

RICHMOND CITY COUNCIL

December 20, 2005

The regular meeting of the Richmond City Council was held at the Richmond Community Building on December 20, 2005. The meeting began at 7:00 p.m. Mayor Kip Panter was in the chair. The opening remarks were made by L.D. Bowcutt.

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

UTAH LOCAL GOVERNMENT TRUST AGREEMENT

MARLOWE: It is necessary to renew Richmond City's agreement with the Utah Local Government Trust due to some State mandated changes. It was required that our attorney, Bruce Jorgensen, review the changes and he has reviewed the changes and signed off on the agreement.

A motion to adopt Resolution 2005-5 which was to accept the revised Utah Local Government Trust Agreement was made by Terrie, seconded by Cordell and the vote was unanimous.

POTENTIAL SEWER SYSTEM PROPERTY PURCHASE

MAYOR PANTER: The appraisal on the land owned by Zan Harris and Craig Allen west of the existing sewer lagoons is \$2,000.00 per acre. The Council has offered to purchase this property from Zan and Craig for around \$2,500.00 per acre.

L.D.: The land is actually 31.46 acres and Zan mentioned to me there is another 8 acres as well. Zan would accept \$2,500.00 per acre immediately. Craig has approximately \$14,000 in interest and improvements on the property. Craig wants an additional \$14,000 for the 7.5 acres he owns. I believe we could purchase the property for \$2,300.00 an acre plus the additional \$14,000 to be paid to Craig for the additional money he has spent. Craig spent about \$6,000.00 in interest on his loan and \$8,000.00 in improvements to the property. Zan has been harvesting the crops off the property recently and had no additional costs. Zan also wants to know who is going to pay the expense for the water pump and the electricity to operate the pump if the City decides to use his property for the sewer discharge. Zan informed me that he has an interest in selling the 120 acres that the wheel pivot is on as well.

MAYOR: Did you ask him if he was willing to accept payments? Perhaps 5 years at a reasonable interest rate?

BOYD LEWIS: The City has put money away for a project such as this purchase if it needs to be paid-in-full immediately.

L.D.: If the Membrane Sewer System is approved would there be a need for the land purchase?

BRAD RASMUSSEN: I would keep in mind that land never gets cheaper.

CORDELL: Who would own the land if the sewer enterprise fund purchased it?

BOYD: The sewer fund would own it just like the previous land acquisition we did at the sewer ponds from the Spackman's.

A motion was made, to offer Zan Harris and Craig Allen \$2,300.00 per acre for approximately 40 acres of property to the west of the current sewage ponds plus an additional \$14,000.00 payment to Craig Allen for his additional expense, was made by Terrie, seconded by Cordell and the vote was unanimous.

MAYOR: It is possible to use the land for future wetlands mitigation or some other purpose. It could also be rented for agricultural use until the City needs the land. I believe it is a good idea to look into the purchase of the entire property and the pivot. This maybe the best opportunity we will have.

BRAD RASSMUSSEN: One concern I would have is if you do not own the land there is always potential for problems when you do not have control of the property. The owner could sell the property and there could be issues on the property with the new owner. I would seriously consider purchasing the additional 120 acres as well.

BRAD JENSEN: If the Membrane System is installed we will still need an area for the solids to be distributed.

MARLOWE: Please keep in mind that if the E.P.A. ever determines in the future that the land application was in violation of standards that might not even exist right now, the City will be still be liable whether we own the property or not.

MAYOR: L.D. please request a proposal from Zan regarding the purchase of the additional 120 acres. I would like to try and add the land acquisition to the sewer system project expense if possible. We also need to discuss consideration of the water shares that would come with the land.

CITY MANAGER REPORT

MARLOWE: Rob and myself have inspected the roads named Cherry Creek Parkway and Sunset Circle in the Cherry Creek Subdivision (Brent Webb's) and accepted them. We will get them measured and submitted for the B & C road fund. We have accepted the proposal from the State on our most recent Notice of Violation. The fine is \$6,166.67 and the payment is due 30 days after the proposal is officially accepted by the State. We also agreed to get a certified Waste Water Technician. I am in the process of receiving this certification and the license is valid for 3 years. We also agree to install a Sodium Hydrochloride System within 90 days.

There will be a \$50.00 per day fine if the agreement is not implemented on time. There is also a fine of \$100 per violation if our BOD and TSS levels exceed our discharge permit limits. For the month of November, had this agreement been in place, we had 5 violations but only 4 would have resulted in fines to total \$400.00. Our pH level was too high but the State is not monitoring it as part of the Settlement Agreement. Also, please note that the State discounted our fine due to our diligence in trying to correct the problem and, mainly, due to the fact that we did not gain anything by being in violation. For the Council's knowledge in the decision-making process, I made a sample grab of our effluent and had EcoSystems check it for phosphorous. To meet the new phosphorous regulations we will be required to have 0.1 milligrams per liter or less. Our current level from that random grab is 6.49 milligrams per liter. Also, as a side note, I am growing extremely uncomfortable with the AJAX IS System. There is not one in Utah. You may recall that I looked at essentially the same system, under the name of Advanced Integrated Pond System, over at Mead, Colorado, last year. Based upon what their operator and engineer told me, I believe the temperature is too cold in Richmond for this system to function properly. The system was designed for a California-type climate, under which conditions it works extremely well but we certainly aren't California. On another matter, do any of the Council have any input on the revised construction standards and sub-division ordinance? Terrie has given me her revisions which have been incorporated. Can I proceed to get this passed by February so the standards will be in effect by the March 2006 construction season?

No additional input was provided, Terrie noted that she had discussed the matter with Allen and they had pretty much the same suggestions. The Council nodded approval to proceed towards the February deadline.

A motion was made, to close the regular meeting and open the public hearing, by Terrie, seconded by Leslie and the vote was unanimous.

SEWAGE TREATMENT PLANT PUBLIC HEARING

BRAD RASMUSSEN: A decision needs to be made whether to treat and land apply or treat and discharge. There are pluses and minuses to both options. Discharge does not require land for application. The Membrane System is very good but also expensive. I know you will have difficulty in convincing the DWQ to fund the Membrane System due to the cost. They want to comply with all regulations at the cheapest cost to the citizens. Tim Beavers contacted me and asked that I consider another treatment option. He would like us to explore connecting onto the Logan City Sewer System. I have contacted Jim Gass from Smithfield City and they are already at capacity, therefore a line would have to be run from Richmond to Logan.

MARLOWE: I've already made contact with Logan City and they are already at capacity. They do not have room for our daily load.

BRAD: The estimated cost for Logan's new system will be around 100 million dollars. We need to get a finalized cost estimate on both options. A decision needs to be made so that it can get approved by the State, design will take approximately 6 months and I would look at starting

the construction portion in Spring 2007. Normally contractor's prices are cheaper in the spring than later in the summer when they have already obtained their work for the year.

MARLOWE: Our pH level is currently too high. Right now it is 9.1 and we are allowed 6 – 9. It was at 8.6 – 8.7 until the unanticipated discharge was just added.

BRAD: That can be resolved by adding acid to the water.

MAYOR: Would it be better to use a band aid approach for a year or two and see if the prices decrease on the membrane system?

TIM BEAVERS: The price on the membranes may decrease but the cost of construction supplies such as concrete are continuing to increase.

BRAD: Prices are decreasing. Oakley paid \$3.00 per gallon, Hyrum \$1.25 per gallon and I just bid a Jerome, Idaho system at \$0.88 per gallon.

TIM: Once again as a reminder, the State will only fund the most cost effective alternative. This does not necessarily mean the cheapest though.

CORDELL: I thought the costs were relatively close? 3.1 million vs. 4.1 million? That is not a huge gap.

TIM: The State looks at net present value over 20 years. I am very concerned that you would consider waiting until later to do this!

MAYOR: We are trying to do what is cheapest for the citizens, satisfy State regulations and be most cost effective. We just want to look at all options.

TIM: You need a plan that is more complete than the last plan I received from AQUA Engineering. The State will not assist until you have gone over 1.4% of the MAGI (Medium Adjusted Gross Income).

MAYOR: It appears we need to move forward on this project and not wait, but I still believe we need to weigh all options.

TIM: You need a complete plan from your engineer. Also, the Army Corp of Engineers are the ones completing the environmental study. Eventually you will see a regional facility in Logan for the entire valley.

BRAD: I will put together the estimated costs on both options.

CORDELL: Is it possible to have the State fund a portion of the project and we will get private funding for the difference? The Membrane System is the way we want to go even if the State does not agree or will not fund 100%.

TIM: What are you going to do with the discharge?

MARLOWE: We can trade it gallon for gallon with the Richmond City Irrigation Company for culinary-quality water from the common-source springs.

TIM: What is the current cost to each citizen per month?

TERRIE: \$23.00 per month and I have calculated the MAGI level to be at approximately \$49.40 per month before the State will help.

L.D.: There are currently approximately 657 connections.

TERRIE: The Membrane System is not perfect. Hyrum City is having foaming issues. There are operator issues at other installations. I am still skeptical about this system.

BRAD: I looked at the cheapest way to make the City compliant. We need to factor in the land purchase, which was not done in the first calculations.

MAYOR: Let's get more information on each option and keep this project moving forward. A decision does not need to be made tonight on the specific system and we can still be within our estimated time line of plan submitted to Tim by mid January, make a presentation to the State Water Board by April and submit proposal for funding to the State Water Board by their May meeting.

TIM: A detailed final report needs to be completed for the State to review.

MAYOR: Are we on time with a decision by February 1st?

BRAD: I can have the report prepared by mid-January for Tim to review.

MAYOR: The Council will make the final decision at the February, 2006, Council meeting to keep on schedule. We will plan at this point to present a proposal to the State Water Board in April for their review and prepare to submit for funding to that Board by their May meeting. We can look into commercial funding during the interim and compare that with State funding. Keep in mind there are significant bond fees with State funding and this might also be the case with private funding. As Brad has mentioned, it would be good if we could be ready to bid the job in December of 2006 for a Spring 2007 construction start.

A motion was made by Cordell, seconded by L.D. to close the Public Hearing and reopen the current Council meeting. The vote was unanimous.

COUNCIL MEMBER REPORTS

CORDELL: Terrie has some CDBG information.

TERRIE: We were not allowed to even apply for the current CDBG. The average income in the City is too high for the grant. I did not find this out until after all of the paperwork had been completed and was ready to turn in.

LESLIE: Our first Black & White meeting for 2006 will occur in January.

MAYOR'S REPORT

MAYOR: Part of the iron fence has been installed on the retaining wall by the old railroad station on the corner of Main and 200 West. We need to seek reimbursement for what the State will owe on the fence as well as the lights that the City has already paid for.

MARLOWE: The State owes us approximately \$60,000 on the lights.

MAYOR: Cingular will not be putting their cell phone tower behind the Fire Station. It will now be located by the City Maintenance Building. We have signed the contract and hopefully construction will begin in the Spring. I'm happy that Cingular stayed with us through all the hoops required by SHPO. The tower will be higher and more expensive for construction but I believe it will meet the needs of Cingular.

MARLOWE: The tower will be located adjacent to the sand and salt shed within the confines of the City Maintenance Shop property on 500 West and 200 South. The tower's height will be increased to 150 feet but this is about the same height as an adjacent tower. Cingular also increased the monthly payment to the City for the lease of the land. The monthly fee paid to the City for this space will be \$1,000.00.

A motion to accept the new Cingular Wireless Cellular Phone Tower Agreement was made by Cordell, seconded by L.D. and the vote was unanimous.

A motion to pay the City employees a Christmas Bonus as discussed was made by Terrie, seconded by Leslie, and the vote was unanimous.

A motion to accept the Settlement Agreement of Past Leave between Robert Bair and Richmond City was made by Terrie, seconded by L.D. and the vote was unanimous.

STATEMENT OF ACCORD
BETWEEN
RICHMOND CITY,
AN INCORPORATED GOVERNMENT ENTITY
AND
ROBERT "ROB" BAIR,
AN EMPLOYEE OF SAID RICHMOND CITY

WHEREAS for approximately ten years between the time that said Robert "Rob" Bair, hereafter referred to as Rob, was hired and the calendar year 2000 written time records were either not recorded or not retained, and

WHEREAS there has been considerable discussion relative to accumulated vacation and sick-leave time during that time period, and

WHEREAS all earned annual time off was put under the single category of "Personal Leave" per the provisions of the Richmond City Personnel Manual adopted in 2001, and

WHEREAS said Personnel Manual prohibits the accumulation of more than two hundred forty (240) hours of personal leave, and

WHEREAS both parties, the City and Rob, desire to reach a mutually satisfactory and fair agreement,

NOW THEREFORE, the following accord has been reached and mutually agreed to by all parties involved:

1. The current total of four hundred (400) hours of confirmed accumulated personal leave, formerly referred to as vacation and sick leave, will be removed from the personnel record of Rob as of midnight, December 31, 2005.

2. These four hundred (400) hours will be held in trust for Rob until his retirement or leaving the employ of Richmond City.

3. Upon Rob's retirement or otherwise leaving the employment of the City, Rob will be paid for these four hundred (400) hours at the current hourly rate of pay that he is earning upon his departure.

4. Rob will, should an emergency arise, be able to draw upon these four hundred (400) hours for paid personal leave during his time of employment with the understanding that the used hours will be deducted from the four hundred (400) hour total prior to final pay-off.

5. This accord satisfies the statement relative to excessive accumulated hours as noted in the City Council Minutes for Richmond City of January 20, 2004.

6. This accord satisfies any and all claims that Rob holds for prior service to the City.

7. This accord shall be a legally binding document between Richmond City and Robert "Rob" Bair and may not be rescinded.

8. Two copies of this accord shall be signed, each copy shall be considered an original document, and each party shall retain one signed copy designated an original.

<u>/s/ Robert M. Bair</u> Robert M. Bair	<u>/s/ Kip E. Panter</u> Kip E. Panter, Mayor
<u>12-08-05</u>	<u>12-12-05</u> Date
	Date

Ratified by vote of the Richmond City Council in regular session on December 20, 2005

<u>/s/ Justin B. Lewis</u> Justin B. Lewis, Recorder	<u>12-20-05</u> Date
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MAYOR: The Brooksby family has provided the City with a copy of the signed easement that was recorded on the County Records in regards to the city water line crossing their property in the Cherry Creek area. It does not specifically indicate one water hookup but says something to the effect "\$1.00 and other valuable considerations". I talked to Derwin Merrill and he does not recall any discussion specifically with the Brooksby family. He did remember some easements needed to bring the water main from the springs. If we agree to provide a water hookup, we need to make sure the family signs an agreement that they pay 1.5 times the city rate and they do not hold the city responsible should a problem occur because they are located above the chlorinator and receive untreated water. We also need to indicate that they pay all expenses associated with the hook up, especially in that area where the water moves rapidly through the pipe and it may be difficult to get water into a small lateral line without altering the line.

MARLOWE: The Maintenance Building and Sewer Ponds are going to be re-keyed due to a recent burglary that did not show any signs of forced entry.

A motion to pay the following bills was made by L.D., seconded by Cordell, and the vote was unanimous.

A Little Something	143.65
Al's Trophies	113.25
American Library Preview	141.50
Anderson Seed	415.60
Assoc. of Public Treasurers	115.00
AT&T	259.54
ATCO	585.00
Bear River Health	60.00
Beazer Lock & Key	6.00
Blue Creek Communications	40.00

Blue Stakes	14.64
Brodart	47.22
Cache Chemical	195.84
Cache Service Area	12125.73
Cache Valley Oxygen	15.95
Carr Printing	1221.29
Chevron	229.49
Christensen Const	280.00
Comcast	145.39
Copper Mill	553.09
Demco	143.80
Dennv's	140.49
Dept of Workforce Services	467.06
DJJK Services	600.00
Ecosvstems	25.00
Ferguson	398.51
Garts	507.89
Harris Computers	1391.00
IDEXX	2221.02
IFA	231.61
Intermountain Hvdraulics	27.00
Intermountain Safety	122.56
J.P. Cooke	70.02
Jardine Petroleum	1206.64
JUB	501.50
Kings	289.35
L.D.'s	738.45
Lee's	605.36
Lewiston State Bank	58.14
Logan Regional	285.00
Maverik	614.79
Metrocall	10.05
Modern Displav	194.03
Mountain States Waterworks	1033.86
NAPA Communications	171.96
Northe Cache Vet	66.00
Olson & Hoggan	575.00
Parsons	112.80
PC's Unlimited	21.95
Peterson. Allred. Jackson	7200.00
Pizza Villa	236.66
Ouestar	1019.19
Owest	444.93
Smithfield Auto	548.50
Smithfield Imp	205.73
Stables	23.73
The Herald Journal	308.00
Theurers	62.02
Thread Images	665.42
Time Rental	40.05

USDA Forest Service	45.00
Utah Division of Finance	100146.11
Utah Local Government Trust	3469.79
Utah Power	2405.12
Verizon	89.87
Waldenbook	112.73
Watkins Printing	338.00
Xerox	239.03
Zions	11450.00

A motion to adjourn was made by Leslie, seconded by L.D., and the vote was unanimous.

Adjournment at 9:15 P.M.

Kip E. Panter, Mayor

Justin B. Lewis, Recorder