

River Heights City

**** REVISED ****

COUNCIL MEETING AGENDA Tuesday, March 1, 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 (Prayer by Rajan Zed)

Adoption of Previous Minutes and Agenda

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

Public Comment

Update on Trash Service Contract with Logan City

Discuss and Vote on the Purchase of Additional Irrigation Shares

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

Discuss and Vote on a Requisition to Obtain Traffic Counts for the Traffic Study Prior to Finalization of the River Heights Transportation Master Plan

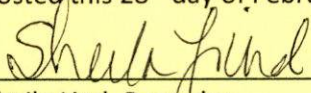
Discuss Capital Projects for 2022-2023

Adjourn

To join the Zoom meeting:

<https://us02web.zoom.us/j/86352106956?pwd=RkpFN2RtdzkvTXdidjB1TEFXUxwZz09>

Posted this 28th 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

March 1, 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
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19 Others Present: Michael Ballam, Noel Cooley, Janice Skousen, Heather
20 Lehnig
21 Electronically Present Rajan Zed, Cindy Schaub, Boyd Humpherys

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24 The following motions were made during the meeting:
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26 Motion #1

27 Councilmember Milbank moved to “adopt the minutes of the council meeting of February 15,
28 2022, and the evening’s agenda.” Councilmember Gallup seconded the motion, which passed with
29 Gallup, Glover, Mathews, Milbank, and Wright in favor. No one opposed.
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31 Motion #2

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

36 Councilmember Mathews moved to “purchase the two available irrigation shares at \$200/each.”
37 Councilmember Gallup seconded the motion which carried with Gallup, Glover, Mathews, Milbank and
38 Wright in favor. No one opposed.
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40 Motion #4

41 Councilmember Wright moved to “adopt Ordinance 2-2022, An Ordinance Granting an Electric
42 Utility Franchise and General Utility Easement to Rocky Mountain Power (amendment to previous
43 Ordinance 1-2022).” Councilmember Milbank seconded the motion, which carried with Gallup, Glover,
44 Mathews, Milbank, and Wright in favor. No one opposed.
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Proceedings of the Meeting:

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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, March 1, 2022, for their regular council meeting.

Pledge of Allegiance: Councilmember Mathews led in the Pledge.

Opening Remarks: Rajan Zed offered a prayer.

Adoption of Previous Minutes and Agenda: Minutes for the February 15, 2022, meeting were reviewed.

Councilmember Milbank moved to “adopt the minutes of the council meeting of February 15, 2022, and the evening’s agenda.” Councilmember Gallup seconded the motion, which passed with Gallup, Glover, Mathews, Milbank, and Wright in favor. No one opposed.

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

Mayor Thompson

- Logan City no longer wants to be in contract with other cities for garbage collection. They are giving cities two years notice.
- The council will be trained soon on the process for requisitions. They will require appropriate information before they come to the council for approval.

Councilmember Wright didn’t have anything to report.

Councilmember Gallup

- The Emergency Management Committee held their emergency fair last weekend. They handed out information and held a first aid class. There were some residents who signed up for CERT training.

Councilmember Glover

- The survey for a sidewalk on 400 South has been completed. If the council decides to go with a new sidewalk attached to the back of the existing curb and gutter, then the city won’t need to purchase additional right of ways.

Councilmember Mathews

- They are working on getting the lower well property figured out.

Councilmember Milbank

- He met with Engineer Rasmussen and Biowest to discuss the Stewart Hill Park design. They hope to have construction drawings ready to go to bid this week.
- He has completed a RAPZ application, in which he asked for \$220,000 for the Stewart Hill Park. He’ll have it turned in before the deadline of March 4. He asked the council how they felt about including power at the benches so people can plug in their devices. It would cost \$500-1000 per bench. They didn’t feel power was necessary.

Public Works Director Nelson

- He asked if they wanted to provide additional garbage dumpsters through April, as they have done in the past. The city has provided a large trash dumpster and a greenwaste one north of the cemetery and a trash one by the city shop. He asked if there was going to be construction at the Stewart Hill Park area that would conflict with the dumpsters. Mayor Thompson suggested renting some ground for the dumpsters during the construction phases. He will discuss it on the next agenda.
- He explained there is money in the budget for sewer line maintenance. There is a newer technology called sewer rat, which he suggested trying. They use sound waves and harmonics to check flows. It would save a lot of water since they don’t flush the line unless its needed. He said the price is figured by the number of manholes and some inspecting. He has watched the process in other cities, and it seems to work well. Mayor Thompson supported the idea and felt he should

go ahead and get it scheduled since it was in the budget. Discussion was held on what had been done in the past.

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96 Recorder Lind

- 97 • She informed that newsletters submissions were due by the 15th.

98 Treasurer Wilker

- 99 • She presented and answered questions regarding the list of bills to be paid. She explained that she added one more bill to the list after posting the original list. She also pointed out that she's added the invoice detail to the drive, as requested. Councilmember Milbank informed that the picnic tables will be paid for by the annual RAPZ money.

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

106 Public Comment: Michael Ballam, of the Utah Festival Opera, said they respect the city's desire to
107 have them move their stuff out of the Old Church. He expressed appreciation for the use of the building
108 for many years. He explained they have a challenge with the timing of moving out. They use the Old
109 Church space to paint their scenery and they need it for this season, which ends August 10. He explained
110 other important items being stored in the building which they would have to move twice if they were
111 required to vacate in June. They hoped for flexibility. If not, they would have serious challenges.

112 Janice Skousen thanked the city for considering a park on Stewart Hill. She felt it would be wise to
113 be more transparent with what they're doing. She asked for maintenance on the asphalt sidewalk above
114 Hillside Park. It's been covered in snow and there are school kids and adults who are forced to walk in the
115 street. PWD Nelson thought this area was contracted with the snow removal company. He will check into
116 it.

117 Update on Trash Service Contract with Logan City: Mayor Thompson said several cities have
118 received a message from Mayor Daines, stating that Logan City no longer desires to renew their garbage
119 contracts. They want to focus on Logan residents only. The mayor said, from a legal standing it doesn't
120 look favorable for anyone except Logan City. He read a couple sections of the original contract from 1979,
121 which said there must be a one-year cancellation notice for either party. Logan City felt generous by
122 giving a 24-month notice.

123 There is nowhere in the contract that gives the other cities ownership in their assets or the
124 landfill. There are options for the county to take over or to hire private contractors. He will seek the
125 council's opinion as he brings more information to them. He hoped they would be very cautious with
126 their long-term contracts in the future.

127 Discuss and Vote on the Purchase of Additional Irrigation Shares: Mayor Thompson said Mark
128 Anderson has offered one or two shares to the city, not for money, but he'd like the city to have them.
129 Councilmember Milbank said there are some citizens who can no longer use their shares or don't want
130 them anymore. He asked if the council wanted to continue to buy available shares. It is possible for the
131 shares to be transferred to culinary rights. There's a rule that once the city acquires the shares, they can't
132 sell them. Currently the city has about 40 shares and pays about \$65/year per share. PWD Nelson
133 pointed out that the city could lease the shares if they wanted to. FD Grover said the city needs to show
134 beneficial use otherwise the state could take them. He felt leasing them would be a good idea. Mr.
135 Milbank informed that the state doesn't go looking for those not using their shares unless another entity
136 needs additional water. Councilmember Mathews had spoken with Nathan Daulton, of the Cache County
Water District, who said the state is starting to crack down on making sure cities are using their water.

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138 Councilmember Gallup asked if it would be possible to use the irrigation water on the parks. PWD
139 Nelson said they already use it on the Heber Olson Park. It wouldn't be possible to water Stewart Hill
140 Park. Discussion was held on the process of converting the shares to culinary.

141 Councilmember Mathews moved to “purchase the two available irrigation shares at
142 \$200/each.” Councilmember Gallup seconded the motion which carried with Gallup, Glover, Mathews,
143 Milbank and Wright in favor. No one opposed.

144 Amend Ordinance 1-2022 (An Ordinance Granting an Electric Utility Franchise and General Utility
145 Easement to Rocky Mountain Power) – Section 11: Mayor Thompson explained the ordinance was
146 adopted by the council a couple meetings ago. After the meeting, a representative of Rocky Mountain
147 Power brought up a copy to be signed, that had a difference in it. He read from section 11, the part
148 stating that RMP would give notice and consult landowners, in the event the trees on their property
149 needed to be trimmed.

150 Councilmember Wright moved to “adopt Ordinance 2-2022, An Ordinance Granting an Electric
151 Utility Franchise and General Utility Easement to Rocky Mountain Power (amendment to previous
152 Ordinance 1-2022).” Councilmember Milbank seconded the motion, which carried with Gallup, Glover,
153 Mathews, Milbank, and Wright in favor. No one opposed.

154 Councilmember Milbank asked if there was an avenue for an emergency, in which the property
155 owner couldn’t be reached. PWD Nelson guessed that each customer has given permission in their own
156 contract for emergencies.

157 Discuss and Vote on a Requisition to Obtain Traffic Counts for the Traffic Study Prior to Finalization
158 of the River Heights Transportation Master Plan: Mayor Thompson explained that he and Councilmember
159 Glover met with an engineering group about doing a traffic study. The first thing they need are traffic
160 counts, which falls within the roads budget but, it’s out of the scope of what was budgeted in the current
161 year.

162 Councilmember Glover explained the traffic counts are part of the first phase of the study. CRS
163 Engineers have agreed to give an unbiased opinion on street baselines on the main intersections. The
164 information would be used to make recommendations. PWD Nelson asked Mr. Glover if he has contacted
165 the county about their recent traffic counts. Mr. Glover said he but hadn’t received a response. Mr.
166 Nelson was sure they had done counts on some of the intersections shown on the document they were
167 viewing. Mr. Nelson said the 700 South count was done by Logan City and he’s sure it would be available
168 for River Heights.

169 Discussion was held on which locations they felt didn’t need to be studied. Councilmember Glover
170 will make some adjustments to the map prior to having the council vote on the study.

171 Councilmember Glover informed that when engineers perform a study, they like to get their own
172 counts since they will be putting their stamp on the work. If the county has enough data, the city could
173 ask them to analyze their own data.

174 Councilmember Glover said CRS will put together a traffic model and then make a projection
175 based on density and build out for the next 30 years. If the study comes back showing River Heights roads
176 are under capacity, there may not be justification for a full study. Commissioner Milbank asked if they
177 study future modes of transportation. Mr. Glover said it would be more for traffic density.

178 FD Grover asked if the study would be done during this fiscal year. Councilmember Glover said
179 the counts would be done, but not the full study. The counts need to be done before they can get a bid.
180 Mayor Rasmussen suggested for CRS Engineers come present to the council what their study will entail, at
181 some point.

182 Councilmember Glover and Engineer Rasmussen will get together this week to come up with some
183 details which will allow CRS Engineers to give a more precise bid. Mr. Glover suggested CRS could send an
184 email to the council rather than come to a council meeting, which would save the city money.

185 Discuss Capital Projects for 2022-2023: Mayor Thompson asked each to discuss the projects they
186 are looking towards for the next fiscal year.

188 Councilmember Wright suggested Stewart Hill Park (hoping to get some funding, but it will need
189 to be matched). He'd like to get something resolved with the Old Church. The sidewalk on 400 East is a
190 concern (between 300 South and 400 South). Mayor Thompson reminded of possible improvements at
191 the time of the lower well upgrades. Mr. Wright felt a new shop would be high on the list. He realized
192 this decision has a ripple effect.

193 Discussion was held on the lower well improvements. FD Grover reminded the city has about
194 \$230,000 ARPA funds that will need to be allocated somewhere else if they don't do the well upgrades
195 this year. PWD Nelson said there are water lines in need of repair, specifically 500 East.

196 Councilmember Wright continued by supporting \$10,000 for sidewalk repairs. He suggested
197 always carrying this amount each year. PWD Nelson said it had been bumped up to \$15,000. Currently,
198 concrete dollars don't go very far. FD Grover clarified this item is listed in the budget, not on the capital
199 projects list.

200 Councilmember Gallup would like to do some things at the Old School. She would like to use part
201 of the building for the city and determine who or what would be using the rest of the building. Mayor
202 Thompson said he is working on a long-term arrangement. Further conversations will happen in the next
203 few weeks. If it doesn't pan out, he would like to look at other long-term options for the building. Ms.
204 Gallup would like to continue to provide additional garbage bins for residents to use in the spring. She
205 supports the sidewalk repair.

206 Councilmember Glover mentioned the 400 South sidewalk, a new shop and demolishing the Old
207 Church. He'd like to see the city have a larger truck and blade for snow removal. He also supported
208 widening River Heights Boulevard and opening it back up to two-way traffic.

209 Mayor Thompson's number one was the Old Church. He felt they owed it to the citizens to
210 address it and demolish it, for which there was a lot of community support. He was concerned about
211 safety and a strategic purpose. The land could provide funds to purchase property for a shop. He'd also
212 like a long-term solution for the Old School. The 400 South sidewalk was a concern to him because of the
213 number of residents affected by the removal of their sidewalk, although he realized they all wouldn't be
214 in favor. The sidewalk railing on 400 East sidewalk seems like a liability. He would like to see Stewart Hill
215 Park be finished sooner than later, and suggested they try to get as much funding as is available. Land
216 acquisition for a shop was also a priority.

217 Councilmember Mathews mentioned sewer installation for those few on 700 South who currently
218 are not connected and the railing on 400 East. She also agreed with the other projects mentioned.

219 Councilmember Milbank mentioned raising of the Old Church, a new shop and aggregate yard. He
220 felt the Old Church location would be a good spot for the shop. He brought up the city center design that
221 should be looked at and discussed. He supported Stewart Hill Park as a major capital improvement over
222 the next few years. He mentioned the water line that would connect the two Stewart Hill lines. He felt
223 the expense should come out of the water budget rather than parks. Sewer for the park would be tied in
224 at the west end of the park to the line from the subdivision.

225 Councilmember Wright suggested also looking at projects listed from the last few years. Mayor
226 Thompson will add the new ideas to the past list and then have the council rank them all again.

227 The meeting adjourned at 8:00 p.m.
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Sheila Lind, Recorder

232 Jason Thompson, Mayor

River Heights City Bills To Be Paid

March 1, 2022

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Aaron Farr	Utility Refund							\$49.16		\$49.16
2	City of Logan	Sewer, 911, Garbage Monthly Billing	\$15,078.56			\$2,037.00				\$13,831.13	\$30,946.69
3	Claron Brenchley	First Aid Class				\$200.00					\$200.00
4	Comcast	Monthly Billing Internet	\$28.77						\$28.76	\$28.77	\$86.30
5	CRS Consulting Engineers Incorporation	Right of way 400 South						\$1,730.00			\$1,730.00
6	Dominion Energy	Monthly Billing Gas	\$3,485.77		\$158.38			\$151.30	\$430.78	\$151.29	\$4,377.52
7	Logan City	Water Consumption Monthly Billings							\$230.67		\$230.67
8	Promo Plus	Stamps and envelopes	\$246.11			\$512.00					\$758.11
9	School Outfitters	Picnic Tables			\$3,899.52						\$3,899.52
10	Thomas Petroleum	Fuel Billing			\$16.78			\$16.79	\$16.79	\$16.79	\$67.15
11	Utah Local Government Trust	Workers Comp & Auto Monthly	\$27.33		\$41.99			\$128.19	\$162.36	\$170.91	\$530.78
12	Watkins Printing	Postage and Envelopes/Letterhead	\$731.72						\$331.03	\$331.03	\$1,393.78
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Page 1 SubTotals			\$19,598.26		\$4,116.67	\$2,749.00		\$2,026.28	\$1,249.55	\$14,529.92	\$44,269.68
Page 1 Total Amount										Paid	\$44,269.68

Ordinance 2-2022

AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE
AND GENERAL UTILITY EASEMENT
TO ROCKY MOUNTAIN POWER
(AMENDMENT TO 1-2022)

WHEREAS, Rocky Mountain Power (the "Company"), is a regulated public utility that provides electric power and energy to the citizens of River Heights City (the "City") and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City;

WHEREAS, the City, pursuant to the provisions of Utah Code Ann. § 10-8-21 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the City desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the City;

NOW, THEREFORE, be it ordained by the City:

SECTION 1. Grant of Franchise and General Utility Easement. The City hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, and rights-of-way, not including City parks, buildings or other spaces not associated with City-owned rights-of-way (collectively referred to herein as "Public Ways") within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof (collectively the "Franchise").

SECTION 2. Term. The term of this Franchise and General Utility Easement is for five years 5 years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by Company. Within sixty (60) days after the passage of this ordinance by the City, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the City Recorder otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any

other entity that provides service to City residences; provided, however, that such use shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein. As noted in Section 9.1, the City's requirement to have Rocky Mountain Power relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City does not constitute an unreasonable interference with Rocky Mountain Power's Electric Facilities.

SECTION 5. City Regulatory Authority. In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or City Ordinance.

SECTION 6. Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Notice of Annexation. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by mail to Rocky Mountain Power: (a) a legal description of the proposed boundary change; and (b) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center
Attn: Annexations
P.O. Box 400
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power
Attn: Office of the General Counsel
1407 West North Temple, Room 320
Salt Lake City, UT 84116

SECTION 8. Plan, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the Public Ways, apply for any permit from the City as may be required by the City's ordinances, which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance with the City regulations and requirements. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 Subject to the requirements of this Section, The City shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for City wires used in connection with its for general governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose. The City may, with the approval of Rocky Mountain Power's Joint-Use Group, use the poles and suitable overhead structures owned by Rocky Mountain Power within the Public Ways for any governmental purpose. If the Joint-Use Group denies the City's request because of structural concerns of the poles and overhead structures, the City may upgrade the poles and suitable overhead structures at its sole expense and Rocky Mountain Power shall assist and cooperate to effectuate the upgrade. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection

therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the City of such work by written notice and shall allow the City, at its own expense, (to include a pro-rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the City shall give written notice to Rocky Mountain Power.

SECTION 9. Relocations of Electric Facilities.

9.1 The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City.

The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

9.2 Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

SECTION 10. Subdivision Plat Notification. Before the City approves any new subdivision and before recordation of the plat, the City shall require the developer to obtain Rocky Mountain Power's approval of Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. The developer shall mail a copy of the to Rocky Mountain Power:

Rocky Mountain Power
Attn: Estimating Department
789 N Main
Smithfield UT 84335

SECTION 11. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities upon notice and consultation with the landowner. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the City either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the City as set forth herein for an additional two-year period in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 13. No Waiver. Neither the City nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 14. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, Pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money or in respect of guarantees thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guarantees thereof.

SECTION 15. Amendment. At any time during the term of this Franchise, the City through its City Council, or Rocky Mountain Power may propose amendments to this Franchise by

giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

SECTION 16. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Regional Business Management Director, Rocky Mountain Power, 1438 West 2550 South, Ogden, Utah, 84401, and such other office as Rocky Mountain Power may advise the City of by written notice.

SECTION 17. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 18. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

PASSED by the City Council of the City of River Heights, Utah this 1st day of March 2022.

MAYOR

Jason Thompson

ATTEST:

Sheila Lind, Recorder



45 East 200 North STE 107, Logan, UT 84321
o. 435.374.4670. crsengineers.com

February 10, 2022

Mayor Jason Thompson
River Heights City
520 South 500 East
River Heights City, UT 84321
jasonthompson@riverheights.org

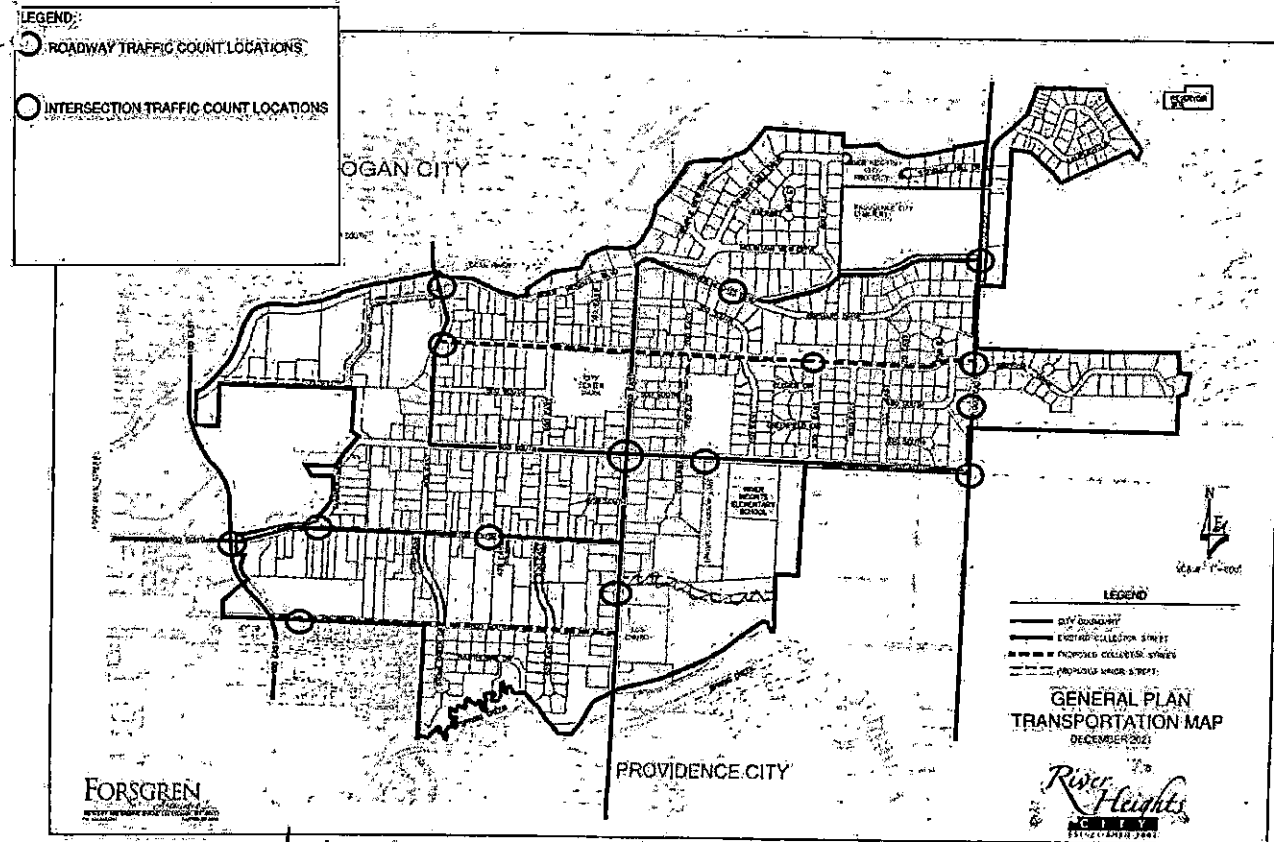
Re: River Heights Transportation Masterplan Traffic Counts

Dear Mayor,

Thank you for considering CRS for the River Heights Transportation Masterplan Traffic Counts. We look forward to the opportunity to work with you on this project.

PROJECT UNDERSTANDING

River Heights needs a transportation masterplan that will evaluate the existing roadway conditions and future transportation needs in the city. This would be the first phase of the transportation masterplan which includes collecting data concerning traffic volume counts, traffic speed, peak hour analysis and peak hour intersection turning movements.



Max Pierce, PE
Associate

SCOPE OF WORK

- **Collect Data**

CRS will strategically place traffic counters and cameras at key locations throughout the city as shown on the map above. We anticipate setting for seven different roadway segments and eight intersections for traffic data analysis. The data will then be collected and compiled into a usable format for the future phases of the transportation masterplan. CRS will meet with you to discuss our findings and their significance to the overall transportation masterplan. PDFs of the traffic data will be provided as a deliverable.

Exclusions: Attendance of city council and planning commission meetings, public outreach, traffic model, roadway standard details, roadway classifications, grant applications and the completed transportation masterplan. These services can be added upon your request.

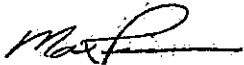
SCHEDULE AND FEE

Our fee of **\$5,625.00**, is on a fixed fee basis and will be billed monthly on a percent completion basis. Any additional services not included in the scope of work will be negotiated and authorized prior to proceeding with the work.

We look forward to working with you on this project, and we appreciate the opportunity to present this proposal to you. If it meets your approval, we will start the necessary contracting procedures and coordinate the project schedule. We anticipate this phase to take eight weeks to complete, if the price or schedule does not meet your needs we can revise the scope of work accordingly. Please reach out to me on my cell (435) 881-3201 with any questions or concerns. I look forward to hearing from you.

Sincerely,

CRS Engineers



Max Pierce, PE
Associate

CC: Tyson Glover tysonglover@riverheights.org
M:\01 Proposals\04 Letter 2016-Present\2022\06 Site\River Heights