

River Heights City

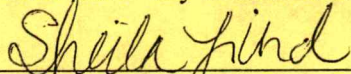
COUNCIL MEETING AGENDA

Tuesday, October 13, 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. What Can be Done about Barking Dogs?
- 6:55 p.m. Discuss Planning Commission Replacements
- 7:00 p.m. Public Hearing to Discuss Wastewater Contract with Logan
- 7:45 p.m. Mayor and Council Reports
- 8:00 p.m. Adjourn

Posted this 8th day of October 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
September 22, 2015

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6 Present were: Mayor James Brackner
7 Council members: Doug Clausen
8 Robert "K" Scott
9 Geoff Smith
10 Dixie Wilson
11 Blake Wright
12
13 Recorder Sheila Lind
14 Public Works Director Clayton Nelson
15 Finance Director Clifford Grover
16 Treasurer Wendy Wilker

17
18 Others Present: Gayle Brackner, Melanie Fenstermaker (USU Journalism
19 Student), Kevin Opsal, Cindy Schaub, Wade Swan, Cleon
20 and Chandler Smith, John Cox, Peggy Smith, Lisa Ellis,
21 LeGrand and Jolene Bingham, Cathy Bush, Steve and
22 Roxanne Bilbao, Curtis Crabb, Dustin Lowe, Tyler
23 Hoggan, Jake Hodges
24
25

26 The following motions were made during the meeting:
27

28 Motion #1

29 Councilmember Wright moved to "adopt the minutes of the September 8, 2015 Council
30 Meeting, and the evening's revised agenda." Councilmember Scott seconded the motion, which
31 passed with Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.
32

33 Motion #2

34 Councilmember Smith moved to "pay the bills as listed." Councilmember Wilson seconded the
35 motion, which passed with Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.
36

37 Motion #3

38 Councilmember Scott moved to "adopt Resolution 7-2015, A Resolution to Update Fees, with
39 the addition of the words 'Right-of-Way' in front of 'Excavation'." Councilmember Wilson seconded
40 the motion, which carried with Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.
41

42 Motion #4

43 Councilmember Clausen moved to "paint pickleball lines on the east tennis court with light
44 blue lines within the next 10 days." Councilmember Wright seconded the motion but "recommended to
45 use a color just lighter than the dark field of the city's courts." Clausen, Scott, Smith and Wright were
46 in favor. Wilson opposed.

47 Motion #5

48 Councilmember Clausen moved to “adopt Resolution 8-2015, A Resolution Canceling the
49 River Heights City General Election on November 3, 2015.” Councilmember Scott seconded the
50 motion, which carried with Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.

51
52 Motion #6

53 Councilmember Clausen moved to “install a curb and gutter on the Stewart Hill Drive hill as
54 per Parson’s bid.” Councilmember Smith seconded the motion, which carried with Clausen, Smith and
55 Wright in favor. Wilson opposed and Scott abstained because he didn’t care either way.

56
57
58 Proceedings of the Meeting:

59
60 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in
61 the River Heights City Building on Tuesday, September 22, 2015.

62 Opening Remarks and Pledge of Allegiance: Councilmember Scott opened the meeting by
63 stating how impressed he is with River Heights residents for keeping their yards so nice and for the
64 drivers being so cautious when the school children are out. Councilmember Smith led the group in the
65 Pledge of Allegiance.

66 Adoption of Previous Minutes and Agenda: Minutes of the September 8, 2015 Council
67 Meeting, were reviewed.

68 **Councilmember Wright moved to “adopt the minutes of the September 8, 2015 Council
69 Meeting, and the evening’s revised agenda.” Councilmember Scott seconded the motion, which
70 passed with Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.**

71 Pay Bills: The bills were presented and discussed.

72 **Councilmember Smith moved to “pay the bills as listed.” Councilmember Wilson
73 seconded the motion, which passed with Clausen, Scott, Smith, Wilson and Wright in favor. No
74 one opposed.**

75 Purchase Requisitions: PWD Nelson explained that Dan Hogan is digging a sewer trench on
76 600 South for the Saddlerock Subdivision. Once Mr. Hogan replaces the asphalt, it will leave the
77 south side of the road looking bad. Mr. Nelson wonders if the city would be interested in replacing
78 this section, since the city is responsible for it and it will cost less to have it done at the same time as
79 the north side. Parson Staker has bid \$2,254 for new asphalt. Dan Hogan would pull the existing
80 asphalt for \$1,580. The location is between 850 East and 900 East. Councilmember Wright said he’d
81 been thinking the city needs to look at replacing the whole road at some point. They could wait or do
82 it now. PWD Nelson said Mr. Hogan has to replace some of the asphalt along Phase 1. If the city did
83 the above mentioned section now the road would be all new up to 900 East. There won’t be any road
84 cuts made for Phase 3. All five council members gave approval to have it done now.

85 Finance Director Report: FD Grover reported on the city’s financial situation. He explained
86 that good accounting procedures require that any money collected for the city should be deposited into
87 city coffers. Reimbursements should be for specific receipts only. It should be done this way in all
88 areas of Apple Days and other organizations, where applicable.

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

- 90 • The 600 East Project (between 400 South and Stewart Hill) will start tomorrow. The asphalt
91 will be ground up and pulled off. Robert Davies, of 340 S 600 E, has asked that the city put
92 some curb cuts in his property to allow storm run-off into his property. If his storm ponds get
93 full, it would release back into the curb and continue down the road. Mr. Davies is willing to

94 pay the difference if it ends up costing more. He is also willing to sign a waiver, releasing
95 liability from the city. The Council agreed to allow it.

- 96 • Conservice is moving along. They are working through ground water problems.
- 97 • Saddlerock Phase 2 is scheduled for blacktop this Friday or Monday.
- 98 • The engineering on the StormTech system for the vacant lot in Saddlerock should be ready by
99 Thursday.
- 100 • Mr. Nelson asked if the Council would like to use the same company as last year to hang the
101 Christmas lights on the tree in the park. They offer a discount if they install before the end of
102 October. They will also offer a discount since we used them last year. He reminded that they
103 will hang the lights and remove them after the season. The Council agreed. Councilmember
104 Smith said the Tree Lighting Ceremony is scheduled for Monday, November 30.

105 Administrative Report: Recorder Lind reported she will be gone to a recorder's conference
106 tomorrow through Friday, held at the Riverwoods Conference Center in Logan. She thanked all those
107 who contributed to the city newsletter. It will start to be delivered next week.

108 Public Comment: Chandler Smith showed a design and gave details for his eagle project for the
109 trail sign in the Stewart Hill area. It will be made of colored aluminum. PWD Nelson said it will cost
110 the city \$300-\$400. Councilmember Wilson and PWD Nelson will work with him on the location.
111 The size will be 24" x 18". Councilmember Scott asked if would be dedicated at some point. They
112 hadn't considered this. Ms. Wilson and Mr. Wright remembered they had discussed the sign size as 24
113 x 30 at a previous meeting. The Smith's weren't sure this would be possible, but will check and get
114 back to Ms. Wilson.

115 Gayle Brackner expressed concern that 600 South and 600 East would be under construction at
116 the same time. PWD Nelson said there might be a couple days of it, but doesn't see that it will be a
117 problem.

118 Adoption of a Resolution to Update Fees: Mayor Brackner pointed out the two fees being
119 added to the resolution were: Application to the Appeal Authority and Excavation Permit.
120 Councilmember Wright suggested adding the word 'Right-of-Way' before 'Excavation.'

121 **Councilmember Scott moved to "adopt Resolution 7-2015, A Resolution to Update Fees,
122 with the addition of the words 'Right-of-Way' in front of 'Excavation'." Councilmember Wilson
123 seconded the motion, which carried with Clausen, Scott, Smith, Wilson and Wright in favor. No
124 one opposed.**

125 Pickleball Request for Lines on the Tennis Court: Councilmember Wilson thanked the ladies
126 for not chalking the tennis courts because it looks bad on other courts where this has been done. She
127 informed that she has looked at other courts that have been painted for pickleball. She would like to
128 wait on the decision to paint the tennis courts until spring so they can see how the new courts in
129 Saddlerock work out. There are only a few more weeks left of play time. She didn't bring her tennis
130 friends to the meeting to speak out, but she can speak for them that they would agree. Peggy Smith
131 gave their list of pros for having the lines painted (included with the minutes).

132 Lisa Ellis showed photos of tennis courts with painted pickleball lines in St George and other
133 areas. She pointed out the ones that look good and others that look bad. Millville said one person has
134 called to complain but they have received many positive comments. Ms. Ellis liked the Logan lines
135 the best, they are not too bright. Having the lines on the tennis courts would allow children of
136 pickleball players to play at the park.

137 Cathy Bush hoped the new courts in Saddlerock will run north south. Councilmember Wilson
138 asked if they really feel only subdivision residents will use the Saddlerock courts. Peggy Smith said it
139 will be a selling point for the lots.

140 Councilmember Wilson suggested the Stewart Hill park area is another option for the
141 installation of courts. She doesn't feel painting on the tennis courts is necessary. She had hoped they
142 would be excited about the court the city has installed on the blacktop of the park and the new courts in
143 Saddlerock, but they don't seem to be.

144 Cathy Bush said every time she has come to play pickleball there has only been one tennis
145 court being used. PWD Nelson said quite often the two outer courts are used. The center one isn't
146 desirable because of the stray balls. Peggy Smith asked if they could paint the lines on the middle
147 court since they won't mind playing on that one. Councilmember Wilson said tennis players complain
148 about the noise of the paddle and the ball, that it's distracting. Ms. Bush wonders if the Saddlerock
149 residents will think it's too noisy.

150 Steve Bilbao gave a handout of his opinions (included with these minutes). He said the reality
151 is that the new courts won't be ready in the spring. PWD Nelson reminded there is a court they can
152 play on already. Mr. Bilbao said the blacktop one really isn't an option. He asked that the council
153 review his points and consider each item before a decision is made.

154 LeGrand Bingham discussed the history of the tennis courts and the battle they had in getting
155 the city to allow them to be built. He is glad to see the citizens use them and that the city is taking care
156 of them.

157 Councilmember Smith asked if the lines are permanent once they go down. He was told they
158 are permanent. They won't go away until the courts are resurfaced.

159 Steve Bilbao asked the opinion of the other council members.

160 **Councilmember Clausen moved to "paint pickleball lines on the east tennis court with
161 light blue lines within the next 10 days." Councilmember Wright seconded the motion but
162 "recommended to use a color just lighter than the dark field of the city's courts." Clausen, Scott,
163 Smith and Wright were in favor. Wilson opposed.**

164 PWD Nelson said the tennis court company is about 2 months out. They won't be up here to
165 paint within 10 days. Councilmember Wilson will call them tomorrow to see how fast they can get up
166 here. She will also call a couple other companies to see what their time frame is.

