

# River Heights City

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**\*\*REVISED\*\***

## COUNCIL MEETING AGENDA

**Tuesday, December 12, 2017**

Notice is hereby given that the River Heights City Council will hold a special meeting and its regular council meeting beginning at 12:00 noon and at 5:30 p.m. in the River Heights City Office Building at 520 S 500 E.

12:00 p.m. Discuss Annexation Procedure with Attorney Jonathan Jenkins

12:30 p.m. Recess

Reassemble

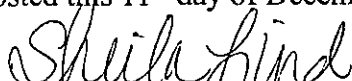
5:30 p.m. Opening Remarks (Clausen) and Pledge of Allegiance (Wilson)

5:35 p.m. Adoption of Previous Minutes and Agenda  
Pay Bills  
Finance Director Report  
Purchase Requisitions  
Public Works Report  
Administrative Report  
Public Comment

5:45 p.m. Acceptance or Denial of the Chugg Annexation Petition

6:00 p.m. Adjourn

Posted this 11<sup>th</sup> day of December 2017

  
\_\_\_\_\_  
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

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3 Council Meeting

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5 December 12, 2017  
6 5:30 p.m., Meeting B  
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9 Present: Mayor James Brackner  
10 Council members: Doug Clausen  
11 Robert "K" Scott  
12 Geoff Smith  
13 Dixie Wilson  
14 Blake Wright  
15  
16 Recorder Sheila Lind  
17 Public Works Director Clayton Nelson  
18 Finance Director Clifford Grover  
19 Treasurer Wendy Wilker  
20

21 Others Present: See attached roll  
22  
23

24 The following motions were made during the meeting:  
25

26 Motion #1

27 Councilmember Clausen moved to "adopt the minutes of the November 28, 2017 Council  
28 Meeting and the evening's agenda." Councilmember Scott seconded the motion, which passed with  
29 Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.  
30

31 Motion #2

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

35 Motion #3

36 Councilmember Clausen moved to "accept Resolution #7-2017, A Resolution for Acceptance  
37 for Further Consideration of the Chugg/Ironwood Annexation Petition." Councilmember Smith  
38 seconded the motion, which carried with Clausen, Scott, Smith and Wright. Wilson opposed.  
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41 Proceedings of the Meeting:  
42

43 The River Heights City Council met at 5:30 p.m. in the Ervin R. Crosbie Council Chambers in  
44 the River Heights City Building on Tuesday, December 12, 2017. Mayor Brackner stated this is a  
45 continuation of a prior meeting held at noon. Councilmember Clausen opened the meeting with a  
46 thought. Councilmember Wilson led the group in the Pledge of Allegiance.

47 Adoption of Previous Minutes and Agenda: Minutes of the November 28, 2017 Council  
48 Meeting, were reviewed. Councilmember Smith suggested formally moving the annexation item to  
49 6:30 p.m.

50 **Councilmember Clausen moved to “adopt the minutes of the November 28, 2017 Council  
51 Meeting and the evening’s agenda.” Councilmember Scott seconded the motion, which passed  
52 with Clausen, Scott, Smith, Wilson and Wright in favor. No one opposed.**

53 Pay Bills: The bills were presented and discussed. Treasurer Wilker discussed a monthly RMP  
54 bill for Conservice street lights. The cost is going up. PWD Nelson said the City should pay the low  
55 average and Conservice should pay the amount over that. For some reason RMP tied Conservice’s  
56 lights to the City’s. Ms. Wilker asked if there was a contract explaining this situation. Mr. Nelson will  
57 look it up and try to get the meter switched into Conservice’s name. The City needs to pay per light,  
58 but the overage should go to Conservice.

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

62 Finance Director Report: FD Grover recommended looking at the capital budget in the amount  
63 of \$375,000. One hundred thousand of this would come from the general fund; the remainder would  
64 be borrowed from one of the enterprise funds. In reviewing the current figures with the mayor, they  
65 have determined they may not need to borrow after all.

66 Purchase Requisition: There was none.

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

- 68 • He has been to a number of trainings in the last month for education hours. Water  
69 conservation, fire hydrant flushing and repair, pumps and motors, safety in the workplace.  
70 They are continuing hours for water distribution and treatment, sewer certification and cross  
71 connection certification. Cameron Reed has also passed certification for water distribution.
- 72 • He informed that Cameron’s father passed away and a sister-in-law, in the same week.
- 73 • Councilmember Scott asked if the big orange plow truck was ready to go. Mr. Nelson said he’s  
74 had it in the shop getting the exhaust fixed, along with some minor repairs.
- 75 • Councilmember Clausen asked for further clarification on certifications and water testing.

76 Administrative Report: Recorder Lind asked who would be contributing to the January  
77 newsletter. Councilmembers Smith and Wilson and PWD Nelson.

78 Public Comment: Ruthann Nelson asked for clarification about impact fees on the potential  
79 subdivision. She figured after the money is spent on equipment, there will still be maintenance costs.  
80 Mayor Brackner said property taxes will be used to cover this. Ms. Nelson didn’t think \$28,000 would  
81 be enough to hire a part time person for public works and another one for the office. Mr. Brackner  
82 encouraged her to look closer at his projections.

83 Lisa Ellis turned in two more pages of petition signatures of those against townhomes and who  
84 would like to see 15,000 square foot lots. Mayor Brackner said he appreciates their work and concern  
85 about the development but it is premature at this time.

86 Jamie Saltern asked the Council if they had received her email today. Some did and some  
87 didn’t. Mayor Brackner reiterated that he and the Council are sensitive to their concerns but it is  
88 premature. The meeting tonight has nothing to do with accepting a plan, its just accepting or denying  
89 an annexation process. Ms. Saltern asked what the timeline on this would be. Mayor Brackner  
90 explained his understanding of the annexation timeline. The next steps would be general plan  
91 revisions, rezoning and then the concept plan would come forward.

92 Dianne Rhoton asked if all the City Council received the information she handed out about 3  
93 weeks ago. She will get it to those who don't have it.

94 Cathy Thunell asked if Ironwood's plan was only given to the Planning Commission. Mayor  
95 Brackner said the Commission held a hearing to educate the citizens as a courtesy and to see what their  
96 feelings were about it.

97 Craig Winder reiterated they presented plans to the public at a Commission meeting to invite  
98 feedback, as a courtesy. Nothing binding has happened with the City.

99 Dianne Rhoton asked if they will have another hearing for the public. Councilmember Clausen  
100 assured the required notifications will go out.

101 Katie Ball had heard Ironwood didn't want their annexation petition accepted unless the City  
102 was favorable to their concept plan. Craig Winder pointed out they are not trying to tie the City's  
103 hands. After annexation, they would file for a rezone, then submit a preliminary plan. There will be  
104 public hearings every step of the way. If there is discomfort now, he would like the City to go ahead  
105 and deny their petition.

106 Councilmember Clausen said they are aware of the concerns over townhomes. The City's  
107 attorney said today, they can accept the annexation tonight and have complete discretion on what they  
108 will allow.

109 Roxanne Bilbao quoted Jeff Jackson as saying they can do a development without townhomes.  
110 Has he changed his mind? Craig Winder said they desire to include townhomes in their development,  
111 but they could come up with something else. He revealed at 6:30 tonight he will turn in a request for  
112 withdrawal of their annexation petition. They would like to look at their options with Providence. It's  
113 possible, they may be back to River Heights.

114 Roxanne Bilbao asked why they don't go with the first, very basic plan they brought to River  
115 Heights. Craig Winder said they can, but its not what they want.

116 Gene Spaulding asked, if they go to Providence, what will they do with the Church property.  
117 Craig Winder said this is up in the air. The talks they have with Providence will most likely just  
118 include the Chugg property with townhomes along 1000 East.

