

River Heights City

COUNCIL MEETING AGENDA

Tuesday, October 23, 2018

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

Opening Remarks (Clausen) and Pledge of Allegiance (Wilson)

Adoption of Previous Minutes and Agenda

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

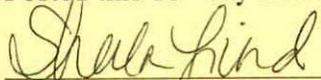
Public Comment

Discuss Purchasing Water Shares from Westons

Discuss No-Fault Utility Claims Ordinance

Adjourn

Posted this 18th day of September 2018



Sheila Lind, Recorder

Attachments for this meeting and drafts of previous meeting minutes can be found on the State's Public Notice Website (pnn.utah.gov)

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

River Heights City

Council Meeting

October 23, 2018

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8 Present: Mayor Todd Rasmussen
9 Council members: Doug Clausen
10 Elaine Thatcher
11 Dixie Wilson
12 Recorder Sheila Lind
13 Public Works Director Clayton Nelson
14 Finance Director Clifford Grover
15 Treasurer Wendy Wilker
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18 Excused Council members Blake Wright
19 Robert "K" Scott
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21 Others Present: Cindy Schaub
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23 The following motions were made during the meeting:

24 Motion #1

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26 Councilmember Clausen moved to "adopt the minutes of the council meeting of October 9,
27 2018 and the evening's agenda." Councilmember Wilson seconded the motion, which passed with
28 Clausen, Thatcher and Wilson in favor. No one opposed. Scott and Wright were absent.
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30 Motion #2

31 Councilmember Thatcher moved to "pay the bills as listed." Councilmember Clausen
32 seconded the motion, which passed with Clausen, Thatcher and Wilson in favor. No one opposed.
33 Scott and Wright were absent.
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35 Proceedings of the Meeting:

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37 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in
38 the River Heights City Building on Tuesday, October 23, 2018 for their regular council meeting.

39 Opening Remarks and Pledge of Allegiance: Councilmember Clausen opened the meeting with
40 a thought and Councilmember Wilson led the group in the Pledge of Allegiance.

41 Adoption of Previous Minutes and Agenda: Minutes for the October 9, 2018 meeting were
42 reviewed.
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44

45 **Councilmember Clausen moved to “adopt the minutes of the council meeting of October**
46 **9, 2018 and the evening’s agenda.” Councilmember Wilson seconded the motion, which passed**
47 **with Clausen, Thatcher and Wilson in favor. No one opposed. Scott and Wright were absent.**

48 Reports and Approval of Payments (Mayor, Council, Staff):
49

50 Public Works Director Nelson

- 51 • The 700 South sidewalk project has made a little progress.
- 52 • Engineer Rasmussen is finishing up the design for the 1000 East sidewalk. They will meet
53 tomorrow to finalize it. To get the project going faster, Mr. Rasmussen has suggested
54 contacting three contractors who have done a good job in the past and ask them to bid the
55 project. Councilmember Clausen was concerned if this would be legal.
- 56 • Councilmember Clausen asked if would be done within the time limit. Mr. Nelson felt it would
57 be since they have 100 days from start to finish. Mayor Rasmussen had some concern about
58 the December 31, 2018 grant deadline. Mr. Nelson will verify the funding stipulations with
59 Engineer Rasmussen and discuss going through the correct bidding procedures on the 1000
60 East sidewalk project.
- 61 • Cindy Schaub asked who would be cleaning the 700 South sidewalk in the winter. Mr. Nelson
62 said property owners are responsible. He is hoping The Falls will take care of their section on
63 the hill.
- 64 • The city received a donation (an elliptical) from Icon for Apple Days but then didn’t use it
65 because there wasn’t a raffle held. He asked what he should do with it. Councilmember
66 Clausen asked for the discussion to be on the next agenda to give them time to think about it.
- 67 • Mr. Nelson has been reviewing the city’s insurance policy to make sure everything (equipment,
68 property, etc.) is listed as covered. He noted the Old Church building is not covered and thinks
69 it should be. If it ends up being insured by the city, he’d like to be able to have access to a
70 room or two to store city equipment. Treasurer Wilker remembered (about three years ago)
71 someone from the Trust came and evaluated all the city properties. After which, the Old
72 Church wasn’t listed anymore. She can’t remember the reasons for the decision.
73 Councilmember Clausen asked Ms. Wilker to call the Trust to find out. Mayor Rasmussen will
74 ask Michael Ballam for a copy of the Opera Company’s current insurance policy. Recorder
75 Lind will check the minutes.
- 76 • He has received a couple truck bids. It normally takes a couple months for the new truck to get
77 here once it’s ordered. The price for a Dodge is \$31,084. A Chevy would be \$35,000. He has
78 checked blue book on both. At two years old, the vehicles will be worth more than that.
79 Mayor Rasmussen asked about the market for selling the used truck. Mr. Nelson said it took a
80 while to sell it a couple years ago and suggested by using a different method, it would sell
81 much faster. He informed that buyers are interested in a back up camera. It would cost an
82 additional \$723 to get the Dodge with one installed on the dash, which would bring the price to
83 31,807. The council gave their consent for him to order it.

84
85 Finance Director Grover

- 86 • Mr. Grover explained the information he handed out regarding the Public Treasurers’
87 Investment Fund (PTIF). Since the fund started in 1981 they have never lost money. If a
88 transfer request is made by noon the funds will be in our account by noon the next day.
89 Currently the city has \$307,500 in the PTIF. He suggested transferring another 500,000 (all
90 idle funds). The city could earn \$24,000 in interest/year on this amount. He discussed rates

from the other investment funds where the city currently has money. He suggested keeping \$250,000 in the Zions checking account. Councilmember Clausen was concerned the PTIF wasn't insured and suggested moving less than \$500,000. Mr. Grover pointed out again that they have never lost money and he didn't see a good reason not to transfer the \$500,000. The council gave their consent.

Treasurer Wilker

- Ms. Wilker presented the list of bills to be paid. She explained the Landmark pay request had already been sent. Its been approved by Engineer Rasmussen. Landmark was anxious for their check and the council had previously approved the full project amount, therefore, Mayor Rasmussen approved payment of the request. PWD Nelson suggested the city decrease the amount of times contractors are paid during a project. He felt this sidewalk project would have gone faster if they were only paid 50% in the middle, and the rest upon completion.

Councilmember Thatcher moved to “pay the bills as listed.” Councilmember Clausen seconded the motion, which passed with Clausen, Thatcher and Wilson in favor. No one opposed. Scott and Wright were absent.

- Ms. Wilker informed that open enrollment for Select Health and Opticare is coming up. Lucas Rounds, of Cache Valley Insurance, has said the rates and premiums will not change for the next year. She asked for permission to sign up again. She was asked if the employees were happy with this plan. She hadn't heard any complaints. PWD Nelson said he felt it was comparable to other plans and was fine staying with these plans. The Council gave their consent.
- At the request of the mayor, Ms. Wilker discussed her findings on insurance coverage for participants of city events and anyone using city vehicles. Mayor Rasmussen read an email, which said volunteers and participants (in the parade and other activities) would be covered, however, they suggest having a roster of those involved. All city personnel and council members are covered when driving city vehicles. Drivers should be 21 or older. Non-employee riders should be limited in city vehicles. Mayor Rasmussen asked that others in the city be made aware when someone outside the city is riding.

Councilmember Thatcher

- Ms. Thatcher has found a company that can give her information about restoring the Old Church. She will report what she finds out from working with them.

Councilmember Scott was absent.

Councilmember Clausen didn't have anything.

Councilmember Wilson

- Ms. Wilson reported that she, Councilmember Wright and PWD Nelson will be meeting tomorrow to discuss possibilities on the city's four acre park north of the cemetery.

Councilmember Wright was absent.

137 Recorder Lind didn't have anything.

138

139 Mayor Rasmussen

- 140 • It was decided the city Christmas party would be held on December 11 at 6:00 pm after a short
141 5:00 pm council meeting.

142

143 Public Comment: There was none.

144 Discuss Purchasing Water Shares from Westons: Councilmember Clausen stated the Westons
145 have 32.5 shares they are not using. He proposed the city offer them \$250/share and pay the \$870
146 yearly fee, which they are in arrears. Mr. Clausen would like the city to acquire as many shares as
147 possible. If the irrigation company goes under at some point and the city took it over, it would be good
148 for the city own a lot of the shares. He was asked if the irrigation company has other shares that are
149 available. He didn't know but, was willing to check. PWD Nelson suggested the city get all the extra
150 shares possible. Mayor Rasmussen felt this would put the city in a good position to curtail water flow
151 to benefit the city's own system. Councilmember Wilson asked if the city would be willing to sell
152 their shares to a landowner if requested. They felt shares could be sold on a case by case basis. The
153 vote to purchase additional shares will be put off until the next meeting when all councilmembers can
154 be in attendance.

155 Discuss a No-Fault Utility Claims Ordinance: Councilmember Clausen felt the ordinance
156 looked great and recommended scheduling a public hearing for its adoption at the next council meeting
157 on November 13.

158 The meeting adjourned at 7:30 p.m.

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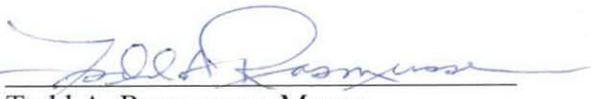
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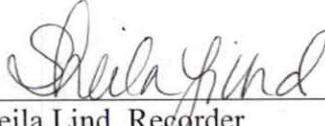
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Todd A. Rasmussen, Mayor


Sheila Lind, Recorder

River Heights City Bills To Be Paid

10/23/2018

| | Payee | Description | Admin. | P&Z | Parks/Rec | Pub. Safety | Com. Aff. | Roads | Water | Sewer | Total |
|----|-------------------------------|---|-------------|---------|-----------|-------------|-----------|-------------|------------|-------------|-------------|
| 1 | Bear River Health Dept | Water Coliform Testing | | | | | | | \$40.00 | | \$40.00 |
| 2 | Cache Valley Publishing | P & Z Public Hearing | | \$43.55 | | | | | | | \$43.55 |
| 3 | City of Logan | Garbage, 911, Sewer | \$14,195.46 | | | \$2,016.00 | | | | \$11,589.51 | \$27,800.97 |
| 4 | Comcast | Office Internet | \$21.98 | | | | | | \$21.97 | \$21.97 | \$65.92 |
| 5 | Daines & Jenkins | Legal Fees General | \$360.00 | | | | | | | | \$360.00 |
| 6 | Dominion Energy | Gas | \$12.63 | | \$19.72 | | | \$12.63 | \$59.55 | \$12.63 | \$117.16 |
| 7 | Ferguson Enterprises, Inc. | Blue Stake Paint | | | | | | | \$11.10 | | \$11.10 |
| 8 | Landmark Companies | 700 South 2nd Progress Payment | | | | | | \$52,249.39 | | | \$52,249.39 |
| 9 | Logan City | Water Consumption | | | | | | | \$642.00 | | \$642.00 |
| 10 | Rocky Mountain Power | Electricity | \$93.48 | | \$61.55 | \$25.63 | | \$1,161.37 | \$4,085.54 | \$24.24 | \$5,451.81 |
| 11 | Roto Rpoter | Soccer Porta Potties | | | \$100.00 | | | | | | \$100.00 |
| 12 | Thomas Petroleum | Fuel for City Vehicles | | | \$26.92 | | | \$26.92 | \$26.92 | \$26.92 | \$107.68 |
| 13 | Todd Rasmussen | Red Vines for Movie in Park | | | | | \$16.44 | | | | \$16.44 |
| 14 | Utah Local Government Trust | Workers Comp 2 Months plus Credit | \$27.57 | | \$42.33 | | | \$129.25 | \$163.72 | \$172.33 | \$535.20 |
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| 18 | | | | | | | | | | | |
| 19 | REPRINTING LOST CHECK | | | | | | | | | | |
| 20 | Porters | File Cabinet | \$1,160.00 | | | | | | | | \$1,160.00 |
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| 26 | JUNES | | | | | | | | | | |
| 27 | Intermountain Traffic Safety | Signs, Poles, Late Fees PO FY2018-PO006 | | | | | | \$2,990.01 | | | \$2,990.01 |
| 28 | Forsgren & Associates | They Missed Billing Us | \$62.50 | | | | | | | | \$62.50 |
| 29 | | | | | | | | | | | |
| 30 | | | | | | | | | | | |
| 31 | VISA Paid 10/23/2018 \$208.43 | | | | | | | | | | |
| 32 | Adobe Monthly | Office Adobe | \$15.98 | | | | | | | | \$15.98 |
| 33 | Google Monthly | Office Gmail | \$50.00 | | | | | | | | \$50.00 |
| 34 | Nextiva Monthly | Office Phones & Fax | \$132.46 | | | | | | | | \$132.46 |
| 35 | DRI Crash Montly | Office Back Up | \$9.99 | | | | | | | | \$9.99 |
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Page 1 SubTotals

\$16,142.05

\$43.55

\$250.52

\$2,041.63

\$16.44

\$56,569.57

\$5,050.80

\$11,847.60

\$91,962.16

Page 1 Total Amount to be Paid \$91,962.16

River Heights City
 Bank Account Interest Rate Analysis

10/23/18
 5:37 PM

| | Rate | Account Balance Before Balance Transfers | Projected Interest Income With Additional Investrment In PTIF | Interest Income Before Balance Transfers | Net Increase In Interest Income |
|--------------------------------|---------|--|--|--|------------------------------------|
| Lewiston State Bank | 0.1300% | \$ 247,101.41 | \$ 6,419.45 | \$ 321.23 | \$ 6,098.22 |
| Cache Valley Bank | 0.5000% | \$ 249,910.71 | \$ 6,492.43 | \$ 1,249.55 | \$ 5,242.88 |
| Zions Bank - Savings | 0.1800% | \$ 240,329.35 | \$ 6,243.52 | \$ 432.59 | \$ 5,810.92 |
| PTIF | 2.5979% | \$ 307,500.03 | \$ 7,988.54 | \$ 7,988.54 | \$ - |
| Zions Bank - Checking (excess) | 0.0000% | \$ <u>250,000.00</u> | \$ <u>6,494.75</u> | \$ <u>-</u> | \$ <u>6,494.75</u> |
| Total | | \$ <u>1,294,841.50</u> | \$ <u>33,638.69</u> | \$ <u>9,991.92</u> | \$ <u>23,646.77</u> |

River Heights City
 Checking Account Summary
 10/01/17 to 09/30/18

| Statement Date | Beginning Balance | Deposits/Credits | Charges/Debits | Checs Processed | Ending Balance | Monthly Net Change |
|----------------|-------------------|------------------------|----------------------|----------------------|----------------|--------------------|
| 10/31/2017 | \$ 264,510.35 | \$ 129,653.43 | \$ 21,072.40 | \$ 52,581.72 | \$ 320,509.66 | \$ 55,999.31 |
| 11/30/2017 | \$ 320,509.66 | \$ 176,338.14 | \$ 20,012.03 | \$ 128,290.50 | \$ 348,545.27 | \$ 28,035.61 |
| 12/31/2017 | \$ 348,545.27 | \$ 200,693.93 | \$ 18,385.33 | \$ 73,261.39 | \$ 457,592.48 | \$ 109,047.21 |
| 1/31/2018 | \$ 457,592.48 | \$ 130,104.70 | \$ 23,146.01 | \$ 140,300.14 | \$ 424,251.03 | \$ (33,341.45) |
| 2/28/2018 | \$ 424,251.03 | \$ 126,125.43 | \$ 20,466.60 | \$ 16,604.79 | \$ 513,305.07 | \$ 89,054.04 |
| 3/31/2018 | \$ 513,305.07 | \$ 97,657.35 | \$ 22,095.31 | \$ 62,589.14 | \$ 526,277.97 | \$ 12,972.90 |
| 4/30/2018 | \$ 526,277.97 | \$ 107,681.34 | \$ 23,065.87 | \$ 18,205.21 | \$ 592,688.23 | \$ 66,410.26 |
| 5/31/2018 | \$ 592,688.23 | \$ 106,716.20 | \$ 20,821.63 | \$ 99,843.98 | \$ 578,738.82 | \$ (13,949.41) |
| 6/30/2018 | \$ 578,738.82 | \$ 106,710.72 | \$ 19,633.77 | \$ 24,578.45 | \$ 641,237.32 | \$ 62,498.50 |
| 7/31/2018 | \$ 641,237.32 | \$ 109,251.49 | \$ 21,569.51 | \$ 53,402.58 | \$ 675,516.72 | \$ 34,279.40 |
| 8/31/2018 | \$ 675,516.72 | \$ 133,940.55 | \$ 28,286.60 | \$ 195,042.73 | \$ 586,127.94 | \$ (89,388.78) |
| 9/30/2018 | \$ 586,127.94 | \$ 137,559.79 | \$ 23,758.97 | \$ 103,827.35 | \$ 596,101.41 | \$ 9,973.47 |
| Total | | <u>\$ 1,562,433.07</u> | <u>\$ 262,314.03</u> | <u>\$ 968,527.98</u> | | <u>331,591.06</u> |

TITLE 8

CHAPTER 3

NO-FAULT UTILITY CLAIMS

SECTION:

- 8-3-1: Intent
- 8-3-2: Definitions
- 8-3-3: Administration and Establishment of Regulations
- 8-3-4: Reimbursement Claims, Time Limitations
- 8-3-5: Claims Investigation and Recommendation
- 8-3-6: Criteria for Payment
- 8-3-7: Maximum Payment
- 8-3-8: Payment Does Not Imply Liability, Release Required
- 8-3-9: Annual Budget Expenditures
- 8-3-10: Claims from Other Governmental Agencies.

8-3-1: INTENT

It is the city's intent to compensate persons for loss sustained as the result of a break or backup in a city-owned and maintained water main or sewer line, regardless of fault on the part of the city, within the restrictions, limitations, and other provisions of this chapter.

8-3-2: DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

- BODILY INJURY:** Actual physical injury, sickness or disease sustained by a person, including death resulting from any of these.
- CITY:** River Heights City Corporation, a political subdivision of the state of Utah.
- CLAIM:** Any demand for damages from release of sewage or sudden and accidental release of potable water.
- DAMAGES:** Monetary amounts the insured becomes legally obligated to pay to a third party as a result of bodily injury, or property damage caused by an occurrence, or personal injury caused by a personal injury offense. Attorney fees and litigation costs are not damages.
- PERSON OR APPLICANT:** An individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity (except the United States Government or any of its agencies, or the state of Utah and any of its political subdivisions) or their legal representatives, agents, or assigns.

| | |
|--------------------------|--|
| PERSONAL INJURY: | Injury, other than bodily injury arising out of a personal injury offense. |
| PERSONAL INJURY OFFENSE: | Means any of the following: 1) False arrest, detention or imprisonment or malicious prosecution; 2) Libel, slander or defamation of character; 3) Wrongful entry or eviction, or other invasion of the right of private occupancy. |
| POLITICAL SUBDIVISION: | Any political subdivision of the state of Utah, including state departments and agencies, cities, towns, counties, and school districts. |
| POTABLE WATER: | Water intended to be used for human consumption. |
| PROPERTY DAMAGE: | Physical injury to or destruction of tangible property, including the resulting loss or use of that property. Also, loss of use of tangible property that is not physically injured or destroyed. |
| RELEASE OF SEWAGE: | An occurrence where solid, liquid or gaseous pollutants cause property damage or bodily injury by passing back through the toilets and/or drains located in the premises owned or leased by any third-party person, firm or entity relying upon the insured for sewage treatment services. Solid, liquid or gaseous pollutants which cause property damage or bodily injury by any means other than passing back through the toilets and/or drains located in the premises owned or leased by such third-party persons, firms or entities, does not constitute release of sewage and damages caused thereby are not covered. |

8-3-3: ADMINISTRATION AND ESTABLISHMENT OF REGULATIONS

The city hereby establishes regulations sufficient to provide for the handling of such claims and disbursement of funds set aside for payment of claims under this chapter.

8-3-4: REIMBURSEMENT CLAIMS, TIME LIMITATIONS

All claims for reimbursement under this chapter must comply with the Governmental Immunity Act of Utah, Utah Code Annotated §63-30d-101 et seq., as amended, and be submitted to the city recorder within thirty (30) days after the incident giving rise to the loss occurs.

8-3-5: CLAIMS INVESTIGATION AND RECOMMENDATION

Claims received by the city recorder shall be referred to the mayor, the public works director and the councilmember assigned to water and sewer for investigation and recommendation. The recommendation may be forwarded to the city attorney for determination under the criteria of this chapter. The recommendation will be presented to the city council for consideration. All payments authorized by the city council shall be made by the City of River Heights.

8-3-6: CRITERIA FOR PAYMENT

- A. The determination as to whether to make payment of a claim submitted pursuant to this chapter shall be based on the following criteria:
 - 1. Whether an eligible claimant suffered an otherwise uninsured property loss, caused by breach or backup of a city-owned water main or sewer line, under circumstances where the claimant acted responsibly to avoid the loss; and,
 - 2. If so, whether the extent of the loss has been adequately substantiated.
- B. The following shall result in the denial of a claim:
 - 1. Claim not timely submitted;
 - 2. Loss fully covered by private insurance (For exclusions see 8-3-7 A. for insurance deductible consideration);
 - 3. Claimant ineligible under the terms of this chapter;
 - 4. Loss caused by an irresponsible act of the claimant, claimant's agent, or member of claimant's business or household; or
 - 5. Loss or eligibility unsubstantiated.
- C. The following shall result in a reduction of payment:
 - 1. Loss partially covered by private insurance;
 - 2. Loss exceeds funding limits of this chapter;
 - 3. Verification of loss inadequate or incomplete; or
 - 4. Claimant did not cause the problem but failed to act responsibly to minimize the loss.

8-3-7: MAXIMUM PAYMENT

- A. Payments under this chapter shall not exceed \$5,000 per claim. Claims to pay insurance deductibles will be considered.
- B. Payments under this chapter shall not exceed \$100,000 (the no-fault sewer and potable water aggregate limit per policy period) per fiscal year.

8-3-8: PAYMENT DOES NOT IMPLY LIABILITY, RELEASE REQUIRED

- A. Any payment of a claim made under this chapter shall not be construed as an admission of, nor does it imply, any negligence or responsibility on the part of the city. Any payment made under this chapter is strictly voluntary on the part of the city.

- B. This chapter shall not in any way supersede, change, or abrogate the Government Immunity Act of Utah, and its application to the city, or establish in any person a right to sue the city under this chapter.
- C. Any payment of a claim made under this chapter and accepted by the claimant shall constitute a full and complete release of any and all claims against the city, its officers, employees, and agents for any damage or loss arising from the incident.
- D. Any payment of a claim made under this chapter shall be expressly conditioned upon the city first receiving a written release of liability, signed and notarized by the claimant, in a form acceptable to the city attorney.

8-3-9: CLAIMS FROM OTHER GOVERNMENTAL AGENCIES

Notwithstanding any other provisions of this chapter, no claim shall be accepted from the United States or any of its departments or agencies, or from the state of Utah or any of its political subdivisions.