

SMITHFIELD CITY COUNCIL

SEPTEMBER 25, 2013

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, September 25, 2013. The meeting began at 6:00 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 was also in attendance.
City Recorder Justin Lewis was excused.

The opening remarks were made by Council Member Buttars.

VISITORS: Paul Thomas, Michael James, Justin James, Kris Oliverson, Dan Larsen, Chris Biggs, Melissa Draper, Travis Taylor, Lisa Peterson, Brock Peterson, Glen Jay Thornley, Addison Hall, Gibb Allan, Steve Fillmore, Carolyn Fillmore

**APPROVAL OF AUGUST 14, 2013 CITY COUNCIL MEETING MINUTES
APPROVAL OF AUGUST 22, 2013 CITY COUNCIL MEETING MINUTES**

After consideration, the Mayor declared the consent agenda for the August 22, 2013 as approved.

Jeff Barnes stated on the August 14th city council meeting minutes that there had been three revisions to the "Resident Input" section and that he would like Justin Lewis to go back to the recording and make sure the minutes are correct from the recording. The Mayor inquired if there was a specific item or section for review and Jeff stated that Barbara's comments needed to be reviewed for accuracy. The Mayor stated that the minutes from the August 14th city council meeting would be reviewed for accuracy and content and included on the next council meeting agenda.

RESIDENT INPUT

Paul Thomas came before the council to discuss the appeal of the denial of a kennel license that is being considered. The Mayor informed Mr. Thomas that it was a specific agenda item and would be discussed later and the council would consider resident input at that time.

TRAVIS TAYLOR, AGENT FOR THE SMITHFIELD RIDGES & VILLAS, CAME BEFORE THE COUNCIL TO DISCUSS PHASE 7 OF THE SMITHFIELD RIDGES DEVELOPMENT

Travis Taylor explained that he was bringing before the council a new 11" x 17" drawing as there was a slight change from what was approved by the Smithfield City Planning & Zoning Commission. There were some issues to be worked out with the Mylar map on the title report. The title report is currently being finished up. Then the plat will be delivered to city attorney, Bruce Jorgensen, for review and this is a plat he has reviewed previously and had some

comments and questions on and so it was revised. Once officially recorded then this concept could be approved by the council.

Travis stated he would like the council to consider a couple of proposed changes. One proposed change is to vary the width of the 65 foot wide lots; same number of lots but different widths. This change would allow for some of the homes to have three car garages and some to have two car garages. The 65 foot original width would only allow for two car garages on rambler style homes with no flexibility. The density would not change. There was a little bit of an issue on the street on the south end. 600 South as originally lined up with a half width plus 10' would have created a slight jog and misalignment if kept on all of the developer's property. Instead of a jog and bottle neck in the road, Travis was working with the property owners to the south to push the alignment where it should be to make it align with the rest of 600 South. The current property owners are willing to work with Travis's firm and so they are moving ahead with making this change. The property will be dedicated phase by phase and as needed. With the proposed road change the lots will get a little increase in overall size than originally planned. That was another issue with the plat that is being resolved.

Travis stated he knew that no formal decisions could be made this evening but wanted to know the feeling of the council on the alternating lot sizes. The park and open space are a little bit different configuration than discussed. Originally it was discussed to have one playground structure and one large pavilion structure. In the concept plan approval there was a lot of resident interaction and they are continuing to do so, after approval by the council he went back to the residents to discuss a clubhouse and swimming pool and other things that could be done in that area. After a couple of meetings with the residents of the area and discussing the swimming pool it was unanimous to remove the pool due to initial cost, maintenance costs and heating costs. A clubhouse with a great room and an extended roof was another option. Then a midsized pavilion was considered along with a couple of octagonal pavilions as they would be smaller with just one picnic table. This would allow for more residents to use the open space at the same time but would not allow for year round use. The vast majority of the residents want the medium sized pavilion and two smaller pavilions. It is not a dramatic change but is more useable and functional. The overall slope is being changed from about 6% down to 2% and water will still drain. Due to the change in slope you can now walk on that area and kick a ball, etc.

Travis stated on 600 South, right now I am required to build a half width plus 10 feet which leaves us about 5 ½ feet short of a full road width. The people that are donating the property are asking about finishing the road to the curb. There is no need for a sidewalk at this point until someone develops it down the road and they can pay for it at that time. Travis proposed to the city to do a cost sharing project to complete that road. Travis's proposal is to finish the pavement part of that road which is an extra 5 ½ feet cost to the developer and that the city pay for the curb and gutter along there. It would be roughly a 50/50 cost share between the developer and the city. Rather than having an unfinished road with a rough edge it would now be completed. The curb and gutter would be backed with dirt. It would be segmented and the first part of the curb and gutter would be 150 feet or so at approximately \$15.00 per linear foot or up to \$3,000 or so. It could be double that possibly on the next phase which would be \$5,000 to \$6,000 that the city would pay.

