

**RICHMOND CITY COUNCIL**

**AUGUST 19, 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, August 19, 2014. 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, Jeff Young, Cheryl Peck and Tucker Thatcher.

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

**APPROVAL OF CITY COUNCIL MEETING MINUTES**

\*\*\*A motion to approve the July 15, 2014 City Council meeting minutes was made by Brad, seconded by Cheryl and the vote was unanimous.\*\*\*

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

No Vote: None

**DEPUTY'S REPORT**

**MAYOR:** Deputy Nelson is out of town this evening. We have been advised that a second Deputy has been assigned to the City.

**MARLOWE:** Deputy Jared Keller is the new Deputy.

**MAYOR:** Deputy Keller or Deputy Nelson will be coming before the Council in the future. Who attends the Council meeting will be based on which Deputy is on call at that time. Deputy Nelson passed along that the Sheriff's Department is ready for the City party and to let the Department know of any changes or other requests the City has for that evening. Marlowe please invite the deputies on shift to attend and have dinner if they are available.

**MARLOWE:** I have already sent out an invitation in that regard.

**MONTHLY FINANCIAL REVIEW WITH DISCUSSION AND DECISIONS AS NECESSARY.**

**JUSTIN:** The new backhoe was received in July and the water and sewer department each paid 1/3 towards the purchase or a total of \$10,835. We received RAPZ tax in the amount of \$2,414 which was a population based assessment from the past and it was used towards paying for the nine new trees in the City park. The trees are being put in as the old trees are just a few years

away from needing to be removed. The total cost of the tree replacement was \$2,885 so the actual cost to the City was just over \$400. The Library landscaping project has been completed and the sod put down. On the north west side of the building there were some stairs that led to the basement. They were not removed as part of the renovation project. They have now been landscaped over and some bushes and decorative rock covers them. The annual liability and automobile insurance for the year is paid in July of each year. The total cost is split equally over the ten departments. Workers compensation and some other minor insurance is paid throughout the year. The cost of the sidewalk work on 100 West from 200 South to 300 South has been completed at a cost of \$11,256. The total cost of the new backhoe was \$16,253.

**JEFF:** Is that less than previous years?

**JUSTIN:** Yes, the last few years it has cost over \$19,000. A couple of companies bid the new backhoe this year and it drove down the price. The balance of the 300 East road project has been completed at a cost of \$70,887. Richmond has transferred \$10,000 to the Cub River Sports fund and a request was made to Lewiston City to pay their \$10,000 and it was received this month. The two cities agreed to increase the yearly allocation from \$7,500 to \$10,000 to try and always have some money in the fund. Brad, we budgeted for the commodity bins in this budget year when do you expect them to be worked on?

**BRAD:** It will depend on the contractors schedule but I am hoping for this year so we can have material on hand for emergency purposes this winter.

**JUSTIN:** We budgeted \$11,000 for that project.

**MAYOR:** Will the bins be covered?

**BRAD:** No it will be a floor and sides. A roof would require us to go quite high to allow for the loaders to enter and the cost would increase substantially.

**MAYOR:** How many of the water meters have been replaced in the City?

**BRAD:** Around half. There won't be 100 new ones installed this year as we are going to replace a couple of commercial meters and they are quite a bit more in cost than the regular residential meters as they are a larger sized meter.

**JUSTIN:** The remaining balance in the water tank project escrow account is \$2,122,503. Some of the remaining costs are to pay for the hauling of the dirt, the pump house, landscaping and the fee from the well driller to finish cleaning the new well and test pumping it.

**PUBLIC HEARING ON THE LOAN RENEWAL FROM THE CAPITAL PROJECTS FUND TO THE WATER ENTERPRISE FUND AND FROM THE SEWER ENTERPRISE FUND TO THE WATER ENTERPRISE FUND**

**JUSTIN:** In May of this year the State of Utah changed some rules and requirements. In the past, internal loans did not require a public hearing, they could be established and approved by the Council. Now a loan to or from an enterprise fund requires a public hearing. We renewed these two loans in June for the new budget year but to stay in compliance, as I was just made aware of this change, we are having a public hearing to make sure we are in compliance.

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

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

No Vote: None

\*\*\**The public hearing started at 7:15 P.M.*\*\*\*

**JUSTIN:** The loans were originally for one year but need to be extended for an additional year while the water tank project is completed. The proposed interest rate is 1.00% which is 0.5% higher than the current rate on the State investment accounts. The capital projects fund is owed \$347,885.34 by the water fund. The sewer fund is owed \$390,567 by the water fund.

\*\*\*A motion to close the public hearing and reopen the regular Council meeting 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 closed at 7:18 P.M.*\*\*\*

**DISCUSSION AND POSSIBLE APPROVAL OF THE LOAN RENEWAL FROM THE CAPITAL PROJECTS FUND AND SEWER ENTERPRISE FUNDS TO THE WATER ENTERPRISE FUND**

\*\*\*A motion to approve the renewal of the loan from the Capital Projects Fund to the Water Enterprise Fund with a principal balance of \$347,885.34 and the loan from the Sewer Enterprise Fund to the Water Enterprise Fund with a principal amount of \$390,567.06 for one (1) year, effective July 1, 2014 with an interest rate of 1.00% was made by Brad, seconded by Tucker and the vote was unanimous.\*\*\*

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

No Vote: None

**PROPERTY OWNER REQUEST FOR POSSIBLE ASSISTANCE ON AN INFRASTRUCTURE QUESTION**

**MAYOR:** This is a request we have reviewed in the past. The request is for assistance on getting sewer to a vacant building lot that has been purchased.

**JACQUELINE MIDZINSKI:** I bought a lot on 400 South by the City Creek Canal (approximately 60 East). In doing my due diligence it has turned into a comedy of errors. I called the City and was told sewer was located in front of the building lot. The realtor advertised sewer and water being available as well. After being told that I did not do anything else and purchased the lot. When reviewing old City maps and plans it shows water and sewer to the lots. I was getting ready to install the sewer line to my lot and called the City sewer man to discuss the required slope. He said there was something funny about that area and said he needed to do some research and would call me back. He called me back the following morning and notified me there is not sewer in that area. The sewer is located up the road on 100 East.

**MAYOR:** You would be looking at running a pressurized line uphill to 100 East?

**JACQUELINE:** I got a bid from Bracken Christensen and the cost was estimated at \$6,000. I approached the people that own the vacant lot to the east of me and requested an easement to make it easier to get to the City sewer line and they had some issues with the easement request and would not allow for it. Marlowe suggested I bring my concern to the Council for consideration. Another possibility is to go west to State Street. This is a project I could not tackle until this year. Bracken reviewed taking the line to the west and had a couple of concerns. To burrow under the canal he expected the cost to be around \$12,000. Marlowe also informed me that there is the possibility there is not a water line in front of the lot either. The City map shows it but it is not known if it is really there. I am being cautious about it. Bracken is concerned with the burrowing under the canal of being able to make grade going to the west. Burrowing under the canal would be about half the cost of the project. It is very expensive. I am hoping the City will possibly help to pay for the sewer line. I am open to creative ideas as well. I walked the area with Bracken and we are wondering what the setbacks are on the side of the road? What is the setback on the north side of 400 South?

**PAUL:** The line would need to be placed in the City easement.

**JACQUELINE:** How far off the road does the easement go?

**BRAD:** The property would have to be surveyed to know for sure.

**JACQUELINE:** Bracken said the water and sewer lines need to be at least ten feet apart from each other. Bracken wondered about the possibility of digging through the canal rather than burrowing under it. He said it would be cheaper to dig and repair the creek bed than to burrow under it. I am just looking for some help from the City. Maybe I could get some money from the City to help with the project. I know your preference would be a gravity flow system.

**MAYOR:** We don't have a preference. It would be easier for you as a homeowner to have a gravity flow system.

**JACQUELINE:** Yes, that would make it easier.

**DAREK:** It is possible to dig the canal, they just need to get a permit that is issued through the Army Corp of Engineers. They handle waterways and work with the State Engineer. Bracken would be familiar with the process to go through the river.

**PAUL:** Does Bracken work for himself or another company?

**JACQUELINE:** He owns BSC Construction.

**MAYOR:** We don't care which option you pursue as long as the canal crossing has the proper permitting.

**DAREK:** Correct. Rivers are crossed all the time and permits approved.

**MAYOR:** As far as the Council is concerned we are not opposed to you doing the cheaper option. As far as the City participating on the project we are not in a position to do so. We don't subsidize building or lot development.

**PAUL:** We don't have the funding to do it even if we wanted to.

**JEFF:** I had to pay approximately \$8,000 to get the water and sewer lines to my lot.

**JACQUELINE:** Bracken's quotes do not include the work that needs to be done once the pipe is to my lot.

**PAUL:** I just went through this same thing on my new residence as well.

**JACQUELINE:** I do need to find out if there is water there.

**PAUL:** You mean if there is a City waterline on the north side of 400 South?

**JACQUELINE:** Yes.

**MAYOR:** We can figure out where the waterlines are located

**PAUL:** On the home formerly owned by Lee Anderson does that house connect from the east (100 East)?

**MARLOWE:** Yes.

**JACQUELINE:** My neighbor to the east connects to the east (100 East) and my neighbor to the west connects on State Street. Some assumptions were made that the lines were there.

**MAYOR:** There was some poor record keeping in the past.

**PAUL:** Marvin Traveller might know.

**MAYOR:** Marlowe please ask Scott to find out on the waterlines. Jacqueline can get with Darek on the sewer as well, if needed. Bracken can deem what is the most cost effective.

**JACQUELINE:** So I can go either way?

**MAYOR:** Yes, both options are open.

**PAUL:** Who should she deal with at the City so she does not have to contact several people.

**MAYOR:** Marlowe will help her out and get with the appropriate person if needed. Darek can assist as needed as well.

**BRAD:** The sewer main will need to be run to the edge of your property.

**MARLOWE:** Does that mean across the creek to the west?

**JACQUELINE:** The people trying to sell the lot on the south side of 100 South are going to have the same issue I am having.

**BRAD:** The utilities have to go to the edge of your property. There is a pioneering ordinance that is in place that would allow you to collect some funds from the person on the south side of the road if they attached to the line you paid to install.

**MARLOWE:** The pioneering agreement is for ten years and Jacqueline could be reimbursed a percent of the cost of the project.

**PAUL:** How big is the building lot?

**JACQUELINE:** It is a half-acre. It is a beautiful lot. There have been many unexpected costs on this project.

**MARLOWE:** The County shows the property line on both sides of the creek. This is a County map you are looking at.

**PAUL:** Usually doesn't the property go to the middle of the stream?

**MARLOWE:** Yes, but in this case it does not.

**BRAD:** The requirement would be for the main line to go to the edge of the property.

**TUCKER:** We would need to consider requiring an eight inch line rather than a six inch line if it is going to be a City main line.

**JACQUELINE:** Bracken said a six inch or eight inch line would be sufficient.

**BRAD:** It could be six inch going to the east as that would be a private lateral.

**PAUL:** Why is it private?

**MAYOR:** Because it is just like all the others that are connecting to a main line.

**BRAD:** The pipe would need to be eight inch going to the west for a main line. The private lateral can be smaller. The pressurized line going to the east would be all of her responsibility since it is private.

**MARLOWE:** I figured it would be around 200 feet of pipe to get to the midpoint of the lot.

**MAYOR:** It might be better to go to the east and have a private lateral.

**PAUL:** Pioneering would not apply to a private lateral and she could not be reimbursed anything and nobody else could attach to it.

**TUCKER:** The responsibility of the pump maintenance and repair would fall to Jacqueline as well.

**JACQUELINE:** I have always assumed I would need a pump.

**JEFF:** I would suggest going to the person selling the other building lot and discuss the issue with them. It could be beneficial to both parties to joint venture the project. It could be mutually beneficial to both of you.

**MAYOR:** I think that is a good idea and you should at least have the discussion. You might be able to split the cost upfront.

**BRAD:** You do understand the City ordinance requires the main line to be run to the edge of the property line?

**JACQUELINE:** Yes. I am planning on building the home in the back (north end) of the lot. The area is considered a flood zone. I have only talked to the vacant lot owner about an easement not the neighbor to the east with the home. I should probably discuss with them.

**BRAD:** Going east through a private lot would require an easement as you are aware of.

**JACQUELINE:** I recognize I would have to buy an easement. Thank you for allowing me to come before the Council.

**DISCUSSION AND DECISION RELATIVE TO THE PROPOSED RATES PER IRRIGATION SHARE (RICHMOND IRRIGATION COMPANY) IN CONJUNCTION WITH PIPING PART OF THE CANAL**

**MAYOR:** Timothy Christensen is here this evening representing the Richmond Irrigation Company. They are meeting this Saturday to discuss the piping of the canal. There will be a vote held at that meeting. The City owns approximately 56 shares in the system and we need to figure out how we are going to vote on the City shares. Tim is going to give a brief presentation on the project.

**TIMOTHY CHRISTENSEN:** The irrigation company operates on approximately 6,000 acres and has 6,040 total shares. Roughly everyone with a share gets one to two acre feet of water per share each year. It is closer to one acre foot per year on dry years. One acre foot of water is the amount of water it takes to cover one acre of property with one foot of water. Timing is everything for water. Water early in the spring does not do anybody any good. There is the need for more water as the summer moves on. Currently, the irrigation company has many sources of irrigation water but the main source is from High Creek. Around 80% of the water in the system comes from there. Mountain Home and Cove get the other 20%. The measuring point is at the Skabelund property up High Creek. Roughly 40% of the water is lost over the entire length of the system. The system covers from High Creek all the way out to the Mendenhall's pond. One area that we lose a significant amount of water is at the diversion on the hill above Kent Walker's home. Cove is currently getting the water that is lost there. It is a huge benefit to them. It would be nice to keep our water in our system. We were only about half serious about considering this piping project until we applied for a Bureau of Reclamation grant and were awarded it. We did not anticipate getting the grant. The question has been where is the point of no return on this project. We have been dabbling with many options and at any time we could back out. Receiving a one million dollar grant made the discussion very serious. I still cannot believe that we got it. We are considering piping from Skabelunds to the Mendenhall pond. Nothing is set in stone but a couple of mini hydro plants are being considered as well. The total price of the project is around \$4,500,000. We have a \$1,000,000 grant so we would need to get a \$3,500,000 loan. The State has approved a loan at a rate of 1.00% interest. The bylaws state the Board could make the decision on the project but we did not want too until

we could have a meeting of the stockholders. There is a stockholders meeting this Saturday and everyone is invited to attend. Anyone with shares can vote at the meeting. There are roughly 6,000 shares in the system. We have invited everyone to attend. The majority of the shares must attend the meeting and vote. I have heard comments both for and against the project.

**JUSTIN:** What is the opposition?

**TIMOTHY:** Jerry Woodland has aesthetic concerns. If this passes I hope there are not any legal battles as we don't have the money to fight them. I hope we get this project right from the start.

**JEFF:** Out of the 6,000 shares, do you know how many are owned by residents? Farmers?

**TIMOTHY:** I don't know for sure but I would say around 3,000 of the shares are owned by 20 or less people. I think there are around 500 to 600 total shareholders. It might be 30 total people that have half of the shares. The main question I am asked is if I am not a farmer how does this project benefit me?

**JEFF:** I agree. I am asked that question the most. The benefit needs to be to the farmer as well as the resident. Right now residents are only getting one day to water how would that change?

**PAUL:** If they are seeing an increase in the amount of time they can water they are seeing a benefit.

**TIMOTHY:** It has to be fair.

**JEFF:** That is my biggest question.

**PAUL:** Unless there is substantial growth there should be 40% more water available.

**TIMOTHY:** The numbers consistently show that.

**PAUL:** Assuming the calculation for the amount of loss is correct.

**CHERYL:** Runoff water will be lost as it will no longer be able to get into the system.

**TIMOTHY:** Yes. There are some little springs that contribute to the canal as well and they will no longer be included. The pipe will be pressurized.

**MAYOR:** All the way?

**TIMOTHY:** Yes.

**PAUL:** Will the pressure be less than now?

**DAREK:** Pressure can be controlled by the speed of the water.

**PAUL:** Will the system have to be pressurized?

**DAREK:** Depth and speed will determine the pressure. The pressure will have to be reduced as it enters the laterals.

**TIMOTHY:** Reducers will be installed as well as a couple of turbines.

**PAUL:** The water will be much cleaner as well.

**TIMOTHY:** True.

**JEFF:** The residents will sure appreciate that.

**PAUL:** Right now every private system has to at least have a screen.

**JUSTIN:** Do you know the number of years on the loan?

**TIMOTHY:** The loan is for 27 years and the yearly payment is around \$130,000. We are hoping to generate around \$20,000 to \$30,000 from hydro power and that would leave \$100,000 per year being owed by the stockholders.

**PAUL:** Are you going to lease the hydro rights to someone else? They are normally three million to five million for those systems.

**DAREK:** They are considering a very small system.

**TIMOTHY:** Part of the loan is for two hydro units. They will generate revenue of \$20,000 to \$30,000 per year. There will be a reduction in maintenance costs as well. The boxes will no longer have to be cleaned and trees trimmed along the canal. We think we will save \$20,000 per year in maintenance costs so the increase will need to be around \$80,000 per year. I will give you an example of a benefit. If I have 20 acres of property and 20 shares of water and this water allows me to grow ½ ton more hay per acre for third crop I would generate an additional \$2,000 in revenue at an approximate cost of \$200 for the increase in the water share fee.

**BRAD:** Can you give the same type of example for a resident?

**TIMOTHY:** I cannot.

**PAUL:** The benefit is more water and cleaner water.

**BRAD:** Right now the cost from the City is \$1.00 for 1,000 gallons of culinary water. I understand the cost to develop water is enormous and it makes sense to gain water but for those not using water on agricultural fields what is the benefit? Where the residents sit right now they

are able to water once per week and that is not good water management to saturate your yard once per week.

**CHERYL:** Or garden.

**BRAD:** It is not an efficient way to water a person's lawn. I do like the idea of capturing the water that the Company is entitled too. I am talking about the 50 or so shares the City owns and the obligation could be to pay 70% more for that water and still not be able to water any longer period of time. Maybe if the watering time went from two days or four days that would be a benefit.

**JEFF:** That is a very valid point. If the residents can only water for one day for 24 hours there is not benefit from this project.

**BRAD:** I am not sure if you are aware but about a week after the irrigation company went on turns the City had to turn the well on. People are still watering the same amount or more but now they are using culinary water.

**TIMOTHY:** The new system will have meters on all of the turnouts and offer better control of the system.

**PAUL:** Will each lateral be metered?

**TIMOTHY:** Yes. Management of the system is a huge problem. It would be nice to water four days per week for six hours per day but it is hard to manage. It would result in a scheduling nightmare. The farmers cannot be asked to turn lines on and off several times per week so the residents can water periodically.

**BRAD:** The plan makes sense to spend money to keep the current water. It does not make sense from a resident standpoint if there is not a benefit. My four shares would cost me another \$100 per year and I would not see any benefit from it. The residents would be subsidizing the farmer's project.

**TIMOTHY:** The water must be spread out.

**JEFF:** Is the Board willing to look at other options?

**TIMOTHY:** Yes. It is done the way it is currently done because it is easy to do. Nobody has to create a schedule right now. There is not really any policing of the system right now. All that needs to happen is we need a different system. It would be nice to find a way to offer 500 gallons per minute, 7 days per week, to the residents at various points of the City. Constant flow is best.

**BRAD:** Are you talking about residential shares?

**TIMOTHY:** Yes.

**JUSTIN:** Timothy, I am not sure if you are aware but I will be coming before the irrigation board at their September meeting. The City has a new Citywide communication system that can be used to broadcast information through voicemail, email and text message. The City is willing to offer this service to the irrigation board as a benefit to let people know what is going on. You would no longer have to do mailers. I would also recommend the irrigation board speak with Council member Young as he specializes in working with cities and employers that need help with scheduling, training, delegating and other issues like we are discussing. It would be a big benefit for the board to work with him on scheduling related issues.

**JEFF:** I like the piping project. I grew up on a farm and we farmed 1,800 acres. We paid a fortune to get the system piped but it was the best thing we ever did. It cost a lot of money but there were big benefits. I feel the same way here. The current representation feels like the Board takes care of the farmers first and if there is anything left it then goes to the residents. The residents understand how farmers make their living but there needs to be a good relationship between the Board and the residents. The residents need to know they are going to see a benefit from this project. Residents will be furious if this passes and they are paying an increase and only the farmers are seeing a gain. The thoughts and concerns of the residents cannot be neglected. The Council gets the brunt of the complaints about the irrigation system.

**BRAD:** This has been a good discussion and we are just trying to figure out how to vote the 50 or so shares the City owns.

**JEFF:** Having a meeting on a Saturday afternoon at 3:00 P.M. is hard. I cannot attend at that time.

**PAUL:** Is all of the Cherry Creek system piped? Did it make a difference?

**DAREK:** The water is clean and it gets all the way to the end of the pipe. It has been a huge benefit to everyone on the Cherry Creek system. Richmond gets the first 686 gallons per minute from the springs and the irrigation company gets the rest. Normally the water is gone early on but now that it is piped it makes it all the way around the mountain through the pipe. Before it used to stop and go into the ground around the area where Bobby Harris resides.

**MAYOR:** Where does that pipe end?

**TIMOTHY:** By Face Rock or the pivot in the field.

**DAREK:** That project benefits everyone on that system.

**TIMOTHY:** Scott Tripp is opposed to the project as he is on the Cherry Creek system and does not see a benefit to himself of the High Creek system being piped.

**BRAD:** The residents need to be assured they are going to get more water if this piping project is completed. Has water runoff been accounted for in this project? I know there could be potential runoff issues.

**TIMOTHY:** Some areas will be snuffed out while other areas still have the canal depression in places. The runoff water will be accounted for. The depression of the canal will be left in places.

**DAREK:** I have talked to Timothy and Bret Christensen about the storm water concern and they are well aware of our concern. They understand there will be runoff from the fields and mountains. The City system could not handle that type of runoff. I have encouraged them to keep the storm water conveyance intact.

**JEFF:** If they don't keep it in place there will be some lawsuits when homes flood.

**MAYOR:** We are glad they are considering that possible issue and accounting for it.

**BRAD:** Will there be pressurized risers installed for those currently pumping out of the ditch?

**TIMOTHY:** Everyone will be provided a connection, "T", and meter to access the system if they have shares.

**JUSTIN:** Is the entire system going to be piped?

**TIMOTHY:** Yes. The last two miles of pipe will cost about as much as the first 1,000 feet of the project. Originally we were going to stop at Lateral 9 which is to the east of the Bob Anderson residence. After reviewing the numbers we decided to do the rest of the project as well.

**PAUL:** What size of pipe will be used?

**TIMOTHY:** The top will start with a thirty-six inch pipe and the end will be a twelve inch pipe. We tried to get a 30 year loan and they laughed at us. They said the benefit was there and only offered a 20 year loan. We negotiated and the longest they would go is 27 years. We wanted to stretch it out as long as possible to keep the payment as small as possible.

**BRAD:** The big shareholders will pay thousands more per year.

**JEFF:** Will the increase per share be the same across the board?

**TIMOTHY:** Right now there is a flat fee for people that only have one or two shares. We have received a few complaints in that regard. We are already spending money on this project.

**JEFF:** How will the increase be applied? Will the increase be the same per share?

**TIMOTHY:** I anticipate there will be a base fee for those with one or two shares. The base fee does affect the little guys but not the big users. If the cost per share is increased it affects everyone.

**CHERYL:** Is the current proposal set that way?

**TIMOTHY:** Nothing has been decided yet.

**TUCKER:** So there will be an increase to each share?

**TIMOTHY:** Yes.

**JEFF:** So the increase will be the same for the residents and the farmers?

**TIMOTHY:** Yes, since it is just based on the share and not on the use.

**MAYOR:** It has to be that way. Each share is entitled to the same amount of water whether it is used to water lawn or for agricultural purposes.

**TIMOTHY:** On paper it says the Cherry Creek shares are the same. In order to be fair we might have to find a way to pump so water into the Cherry Creek system.

**DAREK:** That way all users would get the same amount of water.

**TIMOTHY:** During some years there is not any water in the Cherry Creek system after July.

**BRAD:** Is there a difference in Class A and Class B shares? According to the bylaws it says the Class B shares are non-voting.

**TIMOTHY:** I am not sure, you might know more than I know about it.

**TUCKER:** The type of share is not listed on the certificate?

**TIMOTHY:** No. The Cherry Creek shareholders know who they are. They include Scott Tripp, Bret Christensen, Kevin Forsgren, and John Apedaile to name a few. In the recent past Dave DeGasser purchased some High Creek shares and wanted to use Cherry Creek water and it was not allowed and did not work out.

**BRAD:** I appreciate the information you have provided.

**JEFF:** Yes, thank you for coming in.

**MAYOR:** I appreciate you coming in as well.

**TIMOTHY:** I hope it passes and will give all of us more water.

**MAYOR:** It would be nice to have 40% more water in dry years. The people in Lewiston are thrilled now they have piped their system.

**DAREK:** All of the pressurized systems I have ever worked on are a huge benefit to the users. What about people with a half share or portion of a share?

**TIMOTHY:** Fractional shares are being done away with, thankfully.

**MAYOR:** As the irrigation company goes to turns the City is more than willing to help allocate the shares and work with the Board to split them up at different times. Justin is going before the Board next month to discuss some communication system options as well.

**TIMOTHY:** If the City could help master mind an allocation program it would work.

**MAYOR:** If we had the data and shares of the residents and where there shares are located we could make districts of water use.

**DAREK:** The City is already GIS mapped. I can take the share list and plug it in and help you out.

**MAYOR:** It would be a more efficient use of water if we could water more days and less time.

**JEFF:** A little bit of positive public relations will go a long ways by the irrigation board. That is all it will take. Just a little bit of change. The concept of what you are doing can change everything.

**TIMOTHY:** What is being done right now is all by effort and it is just the easiest thing to do, at least that is my view. I have talked to Darek and observed what is going on. There are some situations that have happened. I say that it must be level going forward. I would like to talk about the sewer water after it comes out of the plant. If we could put the sewer water into the irrigation lines at the bottom of town we could then take water from the High Creek line and give more water to the citizens in town. The schools and City are big culinary water users and pay a lot of money to the City.

**MAYOR:** I am not opposed to it. It is just a matter of piping it across the road and connecting it to the existing line. The irrigation board would see a benefit. Any amount of water the City gets from it is a benefit. We cannot spend money trying to run the sewer water east and back into town.

**DAREK:** This conversation started about five years ago and stopped as there were many other things going on.

**TIMOTHY:** It pains me to see water go into the Cub River.

**BRAD:** This discussion would be like our current conversation. We represent the residents and need to weigh the benefit to the dollars spent.

**MAYOR:** Putting water across the street and trading for water above town would be a benefit. We would be on board with that.

**JEFF:** That thinking makes progress and everyone benefits. We would be trading a benefit at the bottom for a benefit at the top.

**TIMOTHY:** I know White Pine and North Cache use a lot of culinary water and it would hurt if the City did not have that income.

**BRAD:** We need to manage the water in the most responsible way.

**MAYOR:** I think it is time to review pumping the sewer water east and into the irrigation system. We will discuss what would be involved on the City side and then schedule a time for this winter to meet with the irrigation board.

#### **DISCUSSION AND POSSIBLE DECISION RELATIVE TO NEW PROPERTY OWNER AND PROPERTY RENTER UTILITY AGREEMENT(S)**

**MAYOR:** We are considering implementing a new renter and property utility agreement. This will help the City to handle delinquent utility accounts. Most of the big offenders are tenant based properties. Renters move and are gone and leave a bill and the City does not get paid. We have a hard time pursuing and finding some of them. Right now we don't have a current landlord agreement. Some properties are leased for many years and don't change renters. I think we have a couple of different options we can consider.

**JUSTIN:** I ask you that no matter which agreement you review and consider that it absolutely includes that the landlord or property owner is ultimately responsible for the utility bill no matter who is supposed to pay it.

**MAYOR:** I don't mind having a hybrid agreement where the tenant is billed and the landlord is responsible.

**PAUL:** The definition of an owner needs to be more clearly defined in the agreement.

**BRAD:** I have given this some thought and would propose we make it so if there is a past due balance on a property the water service is not turned on until the past due balance is paid-in-full

by the landlord or someone. The long term renters are doing fine. I don't want to see the renters have to adjust their monthly rent based on a fluctuating utility bill. I know many of the delinquent properties and the landlord ultimately needs to be responsible if a tenant leaves behind an unpaid utility bill.

**JUSTIN:** In the past Richmond has not actually shut off the meters in the winter. I know Marlowe has a concern that they will freeze but another community I work with does not have this problem. They cover the meters that are turned off with insulation and they don't freeze. Renters can come and go and we have no idea if the home is occupied or not.

**JEFF:** How does this work with apartments?

**CHRIS:** There is one meter and the landlord pays for them all.

**BRAD:** That is correct there is only one meter for those on State Street.

**CHRIS:** It is great having one meter and one landlord and one utility bill for several units. The Ripplingers kept in constant contact about their mobile home park and were always in touch and great to work with.

**JEFF:** I like the single point of contact for properties.

**JUSTIN:** I know that Brad has concerns with the bill being in the property owner name as the rent would fluctuate on a monthly basis based on the amount of water usage.

**PAUL:** The reality is the majority of people are being penalized by the minority. If a landlord is required to raise their cost to cover the utility bill that is part of being in business.

**BRAD:** I think this other way offers the same thing. I don't want landlords being inconvenienced and having to adjust the rent monthly because of water usage.

**PAUL:** Is there a legal issue with having the property in the renter and landlords names both? If we want the landlord to be able to request the utility bill is in the renter name then we should have something on file that is signed saying it is allowed for by the landlord.

**BRAD:** We don't need both a landlord agreement and renter agreement.

**CHERYL:** I agree if the landlord is ultimately responsible for the bill.

**PAUL:** A secondary agreement would be between the renter and the landlord, not the City.

**JEFF:** I like that idea.

**PAUL:** Does this require a public hearing?

**MARLOWE:** No, it is an administrative issue and fees are not being changed.

**MAYOR:** I agree, we should have just one agreement.

**BRAD:** The renter and the landlord can make their own agreement, if they choose to do so.

**DAREK:** What if a renter just shows up and says switch this meter into my name? Would we allow that?

**PAUL:** We would need a signed agreement with the landlord allowing for that to happen.

**JEFF:** I agree but how do we know who owns the property?

**BRAD:** If the water service is off we are going to find out who owns the property when they want it back on.

**NANCY LAMUNYON:** I am going to be renting a place locally and was told today by the property management company that I needed to come into the City office and get the utilities put in my name. I was told this just today.

**CHRIS:** The property management companies are the worst to work with.

**MAYOR:** The language of the agreement needs to be that ultimately the landlord is responsible to pay the bill.

**PAUL:** I think this agreement is good to put everyone on notice.

**MARLOWE:** This is just something we will ease into over time?

**JEFF:** Why? We don't have that many rental units in town.

**BRAD:** When a renter leaves, moving forward, they will have to bring in a signed agreement from the landlord. Over time as units change renters the agreements will be put in place.

**JUSTIN:** We can also advertise the change through Facebook, the City communication system and through the City newsletter.

**PAUL:** My parents always had rental units. It is unfathomable that owners don't think they are responsible for the bill when a tenant leaves it unpaid.

**BRAD:** I agree. The rental property is income and they need to expect things like this to happen.

**CHRIS:** So the renter would take the agreement back to the landlord and make them sign it?

**BRAD:** Yes. The landlord needs to acknowledge they are responsible and we need to notify them when a renter is delinquent.

**MAYOR:** A copy of the agreement could be mailed to the landlord as well.

**PAUL:** We need to make sure we have a permanent mailing address for the property owner.

**MAYOR:** We need the owner to sign the agreement and provide notification they approve of the renter being on the property.

**CHRIS:** We would need phone numbers as well.

**MAYOR:** We need to add the owner's acknowledgment and contact information to the agreement.

**PAUL:** I think we all need to review the agreement and come up with our list of changes.

**MARLOWE:** Please send me your requested changes and I will incorporate them into the agreement.

**MAYOR:** Marlowe will revise the agreement and send to all of us for review.

**BRAD:** We also need to make sure we include the landlords will be notified when the renter is delinquent.

**MARLOWE:** Chris and myself will work that part of the agreement wording out.

**JEFF:** We need to clarify who is responsible for a bill if a property management company is in charge of a rental unit.

**MAYOR:** The landlord will have to work with the property management company.

**JEFF:** The property managers are just acting as the stewards of the property.

**PAUL:** Have we ever thought about collecting a deposit?

**MARLOWE:** We did previously and it is hard to keep track of.

**CHRIS:** I helped with deposits many years ago and we no longer do it.

**MAYOR:** Marlowe will amend the agreement and we will talk about it and vote on it next month.

## **COUNCIL MEMBER REPORTS**

**PAUL:** The road work on 300 East has been completed. Currently, the City crew is filling potholes and trimming trees and bushes that are overgrowing sidewalks. Some funds have been expended in a very cost effective manner on a section of City sidewalk. I appreciate the work done by Staker & Parson Company. There were a couple of soft spots in the new work and they came back and cut them out and repaired the problem.

**JUSTIN:** They did not invoice the job until all of the repair work had been completed as well.

**PAUL:** Unfortunately, there are a few more edges on the new road and we will have to chip seal the road sooner than we had hoped. I have talked to Norton Thurgood and he is working on the software to do another average condition index of all of the City roads. This will be the third update since we started that project. I would expect to have an update by the end of the year on all of the roads.

**BRAD:** When do you plan on chip sealing 300 East?

**PAUL:** It won't be this year as it is best to wait a year. I would hope it is completed in the 2016 fiscal budget. Chip sealing is our best use of money on roads. We can consider the small road that was recently redone by the highway for chip seal as well.

**MAYOR:** Redoing that little road was a great project.

**PAUL:** We have to pay a mobilization fee every time they move the equipment and that little road might be too small to justify the cost of chip seal.

**CHERYL:** Paula Covington has resigned from the Library Board.

**MAYOR:** How long has she served?

**CHERYL:** Not very long. Right now she has too much going on with her family to be able to put in the time needed to help the Library Board. Juliene will get me some names to present to the Council. Terrie said the harvest market had recently passed an inspection. Terrie has requested some funding for advertising for the harvest market.

**MAYOR:** Is she just wanting new banners?

**CHERYL:** I am not sure.

**JUSTIN:** I would suggest getting a cost and seeing what she wants done. We do have a small budget for the harvest market and will help out where we can.

**CHERYL:** Terrie said the highest amount of traffic on the website is during the month of May. June through August had website traffic equal to about 80% of May. The new website will be merging with the old website soon. I would expect it to happen in September. Nancy LaMunyon is here this evening to inform the Council of an upcoming CERT training meeting.

**NANCY LAMUNYON:** On Friday, October 10<sup>th</sup>, there will be a Spontaneous Volunteer Management Class presented by the State of Utah. It is the last class of the year. The class helps municipalities with disaster management. Many people from the community helped on the canal breach a few years ago but in order for FEMA or such groups to offer financial assistance everything must be documented. This class teaches us how to document those events. The request is for at least three people from each municipality to attend. The cost is \$100 for the class and the City will be given a \$200 kit for attending. They are hoping to have the City Emergency Manager and a member of the Council attend the meeting. They don't want just a bunch of CERT people. Maybe two from the CERT group and then a couple from the Fire Department or EMT Department. I have not talked to Chief Wood about this event yet. I did send him an email on it. Ideally three City employed people would attend and two CERT members would attend. It is hard where it is on a Friday as most people would have to take a day off of work. I wish it was not on a Friday as I don't get paid for days I miss at work. It is a good opportunity for the City.

**JUSTIN:** I would consider sending Ben Lundgreen if Chief Wood cannot attend.

**BRAD:** I think that would work as it is just a regular work day for Ben.

**NANCY:** I want to go if I can.

**CHERYL:** How much money do you lose by taking the day off of work?

**NANCY:** I make around \$12 per hour and work approximately four hours on Friday.

**PAUL:** Where do you work at?

**NANCY:** At Park School Elementary.

**MAYOR:** We would reimburse you that cost if you can and are willing to attend the meeting.

**JUSTIN:** I support paying it and having the head of CERT in attendance at the meeting.

**MAYOR:** We will reimburse you \$50 if you attend the meeting. We will also ask Ben to attend as well.

**NANCY:** We can have up to five people attend.

**BRAD:** There are some other people that I would like to consider as well to attend.

**NANCY:** I would suggest LDS Stake President Henderson as he is a member of CERT but cannot attend the meetings right now because of his schedule. Curtis Dent is the High Councilman over emergency preparedness for the local LDS church as well.

**JEFF:** I think that is a good idea.

**NANCY:** Some Stakes have a disaster coordinator as well.

**BRAD:** We will figure out who else to invite.

**MAYOR:** We will work on seeing who we can get to go. I would like to get one more member of CERT to attend. The invitation will go to Chief Wood and Ben as well. There will be one other invitation to whomever else we choose to include. Possibly a member of the LDS church as they are coordinating this effort with the City. Paul please pass this along to Curtis and ask for his opinion.

**NANCY:** I have a bunch of bandage dressings and supplies at my house. I need to find a place to store them. I asked Chief Wood and he was concerned they would get mixed up with the other supplies if stored in the Fire Station. Is there a place in this building we could store them? If I am not home when the supplies are needed it does not do anybody any good. I have a duffel bag with three CERT kits along with a big bag of bandages. We could buy some totes to store the items in.

**MAYOR:** Let's get a tote and put the stuff in it and bring to the City office building and we will figure out where to store it from there.

**MARLOWE:** I would suggest at least two totes so the tote is not too heavy for someone to carry.

**CHERYL:** Thank you for attending. How early can people arrive at the City party?

**MAYOR:** The Council and vendors will start showing up around 3:00 P.M. The air rides will open at 5:00 P.M. and the dinner will start at 6:00 P.M.

**JEFF:** I will send out emails to everyone regarding their responsibilities for the City party.

**CHRIS:** Who is in charge of getting the corn?

**PAUL:** I will discuss with Boyd and his group.

**CHRIS:** They will need to get corn and tomatoes.

**JUSTIN:** The new aluminum bleachers that are part of the Black & White Days RAPZ tax upgrade project arrived today.

**JEFF:** The Black & White Days Committee will be in charge of putting them together. They have someone that is going to take the old bleachers and recycle them. I am thinking about keeping one or two sets for the ball diamond area.

**BRAD:** They won't last outside as they are made of wood and will deteriorate in the weather.

### **MAYOR'S REPORT**

**MAYOR:** The League (Utah League of Cities and Towns) meetings will be September 10<sup>th</sup> through the 12<sup>th</sup>. The City party is on Friday, September 5<sup>th</sup>. The next City Council meeting will be on Tuesday, September 16<sup>th</sup>. Marlowe please invite Terrie Wierenga to attend as we will be discussing LUDMO again.

**CHERYL:** There are some sections on parking that need to be reviewed and changed.

**JEFF:** There are some landscaping issues as well that need to be changed.

**CHERYL:** Do these rules apply to new businesses and existing businesses?

**MAYOR:** Just new business requests.

**BRAD:** The rules would be very similar to our construction standards where they have to be met moving forward.

**MAYOR:** Some of the wording will be tweaked and changed. LUDMA is the State guidelines and a macro view and LUDMO is for the City. Some things are regulated by the State and some things we can regulate.

**CHERYL:** Right now it shows a restaurant is required to have one parking stall for every 100 square feet of building size.

**MAYOR:** This will not be a one month project but most likely take two or three months. About 1/3 of the City is signed up on the Parlant system. I would ask each of you to keep in mind if you hear of young men needing Eagle Scout projects this would be a good project to help gather data. I would expect it would take two or three Eagle Scout projects to go through the City and get the flyers we have not yet received. I will be attending the irrigation board meeting on Saturday and need to know the feeling of the Council for the vote.

**TUCKER:** I support the project and think it needs to be done.

**PAUL:** I am in favor of it as well.

**JEFF:** I cannot help but emphasize there has to be a known effort to help the residents. The residents must get some benefit if they are helping to pay for the upgrade. If they can gain 40%

more water that sounds good and I think the project needs to be done. I am willing to go along with the idea the irrigation board will get the residents more water for paying higher fees.

**CHERYL:** If the project is done correctly and scheduled correctly there can be a gain.

**PAUL:** I think the Board needs to be asked that question on Saturday and we need an assurance that it will happen.

**JEFF:** I think the piping project is good and we need the benefit of the extra water. The piping project is justified. I just want to know what they are going to do to ensure the residents get something for their money.

**BRAD:** I am opposed to the project due to a lack of information. We don't know the amount of the increase per share. I would suggest a no vote due to lack of information.

**JEFF:** Won't they have to provide that information at the meeting?

**PAUL:** I understand Brad's concern. There is going to be a vote on this project on Saturday either way.

**BRAD:** I like the project but want more details. It is hard to obligate the City to more costs without knowing what they will be.

**PAUL:** I suggest we vote in favor of the project.

**BRAD:** Forty percent is a big gain if they really get it.

**JEFF:** Creativity is the key. Right now they get nothing. They can monitor the system better in the future.

**MAYOR:** Kip and Timothy are willing to work with us.

**JUSTIN:** Just as an item of clarification, votes can be done via email or other notification. I cannot attend the meeting Saturday but have submitted my vote to the Board and asked them to vote my shares in support of the project. It is just an option for those that cannot attend.

**BRAD:** I am looking at this from a City perspective not a personal perspective for this vote.

**CHERYL:** Brad are you attending the meeting on Saturday?

**BRAD:** I am planning on it.

**MAYOR:** How do we vote on our shares?

**TUCKER:** Yes.

**CHERYL:** I don't have a decision.

**JEFF:** Yes.

**PAUL:** Yes.

**BRAD:** No.

**MAYOR:** I will represent the City on Saturday at the meeting and vote in favor of the project. If I cannot attend Brad will represent the City and vote for approving the project for the City.

**EXECUTIVE SESSION TO DISCUSS OBJECTS OF TANGIBLE WORTH**

**BRAD:** Just as a reminder the items that will be discussed in the executive session cannot be discussed outside of that meeting.

\*\*\*A motion to close the regular Council meeting and open the executive session was made by Paul, seconded by Jeff and the vote was unanimous.\*\*\*

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

No Vote: None

\*\*\**The executive session opened at 9:20 P.M.*\*\*\*

Those in attendance at the executive session: Mayor Michael Hall, Council Members Brad Jensen, Paul Erickson, Jeff Young, Cheryl Peck, Tucker Thatcher, City Manager Marlowe Adkins, City Treasurer Chris Purser, City Recorder Justin Lewis and City Engineer Darek Kimball.

\*\*\*A motion to close the executive session and reopen the regular Council meeting was made by Jeff, seconded by Brad and the vote was unanimous.\*\*\*

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

No Vote: None

\*\*\**The executive session closed at 10:11 P.M.*\*\*\*

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

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

No Vote: None

Adjournment at 10:21 P.M.

**BILLS PAID**

A&D	205.00
A-1 Uniforms	140.86
Aflac	178.38
Aflac	178.38
Allen Rock	282.15
Altius	1817.49
Angela Fannesbeck	85.00
Bear River Health	40.00
Bear River Health	40.00
Beeline Digital	20.00
Beeline Digital	22.00
Biolynceus	1361.24
Cache Chemical	40.98
Cache Chemical	72.07
Cache Chemical	165.08
Cache Chemical	39.70
Cache Chemical	113.20
Cache County Corp	33468.00
Cache Service Area	17370.87
Cache Valley Insurance	525.00
Cardwell	139.42
Cardwell	1579.41
Century	747.96
Century Link	206.87
Century Link	31.97
CNH Capital	33.56
Comcast	218.24
Comcast	218.19
Cpx Data	48.00
Demco	85.81
Denny's	43.81
Discovery Girls	29.95
Ecosystems	427.80
Ecosystems	348.20
Fastenal	91.63
Fastenal	1068.05
Fastenal	291.35

Fastenal	132.19
Frank Edwards	154.69
Gateway Mapping	638.50
Hall Oil	400.38
Hall's	184.62
Handyman	16.98
IFA	621.97
Industrial Tool	18.30
Industrial Tool	199.00
Intermountain Work Med	65.00
Interstate All Battery	97.15
Interstate All Battery	150.00
IPACO	352.66
IPACO	34.92
IPACO	269.95
Itty Bitty	649.44
Jenny Bair	252.50
Jrock	1248.00
JUB	79.37
JUB	441.93
K&D Excavation	1385.00
Lee's	100.00
Lee's	84.74
LeGrand Johnson	232.00
Les Olson Company	138.21
Lewiston City	29.25
Lewiston City	1944.08
Lower Foods	42.37
Lyle Bair	65.53
Maverik Cemetery	675.51
Maverik City	913.09
Maverik Fire	6.99
NAPA	106.84
National Geographic	15.95
North Cache Vet	300.00
Northstars Ultimate Outdoors	141.73
Oldcastle	26.80
Oldcastle	254.49
Oldcastle	670.82
Oldcastle	841.60
Olson & Hoggan	1414.00
Olson & Hoggan	1344.00
Olson & Hoggan	3519.00

Outdoor Aluminum	9480.00
Parsons	608.00
Patricia Forsgren	83.60
Pitcher Propane	1834.91
Questar	23.09
Questar	11.20
Questar	28.16
Questar	14.69
Questar	16.87
Questar	11.87
Questar	0.87
Randy's	12.00
Randy's	152.95
Rebound Unlimited	1500.00
Rocky Mountain Landscape	250.00
Rocky Mountain Landscape	12.50
Rocky Mountain Power	17246.17
Safety Supply & Sign	543.21
Smithfield Imp	47.56
Smithsonian	10.00
Sprinkler Supply	110.03
Staker Parsons	72088.75
Standard Plumbing	9.30
Staples	67.48
Stotz	478.44
Thatcher	2360.29
The Herald Journal	34.54
The Home Depot	11.65
Tree Wise	700.00
Ut Local Gov Trust	52.89
Ut Municipal Clerks Assoc	100.00
Verizon	249.57
Visa	1413.42
Wex Bank	176.85
Ytech	1650.00
Zions Visa	1589.91

**RICHMOND CITY CORPORATION**

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Michael E. Hall, Mayor

**ATTEST:**

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Justin B. Lewis, City Recorder