

River Heights City

COUNCIL MEETING AGENDA Tuesday, May 4, 2021

Notice is hereby given that the River Heights City Council will hold its regular council meeting beginning at 6:30 p.m., anchored from the River Heights City Office Building at 520 S 500 E.

The meeting will be held through Zoom. Those wishing to provide comment on any of the agenda items or other topics can do so by email to office@riverheights.org (by noon on the date of the meeting).

Adoption of Previous Minutes and Agenda

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

Public Comment

Sheriff's Report

Ranked Choice Voting Presentation by County Clerk Jess Bradfield

Possible Adoption of a Resolution Requesting Inclusion of River Heights City, Utah in the Municipal Alternate Voting Methods Pilot Project

Possible Adoption of a Resolution Approving an Agreement with Cache County for the 2021 Municipal Election

Continued Discussion Concerning Water Connections for County Residents

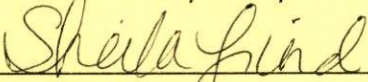
Discuss an Ordinance for Supplying Water to County Residents

2021-22 Budget Discussion

Adjourn

To join the Zoom meeting: <https://us02web.zoom.us/j/84706332838>
Dial: 1 346 248 7799, Meeting ID: 847 0633 2838

Posted this 1st day of May 2021



Sheila Lind, Recorder

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.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

May 4, 2021

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7 Present: Mayor Todd Rasmussen
8 Council members: Doug Clausen, electronic
9 Sharlie Gallup
10 Nancy Huntly
11 Chris Milbank
12 Blake Wright

13
14 Recorder Sheila Lind
15 Finance Director Cliff Grover, electronic
16 Treasurer Wendy Wilker, electronic

17
18 Excused: Public Works Director Clayton Nelson

19
20 Others Present: Rockie Ricks, Vern Fielding, Lt. Bartchi, Heather
21 Lehnig, Bob Ellis, Rod Ellis, Mary and Rob Johnson,
22 Mary Kate Morley, Rita Minkler, Jason Thompson

23
24 Present Electronically: Jess Bradfield, Cascio Family,
25

26 The following motions were made during the meeting:
27

28 Motion #1

29 Councilmember Wright moved to "adopt the minutes of the council meeting of April 20, 2021 and
30 the evening's agenda as edited." Councilmember Milbank seconded the motion, which passed with
31 Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.
32

33 Motion #2

34 Councilmember Gallup moved to "pay the bills as listed." Councilmember Milbank seconded the
35 motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.
36

37 Motion #3

38 Councilmember Milbank moved to "adopt Resolution 3-2021, A Resolution Requesting Inclusion of
39 River Heights City in the Municipal Alternate Voting Methods Pilot Project." Councilmember Huntly
40 seconded the motion, which passed with Clausen, Gallup, Huntly and Milbank in favor. Wright opposed.
41

42 Motion #4

43 Councilmember Wright moved to "adopt Resolution 2-2021, A Resolution Approving an
-44 Agreement with Cache County for the 2021 Municipal Election." Councilmember Milbank seconded the
45 motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.

46
47
48 Proceedings of the Meeting:
49

50 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in the
51 River Heights City Building on Tuesday, May 4, 2021 for their regular council meeting.

52 Mayor Rasmussen announced it was the first meeting to use the video-recording set up.

53 Adoption of Previous Minutes and Agenda: Minutes for the April 20, 2021 meeting were
54 reviewed. Mayor Rasmussen stated the two agenda items regarding water to county residents will not be
55 discussed at the evening's meeting.

56 **Councilmember Wright moved to "adopt the minutes of the council meeting of April 20, 2021
57 and the evening's agenda as edited." Councilmember Milbank seconded the motion, which passed with
58 Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.**

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

60 Public Works Director Nelson was absent.

61 FD Grover

- 62 • He has received everyone's budgets and will put them together and send them back out in the
63 next few days for review.

64 Treasurer Wilker

- 65 • She presented and answered questions regarding the list of bills to be paid.

66 **Councilmember Gallup moved to "pay the bills as listed." Councilmember Milbank
67 seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor.
68 No one opposed.**

69 Sheriff's Report: Lt. Bartchi (filling in for Sheriff Jensen) gave a general briefing on the contract
70 between the city and sheriff's office. They are asking for an increase in their hours to 278, but will only
71 charge the city for 238 hours. They have already doubled the contract hours this year. They always want
72 to over perform at 150%. Last year they responded to 240 calls. They are getting tougher on DUIs and
73 predators. Most of the calls they respond to are citizen assists.

74 Mayor Rasmussen asked about animal control and informed that there are many dogs in the park,
75 but no citations being given out. Lt. Bartchi said the animal control officers seem to spend most of their
76 hours in reactive calls. Mayor Rasmussen said they are seen in River Heights sitting in their cars. Lt.
77 Bartchi said they have had some conversations with them about it.

78 Mayor Rasmussen said he emailed an explanation of how the beer tax works to each of the
79 council members.

80 Councilmember Gallup

- 81 • The Ambassadors are very busy organizing their summer activities.

82 Councilmember Huntly

- 83 • She informed the group that Councilmember Clausen has contacted a real estate person who is
84 willing to give us a friendly cost estimate on the Old Church.

85 Councilmember Milbank

- 86 • He informed that Councilmember Wright will meet with Christopher Sands to discuss the park
87 contract.

- 88 • He talked with a person from the West Conway Church to find out more about them. They are
89 based out of Texas and said they are willing to put in a lot of money to upgrade Old Church.

90 Mayor Rasmussen is working on the RFP restrictions. Other councilmembers were asked to give

their RFP suggestions to the mayor. He will combine them into a final RFP to put out for one of two options: A long term lease or purchasing the property.

93 Councilmember Wright didn't have anything to report.

94 Ranked Choice Voting (RCV) Presentation by County Clerk Jess Bradfield: Mr. Bradfield explained
95 that he was initially against RCV because he wasn't sure the County had the knowledge to run this type of
96 election. They have since hired staff who are very capable and experienced. Utah County ran the RCV
97 pilot program during their 2019 election and it seemed to go well. Some pros to RCV are: Cost savings,
98 due to no primary and being able to rank the candidates. The one con is the limited amount of time for
99 voter education on the program before the actual election. He explained they will be using the universal
100 tabulator, which is certified through the state, and is able to run this type of election efficiently.

101 Mayor Rasmussen asked if there has been any pushback from candidates for the cost to run a
102 campaign up until November. Mr. Bradfield said the extended amount of time for campaigning could play
103 in a candidates favor if they use it to get to know more of their constituents.

104 Rockie Ricks asked how the ballots are scored. Mr. Bradfield explained how the votes are
105 tabulated: The candidate with the majority votes is chosen. If there is no candidate with a majority, they
106 remove the candidate with the lowest votes. Ballots with that candidate as the number one pick are
107 added back into the count using their second choice candidate. If there still is not a majority vote at that
108 point, the next candidate with the lowest votes is removed and alternate votes distributed again...and so
109 on until a majority winner is chosen.

110 Councilmember Gallup asked if Utah County encountered any problems the year they ran the RCV
111 election. Mr. Bradfield said Utah County is doing it this way again because it worked well for them.

112 Mr. Bradfield pointed out that by going with RCV and having the county run the city's election this
113 year, it would ease the workload for the city recorder. He is very confident in his staff to run a vote-by-
114 mail election and the RCV program.

115 Recorder Lind asked for clarification that the cost would be near \$2,718, rather than \$5,436
116 because there will only be one election. Mr. Bradfield affirmed this was true. He explained the cost
117 analysis and said the city can save money by encouraging voters to use drop boxes for their ballots, rather
118 than mailing them back. The final bill will be tabulated by the true cost to the County. They are not in it
119 to make money.

120 Councilmember Clausen felt the City should try RCV. He said it seemed more fair to the
121 candidates.

122 Councilmember Wright wished for more information, however, felt supportive based on what he
123 knew so far.

124 Councilmember Gallup wished she could get feedback from the voting public in Utah County.

125 Councilmember Huntly didn't think RCV would make much difference compared to how the city
126 has been tabulating their results in the past. She has heard positive comments about RCV and felt it
127 would be a good idea to try it.

128 Councilmember Milbank liked that it gave candidates more time to make themselves known and it
129 will save the city money to not have a primary.

130 Possible Adoption of a Resolution Requesting Inclusion of River Heights City, Utah in the Municipal
131 Alternate Voting Methods Pilot Project:

132 **Councilmember Milbank moved to "adopt Resolution 3-2021, A Resolution Requesting Inclusion**
133 **of River Heights City in the Municipal Alternate Voting Methods Pilot Project."** Councilmember Huntly
134 **seconded the motion, which passed with Clausen, Gallup, Huntly and Milbank in favor. Wright**
opposed.

135 Councilmember Wright explained he was representing those residents who may be against.

137 Public Comment: Vern Fielding, real estate agent representing the Ellis and Demars properties,
138 read a letter submitted by Brian Lundahl, in support of high density development of the properties. He
139 then read a letter from the Ellis family, requesting 10 units per acre. Mayor Rasmussen read the
140 signatures. Mr. Fielding finished by reading a letter from Howard Demars, requesting higher density and
141 giving examples of possibilities.

142 Jason Thompson, a resident in the Riverdale area, said he will bring signatures at the public
143 hearing when the code changes are discussed. He is not supportive of high density housing. The people
144 he has talked to are also not supportive. He discussed some of the problems incurred by current
145 apartments in the area. He explained, the residents in the area are not against development, but they are
146 against 10 units to the acre. He encouraged council members to remember what the people of River
147 Heights really want. He hopes it isn't just a win for the developers.

148 Rod Ellis would like to see their property stay in River Heights. He felt it would be a good idea for
149 the council and commission to read the judge's decision on the Lundahl/Davis disconnection litigation. He
150 felt the developer they have now, is willing to develop the property in a way that is pleasant for all the
151 residents. If they end up taking their property to Logan to get what they want, they would need to bring
152 all the other residents with them, which isn't their preference.

153 Bob Ellis felt the biggest concern in the matter is that landowners should be able to do what they
154 want with their property. Another big issue is the cost of getting sewer services to the area, which cost
155 would be born by the developer, at a benefit to the city. If the roads were developed a fire engine would
156 have an easier time getting access.

