

# River Heights City

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## COUNCIL MEETING AGENDA

**Tuesday, October 9, 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.

Opening Remarks (Wilson) and Pledge of Allegiance (Wright)

Adoption of Previous Minutes and Agenda

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

Public Comment

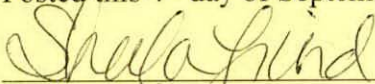
Discuss Adoption of a Commercial Parking Ordinance

Adoption of a Resolution to Update Fees

Discuss No-Fault Utility Claims Ordinance

Adjourn

Posted this 4<sup>th</sup> day of September 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](http://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

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## Council Meeting

October 9, 2018

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8 Present: Mayor Todd Rasmussen  
9 Council members: Robert "K" Scott  
10 Elaine Thatcher  
11 Dixie Wilson  
12 Blake Wright  
13  
14 Recorder Sheila Lind  
15 Public Works Director Clayton Nelson  
16 Finance Director Clifford Grover  
17 Treasurer Wendy Wilker  
18  
19 Excused Councilmember Doug Clausen  
20  
21 Others Present: Heather Lehnig, Lance Andersen, Cindy Schaub  
22

23 The following motions were made during the meeting:

### 24 Motion #1

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26 Councilmember Scott moved to "adopt the minutes of the council meeting of September 25,  
27 2018 and the evening's agenda." Councilmember Wilson seconded the motion, which passed with  
28 Scott, Thatcher, Wilson and Wright in favor. No one opposed. Clausen was absent.  
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### 31 Motion #2

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

### 36 Motion #3

37 Councilmember Wright moved to "adopt Ordinance 4-2018, An Ordinance to Adopt Changes  
38 to the City Code of River Heights, Utah, for a commercial parking zone with the following changes, an  
39 accessory building may not exceed 1.5% of the gross land area, the applicant will be responsible to pay  
40 for all necessary public improvements on streets adjacent to the property within the CP zone and that a  
41 security of performance is required as described in 11-5-1B." Councilmember Scott seconded the  
42 motion, which carried with Scott, Thatcher and Wright in favor. Wilson opposed and Clausen was  
43 absent.  
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47 Motion #4

48 Councilmember Wright moved to “adopt Resolution 8-2018, A Resolution to Update Fees.”  
49 Councilmember Scott seconded the motion, which carried with Scott, Thatcher and Wright in favor.  
50 Wilson opposed and Clausen was absent.

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53 Proceedings of the Meeting:

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55 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in  
56 the River Heights City Building on Tuesday, October 9, 2018 for their regular council meeting.

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

59 Adoption of Previous Minutes and Agenda: Minutes for the September 25, 2018 meeting were  
60 reviewed.

61 **Councilmember Scott moved to “adopt the minutes of the council meeting of September  
62 25, 2018 and the evening’s agenda.” Councilmember Wilson seconded the motion, which passed  
63 with Scott, Thatcher, Wilson and Wright in favor. No one opposed. Clausen was absent.**

64 Mayor Rasmussen informed he has excused FD Grover and Treasurer Wilker after their  
65 reports.

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

67

68 Public Works Director Nelson

- 69
- 70 • 700 South Sidewalk hasn’t been worked on much since the last meeting. Both contractors have  
71 been very busy and are likely off on other jobs. He and Engineer Rasmussen are scheduled to  
72 meet with them tomorrow morning to find out why its not being worked on. There are  
73 currently a number of driveways that have been cut and are not usable.
  - 74 • He has spent a number of hours on reports which are due to the state.
  - 75 • They will be preparing equipment for winter.
  - 76 • It’s been two years since they ordered a new truck. Since it takes several months, he will get a  
77 new one ordered soon.
  - 78 • He would like to meet with Mayor Rasmussen and Councilmember Thatcher to discuss the  
79 float and Apple Days.

80 Finance Director Grover

- 81
- 82 • He discussed the \$250,000 expenditure, which was pulled from Cache Valley Bank and will be  
83 deposited into the PTIF shortly. He pointed out that 25% of the year has passed and the budget  
84 numbers are tracking pretty close. The water fund is tracking ahead, but will probably level off  
85 since summer water usage is pretty much over.
  - 86 • Councilmember Thatcher stated she just received an Apple Days Expenditure report from  
87 Treasurer Wilker. She’d like to review it before she hands it out to the council. From what she  
88 can see, they came in about \$1,200 under budget. She would like to spend this on Apple Days  
89 signs which need replaced.

90 Treasurer Wilker

- 91
- 92 • She presented and answered questions regarding the list of bills to be paid.
  - PWD Nelson asked to see the Logan City bill when it comes.

- Mayor Rasmussen asked if Caselle would be coming to a close. FD Grover said they will check with other cities who might use Quickbooks. It's very difficult for them to generate certain reports in Caselle.

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

Councilmember Thatcher

- She plans to work with Treasurer Wilker to understand the Apple Days budget.
- She has contracted with Santa for the Tree Lighting Event. Treasurer Wilker will have a check ready for them that evening.
- She discussed the fatal accident in the last two weeks at 700 South and 100 East. She agrees with others that there needs to be some action by River Heights City to work with Logan City to get some traffic control at this intersection. Many people avoid it because it is too scary. PWD Nelson said speed seems to be the biggest issue. Ms. Thatcher said its getting worse and would like to see the Council agree on an action to pressure Logan. Councilmember Scott pointed out that Mayor Rasmussen has done an excellent job working with Logan Mayor Daines during the last couple weeks. Logan did a warrant study 18 months ago, which determined no action was required. They take into consideration accidents, but the recent fatality was due to the victim not wearing a seatbelt, which is a factor not related to the intersection itself. Mayor Rasmussen agreed that he and the council desire Logan City look into a solution and move forward.

Councilmember Scott didn't have anything.

Councilmember Clausen was absent.

Councilmember Wilson

- She asked if the park restrooms will be closed soon. PWD Nelson informed they will stay open until the temperatures drop to freezing, since the park continues to be used until then.

Councilmember Wright didn't have anything.

Recorder Lind didn't have anything.

Mayor Rasmussen

- He is still waiting on Michael Ballam to meet about the Old Church.

Public Comment: There was none.

Discuss Adoption of a Commercial Parking Ordinance: Councilmember Wright discussed the proposed commercial parking ordinance, unanimously passed on by the planning commission. They heard concern from citizens that they didn't want the potential of a commercial building in this zone. Therefore, the ordinance precludes this. He briefly went through the procedure process for an applicant.

138 Mayor Rasmussen asked about the release of stormwater. The ordinance addresses the  
139 collection, but not the release. Councilmember Wright informed, the engineer would take care of the  
140 management of their system design. PWD Nelson pointed out they will need to follow the standards  
141 already in place.

142 Mayor Rasmussen asked if the language was restrictive enough about the grounds maintenance  
143 building; are there any limitations to size? Commissioner Schaub suggested a maximum size. They  
144 discussed stating a certain percentage of the total property, like 1.5%. Height is already addressed in  
145 the code.

146 Councilmember Wilson was concerned that the city would make provisions for an accessory  
147 building that was already there. Others said it was a reasonable expectation for any parking lot.

148 Councilmember Wilson asked about the procedure. Councilmember Wright explained, after  
149 the council approves the plan, the applicant will work out the rest of the details with public works and  
150 the engineer. They will deal with small changes, but significant revisions will need to come back to  
151 the council. Ms. Wilson felt any changes should come back to the council. PWD Nelson doesn't  
152 foresee him approving changes. The plan will be dictated by this ordinance and the city's construction  
153 specifications. Mr. Wright pointed out that the city engineer is typically hard on developers, making  
154 them stick to their plan.

155 Councilmember Wilson asked if this ordinance would apply to the Sinclair station. She was  
156 told it wouldn't affect it at all because the station is located in a residential zone, with a historical  
157 overlay. Councilmember Wright explained the CP zone can only be located next to a current  
158 commercial zone.

159 Councilmember Wright suggested addressing two additional items in the code: Responsibility  
160 of upgrades to the adjacent public right of way and a security of performance bond on the public  
161 improvements. Attorney Jenkins had given some suggested wording, which he read and the council  
162 agreed to. Mayor Rasmussen suggested a possible bond for future improvements. PWD Nelson said  
163 the road should be put in at this time because we don't want them tracking on a dirt road. The  
164 proposed code states they need to have paved access to a public street.

165 Lance Anderson said they have some draft designs that show the new lot egressing into their  
166 existing parking lot.

167 Councilmember Wilson asked what would happen if they ended up purchasing the next  
168 property and then the next, on down. Councilmember Wright said the way to prevent it is to update  
169 the general plan, showing where the city will allow the CP zone. Commissioner Lehnig pointed out  
170 that the CP zone must be connected to a commercial zone. Councilmember Wilson suggested the  
171 ordinance identify this zone applies to only this one piece of property. Commissioner Schaub stated, it  
172 needs to be city wide, so its not a spot zone.

173 **Councilmember Wright moved to "adopt Ordinance 4-2018, An Ordinance to Adopt**  
174 **Changes to the City Code of River Heights, Utah, for a commercial parking zone with the**  
175 **following changes, an accessory building may not exceed 1.5% of the gross land area, the**  
176 **applicant will be responsible to pay for all necessary public improvements on streets adjacent to**  
177 **the property within the CP zone and that a security of performance is required as described in**  
178 **11-5-1B." Councilmember Scott seconded the motion, which carried with Scott, Thatcher and**  
179 **Wright in favor. Wilson opposed and Clausen was absent.**

180 Mayor Rasmussen felt a good decision was made. Lance Anderson felt it was a good decision  
181 for River Heights.

182 Adoption of a Resolution to Update Fees: Councilmember Wright said because the  
183 commercial parking zone has passed, application fees need to be set.


186 **Councilmember Wright moved to “adopt Resolution 8-2018, A Resolution to Update**  
187 **Fees.” Councilmember Scott seconded the motion, which carried with Scott, Thatcher and**  
188 **Wright in favor. Wilson opposed and Clausen was absent.**

189 Discuss No-Fault Utility Claims Ordinance: Councilmember Wright reported he has given the  
190 ordinance draft to Attorney Jenkins, who will most likely respond by the next meeting. Mr. Jenkins  
191 asked him why the city would adopt this ordinance when they have an insurance policy that already  
192 dictates what the city will cover in the case of a break or backup. Mayor Rasmussen said its because if  
193 someone from the city makes an offer to someone in this situation, the ordinance says we can't offer  
194 anything more than what the insurance will cover. Mr. Wright reviewed and answered questions  
195 regarding the few changes he made since the last meeting.

196 They decided to review the draft one more time at the next meeting, in case the attorney had  
197 any comments. A public hearing will likely be held on November 13.

198 The meeting adjourned at 8:10 p.m.

199   
200 \_\_\_\_\_  
Sheila Lind, Recorder

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202 \_\_\_\_\_  
Todd A. Rasmussen, Mayor

River Heights City Bills To Be Paid

10/9/2018

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Blue Stakes	E-Mail Notifications						\$23.63	\$23.63	\$24.35	\$71.61
2	Cache Valley Publishing	P & Z Public Hearing Ad		\$45.89							\$45.89
3	Caselle	Monthly Support Fee	\$91.69						\$91.66	\$91.65	\$275.00
4	Chevron & Texaco	Fuel for City Vehicles			\$35.88			\$35.90	\$35.90	\$35.90	\$143.58
5	Discount Tire	Flat Repair						\$5.38	\$5.38	\$5.38	\$16.14
6	Forsgren & Associates	1000 East, 700 South, Storm Water						\$9,288.70			\$9,288.70
7	Freedom Mailing	Bill Processing	\$144.20						\$48.07	\$48.07	\$240.34
8	Intermountain Farmers	Stump Killer						\$19.99			\$19.99
9	McKelty Astle	October Newsletter Distribution	\$130.00								\$130.00
10	PTIF	Transfer Funds CVB to PTIF	\$249,910.71								\$249,910.71
11	Sams Club	Late Fee ( Contacted to sec if they credit)	\$17.70								\$17.70
12	Secure Instant Payments	Montly Billing	\$14.90						\$14.90	\$14.90	\$44.70
13	Specialized Pest Control/Christmas Déco	Christmas Tree Lighting Services					\$1,088.87				\$1,088.87
14	The Jumpin' Company	Apple Days Entertainment					\$150.00				\$150.00
15	Utility Services Associates, LLC	Water Line Survey and Pinpointing							\$1,299.00		\$1,299.00
16	Verizon Wireless	Monthly City Cell Phones	\$35.75						\$35.75	\$35.76	\$107.26
17	Xerox	Monthly Usage Fees	\$22.37								\$22.37
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<b>Page 1 SubTotals</b>			<b>\$250,367.32</b>	<b>\$45.89</b>	<b>\$35.88</b>		<b>\$1,238.87</b>	<b>\$9,373.60</b>	<b>\$1,554.29</b>	<b>\$256.01</b>	<b>\$262,871.86</b>

River Heights City  
 Financial Summary  
 September 30, 2018

	Cash Balance By Fund			% of Total
	08/31/18	09/30/18	Net Change	
General Fund	218,621.85	83,591.82	(135,030.03)	5.23%
Capital Projects Fund	123,236.11	188,458.00	65,221.89	11.78%
Water Fund	459,296.03	490,074.92	30,778.89	30.64%
Sewer Fund	822,461.64	837,421.86	14,960.22	52.35%
<b>Total Cash Balance</b>	<b>1,623,615.63</b>	<b>1,599,546.60</b>	<b>(24,069.03)</b>	100.00%

		YTD Actual	Annual Budget	Unexpended Budget	% Of Budget Incurred	% Of Time Incurred
<b>General Fund</b>						
Revenue		144,017.46	757,030.00	613,012.54	19.02%	25.21%
Expenditures						
	Administrative	18,055.31	162,050.00	143,994.69	11.14%	25.21%
	Office	4,075.54	17,120.00	13,044.46	23.81%	25.21%
	Community Affairs	7,095.49	18,400.00	11,304.51	38.56%	25.21%
	Planning & Zoning	752.14	8,470.00	7,717.86	8.88%	25.21%
	Public Safety	7,434.56	86,400.00	78,965.44	8.60%	25.21%
	Roads	27,438.85	104,000.00	76,561.15	26.38%	25.21%
	Parks & Recreation	15,230.12	90,800.00	75,569.88	16.77%	25.21%
	Sanitation	41,268.70	150,000.00	108,731.30	27.51%	25.21%
	Transfer To CP Fund	120,000.00	120,000.00	-	100.00%	
Total Expenditures		241,350.71	757,240.00	515,889.29	31.87%	25.21%
Net Revenue Over Expenditures		<b>(97,333.25)</b>	<b>(210.00)</b>	<b>97,123.25</b>		

<b>Capital Projects Fund</b>						
Revenue		180.97	400.00	219.03		25.21%
Transfer From General Fund		120,000.00	120,000.00	-		
Expenditures						
	Administrative		130,000.00	130,000.00		25.21%
	Parks & Recreation		152,750.00	152,750.00		25.21%
	Roads	102,865.08	757,750.00	654,884.92		25.21%
		-	-	-		25.21%
Total Expenditures		102,865.08	1,040,500.00	937,634.92		25.21%
Net Revenue Over Expenditures		<b>17,315.89</b>	<b>(920,100.00)</b>	<b>(937,415.89)</b>		

<b>Water Fund</b>						
Revenue		139,786.31	346,130.00	206,343.69	40.39%	25.21%
Expenditures		45,177.27	272,250.00	227,072.73	16.59%	25.21%
Net Revenue Over Expenditures		<b>94,609.04</b>	<b>73,880.00</b>	<b>(20,729.04)</b>		

<b>Sewer Fund</b>						
Revenue		75,194.76	249,500.00	174,305.24	30.14%	25.21%
Expenditures		84,958.71	310,250.00	225,291.29	27.38%	25.21%
Net Revenue Over Expenditures		<b>(9,763.95)</b>	<b>(60,750.00)</b>	<b>(50,986.05)</b>		



4-2018

**An Ordinance to Adopt Changes to the City Code of River Heights, Utah**

WHEREAS, River Heights desires to allow a commercial parking zone, and .

WHEREAS, the Planning Commission held a public hearing on October 2, 2018 to receive comment on the proposed zone, and

WHEREAS, the Planning Commission voted to pass the ordinance on to the City Council,

BE IT ORDAINED by the River Heights City Council that the following ordinance be adopted.

**TITLE 10, CHAPTER 22, COMMERCIAL PARKING ZONE**

**SECTION:**

- 10-22-1: Intent
- 10-22-2: Purpose
- 10-22-3: Permitted Uses
- 10-22-4: Conditional Uses
- 10-22-5: Project Review and Approval Process
- 10-22-6: Preliminary Project Plan
- 10-22-7: Final Drawings
- 10-22-8: Design Standards
- 10-22-9: Landscaping Requirements
- 10-22-10: Fences and Screening
- 10-22-11: Lighting
- 10-22-12: Sensitive Area Overlay Zones
- 10-22-13: Equipment Storage
- 10-22-14: Time Frame
- 10-22-15: Restrictions

**10-22-1: INTENT**

It is the intent of the city to establish a Commercial Parking Zone (CP), which minimizes disruptions to, and doesn't conflict with the atmosphere of, surrounding residential neighborhoods.

**10-22-2: PURPOSE**

It is the purpose of this chapter to establish regulations for the design and construction of additional, one-level parking area for use by any existing commercial property; said properties to be contiguous.

### **10-22-3: PERMITTED USES**

Permitted uses in the CP zone are parking and accessory building.

### **10-22-4: CONDITIONAL USES**

No conditional uses are allowed in the CP zone.

### **10-22-5: PROJECT REVIEW AND APPROVAL PROCESS**

Prior to any formal request to rezone property to the CP zone, a preliminary project plan shall be submitted to the city for review and approval.

- A. Preapplication Meeting: Six (6) copies of the preliminary project plan shall be submitted to the city for the planning commission's consideration at least five (5) working days prior to its next regularly scheduled meeting. The planning commission may, if said copies of the sketch plan are not so submitted beforehand, postpone its consideration thereof until its next regularly scheduled meeting.
- B. If the planning commission finds the preliminary project plan to be complete and acceptable as is, or with minor modifications can be complete and acceptable for review, a project application can be submitted and a public hearing scheduled. For the city to effectively administer a public hearing, the hearing will likely be scheduled no sooner than two (2) weeks later.
- C. (Once the public hearing is scheduled, a rezone application may be submitted, and the project approval and rezone processes may occur simultaneously.)
- D. A public hearing is held to obtain community input.
- E. With the community input considered, the preliminary project plan is presented to the city council for its approval, conditional approval or rejection. After this review, the city will communicate to the owner or its agent appropriate comments, requirements and recommendations.
- F. If approved, final drawings are prepared and submitted to the city for review and approval by the city engineer and city public works director.
- G. The city engineer will seek input from the mayor, city attorney and other city personnel, as needed.
- H. Once final drawings are approved, a zoning clearance permit application may be considered for approval.
- I. After the zoning clearance permit is granted and property is properly rezoned, construction can begin.

## 10-22-6: PRELIMINARY PROJECT PLAN

- A. The preliminary project plan shall be professionally prepared and shall include the following:
1. The property boundaries of the proposed parking area. Include approximate total acreage of the property and the parking area to be developed, if different;
  2. The names of the owner, developer, if other than the owner, and the engineer or designer of the parking area improvements;
  3. Boundaries of adjacent properties and names of adjacent property owners;
  4. Location, width and names of existing streets within three hundred feet (300') of the parking area and of all previously platted streets or other public ways, railroad and utilities rights of way, parks and other public open space;
  5. Location of all existing buildings and structures on the site, including an indication of the proposed uses;
  6. The location of all parking spaces, driveways, and points of vehicular ingress and egress;
  7. A contour map showing existing topography and natural drainage channels and the proposed conceptual storm and surface water drainage system;
  8. A conceptual landscaping plan complying with the landscaping chapter of the zoning ordinance (10-15) and the landscaping requirements below. Show planting materials to be used together with the location of fences, walls, trees, hedges, and decorative materials, etc.;
  9. A map showing flood hazard areas, if any, including the 100-year recurrence interval flood; or where such data is not available, the maximum flood of record;
  10. A map showing potential geographical hazards, e.g., earthquake fault lines;
  11. Location and description of existing and proposed underground and above-grade utilities;
  12. Present zoning; and
  13. Date of preparation, scale of drawing and north arrow.
- B. If development of the parking area is planned to occur in phases, the preliminary project plan shall show the entire area for which all final drawings approvals will be requested. The preliminary project plan will be a guide but will have no official standing or approval. It may be amended or modified from time to time by the owner or its agent. Only approved final drawings shall have official standing which shall permit the owner to proceed with construction.

**10-22-7: FINAL DRAWINGS**

Three (3), full-size drawing sets and specifications that include the following information shall be distributed to the city engineer and public works director for review and approval.

- A. Site layout plan and details
- B. Grading and drainage plan, including stormwater management, and details
- C. Stormwater Pollution Prevention Plan (SWPPP), if required
- D. Site utility plan, if changes to existing utilities, or new utilities, are proposed or required
- E. Site electrical plan and details
- F. Construction details
- G. Landscape and irrigation plans and details
- H. Specifications

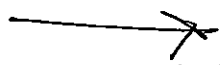
**10-22-8: DESIGN STANDARDS**

- A. Site: The CP zone site shall be designed in accordance with the River Heights Parking Ordinance: Street and Roadway Parking Standards (10-14-3) and Parking Lot Requirements (10-14-4), and the Public Works – Construction Specifications.
- B. Parking Lot Surface: Parking lots shall be paved with a surface material of asphalt or concrete composition, shall be graded to ensure proper drainage of stormwater and shall have paved access from a public street.
- C. Curb and Gutter: All parking lots shall be finished with curb and gutter around the perimeter with adequately placed stormwater inlet boxes to collect stormwater. Curb, gutter and sidewalk in the public right of way may be required as additional site improvements.

**10-22-9: LANDSCAPING REQUIREMENTS**

- A. Surrounding Area: The areas adjacent to a public street shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. The landscaping plan shall be approved by the city as to type, size and amount of landscaping.
- B. Plantings: Plantings in front setbacks shall not impede the vision of traffic.
- C. Parking Areas: Parking areas shall be landscaped around the periphery and at the end of parking rows in accordance with the approved landscaping plan, which shall adhere to Parking Lot Landscaping (10-15-8).

*D: Adjacent streets: It is the responsibility of the applicant to pay for all of the necessary public improvements on streets adjacent to the property within the CP zone.*



limited to, the security of performance.

10-22-12 DEVELOPMENT. "PERFORMANCE"  
Subject to the sole discretion of the City Council, the applicant shall enter into a development agreement with the city that includes, but is not

- D. Buffer: A minimum fifteen (15) foot landscaped perimeter buffer is required where the commercial parking lot is adjacent to any non-commercial zone.

**10-22-10: FENCES AND SCREENING**

- A. Fencing: The CP zone area shall be fenced around the periphery of the area adjacent to a residential and/or agricultural zone with a six (6) foot non-transparent architectural style fence. Style must be approved by the city.
- B. Recommended Fence Materials: Finished block, precast stamped concrete, decorative vinyl and stone.
- C. Fence Materials Not Allowed: Base vinyl, chain link with or without slats, concrete freestanding barriers, razor wire, barbed wire, highly reflective or metallic fencing or wall material.

**10-22-11: LIGHTING**

- A. Parking lot lighting shall be provided to meet industry standards for outdoor lighting of the intended use, per the River Heights Outdoor Lighting Ordinance (9-3).
- B. Solar panels are permitted, according to the River Heights Solar Energy Ordinance (9-4).
- C. Parking lot lighting shall be compliant with the Lighting Zone 2 of the International Dark-Sky Association Joint IDA-IES Model Lighting Ordinance (MLO).
- D. Adequate lighting which improves safety while mitigating unnecessary glare, sky glow and light trespass is required. The pole and base height is limited to twenty (20) feet and luminaire fixtures are to be concealed source, down-cast and shielded from neighboring properties. Light measurements are required to range between 0.5 – 4.0 foot candles, to keep areas sufficiently safe, but not excessively bright.
- E. Up-lighting is not permitted, except as approved through design review for highlighting signature landscape features or building elements.

**10-22-12: SENSITIVE AREA OVERLAY ZONES**

The CP zone shall adhere to the Sensitive Area Overlay Zone Ordinance, Title 10, Chapter 11.

**10-22-13: EQUIPMENT STORAGE**

All grounds maintenance equipment (mowers, snow removal equipment, etc.) shall be stored in an enclosed building, located within the required setbacks. *the building shall not exceed 1 1/2 % of the gross land area.*

From 11-5-18 10-22-13: SECURITY OF PERFORMANCE  
the security of performance  
1 becomes A  
2 " B, etc.

<sup>16</sup>  
**10-22-14: TIME FRAME**

- A. Failure to submit a final project plan within one (1) year from date of submission of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void.
- B. The parking lot must be completed within one (1) year from the date the final drawings are approved by the city.


<sup>17</sup>  
**10-22-15: RESTRICTIONS**

- A. Only street level parking is allowed. *not to exceed 1 1/2% of gross land area*
- B. No building ~~(except grounds maintenance storage)~~, structure or parking garage shall be constructed in the CP zone, *except for a grounds maintenance storage building that does not exceed 1 1/2% of the gross land area.*
- C. No RV's, heavy equipment, or other large modes of transportation are allowed.
- D. Parking spaces may not be used for storage of buses, vehicles, boats, motor homes, campers, mobile homes, or building materials.
- E. Parking areas shall be used solely for the parking of licensed, motor vehicles, in operating condition.
- F. It shall be unlawful to move snow from the CP Zone into the city right of way.

BE IT ALSO ORDAINED that the following section be amended:

**10-12-1:A USE REGULATIONS, Land Use Chart**

<u>Land Use Description</u>	<u>A</u>	<u>R1</u>	<u>C1</u>	<u>PR</u>	<u>PUD</u>	<u>MU</u>	<u>CP</u>
<b>Residential</b>							
1. Dwelling, single family detached	P	P			P	C	
2. Dwelling, single family attached					P	C	
3. Dwelling, two family					P	C	
4. Dwelling, Multi Family						P	
5. Residential Facility for Elderly Persons	C	C	P		C	C	
6. Residential Facility for Persons with a Disability	C	C	P		C	C	
7. Secondary Residential Unit (may only be occupied by a related person)	P	P			P	C	
8. Apartment (within owner occupied structure)	P	P	P			C	
9. Flag Lot		C				C	
<b>Accessory and Incidental Uses</b>							
20. Accessory Building	P	P	P		P	P	E

21. Accessory Agricultural Building	P						
22. Private Swimming Pool	C	C	C		C	C	
23. Solar Panels	P	P	P	P	P	P	
24. Livestock, Livestock Corral	P						
25. Off street Parking incidental to main use	P	P	P	P	P	P	

Adopted and effective this 9<sup>th</sup> day of October, 2018, by the River Heights City Council.

\_\_\_\_\_  
 Todd A Rasmussen, Mayor

ATTEST

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 Sheila Lind, Recorder

TITLE 11

CHAPTER 5

PUBLIC IMPROVEMENTS

SECTION:

- 11-5-1: Construction of Public Improvements
- 11-5-2: Parks, Recreation Use and Other Public Spaces
- 11-5-3: Adjacent Streets
- 11-5-4: Private Lanes
- 11-5-5: Extension of Public Works Facilities
- 11-5-6: Utilities
- 11-5-7: Mandatory Use of City Water and Sewer Systems
- 11-5-8: Appeals
- 11-5-9: Written Agreements
- 11-5-10: Guidelines and Checklists

**11-5-1: CONSTRUCTION OF PUBLIC IMPROVEMENTS**

A. Construction Drawings: The subdivider's engineer shall be a professional engineer licensed in the state and shall prepare, or shall be responsible for the preparation of, all construction drawings relative to public improvements in and out of the subdivision. The subdivider's engineer shall also prepare, as part of the construction documents, an estimate of the cost of construction of all the public improvements. All such drawings shall be reviewed and approved by the city, and two (2) copies, in addition to one reproducible set of such drawings, must be submitted with the final plat to the planning commission. One of the two (2) copies submitted will be returned to the subdivider with an approval mark of the city engineer. This approved set shall be kept at the construction site. The subdivider shall coordinate all preparation and construction activities with the city engineer. The city engineer shall review the estimate of the cost of construction for the purpose of determining the amount required as security of performance.

10-22-13  
B. Security of Performance: The security of performance required by this subsection is to assure the city that all improvements are constructed in conformance with all relevant city ordinances, regulations and standards, and to assure the city that all expenses incurred for labor and materials used in the construction of the same are paid for by the subdivider.

A. X. Amount: The amount of the security of performance shall be equal to at least one and one-half (1 1/2) times the reasonable value of the improvements required herein, as determined by the subdivider's engineer and approved by the city engineer.

B. Z. Methods: The security of performance required by this subsection may, at the city's sole discretion, be furnished by any of the following methods:



1. ~~g.~~ By providing a performance, surety or cash bond in the amount specified and conditioned upon payment by the subdivider of all expenses incurred for labor and materials used in the construction of the required improvements. This method of security is preferred by the city.
2. ~~h.~~ By depositing the specified amount of cash in a bank account to which the city alone has access, but only under the following conditions: to repair, replace or complete the improvements as set forth below.
3. ~~i.~~ By providing the city with an irrevocable letter of credit issued by an acceptable financial institution naming the city as the sole beneficiary with a maturity date of at least two (2) years and three (3) months from the date of recording the final plat.

C. ~~3.~~ Guarantee of Work: The city may hold five percent (5%) of the security of performance provided by the ~~subdivider~~ <sup>applicant</sup> until one year following the final inspection by the city engineer, or for such other period of time less than one year as the city deems necessary to ensure compliance as set forth herein. (See River Heights City Construction Specifications/Standards.) (1-2015, 6-23-15)

D. ~~4.~~ Foreclosure on Security: In the event construction of the public improvements is not completed, or is not completed in a satisfactory manner, within the negotiated time period, but not to exceed ~~two (2) years~~ <sup>one (1) year</sup> from the date the final plat was approved, ~~with all required signatures,~~ <sup>applicant's</sup> the city may proceed to install the improvements at the ~~subdivider's~~ <sup>applicant's</sup> expense by foreclosing on the subdivider's security of performance. If said security is insufficient to pay for said improvements which the city shall cause to be installed, then the subdivider shall be liable for any deficiency and reasonable attorney fees realized by the city.

E. ~~5.~~ Failure to Meet Standards: In the event the public improvements fail to meet the standards as set forth in the subdivider's written guarantee, the city shall so notify the subdivider, who shall be given a reasonable time to repair or otherwise correct as requested or the city may proceed to repair or replace the ~~unsatisfactory~~ <sup>drawings were</sup> improvements at the subdivider's expense by foreclosing on any security of performance still held by the city; and, in addition, the city may avail itself of any other remedy provided to it under the laws of the state and of the city.

C. Construction and Inspection:

1. Minimum Improvements: Construction of public improvements shall proceed only after the construction drawings have been approved by all required entities. Building lots may be sold by the subdivider for the proposed subdivision only after the final plat has been recorded. The following minimum improvements shall be complete and in place before the city will issue a building permit for any lot within the proposed subdivision:

Resolution No. 8-2018  
A RESOLUTION TO UPDATE FEES

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF RIVER HEIGHTS, UTAH THAT: The revised fee schedule is hereby adopted and shall be in effect as of October 9, 2018.

**ZONING CLEARANCE PERMIT**

FENCE	\$35.00
DECK	50.00
COVERING (deck/patio/porch)	35.00
SHED: Fee per building	
Under 50 square feet no ZCP required	N/C
Up to 110 square feet	35.00
Up to 150 square feet	75.00
Over 150 square feet	100.00
GARAGE (Building used to store vehicles)	130.00
CARPORTS (temporary and permanent)	50.00
ADDITION TO HOUSE	150.00
HOUSE	200.00
COMMERCIAL BUILDING	200.00
SIGNS (FLAT, SUBDIVISION, WALL, ETC)	35.00
SOLAR PANELS	35.00
<b>FLAG LOT</b>	<b>150.00</b>
<b>MINOR SUBDIVISION</b>	
Sketch Plan	200.00
Final Plat	400.00
<b>SUBDIVISION/PUD</b>	
Sketch Plan (all Developments)	200.00
Preliminary Plat (Ten lots and under)	1,500.00
Final Plat	500.00
Preliminary Plat (Eleven lots and over)	3,000.00
Final Plat	800.00
<b>COMMERCIAL/<u>COMMERCIAL PARKING LOT</u> DEVELOPMENT</b>	
Preliminary Layout and Design Review	200.00
Final Layout Submittal	400.00
<b>SEAL COAT (subdivision/commercial) 2018</b>	<b>\$0.54/sqft</b>
Includes joint seal and preparation	
<b>PETITION FOR ANNEXATION</b>	<b>850.00 plus costs</b>
<b>PETITION FOR ZONE CHANGE</b>	<b>300.00 plus costs</b>
<b>PETITION FOR BOUNDARY CHANGE</b>	<b>150.00 plus costs</b>
<b>APPLICATION TO APPEALS AUTHORITY</b>	<b>150.00 plus costs</b>
<b>RIGHT-OF-WAY EXCAVATION PERMIT</b>	<b>650.00 (600 is refundable)</b>
<b>WATER HOOK-UP</b>	<b>1,500.00</b>
<b>SEWER HOOK-UP</b>	
Improved	1,200.00
Unimproved	1,700.00

<b>STORMWATER</b>	100.00
<b>UTILITY FEES</b>	
Deposit	100.00
Late fee	1.5%/mo (18% annual)
Shut Off Notice Delivery	20.00
Reconnect Water (M-F, 9am-4pm)	25.00
Reconnect Water (after 1 <sup>st</sup> time, due to unpaid utility payment)	50.00
Additional Reconnect After Hours	25.00
<b>BUSINESS LICENSE FEES</b>	
Commercial (less than 10,000 sqft)	150.00
Commercial (10,000 sqft or more)	250.00
Home Occupation	50.00
Renew	40.00
Home Occupation (fire inspection required)	80.00
Renew	60.00
Late fee (after January 31)	30.00
Solicitor (original applicant)	50.00
Additional applicants	25.00
<b>TEMPORARY USE FEE</b>	25.00
<b>DOG FEES</b>	
License	
Spayed/Neutered	10.00
Otherwise	20.00
Late	10.00
Kennel License	25.00
Impound	35.00
<b>RENTALS</b>	
City Building (residents only) – first 5 hours	100.00
Additional hours	25.00/hr
Pavilion – resident	25.00
Pavilion – non-resident	50.00
Deposit	50.00
<b>BOUNCED CHECK</b>	up to \$30.00

UPDATED, PASSED and EFFECTIVE THIS 9<sup>TH</sup> DAY OF OCTOBER 2018, BY THE RIVER HEIGHTS MUNICIPAL COUNCIL, STATE OF UTAH.

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Todd A Rasmussen, Mayor

ATTEST:

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Sheila Lind, Recorder

TITLE 8

CHAPTER 3

**NO-FAULT UTILITY CLAIMS**

SECTION:

- 8-3-1: Intent
- 8-3-2: Definitions
- 8-3-3: Administration and Establishment of Regulations
- 8-3-4: Reimbursement Claims, Time Limitations
- 8-3-5: Clams Investigation and Recommendation
- 8-3-6: Criteria for Payment
- 8-3-7: Maximum Payment
- 8-3-8: Payment Does Not Imply Liability, Release Required
- 8-3-9: Annual Budget Expenditures
- 8-3-10: Claims from Other Governmental Agencies.

**8-3-1: INTENT**

It is the city's intent to compensate persons for loss sustained as the result of a break or backup in a city-owned and maintained water main or sewer line, regardless of fault on the part of the city, within the restrictions, limitations, and other provisions of this chapter.

**8-3-2: DEFINITIONS**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

- BODILY INJURY:** Actual physical injury, sickness or disease sustained by a person, including death resulting from any of these.
- CITY:** River Heights City Corporation, a political subdivision of the state of Utah.
- CLAIM:** Any demand for damages from release of sewage or sudden and accidental release of potable water.
- DAMAGES:** Monetary amounts the insured becomes legally obligated to pay to a third party as a result of bodily injury, or property damage caused by an occurrence, or personal injury caused by a personal injury offense. Attorney fees and litigation costs are not damages.
- PERSON OR APPLICANT:** An individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity (except the United States Government or any of its agencies, or the state of Utah and any of its political subdivisions) or their legal representatives, agents, or assigns.

PERSONAL INJURY:	Injury, other than bodily injury arising out of a personal injury offense.
PERSONAL INJURY OFFENSE:	Means any of the following: 1) False arrest, detention or imprisonment or malicious prosecution; 2) Libel, slander or defamation of character; 3) Wrongful entry or eviction, or other invasion of the right of private occupancy.
POLITICAL SUBDIVISION:	Any political subdivision of the state of Utah, including state departments and agencies, cities, towns, counties, and school districts.
POTABLE WATER:	Water intended to be used for human consumption.
PROPERTY DAMAGE:	Physical injury to or destruction of tangible property, including the resulting loss or use of that property. Also, loss of use of tangible property that is not physically injured or destroyed.
RELEASE OF SEWAGE:	An occurrence where solid, liquid or gaseous pollutants cause property damage or bodily injury by passing back through the toilets and/or drains located in the premises owned or leased by any third-party person, firm or entity relying upon the insured for sewage treatment services. Solid, liquid or gaseous pollutants which cause property damage or bodily injury by any means other than passing back through the toilets and/or drains located in the premises owned or leased by such third-party persons, firms or entities, does not constitute release of sewage and damages caused thereby are not covered.

**8-3-3: ADMINISTRATION AND ESTABLISHMENT OF REGULATIONS**

The city hereby establishes regulations sufficient to provide for the handling of such claims and disbursement of funds set aside for payment of claims under this chapter.

**8-3-4: REIMBURSEMENT CLAIMS, TIME LIMITATIONS**

All claims for reimbursement under this chapter must comply with the Governmental Immunity Act of Utah, Utah Code Annotated §63-30d-101 et seq., as amended, and be submitted to the city recorder within thirty (30) days after the incident giving rise to the loss occurs.

**8-3-5: CLAIMS INVESTIGATION AND RECOMMENDATION**

Claims received by the city recorder shall be referred to the mayor, the public works director and the councilmember assigned to water and sewer for investigation and recommendation. The recommendation may be forwarded to the city attorney for determination under the criteria of this chapter. The recommendation will be presented to the city council for consideration. All payments authorized by the city council shall be made by the City of River Heights.

### 8-3-6: CRITERIA FOR PAYMENT

- A. The determination as to whether to make payment of a claim submitted pursuant to this chapter shall be based on the following criteria:
1. Whether an eligible claimant suffered an otherwise uninsured property loss, caused by breach or backup of a city-owned water main or sewer line, under circumstances where the claimant acted responsibly to avoid the loss; and,
  2. If so, whether the extent of the loss has been adequately substantiated.
- B. The following shall result in the denial of a claim:
1. Claim not timely submitted;
  2. Loss fully covered by private insurance *for exclusions* (See 8-3-7 A. for insurance deductible consideration);
  3. Claimant ineligible under the terms of this chapter;
  4. Loss caused by an irresponsible act of the claimant, claimant's agent, or member of claimant's business or household; or
  5. Loss or eligibility unsubstantiated.
- C. The following shall result in a reduction of payment:
1. Loss partially covered by private insurance;
  2. Loss exceeds funding limits of this chapter;
  3. Verification of loss inadequate or incomplete; or
  4. Claimant did not cause the problem but failed to act responsibly to minimize the loss.

### 8-3-7: MAXIMUM PAYMENT

- A. Payments under this chapter shall not exceed \$5,000 per claim. Claims to pay insurance deductibles will be considered.
- B. ~~For budgeting purposes,~~ <sup>P</sup> payments under this chapter shall not exceed \$100,000 (the no-fault sewer and potable water aggregate limit per policy period) per fiscal year. ~~The city council may, in its sole discretion and without amendment to this section, budget additional funds in any given fiscal year by resolution.~~

### 8-3-8: PAYMENT DOES NOT IMPLY LIABILITY, RELEASE REQUIRED

- A. Any payment of a claim made under this chapter shall not be construed as an

admission of, nor does it imply, any negligence or responsibility on the part of the city. Any payment made under this chapter is strictly voluntary on the part of the city.

- B. This chapter shall not in any way supersede, change, or abrogate the Government Immunity Act of Utah, and its application to the city, or establish in any person a right to sue the city under this chapter.
- C. Any payment of a claim made under this chapter and accepted by the claimant shall constitute a full and complete release of any and all claims against the city, its officers, employees, and agents for any damage or loss arising from the incident.
- D. Any payment of a claim made under this chapter shall be expressly conditioned upon the city first receiving a written release of liability, signed and notarized by the claimant, in a form acceptable to the city attorney.

**8-3-9: CLAIMS FROM OTHER GOVERNMENTAL AGENCIES**

Notwithstanding any other provisions of this chapter, no claim shall be accepted from the United States or any of its departments or agencies, or from the state of Utah or any of its political subdivisions.