

RICHMOND CITY COUNCIL

June 11, 2002

The regular meeting of the Richmond City Council was held at the Community Building on June 11, 2002. The meeting began at 7:00 p.m. Mayor Kip Panter was in the chair, the Pledge Of Allegiance was led by L. D. Bowcutt and the opening prayer was offered by Kip Panter.

The following members were in attendance: L.D. Bowcutt, Leslie Erickson, Kim Christensen, Allen Lundgreen and Cordell Johnson.

The minutes of the May 28th, 2002, City Council meeting were read and approved with two spelling corrections.

Business License Request

Christopher Anderson requested a license to do business as Chris Anderson Drafting and Design; Steven E. Porter requested a license to do business as Steven E. Porter Construction, LLC; and Harold Tanner requested a license to do business as Tanner Media. In all instances no employees, parking areas, or other impact would be felt upon their respective neighborhoods.

** The Council approved this request.

City Manager

Marlowe: I have three items for the Council this evening. First, we are required to show beneficial use of water on Application No. 25-8308 (A56645). I spoke with Scott Clark at the Logan office of the State Division of Water Rights earlier today. This application was made in 1986 for 6.5 cubic feet per second of water to be use for hydro-electric power. This is in addition to the 1984 request for 3.5 cfs for the same purpose. Scott Clark recommended that we at least request an extension on this application because if we let it expire, we will have lost it permanently. I suspect, although I don't know for sure, the reason for this application was because of the increased flow once the springs had been improved. It will cost us about \$125.00 in public notice and processing fees.

** The Council instructed Marlowe to apply for an extension.

Second item of business is Kirt Hatch came in this afternoon inquiring about building a new home about 900 South State with a septic tank. His father, Clyde, has a home close to the location, and because of the grade was not able to connect to the sewer without the City installing a lift station. Kirt spoke with Planning and Zoning last week, and they were concerned about the septic tank being in the Well Protection Zone. He is in the 15 year time of travel zone; however, the precedent has been established at that location for a septic tank due to the grade problem. How does the Council feel about giving a building clearance?

Mayor Panter: I believe that Bear River Health will have to permit the installation.

Marlowe: I'm uncertain. I'll contact either Joel Hoyt or Grant Kofoed tomorrow and inquire.

** The Council felt a clearance was appropriate pending Marlowe's inquiry on the permit.

Third item is an offer by "Stay-N-Touch Cellular". Stacey can tell you more about this as I was gone when it came in.

Stacey: A sales representative came by and left the information. It is an offer for employees to obtain cellular service as a group.

** The Council felt that it was not appropriate for the City to become involved.

Mayor Panter: We have a few minutes before the Public Hearing. I've noticed that there are dry areas in the park. I'd like Marlowe to check with Martin on this matter. I read the anonymous letter that the Council read at the last meeting dealing with litter in yards, abandoned vehicles, etc. While I don't like the anonymous aspect, I feel that there is a valid concern. Perhaps we could either print the letter in the Newsletter or put in excerpts to call the attention of the people that others are looking at us. (There followed discussion relative to how to respond to an anonymous letter, and how best to call the attention of the citizens to the need to keep their yards neat.) Relative to junk cars, I'm aware of a person in Idaho who will haul the "junkers" and dispose of them. Perhaps we could set up some kind of a program, maybe on a quarterly basis, where the City could use the backhoe to put cars on trailers and haul them to Preston to meet with this individual. It might also be a good project for a group such as the Lions Club. This is something that I think we need to discuss more in the future.

Cordell Johnson: I move that we close the regular meeting and open the Public Hearing concerning proposed ordinance 2002-5 dealing with the water and sewer rates. Seconded by L.D. Bowcutt.

**The Council voted unanimously to approve the motion.

**** Public Hearing****

Citizens present were: Dorothy Marshall, Terrie Wierenga, Ray Nielsen, Reed Ripplinger, Lora Smith, Christine Nickle.

Mayor Panter: We are here to discuss an increase in the water rates. As proposed, the basic rate for 10,000 gallons of culinary water will increase from \$19.60 to \$21.00. Amounts between 11,000 gallons and 20,000 gallons will be charged \$1.00 per thousand, an increase from the current \$0.72 per thousand. From 21,000 gallons up the charge will be \$2.00 per thousand. I think we should hear from the citizens before we go any further.

Reed Ripplinger: This increase will kill me at the trailer court. Is there any real basis for such an increase other than it has been five years since the last one?

Mayor Panter: Yes there is. The water fund and the sewer fund are separate from the general fund and must be self-sustaining. We have been working at a marginal rate for a number of

years, and inflation has taken its toll. Additionally, and of great impact, is that the payments we are making on the water bonds are now ballooning. (Mayor Panter reviewed the history of the bonds and cited the past three year payments to illustrate the problem.)

Dorothy Marshall: Will the bonds ever be paid off? Does the interest rates increase?

Mayor Panter: Yes, the bonds will be paid off about 2014. No, the interest rate remains the same throughout.

Ray Nielsen: I use a lot of water on my yard and these rates will break me. (Mayor Panter referred to some sample usage figures that Stacey had provided which, coincidentally, included Ray's. Stacey also provided the figures for Reed's trailer court. There followed considerable discussion on water usage, average amounts used during the summer verses the heavier usage of August and September.)

Cordell Johnson: I notice that what we currently charge for the overage is less that what we charge for the base rate per thousand gallons.

Mayor Panter: How would the Council feel if we compromise and reduce the overage rate to a straight \$0.80 per thousand gallons. After we receive this years audit, we can revisit the problem if necessary?

Cordell Johnson: While I believe we will need more to build the necessary reserve in the water fund, I could support the increase of the base rate to \$21.00 and the overage to \$.80 per thousand over 10,000 gallons and then revisit this in a year. I remind the council that under this ordinance the base rate will increase annually by \$1.00 for the next 5 years

L. D. Bowcutt: I move that we close the public hearing. Cordell Johnson seconded.

**The Council voted unanimously to approve the motion.

Cordell Johnson: I move that we open the regular meeting. L. D. Seconded.

**The Council voted unanimously to approve the motion.

L. D. Bowcutt: I move that we adopt Ordinance 2002-5 which says:

ORDINANCE 2002-5

WHEREAS the City of Richmond has an on-going responsibility to provide citizens with culinary water; and

WHEREAS the City of Richmond must meet necessary expenses involved with the acquisition, treatment, and delivery of culinary water; and

WHEREAS the proper collection and treatment of sewage generated within the City of Richmond is a serious and on-going responsibility concerning the health and welfare of Richmond citizens, and

WHEREAS costs of materials increase with the passage of time; and

WHEREAS payments of previously authorized bonds and other sources of funding must be satisfied, and

WHEREAS Title 14, Chapter 14-100, Section 14-117 of the *Code of Revised Ordinances of Richmond* authorize the establishment of rates by the governing body,

NOW THEREFORE the City Council of Richmond City, County of Cache, State of Utah,

hereby adopts, passes, and publishes the following:

AN ORDINANCE TO ESTABLISH RATES TO BE CHARGED FOR CULINARY WATER AND SEWER SERVICE BY RICHMOND CITY.

A. Culinary water will be charged at the rate of twenty-one dollars (\$21.00) per ten thousand (10,000) gallons per billing month from July 1, 2002 through June 30, 2003.

B. Culinary water charges will be increased by one dollar (\$1.00) per year, effective July 1, 2003, and adjusted every July 1st until the year 2006. After June 30, 2007, water rates will remain in place until or unless the Richmond City Council, through public hearing, changes said rates.

C. Overage charges will be eighty-cents (\$0.80) per one thousand (1,000) gallons of water in excess of ten thousand (10,000) gallons. These overage charges will remain in place until or unless the Richmond City Council, through public hearing, changes said rates.

D. Rates for users of Richmond City culinary water who reside outside of the legal city limits of Richmond City will be charged at twice the above listed rates. If, through annexation or other legal action, said users are placed within the city limits of Richmond, their rates will revert to the standard rates.

E. Effective July 1, 2002, a charge for sewer service in the monthly amount of twenty-one dollars (\$21.00) will be automatically imposed upon any residential or commercial water user being

provided culinary water service by Richmond City with the exception of those users either residing outside of the legal boundaries of Richmond City per paragraph D. above, or specifically exempted through prior agreement pending connection to the sewer system.

F. Said sewer charge will remain in place until or unless the Richmond City Council, through public hearing, changes said rate.

G. Upon passage, publication, and posting of this ordinance, all previous rate schedules for culinary water are deemed historic and no longer in effect.

Motion seconded by Cordell Johnson

** The Council voted unanimously to approve the motion.

Cordell Johnson: I move that we close the regular meeting and open the public hearing on the adjustment of the FY-2002 budget, and the adoption of the FY-2003 budget. L. D. Bowcutt seconded the motion.

**The Council voted unanimously to approve the motion.

**** Public Hearing****

Citizens present were: Terrie Wierenga, Lora Smith, and Christine Nickle.

Mayor Panter: Our Recorder, Boyd Lewis, is out of town today but he provided me copies of the proposed FY-2003 budget which you have before you. With the exception of the library budget, a copy of which you also have before you, this is the same as what was discussed at the

last Council meeting.

Marlowe: The Library Board wished me to inform you that Boyd had worked with them on the adjustment to their budget.

Library Director Chris Nickle: That is correct. Boyd sat down with us to be sure everything balanced.

Mayor Panter: Is there any citizen input? (There was none.)

Cordell Johnson: I move that we close the public hearing and re-open the regular meeting. Seconded by L. D. Bowcutt.

**The Council voted unanimously to approve the motion.

L. D. Bowcutt: I move that we adopt the Fiscal Year 2003 budget as proposed. Seconded by Leslie Erickson.

**The Council voted unanimously to approve the motion.

Cordell Johnson: I move that the current mill levy on property taxes for the City of Richmond remain the same and without change for the next fiscal year. Seconded by Leslie Erickson.

**The Council voted unanimously to approve the motion.

Kip: After talking with Boyd, these are the adjustments that need to be made to the different budgets. For the General Fund Revenue these are the adjustments:

Property Tax	5,500
Fee in Lieu	<3,450>
Local Option Sales Tax	14,000
Franchise Tax	9,000
Business License	400
Building Permits	3,400
Dog Licenses	<600>
Bill Gates Grant	7,190
Library LSTA Grant	7,826
Fines	10,000
Park Rent	250
Wildlife lease	<200>
B&W Space Rent	300
B&W Pavillion Parking	681
B&W Activities	3,950
Civic Arts	<400>
City Baseball	<450>

City Basketball	<2,600>
Fire Dept Grant	1,069
Use Of Community Building	300
Garbage Collection	<8,000>
Dispatch Collection Fee	1,700
Donations War Memorial	13,734
Donations Bell Tower	1250
Donations B&W	575

For the Water Enterprise Fund:

Water Connection Fee	<6,000>
Water Impact fee	<3,500>
Sundry	151

For the Sewer Enterprise Fund:

Sewer Monthly Fee	<8,000>
Sewer Connection Fee	<7,000>
Sewer Impact Fee	<1,500>
Sewer Interest	700

The General Fund Disbursements adjustments are:

Administration	13,871
Building	7,909
Public Safety	7,294
Streets	<31,595>
Parks	4,465
Fire Department	<10,681>
EMT	<941>
Library	5,150

The Water Enterprise Fund Disbursements adjustments are:

Personal Services	8,000
Depreciation	1,919
Materials & Supplies	<40,000>
with Bond Payments as follows:	
RL4860	49,000
RL3510	33,490
000231	38,995
SEC249	11,242

The Sewer Enterprise Fund Disbursements adjustments are:

Personal Services	13,300
Depreciation	2,300
Materials & Supplies	<80,860>
with Bond Payments as follows:	16,275

The difference in the adjustments of the revenues and disbursements of the General Fund will be put into the Capitol Projects Fund.

The Special Projects Fund Disbursements will increase \$7,118.

Richmond City will transfer \$7,118 from the General Fund to cover the difference between budgeted amount of \$5,000 and costs incurred of \$12,118.

Also the revenues for the Richmond Cemetery District are as follows:

Property Taxes	4,286
Fee In Lieu	1,124
Burial Fee	7,100
Grave Plot Purchase	2,450
Interest Earnings	3,096

Disbursements for the Richmond Cemetery District are as follows:

Salaries	13,674
Benefits	1,142
Advertising	17
Building & Maintenance	2,490
Utilities	127
Gas	646
Grave Digging	1,200
Bonds & Insurance	1,610
Water Share Charge	310
Sundry	788

Cordell Johnson: I move that the adjustments to the Fiscal Year 2002 budget as recommended by Boyd Lewis. Seconded by Allen Lundgreen.

**The Council voted unanimously to approve the motion.

Sheriff Department Report:

Deputy Sheriff Brandon Douglas: Here is a copy of the monthly report. Sheriff Nelson also asked that I give you a copy of his annual report for the calendar year 2001. Things seem to be going well in Richmond. The number of unsecured premises is improving. I'm on the graveyard shift, and we check the doors of the public and business buildings on a regular basis.

Mayor Panter: We appreciate very much what you have been doing. Please let Sheriff Nelson know that we increased the police protection budget for the next fiscal year by \$2,000.00.

Deputy Douglas: Thank you. I'll e-mail that information to the Sheriff.

Council Report:

Cordell Johnson: I think that we have covered everything with the ordinance.

Marlowe: I apologize to Cordell that I haven't made contact with him on this matter. We do have an issue relative to the well that we are going to have to resolve. Before it can receive a permit from the State, we have to eliminate the septic tank being used by George Sivvy on the old milk plant property, and we need to grout the well.

Cordell: I'll be available in a few weeks so we can meet, check over the situation, and determine what needs to be done in what order.

Mayor Panter: I'd like Marlowe to have Gavin get the windmills into the cells. I notice that they are still sitting on the banks.

Marlowe: We have been waiting for a new type of propeller that will introduce air into the water instead of just stirring.

Mayor Panter: Let's get them in even if all they do is stir. We've missed out on utilizing them during the winds we've had the past few weeks. Also, I noticed that when the wind is blowing the quack-weed seems to collect at the edges of cell #4. I believe that the herbicide "Rodeo" is approved for use in the ponds. Let's get some on hand, and have Gavin spray the quack-weed when the wind pushes it into the bank like that.

L. D. Bowcutt: I have a number of items. Ben Burningham has been working this past week, after being hired as our temporary summer help. He is doing a good job. Relative to the Cub River Sports Complex, they are making some changes. The worker that has been there will be released, and another person will be hired at \$400 per month to maintain the grounds. The savings in the difference between the wages and the flat fee should enable them to purchase a new mower which is needed. For the veteran's memorial, I've been consulting with others and it appears our best bet is to put another arm with light fixture off of the corner power pole. A fence is being put up to form "dugouts" at the ball diamonds which will be nice for the players. The Black and White letter of agreement is now signed. We need to determine how to go about the building refurbishment. Cordell and I will take a walk-through and determine whether the City can do the work, if we'll need to call in a contractor, whether to do the work in phases or all at once. Dave Mays trimmed some trees; however he ran into a problem when he began to remove the trees on the City right-of-way in front of the Sweeten residence. They were very much

against that, and I visited with them. Dave said that he wouldn't attempt to remove the trees under the circumstances. I think that if we meet with Elbert we can get it worked out.

Mayor Panter: The previous occupant should never had been allowed to plant those trees in the first place. The root system can interfere with our sewer system, and they pose a serious traffic hazard by blocking the view of drivers. I want it entered into the minutes that the City attempted to remove the trees through Dave Mays, and was prevented from doing so by the Sweeten's. Should anything happen, the City is not accountable or responsible. And I agree, we need to sit down with Mr. and Mrs. Sweeten and explain why those trees must be removed. The mistake we made in the first place was not including them in the discussion about removing the trees.

L. D. Bowcutt: We have also had some vandalism problems in the park, a problem that has been shared at the L. D. S. Stake Center. When the water is coming on, and the sprinkler heads pop up, someone has been knocking them off. I've had one report that the vandals are using a golf club. These cost \$26.00 a piece to replace. And I have also been receiving a number of complaints that an individual on the corner of 100 South and State has been turning his dogs loose in the evening and letting them run all night. This needs to be reported to John Hester.

Mayor Panter: I've had Terrie Wierenga, who lives here in town, prepare a proposed dog ordinance. This ordinance, should we adopt it, will put some real teeth into dogs running loose by imposing some severe fines. I'm giving it to Marlowe to codify for us. We do need to add a section on kennels with detail on size, type, conditional use permit, fees, etc. I deeply appreciate the effort that Terrie has made by undertaking this project. Also, because of the two holidays in July, the 4th and the 24th, and the fact that we are only going to have one meeting, I'd like the next Council meeting to be held on Tuesday, July 16th. Marlowe will put that in the Newsletter.

Mayor Panter: Marlowe tells me that no one had a copy of the statement that I made to the Planning and Zoning Commission on May 7th of this year. I have a copy of it here, and I'd like the statement entered into these minutes, as P & Z recommended to the council:

“Date: May 7, 2002; To: Richmond City Planning and Zoning Commission; From: Kip Panter, Mayor Richmond City; Subject: Praxis Youth Quest Inc. Proposal to place a group home at 221 N. 300 E. in Richmond.

After careful consideration of the issues concerning the proposed group home at 221 N. 300 E. in Richmond, I respectfully request that the Richmond Planning and Zoning Commission recommend to the Richmond City Council that they deny the issuance to Praxis Youth Quest Inc. any conditional use permit, business license or like permit or license to operate a group home in the city limits of Richmond, subject to review by our legal counsel. This is based on the information presented before the P & Z commission, Praxis Youth Quest's failure to provide adequate security and safety assurance, and other evidence of noncompliance with appropriate licensing and rules requirements. Further, the Praxis Web site is linked with NOJOS web site. The NOJOS acronym stands for The Utah “Network on Juveniles Offending Sexually”. Therefore, it appears that this group home could provide a substantial safety issue for the

residents in the community, generally, and especially to those living in the immediate vicinity. If Praxis has any concerns, I suggest they contact our legal counsel. Kip Panter Mayor, Richmond City”

The following bills were presented for payment:

AT&T	123.06
BrodArt	981.88
Bullens	9.00
Cache County	1,589.00
Cantwell Brothers	83.19
Cherry Creek	79.50
Consumer Reports	32.00
Curtis Industries	135.89
Great Basin Graphics	15.00
Itty Bitty	215.59
Jeff D. Turley	280.00
Jon Jensen	15.94
Kaps	10.12
KBLQ	350.00
Lawson Yeates	308.46
Lees	163.82
Lora Smith	250.00
Medtronic	238.00
Meredith Books	40.44
NSI Solutions	53.50
Olson-Hoggan	1,209.10
Petersens	73.50
Questar	294.60
Qwest	71.07
Randy's Texaco	80.47
Richmond Irrigation	481.38
SignPro	104.66
Sprinkler Systems	271.76
Texaco	519.50
Thatcher Co.	1,055.70

A motion to pay the bills and to adjourn was made by L. D. Bowcut. Seconded by Kim Christensen.

**The Council voted unanimously to approve the motion.

Adjournment at 9:45 p.m.

Mayor Kip Panter

Boyd Lewis, City Recorder