

RICHMOND CITY COUNCIL

MAY 18, 2021

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, May 18, 2021. The meeting began at 6:30 P.M.; Mayor Jeffrey Young was in the chair. The opening remarks were made by Kelly Crafts.

The following Council Members were in attendance: Tucker Thatcher, Cheryl Peck, Kelly Crafts, and Terrie Wierenga.

Lyle Bair arrived during the meeting.

City Administrator Jeremy Kimpton, Fire Chief Jay Downs, City Recorder Justin Lewis, and City Treasurer Christine Purser were also in attendance.

VISITORS: Reese Hulbert, John Gilbert, Bryce Goodin, Alison Ence, Chad Andrews, Vern Fielding, Amber Ervin, Jonathan Badger, Deputy Evan Hughes, Brian Potts, Sharik Peck

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM APRIL 27, 2021

A motion to approve the city council meeting minutes from the April 27, 2021, City Council meeting was made by Terrie, seconded by Tucker, and the vote was unanimous.

Yes Vote: Thatcher, Peck, Crafts, Wierenga

No Vote: None

Absent: Bair

DEPUTY'S REPORT

DEPUTY EVAN HUGHES: I have worked for the department since 2017. I transferred to the patrol division in January. I just finished my patrol training in April. This is my first meeting with the city council. I just got off of the graveyard shift, so I can attend these meetings now. I am learning about trouble areas such as 300 East and the area where the speed limit drops by Lower Foods. If you have any input or concerns regarding patrol, let me know.

MAYOR: We appreciate your attendance at Black & White Days. Our next big thing is the city party in September.

KELLY: It is the weekend after Labor Day. I don't have the details, yet.

MAYOR: I am hopeful we can do fireworks this year. We will need fire department and police department oversight in order to do that.

BUSINESS LICENSE

CHAD ANDREWS GRAPHIC DESIGN, LLC

CHAD ANDREWS: The business would be out of my house. I am a graphic designer. This is a side job. I have a full-time job elsewhere. I am making enough money doing this I need it to be legal. I do packaging design. I have done work for Utah State University. I work with engineering departments. I do some watercolor painting with graphics added. I had a booth at Black & White Days.

MAYOR: My son purchased a couple of your paintings.

TERRIE: Will any clients come to your home?

CHAD: I have not had any, yet. I have done everything online.

A motion to approve the business license request for Chad Andrews Graphic Design, LLC (Chad Andrews) was made by Tucker, seconded by Cheryl, and the vote was unanimous.

Yes Vote: Thatcher, Peck, Crafts, Wierenga

No Vote: None

Absent: Bair

DISCUSSION WITH REPRESENTATIVES OF LEE'S MARKETPLACE ON POSSIBLE INCENTIVE OPTIONS.

MAYOR: Jonathan, thank you for attending. We had a few initial informal discussions leading up to this point. We are considering some options to help with the development of Lee's Marketplace. We want to benefit Lee's and the city. We have narrowed this down to a couple of options. It is time to start an official conversation. Sales tax is the main item we want to discuss.

JEREMY: Our legal counsel is reviewing the request. He has never structured an agreement like this but doesn't see a reason it cannot be done. He is in the process of reviewing the law on this request. He is talking to other law firms to see how they have structured similar requests. He intends to speak with Jonathan as well to see how their agreements were structured with other cities.

MAYOR: Sales tax is our best option. As a small city, we don't have a lot to offer like other cities do. Property tax is complicated and takes time. The schools receive around 70% of the property tax collected. If they don't agree to the request, then only a small portion would go back to Lee's. I support the sales tax option. The idea would be that a portion of the sales revenue we receive from Lee's would be given back to them. The city would still receive some revenue. Long term, the city would receive 100% of the sales tax revenue. This is an incentive for them to come to the city. I think it is favorable for them and the city. This option requires us to pay nothing. There are a couple of options to consider. One is a tiered option where the amount Lee's receives would be higher in the beginning and decrease over time.

CHERYL: Are we only talking about the portion the city receives of sales tax revenue?

MAYOR: Yes. Lee's is ready to proceed with their building. We are considering what is the quickest and most reasonable timeframe to get something done between them and the city.

JONATHAN BADGER: It typically takes a grocery store three to five years to cash flow the correct way. We have a lot of infrastructure work to do as well. Right now, everyone purchases their groceries outside of the city. We would like to ask for 50% of the sales tax revenue to be returned to us. It is estimated the city will collect \$120,000 per year, and we would like to get 50% of that back for a period of time.

TUCKER: How long are you requesting?

JONATHAN: For five to ten years. We could consider incremental changes as well. All of the revenue would come to the city long term. As time goes on, our sales tax revenue to the city will increase.

MAYOR: They did an agreement like this with Smithfield many years ago. Smithfield gave them back a percentage of their revenue for several years, and now they get 100%. I like a 50/50 split scenario. Then, there is a benefit to Lee's and the city at the same time.

CHERYL: So, would they just pay less sales tax, or would the city remit a portion of the sales tax collected back to Lee's?

JUSTIN: They would collect the normal amount of sales tax as required by law. Once the funds are paid to the city, the city would then issue a payment to Lee's for the amount specified in the agreement.

JONATHAN: Typically, a payment would be made once a year.

MAYOR: I think this is a simple and logical partnership. I will use Smithfield as an example. Lee's has been a major benefit to the community. Growth has occurred around the store as well.

JONATHAN: Smithfield receives about \$350,000 to \$400,000 per year from us.

MAYOR: Right now, we only receive about \$200,000 per year in property tax. Until we increased the rate, we only received about \$100,000.

JONATHAN: I think the city would receive about \$12,000 in property tax from our building.

MAYOR: I wanted to see if this were something the council would support.

TUCKER: This is just the grocery store only, not the other retail pads?

JONATHAN: Yes, those areas are separate from the grocery store.

MAYOR: Are there four spots?

JONATHAN: Two in the front and two others as well. We hoped to start construction in August or September of this year, but because of materials costs and shortages, we are looking at starting in March of 2022. The goal is to have the store open by September 2022.

MAYOR: Is anyone opposed to considering this option?

CHERYL: I think it is the only option to consider.

TERRIE: Property tax or a CDRA are not an option right now. Sales tax is a good option. We want to encourage economic growth. We need to give something to get something. I want to see a partnership.

MAYOR: We will start to look at some legal options. We will bring the advice from legal counsel back to the council for review as well as some options. We can review the length of time of the request as well. I appreciate being able to start this conversation.

JONATHAN: I am sorry we had to delay the start of construction.

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 2021-12, AN ORDINANCE REZONING CACHE COUNTY PARCEL NUMBER 09-050-0034 FROM RLD (RESIDENTIAL LOW DENSITY, MINIMUM 14,500 SQUARE FEET) TO RMD (RESIDENTIAL MEDIUM DENSITY, MINIMUM 10,000 SQUARE FEET). THE PARCEL IS LOCATED AT APPROXIMATELY 98 SOUTH 300 WEST AND IS 7.97 ACRES. CURRENTLY, 5.52 ACRES OF THE PARCEL IS ZONED RMD.

TUCKER: The request is quite straightforward. The rezone request is so the applicant can create a second lot by the existing home. The current zoning would not allow the creation of the second lot because of frontage requirements. The intent is to rezone the parcel now before construction on the same parcel starts to the south. The planning commission unanimously recommended approval of the request.

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

Yes Vote: Thatcher, Peck, Crafts, Wierenga

No Vote: None

Absent: Bair

The public hearing opened at 6:57 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 Terrie, seconded by Kelly, and the vote was unanimous.

Yes Vote: Thatcher, Peck, Crafts, Wierenga

No Vote: None

Absent: Bair

The public hearing closed at 6:57 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 2021-12.

A motion to adopt Ordinance 2021-12, an Ordinance rezoning Cache County Parcel Number 09-050-0034 from RLD (Residential Low Density) to RMD (Residential Medium Density) for a parcel located at approximately 98 South 300 West was made by Terrie, seconded by Tucker, and the vote was unanimous.

Yes Vote: Thatcher, Peck, Crafts, Wierenga

No Vote: None

Absent: Bair

DISCUSSION AND POSSIBLE VOTE ON THE CONDITIONAL-USE PERMIT REQUEST BY ALISON ENCE TO ALLOW FOR AN ACCESSORY APARTMENT AT 111 EAST 200 NORTH.

JEREMY: A conditional-use permit is required to have an accessory dwelling unit.

Council Member Bair arrived at the council meeting at 6:59 P.M.

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TERRIE: The state recently changed code in regard to accessory apartments. We will be reviewing our code later this evening regarding those changes. You need to have off street parking.

ALISON ENCE: I thought I could park on the grass.

TERRIE: You cannot block the intersection. The cars parked on 100 East are too close to road making the road about 1 ½ cars wide. The vehicles parked along 200 North were a big issue during construction.

MAYOR: You need to make sure there is appropriate space away from the intersection.

JEREMY: The distance depends on the speed limit. The minimum is 20 feet. Typically, it would be at least 30 feet from the setback or fence. It is called the sight triangle. I think it is based off of the property line, not where the asphalt starts.

TERRIE: This is an uncontrolled intersection. Be aware of parking restrictions during the winter months.

ALISON: The current renters are only temporary. I don't see this being a problem long term. I will comply as needed. I can tell the current renters to move their vehicles if needed.

JEREMY: We have received two resident complaints, and both were about parking related issues.

MAYOR: Fixing the parking is a reasonable request. Is the distance 30 feet?

JEREMY: I can research and confirm.

TERRIE: Parking has improved since Alison was notified of the issue. Vacation rental requirements are different and require a different conditional-use permit if that is something you are considering.

ALISON: Is that an additional fee?

TERRIE: Yes. You are currently allowing longer than a short-term rental. You are required to have one exit through the garage and another on the outside of the home in order to comply. You need two doors.

ALISON: That is not what I was told when my building plans were submitted.

TERRIE: We were provided different information by your contractor.

ALISON: I never changed my house plans. I always planned to have a basement apartment.

JEREMY: What the county has on file and what we have on file are different. What was submitted to the county was different than what we approved. This is one reason we no longer allow people to submit them personally. Is there only one exit through the garage?

ALISON: Yes. I was told I didn't need another door. Entry and exit are only through the garage.

MAYOR: What code are we talking about when we talk compliance?

TERRIE: State building code and international building code.

CHERYL: It seems to me the contractor is at fault.

MAYOR: Is not having a second exit an issue?

TERRIE: Yes.

ALISON: The basement can be exited through the windows via ladders. The windows are accessible.

TERRIE: Under state code, that is not allowed. There must be one through the garage and one directly to the outside of the home. It is not allowed to go through the garage and then through another door to the outside.

ALISON: What do you want me to do? I would have changed at the beginning had I known.

TUCKER: We rely on the fire marshal and building inspector for code compliance. We only review setback and clearances during our portion of the review.

MAYOR: Were we aware a duplex was being built?

ALISON: This is not a duplex.

TERRIE: We did not find out until after construction had started about the second entrance in the garage. We stopped construction of the project until we could find out some information. At that point, we were told by the contractor about the second entrance.

ALISON: Even before starting building, I considered this an accessory apartment. I have one water bill. One water heater. I live on the top floor. I was told a second entrance was not required. I asked the builder.

MAYOR: We need to know the legal path going forward. We need to see if we can resolve this. If the city missed something, then what happens? Was the county informed about the accessory apartment when they inspected the plans?

JEREMY: I called our building inspector, Brian Abbott, when this issue was brought to my attention. I still say this is a duplex. It is two units and a duplex. We asked to review the plans submitted to the county. What the city approved and what the county approved are two different things. We then talked to the builder. Whether a duplex or an accessory apartment, it still does not comply with code. Only family members would be allowed at this time based on the code. We could not legally stop family members from living there. We notified the contractor. New legislation has been passed and some things have changed. We rely on the building inspector to tell us if code has been met.

MAYOR: What if something is missed?

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TERRIE: Our code says it must include two ingress and one of them is from the garage. Here is the wording in our code: "Access to the apartment must include a minimum of two ingress-egress routes for the safety of the occupant(s), only one of which may pass through a garage area".

LYLE: Can one of them be a window?

TERRIE: It must be regular use items like a door not a window which is for safety.

CHIEF DOWNS: An egress is a door or walkway.

MAYOR: How were two different plans submitted?

TERRIE: A written plan was submitted to the city. What we received and what was turned into the county were different.

TUCKER: Shouldn't there have been a clearance stamp from us on the plans the county reviewed?

JEREMY: What the county had was not stamped.

TERRIE: This was a miscommunication from many parties.

MAYOR: Have we corrected this moving forward?

JEREMY: I hope so.

TERRIE: We are submitting digital copies now rather than paper.

JEREMY: We are also keeping a digital copy of the plans on file moving forward.

TUCKER: Is it possible to make an egress?

ALISON: What are you asking me to do?

TUCKER: Install a door to the outside.

ALISON: It will cost a lot of money, but I can ask the builder.

MAYOR: I want to know legally where we stand. What are the legal ramifications?

TERRIE: She is currently renting the apartment. If someone is injured or dies, we are liable because we allowed something which is not safe. It is zoned as a single-family dwelling.

JEREMY: When someone builds, it is incumbent upon him or her to comply. If she were not intending to rent a portion of the house, this is a nonissue. It was constructed like single family homes are built. We don't know the intended use when people apply for a building permit.

MAYOR: That makes sense.

JEREMY: They have to meet our standards. We didn't know about the request until after the fact. We were not given this information up front.

ALISON: I asked the appraiser about it, and he knew.

JEREMY: Your builder should have known. That is why you paid them. They have the responsibility to comply. Your intended use needs to meet the code. Requests are made, and we tell the person if it meets code. The builder had the obligation to notify us of this.

ALISON: I thought they did.

MAYOR: The city has a standard path of approval which applies to everyone. Any exception which is made must apply across the board. There is a specific ordinance in place regarding access. Who is responsible? Your home is a single-family dwelling. An accessory apartment changes the use. You need to adapt to fit the ordinance.

ALISON: So, do I need to sell because I can no longer afford the house? Or, do I put in a door and where?

MAYOR: Your design does not meet our code. Our code says a second door is required.

TERRIE: And it must be in the rear or side yard.

ALISON: At this point where do I put a door?

TERRIE: We told the builder what was required. There is a communication issue between you and the builder.

ALISON: This is very frustrating to me.

MAYOR: Are you renting to someone outside your family?

ALISON: Yes.

MAYOR: Then you must comply.

ALISON: I guess I need to talk to the builder. I am really frustrated. I wish someone had seen the plans. I see doors and windows. They have a way to get away from a fire. I don't have time to look at ordinances.

MAYOR: The developer is responsible to comply or the property owner. We don't design homes or buildings. This issue is not on the city.

ALISON: You don't approve of this?

MAYOR: It was approved as a single-family dwelling. You are using it for something different. The law is different between the two mainly for safety concerns. There are different standards. The fire code is different. You can do what you want, but you need to comply with our ordinance. The code was in place before you started to build the home.

TUCKER: We don't review the actual structure.

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JEREMY: We only approve land-use based items based on the recommendation of legal counsel.

TUCKER: The architect should have known. They know about city ordinances, fire code, etc. We don't review those types of things.

JEREMY: You are paying them to design to city standards.

ALISON: We changed the way the home faces to try and comply. We are trying to comply.

MAYOR: If the city approved the request and it is non-conforming, then the city is 100% liable. We apply this across the board. Anyone with the same request would have to meet the same standards. There are state laws and building code we cannot change. We can get more strict than state code but not less strict. I think our code comes from state law. If you want a single-family dwelling, nothing needs to change. If you want an accessory dwelling, then you need to make changes. If you legally conform to the code, the request cannot be denied.

JEREMY: One option could be to table and possibly look at some options.

TERRIE: Whether a short-term rental or an accessory apartment, you still need two different access points. One of them needs to be directly outside the house not through the garage.

MAYOR: Are Airbnb's the same?

TERRIE: Yes.

ALISON: So, install a door with some stairs?

TERRIE: Yes.

ALISON: How much time do I have to comply?

TERRIE: You have been in violation since the family moved into the dwelling.

TUCKER: We want to help you if we can.

MAYOR: You need to get with your contractor.

CHERYL: Ask the builder for help.

TUCKER: Should we table this while it is discussed with the builder?

CHERYL: Is this the only item which is not in compliance?

TERRIE: Based on the current code, yes. The parking can easily be addressed.

MAYOR: You cannot park in the city right-of-way. I like the idea of tabling the request, so we can reconsider later.

TERRIE: I am against it. We are then condoning someone with an unsafe issue.

MAYOR: I disagree. This has to do with communication issues.

KELLY: I agree with Terrie. Could we deny the request, and she can reapply and come back?

TERRIE: Yes. By allowing this for another 30 days, we will be liable if something happens. We are allowing an unsafe condition to go forward. This has nothing to do with parking.

TUCKER: I don't mind tabling. We can also deny, and she can reapply.

JUSTIN: If you table it, you are still liable. If you deny the request, you are not liable.

ALISON: I don't want to kick out my renters. They were going to build a new home, and then they lost their building lot. They were going to build in Richmond.

MAYOR: This is why being on the council is hard.

AMBER ERVIN: Could a legal document be created stating the city is not liable?

JEREMY: No, it would not carry any legal weight.

TERRIE: Agreed.

A motion to DENY the conditional-use permit request by Alison Ence for an accessory apartment at 111 East 200 South was made by Tucker, seconded by Lyle, and the motion passed by a vote of 4-1.

Yes Vote: Thatcher, Crafts, Bair, Wierenga

No Vote: Peck

TUCKER: I hope this is something you can correct and come back later.

MAYOR: Come back when you can comply. Unless I am forced to do so, I won't make the renters leave. I won't pursue it unless directed by the council to do so. The council has the legal right to make that request.

TERRIE: The mayor should enforce the policies and code of the city.

MAYOR: I can do that. I can also choose the timing. The council has the option of telling me when to enforce this.

TERRIE: We cannot allow leeway or make a decision tonight, as it is not on the agenda. It will be on the next council agenda in June.

MAYOR: Come back next month and give us an update of where things are at.

ALISON: Will I get a copy of the agenda?

JUSTIN: I will provide one to you when the agenda is finalized the week before the meeting.

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 2021-13, AN ORDINANCE REZONING CACHE COUNTY PARCEL NUMBER 09-079-0005 FROM RMD (RESIDENTIAL MEDIUM DENSITY) TO HC (HIGHWAY COMMERCIAL). THE PARCEL IS LOCATED AT 253 SOUTH 200 WEST AND IS APPROXIMATELY 1.00 ACRES.

TUCKER: The rezone request is to go from residential to Highway Commercial. The intent is to rent the building to a tenant. A renter is already in the home. Another business could possibly be added as well. The planning commission was concerned this is entirely located in a residential area. There were concerns about water needed to fight a fire. Ultimately, a decision was not made. A motion to deny the request was made, but there was not a second. A motion to approve was never made. The request died at that time. Now, it is before the council who is the land-use authority.

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

Yes Vote: Thatcher, Peck, Crafts, Bair, Wierenga

No Vote: None

The public hearing opened at 7:45 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 Lyle, seconded by Cheryl, and the vote was unanimous.

Yes Vote: Thatcher, Peck, Crafts, Bair, Wierenga

No Vote: None

The public hearing closed at 7:45 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 2021-13.

MAYOR: This opens up the discussion about the Highway 91 corridor. Not allowing spot zoning is quite consistent. It stops people from making random requests. We talked to legal counsel after the planning commission meeting. I was quite surprised to hear the planning commission did not approve or deny the request. I listened to the recording of the meeting. It was talked about being voted down but never officially voted down. After review with legal counsel, we have learned spot zoning can be allowed in certain instances. There are a couple of criteria which allow spot zoning. It is discussed in the general plan. The information we received from legal counsel was very educational. I want to read the following from legal counsel:

“Spot zoning” (so called) is not a word that is found in any Utah statute or regulation. However, the term has come to refer to the act of zoning one isolated tract of land differently than the surrounding similar situated tracts of land and in a way that is not in accordance with any kind of general plan or scheme. This last part I underlined is critical. When zoning changes of isolated parcels happens in accordance with a general plan, it is not considered “spot zoning” because it is just following a plan. To really be considered “spot zoning,” you have to have the zoning of a small isolated parcel that is different than everything else and is not in harmony with the general plan.

MAYOR: I would like to read the following from our General Plan:

Commercial Classifications: includes areas along major roads including Hwy 91 and Main Street. Retail, office space, restaurants, and medical facilities are encouraged along these transportation corridors. The classification for Commercial includes:

- Highway Commercial (HC) Located along Highway 91,
- Central Business District (CDB) located along Main Street,
- Neighborhood Commercial (NC) wherever it is determined to go.

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MAYOR: I will provide this information to the planning commission as well. I think this opens a gray area for this type of request. A request like this can possibly be reasonable. Are there options for commercial in a residential area, or does the city want to avoid that? Reese has supplied a list of surrounding property owners acknowledging they understand he is making a request to rezone the property to commercial.

REESE HULBERT: The original list did not include Rod Anderson. I have obtained his signature and will provide the documentation. The only parcel owner I was not able to contact which borders my parcel is Robert Bair. The rest of the surrounding property owners signed the letter.

MAYOR: The planning commission had some legitimate concerns about not allowing commercial in a residential neighborhood. I just want the council to be aware of this information we recently found out. The planning commission did not have this information regarding spot zones when they discussed the request.

CHERYL: Is the existing house an apartment or a house?

JEREMY: If the rezone is approved, it would be a home located in a commercial zone. The rezone does not get the applicant out of having to apply for a conditional-use permit. A conditional-use permit is required for any business wanting to go there. All uses in that zone require a conditional-use permit. One concern of the planning commission was the city would not have any say if rezoned to commercial.

MAYOR: Lots of cities have tables showing what is allowed or not allowed.

CHERYL: So, a conditional-use permit would be required for each business located there?

TERRIE: Yes.

JEREMY: Each request will be reviewed individually. In regard to our current code regarding rezones, it says a decision shall be made by the planning commission. I called legal counsel to review the wording in the code. Our code also talks about appeals. Appeals are not allowed in state code. The city council is the land-use authority in the city. It can be interpreted the planning commission said no by choosing not to approve it.

CHERYL: So, is this the same situation as the conditional-use permit request we just reviewed?

JUSTIN: No. In a residential zone, a home can be rented.

JEREMY: We have learned a lot about rezones during this process.

MAYOR: I learned the wording in the General Plan is more important than the maps.

TERRIE: Our General Plan does not show Highway Commercial on the east side of the highway.

MAYOR: The description in the General Plan is more important than the map.

TERRIE: You are saying this request could be allowed based on the General Plan?

JEREMY: Yes, as listed in the "Commercial Classifications" in the General Plan.

MAYOR: This would not be a spot zone because of the verbiage listed in the General Plan. I am just trying to say there is an option. The planning commission needed this information for their review. I am not sure if their opinion would have changed.

JUSTIN: What the mayor is trying to say is the rezone request can be approved or denied. The rezone request can simply be denied by the council, but it cannot be denied because it is considered a spot zone.

TUCKER: I was more worried about what the neighbors think than if this is a spot zone. The signed list helps to ease my mind. I wanted the neighbors to be aware of the commercial use request.

CHERYL: I think it is a great idea.

LYLE: What about the fire suppression concern?

JEREMY: The fire hydrant issue is tied to the use of the building not the zoning.

CHERYL: The fire department cannot hook up a hose and drag it across private property from the south?

JEREMY: They hook up the hose and drive away as the hose pulls out of the truck. They do not go across private property.

MAYOR: The use of this property in the past made it so most people think it was already zoned commercial. What we do moving forward must be applied the same way. A fire hydrant must be within "X" amount of feet of the building.

CHERYL: Where there are two buildings on the parcel, does that change the fire requirements?

CHIEF DOWNS: No. There is code that applies to the commercial use of the building.

LYLE: Is the frontage in a commercial zone different?

TUCKER: It is more flexible.

TERRIE: The setbacks are more flexible as well. There is no minimum frontage on commercial. A lot has changed in regard to zoning since I started working with the city in 2004. Sometimes, it is hard to keep up with all the changes.

MAYOR: We can do additional training for the council and planning commission, if needed.

TERRIE: I appreciate Seth's explanation. It goes against our future land-use map. The General Plan is only a guiding document. I would begrudgingly agree to proceed with the request. I am happy to see Reese contacted his neighbors.

TUCKER: I think this request could be approved or denied based on the information we have. I like to error on the side of personal property rights. I think the neighbors knowing what is happening is good. I want to protect private property rights.

A motion to adopt Ordinance 2021-13, an Ordinance rezoning Cache County Parcel Number 09-079-0005 from RMD (Residential Medium Density) to HC (Highway Commercial), for a parcel located at 253 South 200 West was made by Tucker, seconded by Lyle, and the vote was unanimous.

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga

No Vote: None

REESE: I appreciate your patience and willingness to learn and review this request. I don't want some random business in there either. I am glad a conditional-use permit is required.

The city council took a short recess at 8:14 P.M.

The council meeting was reconvened at 8:23 P.M.

CONTINUED DISCUSSION ON ACCESSORY APARTMENTS

MAYOR: I need to clarify something in regard to accessory apartments. In our initial discussion, it could be taken the building inspector is at fault. This is not the county or building inspector's fault. I think that impression might have been made earlier. Certified letters were sent to the builder and the property owner previously explaining what the issue is. I need to make sure people understand the building plans the city received were different than the plans the county received.

DISCUSSION AND UPDATE WITH FIRE CHIEF JAY DOWNS.

MAYOR: Chief Downs will help us understand what has happened the last five years to lead us to where we are at today. Everything has completely changed the last five years.

CHIEF DOWNS: Things changed quickly in the last sixteen months. Logan City notified the county of their intent to leave CCEMS (Cache County Emergency Medical Services). About 85% of the calls we respond to are in the Hyde Park, Smithfield, and Richmond area. COVID-19 caused some issues in regard to the timing of how things came together. Smithfield negotiated with the county. Smithfield determined it was in their best interest to obtain their own ambulance license. We received the license last May. What the county wanted to charge us was more costly than what we could do it for ourselves. When the original agreement between Richmond and Smithfield was done, there were some unknowns. Equipment maintenance was not discussed. The consensus was everyone should pay the same amount. The amount charged per person should cover all the costs. We want the county to pay for the unincorporated areas as well. They already do this in the south end, and we feel they should in the north end as well for areas such as Cove. The proposal we are asking you to consider is that we take the entire budget including everything. We then take the total number of residents served. Then, we divide it equally per resident. Each city would then pay the same amount per resident. My department would cover all of the costs as well as equipment replacement. One thing we do to lower the amount we all pay is to send the brush truck out on wildland fire deployments. We usually net around \$100,000 per year from this program. We use the profit to purchase new equipment. We now offer volunteers a career pathway if they want to stay in this field. The full-time person I just hired was originally a volunteer who then became a part-time employee. Now, he is a full-time employee. We need to keep the volunteers involved, as they are our cheapest resource. We want to offer the same service in all the cities we serve. We will receive a new ambulance in August. We want to place an ambulance in Richmond. The off-duty staff and reserves would use the ambulance when needed. There is a lot of growth in the cities we serve right now. The new brush truck should arrive anytime. We are planning for a big wildland fire season this year. We do code enforcement as well. With growth there is a need for code enforcement. We also offer emergency management. I have brought with me tonight Administrative Battalion Chief Brian Potts. Brian handles the billing for the

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ambulance service as well. Brian is the emergency manager for Hyde Park and Smithfield. He can help in Richmond as well.

MAYOR: Is there an additional cost for this?

CHIEF DOWNS: No.

TERRIE: Where you are providing service to the county and unincorporated areas, can you bill them?

CHIEF DOWNS: Yes, those living in Zones 3 and 4. The proposal is to charge them the same amount we are all paying. For those outside of that area, we would charge a state of readiness fee. I was told by the county they are okay with the fire fee but not the readiness fee. We are working with first responder groups in the outlying cities such as Lewiston, Trenton, Cornish, Newton, and Clarkston. If they help us, we will help them. The county is doing nothing in the unincorporated area right now.

MAYOR: It is not fair the south cities are getting paid by the county and the north cities are not. My argument all along has been to be consistent with everyone. We knew long term we would have to adjust our budget to get in line with what Smithfield and Hyde Park are paying. Nobody should pay more or less than the other cities. Richmond has always paid our share and been responsible.

CHIEF DOWNS: We did an informal study. The communities west of us across the hill are paying about \$40 per person. One of the cities in the south end is paying \$15 per person plus supplying fire and first responder assistance. North Logan is paying around \$90 per person. Providence is around \$60 per person. We feel good at \$32 per person. We have a full-time staff on site at all times. We now have paramedics on staff. Richmond receives more calls than Lewiston where Richmond has a larger population. Recently, we had as many as three or four calls of service at the same time. We are looking at getting cardiac monitors in Lewiston, Trenton, Clarkston, and Newton. We would incorporate this into what they are doing. They can use the device to stabilize the person until we arrive on scene.

TUCKER: It is interesting to review the call volume.

CHIEF DOWNS: We have incorporated those from the Richmond department who wanted to be involved. Fire hydrants were tested last year. We found some issues. It is good for the staff to be in the city and see where things like fire hydrants are located. We are also trying to educate as we go.

MAYOR: I appreciate the relationship. So much has changed in the 15 years I have been serving. Since our contract was created, there has been a lot of growth and progress. We appreciate the Smithfield City council and mayor.

CHIEF DOWNS: It was nice to meet with the mayors of Hyde Park, Smithfield, and Richmond to see where we wanted to go with this program. The addition of Lee's will be big for this city.

TERRIE: I was very impressed watching your staff respond to the house fire north of my home.

CHIEF DOWNS: When the departments came together, we had a tender, and you had a tender. We got rid of the Smithfield tender and purchased a ladder truck. If not for the joint agreement, we could not have purchased that vehicle.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 2021-05, A RESOLUTION TO INFORM THE STATE OF UTAH WATER QUALITY BOARD OF ACTIONS TAKEN CONCERNING THE MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT FOR 2020.

JEREMY: This should have been done in April, but I forgot about it. This is a yearly requirement. The report is complete. Once the Resolution is adopted by the council, the report will be sent to the state.

A motion to adopt Resolution 2021-05, a Resolution to inform the State of Utah Water Quality Board of actions taken concerning the Municipal Wastewater Planning Program Report for 2020 was made by Terrie, seconded by Lyle, and the vote was unanimous.

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga

No Vote: None

PUBLIC HEARING ON AMENDMENTS TO THE FISCAL YEAR 2021 BUDGET WHICH IS THE PERIOD OF JULY 1, 2020, THROUGH JUNE 30, 2021.

JUSTIN: We will do some minor adjustments this month and then have a lot more as we come to the end of the fiscal year, next month. We are adding things like grants and correcting the finding from the last audit report. If you recall, we did not transfer enough funds from the General Fund to the Capital Projects Fund at the end of last year. Revenue increases total \$256,309. This includes increases to sales tax, mass transit tax, which is a pass-through tax,

library grants, fees, and sponsorship payments. The biggest item is using about \$109,000 of the fund balance to send to the Capital Projects Fund. Increases to expenses are for the new copy machine in this office.

MAYOR: Is it color?

JEREMY: Yes.

JUSTIN: The Park Community Center remodel, court attorney fees, mass transit tax, the Smithfield fire contract, and grants received by the library. Decreases are for fines paid to the state in behalf of the court as well as a reduction in Parks – Equipment. We elected to purchase a new lawnmower this year rather than a tractor. Water revenue would increase \$37,952 from connection and impact fees. Expense in the water fund would decrease \$5,033. Sewer fund revenue would increase \$17,228 from impact fees. Expenses would increase \$3,467 for insurance, sewer line cleaning, and gasoline/propane. The cost of propane has skyrocketed. Capital Projects Fund revenue would increase by \$199,500 which is \$200,000 from the General Fund and a decrease of \$500 in interest revenue. There are no proposed changes to the Cub River Sports Complex Fund. The budget will be adjusted again in June. The new budget will be adopted in June, as well.

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

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga

No Vote: None

The public hearing opened at 8:55 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 Terrie, seconded by Kelly, and the vote was unanimous.

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga

No Vote: None

The public hearing closed at 8:55 P.M.

DISCUSSION AND POSSIBLE VOTE ON AMENDMENTS TO THE FISCAL YEAR 2021 BUDGET.

A motion to approve amendments to the Fiscal Year 2021 Budget was made by Terrie, seconded by Tucker, and the vote was unanimous.

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga

No Vote: None

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 2021-14, AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE, TITLE 12-000 “LAND USE, DEVELOPMENT AND MANAGEMENT (LUDMO)”, CHAPTER 12-500 “ADMINISTRATION”, PART 12-503 “REZONING OF LAND”.

JUSTIN: As part of the rezone review process with legal counsel, we were informed our municipal code on rezones is very outdated. The existing code needs to be removed and new code added. The new code is very short and to the point. The biggest change is state law mandates the public hearing on a rezone request be held at the planning commission. There will no longer be public hearings on rezone requests at the city council meeting level. This Ordinance would bring our code into compliance.

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

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga
No Vote: None

The public hearing opened at 8:57 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 Cheryl, seconded by Lyle, and the vote was unanimous.

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga
No Vote: None

The public hearing closed at 8:57 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 2021-14.

A motion to adopt Ordinance 2021-14, an Ordinance amending the Richmond City Municipal Code, Title 12-000 "Land Use, Development and Management (LUDMO)", Chapter 12-500 "Administration", Part 12-503 "Rezoning of Land" was made by Terrie, seconded by Lyle, and the vote was unanimous.

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga
No Vote: None

INITIAL DISCUSSION ON PROPOSED ORDINANCE 2021-15, AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE, TITLE 12-000 "LAND USE, DEVELOPMENT AND MANAGEMENT (LUDMO)", CHAPTER 12-1000 "OVERLAYS", PART 12-1030 "MULTIPLE-FAMILY DWELLING UNIT OVERLAY "MF"", PART 12-1030-7 "ACCESSORY APARTMENTS".

JUSTIN: Last month, you asked the staff to create an Ordinance dealing with accessory apartments. The proposed Ordinance is ready for your review, input, changes, etc. The biggest change from our discussion last month was an accessory apartment request would not come before the city council for approval. An application has been created. Jeremy would review the application, and if all the criteria are met, he would approve the request. If the criteria are not met, the request would be denied. Tonight is just an initial discussion, and no vote will be taken. The Ordinance has been created to try and come in harmony with new changes to state code.

MAYOR: The Utah League of Cities and Towns has been instrumental in trying to help all cities with this issue.

CHERYL: Who can live in the home?

TERRIE: The property owner of the dwelling which is also the owner of record but resides in the home.

CHERYL: Sharik and I want to go on a church mission in a couple of years. Would we be able to let our kids live in the home and rent a portion of it?

TERRIE: Yes, it allows for that when there is an extended absence, as long as the city is notified.

MAYOR: This took some time to create. It is giving the residents of the city an option. Some concerns were brought to our attention in this regard, and we are addressing them. I like the Ordinance as written. I recommend we bring it forward for consideration at a future council meeting.

LYLE: What happens if the accessory apartment has three bedrooms and the owner wants to rent each bedroom to a separate person? Do we need to specify something in the Ordinance in this regard?

TERRIE: The legislature stated a person could rent the dwelling to a family or individual but not to a group of non-related people. This is specified in state code.

MAYOR: We could always make a reference to state code, if needed.

TERRIE: The state changed the definition of family, as well. State code specifically states renting a bedroom to different people in an accessory dwelling is not allowed.

CHRIS: The application states only one family or person will occupy the apartment.

CHIEF DOWNS: I would change approval from "building official or fire chief" to "building official and fire chief" on the application.

MAYOR: Let's bring this Ordinance before the council next month for consideration.

MONTHLY FINANCIAL REVIEW WITH DISCUSSION AND DECISIONS, AS NECESSARY.

JUSTIN: There is one significant change to the new budget. The original proposal included items in the Fire Department such as fuel, vehicle maintenance and repair, and supplies. Those items are now included in the Smithfield fire contract amount moving forward. I will remove those items from the budget which will show an expense decrease. We received \$33,833 in sales tax revenue last month. Mass Transit revenue and expense for March and April totaled \$9,259. Local Road tax received in April totaled \$3,441, and year to date we have received \$39,940. The library received a preschool grant in the amount of \$3,799. Black & White Days sponsorship revenue was \$4,400 through the end of April and \$9,050 as of today. More sponsorship revenues are still coming in. We have some interesting information on Black & White Days. Revenue from the horse pulls in 2019 totaled \$1,730. This year revenue totaled \$4,486. There were 197 runners in the Cow-A-Bunga race. In 2019, there were 125 runners. I talked to Craig Harris, and he said there are around 125 to 135 cows which come on a yearly basis for the cow show. This year, there were over 200 cows. The horse pulls had six light weight teams, five middle weight teams, and twelve heavy weight teams. That is the most heavy weight teams ever in one year.

COUNCIL MEMBER REPORTS

TERRIE: The trails survey had about 400 responses. We are going to meet the first week of June to decide how to proceed. I think forming a group will be the next step. The Cache Valley Transit District is looking at how to connect trails to transit district starting points.

MAYOR: I was contacted by Lee Lower of Lower Foods. They are going to be doing some cement work at the old seminary building and need to know what needs to be done to help relocate the bus stop to their side of the road.

TERRIE: I will contact Todd Beutler tomorrow and let you know.

MAYOR: There might be some city sidewalk work and other items completed as part of this project as well.

TUCKER: Currently, the North Cache transit stop is on the north side of the road. Since the route has been reversed, the transit stop is being relocated to the south side of the road on 600 South.

TERRIE: The transit district has changed their service routes to every 90 minutes because of a lack of drivers.

TUCKER: When will the property tax rate public hearing be held?

JUSTIN: On August 17th which is our regular council meeting date. The intent is to hold the rate the same again this year like we have done the last few years.

MAYOR'S REPORT

MAYOR: Kelly, thank you for all you did with Black & White Days. So many people were excited to be outside. It was so refreshing to be out in the community. I saw a lot of people I had not seen in a long time. So many people were appreciative the event was held. I am happy we could all get together. Is anyone opposed to a firework show at the conclusion of the city party? It was very popular the one time we did it in the past. We shot off the fireworks from the ball diamond area last time. We will have Chief Downs help formulate a plan.

CHIEF DOWNS: The blast radius is based on the size of the projectile.

MAYOR: I think we used three-inch shells last time.

CHIEF DOWNS: You will need 75 feet for every one inch of shell size.

TUCKER: What is the cost?

MAYOR: Last time, it was around \$3,000. I would guess maybe \$3,000 to \$5,000 this time. Tonight was a very spirited meeting.

TERRIE: There is nothing wrong with that. We discussed the item, voted on it, and moved on. It is politics the way it should be.

MAYOR: I want to mention how much I respect Terrie. We have our differences. I never want a council member to think if we disagree on something, their opinion is less valued. I feel that is critical. We have a very diverse council. Terrie and I have a great relationship even when we don't agree. I have tremendous respect for her. It is okay to have differences. I have learned I am not always right. This is my last few months in office, and I am okay with that because I know whoever takes over will do their part for the community. I appreciate everyone volunteering so many hours. Tonight was the conclusion of hundreds of hours of background work and research to get to this meeting where a decision could be made. Everyone brings a different opinion to the table which is so valuable for the community. Our next council meeting is on June 15th.

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

Yes Vote: Tucker, Peck, Crafts, Bair, Wierenga
No Vote: None

Adjournment at 9:24 P.M.

RICHMOND CITY CORPORATION

Jeffrey D. Young, Mayor

ATTEST:

Justin B. Lewis, City Recorder