

RICHMOND CITY COUNCIL

November 15, 2007

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, UT on November 15, 2007. The meeting began at 7:00 P.M. Mayor Michael Hall was in the chair. A flag ceremony was performed by Boy Scout Troop 303. The opening remarks were made by Terrie Wierenga.

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

A motion to accept the October 16, 2007 City Council meeting minutes was made by Leslie, seconded by Brad and the vote was unanimous.

BUSINESS LICENSE

R.B. NATALI CONSULTING, INC.

RONALD NATALI: I have been doing consulting for over 24 years. The last 11 years in quality assurance and packaging. I do consulting from home and on the road. There would not be anyone at my residence or any parking issues.

Approved by Council

COUNCIL MEMBER TRAINING

MAYOR: On November 29th, from 7:00 to 8:30 P.M. there will be a training session for the Planning Commission at the Hyrum Civic Center. It is free of charge, if anyone wants to attend. On January 5, 2008 at the Logan City Hall there will be a training session for any newly elected Council members. There is a \$40.00 fee, so please let Chris know if you are going to attend so she can get everyone registered. I know that Jeff is planning on attending.

CITY TO RESIDENT LAND SWAP DEBATE AND POSSIBLE PASSAGE OF RESOLUTION 2007-8

MAYOR: Bruce Jorgensen, Richmond City attorney, has reviewed this case and provided a written clarification in regards to a City to resident land swap on approximately 100 North and 300 East. The property in question is east of the Curtis Dent residence. Branden Jensen purchased this land a couple of years ago and recently a question about some of the property ownership has been brought about. Plat maps, and Council meeting minutes from 1922, reference a transfer from Richmond City to the Tripp's, then Sander's, and now the Jensen's. All of this information has been provided for your review. Bruce has supplied a written opinion and is in attendance this evening to explain the situation and answer any questions.

BRUCE JORGENSEN: I have a copy of an 1891 plat map that shows the road at 100 North from 200 West to 400 East. When I originally reviewed this information I did not have the meeting minutes from the 1922 meeting. From 1922 to 1948, nothing was recorded in regards to the 99 foot transfer. I was later supplied the City Council minutes from the 1922 meeting. My first opinion was that there was not enough information. I now believe that all the possible information has been gathered. The information is not perfect. I don't know what the proper steps were back then and if a public hearing was even required. I know that for many years the property tax on the land in question has been paid by private landowners. I believe the Council intended this property to go to the private citizen. A lawful deed should be approved if the Council agrees as well. I do not have any direct evidence either way. You can approve the deed or table it for later discussion.

MAYOR: Questions or concerns?

CURTIS DENT: I brought this issue to the City's attention. I have not seen the 1922 meeting minutes. I would like to review them. I want this issue resolved one way or the other. I don't see how it would be in the best interest of the City to ever give up a road. I realize this issue is not black and white. I will accept the Council's decision either way. The landowner's from 1948 through 2005 have all passed away.

MAYOR: Timothy Christensen is the person that located the old minutes.

BRUCE: A clear title on the land in question is one issue and being a road is another item.

MAYOR: The problem is trying to determine the intent of the Council from many, many years ago.

BRUCE: This could possibly be a City road in the future. You need to determine if you want a proper deed or not. Ownership should be established now, that way it is easily determined who is to maintain the property in question.

BRANDEN: I want this resolved now, as property taxes are due within two weeks. I want to make it into a pasture or whatever I choose. All the evidence says the property is mine. A road would improve the value of my land. It is not feasible to join the roads from 300 East to 500 East along this route without a major expense due to the grade.

BRUCE: The title to the property is currently in Branden's name.

BRANDEN: I have paid the property taxes for the last two years as well.

MAYOR: There are two options to consider. We can table this for a month, or pass the resolution acknowledging Branden as owner.

BRUCE: Be advised that a special deed is different than a normal deed.

BRAD: I want to be very clear about where the minutes from 1922 came from. Branden had Timothy Christensen research the transaction, and Timothy located the minutes. These are public record.

KEITH: I think it should be tabled to allow Curtis time to review.

BRAD: We are referencing only six lines in the minutes. He can review them now.

