

# River Heights City

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River Heights  
City Council Agenda  
**Tuesday, April 15, 2025**

Notice is hereby given that the River Heights City Council will hold their regular meeting at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

Pledge of Allegiance

Adoption of Previous Minutes and Agenda

Mayor, Councilmembers, and Staff Reports

Purchase Order for New Pavilion Rain Gutters

Public Comment

Presentation of a General Plan Transportation Plan by Horrocks – Jacob Ames

CAPSA Presentation

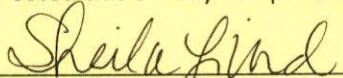
Council Discussion Regarding 200 East

Further Discussion and Decision on Allied Underground Pay Request for Equipment Waiting Costs

Review Fraud Risk Assessment

Adjourn

Posted this 9<sup>th</sup> day of April 2025

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

Zoom Link: <https://us06web.zoom.us/j/82562812524>

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

# River Heights City

## Council Meeting

April 15, 2025

Present: Mayor Blake Wright  
Council members: Lana Hanover  
Mark Malmstrom  
Janet Mathews  
Chris Milbank, electronic  
Lance Pitcher  
Public Works Director Clayton Nelson  
Recorder Sheila Lind  
Treasurer Michelle Jensen  
Others Present: Noel Cooley, Jacob Ames, Maddie Soto, Cindy Johnson,  
Mike Jablonski, Craig Rasmussen, Bryan Casio (electronic)

The following motions were made during the meeting:

### Motion #1

Councilmember Hanover moved to "approve the minutes from April 1, 2025, and the evening's revised agenda." Councilmember Mathews seconded the motion which passed with Hanover, Malmstrom, Mathews, Milbank, and Pitcher in favor. No one opposed.

### Motion #2

Councilmember Pitcher moved to "approve payment to Homer Roofing for rain gutters for the pavilion in the amount of \$1,275." Councilmember Mathews seconded the motion, which passed with Hanover, Malmstrom, Mathews, Milbank, and Pitcher in favor. No one opposed.

### Motion #3

Councilmember Pitcher moved to "deny the request by Allied Underground to compensate for equipment waiting costs." Councilmember Hanover seconded the motion which passed with Hanover, Malmstrom, Mathews, Milbank, and Pitcher 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, April 15, 2025, for their regular council meeting.

### Pledge of Allegiance

Adoption of Previous Minutes and the Evening's Agenda: Minutes for the April 1, 2025 meeting were reviewed. Mayor Wright announced he wanted to move CAPSA ahead of the transportation discussion on the agenda.

Councilmember Hanover moved to “approve the minutes from April 1, 2025, and the evening’s revised agenda.” Councilmember Mathews seconded the motion which passed with Hanover, Malmstrom, Mathews, Milbank, and Pitcher in favor. No one opposed.

Mayor and Staff Reports:

Recorder Lind

- She explained the Annual Conflict of Interest form the mayor and council were required to fill out and return to her by April 22. After they were turned in, the forms would be posted on the city’s website, per state code.

Councilmember Hanover

- She discussed some FEMA information she had received.
- The ambassador-sponsored Easter Egg Hunt was scheduled for next Saturday at 9:00 am.
- She attended a library board meeting. An upcoming change in the amount that River Heights would be billed was discussed. She said Providence City had been covering all the costs for maintenance on the building and they decided they’d like River Heights City to contribute. The increase hadn’t been decided yet, but they said the amount could triple. She hoped to know more in two weeks. Treasurer Jensen asked her to bring a specific number to the budget workshop.

Mayor Wright

- Discussion was held on the need for a budget workshop. They all agreed to Wednesday, April 30 at 6:30p.m. Mayor Wright asked that they come prepared to amend the current budget and discuss the upcoming budget. He reminded there wouldn’t be money for capital projects in the coming year.
- On the May 6 council agenda, Dwight Whittaker would ask the Council if they would consider selling the old church property for them to build a new humanitarian center. The mayor said he might be in favor but would push for the city to keep the parking lot.

Councilmember Mathews

- She noted the wood fence that was falling down at the DUP Park. PWD Nelson informed that it was unrepairable because it was so old and rotted out. He was asked to get bids on a wrought iron one.

Councilmember Milbank

- The Tree City USA Committee was planning to hold an Arbor Day Celebration at the new park on April 25. David Thunell was willing to do a tree pruning workshop at the event.
- He had called Tom at Distinctive Landscaping to come look at a few trees at the new park which weren’t doing well and give advice about the lawn. Tom had recommended a preemergent in the mulch beds since there were a lot of weeds last year. PWD Nelson wasn’t sure they had the time. Mr. Milbank suggested they hire someone else to do it, as well as maintain other areas in the city. Councilmember Milbank said he wanted to be there when Tom came to assess the trees.
- He talked with Joe Williams (of Catalyst) to see if they could set a minimum amount they could spend on maintenance without getting approval, rather than asking permission on every little item. He suggested the threshold be \$500-1,000. The mayor agreed. Treasurer Jensen reminded that if an item cost more than \$1000 a PO was required. Mr. Milbank asked Ms. Jensen about the money coming from the old school. She said she hadn’t been following it and that Finance Director Dave Sanderson was aware of it and would make sure it balanced with the expenses.

Councilmember Mathews

- She asked if there was a guideline on what the old school renters could and couldn't do to the building. The mayor said they could basically do what they wanted, with the city's approval, if it seemed appropriate. Mr. Milbank said he would monitor this.
- Treasurer Jensen asked Mr. Milbank to send her a link to the Catalyst portal so she could monitor the money coming in and going out of the old school account.

Purchase Order for New Pavilion Rain Gutters: PWD Nelson presented a purchase order for rain gutters on the pavilion at Heber Olson Park in the amount of \$1,275.00. He guessed it would be reimbursed with RAPZ money. After installation of the rain gutters, they would run drain lines and then pour concrete.

**Councilmember Pitcher moved to "approve payment to Homer Roofing for rain gutters for the pavilion in the amount of \$1,275." Councilmember Mathews seconded the motion, which passed with Hanover, Malmstrom, Mathews, Milbank, and Pitcher in favor. No one opposed.**

Public Comment: There was none.

CAPSA Presentation: Alina Oling reminded that April was Sexual Assault Awareness Month. CAPSA was founded in 1976 and supported survivors of sexual assault and domestic violence. She explained what their center offered survivors and education on how to listen and support them. She asked the council to consider any groups in River Heights that could use the training they offer. Their next training was offered on April 23. Councilmember Malmstrom asked if the training was ever given upon request. She answered in the affirmative.

Presentation of a General Plan Transportation Plan by Horrocks: Jacob Ames explained that they had been working on putting together a transportation plan for River Heights. He wanted the council's input before their firm wrote up their final review. He discussed the Trails and Parks Master Plan Map, which showed some new trails along the Logan River.

Engineer Rasmussen asked if they had designated a sidewalk width on 800 South, where they had shown a trail. Mr. Ames responded that they used five feet but knew it wouldn't be possible on every notation.

Mayor Wright suggested they look at the Riverdale area. He doubted the feasibility of a trail all along the Logan River. He felt it would be a liability issue for the property owners. Engineer Rasmussen noted there had been recent legislation releasing property owners from liability along trails. Mr. Ames felt the liability would be on whoever owned the trail.

Councilmember Mathews said there were property owners in Riverdale who did not want a trail on their property.

Councilmember Milbank said he had talked with property owners about a trail over the irrigation line which followed the Logan and River Heights boundaries, and they were also against it, even though it was currently used as a trail.

Councilmember Milbank asked what data was used to come up with the future roads they had shown. Mr. Ames said they did some traffic modeling at various places in the city to help to determine connectivity and to help traffic flow. They had also met with public works and others. The data they used would be included with the transportation master plan.

Mr. Ames said they were past the point of adding new projects to the plan. However, they could take them off. Engineer Rasmussen reminded that the general plan was just a plan. He asked them to consider 60 years down the road and the long-term effect of not having another lateral or two from 700 South to 800 South. The current property owners may be against it, but in the future, it may work out and be best for the city. The plan was a mechanism for long term connectivity. Councilmember Milbank disclosed that he owned the property where the yellow road was shown. He felt having this on the city's

General Plan would devalue his property. Mr. Ames assured the road wouldn't be needed right away but might be in the future.

Councilmember Mathews pointed out that the city had just done a big sewer project where the 400 East lateral had been drawn. She also stated that the Council wanted to remove 200 East from the General Plan. Mr. Ames explained that the grant the city received for doing the study stated that the city needed to show they were coordinating with the state's master plan. They could state that they didn't approve of it. Engineer Rasmussen said when the city accepted the grant money, they accepted entertaining other ideas and acknowledgment of roads from other plans. Mr. Ames stated that it was his job to represent River Heights. There was no guarantee that funds would be available for 200 East.

Councilmember Malmstrom pointed out there was only one option shown for 200 East. Engineer Rasmussen said the preferred option was shown. The state hadn't done an environmental impact study yet. They were only looking at traffic impacts.

Mayor Wright asked for clarification on who would have jurisdiction over 200 E. Mr. Ames said it would be a local road. UDOT was the principal manager of the study, not the road.

Councilmember Mathews understood that if 200 East were shown on the master plan, it would be a statement that River Heights thought it was possible. She asked if it could be specified that River Heights was NOT supportive of it. Mr. Ames said the city could make statements such as that. But if it weren't shown on the transportation plan it could be misleading to future property owners. He said there were still other ways to stop the road.

Mayor Wright asked for the transportation plan narrative to compare with the maps. Mr. Ames said the narrative was almost finished and it would show the benefit of connectivity.

Discussion was held on improvement plans. Some of the future roads would be paid for by developers. Councilmember Pitcher wanted to show an improved road along 600 South, east of the elementary school.

Councilmember Milbank asked the amount of the grant. Treasurer Jensen said it was \$40,000. She had requested a copy of the contract from UDOT.

Councilmember Mathews asked how often general plans get updated. She was told they should be done every 5-10 years. If this was the case, she didn't feel inclined to show some of the future roads yet. Engineer Rasmussen pointed out that development can happen fast, and it would be good to have the long-term benefits shown, otherwise the city wouldn't have leverage to force the developers.

Mayor Wright asked for further discussion after they had a chance to review the narrative. He hoped to adopt the General Plan changes sooner than later and would include a public hearing before it's adoption. He hoped they could review the narrative over the next couple weeks and then get it back on the agenda.

Mr. Ames noted that these decisions were never easy and assured that Horrocks wanted to do right by River Heights City.

Mike Jablonski asked who would have jurisdiction on 200 East. Mayor Wright believed it was River Heights City. Mr. Jablonski asked for the raw data. Mr. Ames said they had already released the traffic study data, and the rest would be included in the Master Plan. Engineer Rasmussen had the traffic counts that were used and would send them to the city.

Council Discussion Regarding 200 East: Councilmember Mathews hoped the Council could decide if they wanted to issue a formal statement about 200 East.

Councilmember Malmstrom asked if UDOT had had any communication with River Heights City about 200 East. Mayor Wright said previous Mayor Thompson had met with UDOT. He suspected that UDOT was aware that River Heights wasn't supportive of 200 East.

179 Mr. Ames said if the city wanted to make a statement he could incorporate it into the Plan.  
180 Engineer Rasmussen suggested they wait until after their review of the narrative and maybe even after  
the public hearing. Mr. Ames said the earlier they could decide, the better it would be for him.

182 Councilmember Hanover didn't see a problem with them making a statement. Councilmember  
183 Milbank agreed they could start drafting it. Each council member agreed. Mayor Wright said the city  
184 attorney would write it and the Council would approve it. Councilmember Mathews asked for a deadline.  
185 The mayor guessed they could have it done by three weeks.

186 Further Discussion and Decision on Allied Underground Pay Request for Equipment Waiting Costs:  
187 Mayor Wright pointed out Engineer Rasmussen's memo, which stated the council had the option to pay  
188 the request, pay a portion, or reject paying it altogether. Mr. Rasmussen said he had verified this in the  
189 contract with Allied Underground. It specifically noted that costs for delays for any cause whatsoever was  
190 not a valid claim for the contractor. The council had full discretion on the decision regarding the pay  
191 request. There was nothing legal saying the city had to pay it. Mr. Rasmussen didn't believe the contractor  
192 lost money on the project.

193 Councilmember Malmstrom asked if the contractor was out of line to ask for this. Councilmember  
194 Pitcher said he had talked with other contractors who said they wouldn't have made the request had it  
195 been them in the situation. They felt it was all part of the project. Engineer Rasmussen had discussed the  
196 situation with another engineer who said he had dealt with unforeseen delays on occasion. Sometimes  
197 they had paid out on them.

198 Councilmember Pitcher was against paying them anything. Councilmember Hanover pointed out  
199 that these types of claims were usually denied.

200 Engineer Rasmussen said the case for paying would become more valid if the project time frame  
201 exceeded their estimation, but it didn't. He explained how overhead costs were separated from  
production costs.

202 **Councilmember Pitcher moved to "deny the request by Allied Underground to compensate for  
203 equipment waiting costs." Councilmember Hanover seconded the motion which passed with Hanover,  
204 Malmstrom, Mathews, Milbank, and Pitcher in favor. No one opposed.**

206 Review Fraud Risk Assessment: Mayor Wright said the Council needed to review the assessment  
207 before he and the finance director signed it. Treasurer Jensen informed that the Trust (city's insurance  
208 carrier) had started asking for the assessment. She wasn't aware if they somehow incorporated it into the  
209 rates. Mayor Wright discussed some of the things the city could do to get a better score.

210 The meeting adjourned at 8:25 p.m.

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Blake Wright, Mayor



Sheila Lind, Recorder

## PURCHASE ORDER

[illegible]

# ESTIMATE DETAILS

## Description

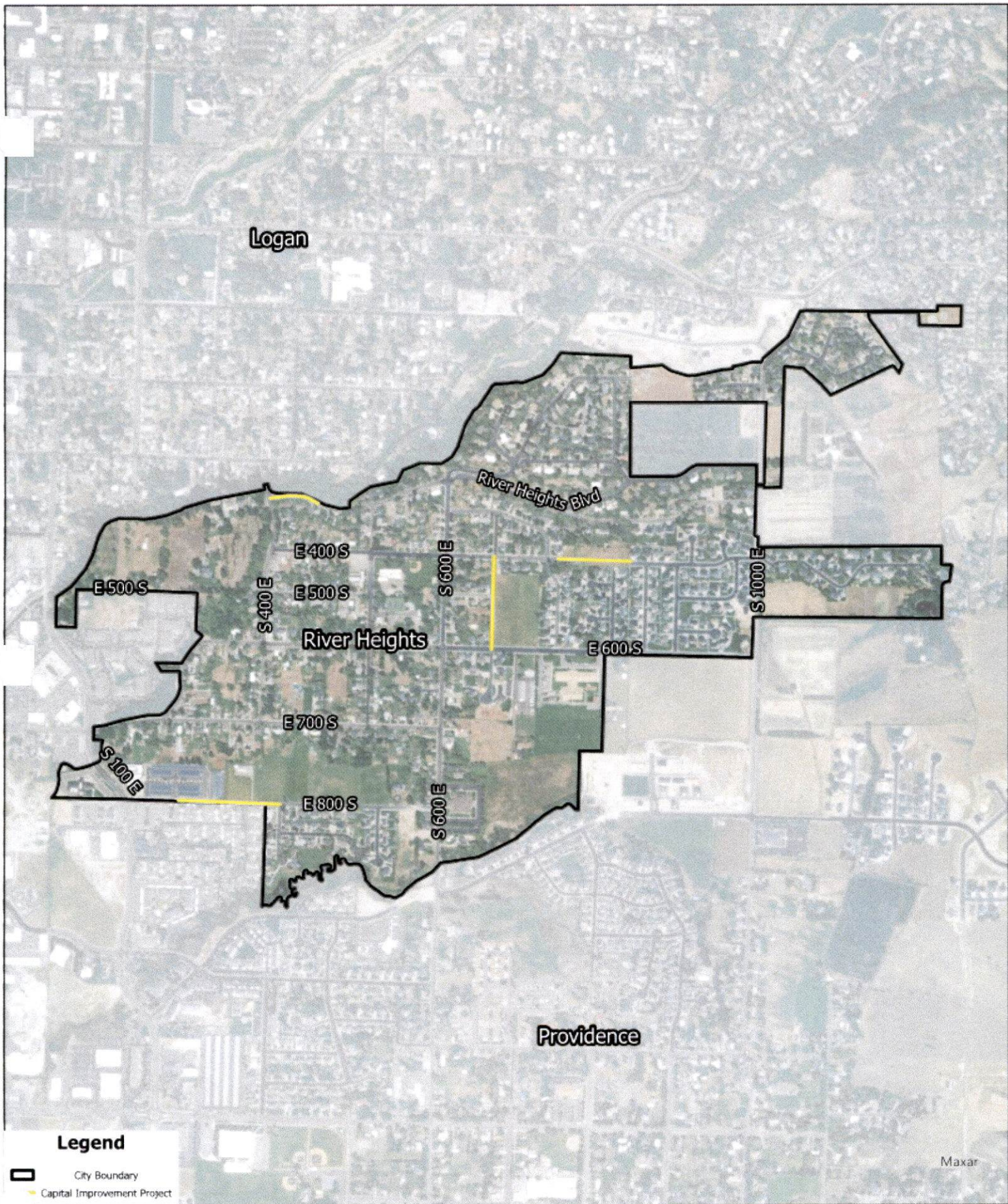
### Rain Gutters

5 K Style Seamless Rain Gutters & Downspouts - 5" K Style Seamless Rain Gutters & Downspouts on Pavillion behind River Heights city office building

**Estimate subtotal** \$1,275.00

**Total** \$1,275.00



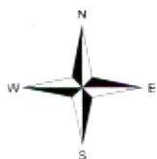


**Legend**

- City Boundary
- Capital Improvement Project

**River Heights Transportation  
Capital Improvement Plan**

0 500 1,000 2,000  
 Feet

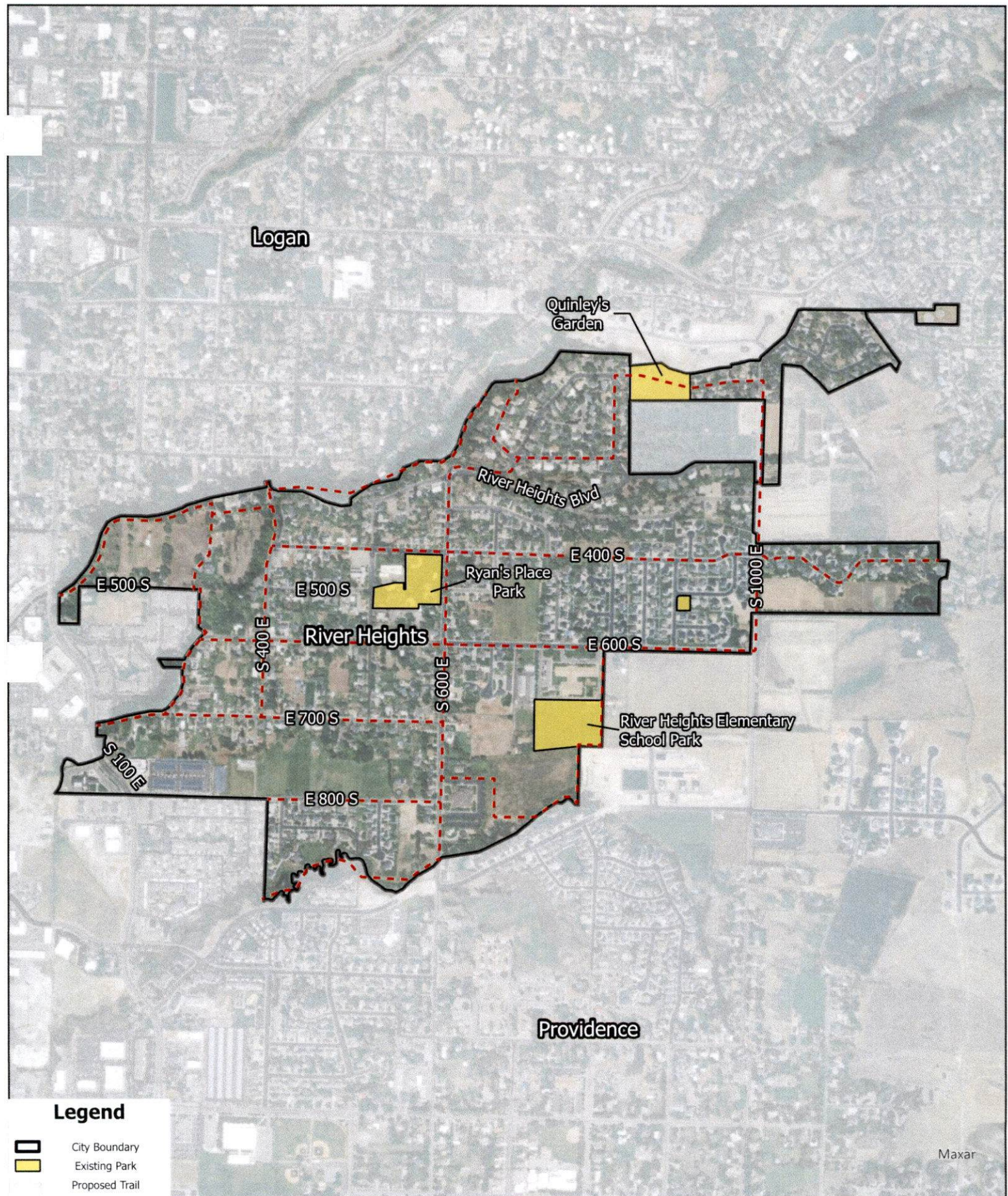


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Date Exported: 2024-07-29







### Legend

-  City Boundary
-  Existing Park
-  Proposed Trail

### Trail and Park Master Plan Map

0 500 1,000 2,000  
Feet

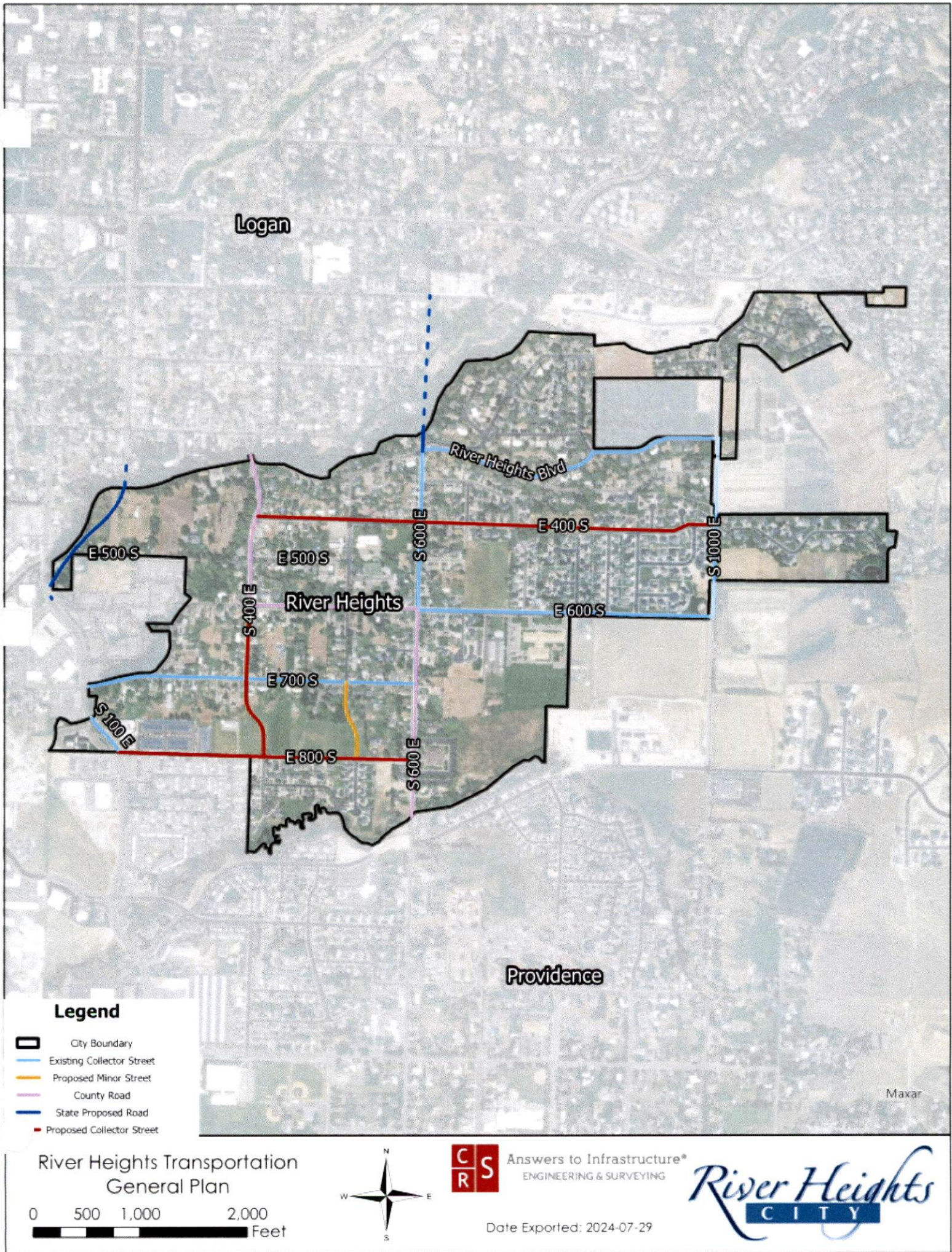


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ENGINEERING & SURVEYING

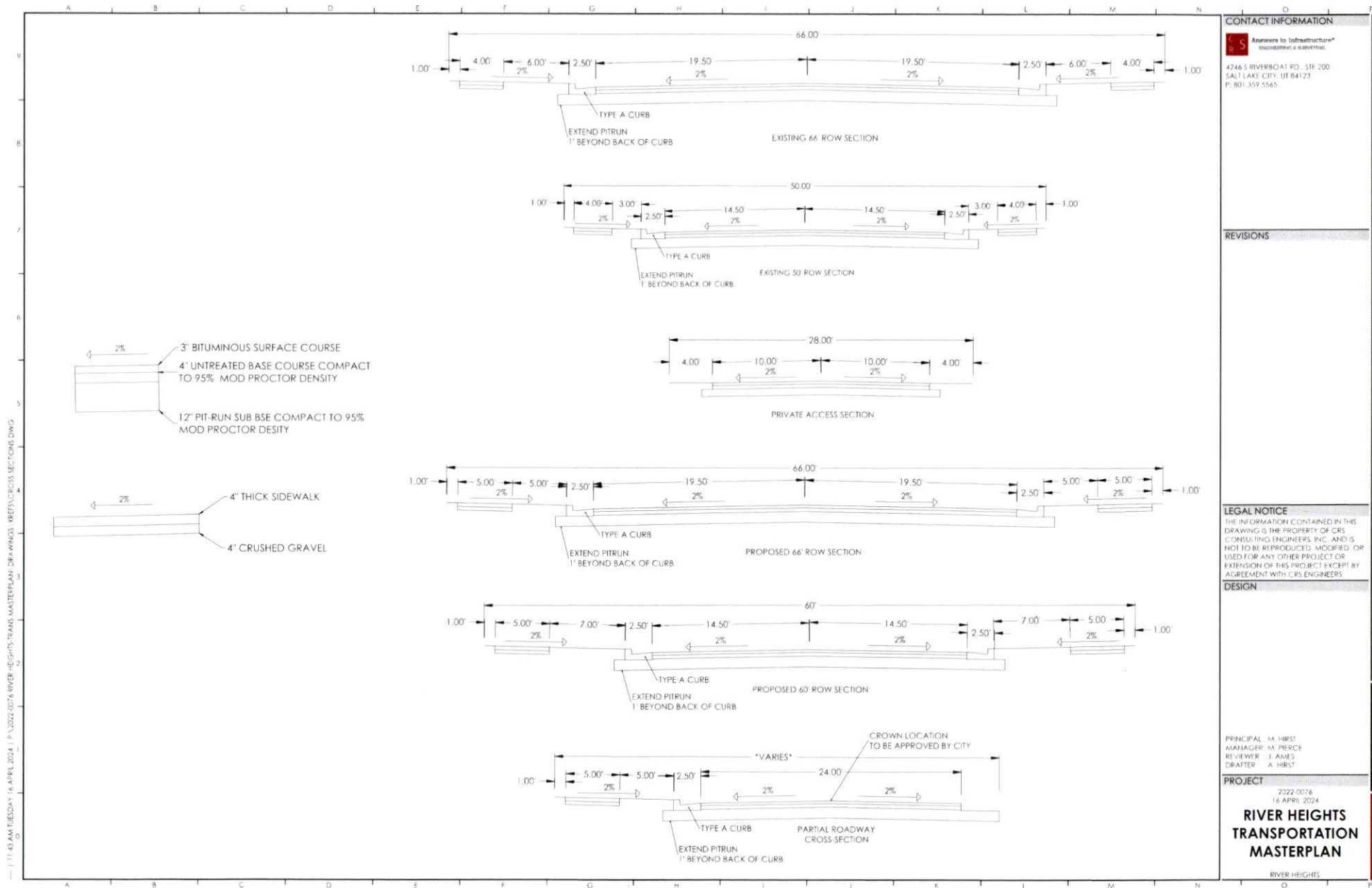
Date Exported: 2024-07-29

*River Heights*  
**CITY**









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4246 S RIVERBOAT RD., STE 200  
SALT LAKE CITY, UT 84123  
P: 801.359.5565

## REVISIONS

## LEGAL NOTICE

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## DESIGN

PRINCIPAL: M. HIRST  
MANAGER: M. PIERCE  
REVIEWER: J. AMES  
DRAFTER: A. HIRST

## PROJECT

2022-0076  
16 APRIL 2024

# RIVER HEIGHTS TRANSPORTATION MASTERPLAN

RIVER HEIGHTS

## Memo

**To:** Blake Wright, Mayor

**From:** Craig Rasmussen, S.E. *Craig L Rasmussen*

**CC:** Janey Mathews, Councilmember; Lance Pitcher, Councilmember; Clayton Nelson, Public Works Director; Brett LaMont, Allied Underground Technology

**Date:** April 14, 2025

**Re:** 750 - - 800 South Sewer – Proposal #4 Claim for delay

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This memo provides additional information regarding Proposal #4 from Allied Underground Technology for the Claim submitted on the referenced project for equipment rental cost during non-work days while the City waited for DeLoy Hansen to sign the easement for the sewer main.

The following is a brief timeline of the project, not intended to be all-inclusive, to provide background information.

- Project bid date – Wednesday Sept. 18, 2024. Allied Underground Technology was the lowest responsive bidder
- Delays in acquiring the easement for the sewer main line resulted in the Notice of Award not being signed by the City until January 2, 2025. At that time it was expected that the easement would soon be signed.
- Project Contract signed by the City for the project on January 16, 2025.
- January 22, 2025 - On-site meeting with Janet, Craig, Clayton, Brett LaMont, Jay LaMont to discuss the work and specific conditions/location for the sewer services. Discussed starting the project in approximately two weeks. Recognized that City was still waiting for the easement to be signed.
- Allied mobilized a week after the meeting, approximately a week earlier than anticipated. At the time this seemed acceptable due to a scheduled time when the easement would be signed.
- I believe work started Jan 30th with the connection to the existing manhole in 800 South Street.
- Work stopped Monday Feb 3rd due to not having the easement in place. However, on Tuesday Feb 4th Craig allowed work to proceed in the 800 South right of way. The City had been told that the easement would be signed Tuesday. Plans for the easement signature fell through and it was not obtained.
- This led to delay of work for the next several days for a total of 7 work days until the easement was signed.
- Easement was signed on Friday February 14th and Allied began working again on February 17th.
- February 18th 2025 - meeting with Brett LaMont, Clayton Nelson, and Craig Rasmussen to discuss the status of the project, progression of the work, cleanup requirements, and additional claims or change proposals. Change Proposals 1 through 3 were discussed with recommended approaches to resolve the claims. Change Proposal #4 for equipment rental during the delay was discussed at length. In general Brett stated there are real costs for equipment not being used, Clayton disagreed that there should be additional cost, Craig recognizes the delay as a cost, but the payment of additional costs for delay would have to be approved by the River Heights City Council.
- Project was substantially complete on Wednesday Feb 26th.

Allied has previously submitted a final pay application (Pay Request #2) with four Change Proposals for additional costs. Proposals 1-3 address actual costs and quantities for changes to bid items as allowed by Project General Conditions. Proposal #4 has been submitted for equipment rental time due to project delay of work.

The Change Proposals were discussed at the April 1st City Council meeting with Proposals 1 through 3 not being contested. After discussion, it was determined that closer review and evaluation was needed prior to a determination of Proposal #4. Councilmember Pitcher agreed to contact other Contractors to find out if there is an industry standard for similar situations, and Craig Rasmussen agreed to further review the Project Documents and Specifications with respect to this issue.

Lance called three applicable contractors, Rupp Trucking, Justin Facer, and LeGrand Johnson about costs associated with delays. He reported that all three contractors responded similarly, noting while some had submitted claims for delays, they were usually denied. I spoke with Tom Dickinson, previously the Logan City Assistant City Engineer, asking him if he had paid claims for delays in his work with Logan City or now with Nibley City. Tom said that he has in the past authorized payment of similar claims – in Logan City.

I have again reviewed the Contract and the project General Conditions. While the General Conditions includes allowances for submitting Claims under various conditions, a paragraph in Article 3 of the Contractor's Agreement specifically excludes claims attributable to delay, except as allowed in Article 8 of the General Conditions. See contract wording below.

"No action shall be maintained by the Contractor or Subcontractor at any tier, against the Owner for damages or other claims due to losses attributable to hindrances or delays from any cause whatsoever, including acts and omissions of the Owner or its officers, employees or agents, except as provided in Article 8 of the General Conditions. The Contractor may receive an extension of time in which to complete the Work under this Contractor's Agreement, as provided in Article 8 of the General Conditions."

Article 8 of the General Conditions allows a Contractor to recover overhead costs attributable to delay only when a project exceeds the Contract Time, 60 days for this project-which was not exceeded before completion of the work. Therefore, per the signed Contract, there is no legal recourse for claim of damages for overhead costs or non-use of equipment attributable to delays while waiting for the easement to be signed.

Based on my assessment and reading of the Contract, at the City Council's sole discretion, the City may deny Proposal #4 in its entirety, approve partial payment in recognition that some additional cost had inherently been incurred due to waiting for the easement, or accept the claim as submitted by the Contractor.

Upon action by the City Council, Pay Application #2 (which currently includes Proposal #4) will be revised, if applicable, to reflect the Council's decision.

# Basic Separation of Duties

See the following page for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?	X			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?	X			
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".	X			
4. Are all the people who have access to blank checks different from those who are authorized signers?	X			
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	X			
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	X			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	X			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	X			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	X			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	X			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	X			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	X			

\* MC = Mitigating Control

# Fraud Risk Assessment

Continued

\*Total Points Earned: 335 /395 \*Risk Level: Very Low Low Moderate High Very High  
> 355 316-355 276-315 200-275 < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	X	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?		5
b. Procurement?	X	5
c. Ethical behavior?		5
d. Reporting fraud and abuse?		5
e. Travel?	X	5
f. Credit/Purchasing cards (where applicable)?		5
g. Personal use of entity assets?	X	5
h. IT and computer security?	X	5
i. Cash receipting and deposits?	X	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?	X	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	X	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?		20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training ( <a href="http://training.auditor.utah.gov">training.auditor.utah.gov</a> ) within four years of term appointment/election date?	X	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	X	20
7. Does the entity have or promote a fraud hotline?	X	20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?	X	20

\*Entity Name: River Heights City

\*Completed for Fiscal Year Ending: FY 2025 \*Completion Date: 05/05/2025

\*CAO Name: Blake Wright, Mayor \*CFO Name: David Sanderson

\*CAO Signature: \_\_\_\_\_ \*CFO Signature: \_\_\_\_\_

\*Required