

River Heights City Council
Minutes of the Meeting
September 24, 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 Okelberry moved to “adopt the minutes of the September 10, 2013 Council meeting 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.

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, September 24, 2013.

Opening Remarks and Pledge of Allegiance: Councilmember Clausen opened the meeting with a brief review of the ULCT Training he attended this month in Salt Lake. He was impressed at how many towns and cities in Utah have representation at these meetings and how dedicated they are to doing their jobs. Councilmember Hadfield led the group in the Pledge of Allegiance.

Adoption of Previous Minutes and Agenda: Minutes of the September 10, 2013 Council meeting were reviewed. On line 158; “The city agreed” was stricken. On line 212; “resolution” was changed to “policy.” On line 261; “if he would like” was inserted after “Nelson.”

Councilmember Okelberry moved to “adopt the minutes of the September 10, 2013 Council meeting 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.

46 Pay Bills: The bills were presented and discussed. Councilmember Hadfield said a resident
47 asked her about the Saddlerock Subdivision. They were concerned the extra projects associated with it
48 didn't go out to bid. She was told the city received eleven bids for the water project. Dan Hogan is
49 only doing the work on his own subdivision. Another company is doing the other sections.

50 **Councilmember Clausen moved to "pay the bills as listed." Councilmember Wilson**
51 **seconded the motion, which passed with Clausen, Hadfield, Okelberry, Wilson and Wright in**
52 **favor. No one opposed.**

53 Finance Director Report: Finance Director Ross Mann asked for questions on the cash report.
54 He discussed the insurance analysis (included with these minutes), in regards to the raise in rates. If
55 the policy is allowed to run out in June, as usual, the premiums will go up 45%. There is an option that
56 if we renew early, we will get a 7% increase which will hold for one year. He asked permission to go
57 ahead and renew by October 1 to avoid the 45% increase. Mr. Mann said there isn't much information
58 out there on why the increase. The Council gave their consent.

59 Purchase Requisition Requests: Mayor Baker reminded that some of the sewer impact fee
60 money needs to be spent by next June 30. He has two requests to be taken out of the sewer fund. One
61 is for a 6'x10' trailer to house the sewer inspection camera so they can hook onto it and take it to the
62 site. The cost would be \$3,395. PWD Nelson explained that long-term they will need a hoist, harness
63 and other equipment that will be added to the trailer. Having all these items on a trailer precludes them
64 from having to load and unload all of it, each time they use it.

65 The second request is for a used GPS receiver which Dan Hogan is selling. It would be used to
66 tie into the County and Logan City system which would allow the city to map all their fire hydrants,
67 valves, wastewater, etc. A new one costs \$16,000. To purchase Mr. Hogan's would cost \$8,700
68 (\$8,000 for the receiver and \$700 for the software). PWD Nelson has gotten a second bid online in the
69 amount of \$10,000. Mr. Nelson said the receiver will be used on new installations for water and
70 sewer. Rather than them having to generate a hand drawing, it will take a picture of the site at every
71 angle and store it at the correct address. Treasurer Mann said it should come from sewer and water
72 impact fees since it will be used for both. It was decided they would take 80/20 percent from
73 sewer/water.

74 The Council gave their consent for the city to purchase these two items.

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

- 76 • The 400 South Water Project has received good pressure tests and water samples. They are
77 putting services in today. They have 3 tie-ins left, then they'll do their asphalt repairs.
78 Engineer Rasmussen is looking at the deadline dates. He doesn't feel they should be penalized
79 if they get the asphalt in before it's too late in the season. Mr. Nelson will double check with
80 him and let Councilmember Clausen know what was determined.
- 81 • 800 South is done with their bacteriological testing. They'll finish cleaning up the project
82 tomorrow.
- 83 • They have installed the 'no trespassing' signs in the Stewart Nature area. They also replaced
84 some bark. He feels the area turned out very nice.
- 85 • Councilmember Clausen reminded that they decided to install a trail along 800 South, which
86 was planned for after the water project is finished. Mr. Nelson said if they decided to asphalt
87 the trail, it will be next spring. They will discuss later, which type of material to use.
- 88 • Mr. Nelson will be getting a bid for the storm water problem at the corner of Mountain View
89 Drive and 800 South.

90 Administrative Report: Recorder Lind asked the Council when the resolution increasing the
91 refuse collection will take effect. Councilmember Okelberry will find out and let her know.

92 Public Comment: Bob Greene spoke for his daughter concerning her next door problem.

93 There are people living in a trailer on the property. There are drugs going on. PWD Nelson said when
94 they talk to them they say they don't live there. Diane Peterson said they stay there every night.
95 Mayor Baker said the sheriff can't prove that someone lives there. The owner of the property said they
96 had moved out. Mr. Green said there is a new person living there from Montana, as of this weekend.
97 Councilmember Okelberry suggested ordering a fire or health inspection to see if it's compliant for
98 people to live there. Councilmember Wilson asked if the owners could be fined. The trailer and the
99 old building are both inhabited. Mayor Baker asked Diane Peterson to file a complaint. She agreed to
100 do this.

101 Krystle Briel discussed some concerns she had about things she has heard. She asked
102 Councilmember Okelberry if he had relinquished his duties and why he's serving on the Council if
103 he's not going to take assignments. Mr. Okelberry said the law states the mayor can make
104 assignments, with our form of government, and then the council members approve those assignments.
105 Once this occurs the council member basically becomes the department head for that area. Mayor
106 Baker has decided he doesn't want to do it this way, so everyone on the council is just volunteering for
107 their assignments. Ms. Briel asked if he has been asked to take any assignments since he relinquished
108 his responsibilities. He answered that he has not been asked. Ms. Briel had heard otherwise. He
109 doesn't feel comfortable volunteering for the city at the moment, maybe he will in the future. His only
110 job right now, under state law is to act in a legislative manner. She said she would feel bad if she were
111 taking this stand on the council because other council members are picking up his slack. Mr.
112 Okelberry assured the other council members are not having extra work because of him. If they
113 volunteer that is their choice. He explained that he is taking a moral stand right now. If he was
114 assigned a duty under the council and this mayor he would certainly do it. His major dilemma is that
115 they are a 'weak mayor' form of government, which means the council acts as a board of directors and
116 the mayor is like a CEO. When the council members take on volunteer positions, the mayor puts them
117 in a subordinate position, in which they should never be in, under this system. This allows the mayor
118 to invoke undue pressure on a council member that should be acting in a legislative capacity. If a
119 future mayor decides to do it differently, he will be the hardest working member of the Council.

120 Krystal Briel is also concerned about a black SUV that passed her very slow a couple times and
121 it scared her to death. She had a friend look up the license plate number since she was worried about
122 having her little girl walk to school. She has heard there is a River Heights resident that has threatened
123 to take pictures to prove he/she is correct. To her this feels like a child predator and it scares her to
124 death. She said the SUV belongs to Councilmember Okelberry. He explained he was driving around
125 to evaluate all the sidewalks in the city. Ms. Briel asked why he was doing this 3 days in a row. Mr.
126 Okelberry explained he may have been dropping his kids off at school, but his wife is usually the one
127 that does this. Ms. Briel felt she'd seen his vehicle in excess and she wonders if he is checking up on
128 the crossing guards. He feels the only problem the crossing guards have with him is that he objects to
129 them sitting in their vehicles while on duty. He's sure they agree they need to be trained and with 90%
130 of the other things he's recommended.

131 Marsha Kraus said Councilmember Okelberry was voted in to work for the citizens and she
132 sees he is boycotting many of his responsibilities. Mr. Okelberry said he wants the city to comply with
133 state law. Ms. Kraus asked if he was willing to not take responsibilities, is he also willing to not accept
134 his salary? Mr. Okelberry said he has not turned down any assignments and asked Mayor Baker to
135 verify this. Mayor Baker replied that Mr. Okelberry has turned down his position because he didn't
136 want to act as a liaison. Mr. Okelberry asked to be assigned a duty right now and have the council vote

137 on it. Mayor Baker denied. He won't turn anything down, including his salary. He said if he turns
138 down an assignment the people can kick him out of office.

139 Diane Peterson said Mr. Okelberry has already turned down assignments. Mr. Okelberry
140 responded that he hasn't turned down assignments, just volunteer positions. In the past, Mayor Baker
141 was taking assignments away from council members and moving them around as punishment, as he
142 did with Councilmember Davis. The mayor doesn't have that authority without approval of the
143 council. The same thing happened to Mr. Okelberry when he was over public safety, which is what
144 has caused all this commotion. Until that time he was ignorant of the law. He was working from the
145 Utah League Handbook, which described their positions as department heads. Councilmember
146 Clausen interjected that Mr. Okelberry is working under his own interpretation of the book and not all
147 of the council members agree with his interpretation. Once Mr. Okelberry figured out the law he asked
148 that the council take the proper steps. The mayor then decided he wanted to keep all the departments
149 directly under him. This gives the council member all the responsibility to cover a department but they
150 are given no authority. This kind of system creates problems by setting someone up to fail. Mr.
151 Clausen interjected that everyone on the council does not agree to what he just said. Mr. Okelberry
152 doesn't mind if they agree or not; it's the state law. Councilmember Clausen said he has to read the
153 whole the book not just one paragraph.

