

RICHMOND CITY COUNCIL

March 20, 2007

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, UT on Tuesday, March 20, 2007. The meeting began at 7:00 p.m. Mayor Michael Hall was in the chair. The opening remarks were made by Terrie Wierenga.

The following Council members were in attendance: Brad Jensen, Terrie Wierenga, Leslie Erickson and Keith Ward. Allen Lundgreen was excused.

A motion to accept the February 20, 2007 City Council meeting minutes was made by Terrie, seconded by Leslie and the vote was unanimous.

FINANCIAL REPORT

JUSTIN: Please take note of the Recycling Collection Fee on the income portion of the income statement as well as the recycling fee paid to the Cache County Service Area that shows up in the streets department budget. This is a pass through expense. Terrie, I wanted to make you aware that money was received for a History Special Project Grant as well as a Historic Preservation Project, that amounted to \$504.95 and \$4,176.06 respectively. The preliminary budget for the next budget year will be passed out at the April Council meeting for your review. Please let me know of any changes you would like to see and we can see what funds are available. There is not much to spend as the budget is very tight like in other years. The preliminary budget for July 2007 – June 2008 will need to be approved at the May Council meeting.

Leslie Erickson was excused due to a family emergency.

DEPUTY REPORT

DEPUTY EGGLESTON: I will no longer be your Star Deputy. I have a new assignment with the new animal control unit of the Cache County Sheriff's Office. Deputy Bill Nyberg will be your new deputy. He has several years of patrol experience as well as experience with Internet Crimes Against Children Division. Deputy Wayne Lewis will also serve as a second deputy for Richmond. This year is the 150th anniversary of the Sheriff's Office. We are planning a 150 day celebration of this occasion. The celebration will start on April 4th. All cities can be involved if they want too. The presentation will occur at the flag pole at the Sheriff's Office each day.

A 30 minute video presentation of the history of the Sheriff's Office was presented.

MAYOR: Deputy Eggleston we want you to know that we appreciate your service and all that you have done for the citizens of Richmond.

CHILD ABUSE PREVENTION PROCLAMATION

RICH SCHAEFFER: April is child abuse prevention month. The blue ribbon I have passed around signifies this as well. The Child and Family Support Center is a private, non-profit organization that was established in 1982. We are located in Cache and Rich Counties. We offer 24 hour service. Prevention does work to prevent abuse. Estimated costs for foster care are \$5,000.00 per person per year. The foster care program costs the State of Utah millions per year. There will be a foot race to raise awareness as well as our normal flamingo flocking. On April 27th we will be having a fund raiser. I would appreciate your support of our proclamation.

MAYOR: We are happy to support your program.

A motion to accept April 2007 as Child Abuse Prevention Month in Richmond City was made by Terrie, seconded by Brad and the vote was unanimous.

BUSINESS LICENSE

Sheryl's Express Tanning, Inc.

JIM McCUNE: We would like to operate a small tanning salon. It is in a good area behind Ellen's Salon.

MAYOR: What about parking?

JIM: There will be one personal and up to five customer vehicles at the place at one time.

TERRIE: Do you need a health permit?

JIM: I was required to have one in Utah County but not in this area. This salon will be located in Sheryl Henderson's previous residence. Anyone tanning under the age of 18 will be required to have a release form signed by their parents.

BRAD: What are the hours?

JIM: 8 A.M. to 9 P.M. or less if no customers.

BRAD: Have you talked to the neighbors about this?

JIM: No. Can I have a sign? What size? I would like to post our hours on a sign.

MARLOWE: All signs must go through Planning and Zoning.

BRAD: You don't have any paved parking? On gravel?

JIM: We are going to get more gravel or recycled asphalt.

TERRIE: What about lighting?

JIM: There is one on the outside of the house and by the driveway as well.

Approved by Council

MAYOR: The license is pending based on Bear River Health Certification.

COUNCIL MEMBER REPORTS

KEITH: Western Construction will be preparing the foundation for the new American Legion hamburger stand building by the ball diamond on next Thursday or Friday. Then the bricking will occur the following week. After that it will need to have the roof installed, painted and the inside finished. Code requires that a licensed contractor do the plumbing and electrical work. The American Legion will be removing the existing building and were hoping to use the City backhoe to do this. I have ordered the chip seal for the upcoming season, it was at a very good price. Elaine Ward will be informing us where to put the windows and doors on the new building.

BRAD: The west door on the park restrooms is rubbing the fascia and needs to be repaired. There is not enough clearance which is causing it to rub.

TERRIE: "Visions of Richmond City for the Future" is the Black & White Days theme this year for the library contest. We are putting this information in the newsletter. Prizes will be awarded to the top three in each age group. Story hour has become so big that it may have to be split in half. Last year there were about 80 participants. The History Book final draft is due on May 31st. We are hoping to disperse the book at the September City party. Right now the cost is \$17.50 and will be \$20.00 after September. Historic designation can be obtained for some buildings in the City. The number of EMT's is slowly increasing. I would like to see more money for training in the new budget. When Intermediate status is achieved this will allow us transport. Currently there are 16 in our CERT group. There will be some training soon for about 10 -15 more members, some are from Cove and Lewiston as well.

JOHN HESTER ANIMAL CONTROL PRESENTATION

JOHN HESTER: I would like to extend my current agreement until January of 2008 if possible.

TERRIE: Are you currently working certain hours for the city?

JOHN: No, only as needed. I am happy to see the change in coverage in the valley, it will be better overall. I have been working around 12 hours per month for the City, and also as needed. I patrol Mendon, Lewiston and in the County. I always try to keep my pager on.

MAYOR: How are your current hours divided on average between patrol and on-call?

JOHN: It all depends on the number of calls per month. In the spring time there are always more calls.

KEITH: So, on-call only?

JOHN: On-call as well as patrol, only patrol when not to busy.

KEITH: How many hours per week in Richmond?

JOHN: I am only allowed 12 hours per month. I have spent extra time in the past at my expense. I cannot do the 24 hour coverage like the county will be able to do. In one to two years I hope to be able to retire.

MAYOR: We will discuss this matter. Thank you for making the presentation.

JOHN: My time and hours are negotiable.

BUSINESS LICENSE JG BUILDERS, LLC

GARY DENT: I am a general contractor with State of Utah certification.

TERRIE: Will there be equipment stored at your residence?

GARY: Concrete blankets, concrete forms, and a backhoe. I store what I can in my existing shed and put the backhoe behind the house.

TERRIE: Any chemicals?

GARY: Concrete sealant.

TERRIE: What if it leaks?

GARY: I store it in the shed. It is very expensive, \$70 -100 per gallon, I cannot afford to have it leaking.

Approved by Council.

CITY MANAGER REPORT

BRAD: One hundred steel folding chairs were recently donated to the city by the LDS Church.

MARLOWE: We need to sort through the old chairs and get rid of those that are bad.

BRAD: The ones that are okay, let's give to Deseret Industries.

MAYOR: How many are bad?

MARLOWE: Unknown. Some collapse by pushing on the rear of the chair.

TERRIE: What about contacting a non-profit or children's center to see if they would like them?

MARLOWE: We will sort through them first and see how many there are, then a decision can be made. There is a water leak in the chair closet. The roof over the kitchen needs to be resealed. It needs to be done as soon as weather permits.

MAYOR: Let's get some bids for this leak as well as the Fire Station leak as well.

NICK SANDERS: There is water damage in the bathroom area at the Fire Station.

MARLOWE: There were five applicants for the part-time maintenance position. As part of the interview process I would like Ben and Rob to be involved. The applicants are: Kenneth Haslam, Coltin Larsen, Tamara Petersen, Scott Spencer, and Cory Wakley.

MAYOR: This position will be for April through fall. It will be an hourly position with no benefits. Let's check available interview dates.

TERRIE: What about next Tuesday?

MAYOR: Please schedule the interviews for next Tuesday, starting at 7:00, every 15 minutes.

MARLOWE: The State Legislature, in its just concluded session, has made an 81.2 million dollar cut in sales tax. This will effect the money we receive and is starting in January of 2008. The Utah League of Cities did nothing in regards to the changes in franchise taxation. I recommend that the Council be alert to the possibility of a future property tax increase as a

result. Governor Huntsman is committed to removing the remaining percentage of the food sales tax in the upcoming year. I thought that you might be interested in the latest issue of the Nibley City newsletter. As you will notice, Nibley City's share of the new City of Logan wastewater treatment facility is going to be 4 – 10 million. This is just their portion. There is no guarantee of State of Utah help on this either. I think that Richmond did very well moving as early as we did and getting the financial assistance that we have been authorized. The Council is to be commended for your action.

IMPACT AND HOOKUP FEE PUBLIC HEARING

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

MAYOR: AQUA Engineering has performed the study in regards to Sewer Impact Fees. They have projected that the new Sewer Impact Fee should be \$5,500.00. J*U*B Engineering has performed the study on the Water Impact Fees, they have made a five year schedule. The proposed Water Impact Fee for 2007 would be \$4,214.00 and increase on January 1st of each year per this schedule. They have reviewed hookup fees as well.

GARY DENT: I wonder what the impact will be from such a major increase. Maybe it should be implemented over a period of time rather than all at once.

MAYOR: That has been taken into careful consideration. J*U*B has come up with a five year plan that will address this in the future. The fee has been so low in the past that the City has been subsidizing past growth. The big increase is necessary as we cannot afford to subsidize in the future.

GARY: Is this a continued increase each year forever?

MAYOR: It is a five year plan and then the State requires it be evaluated again per their guidelines. Tonight we are specifically talking about the next five years.

MARLOWE: An engineered study will be required every five years.

GARY: It is just such a big increase at one time. I appreciate the service of the Council and what you do on a regular basis. These are tough decisions.

MAYOR: We have evaluated these fees compared to other cities and we are right in line with what they are charging.

NICK SANDERS: What is the current fees?

MARLOWE: \$554.00 for sewer and \$991.00 for water. The old fees will be applied to those homeowner's that currently have approved plans.

A motion to close the public hearing and reopen the regular Council meeting was made by Keith, seconded by Terrie and the vote was unanimous.

ORDINANCE 2007-4

BRAD: It is not fair for the current residents to subsidize growth, the new people need to pay their fair share.

TERRIE: It is a large increase but is necessary. The fees have been too low for too long.

A motion to accept Ordinance 2007-4, "AN ORDINANCE ESTABLISHING CHAPTER 9-400 TO THE *CODE OF REVISED ORDINANCES OF RICHMOND (1975, ADOPTED 1976)* ENTITLED "IMPACT FEES AND HOOK-UP FEES FOR CULINARY WATER SYSTEM AND THE SEWER SYSTEM" was made by Keith, seconded by Brad and the vote was unanimous.

MAYOR: The sewer fees have been studied for the last year and water fees extensively for the last 90 -120 days. I appreciate the time the Council has put into this as well as the engineers.

NUISANCE ORDINANCE COMMITTEE MEMBERS

MAYOR: The nuisance ordinance that was passed at the last Council meeting needs members on a committee to act as the "Inspector" as per the ordinance. Brad will oversee the committee and this will be rotated every two years to a different Council member. The ordinance requires a screening process, where a complaint is filed by a citizen, the Council will not be out looking for problems and then the problem is taken to the nuisance ordinance committee members. If the committee, acting jointly as the "Inspector" cannot resolve the issue then it will be brought to the Council. We need volunteers for this board. This portion of the ordinance will take effect on April 1st.

TERRIE: I would suggest Larry Liebes.

MAYOR: John and Chris Apediale, Nick Sanders, and Larry Mitchell have volunteered to help. Larry speaks fluent Spanish.

GARY DENT: Will the committee work to resolve the issue?

MAYOR: Yes. A complaint must be filed and hopefully resolved. If not resolved then it will go the Council for a final decision.

TERRIE: The board is more for mediation as opposed to enforcing laws. Most cultural issues are easily resolved.

GARY: There will be plenty of dog complaints.

TERRIE: I have received several property complaints in the last year as well.

MAYOR: Jamie Merrill also volunteered to help.

GARY: I would help.

CHRIS PURSER: How long on the committee?

MAYOR: Two years.

KEITH: The committee would consist of five members plus the Council member but the Council member would be non-voting except to break a tie.

BRAD: This committee is on a volunteer basis.

MAYOR: This would be on an as-needed basis. Hopefully just a few times per year.

TERRIE: I would suggest an initial one and two year appointment for these members so they are all not leaving at the same time. Stagger members going on and off.

MARLOWE: Lots would be drawn to see who serves one or two years.

BRAD: Want four or five members? I would prefer not to have a vote.

MAYOR: Brad will select five members who have expressed interest. He will be a non-voting member except to break tie votes.

A motion to establish a five member nuisance board with a non-voting city Council member overseeing the board on a two year term was made by Terrie, seconded by Keith and the vote was unanimous.

PLANNING & ZONING APPEAL

DAVE BURNETT: I am appearing tonight to appeal the recent decision by your Planning & Zoning Commission in regards to the Funk property on the southwest side of town. Currently this property is zoned A10. I would like to rezone it to the appropriate land usage. Our proposed project would fit into your master plan but is currently not included. The property is located inside the City. We need to look at how to manage water. A medium density rezone would put homes in and homes require less water than land. Two-thirds of home water use is for lawns. Planning & Zoning overlooked water conservation and proper land usage. Growth is happening. This is our view. I want to know what the Council would like to see in that area in the future.

BRAD: You made two points. Proper use of that land would include its current use as agriculture land. Your second point about water conservation, currently no culinary water is being used in that area, only irrigation water.

DAVE: I am speaking about future water use.

BRAD: Normally cities grow from the inside out. This land leap frogs other vacant land.

DAVE: What is the negative to leap frogging land?

BRAD: There are safety concerns for any development on the west side of the City. There are also sidewalk issues.

TERRIE: There would be farmer noise and smell complaints from homes in that area. The City does not have the infrastructure in that area currently.

DAVE: I am aware of the infrastructure issues with water and sewer. The homes would go in over a 5 -7 year period, not all at once.

TERRIE: What about a sewer lift station?

DAVE: Yes, we have planned for that. What does the City want in that area in the future?

BRAD: I believe A10 is appropriate due to the location and the surrounding farms.

DAVE: Where does the City want to see growth?

BRAD: Right now there are around 200 developable lots in the city as well as the approved subdivisions.

ED OGDEN: I am a farmer located in that area. Water on lawns will always be more than water on a hay field. I will receive nothing but complaints if homes are allowed in that area. I am opposed to any change in zoning. There will be water runoff issues as well as swamp issues. As a farmer I am opposed to this. I will get complaints of noise, manure and smell all the time.

JAMIE MERRILL: I am the President of the Richmond Wildlife Federation and we oppose any change in that area.

NICK SANDERS: This City was built on farming. Farmers are overlooked in today's society. We need to remember our heritage and respect it.

GARY DENT: Is this a well protection area?

MARLOWE: Not on this property.

DAVE: Why did you annex a portion of this property into the City?

MAYOR: Because it is a natural boundary.

A motion to uphold the Planning & Zoning Boards decision in regards to zoning on the Funk Property located at approximately 600 South and 400 West, was made by Brad, seconded by Terrie and the vote was unanimous.

MAYOR REPORT

MAYOR: The May City Council meeting will be on the 22nd and not the 15th due to the Black & White Days celebration. The Voice of the City in the upcoming newsletter will be in regards to Black & White Days and Leslie will prepare this. John Hester's current agreement expires on June 30th. Deputy Ken Eggleston is the Cache County Animal Control Officer. If we go with Cache County for our service we should start on a call-out basis as opposed to patrolling until we can get a feel for the time required. We are looking at a monthly cost of about \$450.00 for the Cache County Animal Control service through the Cache County Sheriff's Office.

TERRIE: I have had discussions with leaders from other communities that are using Cache County CCSO for their animal control and they are all happy with the service they are receiving. They all mention that having enforcement power is much better with CCSO.

BRAD: Cache County gets involved currently as well with John when there are legal problems.

KEITH: I have sympathy for John but there is no comparison in the service being offered by the CCSO.

MAYOR: John would like to stay until his contract expires on June 30th. One option is to pay off his current contract immediately and contract with CCSO immediately.

JUSTIN: It will cost an additional \$1,750.00 in the current budget year to contract with CCSO immediately.

TERRIE: It is time when windows will be open and dog noise will be a major complaint. Our leash law is not being regulated either.

MARLOWE: I would suggest paying off John's contract. With the CCSO we would get 24 hour service as opposed to 9 a.m. to 5 p.m. with John. On June 30, 2007, the contract with CCSO would automatically expire and we could evaluate at that point. Basically we would be on a three month trial basis. I only found out last year that John is not deputized and has no legal authority aside from being hired by the City.

GARY DENT: I have visited with Deputy Eggleston and he is very upbeat on this new position and wants to provide a valuable service for all involved communities.

A motion to contract with Cache County Sheriff Office for animal control services starting on April 1, 2007 was made by Keith, seconded by Terrie and the vote was unanimous.

A motion to pay out the remaining contract, three months, of animal control services with John Hester was made by Terrie, seconded by Keith and the vote was unanimous.

MAYOR: Marlowe, please inform John of our decision and that he will be done as of March 31st. The remaining balance on his contract is \$690.00. With the County, please inform them we would like 25 hours of call out service and this will be contracted at \$18.00 per hour. I have received the application for RAPZ tax funds for this year. Last year we received \$28,600 towards the park bathrooms and American Legion building. I have received a notice from UDOT regarding sidewalks. We are going to try and get some funding for sidewalks on Main Street west of 200 West, with is SR-142. The PTA would like to see sidewalks from the Marvin Traveller residence at 400 West to the cross walk at 200 West. I will visit with Marvin regarding this. I will also work with Senator Hillyard and Representative Bodily to see if they can assist in getting some funds for this project. We are going to try a new work schedule for Ben and Rob on a trial basis. They are going to work four, nine-hour shifts, and then until noon on Fridays.

BRAD: I would like to commend Ben and Rob for their prompt response when called regarding problems.

MAYOR: The steel tank is having an overflow line leakage repair fixed, the lines are being rerouted.

TERRIE: On the new seasonal worker, would it be possible for them to assist with snow removal in the winter?

MAYOR: I think this is something that can be evaluated in the fall when we see how that person is working out.

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

AT&T	56.92
AT&T	30.27
AT&T	28.14
Rocky Mountain Power	1327.95
Rocky Mountain Power	56.22
Rocky Mountain Power	64.09
Denny's	65.98
Qwestar	596.65
Qwestar	605.12
Qwestar	623.44
Qwestar	306.71
Qwestar	227.57
Qwestar	120.02
Qwestar	5.29
Cache Chamber of Commerce	190.00

Lyn Distributing	199.81
Ecosystems	90.00
Suburban Propane	51.00
U&I Kiwanian	195.00
Cache Service Area	15400.08
Peterson Plumbing	70.84
Thatcher	1163.80
Xerox	240.76
Kimball Midwest	192.71
Pitcher Propane	15.61
PC's Unlimited	19.95
Cache Valley Insurance	138.00
UT Assoc of Public Treasurers	65.00
Maverik	224.62
Maverik	109.44
Bear River Health	40.00
Bluestakes	6.32
Smithfield Auto	14.34
Smithfield Auto	4.86
Smithfield Auto	26.12
Smithfield Auto	40.98
Smithfield Auto	6.83
Smithfield Auto	5.40
Smithfield Auto	75.07
Smithfield Auto	8.93
Smithfield Auto	40.95
Smithfield Auto	18.23
Smithfield Auto	143.83
Smithfield Auto	35.50
Smithfield Auto	62.63
Smithfield Auto	15.96
Smithfield Auto	27.96
Smithfield Auto	92.95
Smithfield Auto	1.10
The Herald Journal	35.49
RSM	98.79
National Battery	53.56
Christensen Construction	489.30
Sinclair Fleet Services	15.30
Olson & Hoggan	357.00
Pioneer Drama Service	11.75
Smithfield Imp	102.36
Visa	125.00
Denny's	109.58
Qwest	311.41
Qwest	67.55
Qwest	61.96
Nextel	89.56
Wilson Motor	15.64
Randys Service Center	465.72

Randys Service Center	104.02
Randys Service Center	86.90
Chevron	42.75
Rockmount	253.91
Intermountain Hydraulics	284.17
American Water Works	173.00
Kimball Midwest	458.84
Hall Oil	945.14
Public Safety Center	315.28
Utah Local Governments Trust	755.70
Harris Computer Systems	125.00
Rocky Mountain Power	55.42
Rocky Mountain Power	101.15
Rocky Mountain Power	38.01
Rocky Mountain Power	6.58
Rocky Mountain Power	65.41
Rocky Mountain Power	110.24
Rocky Mountain Power	8.46
Rocky Mountain Power	68.19
Rocky Mountain Power	156.13
Rocky Mountain Power	13.72
Rocky Mountain Power	12.83
Rocky Mountain Power	6.58
Staples	30.99
The Home Depot	39.00
Northstar's Ultimate Outdoors	1139.11
Cache Valley Electric	1083.76
Holophane	296.20
Holophane	296.20
Holophane	1163.76
Holophane	1163.76
Holophane	815.34
Holophane	748.44
Rocky Mountain Power	7.64
Nextel	89.70
Theurers	1.19
Theurers	30.60
Theurers	161.80
Rocky Mountain Power	81.75
Rocky Mountain Power	60.73
Rocky Mountain Power	165.55
Reliable Business Systems	361.47
California Contractors	119.60
IPACO	21.42
Laser Precision	82.00
Jist Publishing	29.50
Penworthy	40.35
Lora Smith (Scholastic)	80.05
Valley Office Systems	2604.00
Questar	399.34

Questar	24.74
Questar	471.13
Questar	456.13
Questar	217.13
Questar	156.63
Questar	103.39

A motion to adjourn was made by Brad, seconded by Keith, and the vote was unanimous.

Adjournment at 9:55 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder