

RICHMOND CITY COUNCIL**NOVEMBER 17, 2009**

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

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

A motion to accept the June 30, 2009 City Council meeting minutes was made by Brad, seconded by Jeff and the vote was unanimous.

LAND USE LEADERSHIP ALLIANCE MEETING UPDATE

MAYOR: Marlowe recently attended the Land Use Leadership Meeting and I have asked him to give us an update or highlights of that meeting.

MARLOWE: I am going to be coming to the Council with several recommendations in the future due to changes in legislation. Now, public hearings are only required for land use issues if there are changes to the map, or rezoning changes, to name a couple. Public hearings are no longer required for P.U.D. or subdivisions according to State of Utah law. Agricultural land is not considered green space and is considered a business because it generates income; so it is subject to all restrictions unless being converted to green space.

KEITH: Are green space and green belt the same?

MARLOWE: Yes. They have also recommended that our Board of Variance be removed due to the members normally being ignorant to State of Utah laws.

ALLEN: We have only had to use that board for one issue in the last ten years. Curt Kidd is the chairman.

MARLOWE: They suggest that we use an Administrative Judge to resolve these issues as they would be current with State of Utah law and Richmond City ordinances. They suggested this type of Judge could help with four to six cities as normally there are very few issues in this regard. ULCT is stressing and encouraging to disband and remove the Variance Board immediately.

TERRIE: Public hearings are no longer required but we can still have them if we choose to do so?

MARLOWE: Yes. It is up to each city to decide. It used to be that two public hearings were required; now only one is required with a ten day notice.

MAYOR: We would still continue to have the public hearings to get citizen input like in the past. That is my opinion.

MARLOWE: The agenda sent to *The Herald Journal* does not have to be printed. We are only required to submit it for publication. There was lots of good info and it was a good series of meetings to attend. It will help the City to avoid litigation in the future.

CITY MANAGER REPORT

MARLOWE: There are some beehives located on the wildlife land on the west side of sewer cell number four. The new owner of the hives said that the old owner, who has dementia, told him there was an agreement with someone in the past to supply them with some honey in return for them allowing the beehives to be placed there but he cannot remember who. The new owner is wondering if by chance we know of the agreement or who it is with.

TERRIE: I would suggest we check with Cordell Johnson; he was over the sewer department previously and might know about it.

MARLOWE: The new owner said that he is paying \$100 per year to the Forest Service to have some hives located on Forest Service land. The bees have a three mile radius and are good for the area for all of Richmond.

MAYOR: I don't care personally that he is still down there or leaves them there.

SCOTT BALL: He needs to keep the gate closed.

MARLOWE: Pheasant hunters opened and did not close the gate; it is not the beehive owner.

SCOTT: I had to run two hunters off for hunting by the lagoons.

MAYOR: Marlowe, get back to him and tell him he is free to use the area, just make sure the gate is closed.

TERRIE: I think we should have a document or agreement with him for future information.

MARLOWE: There was a water line repair on 470 South. The pipe is 1 ¼" and is extremely rusted and bad. It will no doubt continue to break more in the future. This was the first subdivision in Richmond and was started in 1964.

SCOTT: It could pop again at anytime where it ties into the transite pipe.

MAYOR: We know that the water lines in the subdivision need to be replaced and have not done road repairs there knowing that this is coming.

DEPUTY REPORT

DEPUTY KERR: There have been a few calls for a little of everything. A couple of DUI's, school calls, etc. Pretty much normal calls like other towns.

JUSTIN: I had heard that burglaries are on the rise?

DEPUTY KERR: There were just two. There were sixty total calls or so in the last month.

MAYOR: I had heard there were some burglaries at the local church on Sunday's?

DEPUTY KERR: There was a theft of a purse inside the church house and the culprit has been found and is being prosecuted. Other communities have had their schools being damaged; we think we have found the culprits and hopefully it won't be coming this way.

MAYOR: I am impressed with the school patrol; I see the officer making the rounds on a regular basis and checking things out.

MAINTENANCE REPORT

MAYOR: Just a reminder that we meet with Scott (Ball) at 6:00 P.M. before every City Council meeting to review what is happening in the Maintenance Department and what needs to be done. Scott gives us an update at that time and anyone that wants to attend is welcome to do so.

SCOTT: I would like to see a thank you in the newsletter for those that attended the MBR plant open house.

MAYOR: There were sixty or so names on the list so I would guess that 75-80 attended. I think it was enjoyable for everyone that attended.

FINANCIAL REPORT

JUSTIN: I would like to start out with a different topic. I have been talking to Shane Lewis, Richmond's Mosquito Abatement District Representative and he was telling me how they are having a hard time getting people to attend the monthly meetings. I just want to commend those in Richmond that volunteer their time; they always make it a point to attend the meetings they have committed too.

TERRIE: One representative from another city has only attended two meetings in four years. It is an issue we are addressing.

JUSTIN: The Auditor's called me about three weeks ago asking if they could move the audit up one week; to this week. Chris and myself both thought that it was better to deal with it on a non-holiday week and obliged their request. So they have been here in the office yesterday, today and most likely on and off the rest of the week. Diana will present the audit findings at the December City Council meeting. In the process of preparing the information for the audit; it was brought to my attention that in regards to the 2008 Christmas Bonus paid to the employees that it was not formally approved by motion or included in the monthly invoices to pay. I would appreciate it if you would review the bonus money that was paid and have a motion that you did approve these payments and it was just an oversight on my part.

A motion to formally approve the 2008 Employee Christmas Bonus was made by Terrie, seconded by Jeff and the vote was unanimous.

2008 Employee Christmas Bonus

Robert Bair		\$500.00
Ben Lundgreen		\$500.00
Marlowe Adkins		\$500.00
Julienne Parrish		\$100.00
Jan Gilbert		\$100.00
Tamara Petersen		\$200.00
Judge Skidmore		\$300.00
Boyd Lewis		\$500.00
Patricia Forsgren		\$50.00
Tina Reese		\$50.00
Murphy Forsgren		\$25.00
MistiDawn Ramirez		\$50.00
Chris Purser	\$550.00	\$100.00 paid and approved by Cemetery District
Justin Lewis	\$550.00	\$100.00 paid and approved by Cemetery District

JUSTIN: As you can see our allocation of Sales Tax is down, as expected, as well as are Class C Road Funds. I would project Class C Road Funds will be down by almost 50% from their

peak a couple of years ago of \$110,00 or so. I think they will be \$50,000-\$60,000 total for the current budget year. We did receive the RAPZ reimbursement request this month for the Entertainment Pavilion and Parking Lot. I submitted the last reimbursement request for the Entertainment Pavilion last week and when received our allocation will have been paid-in-full. I am working on the final reimbursement request for the Park Parking Lot. The backhoe was traded-in and replaced for a cost of \$20,605. We also received the new Outlander ATV for a cost of \$6,639 of which 1/3 was allocated to the Water Enterprise Fund and 1/3 to the Sewer Enterprise Fund. We have received \$7,500 from Lewiston City this month for their current portion due for the Cub River Sports Complex. We also received one water and sewer impact fee this month; I believe it was from a home in the Sadler subdivision. One item that I would like to point out is the high expense in electricity to run the MBR Plant. Basically, it costs more per month to run the MBR plant than the rest of the City. This was not unexpected; the average monthly electrical bill so far at the plant is around \$5,000-\$6,000 per month.

MARLOWE: Draw 16 will be submitted for what is hopefully the last draw on the MBR plant and will result in an additional \$28,000 or so in new money. This should pay out the retainage and other bills.

MAYOR: While we are discussing the Christmas bonus lets take care of 2009 while we are at it. The changes would be to pay Judge Funk rather than Judge Skidmore and to add on Scott Ball.

A motion to approve the following amounts for an employee 2009 Christmas bonus was made by Jeff, seconded by Keith and the vote was unanimous.

Robert Bair	\$500.00
Ben Lundgreen	\$500.00
Marlowe Adkins	\$500.00
Julienne Parrish	\$100.00
Jan Gilbert	\$100.00
Tamara Petersen	\$200.00
Judge Funk	\$300.00
Boyd Lewis	\$500.00
Patricia Forsgren	\$50.00
Tina Reese	\$50.00
Murphy Forsgren	\$25.00
MistiDawn Ramirez	\$50.00
Chris Purser	\$500.00
Justin Lewis	\$500.00
Scott Ball	\$500.00

MAYOR: Boyd is not an actual employee of the City but helps throughout the year with various budget and financial issues for nothing more than his time. This is budgeted to pay him a little bit to recognize his service to the community.

COUNCIL MEMBER REPORTS

KEITH: There is going to be some tree trimming and drain work done on Main Street. The drain in front of the Vivian Christensen residence on 300 East and 300 North has been

completed. In regards to the Cub River Sports Complex; only one of our two board members is attending on a regular basis and I would suggest we find someone new to replace the person not attending. Boyd (Lewis) is always there and I want someone else who will attend regularly. It is only one meeting per month. Suggestions?

JUSTIN: What about Kent “Boomer” Balls.

MAYOR: I would suggest contacting Tony Alvey as well.

TERRIE: The Library is doing great with such a small part-time staff. Story Hour and the Adult Lecture attendance are both up. This month there was a two-hour workshop from the State Librarian and it was very productive. We are coming up with a list of short and long terms goals and once it is finalized it will be brought to the council for review. I would think in January or so. EMT calls are down which is a good thing. Four of the members are trying to obtain a higher certification level. With the higher certification they can perform more services and we get reimbursed more per call so it is a win-win for everyone. CERT will be meeting on November 19th for more refresher training at 7:00 P.M.. Now that the season is complete the Harvest Market generated \$800 or so in income which would be booth rentals and donations. We are going to take a couple of months off and then start planning for next year.

MAYOR: I have been very impressed by everything in regards to the Harvest Market. Good job.

TERRIE: I think there will be more sponsorship opportunities next year. I would like to find a way to get a cart to help some people get up the hill next year. I recently attended a Transportation Summit that was put on by Cache County Attorney James Swink, UDOT, and the Cache Metro Transportation Organization. It lasted about four hours and was a very good meeting. A lot of victims families talked about the impact accidents have had on their lives and it was very touching and eye opening. The Commissioner of Public Safety was the keynote speaker. There was also good representation by UHP, the Cache County Sheriff’s Department and the Logan City Police Department. I would guess 80 or so attended. I have some pamphlets to distribute. There are some for car safety; buckling up, and motorcycles. I will get these links added to the website. “Zero fatalities is a goal; we can all live with.” is the motto.

MAYOR: Chad Jensen and James Swink spoke at our recent Mayor’s meeting as well.

TERRIE: I was surprised where DUI’s rank on the list of causes. DUI’s are actually number eight. The number one cause is Drowsy or Distracted driving. Of 920 local cases, 770 or so were drowsy or distracted driving which is changing CD’s, MP3’s, or cell phone related to name a few.

MAYOR’S REPORT

MAYOR: We had a meeting with the State Ombudsman regarding a property issue. The couple, Marlowe, myself, and city attorney Bruce Jorgensen were there. The State Ombudsman was impressed with our ordinances and standards. He did mention one issue we need to address. In our construction standards; in regards to improvement payback to the developer we have a five year period. The Ombudsman and Bruce (Jorgensen) both think it should be changed to ten years. I have asked Marlowe to prepare the documentation to make the change from five to ten years. We will review at the December or January Council meeting. This is something that we committed to the State of Utah that we will do.

MARLOWE: This requires a public hearing so it could be discussed in December and voted on in January.

MAYOR: Larry Dunkley is our local Cache Transit Representative and his term expires at the end of the year. I have asked him to consider one more term but he needs to clarify some things in his personal life before he can commit one way or another. We need to come up with names of some others to take this position if he chooses to vacate it. Todd Beutler from the CVTD has told me that Larry has been a good representative and very involved. Marlowe, please make sure this is on next month's agenda. We need to set a date for a workshop with the Planning & Zoning Commission to discuss the city master plan. I would like this to be in January. How about January 5, 2010 after the regular P&Z meeting at say 8:00 P.M. or so or if there is not any business for P&Z then at 7:00?

MARLOWE: I will send out a letter to the Planning Commission notifying them of this.

MAYOR: December 15th is our next City Council meeting.

TERRIE: What if we have the various City representatives give a short report to the council at the December council meeting? We could have Shane (Lewis), Larry (Dunkley), and Christina Palmer from the Youth Council take five minutes or so to give us an update.

MAYOR: Great idea. Let's plan on it and notify them. Let's have the City Employee Christmas Party on January 9th at 6:00 P.M. at Coppermill. Next year we are going to have two part-time workers to help with building and parks and other areas as needed. We will get a job description posted so the new employee can be hired and ready to work by March 2010.

JEFF: Let's have a meeting on January 5th at 6:00 P.M. to discuss the new employee.

KAREN ERICKSON REZONE REQUEST PUBLIC HEARING

A motion to close the regular Council meeting and open the Public Hearing was made by Jeff, seconded by Terrie and the vote was unanimous.

MAYOR: Karen Erickson is requesting a rezone request on property located approximately from 300 North to 500 North and on the west side of 300 East to approximately 250 East.

Mayor Hall read the approved Planning & Zoning Meeting Minutes from the October 6, 2009 meeting where Planning and Zoning approved and forwarded to the City Council for review.

MAYOR: Paul do you agree with the minutes as stated?

PAUL ERICKSON: It sounds accurate.

BRENT WEBB: Ten thousand square feet is very small lots for that area. That is basically 1/3 acre lots.

A motion to close the Public Hearing and reopen the regular Council meeting was made by Terrie, seconded by Jeff and the vote was unanimous.

BRAD: How big is the property in question?

PAUL: The entire piece is 10.86 acres.

BRAD: What is the frontage requirement?

ALLEN: Ninety feet.

MAYOR: Please include this on the December Council meeting as an item to vote on.

REQUEST FOR CONDITIONAL USE PERMIT AT OLD CHEESE FACTORY

QUINT CASPERSON: Ray (Winn) was not able to attend tonight but has been doing some research. I am here this evening with my business partner, Paul DuRee, who owns the plant with me. We are not made of money and poorer than ever. Ray had an idea for the plant and it sounds good to us. We bought the plant five years ago from Bob Harris and we have cleaned and hauled away tons of junk. We have cleaned it as best we can. We brought in a young partner, Jamie Forbush, who had a big idea but no money in the building. We know that he has ruffled some feathers along the way with the City and others. Earlier this year, we told him where he had no money invested that he needed to pay to play and he does not have any money so we severed ties with him. Ray Winn has been amassing cheese manufacturing equipment over the last three years that I would expect is worth \$100,000 to \$150,000. This would bring jobs, a tax base and be good for the community. We are still paying Bob Harris \$500 per month on the building and still owe him \$38,000. We don't want to lose a potential tenant and this is putting us between a rock and a hard place. Other communities try to attract business. I am getting very discouraged in working with Paul (Berntson). Section 3403.1 states "An existing building plus additions shall comply with the height and area provisions of Chapter 5. Portions of the structure not altered and not affected by the alteration are not required to comply with code requirements for a new structure." Section 3407.1 states "Historic buildings. The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard." It is the oldest remaining factory that has not been demolished in Utah and was built in 1906. We want to say, you (the council) have the power to do what the community wants. Kent Durrant, owner of Alpine Industries, had a hard time with Paul as well. He wanted another \$20,000 worth of improvements done until Kent had someone else come in and show Paul it was not needed and why. Ray Winn went to the Smithfield City Building Inspector and he came and looked at it and said it is doable.

BRAD: What is the inspector's name?

QUINT: I don't know. The Berntson's have been my neighbors since 1978. I think the problems are all do to Jamie. I want to make everyone happy. Between here and Preston is the old sugar beet factory and nothing is happening there and it is collapsing. This could benefit the community. Ray has done a lot of work in the south end of the building. It is very solid. We don't have the facts and figures from Ray of what he will do we are just taking stock in the business if he gets in there. We would just take a portion of the profits. Richmond is famous for the dairy industry. We are just workaholics that use old stuff.

MAYOR: We appreciate you coming in tonight and are not opposed to a business going in there but you must meet expectations and standards. We don't have the background to make these decisions so we use Paul and the Cache County Building Inspector Department and the Cache County Fire Department to help with these decisions. We have all been down to the building and plain and simple; it is falling down. There are water and sewer issues as well. There are a lot of hoops that need to be completed.

QUINT: Paul told Ray to put a new building in an old building. Some of the building is bad but some of it is good. The south 100,000 square feet is still strong. Seismically it looks pretty good. Maybe it could be a storage facility where nobody would be there. We need someone to work with us other than Paul.

TERRIE: We ask Paul to help us. He knows the rules. You are leaving off key words in what you are presenting. We have a new six million dollar MBR plant that this business could have a big impact on. We won't waste millions of dollars or the last six years of work on it. We need to see some surveys. The best route may be a new building. Mr. Winn said he would be in the old part and we have many concerns. We all need to work together. We listen to Paul and his department and the Fire Department; they are the experts. We trust Paul!

JEFF: I have mixed feelings. Safety is an issue. I wanted to know why things have been so wishy washy with Paul the last year. I have sat down with Paul on this. He felt approval of that building jeopardizes him and the department. If he is worried; I am worried. I don't automatically discredit that it can be structurally sound but it is a fact that bricks are falling down and lots of other stuff. You are wanting us to go against the recommendation of our inspector. Let's all meet and discuss. I won't go against the opinion of an expert; my opinion is pointless as I am not an expert in this field. We are not experts in this area.

MAYOR: Paul is being backed by our City Engineer, Darek Kimball, as well as the Cache County Fire Chief. We won't put the city at risk. All of the professionals are saying no.

BRAD: We appreciate what has been cleaned up. Are you aware that not one of the businesses that have been in there in the last several years has been licensed? Are you aware of the history of the building? I am. The salvage rights to that building were sold. So that means anything of any value has been removed. To my knowledge no permits have ever been issued to repair the electrical in that building. Has Ray talked to you about the water and sewer issues we discussed at the last council meeting?

QUINT: Yes, but only a briefing.

BRAD: Are you aware that there is not an active water or sewer hookup?

QUINT: No.

BRAD: New lines will need to be run at your expense most likely from 200 South. There will be a water impact fee and connection fee as well as a sewer connection fee and sewer impact fee that will be a cost to you. The rumor is that the old sewer line in that building has issues as well. Your definition of an existing building is a loose definition. All of items of value have been taken from that building. Mr. Harris gave me permission years ago to go through that building and I know what kind of shape it is in. What about the open spring in the basement? Those water rights don't belong to you. We need to have a meeting and then you can make the best business decisions for yourself. There are 3.5 acres of commercial ground down there. I have dealt with Paul many times in the past and he shows no favoritism and he is not lenient. He did not write the code; he just enforces it.

QUINT: I like the Berntson's.

BRAD: We just need full information.

QUINT: Two years ago we got the permit and 3,500 people went through there with no issues.

BRAD: There was also a list of items given to Jamie at that time of things that needed to be completed by the next year and they were not.

QUINT: The loan will be paid off in a few years and then we will have \$500 per month to put into the building.

BRAD: Are you aware of the City well issue down there? There are State of Utah regulations for a well protection zone.

QUINT: You don't want us to do anything.

BRAD: This property has issues.

MAYOR: If you want to proceed from here let's have a workshop where we can all get together to discuss. I am not opposed to having a viable business down there but ordinances and standards will be enforced. We all need to get on the same page.

QUINT: What about an RDA?

MAYOR: I cannot say yes or no at this point.

JUSTIN: They are very expensive to establish.

JEFF: Are you willing to meet? I sense your frustration. We have discussed this issue many times with many different parties; there is a communication issue. Let's sit down and discuss. We are not against a business being down there. I have the same strong feelings today as I did a year ago. You have to take the first step in this process.

QUINT: It is all up to money. Building a new building in that old building is ludicrous. I am sorry he (Paul) is your golden boy. He is just putting it too me. We don't have any money for it.

BRAD: Put Paul aside and evaluate this. The engineers from JUB told us last month of several possible wastewater issues. You need to decide if it is viable to put a business in there. We won't do anything that can possibly void the warranty on the MBR plant. There are some big obstacles you will need to address.

QUINT: I know nothing about making cheese. Ray knows he needs \$500,000 to get started. I have got nothing but positive feedback from Ray in moving forward. He wrote a letter to Paul and Paul never even responded. Over 3,500 people went through that building two years ago and nobody got hurt. We made \$30,000 the first year. We would love to meet. We are hand shake kind of guys. His possible business in that building is important to you (the City).

MAYOR: At this point we are going to table the decision until we can bring all the parties together to discuss.

QUINT: Maybe if this business won't work in there something else will.

A motion to table the conditional use permit application for an organic cheese business in the old WDCI building by Ray Winn was made by Brad, seconded by Jeff and the vote was unanimous.

MAYOR: Let's get some dates and times that we are all available to meet and discuss.

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

AG Truck	386.76
Altius	1074.46
Anderson Seed	89.99
Bear River Health	40.00
Borders	16.77
Brent Webb Excavating	900.00
Cache Chemical	67.98
Cache County Corp	14.35
Cache County Treasurer	562.11
Cache Service Area	16342.16

Cache Valley Publishing	37.37
Coats	228.00
Ecosystems	736.00
Fleet Services	127.90
Hall Oil	562.45
Industrial Tool	193.98
IPACO	919.10
Jardine Petroleum	2766.51
JUB	6181.00
Kimball Midwest	98.33
Lee's	7.29
Lewiston City	375.95
Logan Memorials	300.00
Maverik	537.88
Mountain Magic Sports	7039.30
Nextell	313.99
North Cache Vet	90.00
Oldcastle	4061.22
Olson & Hoggan	476.00
PC's Unlimited	19.95
PEHP	102.00
Pizza	84.00
Questar	21.43
Qwest	693.38
Randy's	437.93
Rocky Mountain Power	9982.11
Safety Supply	84.45
Sam's Club	58.67
Smithfield Auto	178.91
Smithfield Imp	21.96
Staples	20.19
Tamara Hardy	81.00
Thatcher	6216.68
The Home Depot	206.68
UEN	59.03
USA Bluebook	106.09
Valley Trades	187.00
Verizon	61.18
VISA	448.52
Visa (library)	417.18
Xerox	193.64

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

Adjournment at 8:50 P.M.

 /s/
Michael E. Hall, Mayor

 /s/
Justin B. Lewis, Recorder