

**RICHMOND CITY COUNCIL**

**Tuesday, December 21, 2004**

The regular meeting of the Richmond City Council was held on Tuesday, December 21, 2004 at 7:00 p.m. at the City Office located at 6 West Main, Richmond. Mayor Kip Panter was in the chair. The opening remarks were given by Marlowe Adkins.

The councilpersons in attendance were: L.D. Bowcutt, Terrie Wierenga, Cordell Johnson, Leslie Erickson and Allen Lundgreen.

The minutes of the previous meeting were read and approved and the financial statement for November 2004 was read and approved.

**BUSINESS LICENSE REQUEST:**

**MARLOWE:** Arnold Machinery Company would like to lease the old Lou Robinson service station at 175 South 200 West. They will be leasing it from the owner of Ted's Service. I told them that if the license is approved by the Council, they should be good tenants. They are requiring Ted to clean up the property completely before they'll move in, and they intend on keeping it in good order.

\*\* The Council o.k.'d this request effective January 1, 2005.

**DISCUSSION AND POSSIBLE REVISION OF A PRIOR RE-ZONING OF LAND BEHIND 160 East 100 North.**

**MARLOWE:** Mick Stokes is interested in building a single family home on a parcel which had previously been re-zoned for a 4-plex apartment. The City would have to give a street address to the parking lot at the Carlson Apartments but the dwelling would not be a flag lot because of the parking lot and ready accessibility to emergency vehicles.

**ALLEN:** Planning and Zoning talked about where the information on this land would be in the City minutes. They didn't have a problem changing the zoning from allowing a 4-plex apartment to allowing a single family home. They suggested that it should go to the City Council for their approval or denial.

**MARLOWE:** Mick Stokes reports that the City had earlier granted the previous property owner, Brent Carlson, the right to build 2 additional 4-plex units, one immediately south of the current two units and one on the parcel of property where Mick is interested in building. This agreement was apparently grand-fathered in at the time the multiple family zoning ordinance was redone (about 1993 or 1994). A similar situation apparently occurred for the old Roland Anderson apartments, now owned by Don Sadler. In looking at the City Council minutes for March 2, 1976, it is recorded that the City Council granted a re-zone to the original property owner, Don Carlson, allowing the right to build two 4-plex units. I thoroughly searched both the City Council meeting minutes and the Planning and Zoning Commission minutes and could not find any documented record of additional multiple family dwellings being authorized on this parcel of land. Without the proper documentation, the land in question remains residential

medium density (RMD) and no additional multiple family units could be allowed without first gaining a re-zone. There are 3 options:

1. Adhere to the legal aspect which would allow Mick to build but requires Brent Carlson to go through a re-zone if he decides to build in the future.
2. Affirm in tonight's minutes that a witnessed verbal understanding (Stuart Smith, long-time member of P&Z remembers this discussion about 1993; Mick stated that Mayor Panter was also familiar with the understanding, and Mayor Panter confirmed this) allowing the construction of two four-plex units at some point in the past is valid. This will save Brent's verbal agreement, but requires Mick to undergo a re-zoning process to remove the second multiple family dwelling on his property.
3. Affirm in tonight's minutes that a witnessed verbal understanding allowing the construction of two four-plex units at some point in the past is valid; however, it only applies to the single unit on that section bearing the property tax number of 09-062-4457 (owned by Brent Carlson) but does not apply to property tax number 09-062-0035 which was subsequently sold by Brent to Mr. Spohn without conditions attached. This preserves Brent's verbal agreement for one additional four-plex on his property, and enables Mick to build without the need for re-zoning.

**MALCOLM "MICK" STOKES:** We would like to build a home there but if the home on the north side of the shed which is for sale is sold with the shed, this won't happen.

**MAYOR:** We could run a water line in from 1<sup>st</sup> North or get an easement and go west off of 1<sup>st</sup> East through the field. Either way it would be Mick's or the property owner's responsibility to put in the water and sewer.

\*\* A motion to go with option 3 above was made by Cordell, seconded by L.D. and the vote was unanimous.

**MARLOWE:** I have given each of you a copy of proposed Ordinance 2005-1. This ordinance is to establish an annexation policy plan to govern the future annexation of unincorporated land within Cache County in accordance with the applicable portions of Utah Code Annotated. This item will be formally put on the January, 2005, agenda for discussion, but I wanted you to have adequate opportunity to examine it in advance.

**MAYOR:** We issued Christmas bonuses for our employees and Council to have before Christmas. As a follow up to that, I would like to have approval of that in the minutes.

\*\* A motion to approve the Christmas bonuses for 2004 to City employees and City Council members was made by Leslie, seconded by Terrie and the vote was unanimous.

The following bills were presented for payment:

A little something	144.35
Ace Industrial Supply	103.60
Allen Rock	261.45
Al's	211.90
Anderson Seed and Garden	1092.30
Aqua Engineering	1249.50
AT&T	205.28
ATCO	129.45
Bear River Health	60.00
Bennetts Glass	46.07
Cache Chemical	151.68
Cache Service Area	11964.67
Cache Valley Auto Supply	8.18
California Contractors	89.70
Cantwell Lumber	31.10
CDW Government	503.25
Chemtech Ford	600.00
Cleaning Center	107.90
Coats & Coats	475.00
Colonial Flag	199.10
Dan Miller	300.00
Denny's	50.72
Every Bloomin' Thing	64.00
Ferguson	42.09
Gall's	125.92
Gaylord Bros.	4.63
HACH	188.00
Hall's Store	55.00
Intermountain Farmers	329.85
Itty Bitty	382.74
Jones, Simkins	4473.25
Kids Discover	19.95
King's	245.75
L.D.'s Café	554.32
LD Bowcutt-Carpenter Paper	87.90
Lee's	504.11
Lower Foods	59.01
Metrocall	12.96
North American Salt	3317.90
Northern Utah City Managers	100.00
Olson & Hoggan	140.00
Parsons	617.00
PC's Unlimited	33.90
Peterson Plumbing	141.83
Petersons Rocky Mountain	213.29
Pizza Villa	298.52
Questar	3056.18
Qwest	391.70
Qwest internet	72.38

Safety Supply & Sign	117.17
Safety Supply & Sign	528.90
Shell Fleet Plus	599.83
Smithfield Auto	33.31
Smithfield Imp	223.46
Standard Plumbing	71.97
Sunrise Engineering	3148.81
The Herald Journal	46.50
The Home Depot	789.13
Theurers	241.02
Time Rental	10.48
U&I Kiwanian	195.00
USDA Forest Service	45.00
Utah Local Government Trust	4638.81
Utah Power	2080.71
Utah State Division of Finance	100690.93
Utah State Library	650.70
Verizon	31.67
Walden Book Co.	39.08
Xerox	197.60
Zion's Bank	11450.00
Zoobooks	20.95

A motion to pay the bills was made by Terrie, seconded by Leslie and the vote was unanimous.

A motion to adjourn as made by Allen, seconded by Cordell and the vote was unanimous.

Adjournment at 7:40 p.m.

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Mayor Kip Panter

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Boyd Lewis, City Recorder