

River Heights City

COUNCIL MEETING AGENDA

Thursday, April 11, 2019

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

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

Adoption of Previous Minutes and Agenda

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

Public Comment

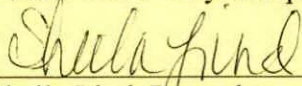
Adoption of An Ordinance to Create a Fence Section in the River Heights City Code

Presentation of a Potential Recreational Trail

Discuss and Decide if the Church Owned Property, East of the LDS Church Building on 600 E, will Stay in River Heights or go to Providence

Adjourn

Posted this 8th day of April 2019



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

April 11, 2019

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8 Present: Mayor Todd Rasmussen
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 Treasurer Wendy Wilker
17
18 Excused: Councilmember Blake Wright
19 Finance Director Clifford Grover
20
21 Others Present: See attached roll
22
23

24 The following motions were made during the meeting:
25

26 Motion #1

27 Councilmember Wilson moved to "adopt the minutes of the council meeting of March 25,
28 2019 and the evening's agenda." Councilmember Scott seconded the motion, which passed with
29 Clausen, Scott, Thatcher and Wilson in favor. No one opposed. Wright was absent.
30

31 Motion #2

32 Councilmember Clausen moved to "pay the bills of earlier in the week and the pay request
33 from Landmark in the amount of \$10,609.54." Councilmember Wilson seconded the motion, which
34 passed with Clausen, Scott, Thatcher and Wilson in favor. No one opposed. Wright was absent.
35

36 Motion #3

37 Councilmember Thatcher moved to "adopt Ordinance 1-2019, An Ordinance to Create a Fence
38 Section in the River Heights City Code with the changes suggested and deletion of the proposed 10-12-
39 3:D, which bans chain link fences." Councilmember Wilson seconded the motion. Wilson and
40 Thatcher were in favor. Clausen and Scott were opposed. Mayor Rasmussen broke the tie by
41 opposing. Wright was absent.
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43 Motion #4

44 Councilmember Clausen moved to "adopt Ordinance 1-2019, An Ordinance to Create a Fence
45 Section in the River Heights City Code, with the adjustments/corrections discussed by the mayor
46 regarding four feet, six feet and transparency and adding to 10-12-3, the wording "within setbacks."

47 Councilmember Scott seconded the motion, which carried with Clausen, Scott and Wilson in favor.
48 Thatcher opposed. Wright was absent.

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Proceedings of the Meeting:

53 The River Heights City Council met at 5:30 p.m. in the Ervin R. Crosbie Council Chambers in
54 the River Heights City Building on Thursday, April 11, 2019 for their regular council meeting.

55 Opening Remarks and Pledge of Allegiance: Councilmember Clausen opened the meeting with
56 a thought and Councilmember Wilson led the group in the Pledge of Allegiance.

57 Adoption of Previous Minutes and Agenda: Minutes for the March 25, 2019 meeting were
58 reviewed.

59 **Councilmember Wilson moved to “adopt the minutes of the council meeting of March 25,
60 2019 and the evening’s agenda.” Councilmember Scott seconded the motion, which passed with
61 Clausen, Scott, Thatcher and Wilson in favor. No one opposed. Wright was absent.**

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

63
64

Public Works Director Nelson

- 65 • Landmark Construction has requested their final pay installment of \$10,609.54 for the 700
66 South Sidewalk project. Everything on their punch list has been completed. The city has a
67 couple loads of gravel to spread but will wait until things dry out.

68
69

Finance Director Grover was absent.

70
71

Treasurer Wilker

- 72 • The list of bills had already been approved by email earlier in the week, to avoid late fees on a
73 few of them.

74
75

76 **Councilmember Clausen moved to “pay the bills of earlier in the week and the pay
77 request from Landmark in the amount of \$10,609.54.” Councilmember Wilson seconded the
78 motion, which passed with Clausen, Scott, Thatcher and Wilson in favor. No one opposed.
79 Wright was absent.**

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81

Councilmember Thatcher didn’t have anything.

82
83

Councilmember Scott

- 84 • The Preparedness Fair at the LDS Stake Center will be held on the 16th. He will be there to
85 represent the city.

86
87

Councilmember Clausen

- 88 • He has checked with City Engineer Craig Rasmussen about the possibility of the city being
89 able to provide the east church property with sewer. Mr. Rasmussen felt it wouldn’t need a lift
90 station if the city could get an easement for it to be gravity fed. He also thought River Heights
91 could loop a water line if the city could get an easement on the north side of the church. He
also verified that HOAs are not assumed by the city.

- 92 • He is going to look into the city’s water shares to see if there is something that needs to be done
93 so they don’t get taken away. PWD Nelson stated the water rights were updated a few years
94 ago and are good for 20 years. Recorder Lind informed there is a binder in the office which
95 documents the updates, if Mr. Clausen wanted to review it.
96

97 Councilmember Wilson

- 98 • T-ball sign ups are going on and soccer is getting started.
99 • The city will get on the schedule for Arrow to do the park fence.
100

101 Councilmember Wright was absent.

102 Recorder Lind didn’t have anything.

103 Mayor Rasmussen

- 104 • He has started finding out the process for to selling the Old Church property. He is working
105 with City Attorney Jenkins and will bring the information he finds out to the council.
106 Councilmember Clausen offered to meet with them.
107 • He would like to meet with each of the council members in the next couple weeks to discuss
108 budgets. They can also meet with FD Grover if they would like. After Mayor Rasmussen
109 meets with them, he will turn their budgets into Mr. Grover for his review.
110
111

112 Public Comment: Geoff Smith, 757 RH Blvd., discussed that Providence residents are trying to
113 bring forth a referendum to keep the north portion of the Chugg property (east of the school) from
114 being developed with high density. Mayor Rasmussen pointed out that the south portion of the Chugg
115 property will begin development soon.
116

117 Ruthann Nelson, 555 E 600 S, said a preliminary plat proposal for 150 dwellings, from Jeff
118 Jackson is going before the Providence Planning Commission. She said the feasibility study applies to
119 all three properties (north, south and east of the church). Mayor Rasmussen agreed but wanted
120 everyone to know the referendum only applies to the north portion.

121 Geoff Smith asked if the church pavilion property would be included. Mayor Rasmussen said
122 the Church will keep the pavilion, trees and church building properties. He asked, if the Church
123 property was annexed to Providence, would the Church and Johnson properties be left as an island. He
124 was told it would not (it would be surrounded by River Heights on the west and north).

125 Sharlie Gallup, 675 E 400 S, said there is a letter of intent for Visionary to purchase the
126 church’s property. It hasn’t been sold yet. She suggested River Heights City could petition the LDS
127 Church to build another church building and pavilion there or offer to buy it. Mayor Rasmussen has
128 talked to the director of the church department. They have a letter of intent from Visionary and won’t
129 entertain any other buyers unless Visionary backed out, in which case, it would go up for sale.

130 Geoff Smith asked if there was access from the property to 600 East. Mayor Rasmussen
131 answered, the only access to the property would be through a historical right-of-way north of the
132 pavilion, which can’t be closed off for public access. It seemed unlikely that a road could go through;
133 regardless, that is not a plan.

134 Ruthann Nelson was under the impression that the church was selling the east property because
135 it was landlocked. Mayor Rasmussen said the ROW is more the size of a trail. He understood the
136 property was becoming landlocked due to the development to the east.

137 Michelle Kimball, 952 E 480 S, asked if the property sold and stayed in River Heights what it
138 would be zoned. Mayor Rasmussen said it would be zoned single-family residential.

139 PWD Nelson said the owner of the property can choose to stay in River Heights or deannex to
140 Providence (depending on where they can get the services they need and the cost) since they are on the
141 border of both cities. Councilmember Clausen didn't believe this was a legal opinion.

142 Mayor Rasmussen explained that the potential owner of the property would like to deannex.
143 To do so, he would need the approval of the city council. There is nothing that says cost must be a
144 reason for deannexation, only the possibility of utility services. If River Heights can provide all
145 services, it still may not be good grounds for keeping the property.

146 Josh Paulsen, of Providence, asked for an explanation of the current "residential zone" in River
147 Heights. Mayor Rasmussen explained, 20% buildable, 8,000 square foot lot size.

148 Michelle Kimball doesn't want to see the property go to Providence. River Heights could gain
149 tax benefit and some input on how its developed if it stays.

150 Kathryn Hadfield, 349 S 1000 E, pointed out a few scenarios for the property: The Church
151 could decide not to sell and then the property would stay as is. Mayor Rasmussen informed that the
152 Church does desire to sell. Ms. Hadfield continued; It could stay in River Heights and whoever buys
153 the property could develop it and access it through the Providence development or get an access
154 somewhere else. Or, it could go to Providence and be part of the Visionary development. She pointed
155 out there may be impact fees at the beginning that River Heights would collect. There would also be
156 property taxes, which wouldn't be much, because residential areas don't make money for the city.
157 Councilmember Clausen said there may not be impact fees with an HOA because they would stand the
158 cost of infrastructure maintenance. There wouldn't be an impact on the city if the city didn't take it
159 over.

160 Nikki Tate, 445 S 850 E, asked if the property stayed in River Heights would our city still be
161 maintaining the infrastructure. Mayor Rasmussen said, not if it's an HOA. However, sometimes
162 property owners may not get the help they need from their HOA and turn to their government for
163 assistance. Ms. Tate pointed out the potential for a referendum on the November ballot and four new
164 council members in Providence, which could shut down the developer's current plan. She suggested
165 putting off a decision on the church property because the plans could become completely different
166 after November.

167 Laura Fisher, 1590 Canyon Road in Providence, said their past mayor, Don Calderwood has
168 said its unlikely that the south side will be developed because of the possible standstill on the north
169 side, which will affect the construction of the bridges. Mayor Rasmussen believes Providence has
170 agreed to pay a portion of the upper bridge. He understands the access is at Spring Creek or 1000 East.
171 He thought the bridge was a separate issue and the south developer would be required to pay their
172 portion of it. He hopes when the northern section is done there will be access.

173 Shellie Giddings asked for the River Heights Council to slow down and not make a decision
174 right now. She guessed the developer was pushing. The city doesn't have to give in.

175 Gary Wilkingson asked what River Heights would gain by allowing the property to go to
176 Providence. Mayor Rasmussen said there are pros and cons either way. He understands the desire to
177 slow a decision but he is sensitive to a developer wanting to know how to move forward. He agreed
178 there are emotional feelings toward Visionary. If the property stayed in River Heights, any developer
179 meeting the city's requirements would be able to move forward. The property has the potential of 49
180 lots with current zoning. Jeff Jackson is proposing 38 lots, a lot of green space and high quality single-
181 family homes. If we allow a boundary adjustment and he starts development soon we will get a nice
182 plan. If the referendum then goes through, it would be too late to do townhomes in this area. There is

183 also no access to 600 East in River Heights, which makes sense to have the property in Providence
184 where the access is. If legal battles continue with the whole development, it would be easier to have
185 all the properties in the same city. Mr. Wilkinson questioned why River Heights would stick their
186 neck out for Jeff Jackson when he doesn't own the property yet. He didn't trust that Mr. Jackson
187 would follow his word. If a legal battle comes up, the Utah Local Government Trust will be paying
188 the legal fees, not River Heights City. He doesn't want to see River Heights get bullied, but rather to
189 get a desired outcome.

190 Cindy Montoya is not happy with Providence. She has seen 3 different plans from Visionary,
191 each one has increased in density.

192 Mayor Rasmussen pointed out that the first plan they brought to River Heights was all single-
193 family homes. River Heights asked him to come back with a plan that showed variety, rather than a
194 cookie-cutter look.

195 Jamie Saltern went to school with Jeff Jackson. She asked him after the public hearing in River
196 Heights what he was doing. He admitted to her that his high-density plan was about money. She
197 asked if he would want it in his backyard and he said it didn't matter because it wasn't going to be in
198 his yard.

199 Josh Paulsen said the Providence Planning Commission is revisiting their LCR ordinance.

200 Roxanne Bilbao, Windsor Drive, was in an earlier meeting with Jeff Jackson where her
201 husband asked if he would be able to make a profit with a single-family development. Mr. Jackson
202 said he could but he wouldn't.

203 Richard Johnson said his property has been included in Providence's annexation plan. He
204 wants his property to stay in River Heights. Mayor Rasmussen explained that a property owner would
205 need to initiate an annexation to another city.

206 Ruthann Nelson asked how a decision could be made if the church hasn't petitioned to
207 deannex. Mayor Rasmussen said the council isn't deciding on a deannexation tonight, but rather just
208 discussing how they feel about it. They could decide with Providence to do a boundary adjustment. If
209 Visionary ends up buying the property and its decided the property would be better off in Providence,
210 then the cities would adopt a resolution to make a boundary adjustment, have a public hearing and then
211 file it with the county.

212 Andrew Cobabe supported earlier comments. He hoped River Heights could maintain control.

213 Mayor Rasmussen addressed "not knowing what a developer would do." According to the
214 River Heights attorney, if the property was allowed to go to Providence, River Heights would make
215 100% sure that the developer would be legally bound to what he said he was going to build. The
216 current plan is a better plan than River Heights would require of a developer.

217 Josh Paulson invited River Heights councilmembers to attend a Providence Planning
218 Commission to join in a dialog on how to get what they all want.

219 Jessica Wilkinson agreed they are showing a good plan. But, why would River Heights give up
220 the right to have any say on the property. Ultimately, the developer will look out for himself.

221 Gary Wilkinson said he's an attorney and pointed out there is no 100% guarantee that River
222 Heights would get what they wanted if it went to Providence.

223 Roxanne Bilbao asked if the Army Corp of Engineers has investigated the property's water
224 table. She was told they determined there couldn't be basements.

225 Josh Paulson said Providence recently reviewed their contract with the sheriff's department.
226 There is concern that higher density will raise demands on emergency calls by 30%. They are already
227 strained to stay within their contracted hours. He stated he has been impressed with how River Heights
228 has handled themselves with this issue. He said Providence gives the impression that there is some

229 kind of collusion with them and the developer to help him get what he wants. It doesn't make sense to
230 the residents. He'd like to see it all slow down.

231 Councilmember Clausen felt the property should stay in River Heights. Councilmember Scott
232 agreed. Councilmember Thatcher also agreed and would like to see any decision pushed back.

233 PWD Nelson suggested not waiting for a decision because if River Heights wants to keep it,
234 they need to be working on sewer easements through a property that is up for sale right now. If Jeff
235 Jackson pushes to go to Providence he may get it because River Heights has no road access.

236 Mayor Rasmussen said if River Heights wanted to keep it, they could work on providing an
237 access on 600 East. A number of people were not supportive of this idea at all.

238 Planning Commissioner Noel Cooley suggested another access possibility would be through
239 Dan Weston's cul-de-sac to the north.

240 Councilmember Wilson feels it best for the property to stay in River Heights, at this point.

241 Councilmember Scott said if all traffic would funnel east through Providence, then River
242 Heights should keep the property. If we need to provide an access on 600 East then give it to
243 Providence.

244 Mayor Rasmussen will look into the ramifications of an access onto 600 South and how much
245 say River Heights would have on it. He will email the information he finds out.

246 Councilmember Wilson doesn't believe they have enough information for a decision.

247 Adoption of An Ordinance to Create a Fence Section in the River Heights City Code: PWD

248 Nelson explained the proposed fence ordinance. The suggested changes came from all the current
249 confusion. He has been a proponent of 'no permit required' to prevent the city from being involved in
250 potential legal issues. About a year ago the code was changed to allow six foot fences on corner lots,
251 as long as they were transparent. The changes being discussed tonight require any fence along a road
252 to be transparent if its over four feet.

253 Councilmember Thatcher expressed opposition to 10-12-3:D regarding no chain link fences.
254 She felt it was elitist.

255 Mayor Rasmussen recommended that a person building a fence fill out an agreement that they
256 had read the fence code, in an effort to keep track of them. PWD Nelson explained that the city
257 usually finds out about them when they call in a blue stake. The Zoning Clearance Permit for building
258 a house would have fence regulations attached. It can also be included in the Utility Service
259 Agreement. The city could require them to sign that they have read it. Fencing companies also keep
260 up on the city rules pretty good.

261 Zoning Administrator Don Davis clarified the city would receive no fee, if there was no
262 requirement for a fence application. He was told this is true. He pointed out that the language states a
263 fence can be 4 foot or 6 foot transparent. He suggested clarification on what the situation would be on
264 a 5 foot fence.

265 Councilmember Thatcher wanted to remove the regulation about no chain link. She said
266 wrought iron is very expensive, and vinyl isn't good material. Chain link is not ghetto fence. Banning
267 it is saying that an ordinary person can't afford to live in River Heights. She doesn't want River
268 Heights to be high end. Chain link is dog and child proof and is affordable and transparent. Mayor
269 Rasmussen pointed out other 90% transparent options that cost less than chain link.

270 Councilmember Wilson asked how much the city would save by doing chain link along the
271 brow of the hill, compared to wrought iron. PWD Nelson reported the 700 South fence was going to
272 cost \$4,800 in chain link but ended up costing \$11,000 in wrought iron.

273 PWD Nelson continued his explanation of the suggested ordinance changes.

274 Councilmember Thatcher moved to “adopt Ordinance 1-2019, An Ordinance to Create a
275 Fence Section in the River Heights City Code with the changes suggested and deletion of the
276 proposed 10-12-3:D, which bans chain link fences.” Councilmember Wilson seconded the
277 motion. Wilson and Thatcher were in favor. Clausen and Scott were opposed. Mayor
278 Rasmussen broke the tie by opposing, which killed the motion. Wright was absent.

279 Councilmember Clausen moved to “adopt Ordinance 1-2019, An Ordinance to Create a Fence
280 Section in the River Heights City Code with the changes.” Councilmember Scott seconded. Mayor
281 Rasmussen asked for further discussion.

282 It was pointed out that chain link would be okay if it was within the setback. PWD Nelson
283 Clayton said that is currently the case.

284 Councilmember Scott sees potential problems with those who haven’t been allowed to do a
285 chain link and now they can. They may be upset about the amount of money they spent.

286 Much discussion was held on deciphering and deciding on where they would allow chain link.
287 It was decided anyone could have chain link as long as it’s not outside of their setback. The title of the
288 section was changed to: Fence Regulations within Setbacks.

289 Councilmember Clausen moved to “adopt Ordinance 1-2019, An Ordinance to Create a
290 Fence Section in the River Heights City Code, with the adjustments/corrections discussed by the
291 mayor regarding four feet, six feet and transparency and adding to 10-12-3, the wording “within
292 setbacks.” Councilmember Scott seconded the motion, which carried with Clausen, Scott and
293 Wilson in favor. Thatcher opposed. Wright was absent.

294 Presentation of a Potential Recreational Trail: ProLog Irrigation President Chris Milbank
295 handed out some information about repairs the irrigation company made above Denzil Stewart Nature
296 Park. An outcome of the repairs was the creation of a walking path about 8-12 feet wide. It starts
297 where the pump house is at 600 East River Heights Blvd, one block from the city’s park. It would end
298 in Logan’s Stewart Nature Park. He’s talked about it and showed many people, all of whom are in
299 favor. He was in attendance to ask for city for support. The problem might be with the property
300 owners. They currently have a prescription easement for the irrigation line but would need a different
301 type of easement for a trail on their property.

302 Councilmember Clausen asked Dayton Crites (Cache County Trails Specialist) the process for
303 getting easements. Mr. Crites said the first step is usually sending a letter explaining the benefits of a
304 trail. Conversations through supporters who already know the property owners is also effective. To
305 get an easement is ideal; license agreements also work but are not as permanent.

306 Discussion was held on property line gaps. Dayton Crites said these would be cleaned up.
307 Landowners on both sides of the canal would need to be contacted since the property division usually
308 runs through the middle of the easement.

309 Chris Milbank informed that trails increase the value of homes and state law limits liability on
310 trails.

311 Councilmember Clausen suggested putting it on a future agenda and asking all the landowners
312 to come to the meeting. Mr. Crites proposed determining a light understanding of for and against from
313 property owners first.

314 Councilmember Thatcher said she loves the idea but is concerned about safety for women on
315 the trails. Dayton Crites explained why he feels it would be safe; its adjacent to a city park and open.
316 He volunteered to pull police records on the area.

317 Councilmember Wilson asked what they would be asking for from the city, if the property
318 owners gave their permission. Mr. Milbank said just support for now. Mr. Crites said if River
319 Heights, Logan and ProLog contribute seed money, other matching funds are possible.

320 Councilmember Clausen suggested some of the council members talk to certain property
321 owners. Mayor Rasmussen felt if support was gained, it could be put on the agenda to determine what
322 kind of funding they could contribute. Councilmember Scott suggested councilmembers could
323 accompany Mr. Milbank when talking to property owners, as a show of support.

324 Mayor Rasmussen said they are in favor and asked Mr. Milbank to work with him to determine
325 which councilmembers could go with him.

326 Discuss and Decide if the Church Owned Property, East of the LDS Church Building on 600 E.
327 will Stay in River Heights or go to Providence: Discussion was held during public comment.

328 The meeting adjourned at 8:15 p.m.

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Sheila Lind, Recorder

Todd A. Rasmussen, Mayor

4-11-19

Please print your name on the roll.

Cindy Schaub

Geoffrey Smith

Peggy Smith

Kathryn Hadfield

Melanie Reese

Barbara Moon

Hellie Giddings

Lauren Giddings

Cindy Montoya

Ruth Ann Nelson

Charlie Gallyp

Kelly Hymal

Kathie Rounts

Nikki Tait

Joan Paulsen (Providence)

Richard Johnson

Andrew Lebabe

JAMIE SAUTER

BOB BICKLAND

LAURA FISHER

Michelle Kimball

Natalie Pace

Roxanne Bilbas

JESSICA WILKINSON

GARY WILKINSON

Red Rounds

CASEY GORE

Janet Matthews

~~Dennis Whitby~~

Pete Holmgren

Vickie Holmgren

Noel Cooley

Danny Petersen

Don Davis

Heather Lehning

Chris Milbank

Terry Peery

Danton Crites

River Heights City Bills To Be Paid

4/10/2019

Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1 10-39 Online	Annual Web Hosting	\$360.00								\$360.00
2 Bear River Health Department	Water Coliform Testing							\$40.00		\$40.00
3 Blue Stakes Of Utah	E-mail Notifications						\$8.29	\$8.29	\$8.53	\$25.11
4 Cache Valley Publishing	Planning Commission Ad		\$45.89							\$45.89
5 Caselle, Inc.	Monthly Support Fee	\$91.69						\$91.66	\$91.65	\$275.00
6 Century Equipment	Back Hoe Window Latch						\$5.27	\$5.28	\$5.27	\$15.82
7 Coates & Coats, LLC	Hydrojett 2 Main Lines 600 S. 500 E								\$400.00	\$400.00
8 Daines & Jenkins	Telecon regards to Brian Anderson Letter	\$81.00								\$81.00
9 Freedom Mailing Services, Inc.	Bill Processing	\$144.84						\$48.28	\$48.28	\$241.40
10 International Institute of Municipal Clerk	Annual Membership Fee	\$170.00								\$170.00
11 It Works	Technician to Assist Back-ups	\$67.50								\$67.50
12 Lee's Plumbing	Park Bathroom Flush Valve, New ball,			\$241.50						\$241.50
13 Lowe's	Concrete Mix, Electronic Measure, Tape			\$52.96			\$108.92	\$52.96	\$52.95	\$267.79
14 Rocky Mountain Power	Electricity	\$87.81		\$78.60	\$25.69		\$1,194.33	\$1,796.82	\$45.39	\$3,228.64
15 Roto Rooter	Portable Toilet			\$130.00						\$130.00
16 Rural Water Association of Utah	Member Dues							\$793.00		\$793.00
17 Sam's Club	Late Fee	\$17.64								\$17.64
18 Secure Instant Payments	Monthly Credit/Online Processing	\$14.57						\$14.57	\$14.56	\$43.70
19 The Clean Spot	Park Restroom Supplies			\$77.15						\$77.15
20 Thomas Petroleum	Fuel for City Vehicles			\$54.99			\$54.98	\$54.98	\$54.98	\$219.93
21 Todd Rasmussen	Newsletter Delivery	\$130.00								\$130.00
22 Verizon Wireless	Monthly City Cell Phones	\$21.92						\$21.92	\$21.94	\$65.78
23 Xerox Corporation	Monthly Copier Usage Fee	\$20.98								\$20.98
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*WERD/ computer down
Email approvals from
Council to pay.*

River Heights City
 Financial Summary
 March 31, 2019

		<u>Cash Balance By Fund</u>		Net Change	% of Total	
		02/28/19	03/31/19			
General Fund		165,106.95	179,941.03	14,834.08	10.14%	
Capital Projects Fund		101,441.45	131,309.38	29,867.93	7.40%	
Water Fund		572,469.11	583,680.81	11,211.70	32.90%	
Sewer Fund		875,215.65	879,023.57	3,807.92	49.55%	
Total Cash Balance		<u>1,714,233.16</u>	<u>1,773,954.79</u>	<u>59,721.63</u>	100.00%	

		YTD Actual	Annual Budget	Unexpended Budget	% Of	
					Budget Incurred	% Of Time Incurred
General Fund						
Revenue		611,203.21	757,030.00	145,826.79	80.74%	75.07%
Expenditures						
	Administrative	101,716.74	162,050.00	60,333.26	62.77%	75.07%
	Office	10,748.94	17,120.00	6,371.06	62.79%	75.07%
	Community Affairs	8,919.16	18,400.00	9,480.84	48.47%	75.07%
	Planning & Zoning	2,789.81	8,470.00	5,680.19	32.94%	75.07%
	Public Safety	75,366.00	86,400.00	11,034.00	87.23%	75.07%
	Roads	66,518.78	104,000.00	37,481.22	63.96%	75.07%
	Parks & Recreation	40,943.75	90,800.00	49,856.25	45.09%	75.07%
	Sanitation	127,333.19	150,000.00	22,666.81	84.89%	75.07%
	Transfer To CP Fund	120,000.00	120,000.00	-	100.00%	
Total Expenditures		<u>554,336.37</u>	<u>757,240.00</u>	<u>202,903.63</u>	73.20%	75.07%
Net Revenue Over Expenditures		<u>56,866.84</u>	<u>(210.00)</u>	<u>(57,076.84)</u>		
Capital Projects Fund						
Revenue		1,487.68	400.00	(1,087.68)		75.07%
Reimbursement Income		30,000.00	-	(30,000.00)		
Transfer From General Fund		120,000.00	120,000.00	-		
Expenditures						
	Administrative		130,000.00	130,000.00		75.07%
	Parks & Recreation		152,750.00	152,750.00		75.07%
	Roads	283,028.42	757,750.00	474,721.58		75.07%
		-	-	-		75.07%
Total Expenditures		<u>283,028.42</u>	<u>1,040,500.00</u>	<u>757,471.58</u>		75.07%
Net Revenue Over Expenditures		<u>(131,540.74)</u>	<u>(920,100.00)</u>	<u>(788,559.26)</u>		
Water Fund						
Revenue		281,892.01	346,130.00	64,237.99	81.44%	75.07%
Expenditures		<u>156,964.81</u>	<u>272,250.00</u>	<u>115,285.19</u>	57.65%	75.07%
Net Revenue Over Expenditures		<u>124,927.20</u>	<u>73,880.00</u>	<u>(51,047.20)</u>		
Sewer Fund						
Revenue		218,766.60	249,500.00	30,733.40	87.68%	75.07%
Expenditures		<u>204,186.24</u>	<u>310,250.00</u>	<u>106,063.76</u>	65.81%	75.07%
Net Revenue Over Expenditures		<u>14,580.36</u>	<u>(60,750.00)</u>	<u>(75,330.36)</u>		

Ordinance 1-2019

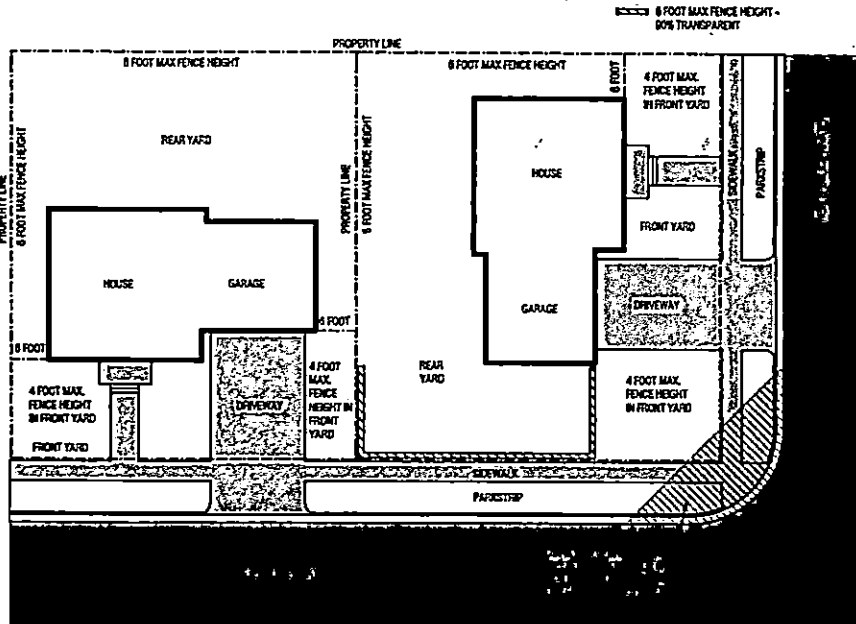
AN ORDINANCE TO CREATE A FENCE SECTION IN THE RIVER HEIGHTS CITY CODE .

The River Heights City Planning Commission held a duly noticed public hearing on Tuesday, April 2, 2019, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

10-12-3: FENCE REGULATIONS WITHIN SETBACKS

- A. Fences and Walls Maximum Height (from sidewalk or road grade)
 - 1. Front Yard: 4 feet
 - 2. Side Yard, Interior Lot: 6 feet
 - 3. Side Yard on a Street (except corner lot): 4 feet or 6 feet 90% transparent, *6 Foot MAX HEIGHT*
 - 4. Side Yard on a Street (corner lot): 4 feet or 6 feet 90% transparent *ENTIRE FENCE MUST BE*
 - 5. Rear Yard: 6 feet
 - 6. Rear Yard on a Street (except corner lot): 4 feet or 6 feet 90% transparent
 - 7. Rear Yard on a Street (corner lot): 4 feet or 6 feet 90% transparent
- B. No Permit Required: The City does not issue permits for fences. HOWEVER, fences built outside city code regulations will be brought into compliance at the owners' expense.
- C. Replacement of a Fence: When replacing an existing fence, the new fence must be brought into compliance with the current city code.
- D. No Chain Link: Chain link is not allowed in the front yard, side yards on a street, and rear yards on a street.

Corner Lots: When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, a 6 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 (~~4 feet or 6 feet~~ *SEE A-6* transparent is required within setback). All fences on corner lots shall comply with 10-13-15: Clear View of Intersecting Streets shown in the following figure.



10-2-1: DEFINITIONS

Transparent Fence: Fence design and construction shall be 90% visually and physically open to allow a minimally obstructed view of sidewalks and streets.

10-3-4:B Requirements; Zoning Clearance Permit: . . . required for the following:

~~2. Fences in the required setbacks;~~

10-12-2:A Remove "Fences and Walls" section of Table 2, including note 3, figure 10-12-2, and "The city will evaluate the proposed fence material and determine if the . . ."

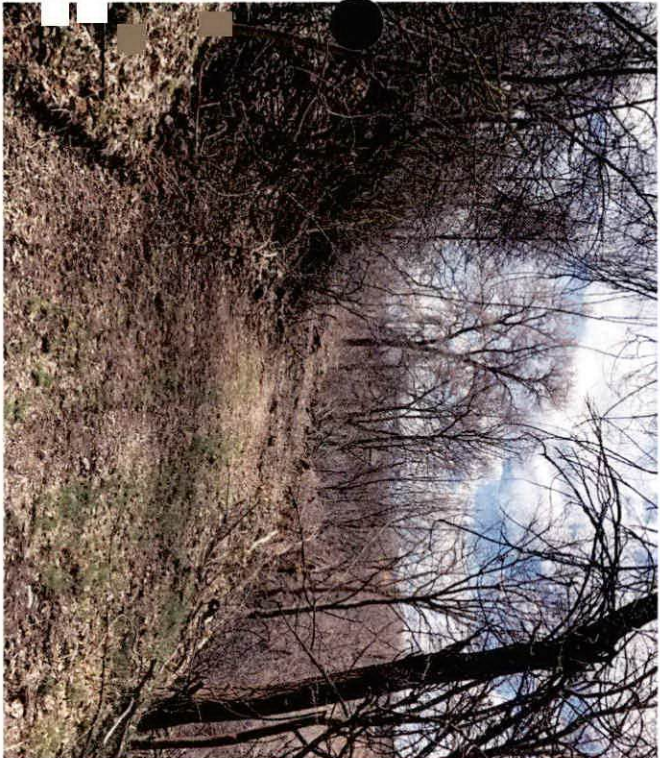
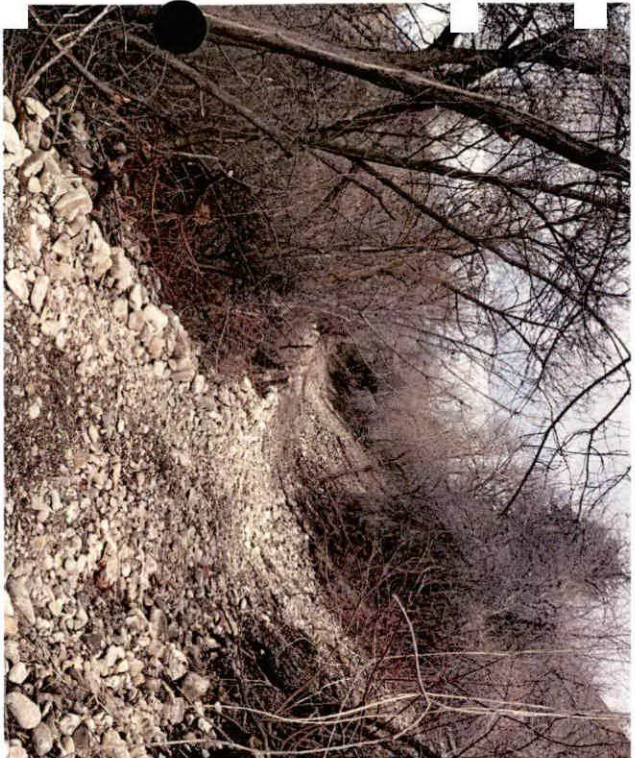
Adopted and effective this 11th day of April 2019.

Todd A. Rasmussen, Mayor

Attest:

Sheila Lind, Recorder

Underlined verbiage is new to the existing ordinance.



The Impact of Trails on House Prices in Ogden, Utah

*Matthew Gnagey
Therese Grijalva*

EXECUTIVE SUMMARY

Convenient and local access to open green space is highly valued in communities of individuals who participate in natural resource outdoor recreation. Understanding the value outdoor recreation communities place on access to open space is critical for informing policy decisions on land use including zoning and other restrictions, government open space purchases, and open space access points such as trailheads. In order to evaluate the benefits of increasing access to trails, this research estimates the value individuals place on trailheads in Ogden, Utah through their housing choices. The value of trailheads are estimated using the premium people are willing to pay for living in a house that is closer to trailheads. This premium is disentangled from neighborhood and house characteristics, elevation, and straight-line distance to the mountains.

Purpose of the Research Study

The purpose of this paper is to analyze the impact of trail access on property values in Ogden, Utah. Outdoor recreation communities have explicit objectives of promoting, enhancing, and maintaining access to outdoor recreation. One way to meet their objectives is by adding and improving trail access points, where such projects compete for funds dedicated to any number of projects to enhance outdoor recreation or public green space in the community. Estimating the value of this accessibility is therefore critical for policymakers to justify these expenses.

Method of Data Gathering

The study uses 2,711 house sales for the years 2014-2016, but additional data going back to 1999 with a total of 29,537 sales is used to understand changing values over time. Travel time is calculated from each house to trailheads around the city using google maps API. The effect of trail access is separated from proximity to public open space by controlling for distance to the mountains, elevation, and whether there is a view of the mountains. Additional house and neighborhood characteristic are also included in the models.

The statistical technique used is the hedonic pricing method. Hedonic pricing is used to identify how much each attribute of a good contributes to the market price of that good. Through statistical methods, researchers are able to isolate what a typical resident is willing to pay for an additional bathroom, an additional square foot of house, a minute closer drive to a trailhead, etc. An analogy can be made with grocery store purchases. Suppose researchers knew what thousands of consumers spent at a grocery store and what items they purchased, but they did not have an itemized receipt for each consumer. Using statistical methods, researchers could take these totals and the items purchased and identify the price of a box of cereal. Using this technique, the valuations for trail access in general as well as for specific trailheads in different areas of the city are estimated. Spatial statistical techniques in the hedonic model, such as putting in a dummy

variable for each neighborhood, control for spatial dependency in property values and correct for potentially spatially correlated omitted variables.

Overview of Findings

The main finding is a large, significant, positive values for proximity to trailheads in Ogden, Utah. Each minute drive closer to a trailhead is associated with a 1.4% to 1.9% increase in house price. Using the average house price in the city of \$165,000, one minute closer to a trailhead corresponds to between a \$2,310 and \$3,135 value. Looking back from 1999, there is an initial premium of 0.5%, (\$825 for an average priced house) which has increased annually by 0.07% (\$115 for an average priced house). Interestingly, trailheads in different areas of the city have different price gradients. Spatial models identify these regions throughout the city which have different valuations, suggesting the value of proximity to trailheads has a greater impact on house prices in certain neighborhoods within the city. This also may suggest outdoor enthusiasts are self-selecting into certain neighborhoods within the city.

Recommendations

Large valuations of the accessibility of trails, particularly considering the growth in this valuation over time, provides justification for substantial expenditures on continuing to improve and create new trail access points. However, an important caveat is that it is critical to conduct future research examining the long-term demographic changes in Ogden and changes in demand that may affect the valuations of trailheads. For example, increased congestion, as more outdoor enthusiasts move to Ogden, may negatively affect trail values. Furthermore, increased property values associated with improving the outdoor recreation accessibility may unintentionally price certain populations out of neighborhoods.

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January 15, 2019

This Document is developed in order to provide Cache County residents and others a clear understanding of Utah-specific legislation and case law regarding the legal impact and ramifications of public recreation on private lands.

Re: Limitations on Landowner Liability Relating to Recreational Use

The Utah State Legislature has enacted in Utah Code Title 57, Chapter 14, provisions that limit landowner liability when private property is used by the public without charging a fee for recreational purposes. See Utah Code Ann. §§ 57-14-101 to -401.

Utah Code Ann. § 57-14-102 states as follows:

"Recreational purpose" includes, but is not limited to, any of the following or any combination thereof: hunting; fishing; swimming; skiing; snowshoeing; camping; picnicking; hiking; studying nature; waterskiing; engaging in water sports; engaging in equestrian activities; using boats; mountain biking; riding narrow gauge rail cars on a narrow gauge track that does not exceed 24 inch gauge; using off-highway vehicles or recreational vehicles; viewing or enjoying historical, archaeological, scenic, or scientific sites; aircraft operations; and equestrian activity, skateboarding, skydiving, paragliding, hang gliding, roller skating, ice skating, walking, running, jogging, bike riding, or in-line skating.

Utah Courts have addressed the application of the Limitations on Landowner Liability Act. The Utah Supreme Court considered the background of these statutes and found that the purpose of the provisions that specifically limit the common law liability of a landowner who "directly or indirectly invites or permits" non-paying recreational use of its land to any such recreational users is *"to promote the opening of private lands to public recreational use."* The Utah Supreme Court held that: *"before a landowner could qualify for the limitations on common law liability, it must show that it has "made [its] property available to at least some members of the general public for recreational purposes."*

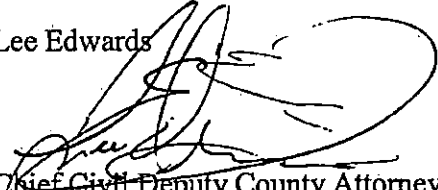
Golding v. Ashley Cent. Irrigation Co., 793 P.2d 897, 900 (Utah Sup.Ct. 1990) citing *Crawford v. Tilley*, 780 P.2d 1248 (Utah Sup.Ct. 1989).

Both the *Golding* case and the *Crawford* case held that the landowner was not able to take advantage of the limitation on liability provisions because they had not opened their property to the public for a recreational use. There are no other appellate cases in Utah that impose liability on a property owner that allows a recreational use if they have complied with the provisions of the Limitations on Landowner Liability Act.

The Limitations on Liability provisions of the Utah Code provides that if an owner of land who either directly or indirectly invites or permits without charge, any person to use the owner's land for any recreational purpose, the owner does not: make any representation or extend any assurance that the land is safe for any purpose; confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; assume responsibility for or incur liability for any injury to persons or property caused by an act or omission of the person or any other person who enters upon the land; or owe any duty to curtail the owner's use of the land during its use for recreational purposes.

In conclusion, a landowner that opens his or her land to the public for recreational purposes, including public trails, receives more protections from potential tort liability.

Lee Edwards



Chief Civil Deputy County Attorney
Cache County

2015 Assessor Data	Average Price All (psf)	Average Price psf (Non-Trails+ Trailheads+Parks)	Average Price psf (Trails+Trailheads+parks).	Recreation Bump
Commercial Properties	38.4	44.2	25.2	3.4%
Residential Properties	23	22.3	25.5	11%
Commercial + Residential	24.1	24.3	25.5	6%
All Properties	23.59	22.7	24.7	9%



Eastment I

Pic up Parking lot

8005 side

Southside
Storage

N

HOA

ACTIVE ADULT LOTS



PARK

38 Homes
6,500 TAXES
Can you charge
more for a
Lift station.

Lift Station ?
Looping Water Line ?

HOA setup.
Long Term
Short Term
Proforma
Legal Questions