

RICHMOND CITY COUNCIL

APRIL 15, 2014

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, April 15, 2014. The meeting began at 7:00 P.M., Mayor Michael Hall was in the chair. The opening remarks were made by Marlowe Adkins.

The following Council members were in attendance: Brad Jensen, Paul Erickson, Jeff Young, Cheryl Peck and Tucker Thatcher.

City Manager Marlowe Adkins, City Recorder Justin Lewis and City Treasurer Chris Purser were also in attendance.

A motion to approve the March 18, 2014 City Council meeting minutes was made by Paul, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher
No Vote: None

DEPUTY'S REPORT

MAYOR: Deputy Hatch could not attend this evening as she is not allowed to work overtime and she is not on shift at this time. We need to provide her with the information regarding Black & White Days. If there are any other issues are you aware of please email to Marlowe and he will forward them to Deputy Hatch.

QUARTERLY REPORTS

COURT REPORT

MAYOR: Judge Funk is in St. George to an annual continuing education conference that is required on a yearly basis.

MAINTENANCE REPORT

MAYOR: Scott Ball is not in attendance this evening as he was recently involved in an automobile accident and is home recovering.

FIRE & EMT REPORT

DENNIS WOOD: I am sure you are all aware of the fire last night up in the Cherry Creek area. There was one injury and a couple of animals were lost. The fire was put out rather quickly and

the County was there to help out. The response went really well. There were four members of the Fire Department that stayed on scene all night in case the fire flared back up.

JEFF: Do you know how the person was hurt?

DENNIS: She was trying to rescue some of the baby goats from the fire.

PAUL: Do you know the source of the fire? I heard it was a heat lamp.

DENNIS: That has not yet been figured out and I don't know if it ever will be as the building is a total loss with significant burning to the point nothing is left.

JEFF: Is that common to not know why the fire started? It seems like that has been the same conclusion for the last couple of fires.

DENNIS: When a fire is burning to that magnitude it just consumes everything. The Department was on the defensive from the start. Ben Lundgreen arrived on scene first and the building was already completely engulfed. Some of the members of the Department are on scene now getting the hoses back on the trucks. There are 18 Department members and three of them are new. A couple of members left the Department recently as they have moved. The three new members are good candidates and very interested in being part of the program. We recently had a training drill on an old trailer house at approximately 200 West 100 South. The trailer was torn down. It was a good training exercise. I don't have the number of calls from the first quarter but the Department was not very busy.

JEFF: That is not a bad thing.

DENNIS: Three EMT's just finished the Advanced Intermediate course. Two new candidates are just finishing the Fire 1 course. Three members will be starting the Wildland fire course this month. There is a lot of training going, more than in the past. The drill night has been changed to Wednesday night. For the fire response last night, only two of the 18 members did not respond and I was one of them as I was at work. The members of the Department are cleaning up the Station and making it more presentable in their spare time. We did receive a thank you card from the local school. I have ordered new t-shirts for all of the Department members and hope they arrive before Black & White Days. I would like the entire Department to wear the same shirt during the celebration.

****Mayor Hall read a letter of thanks to the Fire Department and Library staff from Park School Elementary Teacher Belinda Burningham.****

MAYOR: Dennis, I would like you to contact Jay Downs from the County as he has some information regarding EMT response to the ski resort. The ski resort is required to have trained staff on hand and that only in rare cases should our EMT personnel have to respond. Myself and

the Council appreciate the time and effort that is put into training and all the other workings of the Department. The Department is a very valuable resource to the City.

TREASURER REPORT

CHRIS: I don't have anything new to report.

BUSINESS LICENSE REQUEST

3D FITNESS

CODY BRAEGGER: I am going to rent the building across the street at 5 West Main. I am going to turn it into a studio for personal training. I hope to eventually turn it into something like a 24-hour fitness area.

PAUL: Is there a restroom in the building?

CODY: Yes.

MAYOR: Any idea the number of clients you will have?

CODY: It all depends on the number of sessions a client wants to sign up for but I have enough people lined up to pay the utilities and rent when I start.

CHERYL: If the building eventually has 24-hour access will the building be staffed?

CODY: I would hope to have just an electronic key for access and some basic surveillance.

JEFF: I think it is a cool thing to have in town and it is great that it is close by.

PAUL: How big is the building?

CODY: I am not sure but I would guess around 30 feet by 50 feet.

A motion to approve the business license request for 3D Fitness/Cody Braegger was made by Jeff, seconded by Paul and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher

No Vote: None

REQUEST FOR A DOG KENNEL LICENSE AT 485 NORTH 300 EAST

MAYOR: Paul Erickson has requested a dog kennel license at his residence at 485 North 300 East.

PAUL: I need to disclose that I am an elected official of the City but I need to obtain a kennel license at my residence as I currently have one dog and my mom has two small dogs. She lives in the apartment that attaches to my home.

MAYOR: The request has been approved by the Planning Commission and sent to the Council for review. Paul has enough acreage and has met the other kennel requirements.

TUCKER: The Planning Commission did not have any concerns and thought the request was pretty straight forward. Paul informed the Commission that there are not any plans to expand the number of dogs either.

A motion to approve the dog kennel license request by Paul & Leslie Erickson at 485 North 300 East was made by Jeff, seconded by Tucker and the vote was unanimous.

Yes Vote: Jensen, Young, Peck, Thatcher

No Vote: None

Abstained: Erickson

MONTHLY FINANCIAL REVIEW WITH DISCUSSION AND DECISIONS AS NECESSARY

JUSTIN: The Parlant system is up and running and a few messages have been sent. Approximately 200 out of 730 accounts have been entered. The database is still a work in progress. I talked to the Mayor about starting a City Facebook page and we would post basically the same items that are sent through the communication system to keep the citizens aware of current happenings. If any of the Council has any items they want posted, please send them to me and I will get them posted. I will be in touch with the Library and Fire Department to let them know about posting items as well. The majority of the property tax for the year has been collected. Paul, there were \$13,200 of Class C Road Funds collected in March. As a comparison through March of 2014 versus March of 2013 there was a decrease of \$1,273 in Class C Road funds received. Basically, the same amount as last year to this point. Sales tax over the same two periods of time is up \$2,010 and franchise tax is up \$12,210.

PAUL: Remind me, what is franchise tax?

JUSTIN: That is the revenue collected through Comcast, Questar and Rocky Mountain Power. The CIB reimbursed \$19,043 towards the General Plan expenses. There was a \$200 donation to the Library and Cheryl will be speaking about that during her report. Paul will give an update on

the Cub River concession stand during his report but there is still some remaining RAPZ tax funding that can be spent out there on the playground project.

PAUL: I have walked the site with Lewiston Council Member Jeff Hall and it appears that a fence is the next step in the playground area to segregate the area from the parking lot and help to keep the kids safe. There are many needs and not a lot of funding available.

JUSTIN: The remaining water bond proceeds collected \$1,101 in interest in March and the well driller still has not submitted their invoice so we will get it paid after it is reviewed when received. There will be a public hearing in May to adjust the budget and again in June for adjustments and the approval of the new budget. The new budget must be approved before June 22nd and our Council meeting in June is before that day so we won't require a special meeting. I have included Brad's request for the commodity bins and it will be split 50% water and 50% sewer. Juliene sent me her requests for the Library. If any of you have requests, please let me know. The new budget is based off of the last few budgets as we have previously discussed. Overall March was quite quiet in regards to the finances but there will definitely be more discussion in May and June as we adjust the existing budget and approve the new budget.

MAYOR: If any of you have any questions please let Justin know. We talk or email daily on financial information and he can readily supply any request that you might have.

PUBLIC HEARING – WHITE PINE SUBDIVISION TO BE LOCATED BETWEEN 300 NORTH AND 500 NORTH, AND 300 EAST TO APPROXIMATELY 400 EAST

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

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher

No Vote: None

The public hearing started at 7:30 P.M.

MAYOR: This public hearing is to hear input from the citizens regarding the proposed White Pine Subdivision. There is one item that I will read to be included in the public record from Kirt Christensen.

****Mayor Hall read the following.****

Mayor Hall:

Thanks for allowing me a few minutes of your time. I'm writing concerning the White Pine subdivision and have a couple of concerns. First, as I've stated in a previous email, was the

problems with dead end cu-de-sac, which it looks like the developer is going to continue. My concerns are with snow removal and garbage collection. Without a 4th East, I'm having a hard time seeing that the problem will take care of itself? The solution can't be to push the snow right into my front yard or continue pushing it into my field. Please don't get me wrong, I very much appreciated the job that Ben and Robert do. They do a great job, but with the new subdivision, these issues need to be worked out. I don't know what plans the developer has or Richmond City has, but I feel they need to be addressed. Is the street going to be wide enough for an CCSA truck to turn around? How will snow removal be addressed without the "current" use of my field?

The other issue is traffic. Given human nature, people will take the shortest way home. That means the vast majority of people in the subdivision will use 300 North to 350 East, or the south entrance to the subdivision. I'm hoping, when the subdivision is full, that they all don't go to the same church or leave for work at the same time? I'm wondering if the City has a plan for the traffic? Would a 4th North and a 4th East provide better access without putting so much of a burden on one access point? I know the developer is trying to do a good job. But, I think there is an opportunity to make things much better and to solve the problems and concerns that I have with a bit of planning for the future and not just one subdivision.

Thank you for your time

Kirt Christensen

300 North 400 East

Richmond, Utah

TERRIE WIERENGA: I am curious as at the last meeting there was talk about a fence on 300 East. Is it going to be required? How will that issue be handled?

MAYOR: That will be included in the discussion by the Council after the public hearing.

TERRIE: Also, will there be a sidewalk or trail to deal with pedestrian traffic? I have some of the same concerns as Kirt Christensen. Will there be a three or four way stop at the intersection?

BRAD: Which intersection?

TERRIE: 300 North 300 East.

MONTE FRANDBSEN: Are there any hydrology concerns? The area will lose the ability to absorb the water in that area.

JON WHITE: In the south west corner of the property there is a retention pond that will collect all of the storm water.

RON NATALI: With all of these new homes coming in what is the City doing in terms of infrastructure? Police protection? Fire protection? We only have a volunteer fire department. I was told we were not even the first ones to respond to the fire last night.

DENNIS: Ben Lundgreen, the City assistant fire chief, was the first on scene.

RON: With a truck?

DENNIS: With a truck and on scene of the fire.

RON: What about police protection?

MAYOR: The City will still continue to contract with the County for police protection.

RON: When do we reach the point that we can have our own police officer?

MAYOR: Not until we determine it is a better option and we are a long way from that point.

JUSTIN: Our current budget for police protection is \$21,093 per year and dog catcher service is \$8,400 per year. We cannot even buy a car or truck for that amount.

MAYOR: The Sheriff's office has a hub in this building and offers as much coverage here in the City as anywhere else they provide service to.

RON: What is the response time on calls?

MAYOR: There is someone from the department in town at least twice during their shift.

JUSTIN: The police department in Smithfield has eight officers and the police department budget alone for Smithfield almost exceeds our annual general fund budget of \$900,000 per year.

CHERYL: The response time will vary depending on the type of call as well.

PAUL: We can ask Deputy Hatch to see if she has some numbers in this regard.

MARLOWE: Last night the Sheriff's department was on scene within five to ten minutes after the fire was reported.

MAYOR: I know the call out time was 8:12 P.M. and I was told the City was on site within six to seven minutes.

PAUL: Ron, we contract with the County for a set number of hours of patrol. If we need to contract for more hours of coverage we can negotiate that with the County for a nominal cost.

MAYOR: They donate a bunch of hours on top of what they charge for as well.

JUSTIN: I know they appreciate using the City building as a hub at no cost as well.

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

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher

No Vote: None

The public hearing closed at 7:40 P.M.

CONTINUED DISCUSSION AND POSSIBLE DECISION RELATIVE TO THE AUTHORIZATION OF THE WHITE PINE SUBDIVISION

MAYOR: We will try and answer all of the comments from the public. Marlowe will get with Deputy Hatch to get the call time information.

PAUL: I will get that information to Mr. Natali and I think we should publish it on the website as well.

MAYOR: Jon White is here this evening and as an item of clarification, Eric Sadler is no longer working for Ironwood as Eric made the presentation last month in behalf of Jon. Jon have there been any changes since last month?

JON WHITE: We have revised the plan to include the fence on 300 East. The ends will be tapered down for sight purposes. The fence will be a six foot vinyl fence. There will also be a sidewalk included on 300 East.

PAUL: Please show us on the map where the sidewalk and fence will be.

DAREK: The fence will be on the property line and the sidewalk will be located between the power poles and the fence.

PAUL: Will the fence go lower on Lot 3?

DAREK: The fence will be shorter at the ends due to sight distance requirements.

PAUL: As the plat currently sits there will be access to 500 North?

DAREK: Correct.

PAUL: There will not be a fence requirement on the east side of the subdivision as outlined.

MAYOR: For those in attendance, Darek Kimball is the City Engineer and works for J-U-B Engineers.

TUCKER: Please clarify on Lot 1 and 41 where they will access the road.

JON: They can access from 500 North or from the internal subdivision road.

RA NAE CURDY: Is there a way to make a walk through area to White Pine Middle School?

DAREK: This subdivision is not located anywhere near the school.

JUSTIN: The property in question is on the east side of the cemetery on the east side of 300 East.

DAREK: It is up by the steep road that takes you up Cherry Creek.

MAYOR: The sidewalk and fence concerns have been addressed already. In regards to the storm drain issue I will let Jon explain what is being done. Also, Eric Sadler made a career change and Doug Burgan is here in his place this evening.

JON: There is a storm drain system for the entire subdivision and there will be curb and gutter throughout the entire subdivision. The storm drains will drain into the retention pond.

JUSTIN: The proposed location of the retention pond is the old Lynn Christensen residence and barn area.

BRAD: On Lots 1 and 41, when the water and sewer is installed will you be double stubbing those lots since you don't know where the homeowner will be accessing the road from? It would be best to know for future building permit signoffs.

JON: That will be covered in the plan review but we are going to phase the subdivision.

BRAD: How?

JON: The south end will be Phase 1.

MAYOR: So there will only be two phases?

JON: Yes.

BRAD: Will you start Phase 2 before all of the lots are sold in Phase 1?

JON: We will start Phase 2 before all of the lots in Phase 1 are sold.

JEFF: How will the roads work if it is done in phases?

JON: There will be a temporary gravel turnaround, if needed.

BRAD: How many homes will there be in Phase 1?

JON: About 10.

BRAD: In Phase 1, will the curb and gutter, road and infrastructure work be done before the first home is built?

JON: Yes.

BRAD: That will make it a lot easier for permitting. On the fence and sidewalk on 300 East, will it be done all at once or in phases?

JON: I have not thought about it yet but we will do what we are required to do. It is the City's call of what you want done. I would think we would put the sidewalk in immediately but not put the fence in until later.

JEFF: Just so I understand, when will the fence go in on 300 East?

JON: The sidewalk will be put in now and the fence will be done when we start to develop Phase 2.

PAUL: What about your irrigation water shares?

MAYOR: How many came with that property?

JON: I think there was 22.

PAUL: One of the conditions will be that they are turned over to the City as part of the approval.

JON: They would be turned into the City?

BRAD: On other past developments they have had to turn them over to the City. Brent Webb has to turn over "X" amount per phase of that project. Is there a secondary water available on the property?

JON: I cannot find a logical way to make it work.

BRAD: I agree.

JON: I had considered forming an LLC just to hold the water shares and then distribute them to the homeowners.

BRAD: The irrigation company has say over what can be done with the shares, they have their own rules.

PAUL: How would you even get a line to there?

JON: We have had many discussions but there is not really a good way to get the irrigation water there. In the past, people have got the shares and then turn around and sold them.

PAUL: If an irrigation line is not put in before the road is built then how would there be access to irrigation water there in the future?

JON: There won't be any there.

BRAD: If the City takes the irrigation water shares there won't be an issue.

PAUL: So you are not intending to develop an irrigation water delivery system to the lots?

JON: Correct.

MAYOR: In the past, we tried to assign the shares to the building lots but that is against the bylaws of the irrigation company. They are considered personal property and can be sold anywhere. In the past, we took the shares and then allocate those shares throughout the City.

JEFF: What about snow removal?

MAYOR: Will there be an H.O.A. formed?

JON: No.

MAYOR: Snow removal will be up to the City.

JEFF: What options do we have of where the snow will be put?

MARLOWE: The Kirt Christensen home is to the east of this property on 300 North and we are currently plowing that road.

JEFF: Don't we need somewhere to put the snow? What is the right of way in that area?

MAYOR: Half of the road on 300 North will be developed.

DAREK: There is a 99 foot right of way and Mr. White will make two travel lanes of road surface.

MAYOR: We will push the snow to the south off of the road.

PAUL: The current turnaround area is part of the Jon White property as far as we can tell.

JEFF: Can we keep using that circle to turnaround?

PAUL: It appears to be in the City right of way. We need to make sure and address Kirt's needs for snow removal as well.

JON: You will just keep pushing the snow as you are currently doing.

BRAD: There should not be any problems.

MAYOR: It will be easier to push an asphalt road than a gravel road.

BRAD: On the retention pond, the City will end up taking care of it as nobody else will. On the west side of the road on 300 East between the sidewalk and the road when you install the sidewalk can you please level out that area. We will have to plant that area and maintain it.

JEFF: Will that apply to all of that area on 300 East?

MAYOR: Yes.

BRAD: You don't need to do any professional landscaping but if you could level it out it would help out.

JEFF: Will the retention pond be part of Phase 1?

DOUG BURGAN: Yes, the pond has to be installed for the entire drain system to run into it.

MARLOWE: The proposed location of the retention pond is the most logical point of the area.

DAREK: Do you want a fence by the retention pond? I know the idea of the fencing was to screen the backs of the homes. I don't know of any pros or cons of having a fence by the pond.

BRAD: I think the fence needs to go behind Lots 26 and 27.

TUCKER: That makes sense.

MAYOR: I agree.

BRAD: I like the proposal of the fence on the west side of Lots 26 and 27 and then start on 300 East at Lot 13.

JEFF: There will be a gap to access the park area so that is good.

MAYOR: The retention pond will be adopted into our park system.

PAUL: We talked eventually of maybe putting a playground in that area.

JON: I would be willing to donate half of the cost of the playground equipment.

TUCKER: When do we take over possession of the retention pond? After there is grass?

BRAD: What is our standard?

DAREK: We don't have one.

JON: It is good soil in that area.

JEFF: If there is nothing there then it would be just dirt.

MAYOR: We would sod it.

JON: You will have secondary water for it.

MAYOR: Jon has agreed to pay half the cost of the playground if one is installed.

BRAD: On the curb and gutter on Lot 27, will there be frontage from the south?

JON: The entire north side of 300 North will have curb and gutter installed.

PAUL: All of the other requirements will be to City standards.

BRAD: So Lots 27 and 28 could switch access points?

JON: Yes.

DAREK: In regards to the retention pond there is nothing mentioned about surface treatment.

MAYOR: The condition would be that it would need to be properly graded.

BRAD: We need to address the traffic concern at 300 North 300 East.

PAUL: Would we install stop signs?

BRAD: On which sides?

MAYOR: Hopefully not north and south.

PAUL: I would think the east and west side of that intersection would be appropriate. Will there be a stop sign on the north and south entrances when exiting the subdivision? Is a traffic study required?

DAREK: You could require a traffic study but one is not needed.

MARLOWE: Traffic control signs are the responsibility of the City.

JEFF: We don't have a standard for that?

BRAD: Cherry Creek Heights purchased and installed those signs in that area.

DAREK: We would tell them the grade for the signs and I will check to see whose responsibility that it is.

PAUL: It needs to be reviewed.

MAYOR: Jon would only be responsible for the interior subdivision signs not the signs on 300 North 300 East.

PAUL: If allowed by our standards Jon would only be paying for two signs.

DAREK: We can clarify that question.

MAYOR: At the most, Jon pays for two signs.

DENNIS WOOD: As far as egress, are the roads wide enough for our equipment?

MAYOR: They will meet the City construction standards.

DAREK: There will be 33 feet of paved surface which is the area between the curb and gutter.

DENNIS: The turns look quite sharp.

DAREK: The corners are quite sharp but we can work with Jon, the City Public Works, Fire Department and County garbage collections services to make sure they are not too tight.

MAYOR: The proposed roads are wider than all of the Cherry Creek Heights roads.

DAREK: I will have the Chief review his concern with me.

RON NATALI: Only 33 feet of asphalt with vehicles parked on both sides of the road could be tough for big vehicles to get through.

DENNIS: Fire hydrant placement is another issue.

DAREK: There is a standard on the fire hydrants. That part of process is reviewed during the construction drawing review. At that point, location and type will be discussed.

BRAD: Another concern is that where there will be a Phase 1 and Phase 2 there will need to be temporary turnarounds for both.

DOUG: We have to put those in as part of the construction process for all of the big construction trucks that will be coming and going.

DAROLD FITZGERALD: Are there going to be any stop signs installed on 300 East? People travel that road at 50-55 miles per hour.

PAUL: It is true, I have seen it.

MAYOR: The same can be said for State Street and Main Street as well.

PAUL: We have asked the deputies to patrol that area on a more regular basis.

MONTE FRANSEN: Do you expect to see a traffic increase on 100 East?

PAUL: I think it is unlikely but we would not know for sure without a traffic study. I think the majority of the traffic will travel on 300 East and Main Street to avoid as many stop signs as possible.

MONTE: Can more stop signs be added if needed?

MAYOR: Yes.

PAUL: Some were added on 500 North 500 East a few years ago. They were added for safety reasons.

MONTE: Have they been effective?

PAUL: Yes. On 300 East from 300 North to 500 North is a speed zone. I am very aware of it as I live in that area.

JEFF: When this proposal was originally discussed about two years ago I brought up the concept of the sidewalk. I want to say thanks to the developer. I am thankful you were willing to put it in and consider the options when you had the option to fight it. I appreciate your willingness. I understand that it will be at an additional cost. I appreciate you working with the City. It helps us with our standards moving forward. It takes developers and the City to make things right and help to set a better standard for the future. We are continually moving forward.

BRAD: Eric Sadler discussed putting a sign or monument in the retention pond area?

JON: Since that is City owned property I will not be putting a sign in there.

BRAD: You could with City approval.

MAYOR: Are there plans for a sign anywhere?

JON: No. There is a well in the area by the barn and I am not sure how we are going to handle it.

BRAD: Is that part of the retention pond area that will be turned over to the City?

JON: Yes. There is water in it about half the year. It is a hand dug pioneer well that is rock lined.

DOUG: On the fence, I know that with other developments I have worked with they would give the lot owners the option to have open backyards on Lots 26 and 27 that border the retention pond.

PAUL: I don't think so. People would still be able to look into their backyards and it is not consistent with the intent of what we are wanting to accomplish on 300 East.

DOUG: These two lots are pushed back farther than the other lots on 300 East.

BRAD: In Smithfield it looks nice and is appropriate even when pushed back from the road.

CHERYL: The homeowners could install gates to access the park if they want too.

JEFF: I envision the Smithfield look as well with the sidewalk, fence and retention pond.

JON: The intent is to have the exact same thing here.

DAREK: I know one of the concerns of the Council and Planning Commission was the screening of the homes on 300 East. Snow removal at the end of 300 North was a concern as well. There is a requirement for a turnaround if a road is over 300 feet long.

BRAD: What is the width of the turnaround?

DAREK: We have a 99 foot right of way. The Council can approve the turnaround as needed.

BRAD: If Dennis is okay with fire truck access then we are okay with it.

DENNIS: The City fire trucks are smaller than the County fire trucks.

JEFF: The right of ways in this area are bigger than other areas in town?

BRAD: Yes.

DENNIS: The width is not a problem it is how tight the turn is.

CHERYL: Are the radiuses tighter than the roads in Hill Haven?

DAREK: The proposed radiuses are tighter than Richmond Meadows Estates but I am not sure about Hill Haven.

MONTE FRANDBSEN: The radiuses are tight on the bottom and top corners and will be worse if vehicles are parked on the sides of the road.

BRAD: I want to make it clear that the developer is putting in the curb and gutter to make the area look nice. Jon has offered to do it and it was not a requirement of the City.

***A motion to authorize the approval of the White Pine Subdivision of (41) building lots to be located at approximately 300 North to 500 North and 300 East to 400 East [current Property Tax Number 09-049-0012 and 09-049-0013] with the following conditions:

1. Twenty-two (22) Shares of Richmond City Irrigation Company stock to be transferred to Richmond City Corporation within two weeks of the final plat/Mylar being signed off.
2. A sidewalk will be installed on the east side of 300 East from 300 North to 500 North as Part of Phase 1.
3. A sidewalk will be installed on the south side of 500 North from approximately 300 East to 400 East as Part of Phase 2.
4. A sidewalk will be installed on the north side of 300 North from approximately 300 East to 400 East as Part of Phase 1.
5. The corners and radiuses of the turns in the road throughout the subdivision will be signed off and approved by Richmond City Fire Chief Dennis Wood and City Engineer Darek Kimball of J-U-B Engineers.
6. The retention pond will be graded and deeded to Richmond City Corporation.
7. Rough grading will be done by the developer in the park strip area on the east side of 300 East from 300 North to 500 North.
8. Curb and gutter will be installed throughout the subdivision as well as on the south side of 500 North from 300 East to 400 East and on the north side of 300 North from 300 East to 400 East. No curb and gutter will be required on 300 East from 300 North to 500 North.
9. Street and stop signs will be required at the north and south entrances to the subdivision as it is exited.

10. A gravel turnaround will be installed by the developer for Phase 1 for Fire Department apparatus access.
11. Developer has agreed to pay 50% of the cost of playground equipment for the retention pond if playground equipment is installed by the City at a future time.
12. Six foot vinyl fencing will be required along 300 East from 300 North to 500 North including Lots 26 and 27 that adjoin the retention pond.
13. No gates will be allowed on the vinyl fence on 300 East from 300 North to 500 North with the exception of on Lots 26 and 27.
14. All other criteria is based off of Richmond City Corporation design and construction standards.

The motion was made by Paul, seconded by Brad and the vote was unanimous.***

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher

No Vote: None

CITIZEN PRESENTATION FOR A PROPOSED ORDINANCE RELATIVE TO INSECTICIDE/HERBICIDE USE AND STORAGE

KAREN FRANDBSEN: I live in the City to feel safe. I want myself, kids and neighbors to feel safe. In 2011, tragedy struck our family. I will give you a brief background. My son, Josh, started showing symptoms of dizziness. We went to doctors, they did MRI's and other treatment and therapy and he did not get better, he got worse. I just returned from a pesticide conference in Portland and learned that 80% of kid's cases like this are diagnosed wrong. When attending school, there is only seven hours of environmental health taught in a four year program. Pesticide poisoning is hard to diagnose. We eventually had to take Josh out of school as there were health and safety risks. Our family started suffering headaches as well. None of us could think clearly. Finally, months down the road we took Josh to Primary Children's Hospital. We started to look at environmental conditions and tested everything in the house. The symptoms continued. Our blood work started to show abnormalities and our blood was sent to the Health Department for review. We were not sure where the stuff in our blood was coming from. Members of the family started to have tremors and Josh became very lethargic. This started in February and by August, I was getting more concerned as I was starting to walk slowly and lose my balance. One evening while outside laying sod we noticed a strong chemical smell by our house and our daughter fell down from being dizzy. That is when I realized we had a serious problem and it was inside and outside of our house. We could not go in our home and took our children to another home. We thought the problem would go away. The children wanted to go

home but I had a strong feeling not to go back. We tried to go home multiple times but the symptoms kept coming back. I then started studying everything that I could find. I know you can find anything on the internet, good and bad. I tried to be selective in what I read and reviewed. Many sources say that pesticides are good and I only tried to review websites ending in .edu or .gov. The more I researched the more I noticed there are pesticide issues. Companies test their own chemicals and most only test them for 48 hours. Very few long term studies have been done. People can be affected by pesticides just by inhaling the vapor or fumes. There has been a very strong odor at our house. This is just a small portion of what I have learned. Pesticides are dangerous even at a small level. The endocrine system in the body is affected. The endocrine system in humans and animals can be affected. The American Society of Pediatrics which has over 60,000 doctors as members recently stated that children need to have as much limited exposure as possible from these chemicals. The Endocrine Society which has over 17,000 members stated that any exposure to these chemicals can cause problems. In some cases low doses can be more harmful than high doses. There is evidence that it effects both males and females and there are many different potential problems. Even a single exposure to these chemicals can affect the body. Not only will the exposed person be affected but future generations will be as well including an unborn fetus. Exposure from the 1950's might be part of today's problems. There is a gene in the human body that is marked and it might be possible to go back and look at past generations. This is a silent pandemic. It contributes to autism, cancer, miscarriages, still births, low birth rates and thyroid issues to name a few problems. A Stockholm study showed that 9 of the 12 worst chemicals out there are pesticides. I used to believe that the government standards are safe but I have learned differently. I had to leave a home to help our family. I have a petition signed by members of the community and some of them are here tonight. I only have five sheets of signatures and have not had time to get more. I have only had one person that was in disagreement of the petition. I don't want these issues in my house. Isn't there a law to protect us. I have a concern of how commercial pesticides are being disposed of. I have some pictures to show you of an investigation that was done by someone that was not part of my family showing them spraying and dumping.

MONTE FRANSEN: The dumping is occurring on private property as well.

KAREN: The person in the pictures has a license to spray. The bushes that were being sprayed were already wilting before they were sprayed again. My home is still sitting empty as there are some serious health effects. I believe part of the problem is pesticide exposure. A family that used to live by us moved and now a member of their family no longer has to use an inhaler and there have not been any more asthma episodes for that person since moving. Another family told us since they moved that their health is night and day different. I want the community to be safe. I want to stop the commercial storing of pesticides in the City.

MAYOR: We appreciate you coming in and explaining this to us.

PAUL: Is your proposed ordinance to prevent mixing, storing and emptying of chemicals?

MONTE: When commercial sprayers have extra spray they have not used they are pretty much free to dispose of it how they choose.

JEFF: I have looked that up and it is against regulations to just spray anywhere.

MONTE: They have to spray at a given rate but they can spray the same area over and over and over. People are not even aware the area has been sprayed. It is inadvertent exposure.

JEFF: Traditionally we don't spray on City right-of-ways. We prefer to mow those areas unless there is a weed control issue.

MONTE: I am not saying that people cannot spray their yards. The ordinance would be to help control the storage and mixing of chemicals. They need to be stored in a controlled facility that will help to reduce the risk of exposure.

MAYOR: Terrie do you know the requirements for chemical disposal and mixing from the EPA, State and Federal government? What are the regulations? How are they checked? If we cannot enforce the ordinance there is no reason to write one.

TERRIE: In 2011, the EPA tightened the regulations for any commercial applicator. Anyone mixing or spreading insecticide or herbicide must file a notice of intent with the State. A pesticide management plan must be filed as well. If the rules are being broken then a person can go to the State website and file a report. At that point, the State will come and check it out. The same applies to chemical storage as well. It is even a violation if a jug of chemical falls over and spills. The State of Utah has a noxious weed list and information on it is on the City website and will be coming out in the City newsletter as well. By Federal and State law we are required to control the noxious weeds. I am not sure what the sprayer is doing in the pictures.

PAUL: The City hired the person in the pictures to spray for leafy spurge. The sprayer is using an herbicide.

MONTE: An herbicide is the same thing as a pesticide. The State has four divisions for investigations. I had a conversation with the Commissioner for the State and he basically said the applicators can do what they want. The Agriculture Department said they are responsible for licensing and education and that is pretty much it.

TERRIE: I am talking about the Department of Environmental Quality. All pesticide applicators are under their regulation. Even farmers are controlled in what they can do.

MAYOR: My concern for the City is how this would be enforced.

MONTE: We have not received any help from the State. If the City does not take a stand and there is nothing on the books then there cannot be any recourse.

MAYOR: If the ordinance cannot be enforced it is the same as not having one at all.

MONTE: Where do we start then?

MAYOR: You need to start with existing avenues like the Federal government and State. There is also a reporting agency that deals with infractions. I think it needs to go there. I understand your frustration. We understand the bureaucracy in the departments as we deal with the EPA every day.

MONTE: I have been working with those departments for over three years and they have no intent of coming here to help or look at things.

MAYOR: I don't think a City can fight this.

MONTE: Right now we can look at controlling the storage of chemicals. What recourse do we have right now?

TERRIE: There is lots of recourse, there is the CDC, EPA and health departments to name a few.

MONTE: I have called them all.

TERRIE: They have not followed through, is that correct?

MONTE: It is hard to even get them here. Without the help of a TV station they would have never come.

KAREN: The EPA did not come out. They contacted the neighbor about the issue and that person moved all the chemicals before they arrived and then put them back after they left.

TERRIE: Do you have any type of photo documentation?

MONTE: No, they did not care.

KAREN: Utah is known as a state that does not enforce these types of rules.

SARAH ANN RIPPLINGER: I live on the same street as Calvin Swendsen. The chemical smell is very strong from there. A few years ago there was a street petition as none of us wanted the chemicals mixed there. He has another place he can mix them, why doesn't he do it there? When I was at Dr. Carlson's dental office I watched a man that was from Smithfield come and

dump some chemicals next door and then leave. The chemicals need to be mixed away from the City.

ROD GOING: The chemical manufacturer is responsible for the product from cradle to grave.

MAYOR: Agreed.

DENNIS WOOD: The chronic effects are not known until years after people are exposed.

RA NAE CURDY: I am wondering if having an ordinance in place gives them a stronger basis for a lawsuit.

MAYOR: The City cannot pass an ordinance upward. We cannot supersede the rules of the State or Federal government. Our rules can be tighter than the Federal government or the State but we don't have the funds to fight this battle legally. Our annual general fund budget is only around \$850,000 and it is a battle we cannot afford to fight.

RON NATALI: Are any of these chemicals showing up at the City waste site?

MARLOWE: We don't test for those types of chemicals.

MAYOR: We do the tests that the EPA and State require.

DAREK: Testing for those chemicals is not part of our permit.

RON: From my experience, there are certain regulation that do flow down. Maybe the issue is an analysis of the regulations. If the State and Federal government have some regulations the Federal government can make the State enforce the rules.

TERRIE: I know of cases in two other states where the Federal government got involved.

HAL BRIGGS: I remember when I was living in Niagara Falls and it all started with one neighborhood and then several City blocks were closed down and homes boarded up.

JEFF: What was the cause of that?

MAYOR: The homes were built on a hazardous waste site.

MONTE: That entire area started with neighborhood action.

ANITA LARSEN: Monte and Karen don't know where to go and they are trying to help the City. All of us have been exposed to these chemicals for years. Chemicals have been dumped on the property next to Monte and Karen and they cannot now with a good conscience sell their home. It is not safe and I am concerned. I love Calvin and Janice Swendsen and have known

them for years. It is not safe to mix and dump chemicals in our town. Why not get them out of the residential areas?

KELLY CARDON: I rented the Swendsen home to the side of the Frandsen home. I would be glad to write a letter of my concerns. I have seen what was done and the trickledown effect. Maybe a law cannot be enforced but it is important to have in place. It is a statement by the community. We have a serious issue even if it cannot be enforced.

RON: Maybe an ordinance is not the answer but maybe we could put something in place where the sprayers have to provide the City with the MSDS sheets of the chemicals they are using. The MSDS sheets will tell you everything you need to know about the chemicals. The sheets could be kept on file at the City office and a resident could request the information if they choose too. Then the City and people would know what is going on.

JEFF: Doesn't the State require this information?

TERRIE: The State website can be checked and Mr. Swendsen and the chemicals he uses should be listed.

RON: Could we put that information on the City website?

MAYOR: We can easily do that.

TERRIE: It might already be there but I would need to look for sure.

DENNIS: MSDS information should be on the site for all of these companies.

ANITA: Is it legal to mix at his house?

MAYOR: It depends on the license and the State oversees this issue.

TERRIE: There are different rules for registered and unregistered users. Restricted users have more handling, storage and mixing precautions they need to deal with. The products that Lowe's and Home Depot sell are not as restricted.

JEFF: Are Roundup and 2, 4-D unregistered?

TERRIE: It depends on the percentage of the product used. Hazard materials information must be in place, there must be a decontamination plan and an emergency notification plan if there are a certain amount of gallons on site.

DENNIS: How big the storage container is also matters.

KAREN: There are more chemicals than 2, 4-D and Roundup that need to be addressed. This issue needs to be addressed.

KELLY: Aside from mixing and storing, the dumping of the chemicals needs to be addressed as well.

MAYOR: It is all part of the same issue.

KAREN: I have a question for Paul. You stated you hired someone to spray along the roads. When do they stop?

PAUL: I was not aware of any over spraying. This is something we will have to discuss with the applicators when they are hired in the future. There are some options to consider.

KAREN: As you go home tonight, how would you feel when you leave next time that you could never go back?

MAYOR: Everyone on the Council feels this is a tragedy and sympathizes with your family. You need an advocate and I won't say you have been treated fairly. We are a body that has no control or authority over this situation. I know that the Bear River Health Department was contacted and came up there. There are only a few steps the City has as an avenue. It is more of a Federal and State issue. If we had an ordinance in place it would say something like if there is an issue to report it to the various State and Federal agencies.

MONTE: The City has the ability to not let the applicators store the products on site.

BRAD: That can be handled through a business license request.

JEFF: I agree.

MONTE: Storage and mixing need to be moved elsewhere.

MAYOR: We can review the local business licenses.

MONTE: If chemicals are stored in the City limits then they need to be stored properly.

JEFF: I think it is a common question that is asked of how chemicals are stored. I don't mind higher risk businesses but why not have them come before the Council and ask them these questions?

BRAD: We have done it with other businesses.

MARLOWE: Once granted, a City business license is automatically renewed unless there is an issue.

MAYOR: We only review licenses when there is a complaint issued.

JEFF: Is this not a complaint? I am just asking for clarification.

MAYOR: It is but until tonight it has not been. When these businesses come in they are checked to make sure they have the proper Federal and State licensing. We cannot control who the Federal government and State issues a license to.

MONTE: You can control storage as a City.

BRAD: We can put restrictions in place on the business license.

