

## **RICHMOND CITY COUNCIL**

**APRIL 19, 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, April 19, 2016. The meeting began at 7:00 P.M., Mayor Michael Hall was in the Chair. The opening remarks were made by Jeff Young.

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 Engineer Darek Kimball and City Treasurer Christine Purser were also in attendance.

### **APPROVAL OF CITY COUNCIL MEETING MINUTES**

\*\*\*A motion to approve the March 15, 2016 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**

**DEPUTY ROBERT BERGSJO:** I am now working with the City as a STAR deputy. I have worked for the department for 14 years.

**DEPUTY BRAD NELSON:** I think we are good for Black & White Days. The only question we had is if there will be fireworks this year?

**JEFF:** No.

**DEPUTY NELSON:** We are ready to go then. Both of us will be around that week. We have redone the computer and printer we have in this office so I would expect you will see more of a presence in town with our staff members coming and going.

**JEFF:** Would you like a list of our schedule of events for Black & White Days?

**DEPUTY NELSON:** Yes.

**JEFF:** Wednesday night is the cow sale. We would like to keep the activities after the sale contained to the pavilion area like in the past. Friday night is the movie in the park and we would like to have you guys walk around the area during the movie.

**MAYOR:** The breakfast is Saturday morning and the entire Department is invited to attend.

**PAUL:** Can you give us an assessment of traffic, accidents, etc. to do with the ski resort now that the ski season is over.

**DEPUTY NELSON:** There have been a fair number of complaints for speeding. We have been enforcing the speed limit in that area quite a bit.

**DEPUTY BERGSJO:** We have actually had complaints the speed limit is too low. The width of the road makes some of the area dangerous and the speed limit needs to be low. We are hearing complaints from both sides.

**DEPUTY NELSON:** The complaints we have received are from those living on 300 East in the City.

**PAUL:** I live on that section of road. I think things went reasonably well this year. I am not aware of any accidents.

**DEPUTY NELSON:** There were not any wrecks in the City but were a few in the County.

**MAYOR:** We appreciate your service and let us know of anything we can do to help your Department.

## **YOUTH COUNCIL REPORT**

**TAMARA HARDY:** I met with the parents of the Youth Council members this month. I need their help, especially for Black & White Days. The head cook at the Cherry Peak Resort is the grandma to one of the kids and she is going to help out during the day for Black & White Days. On the Monday night of Black & White Days we are going to do a run through so the kids can learn how to prepare and cook. I am inviting the parents to attend as well as the Council and we will just charge our cost for the food that night as it is a test run. This past Saturday, we attended a retreat with the Smithfield City and North Logan City Youth Councils. Our Youth Council has more members than both of those cities this year. I am pleased with how the retreat went. The cost was \$15 per kid and adult. There were some really good speakers and a very nice luncheon was provided. I received a key to the hamburger stand. There is still stuff in the fridge from the last time the stand was used and the grills need to be inspected. They look rusty to me. The kids are ready to help out.

**JEFF:** We will take care of the grills and make sure they are ready to go.

**MAYOR:** Thanks for what you and the other leaders do.

**PAUL:** Just a reminder about the City-wide cleanup.

**TAMARA:** We are planning on being there at 8:30 a.m. on Saturday, May 7<sup>th</sup>. Do we have to handle cooking hamburgers during the movie in the park?

**MAYOR:** No, the Council handles the cooking that night.

**JEFF:** The soda pop trailer will be there and we need the kids to sell candy and drinks.

**TAMARA:** The kids are taking the responsibility of running the hamburger stand seriously. They are excited to help out.

## **PRESENTATION AND DISCUSSION RELATIVE TO THE LAW ENFORCEMENT AND ANIMAL CONTROL CONTRACTS FOR THE COMING YEAR BY SHERIFF JENSEN.**

**SHERIFF CHAD JENSEN:** I have brought a copy of our annual report and will send you a digital copy as well. I feel these are real numbers to review. I had some concerns about the numbers in the previous year's reports. The numbers are good this year. The hours are more than in the contract but I am comfortable with that. I apologize for the lapse in animal control last year. It was my fault. When the animal control program was started it was done by Deputy Kenny Eggleston. He wanted to retire last year and URS (Utah Retirement System) felt his job title was different than how we had it listed. They wanted to remove seven years of his service from the Department and put him in a different retirement category. Rather than hire a deputy for animal control we are hiring civilians. This will keep them in the right URS category. In the past when we utilized a deputy for animal control we had one full-time employee and one part-time employee. By going to a civilian for animal control we now have two full-time employees and one part-time employee. We are now able to offer better coverage. The coverage last year

was not as good as in the past and I wanted to let you know why. We will be providing the cities we work with information on dog licensing and rabies shots. The number of citations issued in 2015 was higher than in 2014. I think we are on the right track for the service you are wanting and what we can provide.

**PAUL:** Is the new contract the same as before?

**SHERIFF JENSEN:** Yes. There is not a rate increase. We have been able to reduce some administrative costs and done some other improvements that have not been a cost to the Department or the City.

**PAUL:** We are very happy with the service of your Department.

**JEFF:** Tickets are up across the board. Can you tell me why?

**SHERIFF JENSEN:** There are many reasons. The two previous years we had the deputies working ten hour shifts so there was a lapse in coverage. We have gone back to eight hour shifts so there is always coverage. We have more deputies on the road now. State wide and County wide citations issued over the last five years are down. There are many factors such as speed limits in certain areas being increased.

**BRAD:** This contract is a great deal for the City.

**SHERIFF JENSEN:** Please call me at any time with questions or concerns.

**MAYOR:** I want to thank you and your Department. We have always had a good experience working with you. Soccer started this past Saturday out at the Cub River Sports Complex. I received around ten calls between 8:00 and 9:00 a.m. for cars parking on the side of the main road and creating a safety hazard. I called Dispatch and within fifteen minutes the issue had been taken care of. We appreciate your service and your Department.

**SHERIFF JENSEN:** We are here to serve and glad to address any concerns you have. Black & White Days and the City party are two great events and we enjoy being involved in both of them.

**MAYOR:** Thanks for your continued support of the City.

### **PRESENTATION BY CACHE COUNTY RELATIVE TO THE FORMATION OF A WATER DISTRICT.**

**CRAIG BUTTARS:** I am here tonight to discuss the process of creating the proposed water conservation district. My ancestors came from town and eventually moved to Lewiston. They farmed the land and benefitted from the irrigation water system. The irrigation systems have made areas of land productive that were not productive in the past. The proposed district is important for future generations. Envision 2020 recommended the creation of a water conservation district. A water master plan was developed for the valley and adopted in 2013. The most efficient way to manage water is through a district. A working group has been created to establish bylaws for the district. There are 13 people in the working group from various parts of the county each with a different background. They have been tasked with creating bylaws. The next step in the process is for each city to pass a resolution allowing the people to vote on the issue in the general election in November.

**MAYOR:** Tonight we are discussing the resolution and we will vote on the resolution at the May Council meeting.

**CRAIG:** This is a non-partisan issue. We all need water to use and drink. The County has passed the resolution as well as Mendon. Logan City passed the resolution tonight. The resolution simply lets the residents of the valley vote on the creation of the district in November. I apologize for not getting the resolution to you sooner for review. We are visiting all of the

municipalities in the valley and presenting them the same information. You will be required to hold a meeting on this issue between June 6<sup>th</sup> and June 10<sup>th</sup>.

**PAUL:** Why those exact dates?

**MAYOR:** Our next Council meeting is on May 17<sup>th</sup>.

**CRAIG:** If you approve the resolution on May 17<sup>th</sup> then you need to hold a public hearing on July 1<sup>st</sup> or July 5<sup>th</sup> at 6:00 P.M. because of the 45 day rule to have a public hearing after the resolution is adopted. The County will advertise the public hearing four times between June 11<sup>th</sup> and June 26<sup>th</sup>. If you vote on the resolution on May 17<sup>th</sup> you could hold the public hearing between June 10<sup>th</sup> and June 24<sup>th</sup> but you would pay for the advertising where if you hold the public hearing on July 1<sup>st</sup> or July 5<sup>th</sup> the County will pay for the advertising.

**BRAD:** We will hold the public hearing in June and pay for the advertising.

**CRAIG:** After the last city adopts the resolution there is a 60 day protest period. If 25% or more of the voters in each city protest the issue then that city is dropped from voting on the issue in November. Each city has the ability to opt out of the general election vote as part of the petition process. The vote on the creation of the district is a majority vote. Even if one city votes less than 50% to approve the district but the majority of the county and all of the other cities vote above 50% then the district will be created and the city voting less than 50% to approve the district will be included.

**MAYOR:** Our intent is to vote on the resolution on May 17<sup>th</sup> and then have the public hearing on June 21<sup>st</sup>. We appreciate you coming in and explaining the process.

**JEFF:** I am glad we are involved in this process to let the people vote on this issue.

**PAUL:** What is the tax levy if the district is passed?

**CRAIG:** Currently the County pays around \$200,000 per year for water management. If the district is created the County would continue to pay the \$200,000 per year for up to four years and then at that time the board members, who are elected representatives of the cities and County, would levy a tax at that point. The County has the ability to decrease the County levy the exact same amount as the increase from the water district. The tax consequence would be neutral. A person would pay less to the County but start paying some to the district.

**PAUL:** The estimate I have seen is a home valued at \$201,000 would pay somewhere between \$11 and \$33 per year.

**CRAIG:** I think that is a small price to pay. There is not a development project that will be an immediate focus of the district. The State is considering placing dams along some areas of the Bear River. The focus of the district is smart water management through proper development and conservation. Some recharge stations could be created. There are many options to consider. We need to determine the best way for the water to be managed in the valley.

**TUCKER:** Once the issue is on the ballot does the County have a way to advertise the issue? People need to understand how critical this district is for the valley.

**CRAIG:** It is important for people to be educated. The cities and County cannot use taxpayer funds to promote the creation of the district. There are certain things that are allowed but using tax payer money is not one of them. Refer people to the website for the district, [www.cachewaterdistrict.org](http://www.cachewaterdistrict.org) as well as the Facebook page for the district. There is a link with information on the county website as well, [www.cachecounty.org](http://www.cachecounty.org). The information is constantly updated.

**MAYOR:** We will vote on May 17<sup>th</sup> and then have the public hearing in June.

**PRESENTATION TO THE COUNCIL ON THE AVAILABILITY OF AN EMERGENCY WATER SYSTEM.**

**MAX GYLLENSKOG:** I am a water quality scientist and work with a company out of Logan City. We produce emergency water systems. They are portable and are housed in three cases. They do not require power. They just need a human to operate and set up the pumps. The systems are in case of a water disaster or contamination to the culinary water system. Within two hours of being set up the system can produce 250 gallons per hour of safe drinking water. One system will support a population of 5,000 people by supplying them ½ gallon of drinking water per day. We have set these systems up around the world. They are mostly used in cases of a disaster. They are light weight and don't have to be hauled in a car. Four adults can carry a system into the area where clean water is needed. If you are interested I can set one up and do a demonstration for the Council. About two year ago Trenton Town had a culinary water issue and issued a boil order. We loaned them a system to use and they put it at their community center and a 12 year old operated the system. We recently put one at a hospital in Honduras and water borne illness decreased 98.6% after the first month the system was used. About 2 ½ years ago we took 12 systems to the Philippines in a joint effort with the LDS church and helped produce water for over 100,000 people after the typhoon wreaked havoc on the island.

**CHERYL:** What maintenance is involved?

**MAX:** There is a filter that goes in the 250 gallon tank that needs to be cleaned and periodically replaced. One pump goes in the water source and the other pump goes in the tank. The tank is super chlorinated. After the dirty water goes in the tank it can be pumped out and utilized an hour later. When the system is done being used it needs to be dried out and put away for the next time. The training to run the system takes about two to three hours. I recommend a member of your CERT program learn how to operate the system. You don't want fire department and police department employees operating the system as they need to be out on other calls during a disaster. The only regular costs are for chlorine and replacing the filter on occasion.

**CHERYL:** The cost of the system is expensive but we might be able to obtain some donations to purchase one.

**JUSTIN:** What is the cost?

**MAX:** The initial cost is around \$9,000 for the system and each additional tank is around \$1,500. I am sending some units to Ecuador tomorrow. They are useful in many ways. During an earthquake power will be lost and most water systems will be damaged.

**PAUL:** Do the pumps use gasoline?

**MAX:** No, all of the pumps are operated by hand. I setup a system at the County Fair last year using water from the creek and served around 600 people. I used to run the water laboratory for the local health department so I have the results of how the water tested when it entered the system and how it tested when coming out of the system.

**JEFF:** I am intrigued.

**PAUL:** So am I and I like the fundraiser idea.

**JEFF:** Maybe some small communities could combine and purchase one.

**BRAD:** Is there a shelf life if the system goes unused for a long time?

**MAX:** The chlorine can expire but nothing else will be a problem.

**JEFF:** How long does chlorine take before it expires?

**MAX:** Technically chlorine is good for five years. In the case of an emergency bleach can be used. Typically when water enters the system there is five parts per million of bad stuff in the water. When the water leaves the system there is 0.3 parts per million. The carbon block filters absorb the chlorine in the tank. I have been a water scientist for 45 years. I work at this company part-time and take these systems wherever there is a disaster.

**CHERYL:** I have Max's contact information I can provide to the Council.

**MAX:** I have one of these systems in my garage.

**MAYOR:** We will research the information you have provided and appreciate your willingness to come before the Council.

## **BUSINESS LICENSES**

### **ENVIROCON HOME RESTORATION**

**WILLIAM BRADBURY:** Me and my wife have been restoring the home formerly owned by Adrian Blau at 300 South State Street. I do historic building restoration. I do mortar the old way and restore windows to make them function.

**MAYOR:** How long have you been in business?

**WILLIAM:** Since 2008 when I lived in Smithfield. I started working in construction in 1986.

**PAUL:** Does the State require any licensing for you? Are you a general contractor?

**WILLIAM:** I have a handyman license but do not have a general contractor license. When I have a big contract I team up with a local contractor for the project.

\*\*\*A motion to approve the business license request for Envirocon Home Restoration (William Bradbury) was made by Paul, seconded by Tucker and the vote was unanimous.\*\*\*

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

No Vote: None

### **VIVINT SOLAR DEVELOPER, LLC**

**MARLOWE:** This is similar to the request from a couple of months ago when Vivint obtained a business license for their home security systems. They have sent in some information for you to review and consider. They are requesting a business license rather than a solicitor license.

**JEFF:** I have a hard time considering this request where they don't have someone here representing them. I don't like doing blanket approvals. We need to know what they are doing.

**PAUL:** If granted they can go door to door and we don't know what they are selling. I want to visit with them.

**BRAD:** What is different for this request than their last request?

**CHERYL:** Their last request was for home security systems.

**BRAD:** I don't see how this request is different than their last request other than the product they are selling. We approved their last request without someone being here. It is pretty straight forward. They are a reputable company.

**PAUL:** I think we stick with the past and have them come in.

**TUCKER:** Why do they even need a business license? They don't need one for door to door sales. Contractors come from all over and do work in the City without a business license from the City.

**PAUL:** If a company applies for a business license they need to be here for this discussion.

**BRAD:** What is involved in obtaining a solicitor license?

**MARLOWE:** A background check and completed application. I have to write a letter stating the dates they can be in town and what they are selling.

**CHERYL:** I think most of their sales come from phone calls.

**MARLOWE:** That is correct but they want to be permitted to come in and install the solar panels on homes in the City.

**BRAD:** The information they provided says they will go door to door from referrals from others residents of the City. They don't have to have a business license. They can obtain a solicitor license if this license request is denied by the Council.

**MARLOWE:** That is correct.

**JEFF:** I am okay approving the license if they follow the correct process. Last year an asphalt contractor came to town and left after doing a bunch of bad work and we did not have any information on them.

**MARLOWE:** We did not know about that contractor until they did the work and left the City. At least this company contacted us up front and requested the license before doing any work and provided all of their information.

**JEFF:** I see the logic now.

**MARLOWE:** You did approve the last license for Vivint without anyone being in attendance at the Council meeting.

**CHERYL:** I think it is okay in this case.

\*\*\*A motion to approve the business license request for Vivint Solar Developer, LLC was made by Cheryl, seconded by Brad and the business license was approved by a vote of 4-1.\*\*\*

Yes Vote: Jensen, Young, Peck, Thatcher

No Vote: Erickson

## **SIMPLY ELEGANT**

**BROOKEANN BALLARD:** I want to rent wedding dresses out of my parents' home on 300 West. I take wedding dresses in on consignment and then rent them.

**PAUL:** How much traffic will you have?

**BROOKEANN:** I am by appointment only and would only have one or two cars at the house at a time. I am going to advertise through the bridal fair, Facebook and a website. I am buying this company from someone else.

\*\*\*A motion to approve the business license request for Simply Elegant (BrookeAnn Ballard) was made by Jeff, seconded by Tucker and the vote was unanimous.\*\*\*

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

No Vote: None

**WHITE PINE AUTO, LLC**

**MAYOR:** We have a request for an automotive dealership.

**MATT OAKESON:** I want to have a small automobile dealership. I am based out of Logan. We focus on jeeps and four wheel drive trucks. I work with Impulse Offroad out of Salt Lake City. I am using this area to try and get more exposure. I am not here at this location very much. I am just wanting to see how it goes here.

**MAYOR:** What is the maximum amount of vehicles you would have there at one time for sale?

**MATT:** Up to ten.

**PAUL:** How big is the parcel?

**MATT:** I am not sure but it is quite small.

**MAYOR:** How many have you had there in the past?

**MATT:** Maybe five but I am requesting up to ten just to be safe.

**CHERYL:** What is the situation with the building?

**MATT:** I am just renting the building. I am not sure what the long term plan is of the owner. I am just seeing how it goes to see if I want to stay here. It could end up long term.

**PAUL:** Any repair work done at this location?

**MATT:** No, just marketing and sales. I meet people here by appointment only right now.

**TUCKER:** Are you going to request a sign?

**MATT:** Yes. I have redone the inside of the building for now and will need to redo the outside next.

**MAYOR:** A sign will need to be approved by the planning commission. Does UDOT (Utah Department of Transportation) get involved with signs?

**MARLOWE:** The sign could not be on UDOT property.

**MATT:** The sign would be on the building I am renting.

**BRAD:** The sidewalks need to be kept clear of vehicles. Please don't park any vehicle on the sidewalk. We cannot have a traffic obstruction as well so keep the vehicles back from the corner.

**PAUL:** I am concerned about the number of vehicles with a lot that small.

**CHERYL:** There won't be any parking for customers if there are that many vehicles there.

**TUCKER:** I have a concern about keeping the sidewalk clear and the intersection view clear of obstruction.

**BRAD:** Did you say you are by appointment only?

**MATT:** Yes.

**DAREK:** In regards to site distance, they need to keep the vehicles far enough back drivers can see 450 feet up from the slow lane.

**BRAD:** The lots sits below grade so I don't think there will be an issue.

**PAUL:** We will notify you of any issues or complaints.

\*\*\*A motion to approve the business license request for White Pine Auto, LLC (Matt Oakeson) was made by Tucker, seconded by Paul and the vote was unanimous.\*\*\*

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

No Vote: None

**SIMPLE INDIGO THERAPIES, LLC**

**KRISSI ANDERSON:** I want to do massage therapy and foot zoning out of my house. I would have patients at my home two or three days a week. I am a licensed massage therapist and received my license in 2013.

**MAYOR:** Does the State require any other licensing?

**KRISSI:** I have to keep my license valid and be insured. I am required to have personal liability coverage.

**MAYOR:** We will need a copy of your therapist license and insurance to put in your file with your business license.

**KRISSI:** I currently have a business license in the County and am requesting one here in town as we just purchased a home. There will only be one or two cars at a time but the majority of the time will only be one car.

\*\*\*A motion to approve the business license request for Simple Indigo Therapies, LLC (Krissi Anderson) was made by Paul, seconded by Jeff and the vote was unanimous.\*\*\*

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

No Vote: None

**REQUEST TO REZONE A PROPERTY OF APPROXIMATELY 0.53 ACRES FROM AGRICULTURAL 10 ACRE (A-10) TO RESIDENTIAL MEDIUM DENSITY (RMD) UNDER PROVISIONS OF TITLE 12-503.3.A.2 AT THE NORTHWEST CORNER OF 300 EAST AND 500 NORTH.**

**MAYOR:** We have a request by DeMoyn and Sharon Webb to rezone 0.53 acres from A-10 (Agricultural 10 Acre) to RMD (Residential Medium Density). All of the area surrounding this parcel is already zoned RMD. The request has been before the Planning Commission and approved and forwarded to the Council for review.

**DEMOYN WEBB:** I want to rezone the property so I can sell it so someone can put a home on it or whatever they choose to build.

**BRAD:** Right now it is A-10. I am surprised it was not included in the rezone request of any of the surrounding parcels.

**DEMOYN:** I am not sure either why it was not included.

**BRAD:** I don't see any problems with the request.

**PUBLIC HEARING ON THE REQUEST TO REZONE A PROPERTY OF APPROXIMATELY 0.53 ACRES FROM AGRICULTURAL 10 ACRE (A-10) TO RESIDENTIAL MEDIUM DENSITY (RMD) UNDER PROVISIONS OF TITLE 12-503.3.A.2 AT THE NORTHWEST CORNER OF 300 EAST AND 500 NORTH.**

\*\*\*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 opened at 7:05 P.M.*

There was not any input or questions.

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

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

No Vote: None

*The public hearing closed at 7:06 P.M.*

**DISCUSSION AND POSSIBLE DECISION ON THE REQUEST TO REZONE A PROPERTY OF APPROXIMATELY 0.53 ACRES FROM AGRICULTURAL 10 ACRE (A-10) TO RESIDENTIAL MEDIUM DENSITY (RMD) UNDER PROVISIONS OF TITLE 12-503.3.A.2 AT THE NORTHWEST CORNER OF 300 EAST AND 500 NORTH.**

\*\*\*A motion to approve the rezone request by DeMoyn and Sharon Webb for Parcel Number 09-049-0055 from A-10 (Agricultural 10-Acre) to RMD (Residential Medium Density) was made by Jeff, seconded by Cheryl and the vote was unanimous.\*\*\*

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

No Vote: None

**CITIZEN COMMENTS RELATIVE TO AN AUTHORIZED MULTIPLE FAMILY DWELLING AT APPROXIMATELY 275 WEST MAIN STREET.**

**NANETTE SEELEY:** I am a resident of the City and live by Park School. I own the home at 309 West Main which is adjacent to the recently approved multi-family unit that was approved. I did not know about it and it puts me on edge. The public hearing was sure quick on the last item that was discussed.

**MAYOR:** There was not a public hearing on the apartment complex approval as a zoning change was not requested. That parcel has been zoned the same way for many years.

**NANETTE:** The map I have shows it is low density.

**MAYOR:** The City Attorney has reviewed the entire process and states we are in compliance.

**NANETTE:** A public hearing is required for a land use change.

**JUSTIN:** The land use did not change.

**NANETTE:** The map I have shows the area is zoned low density. The ordinance talks about permitted uses as well.

**MARLOWE:** The map you have is from the General Plan not the actual zoning map.

**MAYOR:** The General Plan is nothing but a guiding document that is updated periodically. The General Plan has been updated one or two times over the last ten years. The General Plan is not binding but is a guiding document. As far as the land use goes on that parcel it has been zoned RLD (Residential Low Density) for over a decade. It has not changed during my time as

mayor. The City Attorney has reviewed this issue and said we are in compliance. City Attorney, Bruce Jorgensen, sent a copy of the letter to Marvin Traveller with his findings. The issue has been reviewed and we followed the correct process.

**NANETTE:** It would have been nice to know this was happening.

**MAYOR:** We post the agenda as dictated by State law. The agenda is posted at the Library, City website, Post Office, City office building and on the State Public Notice website. This process has been the same for many years.

**NANETTE:** I didn't see it in the newspaper.

**MAYOR:** *The Herald Journal* has the option to post the agenda since we do not pay for it. We post the agenda in several places every month. The City Council meetings have been held on the third Tuesday of each month for many years. Over 75% of the time there is not one comment at any of the public hearings. We want people to be here and participate. You need to be responsible and keep informed.

**NANETTE:** I knew the land was for sale. I have talked to the owner, Doug Poole, and he has changed his plan.

**MAYOR:** His plan has not yet been approved.

**NANETTE:** I want to be involved in that process. I have talked to Doug privately and his original plan was to build a 5-plex with access behind the back of my home.

**MAYOR:** There is a legal right-of-way there and he is entitled to utilize it.

**NANETTE:** Doug now wants to do a 4-plex and all of the units will access the property from the front onto the State road (Main Street). He is going to deed me the property behind my home. I want to be involved to make sure it happens.

**MAYOR:** It is up to you to stay involved. The agendas will be posted in the future like in the past. No specific letters are sent out to residents. You need to stay in touch with the City office staff or Doug to get updates on the progress of this project. We don't know when he wants to proceed with the next step in the process.

**BRAD:** Does Doug have to come back before the Council?

**MAYOR:** Yes, his plan for the apartment complex needs to be approved by the Council.

**NANETTE:** The Council approves the plan?

**MAYOR:** The Council approved the property for multi-family use. Doug said he wanted to build three to five units but had not made a final decision. We approved up to five units on the parcel. He does have a legal right-of-way he can utilize behind your property.

**JEFF:** Doug's presentation was great and well put together.

**NANETTE:** He needs to follow through on his promises to me.

**JEFF:** We meet the third Tuesday of each month and you need to check the agenda to see if this item is included.

**MAYOR:** A public hearing was not required as a rezone request was not requested. You are looking at a General Plan map not the ordinance map.

**MARLOWE:** There was not a change of land use so a public hearing was not required.

**MAYOR:** The overlay zone is included and that item predates anyone on this council. Multi-family use is legal on that section of land.

**NANETTE:** Was there a public hearing 12 years or so ago on the overlay zone?

**MARLOWE:** The overlay zone was included when LUDMA (Land Use Development Management Act) was approved in 2001.

**MAYOR:** This goes back over 15 years ago and we don't know the thought process of the previous Council.

**MARLOWE:** LUDMO does not require a public hearing since it does not include zoning or finances. LUDMO sets the rules but the rules have not changed. A public hearing is required for zoning changes.

**NANETTE:** I disagree, a public hearing should have been held. You can build a home or church there based on what you are saying.

**MAYOR:** You cannot build a church there as a church is not considered residential.

**MARLOWE:** Multi-family use does not require conditional use approval.

**NANETTE:** I want a copy of your most recent ordinances.

**JEFF:** You have a very accusing tone in this conversation

**NANETTE:** I am very nervous about this project.

**JEFF:** The Council does not approve something it cannot legally do. We serve knowing when decisions are made our names are on it. We are very serious about things like this. We spent money on an attorney to make sure we abided by the law correctly on this issue. This is my ninth year of serving and it has always been that way. The Mayor is not giving his opinion of what was done. He is giving the legal opinion. There is a process to follow and we followed it.

**NANETTE:** Is my paperwork accurate?

**MAYOR:** I have no idea where you got the documents you have with you this evening. Marvin Traveller asked us to check into this issue and we took the City Council meeting minutes, City ordinances and other documents to Bruce to review. Bruce reviewed everything and said we are clear and followed proper procedure. We would start the process over if we did something wrong but we did not do anything wrong. We are following his counsel and will proceed.

**NANETTE:** I still want to know why I was not informed about this project.

**BRAD:** I would suggest you go to the City ordinances on the website, [www.richmond-utah.com](http://www.richmond-utah.com), and review Chapters 12-900 and 12-1000. One is about zoning and the other one is about the overlay zone.

**NANETTE:** I want to be notified of this project in the future.

**BRAD:** We have reviewed the overlay zone and this project is allowed.

**MARLOWE:** I need to correct myself, a conditional use will be required for this project in the future. The past approval was not done incorrectly but the final approval will require a conditional use.

**BRAD:** Nanette, I recommend you review section 12-1000 of the code as I think it will answer many of your questions.

**NANETTE:** He will be a good neighbor.

**MAYOR:** We appreciate your concerns and comments.

*\*\*\*Mayor Hall left the meeting temporarily to crown the Black & White Days Royalty for 2016 at 8:25 P.M.\*\*\**

*\*\*\*Jeff Young left the meeting to attend the crowing of the Black & White Days Royalty as well a horse pull meeting for Black & White Days at 8:25 P.M.\*\*\**

**RATIFICATION OF TWO SEPARATE SINGLE LOT PROPERTY LINE SPLITS  
AUTHORIZED BY THE PLANNING COMMISSION AT 94 WEST 300 SOUTH AND 88  
SOUTH 200 EAST.**

**MARLOWE:** The Mayor needs to sign the Mylar for two property line splits but the Council must approve this request.

**TUCKER:** The Planning Commission has reviewed and approved two lot splits. The first request is to split the lot located on the corner of 94 West 300 South. The property is owned by Shawn and Rachel Godfrey. There is a home and a shed. The home would be on one lot and the shed is on the new lot.

**BRAD:** Will it be a nonconforming lot?

**TUCKER:** No, they had to correct the address of the home to make it conforming but it was adjusted.

**MARLOWE:** The size of the lots conform to the zoning.

**PAUL:** Lot 1 would be 0.432 acres and Lot 2 would be 0.345 acres.

**BRAD:** What is the zoning?

**TUCKER:** RMD (Residential Medium Density).

**MARLOWE:** Both lots are over 10,000 square feet.

**BRAD:** I don't have any concerns.

**MARLOWE:** The Planning Commission reviewed and approved.

**DAREK:** What are the required setbacks?

**TUCKER:** Ten feet on one side and fifteen feet on the other side.

**BRAD:** The second lot split request is by Dave DeGasser for Parcel 09-063-0001 which is located on the corner of 100 South 200 East.

**PAUL:** Lot 1 would be 0.41 acres and Lot 2 would be 0.43 acres?

**BRAD:** Both are conforming and there must be at least 10 feet from the house to the property line.

\*\*\*A motion to approve the property line split for Parcel Number 09-080-0007 owned by Shawn and Rachel Godfrey at approximately 100 West 300 South to create an additional lot was made by Paul, seconded by Tucker and the vote was unanimous.\*\*\*

Yes Vote: Jensen, Erickson, Peck, Thatcher

No Vote: None

Absent: Young

\*\*\*A motion to approve the property line split for Parcel Number 09-063-0001 owned by Dave DeGasser at approximately 100 South 200 East to create an additional lot was made by Paul, seconded by Tucker and the vote was unanimous.\*\*\*

Yes Vote: Jensen, Erickson, Peck, Thatcher

No Vote: None

Absent: Young

## **PRESENTATION, DISCUSSION AND POSSIBLE PASSAGE OF RESOLUTION 2016-1 ENTITLED "MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION".**

**MARLOWE:** This is an annual document put together by Scott.

**JUSTIN:** The State of Utah requires we do a self-assessment on the sewer system on a yearly basis. This is just a document we fill out that talks about finances, projects and future capital improvements. The reason a resolution is needed is the State wants to make sure the Council is aware of the document and by passing a resolution the Council is acknowledging they have received and reviewed the document. Also, if the City were to apply for funding from the State this document is required. If the City does not have this document in place the City is not allowed to apply for State funding. This document is not committing the City to any financial obligation; it is just a tool to let the Council know what is going on and what we need to consider for the future.

**MARLOWE:** I would suggest not voting until Jeff and the Mayor return.

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

**JUSTIN:** Chris and Marlowe are still busy with business licenses and dog licenses. We received \$12,676 in Class "C" Road funds in March. The library received a CLEF grant in the amount of \$5,310. They are going to use \$4,000 of the grant for new computers and the balance for the purchase of some other items. I have presented a copy of the preliminary budget for fiscal year 2017 for your review. The current budget will have a public hearing in May for requested adjustments. The budget will be adjusted again in June and the new budget approved in June. State law requires the new budget to be approved by June 22<sup>nd</sup> and our June Council meeting is on the 21<sup>st</sup> so we will be in compliance. Donations are being collected for Black & White Days and you will start to see them on the financials next month. The sidewalk project on the west side of the Library is being worked on as well as pouring new cement in front of the hamburger stand and restroom area at the ball diamond area. Both projects will be completed before Black & White Days. As part of the new budget we are not purchasing a new backhoe but trading in one of the backhoes and purchasing a new mini excavator as well as a trailer and compactor for the mini excavator. A&D Landscaping just completed the sprinkler system in the star garden and I am in the process of putting down weed barrier and installing some day lilies and other perennials so maintenance on this will be limited in the future. This year there were four young women that were selected to go to Girls State and normally we only send two. After talking to the Mayor and Jeff we felt it would be appropriate to send all four so we will allocate additional funds for the extra two girls at the May Council meeting. The total cost to send the four girls is \$1,400. Brad and myself met with Fire Chief Dennis Wood to review the Fire Department and EMT Department budgets. A couple of items were miscoded and included in the Fire Department budget when they should have been in the EMT budget. This had been corrected. Chief Wood explained there were several one-time purchases this year such as new pagers, SCBA maintenance and new uniforms with the new logo. Chief Wood will still be able to keep in budget even with these purchases.

*\*\*\*Mayor Hall returned to the meeting at 8:40 P.M.\*\*\**

**MAYOR:** The royalty queen for Black & White Days this year is Krystal Jensen, the first attendant is Emma Thacker and the second attendant is Tiffany Robison.

**JUSTIN:** I have talked with Brad and there is about \$4,000 of funds left in the water meter budget so we are going to purchase 18 more meters in this budget year.

**BRAD:** We will be replacing 45 water meters in the next couple of months.

**JUSTIN:** We paid the State to upgrade their water line project from an eight inch pipe to a twelve inch pipe. The cost paid to the State was \$36,629. We budgeted \$60,000 for this project.

**DAREK:** The budget also includes connecting the two homes that are serviced by that line so there will be some additional expense but the project will be under budget.

**JUSTIN:** The sewer trunk line project will be completed later this month. As of the end of March, the project had a cost of \$10,153. The project will be completed and paid for in the next month.

**DAREK:** There will be payments to the contractor as well as some charges from the State for flagging.

**BRAD:** That project has gone along smoothly.

**DAREK:** I was worried about the railroad crossing portion of the project more than anything else and it was completed in a day with no issues. The project has gone well.

### **CONTINUED DISCUSSION OF RESOLUTION 2016-1 ENTITLED “MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION”.**

\*\*\*A motion to adopt Resolution 2016-1, A MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION, was made by Brad, seconded by Paul and the vote was unanimous.\*\*\*

Yes Vote: Jensen, Erickson, Peck, Thatcher

No Vote: None

Absent: Young

### **COUNCIL MEMBER REPORTS**

**PAUL:** The City-wide cleanup will be held on Saturday, May 7<sup>th</sup> starting at 9:00 A.M. We will be doing chip sealing this year like we have done in the past to the City streets with our Class “C” Road Funds. I am waiting for Norton Thurgood to present his final report on the roads in town but they have all been rated and prioritized.

**BRAD:** Do we have any money in the budget to repair pot holes especially at 400 West Main?

**PAUL:** We have limited funding for the rest of this budget year as the remainder of our funds are being used on the project at approximately 650 South 250 East.

**BRAD:** Keep in mind this area when funds are available.

**PAUL:** I am betting the base of the road is sand or something where the pot hole material has nothing to attach to. That specific section of road might need to be removed and replaced.

**BRAD:** Maybe we need to ask UDOT (Utah Department of Transportation) or the State of Utah since that road is a State owned and maintained road.

**PAUL:** That is a great idea.

**JUSTIN:** Since Jeff had to leave to attend the horse pull meeting I will give an update on the nature park. A local faith based group requested a service project where up to 200 young adults could help for a couple of hours. We are going to have them go to the nature park and pick up limbs and rake leaves. The City will supply garbage bags and the dump truck to put the garbage bags in. The nature park does not get a lot of sun so if we can get the leaves off the ground the new vegetation can start to grow.

**MAYOR:** Please let me know the date this will happen. This group did the first service project up there a few years ago.

**PAUL:** They have donated hundreds of hours of service over the last few years to the city.

**BRAD:** They helped paint the fencing at the horse arena.

**MAYOR:** They helped at the nature park, painted the horse arena and did painting and trimming at the cemetery as well. They have done a lot of service for the city.

**CHERYL:** The Library will be purchasing some new computers with the CLEF grant they received. The plan will be to start replacing computers on a four year rotation. Brad and Justin met with Chief Wood and discussed the EMT program so I will let him give us an update.

**BRAD:** Justin and I met with Chief Wood to review the budget for the Fire Department and EMT Department. After that discussion we mentioned ways to recruit daytime help for the EMT program. We are going to develop a plan in this regard. We will reach out to certain groups of people in town that have a day time presence in the City. This group would not be part of the Fire Department as they would focus on EMT services during the day. Hopefully we can come up with some daytime help.

**CHERYL:** We have some issues with CERT. Nancy LaMunyon is going to be moving at the end of the school year. She has overseen the CERT program. Terrie Wierenga has helped in the past. I think we are going to need to start from scratch.

**MAYOR:** We could send out a message through Parlant and put on the City Facebook page asking if someone was willing to chair the CERT committee.

**JUSTIN:** I am glad to post if Cheryl can write me up something I can put out to the residents.

**CHERYL:** This will be the last year Terrie oversees the harvest market.

**MAYOR:** She is planning on retiring and doing some travelling.

**CHERYL:** CERT is a challenge. Carrie Spackman is the most trained CERT member after Nancy. Pete Schropp is going to ask around and see if one person or a couple of people are willing to help with the harvest market in 2017.

## **MAYOR'S REPORT**

**MAYOR:** Questar Gas Company is asking us to consider a right-of-way easement. Marlowe will provide more information.

**MARLOWE:** An easement was done within the last year at the Cub River Sports Complex as Questar Gas Company ran a new high pressure natural gas line to Casper's Ice Cream when they expanded their building. The current gas regulator won't handle the pressure and Questar is asking for a 260 square foot easement to put in what they call a bird cage which houses the new pressure regulator. The City will be paid \$1.00 for the easement. Mayor Field of Lewiston City would have to sign off on the request as well since this is a joint effort. The Council must approve the easement request for it to be official. The only effect to the City is there will now be a "bird cage" on the side of the road leading to Casper's Ice Cream new building.

**BRAD:** Do we know where the pressure regulator will be placed? We don't want it to be in our driving loop or through our walking area.

**MARLOWE:** It won't affect either of those areas as the "bird cage" will be on the west side of the road and all of our items are on the east side of the road.

**BRAD:** Do you know the size of the cage?

**MARLOWE:** I am not sure but I have a picture of it for review. It is just a white box.

**BRAD:** I would like to know the exact location of where they want to install it.

\*\*\*A motion to approve the easement request by Questar Gas Company for 260 square feet of area at the Cub River Sports Complex for the purpose of installing a high pressure natural gas regulator was made by Paul, seconded by Brad and the vote was unanimous.\*\*\*

Yes Vote: Jensen, Erickson, Peck, Thatcher

No Vote: None

Absent: Young

**MAYOR:** The next Council meeting will be on May 17<sup>th</sup> and the discussion and vote on whether to allow the proposed water conservation district on the ballot will be on the agenda that evening. The public hearing on the proposed district will be held at the June Council meeting on June 21<sup>st</sup>.

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

Yes Vote: Jensen, Erickson, Peck, Thatcher

No Vote: None

Absent: Young

Bear River Healthier	40.00
Beeline Digital	60.00
Blue Stakes	55.57
Brown Monument	170.00
Cache Chemical	238.70
Century Link	242.04
Class C. Solutions Group	256.46
Comcast	664.93
Covenant Communications	5.00
Ecosystems	1237.37
Electrical Wholesale Supply	163.23
ERA	398.89
Great Basin Graphics	200.00
IPACO	493.97
JUB	12255.59
Kelly Crafts	86.10

Richmond City Council Meeting Minutes, April 19, 2016

Lee's	17.00
Lewiston City	29.25
Logan City	16956.05
Maverik	298.52
Maverik Cemetery	174.66
Maverik Fire	42.35
Micromarketing	249.09
North Cache Vet	55.00
Olson & Hoggan	3075.00
PEHP	177.66
Pitcher Propane	2801.97
Platt	223.76
Questar	1867.98
Randys	40.00
Remote Control	150.00
Renegade Rentals	285.00
Rocky Mountain Landscape	1490.00
Rocky Mountain Power	6762.47
Select Health	1316.00
Skm	63.75
Smithfield Imp	86.29
Smithfield Public Library	16.50
Square One	75.00
Stotz	67.40
Tamara Hardy	124.00
The Herald Journal	36.37
The Home Depot	67.31
The Library Store	76.66
ULCT	1162.35
ULGT	33.15
Upstart	150.24
Verizon	367.88
Wex Bank	108.10
Zions Visa	3574.66

Adjournment at 8:58 P.M.

**RICHMOND CITY CORPORATION**

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Michael E. Hall, Mayor

**ATTEST:**

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Justin B. Lewis, City Recorder