167 Hear Presentation from John Cox on Website Bid: John Cox discussed his proposal for the
168 city's website. He is a fire fighter and does this business on the side. He discussed his experience on
169 the Logan and Nibley websites. He plans on doing this for years and doesn't plan to move anywhere.
170 He answered a few questions from the Council.

171 Councilmember Clausen recommended putting this on the next agenda for a decision.

172 Councilmember Smith explained the gmail feature and why it would be better than using email.
173 John Cox said he doesn't host gmail, but would be willing to help the city, if needed.

174 Adoption of a Resolution Canceling the River Heights City General Election on November 3,
175 2015: Due to the fact that there are three candidates and only three open seats on the council, River
176 Heights will not need to hold an election this year.

177 **Councilmember Clausen moved to "adopt Resolution 8-2015, A Resolution Canceling the
178 River Heights City General Election on November 3, 2015." Councilmember Scott seconded the
179 motion, which carried with Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.**

180 Discuss Curb and Gutter Installation on Stewart Hill Drive: PWD Nelson has received one bid
181 from Parson's for around \$8,000. He can't get anyone else to bid the job because they are too busy.
182 Parson's is willing to do it as a change-order on the 600 East project. Councilmember Wilson
183 suggested there are other places in the city that could also benefit from curb and gutter.
184 Councilmember Scott asked if the installation of curb and gutter on Stewart Hill will benefit the new
185 600 East project. PWD Nelson said, not really, but it will be cheaper for Parson's to do it while
186 they're already working in the area.

187 Councilmember Wright asked PWD Nelson to explain the benefit of installing curb and gutter
188 in this area. Mr. Nelson said it will preserve the road longer and the storm water run-off would tie into
189 the new construction. There is a storm drain in the area that runs into the irrigation system.

190 Mayor Brackner explained that the Mickelson's requested the curb and gutter in hopes it would
191 get rid of the weeds and remedy the erosion on their hill. PWD Nelson said the erosion problem has
192 already been somewhat remedied.

193 Councilmember Smith suggested going ahead with the project while there is already work
194 being done in the area, and consider other sections when work is going on nearby.

195 **Councilmember Clausen moved to "install a curb and gutter on the Stewart Hill Drive**
196 **hill as per Parson's bid." Councilmember Smith seconded the motion, which carried with**
197 **Clausen, Smith and Wright in favor. Wilson opposed and Scott abstained because he didn't care**
198 **either way.**

199 Discuss Logan Proposed Fire Protection Contract and Wastewater Treatment Contract: Mayor
200 Brackner informed that since the last meeting, two council members have met with him to discuss
201 some considerations, in regards to the situation with Logan. He handed out and explained a revised
202 analysis (included). He asked that they look over it carefully to determine if they want him to go back
203 to Logan and renegotiate the fire contract and at what level. He reminded that if they don't go with the
204 current wastewater contract they won't have a member on the board. In 10 years they would need to
205 redo their contract, which they have no idea how it will turn out. Councilmember Clausen brought up
206 the point that by staying with our current contract, it also risks putting relationships with the other
207 cities on the line. Councilmember Wright said the least amount River Heights would lose by going
208 with the new contract is \$314,134.

209 Councilmember Wright informed that he and Councilmember Clausen met with Mayor
210 Brackner during the week because he is concerned about making such a big decision on behalf of the
211 citizens when the Council isn't sure what they want. Because of the complexity of the issue he'd like
212 to hear what the residents would like the Council to do, since it will financially impact them. He
213 wondered if they could develop a one-page flyer with a brief explanation and have it delivered to the
214 citizens, inviting them to a public hearing where they could ask questions and voice their opinions.
215 Councilmember Wilson suggested the flyer be made up of two opinions, one for and one against.

216 Councilmember Clausen explained that the contract Logan is offering is what it is, we can't
217 change it. PWD Nelson clarified that this is a rate committee agreement. There will be additional
218 contracts between Logan and each of the other participating cities.

219 Mayor Brackner stated the current amount River Heights residents pay for wastewater is
220 \$19.05. He figures the worst case scenario (if they go with the new contract) would raise it to \$33.76.
221 If they vote to stay with current contract, the rate will likely increase to \$23.08. Councilmember
222 Clausen reminded, in 2018 the fire contract with Logan will come due and they have no idea what that
223 will be raised to.

224 Councilmember Smith asked Mayor Brackner what he recommends, since he has been very
225 involved in the negotiations. Councilmember Wright stated Mayor Brackner has been careful not to
226 give his opinion but guesses he would probably stay with the current contract, but he wishes Logan
227 would make a better offer on the fire contract.

228 It was decided that Mayor Brackner will draft an information flyer, which will invite citizens to
229 a hearing to give their opinion. He'll have the Council review it before it gets delivered next week
230 with the newsletter. Mayor Brackner will let Logan Mayor Peterson know what the city has in the
231 works.

232 Eagle Project Review – Tyler Hoggan and Jake Hodges: Tyler and Jake explained they have a
233 plan to install a flagpole and two benches at Ryan's Place Park. PWD Nelson has met with Craig
234 Adams about the project, who explained that it was part of the original park design, but didn't get done

235 at the time of construction. They handed out a design of the project, which would be located between
236 the restroom and volleyball court. The Ryan's Place Park foundation will stand the cost, so there will
237 be no cost to the city. The boys said the parts are ordered and they hoped to start construction October
238 3 and be done by the end of October. Mr. Nelson said Craig Adams would like to oversee the project
239 and sign off on it, as well as the city.

240 The council approved them to go ahead on the project as presented. If Craig Adams raises any
241 questions, the city would like to have another look at it.

242 Mayor and Council Reports: Councilmember Wright discussed the bid for the website. He
243 asked for input. Councilmember Scott said it would be great to have the city's website be mobile
244 compatible. Councilmember Smith said it's time to spend money on the website. Mr. Scott
245 recommended going with the full bid, excluding the cost for photos. It was suggested that it be
246 brought to the next meeting as a purchase requisition. Councilmember Wilson would like to review
247 purchase requests before the meeting. She was told that often times the requests aren't ready until
248 right before the meeting. When they are prepared in enough time to go out with the agenda packets
249 then they will be sent ahead of time, otherwise, they will be presented at the meeting. If the Council
250 has any reservations, they can table the request.

251 Councilmember Clausen brought up his recent correspondence with Rocky Mountain Power.
252 They sent a bid for the city to purchase all 81 light poles. The payback to the city would be about 7
253 years. He is not in favor of doing this. He will schedule a meeting to discuss it further with RMP.
254 Mayor Brackner agreed there are a lot of unknowns about this right now. PWD Nelson feels it will be
255 confusing if the city owns some of the light poles and RMP still owns some.

256 Councilmember Clausen reported that he has received some information from Engineer
257 Rasmussen on developing a commercial sewer rate. He'll review it and bring a proposal to the Council
258 at a later date.

259 Councilmember Clausen asked PWD Nelson if we have a sewer line infiltration repair date
260 scheduled yet. Mr. Nelson said they are having trouble with their equipment. As soon as it is fixed
261 they will be here. It might be a couple weeks still.

262 Mayor Brackner asked PWD Nelson to report on the water looping project. PWD Nelson said
263 it has come to their attention that there needs to be some easement issues worked out.

264 Councilmember Scott said he is working on putting together a community committee to help
265 with emergency preparedness. Mayor Brackner suggested Darlene Craney. She has a strong interest in
266 this area.

267 Councilmember Smith reminded the Tree Lighting Ceremony is scheduled for November 30.

268 Councilmember Wright reminded the Council that they approved Seth Tait to be the River
269 Heights Appeal Authority. It turned out that his firm had a conflict with him working on the upcoming
270 Kraus case. City Attorney Jon Jenkins recommended Dustin Ericson, who has agreed to take care of
271 this case, which will take place tomorrow night. Mr. Ericson is the appeal authority for Millville and
272 Tremonton. Mr. Wright feels he will do a great job. The Council gave their consent.

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

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277 _____
Sheila Lind, Recorder

278 _____
279 James Brackner, Mayor

PURCHASE REQUISITION

Oct 13, 2015

River Heights City Corporation 520 South 500 East River Heights, Utah 84321 (435) 752-2646		Purchase Requisition No.: _____ Purchase Requisition Date: _____ Ship To: _____ _____ _____ _____ Purchase Order Date: _____ Purchase Order No.: _____
Vendor: <u>10-39 online</u> <u>(John Cox)</u> _____ _____		
Department: <u>Office</u> _____		

Item	Quantity	GL #	Description	Unit Price	Extended
			Web Design		\$ 3600-
			Hosting		360-
			Google Apps Setup(email)		200-
				Subtotal	\$ -
				Shipping/Other	
				TOTAL	\$ 4160.00 -
			Authorized Signature	Date	

REQUISITION

White: Attach to Yellow Copy of Purchase Order
 Blue: Office Copy



River Heights City

This is a bid for River Heights City for web design work, hosting and maintenance. We have broken it down into sections so that prices and work can be selected a la carte.

Web Design - The website is currently built on Wordpress which is a great platform and can be set up for users to have access to different portions to make changes. The software is currently up to date but there are many improvements that can be made. Here are my suggestions:

- We suggest that the website be recreated to be mobile friendly. It does not currently have a responsive or mobile design. More than half the users are now on mobile devices.
- If the city is moved to Gmail we will integrate Google Calendar to display to the website.
- The agendas, minutes and audio would be broken down into tabs by year for easy lookup and growth.
- Contact info by page. Makes it easy to know who to call.
- Blog style layout to be easy to post to and see latest post.
- Integrate website with social media so posts on website upload to social media platforms automatically.
- Move all current content over and format it to fit new layout.
- Beautiful design that showcases the city and looks modern. It will be easy to change the look and feel later.
- A training session for those involved and how to use the site.

COST - \$3600

Begins with ½ down to start and the ½ after site goes live. Going live with the site will be considered the end of the contract. Any work done after that will be hourly or under a new agreement.

If rebuilding the website the first year of hosting is free. It will be \$360/year after that.

Hosting - Hosting includes the normal hosting account as well as Wordpress updates and upkeep. We will register and maintain the domain name, back up the website monthly or on major changes and restore the website if it ever goes down. We like to just take care of all the technical stuff so you don't have to worry about it. We will initially move over your website and domain name to our system as part of this same price.

COST - \$360/year

Pictures - We will travel around the city and take professional photos of the highlights of the city. Some of those highlights include major businesses, schools, parks, streets, neighborhoods and places that make River Heights unique. These photos can then be used on the website, brochures, economic development ventures, etc. They will be yours to use and I highly recommend having good pictures taken. 1 day of shooting and editing.

COST - \$400

Google Apps setup (Gmail) - We do not host email ourselves but can set you up on Google Apps as we talked about. This includes a \$5/month/user or a \$50/year/user fee from Google. We talked about setting up 10 users total. We suggest this be setup to charge a city credit card for ongoing billing. We suggest that Sheila be set up as an Admin user and then she can add the rest of the users. This will teach her how it is done so that she can administer users in the future. This will help reduce costs. Of course we will be available if you have any issues in the future. So my fee would be based on initial setup and several hours of training for those involved on Gmail, calendars, Drive, etc.

COST - \$200 (remember the fee from Google as well)

Hourly Rate - I prefer to set things up so that your staff can maintain and update most things. We will be there when you need help and can do that as needed, at an hourly rate. This is currently **\$70/hour**. This may go up in the future but I don't anticipate that anytime in the near future.

TITLE 5

CHAPTER 1

OFFENSES AND CRIMES

SECTION:

- 5-1-1: Criminal Code Adopted by Reference
- 5-1-2: Disturbing the Peace
- 5-1-3: Public Property

5-1-1: CRIMINAL CODE ADOPTED BY REFERENCE

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, penalties, provisions and sections of the Utah Criminal Code, Utah Code Annotated title 76, as amended, with a corresponding penalty of infraction, class C misdemeanor or class B misdemeanor, are hereby adopted by the city. Any and all violations thereof shall be considered violations of this section and each such violation shall be subject to the penalties provided in Section 1-4-1 of this code. (2005 Code)

5-1-2: DISTURBING THE PEACE

A. Noise: It is a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for any person to disturb the peace or quiet of any neighborhood, family or person by loud or unusual noises, by tumultuous or offensive conduct. (As described in Utah State Code Annotated, 2005 Code)

B. Loudspeakers:

1. It is an infraction, subject to penalty as provided in Section 1-4-1 of this code, for any person to maintain, operate, connect or suffer or permit to be maintained, operated or connected any calliope or radio apparatus, sound device or any talking machine or loudspeaker attached thereto in such a manner that the loudspeaker or amplifier causes the sound from such radio apparatus or sound device or talking machine to be projected directly therefrom outside of any building, vehicle or out of doors; provided, that the city may grant a permit to so broadcast any events or happenings of cultural, political, intellectual or religious interest. Every person desiring a permit to so broadcast shall make application, file a statement showing the place where he proposes to broadcast, the times and probable duration, and the nature, topics or titles of said broadcast. Said permit shall not be arbitrarily denied and when an application for a permit is denied, the city shall set forth in writing and with particularity the grounds for so denying the application for a permit.
2. Nothing herein contained shall be construed to prevent the operation of a radio apparatus, sound device, amplifier or talking machine used in a reasonable

Animal Control Ord.

- G. Fierce, Dangerous and/or Vicious Animals: It shall be unlawful for the owner of any fierce, dangerous and/or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and is properly muzzled so as to prevent said animal from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal so that it shall not injure any person or property is by definition a public safety hazard. The animal control officer has the authority to seek a court order for destruction of a fierce, dangerous and/or vicious animal.
- H. Nuisance Animals: Any owner or person having charge, care, custody or control of an animal or animals causing a "nuisance", as defined below, shall be in violation of this chapter and subject to the penalties provided herein. The following shall be deemed a nuisance:
1. Causes damages to the property of anyone other than its owner;
 2. Is a "vicious animal", as defined herein, and kept contrary to subsection G of this section;
 3. Causes unreasonable fouling of the air by odors;
 4. Causes unsanitary conditions in enclosures or surroundings;
 5. Defecates on any public sidewalk, city street, park or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle;
 6. Barks, whines or howls in an excessive, continuous or untimely fashion at any time of day or night. Excessive behavior is considered as such as would warrant the complaint by an otherwise prudent person who understands what another prudent person would do to properly restrain, correct and/or train a pet to refrain from excessive and/or offensive behavior; (3-2011, 12-13-11)
 7. Noise as a nuisance. See Nuisance Ordinance 5-4-5, Noise As Nuisance, A.1 (3-2011, 12-13-11)
 8. Attacks other domestic animals;
 9. Repeatedly molests or intimidates neighbors, pedestrians or passersby, by lunging at fences, chasing or actively displaying overt aggression;
 10. Is determined by the city or the Bear River Health Department to be offensive or dangerous to public health, safety or welfare;

Nuisance Ord.

B. Nuisances include but are not limited to:

1. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes.
2. Allowing any privy, vault or cesspool or other individual waste water disposal system to become a menace to health or a source of odors to air or water.
3. Permitting any garbage container to remain on premises when it has become unhealthy and offensive.
4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal.
5. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard, or in any building or area in which any animals are kept.
6. Discharging or placing any offensive water, liquid waste or refuse of any kind into a street, alley, sidewalk, gutter, stream, wash, natural water course, ditch, canal, or vacant lot.
7. Collecting any stale or putrid grease or other offensive matter.
8. Permitting any fly or mosquito-producing conditions.
9. Permitting any lot or excavation to become the repository of stagnant water, or decaying or offensive substances.
10. Obstructing passage on any street or sidewalk, stream, drainage, canal, basin, or any public park without first obtaining the written permission of the governing body.

5-4-5: NOISE AS NUISANCE

- A. Any sound or noise that continues beyond a reasonable length of time, or noises which occur at unreasonable hours, causing undue annoyance or distress shall be subject to official intervention. Included, but not limited to such nuisance noises are the following;
1. Excessive noise by animals which is intrusive and disruptive to peaceful existence.
 2. Use of noisy machinery after 10:00 p.m. or before 7:00 a.m.
 3. Disruptive gatherings late at night, i.e. parties, rallies, assemblies, which persist past 10:00 p.m.
- B. It is the hope of the City Council that residents of River Heights City will handle most issues regarding the above noise occurrences, among neighbors, and be

sensitive to others' welfare and peace. In such cases where this cannot be accomplished, residents may file official complaints at the River Heights City offices.

- C. The types of nuisances stated shall be deemed in no way a limitation of the nuisances subject to this chapter.

5-4-6: FAILURE TO COMPLY

If any owner or occupant shall fail or neglect to conform to the requirements delineated, eradication, removal or destruction of offending objects shall be at the expense of the property owner. (4-2006, 5-9-06)

RESOLUTION 4-2013

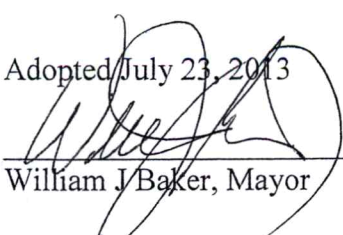
A RESOLUTION ADOPTING THE RIVER HEIGHTS CITY
ANIMAL CONTROL BAIL SCHEDULE

1. Animal at Large - First Offence..... \$ 50.00 max fine
2. Animal at Large - Second Offence \$100.00 max fine
3. Animal at Large - Third Offence \$200.00 max fine
(All dogs must be spayed/neutered prior to release from pound at owner's expense.)
4. Animal at Large - Fourth Offence \$400.00 max fine
(Dogs will be placed up for adoption at this time at the owners expense, which includes boarding, medical, and city fees.)
5. Animal at Large – Fifth Offence..... \$800.00 max fine


The above infractions are for each calendar year, unless the dog(s) in question is deemed to be a public nuisance by River Heights Animal Control Officer(s) and/or other officials of River Heights City. The said dog(s) will be dealt with in this manner when they are a constant problem for the City.

6. Dogs Molesting Passerby..... \$ 80.00
7. Nuisance Animal/Disturbing the Peace \$ 75.00
8. No Kennel License.....\$125.00
9. No Dog License (not current) \$ 50.00
10. No Tags Attached/No Current Tags \$ 50.00
(Removing tags, including rabies tags, is unlawful.)
11. Un-Vaccinated Dog \$ 50.00
12. Trespass of Animals.....\$100.00
13. Cruelty to Animals..... \$1,000.00
14. Vicious Animal\$200.00
15. Animals in Prohibited Place..... \$ 75.00
16. Not Removing Animal Waste in Public/Private Place \$ 50.00
17. Interference With Animal Control or Deputy\$200.00
18. Possession of Prohibited Animals.....\$200.00
19. Possession of Dog or Other Animals Used for Fighting..... \$1,000.00
20. Giving False Information to Animal Control/Deputy.....\$300.00

Adopted July 23, 2013


William J Baker, Mayor

Attest:


Sheila Lind, Recorder



Approved by the council 1/24/12 (minutes attached)

Procedure for
Responding to Animal Control, Nuisance Animals Complaints.

In order to assist River Heights City residents in resolving the problem of Nuisance Animals, a detailed explanation of the process and procedures is offered by River Heights City, Utah.

Summary

All complaints regarding Nuisance Animals should be directed to the Cache County Sheriff's Office, Animal Control. (435 755-1000)

During all responses to complaints; Animal Control will verify compliance with Licensing and Vaccination Ordinance(s) and issue the appropriate citation(s) for violations. Any animals required by ordinance, vaccination for rabies; and found without current rabies vaccination documentation or tag will be impounded to protect public safety. The animal may be redeemed from impound by providing written proof of rabies vaccination; or by paying the impound fees and obtaining a rabies vaccination within (72) hours of release.

1. FIRST offense within a 12 month period:

- a. Complainant will be advised to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*)
- b. Animal Control may issue a "Courtesy" warning and require that the owner of the animal comply immediately with the Animal Control and Noise as Nuisance Ordinances. (A citation may be issued for egregious violations at the discretion of the responding officer.)

2. SECOND offense within a 12 month period:

- a. The responding officer will attempt to witness the violation. If the officer fails to witness the violation, the complainant will be asked to sign a complaint/affidavit and be advised to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*)
- b. Animal Control will issue a citation for any additional violations and require that the owner of the animal comply immediately with the Animal Control and Noise as a Nuisance Ordinances.

3. THIRD offense within a 12 month period:

- a. The responding officer will attempt to witness the violation. If the officer fails to witness the violation, the complainant will be asked to sign a complaint/affidavit and provide any Logs kept by the complainant with the last 12 months.
- b. Animal Control will issue a citation for any additional violations, require that the owner of the animal comply immediately with the Animal Control and Noise as a Nuisance Ordinances and a request will be made to the city attorney for a license revocation hearing to be set. All parties related to the case may be subpoenaed to court to testify.

Detailed Procedures for Cache County Sheriff's Animal Control, in enforcement of River Heights City's Animal Control/Noise as a Nuisance Ordinance(s)(5-2)(3-4-5).

Animal Control will log the complaint and notify the responding officer of the number of complaints regarding the particular animal within a prior twelve (12) Month period. For the purposes of these procedures: an "offense" is defined as any single "visit/response" by a responding officer in responding to a complaint or scheduled follow-up compliance visit; wherein any "Courtesy" warnings or citations are issued; regardless of the number of citations issued during any single visit/response. More than one visit/response may be made by Animal Control with a (24) hour period.

- During all responses to complaints; Animal Control will verify compliance with Licensing and Vaccination Ordinance(s) and issue the appropriate citation(s) for violations (5-2-3). Any animals required to be vaccinated for rabies (5-2-6) and found without a current rabies vaccination documentation or tag will be impounded to protect public safety (5-2-6, B).
 - The animal may be redeemed from impound by providing written proof of rabies vaccination (5-2-6. B1) or;
 - by paying impound fees and obtaining rabies vaccination for the animal within (72) hours of release (5-2-6 B2); and
 - All Penalties: Class C Misdemeanor(s) (5-2-12).
- **FIRST offense within a 12 month period:** The responding officer will advise the complainant to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*); and make his/her best attempt to contact the owner of the offending animal.
 - If the owner of the animal cannot be located; the responding officer will place a "COURTESY" warning in a highly visible location near or on the entrance of the residence (A citation may be issued for egregious violations at the discretion of the responding officer); and
 - If contact is made with the owner of the animal;
 - The officer will issue a "COURTESY" warning to the owner with regard to the barking or other disruptive noise(s) being cause by the animal as well as other violations that might exist. The owner;
 1. will be asked to immediately comply with the Noise as Nuisance Ordinance (3-4-5, A1); and
 2. will be advised that they (72) hours to remedy all additional violations; and
 3. will be advise that the third offense within a (12) month period may result in an additional citation and possible revocation of license to keep an animal within city limits.
- **SECOND offense within a 12 month period:** The responding officer will advise the complainant to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*); and attempt to personally witness violation;

- it is sufficient upon the responding officer witnessing a violation to issue citation. (If so; no signed complaint/affidavit is necessary from the complainant.)
- If the responding officer does not witness a violation; the complainant will be asked to give a written statement and sign a complaint/affidavit.
- The responding officer will then make his/her best attempt to contact the owner of the offending animal;
 - If the owner of the animal cannot be located, the officer will issue a citation to the owner of the property for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as a Nuisance (5-4-5, A1) Ordinances (a Class C Misdemeanor); and issue citations for any known additional violations; and place citation(s) in a highly visible area on or near the main entrance to the dwelling.
 - If contact is made; the officer will issue a citation for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as a Nuisance (5-3-5, A1) Ordinances (a Class C Misdemeanor). The owner;
 1. will be asked to immediately comply with the Noise as Nuisance Ordinance (3-4-5, A1); and
 2. will be advised that they have (72) hours to remedy all additional violations (the officer will schedule a follow-up visit after (72) hours to ensure compliance and issue addition citation(s) for further non-compliance); and
 3. will be advise that the third offense within a (12) month period may result in an additional citation and possible revocation of license to keep an animal within city limits.
- **THIRD offense within a 12 month period:** The responding officer will first attempt to personally witness violation;
 - it is sufficient upon the responding officer witnessing a violation to issue citation. (If so; no signed complaint/affidavit is necessary from the complainant.)
 - If the responding officer does not witness a violation; the complainant will be asked to give a written statement and sign a complaint/affidavit.
 - The responding officer will then make his/her best attempt to contact the owner of the offending animal.
 - If the owner of the animal cannot be located, the officer will issue a citation to the owner of the property for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as Nuisance (3-4-5, A1) Ordinances (a Class C Misdemeanor); and issue citations for any known additional violations; and place citation(s) in a highly visible area on or near the main entrance to the dwelling.
 - If contact is made; the officer will issue a citation for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as a Nuisance (5-3-5, A1) Ordinances (a Class C

Misdemeanor). The owner will be asked to immediately remedy the situation with the disruptive animal.

- Upon the issuance of a Second Citation for a Third Offense within a (12) month period, Animal Control will issue a request to the city attorney for a license revocation hearing to be set. All parties related to the case may be subpoenaed to court to testify.

***Nothing in this policy will be construed as superseding prosecutorial discretion to review and render independent decisions concerning violations of the law.**

46 Adoption of Previous Minutes and Agenda: Minutes of the January 10, 2012 Council meeting
47 were reviewed.

48 **Council member Clausen moved to “adopt the minutes of the January 10, 2012 Council**
49 **meeting and the evening’s agenda.” Council member Okelberry seconded the motion, which**
50 **passed with Clausen, Okelberry, Wilson and Wright in favor. Hadfield was absent. No one**
51 **opposed.**

52 Pay Bills: The bills were presented. A gas bill for the restrooms was discussed. It has been
53 shut off since December 23 so there shouldn’t be a charge. PWD Nelson was asked to call on it.

