

River Heights City Council
Minutes of the Meeting
November 25, 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

Excused Recorder Sheila Lind

Others Present: James Brackner, Geoff Smith, Mary Barrus, Randy Hadfield.

The following motions were made during the meeting:

Motion #1 Councilmember Wright moved to “adopt the minutes of the November 12, 2013 Council meeting with Councilmember Wright’s changes and Recorder Lind’s revisions of paragraph 209-211 after listening to the tape, and the evening’s agenda.” Council member Wilson seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Motion #2 Councilmember Clausen moved to “pay the bills as listed.” Councilmember Okelberry seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Motion #3 Councilmember Wright moved to “accept the Stienhoff Settlement Agreement.” Councilmember Clausen seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Motion #4 Councilmember Clausen moved to “pay the AAA Final Pay Request of \$65,868.46 for the work done on the 400 South Water Project.” Councilmember Wright seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Motion #5 Councilmember Clausen made a motion that: The City maintain and plow the road in the Riverdale area and the definition of maintenance is that we will maintain it in a snowplowable condition and that we authorize Clayton and the Mayor up to \$18,000 initially to accomplish this and leave it to their discretion as to what materials they use. Councilmember

Okelberry seconded the motion which passed with Clausen, Hadfield, Okelberry, and Wright in favor. Councilmember Wilson 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 Monday, November 25, 2013. In the absence of Recorder Lind, Councilmember Hadfield took the minutes.

Opening Remarks and Pledge of Allegiance: Councilmember Wilson opened the meeting with comments. Councilmember Clausen led the group in the Pledge of Allegiance.

Adoption of Previous Minutes and Agenda: Minutes of the November 12, 2013 Council meeting were reviewed.

Councilmember Wright moved to “adopt the minutes of the November 12, 2013 Council meeting with Councilmember Wright’s changes and Recorder Lind revising paragraph 209-211 after listening to the tape, and the evening’s agenda.” Council member Wilson 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 Clausen moved to “pay the bills as listed.” Councilmember Okelberry 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 bank ratings and other banking possibilities such as credit unions in preparation for moving money from present accounts. Treasurer Mann will check out other banks. The Mayor advised against USU Credit Union. Treasurer Mann will come up with 3 recommendations and bring them to the council in the future. Audit – Treasurer Mann will check on questions with auditor. He will send the required audit report into the State by Dec. 30, 2013.

Purchase Requisition Requests: There were none.

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

- They are painting the basement. It looks good. If council approves of paint color they could use it upstairs also while they are at it. Council gave advice and consent to paint the council room the same color – Light Cocoa.
- The orange truck is back from repairs. The invoice hasn’t been received yet. It is ready for snow.
- Clayton called Nucor and got prices on the slag for the 800 S. trail project. He also talked to Dan Hogan about hauling the slag for the city down to Riverdale to use as road base.

Administrative Report: In the absence of Recorder Lind, the Council decided whether they wanted to have the swearing-in of newly elected officers on January 7th or 14th. They agreed to hold it on January 14th.

Public Comment: Mary Barrus presented Councilmember Wright with a petition signed by all the residents and land owners in the Riverdale area except Raimers, who are out of town but have agreed to sign and had a form sent to them, and Mike Jablonski and Cindy Johnson. Mary had accidentally left the latter signatures home. The Raimers will email their form to Anna Lisa Davidson who will bring it to the City Office.

Mary publicly thanked Evelyn Ellis for the beautiful Christmas Lights on a tree in Evelyn’s yard and Clayton for filling holes in the road in Riverdale.

93 Discuss Stienhoff Settlement Agreement: Mayor Baker explained part of Stienhoff's
94 complaints was caused by a couple of things that were done by a previous councilman without the
95 approval of the council, that should have been discussed but weren't, but that is in the past. The soda
96 machine lights have been turned off and have been off for a while. One of the concerns brought by
97 Stienhoff was caused by incorrect wiring which will be fixed. Steinhoff wants lights off at 11p.m. but
98 the council has already addressed the ability the City has to leave the lights on as a safety precaution.
99 Mayor Baker and Clayton will replace lights that Steinhoff has issues with by using downdraft lights as
100 requested. With the help of Judge Low the City came out well but should have been more careful as
101 things were done to make sure they were done well. The Mayor and Clayton recommend the next
102 council add lights for increased security.

103 Clayton explained why the wattage was off on the restroom lights (another issue with
104 Steinhoff). The poles that were donated were taller than they should have been and so wattage was not
105 correct – too bright. The City will fix those lights. The City will pay Judge Low for half of the
106 mediation costs. No more pending court cases.

107 **Councilmember Wright moved to “accept the Stienhoff Settlement Agreement.”**
108 **Councilmember Clausen seconded the motion, which passed with Clausen, Hadfield, Okelberry,**
109 **Wilson and Wright in favor. No one opposed.**

110 Discuss AAA Final Pay Application: Mayor Baker presented the bill and explained changes in
111 the paving that affected the final price. Originally the City was going to pave the entire road after the
112 cuts made during the project but the road needs to be engineered because of drainage problems so the
113 City just had AAA fill land pave the cuts. The City is charging them liquidated damages for penalties
114 for going past the completion date.

115 **Councilmember Clausen moved to “pay the AAA Final Pay Request of \$65,868.46 for the**
116 **work done on the 400 South Water Project.” Councilmember Wright seconded the motion,**
117 **which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.**

118 Discuss Lowering Base Water and Sewer Rates for Apartments: Councilmember Clausen was
119 contacted by Tonja Henderson because of the expense of paying the base rate for water for each
120 apartment in a building that she owns across from the City Office. She would like the City to
121 reconsider how apartments are billed so she could have a lower rate. Tonja claims the 4 (or 5?)
122 apartments use less water than her home but because she is paying a base rate for each apartment she is
123 paying more for the apartment water than for her water usage in her home. There is only one meter for
124 the entire apartment. The Mayor pointed out that any changes made in billing apartments would affect
125 all 12 rentals in city. Possibilities were discussed. Clayton stated it costs just as much to repair the
126 lines for each meter whether it is an apartment or a home.

127 Councilmember Clausen asked if Tonja could have each apartment have their own meter. It
128 was pointed out the cost to her to add the meters would be prohibitive. Councilmember Okelberry
129 wants more information and facts about rates. It was pointed out it is difficult to determine rates
130 according to size of home or number of people. Councilmember Clausen recommended going to next
131 item.

132 Councilmember Wilson had done some checking – Logan charges a maintenance fee and then
133 the owner charges renters for overages. The Falls apartment complex is charged by Logan as an
134 organization then someone in the organization collects water fees from the renters. Each renter is
135 billed. Councilmember Wilson was not sure how the maintenance fee compares to our base rate.
136 Mayor Baker felt it is hard to decide how to change charges equitably and it is a slippery slope.

137 800 South Trail Discussion: Mayor Baker pointed out that it is too muddy to go in with
138 equipment until March/April. He mentioned work the McKell Eagle project was planning to do.
139 Clayton discussed Nucor slag base advantages for the trail surface. It is less expensive than the
140 crushed asphalt but you do have to go get it. Mayor Baker asked McKell to wait till spring to do the
141 trail. It was discussed what would need to be done. There is 1300 ft. of trail. If slag is used they will
142 dig the path down and fill it with slag so there will be no raised edge or lip. Councilmember Okelberry
143 asked if there will be space for landscaping and was answered by Clayton in the affirmative. Clayton
144 brought up that contractors are more available now and could dump slag on the 4 acres by cemetery
145 this fall so it would be available for the City to use. The Council gave advice and consent for him have
146 some hauled over at cost not to exceed \$1500-1800.

147 Discuss Maintenance of Riverdale Road: Mayor Baker stated we agreed last time to fill holes
148 in Riverdale Road. He is concerned that the City has had a bid for pulverizing road base, grading it
149 and putting down recycled asphalt. Councilmember Clausen asked if slag from Nucor would work and
150 if there would be enough. Clayton mentioned crushed asphalt when packed will pothole like regular
151 road base. Slag would not pothole. Clayton has done some work with taking road base down to
152 Riverdale but it was so wet it turned to mud. Councilmember Clausen asked if we did slag could we
153 do it ourselves. Clayton answered the problem is compacting it. We would need to hire someone if we
154 can't do it well. Also, it was brought up that the old asphalt needs to be dug up and pulverized.
155 Clayton recommended we try some slag. The Mayor mentioned the road needs to be graded.
156 Councilmember Clausen asked how we handle the contractor because we have had the job bid on.
157 Clayton said Nucor had plenty of slag.

158 Councilmember Wilson felt with the new petition and the letter given to council by the Ellis
159 family at the beginning of the council meeting (included in these minutes) she has concerns she thinks
160 we should take care of before maintenance. Councilmember Wright brought up it wouldn't change the
161 immediate concern of maintenance.

162 Councilmember Wright read the petition presented to the Council by Mary Barrus. (The
163 petition is included in these minutes.) He pointed out that if we have %100 signatures, which we will
164 have, the petition does not have to go to Planning and Zoning. Councilmember Wilson pointed out
165 what the city lawyer recommend we include when the first petition was presented. Councilmember
166 Wright felt that that has to do with the Willow Springs (???)Platt reading and would require a totally
167 different action. We could move forward with the current petition apart from the lawyer's
168 recommendation. James Brackner asked what was involved and Mary Barrus gave some history of
169 maintenance. Clayton reported he has done some work and snowplowing since the County had done
170 work.

171 Mary asked about the recommendation from the lawyer, reminding all it was just a suggestion.
172 Councilmember Wright asked Mary to clarify if the petition addresses the plat? She replied the plat
173 issue is separate and what they want is the road maintained. Councilmember Wright asked since the
174 petition is or will be signed by all, and a petition does not require the Council do exactly what is asked,
175 how should the city respond? Clayton said we would should keep it in plowable condition.
176 Councilmember Wright asked who owns the road. Mayor pointed out it is a City road because it has
177 been used as a thoroughfare for over 30 years. Councilmember Wilson sees it that after title searching
178 the city does not own the road.

179 Councilmember Wright said he feels the city has an obligation to maintain the road as the
180 people there are taxpayers as others in the City. Councilmember Wilson pointed out the letter from the
181 Ellis's and concerns it brought up. Mary pointed out that it doesn't pertain to subject at hand.

Councilmember Clausen made a motion that: The City maintain and plow the road in the Riverdale area and the definition of maintenance is that we will maintain it in a snowplowable condition and that we authorize Clayton and the Mayor up to \$18000 initially to accomplish this and leave it to their discretion as to what materials they use.

There was some discussion about materials – Clayton repeated his concern that recycled asphalt is a waste of time. Councilmember Wilson has not heard offers for residents to help pay. Mary expressed it is a city road or in RH boundaries and if it had been maintained it would not be in the shape it is but since it is in city it should be maintained at cost to city. Council reviewed citizen's trying to stop maintenance. Mary expressed frustration about city expecting residents to pay and how Riverdale came into the city. She stated it is a jewel of a piece of ground and should be protected. It is a place close to downtown. There could be so many nice things down there. There was a discussion between the two on the subject.

Councilmember Okelberry seconded the motion which passed with Clausen, Hadfield, Okelberry, and Wright in favor. Councilmember Wilson opposed.

The Mayor referenced the letter from the Ellis's. Councilmember Wright requested Mary bring other needed signatures. Mary agreed. Mary brought the Jablonski/Johnson signatures at the end of the meeting. All are included in these minutes except for the Raimers which will be emailed to Anna Lisa Davidson who will bring them to the City Office.

Mayor and Council Reports: Council member Councilmember Wright asked the status of Mr. Nyman and the vacation of the property on 1st East. The Mayor will get the drawing from Forsgren and get it to Mr. Nyman and take down to get the transaction recorded.

Councilmember Wright reported on the Cemetery article in the paper. He thought it was well written. He reported PZ is coming up with a master plan for the property with phasing in a cemetery and possibly a park over a number of years. A lot of ideas were offered. They will start in the process by laying things out such as the number of plots that would be needed by a city our size: how much for park, how much for cemetery. Consultant Wood (retired Cemetery sextant from Brigham City) is encouraging building all into park and gradually phasing in a cemetery. Councilmember Wright feels that is not financially feasible. The plan will come back to the Council and they are planning to have a Public Hearing (though one is not required) to get public input. Councilmember Wilson asked what the driving force behind pursuing a cemetery is – Councilmember Wright responded it is the general plan and also pressure from developers. Planning and Zoning will not meet until January because of conflicts. The goal is to have a plan ready by RAPZ tax deadline since cemeteries can qualify for those funds. The main goal however is to get the plan finished well, but if possible get RAPZ funds to start. When it comes to the council, Councilmember Clausen recommended we have an idea of what charges will be for plots. Councilmember Wright stated there are two sources of funds - Cemetery maintenance fund which can only be used when all plots are all sold. Consultant Wood had set up Cemetery improvement fund which helped fund the cemetery she managed. That fund can only be used for cemetery needs but can be borrowed from by other City entities. Investigation into the issue is not over. Other points should be investigated. Rich asked if we should rather subsidize RH residents for Prov. Cemetery than invest in cemetery. Councilmember Clausen said that would be very costly and reminded the council that they had asked Prov. to enter into an agreement but were told a definite no. Discussion of fees took place among the Council. Rich wondered how Prov. decides fee. Prov. residents probably pay into pool and subsidize cemetery for others. Councilmember Wright brought out the following points:

226 First – some residents are bothered by the fact that RH residents have to be buried in the Prov.
227 Cemetery in River Heights.
228 Second – cost. Parks don't pay for themselves, which is one reason he believes we shouldn't develop
229 the whole property at once.
230 Council Reports:
231 Councilmember Wilson none
232 Councilmember Clausen none
233 Mayor None
234 Councilmember Okelberry none.
235 Councilmember Hadfield – Christmas Tree Lighting, Monday, Dec. 2, 2013. Requested help with hot
236 chocolate at 6:00 pm. and loan of awning in case of rain or snow. The Mayor requested lots of
237 doughnuts!!! Councilmember Hadfield will oblige.
238 Councilmember Clausen made motion to adjourn.
239 The meeting adjourned at 8:17 p.m.
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Councilmember Hadfield, Minute Taker
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William Baker, Mayor
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