157 Mayor Rasmussen gave thanks for their comments. He hoped people will be educated and that
158 the council will consider all the comments so they can make the best decision possible. Their mandate is
159 to vote for a plan that is best for the city's future, not just today.

160 Possible Adoption of a Resolution Approving an Agreement with Cache County for the 2021
161 Municipal Election: Councilmember Wright moved to "adopt Resolution 2-2021, A Resolution Approving
162 an Agreement with Cache County for the 2021 Municipal Election." Councilmember Milbank seconded
163 the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.

164 Continued Discussion Concerning Water Connections for County Residents: Discussion canceled.

165 Discuss an Ordinance for Supplying Water to County Residents: Discussion canceled.

166 Budget Discussion: Mayor Rasmussen discussed the list of capital projects. Councilmember
167 Clausen reminded that some of the lower ranking projects were bumped higher on the list. He asked for
168 opinions on the 500 East water and road projects (\$40,000 and \$100,000) and if they really wanted to
169 eliminate the \$250,000 for razing the Old Church since they don't know yet what the outcome will be. If
170 they want to leave it on the list, the 500 East projects will drop off.

171 Mayor Rasmussen discussed how he figured the top 10, which was based off the council's decision
172 to spend \$800,000 in the next year. He asked if they should pull the shop money out of the intended
173 \$800,000 since impact fees can't be spent on other projects.

174 Discussion was held on the 500 East road project (between 400 South and RH Blvd)
175 Councilmember Wright would not vote for piping the canal and adding a sidewalk. He likes the country
176 feel of this block. Councilmember Clausen felt they could do a minimal road improvement by scraping off
177 the top and re-asphalting. Councilmember Huntly felt sidewalks should be considered, however, there
178 isn't much room on the west side. It seems property owners have encroached on the right of way. The
179 east side has the canal which is very pretty. Mayor agreed it may not be in the city's best interest to
180 spend the money to improve certain areas. They all agreed they should look at and consider the options
181 for this section carefully.

184 Councilmember Wright was curious how others felt about the installation of a sidewalk on 400
185 South (between 400 and 600 East). Do they think it should be placed on the back of curb or does it need a
186 park strip, which will cut into personal property by quite a bit? He reminded that 400 South will one day
187 go from 400 East to the top of Windsor Drive. The other properties on this road have a park strip, which is
188 a safer way to go. Mayor Rasmussen said there are a lot of nice mature trees along this section of road.
189 He thought the residents should have a heads up to consider their landscaping over the next few years
before a sidewalk was installed. Mr. Wright suggested looking at property lines. There may be instances
where they would need to use eminent domain and he's not sure the city wants to do that.

190 Councilmember Gallup didn't feel a park strip was needed for this block. Mayor Rasmussen
191 cautioned them to be careful about following the city ordinances which have been adopted and passed. If
192 they don't they run the risk of managing the city capriciously. If the street is labeled as a collector (which
193 requires a park strip), but the residents don't want one, the council should stand by the city plan.

194 Councilmember Huntly agreed but was worried about how close the sidewalk would be to the
195 front doors of the homes. There are also social aspect costs to consider.

196 Councilmember Milbank also agreed they need to consider what makes sense with particular
197 properties.

198 Councilmember Clausen suggested talking to residents soon if the city is going to plan for the
199 sidewalk in the next year. Mayor Rasmussen pointed out the ranking for the sidewalk is quite low on the
200 list. Councilmember Wright said he would reconsider the sidewalk ranking if other projects drop off the
201 list, if it is placed on back of curb. Mr. Clausen pointed out, if they put projects out for bid and aren't
202 happy with any their receive, they can reject them and re-prioritize the list. FD Grover suggested
203 revisiting the list monthly to see if they need to adjust.

204 Councilmember Huntly agreed to revisit the 400 South sidewalk. Mayor Rasmussen suggested
205 looking into it more and wondered if they should add some money to the budget for research. FD Grover
206 suggested adjusting the budget to reflect the research, with a deadline date on it. He suggested
207 budgeting for it as an overhead expense in roads, rather than capital projects. They decided to pull the
208 500 East road and water line projects and add money for 400 South sidewalk planning.

209 Councilmember Wright suggested this would be a good time to clean up the property lines on 400
210 South, which would require the help of the city engineer.

211 Mayor Rasmussen suggested not adding the sidewalk to the project list yet; it could be added
212 later, after the research is completed.

213 Councilmember Huntly felt the 400 East sidewalk, from the bridge to the south is a much more
214 dangerous situation. Mayor Rasmussen said he discussed it with the city attorney (since this is a county
215 road). He was informed that the county owns to the edge of the asphalt and the city is responsible for the
216 sidewalk. If the city wanted to do something different with the sidewalk, they would request permission
217 from the county to do work in their right-of-way.

218 They added \$5,000 to the roads budget for 400 South research, in the current year. Mayor
219 Rasmussen will leave the 500 East projects on the list, but not to be considered for the coming year. He
220 didn't want to take them off and have them forgotten. The council will revisit the projects each month to
221 see if adjustments need to be made.

222 Mayor Rasmussen and FD Grover will pull all the budget information together. At the next
223 meeting the council will hold a hearing to adopt the tentative budget. Recorder Lind requested the drafts
224 by Monday, the 10th to go out with the noticing.

225 The meeting adjourned at 8:50 p.m.

River Heights City Bills To Be Paid

May 4, 2021

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Bennett's Glass of Logan, LLC	Glass installed at old school	\$144.00								\$144.00
2	City of Logan	Waste, 911, Sewer	\$14,713.31				← \$2,031.00			\$11,351.00	\$28,095.31
3	Comcast	Monthly Internet	\$28.24						\$28.23	\$28.22	\$84.69
4	Dominion Energy	Gas	\$53.77		\$1,643.28			\$58.90	\$279.47	\$58.90	\$2,094.32
5	Gabriel Rasmussen	Election Flyer Delivery	\$130.00								\$130.00
6	International Institute of Municipal Clerk	Annual Membership Recorder	\$175.00								\$175.00
7	JoDean Bailey	Refund Pavilion Rental and Deposit			\$75.00						\$75.00
8	Johnson Controls	School Air Filter Dryer/Pneumatic System	\$1,478.86								\$1,478.86
9	Logan City	Water Consumption							\$238.52		\$238.52
10	NAPA Auto Parts	Fix Flat Tire Repair/Reducer Sleeve						\$28.89	\$28.88	\$28.88	\$86.65
11	Roto Rooter	Soccer Toilet			\$130.00						\$130.00
12	Rural Water Association of Utah	Annual Dues							\$817.00		\$817.00
13	Secure Instant Payments	Monthly Billing	\$22.69						\$22.68	\$22.68	\$68.05
14	South Fork Hardware	Sprayer			\$12.00			\$12.00	\$12.00	\$11.98	\$47.98
15	Thomas Petroleum	Fuel for City Vehicles			\$19.53			\$19.54	\$19.54	\$19.54	\$78.15
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Page 1 SubTotals

\$16,745.87

\$1,879.81

\$2,031.00

\$119.33

\$1,446.32

\$11,521.20

\$33,743.53

Page 1 Total Amount to l

1

\$33,743.53

Rod Ellis
1115 Windsor Dr
River Heights, UT 84321

Rita Ellis Minkler
626 East 500 South
River Heights, UT 84321

And other Riverdale area landowners,

April 29, 2021

To: Mayor Rasmussen, City Council and Planning & Zoning Commission
520 South 500 East
River Heights, Utah 84321

RE: Riverdale Area Development

As Riverdale landowners, we respectfully request a density of ten units per acre (via PUD or otherwise) with consideration of the following items:

- **SEWER** - This area is serviced by individual septic systems, which is unsustainable due to increased health standards, high water table, the Logan River and one of River Heights own culinary wells. Water contamination, both above and below ground, is an increasing risk. Millville City is currently dealing with the repercussions of a similar problem.
- **OPEN SPACE** - The river frontage, mature tree canopy and wildlife make it truly one of Cache Valleys natural treasures. Cluster building and higher density allow the developer resources to provide trails and parks and preserve this beautiful land for use by current residents as well as benefit future generations. A single family development would eliminate most open space and all public access to the river.
- **GENERAL PLAN** - In 2009, the city recognized these issues and proposed a mixed-use zone in the general plan, providing for commercial space/parking on the ground level and residential housing above. As a result of this action, we as landowners have since been assessed much higher property taxes.
- **LOCATION** - It is the best possible location for higher density residential housing. The vast majority of River Heights citizens will be largely unaffected. It is close to other major streets and would create much less traffic through River Heights than other potential locations.
- **MARKET CONDITIONS** - Retail commercial is not as viable in today's market, however, the need for affordable housing is greater than ever. The mixed-use zone allows ground level, garage parking as an accessory use, reducing outdoor asphalt parking lots and allowing for more public open space. To advocate for low density, large lots while in the midst of an unprecedented extreme housing shortage could be considered unwise.
- **TIMING** - These issues are imminent and must be addressed. If procrastinated, the problems and associated cost of the required infrastructure will only increase.

Who should pay the cost? River Heights City and its residents would enjoy the future open space and beautiful setting. This could only be accomplished with a large assessment against each household. However, this is not likely. A developer can and will pay, but only when it is profitable. Low density in Riverdale is not profitable. Ten units per acre density are required to adequately resolve the issues above.

We respectfully request a density of ten units per acre, whether PUD or otherwise, be approved to resolve the above mentioned issues.

Respectfully,

The Ellis Family

The Demars Family

Printed Name

Signature

Printed Name

Signature

ROD ELLIS

[Signature]

Mary Johnson

[Signature]

Rita Minkler

[Signature]

Bob Ellis

[Signature]

CC:


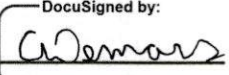
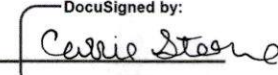
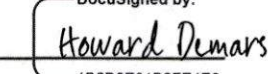
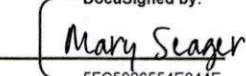
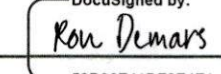

We respectfully request a density of ten units per acre, whether PUD or otherwise, be approved to resolve the above mentioned issues.

Respectfully,

The Ellis Family

The Demars Family

The Lundahl Family

Printed Name	Signature	Printed Name	Signature
<u>Bryan Lundahl</u>		_____	_____
<u>Carol Demars</u>	DocuSigned by:  05B6D3D3B01747F...	_____	_____
<u>Carrie Stone</u>	DocuSigned by:  2E89757768C246D...	_____	_____
<u>Howard Demars</u>	DocuSigned by:  1B5D2E81B2FE4E6...	_____	_____
<u>Mary Seager</u>	DocuSigned by:  5FC5026554E044E...	_____	_____
<u>Ron Demars</u>	DocuSigned by:  53D36E41DF2E4E1...	_____	_____
<u>Marlene Hansen</u>	DocuSigned by:  E1CB9B9D6208417...	_____	_____

*Debra Demars
Linda L. Demars*

To: Mayor Rasmussen, City Council and Planning & Zoning Commission
520 South 500 East
River Heights, Utah 84321

Subject: Support of Riverdale Area Development

Our neighbors Ellis and Demars are trying to sell their land at fair market value allowing current multiuse zoning to take effect. This project would have huge benefits and little to no negative impacts towards the city of River Heights.

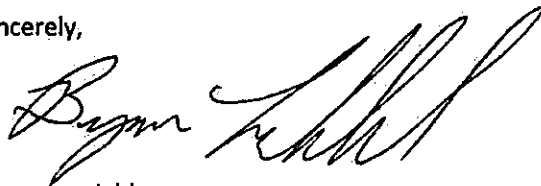
My name is Bryan Lundahl, representative of the Lundahl family properties in Riverdale. I grew up in the River Heights lower area. I have been an active land-user to this area for 53 years. I have utilized this land, irrigated and farmed it throughout my life and have found it to be frustrating at best because of the poor farming resources. The best use of this land is high-density living space. I feel strongly that River Heights ought to consult and continue with the developer plans as it will be better for the city in the long run. When my father got to retirement age, he wanted to sell his property to develop it for the use of a retirement center similar to what is seen at Cobblestone. When first proposed, River Heights was sounding fairly promising but then neighboring members were not supportive. He and his neighbor, Lynn Davis, tried several different opportunities and were continually denied by River Heights time after time for any type of development on their prime land for development.

Hence, River Heights lost the opportunity of the Marriott hotel, Conservice, Driver's License division, Law Office building, Main Street Retail property, and the Falls apartment. All of which could have been in River Heights, had they supported the land owners Jim Lundahl and Lynn Davis along with the developer. Huge loss by River Heights City. Another example of lost opportunity is the Chug property which Providence City was happy to accommodate the development happening now.

Here we are with another opportunity to sell to a very reputable developer who will do a fine job to develop the land. River Heights needs to consider citizenship of all members, not just a handful of the citizens. The sale of the property to Sky Properties has been a huge benefit to the Lundahl/Davis families and we hope for the same for the Ellis and Demars family properties.

You have been placed with another great opportunity and I highly suggest you approve the projects proposed by this developer. Don't let history repeat itself or River Heights City will be left wondering why they made another bad decision.

Sincerely,



Bryan Lundahl
05/04/2021

May 4, 2021

Mayor Todd Rasmussen, City Council, and Planning and Zoning Commission
520 South 500 East
River Heights, UT 84321

Dear Mayor Rasmussen, City Council Members, and Planning Commissioners,

I would like to introduce myself and talk to you briefly about the land in the Riverdale area of River Heights that is owned by my late mother's trust, of which I and my brother, Ronald Demars, are co-trustees.

The property was bought by my grandfather, Howard S. Griffin, over sixty years ago. He used it for agricultural purposes such as growing corn, growing grass for baling hay, and also raising steers to provide meat for the family. I grew up just across the river from the Riverdale area on 300 South in Logan. I have many good memories of being on that land with my grandfather. My grandfather died in 1983, and very little has been done with the property since then.

I was a member of the research faculty in the USU Physics Department for over 20 years before moving to the Salt Lake area to take up a career as a college teacher. Managing and selling real estate is something I'm not particularly comfortable doing. However, when my mother, Mary Lorraine Demars, died in 2007, my brother and I found ourselves responsible for the management and disposition of her estate. We have kept the Riverdale property in her trust for fourteen years in the hope that the real estate market would improve and the property would grow in value. Now that it has, we are saddened to sell a part of our history, but we understand our legal and moral obligation as trustees to provide my mother's many heirs with their inheritance.

Ron and I understand that the sale and development of the property is a concern to the local residents who live next to the property. I would be concerned too if such a major change was about to occur in my neighborhood. Naturally, Ron and I want to sell the property for a high price, so we can send checks to the heirs that make them feel like the fourteen-year wait was worth it. At the same time, we are cognizant of the fears that local residents might have regarding how their lifestyle will change. That also matters to us.

Together with the Ellis family of River Heights, we ask to be allowed to build up to 10 units per acre on our combined land. A managed community of very high-end units at this density could be profitable enough to interest a developer. It could also be designed and maintained in such a way that it would have less of an impact on the everyday experience of the local residents than a subdivision of lower density would have.

A subdivision would result in a patchwork of houses and driveways and fence lines. The units in a "planned unit development" would be clustered toward the center of the

property, allowing for a broad border of well-maintained landscaping all around and helping to assure the privacy of local residents.

A subdivision would result in the riverbank being divided up between the lots of multiple homeowners. This would result in uneven maintenance of the riverbank, obstacles to the free movement of wildlife (fence lines, intimidating pets), and the inability of other residents of River Heights to access the river. In a "planned unit development", one person (the manager) would be responsible for maintaining the bank, wildlife would move freely, and a walkway and perhaps other amenities could be put in place to allow River Heights residents to enjoy the natural beauty (like I did every summer as a kid).

To be profitable to a developer, the units in a "planned unit development" would necessarily be of high quality. They would offer a comfortable living opportunity in a beautiful location for those who could afford to live there, such as young professional couples and retirees looking to downsize. I believe that such occupants would naturally share with the local residents the desire to maintain the peace and tranquility of the area.

I believe it is also true that a "planned unit development" could offer the city and local residents a degree of input into the details of the development process that would not be available for a subdivision. The developer of a subdivision would divide the land up into as many building lots as possible, while allowing for zoning requirements and necessary roadways. The developer of a "planned unit development" would have more flexibility regarding the exact location of structures as well as the appearance of structures (height, style, color) and the placement of landscaping (trees, hedges, etc.). The city could work with the developer in creating an aesthetically-appealing community that would fit naturally into the surroundings.

For these reasons and others, I believe that a "planned unit development" with a modest number (10) of units would be the best solution for the development of our property, not only for us but for the current residents of the area. I hope that this will remain an option for the future.

Respectfully,

Howard Griffin Demars

801-641-2334

howarddemars@comcast.net

INTERLOCAL AGREEMENT BETWEEN CACHE COUNTY AND RIVER HEIGHTS CITY FOR THE ADMINISTRATION OF 2021 MUNICIPAL ELECTIONS

This interlocal agreement (this "Agreement") is made and entered into by Cache County, a political subdivision of the State of Utah (the "COUNTY"), and River Heights City, a municipality and political subdivision of the State of Utah (the "CITY"), referred to collectively herein as the Parties and each individually herein as a Party.

WHEREAS, under the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code (the "Act"), political subdivisions of the State of Utah are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, the Parties are political subdivisions of the State of Utah and desire to work through cooperative action under the Act to benefit the residents of both the COUNTY and the CITY; and

WHEREAS, the Parties desire to successfully conduct the 2021 CITY Municipal Primary (August 10) and General (November 2) Elections (collectively the "2021 CITY Municipal Elections"); and

WHEREAS, it is to the mutual benefit of the Parties to enter into an agreement providing for their joint efforts to administer the 2021 CITY Municipal Elections.

NOW, THEREFORE, the Parties do mutually agree, pursuant to the terms and provisions of the Act, as follows:

Section 1. EFFECTIVE DATE

This Agreement will become effective and enter into force within the meaning of the Act upon (a) approval by resolution of the governing body of each respective Party, (b) execution by a duly authorized official of each respective Party, (c) submission to and approval as to form by an authorized attorney of each respective Party, as required by Utah Code section 11-13-202.5, and (d) filing in the official records of each party.

Section 2. DURATION

The term of this Agreement is from the effective date until the completion of the Parties' responsibilities associated with the 2021 CITY Municipal Elections or until terminated but is no longer than 1 year from the effective date of this Agreement. This Agreement will not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Cache County Attorney and the attorney for CITY. Prior to becoming effective, this Agreement must be filed with the person who keeps the records of each of the respective Parties.

Section 3. ADMINISTRATION OF AGREEMENT

By entering this Agreement, the Parties do not intend to establish a separate legal entity. The Parties agree that, pursuant to Utah Code section 11-13-207, the COUNTY, by and through

the Cache County Clerk/Auditor Elections Office, shall act as the administrator of this Agreement. The Parties further agree that this Agreement does not anticipate nor provide for any organizational changes in the Parties. The Parties agree that the Cache County Clerk/Auditor Elections Office will keep all books and records in such form and manner as the COUNTY shall specify and further agree that those books and records will be open for examination by the Parties at all reasonable times. The Parties agree that they will not jointly acquire, hold, or dispose of real or personal property under this Agreement during this joint undertaking. In the performance of obligations under this Agreement, no agent, employee, officer, or elected official of the CITY or the COUNTY is or will be deemed to be an agent, employee, officer, or elected official of the other Party.

In the exercise of their obligations under this Agreement, the Parties shall comply with all applicable federal, state, and local laws governing elections, including the Utah Election Code, Utah Code Ann. § 20A-1-101 *et seq.*

Section 4. PURPOSES

This Agreement is entered into between the Parties for the purpose of administering the 2021 CITY Municipal Elections. This Agreement contemplates basic, traditional primary and general elections (including rank choice voting when applicable). All other election-related services, including but not limited to services for special elections or elections for subsequent years, will need to be agreed to in a separate writing signed by the Parties.

Section 5. RESPONSIBILITIES

The Parties agree to fulfill their respective responsibilities set forth in Exhibit A, which is attached hereto and incorporated herein, for the 2021 CITY Municipal Elections. The CITY agrees to pay to the COUNTY the cost of the COUNTY's administration of the 2021 CITY Municipal Elections. A table itemizing various election costs and an estimate of the total anticipated cost for the CITY is contained in Exhibit B, which is attached hereto. The CITY agrees to pay to the COUNTY the actual cost of administering the 2021 CITY Municipal Elections within 30 days of receiving an invoice from the COUNTY.

Section 6. METHOD OF TERMINATION

This Agreement will automatically terminate at the end of the term set forth in Section 2 of this Agreement. Prior to the automatic termination of the Agreement at the end of the term set forth in Section 2, either Party may terminate the Agreement sixty days after providing written notice of termination to the Party. If the Agreement is terminated prior to the end of the term set forth in Section 2, the CITY will be responsible for any costs incurred through the time of termination and any costs not then incurred but which are contemplated herein and irreversible at the time of termination, such as return mailing costs.

Section 7. INDEMNIFICATION

Each Party agrees to indemnify and hold harmless the other for damages, claims, suits, and actions arising out of negligent or intentional errors or omissions of its own officials or employees made in connection with this Agreement. The Parties agree that their obligations to

indemnify are limited to the dollar amounts set forth in the Governmental Immunity Act, Utah Code section 63G-7-604.

Section 8. AMENDMENTS

This Agreement may not be amended, changed, modified, or altered except by an instrument in writing that is (a) approved by resolution of the governing body of each respective Party, (b) executed by a duly authorized official of each respective Party, (c) submitted to and approved by an authorized attorney of each respective Party, as required by Utah Code section 11-13-202.5, and (d) filed in the official records of each party.

Section 9. SEVERABILITY

If any term or provision of this Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, will not be affected thereby and will be enforced to the extent permitted by law. To the extent permitted by applicable law, the Parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

Section 10. NO PRESUMPTION

If any provision of this Agreement requires judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof are to be more strictly construed against the drafting party by reason of the rule of construction that a document is to be construed more strictly against the person who prepared it, it being acknowledged that each Party has participated in the preparation hereof.

Section 11. HEADINGS

Headings herein are for convenience of reference only and may not be considered any interpretation of the Agreement.

Section 12. NOTICES

All notices, demands, and other communications given by a Party under this Agreement must be in writing and will be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested and postage paid, to the other Party at the address of the CITY Mayor or COUNTY Executive, as applicable, or to such other addresses as may be designated by notice given hereunder.

Section 13. ASSIGNMENT

Neither Party may assign this Agreement or any part of it without prior written consent of the other Party. No assignment shall relieve the original Parties from any liability hereunder.

Section 14. GOVERNING LAW

This Agreement will be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the Parties execute this Agreement pursuant to resolutions duly and lawfully passed on the dates listed below:

CACHE COUNTY

Authorized by Resolution 2-2021, passed on the 4th day of May 2021.

David N. Zook, County Executive

ATTEST: Jess W. Bradfield, Cache County Clerk/Auditor

APPROVED AS TO FORM AND COMPATIBILITY WITH THE LAWS OF THE STATE OF UTAH:

John D. Luthy, Chief Civil Deputy County Attorney

CITY

Authorized by Resolution No. 2-2021, passed on the 4th day of May 2021.

Todd Rasmussen, Mayor

ATTEST: Sheila Lind, Recorder

APPROVED AS TO FORM AND COMPATIBILITY WITH THE LAWS OF THE STATE OF UTAH

Jonathan Jenkins, Attorney for CITY

Exhibit A

2021 Municipal Elections Scope of Work for Election Services

Services the City will provide include, but are not limited to:

- All administrative functions related to candidate filings;
- All administrative functions related to financial disclosures required by state and/or city code;
- Publishing public notices required by law, although the City may work with the County to publish notices jointly with other jurisdictions;
- Informing candidates and the public of legal requirements governing candidates and campaigns;
- Examining, proofing, and providing final approval for all ballots and election programing;
- Posting on the City website a link to or copy of the location of the county-owned ballot drop boxes and the official election results reported on the County Elections web page;
- Posting on the City website a link to the County website for signing up for ballot alert texts;
- Displaying election results only in the format provided by the County and not changing the form or format of, or otherwise altering, the election results as reported by the County; and
- Canvassing the final elections results.

Annexations or other boundary changes impacting the administration of election must be submitted to the County by June 1, 2021. Annexation or other boundary changes submitted after June 1 will not be incorporated into the elections.

The City acknowledges that this Agreement relates to a municipal ballot and election and, as required by state statute, the City Clerk/Recorder is the Election Officer.

The City will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the election in a timely manner. The City agrees to consolidate all elections administration functions and decisions in the office of the County Clerk to ensure the successful conduct of multiple, simultaneous municipal elections.

In a consolidated election, decisions made by the County regarding resources, procedures, and policies will be based upon providing the same scope and level of service to all the participating jurisdictions, and the City recognizes that such decisions, made for the benefit of the whole, may not be subject to review by the City.

Services the County will perform for the City include, but are not limited to:

- Ballot layout and design;
- Ballot printing;
- Ballot mailings;
- Initial payment of return postage;
- Ballot processing;
- Printing optical scan ballots;
- Programing and testing of voting equipment;
- Programing of electronic voter register;
- Poll worker recruitment, training, and supervision;
- Compensating vote center poll workers;
- Delivery of supplies and equipment;
- Tabulation and reporting of election results on the County's website;
- Provisional ballot verification;
- Updating the voter history database;
- Conducting audits (as required);
- Conducting recounts (as required);
- Election day administrative support;
- Operation of County-wide vote centers;
- Election security;
- Ballot drop box services, including maintaining, locking, and unlocking boxes, and collecting ballots; and
- Providing the final report of official election results, although the City is responsible to canvass its municipal election on the date designated by the County in accordance with the County's final report of official election results.

The County will provide a good faith estimate for budgeting purposes. Election costs are based upon the offices scheduled for election, the anticipated number of voters, and the number of jurisdictions participating. The City will be invoiced for the lesser of its share of the actual costs of the elections or the cost estimated in Exhibit B.

In the event of a state or county special election being held in conjunction with a municipal election, the scope of services and associated costs, and the method of calculating those costs, will not change.

Exhibit B

2021 Municipal Elections Cost Breakdown Table and Election Cost Estimate for River Heights City

The expenses below are associated with administering the municipal election and are not entirely inclusive of all potential costs:

ELECTION COSTS		
11-14" Ballot	\$0.28	<i>Per mailing to voter</i>
Insertion	\$0.30	<i>Per mailing to voter</i>
Outgoing Envelope	\$0.24	<i>Per mailing to voter</i>
Reply Envelope	\$0.20	<i>Per mailing to voter</i>
Voter Instruction Sheet	\$0.10	<i>Per mailing to voter</i>
Database Export	\$0.04	<i>Per mailing to voter</i>
Postage Outgoing <small>(subject to USPS pricing at time of postage)</small>	\$0.38	<i>Per mailing to voter</i>
Postage Incoming <small>(subject to USPS pricing at time of postage)</small>	\$0.38	<i>Per piece mailed to clerk</i>
Postage Undeliverable	\$0.38	<i>Per piece mailed to clerk</i>
Election Supplies	\$0.01	<i>Per vote cast</i>
Poll Worker / Staff Wages	\$0.09	<i>Per vote cast</i>

This following projected cost estimate assumes a 30% voter turnout for your city. The final invoice amount will be based on actual costs.

Election	Registered Voters	Cost
Primary	1,394	\$2,718.30
General	1,394	\$2,718.30

Estimated Cost as of April 28, 2021,	\$5,436.60
Average cost per voter	\$1.95

Huntly	Milbank	Gallup	Clausen	Wright	Ranking	Project	Sponsor	Cost	Start Date	Finish
28	9	8	27	9	16.2	Raze Old Church		250,000		
1	2	1	26	1	6.2	Stewart Hill Park	Milbank, Wright	200,000	Apr-21	Jul-22
23	1	10	1	10	9	New Shop	Doug Clausen	120,000		
2	5	4	2	4	3.4	Upgrade Lower Well	Doug Clausen	100,000		
20	0	7	7	0	6.8	500 East Road Surface		100,000		
3	6	5	3	0	3.4	Upgrade Water Line Lower Well to River Heights Blvd	Doug Clausen	90,000		
27	14	18	15	13	17.4	Sidewalk and Park Strip 400 South (600 East to 500 East)		70,000		
26	13	17	16	12	16.8	400 South Sidwalk Right of Way Acquisition		65,000		
8	7	13	18	2	9.6	Sidewalk Repairs City-wide	Todd Rasmussen	50,000		
25	0	19	17	14	15	Sidewalk and Park Strip 400 South (500 East to 400 East)		45,000		
9	8	6	6	0	5.8	500 East Water Line Upgrade	Doug Clausen	40,000		
4	0	14	4	7	5.8	Road Seal	Nancy Huntly	40,000		
12	0	9	8	8	7.4	New Truck	Doug Clausen	35,000		
21	15	25	25	0	17.2	Sidewalk River Heights Blvd to 800 East		30,000		
10	0	42	9	0	12.2	400 East Handrail and Sidewalk Improvement		30,000		
24	0	20	19	0	12.6	Sidewalk 400 East (400 South to 500 South)		25,000		
19	0	26	20	0	13	Sidewalk 500 East (River Heights Blvd to 400 South)		20,000		
14	0	24	21	0	11.8	Sidewalk 400 East (400 South to River Heights Blvd)		20,000		

11	0	23	22	0	11.2	Sidewalk 600 South (400 East to Summerwild)		18,000
13	0	21	23	0	11.4	Sidewalk 500 East (630 South to 700 South West side)		16,000
22	3	3	12	6	9.2	Lower Well Property Aquisition	Todd Rasmussen	15,000
7	11	2	11	5	7.2	Old School Stair Repair and Ramp	Todd Rasmussen	12,000
18	0	22	24	0	12.8	Sidewalk 500 East (Complete sidewalk on East side of 500 East)		12,000
15	10	16	5	11	11.4	Water Meters (stock to replace aging meters)		10,000
16	4	15	10	3	9.6	Master Plan City Square	Blake Wright, Todd Rasmussen	10,000
5	12	11	13	15	11.2	Pedestrian Crossing Paint		5,000
6	0	27	14	0	9.4	Sidewalk Identified by Paint	Todd Rasmussen	1,200
7	0	28	14	0	9.8	Sidewalk Identified by Paint	Todd Rasmussen	1,200
Tota of All Projects								1,430,400
(Average Ranking of								813,000
Total with Meters								823,000