

River Heights City

COUNCIL MEETING AGENDA

Tuesday, September 10, 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 (Wright) and Pledge of Allegiance (Wilson)

Adoption of Previous Minutes and Agenda

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

Public Comment

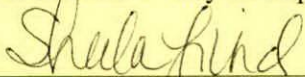
Adoption of an Ordinance to Adopt Changes to the City Code of River Heights City, Utah

Adoption of a Resolution to Declare the River Heights City Property at 443 South 500 East as Surplus

~~Discuss Changes to the River Heights City Accounting Processes and Procedures~~

Adjourn

Posted this 4th day of September 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

September 10, 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 Blake Wright
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15 Recorder Sheila Lind
16 Public Works Director Clayton Nelson
17
18 Excused: Finance Director Cliff Grover
19 Treasurer Wendy Wilker
20
21 Others Present: Cindy Schaub, Heather Lehnig
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23
24 The following motions were made during the meeting:
25

26 Motion #1

27 Councilmember Thatcher moved to "adopt the minutes of the council meeting of August 27,
28 2019 and the evening's agenda, as amended." Councilmember Scott seconded the motion, which
29 passed with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.
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31 Motion #2

32 Councilmember Thatcher moved to "pay the bills as listed, including the DWA bill in the
33 amount of \$23,917.66." Councilmember Clausen seconded the motion, which passed with Clausen,
34 Scott, Thatcher, Wilson and Wright in favor. No one opposed.
35

36 Motion #3

37 Councilmember Thatcher moved to "adopt Ordinance 5-2019, An Ordinance to Adopt Changes
38 to the City Code of River Heights City, Utah." Councilmember Wright seconded the motion, which
39 carried with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.
40

41 Motion #4

42 Councilmember Clausen moved to "adopt Resolution 3-2019, A Resolution to Declare the
43 River Heights City Property at 443 South 500 East as Surplus." Councilmember Scott seconded the
44 motion, which carried with Clausen, Scott, Thatcher and Wright in favor. Wilson opposed.
45

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, September 10, 2019 for their regular council meeting.

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

Mayor Rasmussen informed that he will remove the Accounting Processes and Procedures from the evening's agenda, and plans to discuss it at the next meeting.

Adoption of Previous Minutes and Agenda: Minutes for the August 27, 2019 meeting were reviewed.

Councilmember Thatcher moved to "adopt the minutes of the council meeting of August 27, 2019 and the evening's agenda, as amended." Councilmember Scott seconded the motion, which passed with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

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

Mayor Rasmussen informed that Engineer Rasmussen is reviewing the bill from DWA for the 1000 East sidewalk project, which is substantially higher than their original bid. For now, the city will pay the original amount.

Public Works Director Nelson

- They spent last week finishing up the 1000 East sidewalk project, which turned out very nice.
- Providence City has installed new asphalt on River Heights Boulevard next to the southeast part of the cemetery. It is a great improvement for River Heights.
- Mr. Nelson presented a purchase request to pay for a climbing net replacement at Ryan's Place Playground, from InCord, in the amount of \$1,120. Each council member gave their consent.
- He has taken state required water samples from the lower well and will soon be taking them at the upper well.

Finance Director Grover was absent.

Treasurer Wilker was absent.

- In the absence of Ms. Wilker the council reviewed the emailed list of bills she had previously sent out. PWD Nelson requested the addition of a bill from DWA for the 1000 East project, in the amount of \$23,917.66.

Councilmember Thatcher moved to "pay the bills as listed, including the DWA bill in the amount of \$23,917.66." Councilmember Clausen seconded the motion, which passed with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

Councilmember Thatcher

- At the request of the mayor, she has checked on the possibility of increasing the crossing guard's pay. She has figured an increase, but it would overspend the budget by \$1,000. PWD Nelson had suggested the increase in hopes it will keep them employed longer. Currently they earn \$9/hour. They discussed which budget it could come out of. Ms. Thatcher is considering bumping them up to \$10-12. She would like to find the money and get them a raise.
- There are two more parades, one of which is Ridgeline's Homecoming tomorrow night. She asked for volunteers.

Councilmember Scott

- 95 • The COG review board has rejected funding for 800 South since the street isn't considered a
96 collector road and isn't wide enough to meet their criteria (lacks 6 feet). Mayor Drew from
97 Providence pushed for it. Mr. Scott said River Heights can dispute it or try to find another
98 mayor on the committee to be an advocate for the project. Engineer Rasmussen will look into
99 finding out who else is on the committee to see who might support it. Mr. Scott informed that
100 400 South might be eligible for funding.
- 101 • Councilmember Wright discussed a comment made at the last meeting about the possibility of
102 400 South becoming a raceway if it's repaved. He remembered years ago that the council
103 approved moving the stop signs at the intersection of 400 South 500 East so the traffic on 400
104 South would have to stop. For some reason, it never got changed at that time.
- 105 • Mr. Scott said Engineer Rasmussen has said grinding the top of the 400 South road and
106 repaving might only be an 8-10 year fix, because of the type of ground in the area. A full
107 construction job with property maintenance should last almost forever. With no maintenance it
108 should last 25-30 years. Councilmember Clausen asked what would happen if the bids came in
109 at \$600,000-800,000. It was suggested they could do half of the project at this time. Mr. Scott
110 suggested it could wait for a couple years. They talked about putting it out for bid this
111 November. PWD Nelson said bids are coming in very high right now because contractors are
112 so busy.

113
114 Councilmember Clausen didn't have anything.

Councilmember Wilson

- 117 • She informed, at the next meeting they will discuss some revisions to the pavilion policy,
118 involving inflatables.
- 119 • Councilmember Clausen asked about the RAPZ reimbursement. Mayor Rasmussen has sent in
120 the request and will check with the county to see if they have everything they need. He sent
121 one for tennis courts RAPZ grant and another one for the city's share of the RAPZ tax.

122
123 Councilmember Wright didn't have anything.

Recorder Lind

- 126 • She asked who was planning to contribute to the city's October newsletter. Councilmembers
127 Thatcher and Wilson plan to submit, as well as Mayor Rasmussen.

Mayor Rasmussen

- 130 • He explained the turn of events on the church owned property, east of the church on 600 East.
131 The due diligence contract has expired with the developer because they were concerned it
132 would be held up in referendum voting in Providence. They want it sold and plan to put it up
133 for sale again. He indicated he had invited Craig Winder (Visionary) to visit with the city
134 attorney to see if they would agree to build exactly what the council would approve, in
135 exchange for the council allowing the property to be disconnected from River Heights and
136 annexed to Providence. Councilmember Clausen wasn't sure Providence would allow the
development to access Providence roads. Mayor Rasmussen pointed out to Commission Chair
Schaub that the timing of the General Plan revisions will be important so potential buyers know

139 what type of development the city will allow. He also pointed out that there is a prescriptive
140 easement along the north side of the church property, which a potential property owner could
141 take over. Mr. Clausen made it clear that he wants the property to stay in River Heights.
142 Councilmember Thatcher said it makes sense to her to have it go to Providence, if the property
143 won't be accessing River Heights roads.
144

145 Public Comment: There was none.

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

147 Mayor Rasmussen explained that the city attorney has suggested removing some language in the city
148 code, which could raise questions. Currently it states, "The city does not enforce private restrictive
149 covenants . . ." Attorney Jenkins felt there may be situations that arise where it would be a benefit for
150 the city to become involved and recommended they reserve the right to enforce any restrictions as they
151 see fit, on a case by case basis. Councilmember Wright said, in most cases, restrictive covenants are
152 between property owners. In few cases, the city may be party to them. Rewording the code, as
153 presented, would allow the city to be involved when needed. Councilmember Wilson asked if the city
154 could override CCRs. Mayor Rasmussen explained, the proposed code changes would allow the city
155 to enforce restrictive subdivision covenants. He pointed out this change doesn't have anything to do
156 with the Saddlerock Phase 3 final plat.

157 Councilmember Wright explained the revisions and the process by which the planning
158 commission came up with them.

159 **Councilmember Thatcher moved to "adopt Ordinance 5-2019, An Ordinance to Adopt**
160 **Changes to the City Code of River Heights City, Utah." Councilmember Wright seconded the**
161 **motion, which carried with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one**
162 **opposed.**

163 Adoption of a Resolution to Declare the River Heights City Property at 443 South 500 East as
164 Surplus: Mayor Rasmussen stated their motion at the last meeting needed to be done by resolution.

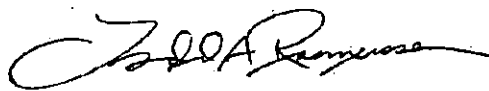
165 Councilmember Scott asked if all potential buyers of the property would be made aware of the
166 city's rights on the property. Mayor Rasmussen said, yes.

167 **Councilmember Clausen moved to "adopt Resolution 3-2019, A Resolution to Declare the**
168 **River Heights City Property at 443 South 500 East as Surplus." Councilmember Scott seconded**
169 **the motion, which carried with Clausen, Scott, Thatcher and Wright in favor. Wilson opposed.**

170 Discuss Changes to the River Heights City Accounting Processes and Procedures: Postponed.

171 The meeting adjourned at 7:50 p.m.
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175 Sheila Lind, Recorder
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179 Todd A. Rasmussen, Mayor

River Heights City Bills To Be Paid

9/10/2019

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	JUNE \$										
2											
3											
4											
5											
6											
7	JULY \$										
8	1 LLC	Labor for concrete Tennis Courts			\$4,385.00						\$4,385.00
9	Cache Valley Publishing	Planning Public Hearing Notice	\$45.72	\$40.37							\$86.09
10	Caitlyn Ogden	Apple Days Spray Adhesive					\$18.94				\$18.94
11	Caselle, Inc.	Monthly Support	\$91.69						\$91.66	\$91.65	\$275.00
12	Ferguson	Blue Stake Paint							\$45.17	\$45.18	\$90.35
13	Holbrook Asphalt Co.	Billed to Dan Hogan		\$6,082.45							\$6,082.45
14	Intermountain Traffic Safety, Inc.	10th East Signs						\$53.76			\$53.76
15	Larisa Mendenhall	Apple Days Spray Paint & Supplies					\$39.10				\$39.10
16	Lowe's	Potholes & Signs, Tennis Courts			\$38.66			\$197.74			\$236.40
17	Peterson Plumbing Supply	Hillside Park Sprinklers			\$951.62						\$951.62
18	Rooter Rooter	Soccer Porta Potty			\$100.00						\$100.00
19	Sam's Club	Office Supplies and Apple Days Supplies	\$29.98				\$64.28				\$94.26
20	Secure Instant Payments, LLC	Monthly Service Fee	\$13.32						\$13.32	\$13.31	\$39.95
21	Sprinkler Supply Co. Inc.	Tennis Courts			\$790.86						\$790.86
22	Square One Printing	Note Cards	\$133.86								\$133.86
23	Thomas Petroleum	Fuel for City Vehicles			\$19.46			\$19.48	\$19.48	\$19.48	\$77.90
24	Thurcon, Inc.	Water Leak Repairs/Parks			\$167.63				\$167.62		\$335.25
25	Verizon Wireless	City Cell Phones	\$57.00						\$57.00	\$57.01	\$171.01
26	Xerox Corporation	Monthly Copies & Support	\$183.84					\$23,917.66			\$183.84
27	DNA Construction	1000 East Project									
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	Page 1 SubTotals		\$555.41	\$6,122.82	\$6,453.23		\$122.32	\$270.98	\$394.25	\$226.63	\$14,145.64

Ordinance 5-2019

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

The River Heights City Planning Commission held a duly noticed public hearing on September 3, 2019, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

10-1-3: INTERPRETATION

The provisions of this title are in addition to all other city ordinances, the laws of the state, the laws of the United States, and applicable common law. The ordinances shall not supersede any private land use regulations in deeds or covenants which are more restrictive. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. ~~The city does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.~~
(Ord., 1-22-2002)

11-1-2: INTERPRETATION

The provisions of this subdivision title are in addition to all other city ordinances, the laws of the state, the laws of the United States, and applicable common law. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. ~~The city does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.~~
(Ord., 8-12-2003)

11-4-3:C. Final Plat Requirements

3. Conditions, Covenants and Restrictions (CCRs): CCRs shall be approved by the planning commission, together with the final plat, and approved by the city council. The CCRs will thereupon be recorded with the final plat. (Move current 3 and 4 to become 4 and 5.)

11-4A-5: CONDITIONS, COVENANTS AND RESTRICTIONS (CCR) PROTECTIVE COVENANTS

~~Protective covenants CCRs shall be approved by the planning commission, together with the final plat, and approved thereafter by the city council. The covenants CCRs shall thereupon be recorded with the final plat. of all minor subdivisions and shall include at least the following:~~

- ~~A. A statement indicating that the developer must provide minimum fire protection as outlined in section 11-4A-4E of this article.~~
- ~~B. A statement informing lot owners that the required improvements must be in place before any of the lots will be eligible for building permits;~~
- ~~C. A statement informing lot owners that any further divisions of the improved lots will be prohibited;~~

- ~~D. A description of those areas or easements to be designated for storm drainage and utilities;~~
- ~~E. A statement indicating that the lot owners will be responsible for all road maintenance and services related to all interior roads which are not dedicated; and~~
- ~~F. All nondedicated streets must be identified as such and remain the responsibility of the landowners. (Ord. 16-3-96, 10-22-1996)~~

Adopted and effective this 10th day of September 2019.

Todd A. Rasmussen, Mayor

Attest:

Sheila Lind, Recorder

RESOLUTION 3-2019

A RESOLUTION TO DECLARE THE RIVER HEIGHTS CITY PROPERTY AT
443 SOUTH 500 EAST AS SURPLUS

BE IT RESOLVED by the Municipal Council of the City of River Heights, Utah that:

**THE PROPERTY OWNED BY RIVER HEIGHTS CITY AT 443 SOUTH 500 EAST BE
DECLARED AS SURPLUS.**

PASSED BY THE RIVER HEIGHTS MUNICIPAL COUNCIL, STATE OF UTAH, THIS 10TH
DAY OF SEPTEMBER 2019.

Todd A Rasmussen, Mayor

Attest:

Sheila Lind, Recorder