MONTE: Mixing can be controlled as well. It would go a long ways to solving a lot of inadvertent exposure issues.

MAYOR: There are laws to deal with this.

MONTE: I know there are concerns on the west side of town in regards to storage and dumping as well.

ROD: I think there is an opportunity to address this with the applicators. Washout needs to be addressed as well. I know it has to be diluted. It is supposed to be contained as well.

MAYOR: We only have limited authority with those licensed in the City.

DAROLD FITZGERALD: Who checks on these businesses?

MAYOR: The City only deals with the business license and the spraying and chemical issue is handled by the State and Federal government.

BRAD: Planning and Zoning is dealing with a similar request right now in regards to propane sales and propane storage.

JEFF: Are we all in agreement that when Mr. Swendsen's license is renewed in 2015 that he needs to come before the Council? I think it needs to be discussed.

CHERYL: Is his the only local business or are there others as well?

JEFF: Do we know of any others? I have talked to Scott Pratt about this issue and he said he would not have this type of facility in town but there are issues like this everywhere.

MAYOR: If we push them out of town then it just becomes someone else's problem to deal with and that is not fair.

MONTE: How do we move forward with this? Can we do a petition to get an ordinance in place? I think we have the support.

MAYOR: The Council will call in the people that operate in this line of work as their licenses are renewed.

TERRIE: You cannot take away a person's livelihood.

MONTE: But you can regulate it.

MAYOR: It should be regulated already by the State and Federal government.

MONTE: A local body can be more restrictive.

RON: No local regulation can trump or restrict the Federal government laws and rules. The Federal government always trumps state and local rules. A City or state will lose every time.

HAL: A City can hold the business license requirement over their head.

MAYOR: We can review the business licenses.

JEFF: Is there a way to have them come in before the business license is renewed?

MAYOR: That is something we would need to review.

TERRIE: If you are targeting pesticide applicators you would need to include lawn care businesses as well as veterinary clinics. You cannot pick out just one particular business license holder.

JEFF: We have called businesses in before to discuss matters.

BRAD: Only at renewal time.

MAYOR: I appreciate everyone being in attendance this evening. It is good to have people here.

****Jeff Young stepped out of the meeting temporarily.****

**PRESENTATION, DISCUSSION AND POSSIBLE PASSAGE OF RESOLUTION 2014-1
"MUNICIPAL WASTEWATER PROGRAM RESOLUTION"**

MAYOR: This is a Resolution that is required on a yearly basis. It is reviewed and approved by the state.

DAREK: I helped Scott with some of the missing information.

MAYOR: It is done each year to meet State regulations.

PAUL: It is to keep us in compliance.

BRAD: I would like to thank Terrie and Charles Chism for the safety manual that was completed. There were no findings this year.

A motion to adopt Resolution 2014-1, a MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION, was made by Paul, seconded by Brad and the vote was unanimous.

Yes Vote: Jensen, Erickson, Peck, Thatcher

No Vote: None

Absent: Young

****Jeff Young returned to the Council meeting.****

COUNCIL MEMBER REPORTS

PAUL: We recently did about \$10,000 worth of crack sealing. It is done to try and prevent future problems. I did inspect the work that was completed and it was done well. We agreed with Lewiston City to spend about \$2,500 to update the concession stand at Cub River as we have made an agreement with a vendor who wants to open the concession stand and sale items. The City-wide cleanup is on May 3rd at 10:00 A.M. and the Youth Council will be helping. The LDS church wards will be helping as well. The City Council will provide lunch as a thank you to those that help. I have reviewed the playground project at Cub River with Council member Jeff Hall of Lewiston and we think the remaining RAPZ tax funds will be used for a fence around the area to help with safety concerns.

DAREK: Do we need a health permit for the luncheon?

PAUL: Terrie will help get the permit for the luncheon and for the Black & White Days breakfast.

TERRIE: Please provide me the menu.

PAUL: I will send it to you but it will be the same as last year.

DAREK: I need to learn the process of getting the permit as well.

CHERYL: The plan is to have the landscaping completed in front of the Library before Black & White Days. The original plan was to install electric blinds in the Library at a cost of about

\$6,800. Juliene and the staff decided to change the plan and go with blinds that can be controlled manually and that will allow them to get carpet as well. The new carpet will be installed the Thursday and Friday of Black & White Days week. This year is the 100 year anniversary of the Library and the Grand Marshals for the parade will be the Library staff. This week people can turn in their overdue Library items and no past due fees will be assessed. There was a person that stopped at LD's Café and saw the City had a very nice Carnegie Library. The person went over and donated \$200 to help towards the 100 year anniversary celebration. The donor stated she would like to see a lecture on Carnegie libraries, if possible. I know there is an individual that has taught classes in the past at Idaho State University that knows about these libraries. On the EMT side, I met with Justin and Chief Wood and we discussed the budget and the Department. Chief Wood is great to work with and I appreciate how frugal he is with the budgetary funds. I appreciate that. I am excited to work with Dennis and the Department.

JEFF: Black & White Days is good and things are coming together. Ticket prices are being increased from \$4 to \$5 this year for the horse pulls. Prices have not been raised for a long time and there are more horse teams than in a very long time. It is logical to do the \$1 per person increase. It was a discussion item with a lot of people this week. I made the decision to do the increase in behalf of the Council. Just as a point of clarification, Black & White Days happenings outside of the cow show are regulated by the Council. The Lion's Club and other groups help out but all expenditures are approved by me as I am the Council member in charge of the celebration. I report to the Council and itemize the expenditures and revenue for the celebration. I just want everyone to understand the process. I am very excited about this year. It is another regular year but next year will be the 100th celebration.

RON NATALI: When are the billboards going to be changed?

JEFF: It is interesting that you mention that as I have been trying to get in touch with Regan Sign about the billboards as normally they are installed by now. They replied and said the billboards are up in Ogden and Layton on the freeway. I called back and let them know they are in the wrong location and now they have not called me back. I am still working on this. I am nervous they might not get changed. I don't have an answer right now.

RON: I would suggest putting up the 100 year anniversary signs a month or so after this year's event.

JEFF: The 100 year anniversary is where I want to do something different. I might form a special committee to help with it and involve some younger and older members of the community.

TERRIE: I have three CD's of pictures from Black & White Days of the past. Those are available for you to use if needed.

JEFF: Maybe we do a special website or something for the 100 year anniversary.

TERRIE: We could add another page to the City website. The new website is about ready to launch.

JEFF: I want to thank everyone that is involved. I am grateful every year for the number of volunteer hours that area spent and how people are willing to help.

MAYOR'S REPORT

MAYOR: You each have a copy of the approved Planning and Zoning Commission meeting minutes from March as well as the draft copy of the April meeting for your review. We received information regarding the recent water board hearings and I will let Darek update the Council.

DAREK: There were five requests for wells in the Cherry Creek area and four of the requests were for single family wells. The City protested all of the well applications as the City believes based on past approval and Court hearings that all of the water has already been allocated in that area. The four single family home wells were approved with very stringent conditions. The water can only be used for indoor use and not used outside of the home. The ski resort applied for a well and the City protested their application as well on the same basis. Several others protested the ski resort application as well. The application by the ski resort was denied. Now the ski resort will have to come to the City to try and get some water.

MAYOR: Several of us met with City Attorney Bruce Jorgensen a couple of weeks ago. The question is if we want to pursue the decisions that were granted or leave them alone. The decision on the four approved wells is written tight enough that with the recommendation of the City Attorney and City Engineer we are not going to pursue anything. We have asked Bruce to do a follow up on how the indoor use approved wells will be monitored. The wells can be checked on a case by case basis if we determine or think there is a problem.

CHERYL: If they are not in compliance can the well be revoked?

MAYOR: They can be fined or penalized. The water is to be used for indoor watering purposes only.

DAREK: The wells could be metered if needed. Their total yearly usage could be reported if required. On the tank project, we are waiting for the contractor to come and clean the screens. They are still a couple of weeks out before they do it. After the screens are cleaned then the well will be retested. After that we will finish up the process of the pump capacity and getting the well house building completed. The well driller still has not sent an invoice to this point. I am just waiting for the invoice to review and approve. We had them not clean up the site as we will hire someone local to do that. The contractor for the MBR project should be finishing up the

concrete work and a few other minor projects soon. At that point we can close out the billing for the project.

MAYOR: The MBR project will be completed in this budget year.

DAREK: The water tank project will not be done in this budget year but should be done by the end of the summer.

MAYOR: At that point we will finalize the land purchase issue and do some landscaping.

MARLOWE: We have submitted the application to renew the special use permit with the DWR for the dirt storage.

DAREK: During the fire last night, Scott and I monitored the tanks and springs. Everything is working like it is supposed to. The water tank trucks filled at the hydrant by Steve Buttars residence and the tank only dropped a few inches. We were checking the capability of the system for an incident like this and we have the ability to electronically move water around and open the springs to full capacity if needed. The draft copy of the sewer discharge permit has been received and we have sent some comments back on it.

MAYOR: Some of the requirements are based on information from 20 years ago and we have asked for some clarification. We are being held to some standards set in the 1970's. John Chadwick has come in tonight to see if the City is willing to sell any excess water to the ski resort. The water would be used for snow making purposes. The ski resort would like to purchase our excess water from approximately September/October of each year through January/February of each year. It actually coincides quite well with the City water use as lawns are not watered then and the irrigation watering season is done. I have done some rough calculations and if we use the low point of what our springs produce, which is around 400 gallons per minute in February, then we would have around 18 million gallons per month. The ski resort figures they need around two to three million gallons per month to make snow. John has provided a sketch drawing of the runs and lodge.

JOHN CHADWICK: Through an agreement with the City from many years ago we have a 2" water line that attaches to the cities 12" water main line. The connection is up by the highest spring and allows for 50 gallons per minute. It would work better for the ski resort if we could get more water. At 50 gallons per minute we would have to start storing water in September of each year to start making snow in October or November of each year. The snow would be made and put into piles about 15 to 20 feet tall. Then at the appropriate time it would be spread. If we have access to more water then the reservoirs would be smaller. Our request would miss all of the irrigation water season but we need more than 50 gallons per minute to accomplish this. On our side it would save us money by not having to have such large reservoirs and it would make

the City additional revenue from the sale of the water. We would like to get 150 gallons per minute.

MAYOR: So you would like to pull the water from October through January?

JOHN: Typically we would start in October and it would trail off and be done by the end of December or early January.

PAUL: You need to understand any agreement would be predicated upon the supply of what we have.

MAYOR: We have met with Bruce Jorgensen and he would help us with the legal document if needed. We, by State of Utah law, can only sell the excess water. If the City has a need the ski resort would be turned off first.

JOHN: We will take all of the water you are willing to sell us.

MAYOR: What size of line would be needed for 150 gallons per minute?

DAREK: It would depend on the distance traveled. Right now the existing tap is on the bottom of the pipe and they only catch what water comes through. John will you be pulling water out during different times of the day or all day long?

JOHN: We just want to know what the City will allow us to do. Our motor will be based on the gallons per minute you allow us to take. If you only have excess at night we will take it then.

DAREK: There are certain times during the day that the tank is filling. We would just need to coordinate our schedules. We might just need to fill the tanks slower.

JOHN: What is your storage capacity?

MARLOWE: We have a total of three million gallons of storage.

DAREK: We just have to make sure we are not declining in the tanks.

JEFF: This seems logical to me to consider. I don't see a reason not to consider it.

DAREK: As the City grows, the amount of unused water will become less and less.

JOHN: I just got denied on the three acre feet of water that I have. Would it help the City? Does the City have the additional need? I have three acre feet that I cannot use.

MAYOR: We could allocate to a different diversion point.

DAREK: We can hold water rights for 40 years. The City has enough water rights for about another 20 years if the outdoor use is taken care of with irrigation water.

BRAD: Is the current two inch connection metered at the top of the line?

JOHN: Yes, but I don't think the meter is working.

BRAD: Does the line run parallel with the City line?

JOHN: Actually, the two inch line runs through the abandoned six inch line.

BRAD: So you want to tap our larger line with a four inch line?

JOHN: I am not sure of the size but yes we would add a bigger tap.

BRAD: Looking at the future you may have to give up some of the allotted connections to make this happen.

JOHN: Only two of the eight allowed hookups are being used. We want to access the main line as close to the pump as possible. We would like to leave the other connections.

MAYOR: What size line will be needed for his request?

DAREK: Not very big. A four inch line would easily do it. Would this be considered a 9th connection to the system?

BRAD: The previous agreement is for one meter and eight hook-ups.

JOHN: We would only want to do this if you are willing to sell the water.

BRAD: What about the current connections?

MAYOR: Some of the current connections would need to be eliminated.

BRAD: What is done downstream will require them to give up the same amount upstream.

JOHN: We will do what you want to do. We can give up one to four connections with no problem.

JEFF: If they already have connections in place then why is this an issue?

JOHN: There is not any water pressure. The length of the two inch line is so long that all of the pressure is lost.

JEFF: So the request is for a totally new connection.

PAUL: Would a booster pump be required?

JOHN: It would not work, it would only suck air.

BRAD: Do you own all of the connections?

JOHN: I own four of them. There are people with property in the area that own the other four connections. They don't have enough property to build on but I cannot give up more than four connections.

BRAD: You will need to give up your connections for the one new one downstream.

JOHN: It just creates more piping. How does this agreement benefit the City if you are not selling as much water as possible?

BRAD: We are talking potential hookups.

JOHN: I won't give up four connections for one new one.

BRAD: Right now there is only one meter for several owners.

JOHN: That is probably changing as I want each property owner to have their own meter.

BRAD: You need to understand that untreated water cannot be sold.

MARLOWE: Only the original parties can use the untreated water. We can wholesale water to the ski resort then the ski resort becomes a non-transit water district. They must comply with regulations if needed. The original agreement allowed for eight, one inch water line connections and only two of those lines are active. I would suggest leaving those intact and changing how the water in that area is metered. The water would still be supplied through the old pipe to Dr. Daines as part of the original agreement. The new tap would allow for the wholesale of water to a non-transit facility if that is something you want to do. You could physically plug off four of the stubbed lines. The ski resort would have to chlorinate the water for human use but not for the production of snow.

JOHN: We are required to chlorinate the water for the lodge.

JEFF: So there will be less metering?

BRAD: We would have four less un-chlorinated connections.

JOHN: I need to clarify that I have 120 acres that I own. I am in the process of buying another 76 acres. I only have two connections on my property and two more on the property that I am leasing to buy. I cannot give the other two to the City until I execute the agreement to buy the

other land. I can only give up two right now but I have control of four right now due to the lease.

BRAD: We can put it in the contract that when you buy the other property that you are required to give those two connections to the City.

MAYOR: In order for John to plan and for Bruce to draft an agreement is anyone opposed to adding a four inch line to the system?

PAUL: Would the City put that in?

MAYOR: The ski resort would install and do the work at their cost and Darek would oversee the work to make sure it was done properly.

BRAD: This is assuming that the agreement is legal within State guidelines.

MAYOR: Bruce is currently checking into the legalities of a possible contract.

BRAD: You also need to understand that there is not a guarantee we will have water to sell to you.

MAYOR: Is there any concern from the Council?

JOHN: It is just money in the bank to the City.

TUCKER: I am fine as long as the costs are covered including when the {well} pump is turned on to meet demand as running the pump is expensive.

JOHN: I do have a concern. Right now we might make an agreement with this Council and Mayor but what protects me down the road if a future Council and Mayor don't want to sell the ski resort water?

BRAD: You don't have any protections in that regard.

MAYOR: One Council cannot bind a future Council.

JOHN: So this agreement is based on faith that we can work together.

PAUL: A legal agreement cannot just be thrown out.

BRAD: The City would prefer to sell to the ski resort over seeing it flow into the Bear River.

JOHN: It should help your budget.

JEFF: How is the fee being determined?

BRAD: That is something that is still being reviewed. Right now the way it is set up the more a consumer uses the more expensive the price per gallon.

MARLOWE: If there is a legal contract the only way it can be undone or changed is through due process. Both parties would have to agree to modify or abandon the agreement. The City could not just cut the ski resort off if there is a signed contract.

JOHN: I am deeply concerned that we get along and work together. It really affects my business if we don't.

MAYOR: John has approached the City on a couple of other items as well. There has been an initial discussion with the County about having a satellite office here in the City to generate some sales tax revenue or the county would have to allocate some of the ski resort sales tax money to the City. It might be easier to just have a physical office here in town.

JEFF: Are there any advantages to the County to allow this to happen?

MAYOR: No, but the County Council is sympathetic as they know the roads to access the resort run through town. The County is more likely to consider it than the County Administrators.

JOHN: I talked to two of the County Council members and they want to protect the County but would be willing to share with the City as well.

BRAD: Either way neither party gets all of the sales tax revenue.

JOHN: If the County denies it I think you could pursue it with the State and win.

JEFF: Overall the agreement needs to be a win-win for both sides. We need to create a mutual relationship for both sides so that both sides can grow. I am glad John has come in this evening to talk about things. I have had several people tell me that they are concerned that the City is expending resources and getting nothing in return from this project.

MAYOR: Is anyone against the four inch water line tap?

PAUL: We need to determine if a water impact fee is applicable.

BRAD: We also need to develop a rate schedule as there is not one right now.

JOHN: I think that is something we can address later if you allow the agreement to be drafted.

MAYOR: I will have Marlowe get hold of Bruce and ask him to get a draft copy of the agreement for everyone to review. For planning purposes we will look at selling the excess water to the ski resort. The Council will review the cost side and come up with a proposal.

JOHN: Can I have my engineer communicate with Darek about the line tap?

MAYOR: Yes. What are your plans for waste water?

JOHN: It would be very costly to bring the line all the way down to the City. The proposed fee that you requested for the project is pretty expensive as well. There are places on the property we can dispose of the waste. We have not made any final decision at this point on that.

PAUL: Aren't septic systems only allowed in certain areas?

JOHN: Yes. We were told that a drain field was not allowed in a Zone 4 area. The state is telling us otherwise. We wanted to put a drain field on the north ridge. We would have to run pipe around 2,500 feet. I am being told a drain field is allowed in a Zone 3 and 4 but not in a Zone 1 or 2.

DAREK: I will have to review this.

JOHN: If it is legal I want to put a drain field in a Zone 4 area. I thought I was going to have to put it up over the top of the ridge and was told that I did not need to do that. The County told us to check with the State and the State is telling us it is allowed and we can do it.

MAYOR: Darek, please review this and follow up on it to the Council.

DAREK: I will. I need to review the rules regarding zones and wells.

MAYOR: In the discussion about adding you onto our system is it the monthly fee or the impact fee that is the concern?

JOHN: Even without the impact fee included it would still be a couple of hundred thousand more than we are going to need to spend. The engineers say it can be done with a drain field but no final decision has been made.

MAYOR: We have been told otherwise. We were told it would be a contained system or have to come to the City.

DAREK: I need to review the maps.

BRAD: If there become high nitrate levels in our system we have a major problem.

JOHN: My brother is a ground water expert and has said even if the State says it is possible if there is nitrate in the water then there is a big problem.

BRAD: Our downstream well is more of a concern.

JOHN: I want to do the cheapest thing possible but do it right. I will share everything I find out with the City and won't hide anything.

DAREK: The further you get away from the lodge the more likely it is possible.

JOHN: We had thought about doing several smaller drain fields but were told there is no need.

MAYOR: Darek will help us get to the bottom of this.

PAUL: This has been a good discussion.

JEFF: I appreciate the openness and willingness to come in. I had a lot of questions before tonight and have been asked a lot of questions that I did not have answers too by residents, now I have answers.

MAYOR: There had been a question about signage.

JOHN: The County has asked us where you want to see signs? We would use the brown ones like the street signs and put them on the street signs with an arrow showing the direction to go to get to the resort.

MARLOWE: I am sorry. I thought when we discussed signs that you were referring to advertising signs.

JOHN: No, just directional signs. I will supply the Council a copy of what they would look like. They would just be a forest service brown color.

CHERYL: Were ski resort passes sold for last year?

JOHN: No. We are currently selling them for this year. The money that is collected is being put into an escrow account so if things don't work out the people will be refunded. We had a CEO that was terminated and he was telling people that the resort would be open last year but no passes were sold. They are being sold now and mainly we are selling them for advertising purposes. Not many people are willing to spend the money until they see that the lodge is completed. The lodge should be finished this summer.

DENNIS WOOD: Have you talked to the County Fire or EMS departments?

JOHN: They have been to all of the County meetings that I have attended but I don't know their names.

MAYOR: We recently found out that the local EMT's won't have to respond to calls up there. The ski resort is required to have trained staff on site. The calls would be sent to Central Dispatch and then sent from there. Our ambulance might have to attend on a periodic basis.

DENNIS: If the County ambulance is dispatched from Smithfield we might not have to respond at all to those calls.

MAYOR: We were told that the County Department does not respond to Beaver Mountain other than for transport requests.

JOHN: That is my understanding as well.

DENNIS: What about vehicles that runoff the road?

MAYOR: That is a good question.

BRAD: We don't have a 4x4 vehicle that can even get up to the ski resort.

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

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher

No Vote: None

10-39 Design	120.00
AFLAC	178.38
Al's Trophies	182.00
Altius	4206.59
Angela Fannesbeck	55.00
Bear River Health	40.00
Beeline Digital	1022.00
Cache Chemical	189.48
Cache Co. Service Area	15477.45
Century Link	711.34
Channing Bete	223.10
Chemtech Ford	235.00
Coca Cola	196.14
Comcast	218.42
Dennys	85.98
Ecosystems	427.80
ERA	399.81
Frank Edwards	899.80
Gateway Mapping	197.50
Hillyard Anderson Olsen	25.00
Intermountain Hydraulics	99.43
Intermountain Traffic Safety	166.74

Interstate all Battery	107.35
IPACO	32.50
Itty Bitty	1435.03
JUB	14089.70
Junior Library Guild	183.00
KCA Transportation	1000.00
Lee's	433.98
Library and Educational Services	8.84
Logan Pharmacy	308.72
Marta Peck	25.00
Maverik	553.78
Maverik Cemetery	392.73
Meterworks	750.00
Nextel	18.28
Oldcastle	660.58
Olson & Hoggan	2297.00
OVIVO	12215.55
PEHP	94.40
Pitcher Propane	1956.26
Questar	1775.41
Randy's	77.64
Renegade Rentals	385.08
Rockmount	359.73
Rocky Mountain Landscape	700.00
Rocky Mountain Power	8988.60
Show Me Books	330.00
Smithfield Imp	175.83
Staples	51.57
The Herald Journal	34.54
Top Job Asphalt	10964.00
ULGT	1040.18
Utah Education Network	75.21
Verizon	249.69
VISA	1908.29
Visa Library	489.59
Western Construction	27378.55
Wex Bank	216.50
Ytech	50.00

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

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher
No Vote: None

Adjournment at 10:40 P.M.

RICHMOND CITY CORPORATION

Michael E. Hall, Mayor

ATTEST:

Justin B. Lewis, City Recorder