

THE STATE OF UTAH
COUNTY OF SEVIER
CITY OF RICHFIELD

At the City Council
In and For Said City
June 28, 2022

Minutes of the Richfield City Council meeting held on Tuesday, June 28, 2022,
at 7:00 p.m. in the Council Chambers of the Richfield City office building
located at 75 East Center, Richfield, Utah. Mayor Bryan L. Burrows presiding.

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|---------------------------------|-------------------------------|
| 1. OPENING REMARKS | 8. RECESS |
| 2. PLEDGE OF ALLEGIANCE | 9. RECONVENE |
| 3. ROLL CALL | 10. PURCHASE NEW COMPUTER |
| 4. MINUTES | NETWORK EQUIPMENT APPROVED |
| 5. PUBLIC HEARING - APPLICATION | 11. AMENDMENT TO AGREEMENT TO |
| TO THE CIB FOR CAPITAL | RENT OLD ELKS LODGE |
| FACILITIES MASTER PLAN UPDATE | APPROVED |
| 6. RESOLUTION 2022-11 ACCEPTING | 12. OTHER BUSINESS |
| THE CERTIFIED TAX RATE ADOPTED | 13. MEETING ADJOURNED |
| 7. BUDGET RESOLUTION 2022-9 | |
| ADOPTED | |

1. OPENING REMARKS were offered by Councilmember Hansen.

2. PLEDGE OF ALLEGIANCE was led by Mayor Burrows.

3. ROLL CALL. **Present:** Mayor Burrows, Brayden Gardner, Todd Gleave, Kip Hansen, Elaine Street, Tanner Thompson, Michele Jolley, Tyson Hansen.

Others present: Edward Nielson, Kylee McClure, Carson DeMille, Michelle Olsen, Trent Lloyd, and Keith Mogan.

4. MINUTES APPROVED. The Council reviewed the minutes of the meeting held on June 14, 2022. **Motion:** Approve the minutes of the meeting held on June 14, 2022, **Action:** Approved, **Moved by** Tanner Thompson, **Seconded by** Elaine Street. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes =

5). **Yes:** Brayden Gardner, Elaine Street, Kip Hansen, Tanner Thompson, Todd Gleave.

5. PUBLIC HEARING - APPLICATION TO THE CIB FOR CAPITAL FACILITIES MASTER PLAN UPDATE. At 7:07 p.m., Mayor Burrows opened a public hearing to receive comments on the City's application to the CIB to fund an update to the capital facilities plan for the water and sewer systems. Carson DeMille explained that we are pursuing money from the CIB to redo the water master plan and update the sewer master plan and incorporate all of them together including the impact fee studies. The water study will update the GIS and water model and go through growth projections as well. This plan has to be updated for the City to apply for funding. The grant through the CIB is a 50/50 match. We are applying for \$35,000 so the City will need to match the \$35,000. Because this application is less than \$50,000, it can be approved by the CIB staff and does not need to go before the Board.

Those present: Edward Nielson, Kylee McClure, Carson DeMille, Michelle Olsen, Trent Lloyd, and Keith Mogan.

No one from the public had any comments or questions, so Mayor Burrows closed the hearing at 7:09 p.m.

6. RESOLUTION 2022-11 ACCEPTING THE CERTIFIED TAX RATE ADOPTED. The Council reviewed Resolution 2022-11 setting the certified tax rate for the tax year 2022/23. Mayor Burrows noted that the tax rate is .001673. Mr. Hansen noted that this rate is down from the rate last year. Mayor Burrows clarified that this is the property tax rate. **Motion:** Adopt Resolution 2022-11 accepting the certified tax rate for the tax year 2022/23 at a rate of .001673, **Action:** Adopted, **Moved by** Kip Hansen, **Seconded by** Todd Gleave. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kip Hansen, Tanner Thompson, Todd Gleave.

7. BUDGET RESOLUTION 2022-9 ADOPTED. The Council reviewed the budget for the fiscal year ending June 30, 2023, and the amendments made to the budget for the fiscal year ending June 30, 2022. Mr. Hansen stated that the most significant change in the 2021/22 budget is that the fire truck will not be here before the end of this fiscal year. We did receive the necessary equipment, but the truck itself had some freight damage so it will be another 6 months before we receive it. He added \$230,000 to the new budget for next year, 2022/23, and noted that half of the cost of the truck will be paid for by the County. All of this will be paid for out of this year's budget. Mayor Burrows noted that we will

1 probably be opening and amending the budget because he anticipates the
2 need to increase the budget for fuel costs that he felt will continue to rise.

3 **Motion:** Adopt Resolution 2022-9 accepting the budget for the fiscal year
4 2022/23 and amending the budget for the fiscal year 2021/22 as discussed,

5 **Action:** Adopted, **Moved by** Elaine Street, **Seconded by** Brayden Gardner. **Vote:**
6 Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden
7 Gardner, Elaine Street, Kip Hansen, Tanner Thompson, Todd Gleave.

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10 8. RECESS. At 7:12 p.m., **Motion:** Recess to convene a Richfield Municipal
11 Building Authority meeting, **Action:** Recessed, **Moved by** Tanner Thompson,
12 **Seconded by** Brayden Gardner. **Vote:** Motion carried by unanimous roll call
13 vote (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kip Hansen,
14 Tanner Thompson, Todd Gleave.

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16
17 9. RECONVENE. At 7:18 p.m., the regular session of the Richfield City Council
18 reconvened.

19
20
21 10. PURCHASE NEW COMPUTER NETWORK EQUIPMENT APPROVED. The
22 Council reviewed an estimate of \$17,983.23 to update the City's computer
23 network equipment. Mr. Hansen stated that we have talked about this off and
24 on, but he recently attended a seminar where one of the presenters talked
25 about backups and things that affect the information that we have stored on
26 our network equipment.

27
28 Craig Curtis, who does our IT and has done it for years, gave Mr. Hansen some
29 information on why we should upgrade our system and what should be
30 updated. Mr. Hansen noted that Mr. Curtis also takes care of the School District
31 IT. If we were to lose data due to malware or ransomware it could be very
32 costly.

33
34 Councilmember Thompson asked if the update would store more of our
35 information in the cloud. Mr. Hansen stated that it would. Councilmember
36 Gardner asked if we are not currently backing up to the cloud. Mr. Hansen
37 stated that we are some physical backups that update every day, but other
38 information gets backed up weekly and some monthly because of our limited
39 storage capability. Our system is quite old-school. The new equipment would
40 be similar to what the school district has, so if we have issues we could retrieve
41 our information using their system in the event of an emergency.

1 Chief Lloyd has worked with Mr. Curtis on his system for the police department.
2 In his opinion, Mr. Curtis is very knowledgeable when it comes to IT and if he is
3 saying we should do this, then there is a reason he is saying that.
4

5 Councilmember Thompson felt that this is not like people cannot do their job
6 well because we have antiquated technology. This is if something were to
7 happen this is the trouble you would be in. With inflation and gas and as crazy
8 as things are, he felt that this is something that we can kick down the road a
9 year or two. There are other areas where \$18,000 could be used, especially this
10 year because of all the question marks and unknowns that we have.
11

12 Mr. Hansen noted that about a year ago we were having trouble with our
13 system. Everything was bogged down and nothing was running right. Mr. Curtis
14 looked into this and told Mr. Hansen that our server has been compromised and
15 the hacker was using our server to mine cryptocurrency. Mr. Curtis explained
16 that they were into our system but they did want to ransom our information.
17 They were just stealing our computing power.
18

19 Councilmember Hansen stated that we are also a business. He knew of
20 something that happened to Intermountain Farmers about a year ago. They
21 were locked out of their accounts payable, their inventory, point of sale, and
22 time clock; virtually their whole organization was forced to go back to paper
23 and pen. He does not know how it was resolved, but they had to scrap
24 everything and start over.
25

26 Mayor Burrows said if we break it down between our 6 departments, it would be
27 about \$3,000 per department. He does not think that is extreme.
28 Councilmember Hansen wondered what would happen if we disrupted one
29 billing cycle on our utilities. What would that do to us financially? He felt that
30 this is a real threat.
31

32 Councilmember Thompson asked where the redundancy is. Mr. Hansen stated
33 that he was not sure, but he could have Mr. Curtis explain it. Councilmember
34 Thompson noted that we already have backups, so what do we not have
35 backups for, so what would we lose?
36

37 Councilmember Hansen suggested that the bad guys are getting smarter and
38 faster and just saying we hope, we wish is probably not good enough. He does
39 not think we can be too careful and if it were \$70,000 compared to \$17,000 then
40 we would have a serious discussion. We spend \$20,000 on other things that are
41 probably a lot less critical than this issue. Mayor Burrows suggested one of those
42 things was fireworks and Mr. Hansen noted that we spent \$29,000 on fireworks.
43

1 Councilmember Hansen stated that until we have a problem, we just assume
2 that we are never going to have a problem and this would be an insurance
3 policy for us now. If we have not done any upgrades in this regard for more
4 than 5 years, then he believed we are in a pretty perilous spot. He thought this
5 should be seriously considered.

6
7 Councilmember Street stated that working for the School District and seeing
8 how often they update everything and seeing how quickly students can get in
9 and do things, \$17,000 versus some of the other things that we spend, she does
10 not think this would be a bad thing. She wondered about putting this out for
11 bid. She agreed that if we have not had an upgrade for 6 years, that is scary.

12
13 There was some discussion about the quote for the equipment only being good
14 for 10 days which would have been June 26, 2022.

15
16 **Motion:** Approve the purchase of computer network equipment assuming it
17 does not go above \$20,000, **Action:** Approved, **Moved by** Kip Hansen,
18 **Seconded by** Elaine Street. **Vote:** Motion passed (**summary:** Yes = 4, No = 1,
19 Abstain = 0). **Yes:** Brayden Gardner, Elaine Street, Kip Hansen, Todd Gleave. **No:**
20 Tanner Thompson.

21
22
23 11. AMENDMENT TO AGREEMENT TO RENT OLD ELKS LODGE DENIED. The
24 Council discussed amending a previously approved agreement to rent the old
25 Elks Lodge for \$800 a month and a request to reduce that rental price to \$400
26 per month. Councilmember Thompson declared a conflict of interest because it
27 is his business that was allowed to rent the building. He stated that the person
28 who was going to speak about this was not able to come. Councilmember
29 Thompson explained that before he was elected, the Council at that time
30 agreed to lease the building to a company he owns for \$800 a month.

31
32 Since then, Councilmember Street and Brady Edwards have been using the
33 basement for storage for Miss Richfield and recreation equipment. With the
34 amount of useable square footage being less, he asked the Council to consider
35 reducing the rent to \$400 per month.

36
37 Councilmember Hansen remembered when the Council agreed to the rental
38 and he wondered what date the rental payments started. Councilmember
39 Thompson stated that they have not been paying rent because they have not
40 started using the building, but they think they are ready to start in July. There has
41 not been a rental agreement signed yet.

42
43 Councilmember Street indicated that it was nice to have the basement of the
44 building to build props for the Miss Richfield set. There was some question as to

1 whether or not the business would use the whole building. Councilmember
2 Thompson stated that they probably would not use the whole building in the
3 short term, but long term it would be nice to have the option.

4
5 Mr. Hansen wondered what would happen if Councilmember Thompson moves
6 all of his stuff in there and someone wants to buy it and the Council decides to
7 sell it. It was noted that we would have the City attorney write the agreement
8 and a typical agreement we have usually states that either party can choose to
9 terminate the lease at any time with a 30-day notice.

10
11 Councilmember Hansen had some concerns about having different entities
12 using the building for storage. There would be a value to the things being stored
13 there and where we would have different people having the same access to
14 that building and access to other people's stuff and he sees that maybe being
15 problematic.

16
17 Councilmember Thompson stated that this was discussed and they had talked
18 about getting a separate entrance to the bottom with a lock on the door down
19 there and then just separating the staircase.

20
21 Councilmember Hansen recalled that the last time this was discussed, we had
22 not found a good public use for it at that time, but it sounds like in the interim we
23 have.

24
25 Councilmember Gleave asked if we pay rent on storage anywhere else. The
26 library and the police department have storage units. Chief Lloyd stated that
27 they put bikes in theirs and it fills up every year. Mr. Hansen noted that each of
28 them is about \$500 to \$1,000 per month. The library pays about \$250 a month.
29 Councilmember Gleave said that it sounded like they could be using the space
30 of storage as well. The City has a storage unit through Breinholts, but no one
31 knows for sure what was in it. We were also renting one at U-Haul for Miss
32 Richfield, but we are no longer doing that. Councilmember Street said that she
33 will find out what is being stored at the Brienholt storage units.

34
35 Councilmember Gardner wondered about having some language in the
36 agreement that if we were to sell the buyer could assume or honor the lease.

37
38 Councilmember Hansen asked if the Council approved the lease when
39 Councilmember Thompson would start renting the building. He indicated that it
40 would most likely be in July.

41
42 Councilmember Gleave asked when this was done the first time. It was thought
43 that this was done in November or December of last year. It was noted that Mr.
44 Edwards felt that the rental amount should not be reduced. Mayor Burrows

1 noted that at \$800 it would be \$3.12 per square foot for the upper floor. He
2 remembered there to be some liability issues in the last discussion.

3
4 (The actual agreement made with the prior Council was July 27, 2021.)

5
6 Councilmember Hansen wondered if this would need to be put out for bid.
7 Councilmember Gleave stated that since we made the first agreement the
8 Council has learned in training that we probably should put this out for bid.
9 Councilmember Thompson stated that initially it was sitting vacant and the
10 thought was to pay \$800 and the City would make \$9,600 a year that the City is
11 not currently making which was the logic. That logic still stands except for now
12 you are using one floor and at \$400 the City would be making \$4,800 a year.

13
14 Councilmember Hansen that while sitting in the same training that
15 Councilmember Gleave was talking about and what Councilmember Hansen is
16 basing this off of is that he has a School District-owned field and irrigation water
17 for that and it has been neglected and the last several years he has not used
18 any of the water and he has leased the water to other local farmers and
19 because it is publicly owned, they have to put it out and give people the
20 opportunity to bid on it. There are only about 3 people on that ditch that can
21 use that water, but he has to go through this process every year. He thought this
22 would be the same way because it is public property and the dollar amount is
23 not the issue as much as the principle of it. He does not know if anyone would
24 squawk about it. He stated that we probably should have gone through this
25 process then.

26
27 Councilmember Thompson stated that he currently has an agreement at \$800 a
28 month. If they went forward and did not ask for a reduced rate, how would we
29 proceed from here?

30
31 Councilmember Hansen stated that we have never consummated that
32 agreement. Councilmember Gleave stated that it has been since last
33 December and nothing has happened, so do we have an agreement? A
34 previous Council agreed to this. Councilmember Gardner wanted to know why
35 nothing has happened since December?

36
37 Councilmember Thompson stated that they have not needed the building up
38 until now.

39
40 Councilmember Hansen stated that the agreement had to be made before the
41 election because Councilmember Thompson was not on the Council.
42 Councilmember Hansen stated that from his perspective today, the Council
43 should not have made this agreement the first time. His position is that since we
44 do not have a valid contract in place and now we are finding multiple public

1 uses for that building that we have not considered, he would just as soon keep
2 pursuing that and use the building the best way we can ourselves and he would
3 just as soon not rent it to anyone.

4
5 Councilmember Gleave had a conversation with Councilmember Thompson
6 back before the agreement was made and Councilmember Thompson knew
7 what his stand was back then. They are friends, but Councilmember Gleave
8 was very uncomfortable with this arrangement when he was running for City
9 Council. Whether it was unethical or not, he does not care. He was
10 uncomfortable with it and now that he is on the Council he is uncomfortable
11 with it.

12
13 Councilmember Gardner stated that he knew nothing about the prior scenario,
14 but if there is an asset sitting there that without a lot of risk to the asset could
15 generate revenue, he thought it would make sense. He just ran some quick
16 numbers on a couple of storage facilities that he is involved with and it comes
17 out to be pretty close to average what we have been doing with storage
18 facilities.

19
20 Councilmember Gleave asked Councilmember Thompson to explain again
21 what he would be doing there and if he would truly be doing just storage or if he
22 is going to be working in the building. Councilmember Thompson stated it
23 would be 100% storage. He stated that there are 2 shipping containers on the
24 water from China right now and they fulfill everything out of their location on
25 Main Street, but these are overflow boxes that one or 2 times a week they may
26 go down there and pull from that when they run out of their stuff on Main Street.
27 There is no one working there and no one being there for more than about 30
28 minutes at a time and hauling the boxes back. He noted that the majority of
29 the stuff will be backpacks and duffle bags.

30
31 Councilmember Gleave asked if Councilmember Thompson is manufacturing
32 anything. Councilmember Thompson stated that he was not. Councilmember
33 Hansen asked if Councilmember Thompson would personalize this stuff or
34 embroider it. This is just a pass-through or a fulfillment business.

35
36 Councilmember Hansen stated that he was getting more and more
37 uncomfortable with this because there are private businesses that do this type of
38 thing and for us to be competing against those businesses adds to his
39 discomfort.

40
41 Councilmember Thompson stated that whatever the Council decides this would
42 not affect his relationship with any of them, so they should vote their
43 conscientious.

1 Councilmember Gleave asked Councilmember Thompson if he could provide
2 the City with a certificate of insurance with the City added as an additional
3 insured.

4
5 Since a previous Council approved this and he was a no at that time, the
6 Council went ahead and approved it at that time, so he would be okay but he
7 wants to see rent paid and an agreement signed immediately. He would say to
8 stay with the \$800 per month.

9
10 Mayor Burrows would like to have our liability insurer, Utah Trust, weigh in on this
11 to be sure that we are okay doing this.

12
13 Councilmember Hansen stated that we should have the City attorney look at
14 this because there might be another issue we had not thought about.

15
16 Councilmember Gardner does not have an issue leasing the facility, but he
17 wondered if it needed to go out to a bid process for transparency. He does not
18 think the lease rate is out of line.

19
20 Councilmember Hansen stated that he does not want to get tangled up as a
21 public/private, all using that same building and since we have already decided
22 that there is a public use for it and we are going to continue to find other ways
23 to use it. He does not know how they can amend a verbal agreement.

24
25 **Motion:** Since we have never consummated this as a formal agreement, rescind
26 the original verbal agreement to be null and void, **Action:** Rescinded,

27
28 Councilmember Gardner asked if we can just make the original agreement null
29 and void. Mayor Burrows noted that it was just a verbal agreement.

30
31 **Moved by** Kip Hansen, **Seconded by** Todd Gleave. **Vote:** Motion passed
32 (**summary:** Yes = 4, No = 0, Abstain = 1). **Yes:** Brayden Gardner, Elaine Street, Kip
33 Hansen, Todd Gleave. **Abstain:** Tanner Thompson declared a conflict of interest.

34
35 Councilmember Gardner stated that if the department heads determine that
36 they cannot use this building, he would be in favor of leasing the building
37 through a bid process. Councilmember Hansen stated that he realizes that we
38 are not in the business of rentals. He sees this as outside the realm of what the
39 City does.

40
41
42 12. OTHER BUSINESS. Councilmember Gleave has had some questions about
43 Villa 647. People on Main Street are concerned that what is happening is very
44 unfair to them and they want to see something happen. Chief Lloyd stated that

1 we have not dismissed the charges against him and it is still going through the
2 court system. Councilmember Gleave stated that it is the people who are
3 going through the right process and having to do all of the things to be
4 compliant, but they see someone else who is not going through the correct
5 process.

6
7 The Miss Richfield pageant turned out well. The girls were so nice to each other
8 and fun and they had a good time. Mayor Burrows stated that it was a very
9 nice program.

10
11 Councilmember Hansen visited with some people at Wingers who were here in
12 town for the mountain bike race. He had a nice discussion with them and
13 learned they were from Davis County. The gentleman and his wife and kids
14 enjoyed spending an afternoon on our Main Street and how welcoming and
15 inviting it is. He loved the planters. Councilmember Hansen thought that the
16 planters looked especially nice this year. He could not say enough good about
17 the 3 days that they spent here.

18
19 Mr. DeMille reported that he attended a trail conference in Cedar City last
20 week and people from all across the State were at this conference. Every
21 example they shared, and every scenario they discussed came back to
22 Richfield and what we have done here with the trails. He would not be surprised
23 if they hold their conference here very soon. Mayor Burrows knew that the
24 owner of the bike shop down there has been impressed with the bike trails and
25 promoted them. He and his employees have been up here and road them
26 quite a bit and they come up quite often. Mr. DeMille stated that it was
27 awesome to hear all of the positive comments.

28
29 Mayor Burrows understood that it is looking like we are going to get the funding
30 for the pump track. Mr. DeMille noted that we will have to apply for it, but we
31 should be able to get the rest of the funds we need to finish the bike trail and do
32 the pump track. He also reported that he had visited with the contractor and
33 they are getting back up even further than they thought. They were hoping to
34 get here in September thru October, so it may push us into the spring.

35
36 Mr. Hansen reported that we sold the old skate park equipment to Circleville for
37 \$675. The new equipment was supposed to be installed yesterday, but the
38 ramps are not here yet. They should be here Thursday.

39
40 Chief Lloyd contacted UDOT about having street lights that chirped for the
41 seeing impaired. They want to know the name of the person who reported this
42 because they will only install them in the area where they have someone who
43 uses it a lot.

1
2 13. MEETING ADJOURNED. At 8:14 p.m., **Motion:** Adjourn, **Action:** Adjourned,
3 **Moved by** Kip Hansen, **Seconded by** Elaine Street. **Vote:** Motion carried by
4 unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine
5 Street, Kip Hansen, Tanner Thompson, Todd Gleave.

PASSED and APPROVED this 12th day of July 2022.

Recorder