119 Mayor Brackner reminded if it goes to Providence, River Heights will have no control.

120 Dianne Rhoton said over 450 signatures of citizens do not want annexation. Councilmember  
121 Clausen said that is not what their petition says. It was clarified the petitions are for 'no townhomes'  
122 and 'larger lots.' Ms. Rhoton informed she has moved a lot and there are only two planned  
123 communities that have stayed beautiful 20 years later. She is worried the City will go into debt with  
124 this development. Mayor Brackner asked her to come visit with him and he can explain the big  
125 picture. She asked if the City Council listens to the community. Some people do not feel they're  
126 heard. Councilmember Wright said they could annex and keep it agricultural. Councilmember  
127 Clausen argued the City has had a few developments in the past and taxes have been lowered since  
128 then.

129 Dianne Rhoton asked if she and her friends could turn in a plan that they think would work for  
130 this area. Mayor Brackner said the developer comes in with the plan, and the rezone request.

131 Councilmember Wright said the General Plan dictates what they can allow. The City cannot  
132 address properties that are not in the Plan, therefore they need to identify what they would like for this  
133 property if it gets annexed. That is the extent of what the City can do. They have an obligation to  
134 entertain any project that is put before them. The City then says if they meet the laws or not. If it  
135 meets the code, they have to approve it.

136 Mayor Brackner asked the Council when they would like to tour the Old School and schedule  
137 another meeting in December to ratify a new fire protection contract and hopefully finish up the

138 wastewater treatment plan. It was decided that they will hold a meeting on December 19 at 4:45 for  
139 the Old School tour and then have the official meeting at 5:15 p.m.

140 Heather Lehnig suggested putting a timeline in the next city newsletter, which would outline  
141 the process if the annexation goes through. Mayor Brackner agreed to draft a general idea of what to  
142 expect.

143 Acceptance or Denial of the Chugg/Ironwood Annexation Petition: Mayor Brackner explained  
144 the Council's responsibility tonight is to accept or deny the petition. If they deny there will be no  
145 further action on the City's part.

146 Craig Winder turned in a *Notice of Withdrawal of Signature to Annexation Petition* to allow  
147 Ironwood to pursue with negotiations with Providence.

148 Mayor Brackner recommended to the Council to accept the petition so they could have control  
149 over the property.

150 Craig Winder reminded they want a down vote on the record. They feel they are legal to  
151 withdraw in a county of the third class because of some case law that says you have to have a majority  
152 of property owners approving it at the time it is accepted and at the time it is ultimately approved.  
153 Right now the petition has zero percent signatures on it. He has an opinion from the property rights  
154 ombudsman saying they have the right to withdraw. He asked the Council to allow them to explore  
155 options with Providence City at this time. They know it is a risk for them. It makes sense for them to  
156 be in River Heights, but they are sensing there is concern over townhomes.

157 **Councilmember Clausen moved to "accept Resolution #7-2017, A Resolution for**  
158 **Acceptance for Further Consideration of the Chugg/Ironwood Annexation Petition."**

159 **Councilmember Smith seconded the motion, which carried with Clausen, Scott, Smith and**  
160 **Wright. Wilson opposed.**

161 Mayor Brackner stated the City will proceed.

162 Craig Winder said he sees this as a lawsuit because the City just accepted a petition they have  
163 withdrawn from. Mayor Brackner reminded him that they are the ones who submitted the annexation  
164 petition, which means the City has the right to say yes or no. Mr. Winder believes case law says they  
165 can change their minds and withdraw anytime. Councilmember Wright said, if that is the case, the  
166 vote is a moot point. Mr. Winder asked what the mechanism is on establishing this. They may end up  
167 filing a petition with the first district court. Mayor Brackner referred this to counsel.

168 The meeting adjourned at 6:34 p.m.

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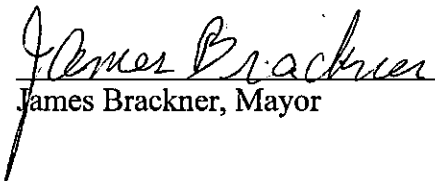
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James Brackner, Mayor

  
Sheila Lind, Recorder

Please print your name on the roll.

Heather Whing  
Gayle Brackner

Jerry L. Pence

Andrew Cobake

Sharon Gallup

Jon M. Ellis

Cathie Thunell

Ruth Ann Nelson

Mike Nelson

Christine Roberts

Gene Spaulding

LANCE PITCHER

Dianne W. R. Hoton

Rachel Hansen

Katie Ball

Kelly Hymas

Natalie Pace

Tamir Salkin

Teri Peery

Ted Wilson

Red Rounds

Craig Winder

River Heights City Bills To Be Paid

December 12, 2017

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Ag-Trac	Sprinkler Winterize			\$400.00						\$400.00
2	AT&T Mobility	City owned cell phones	\$90.40						\$90.41	\$90.40	\$271.21
3	Bear River Health Department	Water Coliform Testing							\$40.00		\$40.00
4	Cache Mayor's Association	Annual Dues	\$350.00								\$350.00
5	Cache Valley Publishing	Planning Public Ad		\$38.37							\$38.37
6	Caselle	Monthly Service Fee	\$91.69						\$91.66	\$91.65	\$275.00
7	Chevron & Texaco	Fuel for City Vehicles			\$62.36			\$62.38	\$62.38	\$62.38	\$249.50
8	Division of Drinking Water	Operator Certification - Clayton							\$100.00		\$100.00
9	Elaine Thatcher	ULCT Training	\$50.00								\$50.00
10	Forsgren	Storm Water, 700 S., 600 E.	\$312.50	\$156.25				\$702.50			\$1,171.25
11	Macey's	Tree Lighting					\$143.82				\$143.82
12	Providence Logan Irrigation	Water Annual Assessment							\$1,550.00		\$1,550.00
13	Rocky Mountain Power	Electricity	\$109.93		\$88.59	\$25.45		\$1,299.89	\$1,867.78	\$55.06	\$3,446.70
14	Rural Water Association of Utah	Clayten 1 Day Training							\$75.00		\$75.00
15	Secure Instant Payments	Monthly Service Fee	\$15.32						\$15.32	\$15.31	\$45.95
16	Thomson Electric	Lights LED in Office	\$183.54								\$183.54
17	Xerox	Copier Monthly Usage	\$49.58								\$49.58
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Page 1 SubTotals			\$1,252.96	\$194.62	\$550.95	\$25.45	\$143.82	\$2,064.77	\$3,892.55	\$314.80	\$8,439.92

River Heights City  
 Financial Summary  
 December 12, 2017

**Cash Balance By Fund**

	11/30/17	12/12/17	Net Change	% of Total
General Fund	121,253.29	118,507.90	(2,745.39)	8.97%
Capital Projects Fund	61,730.49	61,730.49	-	4.67%
Water Fund	325,122.51	324,797.87	(324.64)	24.57%
Sewer Fund	816,699.16	816,701.26	2.10	61.79%
<b>Total Cash Balance</b>	<b>1,324,805.45</b>	<b>1,321,737.52</b>	<b>(3,067.93)</b>	100.00%

	YTD Actual	Annual Budget	Unexpended Budget	% Of Budget Incurred	% Of Time Incurred
<b>General Fund</b>					
Revenue	315,925.98	767,990.00	452,064.02	41.14%	45.21%
Expenditures					
Administrative	70,341.36	160,120.00	89,778.64	43.93%	45.21%
Office	6,866.15	14,975.00	8,108.85	45.85%	45.21%
Community Affairs	9,306.08	22,600.00	13,293.92	41.18%	45.21%
Planning & Zoning	10,917.64	7,100.00	(3,817.64)	153.77%	45.21%
Public Safety	13,928.76	99,460.00	85,531.24	14.00%	45.21%
Roads	39,013.23	104,150.00	65,136.77	37.46%	45.21%
Parks & Recreation	29,914.41	80,846.00	50,931.59	37.00%	45.21%
Sanitation	59,842.60	144,000.00	84,157.40	41.56%	45.21%
Transfer To CP Fund	-	100,000.00	100,000.00		
Total Expenditures	240,130.23	733,251.00	493,120.77	32.75%	45.21%
<b>Net Revenue Over Expenditures</b>	<b>75,795.75</b>	<b>34,739.00</b>	<b>(41,056.75)</b>		
<b>Capital Projects Fund</b>					
Revenue	305.42	50.00	(255.42)		45.21%
Transfer From General Fund	-	375,000.00	375,000.00		
Expenditures					
Administrative	4,900.00	35,000.00	30,100.00		45.21%
Parks & Recreation	114.90	-	(114.90)		45.21%
Roads	55,876.16	420,000.00	364,123.84		45.21%
Electricity	-	4,162.74	4,162.74		45.21%
Total Expenditures	60,891.06	459,162.74	398,271.68		45.21%
<b>Net Revenue Over Expenditures</b>	<b>(60,585.64)</b>	<b>(84,112.74)</b>	<b>(23,527.10)</b>		
<b>Water Fund</b>					
Revenue	232,888.42	332,480.00	99,591.58	70.05%	45.21%
Expenditures	139,669.63	241,305.00	101,635.37	57.88%	45.21%
<b>Net Revenue Over Expenditures</b>	<b>93,218.79</b>	<b>91,175.00</b>	<b>(2,043.79)</b>		
<b>Sewer Fund</b>					
Revenue	152,706.85	231,300.00	78,593.15	66.02%	45.21%
Expenditures	121,446.80	259,411.00	137,964.20	46.82%	45.21%
<b>Net Revenue Over Expenditures</b>	<b>31,260.05</b>	<b>(28,111.00)</b>	<b>(59,371.05)</b>		



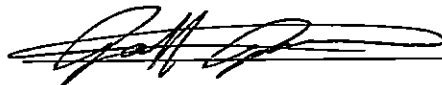
NOTICE OF WITHDRAWAL  
OF  
SIGNATURE TO ANNEXATION PETITION

Pursuant to that certain Power of Attorney dated November 13, 2017, a copy of which is attached hereto, Ironwood Development Group, L.C., on behalf of Chugg Farms, does hereby withdraw the signature of Chugg Farms from the petition for annexation to the City of River Heights previously submitted to the City of River Heights in connection with the property located at approximately 1000 E 600 S, River Heights, Utah, Tax ID No. 02-004-0001 and 02-004-0002 and 02-004-0003. Further, Ironwood Development, on behalf of Chugg Farms, does hereby withdraw the petition, in its entirety, from consideration for annexation into River Heights.

Chugg Farms reserves the right to file a new petition for annexation into the City of River Heights at a later date.

Dated this 12th day of December 2017.

IRONWOOD DEVELOPMENT GROUP, L.C.



Jeff Jackson, Manager

12-12-17

12:00 PM

Resolution 7-2017

A Resolution for ~~Acceptance/Denial~~ for Further Consideration of the Chugg/Ironwood Annexation Petition

**WHEREAS** the City of River Heights has adopted an Annexation Policy Plan by ordinance defining those areas which the City will consider for annexation and the process for consideration of annexation petitions, and

**WHEREAS** the attached Chugg/Ironwood Petition for annexation has been delivered to the City Recorder of River Heights City, consistent with the Annexation Policy Plan, and

**WHEREAS** the Planning Commission has reviewed the annexation petition and agreed it meets the requirements of Utah law for further consideration.

**NOW THEREFORE**, the River Heights City Council ~~accepts/denies~~ the Chugg/Ironwood Annexation Petition for consideration.

Dated this 12<sup>th</sup> day of December 2017.

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James Brackner, Mayor

ATTEST

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Sheila Lind, REcorder