

River Heights City

COUNCIL MEETING AGENDA

Tuesday, August 14, 2018

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.

6:00 p.m.

Field Trip to the Old Church Building

6:30 p.m.

Opening Remarks (Scott) and Pledge of Allegiance (Clausen)

Adoption of Previous Minutes and Agenda

Reports and Approval of Payments (Mayor, Council, Staff)

Public Comment

Finalize Thunell Sewer Back-up Reimbursement

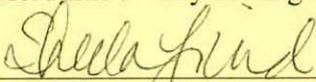
Discuss Notification to Residents Regarding Water and Sewer Back-up Situations

Adoption of an Ordinance to Adopt Changes to the City Code of River Heights, Utah

Discuss Future Use of Old Church

Adjourn

Posted this 9th day of August 2018



Sheila Lind, Recorder

Attachments for this meeting and drafts of previous meeting minutes can be found on the State's Public Notice Website (pnn.utah.gov)

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

Council Meeting

August 14, 2018

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8 Present: Mayor pro tem Blake Wright
9 Council members: Doug Clausen
10 Robert "K" Scott
11 Elaine Thatcher
12 Dixie Wilson
13
14 Recorder Sheila Lind
15 Public Works Director Clayton Nelson
16 Finance Director Clifford Grover
17 Treasurer Wendy Wilker
18
19 Excused Mayor Todd Rasmussen
20
21 Others Present: Planning Commissioners: Cindy Schaub, Heather Lehnig
22 and Chris Milbank
23 Jim and Gayle Brackner, Andy and Monica Thunell,
24 Steve Thunell, Ashton Morrell
25
26

27 The following motions were made during the meeting:
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29 Motion #1

30 Councilmember Clausen moved to "adopt the minutes of the council meeting of July 31, 2018
31 and the evening's agenda." Councilmember Scott seconded the motion, which passed with Clausen,
32 Scott, Thatcher, Wilson and Wright in favor. No one opposed.
33

34 Motion #2

35 Councilmember Thatcher moved to "pay the bills as listed." Councilmember Scott seconded
36 the motion, which passed with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.
37

38 Motion #3

39 Councilmember Clausen moved to "pay the Thunell's \$33,274.06 for full reimbursement for
40 damages caused by a sewer backup to their property and the associated reconstruction costs. Said
41 amount will be paid after they sign a claim release form." Councilmember Thatcher seconded the
42 motion, which carried with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.
43
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45

47 Motion #4

48 Councilmember Thatcher moved to “amended her motion to pay the bills to include the amount
49 of \$33,274.06 to be paid to the Thunells.” Councilmember Scott seconded the motion, which carried
50 with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

51

52 Motion #5

53 Councilmember Clausen moved to “send a notification to the residents, regarding water leaks
54 and sewer backup situations. This notice will be mailed to each residence and also published in the
55 next newsletter.” Councilmember Thatcher seconded the motion, which carried with Clausen, Scott,
56 Thatcher, Wilson and Wright in favor. No one opposed.

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58 Motion #6

59 Councilmember Clausen moved to “adopt Ordinance 3-2018, An Ordinance to Adopt Changes
60 to the City Code of River Heights City, Utah.” Councilmember Thatcher seconded the motion, which
61 carried with Clausen, Scott, Thatcher and Wright in favor. Wilson opposed.

62

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Proceedings of the Meeting:

66

67 The River Heights City Council met on August 14, 2018 at 6:00 p.m. at the Old Church to tour
68 the building.

69 At 6:30 p.m. the group met in the Ervin R. Crosbie Council Chambers in the River Heights City
70 Building for their regular council meeting. In the absence of Mayor Rasmussen, Councilmember
71 Wright conducted as mayor pro tem.

72 Opening Remarks and Pledge of Allegiance: Councilmember Scott opened the meeting with a
73 thought and Councilmember Clausen led the group in the Pledge of Allegiance.

74 Adoption of Previous Minutes and Agenda: Minutes for the July 31, 2018 meeting were
75 reviewed.

76 **Councilmember Clausen moved to “adopt the minutes of the council meeting of July 31,
77 2018 and the evening’s agenda.” Councilmember Scott seconded the motion, which passed with
78 Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.**

79 Reports and Approval of Payments (Mayor, Council, Staff):

80

81 Public Works Director Nelson

82 • Mr. Nelson presented a purchase requisition for a playground slide replacement in the amount
83 of \$1,646.03. He and Councilmember Wilson will check with Craig Adams to see if there is
84 money in their park account to help pay for it. If not, the Council gave their consent for
85 payment.

86 • He is expecting a pre-construction meeting for the 700 South Sidewalk project at any time.

87 • The street lights in the three phases of Saddlerock are due to be installed this week or next.

88 The City will own them. They are 15 feet tall and will match Conservice’s poles.

89

90 Finance Director Grover

91 • The Cash Balance by Fund showed an increase in cash since last meeting.

- Mr. Grover and Treasurer Wilker presented the bills and answered questions. He informed, Logan's water bills will be paid next week.
- The Riverdale water bill from Logan City is still very high. PWD Nelson will meet with Logan City's water department to discuss and see if they can find a leak.

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

Treasurer Wilker didn't have anything.

Councilmember Thatcher

- She handed out an Apple Days schedule and financial summary.
- The Apple Days committee has requested all the City Council be involved by riding in the parade, going on the run/walk in the morning and helping out where needed.
- It was decided that Cameron Reed will drive the City truck. A parent will drive the royalty float.
- Awards: Beautification will go to Tom and Debbie Rees. She is still waiting for information on Rodger Pond and Milton Anderson before deciding on citizen of the year.
- It was suggested that the Planning Commissioners could ride on the Council's float this year since Councilmember Wright and Scott will be absent.
- Ashton Morrell explained he has been working on organizing the children's games. He has about 30 volunteers to help. He will rotate them about every hour. He will make sure all the games are ready prior to the event. He will repaint and repair as needed.

Councilmember Scott

- Mr. Scott informed that the fire proof file cabinet for the office will be on its way soon.

Councilmember Clausen didn't have anything.

Councilmember Wilson

- Ms. Wilson asked if the agenda could be more specific on the adoption of the code changes, giving readers more of an idea of what changes were possibly going to be adopted. Councilmember Wright responded it's been detailed on the Commission's agenda while they've been discussing it. Recorder Lind was willing to add links to the full ordinance on the city's website where the agenda is posted. Mr. Wilson felt the agenda should be more public friendly. Ms. Lind explained all the attachments for each meeting are posted on the state's website along with the agenda. Each agenda that is posted has a statement at the bottom which refers readers to the state's website where they can find all the information relating to the agenda. Councilmember Thatcher felt the agenda footnote was adequate. Mr. Wright stated Ms. Wilson's comments were noted.

Councilmember Wright didn't have anything.

Recorder Lind didn't have anything.

138 Mayor Rasmussen was absent.

139

140 Public Comment: Monica Thunell explained there is a wasp problem in the park and explained
141 where she has seen a lot of them. PWD Nelson agreed they are really bad this year and assured they
142 are continually spraying them.

143 Finalize Thunell Sewer Back-up Reimbursement: Councilmember Clausen proposed the City
144 pay Andy and Monica Thunell \$33,274.06 to cover damages caused by a recent sewer backup. This is
145 the amount Travelers Insurance would have paid, if they were going to pay the claim. Andy Thunell
146 stated he and Monica have reviewed the figures and agree with this amount.

147 **Councilmember Clausen moved to “pay the Thunell’s \$33,274.06 for full reimbursement
148 for damages caused by a sewer backup to their property and the associated reconstruction costs.
149 Said amount will be paid after they sign a claim release form.” Councilmember Thatcher
150 seconded the motion, which carried with Clausen, Scott, Thatcher, Wilson and Wright in favor.
151 No one opposed.**

152 **Councilmember Thatcher moved to “amended her motion to pay the bills to include the
153 amount of \$33,274.06 to be paid to the Thunells.” Councilmember Scott seconded the motion,
154 which carried with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.**

155 Discuss Notification to Residents Regarding Water and Sewer Back-up Situations:
156 Councilmember Clausen reminded, at their last meeting, the Council decided to have a notification
157 mailed to each property owner. He asked for comments on his wording of the notice. Councilmember
158 Thatcher had some editing comments. PWD Nelson clarified the resident’s responsibility for water
159 starts after their meter. Their sewer line responsibility starts at their connection to the trunk line.

160 There was discussion on whether they should let citizens know the City may cover \$5,000 by
161 way of a no-fault rider, depending on if they adopt an ordinance regarding this. Monica Thunell
162 suggested citizens may take it more serious if they thought the City wasn’t going to cover a mishap by
163 going forward with getting their own insurance. PWD Nelson didn’t believe the no-fault coverage
164 would be effective if the homeowner’s insurance kicks in. Because of the unknowns, this verbiage was
165 removed from the letter.

166 **Councilmember Clausen moved to “send a notification to the residents, regarding water
167 leaks and sewer backup situations. This notice will be mailed to each residence and also
168 published in the next newsletter.” Councilmember Thatcher seconded the motion, which
169 carried with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.**

170 Councilmember Clausen and Recorder Lind will work together to get the notice out.

171 Adoption of an Ordinance to Adopt Changes to the City Code of River Heights, Utah: Mayor
172 pro tem Wright informed that the Planning Commission held a public hearing on July 31, 2018 and
173 then recommended to the City Council that they adopt the changes before them. He began a review of
174 the changes.

175 Councilmember Wilson passed around a position handout on why she felt the Council should
176 NOT remove “The owner of the [home] business must live in the home.” She read through the
177 handout which explained her point. She expressed gratitude to the Commissioners for their work on
178 this item, but felt the ordinance was in conflict with itself. She was afraid there could be people who
179 may purchase a home in River Heights, not live there, but run a business from it. Because they
180 wouldn’t be living there, they would be unaware of the impacts their business may have on their
181 neighbors.

182 Councilmember Scott asked what kind of taxes the City receives on home businesses.
183 Commissioner Wright said it depends on what type of business it is. Basically, it's not much because
184 they are mostly service type businesses.

185 Councilmember Wright explained this change was brought on by a request from Steve Thunell
186 to have his accounting business in part of the home he owns next door to his residence. He said there
187 was a chance he could end up selling this home to his son one day.

188 Councilmember Wright explained that anytime a person wanted to run a business outside of
189 their residence, they would need to apply for a conditional use permit and go through the process,
190 which includes a public hearing in which neighbors would be invited to voice their concerns. Once a
191 business is running, if there are complaints, the City would require a review of the permit.

192 Councilmember Wilson believed these revisions are going to change the complexion of the
193 single family residential zone. Councilmember Thatcher pointed out that these days more people are
194 working from their homes. She thinks the ordinance covers the city. Ms. Wilson pointed out its a long
195 process to solve bad situations.

196 Councilmember Wilson moved to "leave the Home Occupation ordinance definition as it is.
197 Do not remove, "The owner of the business must live in the home." The motion died for lack of a
198 second.

199 Commissioner Milbank said in the spirit of the recent change in state code, if a home business
200 is quiet in the residential area, they are allowed to do so without paying for a license. He believes they
201 are all interested in quiet residential areas in River Heights.

202 Councilmember Wright continued discussing the rest of the proposed code changes.

203 Councilmember Scott asked for an update on the 1000 East fence issue. Councilmember
204 Wright explained the attorneys are still going back and forth. We are at the point to ask them again to
205 come in for a discussion.

206 **Councilmember Clausen moved to "adopt Ordinance 3-2018, An Ordinance to Adopt**
207 **Changes to the City Code of River Heights City, Utah." Councilmember Thatcher seconded the**
208 **motion, which carried with Clausen, Scott, Thatcher and Wright in favor. Wilson opposed.**

209 Discuss Future Use of Old Church: Mayor pro tem Wright reminded he brought up at the last
210 meeting that the Council entertain some options for the Old Church with some numbers to back them
211 up. Councilmember Scott suggested pooling their wish list and then pursue cost estimates.

212 Councilmember Thatcher would like to see the building turned into a community center by
213 preserving the old feel of this part of River Heights and wasn't interested in a new structure. She felt
214 the building looks strong and sturdy and well built. If the asbestos is left alone it may be legal to not
215 remove it. It could provide classrooms for music or exercise classes and a stage for the community, in
216 an esthetically pleasing context. She felt the historical value of the building was worth keeping it high
217 on the list.

218 Councilmember Clausen reminded that the Opera Company hadn't kept up their end of the
219 contract, which is the reason they were discussing their ideas for the future.

220 Councilmember Wilson suggested giving the Opera Company a lease deadline of three years.
221 Councilmember Clausen explained, the Council needs to have a plan for the building and a way to
222 fund it before evicting them.

223 Councilmember Clausen suggested an idea of selling the property with stipulations, such as
224 tearing it down and maybe selling building lots.

225 Councilmember Wright was unsure how a community center would be used. Councilmember
226 Thatcher explained the rooms could be rented out for recitals, lessons and events. She likes the stage

227 and gathering area for indoor community events. Mr. Wright's concern was that the City could spend
228 a lot of money fixing it up and then it would sit vacant most of the time.

229 PWD Nelson stated, in the near future he was going to request a couple more storage sheds to
230 store parts to have on hand. Since the City owns the building, perhaps they could use part of it for
231 storage. Councilmember Wilson pointed out that right now the Opera Company is paying all the
232 liability insurance.

233 Councilmember Thatcher asked if they could get a structural review. Councilmember Clausen
234 informed that Engineer Rasmussen had already done that and found the building sound, for the current
235 use. No more than 8 people can be in the building at a time.

236 Councilmember Thatcher desired to preserve the building. Councilmember Wilson and Scott
237 want it torn down. Councilmember Clausen will base his decision on costs. Ms. Wilson suggested
238 putting a time limit on themselves for making the decision. Ms. Thatcher will look into costs of
239 preserving the building. Councilmember Wilson guessed it would cost about \$200,000 to tear it down.
240 Councilmember Clausen suggested putting out a request for proposal to see what suggestions might be
241 submitted. He also suggested a deadline of December 1 for getting cost estimates for their ideas.

242 Councilmember Wright liked the preservation idea if its not cost prohibitive and it will be used
243 after a lot of money is expended.

244 Councilmember Clausen said he wouldn't be too bothered if someone turned the old building
245 into condos if it looked nice. Councilmember Wilson informed she would never go for apartments.
246 Councilmember Thatcher said her first priority was preservation but if it had to be torn down, the
247 replacement needs to fit in with the neighborhood.

248 The meeting adjourned at 8:30 p.m.

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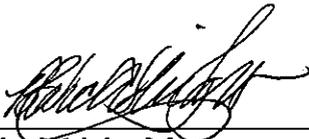
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Blake Wright, Mayor pro tem



Sheila Lind, Recorder

River Heights City Bills To Be Paid

8/14/2018

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Bear River Health Department	Water Coliform Testing							\$40.00		\$40.00
2	Cache Valley Knockerball	Apple Days Entertainment					\$550.00				\$550.00
3	Cache Valley Publishing	Planning & 700 South Side Walk Ad		\$43.39				\$350.60			\$393.99
4	Caselle	Monthly Contract Billing	\$91.69						\$91.66	\$91.65	\$275.00
5	Chevron & Texaco	Fuel for City Vehicles			\$34.15			\$34.14	\$34.14	\$34.14	\$136.57
6	Daines & Jenkins	Legal Fees Sewer, P&Z, Grama	\$100.00	\$100.00						\$80.00	\$280.00
7	Forsgren & Associates	700 South & Storm Water Insp.						\$6,305.00			\$6,305.00
8	Freedom Mailing	Monthly Bill Processing	\$144.41						\$48.14	\$48.14	\$240.69
9	Kerry Duffy	Apple Days Entertainment					\$100.00				\$100.00
10	Lauren Howell	Utility Bill Overpayment-Refund	\$36.40			\$3.39		\$3.00	\$16.44	\$40.77	\$100.00
11	Porter's Office Products	Fire Proof File Cabinet	\$1,160.00								\$1,160.00
12	Ray Checketts Amusements	Apple Days Entertainment					\$2,500.00				\$2,500.00
13	Rocky Mountain Power	Monthly Electricity	\$144.56		\$66.00	\$24.77		\$1,164.66	\$5,941.65	\$29.31	\$7,370.95
14	Secure Instant Payments	Monthly Billing	\$14.65						\$14.65	\$14.65	\$43.95
15	State of Utah	Annual Storm Water Permit (up \$200)						\$750.00			\$750.00
16	Suzanne Karren	Apple Days Prizes for Games					\$237.80				\$237.80
17	Thomas Petroleum	Fuel for City Vehicles			\$40.62			\$40.66	\$40.66	\$40.66	\$162.60
18	Utah Local Government Trust	Credit for Gen Liab Overpmt & WC mont	-\$28.48		-\$43.75			-\$133.56	-\$169.19	-\$178.09	-\$553.07
19	Verizon Wireless	Monthly City Cell Phone Bills	\$35.75						\$35.75	\$35.76	\$107.26
20	Xerox	Monthly Usage Billing	\$48.46								\$48.46
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31											
32											
33	June										
34	Sunrise Environmental Scientific	Late Fee on a bill from May 2018								\$4.91	\$4.91
35											
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41											
42											
43											
44											
Page 1 SubTotals			\$1,747.44	\$143.39	\$97.02	\$28.16	\$3,387.80	\$8,514.50	\$6,093.90	\$241.90	\$20,254.11

River Heights City
 Financial Summary
 August 14, 2018

Cash Balance By Fund

	07/31/18	08/14/18	Net Change	% of Total
General Fund	200,545.12	200,163.93	(381.19)	12.39%
Capital Projects Fund	128,258.67	128,258.67	0.00	7.94%
Water Fund	430,574.37	435,465.48	4,891.11	26.94%
Sewer Fund	849,324.56	852,241.46	2,916.90	52.73%
Total Cash Balance	<u>1,608,702.72</u>	<u>1,616,129.54</u>	<u>7,426.82</u>	100.00%

		YTD Actual	Annual Budget	Unexpended Budget	% Of Budget Incurred	% Of Time Incurred
General Fund						
Revenue		53,186.10	757,030.00	703,843.90	7.03%	12.33%
Expenditures	Administrative	6,422.17	162,050.00	155,627.83	3.96%	12.33%
	Office	771.83	17,120.00	16,348.17	4.51%	12.33%
	Community Affairs	59.62	18,400.00	18,340.38	0.32%	12.33%
	Planning & Zoning	-	8,470.00	8,470.00	0.00%	12.33%
	Public Safety	2,007.00	86,400.00	84,393.00	2.32%	12.33%
	Roads	10,591.65	104,000.00	93,408.35	10.18%	12.33%
	Parks & Recreation	5,961.07	90,800.00	84,838.93	6.57%	12.33%
	Sanitation	12,666.67	150,000.00	137,333.33	8.44%	12.33%
	Transfer To CP Fund	-	120,000.00	120,000.00	0.00%	
Total Expenditures		<u>38,480.01</u>	<u>757,240.00</u>	<u>718,759.99</u>	5.08%	12.33%
Net Revenue Over Expenditures		<u>14,706.09</u>	<u>(210.00)</u>	<u>(14,916.09)</u>		
Capital Projects Fund						
Revenue		82.93	400.00	317.07		12.33%
Transfer From General Fund			120,000.00	120,000.00		
Expenditures	Administrative		130,000.00	130,000.00		12.33%
	Parks & Recreation		152,750.00	152,750.00		12.33%
	Roads	42,966.37	757,750.00	714,783.63		12.33%
		-	-	-		12.33%
Total Expenditures		<u>42,966.37</u>	<u>1,040,500.00</u>	<u>997,533.63</u>		12.33%
Net Revenue Over Expenditures		<u>(42,883.44)</u>	<u>(920,100.00)</u>	<u>(877,216.56)</u>		
Water Fund						
Revenue		49,122.63	346,130.00	297,007.37	14.19%	12.33%
Expenditures		<u>13,048.46</u>	<u>272,250.00</u>	<u>259,201.54</u>	4.79%	12.33%
Net Revenue Over Expenditures		<u>36,074.17</u>	<u>73,880.00</u>	<u>37,805.83</u>		
Sewer Fund						
Revenue		24,838.51	249,500.00	224,661.49	9.96%	12.33%
Expenditures		<u>23,847.33</u>	<u>310,250.00</u>	<u>286,402.67</u>	7.69%	12.33%
Net Revenue Over Expenditures		<u>991.18</u>	<u>(60,750.00)</u>	<u>(61,741.18)</u>		

Apple Days 2018 Expenses

		Item costs	Section total	Running total
Parade	Peggy Smith			
	Ridgeline Donation	\$ 150.00		
	Candy	\$ 80.00		
	Prize for parade winners	\$ 120.00		
	Signs	\$ 50.00		
			\$ 400.00	\$ 400.00
Amusements	Susan Rasmussen			
	Balloonist	\$ 100.00		
	Face Painting	\$ 440.00		
	Cache Valley Knocker Balls	\$ 550.00		
	Checketts Amusement (inflatables)	\$ 2,750.00		
	Bounce for Kids (dunk tank and inflatable)	\$ 320.00		
			\$ 4,160.00	\$ 4,560.00
Music	Lauren Shanley			
	4th Street Combo	\$ 400.00		
	Stage	\$ 600.00		
	Tent	\$ 200.00		
			\$ 1,200.00	\$ 5,760.00
Awards	Elaine Thatcher			
	Gifts for award winners	200?	\$ 200.00	\$ 5,960.00

2018 River Heights Apple Days

4:30- National anthem
4:35- Introduce Royalty
4:45-5:00- Apple Pirates and Pixies
5:00-5:30- Just Jumpin' on the courts
5:30-6:00- Band set up
6:00-7:00- 4th Street Jazz Combo
7:00-7:10- River Heights City Awards
7:10-8:00- Prize drawings

We invite all residents and friends of River Heights to come to Apple Days, August 25 in Heber Olsen Park! There will be a fun run, parade, games, food, booths, entertainment, and more.

Children's Bike Rodeo and Parade, 2:00pm Rodeo; 3:00pm Children's Parade

There will be bike decorating, and the Sheriff's Department will provide safety activities. Meet north of city offices at 2:00pm.

Apple Days Parade

Lineup is at 3:30pm and the parade starts at 4:00pm. There will be River Heights honorees, bands, royalty, politicians, floats, antique cars, candy, and more.

There will be many fun things to do at Apple Days this year. We will have a dunk tank, knocker balls, face painting, games, a balloon artist and inflatables for all ages. These will be available immediately after the parade and are all FREE!

The 4th Street Jazz Combo brings some swing to the citizens of Cache Valley and beyond. They are a 7-piece combo that plays vintage and modern jazz. Their influences derive from bossa nova, gypsy jazz, swing, and more"

Notification to Residents (OSCO, 02)

500 Reports Water and Sewer Backup

City's Sewer System

\$30,000 or more. It is your (homeowners) responsibility to buy this rider. We recommend you buy and keep this extra cost "no-fault" Coverage in force.

D. Guidelines for Good Sewer Health

1. Do Not ~~etc~~ dump fats, oils, ^(cooking oils) or grease into your sewer.

They cool and solidify causing problems which can lead to backups. These need to go in the garbage.

2. Paper towels, disposable diapers (both paper and cloth) and feminine products also cause problems and

do not deteriorate like bathroom tissue does.

3. Please use common sense and avoid dumping these and other problem causing substances.

IF you experience a backup problem

call the City first. Number 7 River Heights emergency number.

Will treat this as an emergency. Do not call a plumber etc. first. We will investigate the mains and inform you of our

findings. Against laterals are the homeowners

responsible and they will have to correct these problems on their own (not using city employees or equipment).

Ordinance 3-2018

AN ORDINANCE TO ADOPT CHANGES TO THE CITY CODE OF RIVER HEIGHTS CITY, UTAH

The River Heights City Planning Commission held a duly noticed public hearing on Tuesday, July 31, 2018, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

3-1-3 and 10-2-1 (home occupation definition)

A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence. ~~The owner of the business must live in the home. The exterior of any home based business shall maintain the appearance of a residential dwelling at all times.~~ Conditional use of that property will become void when the business ceases.

3-1-4:A.1. Home Occupation Licenses/Permitted Uses Requiring A Conditional Use Permit and License

Add:

j. Business Location: If an owner doesn't reside in the home where business is conducted.

5-2-4:A.2 Kennel Permits

Any Kennel Conditional Use Permit issued pursuant to this section shall automatically expire on December 31, immediately following date of issue. During the first two (2) months of each year the licensee shall apply for a renewal of the kennel license and pay the required fee. Any application made after March 1, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

3-5-9: PERMITS AND BADGES

A. Issuance: ~~The City Recorder shall issue to each solicitor, an identification badge containing the words "Permitted Solicitor", the number of the permit, in letters with figures easily discernible from a distance of five feet (5').~~

1. The City Recorder shall issue to each solicitor, an identification badge containing the words "Permitted Solicitor", the number of the ~~permit~~ badge, in letters with figures easily discernible from a distance of five feet (5'). *(moved from above)*
2. A permit will be issued with a permit number, expiration date, solicitor and company information and signature of City licensing administrator. Permit shall be carried by the registered solicitor at all times while soliciting in the city.

8-1-1: UTILITY SERVICE AGREEMENT REQUIRED FOR EACH RESIDENCE

Each residence receiving utility services from River Heights City is required to have a Utility Service Agreement on file with the City Office.

(Add this section and bump other sections down.)

8-1-7: LANDLORD UTILITY SERVICE AGREEMENT

Landlords are required to sign the River Heights Landlord Utility Service Agreement as held in the River Heights City Office for each property they rent in River Heights.

10-11 SENSITIVE AREA AND OTHER OVERLAY ZONES (rename the chapter)

10:11-6: HISTORIC LANDMARK OVERLAY ZONE AT 594 SOUTH 400 EAST

(Add this previously adopted ordinance to the code book.)

10-12-2: AREA REGULATIONS (Accessory Uses)

	A	R-1-8	R-1-10	R-1-12
Front Yard	50	25 <u>30</u>	25 <u>30</u>	30 <u>35</u>

10-12-2: AREA REGULATIONS (Fences and Walls)

~~Subscript 3. If the accessory building is located within 10 feet behind the front setback, the principle use setbacks will apply.~~

Subscript 4. Corner Lots: (See figure 10-12-2) (1-2018, 3-13-18) When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, a six foot (6') fence is allowed in the part of

the corner lot's rear and side yard that is adjacent to the neighboring lot's front-yard setback area. All fences on corner lots shall comply with 10-13-~~1415~~: Clear View of Intersecting Streets.

10-13-8: STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES PROHIBITED

No yard or other open space surrounding an existing building in any ~~agricultural or residential~~ zone, or which is hereafter provided around any building in any ~~agricultural or residential~~ zone, shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically provided for by this title. (Ord., 1-22-2002)

10-13-15: CLEAR VIEW OF INTERSECTING STREETS

. . . Trunks of trees, ~~fence posts~~, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.

Adopted and effective this 14th day of August 2018.

Todd A. Rasmussen, Mayor

Attest:

Sheila Lind, Recorder

In my opinion, this change to the Home Occupation/Code Definition changes the interpretation of the city in a huge way. We could see many homes turned into businesses where the owner does not live there and would not be aware of issues or problems to the neighborhood. The owner occupant would be aware of those problems caused by his business if he resided at the home. We are more apt to be aware of our neighbors if we live there.

By not requiring the owner to live in the home where the home occupation/business is located, there are several problems to this change in ordinance:

1. It is no longer a home occupation other than it is in a structure that must look like a home. It is a business.
2. In the code, it states; "Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence." This is clearly a conflict as the home no longer becomes a residence (which the code states is the main purpose of the property) but a business.
3. Is this not true? I have a residence in River Heights City Limits. Until this proposed change I must live in the residence to have a home occupation at that residence. Now, I can live anywhere and run a business out of the property I own.
4. For example, I could buy a home in River Heights City Limits having never lived in it, in any zone (R1-8, R1-10, R1-12 and so on) and put in an approved business.

Please do not vote for this code change.

It is always good to try to accommodate our citizens and their wants but in this case and the case of the fences and commercial parking, we seem to be accommodating a few to the disservice of the many.

The intent of River Heights City as stated in our General plan is single family residential. This code change changes the overall intent of the will of most of the residents of River Heights. I think.

I will have additional comments when we get to this part of the agenda.

I do appreciate all the work the P&Z does. Thanks you so much.

Dixie