

RICHMOND CITY COUNCIL

September 24, 2002

The regular meeting of the Richmond City Council was held at the Community Building on September 24, 2002. The meeting began at 7:00 p.m. Mayor Kip Panter was in the chair and the opening prayer was offered by Kim Christensen. The pledge was lead by Charlie Huff, Troop #324.

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

The minutes of the previous meeting were read and approved and the financial statement for July 2002 was read and approved.

TREASURER APPOINTMENT

- ** A motion to appoint Chris Purser as the Richmond City Treasurer was made by Leslie, seconded by L.D., and the vote was unanimous. Stacey Bradley, the previous Treasurer for Richmond City, resigned effective September 12, 2002.

APPRECIATION FOR SPORTS DIRECTOR

L.D.: We have changed our Sports Director. We released Valerie Hatch and have hired Rhonda Browning. I feel very comfortable recommending appointing her for at least the next year. I think she will blend in really well. She has had 14 years different participation in sports. She currently works at IKON. I feel she is qualified. I also have a plaque for Valerie for all the work she has done in the Sports Program. She is not here tonight so I will take it to her.

- ** The Council o.k.'d this recommendation to hire Rhonda Browning as Sports Director effective October 1.

DEPUTY REPORT

Brandon Douglas: I don't have much to report on. We issued about 25 tickets with 6 being for speeding. I have been watching 3rd East. I stopped three people in the school zone. They were all from Idaho.

Cordell: I think something needs to be done about the flashing lights when you are traveling North. They are hard to see.

Brandon: We helped out on enforcing the water ordinance. There was a good turnout to the City party. We were glad to be there.

COUNCIL MEMBER REPORTS

Kim: The roads are ready for chipping next year. There will be 250 East, Rocky Point, 3rd North to 1st East, 2nd North, 2nd to 3rd East, 4th West between 6 and 8th South. These roads have had magchloride put on them. On the sidewalks, we have done in front of Don Cottle and Don Sheffer. Koby Bennett is applying for the City Fire Department and EMT, and I would recommend that he be appointed by the council.

** The Council o.k.'d this request.

RICHMOND IRRIGATION BOARD

Gail Alvey: When lateral 8 by Kim Christensen's was put in many years ago, it was adequate. Now there are too many homes that use that lateral and we don't have enough pressure. We would like to put another irrigation line parallel to the existing line from the bridge by Kim Christensen's house to 3rd East. The line is already split at 3rd East and we would replace the box at the bridge and split the flow with a valve. It would give us more pressure for those homes. It would be a 10" or 12" line.

** The Council o.k.d' this request and told Gail to get with Gavin and Marlowe on this as it will need blue stakes and probably a bore under 3rd East.

CHERRY CREEK HEIGHTS PHASE II – Groundwater runoff plans

Brent Webb: I have a letter from Cache-Landmark Engineering on storm-water runoff for Cherry Creek Heights Phase II. It says:

“Dear City Council:

We understand there is a concern regarding the storm-water runoff for Cherry Creek Heights Phase 2. We have designed drainage systems for subdivisions similar to this in the past and have the following recommendations and comments.

1. One of the main reasons for eliminating curb and gutter is to reduce the amount of storm-water runoff. This subdivision has no curb and gutter and should not have a great deal of runoff. This has been shown in studies commissioned by other communities in the area. The borrow pits or “drainage swale” will naturally detain if not retain most of the runoff from the City streets. Any runoff from the individual houses and driveways can be detained by water smart landscape planning. Landscaping berms tend to not only detain runoff, but they retain water on yards and reduce the amount of irrigation required for the plants in the yards.

2. There is a large retention basin planned to the east of Phase 2. This will be designed to retain most of the storm-water from the development east of Phase 2. We do not anticipate much runoff from Phase 2 itself. The soils in this area contain much gravel, cobble, and boulders, and have high permeability: Most runoff within Phase 2 should infiltrate into the soil.
3. We do not plan to use inlet boxes within the subdivision unless absolutely necessary. Once storm-water is directed into a contained system, it needs to be conveyed to an area of suitable discharge. Unless the City has such a citywide storm-water system in place, there would be no permanent outfall for drainage from this subdivision. We feel it would be better to retain the storm-water on-site, within the drainage swales along the streets and within the individual yards, rather than conveying the water to a neighboring property or an off-site city street. Large detention basins are a long-term maintenance problem and liability for the City and developers and should be minimized and/or eliminated where possible.
4. We will do all storm-water calculations as a part of the construction drawings for this subdivision, which will be submitted for review in conjunction with the Final Plat.”

** A motion to approve Cherry Creek Heights Phase 2 now that the groundwater issue has been explained was made by Cordell, seconded by L.D. and the vote was unanimous.

COUNCIL MEMBER REPORT

Leslie: On October 17 the Historical Commission will have a representative from the State coming up to look at homes that were on the Class A and Class B classification. This will be at 7:00 p.m. They will look at listing these homes in the Historic register.

DOUG WHITE – Storage Units Within Commercial Area

Doug: I am looking at doing something on the property that I own on Main Street between Main and 1st North. I purchased the property that Preston Watts owned formally known as Earl Egans Garage. I am considering storage units on the property. I would like the City to approve this knowing that the property is zoned residential right now. They are finding out that people want the convenience of having storage units in that type of area. Most of it would be hidden by the existing structures. As far as traffic goes they have found it is less than a store or beauty salon. You can build anything from 5’ x 10’ to 15’ x 30’ for the units size. We would have controlled gated access. There would be one entrance to this property.

Mayor: It would need to be re-zoned or a conditional use in this zone. If re-zoned, we would need a public hearing. I believe we should get public input on this whichever way we go.

Cordell: I don’t see anything wrong with this.

Mayor: I think you need to get information together that would show how the whole concept would look, and be prepared to demonstrate how it would fit in that neighborhood. People have a preconceive notion about storage units and the better prepared you are to alleviate some of those ideas, the less opposition you are likely to get. A short workshop on the issue may be helpful.

Doug: I think it could be an asset to the City. I have information that suggests that 40% of storage units are rented to businesses and 60% to individuals or families.

Marlowe: We are getting questions about renting under the Blank and White Pavilion. Last year we had numerous incidents of theft and vandalism in that area. The Utah Local Government Trust sent their adjuster up to look over our property as they do every 2 years. I have a letter from Craig Bott that discourages use of the Pavilion for private storage and I would ask that the complete letter be included in the minutes for the record.

“Dear Marlowe:

Pursuant to our conversation of 11/18/02, I am reiterating my concerns regarding the use of the Black and White Pavilion by private individuals as a parking/storage area. Based on the considerations set forth below, it is my opinion that allowing continued use of the structure as parking and storage area exposes the City to significant liability.

If the City allows private citizens to use land or facilities owned or under the control of the city as a long term parking/storage area it could be argued that the city has assumed some responsibility to provide a safe and secure environment for the property an the individual who enter onto the property. This is problematic because, while the city has agreed to take control of the pavilion, it doesn't own the pavilion and therefore is not in control of the physical condition of the structure.

Such practice could also spark constitutional challenges alleging that while some citizens were allowed to take advantage of this city service, other citizens were not which could potentially raise both discrimination and equal protection issues.

While governmental entities enjoy some degree of immunity for governmental actions under Utah's Governmental Immunity Act, such immunity is limited to governmental services. It is likely that immunity would NOT be available for the above-described use of city property because such use would be deemed a proprietary act by the entity, not a governmental function.

And there is also a political issue that may be of concern. It could also be argued that such storage constituted and interference with private business' that provide parking/storage services.”

/s/ J. Craig Bott

Mayor: Under the circumstances and based on the recommendation of Craig Bott I would recommend that we not rent it at all. Let's put our own equipment under there if needed.

** The Council decided not to rent the Black and White Pavilion for winter storage or allow storage of private vehicles or equipment anymore.

Mayor: Jay Aguilar is here to answer any questions about the Access Management Program that Mark Teuscher presented to the council a few weeks ago. After Jay's comments we have a resolution to consider in support of the program.

Jay Aguilar: The access management program is intended to bring the Communities of Cache County, Cache County and UDOT together on decisions about access management onto Highway 91. Richmond is an important community in this plan because development along the highway here has not increased to the extent it has in other areas of the valley. You have an opportunity to provide planning input at the front of the process instead of trying to mitigate problems after the fact. Also, because of the highway widening project, which is a needed improvement, there may be increased development interest, and this program should provide help in the planning process.

RESOLUTION 2002-4

Marlowe: I think we should consider the resolution at this time. Resolution 2002-4 is as follows:

RICHMOND CITY CORPORATION RESOLUTION 2002-4

WHEREAS it is deemed beneficial to the Citizens of Richmond to participate in the standardization of traffic access and flow throughout Cache County, and

WHEREAS the Cache Metropolitan Planning Organization has expended considerable time and effort in developing an interim management program, and

WHEREAS it is considered reasonable to evaluate such a program,

NOW THEREFORE, the Council of Richmond City, County of Cache, State of Utah, does hereby resolve, pass, and publish the following:

**A RESOLUTION SUPPORTING THE INTERIM CACHE ACCESS
MANAGEMENT PROGRAM.**

Be it hereby resolved by the City Council of Richmond City, County of Cache, Utah, as follows:

1. Whenever involved with the planning and/or construction of ingress/egress in conjunction with highway access categories as outlined in the *Draft Interim Cache Access Management Program* dated June 2002, the City of Richmond will seek to adhere to the principles outlined therein for a period of six (6) months from the date of passage of this resolution.

2. This time period will approximately parallel the time period recently passed by the Cache County Council for similar evaluation of said document.

3. At the end of the six (6) month period, the City of Richmond will evaluate, in conjunction with the Cache County Council and other participating Cities, the effects of said *Draft Interim Cache Access Management Program* and take further, appropriate action.

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** A motion to adopt Resolution 2002-4 which is a resolution supporting the interim Cache Access Management Program was made by Kim, seconded by L.D. and the vote was unanimous.

Mayor: I like this program because it brings the communities and UDOT together and puts the cities in the county all on the same page as far as highway access.

Marlowe: We need to consider this ordinance for adoption. Ordinance 2002-6 is as follows:

RICHMOND CITY CORPORATION
ORDINANCE 2002-6

WHEREAS the United States Government has authorized and directed the Environmental Protection Agency (EPA) to develop and implement safeguards relative to sanitary sewer systems, and

WHEREAS an integral part of this responsibility is covered in the Capacity Assurance, Management, Operation, and Maintenance program, commonly referred to as CMOM, and

WHEREAS sanitary sewer overflows (SSO) require extensive and accurate reporting to both State and Federal authorities, and

WHEREAS the plugging of sewer laterals and mains are the most common cause of SSO's, and

WHEREAS the absolute necessity to re-establish a healthy environment requires immediate action to restore the proper flow of sewage, and

WHEREAS this immediate response often precludes complete investigation as to cause before the restoration of flow,

NOW THEREFORE the City Council of Richmond City, County of Cache, State of Utah, hereby adopts, passes, and publishes the following:

AN ORDINANCE ESTABLISHING THE RESPONSIBILITIES OF THE SEWER USER AND THE CITY OF RICHMOND RELATIVE TO SEWER LATERALS AND THE SEWER MAINS.

A. The *Code of Revised Ordinances of Richmond* (1975, adopted 1976), Chapter 14-200 as amended by Richmond Ordinance 2001-4, shall be amended further by adding to Part 14-214 the following:

F. The sewage transporting pipe, hereafter referred to as the lateral, is the means by which raw sewage is brought to the main sewer pipe, hereafter referred to as the main.

a. The entire distance of the lateral from user facility to the attachment with the main shall be the sole responsibility of the user insofar as installation, maintenance and upkeep.

b. The user will be responsible for any repairs or cleaning required on, or within, the lateral.

c. The user is required to make contact with, and obtain permission from, Richmond City before installing, excavating or otherwise opening access to the lateral.

d. Richmond City will be responsible for providing technical assistance to the user, or parties contracted by the user, to ensure that standards established by Richmond City, or higher authority, are observed and maintained.

e. Richmond City will be the sole responsible party for the proper installation, maintenance, and up-keep of the sewer mains from the outer limits of the system to the treatment facility.

B. The provisions of this ordinance shall become effective on October 1, 2002 and will apply to all laterals and mains currently installed within the Richmond City sewer system as well as all future installations.

** A motion to adopt Ordinance 2002-6 which says AN ORDINANCE ESTABLISHING THE RESPONSIBILITIES OF THE SEWER USER AND THE CITY OF RICHMOND RELATIVE TO SEWER LATERALS AND THE SEWER MAINS, was made by Cordell, seconded by L.D. Vote was as follows: Kim, Cordell, Allen & L.D. – Yes; Leslie – Oppose.

COUNCIL REPORTS:

Allen: Doug White handled the issue that I was going to bring up tonight. I think the mayor's suggestion to have a workshop is a good idea.

Cordell: I think we should have a public hearing on it to get input from our citizens.

Mayor: I think we are at point in our cities laws and ordinances that we should consider codifying. I will be asking the council to consider contracting this with a professional codifier. Marlowe has an estimate of \$12,000.00 to \$14,000.00. I would like to budget it over a two year period as it will take about two years to complete. Codification provides an opportunity to have professionals review the ordinances and remove redundancies and out of date information and critically evaluate our ordinances and publish them in a single set of documents. They estimate about 600 pages at \$20.00 per page. At this point, I just want the council to have a heads up for future consideration.

The following bills were presented for payment:

Shawn Earl	18.50
Bear River Health	30.00
Utah Local Government	1,752.70
Utah Power	3,919.87
Sunrise Engineering	2,332.00
Allen Gravel	268.21
Cache Valley Craft	22.14
Qwest	382.83
Direct Safety	2,040.00
Walden Books	162.43
Ben's Plumbing	161.68
Al's Sporting Goods	39.99
Denny's	270.40
Jones Simkins	1,110.10
Marlowe Adkins	22.44
Cache Chemical	172.10
L.N. Curtis & Sons	182.61
Invensys	30.00
Office Depot	220.63
Bridgerland App	100.00

Peterson's Rocky Mtn	283.37
U.S. Filter	70.90
P.C.'s Unlimited	33.90
Civil Air Patrol	195.00
EcoSystems	240.00
Utah Northern EI	550.00
Randy's Texaco	68.31
Xerox	575.45
Lee's	219.89

A motion to pay the bills was made by Allen, seconded by Kim and the vote was unanimous.

A motion to adjourn was made by Allen seconded by Leslie and the vote was unanimous.

Adjournment at 9:25 p.m.

A motion to go into executive session at 9:25 p.m. was made by Cordell and seconded by L.D. The executive session was completed by 10:15 p.m. and the council adjourned until next month.

Mayor Kip Panter

Boyd Lewis, City Recorder