154 Krystle Briel interrupted to say this contention in the city is proving her point and will destroy
155 us. The common factor that she sees in the contention that's gone on in the last while, is
156 Councilmember Okelberry. There are a lot of people that agree with her. She informed Mr. Okelberry
157 there is a petition going around the city to ask him to step down or step up. Mr. Okelberry offered to
158 send her copies of the law so she will be able to see that he is right on with this. She can also call the
159 League of Cities and Towns and they'll confirm everything he has said.

160 Councilmember Hadfield clarified a point about the situation with Councilmember Davis; the
161 Council did approve her change in assignment and Ms. Davis agreed.

162 Marsha Kraus thanked those on the Council who volunteer.

163 Ruthann Nelson stated she would like to let the Council know that the crossing guards were
164 trained in the spring of this year. Mr. Okelberry brought in a state required video that they all
165 watched. They have all recently been CPR certified. They love their jobs. She thanked all the council
166 members who have supported them.

167 Councilmember Wilson asked for verification that they were actually trained in April. Mr.
168 Okelberry stated they were trained in procedures in March. Ms. Nelson stated this is why the crossing
169 guards were confused when Mr. Okelberry said they weren't trained because he is the one who trained
170 them. Mr. Okelberry agreed they did have their procedural training, but not their CPR or first aid
171 certification, traffic safety training and the background checks.

172 Discuss Riverdale Road Maintenance: Mayor Baker read a letter from City Attorney Jenkins,
173 regarding the Riverdale Road (included with these minutes), which explained the process for changing
174 the verbiage on the annexation plat. Mayor Baker said if one of the landowners would like to petition
175 the city then they could start the process of amending the plat. The city has received three bids
176 (included with these minutes) for road work, the lowest being \$18,000.

177 Councilmember Clausen clarified that if this work were to be done, under the current plat
178 verbiage, the city would pay for it. Howard Demars asked for clarification on the agreement signed by
179 the landowners in 1965. Mayor Baker stated the word 'improvement' becomes nebulous. There
180 seems to be many different interpretations, which is what they'd like to clear up. City workers have
181 gone to do a little maintenance and been run off/threatened with lawsuits. The city is ready to do some
182 upkeep, but they only want to if there is a consensus. Currently, the city can choose to do maintenance

183 on the one rod road. Widening of the road needs to be done by the landowners. Mary Barrus stated
184 that most of the property owners prefer not to have the road widened, at this point in time. But, they
185 would like some work done on it so they're not embarrassed to have people come through.

186 In review, a resident would need to petition the city to amend the plat. They all don't have to
187 sign the petition, but they all need to sign the plat, once an amendment is made. This wouldn't
188 eliminate the past wording, but would clarify the word 'improvements.'

189 Bob Ellis wonders if the whole contract was done away with, if they could be treated like any
190 other property owners in the city. The city could perform upkeep, but as far as improvements, it would
191 be up to the subdividers/owners do it, just like anywhere else in town. PWD Nelson reminded that if
192 this happens the city could also decide to widen the road if they think it's in their best interest. Mr.
193 Ellis doesn't see the purpose of the statement. Councilmember Clausen said the current stipulation
194 also holds the property owners responsible for the water and sewer lines; it's more than roads.

195 Mary Barrus said this old agreement makes them feel like the 'red-headed bastards' that aren't
196 accepted by the City.

197 Mayor Baker said if a petition comes from a property owner the city needs to entertain it. If all
198 residents agree the plat will be amended. If they don't all agree a public hearing will be held.

199 PWD Nelson reminded that this discussion doesn't apply to the four properties on the east end
200 of 300 South; Rhoton, Poulsen, Checketts and Davidson's. They have a different agreement which
201 states they/their subdivider will make all improvements, sidewalk, curb and gutter, before the city
202 takes them over. He would like to see these improvements taken care of in the near future.

203 Councilmember Wright said a landowner would just need to submit a petition for whatever
204 they desire and the city will discuss it. It would make things smoother if they all agreed.

205 Discuss City Building and Park Pavilion Rentals: Council members Wilson and Hadfield have
206 discussed this issue and decided their goals in relation to renting the city building are twofold: to
207 provide a service to the residents and to protect the building. They suggested putting electronic locks
208 on the basement door. They're not sure about renting to non-residents. They want to raise the rental
209 fee to \$50 and the deposit to \$100. If they rent to non-residents, they recommend charging them \$100.

210 She suggested a moratorium on loaning out keys until this is decided. She doesn't like the idea
211 of a renter having a key to the City Building for 4 days (Thursday – Sunday). She'd like the deposit
212 paid by credit card only. This way, if there were damages over \$100 the city could bill their card for
213 the difference. She'd like deposits to be held for 10 days after the event, to make sure there are no
214 damages. She suggested rentals not go later than 10:00 p.m. (to be good neighbors). Renters must be
215 at least 21 years old. She verified with Recorder Lind that about 80% of renters are not residents of
216 River Heights.

217 Councilmember Hadfield stated that nearby residents that have suspicions could report to the
218 city. PWD Nelson stated that whoever is on call can keep an eye on things, as well.

219 Councilmember Hadfield suggested a draft of changes to the policy be brought to the next
220 meeting for further discussion and a vote.

221 Councilmember Wilson feels residents will generally be better renters than non-residents. We
222 know them and trust them. PWD Nelson would like non-residents to be able to use the building. The
223 council agreed, except Ms. Wilson. She asked if the council members were willing to come over to
224 unlock and lock the building for non-residents. They were not, so they agreed NOT to rent to non-
225 residents. Ms. Wilson agreed employees should be allowed to rent it.

226 Councilmember Wright wondered who would monitor the renters leaving at 10:00 p.m. PWD
227 Nelson said it could be the person on call. Mr. Wright would like non-residents to be allowed to rent at
228 a charge of \$100.

Councilmember Wilson will bring policy revisions to the next meeting.

Treasurer Mann asked if he could be excused at 8:15.

Discuss City Newsletter: Councilmember Hadfield asked PWD Nelson how often the City needs to send water and storm water notifications to its residents, to comply with the state. He answered about twice a year. Ms. Hadfield suggested sending a newsletter in the spring and before Apple Days. She'd like to defer the final decision until January when there will be a new mayor and council. She plans to find people to help her hand deliver the tree lighting flyer.

Mayor and Council Reports: Council member Wright didn't have anything.

Councilmember Wilson informed that the museum sign was changed to 'The Annette Smith Assembly Hall.' Ms. Smith was pleased with this decision. Ms. Wilson read a letter from Reed Mickelson, thanking the city for allowing him to be involved in Apple Days. She is in the process of getting bids for the basement floor refinishing. She suggested waiting until spring to fix the tennis lights. PWD Nelson will get them fixed whenever the electricians can come.

Councilmember Clausen reported on the ULCT training he attended. He said the underlying theme of the conference was that cities need to prepare for receiving less State and Federal money. Cities should find ways to save money now.

Councilmember Okelberry reported he met with the Planning Commission last week. He's asked them to look into modifying the General Plan to include a list of ADA proposed projects. They are going to work on this. He has put together a map which shows where sidewalks are needed in the city. He discussed the current sidewalk ordinance. He'd like paragraph three struck, which requires residents to pay for half of new/replaced sidewalks. He feels by charging the residents the city will receive more resistance which may prevent sidewalk replacement from being done. He understands this will cost the city a bit more, but doesn't see a problem with the projects taking longer, as long as they get done eventually. He feels the residents are already burdened by having a sidewalk since they have to remove snow and maintain it. He would like this brought up at the next meeting. Mayor Baker said many sidewalk repairs are due to tree roots, planted by the landowner. Mr. Okelberry feels sidewalks will deteriorate eventually if residents are required to pay half. PWD Nelson reported there have been several occasions where the landowner wants the sidewalk fixed and are happy to pay half. Mr. Okelberry would like River Heights to be a pedestrian friendly city. He feels by putting this in place, the city will be in a better position when grants become available. He asked if the council would entertain this or should it go back to the Commission?

Councilmember Wright said the Commission could deal with it. He explained that in the past, when sidewalk repair has been done, the city has worked with residents to pay it off. Krystle Briel said, as a resident, it would be hard for her to pay for half a sidewalk but, it would hardly be fair to the residents that have already paid half in the past. Councilmember Wright feels it could go back to the Commission.

Councilmember Hadfield clarified to Krystle Briel that although, she (as a council member) doesn't interpret the law the same as Councilmember Okelberry, she feels that all on the Council respect his decision not to take any assignments. They often disagree, but this hasn't stopped them from accomplishing the things they need to get done. She feels the Council functions well, even with Councilmember Okelberry's differing opinion.

Mayor Baker said they had planned to roto-mill and pave 400 South from 600 to 700 East, after the water project was complete. The contractor is going to take care of the area past 650 East. He had Staker and LeGrand look at the work. They are both too busy to do it right away. Mayor Baker decided to patch the section for the winter and then get an engineering design done which would include sidewalks on both sides and bring the road up to match Applebrook. This will cost more

275 money but need to be done since 400 South will eventually come through. They plan to have it ready
276 to go out for bid the end of February. It sounds like it will cost around \$100,000, including
277 engineering. Mayor Baker also reported they have a bid for the 650 South cul-de-sac road repair,
278 which came in at \$16,000. They only have the one bid but have considered repairing just the entrance
279 where the pot holes are. They will try to get a contractor to do install a concrete drain and fix the holes
280 before winter, but it may not happen until spring.

281 The meeting adjourned at 8:40 p.m.

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283
284 _____
Sheila Lind, Recorder

285 _____
286 William Baker, Mayor