

RICHMOND CITY COUNCIL

September 29, 2009

The regular meeting of the Richmond City Council was held at the Richmond Community Building located at 6 West Main, Richmond, Utah on September 29, 2009. The meeting began at 7:00 P.M.; Mayor Michael Hall was in the chair. The opening remarks were made by Marlowe Adkins.

The following Council members were in attendance: Brad Jensen, Terrie Wierenga, Jeff Young, Keith Ward and Allen Lundgreen.

A motion to accept the August 25, 2009 City Council meeting minutes was made by Keith, seconded by Jeff and the vote was unanimous.

DEPUTY REPORT

DEPUTY CARLEY: I was asked to give a report on criminal activity since beer sales have started on Sunday in the south end of the valley. I have pulled the information from Nibley City for October 2005 through October 2007 and there were nine alcohol related offenses and twelve DUI's. None of these resulted in a traffic accident or involved a juvenile. From then until now, there have been twenty-one DUI's and ten alcohol related offenses. There were also two alcohol related accidents and two incidents involving juveniles. It has leveled off some in the last 365 days as there has been eleven DUI's in that time frame.

JUSTIN: What is your opinion on Sunday beer sales?

DEPUTY: When there is 24/7 access crime will increase.

TERRIE: What about an increase in other crimes?

DEPUTY: I am not aware of any. In Richmond City there were zero burglaries and three thefts in the last month. Several suspicious incidents have been reported and that is great and helps us to do our job.

BRAD: What is the abandoned vehicle policy?

DEPUTY: Seven days on private property and 48 hours on the side of the road. We always try and contact the vehicle owner first before anything is done.

TERRIE: What about in a case where a person goes on vacation for three to four weeks at a time?

DEPUTY: Someone has to call in a complaint first. The private property issue is for when it is not your vehicle on your own property but someone else's vehicle parked on your private property.

BRAD: What about between the sidewalk and the street? There is an abandoned Ford Bronco II down by the Stake Center.

MARLOWE: It is on the Alice Sparks property.

DEPUTY: I will check into it.

MAVERIK'S REQUEST TO SALE BEER ON SUNDAY

MONICA MERRILL: We are not requesting 24/7 sales but Sunday beer sales. I have gathered some statistics and Thursday through Sunday is when 80% of beers sales occur. This is very big for Maverik to be able to sell on Sunday. I am torn as I just lost one of my clerks where alcohol was involved. I would tell you to do what is best for the City. There was a sting a week and a half ago and we immediately recognized and did not sell to the person. I am very proud of my employees.

DAVE DEGASSER: I am opposed to Sunday beer sales. This county has opposed this for a very long time and only changed in certain areas recently. It is my opinion that responsible drinkers plan ahead of time. Richmond would become an easy stop north of Logan and I am afraid they would not leave once they come. I don't think the additional tax revenues outweigh the risk. I just want you to know that I oppose this.

JEFF: After the last meeting I wanted to research and contact citizens to get their opinion. Overwhelmingly they were opposed. The concern is the progression of "What is next?". I have received several calls and talked to several others. Personally I am opposed to this.

TERRIE: I got the opposite opinion. I have only talked to one person against it. Those I have visited with at the Harvest Market regarding this don't see it as a big deal. They also said that it does not really affect them one way or another as they make their purchases from the State Liquor Store. The majority of them don't believe it is a big deal but they know it does not affect them either. I agree, I don't want Richmond to be a destination stop.

ALLEN: I have had the same responses as Terrie and Jeff. Probably about 50/50. I just don't know if Richmond is ready for this yet. It is fine that the south communities do as they wish but I am just not sure we are ready at this point.

KEITH: The majority I have talked to are against. I appreciate Dave DeGasser's comments. I am not worried about Maverik's profits. They knew years ago when they came to town this was not allowed and it did not stop them. I don't see any reason to change that now.

BRAD: The majority I have talked to are against changing the current ordinance.

MAYOR: I have talked to a couple that are in favor but the majority are against. I appreciate everyone that has been involved in reviewing this. I don't think we need to follow what other communities are doing. I am not in favor of this. Unofficially we won't be reviewing this topic again.

BUSINESS LICENSE

MARTINEZ AUTO REPAIR

MAYOR: The Martinez's attended the July Council meeting requesting being able to operate an auto repair facility in the old Dee's Texaco building. There were some concerns on the building that needed to be addressed. We have confirmed from the owner, Scott Lyman, that they will be renting the building. Paul (Berntson), Marlowe, Scott and Rod Hammer went down and inspected the building. Paul as the regular

building inspector and Rod for the Cache County Fire Department. They came back with a list of eight items that need to be repaired:

1. Make a working bathroom.
2. Fix electrical violations in electrical panels.
3. Fix any wires out of conduits.
4. Receptacles in the shop area should be GFCI protected.
5. Lighting above the work area needs to be fully enclosed.
6. Shop work area needs ventilation air per 2006 Mechanical Code.
7. Furnace should be mounted 18" off the floor; the furnace room needs a door and the area should be separated from the shop.
8. Combustion and dilution air needs to come from the outside.

Rod and Paul both said a full inspection will be required before the building can be occupied. The City has been told that the oil pit is connected to our sewer system. This would need to be concreted over and capped off. The three inspections would need to be done before they would be allowed a permit. It could possibly be a conditional use permit. Gas would not be allowed to be sold at this time. All of the repair work would need to be completed before a license could be issued.

CARLOS MARTINEZ: Would we need to come back to the Council?

MAYOR: Depends on how it is passed, if it does pass. It could be issued with certain conditions.

TERRIE: When you first presented for the license you said no gas sales, is that still the case?

CARLOS: Not now but we are discussing it for down the road.

MAYOR: If they want to sale fuel they will need to come back before the Council.

A motion to approve the business license for Martinez Auto Repair and Fast Stop pending the completion of the necessary repair items and inspections was made by Keith.

ALLEN: I think it would be wise for Richmond to issue a conditional use permit. There should be a limit on the number of cars that can be there. Also, the number of inoperable cars.

MARLOWE: Rod Hammer said that no vehicles can be parked next to the building due to Fire Code.

ALLEN: What about five cars on the outside?

KEITH: That is too restrictive. As long as they meet Fire Code they should be fine. Randy has more than five vehicle on his lot and Cove Auto has several times that many on their lot.

JEFF: Was there a recommendation from the inspectors?

MAYOR: No. They were not asked to review that specifically. This is something that can be revisited annually when the license is up for renewal.

JEFF: Do we inspect everyone yearly? Either everyone or no one should be. We need to be consistent.

BRAD: Are you planning on a fire lane on the South and East sides?

CARLOS: We have to have about 20 feet of clearance on all sides. We are not planning on having a whole bunch of cars.

BRAD: Carlos, how many cars would you feel comfortable with at a time so that you would still comply?

CARLOS: About ten maybe.

BRAD: If we require no more than ten, is that okay? What is fair to you?

CARLOS: How about thirteen? Because three of those would be the cars we drive back and forth to work each day.

BRAD: Let's amend the motion to include thirteen vehicles.

JEFF: I don't know about placing restrictions that others don't have. I am torn about putting a specific number.

BRAD: That is why I asked Carlos what is fair to them. This is a fair resolution. I want a number in place.

CARLOS: We know and understand your concern.

ALLEN: Thirteen. I am more hard pressed to make sure the fire lane stays open. I feel good about it at thirteen.

TERRIE: The license would renew in January and we can reevaluate it at that time if needed.

JEFF: Thirteen represents what?

CARLOS: Thirteen total between our cars and those being repaired.

A motion to amend the previous motion made by Keith to include a cap of thirteen (13) vehicles, include the repair of all required items by the Cache County Fire and Building Inspector and the capping off and concreting of the oil trap was made by Terrie, seconded by Jeff and the vote was unanimous.

MAYOR: Marlowe will schedule the required inspections when you are ready.

RICHMOND MEADOWS ESTATES UPDATE

MAYOR: I would like to thank Kirt (Sadler) for coming this evening to give us an update on the Richmond Meadows Subdivision. I would appreciate an update from the meeting you had with Darek (Kimball).

KIRT SADLER: I have raised the elevation in the retention pond. The three street lights are installed and just need to be hooked up. Hopefully, next week. I found out that I cannot request they be hooked up; that has to come from the City.

DAREK KIMBALL: Some of the issues that were resolved were the street lights, the roads needed to be swept, the shoulder of the road repaired, some old concrete removed from the City right of way, as well as the retention pond deeded to the lot. The elevation of the west berm at the pond has been resolved as well. All of these items have been resolved. The only items that are left is to have the top soil removed from the gray house, as well as we need the "as-built" drawings of the subdivision from their engineer. Once the top soil has been moved from the City property and the as-built drawings provided they are done.

KIRT: Do you want to call Steve (Earl) about the drawings?

DAREK: You call him and let him know that he needs to supply them.

KEITH: On 300 South, the road is sluffing off.

DAREK: The gravel keeps sliding down into the bottom of the swell. That is not their problem.

KEITH: How can it be fixed?

KIRT: Curb and gutter.

DAREK: Kirt has met his requirements in this regard.

BRAD: What about the sidewalks that are not done on 300 South?

KIRT: It is the homeowner's responsibility.

BRAD: That is between you and them, not the City. What if the homeowner refuses?

KIRT: Don't give them an occupancy permit. They know that is part of the deal when purchasing the lot. They should not be able to occupy until 100% approved. I am assuming this based on my past experience in other communities.

MAYOR: Is it written in the contract?

KIRT: It is in the CCR's from when they purchased the lot.

MARLOWE: This is an issue between the buyer and seller.

MAYOR: Can we deny occupancy when the CCR's are not met?

DAREK: I am not sure. My opinion is on the corners they are responsible.

MARLOWE: The developer has been responsible for the sidewalks in the past. This is new territory for Richmond City when the homeowner is responsible.

TANIA SORENSON: It is very clear in our contracts regarding the sidewalks. There is not a specific date in the CCR's that is the only thing that is not clear.

KIMBERLY JOHAM: The houses in question are currently listed with a realtor.

KIRT: Can the City enforce?

BEN LUNDGREEN: The two houses in question have already had occupancy permits issued.

KIRT: I will visit with the homeowner's on 300 South.

BRAD: What about street signs?

KIRT: Is that my responsibility?

DAREK: I will need to review the plans and see.

KIMBERLY: Will there be signs?

MAYOR: There will be signs. Whether provided by Richmond City or Sadler's is the question.

KIRT: All the irrigation shares have been turned over to the homeowner's.

MAYOR: Have they been deeded to the lots? They were supposed to be deeded to each lot.

TERRIE: There are 24 shares for the lots and 1 share for the retention pond.

KIRT: I will check with Hickman's and see if they have been deeded.

JEFF: Is this normal to have the citizens responsible for the sidewalk? Looks like a slippery slope to me.

MAYOR: How we approve is not uncommon from what other municipalities are doing.

JEFF: What about winter occupancy when sidewalks cannot be completed?

KIRT: The funds can be escrowed.

KIMBERLY: Will the roads be plowed this winter?

MAYOR: That is one of the reasons we are meeting tonight is to try and get this resolved so that it can be done.

DAREK: The sidewalks are always an issue in any community. If installed early they are damaged and if done later sometimes they don't get completed.

KIRT: We did not put it in early because we knew it would get broken.

BRAD: I just want a complete loop sidewalk.

MAYOR: So what still needs to be resolved; is the street signs, irrigation shares being deeded to the lots, the sidewalk on 300 South, the top soil being moved and the as-built drawings.

KIRT: All of the lots are sold. Mike Abbott owns two lots that are currently not being built on.

BRAD: So it is possible there will never be a complete looping sidewalk?

KIRT: Yes.

JEFF: I appreciate Kirt coming in tonight. It is my recommendation that we review the sidewalk ordinance. Sidewalks need to be installed in "X" amount of time. To me, it needs to be reviewed, because even if the lot is vacant the sidewalk still needs to be completed at some point within a certain time frame.

MAINTENANCE REPORT

SCOTT BALL: The work orders are being completed. Last week the grading and road work on 300 North and 300 East was completed. The manhole drain was fixed in front of Wynn Ward's residence. The drain has been ordered for 200 South.

TERRIE: I guess this would need to be done in the correct procedural process but the Harvest Market is done on October 17th and I would like to see the signs removed and the winter banners installed.

JEFF: I was told we have the banners but I have not been able to find them. Leslie tried to help me locate them as well and we still could not find them.

MAYOR: Let's schedule to have the Harvest Market signs removed even if we cannot find the winter banners at this point.

BEN LUNDGREEN: They all need to be removed along Highway 91 as the banners get damaged in the winter by the snow from being plowed.

BRAD: We need to put a reminder in the newsletter about damaged water meters being the citizens' responsibility to repair/pay for when they damage them in the process of plowing snow themselves.

MAYOR: We need to put a winter reminder in the newsletter about that and parking, etc.

SCOTT: Ben and Rob are concerned about the citizens pushing snow out into the road and then it freezes. This damages the plow trucks and can cause safety issues for the drivers as well as citizens.

BEN: I am worried about the safety of myself and other motorists.

MAYOR: Let's get a list of repeat offenders and send them a letter.

DAREK: I know in a neighboring town that they have the Sheriff's office pursue this issue. It is a very valid point.

FINANCIAL REPORT

JUSTIN: I was at a luncheon yesterday and spoke with a State Representative and he said he is very worried that State of Utah revenues are really going to plunge over the next 12 months. In his opinion the worst is still yet to come from a budget standpoint and he is all about tightening the belt and dealing with what we currently have and only buying what is absolutely necessary. I just thought I would pass along this from a person that has a vote on the State of Utah budget. So far in this budget year we have collected \$140.00 in History Book Sales; \$325.87 in miscellaneous Fire Department activities; \$120.00 from the Harvest Market and a \$300.00 donation to the Fire Department. The roof repairs came in at a final cost of \$19,649.00.

JEFF: Do we need to hire someone to fix the roof ducts?

MARLOWE: No, we can fix them.

JEFF: The other day water was coming in through each vent.

BRAD: Make a work order for it and let's get it done.

JUSTIN: Through August, \$47,838 had been spent of Class C Road Funds in this budget year. I need a copy of the 2009 RAPZ tax letter so I can request reimbursement for the parking lot. I will also submit the next request on the RAPZ tax pavilion reimbursement. Marlowe submitted the request for reimbursement on the Maverik Safety Sidewalk. In September, we collected one water and sewer impact fee. The July reimbursement request on the MBR Plant has been submitted and through that point \$5,186,362 has been spent on the MBR Plant.

COUNCIL MEMBER REPORTS

KEITH: We have got a lot done on the roads recently. Scott is doing a great job getting things done. The work order process is working great. The issue on 300 North 300 East with the drain has been resolved. Scott, I have several other items to show you that need repair. I know that it was mentioned a couple of months ago that some work needed to be done at the library. I will look at it and see what can be done. The roof repair work on this building, the maintenance building and the fire department has been completed.

TERRIE: At our last library board meeting, Sheryl Peck was made Library Board President and Anna Marie Isaacson was made Secretary. October 14th is the 95th birthday of the library. We are going to have two weeks of celebration. It will be in the newsletter.

JEFF: The Youth Council will be helping with that.

TERRIE: It is also the 150th anniversary of the first settlement in Richmond. There will be a historical display in the library thanks to the help of Cheri Housley and Marie Lundgreen. The EMT's are doing well and I am continuing to meet with Coltin on a monthly basis. I promise to attend more drills as well. CERT is still meeting every third or fourth Thursday of the month. We are identifying our strengths and weaknesses. The Harvest Market has had an attendance high of 110 and a low of 51 with an average of about 85-90. The attendees have been from all over. We have had great local support. We are going to have a meeting to discuss what we want to do for next year.

KEITH: It is great.

BRAD: The venue is great as well.

TERRIE: Many attendees appreciate that it is held at a working farm. Everyone should come and see it. Children really enjoy it as well. They can see sheep, calves, small animals, etc.

JEFF: I want to thank Terrie for her past and continued work on the City website. We are ahead of the curve in this regard after hearing where others are at during the league meetings.

MAYOR'S REPORT

MAYOR: We have received the resignation letter of Fire Chief Bob Hugo. We are going to send a thank you letter for his years of service. He met with Brad, Terrie and myself to discuss and it is time for him to focus on other things and areas of his personal life. We appreciate his years of service. I am going to let Brad discuss the process of selecting a new chief. Bob will be staying on the force with a focus on grants.

BRAD: I am going to lay the ground work of how the new chief was selected. We followed our policies and procedures manual. Through e-mail and word of mouth we asked anyone that had an interest to apply. Then we held interviews with the candidates. On their application they were required to list their training, time on the force, drill attendance and why they thought they would be a good chief. After this process I would like to present Lyle Bair to the Council as our proposed new fire chief.

JUSTIN: Lyle, tell us a little about you.

LYLE BAIR: I have been on the force for five years. I have taken ten classes or so. I am Fire and EMT certified. I work part-time for the Cache County Ambulance service. There are many great members on our force.

BRAD: After reviewing all the letters; several of the applicants were qualified. It was great to have several choices. I had to ponder this selection as there were so many qualified choices.

A motion to appoint Lyle Bair as the Richmond City Fire Chief was made by Brad, seconded by Terrie and the vote was unanimous.

MAYOR: As we have said in the past, we cannot pay you what you are worth. We appreciate your service and everyone else that volunteers their time as well. It takes much time and effort and it does not go unnoticed. It was a good problem to have being able to have several choices.

BRAD: Now that it is official we will follow up with an e-mail and let people know by word of mouth.

MAYOR: From what we were told at the League of City and Towns meetings they stressed that 2010 revenues will be down and we should plan accordingly. They agreed that it is happening and going to continue to happen at this point.

JUSTIN: I think you have seen just the start of cuts in regards to the State budget. They are not done yet.

MAYOR: Let's come up with a date for an open house at the MBR Plant in late October or November. How about Friday, November 6th from 5:00 to 8:00 P.M. and Saturday, November 7th from 10:00 A.M. to 2:00 P.M.?

SCOTT: Works for me.

MAYOR: Let's work toward that date. We will put it in the newsletter and have treats, cookies, drinks, light refreshments. There is an Envision Utah meeting on Tuesday, October 13th. Governor Herbert will be speaking and if you are going to attend you need to RSVP. I would like to thank Marlowe, Chris and Jeff for their help on the office remodel. It looks great. The next Council meeting will be on October 20th. There is a section of street lighting that is being repaired by Cache Valley Electric.

JEFF: Is there a way to protect the box that turns the lights on/off from snow plow damage?

MARLOWE: Smithfield's units have a shield and they are still having the same problems we are with those lights.

MAYOR: The City Party was great and it was the biggest turnout ever.

JEFF: We estimated that 700 attended.

MAYOR: I have had nothing but great comments. The kid's activities were great. Other cities cannot afford something like this and we are fortunate to be able to do so due to our conservative budgeting.

JEFF: The monument dedication was great. It showed the old, current and future of Richmond City.

A motion to pay the following bills was made by Terrie, seconded by Brad, and the vote was unanimous.

A&D Landscaping	2237.52
Altius	1074.46
AT&T	161.22
Bair Auto	766.58
Bear River Health	40.00
Cache Chemical	158.15
Cache Service Area	16022.61
Cache Valley Fire Extinguisher	342.00
Caselle	80.00
Chemtech Ford	1526.00
Clint Dirks	1110.00
Denny's	59.37
Deseret Book	287.42
Ecosystems	623.00
Edge	11650
Fleet Services	71.45

Freedom Electric	60.00
Geneva Rock	315
Hall's	349.95
Hull Tree Care	1000.00
IFA	21.99
Industrial Tool	1035.33
IPACO	270.58
Jeff Young	74.61
Kimball Midwest	225.03
L.D.'s	166.14
L.N. Curtis	1035.00
Ladies Home Journal	14.97
Landmark Audiobooks	16.20
Laser Precision	130.97
Lee's	474.75
Lewiston City	1471.13
Liquivision	3740.00
LN Curtis	975.00
Maverik	537.32
Morgan Pavement	663
Nextel	272.2
North Cache Vet	295
Olson & Hoggan	1855.5
PAVAS	4589.00
PC's Unlimited	19.95
PEHP	102
Pizza Villa	52.28
Questar	120.29
Qwest	572.38
Ray Checketts	1000
Renegade Rentals	6.4
Robertson Mfg	350.00

Rocky Mountain Power	9056.76
Safety Supply	1692.75
Sign Pro	426.40
Smithfield imp	65.48
Sprinkler Supply	1503.74
Standard Plumbing	8.00
Staples	1247.36
Tamara Hardy	71.00
Thatcher	2135.10
The Herald Journal	25.11
The home Depot	281.59
The James Hopp Co	30.00
Tony's Grove	111.65
UEN	119.02
ULGT	78.33
U-N-I Furniture	479
Ut Dept of Workforce Services	21.82
Valley Office Systems	80.36
Verizon	107.66
Visa(Library)	218.72
Watkins	562.73
Wells Fargo	18.00
West Circle Books	93.39
Xerox	387.28

A motion to adjourn was made by Jeff, seconded by Terrie, and the vote was unanimous.*

Adjournment at 8:40 P.M.

Michael E. Hall, Mayor

Justin B. Lewis, Recorder