

RICHMOND CITY COUNCIL

MARCH 15, 2016

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, March 15, 2016. The meeting began at 7:00 P.M. Mayor Michael Hall was in the Chair. The opening remarks were made by Cheryl Peck.

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

Tucker Thatcher was excused.

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

APPROVAL OF CITY COUNCIL MEETING MINUTES

A motion to approve the February 16, 2016 City Council meeting minutes was made by Brad, seconded by Paul and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck

No Vote: None

Absent: Thatcher

INTRODUCTION AND BRIEF PRESENTATION OF DUTIES BY DAYTON CRITES, THE NEW CACHE COUNTY TRAILS COORDINATOR.

DAYTON CRITES: I am here this evening to introduce myself. I am the new Trails Coordinator that was hired by Cache County Corporation. Regardless of whether you agreed to participate in this two year project that paid for this position I am still here to help the entire valley. The trails concept is just like other infrastructure projects in that we build them for health and safety reasons just like roads and canals. Trails add safety, allow more physical activity and offer an economic benefit. Businesses want to locate in areas which have a good quality of life. More trails are being developed in Utah than ever before. The main issue is the funding to build trails. There is not a funding source for trails like there is for roads. Right now studies show children spend 44 hours per week and on average over 6 hours per day on some type of electronic media. Trails are not the answer to our air quality problems in the valley but they will help lessen the problem. We need to build a culture of health and trail systems like other areas of the state. There were not any pedestrian or bicycle fatalities in the valley last year. Nineteen percent of all automobile related accidents in Utah involve a bicycle or pedestrian. Right now only nine percent of Utahans walk or bicycle to where they want to go. More demand is being put on existing roads as the population grows. People have a concern that if a trail is close to their home this will lead to vandalism and crime. Documented trails that are on maps do not have crime or vandalism problems. Based on information I gathered from the Cache County Assessor's Office homes located within 500 feet of a trail, trailhead or park have an 11% per square foot higher value than those located outside of the 500 foot buffer. Other communities

have seen as much as a 20% higher per square foot value. Trails are not just for bikers and runners. Draper City and Ogden City are using trails to promote an outdoor lifestyle and grow their economy. Trails can make a community better and lead to an increase in tourism. Bike events will boost the local economy significantly as those events bring in a lot of money. Long term the goal would be to have a trail that connects all the way from Hyrum City to Richmond City. The more trails we have the more events we can host. There are health and safety benefits to having a trail system. I am here to help you even though you did not participate in the county trail program. I hope to someday see a countywide trail plan passed. Then from that point have a regional trail plan discussed and approved. I can offer technical assistance and help work on grant proposals. I can let you know of possible funding sources. We need volunteers on the ground to help with trail construction. Trails are not just for bikers and races. There is going to be an art and trail festival in Logan City this year. I have talked to Adam Tripp about the local trail system as it goes through his family's property if you follow the outline of the 2002 Bonneville Shoreline trail system.

SCOTT TRIPP: I am Adam's father and would like to discuss a trail system with you at some point.

DAYTON: I am here to help you look for funding and offer technical assistance. I need you to tell me how I can help.

JEFF: Years ago I met with representatives of the County at a location above town to discuss a trail system. Now the irrigation canal is being piped I wonder about the possibility of making the canal bank a trail system. The canal system runs from Cherry Creek towards Smithfield. I think it is a viable option. I know one concern the property owners will have is liability. Could the County purchase some type of liability coverage for a trail system so the problems go to the County rather than one person?

DAYTON: That is a very common concern. There is a Utah Recreation Use Statute that helps limit the liability if no fee is being collected by the property owner. The statute is in favor of the landowner. The landowner can still get sued but it is harder to make them liable.

JEFF: I have met with Zac Covington and BRAG as well.

PAUL: It was a good presentation. Thank you.

YOUTH COUNCIL REPORT

KAYLA KECK: We forgot to bring our mission statement last month to present to the Council so we remembered to bring it this month. Our mission statement for 2016 is: "Leading the youth to excellence through the service, unity and empowerment of the community."

TAMARA HARDY: The kids came up with the mission statement on their own.

KAYLA: We met last Saturday as a group to finalize our plans for Black & White Days. We are super excited to operate the hamburger stand. The menu has been made up.

TAMARA: We had 25 kids attend the meeting on Saturday. I need to get more involvement from the parents. On April 9th, I am having a meeting with the parents only. The kids will not be in attendance. I need to get the help of the parents. I need the parents to man the hamburger stand during the day while the kids are in school. The Smithfield City Youth Council called and asked our Youth Council to attend a retreat with them on April 16th. There will be a couple of speakers and then a luncheon. We will meet here and then commute to the retreat so we can all carpool together. We will be meeting with the Lion's Club and I will work with Terrie Wierenga on that. I did find out some of the kids already have their food handlers permit.

JEFF: You need to check on the grills as soon as possible.

TAMARA: What does that mean?

JEFF: I will get with you and we can go over there and look around and see what needs to be done. I am glad to see the involvement with other communities. I think it is good for our youth to work with other groups.

TAMARA: I am glad they invited us. I talked to them at the Day at the Legislature event and they invited us to attend. We are going to do a truck or trailer for the Youth Council to be in the Black & White Days parade.

PAUL: The annual day of service will be on May 7th.

TAMARA: We are planning on helping out. We are also in the process of designing shirts for the year.

BRAD: Will you be helping with the Black & White Days breakfast this year?

JEFF: No, they won't this year. All of their time will be spent at the hamburger stand but the royalty ladies will help with the breakfast.

TAMARA: I am excited to let the community and other groups see what we are doing.

BUSINESS LICENSES

RONIN'S WOODWORKS

NATE ASHBY: My dad has a workshop at his house that I have been using to make wood related items. I have several projects I am working on. These are all side projects and mostly family projects. I am putting enough money into the work I need to start to recoup some money. I won't have a store front. I might sell items online.

MAYOR: No big delivery vehicles?

NATE: All of the items I need would be delivered by UPS.

PAUL: Will there be high noise levels? What hours would you be there working?

NATE: I am a college student and work 30 hours per week at ICON so this is just stuff I do here and there. The shop is enclosed. I have not had any complaints from neighbors in the past. Lee Thompson lives right by the shop. The shop is around 40 feet by 30 feet so there is a big area to dissipate the sound.

PAUL: Is the shop insulated?

NATE: No. It is a wood frame with tin sides.

PAUL: I get concerned about home based businesses that make loud noise in residential areas after 10:00 P.M. when people are trying to sleep. Will you be sensitive to the noise you create at late hours?

NATE: Yes. This is not my livelihood so it is not a big deal.

BRAD: I think the request is pretty straight forward.

A motion to approve the business license request for Ronin's Woodworks (Nate Ashby) was made by Paul, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck

No Vote: None

Absent: Thatcher

THE HORIZON ACADEMY LLC

TRISHA HAWS: We recently added onto our home and there is a separate room under our kitchen for a preschool. There is a separate entrance for this class. I only want to host one class from 9:00 A.M. to 11:30 A.M. Right now I have seven children enrolled and would like to have eleven total. Right now my current group of kids are all local neighbors from my neighborhood so there would not be any parking issues. My vision is I would have the cars line up single file in front of my house for drop off and pick up. I do want to have parental involvement as part of the curriculum which would result in one additional car at my home during the class. I live in the Sadler Subdivision (300 South 100 West). We have an RV pad on the side of our home for extra parking. I have a back entrance for the preschool. I will be outside with the children when they arrive and depart. I would direct the parents to drive around the subdivision when they leave so they are not turning around.

PAUL: What are your hours of operation?

TRISHA: We would start at 9:00 A.M. and be done at 11:30 A.M. The kids would arrive just before nine and depart right after 11:30 A.M. On Thursdays, I want to have community involvement where for example we go to the library for story hour or visit Leslie Judd's Karate School. I would just have one additional parent helping me on those days to get the kids where we are going. I have an emergency action plan I would provide to the fire department and the parents of the kids enrolled in the preschool.

MAYOR: Are any State licenses required?

TRISHA: There is not any State licensing other than the State does require a local business license. I have a Master's degree in young child development so I am looking forward to this.

BRAD: There is a daycare center nearby and we have never had any complaints there.

A motion to approve the business license request for The Horizon Academy LLC (Trisha Haws) was made by Cheryl, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck

No Vote: None

Absent: Thatcher

CHERI'S BARBER SHOP

CHERI HOUSLEY: I want to get a business license for a barber shop at my home. I used to have a business license in the City for a beauty salon. I eventually purchased a barber shop on the Utah State University campus and worked up there for a long time and last October I sold the business. I do have a separate entrance at my home.

MAYOR: Any traffic?

CHERI: Clients would come one at a time around every 45 minutes to an hour.

PAUL: There are not any homes close by so no issues there in regards to traffic concerns.

A motion to approve the business license request for Cheri's Barber Shop (Cheri Housley) was made by Paul, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck

No Vote: None

Absent: Thatcher

INITIAL DISCUSSION ON THE POSSIBLE LOCATION AND CONSTRUCTION OF STORAGE UNITS ON LAND ZONED MANUFACTURING LIGHT INDUSTRY WITHIN THE CITY LIMITS AND WEST OF THE UNION PACIFIC RAILROAD TRACKS.

CURTIS KNIGHT: I have found a hayfield in the City limits that is zoned and would allow for storage units.

PAUL: How big is the parcel?

CURTIS: It is 9.54 acres. I have been in this business for 34 years. Richmond is a good place as there is not really anything like this in the north end of the valley. I have looked at other parcels and I want to please our customers. It is zoned right now the way I need it. My only concern is getting the culinary water service under the railroad tracks. It is a hard area to cross as I have been told it is full of large rocks.

MAYOR: Where does the current culinary water line stop at?

DAREK: The line stops behind the yellow house to the east of this property by the old cheese factory.

PAUL: Behind Kevin Dodge's home?

DAREK: The City line ends there and then there are private lines leading to the homes by the cheese factory.

MARLOWE: There is a line that stops by the silage pit owned by the Harris family right on the north side of the road.

BRAD: It might be easier coming from 200 South.

CURTIS: The railroad crossing might be a deal breaker. The land is quite high priced. I have it under contract conditional upon approval by the City and I can get the boring project done for a reasonable price. I have been told the area is solid rock east of the parcel we are considering. I am working with N.W. King and Sons to get a bid for the boring. It will be expensive. I have talked to the County Fire Marshal as well. I have to have a fire hydrant on the property from the beginning. The water issue is the only thing that might stop us. We would only build one section at a time and we would start on the east side of the property. Building extra units will be based on how fast the units fill up. The units will have a flat roof and not a gabled roof. The shingled roof looks premium but is very expensive.

PAUL: Did you own the storage units on 600 West in Logan?

CURTIS: I used to own them but sold them. I owned some in Nibley as well and sold them last May. I had some in Pleasant View in the past as well. I am very conscience about spraying for weeds and mowing the grass.

PAUL: I see you have a plat plan but I cannot tell if the area is paved or gravel.

CURTIS: I have paved every project for the last 20 years. My competition in Franklin only has gravel. Asphalt doubles the cost of the project. I would like to asphalt if possible. The question

I have to ask myself is will the customer be willing to pay \$15 more per month to have an asphalt surface. I am not sure. I really like asphalt for snow plowing purposes.

PAUL: Will the area be fenced?

CURTIS: Yes but there will not be an access control gate. I am a fanatic about safety and security. We drive around all of the units we own daily. It is important that I catch vandals. I have slept on the roof trying to catch a vandal and in the last five to six years I have not had one problem in Hyrum City at the units I own there. We will have security cameras in place. If we see something we will watch it closely. We have to keep people's stuff safe. We will take precautions. The landscaping will be very nice and well maintained.

MAYOR: I have seen your other places and they are very nice.

CURTIS: We install steel doors and the frame is made of masonry block. The building is 740 feet long by 40 feet wide. The number of units can vary. There will be at least 160 doors installed.

JOHN WATTERSON: How many accesses will you have to the highway?

CURTIS: There will be one access point. Sometimes the Fire Marshal requires two. In Logan, I have two access points. One was a gated opening and the second one was a locked gate that the lock could be cut off of in the case of an emergency. I will meet the standards that UDOT (Utah Department of Transportation) requires. I am not sure of the classification of this road so I am not sure what is required.

MARLOWE: I am not aware of the road classification either.

BRAD: What items do you restrict?

CURTIS: We don't allow anything that is live or flammable. There is not a restroom facility onsite. I want people to come and go as quickly as possible.

BRAD: What about snowmobiles and motor bikes?

CURTIS: Yes. We allow cars as well. We don't want any flammable liquid over five gallons.

PAUL: I read the Planning Commission meeting minutes and would like to know about open storage. Will you have open storage?

CURTIS: Yes.

PAUL: I am worried about the physical appearance of the open area. Tell us about it.

CURTIS: Every vehicle must be registered. I see a lot of motor homes for the winter months. I charge \$25 for a 25 square foot space or smaller. We don't want junk. I want it to be like a hotel; clean and nice. We pick up the garbage on the grounds. I don't want junk. I would put some open space area by the railroad tracks.

JEFF: How many total buildings would fit on the property?

CURTIS: Four complete units. I don't think Richmond could meet that type of demand. I have worked with big box stores in the past. I help them with space issues. I want to be as close to retail locations as possible. By renting units during the busy season it helps them out. I rent on a month to month basis. If a person pays a year in advance I give a discount. The gabled roof is nicer but comes at a much greater cost.

BRAD: Do you need water for fire protection reasons only?

CURTIS: That is correct.

BRAD: You don't have a need for sewer service.

CURTIS: That is correct. I do offer electricity. Mainly for trickle chargers for vehicles. The units are not metered so I pay the bill for the entire complex. I don't want dust either. The less electricity used the better.

PAUL: My only concern is the short term and long term storage items that are outside of the enclosed buildings.

CURTIS: I just cannot predict the demand for outside storage.

PAUL: This is just a discussion but would an open faced shed work? Would you consider doing that?

CURTIS: I do what the customer wants. My Hyrum City units are bigger and can be as big as 14 feet by 50 feet with a 12 foot door that is 12 feet 8 inches wide. A fully enclosed unit is cheaper to build than a three sided unit.

MAYOR: This is just an initial discussion tonight.

CURTIS: I am in the process of getting bids right now. I would like to proceed if people are favorable to the proposal.

MAYOR: Darek from an engineering perspective do you have any concerns?

DAREK: If the area is paved a storm water detention pond will be required. A detention pond is not required if the surface is gravel.

CHERYL: How will you advertise?

CURTIS: On the internet and with a four foot by eight foot sign. The sign will be free standing or on the building. Forty-eight percent of unit rentals come from seeing the sign but that was before the internet. Business rentals are generally long term arrangements. Individuals rent more on a short term basis. ICON has been a renter of mine for many years.

JEFF: I think this project is a good idea. I think it fits the area. I think by the factory is a logical area for this. It is tucked away. If you build only one building now there is a big open space area. It would fill up the open space areas before more units are built. I agree with the asphalt concern.

CURTIS: I have seen when the units are sold the new owner does not take as good a care as I do. I keep the area maintained when I own it. I have sold units in the past and the new owners have not maintained the area like I do. The majority of the property will still be open area with only one building being built. Open space area is easy to get cluttered.

BRAD: The area is already zoned light industrial. The zoning allows for this use. If any other type of business locates there we cannot control where they park. This use is allowed in this area. If the use is allowed then it complies.

JEFF: I think the request is reasonable. My concern is you could have hundreds of cars parked outside where a business would only have 10 to 20 cars at a time that go home when work is over. I just want to make you aware of my concern.

PAUL: As I resident I am concerned about the physical appearance of the outside storage.

JEFF: I do think this is a good fit for the area.

CURTIS: I am fine coming back in to get approval for more open space area. I want nice landscaping on the highway. We could screen the area with landscaping along the west side of the property. I like lots of trees. I like trees in the detention pond. I put down double weed barrier and gravel. In Hyrum, I did double weed barrier. I thought I was done with the storage unit business but it is something my son wants to pursue. I have been looking for property for something like this all over the valley and outside of the valley.

SCOTT TRIPP: Heavy trucks coming down the hill by the factory and vehicles turning right into the storage unit area is a big concern. I would suggest a different access point.

MAYOR: UDOT will dictate where the access point is put.

JOHN WATTERSON: Are you going to keep farming the rest of the area?

CURTIS: Yes. I want to keep the rest of the area in greenbelt which requires five or more acres.

PAUL: Do you know why the western boundary is not straight?

CURTIS: The City boundary runs on an angle because of the railroad tracks.

JEFF: Thanks for the information and due diligence you have done to this point.

PAUL: I know you considered a different area in town but after discussion with the residents in the area you found out some were uncomfortable with your proposal and so you looked elsewhere. I was gratified you listened to the concerns of the surrounding homeowners.

CURTIS: We talked to them at first and then again. They supported the idea at first and then they changed their mind. That parcel was actually cheaper than the parcel we are considering now and there was already water to the other property. I just don't want to bother people.

MAYOR: I agree with Paul's comments. I don't have any initial concerns either. It fits the area and the zoning.

REQUEST FOR A CONDITIONAL USE PERMIT TO RAISE PIGS AT 510 SOUTH 100 EAST FOR THE PURPOSE OF ENTERING INTO THE CACHE COUNTY FAIR IN THE FALL UNDER THE 4-H PROGRAM.

STAN MATTSON: I live at 510 South 100 East. I want to raise two pigs for the fair. The pen is 16 feet by 16 feet and would be placed under a section of trees along my fence line. I purchased the home owned by Sue McCormick.

MAYOR: How big is your parcel?

STAN: Around 1.8 acres.

PAUL: Is a conditional use permit good for one year?

MARLOWE: It is an annual permit.

PAUL: Calendar year or from date of approval?

MARLOWE: From when approved. The requestor goes before the Planning Commission each year after the original approval for renewal unless there have been problems at which time the requestor would have to come before the Council.

STAN: When would the permit be valid? I normally pick up the pigs in April of each year.

MAYOR: As soon as approved.

A motion to approve the conditional use permit for Stan Mattson to raise two pigs at 510 South 100 East for the purpose of selling the pigs at the county fair in the fall of 2016 was made by Brad, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck

No Vote: None

Absent: Thatcher

CITIZEN DISCUSSION RELATIVE TO WORK BEING DONE ON THE CORNER OF 250 EAST 700 SOUTH AT THE REQUEST OF THE CITIZEN.

SCOTT TRIPP: I am presenting each of you a binder showing you some pictures and my concern. Picture one shows my fence posts leaning and crooked since the bank was dug away from the fence. Picture two shows where the water has eroded around the rocks that were placed in the swell last year east of 300 East on my property. Picture three shows the muddy mess the entire area now is. Picture four shows how the water is not running down the swell you created

but between the swell and the road and then down 300 East headed north. Picture five shows the culvert that was installed and how it is about 50% covered with mud, rock and debris. Picture six shows the water flowing down the east side of 300 East. Picture seven shows where the water crossed the road above the nature park and washed dirt and rock out into the road and created a mess. The problem you tried to solve has not been solved. I have provided you a copy of the project as supplied by the engineering firm J-U-B Engineers. I am also providing a copy of the preliminary plat supplied by J-U-B showing my area as well as the boulder field areas where the rocks were supposed to come from for this project. I talked to Julie Ward as the property line goes another 33 feet from the edge of the road towards her home and takes up about half of her driveway. She does not want to be included in this discussion as she says it is not her problem. As you can see by the aerial picture of the area my boundary goes almost half way up her driveway. I talked to Justin Facer and got a bid from him to finish the project as proposed by the City Engineer and his bid totals \$69,425.27. I also got a bid for the pipeline that is needed to direct the water from the intersection all the way down to near the horse arena. There would be 1,360 feet of pipe that needs to be installed and the bid is for \$43,520.00. The total remaining project cost is over \$110,000 and I don't think that is in your budget to finish this project. I have a proposal for the Council to consider. I have lost about \$900 in top soil that was hauled away (75 yards at \$12.00 per yard) as well as four loads of rocks valued at \$2,600 (4 loads at \$650 per load). If the City will pay me \$30,860 I will complete the project myself with my own workers. I have three employees that can do the work and finish the project. I just need to purchase a loader and a dump truck. The City or County would still need to bevel the road and chip seal the area after I am done with the drainage portion of the project. I would also like the City to consider giving me two water hookups for the property. I already have two water hookups from a previous agreement where the City pipe runs through my property. The City line crosses my property in five different places. I have not used either of the water hookups as explained in a letter dated May 21, 1993 and written to my father, Boyd Tripp. I now own the LuAnn Tripp parcel at which I am currently receiving non-chlorinated water from the City. I also own the home occupied by my daughter and son-in-law (Shawn and Rachel Godfrey) that is located north of the LuAnn Tripp property. I would consider running a line to my daughter's home and my home for the two hookups I am already entitled. There is a right-of-way easement with the County for the road. The road is a County road other than where it goes around the hill and that is private but the County maintains the entire road. The Bonneville Shoreline Trail has to go through my property somewhere. It is not possible to connect the trail anywhere else but through my property. I am also providing you a map that shows the proposed location of the Bonneville Shoreline Trail as well as some trails in the City Master Plan and the Cherry Creek Canal area.

PAUL: How big of an easement is needed for a trail?

DAYTON CRITES: A trail corridor needs to be 10 feet wide but can be as small as three or four feet. Ten feet is needed for strollers. Having 15 to 20 feet with a 10 foot wide trail is best.

JEFF: The 20 feet is the ideal width?

DAYTON: For heavily used trails; yes.

SCOTT: The County has seen my property. Some of the County staff said a trail system is possible and others have said a trail system is not possible.

PAUL: Our intent was to solve the runoff water crossing the road, on 300 East, and the project was started by the contractor before the surveyor completed his portion of the job. After the survey was completed it was determined the work was completed on private property. Right now the entire area is a muddy mess which we anticipated because of winter. This is an issue we

need to discuss. Right now I have a verbal commitment from the County that they will double chip seal a portion of the road at our cost going east and they will provide the road base and grade the road at their cost. I asked them to chip seal about 200 yards up the road at their cost and they said they would not. They will do the work in about August and the road will be beveled and chip sealed at that time. Darek are you getting additional bids to finish the project?

DAREK: I got the plans and the quantities needed to finish the project. It will be expensive. I think the information provided by Justin Facer is accurate. I need to clarify the comments about piping the runoff water all the way to the horse arena. We need to shape the swell to flow the water that way. We cannot go to the west like in the past as there are some private property concerns there.

PAUL: Our long term problem will not be solved immediately on this project due to budgetary reasons.

DAREK: The runoff water from this area cannot drain onto private property.

PAUL: I appreciate the information Scott has provided.

BRAD: I need you to clarify an item. On the water hookups, you already have two and would like two more?

SCOTT: Yes. It would be easier for this project if I sell you the 300 East property that I own in the roadway for one dollar and two water hookups. The costs to finish this project are outrageous.

PAUL: The benefit to Scott on this project is not really anything. I appreciate the information he has put together.

SCOTT: I want the City to have a win as well in this situation.

PAUL: We are required to bid this project.

SCOTT: There is an offer on the table from me. I can work with the City Engineer. It is my property and my rock that would be used for the project.

BRAD: The City has an interest in protecting 300 East as well.

PAUL: We need to resolve this problem but it might create another problem as well. The desire of the City is to protect the area.

JEFF: The biggest unknown of the trail system in the past was how to get through the Tripp property. I am glad to hear from you. I am glad this can be resolved amicably. You are reasonable in your thought process. I want to resolve now as a Council and not push off to a future Council. I like what has been presented.

PAUL: We will proceed with the bidding process and be in touch.

DAREK: I am getting quotes from three contractors. I appreciate the information provided by Scott. I also appreciate the letter and information on the water hookups from the past and that agreement.

PRESENTATION, DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 2016-3 ENTITLED “AN ORDINANCE CLARIFYING TITLE 6-000, CHAPTER 6-400, SECTION 6-430 OF THE CODE OF REVISED ORDINANCES OF RICHMOND (1975, ADOPTED 1976) TO CLARIFY THE PROPER PROCESS TO BE FOLLOWED TO COMPLY WITH SECTION 6-430.B”.

MAYOR: There was a discussion and approval last month for some multi-family units on Main Street but there was a discussion on the size of the sewer pipe required.

MARLOWE: The current ordinance, as written, is misleading. This ordinance serves two purposes. One is to make sure it is not misleading; two we don't have to completely rewrite the existing ordinance, we just need to change a couple of sections.

DAREK: When I helped put together a table from the impact fee study it could be misleading in how it written. This ordinance makes the section of City code understandable.

MARLOWE: We will be redoing our water and sewer impact fees in about three years so this will get us by until that time.

A motion to adopt Ordinance 2016-3, AN ORDINANCY CLARIFYING TITLE 6-000, CHAPTER 6-400, SECTION 6-430 OF THE *CODE OF REVISED ORDINANCES OF RICHMOND (1975, ADOPTED 1976)* TO CLARIFY THE PROPER PROCESS TO BE FOLLOWED TO COMPLY WITH SECTION 6-430.B. was made by Brad, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck

No Vote: Absent

Absent: Thatcher

PRESENTATION, DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 2016-4 ENTITLED "AN ORDINANCE REVISING TITLE 11-000, SECTION 11-345 OF THE CODE OF REVISED ORDINANCES OF RICHMOND (1975, ADOPTED 1976) TO ESTABLISH CERTAIN RESTRICTIONS FOR VEHICLE PARKING ON THE CITY STREETS AND ROADS DURING THE WINTER".

MAYOR: There were some questions from last month that we wanted to get resolved. There is no historical basis behind the 20 foot setback consideration listed in the ordinance as it varies from city to city. It is up to the Council to set the setback limit. There were some other minor changes as well.

MARLOWE: We changed loading and unloading from five to ten minutes.

PAUL: The easy part was changing temporary parking from five to ten minutes but the issue is the 20 foot setback requirement.

JEFF: I don't like the 20 feet limit. I have walked and drove that distance and it is not reasonable. It is too far. I don't think it is reasonable or feasible. Snow is only thrown around five feet by the snow plow trucks.

BRAD: We are only talking about City owned property, not private property. People can still park on their private property.

JEFF: That is correct.

BRAD: What does it matter if it is 10 or 20 feet as the City still owns the property?

PAUL: Do we need to add something to the ordinance that clarifies this is only for public property?

BRAD: It is already written as such.

DAREK: Some narrow roads only have about 10 feet from the edge of the road for City property to the property line. The Christensen subdivision is around 13 feet and the Sadler subdivision around 12 feet or so.

JEFF: Having it say 20 feet means a vehicle is not even near the road. I think 10 feet is more appropriate. The officer is the one giving the ticket and making the decision. They won't know if it is private property or public property.

PAUL: The case will be dismissed if it is private property.

MAYOR: Each case is different no matter the distance.

JEFF: The officer is having to interpret the ordinance. The officer does not know the difference between private or public property but does know the difference between 10 feet and 20 feet.

BRAD: The parking at Park school would not be in compliance.

CHERYL: As well as at the City Office at night.

JEFF: It is hard for the officer as the current ordinance is written. Twenty feet is a big distance and ten feet is better. Tickets are being issued because there is not a defined boundary.

MARLOWE: City Prosecutor Kelly Smith is the one who suggested 20 feet.

JEFF: I talked to Kelly and he said they just suggested a number but the Council needs to make the decision on the final distance.

MARLOWE: So far we have spent \$300 on legal counsel to review this ordinance. I am the one that gets the phone calls on this issue. I think we are making a mountain out of a mole hill.

MAYOR: Our current ordinance has been in place for years and this is the first time we have had to address it.

JEFF: I know there has been some turnover in the Sheriff's Office and we are getting different patrol officers and tickets were issued. I know the majority were thrown out. I am fine with everything else in the proposed ordinance except I think the setback should be 10 feet and not 20 feet.

PAUL: Will you support the ordinance as written?

JEFF: No, not as long as it states 20 feet.

MAYOR: What do you propose?

JEFF: I say 10 feet as I have walked and measured that distance and feel it is more appropriate.

PAUL: Would you compromise and go 15 feet?

JEFF: No.

BRAD: I am against changing our current ordinance.

CHERYL: At all or just the 20 feet?

BRAD: I don't think the proposed ordinance is needed.

PAUL: We do have the option to table it again.

MARLOWE: Judge Funk would like the item to be a civil matter not a criminal act.

BRAD: I am aware of that as well as the history of the ordinance and the issues that go along with it.

CHERYL: I am not sure it will accomplish what we want it to do.

JEFF: I am fine not doing anything but it will come up again at some point. The Mayor is the one that gets the majority of the calls when people call and complain.

MAYOR: I have actually not received many calls on this issue.

CHERYL: Marlowe is the one getting the calls.

JEFF: Maybe it is just a fluke thing as it has never happened before. I know a string of tickets was issued. It has not been consistent on a yearly basis. We are going out of winter and it won't be an issue right now. If it comes up again we know what legal counsel has told us.

CHERYL: Justin what is your opinion where you work with other cities?

JUSTIN: I would walk away from the current ordinance and not do anything at this time as I am not sure it accomplishes anything based on the comments of the Council.

MARLOWE: Right now it is a criminal offense as written. We can pass just the portion changing it from a criminal matter to a civil matter.

PAUL: I like it as written and think it accomplishes what we set out to do. There needs to be some form of guidance for winter parking. Some people take the liberty to park all of their items on City property. I favor the ordinance as written.

MAYOR: Are there any current issues?

MARLOWE: No. I would ask you to consider changing the offense from a criminal matter to a civil matter.

JEFF: Kelly agrees with the change to making it a civil issue. It might be minimal to the City Council to make that change but for legal counsel it is a big deal. I am okay with whatever the Council proposes but I won't support the 20 feet setback requirement as written.

PAUL: It appears I am the only one in favor of the ordinance as written so I won't even make a motion to approve since there is not a second.

****Ordinance 2016-4 did not receive a motion to approve or deny so at this time the current ordinance stays in effect and Ordinance 2016-4 is no longer before the Council for consideration. ****

MONTHLY FINANCIAL REVIEW WITH DISCUSSION AND DECISIONS AS NECESSARY.

JUSTIN: February was a good sales tax collection month as we collected \$33,038. Franchise tax collected totaled \$20,182. Franchise tax is the funds received from Rocky Mountain Power and Questar. The new budget will be distributed to the Council for review in April, reviewed by the Council in May and then voted on and approved at the June 21st Council meeting. State law requires the budget be adopted no later than June 22nd of each year. I do need to know of any large water or sewer projects that are being considered. I don't have any new large projects in the new budget.

BRAD: The last impact fee study showed the sewer trunk line deficiency on the north trunk line and the project just started and will be completed in this budget year. I would like to see as much as possible put into the water meter line item so we can work towards getting all of the meters changed out to the new meter style.

JUSTIN: The preliminary budget I have been working on shows an increase in the water meter line item from \$25,000 to \$35,000. Brad, the Mayor and myself met with representatives of Wheeler Machinery to discuss our equipment needs. We are considering trading in one of the backhoes and replacing it with a mini excavator. We would be acquiring a trailer to haul the mini excavator as well as a hydraulic compactor. This is not for sure going to happen as we need to review the price when they supply us a bid.

PAUL: I am glad we are reviewing this as it is good to look at new options.

JUSTIN: I met with Jason Rock about replacing the damaged asphalt in front of the hamburger stand. After consulting with Jeff and the Mayor we are going to replace all of the area from the bleachers going west past the bathrooms down to the end of the fence. We will use our 2015 and 2016 RAPZ tax population amount to help pay for the project. An anonymous donor is going to pay 50% of the cost to replace the sidewalk leading to the basement of the Library. The sidewalk will be replaced as well as the area at the top of the stairs and the damaged area that the railing is

secured in will be replaced as well. Both of these projects will be completed before Black & White Days.

BRAD: I am not sure the width of that section of sidewalk but it needs to be five feet if it is not already.

JEFF: I need someone to look at some options for urinal screens or a way to block looking into the restrooms next to the hamburger stand. Right now if the door is open there is too much that can be seen. We need to install a screen or something.

MAYOR: Whatever we do we need to make sure it is ADA compliant.

PAUL: I agree.

JUSTIN: We were notified there was \$1,889 of remaining RAPZ tax funding for the Cub River Sports Complex playground project so we worked with A&D Landscaping to get seven new trees for out there. The County has issued us the reimbursement request already.

MAYOR: The County contacted us and said this needed to be spent immediately or the funds would be lost so we got it resolved and the application for reimbursement submitted.

JUSTIN: The expenses for the sewer project show on Line 5293 "Sewer – North Trunk Line" and so far we have spent \$10,153 which is for engineering and the fee paid to Union Pacific Railroad and for the insurance required by Union Pacific. I did some comparisons of a couple of line items from July 2014 through February 2015 and July 2015 through February 2016. For that period of time sales tax is up \$4,407 and franchise tax is up \$7,505. As a special note to Paul, Class "C" Road funding is up \$4,451 for the same period of time. The general fund is \$14,936 better to the good this year than last year at the same time. Water revenue is up this year compared to the same time last year and sewer revenue is down a little bit.

COUNCIL MEMBER REPORTS

BRAD: There are some issues in the Fire Department that we will sit down with and speak to Chief Wood about. Nothing major, just some general items. In regards to water, we are still waiting for the second appraisal on the land where the water tank is located. Has anyone received an update on this issue?

MAYOR: I know Marlowe has talked to Bruce Jorgensen.

MARLOWE: I talked to Bruce last week and we are still waiting.

MAYOR: I know another letter was sent to the Richards family last week. They have to contact the State Land Ombudsman on this issue, cities are not allowed to contact the Ombudsman department.

BRAD: All of the infrastructure for the project is complete; it is just paperwork that needs to be completed at this point.

MARLOWE: Bruce is trying to avoid significant legal fees by keeping the land purchase out of court.

BRAD: Last month the sewer project was contingently approved. Darek, who was awarded the project?

DAREK: Terry R. Brotherson Excavating, Inc.

BRAD: The project is underway as the preconstruction meeting has already been held. It is actually a simple project and should be completed in a couple of months.

DAREK: The contract requires the project to be completed by May 31st.

BRAD: There is going to need to be some maintenance and repair work completed on the Ford F350. There are no new nuisance complaints.

JEFF: Black & White Days group meetings will start soon. Darek is going to handle the breakfast again this year.

DAREK: I am glad to oversee the breakfast but I am worried about not having enough help where the Youth Council will not be involved.

JEFF: There will be at least four girls that are part of the royalty that can help. Manning the hamburger stand during all of Black & White Days is going to take all of their time.

PAUL: Is the race to Cherry Peak going to happen again this year?

JEFF: Yes.

PAUL: I can help at the breakfast until the time of the race and then me and my coworkers are going to run in the race.

DAREK: I need six helpers for the breakfast on top of the Council and City staff.

JEFF: We can find out the number of royalty pageant girls that can help and then get a couple of Youth Council members if needed.

DAREK: What is the budget for the breakfast?

JUSTIN: The breakfast budget is \$2,000.

DAREK: I know we are going to need to build a sneeze guard for the fruit and drink area.

JEFF: We will have the race like in past years. The horse pull committee is having their first meeting this Thursday. Things are happening. New for this year the Highland Games will be held on the Saturday of Black & White Days. They got approval from their governing body to hold the event on that date. They will use the ball diamond area in the southwest corner of the grounds plus the area south of the fence on the corner. This is something unique for this year.

PAUL: Any ideas for the Grand Marshal?

JEFF: Not yet.

BRAD: Is there going to be a melodrama this year?

JEFF: I hear there will be a melodrama but they have not talked to me about it yet.

CHERYL: Any suggestions for Grand Marshal?

PAUL: I was thinking of Clyde Hendricks but he recently passed away.

JEFF: We can think about it and discuss later. The Youth Council will hold a movie in the park on Friday night during Black & White Days.

MAYOR: Will there be a cookout after the citywide cleanup?

PAUL: Yes. I wonder if we need to relocate the lunch to the City office building? The majority of people come and help out and then go home and don't take advantage of the free lunch. There is less work involved in having the luncheon at the park.

MAYOR'S REPORT

MAYOR: Our next Council meeting will be on April 19th. In your packet is a copy of the proposed Cherry Creek Community Development. This is the Gary Gibbons property that is currently listed for sale by Berkshire Hathaway. Gary would like to sell to a developer, if possible. He does not want to develop the property himself. There is a lot of unbuildable area on the property. Gary is proposing to deed over all of the property that would stay zoned A-10 (Agricultural 10-Acre) to the City to keep as open space. There could be trails or possibly future parks on these areas in the future. We would own the open space areas. Marlowe met with Gary to discuss his proposal.

MARLOWE: Gary would start off by doing Phase 1. Gary wants to know if the City wants all of the A-10 land as he wants to keep it in its natural habitat. Maybe some parks or trails if the City deems it is appropriate. He is offering all of this land to the City if the City is interested.

MAYOR: Any idea the size of the area he wants to give to the City?

MARLOWE: I am not sure.

MAYOR: It is a big area he would be deeding to the City if we want it. This land would be excluded from the land Gary wants to sell. There is a big gulley through the land that nothing could happen with as it is very steep.

DAREK: From an engineering perspective it would be good to have the land for future mitigation purposes, if needed. I am working with another community that has an issue and they don't have any land they can use for mitigation purposes and it is causing a problem.

MAYOR: That is a good idea.

PAUL: Are you referring to something such as wetlands mitigation?

DAREK: Yes.

PAUL: That is where we trade a parcel for another parcel?

DAREK: Yes. We could, for example, trade with the Division of Wildlife Resources if there was a future need.

PAUL: Did he give any indication if he was selling the property in phases or one parcel?

MARLOWE: Gary only discussed the land he was considering deeding to the City.

PAUL: Is this plat map just a concept?

BRAD: Yes.

PAUL: So it has not gone before the Planning Commission or previous Council.

MAYOR: Correct. A new developer might come up with their own concept plan.

BRAD: This is just a discussion item at this point. This development would almost double the size of the City.

MARLOWE: There are some upper level income areas where the lots would be two to three acres in size.

MAYOR: Is there a negative by the City taking ownership of the open space area?

BRAD: Right now everything is just a concept and it is up to the landowner if he is willing to deed over the land.

MAYOR: It would be deeded prior to the land being sold if the City agrees to take ownership.

BRAD: Why would Gary want to do this?

PAUL: Because it ensures some of the area remains in green space and will be preserved in the future.

MARLOWE: Most of the area that would be deeded to the City is too steep to develop.

PAUL: I could see a potential flood zone area on the parcel as well.

BRAD: I like the mitigation thought if we took ownership.

MAYOR: I do as well.

BRAD: I think it is worth pursuing.

MAYOR: Let's tell him we are interested. I have one last item this evening. Ben Lundgreen recently resigned as he took an employment position with UDOT (Utah Department of Transportation). Shane Lewis has been working part-time for the City and we have offered him the position for full-time employment with benefits. We are going to cut down the man hours for the City staff and have a more limited workforce and see how that works out. We need to officially approve his hiring. From the City his wage would be \$32,000 per year and he would be fully benefitted. He will be getting paid some money from the Cemetery District as well but

they are a separate entity from the City. Myself and two Council members met with him and discussed the position and offered him the job and he has accepted.

A motion to approve Shane Lewis as a full-time benefited employee effective March 1, 2016 to be included in the Utah Retirement System at a yearly wage of \$32,000 was made by Paul, seconded by Jeff and the vote was unanimous.

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

PAUL: He will be a great addition to the city staff.

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
No Vote: None
Absent: Thatcher

Bills Paid:

A&D Landscaping	2170.00
Aflac	189.30
Airgas	168.25
Allied	138.00
Anderson Doors	978.84
Bair Auto	446.40
Bear River Health	40.00
Beeline Digital	60.00
Brown Monument	127.00
Cache County	
Corp	1901.25
Century Link	242.04
Comcast	372.24
Demco	122.25
Ecosystems	1293.90
Fastenal	405.64
Fredio Samples	34.00
Industrial Tool & Supply	251.42
Intermountain Workmed	110.00
Itty Bitty	632.19
JUB	8718.3
Kubota Membrane USA	165850.00
Lee's	337.82

Richmond City Council Meeting Minutes, March 15, 2016

Lewiston City	29.25
Logan City	16258.88
Maverik	318.23
Maverik (cemetery)	188.71
Maverik (Fire)	138.61
Micromarketing	108.49
Moore Medical	39.94
Olson & Hoggan	2095.00
PEHP	230.42
Pepsi	125.00
Pitcher Propane	2704.37
Questar	2749.91
Randy's	91.19
Renew Corporate Wellness	65.00
Rocky mountain landscape	1020.00
Rocky Mountain Power	11033.08
Ron Keller Tire	99.83
Smithfield Imp	200.85
Square One	185.40
Staples	58.94
State of Utah	36629.03
Steve Smith	50.00
Stotz	392.26
Suburban Propane	51.00
The Home Depot	92.50
U&I Kiwanian	195.00
Utah Education Network	143.93
Utah Local Government Trust	1882.55
Verizon	261.57
Watkins	158.00
Wex Bank	60.00
Wilson Motor	5.69
Zions Visa	863.90

Adjournment at 9:25 P.M.

RICHMOND CITY CORPORATION

Michael E. Hall, Mayor

ATTEST:

Justin B. Lewis, City Recorder