54 **Council member Clausen moved to “pay the bills as listed.” Council member Wright**
55 **seconded the motion, which passed with Clausen, Okelberry, Wilson and Wright in favor.**
56 **Hadfield was absent. No one opposed.**

57 Treasurer Report: Treasurer Mann asked Mayor Baker when he wanted to work on the budget
58 numbers to go over the mid-year changes. Mr. Baker answered, the end of this week.

59 Purchase Requisition Requests: There were none.

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

- 61 • The Coke and Pepsi machines have had their light bulbs removed. The light that shone down
62 on the machines was painted over to dim it some.
- 63 • Leak Detection will be here March 15, for one day, to inspect the sewer lines.
- 64 • Water meters were read.
- 65 • River Heights Boulevard was closed after a bad snow storm. Scout Nic Watterson has already
66 installed the road closed gate. He still needs to install some signs. PWD Nelson will add a
67 fiberglass extension to the arm to prevent people from driving up on the Greehalgh’s property
68 to get around it. Mayor Baker said in the spring, the city will add some decorative boulders in
69 the Greenhalgh’s yard which will prevent cars from trying to go around.
- 70 • They had to clean a couple storm drains, due to all the rain.

71 Administrative Report: Recorder Lind stated the Pro-Log Irrigation Company is in need of a
72 president and asked if anyone had any ideas of a person who might be willing and qualified. The
73 Council will ponder the question.

74 Ms. Lind handed around a copy of the February newsletter draft and asked if there were any
75 other contributions that could be added. Council member Okelberry said he would like to add a couple
76 items.

77 Ms. Lind introduced Sean Sullivan as the new USU journalism student.

78 Public Comment: There was none.

79 Public Hearing to Discuss and Adopt the River Heights City Storm Water Ordinance: Mayor
80 Baker said this ordinance has been written by the state and reviewed by the city’s attorney. He asked
81 for any comments from the council and public. There was none.

82 **Council member Clausen offered a motion for the council to “adopt Ordinance #1-2012,**
83 **The River Heights City Storm Water Ordinance.” Council member Wright seconded the**
84 **motion, which carried with Clausen, Okelberry, Wilson and Wright in favor. Hadfield was**
85 **absent. No one opposed.**

86 Discuss Procedure for Barking Dog Complaints: Council member Okelberry stated he has
87 discussed this procedure with Deputy Eggleston and he really liked it. He has also run it past the city
88 attorney who has also approved it. Council member Wright was concerned it was looking like an
89 ordinance, but if the attorney is okay with it, then he is. Mayor Baker asked that the Sheriff’s
90 Department and the judge get copies of it. Council member Wilson asked Deputy Pierson some
91 procedural questions.

92 Deputy Eggleston showed up and expressed his approval of the procedure. He said Logan City
93 has started putting a 15 minute limit on non-provoked barking. Beyond 15 minutes, the owner can be
94 cited. If River Heights would put something in their ordinance like this, it would help them (as
95 enforcement) know where the line is for issuing a citation. Council member Okelberry agreed the RH
96 ordinance is a little vague, but hopes common sense will prevail.

97 The procedure will rely on a signed complaint. A log will be even better, as far as evidence.
98 Mr. Okelberry said the city may want to address this same thing with cats since they can be carriers of
99 rabies. Deputy Eggleston agreed they carry a lot of other diseases.

100 Mayor Baker asked for advice and consent. Council members Clausen, Okelberry, Wilson and
101 Wright were in favor. Hadfield was absent.

102 Mayor and Council Reports: Council member Okelberry asked if everyone got their email
103 addresses and passwords. PWD Nelson's stated his still isn't working. Mr. Okelberry reported he has
104 talked to Treasurer Mann about cloud backup for the city's computer files, such as Carbonite. He is
105 inclined to go with the Norton back up system since it's already integrated. The cost will be about
106 \$100/year and it would be backed up off site. The council agreed to go with it. Mr. Okelberry will get
107 it set up with the City credit card.

108 Council member Wright said the storm water ordinance made reference to fees and penalties.
109 He has some recommended fees, from PWD Nelson, he will look over. He'll discuss them with
110 Engineer Rasmussen and make a recommendation, in the form of a resolution, at a future meeting.
111 They will need to decide if they will charge fees to the subdivider or individual home builders. PWD
112 suggested consulting with Zan Murray of JUB Engineering.

113 Council member Wilson recommended the 3rd Saturday of September for Apple Days since the
114 2nd Saturday has conflicted with an afternoon USU ball game. She has liked the event later in the day.
115 Council member Okelberry, as well as the other council members, felt it would probably be fine. Ms.
116 Wilson would like it in the newsletter as soon as it is finalized.


117 Mayor Baker reported he will go through the budget revisions with Treasurer Mann and have
118 something to the council at the next meeting.

119 Recorder Lind asked about the Booth's dog situation. She was unsure if the Booth's judgment
120 stated they can no longer have any dogs or that they had to get rid of the one dog that was the problem.
121 Mrs. Booth came in this week to register a third dog. She claims they only needed to get rid of the
122 problem dog, but they went ahead and got rid of it and the second dog. Council member Okelberry
123 will check to see what the judgment states.

124 Mayor Baker informed that John Stewart was sent a letter stating his water will be shut off as
125 soon as the weather gets warmer, as per the Council's decision at the last meeting.

126 Mayor Baker reported that the Kraus flooding situation has been turned over to the attorney.

127 The meeting adjourned at 7:25 p.m.

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William Baker, Mayor



Sheila Lind, Recorder