

River Heights City Council
Minutes of the Meeting
October 8, 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: See attached roll

The following motions were made during the meeting:

Motion #1

Councilmember Hadfield moved to “adopt the minutes of the September 24, 2013 Council meeting with changes and the evening’s agenda.” Council member Clausen 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 Wilson seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Motion #3

Councilmember Wilson moved to “adopt the River Heights Building Use Policy and Pavilion Use Policy with changes discussed.” Councilmember Clausen 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, October 8, 2013.

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

Adoption of Previous Minutes and Agenda: Minutes of the September 24, 2013 Council meeting were reviewed with a few changes made.

Councilmember Hadfield moved to “adopt the minutes of the September 24, 2013 Council meeting with changes and the evening’s agenda.” Council member Clausen seconded

47 **the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No**
48 **one opposed.**

49 Pay Bills: The bills were presented and discussed. AAA has requested payment in the amount
50 of \$99,399.91. City Engineer Rasmussen has reported (included with these minutes) there are still
51 some compaction tests that need to be done and their contract has extended the agreed upon length so
52 there will most likely be liquidated damages. He recommended paying AAA \$70,000 for now until
53 other items are taken care of.

54 Treasurer Mann asked permission to transfer \$20,000 to each savings account from the Zions
55 account, to keep the regulated amount in the accounts. The council approved.

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

59 Finance Director Report: Finance Director Ross Mann presented the Combined Cash
60 Investment Report. He has met with Auditor Matt Regan and almost have things wrapped up. The
61 audit should be done within a week. It has gone very smoothly. Mr. Mann took leave of the meeting.

62 Purchase Requisition Requests: There were none.

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

- 64 • The 800 South water line in complete. The contractors have been paid in full.
- 65 • The 400 South compaction test will take place tomorrow morning. He believes AAA will do
66 the asphalt themselves since they won't be able to get anyone else to do it.
- 67 • Saddlerock has laid asphalt today. It looks very good. Their water tests have been done.

68 Administrative Report: Recorder Lind reminded that the City Christmas Party will be held in 2
69 months, most likely on December 10. She asked if there was someone in charge of this since it is time
70 to make reservations, if they decide to go out. The Council opted to discuss it later.

71 Ms. Lind asked Councilmember Okelberry if he found out the effective date of the refuse rate
72 increase. Councilmember Okelberry hasn't heard back from Randy Auman. Ms. Lind will look into
73 it.

74 Public Comment: Diane Peterson asked if anything has been done with the complaint she filed
75 against her neighbors that live in a storage building. Mayor Baker has contacted many entities and
76 they are not willing to do anything unless there is a police action. He and Councilmember Wright are
77 trying to find something in the city ordinance that will allow the city to move forward with eviction.
78 He's talked to the sheriff a number of times and they haven't come up with anything yet.

79 Diane Peterson said she has had a change of heart with Councilmember Okelberry. She feels
80 there has been a riff between he and the mayor. She is willing to wait and see how he will work with
81 the new mayor. Mr. Okelberry stated he has no hatred against Mayor Baker. They just don't get along
82 sometimes.

83 Jamie Saltern asked Councilmember Okelberry not to talk to the media about her anymore.
84 She doesn't appreciate him saying things over and over about her and the other crossing guards. She
85 gave Councilmember Okelberry a copy of the state law on harassment (included with these minutes).

86 Discuss, Amend and Adopt Changes to the Building Use Policy, Renting Guidelines and
87 Pavilion Use Policy: Councilmember Wilson asked for any comments. Recorder Lind informed that
88 she had verified that the renters could use their credit card for the deposit. After the rental, the deposit
89 will be credited back in the amount that is due to them (less any damages or cleaning fees).

90 Changes were discussed on the policies. Councilmember Wright and Recorder Lind don't feel
91 a renter should lose their rental fee if they cancel a week before the event. It was decided they would
92 receive their money back up until three days of the rental date.

Councilmember Wilson explained once these are adopted, they will be in effect right away.

Councilmember Wilson moved to “adopt the River Heights Building Use Policy and Pavilion Use Policy with changes discussed.” Councilmember Clausen seconded the motion which carried with Clausen, Hadfield, Okelberry, Wilson and Wright in favor. No one opposed.

Response to Councilmember Okelberry’s Request Regarding Closed Meetings and Liaison

Assignments: Mayor Baker said he has put this on the agenda based on an email request from Councilmember Okelberry sent to the Mayor and Council asking that the city attorney give an opinion on the definition of ‘liaison’ and to verify a question regarding a closed session held by the Council in December 2012.

Mayor Baker read a statement, of his own, summarizing how things have been run while he’s been in office (included with the minutes).

Mayor Baker introduced the city attorney responses on the items Councilmember Okelberry questioned. He summarized that it looks as though the city was correct in handling the closed session. He asked for discussion from the Council.

Councilmember Okelberry stated the city’s liaison positions don’t match what the state says they should be. Mayor Baker reminded that Mr. Okelberry asked for the City Attorney’s opinion and that is what’s presented. Mr. Okelberry wants things done as in the view of the state. He has read a part of the attorney’s comments. He read a letter from David Church, the attorney for the Utah League entitled ‘Separation of Powers in Municipal Governments.’ Mr. Church discussed two different forms of government.

Jamie Saltern asked if Mr. Church’s comments are considered state law. Mr. Okelberry said it is a legal opinion, which he agrees with. He explained that council members can’t be found malfeasance if they are volunteers but if they are assigned a job and don’t do it they can be removed from office.

Mayor Baker said this is a small city where they have done things voluntarily. Everyone has worked together and it’s been working out fine. He will not change the procedure. If Mr. Okelberry wants an assignment, he’s not giving him one because he won’t give up his administrative position.

Councilmember Clausen is frustrated that Councilmember Okelberry asked for an attorney opinion and then he won’t listen to it. Councilmember Okelberry said he agrees with the attorney. He said basically what Mr. Church said. Mr. Clausen read from the city attorney’s comments, ‘These assignments should not be deemed a complete delegation of administrative power.’ Mr. Okelberry agrees; the Council has no administrative power. He said he was accused of not doing his job and he is saying that he hasn’t been given an assignment.

Krystle Briel said she was talking about the volunteering positions. Councilmember Okelberry said she needs to be clear.

Mayor Baker said he brought this up to clarify he didn’t make up these positions to circumvent state law.

Mark Brooks stated to Councilmember Okelberry, if he is unwilling to take voluntary liaison assignments then, he feels, Mr. Okelberry has rendered himself useless as a representative to this community. Mr. Okelberry let Mr. Brooks know of some things he has been working on. Mr. Okelberry doesn’t feel anyone on the council grasps the legality of their positions. He has done a lot of work and feels he’s been stabbed in the back. Mr. Brooks doesn’t see he’s much use to the public if he won’t work with the mayor. Mr. Okelberry assured he is perfectly willing to work with the mayor in volunteer form.

Mayor Baker stated Councilmember Okelberry is entitled to his opinion and reminded that the meeting is not an open forum.

139 Councilmember Hadfield feels she has been functioning the way David Church explained. It
140 doesn't matter how you call it. When they were elected to the council, they were expected to be given
141 assignments. She said they have always had the option to stand up to the mayor and say they don't
142 agree. She hasn't cared what her positions were called and she always knew she could object if she
143 didn't like the assignment. She asked Councilmember Okelberry what he wants to be able to do. Mr.
144 Okelberry just wants a general assignment, as the law prescribes it. He's not that worried about it.

145 Mayor and Council Reports: Council member Wright reported the Planning Commission is
146 working on some parking ordinance changes. They are also discussing a cemetery master plan. He
147 and Commissioner Royle have met with a potential cemetery consultant. Councilmember Okelberry
148 has approached the Commission about adding ADA projects to the General Plan and they are working
149 on some sidewalk issues. Mr. Okelberry asked how long it will take for the parking changes to go into
150 effect since it deals with winter parking. Mr. Wright says there are other minor changes that need to be
151 changed, such as Logan City has asked us to add some language about dumpsters. The Commission
152 intends to have the list of ordinance changes to review at their next meeting. A hearing will most
153 likely be held after that on November 5.

154 Councilmember Wilson was grateful the rental policies are done. She will start work on a dog
155 owner handout to give out as dogs are registered this coming year.

156 Councilmember Wilson asked Councilmember Okelberry, if the next mayor does things the
157 same way as this mayor will he still have the same attitude? Mr. Okelberry said, not necessarily. He
158 prefers to take an assignment and feels it's arrogant of them to do different than what the State has
159 prescribed for cities. Ms. Wilson asked, if he gets an assignment and then someone does something he
160 doesn't like, would he bring it to the Council. Mr. Okelberry agreed he would because it's what they
161 have to do. Ms. Wilson expressed confusion about what he wants. She clarified by asking, if the law
162 doesn't change, as Mr. Okelberry sees it, is he going to be able to be okay and not feel isolated. Mr.
163 Okelberry feels the government functions better when it's run the way it was designed to. He feels its
164 about whether the city is going to be managed by an authoritarian . . . Ms. Wilson gathers his answer to
165 her question is, "No."

166 Councilmember Okelberry feels there is a cultural divide here that needs to be discussed which
167 deals with the way volunteers work in the LDS Church versus the system he is used to. When he hears
168 the word volunteer he thinks of it just as that, he gives of himself and his time on his own free will as
169 he sees fit. If he is compelled to do it as his job, that is something completely different.

170 Councilmember Clausen reported on a couple issues he is working on with Recorder Lind. The
171 School District feels they have been wrongly charged over the years, which they probably were. This
172 is being investigated and worked through. The second issue is with Logan City and deals with seven
173 or eight homes in Logan City that have been connected to the River Heights sewer line and haven't
174 paid connection or usage fees. After the discovery, Logan City sent a check to River Heights to cover
175 usage fees for the past two years, in the amount of \$4,000 (we figure they owe about \$10,000). We
176 have sent the check back. Logan City is checking with their attorney to see if they can pay back
177 farther than two years. He will report on this later.

178 Councilmember Hadfield said she is working on the Tree Lighting Ceremony. They will do a
179 flyer. PWD Nelson would like a budget figure so he can start working on the lights for the tree.

180 Councilmember Hadfield feels, in the situation with Councilmember Okelberry, that comments
181 have been made on both sides that are serious allegations that shouldn't be stated. This is not needed
182 or appropriate and it's very sad the direction this has been going. She doesn't feel her calling in the
183 LDS church is the same as her assignment on the council.

184 Councilmember Okelberry was glad to see the City has a digital recorder.

Jeff Young reminded Mayor Baker that he had emailed him about being on the agenda to discuss digital recording. Mayor Baker apologized for forgetting and asked him to come to the next meeting.

Councilmember Okelberry asked if the new trailer came and questioned why another one was needed. PWD Nelson explained the new trailer will be specific for sewer inspection. Mr. Okelberry asked about the website and how the new one was being set up. Mayor Baker said the website designer is working on it.

Councilmember Okelberry asked for the meeting minutes to be posted as a PDF on the city's website. The council agreed.

The meeting adjourned at 8:45 p.m.

Sheila Lind, Recorder

William Baker, Mayor