

SMITHFIELD CITY COUNCIL

MARCH 26, 2014

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, March 26, 2014. The meeting began at 6:05 P.M. and Mayor Darrell Simmons was in the chair.

The following council members were in attendance: Dennis Watkins, Barbara Kent, Kris Monson, Jeff Barnes and Brent Buttars.

City Manager James Gass and City Recorder Justin Lewis were also in attendance.

The opening remarks were made by Council Member Watkins.

VISITORS: David Barnes, Kelly Cannon (Herald Journal), Joni Black, McKadee Douglass, Jeff Strate, Eric Newell, Rob Dayton, Steve Baltzer

CONSIDERATION OF CONSENT AGENDA

APPROVAL OF THE MINUTES OF THE MARCH 12, 2014 CITY COUNCIL MEETING

After consideration by the council, the Mayor declared the consent agenda for the March 12, 2014 city council meeting minutes as approved.

RESIDENT INPUT

Jeff Strate came before the council to express his concern about the use of RDA funds for the building of the new library. Jeff stated he had been in communication with some individuals at the school district office and they told him that they don't have much of an interest in renewing the RDA agreement when it expires because the city is using RDA funds to help pay for the library project. Jeff expressed concern that using the RDA funds for the library project could hurt the city financially in the long run as the RDA might not be renewed.

Kris asked Jeff Strate if he had met with members of the school board? Jeff Strate stated that he met with the same people that the city staff met. Mayor Simmons clarified that the meeting occurred at the school district and Dale Hansen and Superintendent Norton were in attendance.

Jeff Strate stated it might have been Dale Hansen he met with and that there is a concern by the school district about this project. Jeff Strate stated he was not sure of the thoughts of the school board or whoever voted to approve of renewing the RDA but there is a concern with the school district staff about this transaction.

Kris commented that she thought it was interesting that the school district would be against a new library. Jeff Strate commented that they are not against a new library but are concerned

about using RDA funds to pay for the library. Lee's Marketplace was helped with RDA funds and the tax base increased according to Jeff Strate. The library project will not see an increase in the tax base and according to Jeff Strate is not a winning situation for the school district. No new funds will be generated by the library project and no new tax funds will be collected according to Jeff Strate. Jeff Strate said it is a personal concern of his as well and this project could lead to not having an RDA funds in the future.

DISCUSSION AND POSSIBLE VOTE ON APPROVING A NEW APPEAL AUTHORITY FOR THE CITY

Justin reminded the council that Brian Cannell was the appeal authority for the city but recently he had been appointed as a judge and was no longer able to serve as the appeal authority. Jim had done some checking with other communities and Paul Larsen, who has previous ties to Smithfield, is handling the appeal authority claims for some other local communities. Jim and Justin liked the idea of having someone that was seeing and understanding what was going on throughout other communities.

Justin read from city code 17-10-010 which states the appeal authority is as follows: "The authority to hear requests for variances from the terms of the land use ordinance, appeals from decisions applying the land use ordinances, and in other matters specifically described in this title shall be vested in the Smithfield administrative appeals hearing officer".

Justin informed the council there is a current appeal that needs to be resolved and someone needs to be appointed to deal with this issue.

Jeff asked how recent or when the last time an appeal was made? Justin stated that he was not sure but in speaking with Jim that he was not sure if Brian Cannell had ever heard an appeal in behalf of the city. The appeals are not very often and it had been many years since one was heard but there was a current issue that needs to be decided.

Brent commented that he knew Paul and he was favor of the approval. Dennis stated that Paul is a good man and qualified for the job. Brent thought this was the best option for the city and liked the idea that he was not located in the city so he could keep his personal views aside in rendering a decision. Dennis mentioned that Paul is well educated and has a law degree.

A motion to appoint Paul Larsen as the Appeal Authority for Smithfield City Corporation was made by Barbara, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 14-03, A RESOLUTION REGARDING MODIFICATIONS TO CEMTERY RULES

Justin reminded the council about the discussion at the last council meeting to change the number of days that flowers are left on new burials. The council decided to change from the current four day limit to a seven day limit. A resolution is required to make the proposed change official.

Justin asked the council to consider a couple of other possible changes as well. There have been some recent inquiries about the allowable height of headstones. Justin explained that he was concerned that a tall headstone on a small base could potentially fall and hurt or kill someone. Justin was also worried if the headstone fell and was damaged and nobody was around the family would expect the city to pay to repair it. Justin explained that in the instance of a death that the city would be sued as there was not really anyone else to sue if the people have already passed away. Justin informed the council that he had called communities from Salt Lake to Preston to see what height restrictions most communities have. Justin stated that Providence had a 36" height limit, one area in Salt Lake had a 48" height limit and all the rest that had a height restriction in place had used a 42" height limit.

Justin stated that he and Jim had went and measured the height of approximately 75 to 100 headstones and they averaged 28-32" tall. There were a few that were around 36". The Saxton family had one that is 48" tall. The Gossner headstone is approximately 48" as well.

Justin felt that a 42" height limit was a good balance and would still allow for quite a large headstone if someone chose to install one.

Justin also expressed a concern about statues and other items around the graves. Does the council want to consider a height limit on statues attached to headstones as well?

Justin also asked for clarification on flag poles. A request was being considered to allow for a flagpole. The rules currently do not say if it is or is not allowed. Justin asked the council to consider banning flagpoles as he did not think it was appropriate to have several flagpoles in the cemetery. Mayor Simmons asked if people were wanting to put the American flag, a family crest or something else on the flagpole? Justin said he was not sure but knew of other requests of this nature being made in other communities as well.

Jeff commented that there is a newer small fire fighter statue on a grave on the east side. Justin commented that statue would fall under the 42" height limit.

Barbara stated she was in favor of the seven day rule but not sure about the height rule or not allowing of flagpoles as they were fairly new ideas.

Mayor Simmons stated that if it was an American flag that it would need to be lit and have to have a power source and a power source could be a problem. Barbara commented that flag etiquette was to have the flag lit at night. The Mayor had concerns about power getting to the plots as well as in the way of future burials.

Jim cautioned the council that the more items they allow on the graves the harder they will be to maintain. Every item that is placed has to be trimmed around. In the eyes of some all of these extra items could be considered clutter and at that point there would be no order in the cemetery of what is allowed or not allowed.

Barbara asked about allowing items within the base of the headstone? Jim commented that area is only four feet wide. Jeff commented that most headstone bases take up the entire 48 inches.

Jim stated there have been requests for benches as well and most other cemeteries don't allow benches either. They are a maintenance concern as well; they get installed and used a few times and then never visited again in some instances.

Mayor Simmons stated he was in favor of the seven day rule change.

Jim informed the council that they could delay voting on the ideas until a future meeting and any current requests would have to wait until the rules or changed or left the same.

Brent stated after reviewing the rules that the current width and length requirements are in place but that the height limit needed to be discussed and he liked 42 inches. Jim stated that on a double grave the allowable width would then be 55 inches but keep the same overall height requirement.

Barbara expressed concern that this is such a sensitive issue and there are emotions involved in how people want the cemetery to feel while they are there.

Barbara liked the new seven day rule and thought the other concerns should be addressed at some point.

Dennis asked Justin if he knew the height of the Bob Saxton headstone? Justin responded that it is 48 inches and one of the tallest of all the newer headstones. There were some very old markers that were taller than that.

Jim stated that most of the headstones are 30 to 36 inches tall and the vast majority of the cemetery would fall under the 42 inch restriction. Jim stated that some of the rocks that were used for headstones are taller than that in some cases.

Jeff stated he liked the 42 inch height limit.

Barbara commented that the rules could be changed and then revised later on if needed. Jim stated that they are just rules and can always be modified. The city ordinance states that rules of the cemetery can be changed by resolution.

Brent suggested that all items left by the headstones need to be kept within the boundaries of the concrete base. Jim stated that was a good idea and Barbara thought that would be very helpful from a maintenance perspective as well.

Jim stated that he did not have an issue with the little statues placed on the headstones but a six feet tall statue would be a different story and would be a big concern.

Justin commented that the entire resolution could be tabled until later or some of the proposed rules could be removed.

Jim suggested that items need to be surrounded by a six inch base as a four inch base was much easier to break.

Mayor Simmons asked if anyone knew what the standard size of the cement base is? Jim commented he was not sure but mentioned that monument companies like standard sizes as well.

Jim informed the council that any new request would have to be put on hold until the council could decide this issue. Mayor Simmons suggested tabling the issue until the next meeting.

Dennis asked if the two decoration limit was being enforced. Jim stated that due to lack of manpower that in most cases it was not. Dennis mentioned there were many headstones with several items on them. Jim stated that if the items were not causing any trimming or mowing issues the cemetery workers tried to leave them alone.

Jeff suggested passing the resolution but only including the portion that changes the number of days from four days to seven days.

A motion to approve Resolution 14-03, a Resolution changing the number of days that flowers can be left on new burials from four days to seven days, was made by Jeff, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

Brent stated he would like to address the other concerns at the April council meeting. Jim stated he would get some information from the monument companies on what is considered standard size. Mayor Simmons liked the idea of getting information from the monument companies to see how they are dealing with the headstones and what other communities are allowing.

Jim asked the council to take a tour of the cemetery before the next council meeting so they would have a better feel of what rules they might or might not want to change.

Mayor Simmons asked if the brochure would need to be reprinted if additional rules were changed? Dennis stated the cost per brochure is around \$0.40 each. Jim stated that maybe a sticker could be added to the brochures if needed. Dennis explained the cost of a sticker versus the cost of a new brochure would almost be the same price.

Mayor Simmons asked Jim if anyone reviews the rules with people regarding the cemetery? Jim stated that Connie Gittins goes over the rules when time permits with people that are buying plots. In most cases nobody from the family even calls the city when there is a death as all of the arrangements are made by the funeral home.

**CONTINUED DISCUSSION AND POSSIBLE VOTE ON THE THREE CREEKS
SUBDIVISION DISBANDING OF THE H.O.A. IN THEIR AREA AND THE CITY
ASSUMING OWNERSHIP OF THE ROAD IN THEIR AREA**

Kris stated that she was bringing this issue back before the council so that a decision could be made. Kris felt like this area is different than most of the other P.U.D's in the city. The Three Creeks P.U.D. is willing to pay the city \$20,000 to take over the upkeep and ownership of the roads. Kris expressed concern that the citizens are still paying taxes for the roads but then still having to pay to maintain these roads on top of that. Kris asked for the council to again consider their request and to make a decision.

Kris stated that the area in question looks like a bunch of other regular neighborhoods in the city. There had been a concern about how long the road is but there are still places for snow plow trucks and garbage trucks to turnaround. There are also some nice green space areas as well.

Eric Newell stated that he had visited with Jim on the matter and appreciated his time and concerns but the P.U.D. still has the same position of wanting the city to take over the road. Eric asked the council for a vote on the request.

Eric stated that the road is wide enough and does have a sidewalk on one side. Eric mentioned that Summit Drive is a much narrower road and does not have a sidewalk on either side so he believes they are different situations.

Eric stated that he is being taxed for services not rendered.

Eric stated that if the city took over the road they would then start receiving some tax money for that section of road as well.

Eric felt the offer of paying the city to take over ownership of the road would make the roads in question the most profitable roads in the city.

Eric mentioned that the roads in question are Robin Street and Meadowlark Lane. The total length of the roads is approximately 1/3 to 1/2 mile.

In Eric's opinion by paying the city to take over the road and providing a road that is wide enough with a sidewalk it would set a precedent for future requests of this type.

Eric said the P.U.D. did not anticipate any current costs on the road and they had the records of all of the previous work that had been done on the roads.

Eric again mentioned his concern of being taxed and getting no service in return.

Eric stated that there were several possible solutions for the open space areas.

Mayor Simmons asked if the request to the council was approved if the H.O.A. would be disbanded? Eric said he would have to meet with all the members of the H.O.A. and discuss the concerns on the open space areas. Eric stated that the desire of the H.O.A. was to keep those areas as they currently are.

Mayor Simmons asked if the H.O.A. fees would diminish? Eric stated that was correct.

Barbara asked if the open space area could or would be sold? Eric said it was a possibility.

Barbara asked who owned the open space area? Eric stated that the P.U.D. owned the open space areas and were willing to discuss options on those areas.

Barbara stated it appeared that the H.O.A. was wanting the city to take over the roads but the H.O.A. would continue to maintain the open space areas. Kris asked if this had ever happened before in the city? Jim stated there were no other areas like this.

Kris mentioned that the other eleven P.U.D.'s could come in and make the same request but this one is different than the rest. The area is well maintained and looks like a city street and a regular neighborhood. Kris stated this P.U.D. was different than the other eleven in town. Jeff agreed with Kris's remarks and that the area is a high end subdivision with beautiful homes. The streets are well maintained and there is plenty of room for the snow plow trucks to turn around. The cul-de-sac is very large and piling up the snow should not be an issue.

Mayor Simmons asked Jim if he had an idea of what the cost would be to take over this section of road? Jim stated the issue was not so much about cost as it is about time. There are only two city street employees that have to cover all of the roads in the city. This request would add to that burden. Jim suggested to the council to avoid taking over any road at any point not just these two roads. The city already struggles enough trying to maintain existing roads.

Jeff stated that the members of the P.U.D would have to know there are priorities on which roads get pushed first and that some cul-de-sacs might take two or three days before they are pushed. Eric said he was okay knowing that area would be at the bottom of the list.

Jim informed the council that Class C Road Funds are based on the amount of roads in the city. The city receives approximately \$340,000 per year in road funds. The amount of roads a city has is determined by the length of the roads not the width. The calculation also takes into account whether a road is asphalt, gravel or dirt. Class C Road Funds are an allocation of the gas tax that everyone pays on every gallon of gasoline that is purchased. Jim stated that if he recalled correctly the city would receive approximately \$1,700 per year on this section of road but the cost to maintain the roads would be more than that per year.

Jim stated that whether a new road or an old road the city will lose money on them. This is a problem everywhere not just in Smithfield. Representatives have been working hard with legislators to change the formula or gas tax amount. Jim stated that the allocation of road funds has not changed much over the last few years but the cost of asphalt, oil and gravel have all doubled over the last several years. Cars are more efficient than ever so the number of gallons purchased per year is about the same as in the past.

Jim mentioned it would be great to have another street worker employee but the city does not have the money to hire another one.

Mayor Simmons commented that this issue was much more complex than just pushing snow. Jim agreed and said that sealing the road, maintaining the road and sidewalk would now all be the responsibility of the city if the city accepted ownership.

Jim stated that in some areas property tax is pushed high enough that it can offset the shortage in road funds but in this area the property tax rate is quite low.

Mayor Simmons asked why would someone want a P.U.D.? Jim stated there are several reasons. Development costs are less. Access can be controlled to allow for more privacy. Jim mentioned that St. George has many P.U.D.'s and now as those areas are aging there is not enough money to fund all of the maintenance and repair work with roads and trails, etc. Kris stated that his P.U.D. has been maintained and kept to standard.

Jim stated that everyone in that area benefited from the P.U.D. as the building lots would have cost much more as there would have been a required bridge, sidewalk on the other side of the road and the road would have been wider so the initial homeowners did have a benefit.

Eric stated that in his opinion giving \$20,000 to the city to help pay for future maintenance would help compensate for what will be required in the future. Eric stated the P.U.D. was doing their part to help and make a contribution to the proposal.

Brent asked Eric if he knew what the width of the road is? Eric said he was not sure but that it was wider than Summit Drive.

Brent asked if there was a park strip in that area? Jim stated there was not.

Brent asked if someone were to build there today would there be a park impact fee assessed? Jim stated that anyone starting to build today in the city would have to pay a park impact fee. Kris mentioned that a park impact fee is payable whether in a P.U.D. or not. Jim stated on occasion the park impact fee might be reduced if the builder was turning over a completed park to the city.

Barbara stated that one of the goals of the city was not to have any private roads and none will be allowed in the future but accepting this road it would help to achieve that long term goal.

Barbara commented that there really was not a benefit to the city to take over ownership of the road.

Barbara liked the idea of the H.O.A. staying in place to keep the open space areas maintained.

Mayor Simmons said he was fine in taking over ownership of the road but would like for the H.O.A. to continue the upkeep on the green space areas.

Jim stated that the H.O.A. is getting better care on the roads than the city will be able to offer. There will be a priority list of crack sealing and overlay areas and they might not be high on the list if other areas are in worse condition. Jim expressed concern about when the snow does not get pushed for a day or two that the residents will be unhappy with the service and calling to complain. Barbara agreed that this would be a low priority area compared to others and most likely the snow would take a while before it was pushed in that area.

Jeff asked who is currently plowing the roads? Jim stated it was Lloyd Facer. Eric commented that Justin Facer and his employees were doing all the snow pushing.

Jeff informed Eric that the city will be leaving snow in front of driveways when it is pushed. Eric said that was already happening when Lloyd pushes the snow as well.

Rob Dayton informed the council that he lives on Meadowlark Lane and that Lloyd and his crew have done a great job with snow removal over the years. Rob said the intent and concern of the members of that area is to keep the common spaces areas as they currently are. They would remain the same and even if the areas were sold they would be sold with restrictions to keep the area as it currently is. The area would stay open and protected and nobody would be able to build on it.

Barbara asked if the area would allow public access? Jim said the area in question is a hillside and the creek area.

Mayor Simmons stated that area is a nice community and the concerns regarding the open space should be taken seriously. Eric stated all the residents in that area are heavily invested in the city.

Rob commented that the board will have to make sure the members understand that services will diminish in that area if the proposal is granted.

Jeff asked if there was garbage collection services in that area already? Rob stayed that was correct and that the city already maintained the sewer and water lines as well.

Rob said the members of the area feel part of the community and have spent volunteer hours cleaning up the creek and river bank areas. The areas were cleaned of debris to let the river flow and have a lower chance of flooding. Rob stated the members of that area want to be good stewards of the area.

A motion for Smithfield City Corporation to accept the ownership of Robin Street and Meadowlark Lane from the Three Creeks Subdivision conditional upon the Three Creeks H.O.A. paying a one-time \$20,000 road transfer fee to the city and the H.O.A. staying intact to maintain the green and open space areas, was made by Kris, seconded by Jeff and the motion passed with a vote of four (4) in favor and one (1) against.

Yes Vote: Watkins, Kent, Monson, Barnes

No Vote: Buttars

Mayor Simmons asked about the condition of the roads? Jim stated they are in good shape and could use some crack sealing but are in better condition than most areas in the city.

Barbara reminded Rob and Eric that most likely snow plow service will not be as consistent as in the past and that they need to make sure the other members of that area understand as well. Barbara asked how the other members of the H.O.A. were going to be informed of the change? Eric said they had talked about it before but now the city was willing to make the change they would meet as a group and have a formal vote and discussion.

Barbara informed Eric and Rob that since there is not a park strip in that area that snow will be plowed into people's yards.

Jim stated that the P.U.D. will be responsible to pay the costs associated with transferring the title and ownership of the roads to the city.

APPROVAL OF INTERLOCAL AGREEMENT WITH CACHE COUNTY CORPORATION FOR CHIP SEALING

Jim informed the council that many of the city roads would get chipped this coming budget year and the city had worked with Cache County for years as they were the most economical way to do the sealing. The county is very good and economical in this regard. The proposed agreement is the same interlocal agreement that has been required in years past for the county to perform services on the city roads.

Mayor Simmons stated he was not aware of any issues in the past with the county services.

Jim stated that the city needs to notify people better in the future. Kris asked for this type of information to be posted on Facebook. Jim mentioned that in the past it had been mentioned in the city newsletter as well. Mayor Simmons said the city communication system can be utilized for this purpose in the future as well.

Jeff asked if there is a list of roads that needs to be included with the agreement? Jim said the rates the county will charge are in the agreement but that specific roads did not need to be listed.

Barbara commented that she wished there was a better solution than chipping. Jim stated there are some different possibilities in the future and the city is going to try a high density mineral bond at 200 South from Main Street to 100 East in the upcoming year. This type of treatment usually does not last as long as chipping but it has a five to seven year warranty. Another negative is the imperfections of the roads are not taken out with this method. Jim explained that a slurry seal can help with the road imperfections.

A motion to approve the Interlocal Agreement for Road Services and Weed Control between Cache County Corporation and Smithfield City Corporation was made by Jeff, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Buttars, Barnes

No Vote: None

CITY MANAGER REPORT WITH DISCUSSION AND MINOR DECISIONS AS NECESSARY

Jim reminded the council that in past years the old city dump had been opened for four days in the spring for the residents to take yard waste down there. If the same weekends are used as in the past the dates for this year would be April 18th and 19th, May 3rd and May 17th. May 3rd is the weekend before Health Days and May 17th is the weekend after Health Days.

Jim reminded the council that one of the city employees has to be onsite with a backhoe to help move the debris into certain areas as well as make sure people are not dropping off inappropriate items like concrete.

Jim stated that in the past the city had not opened up the dump in the fall but it is something the council might want to consider in the future. Kris liked the idea of thinking about opening the dump area in the fall for a few days.

Jim stated the concern is what to do with all of the leaves in the fall. The leaves cannot be burned but if they are taken to Logan; they have the ability to compost them. Jeff was not sure it was a good idea for the dump to be open in the fall because of this reason and thought it was better for the leaves to be taken to Logan.

Jim informed the council that the green waste bins are in place and not a moment too soon as people were dropping off debris on the ground as there was not a dumpster in place yet.

A motion to approve the city green waste area to be open on April 18th and 19th and May 3rd and 17th was made by Barbara, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

Jim informed the council that Lyle Izatt will be retiring at the end of May and he has been with the city approximately 15 years. A new lead for his department will be needed when he retires.

Jim updated the council on the Birch Creek well renovation project and that the size of the new pump was being increased from 1,500 gallons per minute to 1,750 gallons per minute. The motor will be increased in size from 300 horsepower to 350 horsepower. The pump should arrive in three to four weeks and the motor within a week. As soon as all of the parts arrive the project will be completed; as the well is normally used starting in June of each year.

Barbara asked for clarification on what the water right was for that well? Jim stated that the city had used a 1,000 gallons per minute pump in the past but the right was for 1,750 gallons per minute so the well would now have the availability to pump the full allotment of water.

Jim informed the council that he would be meeting with David Evans of Utah State University on Friday at 2:30 P.M. to discuss Mr. Evans students landscape design concepts for the area where the old city office was located. The students had come up with several concepts and wanted to narrow the choices down so they could continue working on the project. The mayor and council were invited to attend as well.

Jim showed the council a picture of the new sign at the Kids Corner Park in the Allsop subdivision. The public works department had worked on the sign over the winter and got it installed this spring. It is a metal sign with a metal backdrop. Jim asked the council to review the sign and if they liked it then that type of sign would be considered for other parks in the city as well. Mayor Simmons asked if the sign was laser cut and Jim responded that was correct. Mayor Simmons stated that the signs could not be heavy or there could be a safety issue if they fell over. Justin stated the sign was cemented into the ground. Barbara asked what the longevity on a sign like this should be? Jim said there would not be any maintenance unless damaged or vandalized. The sign had been powder coated for longevity purposes.

Jeff asked Jim when the railroad boring project would be starting? Jim stated that due to the weather the project had not yet started but he expected it to start next week. The contractor will be starting on 400 North.

Jeff asked if Paul King's company was doing this project? Jim stated that was correct and currently they are doing a project on 800 South 250 East.

Barbara asked if the cost of the Kid's Corner sign was reasonable since the majority of the work was done in-house? Jim stated that was correct and it was a good winter project at a reasonable price. Barbara stated she liked the look of the sign.

Jim updated the council on the sewer project. Last week several of the mayors and council members met with Walt Baker of the Division of Water Quality (DWQ) to discuss the project. Walt informed the group that the odds of the communities outside of Logan forming a district would be small and that the State of Utah does not have any money to lend them for a project. If a district was formed by the outlying communities they would have to seek financing from another source. Mayor Simmons stated the interest rate offered to Logan by the DWQ was 0.75%. Jim stated that Logan had taken all of the available funding and that interest rates on the private market would most likely be in the 4.5% to 5.0% range. Jim also stated there would be regulatory issues to deal with as well.

Jim stated an independent district was not likely but there was a chance that the entire group including Logan could form a district. Jim expected that the DWQ would request a meeting with all the communities to discuss the issue.

Barbara asked if Logan had already been awarded the funding by the DWQ? Jim stated that it was awarded but that there is a clause in the award that allows them to reevaluate the project if needed.

Justin updated the council on the selection of the contractors for the library renovation and expansion project. The project was advertised with a prequalification being required to bid on the project. The deadline was Monday at 3:00 P.M. Eleven contractors had applied and ten of them had qualified based on the point criteria of the request. The contractor that was disqualified

had only turned in a part of the questionnaire. Justin stated that one of the contractors had only built one steel constructed building but they had submitted several other projects that were wood framed and were exceedingly bigger than this project. All of the references had checked out for all of the contractors. Jim stated the only contractor he was not familiar with was Ascent Construction. Justin stated that three of the contractors were from out of Cache Valley the rest were all local. Kris hoped the project would be awarded to someone local. Mayor Simmons stated he had checked out some of the websites of the contractors and the list seemed to be a good list of qualified builders.

Jim commented that if the council was okay with the list of contractors the contractors then would be given the plans to bid the project and allowed three weeks to put the bids together. Jim stated his biggest reason for getting this project started as soon as possible was the weather. Every day lost in May is a day that will be required in December or during bad weather.

Barbara asked for a timeline of when the project would be started? Jim stated the bids would be opened in three weeks and then it would take around two weeks to get all of the documentation in place and so it would be around the middle of May before the project started.

Barbara thanked Justin and Jim for getting the contractor list reviewed and put together to get the project to bid.

MAYOR'S REPORT WITH DISCUSSION AND MINOR DECISIONS AS NECESSARY

Mayor Simmons informed the council that he, Jim, Dennis and Kris had met with members of the Hyde Park and North Logan city councils as well as both mayors the last two Fridays to discuss the proposed police services agreement. Right now there is a draft copy of the agreement to consider. Jim stated that everyone had the latest version of the proposed agreement.

Mayor Simmons suggested that the council reread the agreement as there have been some major and minor changes. There would be a public hearing in the future if the agreement is pursued.

The council wants to be very open about the process of possibly combining the two police forces.

Mayor Simmons said that no names had been discussed at this point.

Kris commented that she had read the proposed changes and did not realize that North Logan would be the administrator of the entire department. Jim said that was a concern of his as well and there was a very complex formula that was being considered of what each community would pay for this administrative fee.

Jim informed the council that he had put some variables in the proposed administrative fee equation and came up with a fee of \$60,000 per year for basically doing the payroll and accounts

payable of the combined police department. Jim stated that both communities are already doing this and other than some additional invoices to pay there would only be nine or ten employees added on to the payroll as well.

Kris asked why a portion of the city manager's wage would be included in the formula? Jim agreed and thought that if there is a fee involved that it should be a set fee or percentage not an equation with many variables. Jim and Justin had reviewed what would be involved in Smithfield taking this over and both thought that Smithfield could easily take over this responsibility. Jim asked the council to consider Smithfield doing it for the first year free of charge and then the amount of time and cost could be determined and an agreement reached between the three communities. Smithfield uses a comprehensive timecard system that would easily allow for hours to be tracked. Jim stated he was uncomfortable just handing this over to North Logan and it needs to be discussed. Mayor Simmons stated this is why the group is meeting is to work issues like this out.

Barbara asked if this formula and administrative fee was in the current draft agreement? Jim said it is but that it just states one of the three communities would be the administrator.

Justin mentioned that really the only two Smithfield employees that would be affected by being the administrator would be himself and City Treasurer Jane Price. Justin felt very comfortable being the administrator and that the city staff could easily handle this request. Jim stated he had talked to Jane about it is well and she said after initially getting the employees setup it should be rather easy to handle.

Kris commented that North Logan had started this agreement and then invited Smithfield later on and just considered this item to be a discussion item at a future meeting. Mayor Simmons stated this portion of the agreement only matters if the city chooses to pursue going this direction. Kris mentioned it had been good to meet and discuss the agreement with the other two communities.

Jim stated the agreement does include animal control and ordinance enforcement. The agreement would form a new entity with its own budget and policies and procedures. The entity would be independent but still operated by the three cities.

Brent asked if the new entity would require separate employee benefits? Jim stated that was correct; there might be a possibility the new entity could be on the host city benefit plan but when the MPO was created it was denied at that time from being allowed to join on.

Mayor Simmons informed the council that he, Jim, Kris and Dennis had met with Chief McCoy to discuss the agreement and consider the pluses and minuses. Chief McCoy had some good observations. Chief McCoy was very pro in keeping the identity of the department but understood the city needed to review and consider the agreement according to Mayor Simmons. Mayor Simmons stated that Chief McCoy had mentioned one of the reasons the city had created

its own department was to be autonomous and it was unknown how combining forces would effect that.

Mayor Simmons cautioned the council as the agreement is reviewed that everyone needs to make sure there is not a loss of protection or safety for the city and that the department would not be taking a step backwards. Dennis stated that the agreement is interesting in many ways and there are a few elements that need to be clarified. A continued discussion would be good and appropriate so an informed decision can be made.

Mayor Simmons thanked Jim for being involved in the process and asked Jim his thoughts on the agreement? Jim suggested to the council that if they have any specific discussion points they want to discuss in greater detail they need to be pointed out for future meetings.

Jim informed the council the group would not be meeting again within the next three weeks due to spring break and the league meetings in St. George. Mayor Simmons asked for Kris, Dennis and Jim to meet on Monday night, April 7th, at 5:30 P.M. to continue discussing the agreement.

Mayor Simmons informed the council that the group had learned it is cheaper for a police department to operate trucks than cars. The trucks are cheaper to purchase through the state bid and have a much higher resale value. Jim stated that through the state bid process a new Dodge half ton pickup truck could be purchased for about \$23,000.

Mayor Simmons stated that whether the agreement is pursued or not it has been a great discussion and learning period for those involved.

Brent asked if animal control and ordinance enforcement is in the draft agreement? Jim stated it is at the start of the agreement. Dennis stated it is mentioned in the creation and purpose of the new entity section as well.

Mayor Simmons mentioned that the North Logan animal control officer works in the public works department as well so there would be some minor details and changes in regards to issues like that as well.

Mayor Simmons informed the council that Tom Karren had sent a thank you card for the city's help in advertising the Lion's Club spaghetti dinner fundraiser. Brent said there were more people and money raised than last year. Barbara stated that the youth council had helped out as well and that people kept coming from the start to the very end and it was a great night.

Mayor Simmons informed the council there is an invitation from the Boys and Girls Club to attend their annual auction if any of the council would like to attend.

COUNCIL MEMBER REPORTS WITH DISCUSSION AND MINOR DECISIONS AS NECESSARY

Brent did not have any additional items to discuss with the council.

Jeff informed the council that the tree committee is trying to set a date for Arbor Day and are considering the Saturday during Health Days as well as some other dates. The committee is also trying to determine where to plant the tree so if anyone has a good idea please pass it along. Kris asked if there were any areas in the cemetery? Jeff stated there were already lots of trees there. Mayor Simmons asked if there was a park area that was in need? Jim mentioned that some of the trees at Forrester Acres had died and there could always be more trees in some park strip areas. Jim suggested at Forrester Acres or the site of the new monument where the old city office building was located. Jim said the new tree was planted at the new park last year and at Forrester Acres two years ago. New trees will be needed on the south end of the new park but not until the construction of the park is completed. Mayor Simmons suggested that everyone keep looking for an appropriate area. Jeff reminded the council that only one tree is planted for Arbor Day. Jim suggested a new tree be planted at the new library next year as there will be a need.

Kris informed the council she would be attending a Health Days meeting on Thursday night.

Kris reminded the council about the upcoming Child and Family Support Center dinner that will be held in April. Kris asked the council to consider supporting the event as Smithfield has the second or third highest number of cases reported in the valley. Jeff mentioned the dinner is on April 18th at the Coppersmill restaurant and the cost is \$45 per person.

Barbara commented that the Lion's Club dinner was very successful and she thanked the city for helping to let people know about it.

Barbara mentioned that there are some residents asking if the city has rules in place that deal with people that don't take care of their yards. Is there a unified response the city should be telling people? It is an ongoing issue and not just a matter of people and free agency. Mayor Simmons asked if the city still had some door hangers that could be polite reminders for people. Jim said he could have some made up; if needed. Mayor Simmons suggested the door hanger could be a way to start the education process on the subject. Jim said the door hanger would be a friendly encouragement to property owners of what they need to do. Mayor Simmons stated that he always preferred to educate people before citing them on an issue.

Jeff mentioned a concern he has with a neighbor that covers the sidewalk with pots and people cannot utilize the sidewalk.

Barbara stated that people need to have their free agency but be respectful at the same time.

Mayor Simmons asked who in the city could go and place the hangers? Jim suggested that Ryan, Jon and Clay could hang them but that really any city employee could do it.

Mayor Simmons asked for some hangers to be published. Jim said he would get the made up and assign the task to a couple of the employees. Brent asked what the process is after putting up a hanger and not getting anything to change? Jim said the hanger would be two pieces so the city could track when the hanger was left. Jim also said the hanger would help people in avoiding citations if they complied.

Dennis supplied the council with a copy of a small flyer that is intended to show support of the Smithfield library project with the intent being that any funds raised would go to furnish the new library. A little bit each month is what some people can do and this would be an option. If people donated \$10 per month on their utility bill that would be \$120 per year and if 300 people signed up that would turn into \$36,000 per year. Kris asked if there is an end date for the donation? Dennis said it can be cancelled at any time as it is a self-imposed contribution.

Dennis asked the council if they liked the concept and if so how would they like the flyer distributed? Kris liked the idea of inserting the flyer with the newsletter or utility bill mailing. Dennis said the only additional cost, if it was mailed that way, would be the cost of the flyer. Kris liked how easy the flyer was to sign up and turn in. Barbara liked the concept as well and commented that every little bit received helps.

Dennis mentioned that the annual payment on the building will be around \$160,000 and the library budget is increasing because of the new building. The Friends of the Smithfield Library will be raising money for computers and interior items but the long term perpetual care of the library needs to be considered. Any donation would help; even \$1.00 per month.

Kris asked if the monthly deduction would be tax deductible? Dennis said a payment to the city would not be but that a donation to the Friends of the Smithfield Library would be. Dennis mentioned the amount collected by the city will be easily track able and given to the library budget. Barbara liked the concept of putting out the flyer and giving people a chance to contribute if they want to do so. Mayor Simmons asked that the flyer be included with the next city mailing.

Justin commented that he had spoken with Connie about adding the monthly contribution to the city utility bill and there is still a line item or two of space on the utility bill so there should not be an issue.

****The council took a 10 minute recess.****

DISCUSSION ON THE NEW BUDGET FOR THE PERIOD OF JULY 1, 2014 THROUGH JUNE 30, 2015

Jim said the proposed new budget for the general fund is quite straight forward and he would review the main points. Building permit revenue is down and looks like it will continue to be so that is a big adjustment for the new budget. Court fines are down as well as not as many traffic tickets are being written. Less citations hurts the budget but it is universal. Mayor Simmons commented that in talking with county attorney James Swink that citations are down across the state and a finger should not be pointed just directly at the city's department. Jeff commented that people in the past that have been speeding on 300 East have slowed down as well. Jim commented that his remark was not to be critical of the local department but just to inform the council that tickets are down so revenue collected is going to be down as well.

Jim stated the new budget included a 2.50% wage increase as well as an estimated increase of 10% in health insurance costs. Jim stated the city might consider going to another carrier if the increase is over 10%. Jim stated the actual number for the health insurance should be provided by the carrier by next month. The new retirement rate, which is not set by the city, is going to be 18.74%.

Jim stated the proposed police department budget is built as if the department remains independent and does not consolidate with the other two communities.

Jim informed the council that the current proposed budget is to the positive approximately \$10,000 at this time. There are several wants of the employees and departments and some of them have been included and some are not currently included. There are some parking lots that need to be sealed that are not currently included and they will be considered later on as the budget is finalized.

The legislative budget was proposed to increase from \$775,149 to \$829,820. The majority of the increase coming from increases in wages and employee benefits but also in hiring more part-time workers to help with the city parks to keep them properly maintained.

The youth council budget was proposed to stay at \$4,775. Mayor Simmons asked if the youth council leaders were being compensated in anyway? Jim stated that they could be with a gratuity to the recreation center or golf course. The gratuity will allow for \$150 per person. Barbara could recommend who is to receive the gratuity. Barbara stated that there are three people that should receive it. Jim stated he would add it to the budget. Mayor Simmons commented that the youth council leaders are exceptional and do a tremendous job. Jim stated that the general fund writes a check to the recreation center or golf course as a means of transferring the gratuity payments from department to department.

The proposed court budget would show a decrease from \$54,400 to \$44,400. The cost of the public defender shows an increase but the amount due to the State of Utah for fines is seeing a big decrease because when less citations are issued less money is owed to the state.

The proposed administrative budget showed an increase from \$85,900 to \$124,700. The main increase being from the additional \$1.00 per month per household increase for the countywide communication system.

The proposed attorney budget decreased from \$56,425 to \$55,450 as less citations means less time the attorney needs to work on city cases.

There was a small increase to the proposed non-departmental budget of \$1,880 increasing the budget from \$124,938 to \$126,819. Office supplies had a small increase, the cost of the annual audit was reduced as Justin had been able to perform some of the items not done in the past, liability insurance had decreased because the city had no major claims and IT support was increased a small amount as the city becomes more technology driven the more help is needed.

The proposed building budget to showed an increase from \$110,670 to \$113,470. There is an increase to utilities, repairs to the parking lot at the golf course and a decrease in the work needed at the Youth Center.

The proposed election budget decreased from \$5,500 down to \$200. There is not a local election this year. Justin informed the council that he had been contacted by the county and the county is going to use the Civic Center on June 24th for the primary election and then on November 4th for the general election. There will not be a cost to the city other than allowing the use of the buildings on those days.

The proposed planning and zoning budget showed a decrease from \$9,850 to \$7,850. The reason for the decrease is due to less homes being built means less plans are reviewed and the overall cost is less.

The proposed police budget of \$783,557 is an increase of \$4,872 over last year's budget of \$778,684. Wages and benefits show an increase and gasoline shows a decrease. One of the proposed capital outlay projects would be to get a new phone system. The existing system is the old one from the old city office building. The new system would be a VOIP system that would allow the department to reduce from four phone lines down to one phone line. The reason for keeping one line is in case the internet is down there will still be phone service to the department. The cost would be approximately \$5,000 but the long term savings of getting rid of some of the existing phone lines would pay for the system in 2 to 2 ½ years.

Jeff asked what is in the armory budget other than weapons? Jim explained that the armory budget consisted of weapons, ammunition and the rental fee of the practice range in Logan.

The proposed fire department budget of \$514,194 shows a decrease of \$16,532. There are increases in wages and the addition of the pager pay in the new budget.

Brent asked if there was an increase on the volunteer pay? Jim stated there was a \$0.50 per hour raise for the volunteers and they are only paid when they are fighting fires. There was also a large decrease in equipment. During the current budget year there had been a lot of wildland fire income and those funds were used to help purchase equipment for another wildland vehicle.

The proposed emergency services budget stayed the same at \$1,000.

The proposed building inspection department showed a decrease of \$1,450 from \$6,398 to \$4,948. The decrease is due to less building permits being issued and less fees being collected.

There was a proposed increase of \$1,705 in the animal control department. The increase being for the purchasing of a new software program. The city office is now handling dog and cat licenses and currently using a spreadsheet application. Justin mentioned that once the program is online; the tracking of licenses will be easier and automatic reminders would be possible.

The proposed street budget showed a decrease of \$21,380 from \$200,680 to \$179,300. Additions are for continuing to change out street signs and the big decrease was a change in equipment purchases.

The proposed public works department budget showed a decrease of \$13,330 from \$25,995 to \$12,665. The decrease is that a new storage shed building was built in the current budget and not needed in the new budget.

The proposed Class C Road Fund budget showed a decrease of \$21,387 from \$346,757 to \$331,735 with approximately \$18,364 remaining to be allocated. The main increases are for chip and seal projects, overlays and extensions and curb and gutter. The big decrease is due to the reconstruction of 200 South being completed.

The proposed sanitation budget showed an increase of \$30,000 from \$745,000 to \$775,000. The increase being for more homes or businesses adding onto the system on a yearly basis.

The proposed shop budget shows a decrease of \$3,132 from \$17,000 to \$13,868. The main decrease being in building improvements as some of the shop was painted in the current budget year and is not needed in the new budget year. There is an increase for utility increases.

The proposed parks department budget shows a decrease of \$27,683 from \$223,980 to \$199,229. Additions included an increase in fuel purchases and training and travel. There were decreases to new tires, capital improvements and for the Forrester Acres RAPZ tax lighting project.

Jim wanted the council to know how impressed he is with both Jess Daines and Cody Law's work ethic and work on the parks. They both recently become pesticide certified and attended some arborist training.

Jim stated that funds were allocated to start working on a monument in the area of the old city office building and that on Friday there would be a meeting with David Evans and his students at USU to discuss some proposals they had for the area. The council was invited to attend.

The celebrations budget showed a decrease of \$100 from \$27,850 to \$27,750. Jim mentioned that he had spoken to recreation center director Brett Daniels and he felt good about the budget as well.

The proposed senior citizen budget showed a decrease of \$3,900 from \$17,650 to \$13,750. The main decrease was from carpet being installed in the building in the current budget and not needed in the future budget.

Barbara asked if the toilet had been changed in the men's room? Jim stated that it had been changed and some other minor items taken care of as well.

The proposed historical society budget showed a decrease of \$1,600 from \$5,850 to \$4,250. The biggest decreases being in building repairs and office supplies.

Jeff informed the council that the historical society had recently purchased a new laminator and would be turning in some other bills as well.

The proposed library budget showed an increase of \$27,566 from \$160,288 to \$185,855.

Jim explained the main increases are for the hiring of two additional part-time employees, an increased number of telephone lines and a big increase in utilities due to the addition of the new building. Jim stated he had followed Marilyn's recommendations on the budget.

Barbara asked if there had been any thought given to the special collections area? Jim stated there would be a special room for that collection. Mayor Simmons informed the council that he had visited with a person that resides in the valley and he will come and review the collection and put an estimate of value on the items. Barbara mentioned that maybe there would be some grant funding available for a project of this type. Jim suggested that Karen get with Mike Weibel as he does really well on grant projects.

The proposed budget for the cemetery includes an increase of \$10,300 from \$12,550 to \$22,850.

Jim stated the biggest addition being the purchase of a new Toro lawnmower for the cemetery grounds. The current mower is around nine years old and has had some repair problems.

Dennis asked if the new mower would catch the grass clippings? Jim said the mower would catch the grass or allow for mulching.

Jim also mentioned that a new blower would be purchased as well to blow the clipping off the headstones and roads.

Dennis asked if it was possible to edge the roads as they are getting quite overgrown? Jim said that the city has a device that can put on the skidsters that will help maintain the edge of a road. Dennis hoped to see that done this year as it appeared it had been a few years since it was done.

Mayor Simmons thanked Jim for all the hours he had put in making this all come together.

Dennis asked the council their thoughts on the sale of the pistols owned by the police department. Was it necessary for the chief to come before the council in April on this request? Dennis explained that he did not want anyone to be embarrassed but that he personally felt it was not a good idea to sale the handguns to the officers for less than market value. A bad precedent would be set. Dennis wanted the city to get the most money they could for the used pistols and did not want to even see a \$50 reduction if they were sold to the officers. Barbara said that she agreed with Dennis's comments. Dennis suggested that Chief McCoy be told of the decision and it would not be necessary to discuss in April. Kris said she agreed as well with Dennis's comments and that it is tax payer money and needs to be maximized.

****The council consented to allowing the police department to sale the used handguns to the officers first and then to the reseller second for an approximate value of \$250 to \$275 each.****

****A motion to adjourn at 9:46 P.M. was made by Kris.****

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, Recorder

SMITHFIELD CITY CORPORATION

**96 South Main
Smithfield, Utah 84335**

AGENDA

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah on Wednesday, **March 26, 2014**. The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Council Member Watkins.

1. 6:03 P.M. Consideration of the Consent Agenda
Approval of meeting Minutes from the March 12, 2014 City Council Meeting
2. 6:05 P.M. Resident Input
3. 6:15 P.M. Discussion and possible vote on approving a new appeal authority for the city.
4. 6:25 P.M. Discussion and possible vote on Resolution 14-03, a Resolution regarding modifications to cemetery rules.
5. 6:40 P.M. Continued discussion and possible vote on the Three Creeks Subdivision disbanding the H.O.A. in their area and the city assuming ownership of the road in their area.
6. 6:55 P.M. Approval of interlocal agreement with Cache County Corporation for chip sealing.
7. 7:05 P.M. City Manager Report with discussion and minor decisions as necessary.
Determine Dates City Dump will be open.
8. 7:15 P.M. Council Member Reports with discussion and minor decisions as necessary.
9. 7:30 P.M. Mayor's Report with discussion and minor decisions as necessary.
10. 7:40 P.M. Discussion on the new budget for the period of July 1, 2014 through June 30, 2015.

Adjournment

Items on the agenda may be considered earlier than shown on the agenda.

Smithfield City Council Meeting Minutes, March 26, 2014

In accordance with the Americans with Disabilities Act, individuals needed special accommodation for this meeting should contact the City Recorder at (435) 792-7990, at least (3) days before the date of this meeting.

Prepared, posted in the City Office and library, emailed to each Council Member, emailed to the Herald Journal, Smithfield Sun, and forwarded to be posted on the City Web Site on 03/24/14, and the Utah Public Meeting Notice website.