

RICHMOND CITY COUNCIL

November 26, 2002

The regular meeting of the Richmond City Council was held at the Community Building on November 26, 2002. The meeting began at 7:00 p.m. Mayor Kip Panter was in the chair and the opening prayer was offered by Leslie Erickson. The pledge was lead by Kim Christensen.

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

The minutes of the previous meeting were read and approved.

LIBRARY BOARD UPDATE ON BUILDING COMMITTEE

BELINDA: Several months ago when we met with the City, we were asked to send out a survey, which we did. We received back 33 respondents. This is what the survey indicated.

LIBRARY SURVEY

1. Funding library improvements should be the responsibility of the citizens of Richmond. 27% strongly agree, 36% somewhat agree, 3% neutral, 9% somewhat disagree and 6% percent strongly disagree.
2. I would be in favor of paying an increased property tax for an improved library building. 21% strongly agree, 18% somewhat agree, 30% neutral, 3% somewhat disagree and 24% strongly disagree.
3. I would be in favor of procuring a bond to help pay for an improved library building. 36% strongly agree, 15% somewhat agree, 18% neutral, 6% somewhat disagree and 6% strongly disagree
4. I would not support helping to pay for an improved library building. 18% strongly agree, 6% somewhat agree, 18% neutral, 12% somewhat disagree and 42% strongly disagree

Also, concerning our Library Improvement Survey, it said:

Additional Library Audio Tapes – 10% said yes

Construction of a new library building – 20% said yes

Expansion and renovation of the present library building – 35% said yes

Additional computer stations for public use - 18% said yes

Availability of community enrichment classes – 32% said yes

Expansion of children’s books – 25% said yes

Expansion of research materials – 25% said yes

Expansion of teen fiction – 18% said yes

Expansion of adult fiction – 21% said yes
Extended daytime hours – 8% said yes
Extended nighttime hours – 35% said yes
Handicap accessibility – 52% said yes

BELINDA: Where do we go next? We need the Council to tell us what we need to do. We would like to get going on renovation or expansion, and our library is bulging at the seams. There are a lot of things we need to do to educate our citizens. Members of the Library Board did not fill out any surveys so as not to sway the results of the survey. I have met with the library people of Preston City and the City of Morgan. Preston closed their historic library and built a new one because the Carnegie library had deteriorated considerably and the City of Morgan maintains the only library in the county. I feel like we need to start on our library soon.

MAYOR: I would suggest you get your Funding Committee going and start soliciting donations because either way we will need money for matching funds if we apply for grants. I would also like to see more representation on the survey than the 33 people that returned their survey via the utility bills. I think using the Youth Council to help canvas those that didn't respond by going door to door to increase survey coverage.

DEPUTY REPORT

BRANDON DOUGLAS: There are still a lot of speeders in the school zone. We will continue to write them tickets. We are not getting much help from the Highway Patrol. We are getting spread pretty thin. We used to write 50 to 70 tickets per month but now its is around 30.

RICHMOND IRRIGATION COMPANY PROPOSAL

GAIL ALVEY: I came earlier and discussed with you the project of putting in a new irrigation line by running a 10" line to the box at 3rd East. If we bore the road the estimate is \$11,174; if we cut the road with a backhoe it would be \$8,574. This irrigation line feeds 142 people with 378 irrigation shares and the current line is just not sufficient. Either way we go the cost will be passed onto the share holders.

MAYOR: We will need to discuss the issue of cutting the road and get back to you. I understand that cutting the road will decrease the life of the road overall and in the long run it might be cheaper to bore and protect the pavement. We will get a decision to you before you need to go to work.

PUBLIC HEARING ON PROPOSED ANIMAL CONTROL ORDINANCE 2002-7

MAYOR: We have copies of the proposed ordinance and a summary of the proposed changes from the old ordinance to the new one available for any that want one. The new ordinance increases the dog fines, which I would like to see. I would even like to see the fines higher than what is proposed if it would help us control loose dogs and get the attention of those who consistently violate the current ordinance without regard to the impact these problems create for other citizens. The new ordinance also provides for a kennel provision with license and other restriction. Currently, a kennel definition allows for 3 dogs or more. To get a kennel license would cost \$100 per year, require a conditional use permit and require all neighbors to agree to license via signed agreement. This is not meant to penalize the current kennel but it's intent is to reduce or prevent people from having 3 and more dogs in their back yard without meeting some basic standards for care of multiple dogs.

MARLOWE: There are other significant changes in the Animal Control Ordinance also. I have put together a summary of those changes. They are:

1. Provides for contracting of pound services instead of the City maintaining its own facility.
2. Spells out allowable animals within the City limits, and ties in with the "Animal Unit" as defined in the Planning and Zoning ordinance.
3. Restitution for damages inflicted by trespassing animals upon property belonging to another person shall be the responsibility of the owner or caretaker of the animal(s).
4. Dog license fee doubles on March 1st of each calendar year.
5. Fee increases from \$4.00 to \$5.00 for neutered/spayed dogs, \$8.00 to \$10.00 for intact dogs from January 1st to February 28th. Respective fees double on March 1st through December 31st; however, provisions are made for newly acquired dogs to be licensed at the base fee past February 28th if application for license is made within twenty days of the dog attaining licensing age or being acquired.
6. Provisions for temporary housing of dogs not to exceed 30 days, but City must be notified within 5 days of acquisition.
7. A kennel exists when 3 or more dogs are maintained vs the previous 4 or more. [Although language existed in the previous ordinance for a kennel, this provision was never activated.]
8. A kennel requires a minimum of 1 acre of land, a conditional use permit from the planning and zoning commission (permit good for 3 years), written agreement of neighbors, and an increase in the annual fee from \$40.00 to \$100.00, with the

latter doubling if not paid by March 1st of each calendar year. Individual dogs must also be licensed. Requirements for maintenance of a kennel. Provisions made for *de facto* kennels existing at the time of ordinance passage, but this is not a “blanket excuse” for those with three or more dogs.

9. Increase in fines for dogs running at large: First offense – Twenty-five dollars (\$25.00); Second offense – Fifty dollars (\$50.00); Third offense – One hundred dollars (\$100.00); Fourth offense – Two hundred dollars (\$200.00); Fifth offense – Four hundred ninety-nine dollars (\$499.00)

10. Impounded dogs may be sold or destroyed if not re-claimed at the end of 5 days.

11. Owner is liable for all expenses incurred in the care and keeping of an impounded animal in addition to any damages, fines, or other expenses.

12. Fines and fees are paid at the City Office; fines may be paid to the Court, so multiple offenders can be accurately tracked.

DAN MILLER: I have put together a letter on the ordinance. It says:

Dear City Council:

I would like to address several sections and offer changes (IN CAPITAL LETTERS) to the Draft Animal Control Ordinance 2002-7.

13-245 RUNNING AT LARGE PROHIBITED paragraph E.

I would like to suggest that two small changes be made to paragraph “E”:

E. A dog shall be deemed to be running at large when off or away from the premises (WHICH INCLUDES THE ADJOINING CITY PROPERTY) of the owner, possessor or keeper unless such dog is in the immediate presence of the owner, possessor or keeper...under the actual physical control by means of (VOICE CONTROL, A SHOCK COLLAR) leash, cord or chain not in excess of ten feet in length.

Because of Richmond’s unique “city strip” the word “premises” should be defined so it includes the adjoining city property. A dog can’t distinguish to where property lines are and many residents groom the “city strip” lot to look just like their yard.

I’m also suggesting that the words “voice control” and “a shock collar” be added to the means of physical control. There are several people in town including myself that like to ride bicycles, rollerblade and horseback ride with their dog running alongside. In these situations, using a leash would be dangerous and unwise.

1-249. DOGS WHICH DISTURB NEIGHBORHOOD.

Where does the burden of proof lie? If the violations occur in the middle of the night, how are the violations recorded and what course of action will be taken?

I also don't believe municipal dog pounds, veterinary hospitals, or medical laboratories need to be exempt from this section because this leaves room for abuse.

1-250. DOG POUND.

I would like to suggest that two new paragraphs be added:

(B. THE POUNDMASTER MUST CONTACT ALL LOCAL PRIVATE SHELTERS BEFORE AN ANIMAL IS DISTROYED).

(C. THE RICHMOND CITY COUNCIL WILL ENDORSE AND ENCOURAGE THE CONCEPT OF A COUNTY-WIDE NO-KILL ANIMAL FACILITY AND PROMOTE ITS EVENTUAL CONSTRUCTION AND OPERATION BY CONSIDERING THE USE OF FUNDS SUCH AS DOG LICENSING, IMPOUND FEES, AND PROPERTY TAXES.)

13-253 record of impounding dogs

I would like to suggest that three new paragraphs be added:

(B. THE POUNDMASTER MUST MAKE TEN ATTEMPTS (TWICE A DAY, ONCE AFTER NORMAL WORKING HOURS, DURING THE FIVE-DAY WAITING PERIOD) FOR UNTAGGED DOGS TO LOCATE THE OWNER, OR IF THE OWNER IS ON VACTION, A RESPONSIBLE PERSON TO RECLAIM SUCH DOG BEFORE DISPOSITION.)

(C. THE POUNDMASTER MUST MAKE TWENTY ATTEMPTS (TWICE A DAY, ONCE AFTER NORMAL WORKING HOURS, DURING THE TEN-DAY WAITING PERIOD) FOR (TAGGED (PERSONAL OR CITY-LICENSED) DOGS TO LOCATE THE OWNER, OR IF THE OWNER IS ON VACTION, A RESPONSIBLE PERSON TO RECLAIM SUCH DOG BEFORE DISPOSTION.)

(D. THE PHONE NUMBER FOR THE POUNDMASTER MUST BE POSTED AT THE CITY OFFICE BUILDING, IN THE CITY NEWSLETTER, AND ON OTHER PUBLIC NOTICE BOARDS.

1-254. REDEMPTION OF IMPOUNDED DOGS.

What happens after the fifth, sixth, and seventh offenses? Is the dog temporarily or permanently the owner, and is the fine the same on the fifth offense?

I would like to suggest that small changes be made to paragraph "C" and the addition of paragraph "D":

C. All impounded dogs not (TAGGED WITH A PERSONAL OR CITY LICENSE AND) redeemed within five (5) (BUSINESS OR WORKING) days shall be sold for the best price...

(E. ALL IMPOUNDED DOGS TAGGED WITH A PERSONAL OR CITY LICENSE AND NOT REDEEMED WITHIN TEN (10) BUSINESS OR WORKING DAYS SHALL BE SOLD FOR THE BEST PRICE...)

1-1. DISPOSITION OF UNCLAIMED AND INFECTED DOGS.

I would like to suggest several changes:

A. All impounded dogs not (TAGGED WITH A PERSONAL OR CITY LICENSE AND) redeemed within five (5) (BUSINESS OR WORKING) days of the date of impounding may be destroyed or sold...

(F. ALL IMPOUNDED DOGS TAGGED WITH A PERSONAL OR CITY LICENSE AND NOT REDEEMED WITHIN TEN (10) BUSINESS OR WORKING DAYS OF THE DATE OF IMPOUNDING MAY BE DESTROYED OR SOLD...)

B. In the case of dogs severely injured or having contagious diseases other than rabies and which in the poundmaster's judgement (AND ONLY IF THE POUNDMASTER IS A CERTIFIED VETERINARIANS ASSISTANT OR MUST GET SECOND OPINION FROM A VETERINARIAN OR VETERINARIANS ASSISTANT) are suffering and recovery is doubtful (ISN'T POSSIBLE), the poundmaster may destroy the dog (AFTER ATTEMPTING TO CONTACT THE OWNER) without awaiting the five (5) day period.

BARBARA STEWART: We have 2 dachshunds. We are not able to walk even a block away without loose dogs chasing our dogs. We usually have to carry our dogs.

TERRY WIERENGA: I walk to and from the bus stop ½ mile each day. I get about 4 dogs each time that come after me. Mostly they just smell and lick you, but sometime you feel threatened. There is a lot of inconsiderate dog owners in town. I think the most courteous thing for them to do would be to have a fence around their property for their dog.

DELINA NEEL: We have 3 dogs. I always watch them and keep them in the house most of the time. I feel like I am being singled out and punished by the kennel provision. It costs too much for the proposed kennel fee.

PAT JENKINS: I think some of the proposed changes of Dan Miller's are reasonable. Chapter Part Section 3-253. I think we should add that the poundmaster should check every animal for micro chipping. I also think \$100 is too much for a kennel license. Am I grandfathered in on a kennel license?

GAIL ALVEY: What concerns me is the barking dogs. You can't open your windows at night without hearing dogs barking. What is the process for reporting barking dogs?

MAYOR: We hire our dogcatcher for 12 hours per month. The dog licenses and fees collected do not cover his wages. If you are afraid of letting others know who you are, I will sign the citation to protect you. This will not solve all our problems unless we hire someone full time. As for the kennel fee, if it is excessive, we can reconsider a lower fee. The real intent of the \$100 fee is to discourage people from keeping 3 or more dogs in their back yard which generally cause problems. As far as grandfather clause, I feel that you don't have to get a conditional use permit, or get your neighbors permission if you already have a kennel, but you have to pay the fee annually. We would also require some kind of kennel standard to be met, again to discourage people from just accumulating 3 or more dogs. I also wanted to address the amount of time they are left in the pound. Five or ten days is quite long and usually they stay in the pound as long as you suggest and no one claims them and we are stuck with boarding fees which would be substantial. Then we have to put them to sleep anyway and pay the euthanasia fee.

The Council closed the public hearing without further comment and will take the citizen input under advisement. The regular Council meeting resumed.

AUDIT REPORT FROM JONES SIMKINS LLP

CURTIS ROBERTS: I appreciate the council setting aside some time to go over the audit of Richmond City. The period of this audit is from July 1 2001 thru June 30 2002. We conducted our audit in accordance with the auditing standards generally accepted in the United States of America and Government Auditing Standards issued by the Comptroller General of the United States. In our opinion, the general purpose financial statements present fairly, in all material respects, the financial position of the City, as of June 30, 2002 and the results of its operations and the cash flows of its proprietary fund types for the year then ended in conformity with accounting principles generally accepted in the United States. The fund balance in the Capitol projects fund is \$284,634. The excess of revenues and other sources over expenditures is \$137,985. The Water Utility fund showed a net income of \$24,977 and the Sewer Utility fund showed a net income of \$46,299. The Cub River Sports Complex has been turned over to Lewiston City as of July 1, 2002. The City is in good financial condition.

** A motion to approve the audit done by Jones Simkins LLP for the audit year July 1, 2001 through June 30, 2002 was made by Cordell, seconded by Leslie and the vote was unanimous.

MAYOR: Shawn Nemanich and his wife are here to discuss some issues at the new business named S&W Autotech and Detailing at the old Robinson Garage at 175 South 200 West. This property is owned by Edward Ricks, who was invited to attend this

meeting by a letter dated November 15th. Mr. Ricks is not present. We have some concerns about the business and the accumulation of salvage cars. Therefore the license request for S&W Autotech and Detailing will be deferred until the end of December. We are concerned about the junk cars or salvage or scrap cars that are starting to accumulate at the business. We want it to look good because this is an important corridor for Richmond City and we want it to look nice. We don't have a problem with the cars you are working on but will probably put a limit on how much time cars can stay at the facility. I would like the Council to review these recommendations and when we issue the license, it will have some strict conditional uses attached with it. The City Manager is to extend your current temporary license until December 31st, and he will send you a list of the conditions set down by the City Council. Thanks for coming in and we appreciate you cooperating with us.

COUNCIL REPORTS:

CORDELL: Marvin Traveller has been talking to me and is concerned about the easement that goes over to the 3 homes from Main Street to the old cheese factory. He doesn't want it to interfere with his developing that area.

MAYOR: We have issued Christmas bonuses in the past. I recommend we do the same as last year.

** The Council o.k.'d the approval of Christmas bonuses to City employees in the same amount as last year.

The following bills were presented for payment:

A Little Something	57.15
AT&T	48.95
Barco	78.95
Bear River Health	30.00
Bennetts	37.98
Brent Webb	400.00
Bridgerland Applied Tech	240.00
CV Insurance	118.00
Cache County Treasurer	77.29
Cache Service Area	11,159.79
Cache Valley Tire	34.95
Casselle	480.00
Christensen Construction	2,807.07
Country Cottage	50.00
L.N. Curtis & Sons	1,545.72
Curtis Industries	192.56
Denneys	105.66
Ecosystems	240.,00

FNW/Lawson-Yeates	15.11
Gary's Backhoe Service	960.00
Gateway	6,466.00
Gavin Little	190.24
Hansen's Concrete Cutting	220.00
Herald Journal	58.96
IPACO	83.10
Itty Bitty	1,390.47
Jack Parsons	52.00
Jardine Petroleum	9.21
Jeffrey Turley	1,475.00
Jones Simkins	858.25
Julienne Parrish	132.80
Kimko	478.80
Lees	103.35
Logan Regional	751.10
Metrocall	10.65
Patricia Forsgren	95.88
PC's Unlimited`	50.85
Prehospital Emergency Care	190.00
Publishers Quality	102.76
Questar	954.56
Qwest	408.08
Qwest Internet	110.65
Randy's	73.31
Rocky Mountain Concrete	435.00
Scholastic	144.80
Smithfield Imp	17.86
Standard Plumbing	79.79
Sunrise Engineering	866.00
Thatcher Co.	560.70
Theurers	269.96
USDA	784.59
Utah Northern EMS	700.00
Utah Power	2,398.02
Valley Implement	219.14
Verizon	76.24
WaldenBook	89.24
Wedeco	1,558.01
Wetco	2,450.00
WR White Supply	13.91
Xerox	530.83
Zoobooks	20.95

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 10:20 p.m.

Mayor Kip Panter

Boyd Lewis, City Recorder