Brent inquired if the city paid the cost for the curb and gutter at this time; could the future developer be required to reimburse the city for those costs. Jim stated that the landowner was donating 30 feet of property to the city the entire length of the area and that it would be hard to make them pay costs down the road after they had just donated the property and not really getting any benefit by doing so.

Barbara double checked that the property was being donated to the city and Jim concurred that it was. The reason it is an issue now is that originally the road only went up to 1030 East and beyond that there was not a road and so the full width of the road beyond that point was not a concern. Now the developer was being requested to extend the road up to approximately 1150 East it has become a problem as there is not enough property to extend the road up there.

Dennis inquired what the southern boundary line of the city is. Jim stated that the boundary line is 600 South and that the curb and gutter would not be located within the city. Dennis stated that the city would be spending funds on county property. Jim stated it was not a deterrent as the county would be turning over the entire road to the city anyway and the city would be maintaining the road in the future as well. If future annexation does occur then that property would be in the city at that point.

Barbara wanted clarification that this proposal would make the road straight. Jim stated that it would.

Mayor Simmons wanted to clarify that the Lowe family was actually willing to donate the property and if there was an agreement in place. Travis stated that he had met with them and that they were favorable to it at that point.

Travis stated that the deeds to the property would be held in escrow until they were improved so that if the developer stopped the project then the Lowe family and the city would not be under any obligation.

Barbara wanted to know if the donated land would only give enough property for the curb and gutter or if there was enough room for sidewalk as well. Jim stated there was enough donated land for a sidewalk and a park strip but they would not be put in at this time.

The Mayor inquired if some of the lots were now more narrow as it appeared they lost approximately 4 feet or so. Travis stated that some of them were but not all. The smaller ones had 60 or 61 feet and the larger ones had up to 72 feet.

Brent stated that the distance between the homes would be 12 feet as there would be 6 feet from each home to the boundary line. Travis stated there would be 18 total feet between both sides of the homes. The previous approval was for no less than 18 total feet but one side could not be less than 6 feet. The drawing presented to the council for simplicity sake showed 9 feet on the side of each home.

The Mayor inquired if it was the same number of lots and Travis stated it was the same number of lots and the same setbacks.

The Mayor inquired if the open space was the same size and Travis stated that it was but the changes would be to add additional pavilions and enhance the landscaping. The proposal is to change from one large pavilion to three smaller pavilions.

The Mayor stated that it appeared to be a favorable response from the council as long as the road issues were resolved with the family donating the property.

Dennis stated that in his opinion the new layout was better than the original proposal.

Barbara stated that she liked the variations in the house sizes as it broke up the look a little bit.

Kris stated that she liked the current proposal better; especially the green space area. Kris also stated that she liked the variation on the lots as she did not like cookie cutter type areas.

Jeff stated that he had attended the planning and zoning meeting as well and that he liked the new proposal by Travis.

The Mayor asked Jim if there were any possible issues with the county regarding the road proposal. Jim stated he would communicate with the county but did not see it being an issue where the city would be taking care of it and not the county.

Jim stated that officially Travis will need to take this official proposal to the planning commission for review, the city attorney for review and then the city council for approval.

Travis thanked the council for allowing him to come before them even though he was not on the agenda.

PUBLIC HEARING TO CONSIDER A REQUEST BY GILBERT CELLAN, PROPERTY OWNER, FOR A REZONE OF THE PROPERTY LOCATED AT 106 WEST 400 SOUTH, PARCEL# 08-105-0015 & 08-105-0016. APPROXIMATELY 3.1 ACRES FROM A-3 (AGRICULTURAL – 3 ACRE) TO RM (MULTIPLE FAMILY RESIDENTIAL.)

Mayor Simmons closed the regular council meeting and opened the public hearing at 6:30 P.M.

The Mayor asked Jim to explain the request. Jim stated that when the master plan and zoning map were updated several years ago it created a boundary between multi-family and agricultural. When the boundary was made an unintended consequence was that this property was divided into a north and south part which has remained undeveloped. Jim stated that Mr. Cellan's request was that the zoning map be updated to agree with the master plan and change the boundary to the south end of Mr. Cellan's property which makes more sense that way there are not small little areas of agricultural land and multi-family but now the entire property would be one zone. The entire parcel would not be multi-family rather than split over two different zoning criteria.

The Del Monte property is currently zoned as manufacturing and the master plan shows it as community commercial.

Barbara inquired if Gilbert's piece had anything to do with manufacturing and Jim stated that it did not.

The Mayor stated that all of the property to the north of this property was already multi-family and had been for quite a while. Kris wanted to know if all of that property was zoned to multi-family at the same time. Jim said it was not rezoned but that the zoning map was redrawn in that location. Most zones were redrawn at that time.

There was no comment from the public.

The Mayor closed the public hearing and reopened the regular council meeting at 6:35 P.M.

CONSIDERATION AND POSSIBLE VOTE ON ORDINANCE NO. 13-08, AN ORDINANCE AMENDING TITLE 17, ZONING OF THE SMITHFIELD MUNICIPAL CODE, BY AMENDING THE ZONING MAP OF SMITHFIELD CITY.

Jeff inquired of the intent of the property owner to build what? Jack Nixon, agent for Gilbert Cellen, appeared before the council to speak in behalf of the Cellen family. Jack stated that Mr. Cellen is interested in building multi-family there right now. Jeff inquired if it would be apartments or condominiums? Jack stated that had not been decided but would be based on the approved zoning and size of the property.

The Mayor inquired into the size of the property in question. Jim said the property in question was an additional 217 feet.

Barbara stated that approximately nine acres was already zoned multi-family and Jim concurred.

The Mayor asked Jack if there were any definitive plans at this time and Jack stated there was not as they needed to know the total amount of available land before they could consider anything. Jack also stated that Mr. Cellen lives in that area right now and it will be very well developed.

Brent expressed a concern that the south end of the property would be right next to a dairy farm. Jim stated that it was Cleon Chambers dairy and that it was still an active dairy.

Jim stated the property to the east of Mr. Cellan's was the Del Monte property.

Jeff inquired about a piece of property in the middle of the area and its zoning. Jim stated it was also owned by Mr. Cellen and he believed the current zoning to be agricultural but would need to double check.

Kris stated that she would like to express her opinion and that she had reviewed all of the multi-family in the south end of town. She stated that she thought Smithfield should be done with

heavy housing areas as there is currently plenty of affordable housing in the city. She expressed a concern for all the multi-housing that has been allowed in the south end of town and a concern for allowing more to be added. Kris stated she was not sure if she wanted to add more multi-family housing on the west side of town where the intent was to keep more agricultural areas.

Barbara asked for clarification on where the current area is and where the requested area would be. Jim stated it would be moved from the existing line south to the dairy.

Jim stated that already a significant portion of the property was already zoned as multi-family.

Barbara asked that if the current property was not changed that it would leave an agricultural buffer between the multi-family development and the dairy? Jim stated that would be correct but that it would limit access to the property.

Barbara inquired if the access would come from Autumn Ridges or from a public road? Jim stated it would be from the public road.

Jim stated that sometimes the master plan does not mesh with the zoning map as in the case of Mr. Cellan. It is something that is worked on over time towards what the master plans shows. In some cases everything does not change to what the master plan shows. A zoning map is a tool that is used to achieve what is wanted to be accomplished on the master plan.

The Mayor stated that whether or not the request is approved he already still has some property that is zoned multi-family. Jim stated that approximately $\frac{3}{4}$ of the property owned by Mr. Cellan is already zoned multi-family.

Barbara stated that approximately 6 acres is currently zoned as multi-family and that 3 acres is currently zoned agricultural so the request was to make all nine acres into multi-family.

Jeff stated that where the northern part of the property is already zoned as multi-family that it makes no sense to not allow the request as it would land lock the remaining property and make such a small piece of agricultural land that nobody would want to run the property and it could become an area of blight.

Barbara asked about the concern of the property being landlocked as she did not see that being a concern. Jim stated that Mr. Cellan would have to make an access road. Barbara wanted to know the disadvantages of leaving it as an agricultural zone. She stated she understood that it would leave a very odd shaped small piece of agricultural property. The Mayor said that history shows when these little pieces of property are left that they become areas of blight.

Jack Nixon reminded the council that this issue went before the planning and zoning commission and they reviewed it in detail and unanimously approved it if the council was not aware.

Barbara asked Brent if the intent of the planning commission was to make it one parcel. Brent stated that it would hurt the property owner if not allowed since both pieces of property were

owned by the same person. Jim stated that the entire property on the master plan shows as multi-family.

Jim stated that when zoning maps are made they are arbitrary lines and not reviewed on a piece by piece basis.

Jim stated that it is possible to create a buffer between the property and the dairy but did not know if it would be feasible.

A motion to adopt Ordinance No. 13-08, AN ORDINANCE AMENDING TITLE 17, ZONING OF THE SMITHFIELD MUNICIPAL CODE, BY AMENDING THE ZONING MAP OF SMITHFIELD CITY, was made by Jeff, seconded by Brent and the vote was unanimous.

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

No Vote: None

JARED NIELSON, AGENT FOR ELK RIDGE SUBDIVISION, LLC HAS REQUESTED APPROVAL OF PHASE 3 OF THE FINAL PLAT FOR THE ELK RIDGE SUBDIVISION LOCATED AT APPROXIMATELY 120 SOUTH 1200 EAST, ZONED R-1-12.

Megan McMurdie, Jared's accountant, appeared in his behalf. Megan stated she knows there was a concern about a turnaround and that Jared was working to get it finalized soon. Megan asked if the approval could be made with the condition that turnaround be in place so the decision would not have to be delayed. Jim stated that the turnaround is at the end of the street on property owned by Ryan Petersen. Jared already has an existing easement for the utilities. Eventually the development by Ryan Petersen will meet up with the Elk Ridge Subdivision and they will join. Jared is currently pursuing an easement to temporarily allow for a gravel turnaround. The current problem is that the garbage trucks drive down the road and have no way to turnaround so they have to back down the road and that is not safe.

Dennis double checked to make sure it was temporary. Jim stated that it would be temporary until Ryan Petersen extended his portion of the road to adjoin the two sections and then the turnaround would be removed. Where it is temporary it would be gravel and not asphalt. Jim also stated it would make it much easier for the snow plow trucks as well to turn around.

Dennis wanted to know why there is a delay? Megan said she was not sure why and just knew that it was something that Jared was currently working on and thought it was just waiting for confirmation to move forward.

Dennis asked Megan if they were requesting that a decision be delayed until the turnaround had been finalized. Megan stated that they would like to get it approved but know one of the restrictions would be that the turnaround issue be resolved beforehand.

Dennis wanted to know if there was any danger to the city in allowing that request? Jim stated there was no danger and that the city would just not sign the final plat. Once the turnaround issue was resolved then the final plat would be signed off.

City Attorney, Bruce Jorgensen, had reviewed everything else and was okay with it according to Jim.

Jim showed a map of the entire development. The first three streets had already been completed and this one is the next one in line. Barbara asked if the first three roads had turnarounds currently? Jim stated they did not that they were through streets.

The Mayor asked if the other roads had turnarounds when they were approved. Jim stated no that they had all gone straight through.

The Mayor wanted to know why the road could not be completed now? Jim commented that there is one more lot that needs to be developed by Ryan Petersen before the road can be developed.

The Mayor said he did not think the request was unreasonable.

Barbara asked if the specific location of the turnaround need to be specified? Jim stated that yes it does and that it should be required on both streets. It needs to be required for both Phase 2 and Phase 3.

Jim commented that normally conditional approvals are not granted but in this case both the Mayor and city attorney need to sign off and so there should not be an issue.

A motion to approve Phase 3 of the Final Plat for the Elk Ridge Subdivision on the condition that the gravel vehicle turnaround be completed on 1150 East (Phase 2) and 1200 East (Phase 3) before the final plat is signed off was made by Dennis, seconded by Brent and the vote was unanimous.

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

No Vote: None

DAN LARSEN, AGENT FOR KARTCHNER HOMES, HAS REQUESTED APPROVAL FOR A RENEWAL OF PHASE 4, (15 LOTS) OF THE FINAL PLAT, FOR THE RIDGEVIEW SUBDIVISION LOCATED AT APPROXIMATELY 1000 EAST 120 SOUTH. ZONED R-1-12.

Jim informed the council that this request had been previously granted by the council but he failed to record it in the allotted time period and therefore the council had to review it again. This is the last phase of the subdivision.

Barbara stated that this was just a formality to approve and Jim concurred.

The Mayor inquired of the timeline to get it recorded and Jim informed the council that from the day the council approves the request it must be recorded within one year. Extensions can be granted but they must be requested before the expiration date.

Dennis inquired if there were fees that were charged a second time and Jim stated that was the case as he had to start over with the city for this request.

Jeff asked if the property to the south was owned by the LDS church? Dan stated that it is. Jim showed the council an area that is an easement for both sewer and storm water.

A motion to approve a request for the renewal of Phase 4, 15 lots, of the Final Plat, for the Ridgeview Subdivision for Kartchner homes was made by Kris, seconded by Jeff and the vote was unanimous.

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

No Vote: None

**CHRIS BIGGS HAS REQUESTED AN APPEAL OF THE DENIAL OF A
CONDITIONAL-USE PERMIT FOR A KENNEL LICENSE FOR UP TO THREE (3)
DOGS LOCATED AT 200 SUMMIT DRIVE. ZONED R-1-10.**

The Mayor asked Jim to give a summary of the situation as the issue had quite a discussion with the planning commission and is now before the city council. Jim stated he had not been involved in the entire process but was aware of how things had transpired to this point. Chris Biggs has had more than two dogs and when you have more than two; a kennel permit is required. Normally, Char Izatt, Deputy Recorder, issues the permits but there are certain times that require the request to go to the planning commission. One being the breed of the dog and the other time when there is some type of controversy or complaints by people which was the case in this instance. The kennel license request went before the planning commission and after quite a discussion the decision by the commission was to deny the conditional-use permit request for a kennel license. Chris is now appealing that decision to the council as the council is the appeal authority for all conditional-use permit requests. It is now in the hands of the city council to review and see if the planning commission erred in their decision. The council does not have to make a decision this evening if they want to gather more information but can make a decision if they choose too.

The Mayor reminded the council that they had received the minutes from the planning commission via email as well as a current printed copy in their packet.

Jim suggested that Chris come before the council to explain why he believed that the planning commission erred in their decision to deny the kennel license.

Chris came before the council to discuss his appeal. He stated that originally he had a French bulldog, English bulldog and an Italian mastiff. The French bulldog had puppies and he had tried to get rid of all of the puppies but he was unable to get rid of one of them so now there are four dogs. He stated he went before the planning commission and at that time there was a fence

of only metal posts and some had been pushed over by golfers retrieving their golf balls. The fence was not secure at that time and the dogs could get out if they wanted too. Since then Chris has gone through and put up wooden posts and chicken wire. The wire has been stapled to the posts.

Since the time Chris met with the commission he had a friend take care of his two French bulldogs while he was gone and one of them passed away as it was not cared for properly. The French bulldog breed needs to be in a house and the friend had them outside in the 90 degree heat and one passed away. Chris would like to be able to keep the white French bulldog puppy as the dog is deaf and not many people want a deaf dog or are willing to work with a deaf dog. Chris was requesting the kennel license so he could keep the deaf puppy. The puppy cannot be outside in severe heat or severe cold as it will kill the dog; therefore, that dog would be a house dog and only go outside to use the bathroom. The English bulldog and Italian mastiff are registered with the city; Chris stated. The white French bulldog is currently not at his residence and does not have to be registered until it is six months old which occurred a couple of weeks ago. The big dark gray colored dog that there were pictures of is the Italian mastiff.

The Mayor asked Jim to explain conditional-use permits. A conditional-use permit is an allowed use permit in the city. Kennels are an allowed use. The planning commission has the option to assign conditions to that use. The commission can put conditions in place to ensure the safety and welfare of the public. The planning commission reviewed the request and did not feel they could put the necessary conditions in the permit to keep the public safe so they denied the request.

Barbara inquired if Chris owned or rented the home and Chris replied that he owned the home. Chris stated that he resides there with a friend and his children are there on occasion.

Jeff expressed concern for an unsecured fence in the south east corner of the property. There are just two steel posts holding up that portion of the fence. The area between the old wooden fence and the new wooden fence. Jeff also expressed concern for the west fence as it showed that dogs were able to get under the fence in that area. Jeff also stated that a neighbor told him that the mastiff was able to pull a board off the fence and get out as well. Chris stated he was not sure what area Jeff was referring too. Jeff did not understand how Chris was not aware of what his backyard looked like. Chris reviewed Jeff's pictures and then stated he was considering putting up a cement base along that section of fence. Chris stated that the mastiff has never left the yard.

Jeff inquired if the mastiff liked to bark and Chris stated that it does occasionally. Jeff stated that he went up and viewed the area and that the mastiff followed him around the area and barked at him the entire time and never stopped barking. Jeff also expressed that the mastiff had quite a ferocious bark. Chris commented that the mastiff's bark deterred people from entering his property.

Jeff expressed concern that Chris's neighbors could not go out in their backyards without the dog barking at them the entire time. Chris stated that there was a month's time when he was out of work and the dog was in the backyard the entire time and never barked. Chris also stated that it is a deterrent to stay away from his property.

Chris stated that the mastiff was registered with the city and he was just requesting the permit to allow the French bulldog to come to his residence. Chris commented that no matter what the decision of the council is that he is keeping the Italian mastiff and English bulldog because he has that right. Jeff informed Chris it was not his right to have a dog that barks nonstop either. Chris then commented that there are other dogs that bark in the neighborhood nonstop as well. Jeff responded that something needs to be done with them as well.

Barbara expressed concern for the south east corner fence as well as issues with the fence on the north side. It was just a small fence as well with just little posts stuck in the ground. Barbara also stated that the new fence did look much sturdier as well. Chris stated that the area of concern was not currently completed as he had the posts and the wire to do so but that Jim Gass had informed him that there was potentially a boundary line conflict and he was trying to get that resolved first. Barbara agreed about the south east but again expressed concern with the area to the north between the house and the neighbor's fence. That area is where the dog would approach people walking down the road or sidewalk. Barbara stated that she would have a hard time approving the request until all of the fencing issues were resolved. Chris stated he would like to make those repairs. Barbara then stated that it would have been better to have that completed before making the request and Chris responded that the monetary funds were not always available for the project.

Brent asked if the south fence was on city property? Jim responded that about 2/3 of the new fence was on city property. The fence was installed straight across the backyard but the legal description does not go straight. Chris stated that one end was back from his property line and the other end was on the city property. Chris asked Jim previously if the city would consider a land swap on each end and Jim told him that was entirely a different subject but that the city would not entertain that idea. Chris then stated he would need to hire a surveyor to find the exact boundary line locations.

Kris Monson then said she has viewed the property as well and there were not any dogs there at that time but she did have a concern of the dogs getting over the existing fence. Chris Biggs stated eventually it would all be a six foot fence. Kris Monson then asked if the fence was site proof or could be seen through from yard to yard? Chris Biggs stated that it was just planks and gaps should be gone to see the neighbor's yard. Kris Monson then stated that if it was a privacy fence that could possibly keep the dogs from barking as the dogs could not see the neighbors.

Jim asked for a moment to explain what the planning commission and council should be considering in cases like this. It specifically states that the city council and planning commission should protect the public welfare in a case like this for a kennel or cattery. Zoning and the size of the lot should be considered as well. The proposed location of a fixed dog run to the neighbor's property as well as the size of the dog run as well as the proposed number of dogs or cats. Each permit needs to state the exact number of dogs and cats allowed. Each permit is partly based on the location of the permit. The conditions would be different if he lived on a bigger lot in an agricultural area than in a high density home area with a smaller lot.

Jim stated he was in the fairway the day of the council meeting and the dogs scared him and that if he was a neighbor of Chris's that he would be terrified to let his children go outside unless the dog was in a confinement that the dog could for sure not get out of. A six foot fence which is the intent of Chris in the future would be much better than the existing 4 ½ foot fence.

Brent inquired if a kennel has to be so far away from a fence? Jim stated that the dog run must be a certain distance from the fence. A fixed dog run is required for certain dogs but Brent was concerned that the entire backyard was being used as the dog run. The mastiff is not in the restricted list requiring a dog run.

Jim stated that he could see why Chris had a dog like this as it would keep golfers from entering his backyard.

Barbara was concerned that one of the boundaries was public property and a lot of people would be walking along there and not aware of the dogs.

Jeff inquired if Chris was using a bark collar on the mastiff? Chris responded that the bark collar is on the dog all the time but only works when he pushes a button to activate it and administer the shock. It is not an automatic collar.

Barbara stated that she thinks the dogs are under control and do not bark if Chris is at his residence but that they do bark when he is gone which is an issue.

Brent commented that there are two issues before the council; the request for a kennel permit and an issue with the two existing dogs. If they bark it is a problem whether they are licensed or not. They are a problem because no effort is being made to keep the neighbors happy. The permit should be denied because the dogs are constantly barking. Chris then stated that the dog issue is just the tip of the iceberg with his neighbors. He cannot park a vehicle on his lawn or in his driveway without being harassed. Chris complained that he is constantly being harassed for various issues and Brent wanted specifics not generalities. Chris stated that he had a Jeep "For Sale" for a while and was constantly harassed about it needing to be moved. Chris said he was contacted by the police chief about the Jeep and he even told the neighbors that there is not an ordinance in that regard and yet the neighbors still keep calling and complaining. Chris stated he had a private conversation with the police chief and that the police chief has directed his officers to let him know of complaints so he can deal with them as the chief feels that Chris is being harassed. Chris complained he is not allowed to work out of his garage as there are too many vehicles at his place.

Brent expressed the point that the dogs are currently causing problems. Chris then stated that it is his property and he should have the right to do different things that are within the law and within ordinance and no ordinances are being broken. Everything is being followed to the "T" to try and keep people happy. Chris then stated he legally did not have to move the Jeep but moved it keep the neighbors from continuing to complain and whine about it. Chris then stated when he saw a picture of his Jeep that it was quite bothersome that he is always being harassed. Jeff inquired why the Jeep was in that specific location and Chris responded that it was his property and he put it there "For Sale" so people could see it as they drove by.

Jeff inquired if he was running a business in his garage and if he had a business license? Chris stated that yes he is still running a business out of his garage and that he does have a permit for the business.

Brent then stated that the issue at hand is the two barking dogs not all of these other items and that the new dog is not a barking dog but that the existing dogs are the problem. There is a problem adding more dogs if the existing dogs are already a problem. Chris then again stated that the two existing dogs are registered and there is nothing anyone can do or say to have that changed. Chris just stated he wants the deaf dog on his property for his kids and to be able to take care of it.

Kris Monson stated that Chris Biggs could get rid of one of the existing dogs and that would allow for the white dog to be allowed at the residence. Chris Biggs then commented that he had theft issues at other properties and is not going to make the mastiff leave. The only way it will leave the property is that it will physically have to be taken away according to Chris Biggs. Chris Biggs then stated he is sorry that the mastiff barks but it is not out chasing wildlife. Jeff then stated that people do not like barking dogs. Chris then commented that people don't like the deer being chased by dogs but it still happens.

The Mayor then reminded the council that it is up to the council to decide what conditions it wants to impose; if any. Jim stated that there are existing ordinances in regards to the two existing dogs such as they need to be kept confined and the property must be kept clean regardless of who you are. There are certain conditions that everyone must uphold whether they have a kennel license or not. The conditions put in place by the council would be above and beyond the existing conditions that already apply to everyone. Conditions would be things such as a six foot fence and that it must be sight proof. Jim expressed concern that the issue be discussed again later when there is more time. Barbara stated she could not approve the permit currently until the fence is fixed and that it would also give Chris more time to work on the fence. Chris said he would work on the fence as he has free money.

Barbara wanted to clarify if there were three dogs on the property currently or just two? Chris stated there are only two and that is the reason the one died is because he had to take them elsewhere.

Kris Monson stated the planning commission had denied the license request and wanted to know if the council could do the same thing? Jim stated that conditions can be added or the council can agree with the planning commission and deny the license as well. Jim informed the council to be careful and specify why the kennel license was not being granted if they choose to do that. As the appeal authority the specific reasons need to be listed why the permit was denied. Barbara then stated that is why she thinks more time is needed.

Barbara also wanted to make sure that he is allowed two dogs if they are confined to a specific area and the area is kept hygienic to which Jim stated then they are allowed. Jim commented everyone is responsible for their animals and to keep them contained. Jim also commented that

there are always dogs running astray in the city and that owners are cited and tickets issued when this happens.

The Mayor asked Chris what his timeline is in regards to finishing up the fence? Chris stated that he hoped to have the six foot fence completed within the next two months.

The Mayor then inquired of Chris that based on the information he had heard at the meeting should he be continuing to move forward with this project? Chris stated he was going to finish up the fence as he did not like people peering in his yard and constantly nagging on him. Chris also stated that if he could build a wall around the entire property that he would do so. If he could build a six foot fence in the front yard he would do it but city ordinance only allows up to four feet.

Barbara inquired if all of the necessary procedures had been done for the appeal and if there was a timeline on the appeal? She wanted to know if the request would expire. Jim stated there is not a specific timeline but suggested that it is resolved in a timely manner. Jim also commented that in cases like this that the council is acting like a judge; gather the facts, listen to the appeal and then render a decision.

Barbara inquired if he would need to make an additional appeal? Jim stated that if he was not happy with the decision made by the council then he would have the right to appeal to the local District Court.

Barbara asked who is the appeal authority in this case and Jim stated that the council is the appeal authority.

The Mayor informed Chris that even though he is frustrated by this issue that it is the responsibility of the council to make sure all of the voices are heard on a matter like this and wanted to hear the additional comments from those in attendance.

