

RICHMOND CITY COUNCIL

DECEMBER 16, 2008

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, UT on December 16, 2008. 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, Keith Ward, Jeff Young, Terrie Wierenga and Allen Lundgreen.

A motion to accept the November 18, 2008 City Council meeting minutes was made by Keith, seconded by Jeff and the vote was unanimous.

DEPUTY REPORT

DEPUTY CARLEY: It is the time of year when we see a big increase in auto related thefts. People leave their vehicles unlocked and Christmas presents and other items are easily stolen. Make sure to keep your homes and vehicles locked at all times. With the change in the weather, auto accidents will be increasing. Please be careful on the ice and snow. Several suspicious incidents have been reported lately and we thank you for letting us know. Thank you!

MAYOR: The winter parking ordinance is now in effect. Deputy, I would like to let you know about a letter being mailed to Brian Fife who owns Cache Trailer and Repair. It is in regards to the travel trailers that are blocking the view at the intersection on 200 South 200 West.

Letter from Richmond City to Brian Fife/Cache Trailer & Repair was read.

MAYOR: We have had several complaints from citizens again this year that they cannot see when trying to enter the highway. We have to send him a letter each year to remind him to keep them back from the sidewalk so the view is not obstructed.

DEPUTY: So you want trailers at least 30 feet back from the corner and eight feet behind the Stop Sign. If you could e-mail me a copy of the letter to share with the other deputies I would appreciate it.

MAYOR: Marlowe will e-mail you a copy of the letter. Merry Christmas and we appreciate your service to the community.

RESOLUTION 2008-5 MOSQUITO ABATEMENT DISTRICT REPRESENTATIVE

MAYOR: We have to make a new appointment to the Cache Mosquito Abatement District Board as Leslie Erickson's term expires on December 31st. We have asked Shane Lewis to fill this term for the next four years.

A motion to approve Resolution 2008-5, A Resolution Appointing Mr. Shane Lewis as Trustee Representing Richmond City on the Cache Mosquito Abatement District Board of Trustees, was made by Keith, seconded by Terrie and the vote was unanimous.

NEW MBR PLANT OPERATOR EMPLOYEE

MAYOR: We have decided to hire (William) Scott Ball to be our new MBR plant operator. His employment started on December 1st. He has been shadowing Kevin Maughan at the Hyrum City MBR Plant to see the workings of the plant and to work hand-in-hand with him to get some experience in running the new Richmond MBR Plant. This training is invaluable and we appreciate the cooperation of Kevin and Hyrum City in this matter. Scott has been paid the certification bonus that was offered as part of the hiring process. This is a prorated bonus that would have to be repaid if he does not continue employment with the City for some reason over the next year.

A motion to approve the hiring of William Scott Ball as Waste Water Plant Operator at a wage of \$40,000 per year with a \$2,500 waste water certification one-time bonus was made by Terrie, seconded by Jeff and the vote was unanimous.

NEW BATTALION CHIEF OVER EMS OPERATIONS

TERRIE: It has been 3 ½ months or so since Nick Sanders resigned as EMT Chief. There was some mis-communication and Chief Hugo jumped the gun in approving a new EMT Chief by himself. In 2001/2002 when the department was last reorganized some policies were implemented at that time that required that the Council approve appointments to positions such as this. Coltin Larsen is qualified and has Fire Fighter and EMT certification. He is very competent and will do this job well. He is currently helping with the new policies and procedures for the department.

A motion to appoint Coltin Larsen as Battalion Chief over EMS Operations was made by Terrie, seconded by Allen and the vote was unanimous.

APPOINTMENT OF RICHMOND CITY JUSTICE COURT JUDGE

MAYOR: Judge Skidmore is being forced to retire at the end of April by the State of Utah due to a State of Utah age restriction. I have met with Matt Funk regarding this position and he has agreed to accept and will work with Judge Skidmore and Court Clerk Juliene Parrish until Judge

Skidmore retires. The paperwork to get Matt approved with the State of Utah is being prepared.

The guidelines in approving a new Judge are reportedly changing on January 1st but the State has not decided what those changes will be so it is important we get him approved now. He is excited and ready to start learning and to receive any training that he may need.

TERRIE: It is good that he can have on the job training as well as formal training beforehand.

A motion to appoint Matthew Funk as Richmond City Justice Court Judge upon the retirement of Judge Beth Skidmore was made by Keith, seconded by Brad and the vote was unanimous.

CITY MANAGER REPORT

MARLOWE: The lease on the Xerox copy machine is due to expire in a few months. They are offering basically the same machine with more features and it will be \$1.58 per month cheaper. I think this brand is very reliable and has good service. The new machine would have a scanner, fax machine, and copier all in one. The lease would be through Wasatch Document Solutions. The last lease was arranged through Davisco but they have now switched brands.

TERRIE: They are a good reliable machine.

JEFF: Xerox is great for scanning in the recent research I have done.

Approved by Council to lease the new copy machine from Wasatch Document Solutions.

MARLOWE: The steel is being erected at the MBR Plant. They are about one week behind schedule, possibly seven to eight work days. All of the steel is there, on-site. The insulation is on-site as well. The Headwork's Building is complete and the insulation is being stored in that building to keep it dry. I would expect to see equipment to start being installed in early 2009. Scott Ball's training in Hyrum is invaluable and hands-on experience is something money cannot buy. AQUA Engineering, Nelson Brothers, myself and other members of the Council who are able to attend will be meeting on Monday at noon to discuss possible changes to our plant that Hyrum City wishes would have been done to their plant. For example, there is a pump that if turned a different direction can be repaired/moved by one person, as it sits in Hyrum, it takes two people to move. I would expect nothing from Scott other than working specifically on the MBR plant for at least 12 to 18 months. It is not just turning on a switch and monitoring it. Kevin Maughan's knowledge and help to train Scott is invaluable. Scott is eager to learn and has a very positive attitude. The roof on this building is leaking. We had to use a bucket to catch the water in this room where the Council is sitting. The roof membrane was installed in 2000 and we were told that it would have a 20 year life; only if people stay off of it. There are several leaks not just in this room. The holiday signs have fallen over before and ripped the roof; the men had walked across it trying to fix the signs and get to the A/C units for repairs. We need an entire new membrane. There is a significant leak in the women's bathroom as well.

TERRIE: Would replacing the membrane fix the leak in the chair/table closet as well?

MARLOWE: No, that is a separate part of the building.

MAYOR: Two years ago we put out a bid to repair the roof and did not get one bid. I think with the economy changing now is the time to get it done as prices are dropping and contractors are looking for work.

JEFF: Is this the best type of roof?

MARLOWE: Yes.

MAYOR: I think we need to stay off the roof and move the holiday lights onto the lawn.

MARLOWE: The only need for anyone to be on the roof would be for HVAC repairs.

ALLEN: I have some contractors I would like to notify when it goes to bid. I think that it is imperative that walking mats be installed to the A/C units. They adhere the mats to the roof when the membrane is installed.

MARLOWE: The mats could be installed to go directly to the A/C units.

MAYOR: Let's advertise and get some bids now.

ALLEN: I will give Marlowe some names of specific roofing companies so we can make sure we get some good bids.

MARLOWE: I was recently involved in the Shop-With-A-Cop Program. It is completely volunteer and involves children 11 and younger who have been traumatized. They are treated to a breakfast and then they get to go on a small shopping spree at Shopko this year. They are driven to the store in a cop car with the lights flashing and it makes the kids feel really special. It is 100% volunteer. I am not asking the City to donate but this year the North Logan Police Department paid for the breakfast. I was wondering if we could set aside \$100 - \$200 towards the breakfast?

TERRIE: We have supported Sub-For-Santa in years past. It sounds like a good program. We can let the organizers know of our support.

BRAD: There are several of these programs that can be donated too. I think it should be done on an individual basis not a City basis.

JEFF: I would like the City to get some recognition. It would not cost much but get the City some exposure.

TERRIE: Maybe we can merge both ideas into the individuals that want to donate can and we will say it was in behalf of the City.

MAYOR: Marlowe, please gather the info and visit with us on an individual basis.

FINANCIAL AUDIT PRESENTATION BY ALLRED JACKSON ACCOUNTING FIRM

DIANA CANNELL: You have a lot on your plate with the new MBR Plant and other things going on in the City. I am here tonight to present the results of the financial audit for the period of July 1, 2007 through June 30, 2008. If you turn to Page 13 you can see a Statement of Net Assets for all funds. Assets increased by 1.3 million and this was due to the Sewer Improvements that are currently happening. Page 35 and 36 shows all of the bonds payable and the amounts payable. There are currently a total of 3.1 million in bonds payable. The total amount of the new bonds issued for the sewer system upgrade are \$3,316,000 and you currently have used \$1,316,000 of these bonds as of June 30, 2008. I am sure you have used more by now. There was a \$367,000 increase in Net Assets. Page 14 shows the costs to run certain departments. For example, the Street Department cost \$250,000 last year, the Library Department cost \$52,000 etc. On Page 17, you will see Net Income was \$139,000 this year in

comparison to \$125,000 the previous year. It is very consistent. If no questions, let's review the findings. Finding 2008-1 is that while performing the audit we found adjustments that needed to be booked that were not. This is a repeat finding from the previous year as well. This is something that we are getting really close to overcoming and I think next year we will have it resolved. 2008-2 states that prior year deficiencies were not corrected. This is because we made adjustments last year and this year. If no adjustments next year then both of these findings will be resolved. 2008-3 states that two of the departments were over budgeted appropriations. This usually occurs because of invoices that show up after the budget year. Try to get them all in as soon as possible at the end of the year. 2008-4 states that interest needs to be accrued on Water and Sewer Impact Fee cash accounts and it was not. This is easily fixed and will be done in future years.

MARLOWE: We have to charge interest on money that we already have?

JUSTIN: The interest was allocated to the Water Fund but not specifically to the Water Restricted Cash Fund or Sewer Fund. This is easily fixed in the future.

FINANCIAL REPORT

JUSTIN: In the course of working on the audit with Diana, we discussed their current audit agreement. We agreed to a five year commitment with their firm and it has two years remaining; this year and the 2009/2010 budget year. Due to changes in regulations the audit requires more work on our part and their part. Currently, our agreement is the charge for the audit is \$7,200. I would expect that it will be \$11,000 to \$12,000 when it is put back out for bid in two years. We have agreed to pay Gary Gibbons \$255,000 in principal due on the well loan by the end of this year. We will pay the current interest due as well. Prime Interest rate is around 3.25% currently so I am expecting the payment with interest to be around \$268,000. We also have all the other water bond payments due this month and they total around \$100,000.

USE OF WATER RESTRICTED FEE ALLOCATION FUNDS

JUSTIN: Currently, there are \$177,770 in the Water – Restricted Cash Fund. This is funds collected from water impact fees. I have reviewed with Diana and we are allowed to use these funds towards the purchase of the well as the well is for new growth. We need to use these funds to help make the payment due on the Gibbons Well purchase.

A motion to approve the use of \$177,770 from the Water Restricted Cash Fund towards the payment to Gary Gibbons on the well purchase was made by Terrie, seconded by Jeff and the vote was unanimous.

LOAN FROM CAPITAL PROJECTS FUND TO WATER ENTERPRISE FUND

JUSTIN: The Water Enterprise Fund does not currently have the funds available, even with the use of the Water Impact Fee funds, to make all of the necessary payments this month. As the majority of the Water Fund payments occur for the year in December. In order to make all the current obligations we need approximately \$200,000. I have visited with Diana regarding this matter and the Capital Projects Fund can loan the Water Enterprise Fund the money as long as on an interest bearing loan. Currently the interest rate being earned by the Capital Projects Fund Market Interest Account is 3%. I would suggest that the Capital Projects Fund loan the Water Enterprise Fund \$200,000 at a rate of 3.00% annually with interest to be paid no later than June 30th of each year.

A motion to grant the loan of \$200,000.00 from the Capital Projects Fund to the Water Enterprise Fund at an interest rate of 3.00% annually was made by Jeff, seconded by Keith and the vote was unanimous.

JUSTIN: I have also seen the proposed renewal for the Workers Compensation Insurance for the year 2009. The rates are basically the same with the exception of the addition of Scott Ball. His classification as "Sewer Construction all Operations and Drivers" has a rate of 8.37 per \$100 Payroll. This equates to an additional \$3,348.00 to our yearly policy just for the addition of Scott to our policy. I don't think this is correct and hope the rate is more in line with the rate charged for "Street or Road Maintenance Construction" which is 1.36 per \$100 payroll. I will check on this and find out for sure.

RICHMOND MEADOWS INFRASTRUCTURE

DAREK KIMBALL: On October 30th, we had a walk through of the Richmond Meadows subdivision and made a punch list of items that need to be completed before the road and infrastructure will be accepted by the City. The list is about two pages long. There are some water valve issues, some minor sewer issues, and other several miscellaneous minor items. Last Friday, I toured the site again, and the water related issues have been fixed, and most of the sewer items. The manholes needed to be lowered and that has been completed. The street lights that need to be installed are currently hard to acquire and the City will need to work with them on this item. There is some landscaping issues as well as repairing the shoulders of the road.

MAYOR: We have requested they get the same existing lights the City is already using and I have put them in contact with our supplier.

DAREK: The storm drain pond needs to be fixed. The documents show that the City owns the detention pond; this is incorrect. The pond is going to have to be re-surveyed. The pond is smaller than it was supposed to be and the west berm is one foot lower than the water level. It currently won't hold any water and needs to be repaired. The pond is below the house as well.

MAYOR: If the pond is deeded to the lot, the homeowner could remove the pond if it is not properly recorded?

DAREK: I am not sure on that, I don't have that answer right now.

MARLOWE: We would have no legal recourse against anyone either if they remove the pond?

BRAD: I would like to review the minutes from when this was approved as I know this specific issue was addressed at that time.

MARLOWE: This entire project was originally delayed due to the new construction standards that were coming out. Sadler's wanted to deed the pond area to the City and the City rejected ownership and told them no at that time. Sadler's indicated that they would have to form an Home Owners Association (H.O.A.) to maintain the pond. They did not form an H.O.A. to my knowledge. Where this is private property the City would have no claim to enforce. We could deny any future building permits until resolved as one option. We currently have not accepted the infrastructure so there will be no snow removal or pipe repairs. We need a written proposal of what they will do.

MAYOR: A restrictive easement could be attached to the property with the drain pond.

TERRIE: I want to be very clear that this is not something new. They knew about this from the start.

DAREK: A restrictive easement would not be a problem and can be easily done. All of the water, sewer and road issues are currently their problem to deal with as well at their expense.

MAYOR: The retention pond is a liability issue for the homeowner as well. Let's require a restrictive easement that shows the pond. Make sure it is written in the legal description as well.

JUSTIN: There are so many items on the list and it appears to me that most of them cannot be completed in the winter that I would expect Sadler's to be responsible for snow removal all winter long.

DAREK: On 100 West 300 South, the home on the southeast corner. The sidewalk is below the road and the handicap access ramp is not correct because of this. The plans clearly show the sidewalks even with the road. The storm drain does not match the sidewalk grade either. The sidewalk issue was not on the original punch list but will have to be added on and I will inform Sadler's. The construction plans are correct and the work was done incorrectly. The piping contractor repaired most of his items but he was not happy about having to center the manhole covers.

MARLOWE: I wanted Darek to inform you of these items tonight so you can approve what you want to have him inform Sadler's of what needs to be done when they meet this week.

BRAD: The sidewalks on the unbuilt lots need to be completed as well. They can be covered with dirt and not damaged when construction occurs on those lots. We have no recourse on the sidewalks if not installed now.

MARLOWE: In the past, we have always said that the sidewalk could be installed when the home was built. The homeowner is paying to install the sidewalk not Sadler's.

DAREK: This is something that could be required in future developments.

MAYOR: I see very few developments that require sidewalks to be installed before construction is complete. We can always escrow 150% of the value of the sidewalk and have it held until the sidewalks are complete or we can complete it ourselves if they don't get it done when stated.

DAREK: This subdivision is held to the standards of when the subdivision was approved.

MARLOWE: The check off sheet we currently use includes sidewalks.

JUSTIN: Then what happened at the Stoddard home? The sidewalk there is still not installed and they have occupied the home for at least a year.

MARLOWE: I have not had a chance to review what happened there yet. I need to visit with Paul Berntson about this issue.

RANDY TRIPP: Maybe there should be an impact fee on sidewalks, curb/gutter.

DAREK: Sidewalks are not included in the performance bond they are required to have.

RANDY TRIPP: My son built in Nibley, his contractor went bankrupt, then what happens?

MAYOR: Darek will attend all sign-offs in the future. Standards have been made and need to be met. Thank you for your help in this matter Darek. We need to try and meet with the contractors before the project starts. Sadler's should have followed the standards and they would not have had these issues.

KEITH: I was told of a very thin sidewalk issue, has it been resolved?

DAREK: Yes, there was an issue with a sidewalk in front of the home in the southeast corner of the subdivision.

MARLOWE: I was told that section has been replaced.

BRAD: We can get some core samples if necessary to verify.

DAREK: The homeowner's are individually responsible for the sidewalk in front of their residence.

MARLOWE: Most of the homeowner's have been great to work with. Kirt Sadler will be calling tomorrow about the issue on the shoulder of the road. What do I tell him?

DAREK: I have talked with their engineer and he agrees with me. The slope shoulder is to provide drainage.

JEFF: I thought the purpose of the building code was for things like this? Sounds like to me all the issues are being passed onto the homeowner. There is no accountability on the part of the developer. This leaves the City with no recourse?

DAREK: Other places won't issue future building permits until all issues are resolved.

BRAD: Are they still bonded?

MAYOR: I am sure the bond has expired.

JUSTIN: What about escrowing for the chip/seal work that will need to be done next year?

DAREK: We can withhold building permits. Normal procedure is that the developer stands the costs of repairs on the roads and piping for one year after being turned over to the City.

BRAD: When changes are made or issues completed please let us all know so that the entire Council is on the same page and up to date on what is happening.

MAYOR: If any of you get called or have complaints. Refer them to Darek at J.U.B. Engineering. We contract with a professional firm on these decisions and they make the proper decision.

RANDY TRIPP: What happened to the irrigation ditch that used to be in that area?

MARLOWE: It was a canal that has been since abandoned.

JEFF: That area is classified as a flood plane.

DAREK: I will take all of this information and pass it onto Kirt to help get resolved.

COUNCIL MEMBER REPORTS

BRAD: A draft copy of the Fire/EMS Department rules should be finalized soon. That copy will then be reviewed and then sent to the Council for final approval.

MARLOWE: We are having trouble with the white truck. The flashing lights are drawing too much power. LED lights use less voltage according to Ben and could be used. The truck already has the biggest possible alternator.

BRAD: Do not purchase LED lights for the white truck. Are the brakes on the dump truck still a problem?

MARLOWE: Yes.

BRAD: Let's get an estimate of what it would take for the dump truck to pass safety inspection. There are two outstanding nuisance complaints. One of them will be addressed in the spring after the snow is gone. The other one, the homeowner has been notified several times but will not respond. The Council will have to decide in the spring how much money we want to spend using an attorney to get the issue resolved. The person will not respond no matter how we try to contact.

TERRIE: Hasn't this been a previous issue?

BRAD: I would just like a face to face encounter with the property owner to see what we can do to resolve and if we can all work together to resolve. We could possibly get some volunteers to help with the clean up. I just cannot get a response from the property owner. We will have to address again in the spring when the snow is gone.

JEFF: I am excited to get working on Black & White Days at the start of the year. I would like to thank Shane Lewis for getting the leaves cleaned up at the park. It was done just before the snow so that is good. I have also talked with him about submitting a bid for yardcare for the City next year. I would also like to thank the Lion's Club for hanging all the Christmas lights and decorations. I like the decorations on Main Street. We have started snow removal and Tamara is doing a great job. I want to get the civic group info on the website as soon as we can. I would like all of these groups to supply their contact information as well as upcoming events to post on the website.

ALLEN: Planning & Zoning has been very quiet; in fact, the last two months meetings have been cancelled due to no business. At the start of the year, Cache Development Services will help to update our current maps.

BRAD: Please make sure they include the land that was annexed last year.

JUSTIN: Did we ever receive the aerial maps of the City we paid for several months ago?

BRAD: Yes, one large one and one smaller one. They are here in the City office building.

MAYOR’S REPORT

MAYOR: The City employee Christmas party will be on January 24th at 6:00 P.M. at the Coppermill. There are several calendars on the front desk for anyone that wants one. I would like to get Kevin Maughan, Hyrum City MBR Plant Operator, a gift certificate as a thank you for his help in training Scott.

JUSTIN: I would suggest that we send a thank you letter to the Hyrum City Mayor and Council as well.

MAYOR: Let’s get a gift certificate for Kevin. There will be a water tank discussion meeting on Tuesday, December 23rd, at 6:00 P.M. here at City office with Brad, myself, Darek and the property owner. There could possibly be a person attending the January Council meeting to discuss their child that has a case of ring worm. This person is convinced that it came from a cat and that the City is responsible since we do not have any enforcement in regards to cats. If this person wants to attend, I would suggest that we get Cache County Animal Control Officer Ken Eggleston to attend as well as City attorney Bruce Jorgensen.

TERRIE: Fungus on leaves can cause ring worm as well.

MAYOR: At a recent Mayor’s meeting, a couple of Mayor’s indicated that they are not going to seek another term due to conflicts with Council members as well as employees. I would like everyone on this Council to know how much I appreciate their friendship and service as well as the work of all City employees. I feel we are very fortunate that after a vote on a subject that win or lose every member on this Council can move on and do what is best for the City with no feelings or animosity in the future. Merry Christmas to everyone. Enjoy the time with your families.

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

A.A. Hudson	2025.00
Ace Industrial	668.85
Airgas	67.16
Altius	654.16
Assoc of Public Treasurers	125.00
Bair Auto Repair	1489.91
Bear River Health	40.00
Black Iron Barbeque	480.00
Blackstone Audio	8.00
Cache Chemical	159.88
Cache County Service Area	16268.05
Cache Valley Insurance	700.00
California Contractors	179.40
Cantwell Brothers	172.00
Ecosvstems	45.00
Fergeson	144.00
Filbies Copy Center	50.54
Fleet Services	219.96
Galls	795.88

Harris Computer	1654.85
IPACO	115.99
JUB	3750.00
Ken Bergstrom	70.03
Kimball Midwest	596.32
Laser Precision	144.00
Lower Foods	15.05
Lyn Distributing	205.41
Malouf Law Offices	630.00
Maverik	126.39
National Battery	27.12
Nextell	296.63
North Cache Vet	266.00
Olson & Hoggan	1512.00
PC's Unlimited	19.95
PEHP	53.64
Ouestar	1001.20
Owest	476.27
Randv's	928.35
Rockv Mountain Power	2187.11
Six States	138.93
Smith Hartvigsen	69.00
Smithfield Auto	1113.81
Smithfield imp	124.29
Specialty Store Services	34.10
Staples	39.28
Stock	532.61
Tamara Hardv	80.00
Thatcher	1873.30
The Herald Journal	23.28
The Home Depot	213.63
UEN	226.62
Utah State Division of Finance	99499.05
Valley Office Svstems	35.15
Visa	1130.74
Waldenbook	97.47
WR	603.14
Xerox	244.45
Zoll Data Svstems	150.84

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

Adjournment at 9:45 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder