

**RICHMOND CITY COUNCIL**

**SEPTEMBER 17, 2019**

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, September 17, 2019. The meeting began at 7:00 P.M.; Mayor Jeffrey Young was in the Chair. The opening remarks were made by Paul Erickson.

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

Cheryl Peck was excused.

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

**VISITORS:** Cache Christensen, Amber Ervin, Terrie Wierenga, Lora Smith, Randy Fischer, Rod Going

**APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM THE TWO MEETINGS HELD ON AUGUST 20, 2019**

\*\*\*A motion to approve the August 20, 2019 city council meeting minutes was made by Lyle, seconded by Paul, and the vote was unanimous.\*\*\*

Yes Vote: Erickson, Thatcher, Bair, Crafts

No Vote: None

Absent: Peck

\*\*\*A motion to approve the August 20, 2019 property tax hearing city council meeting minutes was made by Lyle, seconded by Paul, and the vote was unanimous.\*\*\*

Yes Vote: Erickson, Thatcher, Bair, Crafts

No Vote: None

Absent: Peck

**DEPUTY'S REPORT**

**DEPUTY MICHAEL CHRISTIANSEN:** I don't have much new to report this evening.

**MAYOR:** This past Saturday, the local Mayor's Association was given a tour of the jail facility. All of us were quite somber during the tour. We were able to tour the command center as well. We saw the area where inmates are held who are struggling with suicide and other issues. The environment was very intense, even though we knew we were protected. We were thankful for the tour. The community needs to learn to respect the officers. The officers need to respect the community as well. It was good for us to see this.

**DEPUTY CHRISTIANSEN:** Thank you for allowing us to train in your building. We appreciate the city allowing us to do that. It is good to have training in a school but not have to use an actual school with students in it.

**KELLY:** Thanks for your help with the city party.

**MAYOR:** We are working on the substation in this building. We are going to improve the WiFi as well. The renovation of the room will happen over the winter months.

**PRESENTATION OF A PLAQUE OF SERVICE TO ROD GOING & RANDY FISCHER FOR YEARS OF DEDICATED SERVICE ON THE RICHMOND CITY PLANNING COMMISSION.**

**MAYOR:** Rod Going and Randy Fischer have been serving on the planning commission for several years. Their terms have expired. Thank you for your service. The planning commission plays an important role in the city. They make recommendations on zoning, code, and buildings. They help refine and define policy. State statute requires us to have a planning commission, and it is a good thing.

Mayor Young presented Rod Going with a plaque of appreciation.

Mayor Young presented Randy Fischer with a plaque of appreciation.

**TERRIE WIERENGA:** How many years have they served?

**RANDY FISCHER:** Rod served for eight years, and I served for four years.

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| <b>APPROVAL OF AMBER ERVIN &amp; CACHE CHRISTENSEN AS COMMISSIONERS ON THE RICHMOND CITY PLANNING COMMISSION.</b> |
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**MAYOR:** Amber Ervin and Cache Christensen have been asked to serve on the planning commission. Both are willing to serve. Both are in attendance this evening. I would ask each of you to give a brief background about yourselves.

**AMBER ERVIN:** I was raised in Richmond. I have lived elsewhere in Utah as well as the Boise, Idaho area. I did not plan on living in town long term. I found this is the best place to live. I know my neighbors. This is a great place to live and raise a family.

**CACHE CHRISTENSEN:** I did not grow up in the city. I grew up in Fairview, Idaho. I left Cache Valley and lived in Willard for four years. I came back to Cache Valley in 2015 and then to Richmond in 2016. I love the city. I love to see it grow. I am looking forward to serving.

\*\*\*A motion to appoint Amber Ervin and Cache Christensen as commissioners on the Richmond City Planning Commission was made by Lyle, seconded by Kelly, and the vote was unanimous.\*\*\*

Yes Vote: Erickson, Thatcher, Bair, Crafts

No Vote: None

Absent: Peck

**MAYOR:** The planning commission meets on the first Tuesday of each month. We will get you some information to review regarding the upcoming meeting. Tucker is the council member currently over the planning commission. The council will be changing some at the start of the year. Terrie Wierenga will be joining the council. Paul's term has been completed. I will be redoing council member assignments at the start of the year. I might change Tucker's responsibilities. Make sure and ask any questions you have.

**TUCKER:** I would suggest reviewing Title 12 of our code which is LUDMO. It is where the land-use part of our code is included. The General Plan is on the website as well for you to review.

**MAYOR:** Don't hesitate to ask questions. There will be things which come up you don't know anything about. Some things are common. Some things happen rarely. Vineyard, Utah has grown from 114 people at the last census to about 15,000 people now. There are currently 3,000 building permits in process there right now. They did not have a General Plan or any code to work with since they were so small. Things will come up we don't often deal with or hear about, and we will look into them. That is what the planning commission does.

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| <b>DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 2019-04, A RESOLUTION WHICH CANCELS THE NOVEMBER 5, 2019 MUNICIPAL ELECTION.</b> |
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**JUSTIN:** This is a first for me. I have never cancelled an election before. We have three candidates for three seats; therefore, the election can be cancelled. There were not any write-in candidates. That deadline has now come and gone. I contacted the state to double check the process of what is needed to cancel the November 5<sup>th</sup> election. The council is required to adopt a Resolution in this regard. Once adopted, I will start the advertising process. I notify the state and county. We will put the notice in the upcoming newsletter for the next two months. The advertisement will run in *The Herald Journal* two times towards the end of October. We will also post the notice in all the regular places as well as on the Utah Public Notice Website. The Resolution approves the appointment of Kelly Crafts, Terrie Wierenga, and Tucker Thatcher as council members starting in January 2020.

**MAYOR:** What is the cost of the election?

**JUSTIN:** On average it costs about \$1,000 to \$1,500 for us to host an election.

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\*\*\*A motion to adopt Resolution 2019-04, a Resolution that cancels the Richmond City November 5, 2019 Municipal Election and certifies that the number of candidates does not exceed the number of open at-large municipal offices was made by Tucker, seconded by Paul, and the vote was unanimous.\*\*\*

Yes Vote: Erickson, Thatcher, Bair, Crafts

No Vote: None

Absent: Peck

### INITIAL DISCUSSION ON ORDINANCE 2019-10, AN ORDINANCE DISCUSSING GARAGE/YARD SALE SIGNS AND REAL ESTATE SIGNS.

**JUSTIN:** Signs have been discussed several times over the last few months. There has been a concern about people who do not take down their garage/yard sale signs after the event is over. The code does not really address these types of signs, so the staff was asked to draft an ordinance for these types of signs and where and when they are allowed. It was also brought to our attention real estate signs are not addressed in the code. We contacted Vern Fielding who is a real estate agent and asked him for standard sizes of the real estate signs they place in cities and on vacant parcels. The proposed ordinance includes verbiage for two types of real estate signs. The first is for those in town that are small and state a property or home is for sale. The other portion is for large signs which are placed on vacant parcels of land. The size recommendations in the ordinance are based off of what real estate professionals told us was fair and standard for the industry. There will not be a vote tonight. Tonight is to decide if the council is comfortable with what is being presented. Once the council approves, we will forward to the planning commission for consideration. After the planning commission reviews, it will come back to the council for a public hearing and vote of the council. It would probably be easier if I read the proposed code as opposed to explaining each section.

Justin read the following from the proposed ordinance:

4. Yard/Garage Sale signs are not permitted on street signs, utility power poles, fences or city buildings nor on any form of public safety or traffic equipment. Failure to comply may result in the issuance of a citation.
  - a. Yard/Garage sale signs are permitted on public property for a period not to exceed ten (10) days from the date the sign is installed or staked.
  - b. Yard/Garage sale signs are permitted in the city right-of-way (park strip) for a period not to exceed three (3) calendar days.
  - c. The maximum size of a Yard/Garage sale sign shall not exceed nine (9) square feet in total and shall not exceed a height of four (4) feet.

**TUCKER:** In Section 4 (a), it should say “are permitted on private property” not “are permitted on public property”.

**MAYOR:** This ordinance still allows people to place signs and it is not too restrictive. We need to be able to work with people. Some people have taken them down after their sale is done, and others have not.

**KELLY:** Does this apply to garage and yard sales only?

**JUSTIN:** Yes.

**MAYOR:** Since there are not any other concerns or changes, we will send to the planning commission for consideration.

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

**JUSTIN:** The Cache County Sheriff’s Office helped us contact everyone who registered a dog in 2018 but did not register their dog in 2019. Dog licenses sold since July 1<sup>st</sup> total \$750. We are receiving some new road tax revenue. Approximately a year ago, the county adopted a new 0.0025% sales tax on roads. The city is now starting to collect those funds. The amount collected so far this year totals \$586. Thanks to Chris, Jeremy, and Holly for their help in selling some of the surplus items we had remaining in this building. All of the items sold were \$5.00 each. We collected around \$500-600 in proceeds from this sale. The items were chairs, cabinets, drawers and other items remaining in some of the classrooms. We collected one road cut fee for \$500 for a cut at about 400 South 150 East.

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Our annual insurance payment was made in July for the fiscal year. The audit is happening right now, and we are working to fulfill all of the requests of the auditors. We will be working with them this week and then as needed. The city party was a great success with around 950 to 1,000 people served. We have spent \$33,719 on renovation projects in this building so far this fiscal year. This was to pay for the work completed on our portion of the area where Spartan Company is renting. We paid for the new entryway as well as the fire wall and some air conditioning units.

**PAUL:** How much is Spartan paying us per month for their lease?

**MAYOR:** They pay \$2,500 per month.

**JUSTIN:** Expenses are rolling through for the 300 East Trail project. We will have a good idea of where we are at by the end of this month. The Smithfield fire contract for the period of July through December 2019 was paid in the amount of \$26,296. We made our annual transfer of \$10,000 to the Cub River Sports Fund. Lewiston City paid their annual amount of \$10,000 as well. We each pay \$10,000 in July of each year and then settle up the difference at year end or earlier if needed.

**MAYOR:** The parking lot has been worked on at Cub River. It will get beat up this winter. The tailings were installed, and they are crushed and somewhat loose material. The parking lot will be chip sealed in the spring. There will be new access points to the parking lot in the future as well. The current entrance will be blocked off. People will enter the parking lot from the Casper's Ice Cream road to the west. It will be better and safer to have new access points. We will be working with Casper's and Lewiston on how to get parking and a road around the entire facility long term. There are some good long term projects going on out there.

**JUSTIN:** As you know, building in the city has really slowed down. There were not any impact fees collected in July or August. So far this month, there has been one collected. There are a couple of other items I need to discuss. The personnel manual of the city is old and out of date. Jeremy and I both felt it needed some drastic changes, so we have been working on a new personnel manual since the start of the year. We took another local city's manual that had theirs created by a professional human resources firm and was signed off by their legal counsel. For the last few months, Jeremy and I have been reviewing it page by page and adapting it to Richmond City. It is long. It is about 75 pages. We need you to start to review it. We would like to see it adopted by the start of the year, as there are a few changes which would apply to next year. The employees are not losing any of their benefits. We are updating the manual to be modern. Our goal is to have you review it in October and then adopt in November or review part in October, part in November, and then adopt in December. Let us know how you want to proceed. There is another Resolution which we are drafting to bring to the council next month for approval. The state passed HB163 earlier this year. Basically, it says an employee is committing a felony if they use their city cell phone, tablet, or computer and do anything personal on it such as a text, call, or even surfing the internet. The state is allowing each entity to adopt their own policy. We have been encouraged to get this done soon, as right now we are not in compliance as we allow the employees to use their phones, tablets, and computers for personal use. We don't ask or expect an employee to carry a city cell phone and a personal cell phone. The mayor knows about this bill as well and that we need to get something adopted soon. There is much more a sense of urgency to adopt this Resolution than the new personnel manual.

**MAYOR:** HB 163 was a big topic at the Utah League of Cities and Town meetings. There is frustration on the local level with this bill. Two cities had issues, and that triggered the state to get involved and pass new legislation. The city wanted to prosecute a couple of employees but could not because of how the code was written. The state decided to get involved and made something big out of it. This goes along the lines of when a city wanted to make a child have a business license for a lemonade stand. The state got involved, and who needs a business license was totally changed. Everyone is adopting their own plan in the wake of HB163. Ours is very simple and can be changed as needed. We need to get something in place. We have always taken the stance a city-owned device can be used for business and personal use. We have policies in place in what is allowed to be done with each device. We are already addressing this in some regard but need to make it clear it is allowed. I don't want employees having to carry a personal and city cell phone. We need to get a policy in place. We don't want to block employees from downloading simple personal apps such as tracking mileage or storing passwords. We don't pay for personal apps or downloads but allow them if the employee pays for them. We want this to be our policy not the policy dictated by the state. We also have an Acceptable Use policy coming for all electronic devices in the city. It talks specifically about what is allowed on a device to be opened, shared, and what should be immediately deleted. We will have proper parameters in place. Most of us intermingle our business and personal on our devices.

**TUCKER:** Please add these items to the Cloud, so we can start to review them.

**MAYOR:** The personnel manual is 75 pages. I would say we review the first half in October and the second half in November. If we are comfortable, we can adopt in November or worst case in December.

## COUNCIL MEMBER REPORTS

**TUCKER:** The roof on the Relic Hall is scheduled to be replaced in October.

**PAUL:** What is the cost?

**JUSTIN:** We budgeted \$12,675 based on the contractor bid.

**LYLE:** Are asphalt shingles being installed?

**MAYOR:** Yes.

**PAUL:** Is new decking being installed?

**TUCKER:** No.

**PAUL:** Water barrier?

**TUCKER:** I will check on that.

**PAUL:** Chip sealing for the year is done. It is nice to have the road by the quonset area paved. The county did the work for us on that project. We will chip seal the area next year. We had a lot of extra chips put down this year. Any reason why?

**JEREMY:** They apologized. They are still working out the kinks with their new spray truck. They had a not very experienced staff member running some of the equipment. Plus, the readings in the truck about the amount being applied were different than what was really being applied. The chip spreader had issues as well. It was the perfect storm of problems. They think they have everything resolved for next year.

**MAYOR:** We were not the only city to have problems this year.

**PAUL:** The cost of the work, even with these issues, is significantly less than we would pay a private contractor. I am grateful for the county and the work they do for us. How much did we pay the county this year?

**JUSTIN:** We paid the county \$48,855. So far this year, we have spent \$62,600 in Class "C" Road Funds.

**PAUL:** We are aware there are still many potholes to fix.

**JEREMY:** I am not sure if they will get filled this year. The focus of the staff is the 300 East Trail project.

**MAYOR:** We have a tight deadline to meet, so the focus must be there.

## MAYOR'S REPORT

**MAYOR:** Jeremy has bent over backwards working with the homeowners on the 300 East Trail project. We have changed the look of some people's yards. We have let everyone do different landscaping how they wanted. We have worked with every single landowner on their individual parcel. They have all had a say on what is being done to the landscaping after the trail was poured. Some yards are tapering off to the trail. Some yards are using decorative rock. Some residents wanted sod. We have tried to work with everyone. It is not perfect in the timing of how it has been done, but we are working with people to get it done. Significant effort has been put into working with the landowners. Thanks to Jeremy and the staff for working with everyone on this project. Thanks to everyone who has been patient while this project developed. It has been a hard project. I see people using the trail daily. It is good to see it being used. It will expand long term, as well as it will be tied into other trails or paths long term. The entire trail has been poured. We are now working on the landscaping and driveways. When was the deadline extended to?

**JEREMY:** December 15<sup>th</sup>.

**MAYOR:** We will get as much of the landscaping done this year as we can. We will finish up what is not done in the spring. I would hope people will withhold judgment on the project until it is completed. The project is not going to be finished until next year. The entire project will be finished, but it will take time. Each yard will be completed. I have to say the rock retaining wall along 300 East in the White Pine Subdivision looks excellent. That project has been in the works for four years. I am happy to see how it has come together. The homeowners, builder, landowner, and city all worked together. The city had some requirements in place to allow the subdivision to be built. The city required a fence to be installed, but some of the homeowners did not want it below the grade of their home. The city allowed the fence to be delayed, being installed until the rock wall was completed. This is a great example of people working together. I have not seen a builder or landowner work with homeowners after a project is complete like they did on this project. The city party was awesome. Kudos to Kelly for pulling it all together. All of the meat was eaten. The meat was donated by Lower Foods. We have grown by 500% over the last few years in the amount of meat donated and needed for the party. The community really comes together for this event.

**JUSTIN:** I think there are only two entities in the valley who still do a city party.

**MAYOR:** No other city does a city party like we do. Most cities tie something like this into their annual city celebration. Donations make the party possible when 1,000 people are fed. As an update on this building, all the

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space to the west of this room has been leased out. The substation for the sheriff's office will be worked on this winter. Spartan Company has leased the office space. They have put a lot of money in this building and project. They have remodeled multiple rooms. There is a new entryway on the south side of the building for them. They paid for the rooms to be remodeled. This is such a large building we had concerns when we moved in here. The roof alone would be a huge expense. The roof on the relic hall costs \$12,000 to replace and this building is substantially bigger. It is expensive to maintain this building. The utilities are a minimum of \$2,000 to \$4,000 a month with little use of the building. I am happy we were able to lease parts of this building. Spartan is going to give the council a tour of the area they renovated before the next council meeting in October. Spartan signed a two-year lease. They might move or stay at that point, but the money they spent on the building stays here. The city is joining with the county to apply for some COG (Community of Governments) funds. The tax funds are used on road projects and for very specific projects. Typically, it is high-use roads. Rural areas usually don't qualify. COG funds paid for the road when it was redone south of North Cache. That was a great area of high-use that benefits many in the valley. This year we applied for funds for 500 North. The road would basically be redone from 300 East in Richmond, too, if I recall correctly, 11000 East in the county. The road is bad. The road is collapsing on the edge and becoming narrow. People drive in the middle of the road to get down/up the road including semi-trucks. It is not a big road. It is hard for vehicles to pass each other. It has long been a safety concern. The issue has been the cost to repair/replace the road. We applied for \$700,000 in funding for the project. The project would go from the White Pine Subdivision to the turnoff at the Kevin Forsgren residence. We are working to secure a right-of-way. There are power lines and piping issues to deal with as well. The city could not do this project by itself. The county is participating as well. We are hoping the project gets approved this year. The project would start next year if approved.

**DAREK:** I don't know if you remember, but when the water tank was being built, a dump truck was coming down 500 North and lost its brakes. The driver had the option of continuing to go straight or drive off into the hayfield as this was before the White Pine Subdivision was built. Thankfully, he chose to go into the field.

**MAYOR:** We considered installing a sidewalk as part of this project, but most likely it will be a hard surface and a trail. Long term, I want a trail up 500 North which connects to the irrigation canal and loops all the way back to the horse arena. I think that is about a four mile loop. It is part of our long term plan. What is our annual budget?

**JUSTIN:** The General Fund budget is approximately \$1,500,000 this year.

**MAYOR:** Two blocks of road is going to cost \$700,000. Now you can see why the city would never be able to do this project by itself. This is one tax which benefits the city.

**TUCKER:** What will be our portion of the project cost?

**MAYOR:** \$80,000.

**DAREK:** Paying only just over 10% of the project cost is huge for the city.

**MAYOR:** Our portion is very reasonable in the overall cost of the project. We have a pioneering agreement in place with Rocky Mountain Power. Basically, if people hook onto the power lines in that area, we get a portion of the cost of what we paid coming back to us. We will be able to trade some or part of our cost of the project because of this. We need a right-of-way and the landowner wants to hook up to the power system, so we will possibly do some trading. This is a big project to apply for. There are a lot of moving parts on this project. I would like to thank all of the volunteers who have helped out on the 300 East Trail project.

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

Yes Vote: Erickson, Thatcher, Bair, Crafts

No Vote: None

Absent: Peck

Adjournment at 8:04 P.M.

**RICHMOND CITY CORPORATION**

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Jeffrey D. Young, Mayor

**ATTEST:**

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Justin B. Lewis, City Recorder