

THE STATE OF UTAH
COUNTY OF SEVIER
CITY OF RICHFIELD

At the City Council
In and For Said City
May 30, 2023

Minutes of the Richfield City Council special meeting held on Tuesday, May 30, 2023, at 7:00 pm in the Council Chambers of the Richfield City office building located at 75 East Center, Richfield, Utah. Mayor Bryan L. Burrows presiding.

1. OPENING REMARKS
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. MINUTES
5. EXPENDITURES
6. PUBLIC COMMENTS
7. PUBLIC HEARING - REZONE 1180 SOUTH COVE VIEW ROAD
8. DENIAL OF ANNEXATION LETTER FOR DALTON BOREN APPROVED
9. HEALTH INSURANCE PLAN FOR EMPLOYEES APPROVED
10. BUDGET OPENED AND AMENDED FOR THE FISCAL YEAR 2022-23
11. TENTATIVE BUDGET ADOPTED
12. ORDINANCE 2023-7 ADOPTED
13. ORDINANCE 2023-8 ADOPTED
14. ORDINANCE 2023-9 ADOPTED
15. OTHER BUSINESS
16. EXECUTIVE SESSION
17. RECONVENE & ADJOURN

1. OPENING REMARKS were offered by Councilmember Hansen.

2. PLEDGE OF ALLEGIANCE was led by Councilmember Street.

3. ROLL CALL. **Present:** Bryan Burrows, Brayden Gardner, Kip Hansen, Elaine Street, Kendrick Thomas, Tanner Thompson, Michele Jolley, Tyson Hansen.

4. MINUTES APPROVED. The Council reviewed the meeting minutes of May 9, 2023, and made the following changes. **Motion:** Approve the minutes of the May 9, 2023, meeting, **Action:** Approved, **Moved by** Elaine Street, **Seconded by** Kendrick Thomas. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kendrick Thomas, Kip Hansen, Tanner Thompson.

1 5. EXPENDITURES APPROVED. The Council reviewed the April 2023 warrants.
2 Councilmember Gardner asked about the retention payment for Hales Sand &
3 Gravel. Mr. Hansen explained that when we do large projects, they submit
4 partial pay requests, and a portion of it is held back or retained to ensure that
5 the project is completed the way it should be. When they finish, and the project
6 is closed out, we pay them any retention withheld. **Motion:** Approve the
7 warrants for April 2023, **Action:** Approved, **Moved by** Kip Hansen, **Seconded by**
8 Elaine Street. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes =
9 5). **Yes:** Brayden Gardner, Elaine Street, Kendrick Thomas, Kip Hansen, Tanner
10 Thompson.

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12
13 6. PUBLIC COMMENTS. No comments were made.
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16 7. PUBLIC HEARING - REZONE 1180 SOUTH COVE VIEW ROAD. At 7:12 pm,
17 Mayor Burrows opened a public hearing to receive comments on a request to
18 rezone this property from RM-11 (multi-family residential) to RM-24 (high-density
19 multi-family residential). Mr. Ryan Savage discussed the old Topsfield Lodge and
20 the request to rezone the property. He indicated that changing the zoning
21 would allow the property to be subdivided. Right now, the back portion of the
22 property is just a weed patch and will remain unused because of the density
23 requirement for RM-11 zones. Councilmember Thomas stated that the Planning
24 Commission thought it was a good idea to rezone the property because the
25 back half of the property would not be usable. Hearing no comments, Mayor
26 Burrows closed the hearing at 7:17 pm.
27
28

29 8. DENIAL OF ANNEXATION LETTER FOR DALTON BOREN APPROVED. Mr. Boren
30 owns property located at approximately 2330 East and 2600 North. The property
31 does not meet the requirements for annexation because it is not contiguous to the
32 City boundary. Councilmember Gardner wanted to know if this was so they could
33 get a building permit in the County. That was the case. **Motion:** Approve a denial of
34 annexation letter for Dalton Boren, **Action:** Approved, **Moved by** Brayden Gardner,
35 **Seconded by** Kip Hansen. **Vote:** Motion carried by unanimous roll call vote
36 (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kendrick Thomas, Kip
37 Hansen, Tanner Thompson.
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40 9. HEALTH INSURANCE PLAN FOR EMPLOYEES APPROVED. Our broker, GBS,
41 shopped insurance rates and plans for us as they do each year. This year they
42 came back with quotes from Select Health, who we are currently with; PEHP,
43 Aetna, and United Health Care. If we stay with Select Health, the individual
44 deductible will increase to \$3,000, and the out-of-pocket max will also increase. The
45 premiums went up almost 10%. PEHP came in very similar, with the premiums being

1 a little more than 10% for a similar deductible and max out-of-pocket. Aetna is one
2 of the big five insurance companies that have not typically provided insurance to
3 small groups. Their rate is significantly less than what our renewal would be.
4 Something to consider is that IHC is not in Aetna's network, but because we are a
5 rural area, there is a law that says they have to make IHC in their network. An
6 employee cannot go to an IHC facility only if they go up north.

7
8 The Council discussed offering a plan other than the high-deductible plan and
9 giving the employees a choice. This was a suggestion made by some of the
10 employees who have left. The premium for the lower deductible plan would be
11 more, so the employee would be given a choice, but they would have to pay the
12 difference in the premium.

13
14 Councilmember Street noted that she has insurance through Aetna and has been
15 pleased with the coverage. Councilmember Thomas stated that his employer offers
16 different plans. They pay based on the high-deductible plan premium, and it is
17 really nice as an employee to choose a plan that suits your needs best.

18
19 **Motion:** Approve Aetna as the health care provider for the next fiscal year and
20 offer the employees a choice of plans with the City paying the amount of the
21 premiums for the high-deductible HSA plan, **Action:** Approved, **Moved by** Kip
22 Hansen, **Seconded by** Brayden Gardner. **Vote:** Motion carried by unanimous roll
23 call vote (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kendrick Thomas,
24 Kip Hansen, Tanner Thompson.

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27 10. BUDGET OPENED AND AMENDED FOR THE FISCAL YEAR 2022-23. Mr. Hansen
28 explained the amendments that needed to be made to the fiscal year 2022-23
29 budget. He told the Council that the State limits the funds we can have in the
30 general fund. It used to be 25% of the total revenue, but recently they changed it
31 to 35%. We are currently over our legal limit in the general fund, transferring the
32 overage to the capital improvement fund.

33
34 The water fund shows the ARPA money that the City received. We spent a lot on a
35 variable frequency drive for the deep shop well and replaced some old lead water
36 lines. We have \$793,689 left of these funds that are in the general fund right now.
37 We need to transfer it to the water fund because we pledged it to pay the spring
38 project match.

39
40 Last year we added a lot of sewer infrastructure, and it caused it to underestimate
41 the depreciation quite a bit. Therefore, we need to transfer \$250,000 to our
42 operating expenses to cover the depreciation.

43
44 We need to amend the revenue in the refuse collection fund to \$384,810 and the
45 expenses to \$377,618 to balance that fund.

1 Councilmember Thompson asked if there are things that we could be doing with
2 those dollars to help generate more dollars. Are there investments we could make
3 in land acquisitions or other things that would be an investment? He recognizes that
4 we are earning interest on it, but is there something better we could do to see a
5 better return for the community in 10 to 15 years? Do we have enough surplus that
6 it would be okay to have money sitting in land or other investments? Mayor Burrows
7 felt we should keep our rainy-day fund maxed out because we do not want to run
8 short.

9
10 **Motion:** Open and amend the 2022-23 budget to include the changes discussed,
11 **Action:** Approved, **Moved by** Tanner Thompson, **Seconded by** Kendrick Thomas.
12 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden
13 Gardner, Elaine Street, Kendrick Thomas, Kip Hansen, Tanner Thompson.
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16 11. TENTATIVE BUDGET ADOPTED. The Council reviewed the budget, and Mr.
17 Hansen explained that he had not included the matching funds for the LWCF grant
18 to finish the new park on 500 East. Mr. Hansen also stated that we would like to
19 move an employee from part-time to full-time to help with the parks and the street
20 department in the winter. That is a change from the proposed budget. Mayor
21 Burrows noted that a bid for a sprinkling system at the new park was horrendous.
22 This employee would be responsible for installing a sprinkler system at the new park.
23

24 Councilmember Thompson wondered if we had more skilled labor and more
25 equipment, could the City be saving enough money to matter by doing some of
26 those projects rather than subbing them out?
27

28 Mayor Burrows stated that we have been doing some of that, but there are some
29 things that they cannot do because we do not have the equipment. He also noted
30 that we have brought a couple of extra people on because we will be losing some
31 employees, and there are certifications and training that needed to happen.
32

33 The Council again discussed truth and taxation this year to adjust the property tax
34 rate and increase water and sewer rates. Councilmember Thompson felt that it is
35 more palatable to raise it in small amounts relatively frequently than increase it in
36 large quantities. Councilmember Hansen attended some training where they
37 discussed that this needs to be part of the mode of operation because whatever
38 you miss is gone.
39

40 There was some discussion about using the prior years' surplus to balance our
41 budget of approximately \$650,000. This year we projected a little low. If we have
42 grown, our property tax rate will go down because we can only collect what we
43 have said we would collect. That is the lost opportunity that Councilmember
44 Hansen is talking about.
45

1 Councilmember Gardner is not very favorable to increasing taxes, but he likes that
2 if we are tapping into the rainy-day fund by \$600,000 and we could reduce that in
3 half by a slight property tax increase.

