

RICHMOND CITY COUNCIL

October 21, 2008

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, UT on October 21, 2008. The meeting began at 7:00 P.M. Mayor Michael Hall was in the chair. The opening remarks were made by Mayor Hall.

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

A motion to accept the September 3, 2008 City Council meeting minutes was made by Keith, seconded by Terrie and the vote was unanimous.

DEPUTY REPORT

DEPUTY CARLEY: Not much going on right now, pretty normal. Halloween is always very crazy. Make sure that you take extra time to look for little kids in dark clothes on that day. If you notice any suspicious activity, please notify us immediately. Normally a haystack or two gets started on fire and it would be nice to avoid that.

BRAD: I would like your opinion on something. What do you think of people without a driver's license driving ATV's on city roads?

DEPUTY CARLEY: I don't think it is bad if they have the proper safety equipment and certification. I think it is okay then. It has been a big issue in the valley recently. I would suggest that they are not riding on busy roads like State Street. I don't have many issues on it especially since I grew up on a farm and did it when I was younger. I think how busy the road is, is a key to where it should be allowed.

BRAD: Do you feel that kids age ten to sixteen understand the street laws?

DEPUTY CARLEY: I think fourteen years old plus with certification is okay. Parents are the key to instructing kids on what is right and wrong. There is much of a gray area on this in Cache Valley. A ten year old by theirselves would not be good or appropriate.

TERRIE: What about skateboarding in the streets?

DEPUTY CARLEY: They should be on the sidewalk only; for safety purposes.

TERRIE: There is a group I see quite often from around 3:15 – 4:00 P.M. daily here on Main Street. They don't move out of the way and expect people to drive around them.

DEPUTY CARLEY: I will inform the other officers that we need to monitor this.

MAYOR: I have some citizens who have concerns about unmarked four-way intersections. I think we need to put something in the newsletter regarding this.

DEPUTY CARLEY: They should always be treated as a yield, and caution should be used at every intersection. A driver should always be on the defensive.

MAYOR: Can you help us with the article?

DEPUTY CARLEY: Yes.

COURT REPORT**JUDGE SKIDMORE:**

Number of Case Filed 167

State Revenue

 Surcharge \$3,225.98

 Court Security \$2,862.20

 Total \$6,088.18

City Revenue \$11,390.42

Total \$17,478.60

This is a landmark for the number of cases in one quarter. It is the most I have had in 20 years. There has been a big increase in criminal activity and speeding. Things have returned to normal and that is good or it would require us to change from a Category 4 to Category 3 court. Age has not been a factor in the recent citations. It has been people of all ages. I know that there was a motorcycle pair patrol in July and they sometimes had two cars pulled over at the same time. There has been an increase in D.U.I.'s but this is not additional revenue to the City as I normally have to get a court appointed attorney to represent them. Juliene is headed to a clerk's conference in Cedar City for some statewide computer training. Juliene already knows the system and may end up helping train others.

MAYOR: We appreciate your service and hope that your health continues to improve.

FIRE & EMT QUARTERLY REPORT

BOB HUGO: The Fire Department had three calls in July, two in August, and five in September. There was a grass fire, illegal burn, auto accident, burning with no permit, truck fire, haystack fire that was not thought to be arson and a power transformer caught on fire. There was also a fire alarm call at North Cache. There were two EMT calls in July, five in August and five in September. In July, one call was alcohol related and the other a possible poisoning. Nick Sanders has resigned as EMT Chief. John Cox, who is a full time paramedic and fire fighter for Logan City has joined the department. I have made John a Lieutenant. John has declined the EMT Chief position at this time due to his current work schedule. I am going to interview Colton Larsen and two others for the position. From the recent fundraiser at Big J's, \$600.00 was raised, \$450.00 in donations and \$150.00 from Big J's. We would like to purchase a computer router for \$44.99 and use the balance to purchase a projector. The projector would be used for power point presentations.

JEFF: How often would you use the projector?

BOB: Every other week for training.

TERRIE: The Library is receiving a grant and will be getting a portable projector and some other items but it won't be received until sometime around March. The nice thing is that it is fully portable and comes with a laptop computer.

BOB: We have a brand new laptop to use and just need a projector.

BRAD: It will be used quite a bit at the fire station and I think we should have one there. Go ahead and get it purchased.

MAYOR: Marlowe, please prepare a thank you letter to Big J's from myself and Bob.

BOB: The remaining four SCBA's have been ordered and were received but they had some incorrect items. The correct items are being sent and there is no additional cost. We are happy with the new fire truck and have responded to five fires so far. The truck is fully stocked and ready to use. A flag pole has been installed for no cost at the fire station. We are going to have a Christmas party this year but there will be no gifts. Thanks for allowing us to use the boom truck to install the flagpole.

BRAD: Use the boom truck as needed.

MAYOR: We appreciate all of the volunteer service by your department and want you to realize that it does not go unnoticed or unappreciated.

PROPOSITION 1, CRITICAL LAND BOND PRESENTATION

CHRIS SANDS: I am a member of the Cache Agricultural Advisory Board. We have been working on land conservation issues for ten plus years. Proposition 1 is to generate a fund to match federal and state funds for land conservation projects. This decision is for taxpayers to decide how to tax themselves. This would allow for more easements. We have worked with current legislators and asked if it could be included in sales or greenbelt tax. It cannot, it would have to be part of property tax. That is the only way. Evan Olsen and Jack Draxler both pursued options including sales tax but the State said it would have to be part of property tax or not at all. The proposition would allow for the development rights to be purchased from landowners. This would allow ranchers and farmers to continue to utilize their land as they currently are but they would not be allowed to develop or put buildings on the property. The value would be determined by taking the current development value less the current agricultural or other value. Generally the deal includes a 25% or so donation from the landowner. They don't want to see their land developed either. There is one landowner that did a 100% donation for a project this year. This will make for better air, water and a way of life in Cache Valley. The focus is on saving critical lands. We need to protect what we all appreciate. For every dollar collected by a city, the city in return currently provides \$1.30 to \$1.40 in services in return. Agriculture is a local billion dollar business. Cache Valley is considered an agricultural basis with 29% of the local economy coming from it. From 1990 to 2006; the population of the valley grew by 45%. From 2008 through 2030 it is expected to double to over 200,000. This proposition not only benefits the local communities but the entire valley as well. A 2007 BRAG survey said rapid growth is the number one concern of local residents. Growth is not a bad thing but should be controlled. This proposition provides landowners with another option. Land is a retirement plan or savings for most landowners in most cases. They want to protect their land but they need money as well. If this passes, we would be purchasing development rights, not the land. The land would stay in private ownership and a deed restriction would be placed on the property.

Each project would be evaluated separately. The land will still continue to be taxed as well. 99% of the time the deed is forever. I have heard of a rare instance where it was established to stay agricultural for 25-30 years and then allowed to change but everything we would pursue would be forever.

TERRIE: You are with the Cache Agricultural Board. Who takes care of this project if it passes?

CHRIS: There have been three public surveys over the last few years; which included past voters of all demographics. The survey was for a twenty million dollar bond. From the surveys, it said that it would be supported by 60-70%. The Cache County Council felt it was better to ask for 10 million than 20 million so it was lowered. You asked who is accountable. A citizen's advisory board will be formed and they will make recommendations to the Cache County Council. It is very similar to RAPZ tax. The Cache County Council would sign the checks and be responsible. For the ten million dollar bond it would cost a home valued at \$170,000, \$16.50 per year or \$1.37 per month. If the land is in greenbelt, for every 100 irrigated acres or 1,000 acres of grazing land, the cost would be \$12.03 per year. A business would pay \$30.00 on \$170,000 of building value. It includes multiply benefits such as trails, preserving water and land. There is a scoring system called L.E.S.A. which would be used to help determine which projects would be best. The Lee Ray McAllister fund is where the state funding comes from. For Cache Valley, corridors to the valley or wildlife protection might be the focus and the scoring system is adjusted to reflect that. The state has more of these potential projects than can be funded.

JUSTIN: Just to make sure I understand correctly. The development rights to a piece of land will be purchased but it will not allow me or anyone else any access to this property or ability to utilize it? The only thing I can do is look at it. If the landowner keeps it posted and does not want to allow access, they can do this. So I am paying for the right to view a piece of land without buildings versus possibly seeing buildings on it?

CHRIS: Yes, but the landowner could choose to allow access but it is their decision. It does not grant anyone any access or use rights. It is just strictly purchasing the development rights.

JEFF: I grew up on a farm in Idaho. Is the motive behind the proposition to get access rights or just to not develop? I know most landowners don't want to give up access rights. They want to keep people out. Is this a case by case basis?

CHRIS: If trails are important they should be included in the scoring system and given priority. This does not grant access rights, the landowner can grant if they choose but they don't have too.

JUSTIN: Where do you see these projects happening at in the valley?

CHRIS: I would expect large projects in unincorporated areas and smaller projects in towns.

BRAD: What percentage of projects that are applied for do you expect to be completed?

CHRIS: I have no idea since a local fund does not currently exist. Right now there are about four to six projects a year and one to two get passed without any local matching funds. Cache County gets the majority of the state funds for these projects as the state legislators recognize the beauty of Cache Valley.

BRAD: This is more like a 401K lottery, the landowner is hoping the project gets completed but no guarantee it will be accepted. I don't like your RAPZ tax comparison because everyone can

use a RAPZ tax funded project where that is not the case with this proposition. The percentage getting completed will be very low.

CHRIS: I would suggest you contact landowners that have done this type of project in the past and get their opinion.

BRAD: What if the property is currently a hay field and then the landowner lets it turn into a weed patch?

CHRIS: One issue is that farmers cannot grow land and won't stop utilizing it. This is a bigger issue each year as the farm land is developed. The proposition is to help maintain our current rural character and way of life. Ten million in local funding will help to get forty million in other funding.

BUSINESS LICENSE

TRIPLE VENDING FOR YOU

ANDY MILES: I have some candy, pop and ice cream vending machines in Logan and one in Hyde Park. I buy the product at Sam's Club and then take on-site and fill each machine. Nothing is stored at my home.

Approved by Council

400 WEST SIDEWALK NON-COMPLIANCE CONCERN

MAYOR: Marvin Traveller has requested that he be allowed, at his own expense with no funding from the city, to be allowed to replace the sidewalk in front of his residence and going south toward his son, Greg's home that he be allowed to replace the current four feet wide sidewalk with a new four feet wide sidewalk. The issue is that new regulations require five feet wide sidewalk. Where the city is not funding any of the labor or material for this project, Marvin has asked to maintain the current four feet wide width. Marvin has also requested that he be allowed 24 months to complete this project.

Approved by Council

ORDINANCE 2008-6

MAYOR: Ordinance 2008-6 is a proposed ordinance in regards to allowing ATV's to legally use the streets of the city. This has been discussed over the last two months and specifically at the last Council meeting.

JEFF: I have some proposed changes to the alternate version. Chapter 11-393 and 11-394 need to be changed from "State of Utah" to just "State". People with valid licenses from states, other than Utah, should be allowed.

TERRIE: I would like to mention that Chapter 11-398 includes that excessive noise will not be allowed.

JEFF: I have talked with various citizens and they support this. They want to see enforcement for non-compliance as well. It makes everyone accountable.

JUSTIN: It makes it legal to use the streets and enforceable by the law for those that don't comply.

***A motion to approve Alternate Version Ordinance 2008-6 with said changes, AN ORDINANCE ENACTING A NEW CHAPTER 11-390 OF TITLE 11-000 OF THE CODE OF REVISED ORDINANCES OF RICHMOND CITY, UTAH (1975, Adopted 1976) ENTITLED "ALL TERRAIN-TYPE VEHICLES ON RICHMOND CITY STREETS AND ROADS, was made by Jeff, seconded by Keith

MARLOWE: I would suggest a sub paragraph one be added recognizing other states registration requirements be included.

BRAD: That is not necessary, it is already implied.

JEFF: Millville and Providence ordinance says "State" and not "State of Utah".

SUE MCCORMICK: Is a state driver's license required?

MAYOR: Yes.

SUE: Helmets?

BRAD: Those 16 to 18 years of age must have a helmet that meets specific safety criteria as well.

SUE: Do the vehicles have to be street legal?

JEFF: No.

MARLOWE: They require headlights and tail lights but do not require turn signals.

MAYOR: Chapter 11-396 states they must have adequate brakes, headlights, tail lights, as well as a noise control device.

SUE: Do to the high amount of unregulated intersections in Richmond, maybe the speed limit should be lowered in town.

TOM EHRHART: Do we currently have an ordinance that says they cannot ride on the roads?

JEFF: Yes. In the minutes from a previous meeting it was agreed to use the State of Utah statute and that did not allow ATV's on the road at that time.

TERRIE: I was on the Council at that time, and the State said no, now the State has changed. It is our responsibility to have a policy for our citizens.

BRAD: As of October 1st, the State guidelines have changed and allow ATV's on city streets.

TOM: Right now, I already have enough to watch out for without allowing for ATV's on the roads. They should stay off the road. I think they should abide by State guidelines to be street legal.

MAYOR: They do, the ordinance requires a driver's license, insurance and current registration.

TOM: What about emissions and noise?

BRAD: State does not require emissions.

TERRIE: Noise is controlled and monitored in Chapter 11-398.

TOM: I am opposed to this ordinance.

DAN MILLER: Who monitors if they are legal or not?

MAYOR: Our local law enforcement, just like a car.

TOM: When was the last ticket issued?

JUDGE SKIDMORE: Last month.

DAN: Are they all registered right now?

MAYOR: State of Utah guidelines require they be registered like a car no matter where they are used.

JEFF: There are husbandry permits restrictions for some.

TOM: I also object to farm machinery and bicycles being on the roads as well. I had a friend run into a tractor at night and die.

DAN: People need to be educated and let know what the fines are.

MAYOR: That is a good idea.

TERRIE: There is currently a course taught at 30 locations throughout the state. It is a four hour class and costs \$10.00.

JEFF: In the newsletter, we should put some bullet points of the important parts of the ordinance.

DAN: Make sure to include the penalties.

MARLOWE: Chapter 11-396 states they will be fined/penalized just like a car per the regulations of the State of Utah.

MAYOR: I appreciate the public input on this topic.

A motion to approve Alternate Version Ordinance 2008-6 with said changes, AN ORDINANCE ENACTING A NEW CHAPTER 11-390 OF TITLE 11-000 OF THE CODE OF REVISED ORDINANCES OF RICHMOND CITY, UTAH (1975, Adopted 1976) ENTITLED "ALL TERRAIN-TYPE VEHICLES ON RICHMOND CITY STREETS AND ROADS, was made by Jeff, seconded by Keith and the vote was unanimous.

CITY MANAGER REPORT

MARLOWE: There are currently 125,000 gallons of water sitting in the tanks at the MBR plant. There are a few minor leaks that need to be repaired. It is currently on-schedule. Nelson Brothers have been great to work with. The cement block building that you can see is what is called the headwork's portion. As you will see by the sheet I have provided, building permit requests are down substantially from 2007 which is what we expected. We have received all but 30-35 tons of the 380 tons of salt that was ordered. The trucking company that delivers it has been great to work with since Ben has been off for two weeks and Rob has been the only one around. There has been a communication issue in regards to the cement work that was going to be completed in front of the post office. Handicap access is an issue but we are working through it. The bids have been opened for the safety sidewalk and Rob/Ben will be doing prep work for this project next week. Two water meters have to be moved, some trees removed and some road base brought in.

BRAD: Have the citizens in that area been informed of what is going on?

MARLOWE: No.

JUDGE SKIDMORE: I would like to know what is happening in front of my three driveways.

BRAD: Please inform R.B. Nelson, Lane Anderson, Mr. Loyet and the Skidmore's of what is happening and when in their area.

MAYOR: We have accepted the bid of Edge Construction for this project. There were five bids and two of them were very close. We did an item per item comparison on the two close bids and awarded the project to Edge. Letters have been sent and the project awarded. I have some citizens concerned about the intersections as well. I think we need to educate the citizens more and issue citations to help avoid any possible accidents. Deputy Carley will help write a section for the newsletter and we will make sure they patrol more.

DAN MILLER: I have friends that don't realize there are three stop signs at my intersection.

MAYOR: The key is to educate and enforce.

FINANCIAL REPORT

JUSTIN: We received the \$13,191 reimbursement for the RAPZ tax project at the Cub River Sports Complex. We will be seeking approximately \$5,500 more on that project now that Ron Foster has submitted his invoice. The cost of the backhoe trade-in was \$20,310 and you will see the cost of the new/used boom truck of \$8,500. The audit will be the first week of November and we will be ready and I feel more prepared than years past. Allred Jackson is very good to work with. The line item called "Entertainment Pavilion" is the RAPZ tax project at the park. So far in this budget year eight water and sewer impact fees have been collected. I would like to commend the Council and fire department for being budget conscience and due to that it has allowed the four SCBA units to be purchased. I would also like to commend Juliene and the library staff for what they do and always staying within budget.

TERRIE: We should be receiving \$300.00 do to our gold award we recently received at the UTLCT meetings.

COUNCIL MEMBER REPORTS

BRAD: Water and sewer have already been covered. There are currently two outstanding nuisance complaints. The one has been pursued legally and the time has run out for them to comply or respond. We will begin enforcement per the ordinance guidelines. The other nuisance complaint has not been addressed yet.

SUE: Does the nuisance ordinance include junk cars?

BRAD: Yes. Let's get you a copy of the ordinance so you can see everything that is included. It specifically talks about junk cars.

MARLOWE: A person can have as many cars as they wish as long as they are licensed.

BRAD: Please visit with me about any specific cases or concerns you may have.

JUSTIN: Jeff, you did a tremendous job with the City party. It was very good and I heard nothing but compliments. The children rides were great and I would highly recommend again.

TERRIE: I thought that it being on a Saturday was better as well.

JEFF: I appreciate the help by everyone involved. I am getting ready to send out thank you letters. I have had several good comments on the new tennis and volleyball nets as well. There

has been more use than I expected. They will be removed shortly so they are not damaged with the cold weather.

BRAD: I would have the soccer nets removed as well.

JEFF: I am in the process of getting information on weed herbicides to get rid of the weeds at the ball park. There are four herbicides and I am making sure they are all human friendly as it will last a long time when applied. I toured the cheese factory with the Bear River Heritage group. They will help determine if it can be restored or if it should be removed. I have made it clear the city will support what they want to do but will not offer any financial support.

BRAD: I want to make sure the citizens are protected if the building is removed. No big dust or debris clouds.

JEFF: Making sure the city is protected is the goal. The historical items have been sent to USU Collections and Brad Cole will keep us updated as things progress. Dan Miller donated some of his personal items to the collection as well.

TERRIE: Leslie Erickson's term on the Cache Mosquito Abatement District expires on December 31st. It is a four year term. We need to select someone new or ask Leslie again. It can be a citizen or member of the Council.

MAYOR: What do other cities do?

TERRIE: It is about 50/50 between citizens and Council members. It is one meeting per month and the member receives a \$20.00 per meeting attended stipend. I like the idea of having citizens helping out.

MARLOWE: Could we ask Leslie again?

TERRIE: Yes.

MAYOR: Have you asked Leslie her thoughts about staying on board another four years? We should discuss again at the next Council meeting.

TERRIE: We are required to advertise for 30 days.

MAYOR'S REPORT

MAYOR: Nine resumes were submitted for the waste water technician position. We will need to have an executive session to review the applicants. I would like interviews to occur November 1st through the 10th, second interviews if needed in mid November and a job offer no later than the end of November. I would like the new employee to start no later than January 1st.

I would also like the new employee to be on board when the hardware is starting to be installed in January. Let's review the resumes on Tuesday, October 28th at 7:00 P.M. here at the city office. In the future if anyone contacts the city attorney or engineer please let me know that you have and why. There are times when I get calls from Bruce or Darek and I don't know the situation or what is going on. We have donated the use of the theatre on November 24th for National PTA Night. They are going to show a movie. The PTA has purchased the viewing rights and will make sure they clean up when done as well. Let's do the Christmas party in January like in the past. How about January 24th at 6:00 P.M. at Coppermill or Blackstone.

TERRIE: I have had some inquiries about snow removal as citizens make their way to bus stops. Is there a limit on how long citizens have to clear the sidewalks?

MARLOWE: No. The ordinance states they must clear the sidewalk within a reasonable amount of time but does not specifically state how long, no specific time table.

TERRIE: Some residents walk down the road since the walks are not cleared.

BRAD: We need to remind citizens about the winter street parking ordinance as well.

MAYOR: We should review this where there is no specific time line.

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

Allen Rock	460.16
Allied Insurance	593.00
Altius	1308.32
Antonio Escareno	100.00
AT&T	144.84
ATCO	314.90
Bear River Health	265.00
Bluestakes	56.37
Brad Jensen	226.44
Brent Webb Excavation	452.59
Cache County Corp	22623.1
Cache County Service Area	16170.0
Cantwell Brothers	35.27
Chemtech-Ford	831.00
Chris Purser	86.24
Clinton Dirks	225.00
CNH Capital	78.57
Consumer Reports	26.00
CV Fire Extinguisher	750.00
Deputy Brian Larsen	37.00
Deputy Jamie Olsen	18.50
Ferguson	2076.26
Fleet Plus	645.46
Gall's	268.28
Gerry Butler	81.00
Hall's	134.97
Hobbs Turf Farm	121.22
Holophane	531.00
Jeff Young	86.79
Johns Hopkins	179.95
JP Cooke	82.93
Kimball Midwest	240.71
Kip Panter	164.95
LD's	91.45
Lee's	335.83
Librarian Book Express	72.11
Maverik	1292.19
Morgan Pavement	29854.8
Mountain States	542.95

Nextel	519.07
North American Salt	9192.71
North Cache Vet	60.63
Olson & Hoggan	1814.30
Parsons	4241.50
PC's Unlimited	19.95
postmaster	152.00
Public Employees Health	53.64
Ouestar	419.58
Owest	951.85
Randy's	114.8
Rav Checketts	800.00
Rocky Mountain Power	7272.38
Ron Foster Construction	5486.00
Sam's Club	70.00
Scenic Canyons	125.00
Smith Hartvigsen	56.50
Smithfield Auto	55.12
Smithfield imp	378.94
Square One	338.50
Staples	51.06
Stock Building Supply	4926.74
Taci Watterson	22.00
Tamary Hardy	86.00
Thatcher	1291.60
The Herald Journal	833.65
The Home Depot	539.09
Tina Reese	141.15
Transport Diesel	818.57
UEN	297.12
Utah Assoc. of Special	65.00
Utah Judicial Institute	75.00
Utah Local Government Trust	127.57
Utah Municipal Clerks' Assoc	100.00
VISA	1514.17
Visa	30.00
Waldenbook	427.58
Watkins	125.50
Wells Fargo	18.00
Wheeler	335.50
WR White	2044.08
Xerox	252.29

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

Adjournment at 9:15 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder