

RICHMOND CITY COUNCIL**FEBRUARY 17, 2009**

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, UT on February 17, 2009. The meeting began at 7:00 P.M. Mayor Michael Hall was in the chair. The opening remarks were made by Allen Lundgreen.

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

A motion to accept the January 20, 2009 City Council meeting minutes was made by Terrie, seconded by Allen and the vote was unanimous.

DEPUTY REPORT

DEPUTY CARLEY: I am sorry that I was out of town and not able to attend the last meeting. There were lots of crashes that I assisted on today due to the weather. Are there still issues with the trailers by the highway at Cache Trailer?

MAYOR: The City sent a letter to Mr. Fife regarding this matter. Jeff also went down and met with him to help ensure compliance on this issue.

DEPUTY: It seems okay now.

MAYOR: Brian is very good to work with.

DEPUTY: I have not had any reported problems in that area regarding the trailers.

MAYOR: We may need to change our requirements on set backs to better meet our needs.

DEPUTY: Do you have an outstanding warrant list? Also, there is a telephone scam going on right now. Someone will call and say they are a family member and ask for money to be sent immediately. It is almost impossible to trace. Everyone needs to be very careful. Do not give out any personal information over the phone. I am following up on one of these cases right now where an older lady sent several thousand dollars to a person in Canada that she thought was her grandson.

TERRIE: Should we report these types of incidents?

DEPUTY: Yes. If possible get the name, number and address.

MAYOR: How are they getting family info to sound like they are informed and the actual family member?

DEPUTY: They will normally pump the person on the phone for info and they are usually older people that don't know any better. Please warn the citizens about this. Maybe it could be put in the newsletter.

TERRIE: I have had two of these type of calls recently.

MAYOR: Let's put it in the newsletter and include the Deputy's contact information. I understand that they caught the local thieves?

DEPUTY: I am not sure but I heard that as well. I was not on shift when the arrest occurred.

MARLOWE: My grandson shadowed Deputy Carley for a shift and got to see first hand

what he does. It was a great experience for him and very much appreciated.

****Jeff Young now in attendance.****

CITIZEN WATER DRAINAGE ISSUE

BRIAN PURDIE: I have had a water drainage issue at my residence for the last few years. I have included several pictures for each of you to review. Ice has formed at the sidewalk on 270 South 90 West. This is not just an ice issue but a water issue as well. The water runs down the road around the corner and down into my driveway and garage. The concrete is now buckling and my garage floor has a layer of ice over the majority of it. It is a stream of water that comes around the corner into my driveway. This has been happening since approximately 2004/2005. It even occurs when there is no snow and it rains. I cannot afford this to continue to keep damaging my property. The damage to the garage floor has all been caused due to the ice. One-third of my garage floor is damaged. I want the road or whatever is causing this fixed so this does not happen in the future. I used a bale of hay to try and stop this problem and divert the water but we ended up flooding the Wyberg's backyard. It would have gone into Tom Sickler's backyard as well. It is getting worse each year. I have spoken to two Council members about this issue and want it resolved.

MAYOR: What has happened between when you moved in and now?

BRIAN: The road has sunk but I am not sure what else has changed. I have been there 20 years. There is no where else in Hill Haven that this occurs and it has only occurred the last four years. I started taking pictures of this problem in 2007. I cannot afford to lose the investment in my property and home. I want the street reviewed and the problem fixed.

MAYOR: Darek, our City Engineer, will review this issue and see the flow. It only occurs when the ice/snow melts?

BRIAN: No, it happens whenever we have rain or melting snow. Any water that comes that way goes into my garage. Do you want me to attend the next meeting to see what can be done?

MAYOR: You can if you want but we will review and discuss and then be in touch with you regarding this issue.

BUSINESS LICENSE

THE ESSENTIAL SOUL

SUZANNE BELL: I am a graphic design artist as well as massage therapist. I want to start a magazine that will promote natural health through a monthly publication. I have some marketing work completed as well as a business plan done. I am waiting for all of the State of Utah paperwork to be completed. I will prepare the publication at my residence. A publication like this is very popular in New Mexico right now. It would be funded by advertising and distributed in northern Utah.

TERRIE: Just layout and design at your house?

SUZANNE: Yes. I will be hiring a printer to produce the finished product.

TERRIE: Will you be conducting meetings with prospective advertisers at your residence?

SUZANNE: No. I will go to their office to meet with them.

Approved by Council.

1 MINUTE MIX

MICHELLE SANDERSON: I am excited about marketing cooking mixes that can be done in one minute in a microwave. This would be mostly internet sales. I have been approved by the State of Utah as a business. There will be some shipping from my residence. Any large orders will be shipped directly to the consumer from the producer. Nothing is produced at my home.

Approved by Council.

FINANCIAL REPORT

JUSTIN: I met with Coltin Larsen last night regarding the budget and the process of how it works. I feel that we are now on the same page and that he will operate within budget. He will be contacting Terrie regarding some training that is coming up at Logan Regional Hospital in April. I have also asked that he get a purchase order and speak with Marlowe or Terrie before he purchases items. As we have discussed previously, Class C road funds are less than expected. I do not know right now what we will receive for the rest of this budget year but we have been informed by the State that they have miscalculated for the third time in five years and we will be receiving less than they had previously told us. Right now we have only received \$43,260.39 in the current budget year. You will notice that the last page is a different type of balance sheet than I normally present. This is a Fund Balance, Balance Sheet; this is the format that the auditor's want to see in the future. As you can see it lists the General Fund, Water Enterprise Fund, Sewer Enterprise Fund, Cub River Sports Complex, Richmond City Cemetery, and General Fixed Assets accounts all separately. I know that some people think that they are all one in the same but as you know the Water Enterprise and Sewer Enterprise Funds are totally separate from the General Fund. Most departments are within budget and those that show as over budget have had items approved by the Council but the budget has not been adjusted yet to account for this. Everyone including Bob Hugo and Juliene Parrish are doing a great job.

MARLOWE: Class C road funds are based on road footage. I think the State has such a revolving door on employees that they are just getting someone trained and then that person leaves and it leads to mistakes with the new person.

JUSTIN: This has not only happened with Class C Road Funds but with Franchise Tax as well in the last budget year.

MAYOR: Please see what you can find in regards to the amount of Class C Road Funds we will receive for the rest of this budget year. I know that Keith and Norton are trying

to plan what can be done in regards to roads for the rest of this budget year.

COUNTYWIDE LIBRARY SYSTEM PUBLIC HEARING

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

JULIENE PARRISH: I don't understand why they want to do this. It has been reviewed by a professional and he still said no to the proposal. Are they still looking at charging \$60 per household?

TERRIE: They are still reviewing the concept. They are wanting to find out the interest level in a countywide system and find ways to avoid the \$60 fee. I have had twelve comments regarding this subject. One supported the new system; eight like the system as Richmond currently has it; and three like the countywide concept but do not like the current proposal. Other local city councils have the same concerns that we do as well. The cost is too high and we would lose local control of what goes on in our own library. Richmond's library is already doing what the county wants to try and accomplish with this proposal.

JULIENE: I looked at the State of Utah website and it just contains old information. I don't know why they continue to pursue this when nothing points to it being a good system or financially feasible.

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.

JEFF: My boys use the library and I am very impressed with the electronic portion. I think Richmond is already there in regards to where the county wants to be. I think computers and internet access are a big deal and we already have those items available. My generation really wants those items. I cannot support the countywide proposal right now, I like our current system.

BRAD: I have made some phone calls and talked to Juliene and Patricia and specifically asked what are we lacking at our library? I never heard anything. The proposals keep changing, what are we really supporting and at what cost?

ALLEN: I like the idea of local people running our library, they are local citizens who are dedicated to the community. I don't use the library much but I am impressed when I have used it. The employees are all very caring. I think the Richmond library is one of the most efficient in Cache Valley. Why would we want to destroy what is not broken?

TERRIE: The front steps are my only concern and delivery service is available if needed.

MAYOR: I don't see anything this would offer that we don't already have.

ALLEN: Juliene, please pass along the thanks of the entire Council to your department.

MAYOR: Credit is well deserved for Juliene and her entire staff.

A motion to not support the current Cache Countywide Library System as proposed was made by Terrie, seconded by Jeff and the vote was unanimous.

FARMER'S MARKET

MAYOR: It had been proposed at the last meeting that the Farmer's Market be relocated to Pete Schropp's Rock Hill Creamery location. One concern is our liability.

TERRIE: I met with Pete yesterday. He talked to his insurance provider and Pete is willing to add a waiver to his insurance to cover the Farmer's Market. Marlowe is concerned that we need to contact the ULGT about this. I know that regulations and rules are constantly changing. Pete would provide the insurance for six months which would be approximately May through November. I don't see any City liability other than allowing our name to be used in conjunction with the event. It would be called the Richmond Harvest Market at Rock Hill.

MARLOWE: We would be fine to allow them to use the name as long as we are not part of the market. Then there would be no liability on the City. If you want to be liable I can contact the ULGT and see what is involved. Currently, it would not be any expense to the City as proposed.

TERRIE: We received \$300 for receiving the healthy community award last year and I would like to use those funds to get more permanent banners made. I think bylaws for the vendors should be drawn up as well. This is a public/private partnership. The landowner has the liability.

MARLOWE: Maybe we could get the ULGT to come up and visit with us regarding this and get some firm figures of what it would cost.

JEFF: I have no problem spending City money for a community event.

TERRIE: A booth advertising other local business would be put there as well.

MAYOR: I think we should move forward in gathering more info on this about our liability if any.

BRAD: What rules apply to those selling items?

TERRIE: They will need to abide by certain bylaws as well as have a current business license.

COMMUNITY BUILDING RENTAL

MAYOR: You have each been given a copy of Utah Supreme Court Ruling 981729 which discusses the leasing of a building by a municipality to a business that is making a profit. It discusses a city that was involved against a private enterprise and how the municipality liability immunity can be lost.

TERRIE: If people want to sue they will no matter what. Let's use the same contract we already have. We have standards in place already.

JEFF: I agree with Terrie. I have talked with Dave Church and he said no before I could even ask the question but he also said it is up to each city to decide what they want to do. There will always be issues but we don't have to run at the threat of a possible lawsuit. It leaves the wrong impression to the community to always say no. Chris is checking to see the additional insurance cost.

MARLOWE: The building is already insured so that is not an issue.

CHRIS: When I called they did not know much about profit or nonprofit. They were not sure but would check.

TERRIE: We are just providing a venue.

MAYOR: Let's just use our current contract; try it for a year and then review.

MARLOWE: Right now it is \$100 per time for a resident with up to \$50 returned and for a nonresident it is \$300 with up to \$50 back. What about a craft fair when there are several booths? Do we collect the fee from each booth?

TERRIE: The organizer is responsible for one fee and then can do whatever they choose with each individual booth.

MARLOWE: We need to review the Resolution currently in place.

JEFF: Being allowed to use the building will appeal to local citizens. It is not a financial burden to the City.

MAYOR: If the building is available I would like to see it utilized.

BRAD: How scheduled is the building on an average month?

CHRIS: Normally a couple of weekends are reserved per month but it is always busy around Christmas time for parties.

BRAD: The building should be used by the community first and then for-profit enterprises after that. The sponsor of the event should be the one in charge and responsible.

TERRIE: If used on a routine basis they should get a reduced rate.

MARLOWE: You are leaving yourself wide open to a lawsuit in that regard. The law must be applied evenly. We need to revisit the Resolution and update it to what you want it to say.

MAYOR: We need two separate contracts. Use the current contract until the current one can be rewritten.

BRAD: We need to review the Resolution.

MAYOR: Let's review and discuss at the next meeting.

BRAD: We need to gather info on sponsorship events as well.

BY-LAWS FOR FIRE AND EMT DEPARTMENTS

BRAD: We have been updating the policy and procedure manual for the Fire and EMS Departments. Bob (Hugo), Ben (Lundgreen), Coltin (Larsen), Terrie and myself all spent considerable time on updating this manual. The EMS and Fire Departments were split into two separate departments a few years ago. With the recent city and county regulation changes and all of the equipment and building being shared it is best that they be organized as one department. A few changes have been made. Changes in the membership portion include grandfathering in those current members that live outside the two mile radius of the fire station. As well as if a new member bails from the program during the training portion the City can recoup the costs of the training. Duties and responsibilities have been kept quite general and did not have many changes. It also discusses reimbursement costs as well as getting certifications within a timely manner.

TERRIE: Some members of the department live outside the city limit and these policies and procedures are not tied to the city limits.

BRAD: Meeting attendance is spelled out as well as what is expected and required.

TERRIE: It discusses that the members will be partially compensated for their attendance at drills as well.

BRAD: One question that has been clarified was the time that a member needed to be at a drill in order to receive the compensation. Seventy percent (70%) attendance at drills is required but excuses can be granted for not attending if arranged.

TERRIE: A two hour minimum has been stipulated at the drills mainly due to the requirements to get Federal and State grant funds.

BRAD: Section 5 discusses Ethics; a member cannot be impaired legally or illegally. The stipulations for violating this are laid out. There will be a hearing and discipline taken if needed. Every member will have an equal voice. It also lists how complaints are to be handled as well. All written complaints will be heard but no verbal complaint will have any disciplinary action taken. Article 5 talks about officers and titles. Everyone is a member of the same department. Everything must be run through or approved by the Fire Chief as he is responsible for entire department. Below the Fire Chief is the Battalion Chief over Fire Operations and the Battalion Chief over EMS Operations. The responsibilities of each title are listed as well but can be delegated by the Fire Chief. The Fire Chief is still responsible for the operations of the entire department even when items have been delegated. This was something that we wanted clarified.

TERRIE: With the countywide agreement that is in place the old by-laws did not fit.

MARLOWE: So in spite of Justin's meeting with Coltin last night, Coltin will need all purchases approved by Chief Hugo?

TERRIE: Yes.

BRAD: Chief Hugo is responsible to the Council and Chief Hugo is responsible in regards to the budget. This was spelled out at a meeting but in Coltin's defense he was not in attendance that evening and Justin was not aware of this either.

JUSTIN: After my meeting last night with Coltin regarding the budget and the process, I need Terrie to get with him and explain the changes that are being made and the new process of what he needs to do get supplies and other items ordered.

JEFF: On items that are purchased on a recurring basis it appears to me that too many people will be involved.

BRAD: There are non-emergency situations where items need to be purchased. They meet every Thursday and phone calls and e-mails go to Chief Hugo's cell phone.

Responsibility is key; the Fire Chief is the one responsible.

TERRIE: One of the reasons the departments were split was because the EMS department was not funded appropriately several years ago. The needs are different now.

BRAD: Article 6 discusses Special Requests which are if a specific member wants to be exempt from any item they can make a request. If changes are wanted or needed this is how it is done in Article 7. To make changes fifty percent (50%) of the department must be in attendance at the meeting and then a 2/3 vote approval is required. If approved by the department then the Fire Chief brings the proposed change before the Council for final approval. Article 8 discusses Compliance and Article 9 is the Approval process. It states that these by-laws will be reviewed on an annual basis. You will also see a separate document which is the Standard Operating Procedures for the department; these were written by the officers of the department and other volunteers. It was voted on and

approved by the department last Thursday. I have reviewed and they did a good job formulating. We need to review and vote on these items at the next Council meeting. This also changes how the monthly stipend is received. Right now Coltin, as Battalion Chief over EMS Operations, receives \$200 per month as well as Fire Chief Bob Hugo. Battalion Chief over Fire Operations Ben Lundgreen currently does not receive a stipend. Now that titles and assignments are changing and after reviewing with Chief Hugo it will be that Chief Hugo receives \$200 per month, Coltin \$100 per month and Ben \$100 per month in the future.

TERRIE: I will discuss and review with Coltin.

MAYOR: This will go into effect on April 1st.

BRAD: I want to be clear that we cannot truly compensate the department for their true value to the City.

MARLOWE: I would suggest paying Coltin and Ben \$200 per month for April through June if possible.

BRAD: No, the department understands that the rules are changing and this is still a volunteer department.

TERRIE: Also, currently there is not an ordinance establishing an EMT or Fire Department.

MARLOWE: Do you want to review at the next meeting with the by-laws and the operating procedures?

MAYOR: Yes. So do you want to change that the Fire Chief is over Fire Department purchases and the EMS Battalion Chief is over EMT purchases?

BRAD: No, let's leave it as written and it can be delegated if the Fire Chief chooses to do so.

COUNCIL MEMBER REPORTS

DAREK: The Utah DWR asked we give them our water tank proposal in the spring.

BRAD: As I am sure you have seen, the MBR plant is progressing.

MARLOWE: Right now we are about two weeks behind but Dale Nelson thinks that can be made up later on during the spring when the snow is gone.

TERRIE: I think the building blends in nicely with the surrounding area.

BRAD: It has been brought to our attention that we will need a forklift at the MBR plant. It will be used on a daily basis according to the Hyrum City operator. I have some quotes from Brian Jensen, who is my dad. He owns a company called ABJ Specialty Consulting that deals with used forklifts. I have some quotes from Arnold Machinery as well for new and used forklifts. Hyrum City purchased their forklift from ABJ. Currently available is a used H60 Hyster 6,000lb which is a 1998 model that is currently on lease. There are also five 2004 H60's that are in the same condition. They are all refurbished as needed. The cost of the 1998 is \$10,500 and the cost of the 2004's is \$10,900 which is not much more for six years newer. I would not recommend an electric forklift they are not efficient enough. We need a lift that can go in and out of the building to unload semis as needed. The forklift will need solid pneumatic tires and I would suggest propane not electric or gas. If we don't want to spend \$11,000; Brian can continue to watch the auction but keep in mind that quality decreases with cost. A new H60 from Arnold

Machinery is \$27,600.

****Allen Lundgreen was excused at this point.****

BRAD: A new 5,000 lb H50 would cost \$19,995 and comes with a 12 month warranty.

KEITH: What is the warranty on the used ABJ lifts?

BRAD: Thirty days. Extended warranties are available at a cost. Arnold has quoted used 2004 to 2006 H50's with solid or pneumatic tires with a 60 day warranty for \$13,995.

JEFF: What is the expected longevity?

BRAD: It is expected to be used at least once per day. The H60 has a 3.0 liter GM motor which I prefer over smaller lifts that have a Nissan or other motor.

JUSTIN: We have purchased new and used forklifts where I work and had nothing but problems with the used lifts. Forklifts are used and abused and we would have no idea where a used lift came from or the history behind it. Some manufacturers maintain their machines and are not hard on them and others abuse them and get rid of them every couple of years because they are worked so hard. If we can afford it, when the time comes, I would suggest going new. I believe that a new lift due to the relative ease of use would last a very long time at our MBR Plant. There are not guarantees on how long a used lift can last. We have spent more money, where I work, on repairs than on what we originally spent purchasing the used lift.

MARLOWE: We need reliable equipment and I recommend that we err on the side of reliability and go new and not used. Look at the amount of money that has been, and is being, put into our used trucks. The MBR plant is not functioning when the membranes are changed and if the forklift failed and we had to dump non-treated liquid into the river we would be subject to huge fines and penalties.

BRAD: I would also recommend that we purchase the larger and not the smaller lift. A large lift can lift a small item but a small lift cannot lift a large item.

MAYOR: What about government pricing? We saved thousands on the new Ford truck and John Deere tractor due to government pricing.

JUSTIN: When are we looking at purchasing the forklift?

MAYOR: What contingency funds are available at the end of this project may determine whether we go new or used.

BRAD: We can put on hold until June or when needed.

MAYOR: Justin, please find the municipality price on the H60.

BRAD: The little dump truck is currently being repaired at Itty Bitty Equipment and should be functional soon.

JEFF: Black & White Days flyers are being developed. I am in the process of making a Black & White Days activities committee. I have contacted several local community members asking for their help on this. I would like specific assignments to be made and assigned; last year was too chaotic. Several citizens want to help. They also have some really great ideas as well. The melodrama is being discussed as well; I have had four inquires about it. I did have a complaint that we did not show the movie on Saturday afternoon last year.

BRAD: If a movie is done again this year could it be done through the projector booth?

TERRIE: Larry and Sue McCormick are great to help.

JEFF: There are some great new helpers just waiting to do what they can.

MAYOR: Would the committee be set up as with a Chairman and Co-Chairman?

JEFF: Yes. It would be on a two year rotation. The Chairman would serve two years as chairman as well as the Co-Chairman. Theurer's store is now for sale with a realtor. It is the same realtor that has listed Randy Bair's old service station. I hope something can be worked out long term. There are possibly non-matching grants available for building renovation. There is not much specific criteria either; which is good.

MAYOR'S REPORT

MAYOR: RAPZ tax applications are due within two weeks. I had talked with Keith about submitting an application to asphalt the parking lot at the Cub River Sports Complex.

KEITH: I would also like to apply for a sprinkling system at the Cub River Sports Complex as well.

MAYOR: There is not nearly the available funds this year as in years past. I would expect (twenty to twenty-five percent (20-25%) of the projects to be approved where in the past about seventy-five percent (75%) were approved. There are two requests/applications per entity allowed. We must prioritize our preference as well. Cub River, where it is a joint project with Lewiston City, is separate from those applications made by Richmond City.

BRAD: I still wonder about a parking lot by the north park pavilion. We need to get the bronze plaque for the gazebo.

MARLOWE: I will get it ordered.

MAYOR: The Brian Purdie issue has been discussed with myself and Keith previously.

BRAD: We need to find where the water is coming from and rectify if it is our problem. My one concern is if we fix one then we would be responsible to fix all storm water related issues. Most residents put in a drain to deal with this issue.

DAREK: It is now required that yards are sloped away from homes but when those homes were built it was not.

BRAD: Some City roads have been built up considerably over time as well.

DAREK: The majority of the homes in the City located on the west side of the road sit below the road surface. Let's check the conditions in the spring and see what has changed in the last few years.

MAYOR: On 470 South, is the road higher or was there a street depression previously?

MARLOWE: There was a dip until 470 South was resurfaced.

DAREK: The curb and gutter in that area is all old. We will review in the spring and if needed use a fire hydrant to create a water flow to see what is happening.

BRAD: There will be a major water project in Hill Haven down the road. Any and all road issues can and will be resolved at that time as well.

MARLOWE: The pictures I have taken show that the slope is from east to west. That subdivision was started in 1964.

MAYOR: Let's have Norton review this as well. Marlowe, send the Purdie's a letter informing them of our plan and that our road supervisor and City Engineer will review and then we will be in touch in the spring.

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

A.A. Hudson	880.00
Advanced Heating	100.00
Altius	954.05
AT&T	71.92
ATCO	306.50
Bear River Health	95.00
Beazer Lock	5.98
Boundtree	330.95
Brent Webb	180.00
Cache Chemical	16.91
Cache Service Area	15307.84
Cache Valley Mayors	250.00
Cache Valley Tire	539.00
Cantwell Brothers	40.20
Clinton Dirks	60.00
CNH Capital	23.02
Denny's	166.2
Ecosystems	136.00
Ferguson	400.00
Filbies	8.79
Fleet Services	138.94
Gilbert Repair	231.63
Highsmith	132.19
Ipaco	492.12
Jardine Petroleum	902.22
JUB	11869.00
Kids Discover	33.90
Lee's	20.34
Maverik	323.17
National Battery	27.12
Nextell	280.51
North Cache Vet	10.00
Olson & Hoggan	1106.00

PC's Unlimited	19.95
PEHP	107.28
Perry, Malmberg, Perry	250.00
Poster Compliance Center	138.00
Questar	3381.49
Qwest	474.11
Randy's	152.95
Rocky Mountain Power	3403.17
Smith Hartvigsen	200.00
Smithfield auto	136.93
Smithfield imp	263.14
Standard Plumbing	157.43
Staples	28.77
Stay 'n' touch	15.99
Sunrise Environmental	683.89
Transport Diesel	620.31
UEN	205.51
USPS	180.00
Ut Dept Workforce services	87.28
Utah Communications	305.00
Utah Local Government Trust	9994.68
Visa	105.76
Watkins	159.90
WR White	303.91
Xerox	99.37

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

Adjournment at 9:35 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder

