

RICHMOND CITY COUNCIL

November 25, 2003

The regular meeting of the Richmond City Council was held at the Community Building on November 25, 2003. 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 led by Boyd Lewis.

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

The minutes of the previous meeting were read and approved.

AUDITORS: Curtis Roberts representing Jones, Simkins, LLP gave the audit report for Richmond City for Fiscal Year 2003 (July 1, 2002 through June 31, 2003).

CURTIS: I am really glad to be here tonight. I would like to report to the city that it is in great financial position right now. The Sewer Fund showed a Net Income-Budget basis of \$36,564.00. The Total Operating Revenues for the Sewer Fund was \$174,319. The Total Operating Expenses was \$99,461 with operating income of \$74,858.00. The Water Fund showed a Net Loss-Budget basis of \$8,371.00. The Total operating Revenues for the Water Fund was \$255,018.00. The Total Operating Expenses was \$182,376.00 with operating income of \$72,642.00. The Capitol Projects Fund ended with a balance of \$316,490.00. The General Fund had revenues of \$668,521.00 with expenditures of \$655,009.00 for a positive excess of revenue of \$13,512.00. The Fund Balance of revenue over expenses ended the year with a balance of \$110,984.00. I think the City has done a very good job of managing revenues and expenses. Thanks for letting me come in and meet with you tonight.

DEPUTIES REPORT, DEPUTY BRANDON DOUGLAS:

BRANDON: We are not writing many tickets right now, but we did write one for 96 mph through town the other day.

COUNCIL MEMBER REPORTS:

KIM CHRISTENSEN: The road shoulder on 200 East needs to be completed

LESLIE ERICKSON: Lions Club "Lights On" at the park Saturday, Nov. 29, 5:00 p.m. Youth Council helping with refreshments. Santa will turn the lights on at 5:00

ALLEN LUNDGREEN: Maddox' store sign is temporary. They have plans to paint the exterior of building and next summer they will redo the front steps and put up a nicer sign. Tom Haddock of Cove Auto wants to purchase property north of him. One idea is to establish a state impound yard. P&Z did not like that idea. He will asphalt his parking lot after the U. S. 91 widening project has been completed, as was agreed to when he first obtained his building permit.

MAYOR PANTER: We have a few minutes before the scheduled meeting with citizens concerned about run-off water from Bowers or Robinson's spring. Here is a quick review so everyone on the Council has some background. During the October 30th snow storm, the City Office was informed by Helen Robinson that the house on the corner of 200 South and 400 West was being flooded by water backing up from the pipe going underneath 400 West towards the west. Marlowe went down and looked at it, determined that the drain in question was not the City's drain but a private one coming down from the spring and pond behind Robinson's home. Over the next few days Helen tried to contact me, and did contact Kim, L.D., and Cordell. Marlowe made contact with the City Attorney, Bruce Jorgensen, and ascertained that we should not do anything since it was not a City drain and if we did do anything, we would become liable for all of the problems. I just want all of you to have even background before they make their presentation. On another subject, I've talked with Boyd about paying off the Fire Station and/or paying off the Zion's bank loan for the State Street repaving. Maybe we should wait on the road loan to see what happens with road widening project. I've also asked Marlowe to see what can be done about the two new homes brought in by Chad Hill.

MARLOWE: I'll do a more comprehensive check, but initial results are that we have nothing requiring either porches, steps, or paved driveways at homes in the City. Chad told me that he would put in a driveway for the original home at 40 North 200 East in the fall, but then he brought in the second home at 26 North instead. He later told me that he'd get some gravel into the driveways, but as of today nothing has happened.

LESLIE: It looks like a trailer.

CITIZEN'S CONCERN ON WATER RUN OFF:

MAYOR PANTER: Helen and others, we greet you and would like to hear from you at this time.

HELEN ROBINSON: I'd like to have my son, Greg, do the talking.

GREG ROBINSON: With the first snowstorm, Mr. Nielsen called Helen Robinson and said their house was taking on water. Water was bubbling up out of the catch box. Helen called Coates Roto-Rooter, and they sucked water for two hours. Rocks and a mess have hampered flow on the west side of the street. Roto-Rooter got out gravel and mud. They say that something under road is obstructing the flow, possibly it is collapsed. We feel there are four parties involved: Helen, Mr. Nielsen, Richmond City, and Mr. Hoppie. No one feels responsible. The question is: Who will fix the culvert under the road if it is collapsed or plugged? Two years ago water was bubbling on Jed's land. He said he doesn't own the water, he only had to provide free flow, so he replaced pipe on his land.

MAYOR: Who did the contract work when you realigned drain?

HELEN: Pitchers.

MAYOR: I feel whoever owns the drain also would own the culvert.

GREG: What about end of property, end of responsibility?

MAYOR: I think the water owners are responsible.

HELEN: Isn't the City responsible for water and roads?

MAYOR: We addressed this issue when the building permit was issued. At that time the City issued a disclaimer letter to the contractor before signing off on the building permit. We knew there was a potential problem there because of the drain from Bowers/Robinson spring and the location and elevation of the proposed home at that time. The contractor got the permit and therefore, I think, he was responsible to pass on the city's concern to the Nielsens.

GREG: What if the homes weren't there? Who would fix it? We aren't asking for a decision tonight, but the City is one of the four parties involved. Helen doesn't want Mr. Nielsen to suffer, but her attorney said she is not responsible; only for free flow.

MAYOR: We are a little gun shy to step in. I still believe the water owners are responsible and not the city.

MR. NIELSEN: When catch box backed up, it came back into drain around my house.

MAYOR: Why would contractor hook you into an active drain?

MR. NIELSEN: The water can't go anywhere else.

GREG: We ask the council to find out who is responsible for the culvert.

MAYOR: Once we step in, we are liable for past damages. It is a private drain, we don't think the city is responsible. Who put in the other drain?

MARLOWE: Marvin Traveller was the Mayor when the City drain was put in place.

GREG: Who is responsible for the mess on the west side of the road? Maybe we should clean it out and ask Roto-Rooter to try again.

MAYOR: Maybe all four parties need to get together and discuss it.

CORDELL: Is it now running free?

MR. NIELSEN: Yes, it is flowing, but not solved. I missed work to clean my basement.

HELEN: If water is bubbling, there must be an obstruction-no one wants to clean it out, because then they are responsible.

MAYOR: Past people on the council and one of the water owners recommended to the city that this lot not be sold and that was part of the reason for the disclaimer. We discussed this problem as a city council prior to the home being built, however, I believe the lot had already been sold, either to the contractor for a spec home or to Mr. Nielsen.

GREG: How do we fix the problem for Mr. Nielsen?

MAYOR: To fix the problem the culvert should be either opened completely or replaced, but the question is who is responsible to do that. I think that should be the water owners responsibility and not Richmond City.

MR. NIELSEN: I think the four parties getting together is a good idea.

MAYOR: If we discuss and find a solution, are the Niensens willing to accept responsibility for past damage and not seek remuneration and is Helen Robinson willing to absorb the cost of Coates Roto-Rooter?

MR. NIELSEN: I have a hard time pulling \$1500 out of my pocket.

MAYOR: As soon as Richmond City steps in, we are held for past damages. We will talk to our legal council.

GREG: Maybe we need it cleaned out with a backhoe.

MAYOR: How about hiring a backhoe, and see what is obstructing. We are hesitant though as we feel it was a bad decision to build a house there in the first place.

MR. NIELSEN: Then why was the permit given?

MARLOWE: Because once the sub division was established and approved (and this was done many years ago) it's not the city's responsibility to resolve all issues that may arise on each lot.

MR. NIELSEN: Then why wasn't I brought in to sign the disclaimer?

MAYOR: That was the contractor's responsibility to inform you.

MR. NIELSEN: Under normal conditions, I wouldn't have flooded.

CORDELL: Under normal conditions, we wouldn't have needed a disclaimer.

MAYOR: What comes out of Bower spring is separate from Richmond Irrigation, right?

HELEN: Yes.

MAYOR: Is there any document between the water owners and Robinsons about providing clear flow? We won't make any decisions at this time, but we will take it under advisement.

GREG: Yes. We thank the Council for their time.

LIBRARY PRESENTATION:

BELINDA BURNINGHAM: I am representing the Library Board and the Building Committee. We got response from the public at the City picnic on the three proposed plans for remodeling the Library. According to the feed back from public, the Board, the Historic Committee, and others, plan #2 was the first choice. We have grown to circulating over a thousand items per month, so we need to expand, but we want to preserve the present building. The sewer line would need to be rerouted, and we are hoping to apply for grants for the elevator. The public was not happy with the ramp on plan #3. Some things will need to be adjusted, this is not set in stone, but the committees are thinking it is a step in the right direction, that it is a good starting point. We have a time line here, but we can't do anything such as going after grants, etc, until we have the City's approval of at least a basic plan. It is our hope that the City Council will give their approval for a go-ahead tonight.

L.D. How many people responded?

BELINDA: Over 60 people at the workshops, surveys, picnic, etc.

MAYOR: Would you like a motion?

BELINDA: Yes.

LESLIE: I make a motion that we accept this preliminary plan, so they can move ahead with looking for funding,(historic and private) and other details.

KIM: Second the motion.

CORDELL: Looking at this time line, it shows bond election not until 2005, which is taking it to the voters.

BELINDA: The actual building depends on the funding that we can get.

CORDELL: Can't you ask the voters sooner, so you haven't spent lots of money to get to that point.

LESLIE: The people will want to know exactly what they are voting for. We can't ask them to vote, when we haven't applied for any grants, etc. yet.

MAYOR PANTER: Calling the question. All in favor?

**Leslie Erickson and Allen Lundgreen voted "Yes"; Kim Christensen, Cordell Johnson,

and L. D. Bowcut voted “No”**

MAYOR PANTER: The motion fails.

BELINDA: Where do we go from here?

CORDELL: I want to make it clear that I love books, love to read. I am in favor of libraries, but we need more input from more people when we are dealing with this much money.

BELINDA: It is hard to ask people for money, if we don't know what we are voting for. If we can ask the people to fund \$4000 for example because we have raised X amount, it is a new ball game. If you vote no, our hands are tied.

MAYOR: Go back and review tonight's comments. Then come back with a new proposal that addresses the council's concerns.

BELINDA: Can we try for grant money for blue prints, so we have something to show?

CORDELL: If you can move up the time line.

PROPOSED RESOLUTIONS 2003-7 AND 2003-8:

MAYOR: At the Utah League of Cities and Towns there were seven Cache Valley mayors that discussed RAPZ tax, then we came back and discussed issues with the Cache Mayor's Association as a whole. I'm requesting that you consider and adopt these two resolutions. This will support the Cache Mayor's Association, of which 13 out of 19 are in favor. The one opposed is Mayor Thompson of Logan. Mayors will present these resolutions to the County Council. They say how the funds are allocated.

CORDELL: I move that we adopt Resolution 2003-7 “Resolution Urging The Cache County Council to Adopt Guidelines For The Distribution of RAPZ Tax Monies as Recommended by a Group of Cache Valley Mayors”.

L.D.: I second the motion:

MAYOR PANTER: All in favor?

***The council adopted Resolution 2003-7 unanimously.**

L.D.: I make the motion we adopt Resolution 2003-8 “Resolution Recommending Consideration of Community Cultural And Arts Organizations by The Cache County Council as They Consider Guidelines For Distribution of The Recreation Arts, Parks, And Zoo (RAPZ) Tax”.

KIM: I second the motion.

MAYOR PANTER: All in favor?

***The council adopted Resolution 2003-8 unanimously.**

INITIAL DISCUSSION ON ADJUSTMENT OF CULINARY AND SEWER POLICIES AND RATES:

MARLOWE: Two months ago the Council asked to consider adjustments for the culinary and sewer system policies. Before you is a proposed ordinance and a propose resolution to use as a starting point. You also have a breakdown on the number of water users in the various categories. These are numbers only as you cannot make rates specific to a given business, etc. At the Councils direction, I checked this question out with David Church, the legal counsel for Utah League of Cities and Towns. Some issues for your consideration are: obligate owners to cover outstanding utility bill if tenant moves out; an adjustment to rates to reflect various water users by quantity consumed; establish a formal collection process; allow fixing a fee for hanging a delinquency notice, shut off, turn on, etc. Nothing in either of the documents is “must do”, rather it is a starting point to establish a dialogue.

MAYOR PANTER: It has been shown that a tiered rate is better for encouraging water conservation. I’d like the Council to bring this back at the January meeting for serious discussion, after which we can refine it and present it to the public in a hearing. Marlowe, put this on January’s agenda.

CITY MANAGER REPORT:

Marlowe: You asked earlier about selling some of our irrigation shares. After checking, we have no irrigation shares to sell. When watering, we have 34 heads, but we only have 33 ½ shares of water.

MAYOR: I didn’t think we did, except for the 15 we just bought.

Marlowe: Irrigation Shares: The 33 ½ shares includes the 15 shares we bought from Kurt Chesley. Abbott-Webb Irrigation Shares: I sent a letter to Mike Abbott and Brent Webb about the 7 shares they were to turn over to us for Phase 1 of the Deer Creek Heights PUD. I asked that they complete the change over by December 1st. As of today, we have heard nothing from them. I’ll wait until December 1st. If we don’t have them by then, I recommend that send a letter signed by the Mayor. Surface Drain Project: We signed off on the 300 East 500 North surface water drain project. Bret Christensen still needs to grout where the pipes come into the boxes, but he said that can be done during the winter months. I insisted on this because the EPA rule on surface water will be applying to us in 2005. The collection box on the corner of 300 North and 300 East is dug down quite a bit. As water flows north to south, water gets trapped by the rise in Lynn Christensen’s driveway. The road is breaking up as a result. For this reason we have the collection box low, and this coming summer make a proper cut on the shoulder and right-of-way so the water will flow into collection

box. We'll have to decide if the City will furnish a culvert for Lynn's driveway, or just establish a "dip". Roll-on Roll-off Bins: The roll-on roll-off bin report was put together by Chris. You can see that we spent less, including the wages for those watching the bins, than we were spending just for haulage a few years ago. Black & White Building Insurance: Now that we are renting the Black & White building, we need to add it to our ULGT insurance policy. Do I have your permission to pursue this. *The Council said "yes".* GASB-34: I have a packet for Boyd to inspect relative to the GASB-34 requirements. This is a company that sets up initial accounting, but I also notice that they don't do anything for the infrastructure. Under GASB-34, we will need to put a value on sidewalks, signs, water pipe, sewer lines, etc. to show on the audit. With your permission, I'll have Boyd look over the packet although I'm not as enthused about it as I was since realizing the infrastructure is not included. *Mayor Panter gave the go-ahead to have Boyd look at the information.* Zoning Ordinance and Trailer Courts: A weakness has become apparent in our Zoning ordinance. As it reads now, trailer courts are restricted to Highway Commercial. This seems to be a waste of valuable, sales-tax generating land. May I prepare an initial draft of an ordinance to change Trailer Courts into an overlay applicable to all zones, similar to what we currently have for multiple family and affordable housing dwellings? *Mayor Panter noted that a public hearing will be necessary.* EPA Rules: Beginning January 1st, 2004, a new EPA rule, Disinfection By-products Rule, goes into effect. This is another unfunded mandate that will be affecting our budget in a manner yet to be determined. EPA is also talking about virus test for culinary water, a single test cost estimate is \$1200. This is just in the talk stage right now, but I want the Council to be aware of some of the things we may have to content with in the near future. Settlement Agreement: Relative to our Settlement Agreement, Aqua Engineering submitted the chlorination/de-chlorination plans on time and I'm just waiting to hear from Division of Water Quality for their input. Land Transfer and Spring Agreement: Kim Christensen brought this to my attention, and I verified it in the City Council minutes from 1993. In exchange for building the new water tank at the east end of Main Street on Garr Christensen's land, the City agreed sign over the old water tank and its property to Garr. This was not done although the new tank was completed and put into operation. I've already engaged Pete Peterson to do a survey of the land, and am requesting the Council's permission to have the City Attorney draw up the necessary documents to complete this action. *The Council gave approval.* Along the same lines, Garr agreed to pay \$5.00 per year to use a City-owned spring in the area. Now that he is deceased, I recommend that we draft a new agreement along the same lines for Kim and/or Bret Christensen the sign. *The Council gave approval.* Easements and Surveying: I also have Pete Peterson surveying for the recording of easements, both by the water tank and also up Cherry Creek canyon. U.S. 91 Widening Project: On the 200 West/U.S. 91 widening project, we need to move water and sewer outboard. If we leave them where they are now, they will be covered and we won't be able to access them for five years. If we want development to proceed along the Highway Commercial zone, we need to move them now. **KIM**: Could we stub them out every so often? **MAYOR**: Bring a cost with each option to and put this on the January agenda. Highway Light Poles: We will be incurring a slight increase in cost for the new light poles along the highway. They need to be "break-away" in design instead of the rigid poles we originally contracted. Dave Cook of Holophane thinks that the cost will be close to the original quote. I'll keep the Council informed as I get information. Sales Tax Sampling: You have a summation of sample businesses along U. S. 91 for sales tax reports. Note that S&W Auto Tech has paid next to nothing, yet they have a constant flow of vehicles and we get complaints from the neighbors because of the activity.

Rental House: Martin worked very hard over the past few days, and the rental house is now available except for needing replacement springs on the garage door. **Safety Light Bar:** I'd like to request permission to authorize the purchase of a light bar for the top of Rob's truck. This bar will direct traffic with adjustable "running arrows" from the rear, and has a directable spotlight in front for night work. The estimated cost is \$1,200, but I think it will be crucial for safety since we are going to be pulling samples from manholes in the highway on a regular basis. *The Council gave approval as long as the light bar is not a permanent fixture on the truck, and can be moved to another truck as needed.* **Mayor, Council, City Manager Retreat:** The City Manager's of Cache Valley are wondering if you, as Mayor and Council, would be interested in a "retreat" to discuss common matters. Would there be any interest? **LESLIE:** Don't we have that? Like at the League meetings?

L.D.: Utah Power will take care of the trees at 300 South and 100 East.

KIM: When I was passing the chlorination building at the Main Street tank, I could smell chlorine.

MARLOWE: Gavin has already reported that. The regulator unit failed, and we leaked about twenty pounds of chlorine. He replaced that unit with the one that was at the well-house, and we have a new regulator on order.

BILLS:

The following bills were presented for payment:

| | |
|----------------------------------|----------|
| Aqua Engineering | 2186.25 |
| Association of Public Treasurers | 115.00 |
| Association of Youth Councils | 50.00 |
| AT&T | 89.66 |
| Boyce | 250.28 |
| Brent Webb | 75.00 |
| Brodart | 64.60 |
| Cache Co. Treasurer | 79.94 |
| Cache County Corp | 98.71 |
| Cache Service Area | 12078.83 |
| Cache Valley Craft | 63.88 |
| Cantwell Bro | 20.19 |
| Caselle | 63.00 |
| Castalite | 72.84 |
| Christensen Const | 13689.50 |
| Clark Security | 212.34 |
| Cove Auto | 826.93 |
| Deluxe Business Checks | 61.15 |
| Denny's | 123.01 |
| Ecosystems | 315.00 |
| Ferguson Enterprises | 3546.16 |
| Industrial Tool | 14.46 |
| Intermountain Hydraulic | 128.31 |
| IPACO | 34.73 |

| | |
|-----------------------------|---------|
| Isco | 1680.00 |
| Itty Bitty | 3571.43 |
| Jan Gilbert | 18.50 |
| Jeff Turley | 400.00 |
| Jones, Simkins | 1915.75 |
| Julienne Parrish | 315.96 |
| Kim-ko | 288.00 |
| L.N. Curtis | 1278.47 |
| Lee's | 161.28 |
| Mountain States Waterworks | 903.98 |
| North Cache Vet | 19.80 |
| Northwood Rentals | 99.00 |
| Olson & Hoggan | 1113.75 |
| Parsons | 111.67 |
| Pc's | 33.9 |
| Petersen's | 157.85 |
| Pizza Villa | 92.96 |
| Questar | 1090.08 |
| Qwest | 395.13 |
| Qwest internet | 72.38 |
| Randy's Texaco | 79.00 |
| Randy's Texaco | 54.00 |
| Rockmount | 199.06 |
| Roto-Rooter | 350.00 |
| Scholastic Book | 12.80 |
| Shell | 102.93 |
| Sign Pro | 409.63 |
| Smithfield Imp | 52.77 |
| Standard Plumbing | 84.11 |
| Staples | 23.80 |
| Texaco Credit Card | 1462.91 |
| Thatcher | 516.72 |
| The Herald Journal | 11.90 |
| The Home Depot | 170.05 |
| Theurers | 95.39 |
| Thomson Electric | 66.37 |
| Utah Local Government Trust | 1310.03 |
| Utah Power | 2472.44 |
| Verizon | 29.93 |
| Walden Book Co. | 426.36 |
| Xerox | 197.60 |

CORDELL: I move that we close the regular meeting and open the executive session.

L.D.: I second the motion.

The Council voted unanimously to move into Executive Session on personnel matters.

Adjournment at 11:00 p.m.

Mayor Kip Panter

Boyd Lewis, City Recorder