

RICHMOND CITY COUNCIL

DECEMBER 15, 2009

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, Utah on December 15, 2009. 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, Terrie Wierenga, Jeff Young, and Keith Ward. Allen Lundgreen was excused.

A motion to accept the November 17, 2009 City Council meeting minutes was made by Terrie, seconded by Jeff and the vote was unanimous.

DEPUTY REPORT

MAYOR: The Ford Bronco II discussed in previous meetings has been moved.

DEPUTY CARLEY: There are some other parking issues now as well. We have been issuing warnings but will now start issuing citations. There have been a lot of wrecks due to the snow and ice. People usually forget how to drive on the first big storm of the year.

MARLOWE: I would appreciate it if you could monitor people running the red light at the Maverik intersection. It is mostly people going south.

DEPUTY CARLEY: We will monitor it.

MAYOR: On the highway by Cache Valley Counter Tops a car is parking out on the highway at night. What is the ruling on this?

DEPUTY CARLEY: Are there any parking signs?

MARLOWE: UDOT never reinstalled the signs when the road was widened.

DEPUTY CARLEY: We will watch it.

MARLOWE: Part of the problem is that the road is too narrow to park in the street on that section of road.

DEPUTY CARLEY: If it is not posted we cannot enforce anything but I will investigate and see what we can find out or suggest.

KARREN ERICKSON REZONE REQUEST

MAYOR: This was discussed in a public hearing at the last meeting. It is the area from 300 North to 500 North from 300 East to approximately 250 East and is 10.86 acres. It was passed as favorable by the Planning & Zoning Commission.

A motion to approve the rezone request by Karren Erickson for 10.86 acres of land between 300 North and 500 North between 300 East and approximately 250 East from a mixed Residential Estate 2 acres (RE-2) and One Residence per Ten Acres (A-10) to Residential Medium Density (RMD) was made by Brad, seconded by Jeff and the vote was unanimous.

BUSINESS LICENSE

BLACK MOUNTAIN MEAT COMPANY

NOLAN JOHNSON: I recently moved to Richmond. I started this business in Logan out of our home. We broker meat and livestock.

BRAD: We would want this to start in January 2010 so you are not paying a fee this month and again next month for 2010.

TERRIE: Where will people be picking up the meat from?

NOLAN: We just broker the meat. We have owned a ranch in Bear Lake for many years and are trying to bypass the middle man to make more money. The meat is processed at Valley Meats in Tremonton or at Theurer's in Lewiston depending on where the product needs to be delivered. We don't have anything at the house other than a few packages of meat in our freezer once in a while.

TERRIE: You should probably check and see if any special permits are required. We had an issue with this at our local Harvest Market.

NOLAN: I have my Food Handler's Permit as well as other necessary State permits.

A motion to approve the business license for Black Mountain Meat Company starting in January 2010 was made by Brad, seconded by Keith and the vote was unanimous.

ORDINANCE 2009-3

MAYOR: This is an ordinance we are required to pass every five years for water conservation in the culinary water system.

****Mayor Hall read Ordinance 2009-3.****

TERRIE: We are below the Utah average for per capita use when most of the other northern Utah cities are above.

BRAD: The increases to the plan are summarized on the last page. When does this expire?

MARLOWE: In five years, 2014.

BRAD: Does it specifically mention that in here?

MARLOWE: No. The last one in this regard was Ordinance 2004-3.

A motion to adopt Ordinance 2009-3, AN ORDINANCE ESTABLISHING A WATER CONSERVATION PLAN DEALING SPECIFICALLY WITH CULINARY WATER WITHIN THE RICHMOND, UTAH, CULINARY WATER SYSTEM, was made by Terrie, seconded by Keith and the vote was unanimous.

RESOLUTION 2009-5

MAYOR: BRAG has an emergency mitigation plan that they would like us to support so they can apply for Federal and State funding. This is for all of the incorporated and unincorporated parts of Cache Valley. They are seeking support from each community in the valley.

TERRIE: I went to the meeting and viewed the document. It is very good. We now know we have some options and I strongly urge us to adopt it.

A motion to adopt Resolution 2009-5, a RESOLUTION TO ADOPT THE BEAR RIVER PRE-DISASTER MITIGATION PLAN, was made by Terrie, seconded by Jeff and the vote was unanimous.

FINANCIAL REPORT

JUSTIN: We received a \$1,000 grant from Wal-Mart for the Library this month. All of the RAPZ tax money has been collected in regards to the Entertainment Pavilion and there is only one draw left on the Park parking lot. We have received a large percentage of the property tax revenues for 2009 this month. They distribute the majority of the funds in December and January. We also have paid for the difference on the backhoe trade-in and it was \$20,605. Lewiston City has paid their \$7,500 portion of the Cub River Sports Complex for the current budget year. So far, we have paid \$5,353,932 for the MBR Plant. There are still a couple of more draws to go but Marlowe is in the process of asking the State to release the escrow funds to Nelson Brothers and we are working on what we hope will be the final draws on the MBR Plant. Diana will be presenting the Audit this evening so I won't take any more time at this point.

ICE SKATING RINK CONCEPT

MAYOR: Spencer and Mike Gibbons have contacted me about possibly putting in an ice skating rink on City property.

SPENCER GIBBONS: I have been thinking about putting together an ice rink. I know in the past it has been located on the soccer field by Park Elementary. I don't care where it gets put. Brad (Jensen) suggested it be close to a fire hydrant. This is a concept that myself, my brother Mike and Brandon Jensen have been putting a lot of thought into. We realize there would be a demand cost for the lights at the ball park if the rink were put there. We would volunteer our time to prepare and maintain the rink if the City would allow us to put it in. All we would need is water, and maybe some hose from the fire department to hook to a hydrant. We thought about just doing something small this year to see how much it is utilized and it could be bigger next year if it is a success. I do have a couple of concerns. In the event of an accident would I be covered personally by the City liability insurance since I am the one that spear headed the project?

TERRIE: For the Harvest Market, we had private and public mixed together. We just added a clause to our insurance coverage. We exchanged insurance certificates in the beginning and away we went. We can call and check with our insurance company. I know we have special events like Black & White Days and the City party that we add-on.

MARLOWE: It needs a fence around it so somebody going across there in the dark does not slip and fall.

TERRIE: We could also use that orange plastic construction webbing.

SPENCER: I would construct it and maintain it.

MAYOR: I don't think this is something any of us are opposed too.

TERRIE: Maybe the barrier could be straw bales so people would have a place to sit as well.

MAYOR: I am not worried about the electricity demand charge as it is only incurred once per month when the lights are first used.

BRAD: You can work with me to get what you need.

SPENCER: Logan City told me they construct theirs by pushing up the snow to make the surrounding edge and then compact the middle. The ice will spread from the middle outward. I think under the ball park lights would be best as we have some natural barriers with the chain link fences, back stop and dugouts.

MAYOR: If it is used enough maybe the American Legion Stand could be opened up as well.

TERRIE: The Youth Council maybe could help as well. We need to contact Golden Thomas about the insurance coverage.

BRAD: Who is going to do that?

JUSTIN: Marlowe could call Golden tomorrow.

MAYOR: It can be City sponsored if the insurance company allows it to proceed.

BRAD: Use some small straw bales as the barrier and for seating. The nearest fire hydrant is over on the corner by the Aaron Taylor residence on the south east side of the Black & White Building.

JEFF: We can use the old hose from the fire department we use for Black & White Days if needed.

MAYOR: Let's go ahead with it, if the insurance will allow it.

D'ARCY ECHOLS & CO. BUSINESS LICENSE AND ZONING REQUEST

MAYOR: D'Arcy has an interest in operating a gun manufacturing business in the shop on the Sue Morgan property but it would need to be rezoned to allow this. We just changed this from Neighborhood Commercial (NC) to Residential Medium Density (RMD) zoning a few months ago.

D'ARCY: I met with your Planning & Zoning Commission about this. I would like to purchase the Sue Morgan property but the sale would be contingent upon us being able to operate my business in that shop. I have been in business for over 30 years and the last 21 in Cache Valley. Originally, I started the business in our house but the BATF (Bureau of Alcohol, Tobacco and Firearms) will not allow it in the home any longer. It must be a physically separate building from the home. I only have two employees that work for me; just a small operation. I have been looking for a property to relocate to for approximately two years. I know that Paradise, Providence and Logan would not allow me to do this. I am not a retail store, all of my work is commissioned. Including myself there would be a total of three workers in the shop and we operate from 8-5, Monday through Friday. We would have UPS and FedEx delivering on a daily basis but would not have any big semi rigs coming and going. I actually don't like walk-in traffic and if someone wants to come to the shop they have to make an appointment. I have never had one complaint about my business in all of my years in Millville and Providence. There is no noise to speak of. Cabinet building machines would be much noisier. I would have less ammunition on-site than most hunters have in their homes. I would only have 10 lbs of powder or so. All of my test firing is at the Cache Valley Hunter Education Center in Logan as I have a pass that allows me access at anytime. I will occasionally use the gun range above Richmond as well. We have no CNC equipment. I would consider us a "light" machine shop. There is parking at the shop if needed. If we can purchase the property, we have considered renting the home now and then building a new home for ourselves at a later time. I would need the shop rezoned to operate the business there. I must comply with all BATF rules and regulations and part of that is being highly taxed and licensed.

JUSTIN: Why would Providence, Paradise and Logan say no?

D'ARCY: I found a shop in Paradise but due to the previous owner they won't allow anyone in that shop in the future. Logan City does not like the idea of the buildings being separated. I don't fit the guidelines for what Providence considers a home business.

BRAD: I have no problem with the business but have you checked on the frontage to make sure you could build a new home?

D'ARCY: The realtor says so but I have not checked myself. The realtor has indicated if the shop is rezoned and the home rented we would still have adequate acreage for a new home.

MARLOWE: There is enough frontage on 800 South even without including the shop.

BRAD: Does the shop have water and sewer?

D'ARCY: Yes, water, sewer and a bathroom.

TERRIE: My only concern is that we just switched the zoning from commercial back to residential in June 2009. This does not fit into our Master Plan but I do like the business concept.

BRAD: Are there separate utility meters for the shop and home?

D'ARCY: I believe there are separate connections but don't know for sure.

CHRIS: I would have to check, I don't know off hand.

BRAD: There could possibly be some impact fees for water and sewer if there currently is not a separate connection. The business would require a separate connection than the home. Impact fees would be \$10,000 to \$11,000 or so but would only be incurred if there is not currently a separate connection.

D'ARCY: I know there is an issue with the agricultural water rights lapsing and having gone back to the State. I am getting no help in getting this resolved right now.

BRAD: I would suggest contacting Kip Panter for help, he is the Secretary for the Richmond Irrigation Company.

D'ARCY: Any of you are more than welcome to see my operation in Millville if you would like.

BRAD: I just want you to know about the possible fees but I think the business is a great idea.

MARLOWE: So if I understand correctly, you are approving the concept of the business at that location?

BRAD: Yes.

MAYOR: Yes.

TERRIE: Yes.

MAYOR: The only issue is the zoning.

AUDIT PRESENTATION FOR THE BUDGET YEAR JULY 1, 2008 THROUGH JUNE 30, 2009

DIANA CANNELL: You had a very busy and expensive year with the additions at the MBR Plant. On Page 13, you will see an increase in assets of 5.2 million; 4.6 million of this was from the MBR Plant. On Page 35, you will see that liabilities increased from 3.3 million to 5.4 million of which 2 million of that is the bonds related to the MBR Plant. On Page 17, you will see a report that does not include depreciation. If you don't include the contributions for the MBR Plant; revenues were only down \$10,000 compared to the previous year. This is very good considering the gap I have seen with other municipalities. Some of this was because of some small grants received, and changes in taxes and other miscellaneous items. Impact Fees were down considerably because of the lack of building but this is the case everywhere. Overall the

City is very healthy. I am very impressed with how you watch your budget, if you turn to Page 19, you will see that you were within budget in all departments. This page shows actual versus budgeted amounts. You were within budget in all departments. On Page 21, this shows the water and sewer enterprise funds. The biggest change compared to the previous year was the grant money received. You would have had an \$80,000 or so decrease without the addition of the grant funds. Impact fees were down approximately \$100,000 compared to previous year. We were required to do a single audit, since you received over \$500,000 in federal grant funds, and you can see this on page 44. You can see the addition of \$2.745 million in grants for the MBR Plant and \$5,956 for a grant received by the library. On Page 50, you will see there was one finding. This was because a large portion of the grant money was not booked in the correct budget year. I am not concerned about it. There were no State findings and many good things happened. Overall the fund accounting is getting much better and I appreciate the help of Justin, Chris and Marlowe.

COUNCIL MEMBER REPORTS

BRAD: The Fire Department is slow but that is a good thing. The new turnouts have arrived. They are custom fit for each member. Almost all of the order has arrived; this is being paid for with grant funds. We will have enough sets for everyone.

TERRIE: We are getting eleven new sets plus our four new ones.

BRAD: We pay up front and then seek reimbursement. The location of the new water tank is still being discussed. The pumps are now working correctly at the MBR plant and there are only a couple of minor concerns left down there. The fence is currently being installed. As for maintenance, the white truck is being repaired again. We are going to have to get a new 10-wheeler and need to include it in the next budget year. Scott is doing a great job and everyone is doing a great job pushing snow. I am being told that a complaint will be filed in regards to a cat issue for the nuisance committee to review.

MARLOWE: I was told just before the meeting tonight that it has been resolved.

TERRIE: I attended the Fire Department and EMT Department Christmas Party and Stacie Spackman was named EMT of the Year and Kade Sweeten the Fire Fighter of the Year. They both had 100% drill attendance. The issues that exist in the departments are being worked through and the department is getting better all the time.

KEITH: Due to a recent family experience, I just want them to know how much they are appreciated. We could not ask for anything better; they are top notch!

JEFF: We will start discussing Black & White Days in January. At the last meeting you asked me to evaluate our cell phone charges and land line charges. We are paying about \$805 in land line charges per month and \$295 in cell phone charges. This did not include figuring in any of the overages in the last couple of months. Qwest has a special State program that involves a municipality discount and it will now go from \$805 per month down to \$402 per month. That is a savings of \$5,000 per year. We won't need AT&T anymore. Qwest will charge us \$0.035 per minute, I believe that AT&T was \$0.35 per minute; big difference. On the cell phones, we combined Marlowe, Rob, and Tamara from an 800 minute plan to a 1,000 minute plan and it will save about \$45 per month. Scott and Ben's minutes were lowered because we added cell phone to cell phone. This will save \$100 monthly. This was immediately implemented due to the cost

savings across the board. I am currently working on wireless high speed internet to the Fire Station which could result in an additional savings. The boxes work but we need to check the towers next. We replaced the land line phones in the office. The old ones were very old. I noticed when at the Fire Station all of the radios were not surge protected; they now are. Lyle is in the process of replacing four other surge protectors as well.

TERRIE: In regards to phones, what about Lyle?

JEFF: With Nextel we cut costs and the quick connect is great. I have talked with Lyle and Coltin and asked them to figure what they think the City portion of their cell phone bill is and they will report back. It might be easier and cheaper to adjust their personal phones and work out an agreement with them to do this as opposed to adding new phones. With the addition of Windows 7, we have learned some valuable lessons for the future and will implement procedures for the future to make sure there are backups of all the material on the computers.

BRAD: Are we doing an off-site backup?

JEFF: Not yet. One issue is the size of Marlowe's e-mail folder; it is huge. I am examining the old files and trying to save everything that I can. We will implement an off-site backup eventually. I am getting the cost on this. I will be doing the Windows 7 upgrade on Chris's computer now. Qwest has agreed to review our account on a yearly basis and adjust to the cheapest plan available. We did discover there was a land line at the Black and White Days building that has been being paid for as well as a line in this office that has not been used for 15 years or so. There are two at the fire department but only one is necessary so we got rid of the other one. There were three at the maintenance shop and we reduced it to one. We got bids from Qwest and Comcast; Qwest was cheaper.

MAYOR'S REPORT

MAYOR: I have a financial report in regards to the Eccles Ice Center for anyone that wants to review it and will leave it here at the office. I also have a ULCT update and will leave it here as well. Last month we talked about Larry Dunkley's term on the CVTD board expiring at the end of this year. It is a three year term and Larry found out that members can serve, two, three year terms. I have asked him to do it again for another term.

TERRIE: We may need a resolution to approve it formally.

MARLOWE: I will prepare it for the January meeting.

MAYOR: Our employee Christmas Party will be on January 9th at 6:00 P.M. at Coppermill. I handed out the employee Christmas bonus and everyone was very appreciative and wanted me to personally thank everyone on the Council. On January 5th, we will have a workshop with the Planning & Zoning Commission in regards to the City's Master Plan. Also on that evening Judge Funk will swear-in myself, Brad and Keith for the new term. I have not heard anything from Quint Casperson or Ray Winn in regards to the old cheese factory, if they want to have a workshop with everyone; it is in their hands and I am not pursuing it anymore at this point. Our next Council meeting will be on January 19th.

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

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| Allen Rock | 76.56 |
| Altius | 1074.46 |

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| Assoc. of Public Treasurers | 130.00 |
| AT&T | 154.73 |
| ATCO | 1320.00 |
| Bear River Health | 40.00 |
| Borders | 19.56 |
| C.V. Specialty Hospital | 80.00 |
| Cache County Corp | 29492.68 |
| Cache Service Area | 16370.33 |
| Carr Printing | 718.71 |
| Century | 1698.00 |
| Clint | 371.28 |
| CVTD | 512.00 |
| Deseret Book | 54.30 |
| Ecosystems | 91.00 |
| Ferguson | 276.76 |
| Fleet Services | 58.95 |
| Harris Computer | 1754.14 |
| IPACO | 81.00 |
| Joe McKee | 1250.00 |
| JUB | 7356.64 |
| J'Wayne McArthur | 24.00 |
| Lee's | 108.62 |
| Lyle Bair | 49.50 |
| Maverik | 293.02 |
| Mtn Peak Builders | 3411.00 |
| Nextell | 222.21 |
| North Cache Vet | 50.00 |
| Oldcastle | 186.99 |
| Olson & Hoggan | 2117.50 |
| PC's Unlimited | 19.95 |
| PEHP | 102.00 |
| Pitcher Propane | 4066.11 |
| Questar | 1081.67 |
| Qwest | 692.67 |
| Randy's | 1420.26 |
| Remote Control | 350.00 |
| Rocky Mountain Power | 2399.88 |
| Smithfield Auto | 15.54 |
| Smithfield Imp | 30.71 |
| Staples | 882.76 |
| Thatcher | 1057.34 |
| The Book Table | 239.65 |
| The Home Depot | 169.1 |
| The Logo Shop | 324.24 |

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| Thomson Electric | 83.94 |
| ULGT | 278.99 |
| USA Bluebook | 452.61 |
| Ut State Division of Finance | 99941.58 |
| Verizon | 68.07 |
| VISA | 30.90 |
| Visa-Library | 587.04 |
| Watkins | 98.50 |
| Xerox | 193.64 |
| Zoll | 105.00 |

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

Adjournment at 8:35 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder