

River Heights City Council
Minutes of the Meeting
November 12, 2013

Present were: Mayor William Baker
Council members: Doug Clausen
Kathryn Hadfield
Richard Okelberry
Dixie Wilson
Blake Wright

Recorder Sheila Lind
Public Works Director Clayton Nelson
Finance Director Ross Mann

Others Present: Councilmember-elect Geoff Smith, Jeff Young, Boyd and Joan Humpherys, Morgan and Anna Lisa Davidson, Lisa Ellis, Mary Barrus, Amy Raymer, Bob Davis, Janet Matthews, Matt Regan, Kathy Ruggeri, USU Reporter

The following motions were made during the meeting:

Motion #1

Councilmember Clausen moved to “adopt the minutes of the October 22, 2013 Council meeting and the evening’s agenda.” Council member Okelberry seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Motion #2

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

Motion #3

Councilmember Okelberry moved to “adopt Ordinance 4-2013, Changes to the City Code of River Heights City, Utah, dated October 24, 2013.” Councilmember Clausen seconded the motion, which carried with Clausen, Hadfield, Okelberry and Wright in favor. Wilson opposed.

Motion #4

Councilmember Clausen moved to “adopt Ordinance 5-2013, An Ordinance to Vacate Part of 800 South Street that lies Between Approximately 150 East and 50 East in River Heights.” Councilmember Hadfield seconded the motion, which carried with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

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, November 12, 2013.

Opening Remarks and Pledge of Allegiance: Councilmember Wright opened the meeting with a prayer. Mayor Baker led the group in the Pledge of Allegiance.

Adoption of Previous Minutes and Agenda: Minutes of the October 22, 2013 Council meeting were reviewed with no changes.

Councilmember Clausen moved to “adopt the minutes of the October 22, 2013 Council meeting and the evening’s agenda.” Council member Okelberry seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Pay Bills: The bills were presented and discussed.

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

Finance Director Report: Finance Director Ross Mann discussed his resignation since he is moving out of River Heights. He discussed the Combined Cash Investment Report. He recommended moving \$50,000 from Zions to another bank to keep all the bank accounts under \$250,000, which would be less risk. He’d like to go with a local bank that’s part of a large chain. The Council gave their consent.

Councilmember Hadfield asked if he has talked to the auditor about the Belle Bridal check. It was processed in March but the city can’t send it until Belle turns in a W9. Treasurer Wilker has tried numerous times to get them to turn it in so they can get paid. The question came up on the amount. If the invoice was over \$600 the city needs a W9. If it’s less than \$600 the city doesn’t need to collect the W9. The Council authorized the issuance of the check if the invoice was less than \$600.

Purchase Requisition Requests: Mayor Baker explained a request from the Public Works Department for the desktop software needed for the GPS unit, which allows the city to do their own mapping, at a cost of \$2,195. It will come out of water and sewer impact fees. The Council gave their consent.

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

- They plugged in the Christmas lights on the tree. He said it looks the same as last year. They may add a strand or two. Councilmember Hadfield is fine with leaving them.
- They have worked on winterizing. The sprinkler systems have been blown out. The park restrooms are closed and the plows are ready to go. Mayor Baker asked that the tennis nets be taken down soon.
- Cameron Reed spent last week in wastewater training. The results of his test will be back in about 6 weeks.
- He asked Dan Hogan a while ago to make sure the meter connections were stubbed to the lots in a place that wouldn’t necessitate relocation when the home was built. The first home that was approved has asked for their connection to be moved. Their plan calls for a 38 foot wide driveway. He feels this is excessive and asked that the city code specify a maximum width. His concern for having the meter in the driveway is the possibility of digging it up, at some point. The line is also more likely to freeze under a driveway. He also worries that snow will be thrown in the street since they won’t have enough yard to put it in. He asked that the Planning Commission consider these two changes.

92 Administrative Report: Ms. Lind stated she has talked with Randy Auman, who verified that
93 the County will begin billing the radio charge in July 2014. She asked when she should raise the
94 sanitation rate by \$1. The Council would like the raise to be reflected on the June 30 bills.

95 Public Comment: Morgan and Anna Lisa Davidson addressed four points (included with the
96 minutes), in regards to the road situation in Riverdale. They tried to established that maintenance
97 doesn't equal improvement. Mr. Davidson asked if the Council would consider UDOT to be the
98 authority on roads in Utah, in general. Some of the council didn't agree that they are not the only
99 experts. Mr. Davidson asked if they thought grading gravel roads is maintenance. Some didn't.
100 Councilmember Wright said the Council is the body that decides the definition of maintenance.

101 Councilmember Okelberry discussed ADA's standards for maintenance and improvements.
102 They are federal standards.

103 Mr. Davidson read what UDOT's definition is. He stated City Attorney Jenkins disagrees with
104 UDOT. He discussed some discrepancy in the attorney's comments concerning the road. He asked for
105 verification of what he is really saying about the definition of maintenance. Mayor Baker said the
106 Council decides and they haven't decided this yet.

107 Mr. Davidson is impressed the city is so frugal that they have over \$800,000 in the bank. But,
108 they pay taxes too and feel the city should take care of their road. The residents living down there
109 don't own the one-rod road. It is a public thoroughfare.

110 Mr. Davidson said there is a fallacy going around about '90%.' On September 10th Mayor
111 Baker sent letters to the Riverdale property owners asking what they wanted to see done with their
112 road. He then said at a meeting that 90% of the residents don't want anything done with the road.
113 This is an unfounded generalization. They feel the majority want maintenance and snow plowing.
114 Mayor Baker read the comments he received from the residents. Anna Lisa Davidson said the letter's
115 question was one of 'all or nothing.'

116 PWD Nelson explained that last winter, while filling potholes on the Riverdale Road, they were
117 told by a resident to leave. He is frustrated that residents would make it look like the city isn't willing
118 to do anything to help their road. The Davidsons said they understands this. This person doesn't
119 represent all residents. The majority of the residents are being misrepresented.

120 Mayor Baker explained that the residents were told if they want their road graded come in with
121 a petition signed by all property owners. The petition came in asking that the annexation verbiage be
122 totally removed.

123 The Davidson's discussed River Ridge Estates (the minor subdivision they live in) and the East
124 Riverside Subdivision. They read from the plats. The assertions that their properties are not included
125 in the Willow Springs Annexation feels incorrect. Riverdale Avenue is not addressed on their plat.
126 They feel the one-rod lane is still there, as well as the property they have left available for a city
127 standard road. They feel they should be included in the discussion on the road.

128 Mr. Davidson asked if the city is willing to change the language on the Willow Springs Plat,
129 would they entertain changing their plat? Mayor Baker said the city has NOT discussed removing the
130 Willow Springs verbiage. Councilmember Wright reminded that the city attorney suggested adding a
131 clarifying statement. Mr. Davidson asked if the Council would consider a revision to their plat
132 verbiage. Mayor Baker said they will examine this. He reminded that this all came about because of
133 Logan Waste Management asking for the road to be upgraded so their trucks wouldn't have a problem
134 driving on it.

135 Public Hearing to Discuss a Petition from Riverdale Residents Regarding the Riverdale Road:
136 Mayor Baker explained he has talked to several people about a decision on this petition (which asks for
137 the verbiage to be removed from the annexation plat). The city engineer is concerned that the city

138 could put themselves in a position to upgrade the water lines and add fire hydrants. The road doesn't
139 line up with the plat map and hasn't been surveyed. There are a lot of ramifications to this situation.
140 The road has never been deeded to the city, although it's been used as a public right-of-way so the city
141 could assume control over it.

142 Bob Davis asked what the petition was. Mayor Baker read it (included with the minutes).

143 Morgan Davidson discussed the second paragraph of the petition. He said the difference is that
144 the city is maintaining the road at its discretion rather than because it's required. Mayor Baker agrees
145 the verbiage is a bit confusing.

146 Councilmember Hadfield asked Councilmember Wright what the city's code says about
147 maintaining public roads. He answered that the city takes care of them after they're deeded to the city.

148 Mary Barrus stated she added the last line (a request for the plat wording to be removed) since
149 most of the people who signed it are dead now. She asked what the council would recommend so
150 residents knew what to expect. What would it take to make the city happy?

151 Councilmember Hadfield asked who didn't sign. Mary Barrus said Mike Jablonski, Cindy
152 Johnson and the Demars family. She said Mr. Jablonski is close to signing.

153 Lisa Ellis feels these decisions take weeks and before long the people here will be dead. She'd
154 like to deal with the problem permanently. She doesn't feel it needs to be signed by any of them. This
155 is 2013 and the road is in terrible condition. She feels the council's decision should reflect what the
156 majority of the residents want.

157 Bob Davis said he is a signer of the plat. He explained that at the time, they were very
158 concerned that they were being threatened to go into Logan. They agreed they would rather come to
159 River Heights City. At that time the road was being plowed and graded by the County. They said later
160 they would come to River Heights and not ask for improvements. The agreement was to protect the
161 city. He is not supportive of taking the statement off the original plat; it is history and feels it must
162 stand. We can amend but not remove. He thinks the city can arrange grading and plowing and not
163 worry about all the other. A developer will do that at a later date.

164 Boyd Humpherys clarified that the road has never been on the tax rolls by itself. No one has
165 ever paid taxes on it so they can't deed it to the city because they don't own it. It is describes as a one-
166 rod county road. When the city annexes property, they inherit it as it is.

167 Bob Ellis said they would be in favor of what the city wants to do on the road. They appreciate
168 what the city does. They would be willing to get rid of the verbiage on the document. He isn't
169 supportive of speed bumps. He'd like to see the road improved and will appreciate any help the city
170 can give. He feels the city should address fire protection before too long.

171 Mary Barrus agrees they can't destroy history and is supportive of an amendment so they'd
172 know where they stand.

173 Councilmember Hadfield said the item on the agenda was to discuss the petition. Since the
174 residents weren't in full agreement with it they had to have a public hearing. Her position is that the
175 road is part of River Heights. Therefore, the city should do something to help take care of the road.
176 Perhaps that means having it surveyed. When subdivisions go in, the developers pay for the road.
177 Morgan Davidson is trying to understand their situation since the road was already in place when their
178 home was built.

179 Bob Davis said when the Smith's moved in they paid impact fees for the city to make the
180 improvements at a later date. Anna Lisa Davidson said they did too.

181 Morgan Davidson asked if they can be required signors on the petition since they still have the
182 one-rod lane in front of their house.

183 Mayor Baker discussed storm water requirements and other things that would come about with
184 the development of the road.

185 Lisa Ellis asked if there was a chance for state funding on their road. Mayor Baker said, not
186 unless it is a 50 foot road.

187 Councilmember Hadfield read comments from Mike Jablonski (included in the minutes).

188 Mary Barrus stated she submitted the petition because this is what the city said was needed to
189 get the ball rolling.

190 Janet Matthews said there is more involved than the amendment on the petition. Landowners
191 all have different agendas. It seems that this is all going in a big circle without anyone's needs being
192 met. Everyone needs to come together.

193 Councilmember Wright suggested considering the city attorney's recommendation from Sep 24
194 that the owners could "authorize the city to maintain and plow the roads at the City's sole discretion . .
195 . All other terms and conditions provided in the original plat shall remain the same." Mr. Wright likes
196 the idea of simple maintenance. Development of the area will take care of improving the road at a
197 future date. The General Plan dictates what will happen in the future. He agrees these residents
198 deserve to have their road taken care of even if a few don't want it. He thanked Mary Barrus for her
199 efforts. He suggested amending the plat, not getting rid of anything for now. If a petition of this sort is
200 not unanimous with the property owners, then it goes to the land use authority, which is the Planning
201 Commission, for a public hearing.

202 Bob Davis asked if there is a simpler way to do this. Can't the city just start maintaining the
203 road on their own? Councilmember Wright said the city can do it now but the amendment process
204 needs to get started.

205 Councilmember Wright feels \$18,000ish is reasonable for fixing the road and suggested it get
206 started right away. Mayor Baker said it's a capital expense so it needs to go through the process.
207 PWD Nelson said the project won't be done before the snow comes.

208 The residents need to submit a new petition.

209 Lisa Ellis asked how long that paragraph on the plat is in effect. Mayor Baker said until there is
210 future development. Councilmember Wright agrees with what Bob Davis said tonight that the verbiage
211 on the plat was placed there to protect the city, not the residents. He guesses it was put in place because
212 the city didn't have the funds available at the time, to be financially obligated to the road. Today is a
213 little different. Ms. Ellis agrees but said there are residents in this area who don't want any
214 development. Mr. Wright stated, the city adopted a general plan that residents had an opportunity to
215 comment on, so when property owners come in and want to develop and if, as developers, they play by
216 the rules, then the residents who don't like it will have to live with it.

217 Morgan Davidson worries about the softness of the verbiage. It would be nice to log the intent.

218 Councilmember Hadfield expressed appreciation to Mary Barrus for getting things started with
219 her petition.

220 Mayor Baker is sure this council will approve the maintenance but they may not approve the
221 \$18,000 for extensive maintenance.

222 November 2013 Election Canvass: Recorder Lind presented the campaign results. She
223 explained the 17 provisional ballots are not included in the count yet. She will pick them up tomorrow
224 for processing. The results were as follows . . . For mayor: W Dean Samuels had 62 votes, **James W**
225 **Brackner** had 351 votes. For council: **Douglas Clausen** had 301 votes, **Geoffrey Smith** had 336
226 votes and Bob Green had 165 votes. The city has 1,140 registered voters with 436 voting in the
227 election (38%). (The Total Votes Cast form is included with these minutes.)

228 Audit Report – Matt Regan: Mr. Regan expressed his enjoyment in getting to know the River
229 Heights staff, mayor and council. He was grateful for the help he received in preparing the audit. He
230 handed out the draft and reviewed it.

231 Mayor Baker pointed out that the water fund has gone up in the last year since we started
232 reading meters and billing monthly.

233 Matt Regan complimented the city on doing a great job in the area of separation of duties in the
234 office.

235 Councilmember Clausen asked how River Heights compares to other cities. Mr. Regan said
236 River Heights doesn't have much in the water fund, which is unusual. Also unusual is the large
237 amount in the sewer fund.

238 Treasurer Mann expressed appreciation for Mr. Regan. He has recommended a few things that
239 will be very good for our city. By resolution, we have the ability, at the end of the year, to transfer
240 money so we'll never be out of compliance. Treasurer Mann recommended Mr. Regan for next year's
241 audit. The Council thanked him for his work.

242 Technology Presentation by Jeff Young of Tech: Mr. Young presented what his company can
243 do for the city to make things easier through technology. He said Richmond City has gone completely
244 digital. He knows small city's have a tough time staying in compliance and being able to afford it.
245 Some cities have the means but not the guidance. He stated if the meeting recordings can't be heard
246 they are not very effective. He suggested a system that would pick up all voices, rather than just the
247 ones by the tape recorder. Technology can help people do their job more efficiently and quicker. His
248 company offers one place that keeps an eye on the city's technology. They can keep track of things no
249 one else thinks of.

250 He recommended a microphone that the public would come up to speak into. Also suggested
251 was a TV that would be used as a display board. The mayor would have control over it, but other
252 council members could show things on it from their mobile devices. Everything dealing with city stuff
253 can be all in one place within each person's mobile device. The recorder would post things to one
254 spot, rather than running paper copies for the meetings.

255 His theory is to be open-sourced, which means the programs he sets up can work with the
256 resources the city already has. There are ways to allow the public to see what the council is going to
257 discuss at meetings while protecting other things.

258 Regular servicing cost is \$50 an hour. The set up is \$1,000. The equipment in \$1,000. A
259 Scanner is \$500. To get started with equipment and training it would be about \$3,000. He would need
260 to evaluate what the city has before he will give a bid. He wants to help the city look at the overall
261 picture. He discussed the use of a flat screen TV that the city already has.

262 Councilmember Wilson asked how she can take notes on her agenda. He explained how this
263 can work on a digital device.

264 Councilmember Wright asked if he has ever used Apple products. Mr. Young said Apple
265 works good for personal things but they aren't set up for businesses at this point.

266 Mr. Young suggested an audio recorder first and an office computer next. He is over
267 technology in Richmond so he knows what to budget for replacement and upgrades of equipment each
268 year. Rotating electronics is cheaper than waiting for them to break down and repairing them. He
269 recommends replacing computers every 3-4 years. His systems cost a little more than others but the
270 city will receive double performance.

271 Discussion was had on personal devices which Mr. Young recommends, but keeping city stuff
272 separate. This would not open up personal devices to the public. Apple products could work with his
273 system.

274 The Council agreed to have Mr. Young set up a time with Recorder Lind to come look over
275 what the city has. He will give a line-item bid so they can choose how much they want, based on cost.
276 He will also address security.

277 Adoption of an Ordinance to Amend the River Heights City Code: Councilmember Wright
278 asked if there were any questions.

279 Councilmember Wilson asked for verification on 10-14-8:D. She doesn't feel a car should be
280 able to park on the street for 48 hours and then move it a car length. She sees this as a permanent
281 parking space. Councilmember Wright informed that the 48 hour rule has already been in the code,
282 they are just relocating it. He feels her concern is an enforcement issue. She doesn't want people to be
283 allowed to have four cars when they only have space for three on their lot. She thinks this verbiage
284 will encourage this and sees it as permission to park a car on the street. She isn't sure how to change it
285 so that guests are allowed to park on the street, but residents are not. The Council felt River Heights
286 streets are wide enough that street parking isn't a problem. Ms. Wilson feels 700 South is narrow and
287 it's a problem on this street.

288 Councilmember Wright said this has gone through the public hearing process. He doesn't
289 know how to come up with anything better and doesn't feel the city should be held hostage because of
290 700 South.

291 **Councilmember Okelberry moved to "adopt Ordinance 4-2013, Changes to the City Code**
292 **of River Heights City, Utah, dated October 24, 2013." Councilmember Clausen seconded the**
293 **motion, which carried with Clausen, Hadfield, Okelberry and Wright in favor. Wilson opposed.**

294 Adoption of an Ordinance to Vacate Part of 800 South: Mayor Baker explained the process of
295 vacating this excess property.

296 **Councilmember Clausen moved to "adopt Ordinance 5-2013, An Ordinance to Vacate**
297 **Part of 800 South Street that lies Between Approximately 150 East and 50 East in River**
298 **Heights." Councilmember Hadfield seconded the motion, which carried with Clausen, Hadfield,**
299 **Okelberry, Wilson and Wright in favor. No one opposed.**

300 Mayor and Council Reports: Council member Wright stated the Commission is moving along
301 on the Christmas party plans.

302 Councilmember Wilson reported they have 2 bids for carpet and tile for the basement. She
303 discussed each bid, which were not quite comparable because of the differences in products and what
304 was included in each. One was \$4,300; the other was \$2,833. They are both within the budget. They
305 can have the flooring ready to go by two weeks after it's ordered. PWD Nelson said they plan on
306 starting to paint right away. Ms. Wilson will bring it back to the council after she has a decision.

307 Discussion was held on the upcoming November 26th meeting. Because some council members
308 will be out of town, they decided to move the meeting to Monday, the 25th.

309 Councilmember Okelberry discussed the new website. He said all their emails are connected to
310 the web now which makes them available to the world. Soon they will be receiving spam and porn.
311 Mayor Baker asked Recorder Lind to give the council the webmaster's email address, in case they
312 have problems, they can contact her directly.

313 Councilmember Hadfield said all those in attendance at tonight's meeting need to be notified
314 that the meeting will be on the 25th, rather than the 26th. She also asked for help at the Tree Lighting
315 event, to be held on December 2nd at 6:30 p.m. All were willing to help. Ms. Hadfield said there has
316 been some complaints about the construction crews starting work at 6:30a.m. in the Saddle Rock
317 Subdivision. PWD Nelson will talk to Dan Hogan.

318 Mayor Baker reported that the sidewalk on 600 South at the Saddle Rock Subdivision has been
319 poured today. Paige Mansell has done a wonderful job as a crossing guard in this area while the
320 construction has been going on.

321 Mayor Baker reported on a letter received from the State about needing a 40-year plan for
322 water proofing. City Engineer Rasmussen has informed that the City already turned in a 50-year plan.
323 Another won't need to be done until 2050.

324 Mayor Baker said a scout is willing to work on the 800 South Trail that runs from 100 East to
325 Stonecreek. PWD Nelson is checking on products.

326 Mayor Baker reported that he attended the Stienhoff mediation today for 2 ½ hours. Judge
327 Low got them to a good point and then Mr. Stienhoff wanted to think about it for 24 hours. He was
328 told he didn't have 24 hours. There should be an agreement written up by Monday.

329 The meeting adjourned at 10:00 p.m.
330
331

332
333 _____
Sheila Lind, Recorder

334 _____
335 William Baker, Mayor