4
5 Councilmember Thomas asked how the City account for inflation. Mr. Hansen
6 stated that we do not. We hope that the sales tax revenue covers it.
7 Councilmember Thomas asked how property tax works and if it just goes into the
8 general fund. Then the general fund can be used for anything but sewer and
9 water.

10
11 Councilmember Hansen felt that it is irresponsible to the community to not at least
12 look at this every year. That does not mean that we have to do anything at that
13 point and time, but if we are not having that discussion every couple of years, then
14 it is not going to happen every couple of decades.

15
16 In the past, we have always scrimped and saved on our employees. The State and
17 County employees are getting 5% and 6% increases. We are projecting a 3%
18 increase for our employees. Councilmember Thompson stated that it is tough to
19 find a few good employees because of intense competition for them. To him, that
20 is a good place to put a rate increase towards being competitive and keeping the
21 best employees in Richfield City. Councilmember Gardner stated that we cannot
22 even recruit the best employees.

23
24 Councilmember Hansen thinks investing in employees is better than any
25 infrastructure to get a 20-year employee with a skill set contributing to those 20
26 years. What they make for the City in those 20 years is exponential.

27
28 Councilmember Gardner wondered when we would consider increasing water
29 and sewer rates. Mr. Hansen stated that we should do it sooner rather than later. He
30 indicated that he needed to make some projections.

31
32 There was some question about how our rates compare with other cities, but they
33 are not apples for apples. Some cities have a higher base rate and different rates
34 for different tiers, which makes it difficult to compare. We need the funds we need
35 to take care of our systems.

36
37 **Motion:** Adopt the tentative budget with the changes discussed, **Action:** Approved,
38 **Moved by** Tanner Thompson, **Seconded by** Kendrick Thomas. **Vote:** Motion carried
39 by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street,
40 Kendrick Thomas, Kip Hansen, Tanner Thompson.

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43 12. ORDINANCE 2023-7 ADOPTED. The Council reviewed an ordinance to define
44 shipping fulfillment companies and the proper zoning for these types of businesses.
45 The change would amend Table 31-2, Table of Uses for Non-Residential Zoning

1 Districts, as follows:

2

USE	D (DOWNTOWN)	C-S (COMMERCIAL SHOPPING)	C-G (COMMERCIAL GENERAL)	M-D (MANUFACTURING & DISTRIBUTING)	MG (INDUSTRIAL)
Shipping Fulfillment Company - A shipping fulfillment company is an organization that processes the receipt, packing, delivery, and return of customer orders for businesses. Shipping fulfillment companies enable businesses to outsource their order fulfillment, including goods in warehousing, pick and pack, and shipping and returns.	C-2	C-2	C-2	C-2	C-2

3

4 **Motion:** Adopt Ordinance 2023-7 defining shipping fulfillment companies and
5 allowing them and C-2 use in all commercial and industrial zones, **Action:**
6 Approved, **Moved by** Kendrick Thomas, **Seconded by** Kip Hansen. **Vote:** Motion
7 carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden Gardner,
8 Elaine Street, Kendrick Thomas, Kip Hansen, Tanner Thompson.

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10

11 13. ORDINANCE 2023-8 ADOPTED. The Council reviewed an ordinance defining
12 and allowing accessory support services in multi-family residential zones. The
13 ordinance would amend Table 31-3, Table of Uses for Residential Zoning Districts, as
14 follows:

USE	RESIDENTIAL ZONING DISTRICTS								
	F-1	RR-5	RR-1	R1-25	R1-10	R1-8	R1-6	RM-11	RM-24 (Amended by Ordinance 2021- 3, adopted February 2021)
Accessory Support Services - A type of accessory use that provides mental, occupational, behavioral, and/or social support services for residents in a primary building or buildings used solely for residential uses, including residential facilities for elderly persons or persons with a disability. Does not consist of separate, stand-alone clinics or other treatment facilities. Services to be offered only to residents of the primary building.	X	X	X	X	X	X	X	C-1	C-1

15

16 **Motion:** Adopt Ordinance 2023-8 defining and allowing accessory support services
17 in multi-family residential zones as a C-1 use, **Action:** Approved, **Moved by** Brayden
18 Gardner, **Seconded by** Tanner Thompson. **Vote:** Motion carried by unanimous roll
19 call vote (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kendrick Thomas,
20 Kip Hansen, Tanner Thompson.

21

1
2 14. ORDINANCE 2023-9 ADOPTED. The Council reviewed an ordinance allowing
3 accessory storage containers (shipping containers/Conex boxes) in some
4 commercial zones with restrictions. Councilmember Street stated that her brother
5 Blaine, who serves on the Planning Commission, was upset about this ordinance
6 being passed. Mayor Burrows asked what the consensus of the Planning
7 Commission was. Councilmember Thomas thought that most of them were okay
8 with it. Basically, it is meant to allow shipping containers on the commercial side.
9 There are restrictions as far as where it can be placed. There is a limit to the number
10 they can have on their property based on the property size. They will still not be
11 allowed in residential zones, so this is specifically for commercial zones. The
12 ordinance would be as follows:
13

14 **17.1730 Accessory Storage (Portable Storage Containers)**

15

16 1. Residential zones: No portable storage containers shall be permitted in any
17 residential zone with the following exceptions:

18 1.1. A portable storage container shall be allowed temporarily on an
19 approved driveway or in a side or rear yard for not exceeding ninety (90) days in
20 twelve months. No temporary portable storage container shall be placed or
21 located in a circulation aisle/lane, fire access lane, public utility easement, or
22 public right-of-way, including streets, sidewalks, and park strips.

23 1.2 If a building permit has been issued for the construction or remodeling of
24 a residence, then the container must be removed within ten days of the final
25 building inspection.
26

27 2. Commercial or Manufacturing Zones. The use of portable storage containers
28 in commercial or manufacturing zones shall be allowed as a conditional use (C-1)
29 with the following conditions:

30 2.1 Shipping and receiving merchandise and goods, provided that the
31 temporary portable storage container does not remain stationary for more than
32 thirty (30) consecutive days or more than ninety (90) calendar days in a calendar
33 year.

34 2.2 Storage of merchandise and goods (long-term) provided that the
35 portable storage container is not kept in the front setback area, designated
36 parking areas, fire access lanes, public rights-of-way, landscaping area, in an area
37 visible from the property's primary street or on parcels that are adjacent to a
38 residential zone. In addition, a portable storage container shall meet all other
39 setback requirements.

40 2.3 Storage for construction or remodeling purposes, so long as the period
41 of that use does not exceed one hundred eighty (180) days. The Planning
42 Commission may extend the 180-day requirement when a project is ongoing, and
43 a building permit remains valid.

44 2.4 As a C-1 use, each business property will be allowed one unit, with an
45 additional unit allowed for each additional acre or part of an acre, up to a

1 maximum of five units. (Exception: Businesses with a business license to sell and rent
2 off-site storage containers.)

3 2.5 A portable storage container shall not exceed the following standards:
4 width of eight (8) feet; length of no more than forty-one (41) feet; and height of
5 nine-and-a-half (9-1/2) feet.

6 2.6 Vertical stacking of portable storage containers and stacking of any
7 other materials on top of or around any portable storage container shall be
8 prohibited in all zones. The Planning Commission may approve an exception for
9 those commercial businesses with a valid license to sell portable storage containers.

10 2.7. Portable storage containers must be screened or painted to
11 complement adjacent structures. In addition, portable storage containers must be
12 in good repair, secured against unauthorized entry, and comply with health
13 regulations.

14 A portable storage container is not in a state of good repair when it cannot
15 be moved intact, holes in the container exist due to damage or rust, or it has been
16 infested with vermin or other pests.

17 2.8 Portable storage containers may not be used as a dwelling or living
18 quarters or for camping, cooking, or recreation at any time in any zone.

19 2.9 Portable storage containers larger than one hundred twenty (120)
20 square feet shall be regulated as any other building or structure.

21 2.10 A building permit is required for each container prior to placing or
22 moving the container onto the property and shall meet all setback and hold-down
23 requirements for the zones in which it will be located.

24 2.11 Portable storage containers shall be placed on a stable base as
25 required by the building permit department, such as railroad ties, 4 inches of gravel,
26 etc., to prevent the bottom of the container from rusting.

27 3. Penalty. A violation of this section is a class B misdemeanor and may be
28 enforced through criminal, administrative, or civil actions.

29
30 Councilmember Thompson is fine with this so long as it does not clutter up Main
31 Street or areas that tourists or people coming to town will see. Mayor Burrows
32 wondered what would happen if someone wanted to build a home out of Conex
33 boxes. Someone is doing this in the County. Councilmember Thompson thought
34 that it would have to be on a case-by-case basis. The ordinance is for accessory
35 buildings, which would not pertain to a home. Councilmember Hansen felt that this
36 was a good place to start. We may have to review and tweak it again, but we
37 have a good jumping-off point.

38
39 **Motion:** Adopt Ordinance 2023-9, allowing shipping containers (Conex boxes) in
40 commercial zones as stated above, **Action:** Approved, **Moved by** Kip Hansen,
41 **Seconded by** Brayden Gardner. **Vote:** Motion carried by unanimous roll call vote
42 (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kendrick Thomas, Kip
43 Hansen, Tanner Thompson.

1 15. OTHER BUSINESS. Councilmember Thompson asked where we were on the
2 Ville 647. We have notified the owner to start the property maintenance process.
3 He has 30 days from the date of the notice to respond. His engineers and architect
4 were here and met with Jason Mackelprang and visited the site. They agree with
5 Mr. Mackelprang that it needs to come down and start over.

6
7 Councilmember Gardner talked about dedicated hunters who wanted to do a
8 project to clean up and fix the shooting range. The State changed the rules, so
9 there is a rush to get this done before July 1, before it goes into effect. The
10 dedicated hunter coordinator would ask the City to give thumbs up, and a City
11 representative would be involved. He is willing to help. Mr. Hansen stated that the
12 archery range is also in disrepair. Councilmember Gardner noted that 6 to 8
13 dedicated hunters would like to work on the shooting range. They would like to do
14 this in the next month, and he would be happy to spearhead it and be involved.

15
16 Councilmember Gardner was also asked to spearhead the repairs to the archery
17 range and wondered if the City would contribute to that. He noted that Jorgensens
18 had donated everything that was there. He will look into this further.

19
20 Councilmember Hansen stated that he had his granddaughters over and the new
21 park and one of them told him this morning that they wanted to go back because
22 they really liked that junkie park. Mayor Burrows has heard a lot of good comments
23 about the playground there.

24
25 Councilmember Thomas has been helping some high school students to redo the
26 "R" on the hill. They have some good commitments for concrete and steel that
27 could bring the cost down fairly low. He wondered if the Council supported that if
28 he were to help push that along and get to a point where we know the final cost to
29 pursue something. Councilmember Gardner thought it was a great idea.

30
31 Councilmember Thomas wondered if the City was aware of some available FEMA.
32 There is a deadline tomorrow for any FEMA-related projects. He explained that they
33 cover more than just flooding. They also cover seismic renovations of buildings. He
34 was thinking about the library and the possibility of some seismic analysis and a
35 renovation of that building that could be looked at. It goes through a phased
36 process where first, you evaluate to determine what needs to be done, and then a
37 project comes later. It is a multi-year process to go through. There is a deadline
38 tomorrow to submit a letter of intent to FEMA, making you eligible to apply for
39 funding. The application is due in the fall sometime, so we would have some time to
40 determine if we want to do anything. The Council asked Councilmember Thomas
41 to write a letter of intent with FEMA.

42
43 Michelle Olsen that the library board is looking at a grant to look at the library's
44 foundation. She did not know if that would conflict, but she and Councilmember
45 Thomas will look at it and see the differences between the 2. The FEMA is

1 specifically for seismic rehabilitation, which could affect the foundation.

2
3 Mayor Burrows reported that he had a lot of good comments about the cemetery
4 and how it looked.

5
6 Carson DeMille reported on the Trails Forum that was held here. Many people at
7 that conference were impressed with the City and County's participation and
8 partnership in developing the mountain bike trails. They were also intrigued by the
9 fact that we used local high school kids to build and maintain the trails. There was
10 further discussion about the statistics showing the usage of the trails. Last year the
11 figures show that there were 12,000 trips to these trails.

12
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14 16. EXECUTIVE SESSION. At 8:52 pm, **Motion:** Adjourn to convene an executive
15 session to the purchase of property, **Action:** Adjourned, **Moved by** Kip Hansen,
16 **Seconded by** Brayden Gardner. **Vote:** Motion carried by unanimous roll call vote
17 (**summary:** Yes = 5). **Yes:** Brayden Gardner, Elaine Street, Kendrick Thomas, Kip
18 Hansen, Tanner Thompson.

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21 17. RECONVENE & ADJOURN. At 9:06 pm, **Motion:** Reconvene and adjourn
22 **Action:** Adjourned, **Moved by** Tanner Thompson, **Seconded by** Kip Hansen. **Vote:**
23 Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Brayden
24 Gardner, Elaine Street, Kendrick Thomas, Kip Hansen, Tanner Thompson. Purchase
25 of property.

PASSED and APPROVED this 27th day of June 2023.

Recorder