

River Heights City

REVISED

COUNCIL MEETING AGENDA

Tuesday, December 12, 2017

Notice is hereby given that the River Heights City Council will hold a special meeting and its regular council meeting beginning at 12:00 noon and at 5:30 p.m. in the River Heights City Office Building at 520 S 500 E.

12:00 p.m. Discuss Annexation Procedure with Attorney Jonathan Jenkins

12:30 p.m. Recess

Reassemble

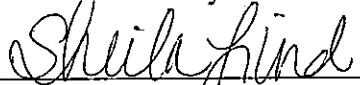
5:30 p.m. Opening Remarks (Clausen) and Pledge of Allegiance (Wilson)

5:35 p.m. Adoption of Previous Minutes and Agenda
Pay Bills
Finance Director Report
Purchase Requisitions
Public Works Report
Administrative Report
Public Comment

5:45 p.m. Acceptance or Denial of the Chugg Annexation Petition

6:00 p.m. Adjourn

Posted this 11th day of December 2017



Sheila Lind, Recorder

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

December 12, 2017
12:00 noon, Meeting A

Present: Mayor James Brackner
Council members: Doug Clausen
Robert "K" Scott
Geoff Smith
Dixie Wilson
Blake Wright
City Attorney Jonathan Jenkins
Recorder Sheila Lind
Others Present: Craig Winder, Sharlie Gallup, Lisa Ellis, Ruthann Nelson

Proceedings of the Meeting:

The River Heights City Council met at 12:00 noon in the Ervin R. Crosbie Council Chambers in the River Heights City Building on Tuesday, December 12, 2017 to hear from City Attorney Jonathan Jenkins on the city's obligation concerning the state's annexation procedure.

Attorney Jenkins arrived at 12:27 pm. He explained the preliminary reviews and notices that had taken place. He informed the Council that they will consider the petition and are free to ask any questions of the petitioners. A resolution will be passed to approve the annexation for further consideration. Then it will come back to him and the city recorder for further review. Publication will then take place which will open up the protest period. Protests will go to the County Board. The Council's purpose tonight is to consider the annexation request and then proceed.

Councilmember Wilson asked for clarification on what they are approving. Attorney Jenkins said the approval tonight is accepting their petition, to take county land into River Heights. The vote won't finalize the annexation, just take it to the next step. Interested parties will have an opportunity to protest.

Craig Winder clarified "acceptance" is before the Council tonight. "Approval" happens after the protest period. The Council is looking to see if the petition meets their requirements.

Councilmember Wilson asked if they could put stipulations on the annexation. Attorney Jenkins advised to give it a straight up or down vote and then let it run through the process.

Councilmember Wright asked if the annexation will come back to this body again for another approval. Attorney Jenkins informed, if they are uncomfortable with the annexation now, the chances of undoing the action later are more limited. Craig Winder verified it will come back to the Council for an annexation ordinance adoption after the protest period. He asked the Council to please deny the petition if they are not comfortable with what they have seen so far.

47 Mayor Brackner pointed out, if the City annexes the property they have a say in what goes in, if
48 they don't, they have lost their say.

49 Councilmember Clausen reaffirmed that Ironwood would prefer a denial of the petition if the
50 City doesn't want town homes, to prevent wasting everyone's time. Craig Winder said their proposal
51 has been no secret. If the annexation gets denied tonight, they will go to Providence. Depending on
52 how negotiations go there, they may be back to River Heights.

53 Craig Winder clarified the Chugg property is just under 40 acres and the Church Property
54 (which isn't included in the annexation petition since it's already in River Heights) is 13 acres.

55 Councilmember Smith requested a copy of the full petition. Recorder Lind agreed to get copies
56 to the Council.

57 Craig Winder said if they still have questions for Ironwood, he suggested staying the decision
58 until all the questions are answered, perhaps at the next meeting. Attorney Jenkins said the law doesn't
59 allow a stay once the annexation has been filed. The Council needs to accept or deny at this meeting.
60 If they do neither, it is automatically accepted.

61 Attorney Jenkins said if its denied, notices will go out and Ironwood could resubmit later if
62 they'd like.

63 Craig Winder asked if it would be appropriate for them to withdraw their petition until they
64 have time to clear questions up with the City and then resubmit. Attorney Jenkins didn't believe they
65 could withdraw at this point because Cache is not a first class county. He agreed this very new statute
66 has a lot of rough edges, which he doesn't fully understand. Mr. Winder argued the statute doesn't say
67 there are no provisions to disallow a withdrawal.

68 Mayor Brackner asked the Council if there was a reason they couldn't come to a decision
69 tonight.

70 Councilmember Clausen asked Craig Winder if they might withdraw their petition before 5:30
71 tonight. Mr. Winder said, yes, if they believe the statute won't allow them to withdraw later. They
72 need to come to some understanding of the statute. He would rather have them deny the petition with
73 conditions, which would give them time to circle back.

74 Attorney Jenkins advised the Council to vote based on what is before them now, which is the
75 annexation petition. He encouraged them to listen to their city attorney, not the applicant.

76 Councilmember Wilson asked how deep they are into the development if they accept the
77 annexation. Attorney Jenkins said this is only the first step. The General Plan will need to be revised,
78 a rezone will need to take place and then application for development. Currently, the townhome
79 proposal is not allowed in River Heights. There will be time to weigh those things later in the process.
80 Currently, its only about annexation. Councilmember Clausen wanted to make sure the City will still
81 be able to negotiate later. Attorney Jenkins agreed this won't be an issue. Its early to know the
82 answers to all the questions. It would be illogical to deny the petition based on not liking townhomes.
83 This component has nothing to do with the annexation petition. If it comes into River Heights, it will
84 come in zoned as agricultural.

85 Craig Winder stated they have not tied the City's hands whatsoever. Councilmember Wilson
86 admitted that because of all that's already gone on, its hard for her to see the annexation request as
87 only an annexation request.

88 Councilmember Scott reminded if they accept the petition, they are only opening the door to
89 find out if it will be a positive or negative for the City. They can still cut it off later. Attorney Jenkins
90 said there are still opportunities for denial.

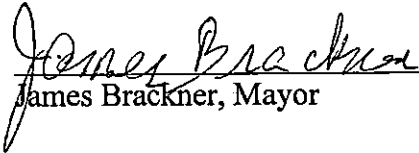
91 Councilmember Wright asked if any entity can protest. Attorney Jenkins said "interested
92 parties" can protest. Property owners not near the property don't have protest rights.

93 Mayor Brackner recommended a recess until 5:30 p.m. He asked Attorney Jenkins about the
94 misprint in the Herald Journal, which states the meeting starts at 6:30. Recorder Lind stated she sent
95 the correct information, but the Herald Journal misprinted it. Mr. Jenkins said they are legal to hold it
96 at 5:30 p.m. as long as the City had correctly posted it on their end.

97 The Council decided to still meet at 5:30 p.m. but, hold their decision on the annexation
98 petition until 6:30 p.m.

99 The meeting adjourned at 1:04 p.m.

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James Brackner, Mayor


Sheila Lind, Recorder