

RICHMOND CITY COUNCIL**JULY 20, 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, July 20, 2010. The meeting began at 7:00 P.M.; Mayor Michael Hall was in the chair. The opening remarks were made by Mayor Hall.

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

A motion to approve the June 15, 2010 City Council meeting minutes was made by Paul, seconded by Terrie and the vote was unanimous.

A motion to approve the June 30, 2010 special City Council meeting minutes was made by Paul, seconded by Terrie and the vote was unanimous.

DIVISION OF WATER QUALITY AWARD PRESENTATION

MAYOR: I would like to welcome John Cook and Ed Macauley .

ED MACAULEY: We would like to present this plaque to Richmond City for its completion of the new MBR waste water facility. The plaque is signed by Governor Herbert, the DWQ director and various others. This is one of the most expensive projects that a City can incur and it is now up and running and functioning.

JOHN COOK: This project went very well and I would like to thank Scott (Ball), Marlowe (Adkins) and the City Engineer for their help.

MAYOR: We appreciate the support from the State of Utah and various other groups on this project.

COURT REPORT

JUDGE FUNK: Nothing out of the ordinary for the second quarter. Revenue was up over the previous quarter.

	3 RD Qtr 09	4 th Qtr 09	1 st Qtr 10	2 nd Qtr 10	Total
Cases Filed	220	100	164	169	653
State Revenue	\$6,106	\$10,778	\$3,560	\$11,398	\$31,843
City Revenue	\$3,905	\$10,322	\$1,631	\$4,935	\$20,792
Total	\$10,011	\$21,100	\$5,191	\$16,333	\$52,635

MAYOR: That is a huge jump in revenue, how come? How is Melissa (Titensor) working out?

JUDGE: Melissa is outstanding and I am very grateful to have her on board and working with us. Currently, she is out on maternity leave for a couple of weeks and Juliene (Parrish) is filling in for her.

PAUL: How is the State Revenue determined?

JUDGE: The surcharge amounts of either 35% or 85% depend on the crime or act. The cash flow was up in the Second Quarter as we issued warrants for those that had not paid. You can see that the cases for the First and Second Quarter's were about the same but the cash flow collections were up significantly. The Court is always busier and sees more cases in the summer when the motorcycle officers can patrol.

MAYOR: The Mayor's from the valley are going to be meeting with Cache County Attorney James Swink to discuss the Cache Court system that has been mentioned and I plan on inviting you to attend that meeting as well.

FIRE & EMT REPORTS

FIRE CHIEF LYLE BAIR: We have had four new applications submitted. One of them we have had for a while and have just been waiting for him to turn 18; that is Lance Jenkins. He is Jeff's son, who worked for the department years ago, so he kind of knows what to expect already. He attended the recent drill we had and has an interest in becoming an EMT as well. Seth Saterfield also submitted an application and has some experience from his time in Newton City. He has first aid and fire experience as well as his CDL. He works for a dredging company in Amalga and is periodically out of town for a couple of weeks at a time. He attended the drill on Saturday as well. Natalie Bair, current member Derek's wife, has submitted a fire application as well and has a little interest in the EMT program. She has very little experience but did attend the drills last month. She works at Parts Plus in Smithfield. Daniel Cazier has submitted an application as well but I have not been able to interview him yet. He recently purchased a home in Richmond. He has Fire and EMS goals and works at Lee's Marketplace.

BRAD: That is a good bunch of applications.

MAYOR: I think they look great.

***Lance Jenkins, Seth Saterfield, and Natalie Bair were approved by Council to join the Fire and EMT Departments.

LYLE: I will interview Daniel (Cazier) and present his name at a later time. I am glad to see an increased interest in both departments. So far we have had 62 total runs for the year. In the last Quarter, there were 19 EMS calls and 16 Fire calls, a couple of those were joint runs. We had 82 calls all of last year. Historically there are around 100 calls per year.

TERRIE: Are there any firework restrictions?

LYLE: They are the State of Utah guidelines. Nothing can go into the air and fountain type fireworks cannot exceed fifteen feet in height. They can only be lit three days before and after the holiday as well. Tomorrow is forecasted as a red day which means levels are high and a good risk of fire.

MAYOR: We appreciate your service as well as that of each member of both departments.

LYLE: There were some remaining funds in last year's budget and we used those funds to purchase some stabilization equipment, EMT jump suits, pagers and some department logo shirts. There is a grant for some face masks and chainsaws that will happen in most likely August.

BRAD: Excellent.

MAYOR: I feel like right now that the department is as well run as ever.

DEPUTY REPORT

PAUL: There is some graffiti on the south side of Theurer's store that needs to be removed immediately after they (Cache County Sherriff's Office) investigate it.

TERRIE: We can also document it and remove as well.

SPENCER JENSEN STORAGE SHED UPDATE

MAYOR: I have asked Spencer Jensen to come in and give an update on his shed project. He came before the Council in March when there was an issue with his trailers being parked in a local trailer park. I have supplied each of you with a copy of the minutes of that meeting. It did not fit the zoning for that area and Spencer has relocated the buildings down on the highway on a piece of property owned by Robert Borg across from Lower Foods. I met with Spencer last night down there and had a very frank and candid conversation. He has been invited here this evening as his buildings are the number one complaint source in the city. I have and everyone else on the Council received calls about this area is blight and unsightly. What the buildings are today is different than what was approved during the Council meeting and you can review the meeting minutes if you need too. Spencer, please update us on what is happening and what you are going to use the buildings for. This is at the gateway to the City and must be neat. You put up what you told us was a fence and now it is covered with plywood and attaching the buildings together. We specifically told you that they could not be attached. You told us that you would make the area nice. We sent you a letter on June 17th that you said you did not receive, so we sent it to your new Post Office Box number that you gave us. Did you receive it?

SPENCER JENSEN: I received the invitation.

MAYOR: Have you been contacted by the Cache County Building Inspector about the cease and desist order we issued?

SPENCER: I have not been contacted by anyone at this point.

MAYOR: They said they had been out to the area but you were not there when they stopped by.

SPENCER: I thought they would normally leave some type of notice on the building but they did not. I am confused about the agreement that we made. I don't know what I have done wrong. The (fence) framework is at eight feet and required a top plate for stabilization purposes. I then added plywood to the framework. Nothing else has physically changed to the buildings since we last discussed this. I am trying to make the area pretty and clean.

TERRIE: The fence can only be six feet high. We talked about this a while back and I specifically told you that day. I told you to stop by and talk to Marlowe if you had any questions.

SPENCER: I stopped by once but Marlowe was not here.

MAYOR: You told me last night that you had never heard anything previously about the height restriction on the fence?

SPENCER: I guess I don't remember.

TERRIE: I also told you that an awning was questionable and not to add.

SPENCER: I did not add an awning and have only added the plywood.

TERRIE: It looks like a wall to me.

MAYOR: It is a wall; not a fence.

SPENCER: What is the code?

BRAD: You sheeted it between two buildings and made it a wall.

ALICIA JENSEN: So if it is taken down to six feet and the plywood is removed; we are okay?

TERRIE: When people are driving in and they see what you are doing they want to know why they cannot do it as well. We have tried to work with you but we were very clear that the buildings could not be connected.

SPENCER: Have you seen it today?

JEFF: My personal take is that normally a contractor normally comes into a city and gets the codes and reviews them to know what can or cannot be done before a project is started. My advice is for you to come in and ask before you do anything. You are just building blindly at this point. You are in the highest profile area in the city right now and all of the people of Richmond are watching and questioning everything you are doing. We have been very fair to you and to everyone else but the rules apply to everyone. Citizens keep asking what is going on and we have a duty to respond. Six foot is the code in regards to the fence. A simple phone call could have answered that question. One thing I know for sure, Marlowe is very good at calling people back. We want to help you.

ALICIA: Other than taking down the fence, what else needs to be done?

PAUL: Is your building a dwelling?

SPENCER: No.

PAUL: I see mattresses in the window and it is looking more like a manufactured home all the time.

SPENCER: I would love for it to be a home but this is not possible. I have talked to Marlowe about thirty times and I just keep getting misinformation.

ALICIA: We did have a family reunion there over the weekend and just camped in tents outside.

MAYOR: What about a bathroom?

SPENCER: We have a toilet for emergency situations and it drains into a bucket.

PAUL: So it is a dwelling?

SPENCER: No. Never. I have no plans to live there. They are still portable but I have only one set of axles to move them. The front building (east) is a playhouse and the back building (west) is a storage building. Just an area for my personal space.

PAUL: So are you running a business out of there?

SPENCER: No. It could be used for lots of things but it is my personal space.

PAUL: When are you going to be finished with what you are doing?

SPENCER: Three to four months for the general construction.

PAUL: We need a more specific date than that.

SPENCER: Let me explain. I am concerned that I will be working on it for four months and then you will come in and tell me I have to tear it down and move it. It takes me two months to move the buildings. This situation is not my fault; that is the difficult part.

MAYOR: Then who is at fault?

ALICIA: We are partly.

TERRIE: You need to make an appointment with Marlowe to sit down and see what the storage shed guidelines are; you have crossed the line into a dwelling. We can contact Paul Berntson if needed. This does not meet storage shed guidelines. Let's sit down with your plans and review.

You will then know the standards that must be met. I don't believe you are doing this maliciously but it is out of ignorance. We keep bending over backwards to help you and it is not getting any better.

SPENCER: I came to Marlowe when the buildings were on a trailer parked by the side of the road at my in-laws and told him I wanted to repair screens in them. Marlowe said I need to move the buildings into a trailer park and if I started a business I would need a business license. He suggested I live with my in-laws while I was getting everything completed. I am doing what Marlowe said to do. I showed Marlowe a blue print with a specific plan. He said, if the Ripplinger's are okay with it then you are okay. I did not hear a word about it for three months and then was told it could not stay there.

JEFF: We know the story and this situation and these buildings are different than anything any of us have ever dealt with before. This is not a normal situation.

PAUL: I think he needs a special-use permit.

BRAD: Do you agree we approved these as separate storage buildings?

SPENCER: Yes.

BRAD: A storage unit is not meant to be a kid's playhouse.

SPENCER: They are storage units, not a playhouse.

PAUL: What is under the roof to the west?

SPENCER: A generator and it still keeps under the 200 square foot guideline.

BRAD: We warned you that this could become a nuisance and you are one step away from a formal complaint. If a formal complaint is filed we have to investigate the matter and this could result in you having to remove the buildings yourself or the city would come in and do it and charge you for it. We specifically told you that nothing hideous could be there. You need to be proactive and know what needs to be done beforehand. There is an ordinance in place and if it is signed by three people we will check into it.

SPENCER: How do we move forward?

MAYOR: They need to be two storage sheds that are in no way connected. It is one heck of a mess and after we visited last night I received three more messages; all complaints about your buildings. I get complaints about what you are doing every day. You need to live to our original agreement. When they were on the side of the road you had them all joined together as well. Your credibility is an issue. Are they storage units? A daycare center? What are they? That is still my question.

SPENCER: I don't know how to answer that. They are my personal space.

TERRIE: You cannot have an attic in a storage shed. I will volunteer to be at a meeting to sit down and discuss what you can and cannot do. We can record it if that would make you feel better. We need to get back on track. There are rules that are in place for a reason. They are one,

to protect your family, and two; to protect the citizen's. At this point; I would like to leave the cease and desist order in place.

ROBERT BORG: I am the property owner. It was my understanding that there would be two separate buildings; twelve or twenty feet apart; and that both buildings would be under 200 square feet. I expected to see one here and one there; not connected. It looks like one structure to me. To me it appears to be a place to live and spend lots of time. I was surprised to hear about a family reunion being held there. It just keeps getting further away from what we discussed. I don't want to see any water in the foundation down the road. I don't want anybody drowning there. The overall safety of that area is not good; no codes have been met. I just know that something is going to come apart. That is why things are inspected for a reason. It needs to be safe for kids to play there. What if stuff is stored in the attic and it collapses on the children when they are playing? This is different than I expected. I don't want it to be a nuisance. I have already cleaned up one nuisance in the city. I don't want this to be a real problem. What is happening was not the original intent of what we discussed. It is not a good place for kids and it is not safe. Someone could easily drown even in a couple of inches of water. I urge you to be careful. There is to be no pool there in the future and not a playhouse either unless it is inspected and approved. When the city is fine with what is happening there then I will be fine as well. I don't need to help you but I have in the past. I want you to tow the line and be responsible. Ask questions if you don't know the answers.

BRAD: Thank you for attending and offering your input as well.

MAYOR: The intent was two separate buildings that were to be used for storage purposes. The cease and desist order is still in place. I would like you to be able to save this project if possible but you are the number one city issue right now.

SPENCER: I just want 100% accurate information.

MAYOR: You say it is your personal space but Richmond City needs to know what is going on down there and what you are doing.

TERRIE: You need to ask questions and get answers. I am willing to meet as long as needed to help get this resolved. You need to make an effort as well. Let's schedule a time to meet with Marlowe.

A motion to keep the cease and desist order in place on the buildings owned by Spender Jensen, located on the Robert Borg property at approximately 750 South Highway 91 was made by Terrie, seconded by Brad and the vote was unanimous.

ALICIA: Once the order is lifted do we have to wait a long time to start working again?

MAYOR: Once approved by the Cache County Building Inspector you can start construction immediately.

BRAD: You won't have to come back before the Council unless an official nuisance complaint is filed.

SPENCER: What about future complaints?

BRAD: If you become in compliance and there are still future complaints; we will advise the person complaining that you comply with the rules and regulations and are allowed to keep what you have but this is only if you do comply.

MAYOR: There were supposed to be two buildings but currently there is only one, so that we all agree; there needs to be two separate distinct structures in the future. The attic is an issue and does count towards your square footage.

MARLOWE: Spencer has made several statements about his distrust with myself; I am not willing to have any meeting with him in the future without the Mayor or a Council Member being in attendance as well.

TERRIE: What is your schedule?

MARLOWE: I am limited for the next three weeks but don't expect Spencer to wait that long either. I can free up a couple of hours one evening. How about this Friday at 5:30 P.M. here in the City Office?

TERRIE: I will be there.

ALICIA: That works for us as well.

BRAD: Marlowe, please print a copy of the nuisance ordinance and supply to Spencer.

MAYOR: We appreciate you coming in this evening. Should Paul Berntson attend on Friday?

MARLOWE: Paul (Berntson) said that he would never sign off on anything on those buildings.

TERRIE: We will gather some information and then discuss on Friday. I want a written document as well of what is expected and required.

ROBERT BORG: In the agreement, I want it stated that the buildings must be uninhabitable.

TERRIE: If it is up to code then it is acceptable for you?

ROBERT: If Richmond City is okay with it and it is within code then I am okay with it.

PAUL: Let's wait until Friday to discuss further.

ROBERT: I would suggest to Spencer that he come in with a list of all possible uses for those buildings so they can be discussed now rather than later.

MAYOR: Robert, you are more than welcome to attend on Friday if you choose.

ROBERT: I will be out of town.

SPENCER: I am not trying to discredit Marlowe. I think it is a mis-communication issue. Marlowe is a great guy. Just a big misunderstanding.

BUSINESS LICENSE REQUESTS

SIGNING TIME PRESCHOOL

LESLIE BRIGGS: I want to teach preschool two days per week. I want to do a kindergarten type preparation. It is an American curriculum with sign language included. It is experimental and the maximum number of kids I could take at one time is seven.

PAUL: Do you need a State of Utah license?

LESLIE: Not that I know of. The total schooling per week would be four and a half hours. It would be at my house and my yard is totally self-contained. I would offer the students treats and drinks and will contact the Bear River Health Department to see if there is anything I need in this regard. I have had a food handler's permit in the past.

BRAD: No homeowner's association issues to deal with?

LESLIE: Not that I know of. Tim Harris is the President and I will double check with him to make sure.

A motion to approve the business license request for Signing Time Preschool was made by Jeff, seconded by Paul and the vote was unanimous.

TERRIE: If you find out that any certification is required; please provide us a copy as well.

LESLIE: Just so you know, I am a certified teacher.

PDQC STORAGE

MAYOR: Quentin Casperson and Paul DuRee, this is a request for a PDQC Storage. This is down in; they are requesting to start that storage business down in the old factory; which is out west of town. We have looked at that building before with these two individuals. Just a couple of things; you have in your packet tonight their most recent letter. There was a letter in your packet the time before at our June meeting which also outlined some questions/concerns they had that you could look back at as well. There a; a couple of things, as I introduce this; Paul and Quentin have asked that we do this in writing back and forth. I will address more of that in a minute. Just to go through the letter. I have actually spoke today with Bruce Jorgensen and want to touch base on a couple of these issues. The letter infers that as long as we have not allowed a business in that entity that we are now somehow liable in case someone gets hurt. In that structure they have had trespassers down there. They detail that a little bit in the letter to clear that up. We wanted to make sure we are sure with that. We have been told by our legal counsel and I know they quote some legal counsel too but we have been told by our legal counsel and I have a real high confidence level in Bruce (Jorgensen). Our liability starts with the issuance of the permit. While that is a vacant bulding; no legal business down there, that is a private property. It is their baby. Once we issue the permit then we take on some liability there. We have only allowed one legal business down there; that we know of that shows on record. That was the temporary permit for the haunted house. There have been a couple other illegal businesses down there; that when we have found out about them; that we have issued cease and desist orders on those businesses. And they have not been there. In regards to the one temporary permit that was issued. The county had a relook at that for the next year; decided not to reissue the temporary permit. We backed them in that decision; from strictly a liability issue. That if the county was not willing to put their name on the building permit; we were not willing to put our names on the business request down there. In hitting that today with Bruce; I think his comment was even if it was granted prior whether it was good or bad decision doesn't mean we have to make that same decision now for a couple of reasons. One, that building is of such a nature that every year it gets worse and deteriorates further because there is not an active business there. It is not being taken care of. It is not being maintained. The letter down in Item 5, in the Once Again category where he talks about thee unlikely event of cement floors or brick walls catching fire then he gives us permission as a city to let those burn without interruption. We have talked a little bit about that with legal counsel; I guess first and foremost we have a responsibility to make sure our emergency personnel are taken care of. And that could be anything from an emergency medical issue in that building; it is not just a fire issue that we had a

problem with there. We don't take lightly that responsibility. Both for people in the building and for sending our people into the building. As far as the author of the letter wanting to waive these protective rights of whoever may get injured in there; it is not his right to do that. Our people would still go in there and try to offer aid to whoever may be down or hurt in that building. On the second page, he talks a little about protecting the spring; what he is referring to is the well that we have down by the city sheds. We are in compliance with the state on that. He talks about our concerns and how we could buy that property. We don't need to buy that property; we are in compliance with the State as far as a well protection zone down there. That is being relooked right now with part of the issues that we have tackled over the last couple of months. With the State, getting involved there and helping us out. And so his items A, B and A and B that listed there really don't apply to us. We are in compliance with the State; don't need to buy it. We have got our well protection area filed. I think it gets back to almost what we talked about a little bit ago on the other issues. I don't think we have any issue with that property being used if it can be used safely, soundly, all of that. But before we do that I think we need to have (A), the county willing to sign off with an occupancy permit or a safe building use permit. And secondly, we would want county Fire, Chief Hammer, to go through there with probably our own people and make sure they are comfortable with what we have in that building. As far as a structure; and Brad (Jensen) brought up an interesting point. As we got the letter, I think our concerns there are valid. We just this winter lost a building of roughly the same age, same structure, same brick structure and it came down and even though we know that building was uninhabited our emergency personnel have a protocol they need to go through. To make sure someone is not accidentally in the building unaccounted for. And that puts them at risk and probably again not willing to go down that road with this. I guess in final introduction; they comment that we have been tough to work with on that. I don't believe that! We have offered to have a workshop with them on more than one occasion to have them come in, we will bring the council in, sit down, go through that issue and flush out what may or may not be able to be done in that building and in that space. Second issue, is I guess in the past when we have had people come in for a business license, we have set a precedent that they be here and make that presentation. If they are on the agenda and not here; we move them back to the next month's meeting.

TERRIE: The one case that the one gal did have classes the night we did have council meeting but she was willing to take any phone calls; that we have for her, so.

MAYOR: Correct.

TERRIE: Obviously, that is not what they are willing to do.

MAYOR: So his comment at the end, that, he hopes we will not drag our feet, we are all in peril while we are uninsured; I don't believe that applies to the city. I believe that applies to them as a personal property owner; I don't believe the city is at risk there. In talking with our legal counsel, I feel we are on safe ground. Once we issue the building permit then we would then enter into that. I guess at this point I will turn it to the council for discussion. I guess "A" do we want to approve it with conditions, table it, get back to them with kind of some bullet points and ask them to come in, make a presentation or get back in a workshop. Let's open it up and kind of get your feel on this matter.

TERRIE: I did some checking into it; because I have friends around the country who have done; converted old buildings into temporary storage such as what they are proposing and number one, first and foremost, there are building codes for such a thing. Regardless of whether there is someone living in there, if someone working in there, even two hours a day there are still codes and regulations to be met. Based on what Paul (Berntson) has said; what Chief Hammer has said, they have gone through in the past trips there. It does not matter what you have in there. Number one, part of the building they are proposing to use is not safe for people to be in; is not safe. And you have to have people in there to put the stuff away. I have got several questions for them anyway. For the storage, you know, would they limit it to solid items? I worry about the potential for storing 55 gallon drums of some methyl ethyl death in there from somebody for personal storage thing. There are weird things that get put in those storage places and so I would like to find out what requirements they are going to have before I would even consider issuing a permit. I understand their point of view. They would like to see something made, of use made of that building. I feel the council has bent over backwards; I bought back a lot of information from one of the Utah League of Cities and Towns meetings from the Department of Environmental Quality on grant programs and support from the State to help them convert that safely to a useable purpose. And obviously, it has not been dealt with, so.

PAUL: I listed six items that I would like to see. I would like to have the county sign off on an occupancy or use permit. County sign off on fire and safety. Personal appearance by the applicants which can come after all of these are done as far as I am concerned. Four, the items to be stored; he does give us some information here but it is very generic. Five, security of the location because it is dark. There is not any street lighting in that area. And lastly, the access times and the sheer accessibility of the area they want to get into.

BRAD: That is a good point. I would agree with what has been said. First and foremost; I think it would be irresponsible of the council to issue a permit into a structure that could possibly have any kind of safety issue. So regardless of if it is storage or any other type of business. I agree with what has been said. As soon as the building is deemed safe to occupy for any use then I would be more than happy to address any kind of business license regardless of its nature. Specifics after the building is safe to occupy.

JEFF: I agree with everything. There is not much I can say; except for the fact I, on this high profile of a situation over my dead body would I vote without (applicant) representation. That is absolutely asinine to me.

PAUL: (Representation) by the applicant?

JEFF: Yes. And the thought and just the mirror fact that they treat, they treat us like they have nothing to say to us in person bothers me immensely. And I will not even entertain until, until they are willing to step forward and meet us somewhere that is reasonable.

MAYOR: Okay then; at this point. I would, it sounds like, I would take a motion to table that decision.

A motion to table the business license request for PDQC Storage was made by Jeff, seconded by Paul and the vote was unanimous; Brad – Yes, Paul – Yes, Terrie – Yes, Jeff – Yes.

MAYOR: I will get with you, Marlowe, we will talk how we are going to convey that back to them.

GENERAL PLAN UPDATE

MAYOR: Darek and Cindy Gooch from JUB are here this evening. I have asked them to give us an update on the General Plan since this is new for all of us.

DAREK: There is always a need for someone that does the funding applications and that is what Cindy (Gooch) does for us. She will help to update the Master Plan plus she is here this evening to answer funding and grant questions as well as to explain the process. There are sidewalk grants, road enhancement grants, maybe something for the water tank and as you know you received a grant for the MBR plant. This is what she does. In her research last year she found a fire station building grant and we investigated it for Richmond City but we did not qualify.

CINDY GOOCH: We need to be very proactive. I have been doing grant work for ten years and started with Syracuse City. The population went from 9,000 to 21,000 in five years. It was growing so fast that we could not plan properly. Not planning means not having adequate funding. We need to get your Master Plan up to date. It needs to be done so we can apply for the funding that is available. Corinne City had no money and their Master Plan had not been updated since the 1980's. After getting it up to date we were able to get \$120,000 and the community must pay a portion as well and we got \$7,000 from Wal-Mart, \$2,000 from the Governor's office and \$75,000 from CDBG funds. Without the plan being up to date they won't help with funding. Corinne needed a new water tank and water lines. They were able to get up to one million of the two million needed from stimulus funds. There are also CDBG funds available for that project as well. I do not take a narrow minded approach and only look at one project at a time but a big picture approach that takes into account all of the impacts on different areas and not just the one specific item. When the General Plan is evaluated you need to look at everything all together; not separate. We do a Capital Facilities Plan and then I develop other plans from that which will show all your options. We then need a Strategic Funding Plan. We (JUB) can do all of it, a portion of it or none of it. You received 595 funds for your sewer project.

MAYOR: Paul Erickson will be contacting you regarding the General Plan and we will need your help on funding for the water tank project.

CINDY: The first thing we need to do is evaluate your current monthly water rate. The 595 funds are good but now that Senator Bennett is going out of office I don't think they will be available. STAG funds are also good but they were also helped to get through Senator Bennett and won't be available anymore. Large corporations are willing to help. The new tank will cost two million or so and we need to determine if we qualify for some grant funds. We can apply for the 595 funds. If you are in a hurry to get the project done then a loan will be your only option; grants take time and you need to keep reapplying if you get turned down the first time. If you don't get a grant request they will tell you why. We will do a review and see why we were not successful. It might take a few years to get the funding.

JEFF: If it could take three years or so to get the funding, could we get a loan now and apply for the funding to pay off the loan?

CINDY: That depends on the funds, your finances and other factors.

JUSTIN: On the MBR project we were told our MAGI (Medium Adjusted Gross Income) was \$34,000 for Richmond City.

CINDY: There might be some rural development funding based on the new census numbers. The water utility rate must already be at the highest possible rate before we can apply.

BRAD: We just took our rate to that on the sewer fee.

CINDY: It is really a disservice not to increase it every year. Coalville had not changed theirs since 1987. I was able to help Hooper and Corinne but it resulted in a \$15.00 per month per household increase. It gives you more opportunities to apply if you are already charging the maximum allowed.

MARLOWE: The MBR funds were achieved through the help of Senator Bennett.

TERRIE: What about help with historical buildings like our Library and Relic Hall? The buildings are crumbling. Is there anything out there?

CINDY: Are they City owned?

TERRIE: Yes.

CINDY: American Falls did some work with the historic registry and then went after federal funds. You will need national level help for these buildings. Senator Bennett is a great ally that will be missed. He has helped us to be very successful in the past. Maybe we could reach out to Senator (Orrin) Hatch but he is very leery right now to do anything in an election year. Funding is out there; we just need to find it and apply for it.

TERRIE: Our plan has a very fuzzy section on trails. It would be nice to expand to High Creek or down to Cub River.

CINDY: There is a section of the plan for parks/trails and sensitive lands that are documented. It must be in the Capital Improvements Plan to use impact fees for these projects. There is lots of trail money available. Syracuse got \$4,000 and Hooper got one million for their seven miles of continuous trails.

JEFF: So the starting point is to redo our general plan.

CINDY: Normally the Planning & Zoning Commission develops the Master Plan with input from the Council.

MAYOR: Paul (Erickson) will be forming a separate committee for this.

CINDY: Randolph is doing their plan right now and I think they are trying to get done by August.

PAUL: How fast can this be done?

CINDY: I will need some help from your Treasurer as there is a written portion as well.

TERRIE: Have you heard of Envision Utah? It is the citizen's views of what they would like to see in Cache Valley. They talk of trail systems and bike lanes.

CINDY: No. In Kemmerer, Wyoming they need some major planning and they got a HUD grant to help with their \$400,000 plan fee. This project will take two years. GIS information is great and can be shown with your current zoning.

PAUL: Sounds like we just need to get started immediately.

DAREK: I think you have done good with your planning in the past and now it is time to move onto this area.

CINDY: We would start with the General Plan, then the Strategic Plan and then start applying for funds years in advance of the project starting point.

KARREN ERICKSON MINOR SUBDIVISION APPROVAL REQUEST

PAUL: I am here before the Council representing Karren Erickson in her request for a minor subdivision called the Roscoe Farms Estates. I will read my comments from the attached letter so that I don't miss anything.

MAYOR: This area is between the cemetery and 300 East from 300 North to 500 North.

BRAD: How was it named?

PAUL: Roscoe C. Merrill was the original owner and farmed the land many years ago. It has been in the family ever since and my family no longer farms it but has leased it to the Vivian Christensen family to farm.

****Paul Erickson read the following letter.****

To The Richmond City Council:

July 20, 2010

Executive Summary -

I have come before the Council this evening to represent Karren Erickson, the owner of 8.9 acres of land located on the eastern boundary of the cemetery, stretching from 300 North to approximately 425 North. The land is presently zoned RMD. I am Karren's son, and am assisting her as the developer of a minor subdivision. I am also a member of the Richmond City Council.

My request is an appeal to the direction we received from Richmond's Planning and Zoning Commission in March to split the subject into three lots. Planning and zoning clearly stated to me, and to a potential buyer of one of the lots, that no exceptions to the full subdivision and full-plat requirements set forth in state law exist, and that all subdivisions must conform to that standard.

Subsequent to the March appearance before planning and zoning, I have located a significant amount of information regarding what may be approved as a minor subdivision, and what does not qualify as a minor subdivision under Richmond City Ordinance, and under Utah State Code.

Earlier this month I appeared before the Richmond Planning and Zoning Commission to provide them with the information I had collected, but was directed again, to refer to the guidance that planning and zoning had given in March. The Council should also know that planning and zoning did not have a quorum of members present to consider my request. However, the Council chair re-affirmed the March direction of requiring the full plat process for this request.

Request -

My request this evening is to present a minor subdivision plat consisting of four lots as part of the Combined Preliminary and Final Plat Process outlined in Title 12-500 "Subdivisions" per Ordinance 2006-2, which is located on pages 114 and 115 of each Council member's Planning

and Zoning handbook. I would also like to mention to the Council that the full outline for minor subdivisions is contained in Utah Code 10-9a-605, a copy of which is included in your minute's packet.

Project -

The project will be named Roscoe's Farm Estates, with four total lots. Lot #1 is the only parcel that has been subdivided and sold. This occurred in March 2010. Karren sold this lot to my wife, Leslie and I. As you can see, our lot was part of approximately 12 acres of land prior to this first division. Lots 2, 3 & 4 are proposed at 1.8 acres, 2.0 acres, and 5.1 acres, respectively. Karren has potential buyers for lots three and four, and Karren Erickson intends to keep lot #2 for herself as the location of a future personal residence. Each of the tentative sales includes shares of secondary water from Richmond Irrigation Company. Karren's overriding desire in this division is to keep as much open space as possible, hence the divisions of land as I've presented it.

I have read through each of the requirements of section 605 in the State Code, as well as the information contained in Richmond City's ordinance for a combined preliminary and final plat. I am asking the city Council to consider Karren's request under these allowances.

Summary of Actions Completed –

To date, I have completed or met the following requirements:

- Completed a survey and minor subdivision preliminary and final plat
- Completed a topographical map showing sewer access points in detail
- Compared the proposed development to the master plan to determine that none of the land lies in an area where a future road or city street has been indentified
- Verified that the current request meets current zoning requirements and that the current and proposed uses conform to all land use ordinances
- Verified that the proposed division of land does not require the dedication of any of that land to the city
- Have had discussions with Brad Jensen about city water and sewer requirements. Brad has required, if approved, that each buyer attest at closing that he / she is aware that all applicable Richmond City ordinances, including assessments for sewer, water or road improvements remain in force for each land owner.
- Have had discussions the city engineer about the land layout, sewer, water, and fire requirements.
- Have verified to the best of my ability that no major special development considerations will be involved, and that all other information that I can think of has been presented with this preliminary and final

I appreciate the opportunity to come before my peers this evening in a very unusual setting, and would now be pleased to answer any questions you may have of me.

MAYOR: Brad has brought up one point that we should point out and that is our 10 year ordinance for a person that benefits from improvements to the road, etc. The person benefiting from this would need to help in sharing the costs. This would be between the developer and the home builder and not the city. This applies within a ten year period.

TERRIE: I don't see any problems; minor subdivisions like this have been approved in the past.

BRAD: All of the homework on this project has been completed right down to the topographical map. The potential buyers are aware of what they might run into.

PAUL: A sewer lift station will most likely be required for Lots 1, 2 and 3.

BRAD: That has no effect on the land division. There will be no new roads, proper easements are in place and the necessary frontage is there as well.

JEFF: I definitely like this over other ideas I have seen for that area. Few homes than expected and I think it is a good choice. It is a fact that it will be developed and the zoning allows for significantly more than this. I would much rather see this than 100 homes.

TERRIE: Look like to me; it meets the requirements for the exemption.

PAUL: It was never explained by Planning & Zoning that this was an option. It does state that the Land Use Authority "may" approve. Our intent as a family is to sell it and keep as few a number of homes as possible and the potential buyer wants to continue to farm the land.

MAYOR: I think it is great.

***A motion to approve the Roscoe Farms Estates minor subdivision preliminary and final plat appeal/exemption was made by Terrie, seconded by Brad and the vote was, Brad – Yes, Terrie – Yes, Jeff – Yes, Paul - Abstained, passes by a vote of 3-0. ***

MAYOR: No public hearing was required for this.

JEFF: I do have one request for the future; we need to help others understand this in the future if it arises again.

PAUL: Planning & Zoning was hesitant to do anything that they were not comfortable with.

BRAD: We are following all of the ordinances.

MARLOWE: You should review the ordinance when you have the opportunity.

TERRIE: The door is always open for interpretation. I live in a minor subdivision.

BRAD: The Schill/Stoddard minor subdivision is the exact same thing as this.

TERRIE: The ordinance allows for case by case appeals.

MARLOWE: Yes and you must meet the four requirements of the ordinance.

JEFF: The Council feels like we make the decision properly and need this clarified if questions arise from the ordinance.

FINANCIAL REPORT

JUSTIN: I don't have any financials to show this evening as we are preparing year end for the upcoming audit that will most likely be presented in December. I would like to point out that I read recently in the Herald Journal about Cache County and Bear River Association of Governments having some major accounting issues. I want the Council to know that Chris, Marlowe, and myself do everything in our power to avoid major problems or oversight. I feel very confident in the information that is placed before you and will continue to do what I can to ensure compliance and to avoid major infractions.

COUNCIL MEMBER REPORTS

PAUL: The \$7,000 in additional Class C Road Funds that we were not expecting was used to fix potholes for about \$4,000 and for the new road survey by PaVas which cost about \$3,000. Once the plan is done we will make our plans on what areas we want to focus on for the next couple of years. The worst road in town, coincidentally, is Erickson Circle. There was not any maintenance on it for years and the cracking is very significant. The base layer has been damaged as well. Norton is putting together some ideas of what can be done. Our 2010 chip/seal that was recently completed came in at the same cost as in 1999. We are very fortunate in that regard. The water diversion problem is currently being worked on in Hill Haven, a California swell is being installed. We might have to address this same problem in two more areas next year. The sidewalk corners at State and Main will be redone for handicap access and other reasons very soon. There is a signage issue at the railroad crossing at the maintenance shed that is being addressed as well. We have two very good contractors we have been working with on the roads. Larsen Paving is one of them and they have been doing a great job at a reasonable price.

TERRIE: There were 86 children and 21 parents that attended the first day of story hour at the library. I believe it will be winding up next week. There are two new members on the library board; Shane Larsen and Minny Dayton;

they officially joined on July 1st. Jeana Natali will be moving and we will need to find a replacement for her in the future. The library will be closed the first week of August for some shelving work, rearranging, etc. There is increased security on the basement windows as well. The EMT report has already been given but I am in constant contact with Coltin via e-mail as our work schedules are very different currently. CERT is taking a summer vacation and will start monthly meetings again in September. The website is getting more visitors each month; let me know if there is anything you want added or changed.

MAYOR: I think it looks great and is top notch.

JEFF: I have been approached by some citizens that want to do an annual craft fair here in the community building. Richmond would not be required to do anything but allow them to rent the community building and use the word “Richmond” in their advertising. Rhonda Davis is the chairman that is putting it together and has three others that are helping as well. They were hoping to have a small blurb in the newsletter as well. They just want to put the date, time and location.

CHRIS: Would the normal daily rent apply?

JEFF: Yes. They are charging customers for their items. They might be renting for one or two days.

PAUL: All they are asking for is to be able to rent the building?

JEFF: Yes and the word “Richmond”. They will meet the insurance requirements and anything else that is required in that regard.

TERRIE: Having proper insurance is the key.

MARLOWE: When are they wanting to do this?

CHRIS: They asked about a day in October but it is already being rented on that day so they are trying to come up with an alternative date.

JEFF: Most craft fairs are in November or later so they wanted to be one of the first in the mid to end of October.

CHRIS: Currently, their first choice date is already taken.

MAYOR: Each vendor that sales over \$1,000 would be required to have a business license as well.

MAYOR’S REPORT

MAYOR: Cache County Attorney James Swink sent us a notice/copy of the ordinance of special events. Richmond City is held exempt. If the event is something that Richmond City sponsors then there are not any problems. This issue stems from the Mountain Man Rendezvous last year up Blacksmith Fork Canyon where a person was killed. Emergency Response did not know where or when the event was occurring; how to get there and when they did arrive there was an issue of actually being able to get emergency response personnel to the victim. The County wants to know when events are going on, where, size, etc. for the future. We have the official go ahead to do the trenching on the possible water tank location. A check has been prepared and will be signed tonight with the other bills. There has been constant e-mail contact regarding this issue lately. We will be paying the Richards approximately \$6,400 for the disturbance we will be causing to their land. This has been a long process but I am 100% sure this is the right land for that project and the appraisal came in at a good price.

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

A&D Landscaping	379.32
Allen Rock	3004.65
Altius	1601.85
Audio Adventures	268.20
Badger	422.60
Bear River Health	40.00
Blue Stakes	91.63
Borders	162.29
Cache County Road	39108.21
Chevron	23.24
CNH Capital	176.16
Coats	600.00
Denny's	41.38
Discovery Girls	29.95
Fleet Services	72.90
Hall's	119.91
Huber Technology	172.44
Ipaco	130.06
Itty Bitty	1151.92
JUB	10703.07
J'Wayne McArther	30.00
Landmark Audio	308.70
Larsen Asphalt	4000.00
Lewiston City	26.25
LN Curtis	923.20
Logan Landscape	177.00
Maverik	573.76
Motorola	1456.00
Nextel	151.79
North Cache Vet	30.00
Oldcastle	78.05
Olson & hoggan	2869.00
PAVAS	3000.00
PC's Unlimited	19.95
PEHP	153.00
Qwest	439.92
Randys	177.95
Reader's Digest	13.98
Rocky Mountain Power	7649.4

Sign Pro	77.71
Smithfield Imp	249.04
Sprinkler Supply	260.18
Staples	311.26
Stokes Plumbing	765.00
The Logo Shop	627.77
U&I Kiwanian	195.00
USA Bluebook	799.18
Utah Local Governments Trust	34640.23
Valley Office Systems	213.12
Verizon	60.07
Visa	126.35
Watkins	950.41
Xerox	569.78

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

Adjournment at 9:40 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder