

RICHMOND CITY COUNCIL

NOVEMBER 20, 2018

The regular meeting of the Richmond City Council was held at the Park Community Center located at 90 South 100 West, Richmond, Utah, on Tuesday, November 20, 2018. The meeting began at 7:00 P.M.; Mayor Jeffrey Young was in the Chair. The opening remarks were made by Tucker Thatcher.

The following Council members were in attendance: Paul Erickson, Tucker Thatcher and Lyle Bair.

Cheryl Peck arrived during the meeting.

Kelly Crafts was excused.

City Administrator Jeremy Kimpton, City Engineer Darek Kimball, City Recorder Justin Lewis, and City Treasurer Christine Purser were also in attendance.

VISITORS: Reyes Martinez, Julie Trexler, Jason Trexler, Kim Casey, Trish Ybarrondo, Alan Lower, Scott Pratt, Terrie Wierenga, Vern Fielding, Cache County Sheriff Chad Jensen, Diana Cannell, Vergene Walker, Sharik Peck, Brad Jensen

APPROVAL OF CITY COUNCIL MEETING MINUTES FROM OCTOBER 16, 2018

A motion to approve the October 16, 2018 City Council meeting minutes was made by Lyle, seconded by Paul, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Bair

No Vote: None

Absent: Peck, Crafts

DEPUTY'S REPORT

DEPUTY TYSON NELSON: It has been relatively quiet. We have been dealing with a traffic concern. I have talked to the mayor about it. We have issued warnings and citations at 400 South 100 East. The area usually only has local traffic. Traffic is not consistent in that area. There are a couple of specific vehicles that have contributed to the complaints. Two of those we are watching have been cited for speeding as well as running the stop sign. Monica Merrill, the Maverik Store Manager, talked to us about people running the street light on the highway in the early morning hours. We are going to have our graveyard shift monitor this area as well. We are still monitoring 400 South 100 East. The rest of town is pretty quiet. There is not much night activity right now.

MAYOR: With winter approaching, our winter parking ordinance went into effect on November 1st.

PAUL: No parking is allowed on a city street at night during specific hours.

MAYOR: In the past we have asked that warnings be issued for the first storm and then citations issued after that.

TUCKER: In the past, it has been ideal to see people warned the first time. We have tried to notify people of this ordinance and it being in effect.

DEPUTY NELSON: This is an issue in other towns as well. We have a generic warning card we are using. We put the card on cars at night that are parked on the side of the road.

PAUL: It is always good to see the deputies in town. The presence is noticed.

ANNUAL REPORT FROM REPRESENTATIVES OF THE CACHE COUNTY SHERIFF'S OFFICE.

SHERIFF CHAD JENSEN: I am thankful to attend this evening. We were pretty lax on parking ordinances last year. We did not receive very much snow until later in the year. We had a lot of complaints last year. We have printed the parking ordinances of all of the cities we serve and are issuing warnings right now. Warnings have been issued during November. We will cite in the future for those that do not comply. Almost every city's winter parking ordinance kicks in on either November 1st or November 15th. We understand the city ordinances as well as the concerns of the residents when there is not any snow on the ground.

MAYOR: A few years ago, I think it was just one officer issued citations to vehicles that had parked in specific spots for years. They were told they were too close to the road.

SHERIFF JENSEN: There have been a lot of changes in my office in the last day and a half. With the passing of Lieutenant Locke, there was the need for a lot of changes. Promotions have come. The direction the office was going was considered. Yesterday, some changes were made. Roy Hall, who is from Lewiston, was promoted to lieutenant and will oversee the jail division. He will do a fantastic job, as he has worked in the jail previously. Lieutenant Peck will be over support services which includes search and rescue, court, and investigations. Deputy Bergsjo, who has been serving as your Star Deputy, will be transferring to the civil division this coming Monday. He has done a rotating shift for the last 15 years, and it is time for a change for him. You will have two new Star Deputies in the city. Cody Olsen has worked for the department for about six months and has been in law enforcement for 17 years. He worked for Logan City previously. He is a wealth of knowledge. He is also a medical examiner and has a ton of law enforcement background. Deputy Christiansen is new to the department. Both deputies will be introduced to the council at the start of the year.

MAYOR: Deputy Nelson, where are you transferring to?

DEPUTY NELSON: Hyrum.

SHERIFF JENSEN: We are caught up on our hiring, and our department will be full within days. We have some great new hires. We have received many lateral transfers from other departments. The jail is our biggest division. Some employees want a career in corrections. Typically, new hires want to be on patrol. We have three new deputies starting on December 5th. I recently attended a meeting where I learned the Utah Department of Corrections has 175 job openings. West Valley City cannot fill positions. Grande Valley cannot even get anyone to apply.

MAYOR: We appreciate the officers we have here. They are a key part of the program, and how they interact with the residents is important. It is nice to be able to call them individually when needed. We appreciate they know and understand the city and what is going on.

SHERIFF JENSEN: The valley is growing, and we need good help. The officers know their jobs. I don't tell them how to do their jobs. I give them the tools to do their jobs. So far this calendar year, there have been 478 calls for service. Last year there were 632 calls for service for the year. I would guess you will end up around a dozen calls different than last year. It has been very consistent. I would anticipate the number of hours spent in the city this year will be within 30 hours of what was spent last year. I am not aware of any major issues. We have a lot of traffic issues as well as campground issues that don't involve the city. Campgrounds are a problem. Newton Dam was a real problem this year for property theft and drugs. All canyons and the Porcupine Dam area have been problems this year. Our department did a great job investigating these problems and stopping them before they got worse. Snow always helps to get rid of our campground issues as well.

MAYOR: What is the process when someone sees what they think is illegal activity? Some people called me to complain stating they had contacted dispatch and were told since the concern was on private property nothing could be done. What do we do? We want to respect private property but watch out for the residents as well. We understand the highway is an issue, and we can be a traffic stop for bad stuff to exchange hands. What is the proper path on complaints? I don't know, and that is why I am asking.

SHERIFF JENSEN: We want to respect private property. There must be a witness to a crime. To search private property, the property owner has to give us permission, or we have to obtain a search warrant. There must be some evidence for a search warrant to be issued. The issues on state and public land won't go away. People can stay in the same place for ten days, and if they move at all, they can stay for another ten days.

TUCKER: What are our main local issues?

SHERIFF JENSEN: Mainly transient issues. Operation Rio Grande in Salt Lake City pushed people all over the state. Cache Valley had the least amount of issues in this regard. Weather is always a factor. A brutal winter helps correct these issues. How can we serve the city better?

MAYOR: We are happy with what we have. I will give you an update on the renovation of this building. This room was updated last winter. The intent was to work on your new station room this winter, but we are undermanned, and I am not sure if we can get it done this winter. It is probably going to be next summer or winter. As we get into 2019, I will get with you to discuss a draft of the proposal and get your input on what changes are needed.

SHERIFF JENSEN: We are happy to help and involve our IT people where needed. We don't want the officers to have to go back and forth to Logan to the office for everything. Having wireless capabilities is good for us. We want to keep the officers in the field as much as possible. You can work with our IT department on what is needed.

MAYOR: I want to discuss the plan we have with you. We can help and assist in what you need. We can put a wireless node in that end of the building. We have put together a temporary room for you to use until the permanent room is completed.

SHERIFF JENSEN: Each officer has their own hotspot connection they carry with them.

MAYOR: We can add an access point, so they can connect to our fiber connection.

SHERIFF JENSEN: We have furniture, chairs, and computers we can move out here. It would be nice to move some of it out here now. We can easily set up temporarily.

JEREMY: The intent was to create two offices, add a bathroom, and have the rest of the area be open.

MAYOR: I will meet with you to discuss. It is easier to see visually. We will meet in January and discuss.

SHERIFF JENSEN: We are ready to set up a temporary room now.

MAYOR: We have some questions on the interview room and what is needed.

TUCKER: We used to get a monthly report but have not seen one for several months.

JEREMY: We used to receive them via email as well as a hard copy in the mail.

MAYOR: I think the last copy I got was in September. We used to get them consistently.

JEREMY: We have not received a hard copy for a long time.

MAYOR: We appreciate being able to review the report, as it gives us a bird's eye view of what is going on. It is good to see the variety of calls being responded to.

SHERIFF JENSEN: I will check on the reports. They are done monthly. I review them monthly.

MAYOR: We appreciate your relationship with the city.

SHERIFF JENSEN: You are great to work with. The city council is very active. Some city councils in other cities never respond to our concerns. You are outstanding to work with.

JUSTIN: Thank you for always attending the city party. The residents love all of the items you bring and the time you spend socializing with the community during the event. The residents really appreciate it. It is a big deal to have your department in attendance.

SHERIFF JENSEN: If you ever have questions please email or call me as needed.

BUSINESS LICENSE REQUESTS (PARKER REAL ESTATE, STERLING URGENT CARE, YARD MASTER SERVICES, PROVIDIA MANAGEMENT GROUP, TACOS REYES)

PARKER REAL ESTATE

VERN FIELDING: We are in the process of remodeling the old bakery at 9 West Main. We are going to make a branch office for Parker Real Estate. The corporate office will still be in Logan. We have agents who live in town and service the north end of the valley. It is better to offer clients a place to meet here rather than in Logan.

PAUL: I am glad to see the building being used.

MAYOR: What is being remodeled?

VERN: The building was updated not many years ago with a new roof and plumbing. We are redoing the front section. Some walls are being added. The building inspector needs to do an inspection, and then we can start to sheet rock. We are adding a couple of private offices to meet with clients.

A motion to approve the business license request for Parker Real Estate was made by Tucker, seconded by Paul, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Bair

No Vote: None

Absent: Peck, Crafts

STERLING MEDICAL, LLC

ALAN LOWER: I am on the board of directors as well as an owner. Sterling Medical is an employer owned medical business. We are owned by several local businesses such as Casper's Ice Cream, Central Valley Machine, L.W. Miller, Ed Fisher, and others. We want to provide healthcare for our employees and the community. We plan to open a branch office in the Lower Foods building. We want to service the north end of the valley. The office will be open five days a week, and I would expect from 9:00 A.M. until 5:00 P.M.

MAYOR: This is a fantastic idea. Any medical care closer to the city is good.

ALAN: Logan City uses our services for workers compensation issues.

MAYOR: I have gone to their clinic in Logan. I am impressed with how it runs and functions. It is very low key and simple. I think this is a great idea.

PAUL: Who will be staffing the building?

ALAN: Danny Spencer was an emergency room doctor for IHC and left and is now working for us.

PAUL: So, there will be a doctor on site?

ALAN: Yes. Several ex-IHC employees are now working for us.

PAUL: Do you plan to add a sign in front of the building?

ALAN: I would consider doing some advertising on the electronic sign that Lower Foods is going to install. As the business grows, I would expect it will relocate to a different building.

MAYOR: I am curious how well it will do in Richmond.

ALAN: Physicals for CDL licenses can be done at the clinic as well.

MAYOR: We offer a business spotlight in our monthly newsletter if you want to advertise this new business.

ALAN: It is a membership type healthcare. The cost is \$100 per month for a family. The service can be used as much as it is needed for the monthly fee. An emergency room visit is very expensive, so this is another option.

MAYOR: I think this is a good fit for the city.

Council Member Peck arrived at the meeting at 7:34 P.M.

LYLE: What will be treated at the clinic? Is it similar to InstaCare?

ALAN: There will be an x-ray machine onsite. We will offer prescriptions as well, at a reduced rate. This is a good service for low income families.

CHERYL: Is this just like the facilities in Providence and Logan?

ALAN: Yes.

A motion to approve the business license request for Sterling Medical, LLC, was made by Paul, seconded by Lyle, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

YARD MASTER SERVICES

TRISH YBARRANDO: We would like to purchase the property on the highway where the karate studio used to be located. We don't want to make an offer on the property until we know if we can operate our building out of there. We assume we need special permission based on the current zoning of the parcel. Do we start at the planning commission level or here?

MAYOR: Will you be doing spraying? Have chemicals onsite?

TRISH: We will store chemicals there. There would be trucks parked on the parcel at night. There won't be any foot traffic, just employees coming and going. We would possibly consider renting the home as well as the building. We don't need the building. We would leave with the trucks and equipment in the morning and bring the trucks back at night. We might use the office room in the building. We have looked everywhere and not been able to find a place. There are no shops to rent. Places are hard to find. Our current location in North Logan is no longer going to be available. This location might work for us.

MAYOR: I am hesitant.

CHERYL: It would be hard to pull in and out with a truck and trailer.

MAYOR: I am concerned about chemicals. There was litigation on a parcel close to my home that involved these kinds of chemicals. It is a bad situation. In general, it is a bad idea to have chemicals in a residential area. They might be mixed and hauled away, but there is still spray onsite as well as being mixed where it can spill.

PAUL: I understand you are using the spray on residential properties, but it is still large quantities of chemicals stored in one area.

MAYOR: We have talked about chemicals in the past. I talked to the owner of Specialized Pest Control as he lives in town. I talked to Scott Pratt as well. He lives in town and deals with chemicals. This type of business needs to be in an industrial area. There is risk, but the perceived risk is even higher. People who live in the area know there are chemicals there. I am not saying what you are doing is illegal, but there is a risk.

PAUL: Is a conditional use permit required?

MAYOR: Yes.

PAUL: The request will have to be reviewed by the planning commission first.

LYLE: There is a creek on the north side of the parcel as well.

TRISH: We follow state procedures in regards to chemicals.

MAYOR: You will have to change your current setup on that parcel.

TRISH: We are not open for about six months per year.

MAYOR: Are you required to have a containment area?

TRISH: If we store in a building, there are no requirements. We would add a door to the existing building or make a new building on the property.

MAYOR: I am struggling with this request. Having a commercial business in the middle of a residential area is problematic.

TRISH: We were not sure if you would rezone the parcel or what needed to be done.

MAYOR: I am open to mixed-use. There is a home nearby that is a home upstairs and a business in the basement. I think it is hard for us to allow a business like this on that parcel.

TUCKER: The process starts with a request for a conditional use permit.

PAUL: Get on the agenda for the next planning commission meeting.

MAYOR: After that point, it would come to the council.

CHERYL: I hope you can find a better location.

TRISH: We are still looking.

MAYOR: It sounds like you are unsure if this parcel will work as well as you might not even use the building.

TUCKER: This is not a home based business.

MAYOR: The place to start is at the planning commission.

JEREMY: The next planning commission meeting is on Tuesday, December 4th. You will need to fill out and submit an application.

TUCKER: We also need to see a proposal showing parking, the containment area, where the new building might be located, etc.

PROVIDIA MANAGEMENT GROUP

MAYOR: Talking about chemicals and spray is a valid topic. We have concerns about where to allow chemicals in town.

SCOTT PRATT: The state does not have many requirements for storage. Really the only requirement is to have the product marked on all four sides. Spill containment is based on the label. Don't look to the state to help with regulation unless there is an issue. All they will do is make sure the label is being followed.

MAYOR: On the previous issue, we thought it was a state issue, but they told us otherwise. They said to follow the label. We don't want to have issues or have the city become liable.

SCOTT: Insurance is required.

MAYOR: Have we required liability insurance in the past?

TUCKER: In some instances.

SCOTT: I have been keeping all of my equipment down by Casper's Ice Cream. I deal mostly with agriculture. I am working on some new technology. We are using drones. I am in the process of finding a site to relocate the business to keep growing the business. I would like to temporarily, for administrative purposes, change the business address to my home address until I can get a new building built. I am sensitive to my neighbors. I live there and don't want issues with my neighbors. I won't have any vehicles or equipment at my house other than my own truck.

MAYOR: Thanks for the clarification. We don't want to be insensitive to people, but we also need to protect the city.

PAUL: Parking vehicles at a residence is much different than mixing chemicals onsite.

SCOTT: I am considering purchasing a parcel on the west side of the old milk plant. I know the level of risk. If I store so many gallons of product, then certain measures must be in place. My company purchases chemicals by the truckload. We have to be prepared for an emergency. Some processes are routine and have no different requirements than the local IFA (Intermountain Farmers Association). We are liable. I don't want my employees' careers ruined because of a mistake. We need to have a process and structure in place. It needs to be good for the city and employees.

CHERYL: Any idea of when you will proceed with your project?

SCOTT: There is interest in Richmond in having a business. Locating south of here is cost prohibitive. I am looking for around six acres. I want to build a shop and office building. The closer I get to Logan, the more expensive it will be. We need to find land before we can start the process. I am guessing it will take six months to two years.

MAYOR: Thanks for answering our questions. This is important for all of us to understand. These types of businesses are coming to town.

SCOTT: I might have one truck at the house if we are leaving to travel a long distance early the following morning.

PAUL: We won't allow the storage of chemicals, mixing of chemicals, or the uploading or unloading of chemicals at this location.

A motion to approve the business license request for Providia Management Group conditional upon no chemicals are stored, loaded or unloaded or mixed at the location, and no more than one truck and trailer is parked at the location was made by Tucker, seconded by Cheryl and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Peck, Bair
No Vote: None
Absent: Crafts

TACOS REYES

REYES MARTINEZ: I want to bring a taco truck to town and serve Mexican food.

PAUL: Are you licensed by the health department?

REYES: Yes.

PAUL: Do you have a business license in any other city?

REYES: No.

MAYOR: Where are you planning to locate?

REYES: In the used car lot across from Big J's where the old taco bus used to be located.

CHERYL: Is this the same truck which was there previously?

REYES: No. It is a different one. I found a different bus to use.

PAUL: Will you be open in the winter?

REYES: Yes. We will be open year round. I have lived in the valley for 22 years, so I understand how the winters are.

A motion to approve the business license request for Taco Reyes was made by Paul, seconded by Lyle, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Peck, Bair
No Vote: None
Absent: Crafts

TUCKER: When do you plan to open?

REYES: I am working to finalize my permit with the health department. I need to finish up the lettering on my vehicle, and then I can get the permit.

AUDIT PRESENTATION BY REPRESENTATIVES OF ALLRED JACKSON FOR FISCAL YEAR 2018.

DIANA CANNELL: I am happy to report there are not any findings. This is the first city this year that I work with that I can report saying that. You have a great staff. There are over 25 state compliance items we check as well. It is quite an accomplishment to not have any findings. We check the minutes, action items on the council agenda, the budget, fund balance, and many other items for compliance as required by the State of Utah. I am happy for the city there are not any findings. I will point out a few highlights in the financials. Pages 18 and 19 are the Statement of Net Position. This shows all of the funds of the city. In total, the city has \$15,400,832 in assets. The liabilities of the city are shown on Page 19, and they decreased during the fiscal year. They decreased in the amount of \$339,835. The total equity of the city increased \$843,866. Cash is up, and liabilities are down, so that is a good thing. One of the large items was the selling of the rental house for around \$148,000. There was not any contributed capital in Fiscal Year 2018, and there was a significant amount in Fiscal Year 2017. No infrastructure projects were added by developers in the last fiscal year which is what contributed capital is. Page 25 shows actual expenses versus budgeted expenses. You were within budget. There were \$140,000 in transfers in the last fiscal year. The fund balance increased by \$92,882 in the last fiscal year. Pages 26 and 27 show the water and sewer funds. The net position of those two funds increased \$257,510. Even with depreciation expense included, the water fund shows a positive change in net position. The sewer fund shows a negative net position for the fiscal year of \$56,705 when depreciation is included. Depreciation in the sewer fund totaled \$325,079.

PAUL: What is the useful life based on?

DIANA: It depends on the item. Some equipment is usually five to ten years, and infrastructure is usually forty to fifty years.

JUSTIN: The main item we replace is the membranes, and they have a seven-year life.

PAUL: What is intergovernmental revenue? Is that Class "C" Road funds?

DIANA: Yes. In the previous year, you received some grants, as well, so the total revenue was higher.

JUSTIN: I would need to check, but I believe it was a fire department grant for SCBA's and helmets.

DIANA: You are seeing a small increase in Class "C" Road fund revenue each year.

PAUL: We appreciate any increase we can get.

DIANA: Roads are so expensive to fix, and the city does not receive much revenue to fix them. This line item is monitored extensively. We track it since it is a restricted fund.

PAUL: What is the deposits/escrow line item?

JUSTIN: It is the escrow funds we receive on building projects which we mainly hold until sidewalk is installed and a Certificate of Occupancy has been issued. Once the projects are complete and signed off, we give back the escrow funds.

DIANA: Please contact me anytime with questions or concerns. I can be reached by phone and email all year long. Justin and the rest of the staff do a great job. It is a good job to not have any findings.

MAYOR: Has that happened before?

DIANA: Yes, but not very often. There was one finding last year. The city council meeting minutes must be posted to the Utah Public Notice website within three days of being approved. One meeting was not done within that time period.

INTRODUCTION OF THE ELK MEADOWS SUBDIVISION BY BRIAN WEBB.

BRIAN WEBB: I am proposing a subdivision south of 450 West Main Street and west of 50 South 400 West. There are 11 total building lots. There are nine residential lots and two commercial lots. There will be two access points: one onto Main Street and the other onto 400 West.

PAUL: Has this request been heard by the planning commission?

MAYOR: Yes.

CHERYL: Which lots are the commercial lots?

MAYOR: The two largest which are also the two furthest to the west. Lots #3 and #4.

PAUL: Did the planning commission have any concerns?

TUCKER: There was a concern about having industrial/commercial users utilizing the same road as residential users.

BRIAN: The zoning on the lot was already split when we purchased it. We want to relocate our excavation business onto Lot #3.

PAUL: Do you intend to sell Lot #4?

BRIAN: Yes.

TUCKER: I have a question on Lot #4. How is the retention pond going to be dealt with?

BRIAN: I am not sure. That is going to have to be something we work out.

PAUL: Darek, what are your thoughts?

DAREK: I have reviewed the request. It meets the design standards for roads, curves, and minimum lot size. An existing culinary water line will have to be rerouted. The line goes to the homes by the factory. The line runs on the west side of the home owned by Kevin Dodge and then down between the middle and north home. The proposal is to relocate the water line to the south boundary line of Lot #3. A utility easement will be put in place to accommodate this request.

PAUL: Will it be recorded?

DAREK: Yes. It will be on the plat. There will be an easement on Lot #4 for sewer and storm water as well. The sewer line will be extended through the Casperson property down to the city maintenance shop on 200 South.

PAUL: Who is Casperson?

DAREK: The owner of the factory. A perpetual easement will be put in place. You will notice a couple of small parcels on the east side of the plat. Brian is going to Quit Claim Deed some property to some existing homeowners in the area. If the deed is done now the plat will not have to be amended later.

PAUL: Is the width of the road 66 feet?

DAREK: The right-of-way is 66 feet. The asphalt surface will be around 34 to 35 feet wide.

PAUL: Will there be a sidewalk?

DAREK: Yes. On both sides of the road as well as a park strip. There is a utility easement as well for power, natural gas, and telephone.

PAUL: Does the preliminary plat meet our requirements?

DAREK: Yes. The preliminary plat is in compliance. There will also be an irrigation line easement.

MAYOR: How do we deal with the property line being the east side of the Dodge home?

DAREK: I think the issue has already been dealt with. The county online GIS map shows the boundary right along the edge of the house but the written information I have shows the boundary line ten feet to the east of the house. Online it shows the frontage at 184 feet, but the paperwork shows 174 feet. I show Brian only owns 174 feet which leaves the remaining ten feet as part of the Dodge parcel.

BRIAN: The surveyor says I don't own that ten feet and the property line is ten feet to the east of the Dodge home.

DAREK: I think the issue has already been corrected according to the county. The county GIS map just has not been updated.

PAUL: If the preliminary plat is approved, what is the next step?

DAREK: The construction plans are completed for us to review and approve. A developer agreement will be put together as well. The developer agreement shows what the developer is responsible for and what the city is responsible for. Bonding will be discussed as well. At that point Brian then makes a decision of how he wants to proceed. If he wants to sell building lots right away, he will have to bond for all of the improvements. If he elects to put in the infrastructure before he sells any lots, then he would not be required to have a bond in place.

PAUL: We would still be in the process of doing inspections and making sure requirements are met whether he bonds or not?

DAREK: That is correct. The only question is if there is a need to have a bond in place. We won't accept anything until inspected. The biggest decision Brian has to make is when he wants to sell building lots. A bond of 125% of the project cost will be required if he wants to sell building lots now. If he does all of the improvements before selling any lots we will only require a bond for chip sealing of the road.

PAUL: What is the warranty period?

DAREK: I would have to review the ordinance in that regard.

PUBLIC HEARING, NO SOONER THAN 7:45 P.M., ON THE PRELIMINARY PLAT FOR THE ELK MEADOWS SUBDIVISION, AN (11) LOT SUBDIVISION (9 RESIDENTIAL LOTS & 2 COMMERCIAL LOTS) LOCATED SOUTH OF 450 WEST MAIN AND WEST OF 50 SOUTH 400 WEST. ZONED RLD (RESIDENTIAL LOW DENSITY) AND MLI (MANUFACTURING/LIGHT INDUSTRIAL).

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

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

The public hearing opened at 8:24 P.M.

VERN FIELDING: I own property in this area for about another 1 ½ weeks. In brief, I am not opposed to the subdivision. I need to clarify that I am on the planning commission. I voted against the preliminary plat and did so for specific reasons. As I look at the master plan and see the zoning which is in place, I think it was done for the buildings that are already there. I think there needs to be a 500 West road installed. I have talked to Brian about my concerns. His business would go through a residential area. It might work short term, but it won't work long term. There will be commercial traffic on two proposed lots. The access points are Main Street and 400 West. I think the intent of the zoning was because of the milk plant. I spoke with a previous mayor about the history of the milk plant. It is mainly an abandoned building and is structurally unsound. Numerous businesses have tried to go in there. It is a vandalism trap. It appears the can is being kicked down the road and a resolution won't be made until there is a major or significant problem. There could be transients and drug use in that building. This is an opportunity for the city. Resolve a current problem before it becomes a major problem. Nothing catastrophic has happened yet. With some motivation, there could be a resolution to this problem. The Casperson family supports this subdivision. They want to see business down there. This could help them improve their property. Business consolidation is good. There is a demand for business areas as you have heard earlier tonight. Those are good candidates for this area. The challenge is finding the money to resolve the problem. The building needs to be removed and 500 West installed.

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My proposal is to cooperate with all the landowners. There are only two or three needed to support 500 West. The city owns the south end of this road. The Casperson family owns the middle and someone else the north. I think something should be worked out, so access can come from 500 West. Additional building lots could be created where the two commercial lots are proposed and sold for \$60,000 or so. This would help resolve a problem.

MAYOR: My understanding is the three homes to the north own the land in front of their homes where you are proposing a road would go.

VERN: You could allow short term access to 450 West.

MAYOR: There are railroad track issues by 500 West.

PAUL: Is 500 West a proposed road on the master plan?

DAREK: We may show some connectivity, but this exact road is not shown. There would be problems onto Main Street. Slope is a big issue.

VERN: It will cost money. The current building cannot meet fire code.

PAUL: No city code will be met in that area.

VERN: The Casperson's told me the city stopped them every time they wanted to do something with the building. I think a task force should be formed to review this area.

MAYOR: I have reviewed what is involved in this process. Big cities have RDA's (Redevelopment Agency) for the type of project you are suggesting. Most smaller towns don't have an RDA. The issue is not a desire to do something but a lack of resources. We are talking a need for millions of dollars, not hundreds of thousands. City ordinances are pretty similar for every city. Small communities have limited options. I understand your concern.

VERN: I understand there is not an easy solution. Is there something that can be done? We need to look for federal and state grants.

BRAD JENSEN: I have a couple of questions for the council. As plotted, this area shows low density zoning. There were secondary irrigation water shares being used on this land. Are there any plans to use irrigation water on these lots?

BRIAN WEBB: It needs to be addressed, but it is up to the city what they want done.

PAUL: When is that item considered?

DAREK: As part of the final plat process.

PAUL: I know we dealt with this as part of the White Pine Subdivision, and there was an issue.

JUSTIN: The issue is the Richmond Irrigation Company will not allow the shares to be assigned to a specific lot/parcel number. The city has taken the shares on these types of projects.

JEREMY: The council will need to decide what they want done before the final plat is approved.

MAYOR: This is an issue with other cities as well. What do they do?

DAREK: In other cities they typically charge a fee or require "X" number of water shares to be turned over to the city as part of the approval process. Our ordinance shows how this is calculated. I hope the shares could stay with the property, but that is not allowed at this time.

BRIAN: We know the shares cannot be assigned to the parcels.

DAREK: That is correct; the irrigation company won't allow this to happen.

BRAD: You could ask the developer to install a secondary water system. The shares could then be purchased through the irrigation company. It is useless for the city to own the shares as they won't be used on these lots. Some of the area is good for farming, and some is not. It is going to take a significant amount of water to water these lots. A draw to purchase these lots would be to have secondary water available. Don't burden the culinary water system. The city must show beneficial use of those shares if they take them. I would suggest talking to the irrigation company again about allowing them to be assigned to a parcel. I know the developer got irrigation shares when he purchased the parcel.

MAYOR: I agree. We should meet with the irrigation company again to discuss.

DAREK: I think it is a good thought long term. It would be good to use those shares on city parks and properties and only use culinary water in homes and buildings. There is irrigation water available at the new park in the White Pine Subdivision.

JUSTIN: The irrigation company told us years ago they would not change their bylaws.

BRAD: I think it would be good to discuss with them again as board members have changed.

MAYOR: Tucker, please meet with the irrigation company to see if this is something they will consider.

BRAD: The sewer line which runs to 200 West is a private lateral owned by the Casperson's. It is not of adequate size, if I recall correctly, and is a private line.

DAREK: Yes, it is a private lateral, but as part of this project, a new eight inch line will be installed and an easement created.

BRIAN: We are replacing the existing line as part of this project.

BRAD: Are the three homes north of the factory required to hook onto the sewer system as part of this project?

DAREK: The south home is already on the sewer system. I don't know about the middle and north homes.

BRIAN: I think the middle home is on the city system.

MAYOR: This is something we need to clarify.

BRAD: It should be easy to check. Check the monthly utility billings for the three homes. Who will assume the cost of restoring culinary water service to the existing homes as the line runs through this property which services those homes?

DAREK: The developer is relocating the culinary water line and will pay the cost of the project.

BRAD: I know there is a fire hydrant which does not have any flow.

DAREK: It is not connected to the city water system at this time.

BRAD: Will it be repaired as part of this process?

DAREK: No, there is no fire access to that area.

BRAD: The fire hydrant should be removed then.

DAREK: Yes, it should be removed. There is no plan at this time to have a fire hydrant in that area.

BRAD: Is it a retention or detention pond?

DAREK: It is a retention pond with no outlet. The water will infiltrate into the ground. The first 6/10 of a storm must be retained. The pond will be bigger than what is shown on plat map. I have already discussed this issue with the project engineer.

BRAD: So, it will be retained and not drained into the creek to the south?

DAREK: Correct.

BRAD: Will the city well in this area be contaminated by the water infiltrating the ground?

DAREK: There are not any requirements in a source protection zone I am aware of, but I will double check.

BRAD: The city has never addressed a mixed-use area before. There was an interesting discussion on chemicals tonight. Make sure your zoning requirements are met on all parcels and requests.

CHRIS: All three homes are on the sewer system and pay the monthly utility fee.

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

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

The public hearing closed at 8:52 P.M.

DISCUSSION AND POSSIBLE VOTE ON THE PRELIMINARY PLAT FOR THE ELK MEADOWS SUBDIVISION.
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MAYOR: I understand the concern about having businesses on those two lots. This property is unique. We don't have very much area in the city zoned industrial.

PAUL: Darek please clarify your comments on the retention pond size and design.

DAREK: The retention pond will need to be larger and shallower than shown on the preliminary plat. I have let the project engineer know already.

PAUL: Brian, theoretically, if in five years you had not sold the business building lots and wanted to rezone the area for homes and had an interest in doing so, is it designed to be able to allow for the retention pond to be expanded and homes built there?

BRIAN WEBB: Yes.

DAREK: The retention pond is to hold the runoff water from the city street. Any commercial facility with a parking lot will have to have their own retention pond on their property.

MAYOR: Our industrial areas are not booming with business right now.

PAUL: Darek, have all city requirements been met on the preliminary plat?

DAREK: Yes.

PAUL: Brian, do you have any additional comments you would like to make?

BRIAN: No.

MAYOR: We have had a lot of discussion tonight that has nothing to do with this request. There is still a process to be followed even if the preliminary plat is approved.

TUCKER: The request is for what the zoning allows. It is tough for us to dictate what type of vehicle drives on any street in the city.

A motion to approve the Preliminary Plat for the Elk Meadows Subdivision, an eleven (11) lots subdivision with two (2) commercial building lots and nine (9) residential building lots located south of 450 West Main and west of 50 South 400 West was made by Tucker, seconded by Paul, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

The council meeting was temporarily adjourned for a short recess at 8:58 P.M.

The council meeting was reconvened at 9:12 P.M.

DISCUSSION WITH JASON TREXLER REGARDING PARKING LOT REQUIREMENTS FOR A NEW COMMERCIAL BUILDING.

JASON TREXLER: I am one of the owners of Trexler Enterprises. We own a parcel just south of 100 South on Highway 91. We are looking at building a building on the parcel. We have been reviewing city ordinances for the site plan which is required. In Chapter 12-600, Section 602 (e), it talks about parking stall requirements for restaurants and retail stores. It says one parking space is required for every 100 feet of floor space plus additional requirements for employee parking. I have pulled some information and data from other areas and cities in Cache County. I looked at several areas such as Lee's Marketplace in Smithfield which also includes Ace Hardware, Subway, and others. I also looked at Albertson's in Logan which has KFC and other businesses in the area. The Smith's store in Logan was also part of my research. Macey's in Providence with all of the strip mall businesses was included as well. We looked at the actual number of parking stalls for these areas. We looked at the current requirement in the city ordinance. The requirement of the city is higher than anywhere else in the valley. On average, if you combined all of the areas we researched, the city is requiring 253% more parking stalls than anywhere else. That is one deterrent for a business wanting to locate in the city. The city's requirement is very high. The average is around one parking stall for every 250 feet of floor space. If the city changed the ordinance to one parking stall for 250 feet of floor space, that would put the city at 101% of what the average in the valley is. By changing your ordinance, it would make it more viable for businesses to come here. I would like to discuss what can be done with your ordinance and how it can be changed.

PAUL: Good question as we have never had this request since the ordinance was adopted.

MAYOR: I agree. This is the first time this has been a concern.

PAUL: Were the areas you sampled based on square footage or something else?

JASON: The average in the ordinance is 250 square feet of floor space per stall. We actually pulled the aerials and counted the number of stalls built in the parking lot as well. We used the Cache County GIS map. We looked at around 25 to 30 parcels.

CHERYL: What if a building is more than one level?

JASON: The requirement is still based on floor space.

VERN FIELDING: The square footage above grade is what the assessor uses in their numbers.

MAYOR: Is anyone opposed to reviewing this request?

PAUL: I would like to see other cities' requirements and then review this request.

MAYOR: There are other sections in our code with issues, but I think we tackle just this section right now.

PAUL: What are you suggesting?

MAYOR: I have talked with Tucker about this issue. LUDMO took several years to review and adopt.

TERRIE WIERENGA: Around 4 ½ years.

MAYOR: We are well aware there are some gaps and issues which need to be addressed.

PAUL: We can make a proposal and change or update.

JUSTIN: Since this is land-use it will go to the planning commission first and then to the council.

PAUL: A public hearing will be held at the city council meeting.

MAYOR: I think we tackle this issue now and deal with other issues as they arise.

PAUL: Let's review just this section for now.

TUCKER: I agree.

JUSTIN: An ordinance will need to be drafted. The timeline will be at the December city council meeting to review and discuss any changes the council wants to make to the current code. If the council wants to proceed, the request would be heard at the planning commission in early January and a public hearing and vote of the council at the regular council meeting later in January.

DAREK: I suggest splitting this code into two sections or paragraphs: one dealing with restaurants and the other dealing with larger buildings. This area of code is easy to modify.

CONTINUED DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 2018-4, AN ORDINANCE AMENDING AND UPDATING CERTAIN PROHIBITIONS AGAINST INTERFERING WITH CONTROL OF WATER, TAKING WATER OUT OF TURN, OBSTRUCTING WATERGATES AND INJURING WATER-RELATED STRUCTURES.

MAYOR: Paul wanted to review and change some wording in one section of the ordinance. I did some checking and the wording in the ordinance was written from state code.

PAUL: The wording change was made in Section 13-1023. Judge Funk reviewed and approved of the change.

MAYOR: What exactly was changed?

JUSTIN: The word “wood” was removed and replaced with “natural or of manmade material”.

A motion to adopt Ordinance 2018-4, an Ordinance of Richmond City amending and updating certain prohibitions against interfering with control of water, taking water out of turn, obstructing watergates, and injuring water-related structures was made by Paul, seconded by Cheryl, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

PUBLIC HEARING, NO SOONER THAN 8:00 P.M., ON ORDINANCE 2018-5, AN ORDINANCE ADOPTING RICHMOND MUNICIPAL CODE CHAPTER 3, PART 420 “ACCESS TO PUBLIC RECORDS”.

JUSTIN: If a person is a serial GRAMA requestor, they will not like this ordinance. If the person is just a normal person with a normal request, it will not affect them. This ordinance clarifies the process to be done when a person wants to make a GRAMA request. Right now, we do not have an official ordinance. What is happening is since we do not have an ordinance in place a person, can simply email any entity they want in a blanket email making a request. Our ordinance would require a request to be submitted through an email address or at the city office on a specific form. A city form would be mandatory to be filled out. It is a simple form, but it does stop random email requests from being required to be responded to. In one case, a GRAMA requestor was calling librarians, public works directors, and council members. None of you are in a position to fill a GRAMA request. I am the designated records officer for the city and have to fulfill the request. I might reach out to the council or staff for help, but I oversee the request. Without an ordinance, we have no control; with an ordinance, a clear process is required to be followed. The intent is not to deny GRAMA requests but to simplify the process and not allow serial GRAMA requestors to make generic requests. Hours of time and resources are being wasted on generic requests. I have no issue honoring a legitimate request but do not like wasting time on generic requests that are sent out to dozens or hundreds of agencies all at once.

MAYOR: This is frustrating. I have received dozens of these requests. They are a general email sent to Salt Lake County, Cache County, and Washington County. It is ridiculous. What is the name of the person making these requests?

JUSTIN: Brady Eames.

MAYOR: His requests are ridiculous. Some of them are very confusing and nobody even knows what he is asking for. His requests have nothing to do with our city. They are just general questions. He is an example of why this ordinance needs to be approved.

JUSTIN: Mr. Eames has filed 116 GRAMA requests with Logan City since August 2016.

MAYOR: I have talked to Logan City, and they are frustrated. They have paid a lot of money to fulfill his requests. I am not aware of a case, to this point, where we have ever charged someone for a GRAMA request.

JUSTIN: This ordinance will stop generic requests.

PAUL: What is the fee based on?

JUSTIN: It is based on my wage. I am the lowest paid employee who can fulfill the request. The state requires the fee that is charged to be the lowest wage of the person who can fulfill the request.

MAYOR: His requests have been made to the state, cities, and towns. Basically everyone.

TERRIE WIERENGA: It is good to have rules in place to follow.

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

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

The public hearing opened at 9:36 P.M.

SHARIK PECK: I am in favor of stopping wasteful requests which waste taxpayer dollars.

TERRIE WIERENGA: One thing I respect about the State of Utah is they are 100% behind transparency. This addresses that issue. The information will still be provided in a reasonable amount of time with a reasonable cost if the request is reasonable. I support this ordinance. This needs to be a national policy not just a city policy.

BRAD JENSEN: I support stopping wasteful spending. When would an attorney or professional be needed?

JUSTIN: One request had a bunch of legal language and verbiage I did not understand, so I had to contact legal counsel regarding the request to see what it is that was being asked for. If legal counsel was needed to research the request and provide me the information to provide to the requestor, the fee charged by legal counsel would be charged to the requestor.

DAREK: I have been involved in GRAMA requests. The records officer might not have the answer to the question. They might have to reach out to me to research the issue on a subdivision, for example. My bill to the city can get quite expensive if I have to spend a bunch of time. I have spent countless hours on requests in the past.

A motion to close the public hearing and reopen the regular council meeting was made by Lyle, seconded by Cheryl, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

The public hearing closed at 9:40 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 2018-5.

PAUL: Can we charge anything today for GRAMA requests?

JUSTIN: No, since we do not have an ordinance or fee schedule for this item in place.

PAUL: Can you justify the cost listed in the ordinance?

JUSTIN: Yes. The hourly rate which can be charged is the lowest hourly rate of the person who can fulfill the GRAMA request. I am listed as the records officer and will fill the request, so my hourly wage is what is used.

A motion to adopt Ordinance 2018-5, an Ordinance adopting Richmond Municipal Code Chapter 3, Part 420, "Access to Public Records" in the code of revised Ordinances of Richmond (1975, adopted 1976) was made by Paul, seconded by Tucker, and the vote was unanimous.

Yes Vote: Erickson, Thatcher, Peck, Bair

No Vote: None

Absent: Crafts

MONTHLY FINANCIAL REVIEW WITH DISCUSSION AND DECISIONS AS NECESSARY.

JUSTIN: As we all know, building has slowed in the city; therefore, building permit revenue is down compared to last year. So far this year, we have collected \$1,572. RAPZ tax was received in the amount of \$28,900, and that same amount was paid out for the Black & White Days building roofing project. Rocky Mountain Power donated \$300 to the youth council. Brian Anderson and Rocky Mountain Power have been very good to our youth council for the last several years. The new utility truck has arrived. This truck will replace the truck which Rob Bair drives. The truck he currently drives is 24 years old. The new truck was purchased at a cost of \$33,620. We will add a utility bed to it as well as a plow. We seldom purchase new vehicles and try and get every bit of use out of the vehicle we have. The current truck has rusted through in multiple places and will be sent to the scrapyard when the new truck is ready. The general fund purchased the new truck and then invoiced the water and sewer fund 1/3 each the cost of the truck. So far this year, we have spent \$124,497 in Class "C" Road Funds. We did not spend all of our allocation last year, so it will be spent this year along with our current allocation. As building slows, so does the amount of impact fees we collect. So far this year, we have only collected two water and sewer impact fees. The water fund and sewer fund each paid \$11,206 on the new truck purchase. The revenue in the general fund is shown under line item 3628 "Income – Equipment Rental".

MAYOR: How is the mini-x working out?

JEREMY: It costs around \$7,000 to trade-in the mini-x for a new one every two years. It is very cheap to have a new one on hand. It is better than having two backhoes. The mini-x is very good at the cemetery, MBR plant, and other places. The staff prefers to use the mini-x over a backhoe when possible.

JUSTIN: I would like to thank Chris, Jeremy, and the rest of the staff with their help during the audit process. It is a long tedious process we go through yearly, and this year we were very fortunate and did not have any findings. That does not happen very often. We are very frugal with our funds, and I thank the staff for making sure we are staying within budget, as well as the council. The finances of the city are taken very seriously, and I am proud of how this last year turned out.

COUNCIL MEMBER REPORTS

There were not any additional items discussed by the council.

MAYOR'S REPORT

MAYOR: The audit report was good. Kudos to the staff. I think the current city staff is the strongest we have had in the twelve years I have been involved with the city. We have not had bad staff members in the past, but right now, we have a vision and are going in that direction. I attended the Cache Summit last week which talked about growth. It was a fascinating discussion. In Cache Valley, there are usually 600 to 700 homes on the market for sale. Right now there are 200. Townhomes and rental units were a big discussion. Smaller building lots and smaller sized homes were also discussed. The average cost of a home in Cache Valley right now is over \$300,000 for a starter home. I hope we are open to what we can work with and consider in the future. It is complicated. I discussed the Brian Webb proposed subdivision in the forum I was involved in. Brian made a rezone request to allow for more homes. Five people attended the public hearing and spoke against it. The rezone request was not approved. People need to be involved. Pricing is good for smaller lots but not well thought of by the neighbors to the project since it results in more homes being built by them. People like the city as it is, and that is why they live here. Right now, there is not any affordable housing. Kids are not able to move back to town after they go to college. BRAG (Bear River Association of Governments) did a great job with this presentation. We will have some discussion on growth in the future. The council will have to find a way to balance what we currently have and accommodate those who want to build in town. The employee Christmas party will be held on Friday, January 11th or 25th at 6:30 P.M. In the past, the fire department has traditionally done their own party, but this year, they will be joining with the rest of the city, and one party will be held.

Richmond City Council Meeting Minutes, November 20, 2018

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

Yes Vote: Erickson, Thatcher, Peck, Bair
No Vote: None
Absent: Crafts

Adjournment at 9:53 P.M.

RICHMOND CITY CORPORATION

Jeffrey D. Young, Mayor

ATTEST:

Justin B. Lewis, City Recorder