



**RICHMOND CITY CORPORATION
90 SOUTH 100 WEST
RICHMOND, UTAH 84333**

AGENDA

Public Notice is given that the Richmond City Council will meet in a regularly scheduled meeting at 90 South 100 West, Richmond, Utah, on **Thursday, January 16, 2025**. The meeting will begin at 6:30 PM.

Welcome and Opening Ceremonies by Amber Ervin.

1. Approval of the city council meeting minutes from December 19, 2024.
2. Annual Library Report
3. Review of the sanitary sewer master plan.
4. Public Hearing for the purpose of discussing Ordinance 2024-17, an Ordinance amending the Richmond City Municipal Code, Title 10-000 "Fire, Health, Safety and Welfare", adding in its entirety Chapter 10-700 "Telecommunications Tower Facilities", Parts 10-701 "Purpose of Chapter", 10-702 "Applicability", 10-703 "Definitions", 10-704 "Applications", 10-705 "Requirements", 10-706 "Procedures" and 10-707 "Revocations".
5. Discussion and possible vote on Ordinance 2024-17.
6. Public Hearing for the purpose of discussing amendments to the Fiscal Year 2025 Budget which is the period of July 1, 2024 through June 30, 2025.
7. Discussion and possible vote on amendments to the Fiscal Year 2025 Budget.
8. Staff reports and monthly financial review
9. Council Member and Mayor Reports

Adjournment

*****Items on the agenda may be considered earlier than shown on the agenda.*****

In accordance with the Americans with Disabilities Act, individuals needing special accommodation for this meeting should contact the City Office at (435) 258-2092, at least 3 days before the date of the meeting.

RICHMOND CITY COUNCIL

DECEMBER 19, 2024

The regular meeting of the Richmond City Council was held at the Park Community Center located at 90 South 100 West, Richmond, Utah on Thursday, December 19, 2024. The meeting began at 6:09 P.M.; Mayor Paul Erickson was in the chair. The opening remarks were made by Joel Draxler.

The following Council Members were in attendance: Lyle Bair, Amber Ervin, Joel Draxler, Bryce Wood and Daryl Black.

City Administrator HollyJo Karren, Shane Lewis, Bryan Tolbert, City Engineer Weston Bellon and City Recorder Justin Lewis were also in attendance.

VISITORS: Mike Hall, Todd Smith, Brad Jensen, Katie Reams, Jeff Young, Roger Priest, Tucker Thatcher, Cindy Smith, Kip Panter, Dave Cavanaugh

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM NOVEMBER 21, 2024.

A motion to approve the November 21, 2024 city council meeting minutes was made by Bryce, seconded by Lyle and the vote was unanimous.

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENTS TO THE EMPLOYEE PERSONNEL MANUAL.

JUSTIN: In the past we have given employees raises of \$1.00 per hour when they have received culinary water and sewer certifications. It has been an unwritten rule. We would like to include this in the Personnel Manual so moving forward there is no confusion in this regard on the amount which can be obtained. It is proposed that for each culinary water certification received that the employee receive a \$1.00 per hour raise. For Sewer Treatment I, Sewer Collection I, Sewer Treatment II, and Sewer Collection II the raise would be \$0.50 per certification received. Sewer Treatment III and IV are much different and it is proposed the amount of the raise for either of these certifications would be determined by the mayor and city council. We have also included a \$1.00 per hour raise for an employee that receives their CDL (Commercial Drivers License) if it is needed for their job and they don't have it when they are hired. I was also asked to include a section regarding tuition assistance if an employee is seeking a bachelor's or master's degree. It is proposed that the city would pay 50% of the cost of tuition for up to eight credits per semester or quarter. I was only able to find one other local city that offered this type of tuition assistance. It also states if an employee receives tuition assistance, they have to sign an agreement with the city to continue their employment here for a minimum of three years or they would have to pay the city back the tuition funds. Tuition assistance would need to be approved by the mayor.

MAYOR: I did this with my former employer. They made me sign a promissory note. I left early and had to pay the funds back to the bank. They offered about what we are offering.

AMBER: I am willing to invest in our employees. This is a good opportunity for them and the community. I don't think this is unreasonable as long as we have a commitment from the employee. What about the certifications?

JUSTIN: There is not a requirement to stay employed here if those are obtained.

MAYOR: We currently have some employees studying for the Sewer Treatment III certification. The test is on different things than our sewer system. It is a hard certification to obtain.

DARYL: I have done this with employees in the past. I think it would cost the city around \$2,500 a semester for eight credits depending on the institution. If it will help with the job they do for the city, I am fine with it. If they are getting a degree in something else that doesn't benefit the city and will leave in three years, I don't support that. Neither the employee wants to be here nor we will want them here if they are going down a different career path.

AMBER: Should we make it degree specific?

MAYOR: I think it is quite specific as written.

BRYCE: The degree needs to directly benefit the city.

DARYL: That is also subject to interpretation by whomever authorizes the tuition assistance.

MAYOR: We could add that it requires mayor and city council approval.

DARYL: I would feel better about that. I think we should approve what we want them to pursue if we are paying for it.

MAYOR: It does include a clause about a three-year employment commitment and we could include it is subject to mayor and city council approval.

JOEL: When I worked for the county, they agreed to do this for my position. I see this as a big problem. When people leave it is hard to get the money paid back and that was a challenge. In one case there was a lawsuit. The employee who left took a different job than they were doing for the county and didn't feel they owed it because of that. I don't think it is necessary for the city to pay for an employee's education. I would rather give the employee a pay increase when they receive their degree if it benefits the city. I am against the tuition assistance portion of this proposal.

AMBER: Can we amend this to what we want?

JOEL: I think we should review if an employee gets a degree to see if it helps us. As an example, if an employee obtains an accounting degree but we don't need that for the job the employee is doing I don't think we should pay for it.

A motion to adopt an Educational Assistance Section to the Employee Personnel Manual amending the Section to NOT include Sections B, C, and D was made by Joel, seconded by Bryce and the vote was unanimous.

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

Section 7 – Classification and Career Progression

Article 7 – Educational Assistance

- A. Certification(s) necessary for the city to maintain municipal, state and federal regulations: Actual cost paid to obtain the certification. Employee is expected to study during available work hours, as approved by the Mayor or City Administrator, as well as on personal time. City shall maintain an approved compensation schedule listed below for when certification(s) are obtained.
- For each Culinary Water Certification obtained, starting 01/01/25 and after, a wage increase of \$1.00 or approximately \$2,080 per year will be approved starting on the first day of the pay period after the certification is obtained.
 - For Sanitary Sewer Certifications obtained, starting 01/01/25 and after, the following wage increases will be approved starting the first day of the pay period after the certification is obtained.
 - Treatment I - \$0.50 per hour or approximately \$1,040 per year
 - Collection I - \$0.50 per hour or approximately \$1,040 per year
 - Treatment II - \$0.50 per hour or approximately \$1,040 per year
 - Collection II - \$0.50 per hour or approximately \$1,040 per year
 - Treatment III – Will be determined and approved by the City Administrator, City Council & Mayor
 - Treatment IV - Will be determined and approved by the City Administrator, City Council & Mayor

- For a CDL (Commercial Driver's License) obtained, starting 01/01/25 and after, and required for the employee's job, a wage increase of \$1.00 or approximately \$2,080 per year will be approved starting on the first day of the pay period after the certification is obtained.

~~B. For bachelor's and master's degree courses, from a recognized reputable educational institution, in which the course will directly benefit the City through the employee acquiring new and additional skills, the City will reimburse employees an amount equal to fifty percent (50%) of the tuition and required fees upon successful completion of the course. For undergraduate degree programs the employee must receive a grade of "C" or higher, and in graduate degree programs the employee must receive a grade of "B" or higher to have successfully completed the course. Employees shall not normally be approved for reimbursement in excess of eight (8) credits per semester or quarter. Typically, the positions for which this section applies would be City Administrator, City Treasurer, City Recorder / Director of Finance and Department Heads.~~

~~C. Employees receiving educational assistance as listed in Item B shall be required to sign an agreement with the City agreeing to stay employed with the City for three (3) years after completing the training or educational course(s) or reimburse the City for actual costs paid.~~

~~D. All educational assistance requests shall be subject to approval by the Mayor.~~

MAYOR: I find it interesting that you all supported it until Joel spoke. I think it is a mistake not including it.

STAFF REPORTS AND MONTHLY FINANCIAL REVIEW.

HOLLY: Bryan and Shane have been installing new street address signs throughout the city. We are going to be installing stop signs along 300 East for east/west bound traffic. We will make sure and advertise when this happens. The new water meter connectors will be installed next month. They will cover different areas of the city. The meters will now be able to be remotely read from the city office. It will not require employee assistance. These were approved as part of the current budget. Right now, if we get a bad meter read, we have to send someone out to read it again. This will cut down on the time needed and make us more efficient.

DARYL: Will this flag the system when someone has a leak or high usage?

HOLLY: Yes. We should receive an alert. The cement pad for the Cherry Creek well generator was installed. The generator was put in place. Now all that is remaining is for Rocky Mountain Power to pull the required wiring. J Rock Concrete will finish the containment basin at a later date. At the MBR plant, the new equipment from HACH is being installed. The basins need to be drained and cleaned. When this happens John will assist Bryan, Shane and Troy as four people are needed for the job. We recently held a safety meeting down there. The new mixer was installed last week. All the cassettes from the last two orders have been installed. The Relief Society building roof was tarped thanks to the assistance of the Smithfield Fire Department and the use of their ladder truck. They assisted John and Shane with the project. We received a grant in the amount of \$5,000 to help pay for the new roof on the building. Eight new zoning clearances were approved for the Richmond Village, one in The Knolls and two in the City Creek Subdivision. There are two subdivisions in process: Harris and Mendez. The Holiday Festival was great. All of the employees helped out. I am really excited the community showed up for this event. I was nervous nobody would come.

MAYOR: Any idea how many attended?

HOLLY: No.

AMBER: There was a constant line waiting for the wagon ride.

MAYOR: How was this funded?

HOLLY: Donors from the community donated enough to pay for everything but the concert. It was fun to see all of the Christmas trees. There were 22 in total. Many different groups were involved in decorating the trees. They are now displayed in the north end of the Park Community Center.

JUSTIN: We had a good sales tax month and received \$62,658. We finished using the ARPA (American Rescue Plan Act) Funds this month as they needed to be spent and projects completed by the end of the year. A new air handler and furnace was installed at the library with some of this funding. I submitted a COG (Council of

Governments) reimbursement request this week for the 400 West road project. The total cost for the road portion so far is approximately \$744,000 and we anticipate getting reimbursed \$689,048 or 92% of that amount as the grant requires an eight percent match. Some irrigation water shares were transferred to the city in lieu of the developer paying water dedication payments. The water dedication payment is \$5,000 so we value the shares at \$5,000 each. We did not receive cash; we received an irrigation share in the Richmond Power & Irrigation system.

MAYOR: The generator for the Cherry Peak well was paid for with ARPA funds?

JUSTIN: Yes.

MAYOR: What is remaining on the 400 West road project?

WESTON: To finish the landscaping and driveway at the Mike Harris residence. He requested we not finish the project until springtime.

MAYOR: Will we get another reimbursement?

JUSTIN: This project will finish in the spring and we will file one final reimbursement request before June 30th. In January, we will amend the budget where we are at the halfway point of the fiscal year. Next week the conversion to .gov email accounts will start. We will all transition to @richmondutah.gov email addresses and the website will be changed from www.richmondutah.org to www.richmondutah.gov. This change is being made because of a government mandate.

WESTON: We are still working on the wastewater master plan. The culinary water master plan is being worked on as some modeling is being done right now. We are looking at adding some new pressure zones and some other options. I am also working with Holly on a couple of subdivision reviews.

COUNCIL MEMBER AND MAYOR REPORTS

LYLE: The sewer master plan is being finished up. It is over 200 pages in length.

AMBER: I informed the DUP (Daughters of Utah Pioneers) about receiving the \$5,000 grant for the Relief Society building roof project. The DUP thanked us for our support in preserving the building. The tarp will help until the new roof can be completed. The DUP has really stepped up and been involved lately. The Park Bench did a soap class and it was so successful they are going to do a second one. There were only three weeks in November for Park Bench lunches due to Thanksgiving. There were 109 lunches served with 20 to-go lunches made. I delivered some of them. There were 837 food pantry items distributed. Thanksgiving bags were created for some of the members who live alone. There were 23 volunteer hours. There is always a need for volunteers in the kitchen. Eighty food bags were distributed. We have some members who live outside of the community and they want to live here now because they feel included. The Jingle & Joy Market was a success. There were 16 vendors. The event was held on a Saturday from 10am to 7pm. There was a steady flow of traffic all day. The seniors had a booth and sold some items. All of the food the youth council prepared sold out. The Holiday Festival was held last week and there were a lot of community members who attended it who don't regularly attend city events.

MAYOR: There have been a lot of recent improvements to the community building as well. It was recently painted.

AMBER: The bench along the north wall had to be removed because the wood underneath was rotting.

HOLLY: The south side bench is still there.

AMBER: It was also nice to see the theatre utilized for this event.

JOEL: Lyle attended the planning commission meeting in my behalf this month.

LYLE: It was a super long meeting with only one agenda item.

JOEL: It took them a few hours to get things they wanted done.

LYLE: They added a bonus density section to the proposed multi-family ordinance. Cache Christensen did a presentation that took a long time but was very informative.

JOEL: Karrie Ann works for the food pantry. Every Wednesday she goes to the Logan food pantry to pick up items and bring them back here. On Thursday she gets to distribute them. She loves it. The seniors make her feel valued. The Park Bench is a great thing the city has done for young and old. The Holiday Festival was a great event to bring the entire city together. It is one of the reasons we live here. Thank you to all who made it happen.

BRYCE: The youth council was involved in the Jingle & Joy Market as well as the Holiday Festival. They did well in their fundraising. They had good participation. They are getting more kids to each event. The kids are taking more responsibility. If any of you see Kassie, we need to thank her. She is doing an amazing job. It is unreal what she does

for The Park Bench, as a crossing guard and for the youth council. She is a great leader. The festival was great. The concert was good. The city only had to pay about 25% of the normal cost of the concert.

DARYL: I enjoyed the Holiday Festival. I appreciate everyone who helped out. It was an excellent night and the weather was perfect. The irrigation company is receiving a lot of complaints about the midyear invoices they sent out. The system is aging. People need to expect these types of bills on an aging system.

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 2024-16, AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE, TITLE 1-000 "GENERAL PROVISIONS", CHAPTER 1-300 "PUNISHMENTS", ADDING IN ITS ENTIRETY PART 1-324 "DEFAULT FINE SCHEDULE".

JUSTIN: There has been some confusion for the sheriff's office regarding the city code and the bail schedule associated with certain misdemeanors or infractions. The sheriff's office has not been able to cite anyone because they said they cannot find a bail schedule in our code to use. We talked to legal counsel, both the prosecutor and our regular attorney and they said we could do a simple new section in the code where it would be a catch all for sections that do not have a specific bail schedule listed. Legal counsel drafted the proposed Ordinance. For example, there is a bail schedule listed for dogs so it applies to that section of the code. There is not a bail schedule listed for noise control or winter parking so the proposed Ordinance would be the bail schedule for those types of items from what I was told by legal counsel. Misdemeanors and infractions are listed separately in the Ordinance with different amounts. Infractions would be \$25 for a first offense, \$50 for a second offense and \$100 for a third offense. The intent is to not really hurt someone financially but make them comply with the code if they aren't and have been previously warned. The intent is for this Ordinance to make the job of the sheriff's office easier.

MAYOR: Holly, please provide the background on this.

HOLLY: Melissa was the court clerk for many years. She has been working with our prosecutor, Kelly Smith, on this Ordinance. Legal counsel helped draft it. This Ordinance will help with enforcement in the future.

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

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

The public hearing opened at 6:51 P.M.

There were not any comments or questions.

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

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

The public hearing closed at 6:52 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 2024-16.

MAYOR: We have a bail schedule for barking dogs. We have other items like RV's that are parked long term when it is not allowed and this Ordinance would apply to that where it does not have a specific bail schedule listed.

DARYL: Is \$25 even worth the time it takes to write the ticket and handle the ticket?

MAYOR: We need a mechanism to enforce the code.

DARYL: What are some examples of where this would apply?

HOLLY: Winter parking and the noise ordinance.

AMBER: What does our code say about dogs?

JUSTIN: In Part 13-255 it is \$25 for the first offense, \$50 for the second offense, \$100 for the third offense, \$200 for the fourth offense and \$500 for the fifth offense.

AMBER: What happens if someone doesn't pay?

JUSTIN: Eventually a warrant would be issued from what I understand.

MAYOR: Once a citation is issued, they need to resolve it with the court.

DARYL: Twenty-five dollars is pretty cheap. How much of that do we get back?

JUSTIN: I don't have that information available.

BRYCE: How often does this happen in the code? Are we looking for reasons to cite people?

JUSTIN: There are several sections in the code where a bail schedule is not listed and rather than go section by section this Ordinance would be a catch all for all of those.

HOLLY: Right now, without a bail schedule a person cannot be cited. It is a continuous circle with some people. They keep breaking the code and won't stop because they are never cited. We are just trying to stop repeat offenders.

JOEL: What is the most common issue?

HOLLY: Barking dogs, noise from new construction outside of allowed hours, debris left on the road from construction, illegally parked vehicles, illegal connections to the sewer or water system, overnight parking on city streets and panhandling. Winter parking will be an issue as soon as it snows.

JOEL: I don't like this being open ended. I don't want the sheriff's office being code enforcers. I am for removing illegal trailers and illegal utility connections. I understand there is a need for enforcement on things like that. I would rather implement this section by section. Focus on the issues at hand and not make a blanket open-ended schedule.

BRYCE: I agree.

HOLLY: We have no guidance of how to proceed right now. We cannot help the residents who are experiencing issues without anything in the code.

MAYOR: We have a list of common occurrences.

JOEL: For example, I don't want someone who doesn't mow the weeds in their park strip being cited. There are things like that where a citation should not be issued.

AMBER: We have a contract with the sheriff's office. People have concerns. Why have a contract if they cannot enforce anything? We need to support the sheriff's office in doing their job. Rather than continually have to update each section of the code this would give us something to fall back on.

HOLLY: When we get complaints, we try and contact them twice about the issue before contacting the sheriff's office. We only want this bail schedule in place to help with habitual offenders.

JOEL: Do we have people who don't do anything when they are contacted about an issue?

HOLLY: Yes. They don't pay attention to the city staff on the first two offenses and then there is nothing the sheriff's office can do on their side in regard to enforcement when it keeps on continuing.

BRYCE: I think our sheriff's office contract is for safety related items such as dog bites. I don't want nuisance calls bogging them down. They should only enforce what is important.

MAYOR: How do you propose we do that? Have the sheriff's office come in and address this issue?

BRYCE: I think that is a great idea. We need to tell them to only address the important things.

LYLE: I understand we need some teeth in our code. What I don't want is when a person hates their neighbor and wants to punish them so they keep calling the city and sheriff's office. I don't know how we deal with both sides of this. We don't want to lose our neighborly feel. I am not sure how to resolve this.

AMBER: The protocol we are already doing is to try and educate people before the sheriff's office is called.

JOEL: The staff will change over time and there is no guarantee the new staff will contact people. I want the sheriff's office working on bad cases not code enforcement. I support them dealing with winter parking issues and dogs.

AMBER: How many sections of the code cannot be enforced?

HOLLY: I don't know but there are many.

JOEL: If the sheriff's office showed up at my house to issue a citation for mud on the road I would be upset and fight it. They should not be wasting their time on things like that.

AMBER: What about people who are illegally parked? We are putting the snowplow staff at risk when that happens.

BRYCE: I think we can look at this on a case-by-case basis and review it. The code can be updated where needed. It is always good to review and update the code over time.

DARYL: We have a winter parking ordinance now?

HOLLY: Yes, but there is not a bail schedule attached to it.

DARYL: I do have a concern about protecting our snowplow staff.

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HOLLY: We want them to be safe, especially where they are out in the early AM hours by themselves.

AMBER: I think you can adopt this and then look at the code case by case and change if needed.

JOEL: I don't think we should do that. I think we should just do it right the first time.

JUSTIN: If you are going to go section by section you will want to deny this ordinance as it does not apply on a section-by-section basis.

DARYL: This would be a fine schedule for existing code?

JUSTIN: Correct.

JOEL: I am opposed to it being open ended as written. I think we take the five hot top issues and address them individually rather than implement a blanket approval.

AMBER: How often are we calling the sheriff's office?

HOLLY: Very seldom right now because they cannot enforce anything.

AMBER: There is a need for this Ordinance.

HOLLY: We are not notifying them of many issues because there is nothing they can do. We want to value and respect people who are calling in the complaint as well and let the sheriff's office do their job when needed.

A motion to adopt Ordinance 2024-16, an Ordinance amending the Richmond City Municipal Code, Title 1-000 "General Provisions", Chapter 1-300 "Punishments" and adding a Default Fine Schedule for Violations of the Richmond City Municipal Code was made by Daryl, seconded by Amber and the motion passed by a vote of 3-2.

Yes Vote: Bair, Ervin, Black

No Vote: Draxler, Wood

The council meeting took a temporary recess at 7:19 P.M.

The council meeting was reconvened at 7:29 P.M.

CLOSED MEETING TO HOLD A STRATEGY SESSION TO DISCUSS A PROJECT PROPOSAL WHERE THE PUBLIC DISCUSSION WOULD PREVENT THE PUBLIC BODY FROM COMPLETING THE TRANSACTION ON THE BEST POSSIBLE TERMS. UTAH CODE ANNOTATED 52-4-205 (1) (D) (II).

A motion to close the regular council meeting and open the closed meeting was made by Bryce, seconded by Joel and the vote was unanimous.

The closed meeting opened at 7:29 P.M.

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

Those in attendance: Mayor Erickson, Lyle Bair, Amber Ervin, Joel Draxler, Bryce Wood, Daryl Black, Justin Lewis, HollyJo Karren, Weston Bellon, Katie Reams, Shane Lewis, Bryan Tolbert, Tucker Thatcher, Mike Hall, Jeff Young, Brad Jensen and Kip Panter.

A motion to take a temporary recess from the closed meeting was made by Bryce, seconded by Joel and the vote was unanimous.

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

The closed meeting took a temporary recess at 8:58 P.M.

A motion to reopen the closed meeting after the temporary recess was made by Bryce, seconded by Joel and the vote was unanimous.

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Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

The closed meeting was reconvened at 9:03 P.M.

Those in attendance: Mayor Erickson, Lyle Bair, Amber Ervin, Joel Draxler, Bryce Wood, Daryl Black, Justin Lewis, and HollyJo Karren

A motion to close the closed meeting and reopen the regular council meeting was made by Bryce, seconded by Amber and the vote was unanimous.

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

The closed meeting was closed at 9:32 P.M.

A motion to adjourn was made by Bryce, seconded by Lyle, and the vote was unanimous.

Yes Vote: Bair, Ervin, Draxler, Wood, Black

No Vote: None

Adjournment at 9:33 P.M.

RICHMOND CITY CORPORATION

Paul J. Erickson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

**RICHMOND CITY CORPORATION
ORDINANCE 2024-17**

WHEREAS, the City Council of Richmond has the responsibility for the general welfare of the City; and

WHEREAS, such responsibility includes but is not limited to, establishment of best management practices;
and

WHEREAS, management practices may evolve over the passage of time:

NOW THEREFORE, the City Council of Richmond City, County of Cache, State of Utah, hereby adopts,
passes and publishes the following:

**AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE, TITLE 10-000
“FIRE, HEALTH, SAFETY AND WELFARE”, ADDING IN ITS ENTIRETY CHAPTER 10-700
“TELECOMMUNICATIONS TOWER FACILITIES”, PARTS 10-701 “PURPOSE OF CHAPTER,
10-702 “APPLICABILITY”, 10-703 “DEFINITIONS”, 10-704 “APPLICATIONS”, 10-705
“REQUIREMENTS”, 10-706 “PROCEDURES”, AND 10-707 “REVOCATIONS”.**

BE IT ORDAINED BY THE CITY COUNCIL OF RICHMOND CITY, CACHE COUNTY, UTAH AS
FOLLOWS:

1. Sections shall be amended such that the highlighted areas below shall be added and the ~~strikeout~~ areas shall be deleted.

CHAPTER 10-700 TELECOMMUNICATIONS TOWER FACILITIES

PART 10-701 PURPOSE OF CHAPTER

In recognition of the requirements of the federal telecommunications act of 1996, this chapter is designed and intended to balance the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the interest of Richmond City in the regulation of land uses including telecommunications facilities within the city. Further, this chapter is enacted for the following purposes:

- A. To provide reasonable opportunities for the siting of telecommunications facilities;
- B. To reduce adverse impacts such facilities may create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to persons and property, and prosperity through protection of property values;
- C. To require cooperation and collocation to the highest extent possible between competitors where practical and consistent with goals of this chapter in order to reduce the cumulative negative impacts upon Richmond City;
- D. To permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
- E. To ensure constant maintenance and safety inspections of these facilities;
- F. To provide for the removal of abandoned or discontinued facilities, and to provide a mechanism for Richmond City to remove such facilities to protect the public from imminent harm or danger.
- G. Telecommunications towers and antennas shall not be allowed in the following basic zones: A-10 (Agricultural 10-Acre), A-5 (Agricultural 5-Acre), RE-2 (Residential Estate 2-Acres), RE-1 (Residential Estate 1-Acre), RMD (Residential Medium Density), RLD (Residential Low Density), NC (Neighborhood Commercial), CBD (Central Business District) and RMF (Residential Multiple-Family).
- H. Telecommunication towers and antennas may be allowed in the following basic zones with city council approval via a conditional-use permit: HC (Highway Commercial) and MLI (Manufacturing/Light Industrial).
- I. Telecommunication towers and antennas shall not be allowed in the following overlay zones: MF (Multiple-Family), MHT (Mobile Home/Trailer Court), CRMU (Commercial-Residential Multi-Use), SL (Sensitive Lands), SCH (School) or CEM (Cemetery).

- J. Telecommunication towers and antennas may be allowed in the following overlay zones with city council approval via a conditional-use permit: PIC (Planned Industrial/Commercial), CITY (City Owned Property).

PART 10-702	APPLICABILITY
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This chapter applies to all construction and expansion of telecommunication towers and facilities, except as provided below.

- A. The following are exempt from the provisions of this chapter:
1. Emergency Telecommunications Facility: Temporary telecommunications facilities for emergency communications by public officials.
 2. Amateur (Ham) Radio Services: Amateur (ham) radio services licensed by the federal communications commission.
 3. Parabolic (Dish) Antenna: A parabolic antenna that is accessory to a residential use of property.
 4. Maintenance, Repair or Reconstruction: Maintenance and repair of a telecommunication facility and related equipment, provided that there is no change in the height of the facility or its use as described in the application for conditional-use permit.
- B. Telecommunication facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the city's ordinances and regulations. Siting for telecommunication facilities is a use of land and is addressed by this chapter.
- C. Telecommunication facilities shall not be considered an accessory use for either a residential or commercial property.

PART 10-703	DEFINITIONS
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For the purposes of this chapter, the following definitions shall apply:

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), including, but not limited to, wireless telecommunications signals or other communication signals.

BACKHAUL PROVIDER: The provider who provides the facilities to connect a provider's telecommunications towers/facilities to one or more cellular switching sites, and/or long-distance providers, or the public switched telephone network.

COLLOCATION: The use of a single support structure or site by more than one communications provider.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

GUYED TOWER: A communications tower that is supported, in whole or in part, by guywires and ground anchors.

HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

LATTICE TOWER: A guyed or self-supported structure with three (3) or four (4) sides of open frame construction used to support communications equipment.

MONOPOLE TOWER: A telecommunication tower consisting of a single pole without guywires or ground anchors.

OSHA: The Occupational Safety and Health Administration.

PROVIDER: Any entity or individual licensed to provide communications over telecommunication facilities regulated by this chapter.

TELECOMMUNICATION TOWER/FACILITY: A tower or antenna, whether guyed or of monopole or lattice type design, or equipment and associated facilities constructed to transmit or receive signals for the purpose of providing communication services for commercial use. This definition includes, but is not limited to, radio, television, cellular, PCS, telephone and microwave towers.

PART 10-704	APPLICATIONS
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In addition to the application requirements for conditional-use permits, all applications for telecommunication towers/facilities shall submit the following information (as applicable):

- A. A scaled site plan clearly indicating the location, type, and height of the proposed tower and related equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, onsite parking and driveways, tower and equipment setbacks from property lines, security fencing, planned access for maintenance personnel, and other information deemed by the building inspector, city engineer or city administrator to be necessary to assess compliance with this chapter;
- B. The separation distance between the proposed tower and the nearest property lines, rights-of-way, structures, and parking lots.
- C. An inventory of the applicant's existing towers/facilities within a ten-mile radius of the intersection of Main Street and State Street, Richmond, Utah including specific information about the location, height, and design of each tower. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within Cache County, Utah. Richmond City may disclose the location and ownership of existing telecommunications towers with other applicants applying for conditional-use permits under this chapter within the jurisdiction of Richmond City, provided; however, that the city is not, by sharing this information, in any way representing or warranting that such sites are available or suitable for collocation facilities;
- D. A description of the type of service offered and the consumer receiving equipment;
- E. Identification of the provider and backhaul provider, if different;
- F. An engineer's analysis/report detailing the recommended size, coverage range, and site location area for the proposed facility. The applicant shall obtain from Richmond City a map of the city and mark thereon the areas that are technically suitable for the proposed tower/facility on the basis of topography. If an existing structure within the area recommended by the engineer's report provides an opportunity for collocating, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:
 - 1. The structure is not of sufficient height to meet engineering requirements;
 - 2. The structure is not of sufficient structural strength to accommodate the facility;
 - 3. Electromagnetic interference for one or both facilities will result from collocation and cannot be mitigated by reasonable technical means;
 - 4. The radio frequency coverage objective cannot adequately be met;
- G. A visual impact assessment including before condition photographs and after condition photographic simulations of the proposed facility showing what can be seen from one or more public viewpoints as selected by the city engineer or city administrator;
- H. A written statement from the FAA regarding coloring and potential lighting requirements. If desired, the applicant may substitute for this statement other materials from the FAA that normally result from the FAA application process and meet the intent of this application requirement.
- I. Upon receipt of the application, the city administrator or other city staff shall provide a copy of the application and relevant materials to the Logan-Cache airport authority for coordination purposes.

PART 10-705	REQUIREMENTS
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- A. **Compliance With Federal Requirements:** All towers and antennas must meet or exceed current standards and regulations of the FAA, FCC, and any other applicable agency of the federal government. If such standards and regulations are changed, then the permit holder shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into

compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna, as abandoned, at the owner's expense.

- B. **Building Permits, Certificates Of Use And Occupancy:** The installation and/or construction of all telecommunications facilities subject to this chapter require a building permit and a certificate of use and occupancy. No telecommunications facility shall operate prior to the issuance of a certificate of use and occupancy.
- C. **Access Control And Security Fencing:** For telecommunication towers/facilities, a fence not less than six feet (6') in height from the finished grade shall be provided which completely encloses the tower, facilities, and associated equipment. Access shall be through a locked gate. Safeguards shall be provided to prevent unauthorized access to the telecommunication tower/facility. Safeguards include certain devices identified and recommended by the manufacturer of the antenna or support structure, and may include climbing guards, etc. Climbing systems on telecommunications towers shall meet OSHA requirements and shall be inaccessible to the public.
- D. **Guywires:** No guy or other support wires shall be used in connection with antennas or support structures, except when used to anchor the antenna(s) or support structure(s) to an existing building to which the equipment is attached.
- E. **Signs, Flags, And Lights:** All commercial or public service signs, flags, lights, floodlights, and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA or FCC shall be prohibited on any antenna or antenna structure. This prohibition shall include the attachment to the antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering, or revolving devices, but not including weather devices. Security lighting for on-ground facilities and equipment shall comply with the Richmond outdoor lighting ordinance. If any signage is required consistent with this standard, such signage shall comply with the requirements of Richmond City Municipal Code Chapter 12-700 "Signs".
- F. **Setbacks:** All telecommunication towers/facilities and associated equipment shall comply with the building setback provisions of the underlying zone in which the facility is located.
 - 1. In order to ensure public safety from falling ice, debris, tools or materials, the minimum distance from the base of any tower to any property line, residential property, accessory apartment, occupied business or institutional structure and/or parking area, or public recreation area shall be equal to:
 - a. One hundred percent (100%) of the height of the tower.
- G. **View Impacts:** Consideration shall be given to the placement of all telecommunication towers/facilities to minimize impacts on views.
- H. **Maintenance:** To ensure the structural integrity of towers and antennas, the owner of a telecommunications tower/facility shall ensure that they are maintained in compliance with applicable standards of the Electronic Industries Association, as amended from time to time.
- I. **Abandoned Facilities:** Any provider using telecommunications towers/facilities within Richmond City shall provide the city with a copy of the notice to the FCC or other applicable agency of intent to cease operations. Regardless of whether such notice has been provided, any telecommunications tower/facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner shall remove the facilities at the owner's expense within one year from the date of said notice or within one year of receipt of a declaration of abandonment from the city unless:
 - 1. There are two (2) or more providers collocated on the facility, in which case this provision shall not be effective until all providers cease using the facility, or
 - 2. Use of the facility is resumed by the provider or it is transferred to another provider who makes actual use of the facility. Failure to remove such an abandoned telecommunications tower/facility within said one year shall constitute a violation. The city may have the telecommunications tower/facility removed at the owner's expense; provided; however, that recovery of expenses shall be limited to reasonable and documented costs of removal.

- J. **Bonding, Security, And Insurance:** Recognizing the hazardous situation presented by abandoned and unmonitored towers, the city council, at the time of review of the application for conditional-use permit, shall set the form an amount of security that represents the estimated cost for removal and disposal of the abandoned telecommunications tower/facility in the event the tower is abandoned and the tower owner is incapable or unwilling to remove the tower. All security shall be maintained for the life of the tower. The city, as an administrative matter, may periodically require the amount of the security to be adjusted to cover the then current cost of removal and disposal. Proof of adequate insurance coverage for accident or damage shall be provided for all telecommunications towers/facilities prior to the issuance of a certificate of use or occupancy. Said proof shall be submitted to the city on an annual basis and placed on file. Failure to maintain adequate security for removal of an abandoned tower and/or adequate insurance coverage shall invalidate the certificate of use or occupancy.
- K. **Antennas Mounted On Buildings Or Existing Structures:** Antennas shall be mounted in such a manner that the distance from the wall of the building to the front of the antenna does not exceed twelve inches (12"). Antennas and associated structures shall be painted to match the building or existing structure on which they are mounted. If cables are routed outside the building or structure, they shall be enclosed within cable trays, and the cable trays shall be painted to match the building or existing structure. For roof mounted antennas, cables shall be enclosed within cable trays or conduits.

PART 10-706	PROCEDURES
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- A. The planning commission shall make a recommendation to the city council on the conditional-use permit request and the city council shall consider the application and may take the following action:
1. Approve the application as proposed.
 2. Approve the application with conditions.
 3. Table/continue the application to a subsequent meeting.
 4. Deny the application.
- B. Each conditional-use permit for a telecommunications tower/facility shall be granted for a maximum of three (3) calendar years and shall expire on December 31st of the third year regardless of the month in which it is granted. Renewals must be applied for and granted prior to the expiration date. Renewals may be granted by the city engineer and city administrator unless there are concerns or complaints with the conditional-use permit at which time the planning commission will review the request and make a recommendation to approve/deny and the city council will review the renewal request and approve or deny the request.

PART 10-707	REVOCATIONS
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- A. A conditional-use permit may be revoked upon failure to comply with the conditions imposed at the time of the original approval of the permit. In addition, the renewal of any conditional-use permit may be denied at the annual or other periodic renewal time, or at any other time regardless of the issue date of the permit, and any conditional-use permit may also be revoked, for good cause. Good cause shall include, but not be limited to, the following, within the discretion of the city council: circumstances which are detrimental to or have a negative impact on the health, safety and welfare concerns of the citizens and residents of Richmond, incompatible zoning or land-use, complaints of noise, odor, failure to comply with the conditions imposed at the time the original approval of the permit was given, the creation and existence of a public or private nuisance, failure of the permit holder or his agent or employees to comply with the conditions and requirements of applicable state, county and/or federal laws, rules and regulations, unlawful activities conducted and permitted on the premises for which the conditional-use permit was issued and/or other legitimate factors.
- B. Prior to the revocation of a conditional-use permit or the denial of an application to renew a conditional-use permit, the permit holder shall be given a notice which shall state in substance that the city council intends to revoke the conditional-use permit or deny the application to renew it, together with the reason or reasons therefore, at a regular or special meeting of the city council and the permit holder shall have a right to appear, to be represented by counsel, to hear the evidence against him/her, to cross examine witnesses and to present evidence as to why the

permit should not be revoked or the application denied.

- C. Section B of this section shall not apply to original applications for conditional-use permits which have not previously been issued or approved by the city council, and such applicants need only be informed that their application has been denied and the reasons for such denial.

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2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
 3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
 4. This ordinance shall become effective after the required public hearing and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Richmond City Municipal Code above referred to.

ADOPTED AND PASSED by the Richmond City Council on this 16th day of January, 2025.

RICHMOND CITY CORPORATION

Paul J. Erickson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

PROPOSED BUDGET ADJUSTMENTS JANUARY 2025

GENERAL FUND

REVENUE	\$	82,545
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EXPENSES

ADMINISTRATION	\$	3,053
BUILDING	\$	17,015
PUBLIC SAFETY	\$	100
STREETS	\$	61,627
PARKS	\$	5,811
FIRE DEPT	\$	(7,484)
LIBRARY	\$	223
PLANNING	\$	2,200
TO CAPITAL PROJECTS FUND	\$	-
TO CUB RIVER SPORTS	\$	-
	\$	82,545

WATER ENTERPRISE FUND

REVENUE	\$	522,144
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EXPENSE	\$	6,900
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SEWER ENTERPRISE FUND

REVENUE	\$	357,045
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EXPENSE	\$	329,000
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CUB RIVER SPECIAL REVENUE FUND

REVENUE	\$	-
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EXPENSE	\$	-
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CAPITAL PROJECTS FUND

REVENUE	\$	40,000
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EXPENSE	\$	-
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SOLID WASTE ENTERPRISE FUND

REVENUE	\$	15,000
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EXPENSE	\$	44,793
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