THE STATE OF UTAH
COUNTY OF SEVIER
CITY OF RICHFIELD

At the City Council
In and For Said City
October 13, 2026

Minutes of the Richfield City Council meeting held on Tuesday, October 13, 2026, at 7:00 p.m. in the Council Chambers of the Richfield City office building located at 75 East Center, Richfield, Utah. Mayor Bryan Burrows presiding.

1. OPENING REMARKS
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. MINUTES APPROVAL
5. CONFLICT OF INTEREST
6. BUSINESS
   a. Lisyanskaya appeal
   b. Garfield agreement
   c. Addendum Pioneer Lane
   d. Drive-through
   e. Library Piers
   f. Ordinance 2026-8
   g. Budget Amendment
7. OTHER BUSINESS
8. COUNCILMENT

1. **OPENING REMARKS** Kip Hansen offered the opening remarks.
2. **PLEDGE OF ALLEGIANCE** Brayden Gardner led the pledge.

ROLL CALL **Present: Brayden Gardner, Kip Hansen, Andrew Chappell, Kendrick Thomas, Mayor Bryan Burrows (Not voting) (Not voting), Financial Director Rob Jenson (not voting), City Administrator Michele Jolley (not voting). Kevin Arrington excused.**

Also, in attendance, Michael Snow, Tyson Hansen, Stefanie Anderson, Katie Torgerson, Greg Torgerson, Galina Lisyanskaya, May Anderson, Michael Anderson, Shontae Hatch, Jason Harwood, Trent Lloyd, Keith Mogan and David Anderson.

3. **MINUTES APPROVED** - Consider a motion to approve the minutes of the meeting held on September 22, 2026. **Motion:** Approve the minutes of the meeting held on September 22, 2026, **Action:** Approve, **Moved by** Kip Hansen, **Seconded by** Kendrick Thomas.
   Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).
   Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen. Excused: Kevin Arrington

4. **CONFLICT OF INTEREST - No conflicts noted.**
5. **BUSINESS**

   a. Consider an appeal from Galina Ivanovna Lisyanskaya on a potential property maintenance enforcement action on her property located at 390 West 500 South.

   Zoning Administrator David Anderson provided a summary of what led to the appeal to the City Council. The City received a complaint in July, at which point Anderson conducted an inspection and found the weeds, refuse and overgrown nature of the yard to be in violation of City ordinances. He sent a letter notifying Lisyanskaya of the violations. Anderson said in the spirit of full disclosure, Lisyanskaya is in his church ward. Her bishop has been working with Anderson to help coordinate a ward cleanup of the property. The ward did complete one evening's worth of cleanup, at which point Lisyanskaya told her bishop that she didn't want any more done to the yard. Another inspection was conducted, and it was determined the yard was still not in compliance, and a second letter was sent in September, which led to tonight's hearing with the City Council, which is her right as

provided by the City code. He provided pictures of what the property looked like the Friday prior to the meeting.

Councilmember Chappell asked about other complaints, specifically if another complaint had been received.

Zoning Administrator Anderson said he has not received one, but that the property was not in a condition that would prevent future complaints.

At Lisyanskaya's request, Anderson passed some pictures to the Council and read the following statement:

PART 1 - OPENING Good evening, Mayor Burrows and Members of the City Council. Thank you for giving me the opportunity to speak today about my property at 390 West 500 South. My name is Galina Ivanovna Lisyanskaya. I respectfully requested this hearing because I want to understand the City's concerns and work with the City to resolve them in a fair and practical way. I am not here to fight with my neighbors, and I am not here to fight with the City. I want to cooperate. I want my property to be clean, safe, useful, and a good part of our neighborhood. I respectfully ask the Council to listen to the facts, the history of the property, the photographs I have brought, and the work I have already done. I also ask the Council to give me clear instructions about anything that still needs to be corrected. Thank you for listening to me.

PART 2 - MY GOOD-FAITH EFFORTS Over the past several months, I have worked very hard to improve my property. I have physical limitations, and I walk with a cane. Because of this, I cannot always work quickly. But I continue to work as much as I am physically able. I have cleaned areas of the property. I have removed unnecessary materials from under the carport. I have created and improved walking paths and the entrance to my home. I have cut grass along the fence near the sidewalk. I have trimmed branches from trees and shrubs. I trimmed the mulberry tree branches that were extending over the sidewalk. I removed five elm trees that were near the power lines. I have removed dead branches and worked on cleaning the vegetation. I have also worked on the areas around my chicken facilities and garden. My family, friends, church members, grandchildren, and other helpers have helped me when they were able. I am grateful for their help. I have also ordered wood chips for the back yard. The purpose is to cover the soil, reduce weed growth, and improve the condition of the property. The delivery is still pending. I respectfully ask the Council to consider all of these good-faith efforts. I am not refusing to maintain my property.

PART 3 - THE WEEDS AND VEGETATION I understand that the City has concerns about weeds, dead vegetation, and the general condition of some areas of my property. I do not want to ignore these concerns. I am willing to correct problems that are identified by the City. However, I respectfully ask the City to identify each specific problem clearly. I would like to know: What exact plant or vegetation is considered a violation? Where exactly is it located? What City Code section applies? What exactly does the City want me to do to correct it? I believe this information will help me cooperate with the City much more effectively. I also respectfully ask the Council to consider the difference between unwanted weeds and plants that I intentionally grow as part of my garden and food-producing property. My goal is to maintain a productive garden and improve the property. understand that intentional gardening does not excuse weeds or unsafe conditions. am willing to remove vegetation that the City specifically identifies as prohibited or hazardous. I simply ask for clear identification so that I can do the right work.

PART 4 - THE CHICKEN COOP I would now like to explain the history of the chicken coop

because this is an important part of the City's notice. The chicken coop and the garage were already on my property when I purchased the property many years ago. As I remember the property at that time, there was open space behind the garage and the chicken coop before the neighboring fence was installed in its current location. Approximately nine years ago, my former husband built an enclosed chicken run extending from the existing chicken coop. There were no objections about this for many years. In April 2024, the neighboring fence was removed and later a new fence was installed immediately next to the garage and chicken coop. I have photographs from the earlier period. These photographs may help show the historical condition of the property. I respectfully ask the Council to look at these photographs before making a conclusion about this issue. I also respectfully ask the City to clarify exactly what structure it considers to be at issue. Is the City referring to the original chicken coop? Is the City referring to the enclosed chicken run? Or is the City referring to both? I would also like to understand how the property line was determined and how the three-foot distance was measured. If a measurement was made, respectfully ask: From what point was the measurement taken? To what point was it measured? Was the property line independently verified? I am asking these questions because I want to understand the City's position accurately. I am not refusing to cooperate.

PART 5- THE FENCE I would also like to explain the history of the neighboring fence. The fence that existed previously was removed in April 2024. After that, a new fence was installed immediately next to my garage and chicken coop. This changed the physical space between my structures and the neighboring property. I have photographs showing the earlier condition. I respectfully ask the City to consider these photographs. I am not asking the Council to make a decision about my neighbor's intentions. I am asking only that the physical history and the actual location of the structures and property line be considered. If there is a question about the exact property boundary, I respectfully ask that the City explain what information it relied upon. I would also appreciate knowing whether there are records concerning the location or approval of the current fence. I want to avoid making accusations against anyone. I simply want the facts to be clear.

Anderson said the fence was a replacement, so there was no building permit issued for it. He then continued reading from the written statement:

PART 6 - MY HEALTH AND MY ABILITY TO WORK I would also like the Council to understand my personal circumstances. I have experienced serious health problems, and I have physical limitations. I walk with a cane. I am still trying to remain independent in my own home. I do not want to abandon my property. I want to take care of it. I work slowly and carefully. When I cannot do something myself, I ask family, friends, church members, or helpers for assistance when they are available. I am asking the City for reasonable consideration of the amount of time that physical work may take for me. I am not asking to be exempt from reasonable City requirements. I am asking for a reasonable opportunity to comply with them.

PART 7 - MY REQUEST FOR CLEAR INSTRUCTIONS I respectfully ask the City to give me clear written instructions after this hearing. For each issue, I would like to know: First, what is the exact violation? Second, where exactly is it located? Third, what section of the City Code applies? Fourth, what exact action is required? Fifth, what deadline does the City consider reasonable? I believe this will prevent misunderstandings. I want to know exactly what I need to do. I want to do it correctly. And I want to continue improving my property.

PART 8 — MY REQUEST ABOUT THE CHICKEN COOP Regarding the chicken coop, I respectfully ask the City not to require me to remove anything until the City has clearly identified the exact structure, the exact measurement, and the exact legal requirement that

applies. If the City believes that the structure does not comply with a current requirement, I respectfully ask whether there are other possible ways to bring it into compliance. For example, if the City believes that a modification, relocation, or another change could solve the problem, I would like to understand those options. I am willing to discuss reasonable solutions. My goal is compliance and cooperation.

PART 9 - LANGUAGE ASSISTANCE I would also like to respectfully address the language issue. Russian is my primary language. I can communicate in English to some extent, but I do not speak English well enough to be confident that I will understand every legal or technical statement at this hearing. I was told that the City may not be able to find or pay for an in-person Russian interpreter. I was offered telephone or online translation. I appreciate the City's effort to find a solution. I am willing to use available language assistance. However, respectfully ask that the interpreter or translation service allow communication in both directions. I need to understand the City's questions and statements. The City also needs to understand my answers accurately. If I do not understand a translation, I respectfully ask for the statement or question to be repeated slowly or provided in writing. My purpose is not to delay the hearing. My purpose is to make sure that the City and I understand each other correctly. I believe this is important because we are trying to work together to improve and maintain my property and our neighborhood.

PART 10 — MY FINAL REQUEST Mayor and Council Members, I respectfully ask you to consider the complete picture. have lived at my property for many years. I have worked on my property for many years. I have planted and maintained a garden and food-producing plants. I have removed trees and branches when necessary. I have cleaned the property. I have improved walking areas. I have worked to reduce weeds. I have ordered wood chips to continue improving the ground. 1 have asked other people to help me because I cannot do all physical work quickly by myself. I am willing to continue. I am willing to cooperate. I am willing to correct specific problems that the City identifies. But I respectfully ask that the requirements be clear, specific, reasonable, and provided to me in writing. I also ask that the Council consider my physical limitations and the time necessary for me to complete the work. I do not want conflict. I want a peaceful and practical solution. I want to take care of my home and property. I want to be a good neighbor. And I want to cooperate with the City. Thank you very much for giving me the opportunity to speak. Thank you for listening to me. May God bless our community.

Mayor Burrows asked about the complaint on the chicken coop because it has been there a long time. Anderson said the complaint was that it is attached to the neighbor's fence. But code chicken coops are supposed to be at least 25 feet from any neighboring residence and at least three feet off the property line, the same with any other accessory building. He said he didn't know if it was there prior to 2016 when the City first made chickens legal to have.

Councilmember Hansen said the pictures Lisyanskaya provided did not illustrate that the fence had been moved when it was replaced.

Anderson said he is not as concerned with the chicken coop as he is with the weeds and overgrowth of vegetation.

Councilmember Hansen said the pictures show several easily identifiable noxious weeds. Another concern is the bind wee, commonly called morning glory, in the yard, which while no noxious is a nuisance as it puts out a large amount of seed which is distributed by rodents and birds and becomes an issue for neighboring properties. It's a big problem that needs to be controlled through some type of chemical control. It's very pervasive. There is

also a type of thistle in the yard.
Amanda Molinari, resident, asked why the neighbor built the fence up to the chicken coop and is now complaining. Councilmember Hansen said the old fence was in the same spot, so when they built the new fence it appears it was built up to that point. Most of the time neighbors will talk about these issues and sharing costs. The line of the fence didn't change.
Mayor Burrows asked if they used railroad ties to build the new fence. It appears it's just 4X4s.
Councilmember Hansen said the yard's condition creates a place to harbor vermin. It's actually a service to property owner to make them clean it up. It's not going to be a one and one project, it's going to be a project that extends into next year.
Councilmember Chappell asked what is considered reasonable to the City. Anderson replied that it needs to be in a condition that it is no longer a nuisance to the neighbors. The City doesn't want to do abatements and does whatever it can to avoid abatements. The City's goal is to keep neighbors from becoming nuisances to each other. The City can't make someone have a perfectly manicured lawn, but it can compel people to have yards that don't drag down the value of a neighborhood. The weeds, dead vegetation and overgrowth cut back to a point that it's not a nuisance.
Councilmember Chappell said in his mind it's tough to know what is reasonable.
Molinari said that Lisyanskaya is intentionally working on a permaculture in the yard and there is food and herbs in every corner of the yard. There should be a little reduction in the biomass, but Molinari said she learns new things from Lisyanskaya all the time. She's growing fig trees that produce fruit, which is unheard of in Utah. Molinari claimed she is also a master gardener. She said she has helped with the yard as well, but also works a fulltime job. She is dedicated to assisting Lisyanskaya. She has a great permaculture plan. The end goal is to have the food production. While she may not want some of the weeds, the undergrowth is helping that fig tree live. The growth needs to be there to support the permaculture aspects of the yard. They do not want any spraying because Lisyanskaya is eating from it, and so is Molinari. Molinari claimed that she helped put together a permaculture plan and that there is genius behind it. They set out flags to allow people to know where she is growing specific things, such as fruit trees she is growing from seed. Trying to preserve the things she is growing. She asked for more specific direction.
Councilmember Chappell suggested since there isn't a defined garden area, the onus should be put back on Lisyanskaya to define what needs to be saved and then clear out everything else. Perhaps then a 30-day, and then 60-day plan could be implemented.
Molinari said Lisyanskaya's study of permaculture emphasizes minimal trenching of soil, adding more biomass and composting.
Councilmember Hansen asked if permaculture yards generally look like this yard. Molinari said no, she needs a little more help with the manual labor aspect. It got ahead of her.
Zoning Administrator Anderson asked what explanation should be given to neighbors when an appraiser gives a lower appraisal value of a home because of the appearance of the yard is dragging down the appearance of the neighborhood. It can't be answered through saying this is permaculture. Anderson directed Molinari's attention to a photo in the side yard, which showed a Chinese Elk being cultivated with bricks around it. Why are Chinese Elms being cultivated? Molinari responded that these are the exact specifics.
Anderson asked if he could have a Utah State University professional to come to the property with himself and do an evaluation of what is in the yard, define what has to go and what is beneficial. The USU professional will know more about the plants than

Anderson or Lisyanskaya. Some of the species of weeds don't just go away.
Mayor Burrows asked if the permaculture portions of the yard could be pulled back four feet or so from the neighbor's yard. He asked about the types and number of fruit trees.
Lisyanskaya said she grew many of the trees from seeds including an apricot and they are gifts from God. She said she after returning from a church mission, her grass was dead. She saved the trees and made the yard more fertile.
Councilmember Hansen said even in natural landscaping plans, they are not opposed to cutting things back to provide fire breaks. It would provide some protection for the neighbor's property.
Zoning Administrator Anderson said this property is zoned in a residential zone, not an agricultural zone. That comes with certain expectations of what the property should look like. Anderson said he is not in favor of telling people what to do with their property, but the City is in the business of addressing legitimate complaints. He pointed out that while they are saying every plant is of value, last year the front yard was completely full of white top, which is a noxious weed the Forest Service spends hundreds, perhaps thousands of hours, each year spraying because of its toxicity to animals.
Molinari said when she had bare dirt, it causes Lisyanskaya a lot of distress. She is trying to make the yard more fertile. There is a lot of attachment to the things growing in the yard.
Molinari said she would love to coordinate with the USU and the City in identifying the problems so they can be removed. Molinari said some of the vines she suggested removing are according to Lisyanskaya, edible and beneficial. There is a little bit of misunderstanding, maybe if that is on the list.
Zoning Administrator Anderson said the USU expert would be able to identify what is beneficial in a more objective manner than Lisyanskaya or himself.
Councilmember Chappell asked what seems reasonable.
Lisyanskaya said some plants may seem bad, but her chickens eat it, so it's good. She can also put stuff in the compost if it's not beneficial as food.
Councilmember Thomas asked about the nature of the complaints. Anderson said it's the appearance, the effect on the property values, on the neighborhood, the weeds infiltrating other yards and the possible vermin concerns. This property is bordered by two very well-maintained yards. This property is chaotic and if some order were brought to the chaos, it may help address complaints.
Molinari said she was trying to get Lisyanskaya to move in that direction. But growing the food everywhere for the chickens has a benefit.
Councilmember Hansen said that creates another problem. Anything a chicken will eat is desirable to rodents, and will attract vermin. That's a public health concern, they carry disease, such as hantavirus.
Anderson said he is happy to do whatever the council wants him to do as far as the time frame goes.
Councilmember Thomas asked what an abatement would consist of. Anderson explained that two years ago, Lisyanskaya had hundreds, perhaps thousands of pounds of pine tree branches brought on to the yard with the idea that they would compost and help her soil. The problem is that pine tree branches take decades to decompose. The City initiated an abatement at that point, with the main focus of removing all the pine tree clippings. It also cleaned up the weeds. The neighbors would like if the City could AstroTurf the yard, but that's exceeding the mandate the City has for property maintenance.
Molinari asked to be notified when the City and USU do the evaluation of the property.
Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kevin Arrington, Kip Hansen.

Motion: Grant the appeal with the condition that the property be cleaned up in coordination with USU and the City within 60 days, **Action:** Approve, **Moved by** Andrew Chappell, **Seconded by** Kip Hansen.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen.
Excused: Kevin Arrington.

b. Consider an agreement with Brad Garfield to postpone the collection of impact fees until his first unit sells.

Zoning Administrator Anderson explained this agreement is to correct a process mistake. The City doesn't issue zoning permits without first collecting impact fees. He took responsibility for the mistake in that the zoning permit was signed off prior to the impact fee. This agreement is not setting a precedent, but correcting a mistake. Mr. Garfield said he didn't know about the impact fees and that he would have incorporated them into the loan. However, now the units are finished and awaiting water meters. This agreement would allow him to have water meters and them pay for the impact fees once one of the units sells.

Councilmember Hansen said the impact fees are by statutory and he is not in favor of allowing water meter placement unencumbered by the impact fee.

Anderson said that is the reason he worked with the City's legal counsel to draft this agreement so that it does bind Garfield to paying the fees. This is a way to correct that.

Councilmember Hansen said the impact fees are not hidden and anyone in that business would be able to find them.

Councilmember Gardner said he would like to see verbiage added to the agreement that would require payment of the fees upon any type of occupancy, not just the sale of the units. Gardner said be believes they have been listed.

Councilmember Chappell said there should be a deadline, whether they sell or not, 90 days after the sale of the units the fees need to be paid.

Anderson stated that 90 days may be too onerous depending on the state of the market currently. Gardner said 180 days would be more reasonable, but no occupancy is allowed without payment of the fees. Councilmember Chappell agreed that it is cleaner to tie to 180 days.

Councilmember Hansen asked if Garfield would be signing the document. He also expressed a dislike of this and doesn't want this to set a precedence. Anderson said he agreed, but this is to correct an error. Hansen said he understands, but he feels that part of a developer's due diligence is to be aware of these types of fees. Anderson said he does have documentation that Garfield is aware of impact fees on a different project.

Motion: Approve this agreement until the first unit sells, a unit is occupied or 180 days, whichever comes first, **Action:** Approve, **Moved by** Andrew Chappell, **Seconded by** Brayden Gardner.

Vote: Motion passed (**summary:** Yes = 2, No = 2, Abstain = 0).
Yes: Andrew Chappell, Brayden Gardner.
No: Kendrick Thomas, Kip Hansen.
Excused: Kevin Arrington.
Tiebreaker: Mayor Burrows cast the deciding vote in favor of the motion. He said he felt Garfield should have some grace because there is not documentation that he was aware of impact fees.

c. Consider approving an addendum to the Development Agreement for TGAP/Pioneer Lane.

Mayor Burrows asked if this agreement is just changing the names on the ownership of the Pioneer Lane project. Zoning Administrator Anderson said the name is changing, and this addendum is also correcting the plat number, which was incorrect on the original development agreement. From the City's perspective the entity that owns it isn't really important, just that it's built to the approved standard and conditions, which is appears to be meeting at this point.

Commissioner Hansen said asked about the change and the names added to the agreement. Tyson Hansen, representing the project, stated that a construction loan was taken out in a different name, so this cleans it up. The other names were always part of the mix, but they didn't all sign the original agreement. This addendum is needed to get the HOA established.

Motion: Approve this agreement addendum as presented, **Action:** Approve, **Moved by** Kip Hansen, **Seconded by** Brayden Gardner.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen. Excused: Kevin Arrington.

d. Planning Commission Report. Commission Chairperson May Anderson was present to discuss the planning commission meeting held October 7. She said a public hearing was hosted on the proposed amendment to the City code concerning flag lots. There were no comments on the proposed amendment.

There was an application to operate a dealership outdoor storage approved on Annabella Road at the old Dogberry facility. The condition placed on it was that there would be no parking of vehicles for sale outside of the fenced area. Next Carlee Thomas requested a conditional use to move her massage business to her home at 555 W 200 North, a C-1 use in an R1-10 zone. That request was also approved on the basis of 4-5 clients a day.

Shantel Kesler requested a conditional use to run a hair styling business out of her home at 257 West 100 North a C-1 use in an R1-10 zone. This was also approved.

Clayton Hutchinson requested a conditional use to add a drop box window to his business My Package Guy at 310 South 100 East, a C-2 use in an CS Commercial shopping zone. Parking was pretty crazy. 59:50

This was recommended for approval upon the condition that the drop window be just that, and not require interaction with an employee that may back up the line. It was also included that the existing handicap spot be moved to the north so it can be preserved.

The commission also recommended the amendments to the flag lot portion of the code for approval.

e. Clayton Hutchinson to request a drive-through window for My Package Guy at 310 South 100 East, a C-2 Use in a Commercial Shopping Zone. **Motion:** Approve the drive-through window for My Package Guy at 310 South 100 East with the conditions the planning commission suggested, including moving the handicap stall to the south and that the window be a drop-off only facility, **Action:** Approve, **Moved by** Brayden Gardner, **Seconded by** Kendrick Thomas.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen.

Excused: Kevin Arrington.

f. Consider approving a proposal to install piers under the Library building, including the cost to remove and replace the front steps.

Councilmember Thomas said there is clearly enough movement to see it is causing some cracking and grout coming out of the joints. It may not be carrying a lot of weight, but the arch itself is very heavy, so it should be looked at and address.

Councilmember Hansen asked about the walls on each side of the steps. Those don't appear to be load bearing, Thomas said.

However, the gentlemen from Davenport said he feels those two walls are what's pulling on the front of the building. They are not attached to the steps, but are pulling on the front of the building. The steps have been replaced in the past, according to Administrator Jolley.

Mayor Burrows said this may not have to be done immediately, but the City needs to start preparing to address it.

Councilmember Hansen said the City has a responsibility to maintain the building because of its historical significance. However, this could provide an opportunity to address some ADA requirements. He suggested there may be a way to put in a ramp on the front of the building, and with the interior repairs needed, extend some type of ADA access inside as well. He wondered if there is some grant money out there to help rebuild that part of the library building.

City Administrator Jolley said one thing to keep in mind is if the City uses its own funds, it can proceed without having to meet regulations set by the state or federal government. Grant money would require the project to meet different requirements, which would likely drastically add to the cost of the project.

Councilmember Hansen said he would like to at least explore the concept.

Councilmember Thomas said the Community Development Block Grant would be the obvious place to look for grant funding for this project. He helped Beaver City with some ADA funding through the CDBG funding. Perhaps instead of steps, it may include a lift. There are ways to address it.

City Administrator Jolley said the City would have to wait until next year to qualify for CDBG funding.

Mayor Burrows asked about the depth of the proposed piers. They are 80 feet, however, if they have to go beyond 80 feet, it will increase the cost, Jolley said. Councilmember Thomas state it would be unlikely for them to hit bedrock in 80 feet. During the State Bank project, Thomas explained they went down 90 feet and didn't hit bedroom, but it the skin friction was sufficient to provide the support needed.

The less expensive of the two estimates proposed, $67,640, contains two less piers than the more expensive one, $82,800. There are more estimates from other contractors the City is waiting on, Jolley said.

Councilmember Gardner said he has a few other options to provide bids, as did Councilmember Thomas. Administrator Jolley said that would be appreciated. **Motion:** Table this item until more bidding information is available, **Action:** Table, **Moved by** Kip Hansen, **Seconded by** Andrew Chappell.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen.

Excused: Kevin Arrington.

g. Consider adopting Ordinance 2026-8 regarding connections and usage of surplus culinary, drinking water for agriculture, stock, or other uses outside of the City limits for purposes other than domestic dwellings for human habitation and related matters. There was a public hearing on this ordinance three weeks ago.

Mayor Burrows read the following letter from Lloyd Rickenbach into the minutes of the meeting:

Subject:
Richfield City Ordinance 2026-8 - Requested Amendments and
Request to Continue

Dear Mayor Burrows and Members of the Council:
I represent Greg and Katie Torgerson, who own property at 602 E. Annabella Rd. outside the City limits and receive stock water from the City's Annabella Road line.
I write on their behalf only, and I do not speak for the other outside-City users. The Torgersons pay their water bills every month. They want to work with the City on any concerns about their use, and they ask that this letter and its exhibits be entered into the record of tonight's meeting.
The Torgersons do not dispute that the City may regulate surplus water service outside its limits. Their concern is how the ordinance is drafted and how little warning affected users have had. Several provisions are unclear or lack basic safeguards, and each can be fixed with modest amendments. We ask the Council to make the changes below before adopting the ordinance. If the Council cannot do that at this meeting, we ask it to continue the item for one month so the affected users can review the text and comment.

1. Requested amendments
A. Effective date. The draft says it takes effect November 1, 2026.
Richfield City Code 2.04.100 provides that an ordinance does not take effect until the later of the 20th day after publication or the 30th day after final passage, unless the ordinance itself declares an emergency measure for the immediate preservation of peace, health, or safety. The draft has no such provision. Even if the Council adopts it at this meeting, the 30th day falls after November 1. We ask that the effective date be set to comply with the City Code and that publication be completed as required by that section and Utah Code 10-3-711.

B. Define "infraction" and require notice and cure. Section G directs staff to disconnect for use above 25,000 gallons in a month, then says that "more than one infraction" may justify disconnection. "Infraction" is not defined. We ask for written notice of any alleged overage, a 30-day period to cure, and a definition of what counts as a violation.

C. Exceptions for causes outside the user's control. Overuse can result from a leak, a failed float valve, a trough fault, meter error, or seasonal demand. The Council recognized at its August 25 meeting that stock use varies seasonally [confirm against the minutes]. We ask that documented causes of this kind not count against the user.

D. Measurement. We ask the Council to consider measuring use on an annual or seasonal average, or controlling use through the tiered rates in Section F, rather than a hard monthly cap backed by disconnection.

E. Appeal before disconnection. We ask for an appeal to the Council, or to a designated hearing officer, before any disconnection, with reconnection upon cure and payment of charges.

F. Reconnection. The application allows the City to refuse reconnection to "the Applicant or any affiliated person or entity." "Affiliated" is undefined and could reach family members or tenants. We ask that the permanent bar and the "affiliated" language be removed.

G. Rates. Section F does not match the figures presented on August 25 (a $21 base rate and charges of $33.60, $71.40, and $113.40 at 10,000, 20,000, and 30,000 gallons. It also refers to "residences for human habitation within City limits," which does not describe these users. We ask that the intended tiers be stated in a table and that the cost-of-service basis be identified.

H. Application form and liens. We ask the City to identify the statutory basis for the lien on the premises and for successor liability, and to define "any and all additional charges." The form should not require an applicant to acknowledge the City's legislative findings as a condition of service.

I. Reapplication and termination. The draft requires every existing user to reapply, with no deadline or transition period, and makes service terminable at any time. We recognize that City Code 13.04.020.A.4 already reserves the City's right to discontinue surplus service. We ask only for a transition period during which existing service continues, a reasonable reapplication deadline, and written notice before termination.

J. Drafting. The draft adds #13.04.020.H" but contains its own lettered subsections A through I, which makes citations ambiguous (for example, "H.A" and "H.G"). We ask that the numbering be corrected.

2. Notice to affected users

We do not assert that the City failed to meet the posting requirements for the September hearing. Our request is one of fairness. The ordinance affects about 13 identifiable users. The City has their addresses and bills them monthly, and a letter to each cost little. Mr. Torgerson first learned of the ordinance last week, after counsel located the August 25 minutes. Nothing from the City told him it considered his use excessive or set a limit, although his monthly bills show his use. Early notice of usage would let users find and fix leaks and valve failures before any enforcement is at issue.

We ask that each outside-City user receive written notice, a copy of the proposed ordinance, and a reasonable time to comment before the Council acts.

3. Background on the Annabella Road line

We do not claim the 2003 records create a contract. They do explain why the line exists and bear on how existing users should be treated. The 2003 minutes (Exhibits A-D) show the following:

March 2003 (Ex. A): the County's project would pipe the ditch, and the County asked the City to run a 3/4-inch line to supply livestock water "with the agreement that it would be strictly for the watering of livestock"

May 2003 (Ex. B): a 3/4-inch line was proposed to service the animals, "which will be

affected by the piping of the irrigation water."
October and November 2003 (Ex. C, D): a 2-inch line was chosen. Mr.
Farnsworth stated its purpose was solely stock watering and suggested float valves on troughs "to control the demand."
These excerpts suggest that the City itself designed the service as a replacement for the ditch and planned to manage demand with float valves. We ask the City to review its 2003 and 2004 records, including any agreement with the County and the owners' connection applications, before deciding what transition terms are appropriate for existing users.

4. Requests regardless of the Council's action
Provide the current text of the ordinance and the meeting packet to the undersigned.
Locate and provide the City's 2003 and 2004 records on the Annabella Road line.
Direct staff to meet with Mr. Torgerson, and any other affected user who wishes to take part, before the item returns to the Council.
Notify the undersigned of the date of any further consideration of the ordinance. A separate request under the Government Records Access and Management Act is being submitted.
The Torgersons reserve all rights.

Thank you for your consideration. We welcome the chance to resolve these points cooperatively.

Sincerely,
Lloyd Rickenbach,
Attorney for Greg and Katie Torgerson
Utah State Bar No. 09646
lloyd.rickenbach@gmail.com | (435) 201-7844

Cc: Eric Todd Johnson, Richfield City Attorney

Exhibits
Exhibit A: Council minutes, March 28, 2003, pp. 3-4, item 6
Exhibit B: Council minutes, May 27, 2003, p. 4
Exhibit C: Council minutes, October 28, 2003, p. 5, item 12
Exhibit D: Council minutes, November 11, 2003, p. 10, item 21
Exhibit E: Council minutes, August 25, 2026

Mayor Burrows asked what the City Attorney's advice was on the passage of this ordinance. The City Attorney advised that the ordinance should be passed tonight and changes could be made in the future if necessary, Administrator Jolley said.
Councilmember Hansen said the effective date has always been a moving target and can be easily fixed.
Mayor Burrows said that exceptions for causes outside a user's control are already accounted for in the City's policies. The rates concern is due to the discussion held when it was presented during the public hearing, the numbers were changed. The City's policy already allows for people to repair leaks and other issues. As far as asking for each user being individually notified, that's not something that's required.
Councilmember Gardner asked if there were any comments offered during the public hearing. There were none.

Resident Shontae Hatch said she has pasture land that could be affected by this and asked for something written notifying her. Mayor Burrows said the City would provide that. Hatch said it is a witch hunt against certain people. Mayor Burrows thanked her for her comment.

Councilmember Hansen said this has been going on for some time and there was a public hearing.

Hatch and Sevier County resident Greg Torgerson asked about personal notifications.

City Administrator Jolley said the law doesn't require a personal notification and the City is following the law.

Mayor Burrows said it's not an issue for the 13 people to get a notification. They are not in the City. Hatch asked why the City is doing this.

Councilmember Gardner said the City is providing a utility outside of its boundaries.

Mayor Burrows said this is the beginning of a process where the City will be raising water rates for all users in the future.

Hatch accused the City of building too many buildings and using up all the water.

Councilmember Hansen said the City is not obligated to provide municipal water outside of City limits. There are ways to do it. If people annex into the City, this is no longer an issue.

Greg Torgerson said the line was created in 2003 and the City is doing away with it.

Mayor Burrows said the City has the right to raise rates.

Councilmember Hansen said previous Council decisions from the past don't bind future Councils, the same as the current Council can't bind future Councils. They have to deal with the situation as it is today.

Torgerson asked what that situation is.

Councilmember Hansen replied that it is to take care of one of the City's most valuable commodities. It shouldn't be used for stock water to begin with, but due to the situation, it is being taken care of. This water belongs to Richfield City residents and needs to be protected in order to allow orderly growth.

Torgerson said that isn't the issue.

Motion: Adopt the ordinance as presented with the new effective date of December 1, 2026, and that notice of the adoption of this policy be sent out, **Action:** Council, **Moved by** Kip Hansen, **Seconded by** Brayden Gardner.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen.

Excused: Kevin Arrington.

h. Consider opening and amending the budget for fiscal year 26-27.

Financial Director Rob Jenson said the Utah State Tax Commission denied the proposed tax increase, so the budget has to be amended to remove that amount from the budget.

Councilmember Chappell asked why it was denied.

Financial Director Jenson said it was appealed multiple times, but it came down to the City hosting more than one meeting the night of the tax increase public hearing. **Motion:** Open and amend the budget for the fiscal year for 2026-27 and remove the tax increase, **Action:** Approve, **Moved by** Brayden Gardner, **Seconded by** Andrew Chappell.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen.

Excused: Kevin Arrington.

6. **OTHER BUSINESS** – Police Chief Lloyd said the Fall Festival seemed like it was very successful. It seems like the festival is getting better execution each year.
Councilmember Gardner asked if there was information on how many cell phones were in the area available. Lloyd said the County may have that. However, the Diesel in the Mountain had 4,000 the first night and over 9,000 the second, which was double what even the organizers thought. He will ask the county to pull the same info for the Fall Festival.
Keith Mogan gave an update on the 400 West reconstruction projects.
Financial Director Jenson said he and Fire Chief Dustin Anderson attended the CIB funding meeting to receive final approval for a new fire truck. He said the CIB would like to see the City be as shovel ready as possible for any projects it wants funded.
Mayor Burrows gave an update on the pool project.
Councilmember Chappell asked why the Fall Festival goes until 9 p.m. instead of 8 p.m. because he was asked the same question.
Councilmember Thomas reminded the Council about the lighting ceremony for the R on the west mountain. He said it is being run by a generator currently while the solar equipment is installed. There is also a plan to install a gate to give the site some added protection.

7. **ADJOURNMENT** **Motion:** Adjourn the meeting, **Action:** Adjourn, **Moved by** Brayden Gardner, **Seconded by** Kendrick Thomas.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).
Yes: Andrew Chappell, Brayden Gardner, Kendrick Thomas, Kip Hansen.
Excused: Kevin Arrington.