

RICHMOND CITY COUNCIL

JULY 12, 2016

The regular meeting of the Richmond City Council was held at the Richmond City Office Building located at 6 West Main, Richmond, Utah on Tuesday, July 12, 2016. The meeting began at 6:00 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, Paul Erickson, Jeff Young, Cheryl Peck and Tucker Thatcher.

City Manager Marlowe Adkins, City Recorder Justin Lewis, City Engineer Darek Kimball and City Treasurer Christine Purser were also in attendance.

APPROVAL OF CITY COUNCIL MEETING MINUTES

A motion to approve the June 27, 2016 City Council meeting minutes was made by Brad, seconded by Paul and the vote was unanimous.

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

No Vote: None

A motion to approve the June 7, 2016 City Council meeting minutes was made by Paul, seconded by Tucker and the vote was unanimous.

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

No Vote: None

DEPUTY'S REPORT

DEPUTY ROBERT BERGSJO: When is your annual City party?

JEFF: It will be on Friday, September 9th.

DEPUTY BERGSJO: That is a big showing for us. We will start to make plans. I don't have any other items to report on.

MAYOR: I know the County and the Sheriff's Office will be working on resolving the parking issues for the concerts at the ski resort.

DEPUTY BERGSJO: I was a spectator that evening and thought things went fairly well. Were there some complaints?

MAYOR: The venue and concert were fine. There were some parking issues in town. I have talked to Craig Buttars and Chris Harrild from the County and they are going to review the issues.

MARLOWE: I reviewed the issue with the County today.

MAYOR: This first big concert was a big trial run and now they can tweak what they do and make it better.

QUARTERLY REPORTS

FIRE & EMT

CHIEF DENNIS WOOD: We had 22 calls so far this year. Fifteen were medical related, three were fire alarms and two were structure fires. The dollar loss on the structure fires is around \$190,000.

PAUL: Do you know the cause of the structure fires?

CHIEF WOOD: There was some faulty wiring in a vehicle at 130 South State Street.

CHERYL: Was someone living in the home?

CHIEF WOOD: Yes, Nancy Oblock and her dog. They were both outside by the time we arrived on scene.

CHERYL: Do you know who reported the fire?

CHIEF WOOD: I am not sure.

PAUL: Is that home a total loss?

CHIEF WOOD: Yes. An electrical outlet started the fire at 200 South 335 West. The outlet got overheated and the homeowner was able to put out the fire before the Department arrived. We did check the attic and other areas to make sure everything was okay. There was also one grass fire and one car accident we responded to as well.

BRAD: Do you know what caused the grass fire?

CHIEF WOOD: It was undetermined as there was not any evidence on scene. It could have been lightning.

PAUL: Where was the fire at?

CHIEF WOOD: About 500 East 100 North or so.

BRAD: It was in the Christensen Subdivision.

CHIEF WOOD: One Department member got married and moved to Logan for the time being so we have moved him to associate status at this point.

BRAD: Who was it?

CHIEF WOOD: Juston Kowalski. We also have three new members. Miguel Garcia works on the graveyard shift at JBS and will be available to respond during the day. Miguel recently moved to town and purchased a house. Wes Allen is P.O.S.T. certified and has worked in Smithfield but just moved to Richmond. Ernie Tsinigine is also a new member and works at JBS as well. A new set of turnouts will be required for Wes as the Department does not have a large enough set for him right now. Lance Jenkins and Chris Ross were on standby at the concert at Cherry Peak. The County has asked our department to be on standby at the resort for all events with more than a dozen people.

CHERYL: Were you notified in advance of the concert?

CHIEF WOOD: Yes. Sawyer Brown is the next big concert. The County will pay for our guys to be up there. Our guys were there around five hours. September 10th is the Sawyer Brown concert.

MARLOWE: There is another concert on August 27th as well.

MAYOR: We appreciate the service of the Department.

YOUTH COUNCIL REPORT

TAMARA HARDY: The Youth Council held a movie in the park last night. The leftover goods from Black & White Days were utilized. There are still around 200 cans of soda pop. There is a small amount of candy left over as well. The remaining candy will be given out at Library events. Around 25 Youth Council members helped with the movie and concessions. The Youth Council would like to do a school kickoff dance and invite all 14 to 18 year olds from the valley. What are the thoughts of the Council on that?

MAYOR: Where would you hold the dance?

TAMARA: At the City park. The Youth Council is hoping to use some budgetary funds to hire a DJ for the event.

JEFF: We have used a DJ before and they do a great job.

TAMARA: We will charge \$3.00 per attendee and each kid will get a glow stick as well. There is not a way to fence off the park so we are looking for some chaperones to help that evening.

MAYOR: I am alright trying it this year. I think we need to notify Deputy Nelson so we have a police presence that night.

TAMARA: I plan on meeting with him and letting him know what is going on.

MAYOR: I just want a police presence walking around that night.

PAUL: What date are you considering?

TAMARA: Friday, August 19th. We will do some radio advertising and send out some flyers as well.

CHERYL: Why would you ask the entire valley? That could amount to a lot of people in attendance.

TAMARA: We had thought about asking only the other Youth Councils but it would be hard to tell other kids no.

MAYOR: I think you give it a shot and see how it goes.

CHERYL: Parking could be an issue.

TAMARA: I am wondering about having a scholarship for the Youth Council Mayor?

JUSTIN: In the past we have paid the Youth Council Mayor \$250 and notified their parents it should be used to help further their education.

MAYOR: I think we do that and present her the check and thank her for her service at the August 16th Council meeting. Let's make sure to invite her parents as well.

BRAD: Tamara please thank all of the youth that helped last night.

TAMARA: A new Mayor and Youth Council will be voted in at a meeting in September.

MAYOR: Will you do a kickoff meeting or something?

TAMARA: This is new to me but I think we could send out something through Parlant and put on Facebook. We had 60 kids attend our first meeting this year and usually had around 35 to every event.

MAYOR'S REPORT

MAYOR: The next Council meeting will be on August 16th. The LOTOJA bike race comes through town on September 10th and the City party will be held on September 9th.

DISCUSSION AND DECISION RELATIVE TO POSSIBLE FIREWORKS RESTRICTIONS FOR JULY 24TH.

MAYOR: I had a meeting with Cache County Fire Chief Rod Hammer and fireworks restrictions for the July 24th holiday were discussed. There were no restrictions in place for July 4th as the vegetation was still green but everything is drying out now. In the past we have not allowed fireworks to be lit east of 300 East.

BRAD: Chief Wood what are your thoughts?

CHIEF WOOD: I think the same as the past. We do not allow fireworks east of 300 East.

MAYOR: I think the recent grass fire on 500 East proves how dry the grass is and the restriction is needed.

A motion to restrict the use of fireworks east of 300 East in the City for the July 24, 2016 holiday at the recommendation of Fire Chief Dennis Wood was made by Jeff, seconded by Brad and the vote was unanimous.

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

No Vote: None

BUSINESS LICENSE

JQUOTIENT, LLC

JESSICA DUNYON: I want to be self-employed and do some business consulting. I won't have any clients come to my home. What I do will be internet based. If needed I would go to my customer's place of business for training. There won't be any traffic at my house.

A motion to approve the business license request for jQuotient, LLC (Jessica Dunyon) was made by Cheryl, seconded by Tucker and the vote was unanimous.

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

No Vote: None

CONTINUED DISCUSSION AND POSSIBLE PASSAGE OF ORDINANCE 2016-4 ENTITLED AN ORDINANCE ESTABLISHING THE WASTEWATER PRE-TREATMENT POLICY AND PROCEDURES MANUAL PER TITLE 14-000, CHAPTER 14-200, SECTION 14-245 OF THE CODE OF REVISED ORDINANCES OF RICHMOND (1975, ADOPTED 1976).

