice not to have to tear any of this up.

If this lot does not get subdivided and the sewer line stays as is we are no worse then than we are now. Nothing changes. I certainly am not going to pay to redo the sewer line which likely will cost in the thousands and more likely closer to 10-12k according to a builder I spoke with. Leaving it as is is a risk I am willing to take especially given the modern tools we have now for maintenance on sewer lines in the unlikely possibility that anything should happen. Believe me I have many other more pressing things to worry about besides this when it comes to repair on the infrastructure of my home. Paying for things that might happen take back seat to things that are already happening.

My engineer is of the opinion that the original easement violation was something that happened over 40 years ago and should not fall solely on my shoulders if action were required due to the negligence of both the original owners and the city. He recommends that if such a step were to take place the city should help with the cost because of its involvement or lack of involvement in approving the garage to be built over a sewer line and because it is not solely my sewer line.

As the city engineer mentioned this is not without precedent. Other lots in River Heights have been built and are currently being built over the top of sewer lines without having to redirect any lines without problem. I refer specifically to the home Dan Weston is building south of Brody and Peggy Craney's home which is being built over the top of their sewer line. According to the Craney's, Dan seemed to think any issues could be solved with the modern tools now at our disposal should a problem arise. It being his son who is building over the top of the home it didn't seem to be a large concern. Either way it was approved without issue and it seems only fair that we leave ours as is.

I propose, on recommendation from my engineer, that we redraw the easement somewhere between my lot and the proposed building lot in the case that we do need to run a new sewer line in the future due to a major problem or break in the line. I do not have any plans to build another garage over the top of that easement. I propose that the new easement be a stipulation in the creation of this new lot rather than digging everything up and starting all over. That is what an easement is for in the first place, to give access in the case that a disaster does happen. In the new easement access would be granted without issue and the future owner of the new property will have full disclosure of that easement. Should a problem arise there will be nothing stopping repairs from happening.

Sincerely,

Casey McFarland

Craig's comments on the McFarland sewer line situation in an email to PC Chair Mark Malmstrom on May 19:

For what it is worth, here is my "two cents" on the cost sharing.

Clayten and I have also discussed it. Strictly speaking, it is the developer's responsibility. Mr. McFarland probably doesn't think of himself as a developer. In this sense, he is making changes to his lot to separate off a parcel for a new building lot. – a minor development. As Clayten said, it is his responsibility to bring items to code.

When the McFarland's purchased the property, it is my understanding that they were not aware that the sewer line crossed under the building. The fact that the garage was added on over the sewer line should have been noted and prevented at some past date by a city or building permit review. My guess on what happened is that the former owner combined the lots. Then went with a plot plan showing both lots as a single property (without the easement) to the building department for a permit to expand the house. The building plan reviewer looked at the plot plan and noted that the building met setback and other requirements. Probably had no idea there was an easement or sewer line.

My main focus is that this is an optimal time to get the situation corrected as part of the minor subdivision. Relocating the line is in everyone's best interest over the long term.

Therefore, I think it reasonable that the City may agree to participate in the cost. That would be a Council decision on whether or not to participate and to what extent. A possible suggestion would be that the city pay for the pipe and the McFarland's install the new line. There are any number of methods of cost sharing based on a percentage, etc.

Mark's response on May 20:

Craig, thanks for getting back to me so quickly. I think the cost sharing proposal is very reasonable. It seems that the sewer line under the garage is not directly any one's fault but an oversight from the past. I believe that the City is not responsible for the cost to relocate the line but it is in the best interests of all to do so and that it would be a very generous offer from the City to participate in the relocation.

Planning Commission minutes and motion (May 20, 2015) regarding the Orchard Heights Minor Subdivision (Casey McFarland): (These minutes have not been approved by the Commission.)

Casey McFarland Minor Subdivision Review: Commissioner Malmstrom gave Mr. McFarland the floor to present his final plat. He stated that he has spoken with his engineer about the sewer line and his engineer has been in contact with the city engineer about the issue of building over the sewer line. He has sent in a proposal that he, with his engineer, have drawn up. No one in attendance had the chance to read this proposal. PWD Nelson explained to Mr. McFarland why the cost of moving the sewer line

now, will be a lot less than the cost later. Mr. McFarland asked if something were to happen right now... "what would the city do?" Councilmember Wright let Mr. McFarland know that with the easement where it is currently, that the city has the right to tear down his studio if needs be, to fix a problem should one arise. Mr. McFarland was advised to bring his concerns to city council. He is hoping that in going to the council that the city would hopefully pitch in with the cost of helping make things right. He would like to be on the council agenda for May 26, 2015.

Commissioner Petersen moved to "forward the Orchard Heights Minor Subdivision Final Plat to the City Council, with the conditions that were addressed in the letter from the city engineer, dated May 19, 2015." Commissioner Royle seconded the motion, which carried.