

November 20, 2012

RICHMOND CITY COUNCIL

The regular meeting of the Richmond City Council was held at the Richmond City Office Building located at 6 West Main, Richmond, Utah on Tuesday, November 20, 2012. The meeting began at 7:00 P.M., Mayor Michael Hall was in the Chair. The opening remarks were made by Tucker Thatcher.

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

A motion to approve the October 16, 2012 City Council meeting minutes was made by Terrie, seconded by Tucker and the vote was unanimous.

DEPUTY REPORT

DEPUTY HATCH: I sent an e-mail to the office regarding the speeding on the North Cache Road, have you seen any improvement?

MAYOR: Yes.

DEPUTY: I also sent an e-mail about the skateboarders in the road wearing dark clothing and have not heard anything back.

MAYOR: I think it is a little better. The newness of the road is wearing off and I have seen the deputies patrolling.

DEPUTY: I am not aware of any other requests from the Council.

PAUL: While working in the area of 300 East 500 North there is a three-way stop up there. I would like to see some patrolling up there as quite frequently the Stop sign is run through. We installed those signs for safety purposes. I have noticed it is more common for people not to stop coming from the north and going south.

DEPUTY: I will make an e-mail request to the office in that regard.

TERRIE: Just a reminder that our winter parking ordinance is in effect.

MARLOWE: Yes, people need to keep vehicles off the roads from 10:00 P.M. to 7:00 A.M. I personally spoke with a deputy a week ago this past Saturday specifically about this item. I would suggest just giving warning tickets until it snows.

PARK ELEMENTARY SCHOOL "NO U-TURN" SIGN REQUEST

MAYOR: We have a request from Park School Elementary for "No U-Turns" signs to be placed in front of the school. This would be on 100 West from Main Street to 100 South and they are requesting a sign in each direction. I have talked to the City Engineer and if we agree to install the signs they must be posted from the end of the block to the other end of the block per State code.

PRINCIPAL MCDOWELL: I would like to take a minute to explain our student loading and unloading zone. I have been the new Principal since last year and immediately noticed after taking over that our unloading zone was not very organized and that cars were double and triple parked. Cars need to drive from the north to the south and pull up to the curb and let their children out and then continue on to the south. I cannot have double and triple parking as children are running in between vehicles and that is not safe. We have put up cones on the south end of the block to keep vehicles from driving to the north when school is let out. I also have teachers helping out on the crosswalk and when parents are loading and unloading. Parents don't want to wait their turn to leave because they are in a hurry and they flip a U-turn to leave quickly. There are designated parking spots as well and they are not being utilized correctly either. It is just an unnecessary risk. I have been working with Deputy Hansen and he said that Millville Elementary and Spring Creek Elementary have installed the "No U-turn" signs. I know that Marlowe has a concern that if they were installed that it would apply year round. We are asking for two signs that say "No U-turn" during school hours, is something like that acceptable? We had a portable stop sign in the past but it was stolen.

MAYOR: That sign was not the City's, it was the schools and we found out that it could not legally be enforced.

PRINCIPAL MCDOWELL: When I started, vehicles were allowed behind the school and I have got that changed and they are no longer allowed back there and we are good to go there now. I went to the Community Council and the parents felt that since there was not any signage that they did not know they could not make a U-turn. I have even sent letters to parents asking for their help but we still have the same problem. It was suggested by law enforcement that I come before the Council for our request and your input. We are a small school and it only takes five minutes to get around the block but parents are impatient. The Coca-Cola truck even tried to make a U-turn. I was hired for the kids and I love all the kids and I need to keep them safe. I cannot live with the thought of someone getting hurt. I know there is a high probability of a vehicle accident as well. I am just asking for these two signs to be mounted in the ground saying no U-turns during school hours.

MARLOWE: I would suggest changing the terminology to say "When School is in Session".

PAUL: Would it be better if it was a one-way street?

PRINCIPAL MCDOWELL: No. We only block the traffic coming north right before school starts and right when it ends. It is only busy just for that few minutes when children are coming and going to start and end the day. It would not be fair to the community to make it a one-way due to thirty minutes a day at the school.

PAUL: Would the signs be enforceable?

DEPUTY HATCH: The signs are up at Millville and Spring Creek now and when the signs are installed they can be enforced.

PRINCIPAL MCDOWELL: The State of Utah statute says if the device is properly installed then it can be enforced.

BRAD: In the afternoon if no U-turns are not allowed in front of the church won't this cause some congestion issues?

PRINCIPAL MCDOWELL: That is a good question. We don't need to patrol by the church. We just need something in front of the school. I don't see any congestion issues. The issue is just parents being impatient.

BRAD: I can see the signs being installed and instead of U-turns the parents just exit through the church parking lot. It is a hard issue where all the kids leave at once.

PRINCIPAL MCDOWELL: We block the entrance to the church from the east for the afternoon and force everyone to go south to 100 South. We put two big cones in the driveway of the church entrance.

BRAD: So access to the church is being restricted for about ten minutes each school day?

PRINCIPAL MCDOWELL: Yes, for about ten minutes.

BRAD: I think if we restrict all of the traffic to go in front of the school that traffic flow would be higher.

MARLOWE: The signs must be posted from the end of block to the end of block.

BRAD: I am just thinking of different access routes. I am just bringing up that we are thinking of sending all of the traffic in front of the school.

PRINCIPAL MCDOWELL: The church can still be accessed from the highway and from the north entrance.

DEPUTY HATCH: Maybe you could install the signs and have them say no u-turns when flashing, that would alleviate your year round concern. It would be a lot like a school crossing/flashing zones. Make the school administration responsible to turn the signs on and off.

MARLOWE: The City would need to get it wired and be responsible for the power for the signs.

MAYOR: Solar power is a possibility.

MARLOWE: We would want to make sure there are security measures on the switch.

TERRIE: Solar power is the way to go and a good option.

MAYOR: On the signs, how far back would they need to be set per state code?

MARLOWE: The same distance as the stop signs. An eight foot minimum from the City right of way.

MAYOR: I would like to hear from some of those in attendance this evening.

JAMIELYN DAVIS: I am the current PTA President and I think these signs are a necessity. There are many times that I see kids just running across the road and between vehicles. I feel like we need the restriction as parents are always in a hurry. In response to Council member Jensen's worry about congestion, I don't think it is that bad or will be that bad and we all just need to learn to follow the flow of traffic. I think the signs would be a big benefit. We have asked the parents to stop the U-turns but they still keep doing it. I fear for the little children and nobody abides by the crosswalk. I have seen people parked on the crosswalk.

CHERYL PECK: I am a parent with many children and I like the flashing light idea. Even if all the parents know and abide there are times when family or friends, grandparents and such come to get the kids and they are not aware. I think it would help to know it is the law when the signs are posted.

BRAD: If we (City) put in the signs the administration of the school would be responsible for turning them on and off.

MARLOWE: I will check into the cost of the signs.

PAUL: I think we are all supportive of it but I am concerned it won't solve the problem.

BRAD: Deputy what is the fine?

DEPUTY HATCH: It would be a Class C Misdemeanor but I am not sure what the fine would be.

A motion to approve "No U-Turn" flashing signs on 100 West at Main Street and 100 South with the administration of Park School Elementary being responsible to turn the signs on and off during the appropriate days and times and the signs being solar powered was made by Brad, seconded by Paul and the vote was unanimous.

RATIFICATION OF LOT LINE ADJUSTMENT

MAYOR: This is in regards to a property line agreement between Peter Mentzel and Shane Lewis. It is just a boundary line adjustment. Both parties have agreed to the adjustment and City Attorney Bruce Jorgensen, has reviewed it and approved it as well. It comes before the Council because it is changing the boundary line in an approved minor subdivision.

PAUL: Does the plat have to be amended?

MAYOR: Yes, by the party requesting the change. The property owner is responsible for it. It has been signed by both parties already. Bruce Jorgensen will take care of everything else if the Council approves it.

PAUL: It sounds like it as an amicable resolution between both parties and that is good.

A motion to ratify the boundary line adjustment agreement between Peter Mentzel/Tami Coleman and Shane & Jenifer Lewis for parcel ID numbers 09-049-0009 and 09-049-0076 was made by Terrie, seconded by Tucker and the vote was unanimous.

BUSINESS LICENSE

ROCKY MOUNTAIN LANDSCAPE PRODUCTS

LISA MAUGHAN: We would like to open a landscape product business selling bulk rock, topsoil, sand and other landscape related products.

MAYOR: You are wanting to work from the old Rocky Mountain Irrigation Building on the highway if I remember correctly? How do you anticipate traffic to be coming and going?

LISA: Yes, that is the correct building. We are just expecting small truck sized loads. The customer will pull in and we will load them and send them on their way. We can deliver as well.

PAUL: Has this business been located elsewhere previously?

LISA: Yes, in Cove.

MAYOR: Do you have big or little trucks?

LISA: Both.

PAUL: If you spill pulling on and off the road please make a conscience effort to clean up.

TERRIE: Will the product be stored in bins?

LISA: We would build some bins as we want it to look nice. The bins would be a big concrete area.

PAUL: Selling any fertilizer?

LISA: No.

TUCKER: Thank you for cleaning up that area it looks very nice.

MAYOR: I agree, it looks great.

TERRIE: With a business coming into town is there an issue with employees?

MARLOWE: Since it is not a home based business it is allowed. I would also suggest in the motion that you include the verbiage that they can operate now but the license won't go into effect until January 1st so they don't have to pay now and again in January.

BRAD: Are any improvements being made to the building?

LISA: Yes. The building owner still has the building full of his stuff. We would like to give the building a facelift after he vacates.

BRAD: Will you be doing sales from inside the building?

LISA: Eventually we would like to store some stuff in there and sell it.

BRAD: I would like our Maintenance Department to inspect the floor drains in the building.

MARLOWE: According to building owner, Robert Borg, the water and sewer in the building are still active.

MAYOR: Are there floor drains in the building?

LISA: Yes.

ERIC MAUGHAN: I know there was a problem with the sewer a few years ago and it had to be jetted. There is a floor drain in the shop area.

BRAD: We need to make sure the proper traps are in place for our sewer system as the system has changed since the building was originally constructed. We have to protect the membrane system.

LISA: The current owner is hoping to vacate by March.

MARLOWE: There will be plenty of time for us to inspect the area after Robert has cleared out his materials.

ERIC: He is going to vacate the front of the building by Spring time and the back of the building within a year.

BRAD: Any idea when we can come and inspect it?

ERIC: After March, right now we don't have any access to the building and don't want access until all of his stuff is gone.

MARLOWE: You can let us know when he has vacated.

MAYOR: I am fine with that.

BRAD: I would ask that you come back before the Council when you have access to the rear of the building and before you want to use it for business purposes. It might be necessary to install some grease traps.

LISA: That is not a problem.

A motion to approve the business license request for Rocky Mountain Landscape Products (Lisa Maughan) effective January 1, 2013 was made by Paul, seconded by Tucker and the vote was unanimous.

DIANA'S DREAM LLC

DIANA PARKER: I have an on-line website where I buy products from the manufacturer and then immediately resale them on-line. I do everything on-line. There is not any parking issues or sewer issues. It is all totally on-line. I am the only employee and the owner.

PAUL: What kind of products are you selling?

DIANA: Home decor and bedding. Maybe other products later on if this does well.

A motion to approve the business license request for Diana's Dream LLC (Diana Parker) was made by Brad, seconded by Terrie and the vote was unanimous.

FINANCIAL REPORT

JUSTIN: I would like to start out by thanking Marlowe and Chris for their assistance in providing the information that the auditor's requested. I am now in the process of finalizing the audit with Diana and the results of the audit will be presented at the December Council meeting. Terri, Josh, Diana and the others at Allred - Jackson are always very easy and good to work with. On the first page, notice line item 3682 (Fire Department - Activities) in the amount of \$2,620 this was for the response to the Millville fire. Item 3828 (Donation - Harvest Market) in the amount of \$112 was for fees collected from the Harvest Market. For the month of October, \$2,045.81 was collected in interest on the water tank loan bond account. As of October 31st there is a remaining balance in the water tank fund PTIF account of \$3,201,088. The cost of the project so far is \$2,186,501 but please keep in mind this does not include any currently submitted draws as they are not included until officially approved.

BRAD: Any impact fees collected since last month?

JUSTIN: We have not collected the two yet for the homes located to the west of the Helen Robinson residence but I would expect them soon as the homes are almost complete. I have included a proposed Christmas bonus list for your review. This is a thank you that we budget each year for the City employees. I have asked Juliene for her thoughts on the library staff and reviewed with the Mayor the rest and this is what we came up with.

TERRIE: I do have a question, I am wondering why the difference in some of them?

MAYOR: It factors in full-time or part-time work status and how many years that the employee has worked for the City but they are all subject to change and open for discussion.

A motion to approve the following net payments for 2012 Richmond City Employee Christmas Bonuses was made by Terrie, seconded by Paul and the vote was unanimous.

Ben Lundgreen	\$500
Chris Purser	\$500
Justin Lewis	\$500
Justin Gilbert	\$500
Marlowe Adkins	\$500
Robert Bair	\$500
Scott Ball	\$500
Boyd Lewis	\$500
Juliene Parris	\$500
Jan Gilbert	\$100
Tamara Petersen	\$100
Lyle Bair	\$250
Matthew Funk	\$400
Melissa Titensor	\$200
Charles Chism	\$300
Misti Dawn Going	\$100

Tina Reese \$100
Patricia Forsgren \$100

COUNCIL MEMBER REPORTS

PAUL: I have three items this evening. We did some grading by the De Jonge and Julia Ward residence at approximately 250 East 600 South. There has been a water diversion issue. We hired a road grader as the City owns up that road a couple of hundred feet. We are hoping to channel the water to the north but that remains to be seen if it works. It is something we will have to manage over the next year. The block work for the Nature Park restroom has been completed and a decision of how to hookup the utilities will have to be determined. Scott and Darek are getting the necessary information and some bids. We will look at the cost of the City doing it as well as private bids. A sewer collection facility is also a possibility. We will do what is most advantageous to the City. There is not any benefit to getting the picnic tables now so we will wait until the Spring. This project is being paid for with RAPZ tax funding. I am very open to discussion on the sewer hookup. The trusses for the restroom roof are onsite and the roof will be completed as soon as possible. I have talked to Marlowe and the Mayor about concerns at the Cub River Sports Complex as well as Lewiston City representative Robert Martinez. I am the liaison between the City and the Cub River Sports board. We would like to approach the county about being able to access the complex from the east side but don't have a lot of money to do it. There is a big safety issue in the Fall and Spring as people park on the main road and there are kids running around vehicles and crossing the road. We would like to develop a parking lot to the east but need to confirm an approach or access. It would be nice to add a playground at some point as well, if possible. I think with a playground the complex would be more user friendly. The complex only has a \$15,000 yearly budget and has very little other income. There is the possibility of some RAPZ tax funding as well.

MAYOR: I think this is a good idea. I know that the complex Master Plan shows access from the east.

BRAD: A walking track around the entire complex would be nice as well.

TERRIE: The Library has received Gold Star status from the State. It takes into account many things like the Community Outreach Program, program development, the lecture series and the desire to work with other groups in the community. The Library also did a lecture at the Harvest Market. The Library staff also helped out a lot with the earthquake commemoration and I expect to see a lot more of this over the next few years. There are lots of volunteers that help out. One of the part-time employees is leaving for other employment and we are looking at making one of the unpaid volunteers a paid employee. We want to get the best person for the money. As far as the EMT Department, I know when things are happening as Katie (Wallentine) resides behind me and I know when she is coming and going. It has been relatively quiet and things are going well. I think overall the EMT's and Fire Department are doing very well together as a whole. Jim and Nancy LaMunyon are the contact people for the CERT program. Over 1,800 people came through the Harvest Market this year. We are hoping to get more vendors next year with garden produce. At this point we need more vendors to have more customers. The website is still seeing an increase in the statistics that I monitor. In regards to the Community Covenant

Program, we are doing more than most communities. Please let me know if you know of any military families with needs so I can get them in touch with the right people.

MAYOR'S REPORT

MAYOR: In December at our regular Council meeting there will be a representative from the Senior Support Center coming to make a presentation. There are 463 people in the north area of the valley that are 65 and older and living alone. There are 222 of the 463 residing in Richmond. There is a non-profit entity that has been formed and they are located in a building at 41 South Main in Lewiston. A Board of Directors is being formed and they would like each community to be represented. There is currently some senior citizen housing available in Lewiston behind the old drug store and I believe it is being run by the Jorgensen family. There is a desire to start a senior citizen center and there will be a presentation to the Council in this regard. We will hear from them next month and I think there is a need. I know it was one of the items mentioned by people on the general plan surveys that were turned in.

PAUL: What are they asking for? Money?

MAYOR: I am not sure they know what they are after but they will be making a full presentation in December.

TERRIE: It is not just senior citizens that are concerned but the entire community.

MAYOR: Shane Lewis is our current Mosquito Abatement District representative and his four year term is coming to an end. He can be reappointed for one more term or we need to get someone new.

TERRIE: I don't think he is interested in a second term.

MAYOR: I will talk to Shane but we need to have some names for the December Council meeting.

TERRIE: It would be nice to have someone in place by January 1st but the first meeting in January is the fourth Thursday. If we get someone new it needs to be published.

MAYOR: If you come up with names of people we can contact please let me know, this will be an item at the next Council meeting.

TERRIE: The advertisement must be published for thirty days and the representative is paid \$25 per meeting attended and mileage. The appointee must reside within the City limits and be a registered voter. The District meets once per month.

MAYOR: Please e-mail me with names for consideration and I will contact Shane as well to confirm if he has an interest in another term. On the occupancy permit issue, does the County get a copy of our green sheet?

CHRIS: They have not lately.

MAYOR: Let's contact the County Building Inspector with a polite reminder. Our next Council meeting is on December 18th. We need to establish a date and time for the City employee Christmas party. In the past we have done it in January to get away from a very busy December. What dates in January? The 11th is the second Friday. Do we want Friday or Saturday?

PAUL: I would prefer Friday.

TERRIE: Friday.

MAYOR: Let's go on 6:00 P.M. on January 11th at the Coppermill. We are now going to discuss the LUDMA information but we have changed the name too LUDMO since it is our ordinance. We will plan on this monthly and most likely it will go through February as we will

want to incorporate the new legislative changes after they meet at the start of the year. Marlowe has gone back through and brought what we previously did to current conformance. Let's review each page and ask questions or make suggestions.

BRAD: I need some setback explanation on 12-903-5.

MARLOWE: I just changed 12 to 20 to come into conformance with 12-903-6.

BRAD: Why is it more between buildings?

MARLOWE: We can leave it the same as before.

TERRIE: With that kind of width we should not have any issues.

BRAD: I misread it, I am okay with how it is. Explain 12-903-6.

MARLOWE: This does not include the main building.

BRAD: Is the overhang included?

MARLOWE: Some don't have an overhang.

BRAD: I know it allows for access but it can be limited.

PAUL: Doesn't the utility easement come into play here?

TERRIE: I think we should use the drip-line, personally.

MARLOWE: I am nervous where it mentions the closest point of the permanent structure.

PAUL: We need to define permanent.

MARLOWE: I will modify this area and have for you at the next Council meeting.

PAUL: Does this only apply to the sides?

MARLOWE: Yes. We just need to be consistent.

PAUL: What about public utilities?

BRAD: No matter what there will always be issues with this section.

TERRIE: Why do we even have 12-805-6? I don't see a safety issue.

MARLOWE: This is in regards to view only and has nothing to do with safety.

TERRIE: I have a Box Elder tree in my back yard that could be an issue with my neighbor?

MARLOWE: That is a civil issue.

BRAD: I need some help understanding this entire section.

MARLOWE: It was included by Bio-West in their original report.

MAYOR: It is open for discussion and could be removed.

MARLOWE: I think we should eliminate it, personally.

PAUL: If we cannot even explain it, we cannot include it.

TERRIE: I am like the others and think it should be removed.

MAYOR: Marlowe, please remove the entire section.

TERRIE: What is 12-805-10 referring too?

MARLOWE: This is to make sure there are not any basement homes. I know of only one in town next to the Howard Andersen residence.

TERRIE: I know that this was also used in other areas where homes were being built in silos.

BRAD: They are very unsightly.

TERRIE: Most were done for energy savings.

MARLOWE: Right now a person would need to ask for a variance to allow one to be built.

TERRIE: In 12-805-15 subsection "b" there is a spelling error. Currently it says "mobil" and should be "mobile". Please go to 12-903-2 which talks about livestock. Who is to say what is allowed? What about llamas and alpacas?

MARLOWE: I will remove "excluding pigs unless allowed by a Conditional Use Permit per 12-903-3.3."

TERRIE: 12-903-3, why is a chicken coop included?

MAYOR: I know that I receive more chicken related complaints than I do dog complaints.

TERRIE: Instead of pigs, I think we should put "other non-listed animals".

MARLOWE: I suggest we review 12-805-7 and see if this is something we want or need to tighten up.

BRAD: The way it reads the fence could be twelve feet on one side and six feet on the other?

MAYOR: Yes.

BRAD: We need to think about how this really applies. What about if the fence is on an eight foot retaining wall? I think we should leave as-is.

MARLOWE: Maybe we should.

BRAD: Simple is better.

MARLOWE: Also, review 12-805-5. Do we want side yards of ten feet on each side or am I misinterpreting this?

TERRIE: Isn't this talking about interior lots?

MARLOWE: We don't even allow interior lots anymore.

BRAD: I think the entire section can be stricken and removed.

MARLOWE: I will remove it. On 12-805-11, I would suggest changing to 42" so that it is the same as a driveway.

BRAD: I don't see it as a problem the way it is written.

MARLOWE: I think it should be the same as (-7) and 42".

BRAD: We would be increasing the height of an obstruction.

TERRIE: I think it is a problem to increase it.

BRAD: There are lots of lots with nice decor. Leave it as is.

MARLOWE: I think 12-805-15 subsection 8,9 and 16 should go to the Planning & Zoning Commission for review.

MAYOR: Change that section to go to Planning & Zoning for ratification and then to the City Council for final approval.

MARLOWE: On 12-805-20 subsection 1(a), I would suggest waiting until after the next Legislative session of the Utah Legislature to see what happens there before we change this section.

PAUL: I agree.

TERRIE: I don't see that as a problem since this most likely won't be approved until May or so.

MAYOR: By the time we have the public hearing and stuff it will be about that time.

MARLOWE: Go to 12-904-3 section 8. This is in conflict with our 2,000 foot restriction and I think it should be removed.

PAUL: Is this defined elsewhere?

MARLOWE: Yes.

TERRIE: I am hesitant to remove. We don't have any good life cycle housing. Multi-family is apartments or mobile homes.

MARLOWE: By State of Utah definition they have refused multi-family in the past. Please go to 12-904-6 subsection 3. I am wondering if the wording is too broad.

PAUL: So on a two acre lot, I cannot have a building closer than 100 feet from another building?

MARLOWE: Yes. What about RE-1?

PAUL: Then it would not fit.

TERRIE: I am fine with how it reads.

MARLOWE: On 12-905-6 subsection 2, I have added some wording that I would like you to review.

BRAD: I don't like the suggested changes, please remove them and leave as previously stated.

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

A&D Landscaping	270.00
Aflac	178.38
Altius	1936.67
Beazer	21.00
Cache Chemical	841.19
Cache County Corp	31380.75
Cache County Treasurer	795.38
Cache Service Area	16242.45
Century Link	323.24
Coca Cola	252.88
Comcast	214.85
Consumer Reports	26.00
Cox Data	400.00
Follett Software	700.00
Hach	410.95
Hall's Store	154.45
Hilton Trucking	100.00
Hobbs Turf Farm	30.6
IFA	696.59
Intermountain Hydraulics	12.88
Itty Bitty	282.89
JP Cooke	88.59
JUB	28174.19
Lee's	5.00
Lewiston City	676.16
Maverik	1179.27
Maverik (Cemetery)	150.21
Olson & Hoggan	5339.95
Parsons	1538.38
PEHP	135.48
Pitcher Propane	30.23
Questar	94.57
Renegade Rentals	90.00
Rocky Mountain Power	2969.18
Smithfield Auto	306.26

Smithfield imp	336.34
Symbiotics	427.80
Thatcher	3105.71
The Home Depot	79.97
Tree Wise	350.00
UEN	86.24
Ut Local Governments Trust	74.32
Valley Office Systems	41.77
Visa	902.68
Wex Bank	148.30
Xerox	686.66

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

Adjournment at 9:10 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder