

**RICHMOND CITY COUNCIL**

**OCTOBER 19, 2010**

The regular meeting of the Richmond City Council was held at the Richmond City Community Building located at 6 West Main, Richmond, Utah on Tuesday, October 19, 2010. The meeting began at 7:00 P.M.; Mayor Michael Hall was in the chair. The opening remarks were made by Brad Jensen.

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

\*\*\*A motion to approve the September 28, 2010 City Council meeting minutes was made by Terrie, seconded by Allen and the vote was unanimous.\*\*\*

**MAINTENANCE REPORT**

**SCOTT:** I will be attending a wastewater conference in Austin, Texas on November 10th-12th.

**TREASURER REPORT**

**CHRIS:** Dog licenses paid for during 2010 are down significantly compared to other years. So far this year we are at (273) where in 2006 (349), 2007 (346), 2008 (315) and 2009 (317). I am not sure why. I mailed reminder letters as well to those that had purchased last year but not yet this year.

**TERRIE:** I would suggest putting a reminder in the newsletter.

**MAYOR:** Let's put something on the website as well.

**300 EAST 500 NORTH INTERSECTION ISSUE/CONCERN**

**MAYOR:** I have supplied each of you with the write-up from J-U-B Engineering regarding what can and cannot be done at this intersection. Thanks to Samuel Powell and Darek (Kimball) for investigating this issue and reporting back to us on our options. There are a couple of options at this point. One would be to have a three-way stop which would be based on certain sight restrictions. Second would be to have a Stop sign on the east leg and Yield signs on the north and south legs. Third would be to do nothing at this point. After reviewing; it appears they would recommend a Stop sign on the east leg. It does specifically state that a sign cannot be installed for speed control purposes and that in certain circumstances installing signs can actually increase speeding. The options are to do nothing or install some new signs.

**JEFF:** I took a family drive to review this issue. The tree on the north east corner (Champ & Theda Webb residence location) of the intersection blocks the view coming from the north for sure. I absolutely think we need a Stop sign on the east leg. I went down the road twice and speeding is an issue.

**BRAD:** It says that according to studies that speed control will actually increase not decrease with more signs. I think it makes sense to put a stop sign on the east leg and remove the Stop sign on the north leg and Yield sign on the south leg.

**DAREK:** In order to do that the line of sight coming to the intersection must be clear and that tree is a big issue.

**BRAD:** Our options are limited then if the tree stays.

**MAYOR:** Is the tree in question on City property?

**MARLOWE:** I don't know but would suspect it is on private property and that it was planted by the homeowner.

**TERRIE:** Is it in the City easement?

**JEFF:** I don't think it is a bad idea to have a three-way stop there.

**TERRIE:** Since the tree is considered a hazard would that allow for a three-way stop?

**DAREK:** Yes. The line of sight must be clear for about 250feet. So you can remove the tree or have a three-way stop. The current Stop sign and Yield sign is confusing.

**MAYOR:** I think we might as well get people used to it (stopping) as there will only get more traffic in that area not less as development continues to occur.

**TERRIE:** I think we should proceed to find the costs of the signs.

**MAYOR:** Let's get some prices and then make a determination of what to do or not do at the next Council meeting.

**MARLOWE:** We would only need one pole and two signs as we could use the existing Yield sign pole on the south leg.

**SCOTT:** Do you want warning signs on all three legs?

**ALLEN:** No, just coming from the east.

## QUARTERLY COURT REPORT

**JUDGE FUNK:** Deputy Carley will not be attending this evening as he was just called out on a call. I have been told they have made an arrest in regards to the recent city burglaries. I don't have the specifics but it is a person with ties to Rexburg, Idaho and local ties as well. It is just one person as this point. I have included the quarterly court report for your review.

	4 <sup>th</sup> Qtr 09	1 <sup>st</sup> Qtr 10	2 <sup>nd</sup> Qtr 10	3 <sup>rd</sup> Qtr 10	Total
Cases Filed	100	164	169	185	618
State Revenue	\$10,778	\$3,560	\$11,398	\$13,595	\$39,332
City Revenue	\$10,322	\$1,631	\$4,935	\$5,671	\$22,558
Total	\$21,100	\$5,191	\$16,333	\$19,266	\$61,890

**JUDGE FUNK:** Cases for the third quarter were up slightly. We usually see this when the officers can patrol with motorcycles. The collections from the previous quarter are coming in nicely.

**TERRIE:** Why the fluctuation in what the City revenue is?

**JUDGE FUNK:** It is based on the type of ticket. Some are a 35% surcharge for the City and some are an 80% surcharge.

**MAYOR:** In the last thirty days we have gone to a cell phone type phone system for the Court that forwards the caller to Matt or Melissa so they can respond to any questions regarding Court related items.

**JUDGE FUNK:** It is working quite well and was a fantastic idea.

**TERRIE:** I will post the new court number on the website as well.

**JUDGE FUNK:** Melissa is doing some training this week so that she will be allowed to do background checks. Currently, we have to have Judge Skidmore do this for us. This will make it so we can do the background checks immediately, after Melissa is trained and authorized to do so. I would also like to point out but I am sure you are already aware that the Stop sign that has been placed midblock in front of Park School is actually illegal and cannot be enforced as a Stop sign.

**MAYOR:** It is being left there more as a reminder to be cautious and slow since it is a school area.

**BRAD:** Do we get any revenue from the irrigation water citations?

**JUDGE FUNK:** It is a Class B misdemeanor that could be fined up to \$600 per violation but my research shows in the past that we have fined \$50 per violation so no there is not any revenue to the City since it is such a small amount and after paying the Sheriff's Office to issue the citation. I am going to have to let the irrigation company know but there are some limitations as it states that the person must be "willingly and knowingly" breaking the law in order for it to be enforced. If the person does not know then it cannot be enforced.

## **QUARTERLY FIRE & EMT REPORT**

**FIRE CHIEF LYLE BAIR:** We had 27 calls in the last Quarter. There were 12 EMS calls and 15 fire calls. So far year-to-date there have been 91 calls. We are moving at a quick pace. Myself and one other member took the fire engine to Herriman to assist in that fire. I have two applications for new members. I was able to interview Daniel Cazier and he was previously CPR certified but would need to get current on his certification. He wants to be a fire fighter and EMT. I have also interviewed Brian Gibbons. He does not have any previous experience but does have his CDL and his hazmat CDL as well. He said he just wants to help out and give back. Brian is a farmer in Lewiston so unless a big emergency arises he will only be able to help at night. Daniel works out of town as well and would only be available for evenings as well. The phone number for people to call to get a burn permit is (435) 932-0234. This is a Google voicemail that is forwarded to whoever we have in charge on that given day.

**TERRIE:** The number is on the website as well.

**LYLE:** There is a possibility that the burn season can be extended but permission for that must come from the Air Quality Board. The County will check into this and let us know.

**BRAD:** So we would follow their lead if they are given permission to extend?

**LYLE:** Yes, it would basically be in effect for the entire County.

**BRAD:** Otherwise it is done on October 31<sup>st</sup>.

**MARLOWE:** I am going to print the newsletter on Friday if you want to include something.

**LYLE:** One other nice feature about the voicemail system is that it will say if it is a good burn day or bad burn day and if good then leave a message and we will return the call to authorize the burning.

\*\*\*A motion to approve Daniel Cazier and Brian Gibbons to join the Fire and EMS departments was made by Terrie, seconded by Jeff and the vote was unanimous.\*\*\*

**MAYOR:** We appreciate your service and please let the entire Department know that we appreciate what you do for all of us.

### **CHERRY CREEK DENTAL WASTEWATER FLOW METER UPDATE**

**MAYOR:** Dr. Larsen could not attend this evening but I have asked Terrie to give us a current update.

**TERRIE:** I sent Dr. Larsen the info I had regarding the flow meters. The majority of the cost in the bids he received is due to piping issues and the need for a vault to be constructed. I think an in-line flow meter for the irrigation water usage would do what we need but Marlowe is concerned about having a second meter. I think the second meter is very doable but there would be a cost involved as well. I think the irrigation water meter would serve the purpose for both sides. If this works it could possibly benefit several other businesses as well if they choose to do something like this. We would need the right to inspect though to make sure it is setup properly.

**MARLOWE:** So, we would have to manually check the reading on the second meter?

**TERRIE:** Yes, or the user could call in the usage numbers monthly.

**MARLOWE:** So we would read the regular meter with the wand but have to pull the cover off and manually read the second meter?

**TERRIE:** Yes. This is something we could grant a variance for and use as a trial basis and for others if it works smoothly.

**MARLOWE:** The schools could do this as well if they want to.

**BRAD:** That is fine; we don't want to overcharge anyone. I would suggest giving Dr. Larsen the price of our meter as an option.

**ALLEN:** I think it needs to be our meter since it is in our system. Easier to read and monitor.

**JUSTIN:** Why not hook up the meter separately and he could have a monthly fee for the building and a separate fee for the water used on the lawn like the Cherry Creek Heights park where they turn it on and off for six months per year?

**SCOTT:** A separate connection would require a new impact fee.

**MARLOWE:** That is what we are trying to avoid so a second in-line meter would not require the impact fee.

**JEFF:** I think they need to use our meter so we can easily get the reading just like all the other City meters.

**ALLEN:** I think that is the best option.

**MARLOWE:** They would have the cost of the meter and meter barrel and reading pad and saddle.

**JEFF:** Dr. Larsen has already said that he is willing to incur some expense to save long term.

**CHRIS:** Would we be adjusting his past utility bills?

**MAYOR:** No. This would just be moving forward.

### **ICE SKATING RINK UPDATE**

**MAYOR:** Spencer Gibbons approached the Council last year about making an ice skating rink at the ball park. This is something that he would not be doing individually but with the help of the Lion's Club. They want to do it at the tennis courts rather than at the ball park as previously proposed. This is something they would do and handle, not a City project.

**SCOTT:** I see a couple of issues at the tennis court. As ice forms it pushes out and could damage the fence. The tennis net poles are permanent and could hurt someone if they ran into them.

**MAYOR:** We will review the Lion's Club proposal and go from there.

### **PROPOSED ORDINANCE 2010-3 REVIEW AND DISCUSSION REGARDING SYNTHETIC CANNABINOIDS**

**MAYOR:** At the last meeting we discussed reviewing and considering an ordinance to ban SPICE. The proposed Ordinance 2010-3 is based off the ordinance recently passed by Cache County and Providence. It is the same verbiage but for Richmond City. Currently, we do not have an ordinance in place that would allow for prosecution in the City.

**MARLOWE:** At the last meeting Terrie was worried about new synthetic drugs that come along but if you review 13-328, Section "A", Number 5, Part "E" it states "any structurally similar analogs of the substances listed above" and this should cover that concern.

**MAYOR:** The Bear River Health Department has passed a statute as well but we have been told it is better from a prosecution standpoint to have a City ordinance in place. All this is for is a stop gap measure until the State of Utah does something.

**TERRIE:** So you could not even have in your house for incense purposes? Judge what is your take on that?

**JUDGE FUNK:** I have not seen or reviewed the proposed ordinance. Yes, according to this, you cannot even possess for any purpose.

**TERRIE:** I am worried about people unknowingly having something that is possibly illegal.

**JEFF:** The intent of it being incense to what it is being used for now is changing quickly. This is an all or none type deal I think.

**TERRIE:** I am not sure how big an issue this is.

**BRAD:** I know it affected our City party as the officers had to leave to respond to such a call in Clarkston.

**JEFF:** Judge, how often are you seeing something like this?

**JUDGE FUNK:** We have had two cases that had to be dismissed because there was not an ordinance in place.

**TERRIE:** There is not something already in place that if you are driving impaired that you can be prosecuted?

**JUDGE FUNK:** There is but it is a very weak statute. It is anticipated that the Legislature will do something the next time they meet and have it in place by July 1, 2011 so this would just be a stop gap until that point.

**MAYOR:** My understanding is the local shops can sell what remaining product they have on the shelves but cannot purchase anymore.

**BRAD:** This ordinance is something that I would support.

**TERRIE:** I wish we had something that had a broader reach and was not so specific.

**JUDGE FUNK:** SPICE is a designer drug.

**MAYOR:** If we put another clause in the ordinance I wonder if it would stand up from a prosecution perspective?

**JUDGE FUNK:** I am not sure where I am not a lawyer.

**MARLOWE:** This ordinance was created by Cache County Attorney James Swink and any changes that you want to make would need to be reviewed by our attorney Bruce Jorgensen and that would delay possible passage for a couple of months.

**TERRIE:** My only hang-up is that I wish the language was broader.

**MAYOR:** Marlowe, include this on next month's agenda to review and possibly vote on.

## **FINANCIAL REPORT**

**JUSTIN:** We received Lewiston City's \$7,500 portion this month for the Cub River Sports Complex. I did send them a summary last month about all the transactions in the Cub River Sports Complex in the last budget year. We received \$792 towards the naming of two of the six blue benches at the new City playground. The person prefers to remain anonymous at this point. The auditor's are here and working with Chris and Marlowe and myself this week. They will present the audit at the December Council meeting. Paul has spent the yearly allocation on sidewalks and is going to be doing more crack sealing this month. He is doing a great job with limited resources. We have a lot of roads and not much money to spend on them.

**MARLOWE:** The payment to AQUA Engineering that was drawn on July 7<sup>th</sup> has finally been mailed. I had to wait to mail it until the draw was formally approved by the DWQ which happened this week.

## **COUNCIL MEMBER REPORTS**

**BRAD:** I met with Fire Chief Bair as part of their officers meeting and we discussed doing an upgrade on the interior of the building. To my knowledge nothing has been done since the building was originally built. By changing the layout this will help to offer better training. I am going to check with Paul Berntson and see if we can do it with volunteer labor or if we need someone with a valid contractor's license to help out. Chief Bair is making a list of what they would like to do and then it will get designed and presented to the Council for discussion and possible approval. We are also considering some exterior naming on the building with the name and number of the department. We also need to do something with the east side of the building where the berm used to be.

**LYLE:** It would be nice to make it a driveway as when the entire force arrives we have limited parking.

**BRAD:** We are checking to see if building renovation would be part of a training grant that is available. There are no new water or sewer issues or problems. We are still looking for a new/used snowplow truck. I have been contacted by a youth that would like to do an Eagle Scout project at the park. He would like to install a six foot picnic table and possibly some pavers to the tennis court.

**JEFF:** The Cemetery mapping project is almost complete. This has involved five different Eagle Scout projects. One of them is 100% complete. Three of them are almost done. I have not been able to get hold of the fifth kid and don't know the status of what is done or not done on his portion. This has come together fairly well. We have taken pictures of each headstone and family marker. Once all the data is compiled along with the information from the D.U.P. and some information that Leslie Erickson has gathered it will all be input into a spreadsheet; most likely Excel. Technically we are about 50% of the way done with the entire project which we hoped to have done by next fall. I would say we are about one month behind but with a volunteer project like this I feel good about where we are at. We have spent about \$3,000 so far and the initial stage of the software package is complete.

**BRAD:** Any idea how many man hours have been volunteered to this point?

**JEFF:** An Eagle Scout project requires 50 hours but each of these youth have 100 at a minimum. They have done the hard part of the project. I have been reviewing other communities' employee cell phone policies and have not come up with anything specific yet for Richmond City. There are certain things in each of the communities that I have reviewed that would work for the City and other portions that would not apply. I will try and have our own policy drafted for review at the next Council meeting. Within the next couple of days we will be changing the City employee e-mail addresses from @pcu.net to @richmond-utah.com. This will apply to Scott, Marlowe and Chris. The beginning portion of e-mail will still be the same so for example Marlowe's will change from richmondcity @pcu.net to richmondcity@richmond-utah.com. We will still forward all the e-mails received at the pcu.net address to the new address for the next couple of months. This is also a better financial decision as it currently costs \$19.95 per month with limited storage and the new fee after the switch will be \$12.00 per month with unlimited storage.

**TERRIE:** Outlook will look just the same; just the address will be different.

**JUSTIN:** Are you changing Juliene's as well?

**TERRIE:** She has been resistant in the past.

**JEFF:** I will talk to Juliene and let her know this is the direction we are going and help get her set up.

**ALLEN:** I have supplied you a copy of the official Planning & Zoning meeting minutes from the August 3<sup>rd</sup> meeting and the unofficial draft copy of the October 5<sup>th</sup> meeting. Moving forward the Council will receive a draft copy of the Commission's current month's meeting minutes for review and to keep them up to speed on what they discussed. This will improve communication between the Council and the Commission. At the October meeting, Sara Ann and Reed Ripplinger made the request for a conditional-use permit to allow RV's to be parked in their mobile home park. This was due to the snow load limit and the requirement by the City of 40 lbs per square foot where most mobile home roofs are made at 30 lbs per square foot. This was

approved by Planning & Zoning and will allow for up to five RV's at any given time. Part of the agreement is that Scott (Ball) or another City employee must inspect the RV to make sure the septic system has been cleaned of any chemicals that would be bad for our wastewater system. They (Ripplinger's) have this written in their contract. We will also make sure they are hooked up properly.

**BRAD:** Another stipulation was that a gas trap must be added as well.

**MARLOWE:** The gas trap was talked about after the meeting. The Ripplinger's will be coming to the Council at the November meeting.

**ALLEN:** A year ago or so we sent a letter to citizen on 600 South advising him that he could not have a fence over six feet tall per City ordinance. He just had the fence posts in the ground until recently and it is now complete and appears to be eight to nine feet high, well over six feet for sure. I have advised several others that they cannot have fences over six feet per ordinance and we will need to do something here.

**MAYOR:** Let's get a copy of the letter and review it.

**BRAD:** It is against ordinance and he needs to correct it.

**ALLEN:** It is for sure eight to nine feet high.

**TERRIE:** We should also remind him that he was previously warned against doing this.

**JEFF:** There also needs to be a timeframe in the letter that says it needs to be corrected by a certain date.

**MAYOR:** We will review the letter and send him another one.

**ALLEN:** Spencer (Jensen) is moving his stuff like he committed to do.

**BRAD:** I see two small building have been hauled in; they both appear to be under 200 square feet.

**TERRIE:** He agreed to have the back building hauled away and the area cleaned up by October 6<sup>th</sup>. He also agreed to have a For Sale sign in the front building as well.

## **MAYOR'S REPORT**

**MAYOR:** Lower Foods has been doing a large expansion and has invited the Council to have a walkthrough of the building on Tuesday, October 26<sup>th</sup>, Wednesday, October 27<sup>th</sup> or Tuesday, November 9<sup>th</sup> or Wednesday, November 10<sup>th</sup>. I was going to commit to Tuesday, October 26<sup>th</sup> if that is okay with everyone. What time works for everyone?

**BRAD:** I would get with Tucker (Thatcher) and see what time works best for them.

**MAYOR:** In regards to the water tank; the plans are moving forward and it is time to start looking at financing options. Alex Buxton from Zions Bank has offered to make a presentation to the Council about the services they offer and what to expect in this process as we move forward whether it be with Zions or another lender. I would like to see if he can attend the November or December Council meeting.

**DAREK:** I am in the process of reviewing the final plan of the tank and then the plans will be sent to the State of Utah for approval. I would think by the time they approve and we get the official go ahead that we would look at going to bid in January. We will need to get a conditional-use permit from Cache County. We have contacted the DWR to see if it would be possible to put the dirt from the hole on their property while we build the tank and then move the

dirt back onto the property when done. I would suggest getting the financing for the tank in place sooner than later.

**MAYOR:** I have provided each of you the response from Bruce Jorgensen regarding activity at the old cheese factory. We need to keep an eye on it and would need to get cause for a warrant to be issued before we can enter the premises without their permission. Trucks coming and going from the property is not enough. As Allen stated, you have the Planning & Zoning minutes for review each month and then we will supply the Planning & Zoning a copy of our agenda so they will know exactly what is going on and being discussed so if they have questions and concerns they can let us know about it or attend that meeting. I have also provided you a document written by David Church regarding the open meeting policies in the State of Utah. It is exactly what we are already doing but offers some other useful tips and suggestions. Planning & Zoning has been supplied a copy of this as well. You will also see a LUDMA handout to review before the next Council meeting. Marlowe, about how much is left to review?

**MARLOWE:** I would say 100 pages or so. I am literally having to go through it word by word and compare ours to the State of Utah Annotated Code.

**MAYOR:** The next Council meeting is on November 16<sup>th</sup>. The December meeting is scheduled for the 21<sup>st</sup> but we have wondered about moving it away from Christmas week to the Wednesday before; December 15<sup>th</sup>. The Court will be in session but we can work around what they need.

**JEFF:** One more thing I forgot to mention. Christina Palmer has been over the Youth Council and Wendy Pointer and her husband have been helping her out. Christina would like to do other things and Wendy and her husband will be taking over. This will be an easy transition.

**MARLOWE:** Do they live outside the City limits?

**JEFF:** Yes, across the street from Judge Funk.

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

Advanced Heating and Air	165.00
Allen Rock	85.82
Allied Insurance	118.00
Bear River Health	40.00
Beazer Lock & Key	19.7
Buzz Electric	4322.00
Cache Chemical	281.62
Cache Co. Corp	1780.50
Cache County Roads	698.18
Chemtech Ford	522.00
Chris Purser	389.40
Clint Dirks	180.00
Component Playgrounds	3870.00
Corey Wiley	40.00
Denny's	49.66
Deseret Book	10.66

Ecosystems	181.00
Extreme Computers	129.00
Fat Boy Ice Cream	232.00
Filbies North	63.80
Fleet Services	142.00
Garrett & Company	2376.00
Hall's	147.47
Industrial Tool and Supply	124.82
Intermountain Farmers	156.99
IPACO	2771.76
Jeff Young	95.00
Laser Precision	98.00
Lee's	756.85
Lewiston City	634.04
Lloyd Facer Trucking	91.50
Lyn Distributing	92.11
Maverik	970.26
Nextel	347.20
North Cache Vet Service	73.00
Olson & Hoggan	3875.50
PC's Unlimited	19.95
PEHP	160.68
Postmaster	156.00
Qwest	438.64
Rocky Mountain Power	7658.57
Smithfield Auto	101.78
Smithfield imp	12.94
Tamara Hardy	46.00
The Book Table	166.50
UEN	173.14
Utah Assoc of Special Districts	65.00
Utah Local Government Trust	87.22
Verizon	60.95
Visa	2455.29
Xerox	393.90

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

Adjournment at 8:40 P.M.

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Michael E. Hall, Mayor

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Justin B. Lewis, Recorder