A motion to table the decision on the Branden Jensen property deed until the December 2007 Council meeting was made by Keith, seconded by Allen. The vote was Allen-YES, Keith-YES, Terrie-NO, Leslie-NO, Brad (Abstained), Mayor Hall-NO. Motion failed by a vote of 3-2.

MAYOR: Bruce has done the due diligence in regards to this issue and I want to move forward. There is not anymore information that can be found on this issue.

A motion to pass Resolution 2007-8, *A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SPECIAL WARRANTY DEED WHICH RATIFIES THE SALE AND PURCHASE OF A PORTION OF 100 NORTH STREET AND COMPLETES THE TRANSFER OF THE CITY'S TITLE TO THE SAME.*, was made by Terrie, seconded by Leslie. The vote was Leslie-YES, Terrie-YES, Allen-NO, Keith-NO, Brad (Abstained), Mayor Hall-YES. Resolution 2007-8 passed by a vote of 3-2.

MAYOR: I would like to thank Bruce for his attendance this evening. He is an invaluable asset to the City of Richmond.

CACHE VALLEY TRANSIT DISTRICT RICHMOND REPRESENTATIVE

MAYOR: After serving the City for two terms, the term of current CVTD representative Richard Heliger is going to expire on December 31, 2007. With recommendation from the Council, I have asked Larry Dunkley to serve in this capacity and he has accepted. His term will be four years.

TERRIE: Larry is a regular user of the system and will make a good representative.

A motion to ratify Larry Dunkley as the Cache Valley Transit District Representative for the City of Richmond starting on January 1, 2008, was made by Keith, seconded by Terrie and the vote was unanimous.

RAPZ TAX DISCUSSION

MAYOR: The RAPZ tax from last year was used on the park bathrooms and hamburger stand. RAPZ tax money has also been used for concrete work at the Cub River Sports Complex. This is a great fund that allows us to accomplish goals that we otherwise would not be able to do. The next application is due in April. I will start preparing the next application for the 2008/2009 budget year. I have heard that the County Council may change some of the requirements. What does everyone think of a stage area in the park. Good or bad idea?

TERRIE: I think an amphitheater would be great.

BRAD: Very neat idea. Midway between the two pavilions with adjoining sidewalks would be very nice. That would be west of the tennis courts.

TERRIE: It needs to be in the shade.

BRAD: The seating would be in the shade and the stage in the sun.

NANETTE MILLER: Electricity is a must.

MAYOR: I inquired if it would be possible for the Richmond Cemetery District to apply and they cannot. This fund is to enhance the public area in fields such as arts and sports. Some concrete work is currently being done by the American Legion building.

KEITH: Pavement work, not concrete.

BRAD: I was surprised that the asphalt was in decent shape, not terrible.

COMMUNITY EMERGENCY RESPONSE TEAM FUNDRAISER

NANETTE MILLER: I would propose a New Year's Eve and Valentine's Day dance to raise money for the CERT program. This would be great for families and the community. On November 30th, there will be a film festival award presentation by Jeremy at 7:00 P.M. here in the theater. These films were small films produced locally.

BRAD: What type of films?

NANETTE: No idea. I have not watched them.

TERRIE: CERT is all volunteer. There is a cost for training and the materials, such as the helmet and vest. The average cost per person is about \$60.00 and there are several new people that have signed up. CERT will respond to fires, drought, and hurricane relief to name a few.

NANETTE: FEMA will be providing some local training on January 15th at Macey's. If we can get 15 people to attend a training session they will do one in Richmond as well.

BRAD: Isn't there an ordinance that would limit the parking on the dance nights?

MARLOWE: That would not be a problem as this location has frequent parties and the Sheriff's department is aware of this.

Approved by Council to have Nanette Miller organize a New Year's Eve and Valentine's day dance to raise money for the CERT Program.

ORDINANCE 2007-6

MAYOR: Ordinance 2007-6 is in regards to the loss of tax revenue on unprepared food and the resulting loss of revenue for CVTD due to tax cut legislation passed by the State Legislature this past session. The Legislature allowed cities to increase their transit sales tax cap from 0.0025 to 0.003 to hold the transit districts harmless, or in other words, to keep them from losing funding. The ordinance calls for 0.03% sales tax to go to CVTD.

TODD BEUTLER: This ordinance has been passed by all local cities that have presented it to the Councils to this point.

A motion to approve Ordinance 2007-6, *AN ORDINANCE ESTABLISHING A TRANSIT SALES TAX WITHIN THE CITY OF RICHMOND, UTAH, OF 0.03% OR 0.003 TO BE DEDICATED TO THE CACHE VALLEY TRANSIT DISTRICT*, was made by Terrie, seconded by Leslie, and the vote was unanimous.

CITY MANAGER REPORT

MARLOWE: What would the Council like done with the light pole banners? Currently there have not been any wreath submissions that I know about.

TERRIE: The wreath applications are not due until November 21st.

MARLOWE: When the time comes we will need to block the outside lane of traffic to install the banners. We will do this one block at a time.

ALLEN: Is there a safety cage being used when the employees are raised in the backhoe?

MARLOWE: No.

ALLEN: Then don't use the backhoe.

TERRIE: That is an accident waiting to happen.

MARLOWE: The poles are 14 feet tall and the top banner rung is at about 12 feet.

TERRIE: Isn't there a way to brace a ladder against the pole?

JEFF YOUNG: If a Little Giant Ladder is used you would not have to brace it.

ALLEN: Have them use my ladder to install.

MARLOWE: We will use a truck to block the lane and a ladder to install the banners. On another issue, there is a possible situation with the Brent Webb/Cherry Creek Heights PUD Phase III approval. Part of the approval was that J.U.B. Engineering passes off on the plans. Chris Slater and Darek Kimball have reviewed the plans and several small items have been fixed. There is one section of road that is at an 8% grade for over 300 feet. The standards allow for 8% grade but with a loaded snowplow this could potentially be a problem. I have requested a 5% grade and Brent is not happy about that request. He said there is 10-14% grade in the next phase but that won't get approved per the current standards.

DAREK: In front of my house the grade is 10-14% and it is not "plow able." It is very steep. At the time that road was installed there were no standards. For comparison, 400 North in Logan, up by USU, is about a 6% grade. Marlowe has a very valid concern in regards to safety. For safety purposes the engineer can request a lower grade than standards allow with approval from the city. For example, 1600 East in North Logan in the Deer Crest subdivision: it is having to stay a private road as it is not safe for the City to take over. This is a very legitimate concern.

MARLOWE: I am very hesitant to change the standards. Darek, myself, Brent and his engineer from Cache Landmark will be meeting tomorrow to review and discuss. The grade could be reduced for safety purposes or left as is.

DAREK: Future phases call for 10-14% grade, I support Marlowe in safety first.

MARLOWE: Safety is most important.

DAREK: I need to review the exact wording in the standards.

MARLOWE: Brent insists that the Council has already approved Phase III but only the concept was approved with each phase having to be approved individually. Current ordinances or restrictions would need to be met with each phase. I need guidance for the meeting tomorrow.

KEITH: I think we should follow the City Engineer and Councils recommendation.

BRAD: I agree with Keith.

TERRIE: We need a safe environment.

MAYOR: Brent called me regarding this issue. I have referred him to Marlowe and Darek.

MARLOWE: Do we want to use the Utah League of Cities and Towns logo and get decals for the vehicles? The City Managers have been discussing the possibility of going in on one unified order, but it would just be for the basic logo, no individuality insofar as City identification at all.

MAYOR: It is a good idea if we can join with other communities and get bulk pricing.

TERRIE: I would like to see the pricing before I approve anything.

BRAD: I want to see pricing as well.

ALLEN: We are not required to have decals on the vehicles as the EX license plate designates this.

MAYOR: Marlowe please obtain costs.

MARLOWE: I will be meeting with Brad Humphreys from UDOT the week after Thanksgiving in regards to the outstanding invoice that was discussed at the last Council meeting.

JUSTIN: We have already paid \$40,000 towards this project and the original bid was approximately \$58,000.

MARLOWE: We need to review Title 14-000, which is the set up for utilities and was based off of a 1975 Utah League of Cities and Towns template.

CHRIS PURSER: We need to add a collection fee sentence or clarification in there.

MARLOWE: As you can see there is a water and sewer chapter. Section 300 is currently blank but will be the section for storm water. This section must be included by February 8, 2008 or we could incur a \$30,000 fine with an additional \$3,000 per day. Don Hartle from Wellsville told me that we can use their storm water section as soon as they complete it, which will be soon. Section 400 is blank and 500 is for the financial information. Fees are adopted on separate ordinances. They are effective for five years and then have to be redone. Ordinances are separate for water and sewer. These amounts have already been decided. AQUA should have had the wastewater treatment facility plans to the state by now but they are still not submitted. I don't know when the bond payments start. The sewer fee of \$41.00 per month, does it start on January 1, 2008 or in increments?

TERRIE: What does the bond wording say?

MARLOWE: I need to talk to the bond attorney. We need to clarify the wording.

TERRIE: I know that it can be worded, when waiting for a third party, that after "X" occurs then "Y" will occur.

MARLOWE: This all needs to be in place before the bonds are issued.

BRAD: Expenses are already being incurred on this project.

TERRIE: What is the slow down at AQUA?

MAYOR: They are behind.

TERRIE: Does their contract stipulate any penalties?

MARLOWE: The agreement was made with the previous Council and AQUA wrote the agreement so I doubt there are any penalty fees.

MAYOR: The full sewer fee should start on January 1, 2008.

TERRIE: We need to get this started.

MARLOWE: I will draft for the full \$41.00 per month. What about the automatic \$1.00 increase, will this occur on July 1, 2008 or July 1, 2009?

TERRIE: The first 18 months at the \$41.00 per month with the dollar increase in effect on July 1, 2009.

BRAD: What happens if this is not reviewed in five years?

MARLOWE: Then we are not allowed to collect fees. There will also be a storm water impact fee in the future.

MAYOR: Make sure to include the verbiage about late/collection fees. Any other changes?

BRAD: On 14-541, Section D, where it discusses the fee of \$0.80. This amount should be reviewed every five years. 14-541 should be moved to the service charge ordinance. 14-540 the burden of proof falls on the user, and they must install a sonic flow meter. Should there be a dairy farmer clause? The other option than a sonic flow meter would be a separate meter for water.

TERRIE: Why the sonic flow meter?

MARLOWE: It is the best means to measure wastewater.

DAREK: A portable sonic flow meter costs approximately \$5,000; I would assume it would be around this cost.

BRAD: Do we reword or leave alone?

DAREK: The user needs to prove to the City via flow meter or some other approved way.

MAYOR: We need proof based info, not assumptions.

MARLOWE: You could put dairy farmers exempt wording/language.

TERRIE: I am hesitant to offer a blanket exemption for dairies.

BRAD: This would be more than dairies. Horse owners as well. Didn't the old ordinance have some specific wording?

TERRIE: Maybe the user could supply a detailed map of operations and then if approved an exemption could be approved.

MARLOWE: We could have a special agricultural permit.

MAYOR: Then it would come to the Council for approval.

TERRIE: USU Dairy Support Services could have some useful info.

MARLOWE: Remove the current 541, and add a new 541 including the agriculture permit? This can be refined later.

TERRIE: We will need an agriculture permit application.

BRAD: Good idea.

MAYOR: A new 541 section is necessary.

BRAD: In section 532, why is a school not the same as a business?

MARLOWE: Currently we are receiving \$4.00 per student.

BRAD: Has the amount of their input ever been measured?

MARLOWE: So change the wording to make schools the same as a business?

BRAD: Yes.

MARLOWE: Schools are exempt from certain things.

TERRIE: Then it should be reviewed.

MAYOR: We need to balance what is better for the City; \$4.00 per student or the actual usage per the meter.

MARLOWE: It was \$2.00 per student until 1997.

TERRIE: Those that use the system should pay for it. Everyone that uses should be accountable.

BRAD: In 251, section D, is 1.8% fair?

MAYOR: The lien verbiage in that section needs to be removed as Bruce said we cannot lien a property for this reason. 1.8% is very reasonable.

MARLOWE: We won't pass the enabling ordinance until the changes can be reviewed.

COUNCIL MEMBER REPORTS

KEITH: Les Smith has done some concrete work on the culvert at 400 South 300 East.

MAYOR: Before he is paid, make sure his business license is current and that we have a completed IRS Form W-9.

KEITH: The main culvert is caving in, possibly there is not enough base. One solution is to cut the section over the culvert, cement the area and then cover with asphalt.

TERRIE: This needs to be fixed before it collapses.

BRAD: Cost estimate?

MAYOR: It will be cheaper to repair now before it is a real problem and collapses.

DAREK: I would suggest reinforcing with rebar.

MARLOWE: We would want the concrete poured at the start of the week so there won't be any garbage truck issues on Friday.

TERRIE: There are special circumstances when other arrangements can be made for garbage collection.

ALLEN: Make sure 24-hour concrete is used.

KEITH: I will make the arrangements to get it completed. Norton and PavAs have done a great job for the City on the roads.

MAYOR: The roads are improving and we appreciate the job Norton has done.

BRAD: We need to make sure we include some grader work in the next budget year.

KEITH: I agree.

MAYOR: The Historic Commission is now under myself. I appreciate Terrie's service on this.

TERRIE: The Library has achieved mentor library designation. They are extremely good at meeting goals and objectives. In the last five years, computer usage at the Library has increased dramatically. In 2002, it was used 17 times, so far in 2007 it has been used 2,710 times. The circulation has gone from 21,000 in 2004 to 40,000 in four years. They are doing better with less staff and fewer hours. They are to be commended. Juliene has done a tremendous job since taking over in 2004. They are also receiving more grants from the State. Kudos to Juliene and her entire staff. The history book is complete and ready to print. Eight print companies were contacted and four can meet the deadline of December 18th. I need to place the order tomorrow to meet the deadline. The bids were for 1,500 books including dust jacket and shrink wrap. The bids were as follows: Thomson-Shore from Michigan, \$7,288.00; Edwards Brothers from Michigan, \$11,370.93; Sheridan Books from Michigan, \$7,851.00; and Watkins Printing from Providence, \$17,805.00. The book committee recommended Thomson-Shore do to their price and ability to meet the deadline. Council agreed with the recommendation. This project has taken five years to complete. Kenlee Brown has been selected as the new chairman of the CERT group. They are going to have monthly meetings and fundraising activities. Cowboy golf is a possibility at the Black & White Days celebration. Local farmers will allow us to use their fields for this. Dale Maples is currently in the process of updating our emergency response plan.

FINANCIAL REPORT

JUSTIN: The audit will be presented at the next Council meeting. As rules and regulations change what I do must be updated as well. Diana is really pushing towards fund accounting which is where the general, water, and sewer funds as well as Cub River are all accounted for separately. As you will see tonight in the income statement that I have provided, the general fund revenue and expense are now together as well as water and sewer revenues and expenses. The cemetery, which we handle the income and revenue for, is included on the last page. There are four areas of concern on the audit and I have addressed each one of these with Diana. In regards to the current budget, we should be receiving a large sum of property tax money soon. Keith has spent the allocation of Class C road funds to improve the streets, and as you will notice, the street department is over budget but it will catch up over the next few months as the majority of street expenses are in the first three months of each budget year. All departments are on budget or close to being on budget. We will have a public hearing in January to reopen the current budget and make adjustments for the first half of the budget year. As you can see on the general fund, for July through October, we have revenues of approximately \$10,000 more than expenditures so that is very good. In the water and sewer funds, you can see so far this year we have already received \$76,843 in water impact fees and \$99,554 in sewer impact fees. Please note in the sewer fund that we did receive \$151,591.33 from the Army Corp of Engineers in regards to the design of the new wastewater facility. The portion the city was responsible for was \$63,450.42. There are two more invoices from AQUA that will be paid soon and submitted to the Army Corp for partial reimbursement as well. The numbers show that there is income in the sewer fund of \$300,000 so far, this is incorrect. What has happened is the \$215,041 expense was paid in the last budget year and we received the \$151,591 towards this in the current budget year. I will be updating the depreciation schedule in the water and sewer funds shortly. The Mayor, Brad, Terrie, and myself will be meeting with Bob Hugo, Stony Tanner, and Nick Sanders in regards to the Fire Department and EMT Budgets. We just want to make sure that there is a clear understanding by everyone of the budget and what can or cannot be purchased. I appreciate the service both departments do for the City and admire them for the time they spend on a volunteer basis. I also appreciate Juliene and her staff for the job they do at the Library and how they always keep within budget.

MAYOR'S REPORT

MAYOR: Marlowe is going to send a letter to the Christensen family in regards to the Haunted Barn. They need to follow the same guidelines as the Haunted Mansion/Jamie Forbush did. Business licenses need to be addressed as all the licenses are coming due at the end of December. I would like to have any business that we have a question about come before the Council at the December meeting.

KEITH: You can remove Chris Barnes, he moved.

TERRIE: I would like to have Cache Trailer come in, the appearance is not what we were told when they originally applied. They said only a couple of trailers would be in front of the fence,

right now there are many and they have been there for a long time. I would like some feedback on the Haunted Mansion as well.

BRAD: I only heard about one complaint and it was noise related. Speeding down 200 South was the only issue I know about.

TERRIE: Have there been any complaints about The Ferret Cubby/Beth Stanley?

MAYOR: No, but we need to make sure we have the proper paperwork from Beth.

BRAD: Was Beth’s license a conditional use permit?

TERRIE: It was for 180 days, we should allow a one year permit now. I have heard of a complaint regarding True Calling Recovery and would like them to come in.

LESLIE: I would like to see Cove Auto come in also. Perry Jorgensen needs to get sent a letter regarding the sign he has put on his house.

MAYOR: Inform Perry that he needs to go to Planning & Zoning in regards to signs.

BRAD: Sheryl McCune applied for a license for a tanning parlor. The place this was to occur in is an eyesore. We need her to come in and see if she is going to do something or what the situation is. The business name is Sheryl’s Express Tanning. Shiver’s Shaved Ice said they would be moved at the end of the summer and they need to be reminded.

MAYOR: Send them a letter as well.

BRAD: Is the Masked Mackerel still in business?

MARLOWE: Currently his truck is not functioning.

CHRIS: What about Dave Gordon?

MAYOR: Send him a letter as well asking him to attend in December.

MARLOWE: For those that have not paid last years license fee; the cost is \$75.00 which is for the current year fee, plus \$25.00 penalty, plus next year.

BRAD: To what extent can a business change before they must reapply?

MAYOR: If the scope of the business changes they must reapply.

MARLOWE: Just a reminder that the Christmas party will be at Coppermill on January 12th at 4:30.

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

Ace Industrial Supply	140.00
Advanced Heating	75.00
Allied Insurance	355.00
Aqua	66000.00
AT&T	67.28
Bear River Health	40.00
Ben Lundgreen	80.00
Bluestakes	23.36
Brent Webb Excavation	2566.25
Cache Chemical	446.91
Cache Co. Treasurer	569.65
Cache Service Area	16638.01
Cache Vallev Fire	50.00
Cantwell Bros	49.68

Deluxe Business Forms	67.91
Ecosvstems	90.00
Elk Ridge Transport	2650.00
Ferguson	2450.96
Gall's	176.95
Geneva Rock	1305.57
Holophane	4999.99
Intermountain Cooling	97.84
Intermountain Farmers	560.33
IPACO	272.08
K&B Service	98.41
Kings	35.85
Larsen Fire	200.00
Maverik	513.12
Moore Medical	18.78
NAPA Communications	633.11
Nextell	89.32
North Cache Vet	50.00
Northwood Rentals	84.61
Olson & Hoggan	1414.00
PC's unlimited	19.95
Petersen's Rocky Mountain	730.03
Pizza Villa	103.49
Ouestar	300.64
Owest	401.33
Rocky Mountain Power	5411.06
Sinclair	68.80
Six States	769.90
Smithfield auto	817.98
Smithfield Imp	122.27
Sprinkler Supply	164.6
The Herald Journal	39.00
UEN	907.40
Ut Veterinary Diagnostic Lab	50.20
Utah Assoc. of Public	65.00
Utah Local Governments	819.64
Visa	444.10
Walden book	83.82
Wheeler	3292.50
Xerox	242.56

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

Adjournment at 9:50 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder