

RICHMOND CITY COUNCIL

OCTOBER 19, 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, October 19, 2021. The meeting began at 6:30 P.M.; Mayor Jeffrey Young was in the chair. The opening remarks were made by Cheryl Peck.

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

City Recorder Justin Lewis and City Treasurer Christine Purser were also in attendance.

City Administrator Jeremy Kimpton and City Engineer Darek Kimball were excused.

VISITORS: Amber Ervin, Vance Smith, Diana Cannell, Esterlee Molyneux, Tracey Pharis, Brian Carver, Marian Fielding, Weston Bellon

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 14, 2021.

A motion to approve the city council meeting minutes from the September 14, 2021, City Council meeting was made by Terrie, seconded by Lyle, and the vote was unanimous.

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

No Vote: None

AUDIT PRESENTATION BY REPRESENTATIVES OF ALLRED JACKSON FOR FISCAL YEAR 2021 WHICH IS THE PERIOD OF JULY 1, 2020 THROUGH JUNE 30, 2021.

DIANA CANNELL: I have fantastic news. There are not any findings. Not many cities can say that. We tested around twenty state compliance areas. Some areas are tested yearly, and some are tested every three years. We test things like the unreserved fund balance, budget, and public meetings act. Usually, there is a problem with some of the requirements of the public meetings act. Well done! Thanks to Justin, Chris, and the rest of the staff for what they did to help us get through this. I am going to review some financial highlights. If you look on Page 17, you will see Assets increased about \$500,000. This is mainly from the CARES Act funding which was the biggest factor. On Page 18, you will see liabilities are down about \$215,000. Equity increased about \$700,000. Page 22 shows revenue was up about \$300,000. The CARES Act funding was a big portion of this. Expenses were also up about \$130,000. Page 26 shows the Water and Sewer Utility Funds. Revenue was down about \$20,000. Where you are on a tiered fee system, the decrease would be because of usage. As new users are added, it is expected the amount will increase. Expenses were down about \$95,000. The Water Fund is solid and in good shape. The Sewer Fund showed a deficit of \$174,000. I know this is a sensitive topic, but you are not covering your costs in the sewer fund.

MAYOR: This does not include the new sewer rate we adopted.

DIANA: Correct. It won't show up until the current year financials since the new rate went into effect in July.

MAYOR: Next year's numbers should be better.

DIANA: I hope you get to a breakeven next year which is better than a deficit.

TERRIE: Do these numbers include Depreciation Expense?

DIANA: Yes, which we know is a noncash item. Depreciation is covering future replacement cost.

MAYOR: This is a tough topic in a small community, especially where property tax values increased across the entire city this year. That was hard to absorb, and we knew the Sewer Fund was an issue as well.

DIANA: You need to be aware the Sewer Fund is running a deficit. Outside of the Sewer Fund, you had a very solid financial year. I am happy to discuss this report in depth with anyone who wants to review it.

MAYOR: We appreciate you being here and reviewing the annual report.

DIANA: Overall, you have done well the last couple of years.

MAYOR: We have made a big transition from the past. We have tried to digitize everything we do and get rid of the cases of paper files from the past.

DIANA: It is a delight to work with your staff. They respond so quickly. Not everyone is as up to date as Richmond in this regard. We receive everything electronically. It saves us time and saves you money because of that. It is one

reason your fee has not increased very much. You are always more than welcome to reach out to me throughout the year or as needed. If you have any bonding projects or need any other assistance I am here to help.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 2021-08, A RESOLUTION SUPPORTING WI-FIBER'S APPLICATION FOR UTAH BROADBAND ACCESS GRANT FUNDING.

MAYOR: I have been involved with fiber internet service in the valley for several years. I served on a broadband committee with Brian Carver several years ago.

BRIAN CARVER: I think we served on the broadband committee about seven years ago.

MAYOR: We have had a lot of conversations over time about fiber. Brian, please provide a background of what the state is doing.

BRIAN: In the 2021 legislative session which happened between January and March 2021, the legislature allocated \$50,000,000 through the Office of Economic Development in grant funding. The purpose is to expand access to fiber in rural communities. The definition of high-speed internet has been changed as well. It is now considered 100 Mbps upload and 20 Mbps download. Any speed under this is considered underserved. The standard used to be 25 Mbps upload and 3 Mbps download, but that has changed.

TERRIE: Mine at my house is currently 9.9 Mbps upload and 0.6 Mbps download.

BRIAN: To meet business, education, and home healthcare needs, more speed is needed. The average family of four with a laptop, Netflix, gaming on an Xbox, and a security system all being used at the same time needs at least 500 Mbps to maintain a good flow. The intent is to improve access to better speed around the state and meet the new standard of 100 Mbps upload and 20 Mbps download. We are hoping for a gig type speed. The grant is to incentivize expansion into rural areas. Something similar was done with electricity many years ago. The state is putting money in this program now and possibly next year.

TERRIE: I have read the administrative code and don't see where it specifies how much the monthly fee would be. Is that being addressed?

BRIAN: The state did not set a dollar amount goal. The information is required in the grant application which is being submitted. The application must include what the cost would be per month for a speed of 100 Mbps upload and 20 Mbps download.

TERRIE: I see there will possibly be a cap on the amount of data an account can use per month.

MAYOR: I will address that concern.

BRIAN: The provider must provide all of these estimates in the application. That is part of the scoring system for the project. Applications for up to \$7,500,000 can be submitted. I would expect only five or six applications for the entire state will be approved. Most likely, there will be two applications from our region submitted. The state is asking cities who could be served by this program to adopt a Resolution of support stating the program would help the city and its residents. In this case, Wi-Fiber is the grant applicant. They are a local company who would like to submit an application. They would submit an application which would cover Richmond, Lewiston, Cornish, Trenton, Amalga, Newton, and Clarkston as well as the county areas surrounding those cities and towns. I would expect an additional provider to submit an application as well. The state will review the applications and decide who to approve. The city supporting the Wi-Fiber application is not excluding other providers from submitting an application. This is not tying the city to any future involvement with Wi-Fiber either.

TUCKER: When they submit the application, does the proposal include how much of an increase in speed and access our city would have?

BRIAN: Yes. The entire project area must be included in the application. Every individual address which could benefit from this improvement would be included.

MAYOR: This is a very intense application. It is complex to apply. I have looked at the mapping. Xfinity has cherry-picked the areas they serve. They only picked the main corridors. They are not expanding locally. Look at 100 North for example. There is Xfinity service on all of the surrounding blocks but the service does not run along 100 North and there is not an option to get the service there. We allow Xfinity to be in the city, but they do not have an obligation to expand or grow. Their map shows they cover the entire city, but outside of a small grid, they don't offer any access. I am hoping this project will help all of the outskirt areas. A lot of people are struggling in regard to getting good service. This is one of the first grants I am aware of which allows for fiber or wireless internet improvements. This will help keep other providers in check with pricing as well. The proposals I have seen so far are about \$50 to \$60 per month for speed of 100 Mbps upload.

TERRIE: With a data cap per month?

MAYOR: No cap. At least none on a fiber connection. A gig of speed scenario would be around \$60 to \$70 per month and around \$100 a month if on a wireless service. At least from the models I have seen. This project would

help the entire community. It will bring competition to the city, and nobody would be left out. Everyone would have an option for good service.

TERRIE: I think it is ideal. A lot of work can be done remotely or from home. This would offer a big cost savings to some households if the broadband speed is really there.

MAYOR: It is being offered as an open ISP, so other providers could tap onto it. There is no cost to the city. This is not something the local communities have applied for in the past. If it doesn't get approved now, it can be applied for again in the future.

TERRIE: I support expanded broadband and quality. Not all of the service should be in urban areas. Rural areas should be serviced as well.

MAYOR: There is the possibility some towers would be placed on city-owned property, as trees can be a problem blocking signal from wireless connections.

KELLY: The word "no" needs to be removed in the second to last paragraph as it is a typo.

A motion to adopt Resolution 2021-08, a Resolution supporting Wi-Fiber's application for Utah Broadband Access Grant Funding to expand high-speed internet access in underserved rural communities amending the Resolution to remove the word "no" from the following sentence: "Whereas the State of Utah, Governor's Office of Economic Opportunity no provides a Broadband Access Grant to provide financial assistance to underserved communities; no let it be" was made by Terrie, seconded by Kelly, and the vote was unanimous.

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

No Vote: None

DISCUSSION WITH REPRESENTATIVES OF CAPSA ON OCTOBER BEING DOMESTIC VIOLENCE AWARENESS MONTH.

HENRY SHAW: I work for the education portion of CAPSA. October is domestic violence awareness month. We are going before all of the local city councils. We are spreading awareness. I would like to provide some statistics which are from the COVID-19 timeframe. The statistics are from July 2020 through June 2021. There were 1,670 people served. Telephone calls answered totaled 8,392. There were 284 people sheltered. Those involved in casework totaled 1,465. There were 424 therapy sessions, and 67 families were helped with transitional housing. Transitional housing is helping a survivor and their children. The education portion of what we do is working hard on prevention. We have increased what we do because of COVID-19. There were 700 presentations in in the valley, and over 14,000 people participated. We are trying to manage the increase in numbers the best we can. We just expanded our building in Logan. Additional offices were added, and more employees have been hired to help. This extra help will help us serve the extra number of cases coming in. There will be an open house on Friday, October 29th at 11:00 A.M., and you are invited to attend. You can ask questions and tour the facility. You can see what we do in person.

TUCKER: What is the timeline for those in transitional housing? How long does it take to get a survivor back to normal life?

HENRY: The emergency shelter is usually used for up to 30 days while we find stable housing for the family. In some cases, we have to help with those who have been financially abused by getting people's credit scores and other financial matters taken care of, so they can qualify. In some cases we have helped families for up to two years. Case workers work hand in hand with people. We help them rebuild their credit, get a job, and find suitable housing.

MAYOR: We appreciate CAPSA and the service they offer. We wouldn't have a good community if we didn't have a place like this where people care. You are the heart of the community when friends or family have a situation occur. It is a very emotional and difficult time for people. I remember to this day seeing a woman running down the road in front of my house crying. We were able to take her to Logan and get her settled in with help from your staff. She didn't know anything about CAPSA. The community needs to be aware of what is offered. I am a believer in donating and helping your cause because of the help and service you give back. The number of cases show help is needed.

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST FOR APPROVAL OF THE FINAL PLAT FOR THE AFS LEE'S RICHMOND SUBDIVISION, AN (8) LOT/UNIT SUBDIVISION LOCATED AT APPROXIMATELY 150 NORTH 200 WEST. ZONED HC (HIGHWAY COMMERCIAL).

JUSTIN: Tonight is final plat approval. There are not any changes from last month. Once the final plat is approved, they will come in for a conditional-use permit and business license. They needed the plat completed where the grocery store conditional-use permit is tied to a specific location.

MAYOR: People are asking if this project will ever happen. It is a big process to get it approved. We don't deal with this type of a request in the city very often.

A motion to approve the Final Plat for the AFS Lee's Richmond Subdivision, an (8) lot/unit subdivision was made by Lyle, seconded by Tucker, and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON THE CONDITIONAL-USE PERMIT REQUEST BY ESTERLEE MOLYNEUX TO OPERATE THE SOULFULL CAFÉ, A DRIVE-THROUGH AND DINE-IN EATERY, AT 196 WEST MAIN. ZONED HC (HIGHWAY COMMERCIAL).

JUSTIN: As you know, last month Esterlee and Tracy came in and got approved for a dine-in eatery. Since that meeting, they have worked out a deal with property owner, Paul White, to utilize some different areas for parking. The new request is to allow a dine-in eatery as well as the drive-through eatery. The parking would be on the north side of the building and then to the east of the two homes to the east. The distance is less than 500 feet as required in the code. The Planning Commission reviewed the request and recommended approval. They have applied for a sign permit, and that is not part of this discussion. It is a separate application and will go before the Planning Commission next month.

ESTERLEE MOLYNEUX: Thanks for discussing with us last month other possible solutions to consider. On the north side of the café will be handicap parking as well as parking for those picking up orders. The main parking lot would be less than 500 feet to the east. It is not ideal, but it will work. We think the majority of our business will be drive-through. We will have separate employee parking in an area north of the first home to the east. Paul owns this area as well and agreed to let us have the employees park there.

TERRIE: Will you have a sign stating parking is available to the east?

ESTERLEE: Yes. We have already submitted our sign permit request, and it will be heard next month.

MAYOR: Thanks for working on this. In some cases you must be told no because of how the city code is written. We have a desire to support things which will add to the community. This was a good discussion with what you are proposing as well as our city owned corner to the south.

CHERYL: This is a better solution for your customers as well.

ESTERLEE: We appreciate your support in making this business a reality.

A motion to approve the Conditional-Use Permit request for the SoulFull Café a drive-through and dine-in eatery located at 196 West Main was made by Lyle, seconded by Kelly, and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY VANCE SMITH FOR APPROVAL OF THE PRELIMINARY PLAT FOR THE KNOLLS SUBDIVISION, PHASE 1, A (37) LOT/UNIT SUBDIVISION LOCATED NORTH OF 615 CHERRY CREEK PARKWAY. ZONED RLD (RESIDENTIAL LOW DENSITY).

MAYOR: This is the Preliminary Plat for Phase 1. The Final Plat will eventually come back to the city council for final approval.

TUCKER: The request was reviewed by the Planning Commission this month. There were some housekeeping items they requested. As far as I am aware, they have been taken care of. They recommended approval. Each phase of the subdivision will be reviewed and approved separately.

WESTON BELLON: I work with J-U-B Engineers. I am substituting for Darek tonight where he is out of town. I have some notes on this phase. Lot 84 in the southwest corner is a storm water retention pond. The notes on the plat state this. The city will not own the retention ponds in the subdivision. I was told the preference of the city is to not own these ponds. They will be either privately owned or part of a Homeowner's Association. The municipal code requires the lot lines to be perpendicular. Lots 14, 15, and 16, as proposed, are not perpendicular. It is up to the council if they want to allow this or not. They are big lots ranging from 0.69 to 1.21 acres. They are not small lots. I think it can be said the spirit of the law has been met in how it is proposed. The code does say perpendicular.

MAYOR: Are there any frontage issues?

TERRIE: These three all have the required frontage.

WESTON: The remainder parcel in the northeast should be labeled on the plat as non-buildable.

MAYOR: It is good to clarify and record these things, so there are not any questions. What is the take of the council on the three lots which do not have perpendicular lot lines?

TUCKER: Where they are such large lots, I don't have a concern.

CHERYL: I agree.

JUSTIN: You need to make a determination tonight, so the final plat can be drafted correctly.

TERRIE: I think the lots are big and I don't have a problem with how they are proposed.

CHERYL: It would require a lot of work to make changes to the proposal. I support the three lots as designed.

LYLE: Will Lot 84 support the storm water for Phases 1 and 2?

VANCE SMITH: Yes.

*****A motion to approve the Preliminary Plat for The Knolls Subdivision, Phase 1, a (37) lot/unit subdivision was made by Terrie, seconded by Tucker and the vote was unanimous.***

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY VANCE SMITH FOR APPROVAL OF THE PRELIMINARY PLAT FOR THE KNOLLS SUBDIVISION, PHASE 2, A (15) LOT/UNIT SUBDIVISION LOCATED NORTH OF 615 CHERRY CREEK PARKWAY. ZONED RLD (RESIDENTIAL LOW DENSITY).

WESTON BELLON: I don't have any comments on this phase. It is very straightforward.

TUCKER: I don't have any concerns either.

CHERYL: Does the road connect on the north and the south end?

TUCKER: Yes.

A motion to approve the Preliminary Plat for The Knolls Subdivision, Phase 2, a (15) lot/unit subdivision was made by Tucker, seconded by Lyle and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY VANCE SMITH FOR APPROVAL OF THE PRELIMINARY PLAT FOR THE KNOLLS SUBDIVISION, PHASE 3, A (34) LOT/UNIT SUBDIVISION LOCATED AT APPROXIMATELY 900 NORTH STATE STREET. ZONED RLD (RESIDENTIAL LOW DENSITY).

WESTON BELLON: There are legal description issues with Lots 61, 62, 64, 65, and 67. The legal descriptions do not close (inaccurate/incomplete) like they are supposed to.

MAYOR: Once this is fixed, it will come before the city council.

JUSTIN: Vance will get the plat corrected, and it will be reviewed by the city council next month.

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MAYOR: Vance, thanks for your willingness to work with us. There is a lot going on with this, so thanks to Vance, J-U-B Engineers, and our staff for working on this and getting it to the city council to review.

MONTHLY FINANCIAL REVIEW WITH DISCUSSION AND DECISIONS AS NECESSARY.

JUSTIN: There are 1,554 registered voters in the city. Voters can mail their ballots as long as they are postmarked Monday, November 1st or before. Any ballot postmarked Tuesday, November 2nd or later will be rejected. Ballots can be dropped off in the ballot drop box until Tuesday, November 2nd at 8:00 P.M. At that time the drop box will be locked. I was able to tour the county election facility today. It is quite a process. I think you should be aware of the process. The ballots are collected throughout Cache Valley and all taken to one specific room at the county building. The ballots are then sorted, so they can be processed. The tab on the back of the envelope is removed to expose the signature. A machine then compares the signature on the ballot versus the signature on file. The rejection rate of signatures, on average, is around 1.00%. The county then tries to contact the voter with the non-recognized signature. After the signature is verified, the ballot then goes to a ballot removal machine. The ballot is slit across the top, so the ballot can be accessed. Air is pushed into the envelope to open it up exposing the ballot. The ballot is then removed. Ballots are then taken to a ballot counting machine where the votes are tallied. Every ballot is scanned, and a copy is saved. If the machine does not recognize how a person voted, the ballot is sorted into an area where it is manually reviewed. The software sorts and calculates the ballots for each city. On Election Night, preliminary results will be posted around 9:00 P.M. Official results will not be posted until the election canvas at the November 16th city council meeting. Please keep in mind, the November 2nd results are preliminary. There are a lot of ballots in the mail which will still be counted after November 2nd as long as they are postmarked correctly. The county has a very good process down, and I was thankful for the tour. The county is happy to work with us. We will continue to use their services for elections in the future. In regard to financial information, we received \$36,932 in Sale Tax Revenue. The first allocation of Class "C" Road Funds for the fiscal year was received in the amount of \$20,309. The new backhoe finally arrived in September and was paid for at a cost of \$20,069. We trade in and get a new backhoe every other year. The cost is split 1/3 to water, sewer, and the general fund. Through the end of September, the amount spent on the City Party totals \$7,933. Richmond City has paid its annual \$10,000 allocation to the Cub River Sports Complex Fund. Lewiston City will be paying their \$10,000 allocation soon.

COUNCIL MEMBER REPORTS.

The council did not have any additional comments or questions.

MAYOR'S REPORT.

MAYOR: Over my fifteen years of serving, I have saved a couple of letters. I would like to read one now that I just received.

Mayor Young read a letter from Angela Martin telling him to repent for all of his sins or fear the Wrath of God for his transgressions.

JUSTIN: My understanding is that letter was sent to every mayor in Cache Valley.

MAYOR: In my fifteen years I have seen some odd things like this come along. There are challenges that come in. There will always be people who don't know you and don't like you.

MARIAN FIELDING: Is the letter from someone in town?

JUSTIN: No.

MAYOR: You will never make everyone happy. These people just care that you align with the extreme measures they believe in. Our council has high morals. I am glad we have working relationships with those in the community. I am so grateful for those currently serving and those willing to run for office. I am grateful people are willing to get involved. There will always be different scenarios to deal with. Your opinion is valuable. I hope everyone knows their opinion matters. I hope the community recognizes this.

JUSTIN: Since Election Day is Tuesday, November 2nd, the Planning Commission meeting scheduled for that day will be rescheduled to Tuesday, November 9th. The city council meeting will be on its regularly scheduled date of Tuesday, November 16th. The annual employee city Christmas Party will be held on Friday, November 19th.

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MAYOR: We have always done the Christmas Party in January. This will be our first time in November. I am glad for that change this year. I am happy we can get together this year as a couple of us are going out of office and new people will be coming into office. It is exciting for those who are elected and a time to reflect for those going out. I was scared when I got elected. I was scared of the first people I served with. I became friends with all of them, and it was a privilege to work with them and all the others I have served with.

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

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

No Vote: None

Adjournment at 7:41 P.M.

RICHMOND CITY CORPORATION

Jeffrey D. Young, Mayor

ATTEST:

Justin B. Lewis, City Recorder