

**MINUTES**

**SMITHFIELD CITY COUNCIL**

**JUNE 26, 2013**

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, June 26, 2013. The meeting began at 6:04 P.M. and Mayor Darrell Simmons was in the chair.

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

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

The opening remarks were made by Jeff Barnes.

**VISITORS:** Kelly Cannon (The Herald Journal), David Barnes, Travis Taylor, Russell Elwood, Ralph Erickson, Jeffry Gittins, Johnny McCoy, Kayli Nielsen, Stephen Nielsen and Dean Clegg.

**AGENDA:**

Welcome and Opening Ceremonies  
Excuse Council Member Kent  
Consideration of Consent Agenda  
Minutes of City Council Meeting held June 12, 2013

1. 6:05 Residents Input
2. 6:10 Consideration of a request form Travis Taylor, agent for Smithfield Ridges, LLC, to amend the Preliminary Plan for the Smithfield Ridges and The Villas in the Smithfield Ridges Planned Unit Development located east of 1000 East between 300 South & 600 South. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.
3. 6:30 Public Hearing, not to begin before begin 6:30 p.m. to receive public input for Consideration of **Resolution 13-03**, "An Amendment to the Final Budget for the Fiscal Year 2012/2013 for all Funds"
4. 6:45 Consideration to approve Public Works employee
5. 7:00 Adjournment

**Consideration of Consent Agenda for the Minutes of the City Council meeting held on June 12, 2013.**

Mayor Simmons declared the Consent Agenda approved.

## **RESIDENT INPUT**

Russell Elwood had two concerns. The commercial zone on 600 South has had the fence removed on the west side and there is a lot of debris that accumulates on the property. He would like the city to find a remedy to this problem. Mr. Elwood thinks the council needs to patrol this issue. Mr. Elwood also said debris is accumulating on several properties in town and specifically referenced on 100 West from 100 North to 200 North. Mr. Elwood wanted to make sure the police force and city council were aware of this issue. Mr. Elwood stated city document 8.28.080 states that there cannot be more than two inoperable vehicles on a property and that they need to be stored behind a six foot fence. Mr. Elwood also expressed concern that the wood pile on the side of the shop by his residence has not had any items removed from it for over 25 years and only keeps growing. Mr. Elwood stated the wood pile is a fire hazard, rodent hazard, and insect hazard. Mr. Elwood also expressed concern of a car repair business on 100 North and he does not believe a business license has been issued there.

Police Chief McCoy informed Mr. Elwood and the city council that a warning citation was being issued that evening in regards to some of Mr. Elwood's concerns.

Mayor Simmons informed the council of an email that he had received from a citizen stating that this person did not think ordinances should be enforced and that "neighbors need to help neighbors" and so there is two sides to this concern.

### **Consideration of a request from Travis Taylor, agent for Smithfield Ridges, LLC; to amend the preliminary plan for the Smithfield Ridges and The Villas in the Smithfield Ridges Planned Unit Development located east of 1000 East between 300 South & 600 South. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.**

Travis Taylor appeared before the council to discuss the redesign of the (90) lot portion of the Smithfield Ridges development. Mr. Taylor stated there is one remaining phase and it has not yet been platted. Mr. Taylor also expressed that the sales of the small lots have stalled. Mr. Taylor then stated that he has found an interest in home purchases of the size between the home sizes offered in the "Ridges" and the "Villas". Mr. Taylor informed the council that he has met with several of the homeowner's in that area as well as the city Planning & Zoning Commission to address all of their concerns. Mr. Taylor stated he was aware of the concern of the narrow lots that only had six foot setbacks and the concern of not being able to get equipment back and forth from the front to the back of the property. Mr. Taylor stated in his new proposal that four building lots had been removed and the other lots have been expanded. Mr. Taylor stated that the plan before the council is shown with an 18 foot setback with 9 feet in the front and 9 feet in the back. Mr. Taylor brought in pictures of six of the more popular 2-story house designs for review. Mr. Taylor also noted the reconfigured open space area is now more of a regular shape than the meandering shape originally presented. Mr. Taylor stated that some of the existing homeowner's did not want any open space since Smithfield City is already developing open space on 1000 East. Mr. Taylor stated that there is a place for large building lots but there is also

a place for lots the size of the “Villas”. Mr. Taylor stated that there is a high interest from people not wanting large yards with small side yards but good elbow room in the backyard for a swing set or possibly a playground. Mr. Taylor informed the council that the CCR’s on the “Villas” was 1,200 square feet for one story. The “Ridges” had a main floor of 1,300 square feet with 900 square feet on the upper floor. The smallest of the proposed floor plans would now be 1,800 square feet with the next floor plan being 2,393 square feet which is well above the current CCR’s. Mr. Taylor also stated the other proposed plans were 2,688, 2,722 and 3,366 square feet.

Council Member Monson stated she was pleased to see the lots are all bigger in size.

Mr. Taylor stated that the proposed lots would be approximately 70 feet by 150 feet or 10,500 total square feet. The original plat had 150 units the new proposed plat would have 145 total units.

Council Member Barnes was pleased to see more side room on the sides of the proposed homes.

Mr. Taylor expressed that the square footage of the homes will be based on the preference of the home buyer.

Council Member Buttars expressed his concern that the original concept included a pool and clubhouse and he was worried that some current homeowner’s purchased their property believing those items would eventually be installed. Mr. Buttars also stated that he believed that it would take a 75% vote of the lot owners to change the CCR’s.

Mr. Taylor stated that he had not advertised the lots to be sold with a pool and clubhouse and did not think it would be an issue. Mr. Taylor also stated that the clubhouse was not included in the CCR’s.

City Manager Gass informed Mr. Taylor that when he reviewed the CCR’s that it states a clubhouse would be included and that to amend the CCR’s it would require a 75% vote of the property owner’s.

Mr. Taylor stated that was not his understanding and he believed it just referenced the open space area.

City Manager Gass stated it was specific about the clubhouse and also that the property owner’s would bear the cost of the clubhouse.

Mr. Taylor stated that he thought the clubhouse would be shot down once the property owner’s realized they would have to pay for it and pay to maintain it.

City Manager Gass reminded the council that this was the preliminary plan only and several concerns would need to be resolved before final approval. Mr. Gass also informed the council that he had spoken with Mr. Taylor about the road on 600 South. When the original plat was proposed Mr. Taylor’s engineering firm stated the road was at over a 10% grade and that is not

allowed per city code. Mr. Gass stated that with the help of city employee Clay Bodily that they went and checked the area in question and the slope between 300 South and 600 South is only 8.8% but would go to 12.5% or so going further east. Mr. Gass informed the council that 600 South is an important road and in his opinion the road should be extended from 300 South to 600 South and the proposed cul-de-sac removed. Mr. Gass also stated that the cul-de-sac was originally only temporary and that the extended roadway would help with traffic flow as well. It would also avoid a dead end road situation as well. Mr. Gass suggested that this should be a requirement for the approval of the plan.

Mr. Taylor stated the grade of the area was news to him and this would cause him to lose two more proposed building lots. Mr. Taylor was not excited about this change and stated he could not fit more building lots in the plan so he would just widen the two existing lots by the road.

Council Member Monson expressed support for extending the road and removing the cul-de-sac.

Mr. Taylor stated that he has switched engineering firms because of issues like this and that the current plat was configured based on what he was told the slope was but has now been informed that was incorrect.

Mr. Gass stated he would like the roads to be public roads. Roads in PUD's must have a minimum width of 40 feet but all of the proposed roads would be 60 foot standard roads. Cardon Ridge road is already built and would be the only road that is not 60 feet wide.

Mr. Taylor stated that one of the concerns of those living there is speeding and several property owners have asked for Stop Signs to be installed. Mr. Taylor stated he would work with Mr. Gass in regards to traffic control issues in that area.

Council Member Buttars said he would like to see a redraw of the proposal. Mr. Buttars stated he did not like the long skinny lots that were proposed in Option 2 of the design.

Mr. Taylor stated he has talked to several people that expressed they did not want a big side yard or a big lot but did want a private spot in their backyard. Mr. Taylor also stated that the changes to the CCR's only affect the open space and have nothing to do with the configuration of the plan. Mr. Taylor did state he would build the clubhouse if he has to build it.

Council Member Barnes stated he did not think the side yard is a concern for people as they only use it to access the backyard of the property. Mr. Barnes stated he was leaning towards the smaller lot sizes and believes the lot sizes in Paradise are ridiculous in size and that the land in Paradise will be used up quickly.

Council Member Buttars stated that Mr. Taylor had made the requested changes of the Planning & Zoning Commission and answered the questions of the homeowner's.

City Manager Gass reminded the council that the three detention ponds and green space were the responsibility of the PUD to maintain.

Council Member Watkins stated he liked the idea of removing the cul-de-sac and thought having less building lots was better.

City Manager Gass stated that snow removal on the full size roads would be done by the city in the future except for the long driveways that would be maintained under contract by the HOA.

\*\*\*A motion to approve the preliminary plan for the Smithfield Ridges and Villas with the condition that the road be extended from 600 South to 300 South and the existing cul-de-sac eliminated was made by Dennis, seconded by Jeff and the vote passed by a vote of 3-1 in favor of .\*\*\*

Vote Yes: Watkins, Monson, Barnes

Vote No: Buttars

Absent: Kent

Mayor Simmons advised Mr. Taylor to get the plat amended so it could be reviewed.

Council Member Buttars asked that the street signs include the numerical numbers as well as the street name. City Manager Gass stated that all signs are already marked as such.

**Public Hearing, not to begin before begin 6:30 p.m. to receive public input for Consideration of Resolution 13-03, “An Amendment to the Final Budget for the Fiscal Year 2012/2013 for all Funds”**

The Mayor closed the regular council meeting and opened the public hearing at 7:03 P.M.

Jeffrey Gittins recommended that the council consider having a discussion about the proposed changes to the budget before having the public hearing so the citizen’s would have a chance to hear about the changes before being asked to comment on the changes. Mr. Gittins stated he would like time to review the changes before offering comment.

City Manager Gass stated that none of the departments were in the risk of going into the red but that some increases and decreases should be considered. Mr. Gass stated that in regards to revenues for the year that they came in well and reminded the council that the budget is based on being very conservative at the start. Mr. Gass stated that there were 130 new building units in the budget year and there is no way to know or project what this number will be on a yearly basis. Mr. Gass reminded the council that the central dispatch fee and garbage collection fees are direct pass through revenues and expenses. Mr. Gass stated the increase in the Police Department budget was for the purchase of the software for electronic ticketing that is now mandatory. Mr. Gass also stated that there was an increase in the insurance amounts as the old values were based on the cost of the building but that the new values for the policy are now based on replacement cost.

Council Member Buttars stated at some point he would like to be able to compare the amount of water entering into the system against what is going into the sewer system.

Mayor Simmons asked for comments from those in attendance and nobody came forward with any comments.

Mayor Simmons closed the public hearing at 7:35 P.M.

Council Member Watkins asked what the total budget would increase to after the proposed changes. City Manager Gass commented that the budget would increase from \$4,345,000 to \$4,567,000. Mr. Watkins then commented that the new budget was set at \$4,629,000. Mr. Watkins inquired into why the large increase in tax revenue. Mr. Gass commented that it was because of a large increase in sales tax and a higher than expected amount in franchise tax. Mr. Dean Clegg commented that property tax for the new budget year would be approximately \$429,000 and the amount of the recreation bond about \$188,000. There are approximately seven years left on the recreation bond payment.

\*\*\*A motion to approve Resolution 2013-03 was made by Brent, seconded by Dennis and the vote was unanimous.\*\*\*

Vote Yes: Watkins, Monson, Barnes and Buttars

Vote No: None

Absent: Kent

### RESOLUTION 13-03

#### A RESOLUTION AMENDING THE FISCAL YEAR 2012/13 BUDGET FOR THE CITY OF SMITHFIELD, UTAH.

**BE IT ORDAINED** by the City Council Members of the City of Smithfield, Utah, that the 2012/13 fiscal budget be amended to include increases within the General Fund and Special Revenue Funds.

#### CHANGES TO GENERAL FUND REVENUES\*

Charges for Services	\$ 58,000.00
Intergovernmental	\$ 44,000.00
Licenses and Permits	\$ 32,000.00
Taxes	\$ 147,200.00
Revenue from Fines	\$ -20,000.00
Miscellaneous Revenues	\$ 6,500.00
Additional Revenue	\$ <u>3,000.00</u>

**TOTAL** \$ 270,700.00

Contribution from General Fund Reserve \$ 3,872.05

**GRAND TOTAL** \$ 274,572.05

**INCREASE TO GENERAL FUND EXPENDITURES\***

Legislative	\$ 9,000.00
Administrative	5,000.00
Attorney	10,000.00
Non Departmental	10,200.00
General Government Buildings	9,000.00
Elections	150.00
Police	5,000.00
Fire	16,900.00
Public Works	1,200.00
Sanitation	20,000.00
Park and Park Areas	7,500.00
Historical Society	<u>1,500.00</u>

**TOTAL** \$ 95,450.00

**CHANGES TO THE RECREATION FUND\***

**REVENUES** \$ 46,400.00

**EXPENDITURES** \$ 46,400.00

**CHANGES TO THE DEBT SERVICE FUND\***

**CONTRIBUTIONS AND TRANSFERS** \$ 4,500.00

**EXPENSES** \$ 4,500.00

**CHANGES TO THE GENERAL CAPITAL IMPROVEMENT FUND\***

**REVENUES** \$ 179,122.05

**TRANS. FROM GCIF RESERVES** \$ -161,266.06

**EXPENSES** \$ 17,855.99

**CHANGES TO THE SEWER FUND\***

**CONTRIBUTION TO RESERVE** \$ -107,000.00

**EXPENSE:** \$ 107,000.00

**CHANGES TO GOLF COURSE FUND\***

<b>REVENUE</b>	\$ 20,000.00
<b>EXPENSES</b>	\$ 20,000.00

\*See attached schedules for additional details

**PASS AND APPROVED** this 26<sup>th</sup> day June, 2013.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons  
Darrell G. Simmons, Mayor

ATTEST:

/s/ Justin B. Lewis  
Justin B. Lewis, Recorder

Mayor Simmons commented to Police Chief McCoy that he appreciated him keeping the police department in budget.

**CONSIDERATION TO APPROVE A NEW PUBLIC WORKS EMPLOYEE**

City Manager Gass commented that Chad Kendrick had accepted employment elsewhere and this position would be to replace Mr. Kendrick. Two current city employees had been elevated to cover Mr. Kendrick's responsibilities. The employment position had been advertised and there were over (20) applications. There were five or six interviews and it came down to two applicants. The selection committee recommended that James Hunsaker be offered the employment position in the public works department with an emphasis in parks with a salary of \$28,700 per year.

The council and mayor consented to the hiring of James Hunsaker as an employee in the public works department at a yearly salary of \$28,700.00.

**CITY MANAGER REPORT**

City Manager Gass informed the council that Cache County had started their yearly chipping program today. The Canyon Road project would be completed before the bike race. Cache County had lost a significant amount of federal revenue and appeared to be ahead of schedule. The bidding on the new lean-to will close on July 2<sup>nd</sup>. There will not be any firework restrictions

for July 4<sup>th</sup> but most likely will be for July 24<sup>th</sup>. North Logan and Logan City have given authority to the Fire Chief to designate if and what areas should be closed. It was recommended that Smithfield allow the chief to do this as well. It was recommended that a resolution be passed at the July council meeting to allow for this or the council could decide themselves. Council Member Buttars suggested that the restriction be moved to 1000 West from 700 West. City Manager Gass stated that the Blue Sox Field lighting will be going out for bid. There are several different options to consider and hopefully the project would be started by the fall. The auditor's showed up today and started their preliminary work and will be returning in mid-August. There have been questions about the dust on Dry Canyon Road and the council was informed that the Duraguard has been ordered. The city is on a waiting list as the product comes from a company located in Idaho Falls.

### **COUNCIL MEMBER REPORTS**

Council Member Barnes stated he had received several inquiries about the gates on the upper canal. Mr. Barnes spoke with the property owner and was told it was a very hard decision by the landowner and they knew they would take some heat for their decision but they feel it is the best decision. The property owner recently witnessed her dogs being sprayed with Mace by someone on the canal. Mr. Barnes stated that unfortunately it is the society we face today and for the time being people will be fenced out of that area.

Council Member Monson informed the council of the movie in the park on July 12<sup>th</sup> and that the city half marathon will be on July 27<sup>th</sup>. The movie on the 12<sup>th</sup> will be the Lorax. Mrs. Monson wanted to clarify that the new irrigation watering hours were really from 6:00 A.M. to 6:00 P.M. and not from 6:00 P.M. to 6:00 A.M. Mrs. Monson stated that this goes against everything everyone has always been told about not watering during the day. City Manager Gass informed the council that this only applied to the upper canal and not where the residents get their water.

### **MAYOR'S REPORT**

Mayor Simmons thanked Dean Clegg for his years of service to the community as the Smithfield City Recorder. Mr. Clegg commented that it was great to work for the city and it had been a privilege. Mr. Clegg offered thanks to the citizens, council and mayor's past and present.

Mayor Simmons asked Mr. Clegg of his greatest concern for the community. Mr. Clegg stated he is concerned and hopeful that the city will find the necessary funding to replace City Manager Gass when he retires. Mr. Clegg believes that two employees will need to be hired to replace Mr. Gass and that it will be a big challenge for the community.

Council Member Monson thanked Mr. Clegg for helping her to learn about what it takes to be a good council person and that she appreciated his advice over the years.

\*\*\*A motion to adjourn at 8:00 P.M. was made by Council Member Monson.\*\*\*

Approved and signed this 10<sup>th</sup> day of July, 2013.

**SMITHFIELD CITY CORPORATION**

\_\_\_\_\_  
Darrell G. Simmons, Mayor

**ATTEST:**

\_\_\_\_\_  
Justin B. Lewis, Recorder