DAREK: Recently we updated the sewer treatment manual. The old manual was based on a lagoon system and the new manual is based on the MBR treatment plant. Chapters 3 and 4 were changed in the manual. The other three chapters are just standard. Marlowe has spent a lot of timing review the manual. The lagoon system had a certain capacity and the MBR plant has a different capacity. We need to divvy out the capacity for residential, commercial and industrial use.

JEFF: How is that determined?

DAREK: The MBR plant has a certain design capacity and so does our discharge permit. We can actually treat more at the plant than we are allowed to discharge on the permit. We use prior sampling results to determine the strength and flow of the residential users. The Richmond City residential flows are actually lower than normal. So some of that capacity can be used to help industrial users. There is also a percentage included for growth.

TUCKER: Can you give me an example of the numbers?

MARLOWE: All of the numbers are in the manual starting with the charts on Page 4-2. A new chart is being added as well.

BRAD: The numbers are on around Page 162 of the PDF document we have to review.

JEFF: At a previous Council meeting we discussed putting water from the plant back into the irrigation system after it was treated.

BRAD: That is not discharge. Here are the two discharge reports. One report shows we did not discharge last month. We don't discharge every month.

JEFF: So we can save in the ponds and discharge at a later time?

DAREK: How much to discharge and when has to be determined. The City permit only allows 158 pounds of phosphorous to be discharged into the river on a yearly basis. This must be monitored closely.

BRAD: This ordinance has nothing to do with individual permits.

JEFF: So this is the ordinance that allows us to have individual permits.

MARLOWE: The ordinance is an administrative document. The ordinance is adding the manual into the existing ordinance. The manual is all of the details you are talking about.

DAREK: Individual permits are granted and reviewed based on the information in the manual.

MARLOWE: The ordinance cannot be passed tonight as the City Attorney needs to review everything. With the passing of City Attorney Bruce Jorgensen, Miles Jensen is acting in his place and needs time to review.

MAYOR: What is left to be done?

MARLOWE: There are some grammatical and page numbering issues and the document needs to be reviewed by legal counsel.

MAYOR: Please add this to the agenda for next month to discuss and possibly pass and inform Miles of our timeline.

MONTHLY FINANCIAL REVIEW WITH DISCUSSION AND DECISIONS AS NECESSARY.

JUSTIN: Mass Transit tax collected for the last fiscal year totaled \$35,581. This is a pass through where what is collected is exactly what is paid out. Grave digging fees for the cemetery have been paid for January through June totaling \$1,387 with a fiscal year total of \$2,475. The fee charged to the Cemetery District is increasing this month as we need to adjust our costs to make sure we break even. The Cemetery District is aware of the price increase. The intent has never been to make money but to break even. We had an anonymous donor that was going to donate some money towards the replacement of the sidewalk leading to the Library. My understanding was the donor was willing to pay 50% of the project but they ended up paying 100% of the project. The Irrigation Company paid their bill for the road cuts which were \$500 each. Total revenue collected for Black & White Days Activities was \$10,226 for everything but the breakfast and the breakfast totaled \$1,600. Total sponsorship fees collected for Black & White Days was \$5,800. RAPZ tax collected in the last fiscal year totaled \$23,094 of which

\$14,650 was a pass through. The Black & White Days Committee applied for some new lighting at the pavilion area and the county paid us and in turn we paid the electrical contractor who completed the project. The annual water tank bond payment of \$288,762.50 was made this month. The sidewalk on 100 North from State Street to 100 West will be replaced before the start of school. There will be some tree trimming in the area as well. Last month I incorrectly stated Robert Bair's wage. His correct wage for the new fiscal year is \$47,000. I need the Council to officially approve the correct amount as the wrong amount was presented last month.

A motion to approve \$47,000 as the yearly salary for Robert Bair for Fiscal Year 2017 was made by Paul, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher
No Vote: None

JUSTIN: The contract laborers that help with the roll on/roll off dumpsters have been paid for the fiscal year. The total amount paid last fiscal year was \$4,080 with the total paid for the last six months being \$1,504. Last month some trees were planted at the Cub River Sports area as part of a RAPZ tax project. I have requested the reimbursement amount totaling \$830.39. I have also officially requested the annual payment of \$10,000 from Lewiston City for the Cub River Sports Complex as we put in our \$10,000 in July of each year. Water impact fees collected for the last fiscal year totaled \$46,234. Water monthly service revenue totaled \$719,376. Sewer impact fees collected for the last fiscal year totaled \$51,849. Total monthly sewer revenue totaled \$493,976. Scott was able to work with Twin "D" on our annual sewer cleaning and they worked for a couple of weeks in June and then again at the start of July for a couple of weeks so we get charged only one mobilization fee and are able to do the work over two budget years.

COUNCIL MEMBER REPORTS

BRAD: Doug Poole asked to meet me to discuss the three-plex he had approved by the Council previously. He is still not decided on how he wants to proceed. He is considering splitting the parcel. He is also considering making separate connections for each unit. I informed him any changes outside of what has been approved will require him to start over with the Planning Commission and then come back to the City Council for approval. Tucker have you had any requests from him?

TUCKER: I have not heard from him.

MARLOWE: I have talked to him and informed him he can only create two parcels due to the amount of frontage he has on the road.

BRAD: It has been a long time since we have had structure fires in the City but we had a great response. In regards to the UDOT water line project the line has been installed and is now in the process of being tested. There is still some landscaping that needs to be completed. We only paid to upsize the line from eight inch to twelve inch we did not have to pay for anything else on that project. The water and sewer agreements with the Cherry Peak Resort are being reviewed as we sent them a letter several months ago with four deficiencies that needed to be completed and only two of them have been resolved. There are not any new nuisance complaints or maintenance department concerns. There is one sewer issue. We have a known deficiency on the pipe on 200 West from 600 South to approximately the Lower Food's building. There are dips

and valleys in the line that don't allow the sonic flow meter to function properly on occasion. Measuring the flow accurately has been a problem. We need to get a bid to complete that project.

MAYOR: We need to finish up the water tank project so we can look at our financial situation to see how to proceed.

JEFF: Is the pipe located along the edge of the highway?

BRAD: It is on the edge of the road by the shoulder of the road. There will be an increased cost to the project because of traffic control.

MAYOR: There is probably 120 days or so before we receive the second appraisal on the water tank project land. At that point we will be able to address this sewer project from the financial side.

JEFF: I will be attending the annual Black & White Days Committee dinner and social they hold after the event. They have been really good to work with. The 100-year anniversary celebration last year was a really big deal. The City party will be the same as usual. So everyone is aware the parks and recreation department has been replacing several sprinkler heads that quit working.

JUSTIN: They also repaired the main irrigation water line by this building.

JEFF: It is good to see our guys doing the work so we don't have to pay a third party. The contract and agreement for labor and service between the City and Cemetery District is working well. I think our watering schedule and maintenance schedule has improved and is more efficient again this year.

TUCKER: At the next Council meeting we will see a small rezone request. The Planning Commission has reviewed and approved this request. The request is on the north end of town on State Street. The current zoning is A-10 (Agricultural 10-Acre) and the requested zoning is RLD (Residential Low Density). The request fits the area and the parcels surrounding this parcel. The area is the Clyde Hendricks property.

BRAD: Are they wanting to split off a portion or sell a part of the large parcel?

TUCKER: Yes. We could possibly see a request for a new home in the future but nothing has been proposed at this time.

BRAD: There is not any sewer service in that area and it would have to be pumped to establish a sewer connection.

TUCKER: That is something the property owner will have to consider if they want to develop the parcel.

BRAD: There is a private pump station at the trailer park nearby. I realize a rezone request is different than a building request but we should make them aware. The parcel is not fully developable because of the sewer issue. There is a culinary water line in that area.

CHERYL: The Library Board would like to have Janice Andrus approved as a new Board member.

A motion to approve Janice Andrus as a Board member on the Richmond City Library Board was made by Jeff, seconded by Tucker and the vote was unanimous.

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

No Vote: None

MAYOR: We need to send a thank you letter to the anonymous donor that paid for the new Library sidewalk. Marlowe please prepare the letter and give it to Terrie Wierenga to deliver.

JEFF: I would also like a letter sent to the Sheriff's Office thanking them for the extra time and service they put in during Black & White Days week.

JUSTIN: The two public hearings cannot happen before 7:15 P.M. so we will need to take a temporary adjournment.

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

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

No Vote: None

The City Council meeting temporarily adjourned at 7:00 P.M.

A.A. Hudson	2721.00
Airgas	26.01
All tech	1324.00
Bear River Health	40.00
Beeline Digital	60.00
Bluestakes	100.79
Century Link	242.58
Civil Air Patrol Magazine	245.00
Darold Fitzgerald	60.00
Ecosystems	883.80
Hall's Store	122.90
Industrial Tool and Supply	104.64
Ipaco	13.20
Jrock	9678.30
Lee's	28.75
Lewiston City	1466.86
Lewiston State Bank	59.99
Logan City	18343.85
Maverik	441.42
Maverik Cemetery	296.56
Maverik Fire	75.95
Meterworks	28104.00
N. C. Vet	300.00
NAPA	12.00
PEHP	177.66

Pepsi	481.00
Rebound	
Unlimited	500.00
Richmond	
Irrigation	2641.00
Select Health	1316.00
Smithfield Imp	341.33
The Herald	
Journal	379.58
UEN	143.93
ULGT	40385.08
Utah State Division of	
Finance	288762.50
Verizon	322.41
Wexbank	103.85

The City Council meeting reconvened at 7:15 P.M.

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING THE RENEWAL OF THE LOANS FROM THE CAPITAL PROJECTS FUND AND SEWER ENTERPRISE FUND TO THE WATER ENTERPRISE FUND.

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

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

No Vote: None

The public hearing opened at 7:15 P.M.

JUSTIN: As part of the water tank and well project the sewer enterprise fund and the capital projects fund loaned the water enterprise fund some money to get the project started and secure the water rights. The loans have been renewed on a fiscal year basis. The water tank project is complete with the exception of the land purchase. Right now the State of Utah Land Ombudsman Office is reviewing the land purchase agreement between the Richards family and the City. The water fund owes the capital projects fund \$323,651 and the sewer fund \$367,198. The intent would be to repay these loans as part of the final disbursement of the CIB bond funding. Right now the State accounts are earning around 0.60% interest so I would propose we renew the loans for the period of one year at an interest rate of 1.00%.

PAUL: Will any of the existing loans be retired with the payout of the CIB escrow account?

JUSTIN: The intent is to ask the State to allow us to pay off the two internal loans as well as two of the three loans owed to the State of Utah.

TERRIE WIERENGA: Have all of the issues with the tank project been resolved?

MAYOR: The only remaining issue is the payoff of the land purchase where the tank is located. Right now we are obtaining a second appraisal so we can resolve this issue. Once the second appraisal is completed the State Land Ombudsman will review.

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

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher
No Vote: None

The public hearing closed at 7:17 P.M.

A motion to renew the loan between the water enterprise fund and the capital projects fund for one year at an interest rate of 1.00% was made by Paul, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher
No Vote: None

A motion to renew the loan between the water enterprise fund and the sewer enterprise fund for one year at an interest rate of 1.00% was made by Paul, seconded by Jeff and the vote was unanimous.

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher
No Vote: None

**PUBLIC HEARING FOR THE PURPOSE OF RECEIVING CITIZEN RESPONSE
RELATIVE TO THE CREATION OF THE CACHE WATER DISTRICT PER CITY
RESOLUTION 2016-2 ENTITLED “A RESOLUTION TO INITIATE THE CREATION
OF THE CACHE WATER DISTRICT” PASSED BY THE CITY COUNCIL ON JUNE 7,
2016**

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

Yes Vote: Jensen, Erickson, Young, Peck, Thatcher
No Vote: None

The public hearing opened at 7:20 P.M.

Mayor Hall reading the following statement:

This public hearing of the Richmond City Council is called to order for the purpose of allowing the public to ask questions and obtain further information regarding issues contained in or raised by Richmond City Resolution 2016-2 entitled *A Resolution to Initiate the Creation of the Cache Water District* as passed by the Richmond City Council on Tuesday, June 7, 2016, that will place before the voters the question of

whether a water conservancy district to be known as the Cache Water District should be created is declared to be open at 7:20 P.M. on Tuesday, July 12, 2016, in the Richmond City Council Chambers, 6 West Main, Richmond, Utah. The members of the Richmond City Council who are present are *Brad Jensen, Paul Erickson, Jeff Young, Cheryl Peck and Tucker Thatcher.*

The proposal for the voters to vote on the creation of the Cache Water District is the subject of a series of public hearing to be held by the Cache County Council and by the legislative body of each participating municipality within Cache County. Following the public hearings, the question of whether the Cache Water District will be created will be placed before the voters during the November, 2016, general election. Owners of private land or registered voters residing within a participating municipality who do not want the proposition to be placed before the voters may file a protest with the clerk or recorder of that municipality and owners of private land or registered voters residing within unincorporated portions of Cache County may file a protest with the Cache County Clerk. All protests must be filed by not later than September 12, 2016, which is 60 days after the last public hearing. If sufficient protests are timely filed, either the election will not be held or the municipality or unincorporated Cache County, for which adequate protest have been timely filed, will be removed from the proposal to create the Cache Water District and from the election. Protests are adequate if filed by the owners of at least 25% of the total private land area and at least 15% of the private land value within the subject municipality or unincorporated Cache County (each of which is an "applicable area") or by registered voters residing with the applicable area equal in number to at least 15% of the number of votes cast in the area for the office of President of the United States at the most recent election prior to the adoption of the Resolution. If adequate protests are not filed, the election will be held and the voters will decide the Cache Water District will be created.

MAYOR: I would like to welcome Rob Smith and Craig Buttars representing Cache County Corporation and Rob will start by saying a few words.

ROB SMITH: I am part of the Cache working group that has been working on this project. I would like to read the purpose of the district.

Rob read the following statement:

The purposes of the District include planning for and facilitating the long-term conservation, development, protection, and stabilization of water rights and water supplies for domestic, irrigation, power, manufacturing, municipal, recreation and other beneficial uses, including the natural stream environment, in a cost effective way to meet the needs of the residents and growing population of Cache County.

In furtherance of protecting and preserving water supplies that are necessary for Cache

County's future, the District will:

- Assist in water conservation education and programs
- Assist local municipalities and Cache County as they establish and implement water management policies and ordinances, while maintaining the autonomy of existing water suppliers
- Undertake environmental and other studies to provide information necessary to make proper, timely water use decisions
- Obtain grants and low cost loans for the upgrade and construction of needed water infrastructure

TERRIE WIERENGA: Since it is a District and can levy a tax, what will the money be used for? Conservation? Development? What does in a timely matter mean? Will the District tell a city where and when they are allowed to develop a water source?

CRAIG BUTTARS: Funding is needed to manage the District. The initial funding for the District will come from the County budget. Right now the County is already paying for a Water Manager. Minimal staff will be needed. The Chairman of the District could run the District for a couple of years if needed. Bob Fotheringham is the Water Manager for the County but he has not expressed any interest in running the District. He could consult the District if needed. Funding is needed to facilitate the protection of our current water resources. We need to help increase efficiency like the Richmond Irrigation Company did by piping the canal. The beneficial use of water must be shown or the water rights can be taken away. The District will help municipalities and irrigation companies plan and to show beneficial use of their water rights.

TERRIE: How many employees will there be? Will there be just one for a couple of years? What will the employees actually do?

CRAIG: That would be up to the Board of Directors. The District is limited in the money it can collect. I could see the District chairman spending a lot of time in Salt Lake City attending meetings to represent Cache Valley.

TERRIE: How will the District impact private irrigation companies? Will private wells and springs be effected? Will the District advise who can and cannot drill a well?

CRAIG: Well drilling is approved or denied by the State Engineer not the District. The District acts in an advisory role to help people, groups and municipalities. The District will help everyone find beneficial use for their water rights. I know of a situation in Mt. Sterling where a person had some water rights and had not utilized them for five years and they were lost. Water rights can be legally leased and the District can help with that. The District cannot seize water rights. The District can buy water rights from a willing seller. The other party would have to agree to sell the District cannot force the sale of any water right.

TERRIE: Can the District purchase water rights?

CRAIG: Yes, if they are for sale.

TERRIE: Can the District buy as much as they want?

CRAIG: There is not a limit I am aware of.

TERRIE: Is the District subject to the open and public meetings act?

CRAIG: Yes. The initial Board will be made up of appointed and elected officials. The Board members would start serving in January 2017 if the District is approved. The initial Board would consist of current Mayors and Council members. Half of the initial Board would serve for two years and the other half would serve for four years.

TERRIE: How are the Board members selected?

CRAIG: The bylaws state there will be one representative from each of the seven County council districts, three at-large Board members and one Board member specifically with an agricultural background.

JANET WALLACE: Who determines the regulations for the District? How is public input considered? What is the process?

CRAIG: Water is regulated by the State of Utah. The District is a facilitator not a regulator. The State Engineer determines where and when a well can be drilled. The District needs to educate and facilitate. The cities have their own laws and ordinances and can enforce them. The County is not into water development.

JANET: What impact will the District have on private wells in the County?

CRAIG: The District can help with well transfers if requested. The District could help if a person wanted to sell to the District or a city.

JANET: So the District will not regulate private wells?

CRAIG: Correct.

MARK CARDALL: I have been on the website and cannot find the proposed bylaws. They are not there for the public to review. I am having a hard time understanding this program and I am making an effort to understand it. I hear you want to help make sure water is put to beneficial use but I am leery. Today you say you want to be a facilitator but tomorrow you could be a regulator.

MAYOR: The bylaws are online, I pulled them right up.

CRAIG: I have been told the bylaws are online. Please review them. The bylaws state what is forbidden by the District. The District cannot take water unless it is for sale. The District cannot build large facilities like the Weber Basin and Jordan Valley water districts have done. The District is a way for the County and municipalities to protect our current allocation in the Bear River. That is our main focus with the District. The valley has an allocation of the water in the Bear River as part of the Bear River Compact. Cache County and the Bear River Water Users which is Box Elder County are allowed 60,000 acre feet each of water from the river. The Weber Basin and one other district are allowed 50,000 acre feet each of water from the Bear River. We need to protect our 60,000 acre feet allocation and put it to use now.

MARK: The District has no intention of trying to block individuals from transferring water rights?

CRAIG: That is correct. The bylaws would have to be changed by the Board for that to happen. There is a public process to change the bylaws. I don't know of anyone that is trying to block the transfer of water rights.

MARK: Do other counties in the State have a district?

CRAIG: Twenty-six of the 29 counties in the State have a water district. I believe only Rich County, Cache County and Beaver County don't have a district.

MARK: I have done well transfers in the past. Why would the District be a benefit to help with a well transfer?

CRAIG: The District is just a resource to talk to but it is not required.

MARK: How would the District help me on a well transfer?

CRAIG: The District could offer legal advice and explain the process for those that are unaware.

PAUL: Can the District buy water rights if they have money? I see Washington County doing it all the time.

CRAIG: There is an agreement down there where they buy the water rights and develop the water and then provide it to the municipalities. The District can purchase water rights if they are available. The Water District is limited in the amount of tax it can levy. The maximum is two mil which does not mean two million. The County is unlimited in the amount of tax it can collect. If a big project is needed the District can have a three mil levy. The State sets the mil levy rate.

GRETCHEN CARDALL: Why would I want the District to own water rights if they are only a facilitator?

CRAIG: This Board would be created to focus on water management only. The District could own the water if a city does not have the ability to finance a project. There needs to be a funding source for major projects. The County is not a stable source of funding for water projects. The County has many other projects where funding can go such as roads. The District would be a stable source of funding for water projects.

GRETCHEN: If the District purchases the water rights will they stay with the District forever?

CRAIG: Not necessarily. The water rights could go to local cities or irrigation companies.

GRETCHEN: I want this District to be for those not only with a lot of shares but those with just a few shares. I have seen things like this being well meaning at the start and then change over time. Water is something we all fight for.

CRAIG: In Duchesne County there was the Central Utah Water project. It was a huge project that took water all the way from the Green River to the Wasatch Front. Promises were made to Duchesne County to get them extra water from the project but they did not have a district or anyone to help them out so at the end of the project they did not get any extra water. Uintah County was involved in the project and has a district. They had agreements drawn up and people watching over them and they got the water they were promised. The Wasatch Front wants and needs our water. I talked to an attorney from down there and those big districts have a lot of financial resources and clout with the state. Water is largely a political issue. Districts on the Wasatch Front have much more representation at the State level than we do.

JEFF: I support the District. I have a brother that lives in Nevada right by the Utah border. There was a proposal to take water from a Utah aquifer all the way to Las Vegas. There was not any representation for the small County where my brother lives. I don't want all of our water to be gone and see our water rights go to the Wasatch Front. I don't want my kids' futures limited because all of the water is gone.

BOYD LARSEN: I attended a meeting two years ago in Logan where water in the valley was discussed and how water from the valley is wanted in Tremonton, Garland and Snowville as well as the Wasatch Front from Cache Valley. The Wasatch Front is short on water. They want to move the water rights from here to there. I have a couple of springs and wells on my property. The District is needed to help those with established water rights. The State actually owns the water.

CRAIG: The water in the valley has been adjudicated. A person has to find water elsewhere if they want to drill a well here. There have been many changes at the State level since the last time a district was proposed. The District allows the valley to tell the State what the valley is

doing with the water than the State tell the valley what will happen to the water in the valley.
We need to protect all of our well rights and water rights.

MAYOR: I appreciate everyone that offered comments and asked questions this evening. I want to thank Craig for being here to answer questions as well.

Mayor Hall read the following statement:

As stated at the beginning of this public hearing, any owner of private land and any registered voter who desires that the election on the question of the creation of the Cache Water District not take place may file a protest with the Cache County Clerk, if the land is located or the registered voter resides in the unincorporated portion of Cache County, or with the municipal clerk or recorder if the land is located with a participating municipality or the registered voter resides within the municipality. The protest must be filed on or before September 12, 2016, which is 60 days after the date of the last series of public hearings dealing with the proposed creation of the Cache Water District.

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

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

No Vote: None

The public hearing closed at 7:52 P.M.

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

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

No Vote: None

A.A. Hudson	2721.00
Airgas	26.01
All tech	1324.00
Bear River Health	40.00
Beeline Digital	60.00
Bluestakes	100.79
Century Link	242.58
Civil Air Patrol Magazine	245.00
Darold Fitzgerald	60.00
Ecosystems	883.80
Hall's Store	122.90
Industrial Tool and Supply	104.64
Ipaco	13.20
Jrock	9678.30
Lee's	28.75
Lewiston City	1466.86

Lewiston State Bank	59.99
Logan City	18343.85
Maverik	441.42
Maverik Cemetery	296.56
Maverik Fire	75.95
Meterworks	28104.00
N. C. Vet	300.00
NAPA	12.00
PEHP	177.66
Pepsi	481.00
Rebound	
Unlimited	500.00
Richmond	
Irrigation	2641.00
Select Health	1316.00
Smithfield Imp	341.33
The Herald	
Journal	379.58
UEN	143.93
ULGT	40385.08
Utah State Division of	
Finance	288762.50
Verizon	322.41
Wexbank	103.85

Adjournment at 7:53 P.M.

RICHMOND CITY CORPORATION

Michael E. Hall, Mayor

ATTEST:

Justin B. Lewis, City Recorder