

River Heights City

COUNCIL MEETING AGENDA

Tuesday, July 23, 2019

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 (Clausen) and Pledge of Allegiance (Scott)

Adoption of Previous Minutes and Agenda

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

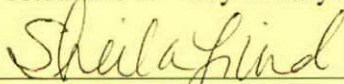
Public Comment

Discuss Potential Trail Along ProLog Irrigation Line

Adoption of a Resolution to Repeal Resolution 2-2015, A Resolution Adopting Purchasing and Expenditure Procedures for River Heights City

Adjourn

Posted this 19th day of July 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

July 23, 2019

Present: Mayor Todd Rasmussen
Council members: Doug Clausen
Robert "K" Scott
Elaine Thatcher
Recorder Sheila Lind
Public Works Director Clayton Nelson
Finance Director Cliff Grover
Excused: Councilmembers Dixie Wilson
Blake Wright
Treasurer Wendy Wilker
Others Present: Chris Milbank, Cindy Schaub

The following motions were made during the meeting:

Motion #1

Councilmember Clausen moved to "adopt the minutes of the council meeting of July 9, 2019 as amended and the evening's agenda." Councilmember Thatcher seconded the motion, which passed with Clausen, Scott and Thatcher in favor. No one opposed. Wilson and Wright were absent.

Motion #2

Councilmember Clausen moved to "Adopt Resolution 3-2019, A Resolution to Repeal Resolution 2-2015, A Resolution Adopting Purchasing and Expenditure Procedures for River Heights City." Councilmember Thatcher seconded the motion, which carried with Clausen, Scott and Thatcher in favor. No one opposed. Wilson and Wright were absent.

Proceedings of the Meeting:

The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in the River Heights City Building on Tuesday, July 23, 2019 for their regular council meeting.

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

Adoption of Previous Minutes and Agenda: Minutes for the July 9, 2019 meeting were reviewed with the following change: "the building to be torn down and" was inserted on line 186 after "allow."

47 Councilmember Clausen moved to “adopt the minutes of the council meeting of July 9,
48 2019 as amended and the evening’s agenda.” Councilmember Thatcher seconded the motion,
49 which passed with Clausen, Scott and Thatcher in favor. No one opposed. Wilson and Wright
50 were absent.

51 Mayor Rasmussen reported that Attorney Jenkins said the city would not need to declare the
52 Old Church property as surplus if the city leased it. Tony Johnson has said that could work. A
53 drawback of co-owning is that the city may have to assume the debt in case of default. If the property
54 was sold, the city could have a contract stating, if the property is sold again the city would have first
55 option to purchase.

56 Councilmember Thatcher would like to see the land and building sold and the city given use of
57 part of the building for public use. Mayor Rasmussen plans to have further discussion on the August
58 27 agenda (since Councilmember Clausen won’t be in attendance at the August 13 meeting.)
59 Councilmember Clausen pointed out that the Opera Company will need enough notice for them to get
60 all of their stuff moved out.

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

62 Public Works Director Nelson

- 63 • 400 South is ready to go out for bid. Contractors have said there would be no way to get it
64 done this year. The city has a couple options: 1) Wait and bid it in the spring, or 2) Bid it out
65 in September with a completion date in the spring. The cost of the project keeps going up as
66 the engineers try to design around the irrigation ditch. Optimally, they wanted to drop part of
67 the road elevation, however, currently the irrigation pipe is right under the asphalt. They are
68 also struggling to get everything to fit in the park strip, due to the irrigation boxes in this area.
69 The open ditch will be piped. The road will end up being 9 feet wider than it currently is in
70 places. Councilmember Scott will decide on when to bid the project once the engineering plans
71 are finished up. PWD Nelson will bring the plans to the next meeting. Mr. Scott said they
72 need to approach the homeowners on the north and let them know they will no longer have a
73 sidewalk. The homeowners will gain the property to the curb.
- 74 • 1000 East sidewalk is finished except for a couple sprinklers. The grant funding is available on
75 this and the 700 South sidewalk projects.
- 76 • The sprinklers are finished around the tennis courts. They are hoping to get the concrete
77 poured in the next week and the court surfacing around the first week of August.

78
79 Finance Director Grover

- 80 • No bills were presented since Treasurer Wilker was out of town. They will be emailed by
81 Thursday or Friday.
- 82 • He explained the Financial Summary. Invoices are still trailing in from last fiscal year.
83 Overall, the city is tracking close to budget.
- 84 • Councilmember Clausen asked how long until impact fees need to be spent. Mr. Grover said,
85 seven years.

86
87 Treasurer Wilker was absent.

88
89 Councilmember Thatcher

- 90 • Ms. Thatcher presented names of people the parade committee would like to recognize:
91 Citizen of the Year: Karl and Barbara Bindrup, Service to the City: Steve and Jami Thunell.

Cultural Arts: Carol Ferney. She will email the list of other awards the committee would like to recognize. They will go ahead with contacting these people, unless they hear otherwise.

- She asked if others would be willing to ride in one of the upcoming parades.

Councilmember Scott didn't have anything.

Councilmember Clausen didn't have anything.

Councilmember Wilson was absent.

Councilmember Wright was absent.

Recorder Lind didn't have anything.

Mayor Rasmussen

- He, Commissioner Schaub and PWD Nelson met with the Cache County Road Department about their desire to turn their roads over to the cities. Providence has talked about taking 1000 East (south of 600 South), due to their increase in development along the road. Between 600 South and the Logan City boundary would become the responsibility of River Heights, which will probably happen this winter. Councilmember Clausen asked about the shape of the road. The County has said they will fix a couple spots before turning it over. Mayor Rasmussen will send them a list. The County said the Zollinger property could be annexed to River Heights at the same time the road comes into the city, which would allow River Heights some sales tax revenue. Mayor Rasmussen pointed out that more sidewalk repair money will need to be budgeted for the county sidewalks the city will end up acquiring. The County also wants to give the 600 South sidewalks. Mayor Rasmussen said he will make a list of sidewalk issues and get a map that is clear on which jurisdiction is over them.
- They are moving forward on litigation with two 1000 East fences which don't comply with the final plat. Bentley and Merrill are named in the litigation.

Public Comment: There was none.

Discuss Potential Trail Along ProLog Irrigation Line: ProLog President Chris Milbank reminded he is trying to get council support for a trail over the irrigation line, which brings water from Logan to River Heights, which the council was agreeable to at the last discussion. They are to the point of approaching property owners to secure easements. He asked if any of the council members have a personal connection to the property owners he listed. Mayor Rasmussen said he was planning to talk to all of them and will make it a priority in the next couple weeks. The property owners won't lose any property. Currently there is a 16-foot irrigation easement. Mr. Milbank suggested getting an additional 10 feet for the trail easement.

Councilmember Clausen suggested signage along the trail which would state no motorized vehicles would be allowed.

Chris Milbank explained that the landowners have quite a bit of say, and may want some kind of assurance regarding maintenance. He was unsure of the level the city wants to become involved.

Mayor Rasmussen felt it was important to have an area that could connect outdoor access to the Riverdale area. This trail system could tie into many other trails in the valley, existing and future. He liked the idea of engaging the citizens in service of the trail, with the city providing leadership.


138 Chris Milbank said the area is currently being used as a trail; the easements would legitimize
139 and improve it.

140 After getting the property owners on board, they can move forward on drafting the easements.
141 Mayor Rasmussen and Mr. Milbank will work together. Mr. Milbank wanted to have things worked
142 out by next spring. Mayor Rasmussen was hoping to have all the homeowners on board by September
143 and then get the council on board by October. Perhaps, the city's only expense would be a crosswalk
144 to get to the trail.

145 Adoption of a Resolution to Repeal Resolution 2-2015, A Resolution Adopting Purchasing and
146 Expenditure Procedures for River Heights City: Mayor Rasmussen reminded this was discussed at the
147 last meeting.

148 **Councilmember Clausen moved to "Adopt Resolution 3-2019, A Resolution to Repeal**
149 **Resolution 2-2015, A Resolution Adopting Purchasing and Expenditure Procedures for River**
150 **Heights City." Councilmember Thatcher seconded the motion, which carried with Clausen,**
151 **Scott and Thatcher in favor. No one opposed. Wilson and Wright were absent.**

152 The meeting adjourned at 7:30 p.m.

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Todd A. Rasmussen, Mayor


Sheila Lind, Recorder

River Heights City
 Financial Summary
 July 23, 2019

		<u>Cash Balance By Fund</u>			
		06/30/19	06/30/19	Net Change	% of Total
General Fund		297,053.80	297,053.80	-	17.53%
Capital Projects Fund		(80,492.18)	(80,492.18)	-	-4.75%
Water Fund		616,823.03	616,823.03	-	36.40%
Sewer Fund		861,028.96	861,028.96	-	50.82%
Total Cash Balance		1,694,413.61	1,694,413.61	-	100.00%

		YTD Actual	Annual Budget	Unexpended Budget	% Of Budget Incurred	% Of Time Incurred
General Fund						
Revenue		789,510.12	807,800.00	18,289.88	97.74%	100.00%
Expenditures	Administrative	153,393.69	164,060.00	10,666.31	93.50%	100.00%
	Office	16,307.27	18,270.00	1,962.73	89.26%	100.00%
	Community Affairs	14,068.16	19,750.00	5,681.84	71.23%	100.00%
	Planning & Zoning	4,113.73	8,470.00	4,356.27	48.57%	100.00%
	Public Safety	83,933.15	86,400.00	2,466.85	97.14%	100.00%
	Roads	94,402.29	103,500.00	9,097.71	91.21%	100.00%
	Parks & Recreation	60,116.34	92,050.00	31,933.66	65.31%	100.00%
	Sanitation	170,620.24	150,000.00	(20,620.24)	113.75%	100.00%
	Transfer To CP Fund	120,000.00	220,000.00	100,000.00	54.55%	
Total Expenditures		716,954.87	862,500.00	145,545.13	83.13%	100.00%
Net Revenue Over Expenditures		72,555.25	(54,700.00)	(127,255.25)		
Capital Projects Fund						
Revenue		1,944.91	2,000.00	55.09		100.00%
Reimbursement Income		30,000.00	30,000.00	-		
Transfer From General Fund		120,000.00	220,000.00	100,000.00		
Expenditures	Administrative	-	-	-		100.00%
	Parks & Recreation	171,865.00	199,000.00	27,135.00		100.00%
	Roads	323,422.21	344,000.00	20,577.79		100.00%
		-	-	-		100.00%
Total Expenditures		495,287.21	543,000.00	47,712.79		100.00%
Net Revenue Over Expenditures		(343,342.30)	(291,000.00)	52,342.30		
Water Fund						
Revenue		354,762.36	363,550.00	8,787.64	97.58%	100.00%
Expenditures		226,250.30	233,650.00	7,399.70	96.83%	100.00%
Net Revenue Over Expenditures		128,512.06	129,900.00	1,387.94		
Sewer Fund						
Revenue		303,712.25	269,000.00	(34,712.25)	112.90%	100.00%
Expenditures		314,510.29	277,300.00	(37,210.29)	113.42%	100.00%
Net Revenue Over Expenditures		(10,798.04)	(8,300.00)	2,498.04		
Combined - All Funds						
Net Revenue Over Expenditures - Combined		(153,073.03)	(224,100.00)	(71,026.97)		

Dear Council,

Thanks for considering the proposal for creating a Public Trail along the irrigation line that brings water to River Heights. As mentioned, staff from Logan Parks and Recreation, Dayton Crites from Cache Trails and Syd Crookston, who oversees Johnson Cove Development are supportive of the trail. It is likely there will be funding available through local government, park and trail groups.

Currently there is a prescriptive easement established along the canal to channel water and allow access to the channel for observation and maintenance. In order for a Public Trail to be developed, a new easement allowing it to be used as a Public Trail would need to be signed by adjacent property owners.

Your thoughts on the best way to present positives aspects of trail to these property owners would be valuable. If you have any acquaintance or knowledge of the owners perhaps you could play a role encouraging them to sign an easement.

River Heights property owners above the proposed trail:

Matthew and Crystal Wallis	585 River Heights Blvd.
Jolene Jones Bingham	601 River Heights Blvd.
Demont & Karen Wiser	279 Temple View Drive
Robert & Diane Stewart	263 Temple View Drive
Sky Dancer LLC	1150 W 360 N Apt 10 St. George
<i>(Robert Stewart, 263 Temple View Drive, is caretaker of this property which is next to him.)</i>	
Robert & Laura Cook	227 Temple View Drive

Logan property owners below the proposed trail:

Joseph W. and Nettie S. Linton	498 E 300 South
David L. Buist	600 E 200 South

The following benefits of Public Trail near property could be presented to property owners:

1. Increases Property values:

2016 Residential Values study of Ogden Trailhead cites a 1.4-1.9% increase in home values for each minute closer to a trailhead. Realtors note trail proximity as an amenity when advertising property.

2. Community Benefits:

Enhanced neighborhood environment; health benefits from walking, being outside and connecting with others.

3. Reduction of vandalism and misconduct on trails:

As a designated trail used with some regularity the chance for illicit activity and or vandalism decreases. The canal trail had many covered hiding spots littered with beer cans, liquor bottles, trash and sprayed graffiti. Vandalism damage to the canal has caused washouts in the past.

4. Natural terrain provides privacy:

The brow of the hill, steep terrain, trees and heavy brush below your home all provide a visual and physical barrier. It is likely you or anyone on the trail would never hear or see each other.

5. Liability benefits for private landowners allowing public trails: Utah Code 57-14.

Utah Code Title 57, Chapter 14, limits landowner liability when private property is used by the public without charging a fee for recreational purposes.

6. Landowners are Welcome to place Conditions on easement:

The landowner is welcome to request additional requirements if they allow an easement. Things such as, fencing, vegetation screen, signage, etc. could be negotiated. Like any negotiation, there is a level that is too much, but the landowner is in the driver's seat here.

Date

Property Owner
Street
City, State

Dear Property Owner,

Thank you for continuing to evaluate the possibility of granting permission to River Heights for the purpose of establishing and maintaining a public trail on property in which you have ownership. The trail is direct connection between existing trails, Denzil Stewart Nature Park, and your River Heights Neighborhood. The property for which we are requesting permission is recorded as Cache County tax parcel xx-xxx-xxxx.

The purpose of this letter is to initiate discussions on what might be included in an agreement in principle between the owners of the parcel and River Heights. Below are some conditions that could be included. Once we decide an agreement is possible we can have legal representation prepare a more formal document.

- The agreement will be between Owners (Grantor) and River Heights, a Utah municipality
- The Grantee shall have a non-exclusive right to use the Property for the construction and use of a public trail. The trail will be generally 5 to 8 feet in width running along the historic Canal easement. It shall be a condition of this Agreement that the Property is made available to the public without charge in accordance with the Limitation of Landowner Liability- Public Recreation Act as set forth in Utah Code Ann. § 57-14-1, et seq.,
- The trail would enter the property on the western edge of the parcel. The canal alignment would take the trail generally an eastern direction before exiting the property on the eastern border. The terrain will be minimally disturbed outside of the canal and trail corridor.
- It is proposed that the agreement include a temporary construction easement for improvements such as laying of crushed gravel surface and installation of manholes to facilitate irrigation water facility maintenance across that portion of the property, tax parcel xx-xxx-xxxx. After the trail is constructed GPS points can be used to define a final easement alignment for incorporation in the agreement.
- The Grantee has examined the Property and accepts it in its present condition, AS-IS and with all faults. Grantor makes no representation or warranty as to the present or future condition of the Property and shall not be required to perform, pay for, or be responsible for any work to ready the Property for Grantee's occupancy or any other work whatsoever throughout the term of this Agreement to repair, maintain or improve the Property.
- Use of the Public Trail shall be limited to running, bicycling, walking, and snow shoeing. Only authorized vehicles are allowed on Property, including Canal company, Licensor's vehicles and equipment and law enforcement vehicles as may be needed.
- All improvements made to the Property shall immediately become and shall remain the property of Grantor unless otherwise specified by Grantor. Grantee shall not be entitled to any compensation for any improvements made to the Property.
- This Agreement may be terminated by Grantor upon the happening of any of the following events:
 - If Grantee breaches any of the covenants or provisions , the Grantor, at its option, may terminate this Agreement and immediately re-enter and repossess the Property either

with or without legal process and without giving notice to quit to Grantee, which notice is expressly waived by Grantee in case of such breach.

- Before Grantor exercises the right to terminate this Agreement for reasons stated above, Grantor shall provide Grantee with reasonable advance notice in writing, and shall undertake reasonably good faith efforts to work with Grantee to resolve its concerns prior to termination, which may require a change in condition, use, management, location and policing of the trail. Grantee shall have the option to relocate the trail or, if possible and reasonably acceptable to Grantor, to modify the use of the trail to make it compatible with Grantor's use of its land for its purposes, all at the sole cost and expense of Grantee.

Again, the purpose of this letter is to continue our discussions on request for an easement along Pro-Log canal path on your property and to propose some the conditions we need to consider at part of the agreement. I look forward to your thoughts and comments.

Respectfully,

**Mayor Todd Rasmussen
& River Heights City Council**

Dear (Landowner),

As Elected Officials of River Heights City we support the proposed trail under Temple View Drive which would follow the Pro-Log irrigation channel. This trail would be a beautiful asset to our City. Beginning one block North from (city park), the trail would follow a secluded hillside as it leads to Stewart Nature Park and beyond. It's a quiet secluded walk with wonderful views across the valley.

To support this trail River Heights City will offer (some level of assurance and resources?) to develop and maintain the quality and safety of the trail.

Mayor Todd Rasmussen

Council Members:

RESOLUTION 3-2019

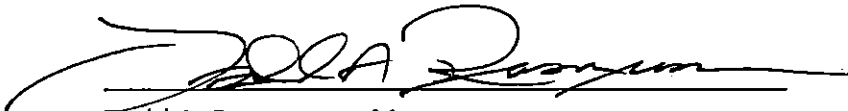
A RESOLUTION TO REPEAL RESOLUTION 2-2015, A RESOLUTION ADOPTING PURCHASING AND EXPENDITURE PROCEDURES FOR RIVER HEIGHTS CITY

WHEREAS, River Heights City has an Accounting Processes, Policies and Procedures Document which covers the information contained in Resolution 2-2015, and

WHEREAS, having the two documents in unnecessary.

THEREFORE, Resolution 2-2015, A Resolution Adopting Purchasing and Expenditure Procedures for River Heights City, is repealed as of July 23, 2019.

Passed and approved this 23rd day of July 2019



Todd A. Rasmussen, Mayor

ATTEST:



Sheila Lind, Recorder

