

RICHMOND CITY COUNCIL

JUNE 15, 2010

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, Utah on Tuesday, June 15, 2010. The meeting began at 7:00 P.M.; Mayor Michael Hall was in the chair. The opening remarks were made Marlowe Adkins.

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

TROPHY PRESENTATION

MAYOR DARRELL SIMMONS: Health Days has been part of Smithfield for 85 years and for the first time we decided to have a four-man scramble golf tournament called the Mayor's Cup. Richmond was the only community that participated with us this year and we would like to thank the Mayor, Brad, Jeff and Paul for their participation. In the future; we would like to have a tournament where we could get all of the local communities involved and raise money for charity. Currently, the funds raised are being used for the Smithfield Library and local schools. I would like to give the Council this trophy for their participation in our tournament. Thank you.

A motion to approve the May 18, 2010 City Council meeting minutes was made by Paul, seconded by Terrie and the vote was unanimous.

DEPUTY REPORT

DEPUTY CARLEY: We are busy with summer being in full swing. Last month we had 60 total calls and the month previous was 40 or so. Forty-five of those calls were incidents reported by citizens and that is good and appreciated. The calls consisted of animal issues, five thefts, three burglaries, three DUI's, and five drug arrests. The investigations into the burglaries and thefts are on-going. There were also three intrusion alarm calls but they all turned out to be false alarms. There were 21 citations issued and 26 warnings issued last month. This does not include any verbal warnings just the written warnings. Right now there is a lot of vandalism and underage drinking and we ask you to watch for this and report anything suspicious you see.

TERRIE: The Library has replaced the locks on some of the building windows and have not had any more problems.

MAYOR: What can be done about the skateboarders in the road that don't move out of the way of approaching vehicles? What is your standard protocol?

DEPUTY CARLEY: There is an issue with skateboarders and bicycles not staying on the sidewalks. Do you have an ordinance in this regard?

MARLOWE: No, we do not.

JEFF: The people on bicycles are courteous and will move but the skateboarders' just stay in the road and it is safety hazard especially at night when it is dark. I realize we don't have a consistent sidewalk for them to use but they won't move off the road.

MARLOWE: We had a scooter accident last week that resulted in a broken wrist. There is just no safe place for people to use. Maybe we should look at setting up a skateboard area at the park.

JEFF: The issue is them getting to and from there.

PAUL: The time of day is a factor as well; in the road in the dark is a problem.

MAYOR: We will put an article in the newsletter and ask parents for their support and to tell them of our concern.

DEPUTY CARLEY: This is a traffic hazard; they need to stay out of the road.

MARLOWE: After a Deputy visits with the kids; do they listen?

DEPUTY CARLEY: Yes, in most cases they will abide by the rules after we visit with them.

MAYOR: The "Alive at 25" is a great program as well.

RESOLUTION 2010-2

MAYOR: This is a resolution and assessment report that we do on a yearly basis in regards to our waste water program.

TERRIE: I noticed one of the scores should have been ten not twenty. Should it be changed?

MAYOR: It is not worth changing. Please keep in mind this is 2009 information and part of the year the MBR plant was not functioning, resulting in the high scores.

TERRIE: So the October and November information is with the MBR plant functioning?

MARLOWE: Yes.

A motion to adopt Resolution 2010-2, A MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION, was made by Terrie, seconded by Jeff and the vote was unanimous.

JON WHITE REZONE REQUEST OF 21.85 ACRES FROM RE-2 TO RLD

MAYOR: Jon White has made a rezone request for 21.85 acres that is at approximately 300 North to 500 North and 300 East to 400 East from RE-2 (Residential Estate 2 Acres) to RLD (Residential Low Density). This subject has been discussed over the last several months and approved by the Planning & Zoning Commission. There was a public hearing as well and we have included several citizen letters with our Council meeting minutes in regards to this request.

TERRIE: This has been a big subject at the Harvest Market and people in general want to know the overall plan for the City. I have explained the current Master Plan as I understand it. People that I have visited with now understand what the City is considering. Change is scary.

JEFF: My main concern for Richmond City is growth in general. We need to accommodate some type of growth. I have gone around the City and there are not any places to go (build). So I have thought of what is the most logical areas to grow and this area is okay for growth. This is not the main farm land for the City. I do have concerns in that area. My biggest concern is the width of 300 East. The road must be widened or we need some type of walking path to get people off the road. There is already enough traffic on that road that this is already an issue.

This is something we need to seriously review and consider. There is room in that area to make this happen. We just need to keep it in mind. We need some type of path to keep people off of the road.

MAYOR: That is something that at some point we will need to review and some of that burden will fall with the developer as well.

PAUL: I have a copy of the current Master Plan that was adopted in 1999. I realize that the current zoning in some areas is different than this plan. This area was encompassed in that plan for this purpose. It was not my idea, this was done before I was involved by other concerned citizens. I have had discussions with Darek (Kimball) regarding access issues. The Master Plan does show 300 North going all the way to the highway as a relief access point. I also see that all of the area around this parcel is developed or approved for development as well. This will be a bigger burden on public resources but that will be addressed at a later time when appropriate.

BRAD: My thoughts are similar to Paul's. There were public hearings and a lot of planning that went into the 1999 Master Plan. Our Planning & Zoning Commission has reviewed this and passed it as well. Our land use guidelines call for no small cul-de-sacs by ordinance so there is open space in each block but there is not any lots for sale or buildable within the blocks. Our ordinances would not allow inner block building if requested anyway. This property is going to be developed whether or not it is RLD or RE-2. We need to look at the big picture and work with the developer to do what is best for Richmond City. I do not think the zoning request is out of line in that area. I know it will be easier to maintain.

A motion to approve the rezone request by Jon White of 21.85 acres located at approximately 300 North to 500 North and 300 East to 400 East from Residential Estate 2 Acres to Residential Low Density was made by Brad, seconded by Terrie and the vote was unanimous.

MAYOR: I appreciate the public comments and letters regarding this subject.

FINANCIAL REPORT

JUSTIN: We have so far collected \$1,395 in sponsorship fees for Black & White Days; as well as \$652 for the breakfast and \$3,695.25 in other activities. The remaining balance due of \$3,350 on the RAPZ tax approved parking lot was received in May and the means that all projects but the recently approved playground have been reimbursed in-full. The Library received a CLEF State Grant in the amount of \$4,325. On May 27th, the first payment of \$123,000 on the MBR plant was made. It is 100% to principal as it is an interest free loan. The Fire Department paid \$3,150.69 as the City's portion due for the new radios; this was paid to Cache County. The EMT Department has kept well within budget this year and have some funds to spend this month to buy items that they need or require. Lyle and Coltin are currently working on this. So far in June, we have collected one water and sewer impact fee from Jordan Webb. I also have seen that construction has begun on the Brian Webb home in the Cherry Creek Heights Subdivision. There is one payment of approximately \$5,000 due to AQUA Engineering and at that point the

MBR plant construction will be paid-in-full from what I have been told by Marlowe; other than the outstanding loan balance.

CITY MANAGER REPORT

MARLOWE: I recently spent a week in Grand Junction, Colorado at the annual Pretreatment Conference. The EPA has always been in charge until this year and they oversaw it but had a different organization put it on and I think this was probably the best conference yet. They did not print all of the material but did provide it all on-line on their website. They would like to start a mentor system in order to help smaller communities like Richmond avoid the penalties and fines like we incurred a few years ago. This is a good association that wants to help where they can. The EPA is continuing to look into mercury and some other emerging contaminants. I have made some good contacts as well. As Justin mentioned about the MBR finances; AQUA has one remaining \$5,000 or so payment and the State of Utah realized that they did not pay the interest on the escrow funds for Nelson Brothers for the last month so we will be releasing those funds as well. The Land Use Development Management Act (LUDMA) started about six years ago and they keep adding more and more each year. I have put together a packet for you to review. We need to make our Planning & Zoning ordinance match LUDMA. I would like to propose that I put a new section in your monthly packets for you to review over a period of time and then we can update it in a year or so. There have been some fees suggested and Suzanne Dent, a P&Z Commissioner, has made some suggestions regarding the sidewalks.

MAYOR: The fees that Marlowe mentioned are some that we have discussed in the past; as in some other local communities charge a fee to the developer to have the plans reviewed and approved. They charge a standard fee and then add a per lot fee on top of that as well. We need to make sure that the Land Use Authority makes the Council accountable; Planning & Zoning is a recommendation board; not the final say. Allen (Lundgreen) currently oversees Planning & Zoning but does not have a vote. We need to update this area.

PAUL: Is this how it is done in other places?

MAYOR: Yes, for Cache Valley but some of the bigger areas in the Salt Lake City area give the control to various boards to make binding decisions.

MARLOWE: Planning & Zoning is an administrative board not a legislative body like the City Council. These lines can get blurred in small communities. Planning & Zoning should carry out the law as dictated by the Council. Currently, our rules state that a Council member can be on the Planning & Zoning board and by LUDMA and Utah Code this just cannot be. I suggest this is something we review one page at a time.

MAYOR: Some of the biggest issues we deal with are single developments that are approved by Planning & Zoning and then we do not hear about issues until later.

MARLOWE: If we specify the exact conditions regarding, say for sidewalks as an example, and add to the standards then Planning & Zoning will know exactly how to enforce. This would be a great help to Planning & Zoning.

MAYOR: It would be good to have a punch list at the start and then again upon completion. I like this idea of going over a small amount at a time.

TERRIE: Reviewing a little at a time is good. I know that the Lieutenant Governor's office will review for us as well but don't get in a hurry with them. I am sure it would take them months but it is an option.

MARLOWE: LUDMA has moderate housing criteria which is what Richmond City already is but there is paperwork we have to fill out and complete. We didn't even know about this until getting a reminder from the State.

MAYOR: Let's continue to review this over the next several months and have it as an agenda item towards the end of each meeting to review.

TERRIE: I have made contact with UGS and followed up with them since our last Council meeting. Paul, Marcus from JUB and myself visited all of the water sources but Cherry Creek. The work we have asked them to complete is doable and for the three active water sources it will cost \$500 per source. This is an excellent value as a professional firm would charge \$15,000 or more I am guessing.

PAUL: No strings or commitments attached?

TERRIE: They provide the information and we write our own ordinance.

DAREK KIMBALL: They will provide the mapping and JUB will be providing some written information as well.

PAUL: I think a thank you letter to Joel and Dan for suggesting this would be appropriate.

MAYOR: Paul, please send them an e-mail thanking them.

TERRIE: This was actually the first time that I have visited all of the water sources.

MARLOWE: We did follow the proper protocol in going across the Palmer property to access that well.

BUDGET PUBLIC HEARING

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

JUSTIN: The budget that I have presented is the same as the one you were given last month. The total General Fund budget is proposed at \$784,317. This does include a cost of living wage increase for the employees. We have kept expenditures down in other areas to make sure that we can offer some type of increase to the few employees that we have.

PAUL: Is there any area that needs to be clamped down on or is overspending?

JUSTIN: I would say that we are better off in this area than at any time I have employed with the City. The Fire and EMT departments have learned how a budget works and how to work within their budget better than ever. The Library is always on budget and since we have gone to the P.O. system and put Scott in charge; maintenance costs have diminished or been put in check better than ever. I feel better about this now than ever.

PAUL: I feel good about the asphalt work that was recently done at the Maintenance Shop; Scott your thoughts?

SCOTT BALL: It is great.

PAUL: We got much more coverage than we expected with what was left over.

MAYOR: I feel we are more fiscally responsible now than ever before.

JUSTIN: I am very proud of what we get done with the small amount of funds we have. Our budget is \$784,317 and \$382,237 of that is for the street department so that does not leave much to work with. It goes to show how much of what is done is completed on a volunteer basis. Unfortunately, the amount that the street department is given to work with is not much either for the cost of what it takes to maintain the roads.

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.

A motion to adopt the July 1, 2010 through June 30, 2011 budget was made by Paul, seconded by Terrie, and the vote was unanimous.

A motion to approve the changes to the July 1, 2009 through June 30, 2010 budget was made by Paul, seconded by Terrie and the vote was unanimous.

COUNCIL MEMBER REPORTS

BRAD: I met with Fire Chief Bair before this meeting and he said that the Fire and EMS departments have already responded to 54 calls so far this year. We have lost some members of the department that have moved away and this has caused some of the EMT's to have double coverage. I have asked Lyle to return the equipment to Cache County that is theirs that we are not using. I appreciate the handouts that we have received regarding how other local communities are dealing with their wastewater issues. North Logan will be increasing their monthly rate significantly and Logan City is applying for millions of dollars of federal funding that is for an experiment. I am glad that this Council and the previous Council had the foresight to get our MBR system in and running now as this has saved us thousands of dollars for our citizens over the next few years. I have called other communities previously to see what their monthly utility bills were and some were higher and some were lower than our current bill. I think we get a good value for the services provided. The water tank project is still slowly progressing.

MAYOR: The appraisal on the land has been received and Marlowe, Darek and Bruce Jorgensen have copies to review. We will now send a bid proposal to the seller with input from Bruce and JUB. There will be two offers; one for the purchase of the land and the other for an easement to perform the earthquake study. The purchase of the land would also be conditional upon the earthquake study.

BRAD: The delay in this project may actually be a good thing as we can save a lot of money compared to previous years as contractors need the work to keep busy as opposed to making big profits. Other local communities are building new tanks as well and the bids have come in quite a bit less than anticipated, which is a good thing.

DAREK: We are ready to move forward as soon as we get permission to go onto the site.

BRAD: Scott is doing a great job with the maintenance department and I appreciate the monthly meetings we have to get updates. There are no new nuisance complaints at this time.

PAUL: We need an update from Spencer Jensen on his project.

TERRIE: I heard he is thinking of putting a porch around the entire project. We need him to approach the Council again with his plans.

BRAD: His fence is in violation as well.

MARLOWE: I will contact him and ask him to come to next month's Council meeting.

BRAD: I have heard rumor that there is a toilet there now.

MARLOWE: There is not any water or sewer there.

BRAD: I know.

PAUL: He needs a permit to do what he is doing.

MAYOR: Marlowe, contact him and have him come before the Council next month.

BRAD: The equipment for the RAPZ tax funded playground arrived last week. There is a lot of stuff; it weighs about 7,500 lbs.

PAUL: Will it be installed by this fall?

SCOTT: It will be done by the City party.

BRAD: We will remove the grass, get the area leveled and then proceed.

JEFF: Thank you notes for Black & White Days will be mailed soon. When it finally stops raining; we will start maintaining the parks better such as spraying and other miscellaneous items.

MAYOR: I think the parks look great.

JEFF: I think overall the mowing is the best job yet.

TERRIE: When are the plants going to be put in the star garden?

JEFF: It was supposed to happen last Saturday but got cancelled due to the rain. They are hoping to complete the work hopefully this Saturday. Tony's Grove will be delivering the plants and flowers and place them where to plant them; all we have to do is plant them. What dates would be good for the City party? Friday's have worked well in the past.

MAYOR: Utah League of Cities and Towns meetings are September 15th through the 17th.

MARLOWE: If you want corn, you will want September 10th or 11th.

PAUL: I think a Friday is good.

MAYOR: I would prefer Friday as well since there is a USU home football game on Saturday.

JEFF: Then Friday, September 10th. The rides will start at 5:00 P.M. with dinner served at 6:30 P.M.. We need to get a sound system for the City. The system we used for the Black & White Days movie is owned by four people and we are more than welcome to use it when they are not using it. The speakers we purchased were for Black & White Days.

JUSTIN: What if we offer to rent the speaker system from the group that supplied the system for the movie?

PAUL: I like the idea of renting as well.

JEFF: We need a system for the City party and if we have movies at the park like we have previously talked about. I will try and rent a speaker system for this year; hopefully we can for around \$100 or so. Do we know of anyone that would be willing to help with the advertising portion of Black & White Days?

TERRIE: I suggest calling Shane Larsen.

MAYOR'S REPORT

MAYOR: The Utah League of Cities and Towns Meetings are September 15th through the 17th, who is attending, so we can make reservations?

PAUL: Yes.

JEFF: Yes.

BRAD: Yes.

TERRIE: Yes.

CHRIS: I will get the rooms reserved.

MAYOR: I will check with Allen and see if he is attending. We have hired Anthony Miller on a part-time basis to help with the lawn mowing at the park and cemetery. For those of you that don't know; Justin Gilbert had a horse accident and broke his arm which had to be pinned back together. He won't be able to return to full duty for at least six to eight weeks. Anthony has been hired for a period of June 9th through September 17th on a part-time basis. As Brad mentioned; North Logan and Logan City have wastewater issues to deal with. The timing and construction of our MBR plant was well planned. Nibley has been able to obtain 1.99% interest for the financing of their new water tank and our MBR system along with the grant money we were given has an interest rate of zero percent.

PAUL: Is the membrane system still state of the art?

BRAD: Yes.

MAYOR: I would also like to mention as you see from the articles enclosed in your packet that other cities have not been able to give pay raises for the last one or two years, not even cost of living increases. Due to good planning on our part, we have been able to give at least cost of living increases every year to show the employees we are doing what we can and that they are a valued part of the community.

PAUL: I think we should mention in the newsletter that we are always trying to increase services without having to raise taxes or fees.

MAYOR: There has not been a property tax increase since the 1970's. We are also not the highest utility rates in the valley either as some uninformed people have stated.

MARLOWE: Just a reminder that on July 1st our monthly water charge will increase from \$27.00 to \$28.00 and the monthly sewer fee from \$42.00 to \$43.00.

MAYOR: A representative from AFLAC will be visiting with the employees this coming Monday. If the employee elects to want this supplemental insurance coverage; the cost of the coverage will be deducted from their wage increase.

SCOTT: I have asked the other employees their thoughts and they want more detailed information.

PAUL: AFLAC is a good plan.

MAYOR: We received a letter from the owner's of the old cheese factory and are writing a response to their letter.

****Mayor Hall read the letter addressed to Paul DuRee and Quinten Casperson. ****

PAUL: The letter from them was very unprofessional.

MAYOR: I have visited with City Attorney Bruce Jorgensen regarding some of the items in their letter. They have stated they would release the City of any liability if the building were to

catch fire as they want it to burn to the ground. Bruce has advised that they cannot waive the rights of others, such as employees or subcontractors. They mention in the letter that they want a dry storage facility down there. This has never been previously mentioned and they need to follow the normal process of obtaining license just like anyone else. There are several items listed in the letter that are wrong.

TERRIE: I know that Utah Code has specifics regarding storage facilities.

PAUL: I know that Pepperidge Farms did lease a portion of that building fifteen years ago or so. Are there access issues?

SCOTT: There is only one way in and one way out. I have fire access concerns.

PAUL: The County Building Department would need to inspect the area just like normal.

MAYOR: It can be utilized if that is properly passed.

MARLOWE: Keep in mind that it is private property right from the gate onward.

BRAD: There is an open invitation to them to have a workshop type meeting to discuss that building and they have never taken us up on that offer to meet. We cannot ignore the fact that a local building of the same approximate age just collapsed in the City and had anyone been in it at the time they would have died. The building must be structurally sound before it can be occupied.

DAREK KIMBALL: The Cache County Council will be sending the Trans tax money forms. We are thinking of ideas of where to apply. Maybe we could pursue 300 North since it is currently on our Master Plan.

MAYOR: The funds must be used to ease congestion and deal with easement issues and right of ways.

DAREK: I think the Council should consider applying. We represent several other communities that will be applying.

MAYOR: We can make a proposal; all they can say is no. The scoring model they use will hurt our chances.

A motion to approve the wage of \$10.00 per hour for Justice Court Clerk Melissa Titensor was made by Jeff, seconded by Paul and the vote was unanimous.

A motion to approve the hiring of Anthony Miller at a rate of \$9.00 per hour as a part-time cemetery and parks maintenance worker from June 9, 2010 through September 17, 2010 was made by Paul, seconded by Jeff and the vote was unanimous.

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

Advanced Heating	535.00
Allred Jackson	1325.00
Al's Trophies	215.00
Altius	1430.23
Audio Adventures	19.80
Bear River Health	40.00

Beazer	35.00
Blue Creek Communications	68.00
Boundtree	1657
Boyce	159.34
Cache Service Area	16572.00
Cache Valley EMS	940.00
Centurion Holdings	260.00
Century	424.70
CNH Capital	170.49
Coats	5800.00
Ecosystems	339.00
Ferguson	1157.28
Fleet Services	185.45
Follett	495.00
Granite Publishing	24.00
Hall's	94.50
Hobbs Turf Farm	76.50
IFA	228.24
Jack Norton	17.50
Jeff Young	225.00
Kimball Midwest	113.27
Larsen Asphalt Systems	153.50
Lenard Owens	5000.00
Lewiston City	1033.07
Logan Memorials	458.76
Lower Foods	88.82
Marlowe Adkins	120.00
Maverik	1092.32
Melissa Titensor	257.40
Nextel	154.02
North Cache vet	96.00
Olson & hoggan	2230.50
PC's Unlimited	19.95
PEHP	153.00
Playaway	59.96
Questar	737.42
Qwest	438.65
Randy's	1511.06
Rebound Unlimited	150.00
Richmond Irrigation	988.00
Robertson Mfg	950.00
Rocky Mountain Power	2644.72

Skeleton Key Shop	25.00
Smithfield Auto	43.23
Smithfield Imp	30.97
Staples	184.67
Stokes Plumbing	1430.00
Swire Coca Cola	809.50
Thatcher	2054.35
The Book Table	265.95
The Herald Journal	392.06
The Home Depot	379.28
The Logo Shop	125.40
Thomson Electric	199.13
UEN	81.94
Ut Water Users Assoc	100.00
Utah Local Gov	821.6
Utah State Division of Finance	123000.00
UVU	85.00
Verizon	60.07
Visa	789.90
Visa library	767.92
Wimmers	379.95
Xerox	193.64

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

Adjournment at 8:55 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder