

River Heights City

COUNCIL MEETING AGENDA Tuesday, February 15, 2022

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.

Pledge of Allegiance and Opening Thought (Mayor)

Adoption of Previous Minutes and Agenda

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

Providence Annexation Request Response Discussion

Public Comment

Amend Ordinance 1-2022 (An Ordinance Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power) - Section 11

Discuss Allowing the Girl Scouts to Use the City Building for their Meetings

Discuss Capital Projects and Ranking of Projects that May be Completed by June 30, 2022

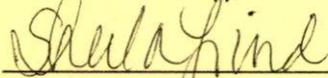
Determine Necessary Mid-Year Budget Adjustments

Adjourn

To join the Zoom meeting:

<https://us02web.zoom.us/j/86118081747?pwd=K3EwTXNLSlk2VllzUmF6bDZNMyszUT09>

Posted this 11th day of February 2022



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

February 15, 2022

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7 Present: Mayor Jason Thompson
8 Council members: Sharlie Gallup
9 Tyson Glover
10 Janet Mathews
11 Chris Milbank
12 Blake Wright
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14 Recorder Sheila Lind
15 Public Works Director Clayton Nelson
16 Finance Director Cliff Grover
17 Treasurer Wendy Wilker
18 Attorney Jonathan Jenkins

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20 Others Present: Michael Bingham, Suzanne and Rachel Karren, Mike and
21 Ruthann Nelson, Noel Cooley, Heather Lehnig, Barbara
22 Moon, Andy and Bryson Bentley
23 Electronically Present Lance Pitcher, Katie McNabb, Cindy Schaub
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27 The following motions were made during the meeting:
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29 Motion #1

30 Councilmember Milbank moved to "adopt the minutes of the council meeting of February 1, 2022,
31 and the evening's agenda." Councilmember Gallup seconded the motion, which passed with Gallup,
32 Glover, Mathews, Milbank, and Wright in favor. No one opposed.
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34 Motion #2

35 Councilmember Milbank moved to "pay the bills as listed." Councilmember Mathews seconded
36 the motion, which passed with Gallup, Glover, Mathews, Milbank, and Wright in favor. No one opposed.
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38 Motion #3

39 Councilmember Milbank moved to "file the Protest of Notice of Certification of Annexation
40 Petition Adopted by Providence City, Utah by Resolution 035-2021, as is." Councilmember Wright
41 seconded the motion, which passed with Gallup, Mathews, Milbank and Wright in favor. Glover opposed.
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43 Motion #4

44 Councilmember Glover moved to "allow Troop 538 to occupy the downstairs of the city building
45 on Fridays from 3:30-5:30 on the conditions that they make a \$100 deposit and clean up."

46 Councilmember Mathews seconded the motion, which passed with Gallup, Glover, Mathews, Milbank and
47 Wright in favor. No one opposed.

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Proceedings of the Meeting:

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51 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in the
52 River Heights City Building on Tuesday, February 15, 2022, for their regular council meeting.

53 Pledge of Allegiance and Opening Thought: Mayor Thompson opened the meeting by reading a
54 statement concerning prayer in public meetings. He announced he will schedule prayer or a thought at
55 each meeting on a rotating schedule. He asked PWD Nelson to lead in the Pledge of Allegiance. Mayor
56 Thompson then offered a prayer.

57 Adoption of Previous Minutes and Agenda: Minutes for the February 1, 2022, meeting were
58 reviewed.

59 Councilmember Milbank moved to “adopt the minutes of the council meeting of February 1,
60 2022, and the evening’s agenda.” Councilmember Gallup seconded the motion, which passed with
61 Gallup, Glover, Mathews, Milbank, and Wright in favor. No one opposed.

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

63 Public Works Director Nelson

64 • The new truck arrived. They will clean up the old truck and put it up for sale on Gov Deals. Mayor
65 Thompson suggested KSL. He and Mr. Nelson will discuss it later.

66 FD Grover

67 • He discussed the Financial Summary as of January 31. Cash has decreased by \$40,000 due to
68 timing of the fire contract.

69 Councilmember Milbank

70 • BioWest is ready to discuss the construction drawings of the first phase of the Stewart Hill Park.
71 He will meet with them on Friday at 10am.

72 • He is working on a RAPZ grant application.

73 Councilmember Matthews

74 • She reported attending a Land Use seminar, in which she learned its very important for cities to
75 have written out specifically what they want so developers will already know.

76 • Councilmember Milbank said there is a person who would like to offer their irrigation shares to
77 the city. The last shares were purchased for \$250/share. He explained there is a process for
78 converting surface water into ground water, which makes it beneficial for the city to have
79 additional shares. Mayor Thompson suggested the city purchase the offered shares. This will be
80 put on the next agenda.

81 Mayor Thompson

82 • He and Councilmember Glover met with CRS Engineers about a traffic study. One of the first
83 things is to get traffic counts. PWD Nelson suggested checking with the County since they had
84 done a number of traffic studies over the last couple years.

85 • He has been meeting with people to discuss the annexation petition that has been submitted in
86 Providence. He’s been working with Attorney Jenkins on a protest.

87 • He plans to meet with PWD Nelson, former council members and mayors to determine minimum
88 amounts needed in the water and sewer fund.

89 Councilmember Glover

90 • He said they are waiting for a bid on the remaining sidewalk repairs.

- He said the survey has been completed on 400 South so they can move ahead with property acquisitions. Engineer Rasmussen will provide some exhibits for different options and cost estimates so a decision can be made.
- He has been working with PWD Nelson and Kendrick Electric to get the Saddlerock streetlights working. They are hoping to accomplish this as soon as the snow melts.
- He has been working on possible utility ideas for the Riverdale area.
- On March 1 he will be gone for military leave and plans to join council meeting through Zoom.

Councilmember Gallup

- She reminded of the emergency preparedness fair that will be held on February 26 from 6-8pm. All residents will receive a flyer mailed to their home.
- Check social media for what the ambassadors are up to.

Councilmember Wright and Recorder Lind didn't have anything to report.

Mayor Thompson informed that the city had received a letter of acceptance for the Rocky Mountain Power Ordinance so it wouldn't be necessary to amend it at the evening's meeting.

Treasurer Wilker

- She presented the bills. Councilmember Glover requested a copy of the actual bills before the meeting so he could review the details. FD Grover said they could do that.

Councilmember Milbank moved to "pay the bills as listed." Councilmember Mathews seconded the motion, which passed with Gallup, Glover, Mathews, Milbank, and Wright in favor. No one opposed.

Public Comment: Commissioner Noel Cooley reported on the Land Use Seminar he attended. The biggest thing he heard was that words matter in an ordinance. They need to be clear. Cities are not required to follow their General Plan. They can do what they want as long as it's not illegal. Design standards don't need to follow an ordinance. He also discussed the Providence annexation. He was very concerned about the number of entrances onto 600 South. He suggested River Heights only allow one, aligned with a River Heights access across the street. He also discussed the proposed density, which he was very concerned about.

Ruthann Nelson suggested the Providence development could have an exit near the intersection of 1000 E 600 S with a 'right turn only,' which would push traffic toward Providence. She also suggested all accesses to the proposed development should be on 1000 East.

Andy Bentley agreed 100% on one entrance but felt we would probably have to agree to two. He is under contract with the Demars property. He would like to find out what will be required of him for access to the property. He plans on developing 5.5 units per acre or 29 units. He wanted to get a good idea on road costs before he went ahead with the land purchase. Mayor Thompson referred him to the city's subdivision ordinance.

Michael Bingham, of Jump the Moon, a non-profit art studio organization serving those in the community with disabilities and other community organizations, explained they are looking for some additional space in the community and would like to be in River Heights in a room in the Old School. They would be interested in three days a week and more as their organization grew.

Barbara Moon, of the Political Issues Committee in Providence, encouraged River Heights to hold firm on the number of accesses to 600 South and anything else they can do to preserve a higher quality of life with less compaction on the property proposed for annexation in Providence.

Bryson Bentley asked questions about the process for getting on city council. Mayor Thompson explained that the mayor and council members are elected. Mayor Thompson and Attorney Jenkins explained some of the criteria required to run for city council.

136 Suzanne Karren asked, if Providence had access onto River Heights roads, would they contribute
137 to River Heights' road funds? She was told they would not. She also supported only allowing one access.
138 Providence Annexation Request Response Discussion: Mayor Thompson hoped to have the
139 support of the council to file a protest on the Providence annexation. He shared the four main points
140 included in the formal protest: 1) Proposition #1, as voted on November 2, 2021, rejected the annexation.
141 2) The streets surrounding the proposed annexation area, 1000 East and 600 South, were not designed for
142 substantial increase traffic. 3) River Heights Elementary and Providence Elementary cannot accommodate
143 the student capacity the density will bring. 4) The current annexation petition creates an island of
144 unincorporated area.

145 Attorney Jenkins wasn't sure if the Providence Council was on board with the annexation or not.
146 River Heights' protest puts the concerns to their city council. If they move forward with the annexation,
147 protests can go to the boundary commission.

148 Councilmember Glover asked what the objective was with the protest. What density are those in
149 favor of the protest shooting for? He questioned whether the referendum said they (Providence citizens)
150 don't want the property annexed or if it was only about density. Commissioner Cooley pointed out the
151 proposal shows single family high density. Mr. Glover said this was completely different from the life-
152 cycle zone. Attorney Jenkins felt the whole of the development, was strikingly similar. Councilmember
153 Wright pointed out that paragraph 2 calls out R-1-10 and 12 zones. Glover said he disagreed with #1. He
154 felt the proposal was a different zone and the property was not in River Heights.

155 Councilmember Gallup said Providence residents felt the density was still too high.

156 Councilmember Milbank asked if it would be legal to restrict access onto 600 South. Attorney
157 Jenkins said the city may have that right since the road is in River Heights.

158 Mayor Thompson said the protest is giving River Heights a seat at the table. Attorney Jenkins said
159 the annexation will probably still move forward but the protest gets River Heights' opinion out there.

160 Councilmember Milbank asked if the unincorporated area could be brought in along with the
161 annexation. Attorney Jenkins said it would need to be brought in as some type of zone.

162 Mayor Thompson said he will do all he can to make sure River Heights can exercise all their rights
163 and protect their citizens.

164 Councilmember Glover addressed the traffic information. He asked how it was concluded that the
165 roads were not designed for this type of development? Attorney Jenkins argued that in its current
166 condition it's not even suitable for its present use. Mr. Glover wanted to keep the attorney out of the
167 data analysis. He is working on getting traffic counts for the city transportation plan and believes these
168 statements should be made by licensed engineers and not the city's attorney. Mayor Thompson
169 responded that he wouldn't tolerate calling into question the city's professionals, especially in an open
170 meeting.

171 Councilmember Glover asked if the developers were required to provide a school capacity analysis
172 or is this the responsibility of the school district. He felt it should be in the school district's hands to work
173 through growth possibilities. Mayor Thompson responded that the City's letter is meant to be political
174 with the purpose of bringing these issues to the Providence Council. Attorney Jenkins responded that the
175 school district is also a political subdivision and will address growth. However, if student occupancy at
176 River Heights and Providence Elementaries goes up it could cause some of our students to be transferred
177 to a school outside of our city. The school district will probably need to bond again, but that takes time.

178 Councilmember Glover agreed to filing the protest with an objective clearly stated. He fully
179 agreed with point #4. He did not agree with the way point #2 was written. Attorney Jenkins wasn't
180 against adjusting the letter. Mr. Glover would agree to #2 if it was stated that they would provide the
181 data that proves the cross section they are proposing would meet traffic demands. He said he tries to

183 stay away from too much government overreach and feels for the developer. He supported moving
184 forward with the protest with different verbiage.

185 Mayor Thompson thanked Attorney Jenkins for his help. He expressed concern that no reach,
186 over fear of overreach, would not be doing their duty to the public.

187 Noel Cooley pointed out that Providence has a new mayor and council. He felt the River Heights
188 protest letter was an attempt at getting the attention of the new members.

189 Mayor Thompson asked for a vote on the protest as it stood.

190 **Councilmember Milbank moved to “file the Protest of Notice of Certification of Annexation
191 Petition Adopted by Providence City, Utah by Resolution 035-2021, as is.” Councilmember Wright
192 seconded the motion, which passed with Gallup; Mathews, Milbank and Wright in favor. Glover
193 opposed.**

194 Andy Bentley stated that Providence City felt the same way as River Heights.

195 Amend Ordinance 1-2022 (An Ordinance Granting an Electric Utility Franchise and General Utility
196 Easement to Rocky Mountain Power) – Section 11: Mayor Thompson informed that Rocky Mountain
197 Power had sent a letter of acceptance for the ordinance previously adopted so this item didn’t need to be
198 discussed.

199 Discuss Allowing the Girl Scouts to Use the City Building for their Meetings: Mayor Thompson
200 informed that the city currently allows the boy scouts to use the building. Councilmember Milbank
201 discussed his concerns about cleaning and security. The boy scout’s leader is a city employee with a key
202 to let them in, which wouldn’t be the case with the girl scouts.

203 Mayor Thompson asked FD Grover if he had concerns since his and the treasurer had their offices
204 downstairs. FD Grover wasn’t concerned about safety since their offices lock. He did say they work
205 evenings sometimes, and the scouts would need to be okay with that. Suzanne Karren informed they
206 hold their meetings from 3:30 p.m. to 5:30 p.m. FD Grover suggested they be out by 5:00 to prevent staff
207 from coming back during off hours. PWD Nelson informed that the boy scouts paid a \$100 deposit.
208 Mayor Thompson proposed the same deposit and expressed the need for keeping the building clean.
209 Councilmember Gallup suggested having two adult leaders present. Ms. Karren agreed with the
210 conditions and said they also have their own insurance. Councilmember Glover suggested only allowing
211 their Troop (538) use of the building. FD Grover suggested only allowing use of the downstairs.
212 Councilmember Glover volunteered to lock up if they went past 5:00 p.m.

213 **Councilmember Glover moved to “allow Troop 538 to occupy the downstairs of the city building
214 on Fridays from 3:30-5:30 on the conditions that they make a \$100 deposit and clean up.”**

215 **Councilmember Mathews seconded the motion, which passed with Gallup, Glover, Mathews, Milbank
216 and Wright in favor. No one opposed.**

217 Discuss Capital Projects and Ranking of Projects that May be Completed by June 30, 2022: Mayor
218 Thompson said they would discuss capital projects but not ranking. He turned some time over to FD
219 Grover. Mr. Grover discussed his previous request that the council members review their budgets to
220 make necessary adjustments for the current year. He no longer felt this was necessary since they were so
221 far into the year.

222 Councilmember Gallup asked about the purchase requisition amount. Mayor Thompson
223 answered that any purchase over \$1,000 required a purchase order to be approved by the council. FD
224 Grover informed that Treasurer Wilker will present training on the process later.

225 Mayor Thompson pointed out some adjustments he made to the Weighted Capital Projects 2021-
226 22 list. Gray meant it wouldn’t be possible to get the project done by June 30. If those were eliminated
227 \$308,000 would be saved, which would preclude the need to pull from the sewer fund. Orange reflected
the projects they were currently working on.

228 FD Grover informed that the city would receive about \$70,000 more from tax revenue this year,
229 which would cover the short fall. He suggested to continue working on the projects already started but
230 not spend any more on additional projects. Mayor Thompson agreed and said he planned to do a water
231 and sewer fund analysis to determine the lowest amounts needed for reserve in those funds. This would
232 help them know how much is available to spend.

233 Councilmember Glover discussed the 400 East sidewalk. He felt the right of ways could be
234 purchased by June 30. Mayor Thompson informed of the political side to the project. Before moving
235 ahead all property owners need to be on board. FD Grover didn't think it would be realistic for the
236 sidewalk right of way to be purchased by June 30. They decided to leave the \$65,000 on the list and work
237 towards it. They would know by April if the project would require moving money from the sewer fund.

238 Mayor Thompson asked council members to meet with FD Grover to find out where they were on
239 their budgets. He asked that they each start creating a priority projects list for next fiscal year's budget to
240 discuss at the next meeting.

241 FD Grover gave an overview of the budget process. A public hearing needed to be held by May 1.
242 He planned to meet with each of them in April and then do an analysis with all the information. Cities are
243 required to have revenues equal expenses.

244 FD Grover asked if the lower well upgrades would require a road. Mayor Thompson said it would
245 only include a driveway.

246 Determine Necessary Mid-Year Budget Adjustments: Cancelled.

247 The meeting adjourned at 8:30 p.m.

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Jason Thompson, Mayor

Sheila Lind, Recorder

River Heights City
 Financial Summary - Updated
 January 31, 2022

		Cash Balance By Fund		Net Change	% of Total
		12/31/21	01/31/22		
General Fund		315,078.47	263,363.66	(51,714.81)	9.84%
Capital Projects Fund		447,298.13	441,725.39	(5,572.74)	16.50%
Water Fund		1,097,846.96	1,105,996.49	8,149.53	41.30%
Sewer Fund		858,531.56	866,575.24	8,043.68	32.36%
Total Cash Balance		2,718,755.12	2,677,660.78	(41,094.34)	100.00%

		YTD Actual	Annual Budget	Unexpended Budget	% Of Budget Incurred	% Of Time Incurred
Revenue						
		589,493.57	969,805.00	380,311.43	60.78%	58.90%
Expenditures						
	Administrative	96,207.99	192,550.00	96,342.01	49.97%	58.90%
	Office	14,210.91	26,040.00	11,829.09	54.57%	58.90%
	Community Affairs	12,355.19	25,550.00	13,194.81	48.36%	58.90%
	Planning & Zoning	541.86	3,205.00	2,663.14	16.91%	58.90%
	Public Safety	170,570.39	218,910.00	48,339.61	77.92%	58.90%
	Roads	79,284.16	146,500.00	67,215.84	54.12%	58.90%
	Parks & Recreation	35,533.13	73,850.00	38,316.87	48.12%	58.90%
	Sanitation	104,850.43	150,000.00	45,149.57	69.90%	58.90%
	School Building	7,762.24	33,200.00	25,437.76	23.38%	58.90%
	Transfer To CP Fund	100,000.00	100,000.00	-	100.00%	
	Total Expenditures	621,316.30	969,805.00	348,488.70	64.07%	58.90%
	Net Revenue Over Expenditures	(31,822.73)	-	31,822.73		
Capital Projects Fund:						
Revenue						
		664.92	3,000.00	2,335.08		58.90%
	Reimbursement Income	-	-	-		
	Transfer From General Fund	100,000.00	100,000.00	-		
Expenditures						
	Administrative	-	22,000.00	22,000.00		58.90%
	Parks & Recreation	13,866.05	150,000.00	136,133.95		58.90%
	Roads	65,319.69	272,400.00	207,080.31		58.90%
		-	-	-		58.90%
	Total Expenditures	79,185.74	444,400.00	365,214.26		58.90%
	Net Revenue Over Expenditures	21,479.18	(341,400.00)	(362,879.18)		
Water Fund						
	Revenue	337,559.71	457,003.00	119,443.29	73.86%	58.90%
	Expenditures	127,719.38	507,140.00	379,420.62	25.18%	58.90%
	Net Revenue Over Expenditures	209,840.33	(50,137.00)	(259,977.33)		
Sewer Fund						
	Revenue	224,652.90	402,703.00	178,050.10	55.79%	58.90%
	Expenditures	139,566.57	438,890.00	299,323.43	31.80%	58.90%
	Net Revenue Over Expenditures	85,086.33	(36,187.00)	(121,273.33)		
Combined - All Funds						
	Net Revenue Over Expenditures - Combined	284,583.11	(427,724.00)	(712,307.11)		

River Heights City Bills To Be Paid

February 8, 2022

	Payee	Description	Admin.	P&Z	Parks/Réc	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	AllTech	Monthly Billing Tech.	\$126.85						\$126.85	\$126.84	\$380.54
2	Bear River Health Department	Monthly Water Coliform Testing							\$40.00		\$40.00
3	Cache Valley Publishing	Public Hearing Ad	\$27.45								\$27.45
4	Caselle, Inc.	Monthly Billing	\$91.69						\$91.66	\$91.65	\$275.00
5	Daines & Jenkins	Attorney for Nielsen Variance	\$62.50								\$62.50
6	IPACO	Bulletin Board for Emergency Preparedness					\$91.40				\$91.40
7	Jason Thompson	Mac Desktop, PhoneCase, Bluetooth Etc.	\$1,904.44								\$1,904.44
8	Secure Instant Payments	Monthly Billing for Online Utility Billing	\$16.74						\$16.73	\$16.73	\$50.20
9	Sharlie Gallup	Ambassador Meeting/Service Project					\$118.81				\$118.81
10	South Fork Hardware	Bulletin Board for Emergency Preparedness					\$13.14				\$13.14
11	Thomas Petroluem	Fuel for City Vehicles			\$57.45			\$57.46	\$57.46	\$57.46	\$229.83
12	Verzon Wireless	Monthly Billing & part of New Mayor Ph	\$125.58						\$125.58	\$125.62	\$376.78
13	Young Chevrolet	2021 Chevrolet Silverado								\$36,038.00	\$36,038.00
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Page 1: SubTotals

\$2.3

\$57.45

\$223.35

\$57.46

\$458.28

56.30

\$39,608.09

Page 1 Total Amount to be Paid \$39,608.09

Invoice Number	Sequence	Description	Type	Invoice/Check Date	Due Date	Invoice Amount	Discount Amount	Net Invoice CheckAmount	GL Account Number
104143									
85 Daines and Jenkins, LLP									
8222	1	Legal Fees 10-41-43	Invoice	02/02/2022	03/02/2022	62.50	.00	62.50	104143
Total 104143:						62.50	.00	62.50	
104180									
623 Secure Instant Payments, LLC									
INV-12214	1	split distribution	Invoice	01/31/2022	02/28/2022	16.74	.00	16.74	104180
Total 104180:						16.74	.00	16.74	
104410									
1045 Thompson, Jason									
012522	1	Personal request for Mac Comput	Invoice	01/25/2022	02/25/2022	1,904.44	.00	1,904.44	104410
Total 104410:						1,904.44	.00	1,904.44	
104435									
66 Caselle									
114873	1	Monthly Support Charges	Invoice	02/01/2022	03/01/2022	91.69	.00	91.69	104435
Total 104435:						91.69	.00	91.69	
104452									
135 Cache Valley Publishing									
194280	1	Public Hearing Ad 10-44-52	Invoice	01/25/2022	02/25/2022	27.45	.00	27.45	104452
Total 104452:						27.45	.00	27.45	
104478									
863 Verizon Wireless									
012322	1	Split	Invoice	01/23/2022	02/23/2022	125.58	.00	125.58	104478
995 Ask AllTech LLC									
AT-23378	1	Split	Invoice	02/03/2022	03/03/2022	126.85	.00	126.85	104478
Total 104478:						252.43	.00	252.43	
104870									
446 Gallup, Sharlie									
020522	1	Ambassadors/Royalty 10-48-70	Invoice	02/05/2022	03/05/2022	118.81	.00	118.81	104870
Total 104870:						118.81	.00	118.81	
105425									
146 IPACO									
PS438472	1	Emergency Preparedness 10-54-2	Invoice	01/31/2022	02/28/2022	91.40	.00	91.40	105425
484 South Fork Hardware-Logan #9									
374927	1	Emergency Preparedness 10-54-2	Invoice	02/01/2022	03/01/2022	13.14	.00	13.14	105425
Total 105425:						104.54	.00	104.54	
106050									
133 Thomas Petroleum, LLC									
M013447-IN	1	Roads Gas, Oil, Vehicle Repair	Invoice	01/24/2022	02/24/2022	42.24	.00	42.24	106050
M013448-IN	1	Roads Gas, Oil, Vehicle Repair	Invoice	01/24/2022	02/24/2022	15.22	.00	15.22	106050

River Heights City Bills To Be Paid

February 15, 2022

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	AllTech	Monthly Billing Tech	\$96.32						\$96.32	\$95.32	\$287.96
2	Bear River Health Department	Monthly Water Coliform Testing							\$40.00		\$40.00
3	Bio West	Stewart Hill Park Professional Fees			\$2,374.29						\$2,374.29
4	Cache County Corporation	Semi- Annual Billing 50% Animal & Law				\$10,348.50					\$10,348.50
5	Daines & Jenkins	Legal Fees	\$832.00								\$832.00
6	Freedom Mailing	Monthly Billing for Bill Processing	\$163.79						\$54.59	\$54.59	\$272.97
7	Logan City	Water Consumption							\$149.35		\$149.35
8	NAPA Auto Parts	Ice Melt and Supplies						\$64.95	\$36.47	\$36.46	\$137.88
9	Rocky Mountain Power	Electricity	\$292.69		\$55.24	\$24.14		\$1,182.60	\$2,747.87	\$23.18	\$4,325.72
10	West Motor Company	Vehicle Maintenance						\$38.15	\$19.07	\$19.07	\$76.29
11	Xerox	Monthly Copier Billing	\$266.21								\$266.21
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Page 1 SubTotals

\$1,651.01

\$2,429.53

\$10,372.64

\$1,285.70

\$3,143.67

\$228.62

\$19,111.17

Page 1 Total Amount Paid \$19,111.17

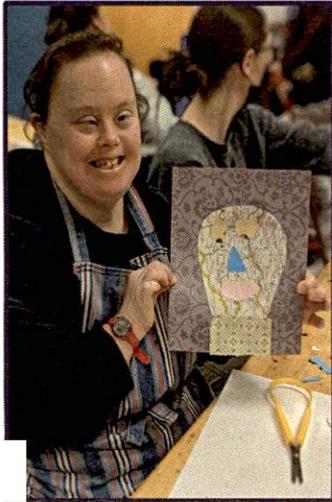


Non-Profit 501c3 Established 2017

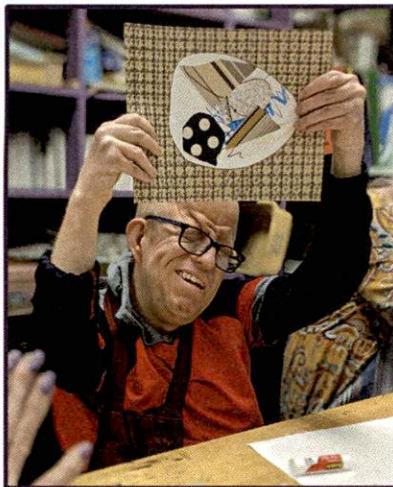
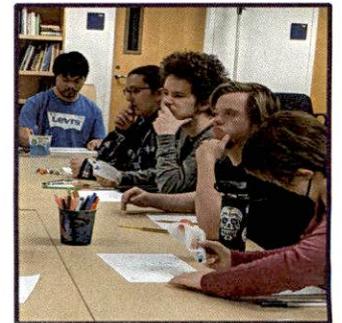
Serving individuals with disabilities
and community organizations



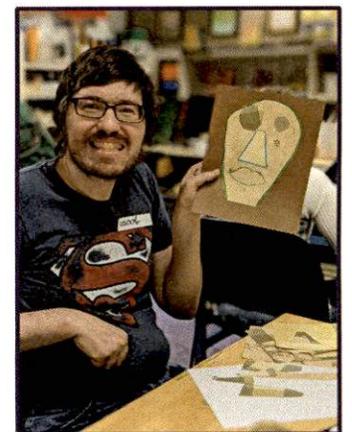
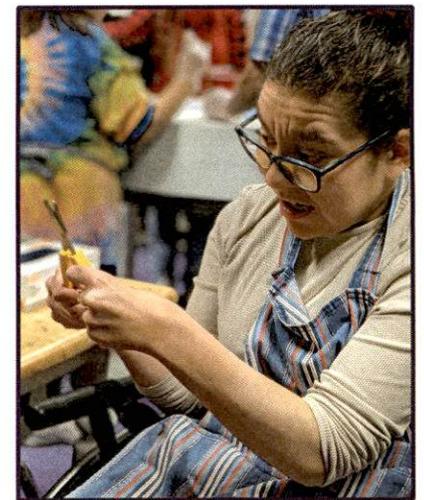
Old location on Main



*Common Ground
Cache Employment Training Center
Cache School District Special Ed
Options for Independence
Assisted Living Centers
Vocational Rehab
Chrysalis, Stride
and more
plus many volunteer
and service opportunities*



Contact: Michael J. Bingham
435 750-5066
michael@jumptomoon.org



**PROTEST OF NOTICE OF CERTIFICATION OF ANNEXATION PETITION ADOPTED
BY PROVIDENCE CITY, UTAH BY RESOLUTION 035-2021**

February 15, 2022

This firm represents the interests of River Heights City. As an affected entity adjacent to the proposed area of annexation, protest is filed in accordance with Utah Code Ann. § 10-2-407(1)(a). Therefore, River Heights City protests the annexation adopted by Providence City, Utah by Resolution 035-2021. The reasons and justification for the protest are as follows:

1. Proposition #1, as Voted on November 2, 2021, Rejected the Annexation.

On March 12, 2019, Providence City Council unanimously passed Ordinance 2019-004—“Annexation of and Zone Assignment for Parcels No. 02-004-0001 & 02-004-0002”. This area is on the north side of the Vineyard development and was formerly known as the Chugg property. It is approximately 22.13 acres. The ordinance granted an annexation petition of the two parcels into Providence City from Cache County, modified the city boundaries and assigned a Life Cycle Residential (LCR) land use zone to the two parcels. In the November 2021 election, Proposition #1 asked, “Shall the Providence City voters approve Ordinance No. 2019-004?”

Eighty one percent (81%) of Providence City voters voted against Proposition #1; rejecting the proposed annexation. However, it appears that Providence City Council by approving the annexation would allow the annexation despite strong public opposition to the annexation. In any event, the political imprudence of Providence City Council is not at issue. However, allowing the annexation after it was affirmatively rejected by the citizens is unconstitutional.

Utah Constitution Article VI, §1(2)(b) gives citizens the right to challenge any law or ordinance “passed by the law-making body of the . . . city. . . to be submitted to the voters.” The Supreme Court of Utah has recognized this as “the constitutional power of the people to initiate legislation.” *Carter v. Lehi City*, 2012 UT 2, ¶ 3. “That power is a fundamental guardian of liberty and an ultimate protection against tyranny.” *Id.* The guardian the court refers to vests “Legislative power” in “the people of the State of Utah” and provides for its exercise through ballot initiatives and referenda.” *Id.* at ¶ 17 (citing *Citizen’s Awareness Now v. Marakis*, 873 P.2d 1117, 112 (Utah 1994)). This mechanism is intended to carry the same weight as other legislative bodies and grants the people, through referendum, the right to keep elected legislatures in check. *Id.* at ¶ 27. Ignoring a referendum runs afoul of this constitutional protection and power. By adopting a resolution that substantially overrules the referendum by the citizens, Providence City impermissibly discounts the citizens’ constitutional power to legislate.

2. The Streets Surrounding the Proposed Annexation Area, 1000 East and 600 South, Were Not Designed for Substantial Increase Traffic.

The annexation proposal submits that on the land there will be forty-three (43) active adult lots, forty-seven (47) single family lots, and twenty-nine (29) 4-plex townhomes on the proposed annexation area. Therefore, a total of two hundred and six (206) residential units are proposed to be placed in the

annexation area. With a conservative increase of one and one half 1.5 drivers per unit, that increases traffic in the area by three hundred and nine (309) drivers.

Increasing the traffic in this area would result in major traffic disruptions. Not only does this increase the wear-and-tear on the road themselves, but it also causes safety concerns in the surrounding neighborhoods whenever there is an increase in traffic to residential streets. While obvious traffic would dramatically increase, Alliance Consulting Engineers, Inc's Subdivision Feasibility Summary only briefly mentions that "each of these roads have a 66 foot right of way and sufficient capacity for the proposed development." The Summary fails to adequately address the impact of increased traffic and additional wear-and-tear on the roads.

River Heights City opposes the proposed smaller lot single family homes proposed for the 600 South 1000 East annexation area and respectfully requests the area be developed with similar zoning parameters as the developed areas north of 600 South which are zoned R-1-10 and R-1-12 in River Heights, with minimum lot sizes of 10,000 and 12,000 square feet, respectively. This zoning is reasonable and effective for the mid-bench area of this location. A map showing the surrounding River Heights City Zoning is provided herewith.

3. River Heights Elementary and Providence Elementary Cannot Accommodate the Student Capacity the Density Will Bring.

Similarly, adding two hundred and six (206) residential units to the area will create significant increases in the student population of the serving elementary schools. Currently, Providence Elementary and River Heights Elementary service the proposed area of annexation. Significantly increasing the number of students in a school limits the school's ability to provide space and resources necessary for quality education. The petition for annexation is completely devoid of any analysis as to the impact on local schooling.

Currently, River Heights Elementary School has 35 more students this year than last year as of October 1, 2021. This puts the school at 111.4% capacity. The school has six portable classrooms on campus allowing it to function at the current overcapacity level. Similarly, Providence Elementary School is up 14 students this year over last year as of October 1, 2021. This puts the school functioning at 106.8% with no portable classrooms to accommodate the overcapacity level.

The schooling impact should be a top priority for Providence City and the annexation and development of the proposed area should not proceed in its current proposal.

4. The Current Annexation Petition Creates an Island of Unincorporated Area.

Utah Code Ann. § 10-2-403(5)(b) requires, "when practicable and feasible", any proposed annexation be drawn in a way "to eliminate island and peninsulas of territory." The current Petition for annexation creates an island of unincorporated area. See the attached map of the area surrounding the proposed annex area for reference. The current petition only proposes to annex two parcels (02-004-0001 & 02-004-0002), outline in red in the diagram. The area outlined in pink is current unincorporated land that is not part of the unincorporated island. The area outlined in orange is River

Height City, and the area outline in green in Providence City. The area outlined in blue (parcel nos. 02-029-0051, 02-029-0052, and 02-029-0053) is the unincorporated island and, as shown by the diagram, would be surrounded by incorporated areas. Therefore, accepting the current petition would create a prohibited island of unincorporated land.

Avoiding the island of unincorporated land would not be impracticable nor infeasible. It is unclear why the petitioner has not included this island of unincorporated land. However, approving the current annexation petition is improper and should be denied.

CONCLUSION

Allowing the annexation despite citizen rejection of the same is an affront to proper government in Utah. Further, the local infrastructure, including roads, bridges, and schools, cannot accommodate the proposed density of the annexation area. Granting the petition would also create an improper island of unincorporated land. Elected officials should take steps to protect the community and allowing the annexation is contrary to this objective.

DAINES & JENKINS, LLP

/s/ Jonathan E. Jenkins



River Height City

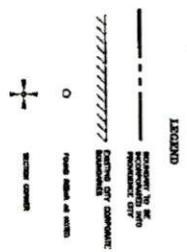
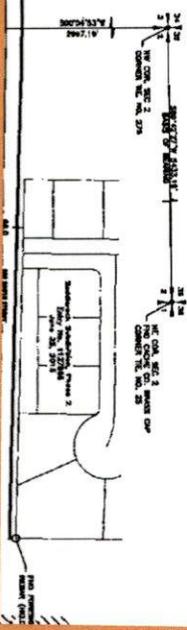
Unincorporated Island

Providence City

Proposed Annexation Area

Unincorporated

RIDGEVIEW ANNEXATION
TO THE
PROVIDENCE CITY
PART OF THE SOUTHWEST QUARTER OF SECTION 2
AND SOUTHEAST QUARTER OF SECTION 3
T12N R12E S20E
SMT LAKE BASIN AND MERIDIAN
CACHE COUNTY, UTAH



SUPERVISOR'S NOTES/NARRATIVE

- The purpose of this annexation is to include the boundary of Providence City, CD-001-0001 and CD-001-0002.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0003 and CD-001-0004.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0005 and CD-001-0006.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0007 and CD-001-0008.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0009 and CD-001-0010.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0011 and CD-001-0012.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0013 and CD-001-0014.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0015 and CD-001-0016.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0017 and CD-001-0018.
- The purpose of this annexation is to include the boundary of Providence City, CD-001-0019 and CD-001-0020.



ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT THE BOARD OF SUPERVISORS OF CACHE COUNTY, UTAH, HAS REVIEWED AND APPROVED THE ANNEXATION OF THE PROPOSED ANNEXATION AREA TO PROVIDENCE CITY, UTAH, AS SHOWN ON THE ATTACHED MAP.

DEPUTY COUNTY SUPERVISOR APPROVAL

I, _____, Deputy County Supervisor, do hereby certify that the above described area is within the boundaries of Providence City, Utah, and that the same is being annexed to Providence City, Utah.

SUPERVISOR'S CERTIFICATE

I, _____, Supervisor of Cache County, Utah, do hereby certify that the above described area is within the boundaries of Providence City, Utah, and that the same is being annexed to Providence City, Utah.

BOUNDARY CERTIFICATE

Part of the Southwest Quarter of Section 2, and the Southeast Quarter of Section 3, T12N R12E S20E, SMT Lake Basin and Meridian, Cache County, Utah, is being annexed to Providence City, Utah, as shown on the attached map.

The boundary of the above described area is as follows: On the north, the boundary is the south line of the 1/4 section corner of the Southwest Quarter of Section 2, T12N R12E S20E, SMT Lake Basin and Meridian, Cache County, Utah; on the east, the boundary is the east line of the 1/4 section corner of the Southeast Quarter of Section 3, T12N R12E S20E, SMT Lake Basin and Meridian, Cache County, Utah; on the south, the boundary is the south line of the 1/4 section corner of the Southwest Quarter of Section 2, T12N R12E S20E, SMT Lake Basin and Meridian, Cache County, Utah; and on the west, the boundary is the west line of the 1/4 section corner of the Southwest Quarter of Section 2, T12N R12E S20E, SMT Lake Basin and Meridian, Cache County, Utah.

RIDGEVIEW ANNEXATION

TO THE

PROVIDENCE CITY

PART OF THE SOUTHWEST QUARTER OF SECTION 2
AND SOUTHEAST QUARTER OF SECTION 3
T12N R12E S20E
SMT LAKE BASIN AND MERIDIAN
CACHE COUNTY, UTAH

ALLIANCE CONSULTING ENGINEERS

150 EAST 200 NORTH, SUITE #
LEHI, UTAH 84041
(435) 755-4371

DATE: 02-20-2018

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	?	05/30/22	Not spent	
	Sewer		<u>10,000.00</u>	?	05/30/22		
		Total FY 2020-21	<u>60,000.00</u>				
FY 2021-22							
	Administrative	Old School Stair Repair and Ramp	12,000.00	08/01/21	03/30/22		12,000
	Administrative	Master Plan City Square	3,000 10,000.00	07/01/21	12/30/21		7,000
	Parks	Stewart Hill Park	200,000.00	04/01/21	07/22/22		
	Roads	Sidewalk and Park Strip 400 South (600 East to	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		5,000 Planning
	Roads	Sidwalk and Park Strip 400 South (500 East to	45,000.00	?	?		
	Roads	Road Seal	52,000 40,000.00	08/01/21	Complete		-12,000
	Roads	Sidewalk Identified by Paint	300 1,200.00	07/01/21	Complete		900
	Roads	Sidewalk Identified by Paint	300 1,200.00	07/01/21	Complete		900
	Sewer	New Shop	40,000 120,000.00	02/01/22	04/15/22		80,000 *
	Sewer	New Truck	35,000.00	07/01/21	Complete		
	Water	Upgrade Lower Well	200,000.00	06/01/21	05/30/22		
	Water	Upgrade Water Line Lower Well to River	90,000.00	08/15/21	05/30/22		
	Water	Lower Well Property Aquisition	<u>15,000.00</u>	06/01/21	12/31/21		
			<u>954,400.00</u>				

Amount Remaining

** A portion is sewer impact fees.*

Huntly	Milbank	Gallup	Clausen	Wright	Ranking	Project	Sponsor	Cost	Start Date	Completion Date
28	9	8	27	9	16.2	Raze Old Church		250,000		
1	2	1	26	1	6.2	Stewart Hill Park	Chris Milbank, Blake Wright	200,000	Apr-21	Jul-22
23	1	10	1	10	9	New Shop	Doug Clausen	120,000	1 Jun 21	1 Oct 21
2	5	4	2	4	3.4	Upgrade Lower Well	Doug Clausen	100,000	1 June 21	15 Aug 21
20	0	7	7	0	6.8	500 East Road Surface		100,000	Removed to focus on 400 South Sidewalk	
3	6	5	3	0	3.4	Upgrade Water Line Lower Well to River Heights Blvd	Doug Clausen	90,000	15 Aug 21	15 Oct 21
27	14	18	15	13	17.4	Sidewalk and Park Strip 400 South (600 East to 500 East)		70,000	Moved up in ranking by the council	
26	13	17	16	12	16.8	400 South Sidewalk Right of Way Acquisition		65,000	Moved up in ranking by the council	
8	7	13	18	2	9.6	Sidewalk Repairs City-wide	Todd Rasmussen	50,000	1 July 21	30 Jun 22
25	0	19	17	14	15	(500 East to 400 East)		45,000	Moved up in ranking by the council	
9	8	6	6	0	5.8	500 East Water Line Upgrade	Doug Clausen	40,000	Removed to focus on 400 South Sidewalk	
4	0	14	4	7	5.8	Road Seal	Nancy Huntly	40,000	1 Aug 21	15 Oct 21
12	0	9	8	8	7.4	New Truck	Doug Clausen	35,000	1 July 21	15 Nov 21
21	15	25	25	0	17.2	800 East		30,000		
10	0	42	9	0	12.2	Improvement		30,000		
24	0	20	19	0	12.6	500 South)		25,000		
19	0	26	20	0	13	Blvd to 400 South)		20,000		
14	0	24	21	0	11.8	River Heights Blvd)		20,000		
11	0	23	22	0	11.2	Summerwild)		18,000		
13	0	21	23	0	11.4	700 South West side)		16,000		
22	3	3	12	6	9.2	Lower Well Property Aquisition	Todd Rasmussen	15,000	1 June 21	1 Aug 21
7	11	2	11	5	7.2	Old School Stair Repair and Ramp	Todd Rasmussen	12,000	1 Aug 21	1 sept 21
18	0	22	24	0	12.8	sidewalk on East side of 500 East)		12,000		
16	4	15	10	3	9.6	Master Plan City Square	Blake Wright, Todd Rasmussen	10,000	15 Oct 21	15 Dec 21
5	12	11	13	15	11.2	Pedestrian Crossing Paint		5,000		
6	0	27	14	0	9.4	Sidewalk Identified by Paint	Todd Rasmussen	1,200	1 July 21	30 Aug 21
7	0	28	14	0	9.8	Sidewalk Identified by Paint	Todd Rasmussen	1,200	1 July 21	30 Aug 21

Tota of All Projects **1,420,400**
Top Ranked Projects **854,400**

Huntly	Milbank	Gallup	Clausen	Wright	Ranking:	Project:	Sponsor:	Cost:	Actual Cost:	Amount Spent YTD:	Potential Amount Remaining for Reallocation:	Start Date:	Completion or Anticipated Date:
28	9	8	27	9	16.2	Raze Old Church		\$250,000.00		\$0.00	\$0.00		
n/a	n/a	n/a	n/a	n/a	n/a	Asbestos Mitigation- Old Church	Jason Thompson/Blake Wright	\$100,000.00		\$0.00			
1	2	1	26	1	6.2	Stewart Hill Park	Chris Milbank, Blake Wright	\$200,000.00	\$200,000.00	\$0.00	\$0.00	4/1/2021	7/22/2022
23	1	10	1	10	9	New Shop	Doug Clausen	\$120,000.00	\$120,000.00	\$0.00	\$120,000.00	N/A	N/A
2	5	4	2	4	3.4	Upgrade Lower Well	Doug Clausen	\$100,000.00	\$100,000.00	\$0.00	\$0.00	6/1/2021	8/15/2021
20	0	7	7	0	6.8	500 East Road Surface		\$100,000.00	\$0.00	\$0.00	\$0.00	Removed to focus on 400 South Sidewalk	N/A
3	6	5	3	0	3.4	Upgrade Water Line Lower Well to River Heights Blvd	Doug Clausen	\$90,000.00	\$90,000.00	\$0.00	\$0.00	8/15/2021	10/15/2021
27	14	18	15	13	17.4	Sidewalk and Park Strip 400 South (600 East to 500 East)		\$70,000.00	\$70,000.00	\$0.00	\$70,000.00	Moved up in ranking by the council	N/A
26	13	17	16	12	16.8	400 South Sidewalk Right of Way Acquisition		\$65,000.00	\$65,000.00	\$0.00	\$65,000.00	Moved up in ranking by the council	N/A
8	7	13	18	2	9.6	Sidewalk Repairs City-wide	Todd Rasmussen	\$50,000.00	\$50,000.00	\$0.00	\$0.00	7/1/2021	6/30/2022
25	0	19	17	14	15	Sidewalk and Park Strip 400 South		\$45,000.00	\$45,000.00	\$0.00	\$45,000.00	Moved up in ranking by the council	N/A
9	8	6	6	0	5.8	500 East Water Line Upgrade	Doug Clausen	\$40,000.00	\$0.00	\$0.00	\$0.00	Removed to focus on 400 South Sidewalk	N/A
4	0	14	4	7	5.8	Road Seal	Nancy Huntly	\$40,000.00	\$52,000.00	\$52,000.00	-\$12,000.00	8/1/2021	10/15/2021
12	0	9	8	8	7.4	New Truck	Doug Clausen	\$35,000.00	\$35,000.00	\$35,000.00	\$0.00	7/1/2021	11/15/2021
21	15	25	25	0	17.2	Sidewalk River Heights Blvd to		\$30,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
10	0	42	9	0	12.2	400 East Handrail and Sidewalk	Jason Thompson	\$30,000.00		\$0.00			
24	0	20	19	0	12.6	Sidewalk 400 East (400 South to		\$25,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
19	0	26	20	0	13	Sidewalk 500 East (River Heights		\$20,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
14	0	24	21	0	11.8	Sidewalk 400 East (400 South to		\$20,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
11	0	23	22	0	11.2	Sidewalk 600 South (400 East to		\$18,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
13	0	21	23	0	11.4	Sidewalk 500 East (630 South to		\$16,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
22	3	3	12	6	9.2	Lower Well Property Aquisition	Todd Rasmussen	\$15,000.00	\$15,000.00	\$15,000.00	\$0.00	6/1/2021	8/1/2021
7	11	2	11	5	7.2	Old School Stair Repair and Ramp	Todd Rasmussen	\$12,000.00	\$12,000.00	\$0.00	\$12,000.00	8/1/2021	9/1/2021
18	0	22	24	0	12.8	Sidewalk 500 East (Complete		\$12,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
16	4	15	10	3	9.6	Master Plan City Square	Blake Wright, Todd Rasmussen	\$10,000.00	\$10,000.00	\$3,000.00	\$7,000.00	10/15/2021	12/15/2021
5	12	11	13	15	11.2	Pedestrian Crossing Paint		\$5,000.00	\$0.00	\$0.00	\$0.00	N/A	N/A
6	0	27	14	0	9.4	Sidewalk Identified by Paint	Todd Rasmussen	\$1,200.00	\$300.00	\$300.00	\$900.00	7/1/2021	8/30/2021
7	0	28	14	0	9.8	Sidewalk Identified by Paint	Todd Rasmussen	\$1,200.00	\$300.00	\$300.00	\$900.00	7/1/2021	8/30/2021

Total of All Projects:	\$1,520,400.00	TOTAL:	\$308,800.00
Top Ranked Projects:	\$854,400.00		
Total of On Track Projects:	\$552,600.00		
Potentially Available for Reallocation:	\$308,800.00		