

# River Heights City

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## COUNCIL MEETING AGENDA Tuesday, July 20, 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](mailto:office@riverheights.org) (by noon on the date of the meeting).

Discussion with River Heights Youth Ambassadors

Adoption of Previous Minutes and Agenda

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

Public Comment

Public Hearing to Adopt an Ordinance Providing for the Compensation of Elected and Statutory Officers of River Heights City

Approve an Ordinance to Adopt Changes to the City Code of River Heights, Utah (Regarding the Repeal of the Mixed-Use Zone)

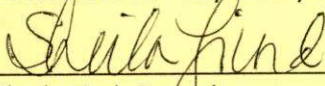
Discuss Changes to the PUD Ordinance

Discuss a \$2 Reduction in Sewer Rates

Adjourn

To join the Zoom meeting: <https://us02web.zoom.us/j/82744216852>  
Dial: 1 346 248 7799, Meeting ID: 827 4421 6852

Posted this 15<sup>th</sup> day of July 2021

  
\_\_\_\_\_  
Sheila Lind, Recorder

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (<https://www.utah.gov/pmn/>).

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

# River Heights City

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## Council Meeting

July 20, 2021

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7 Present: Mayor Todd Rasmussen  
8 Council members: Doug Clausen  
9 Sharlie Gallup  
10 Nancy Huntly  
11 Chris Milbank  
12 Blake Wright  
13  
14 Recorder Sheila Lind  
15 Public Works Director Clayton Nelson  
16 Finance Director Cliff Grover  
17 Treasurer Wendy Wilker  
18 City Attorney Jonathan Jenkins  
19

20 Others Present: Kaylinn, Wren and Vivian Gallup, Robert and David Astle,  
21 Olivia Brown, Vern Fielding, Cindy Johnson, Mike Jablonski,  
22 Commissioners Cindy Schaub, Noel Cooley and Heather  
23 Lehnig, Mary Barrus, Bob Ellis, and Janet Matthews  
24  
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 July 6, 2021 and  
30 the evening’s agenda.” Councilmember Gallup seconded the motion, which passed with Clausen, Gallup,  
31 Huntly, Milbank, and Wright in favor. No one opposed.  
32

### 33 Motion #2

34 Councilmember Clausen 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.  
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### 37 Motion #3

38 Councilmember Clausen moved to “adopt Ordinance 5-2021, An Ordinance Providing for the  
39 Compensation of Elected and Statutory Officers of River Heights City.” Councilmember Milbank seconded  
40 the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.  
41

### 42 Motion #4

43 Councilmember Wright moved to “adopt Ordinance 4-2021, An Ordinance to Adopt Changes to  
44 the City Code of River Heights, Utah.” Councilmember Clausen seconded the motion, which passed with  
45 Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.

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 20, 2021 for their regular council meeting.

Adoption of Previous Minutes and Agenda: Minutes for the July 6, 2021 meeting were reviewed.

**Councilmember Wright moved to “adopt the minutes of the council meeting of July 6, 2021 and the evening’s agenda.” Councilmember Gallup seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.**

Discussion with River Heights Youth Ambassadors: David Astle said they would like to spruce up around the Ryan’s Place Playground sign on August 11. They were willing to pull weeds, plant flowers and add wood chips. Councilmember Gallup said they will work on getting donated wood chips. PWD Nelson pointed out they use a specific color of wood chips that they get at a certain place. He was willing to pick up the chips for the ambassadors to use. Councilmember Milbank will check with Craig Adams to see if he was still going to bring a crew for Ryan’s Place Park cleanup day. Perhaps the two groups could coordinate.

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

Public Works Director Nelson

- The generator has stopped communicating with the well. Precision Power will come next week to do a maintenance overall on it which will likely be expensive.
- Councilmember Clausen asked how the reservoir levels have been this summer. Mr. Nelson said water usage has been the same as previous summers. He continues to test and keep track of the levels. He is using a little less water on the parks this year than is typical.
- The company maintaining the city’s roads will be here to start the HA5 on Sunday. They will start with crack seal and do some of 700 South on Sunday. They will do other areas Monday and Tuesday. They will get notices out to residents before the work starts.
- He informed that a homeowner along 600 South planted trees in the park strip a couple years ago which are now fully blocking the school flashers. He recommended the city buy a new solar powered one and locate it near the retention pond where it will be more visible. Both school flashers have been having some issues and need to be replaced. To replace both would cost \$5,780. The city either needs to replace the flasher or have the property owner remove their trees. The question was raised on how reliable the solar powered lights are. Mr. Nelson pointed out that the one on 1000 East had been there for several years. There is \$3,000 in the signs budget this year. The Council suggested checking with Logan City to see how they like their solar powered lights and then get one ordered to replace the east side for now.

FD Grover

- He discussed the Capital Projects list. An adjustment was made for the Stewart Hill Park.
- He explained and discussed the Financial Summary. Budgets are tracking fairly close.

Councilmember Huntly

- She will report at the next meeting about her upcoming meeting with the city engineer.

Councilmember Milbank

- He and Councilmember Wright met with BioWest and the city engineer to discuss the concept plan for Stewart Hill Park. BioWest presented plans. The city’s input included less natural landscaping. Mr. Milbank presented and discussed the plans, after adjustments were made. They are hoping to get utilities installed with a restroom stub and the pathways installed this year. He discussed the plan with the Providence Cemetery sexton Ryan Snow, who thought there would

91 not be a problem with connecting pathways to the cemetery but would have to get official  
92 approval from Providence’s council and mayor. They discussed placing a bollard, so cars do not  
93 try to drive through. Ryan was fine with this idea. The water lines would be connected from east  
94 to west later when there is more money in the budget. Engineer Rasmussen convinced him that  
95 the cost for water lines should be shared between the water and parks budgets. Councilmember  
96 Huntly reminded that ARPA funds are available for water. Councilmember Clausen asked if the  
97 requests have been turned in since the deadline is coming up. FD Grover said he is working on the  
98 applications. Mayor Rasmussen asked why the plan was changed from more natural environment  
99 to more grass which uses more water. Mr. Milbank replied that the natural landscaping would  
100 require more maintenance and they felt the community would enjoy more of the green grass look  
101 and feel. Ms. Huntly suggested there are other types of grass that don’t require as much water.

102 Mr. Milbank showed and discussed examples of restrooms and pavilions. Mayor  
103 Rasmussen voted for the shed roofs. Depending on how they were facing, they could be usable  
104 longer in the season and the sun could heat the bathrooms. They also discussed the play area  
105 equipment, which would be made from tree trunks and logs.

- 106 • Councilmember Clausen asked if the city received the RAPZ grant they applied for. Mr. Milbank  
107 affirmed it had been awarded. The city has 2-3 years to spend the money.

108 Treasurer Wilker

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

110 **Councilmember Clausen moved to “pay the bills as listed.” Councilmember Milbank**  
111 **seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No**  
112 **one opposed.**

113 Councilmember Gallup

- 114 • She received information from FEMA regarding the flood insurance study of Cache County. She  
115 checked with Engineer Rasmussen to see if the bridge installation in Providence would affect River  
116 Heights at all. The engineers replied that until the bridge is installed or there is a plan to review,  
117 River Heights cannot propose any changes to the flood plan. Once impacts become apparent, we  
118 can send revisions to the state, but as of now there are none.

119 Councilmember Wright

- 120 • He thanked Councilmember Clausen and Gallup for the BBQ they organized and prepared last  
121 week.

122 Recorder Lind

- 123 • She asked for a council volunteer to set up the council water booth at Apple Days.  
124 Councilmember Gallup agreed to take care of it. Mayor Rasmussen suggested asking Culligan if  
125 they would donate a watering station for the event.

126 Public Comment: There was none.

127 Public Hearing to Adopt an Ordinance Providing for the Compensation of Elected and Statutory  
128 Officers of River Heights City: Mayor Rasmussen opened the public hearing. Mike Jablonski had reviewed  
129 the salaries and felt they were fine if anything they were too low. He hoped full-time employees received  
130 benefits, such as retirement, and paid vacation.

131 **Councilmember Clausen moved to “adopt Ordinance 5-2021, An Ordinance Providing for the**  
132 **Compensation of Elected and Statutory Officers of River Heights City.” Councilmember Milbank**  
133 **seconded the motion, which passed with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one**  
134 **opposed.**

135 Approve an Ordinance to Adopt Changes to the City Code of River Heights, Utah (Regarding the  
136 Repeal of the Mixed-Use Zone): Mayor Rasmussen said at the last meeting this was done informally. At  
137 this meeting they had an official ordinance in front of them.

138 **Councilmember Wright moved to “adopt Ordinance 4-2021, An Ordinance to Adopt Changes to**  
139 **the City Code of River Heights, Utah.” Councilmember Clausen seconded the motion, which passed**  
140 **with Clausen, Gallup, Huntly, Milbank, and Wright in favor. No one opposed.**

141 Discuss Changes to the PUD Ordinance: Mayor Rasmussen introduced Attorney Jenkins, in  
142 attendance to answer questions and explain any ramifications regarding their decisions on the PUD  
143 ordinance.

144 Mayor Rasmussen asked, if the city decided to leave the Riverdale zoning as R-1-12 and the  
145 developer did not like it, what are the chances they could disconnect? Attorney Jenkins explained they  
146 would need to have 50% of the property owners affected request a disconnection from the city. If they  
147 have 50% then the request could come before the council for a decision. If they exhaust all their avenues  
148 with the city, then they can take their request to the district court. The district would address a number  
149 of questions and then make a ruling. It is premature to know how a judge would rule.

150 Councilmember Clausen asked if there was not 50% of property owners requesting to disconnect,  
151 could they petition the other city and go to court? Attorney Jenkins said this would not put them in a  
152 position to start the process.

153 Mayor Rasmussen asked how boundary line adjustments compare to disconnections. Attorney  
154 Jenkins said boundary adjustments require both cities to come to an agreement. Councilmember Clausen  
155 asked if boundary adjustments would involve only the residents in Riverdale or would it also involve  
156 residents in Logan. Attorney Jenkins answered, only those in River Heights that would be affected.

157 Mayor Rasmussen felt there were two parts to this discussion: Is the PUD ordinance good and  
158 where will the zone be applied.

159 Attorney Jenkins clarified that a petition for disconnection needs to include the names, addresses  
160 and signatures of owners of more than 50% of private real property in the area proposed for  
161 disconnection.

162 Mike Jablonski asked how property owner’s rights would be protected in a boundary adjustment.  
163 Attorney Jenkins said he would need to check the law closer. Mr. Jablonski understood that disconnected  
164 property would need to go into Cache County, but it would create an island and the county does not allow  
165 islands. Attorney Jenkins said this gets impractical and would probably not be approved.

166 Commissioner Cooley pointed out that there are two landowners adjacent to Logan City and if  
167 they wanted to disconnect, they would have 100% of their property owners making the request. Attorney  
168 Jenkins affirmed this would be possible.

169 Mary Barrus informed that the Lundahl/Davis disconnection created an island, and the judge on  
170 the bench did not care. She felt there is never anything cut and dried. Attorney Jenkins agreed, but if it  
171 comes to that, he will represent the city.

172 Councilmember Wright led a discussion reviewing the ordinance draft. He and Commissioner  
173 Cooley worked together for hours and did a lot of research to pull it together. They learned a lot about  
174 how it would come together and how it would be administered. At certain points in the document, they  
175 refer to the subdivision ordinance for how a PUD would be approved.

176 The question was raised, how many units would the ordinance allow in the Riverdale area. Based  
177 on roughly 10 acres of a PUD equaling 5.5 units/acre, gross, and there being 7 acres in Riverdale, there  
178 could be 50-55 units.

179 Councilmember Wright explained the setbacks and lot widths.

180 Mr. Wright asked the opinion of the council concerning the design standards for single-family  
181 detached versus the rest of the development. He prefers differences in design rather than all the  
182 buildings looking the same. Councilmember Gallup agreed with style diversity in the single-family  
183 buildings within the PUD. The rest of the council agreed.

184 Councilmember Wright said the city attorney, engineer and public works director have not given  
185 their input yet. They will probably need a couple weeks. If their changes are substantial another public  
186 hearing may be needed.

187 Discussion was held on a homeowner's association (HOA) ownership versus city. Councilmember  
188 Gallup remembered they were desirous to have open space in the Riverdale area for the use of all  
189 residents of River Heights. Attorney Jenkins said there may be a problem allowing all residents to use  
190 private property owned by an HOA. Ms. Gallup reminded that the Planning Commission wanted to  
191 preserve the riverbank area and have walking trails for all. Mayor Rasmussen said that designation will be  
192 addressed in the general plan. Mr. Wright said he will work through this with the attorney during his  
193 review.

194 Councilmember Wright asked if the council wanted to pursue a conservation easement option.  
195 Mike Jablonski informed, to be approved for a conservation easement, the property needs to have a  
196 natural feature and a minimum amount of property. It was agreed to remove the section from the  
197 ordinance because, while it might work in the Riverdale area, it wouldn't in other areas of the city.

198 Discussion was held on in-lieu substitutions for open space. The question was raised if this section  
199 should stay in or be removed. Discussion led to it being useful in certain unforeseen cases.

200 Councilmember Clausen asked for clarification on individual water meters or one to the whole  
201 development. Attorney Jenkins said it would be up to the city. Commissioner Cooley said there is usually  
202 one. The HOA would set a base rate for each unit and if there were overages, they would raise the  
203 resident's rates. Mr. Clausen was concerned by the HOA being responsible for all the utilities and the  
204 maintenance. Attorney Jenkins suggested looking at a handful of developments to find out how they do it  
205 so River Heights doesn't have to reinvent it. PWD Nelson explained how the connections works in a PUD.  
206 The main lines are all located outside of the PUD, which the city would be responsible for. At the  
207 entrance of the PUD a meter would be placed, and smaller lines would feed into the development and  
208 then to the units. He recommended they have one meter for all the units and separate one for the  
209 common areas. Discussion was held on how utilities are generally billed to an HOA. River Heights can  
210 decide to bill each individual dwelling, just one bill to the HOA or somewhere in between. Mr. Clausen  
211 was concerned about the possible failure of the HOA, and the city needing to take over the maintenance  
212 of the infrastructure. Mayor Rasmussen suggested they take time to think about it. Mr. Clausen will do  
213 some research with other cities and report back at the next meeting.

214 Councilmember Clausen asked for stronger language on what will happen if the HOA fails, and the  
215 city has to take over maintenance. Attorney Jenkins was confident they could come up with language  
216 that will work, along with the current ordinances the city has.

217 Councilmember Clausen asked how property taxes were charged in a PUD. Attorney Jenkins will  
218 check with the county on how this is done.

219 Attorney Jenkins agreed to investigate the state code regarding boundary adjustment protest  
220 rights, as well as disconnections creating peninsulas.

221 Councilmember Wright suggested looking at the adoption of a moratorium at the next meeting.  
222 The council needs a few meetings for continued discussion. He didn't foresee them needing to take 6  
223 months to wrap things up.




224 Mayor Rasmussen said the bulk of the next discussion will be whether to allow HOAs or have city  
225 owned utilities, roads, and parks. Attorney Jenkins will explain protest rights and have suggestions  
226 regarding maintenance standards.

227 Discuss a \$2 Reduction in Sewer Rates: Councilmember Clausen reminded that the city's sewer  
228 output to Logan has gone down substantially, which has decreased the bill. A couple of years ago he  
229 asked for a \$2 rate increase to cover the large bills at that time. Now that River Heights has fixed some of  
230 the infiltration issues the bill has gone down, and Logan City is not going to raise the sewer rates this year.  
231 Because of these two things he would like to lower resident's bills. FD Grover agreed that sewer expenses  
232 have gone down. Mayor Rasmussen said the sewer rate setting committee has mentioned they don't  
233 plan on raising rates, but they don't know for sure until a vote is taken at their next meeting in January.  
234 PWD Nelson reminded it is a very dry year right now and if they go to a really wet year, the infiltration will  
235 go up. Mayor Rasmussen suggested a \$1 decrease. FD Grover suggested waiting until January to see if  
236 there was going to be an increase from the rate setting committee. Commissioner Milbank asked if the  
237 variables in rates from the past could happen again. PWD Nelson said, yes, if it was a wet year. Mayor  
238 Rasmussen will find out if a rate increase is going to be presented in January. PWD Nelson said they  
239 repaired a lot of infiltration in the manholes and will continue to do so when they see problems.

240 At the next meeting they will discuss sewer rates again, hold a public hearing for a moratorium  
241 and discuss the PUD draft.

242 The meeting adjourned at 9:45 p.m.

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246 Sheila Lind, Recorder  
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249 \_\_\_\_\_  
250 Todd A. Rasmussen, Mayor

River Heights City Bills To Be Paid

July 20, 2021

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	<b>JUNE \$</b>										\$0.00
2	Bear River Health Department	Water Coliform Testing							\$40.00		\$40.00
3	Bio-West	Parks & Rec Professional Services			\$1,995.75						\$1,995.75
4	Foresight Land Surveying	Stewart Hill Topo & Drone			\$1,840.00						\$1,840.00
5	Hydro Specilaties	Municipal Well Chlorinator Repairs							\$578.66		\$578.66
6	Rocky Mountain Power	Electricity	\$359.74		\$67.07	\$24.31		\$1,179.17	\$5,178.68	\$29.72	\$6,838.69
7	Watkins Printing	Emergency Preparedness				\$1,959.97					\$1,959.97
8	Whitaker Construction	800 South Storm Drain						\$315.27			\$315.27
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18	<b>JULY \$</b>										
19	All-Tech	Monthly Billing	\$24.32						\$24.32	\$24.32	\$72.96
20	Cache Valley Publishing	Ads	\$68.56								\$68.56
21	Logan City	Water Consumption							\$146.06		\$146.06
22	Mountain Peak Builders	Roof Repair School	\$468.00								\$468.00
23	Peterson Plumbing Supply	Service Line Repairs Mountain View Dr.							\$217.30		\$217.30
24	Robertson Utility Products	Mountain View Drive Service Repairs							\$182.00		\$182.00
25	Roto Rooter	Soccer Porta Potty			\$100.00						\$100.00
26	South Fork Hardware	Shop Supplies			\$35.22			\$35.22	\$35.22	\$35.21	\$140.87
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Page 1 SubTotals

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\$4,038.04

\$1,984.28

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\$6,402.24

\$89.25

\$14,964.09

Page 1 Total Amount to l

\$14,964.09



River Heights City Bills To Be Paid

July 20, 2021

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	<b>JUNE \$</b>										\$0.00
2	American General Life	Cameron Life Ins. Premium			\$203.00			\$203.00	\$203.00	\$203.00	\$812.00
3	Cindy Schaub	Planning Commission Stipend		\$72.00							\$72.00
4	Daines & Jenkins	Legal Fees	\$850.50								\$850.50
5	Heather Lehnig	Planning Commission Stipend		\$72.00							\$72.00
6	Incredible Concrete	800 South Storm Drain						\$245.00			\$245.00
7	Lance Pitcher	Planning Commission Stipend		\$72.00							\$72.00
8	Lehnig, Heather	Seminar		\$15.00							\$15.00
9	Levi Roberts	Planning Commission Stipend		\$72.00							\$72.00
10	Noel Cooley	Planning Commission Stipend		\$72.00							\$72.00
11	Thomas Petroleum	Fuel			\$35.52			\$35.53	\$35.53	\$35.53	\$142.11
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18	<b>JULY \$</b>										
19	Darrell Simmons	Pavilion Rental Deposit Refund			\$50.00						\$50.00
20	Freedom Mailing Services, Inc.	Monthly Billing	\$148.92						\$49.64	\$49.64	\$248.20
21	Marie Hadfield	Pavilion Rental Deposit Refund			\$50.00						\$50.00
22	Peterson Plumbing	Mtn. View Drive Service Line							\$1,547.20		\$1,547.20
23	Thomas Petroleum	Fuel			\$27.45			\$27.45	\$27.45	\$27.44	\$109.79
24	Travis McNeely	Pavilion Rental Deposit Refund			\$50.00						\$50.00
25	Xerox	Monthly Fee	\$26.79								\$26.79
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<b>Page 1 SubTotals</b>			<b>\$1,026.21</b>	<b>\$375.00</b>	<b>\$415.97</b>			<b>\$510.98</b>	<b>\$1,862.82</b>	<b>\$315.61</b>	<b>\$4,506.59</b>
<b>Page 1 Total Amount to b</b>											<b>\$4,506.59</b>

Date	Reference	Account	Account Title	Description	Debit Amount	Credit Amount
07/31/2021	1.0001	01-1010	Checking - General	Zions Visa July 2021	.00	1,808.09-
07/31/2021	2.0001	10-54-25	Emergency Preparedness	Zions Visa July 2021	143.76	.00
07/31/2021	3.0001	10-54-25	Emergency Preparedness	Zions Visa July 2021	96.28	.00
07/31/2021	4.0001	10-54-25	Emergency Preparedness	Zions Visa July 2021	1,129.82	.00
07/31/2021	5.0001	10-54-25	Emergency Preparedness	Zions Visa July 2021	165.76	.00
07/31/2021	6.0001	10-48-70	Royalty/Ambassadors	Zions Visa July 2021	6.37	.00
07/31/2021	7.0001	10-44-79	Internet	Zions Visa July 2021	72.00	.00
07/31/2021	8.0001	10-70-75	Gas	Zions Visa July 2021	48.52	.00
07/31/2021	9.0001	10-60-50	Gas, Oil & Vehicle Repair	Zions Visa July 2021	48.52	.00
07/31/2021	10.0001	51-40-50	Gas, Oil, & Vehicle Repair	Zions Visa July 2021	48.53	.00
07/31/2021	11.0001	52-40-50	Gas, Oil & Vehicle Repair	Zions Visa July 2021	48.53	.00
					1,808.09	1,808.09-

Capital Projects  
 Schedule Report  
 As of June 15, 2021

Area	Project	Budget Amount	Start Date	Projected Completion Date	Bids Required	Bids Received
FY 2020-21						
Parks	Stewart Hill Park	50,000.00	?	06/30/21		
Sewer		<u>10,000.00</u>	?	?		
	Total FY 2020-21	<u><u>60,000.00</u></u>				
FY 2021-22						
Administrative	Old School Stair Repair and Ramp	12,000.00	08/01/21	09/01/21		
Administrative	Master Plan City Square	10,000.00	07/01/21	10/01/21		
Parks	Stewart Hill Park	200,000.00	04/01/21	07/22/22		
Roads	Sidewalk and Park Strip 400 South (600 East to 500 East)	70,000.00	?	?		
Roads	400 South Sidwalk Right of Way Acquisition	65,000.00	?	?		
Roads	Sidewalk Repairs City-wide	50,000.00	07/01/21	06/30/22		
Roads	Sidewalk and Park Strip 400 South (500 East to 400 East)	45,000.00	?	?		
Roads	Road Seal	40,000.00	08/01/21	10/15/21		
Roads	Sidewalk Identified by Paint	1,200.00	07/01/21	08/30/21		
Roads	Sidewalk Identified by Paint	1,200.00	07/01/21	08/30/21		
Sewer	New Shop	120,000.00	02/01/22	04/15/22		
Sewer	New Truck	35,000.00	07/01/21	11/15/21		
Water	Upgrade Lower Well	200,000.00	06/01/21	08/15/21		
Water	Upgrade Water Line Lower Well to River Heights Blvd	90,000.00	08/15/21	10/15/21		
Water	Lower Well Property Aquisition	<u>15,000.00</u>	06/01/21	08/01/21		
		<u><u>954,400.00</u></u>				

River Heights City  
 Financial Summary - Updated  
 June 30, 2021

**Cash Balance By Fund**

	05/31/21	06/30/21	Net Change	% of Total
General Fund	341,208.29	301,998.19	(39,210.10)	12.95%
Capital Projects Fund	95,110.66	381,307.08	286,196.42	16.35%
Water Fund	878,796.83	873,492.10	(5,304.73)	37.46%
Sewer Fund	971,412.28	775,251.85	(196,160.43)	33.24%
<b>Total Cash Balance</b>	<b>2,286,528.06</b>	<b>2,332,049.22</b>	<b>45,521.16</b>	<b>100.00%</b>

	YTD Actual	Annual Budget	Unexpended Budget	% Of Budget Incurred	% Of Time Incurred
Revenue	1,205,278.86	1,169,850.00	(35,428.86)	103.03%	100.00%
Expenditures					
Administrative	182,515.29	182,690.00	174.71	99.90%	100.00%
Office	17,696.85	23,050.00	5,353.15	76.78%	100.00%
Community Affairs	15,342.53	16,050.00	707.47	95.59%	100.00%
Planning & Zoning	1,743.82	1,805.00	61.18	96.61%	100.00%
Public Safety	92,155.27	104,215.00	12,059.73	88.43%	100.00%
Roads	98,983.86	128,200.00	29,216.14	77.21%	100.00%
Parks & Recreation	56,068.18	73,150.00	17,081.82	76.65%	100.00%
Sanitation	172,515.51	150,000.00	(22,515.51)	115.01%	100.00%
School Building	23,824.63	24,600.00	775.37	96.85%	100.00%
Transfer To CP Fund	430,000.00	430,000.00	-	100.00%	
<b>Total Expenditures</b>	<b>1,090,845.94</b>	<b>1,133,760.00</b>	<b>42,914.06</b>	<b>96.21%</b>	<b>100.00%</b>
<b>Net Revenue Over Expenditures</b>	<b>114,432.92</b>	<b>36,090.00</b>	<b>(78,342.92)</b>		

**Capital Projects Fund**

Revenue	186.59	3,000.00	2,813.41		100.00%
Reimbursement Income	171,779.39	177,532.00	5,752.61		
Transfer From General Fund	430,000.00	430,000.00	-		
Expenditures					
Administrative	-	-	-		100.00%
Parks & Recreation	4,985.75	51,200.00	46,214.25		100.00%
Roads	389,687.27	390,000.00	312.73		100.00%
	-	-	-		100.00%
<b>Total Expenditures</b>	<b>394,673.02</b>	<b>441,200.00</b>	<b>46,526.98</b>		<b>100.00%</b>
<b>Net Revenue Over Expenditures</b>	<b>207,292.96</b>	<b>169,332.00</b>	<b>(37,960.96)</b>		

**Water Fund**

Revenue	353,502.55	474,000.00	120,497.45	74.58%	100.00%
Expenditures	308,429.85	475,340.00	166,910.15	64.89%	100.00%
<b>Net Revenue Over Expenditures</b>	<b>45,072.70</b>	<b>(1,340.00)</b>	<b>(46,412.70)</b>		

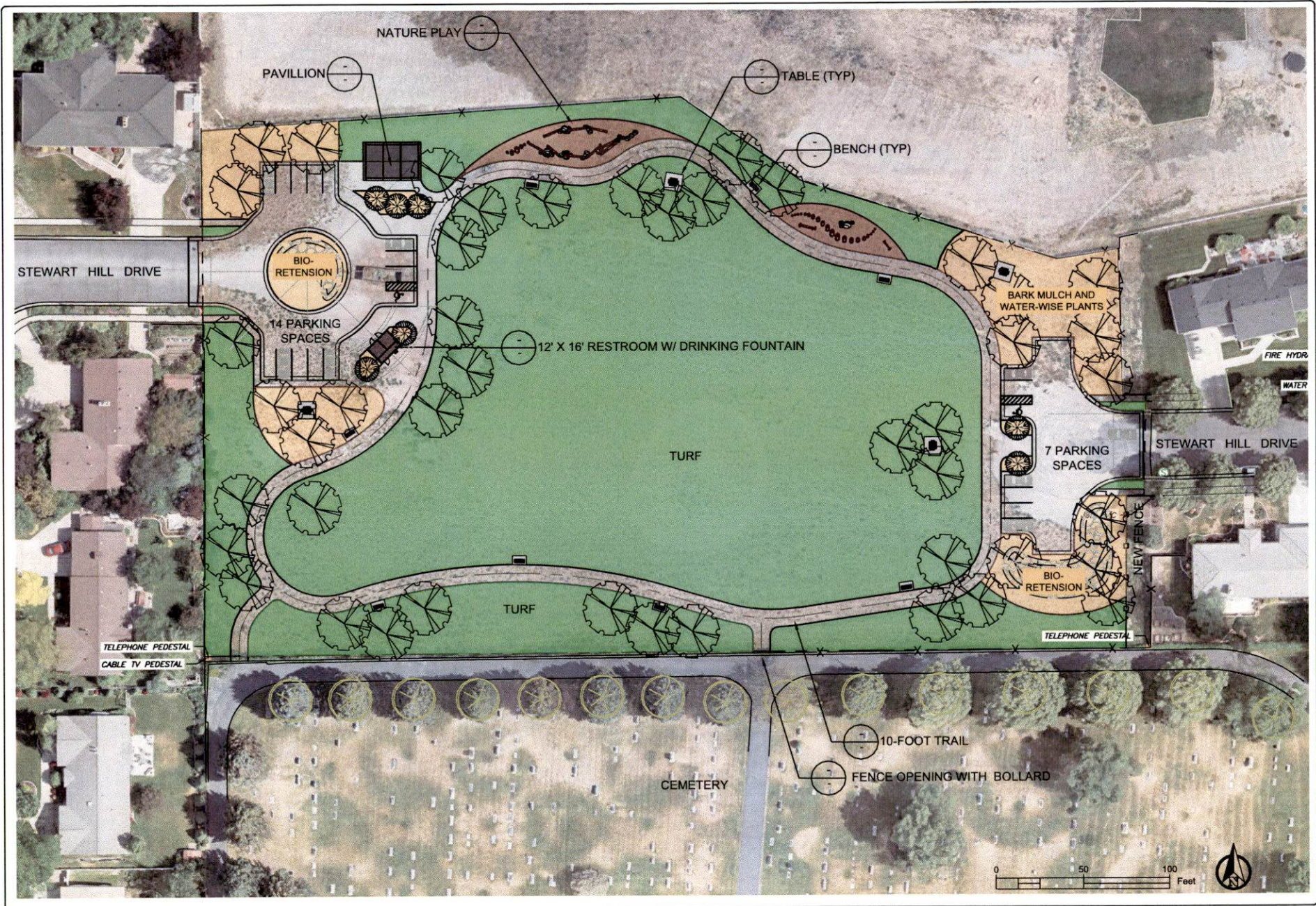
**Sewer Fund**

Revenue	375,740.82	394,700.00	18,959.18	95.20%	100.00%
Expenditures	604,730.93	641,990.00	37,259.07	94.20%	100.00%
<b>Net Revenue Over Expenditures</b>	<b>(228,990.11)</b>	<b>(247,290.00)</b>	<b>(18,299.89)</b>		

**Combined - All Funds**

<b>Net Revenue Over Expenditures - Combined</b>	<b>137,808.47</b>	<b>(43,208.00)</b>	<b>(181,016.47)</b>		
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PREPARED BY:  
  
 BIO-WEST  
 1083 West 1400 South  
 Logan, Utah 84321

**RIVER HEIGHTS CITY PARK**  
 875 Stewart Hill Drive, River Heights

PROJECT OWNER:  
**RIVER HEIGHTS CITY**  
 526 South 500 East  
 River Heights, Utah 84321

REV.	DATE	DESCRIPTION

CONTRACT NO.:  
 PROJECT NO.: SW#2922  
 DRAWN BY: SD  
 CHECKED BY: CS  
 DATE: JUNE 30, 2021

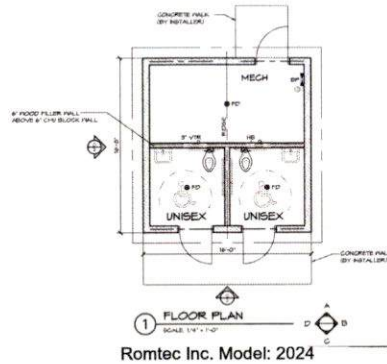
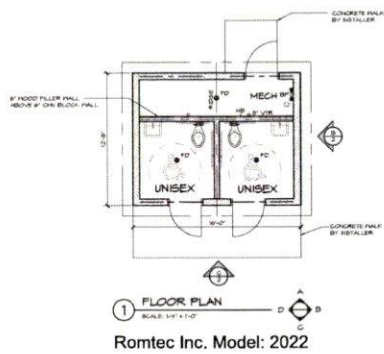
SHEET TITLE:  
**LANDSCAPE SITE PLAN**

SHEET IDENTIFIER:

BINDING ORDER



# RESTROOM EXAMPLES



### Exterior Options:

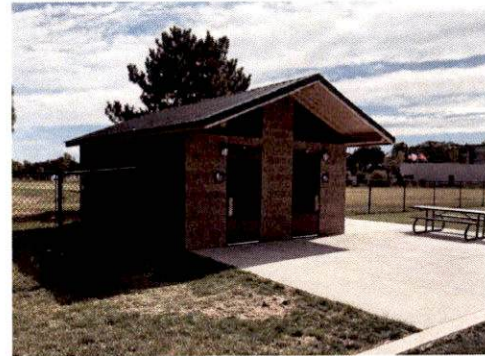
- Brick Siding
- Tan Block
- Multi-Textured Colored CMU Block
- Stucco Siding
- Cedar Board and Batten Siding
- Cedar Board Siding
- Log Siding
- Steel Siding
- River Rock Wainscot

### Roofing Options:

- Metal Roofing
- Tile Roofing

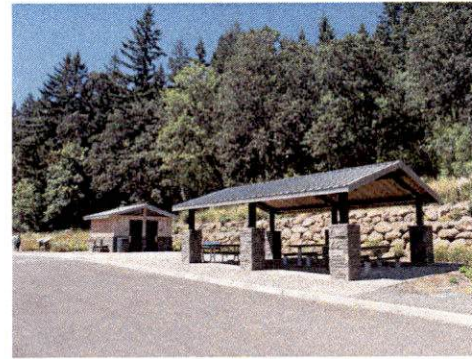
### Notes:

1. Steel posts, beams, doors, etc, can be painted or powder coated any color.



Romtec Inc.  
Model: 2022 or 2024  
Approximate Cost Estimate: \$60k - 80k  
(Cost includes; Design and Manufacturing;  
NOT Delivery and Installation)

# PAVILION EXAMPLES



Romtec Inc.  
Model: 3021  
Approximate Pavilion Cost Estimate:  
\$40k - 50k  
(Cost includes; Design and Manufacturing;  
NOT Delivery and Installation)



Romtec Inc.  
Model: 2022 or 2024  
Approximate Cost Estimate: \$60k - 80k  
(Cost includes; Design and Manufacturing;  
NOT Delivery and Installation)



Romtec Inc.  
Model: 3021 single slope Pavilion  
Approximate Cost: \$40k - 50k  
(Cost includes; Design and Manufacturing;  
NOT Delivery and Installation)



**RIVER HEIGHTS CITY PARK**  
875 Stewart Hill Drive, River Heights

PROJECT OWNER:  
**RIVER HEIGHTS CITY**  
526 South 500 East  
River Heights, Utah 84321

REV.	DATE	DESCRIPTION

CONTRACT NO.:  
PROJECT NO.: **BH#2922**  
DRAWN BY: **SD**  
CHECKED BY: **CS**  
DATE: **JUNE 30, 2021**

SHEET TITLE:  
**SITE AMENITIES**

SHEET IDENTIFIER:

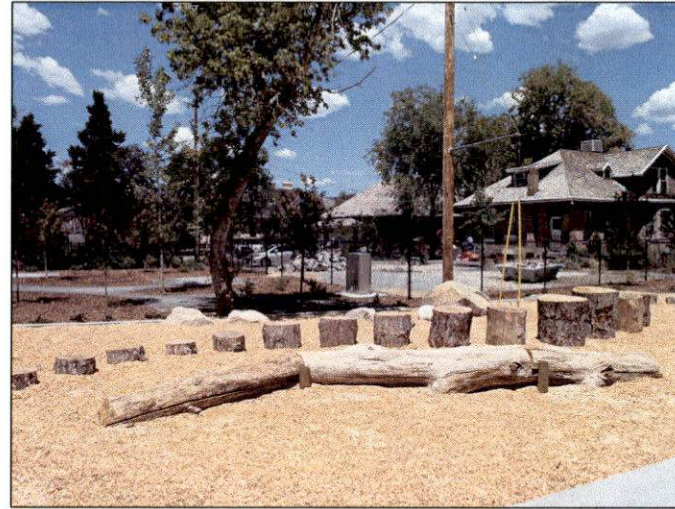
BINDING ORDER



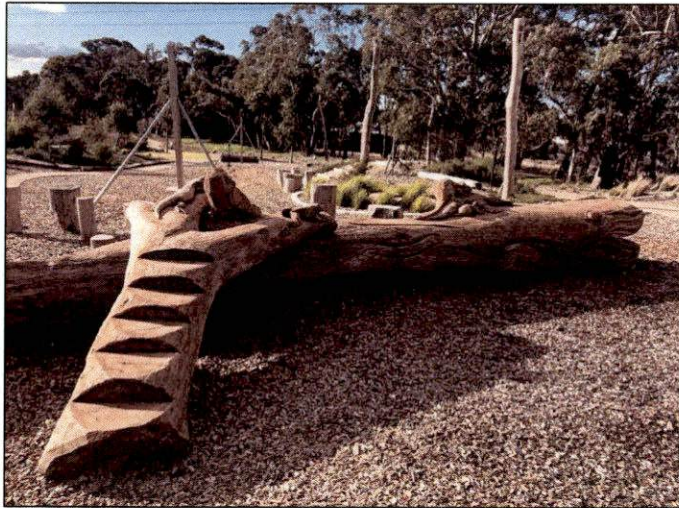
# NATURE PLAY AREA EXAMPLES



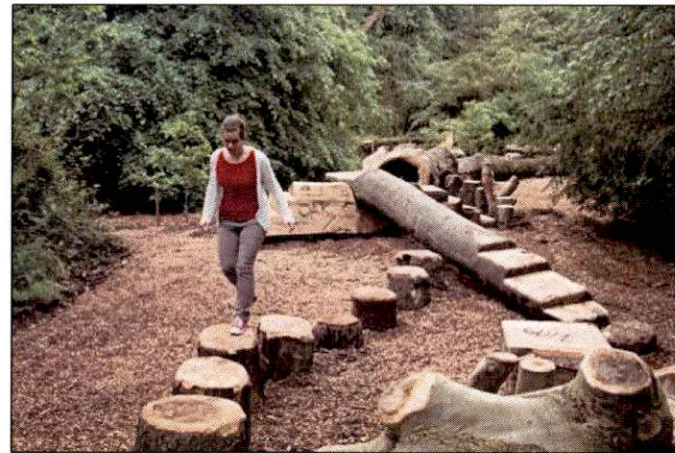
Nature Play Area Example taken from Three Creeks Confluence  
Salt Lake City, Utah



Nature Play Area Example taken from Three Creeks Confluence  
Salt Lake City, Utah



Nature Play Area Example taken from Springlake Nature Playground  
Mount Barker, Australia



Nature Play Area Example taken from Kew Gardens  
Richmond, UK

PREPARER:



**RIVER HEIGHTS CITY PARK**  
875 Stewart Hill Drive, River Heights

PROJECT OWNER:

**RIVER HEIGHTS CITY**  
528 South 500 East  
River Heights, Utah 84221

REV. DATE DESCRIPTION

REV.	DATE	DESCRIPTION

CONTRACT NO.:  
PROJECT NO.: BWM2922  
DRAWN BY: SD  
CHECKED BY: CS  
DATE: JUNE 30, 2021

SHEET TITLE:

**SITE AMENITIES**

SHEET IDENTIFIER:

BINDING ORDER

ORDINANCE 5-2021

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF RIVER HEIGHTS CITY

NOW, THEREFORE, BE IT ORDAINED BY THE RIVER HEIGHTS CITY COUNCIL THAT:

1. Repealer. All previous salary of compensation ordinances regarding elected and statutory officers hereby are repealed.

2. Compensation. The monthly compensation of the elected and statutory officers shall be as follows:

Mayor . . . . .	\$1,000.00
Council members . . . . .	400.00
Council member over zoning . . . . .	500.00
Finance Director . . . . .	1,200.00
Treasurer . . . . .	23.50/hr
Recorder . . . . .	25.00/hr
Compliance Officer. . . . .	22.00/hr

3. Payment. The treasurer shall pay each elected official and the Finance Director monthly. All other statutory officers will be paid bi-weekly. Payments will be by automatic deposit or by delivery of a check drawn on the municipal checking account.

4. Per Diem. Each member of the governing body shall receive mileage and per diem for all trips approved by the governing body according to the schedules adopted by the Utah Department of Finance.

3. Effective Date: July 1, 2021

Adopted this 20 day of July, 2021.

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

Attest:

\_\_\_\_\_  
Sheila Lind, Recorder

Ordinance 4-2021

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

The River Heights City Council voted to repeal the following sections from the River Heights City Code:

10-7 Mixed Use Zone

Remove column "M" in 10-12-1

Effective and adopted July 20, 2021 by the River Heights City Council.

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

ATTEST

\_\_\_\_\_  
Sheila Lind, Recorder



## TITLE 10

### CHAPTER 10

#### RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE

##### SECTION:

- 10-10-1: Intent
- 10-10-2: Regulations
- 10-10-3: Procedure
- 10-10-4: Requirements
- 10-10-5: Open Space
- 10-10-6: In Lieu Substitutions for Open Space Requirements
- 10-10-7: Development Agreement
- 10-10-8: Water, Sewer and Road Requirements

##### **10-10-1: INTENT**

The intent of this zone is to encourage efficient utilization of land that is suitable in size, location and character, to develop a sense of community, and to ensure compatibility within the surrounding neighborhoods and environment. This is accomplished by allowing greater diversity of lot design, flexibility in the placement of buildings, clustering of dwelling units, amenities, well-planned circulation, the creation and consolidation of open spaces, and attractive entrances. These provisions are intended to create more attractive and desirable environments within River Heights City while ensuring compliance with the intent, objectives and purposes of this title and the city's general plan.

##### **10-10-2: REGULATIONS**

- A. The following uses are permitted in the Residential Planned Unit Development (R-PUD) zone:
  - 1. Single-family detached housing
  - 2. Single-family duplex housing
  - 3. Single-family attached housing
  - 4. Multiple family attached housing (shall not exceed four (4) units per building)
  - 5. Parks and Recreation
- B. A minimum of 65% of all dwelling units in a R-PUD shall be single-family detached housing.
- C. All buildings shall be limited in height to two stories above grade



D. Lot Regulations:

<b>Minimum Project Size</b>	5 acres
<b>Minimum Density<sup>1</sup></b>	6 dwelling units per acre
<b>Maximum Density<sup>1</sup></b>	9 dwelling units per acre
<b>Minimum Lot Area</b>	
Single-Family Detached	5,000 sq ft
Duplex	7,500 sq ft
Multiple family	10,800 sq ft
<b>Minimum Lot Width</b>	
Single-Family Detached	60 feet
Single-Family Attached (street garage access)	110 feet
Single-Family Attached (alley garage access)	100 feet
Duplex	100 feet
Multiple Family	120 feet
<b>Setbacks (Single Family Detached, Duplex)</b>	
Front Yard (street garage access)	20 feet minimum
Front Yard (alley garage access)	10 feet minimum
Rear Yard (street garage access)	10 feet minimum
Rear Yard (alley garage access)	20 feet minimum
Side Yard	7.5 feet minimum
Side Yard on a Street	15 feet minimum adjacent to street
<b>Setbacks (Single Family Attached, Multiple Family)</b>	
Front Yard (street garage access)	20 feet minimum
Front Yard (alley garage access)	10 feet minimum
Rear Yard (street garage access)	10 feet minimum
Rear Yard (alley garage access)	20 feet minimum
Side Yard	10 feet minimum
Side Yard on a Street	15 feet minimum adjacent to street
<b>Maximum Structure Height</b>	35 feet
<b>Off-Street Parking</b>	
Single-Family Detached	4 per dwelling unit
Single-Family Attached	2 per dwelling unit + 0.5 guest/unit
Duplex	2 per dwelling unit
Multiple Family (2+bedrooms)	2 per dwelling unit + 0.5 guest/unit

<sup>1</sup> Density = Housing units per gross project acreage minus acreage dedicated to rights-of-way and minus acreage dedicated to open space.

**10-10-3: PROCEDURE**

The application, review and approval procedures for a R-PUD development are described in Title 11, Chapter 4 (Review and Plat Requirements) of this code. Additional requirements are described in this Chapter.

**10-10-4: REQUIREMENTS**

- A. In addition to items required for the site analysis (11-4-1 C.), the developer shall provide a written statement that describes the impact the development will have on

natural features of the area. Include any measures taken to mitigate negative conditions that occur as a result of the project.

- B. In addition to items required for the sketch plan submission (11-4-1 F.), the conceptual site plan shall show approximate building locations, proposed road layouts, general parking layouts, proposed open spaces, anticipated public and private amenities and their locations.
- C. In addition to items required for the preliminary plat submission (11-4-2 B.), the developer shall include dimensions and locations of areas to be reserved for vehicular and pedestrian circulation, proposed parking, ingress, and egress. Proposed circulation patterns including private driveways, public and private streets, and pedestrian and bicycle paths shall also be included.
- D. In addition to items required for the preliminary plat submission (11-4-2 B.), the developer shall submit preliminary architectural plans and landscape plans. The architectural plans shall comply with the architectural standards described below. The preliminary landscape plan shall show general location and types of plants to be installed as well as preliminary calculations demonstrating that landscape requirements have been met.
- E. The final plat submittal shall include fully designed and engineered drawings for the site plan (including a parking plan), architectural plans, landscape plan and parking plan, with these plans meeting all the requirements outlined herein and which may be added as a condition of the sketch plan (conceptual) or preliminary plat approval. This is in addition to any plat and construction drawings which are required as part of the subdivision of property described in Title 11, Chapter 4.
- F. Modifications and Conditions May be Imposed. The planning commission and city council may impose modifications and conditions such as: street capacities of the area, ingress and egress to adjoining streets, internal traffic, signs, lighting, building bulk, architectural style and location, and open space characteristics, as stated in the River Heights Subdivision Ordinance.
- G. The development must be planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
- H. Proposed R-PUDs adjacent to existing single-family homes must place single-family homes adjacent to the existing homes unless otherwise buffered by a 100-foot-wide open space and landscaped buffer.
- I. Architectural Design Standards (for all housing except single-family detached)
  - 1. All new buildings must incorporate a defined architectural style recognized by design professionals as having basis in classical, historical or academic architectural design styles. The following elements shall be incorporated into the design of each building
    - a. Exterior Materials. All exterior materials shall be suitable for the climate and exposure in which the development is located and shall, to the greatest extent possible, be maintenance free. Primarily durable, materials including stucco, brick, fiber cement, decorative block or other materials as approved by the

city. River Heights City reserves the right to reject any proposed building material it feels is not in harmony with this requirement.

- b. Elevations. For buildings over one story, vertical separation elements to differentiate levels may be appropriate. These may include change of materials, dormers, cornices, or other elements, as approved by the city. Architectural wall variation between units to differentiate dwellings may also be appropriate. These may include vertical articulation, variation of materials or other elements, as approved by the city. Trim and/or shutters is required on all front and side elevations windows unless the design of the building is such that trim and/or shutters is not compatible with the overall architectural style.
- c. Roofs. Pitched roofs are encouraged.
- d. Garages
  - (1) Each single-family detached unit, single-family duplex unit and single-family attached unit is required to have a minimum two-car garage which shall be attached to the main structure and shall be of the same or complimentary architectural materials as the primary residence.
  - (2) Multiple family units are encouraged to have garages, but garages are not required provided that at least one (1) covered parking space is provided for each dwelling unit. Garages may be attached or detached from the primary structure, but the use of attached, recessed garages is strongly encouraged. Front-loaded garages may not protrude beyond the front plane of the main building façade by more than ten (10) feet.
2. Accessory Buildings. Accessory buildings privately owned by an individual homeowner shall not be permitted in any commonly held area.
3. Porches, Decks and Overhangs. To provide architectural variety to the development, the use of covered porches, decks and overhangs is encouraged. Such porches, decks and overhangs shall be integrated into the design of the structure to avoid the appearance of "add-on" elements.

#### J. Landscape Plan

1. Show planting and irrigation plans for the entire site, specifically those areas which will be held in common ownership. The landscape plans shall include all requirements outlined in this chapter.
2. The developer shall submit a landscape documentation package, which shall be prepared by a licensed landscape architect. The package shall include planting and irrigation plans for the entire site, specifically those areas which will be held in common ownership. The landscape documentation package shall be submitted to and approved by the city prior to the issue of any permit. The documentation package shall consist of the following:
  - a. Project Data Sheet. The project data sheet shall contain the following:

- (1) Project name and address;
  - (2) Applicant or applicant's agent's name, address, phone and fax number;
  - (3) Landscape designer's name, address, phone and fax number; and
  - (4) Landscape contractor's name, address, phone and fax number, if known.
- b. Landscaping Plan. A detailed landscaping plan shall be drawn at a scale that clearly identifies the following:
- (1) Location of all plant materials, a legend with botanical and common names, and size of plant materials;
  - (2) Property lines and street names;
  - (3) Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
  - (4) Existing trees and plant materials to be removed and retained;
  - (5) Designation of landscape zones; and
  - (6) Details and specification for tree staking (trees less than a two-inch caliper must be double staked until the trees mature to two-inch caliper), soil preparation, and other planting work.
- c. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
- (1) Layout of the irrigation system and a legend summarizing the type and size of all components of the system;
  - (2) Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
  - (3) Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
  - (4) Installation details for irrigation components.
- d. Grading Plan. A grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:
- (1) Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
  - (2) Existing and finished contour lines and spot elevations as necessary for the proposed site improvements;

- (3) Grade shall slope away from the structure as required by the International Building Code.

K. Landscaping Standards

1. All required landscaping shall be installed prior to River Heights City issuing any certificate(s) of occupancy for structures in the development, unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st.
  - a. Applicability. This section applies to all front, side and rear yard landscaping as well as any common area landscaping which is referenced herein.
  - b. Materials. Landscaping shall be planted with substantial live plant material including plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site. Wherever possible on the project, developers are encouraged to use Low-Impact Development (LID) techniques and materials.
    - (1) Plant Selection. Plants selected for landscape areas shall be well suited to the climate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible. Drought tolerant plants are encouraged. Areas with slopes greater than twenty-five percent (25%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
    - (2) Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature.
    - (3) Size of Trees. The following standards apply to trees used in the required landscaping of the development.
      - (A) Deciduous trees shall have a minimum caliper size of two inches (2").
      - (B) Ornamental trees shall have a minimum caliper size of one and one-half inches (1.5").
      - (C) Evergreen trees shall have a minimum height of six feet (6').
      - (D) Xeriscaping. The developer is encouraged to use xeriscaping for a portion of the required landscaping.
    - (4) Vegetation Protection. The property owner must protect existing significant vegetation during any development activity. Development plans must show all significant vegetation within twenty feet of a proposed development.
    - (5) Removal. No landscaping may be removed without replacement of equal



quality. This shall include the installation of healthy plant materials as well as a tree for tree replacement as governed by this ordinance. Utility contractors and others that disturb landscaped areas shall restore disturbed landscaping to previous condition.

L. Mailboxes. The developer shall coordinate placement of clustered mailboxes with the United States Postal Service.

M. Miscellaneous Site Development Standards

1. Walkways and Paths. Each development shall include common area pedestrian-friendly walkways and paths. Where possible, such walkways and paths shall connect to a larger trail system. The general location and design of such walkways and paths shall be presented as part of the preliminary site plan. The construction type, size and exact location shall be part of the final development of each phase. All walkways and paths shall be provided with adequate safety lighting.

2. Fixtures and Appurtenances. The type and location of any fixtures or appurtenances (lighting, benches, bike racks, etc.) shall be submitted as part of the final development of each phase and shall be approved by the city.

3. Public Infrastructure. All public infrastructure improvements shall be constructed according to the River Heights City design standards and specifications.

4. Lighting. To maintain the residential character and to shield the lighting from shining on to another residence or lot, all lighting within a development governed by these Standards shall be Dark Sky compliant and comply with the Outdoor Lighting Ordinance, Title 9, Chapter 3.

5. Signage. All signage shall comply with the River Heights City sign ordinance.

**10-10-5: OPEN SPACE**

A. R-PUDs shall provide a minimum open area for residents and/or occupants of such development. Open space shall be land areas that are not occupied by buildings, structures, parking areas (including private driveways), streets or alleys. Said open space shall be devoted to landscaping, preservation of natural features, open pavilions, and recreational areas. Required "base" open space areas shall be contiguous, not a collection of remnants.

B. The open space requirement for a R-PUD is twenty-five percent (25%) of the gross acreage.

C. The open space should be large enough for the use of all residents of the project or the general public. Such spaces should include improvements such as playgrounds, pathways, pavilions, play courts, and areas of significant native vegetation. Specific improvements shall be approved by the city.

D. Areas with natural features worthy of preservation, which are not buildable, such as

canyons or slopes, ridgelines, wetlands, river, stream or creek corridors, utility corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas.

- E. Open Space Amenities. An R-PUD with 40-100 dwelling units must provide a playground. An R-PUD with more than 100 dwelling units must provide a playground and pavilion. Alternate amenities of equal value and utility may be provided, if approved by the city.
- F. Playground. A playground area provided for children twelve years old and younger to play on shall be provided. Each playground must include features that appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of six (6) features.
- G. Type of Ownership Allowed for Open Space
  - 1. General. Open space in the R-PUD zone shall remain undivided and may be owned and managed by a homeowners' association or the city. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open space within undivided lands. If, at any time, the ownership of open space is changed to another form of ownership allowed herein, the ownership change must be approved by the city and the city must be provided the first right to accept or acquire the open space.
  - 2. Ownership Standards. Open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the city.
    - a. Offer of Dedication: The city shall have the first and last offer of dedication of undivided lands in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The city may, but shall not be required to, accept undivided lands, provided, that:
      - (1) Such land is accessible to the residents of the city;
      - (2) There is no cost of acquisition other than any cost incidental to the transfer of ownership such as title insurance; and
      - (3) The city agrees to and has access to maintain such lands. Where the city accepts dedication of open space (undivided lands) that contain improvements, the city may require the posting of financial security to ensure satisfactory functioning and structural integrity of improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifty percent (50%) of the actual cost of installation of said improvements.
    - b. Homeowners' Association (HOA). The open space (undivided lands) and associated facilities may be held in common ownership by a homeowners'

association.

- (1) The HOA shall be responsible for maintenance of insurance and taxes on undivided lands, enforceable by liens placed by the city.
- (2) The members of the HOA shall share equitably the costs of maintaining and developing such open space (undivided lands). Fees shall be determined by the association and approved by the city. The fees assessed shall then be deposited in an escrow account. Shares shall be defined within the HOA bylaws.
- (3) The developer of the subdivision shall endow the newly formed HOA with funds equivalent to ten percent (10%) of the development cost for all common improvements which shall be used by the HOA to operate, maintain and insure the HOA for the first year that the association begins to operate independently of the developer. Funds shall be deposited in the checking account in the name of the HOA within ten (10) days after the day which the HOA begins to operate independently of the developer.
- (4) In the event of a proposed transfer of open space (undivided lands) by the HOA to the city, notice of such action shall be given to all property owners within the development.
- (5) All improvements to the open space (undivided lands) held in common or intended to be held in common by the HOA shall be approved by the city, installed, completed and accepted prior to the beginning of the second phase of construction, or if the project is not phased, prior to sale of all lots. If phasing of the improvements to the open space (undivided lands) is required by the developer, all incomplete improvements for the open space (undivided lands) shall be secured through a bond posted by the developer. The bond shall be of 150% of the cost of the incomplete improvements.
- (6) The HOA shall have or hire adequate staff to administer common facilities and properly and continually maintain the open space (undivided lands).

c. Conservation Easement. A conservation easement may be established to provide permanent preservation of the open space (undivided lands). The easement shall be indicated on the recorded plat and state the ownership of the easement and reference the maintenance agreement also recorded with the final plat stating the standards of upkeep as defined in these regulations.

d. Transfer of Easements to Private Conservation Organization. With the recommendation of the planning commission and the permission of the city council, an owner may transfer easements or ownership to a private nonprofit organization, among whose purposes it is to conserve open space (undivided lands); provided, that:

- (1) The organization is acceptable to the city, and is a bona fide conservation organization with perpetual existence;

(2) The conveyance contains appropriate provision for proper reverting or retransfer to the HOA or the city in the event the organization becomes unwilling or unable to continue carrying out its functions; and

(3) A maintenance agreement acceptable to the city is entered into by the developer and the organization.

### 3. Maintenance Standards

- a. The owner of the open space (undivided lands) shall be responsible for maintenance and the raising of all monies required for operations, maintenance and physical improvements to the open space (undivided lands) through annual dues, special assessments, etc. The maintenance organization shall be authorized, under its bylaws, to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
- b. In the event the maintenance organization, or any successor organization, shall, at any time after establishment of a development containing open space (undivided lands), fail to maintain the open space (undivided lands) in reasonable order and condition in accordance with the development plan, the city may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space (undivided lands) in reasonable condition.
- c. Failure to adequately maintain the open space (undivided lands) in reasonable order and condition constitutes a violation of this title. The city is hereby authorized to give notice, by personal delivery, or by United States postal service, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days. Further, the city shall be authorized to assume maintenance of the open space (undivided lands) in such a manner as it deems appropriate.
- d. Should any bills for maintenance of the open space (undivided lands) by the city be unpaid by January 1 of each year, a lien shall be filed against the premises in the same manner as other municipal claims. A late fee of fifteen percent (15%) annually shall be added to such bills, and the city shall be entitled to recover any costs and attorney fees incurred collecting or recovering any such amounts due to the city.
- e. Access by Public upon Completion of Improvements within Undivided Lands. The public shall have access, when mutually agreed to by all parties, including the city. Lots designed with the rear facing open spaces shall be accessible at all times and all locations. At no time shall public access be denied unless unsafe conditions exist or unless approved by the city. Public access within undivided lands shall be allowed only where identified and allowed within the approval documents.
- f. The following standards shall be fulfilled and shall be recorded on the face of the final plat: *"River Heights City shall have the right, but not the duty, to require, and if necessary, perform, at the organization's expense, landscaping, maintenance and snow removal, as applicable, within the open space areas if the organization fails adequately to perform such. The city may take this action when asked to take*

*over improvements or maintenance tasks by an organization. The city council may also take such action when it determines the need based on a historical pattern of lack of care and maintenance. In the event River Heights City exercises this right, the city shall be entitled to recover any associated costs and attorney fees. This notation shall not be amended or deleted without the approval of River Heights City.”*

#### **10-10-6: IN LIEU SUBSTITUTIONS FOR OPEN SPACE REQUIREMENTS**

- A. Purpose. If the city finds that land in other locations may be better suited to meet the open space requirements consistent with the general plan, the city may, at its sole discretion, allow a developer to provide a cash in lieu substitution.
- B. Cash in Lieu. The city may, at its sole discretion, accept cash in lieu of open space or amenity requirements where such funds can be more effectively used to acquire land or amenities at a more appropriate or significant location consistent with the general plan and the parks and recreation master plan. Cash in lieu payments shall not be accepted until a qualified appraisal is provided by the city, at the cost of the applicant, identifying the value of the original land for which the in-lieu substitution is proposed, based on the use that will be permitted if the open space requirement is removed, and for which cash in lieu shall be offered. The city shall have the option to use in lieu funds for uses for park improvements.
- C. Approval Required Prior to Recordation. Recordation of a final plat for a R-PUD utilizing a cash-in-lieu substitution may not occur until in-lieu substitution is approved, finalized and effective.

#### **10-10-7: DEVELOPMENT AGREEMENT**

The developer and the city shall enter into a development agreement, approved by the City attorney, that includes the following:

- A. The developer shall construct and complete the project in accordance with the approved plans and in accordance with city ordinances. The terms of the contract shall be binding upon all successors of the R-PUD.
- B. A landscaping plan shall be provided to the city and approved before occupancy permits are issued. The landscaping shall be completed as part of the project.
- C. A perpetual, irrevocable homeowner's association (HOA) shall be established prior to any occupancy permits are issued. The owner/developer shall constitute a pseudo-HOA until sufficient occupants are available to establish an association according to covenants, conditions and restrictions.
- D. The developer shall provide covenants, conditions and restrictions (CC&Rs) of the HOA, including its bylaws, articles of incorporation and methods for maintaining the open space (undivided lands). The CC&Rs shall be reviewed and approved in content and form by the city. Acceptance of the CC&Rs by the city will be contingent upon meeting the intent and conditions required by this code. The CC&Rs will be approved by the city prior to recording the final plat. The CC&Rs will be recorded by the city

attorney at the county recorder's office at the time of the filing of the final plat.

- E. The HOA shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.
- F. Membership in the HOA is automatic (mandatory) for all purchasers of residences or lots therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified in the CC&Rs.
- G. The HOA shall be responsible for the following:
  - 1. Maintenance of all water works in the R-PUD. The fire line shall be the responsibility of the City. The developer will provide to the city a right-of-way to access fire hydrants for flushing and repairs.
  - 2. A separate agreement will be generated with the city for rights-of way, easements and a method of payment for repairs.
  - 3. Maintenance of sewer lines, clearing, repair and controlling the sewer out fall from the R-PUD.
  - 4. Maintenance of grounds, plants, trees, shrubs, sod, etc. in accordance with the landscaping plan.
  - 5. Maintenance of streets, parking lots, sidewalks, playgrounds and other items described in the CC&Rs.
- H. Collection and payment of city utility billings and other billings as designated by the CC&R declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the owners, renters, or occupants within the R-PUD.
- I. Other documents that the city deems necessary to carry out the intent of this title.
- J. Fees are charged in accordance with a fee schedule set by the city council.

**10-10-8: WATER, SEWER AND ROAD REQUIREMENTS**

The design and construction of improvements in a R-PUD shall comply with the design standards in Title 11, Chapter 6 in addition to the following.

- A. Water Systems
  - 1. Culinary Water System
    - a. The culinary water system shall be serviced by one master meter. Exception: If a public road divides an approved R-PUD then, two master meters shall be used.
    - b. All master meters shall be set in the public right-of-way.
    - c. All service lines shall be protected by an approved backflow prevention



assembly on the service side of the meter.

- d. All dwelling units shall be individually protected by an approved backflow prevention assembly.
- e. All water lines shall be located, maintained, repaired and governed by approved CC&Rs from the service side of the meter to the shutoff valve in the dwelling unit.
- f. Individual dwelling units shall have the following minimum items:
  - (1) Supply shutoff both inside and outside
  - (2) Pressure reducer.
  - (3) Backflow prevention assembly.
  - (4) Expansion tank.
  - (5) Supply lines will not pass through, over or under another dwelling unit.

## 2. Sprinkler System for Outside Irrigation

- a. The outdoor sprinkler system shall be approved by the city.
- b. Each system shall be serviced by a separate meter.
- c. Each system shall be serviced by an approved backflow prevention assembly designed for sprinkler systems.
- d. Each backflow protection unit shall be registered with the city and have a certified test submitted to the city annually prior to the start of the irrigation season.
- e. Each sprinkler system shall be designed by an approved agency and sized in accordance with the adopted plumbing code.
- f. Sprinkler systems that have the option of being connected to a non-potable water supply are illegal except as approved.

## 3. Storm Water System

- a. Storm water systems shall meet the requirements of the subdivision ordinance and city standards.
- b. The HOA shall be responsible for repairs and maintenance of all privately-owned storm water infrastructure.

## B. Sewer Systems

- 1. A sewer system will be installed to service a R-PUD in accordance with city

standards.

2. No R-PUD shall be approved without connecting to the River Heights City public sewer system. All units must be connected to the system.
3. In addition to the city sewer ordinance, this section will provide specific requirements:
  - a. Each dwelling unit shall be served with a building sewer line which will not be less than four (4) inches in diameter.
  - b. A dwelling unit drain/sewer shall go directly to the common area and will not pass through, under or over any other dwelling unit or building.
  - c. A dwelling unit sewer shall be serviced by a common sewer. The common sewer may service more than one dwelling unit, however, the common sewer will be sized according to the presently adopted plumbing code.
  - d. A dwelling unit clean out shall be provided as per the adopted plumbing code. Clean outs for the common sewer shall also be according to the plumbing code with the addition of a clean out with a brass cap at the property line. There will also be a clean out at the farthest upstream end of the pipe. This clean out shall be in the commons area and shall also have a brass cap. Additional clean outs may be required based on length and bends as per the plumbing code.
  - e. Each dwelling unit will be provided with a back-water valve as per the plumbing code.

C. Monthly Billing for Services

1. Monthly Billing for Water and Sewer Services.

- a. Each dwelling unit will be assessed a base rate established by the current rate schedule. The HOA will receive the billing and be responsible for payment.
  - b. Any structure other than a dwelling unit will be billed to the HOA. Fees will be based on the current established rates.
  - c. Overage charges for water service will be based on current established rates and will be billed to and paid by the HOA.
  - d. Any sewer pretreatment fees will be billed to and paid by the HOA.
  - e. Fees for the outdoor sprinkler systems will be billed to and paid by the HOA.
2. Monthly Billing for Storm Water. Storm water fees will be based on the current rate schedule. The HOA will receive the billing and be responsible for payment.

D. Right-of-Way (ROW): Public and Private

1. Public ROW. All public ROWs will be designed and constructed in accordance with city specifications for public ROWs.
2. Private ROW. Private ROWs may be allowed in a R-PUD subject to the following requirements.
  - a. All private ROWs must meet public safety and fire code requirements.
  - b. A R-PUD must provide for pedestrian traffic, either in connection with the ROW or in another suitable location within the R-PUD.
  - c. A R-PUD must plan for storm water generated by ROWs.

Failure to Comply with Regulations. In case of failure or neglect to comply with any and all conditions as established by law and the supporting documents of the R-PUD, the city will refuse to issue additional building permits and stop construction until violations or noncompliant conditions have been eliminated.

**DRAFT**