Paul Thomas who lives directly east of Chris appeared before the council. Paul stated that he personally did not have any problems with Chris but that the fence was only installed after the dogs ran all over the golf course for about six months. Paul stated that this issue has been an issue for months and months and as of two weeks ago there were still four dogs at Chris's residence and he was not sure what Chris was talking about when he said there are only two dogs. Paul said he knew the police were up there two weeks ago as one of the dogs had got out and was at the neighbors to the west of Chris's property. Paul commented that Chris won't answer the door when the cops come knocking but they can see him peering out the windows. Paul stated that Chris is dishonest, lazy and never mows his lawn even though that has nothing to do with this subject. Paul stated he is not the only one complaining as there are neighbors all up and down the street that are complaining about this situation as well. Paul then commented that if Chris is not responsible enough to take care for his yard; how is he responsible enough to take care of his dogs. He never does anything with them they just sit out in the backyard and Paul has never seen Chris take them for a walk or even out of the yard. The smell of the feces from four dogs over the entire summer has made it so that Paul wants to puke every time he goes out in his backyard. Paul commented that he has a dog and the he picks up for it and it does not bark and if

Chris has evidence that his dog is chasing wildlife he would like to see it. Chris then spoke up and said he had pictures of Paul's dog chasing some deer and then trying to enter into his yard. Paul wanted to see the proof. Paul said that in one picture he sees a picture of a deer but not his dog chasing after it. The Mayor reminded Paul and Chris both to avoid the personal attacks so the issue could be spoken about before the council.

Steve Fillmore who lives two houses to the west of Chris came before the council. Steve stated that the neighbor to the west could not attend the council meeting but are very concerned as they had little kids and Chris's dogs had been in their backyard as well as Steve's backyard. Steve commented that the mastiff had broken the fence in the past as they were 4" x 4" posts and the dog is big enough he can lean on them and break them off. Steve's biggest concern was the safety of the kids in the neighborhood as well as his own grandchildren. Steve expressed that this location is not a place for a kennel in a suburban area by the golf course and that a kennel like this should be located on the west side of town.

Barbara wanted to know if a log was kept of dogs that are loose and reported to the city. Jim commented that he was quite sure that a log was kept of complaints.

Barbara suggested to Chris that he get a clean record with his dogs and keep them confined and from barking and that would help the situation with the neighbors. Chris stated that there have not been any issues reported to Officer Keepers in the past and until now none of his neighbors were complaining either. Chris commented that he would get a shock collar that works even when he is not home if that will help to resolve the issues with his neighbors. Chris stated he wants all the negativity to stop and would prefer not to talk with or associate with his neighbors. Chris commented that he was sorry the police station kept getting calls and just wished that his neighbors would have called him first. Chris had received one letter from a neighbor and that was all according to Chris. The Mayor asked Chris what would have been different if the neighbors had contacted him first? Chris stated that he would have had the fence up sooner as he did not know there was an issue.

Dennis commented that when meeting with the planning commission about the kennel permit that it needs to be proved that all of the requirements have been met to allow for the permit to be granted. Dennis also stated that the comments that kept being made that there were many promises of what would be done in regards to fences and other items but at this point none of them had been resolved. The minutes from the planning commission meeting discussed negligence, cleanliness and noise on the part of Mr. Biggs and that Chairman Price's comments stating that Chris had not met the requirements for two dogs very well three dogs was a very appropriate summary. Dennis felt that upholding the denial of the kennel license was appropriate and that Mr. Biggs should go back and fix the fence, clean up the mess and deal with the other issues and then go back before the planning commission again with his request.

Chris commented that this issue would not go away as he had the right to go to District Court and appeal the decision there or go back and fix up the fence and go that direction and then take the issue back before the planning commission.

Chris commented that the fence for the backyard was being secured to keep the dogs in the yard and that if allowed two more months that the entire backyard would be fenced with a six foot fence.

Jim suggested that a motion be placed if the permit was going to be denied.

A motion to uphold the denial of a conditional-use permit for a kennel license at 200 Summit Drive by Chris Biggs by the Smithfield City Planning & Zoning Commission was made by Dennis, seconded by Brent and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE PASSAGE OF A RESOLUTION MAKING THE WEEK OF SEPTEMBER 22ND “CANCER PREVENTION WEEK” IN THE CITY IN SUPPORT OF THE AMERICAN CANCER SOCIETY.

The Mayor stated that there were several different resolutions passed throughout the year supporting different organizations like Arbor Day. This request is to make the week of September 22nd “Cancer Prevention Week” in the city.

Kris asked what is the responsibility of the city? The Mayor commented to encourage the citizens to get cancer screenings and know the effects of cancer and ways to hopefully prevent it.

Barbara wanted to know if this is just for this year or something that would be supported on a yearly basis? They Mayor stated he was just made aware of this request and was not sure other than the organization was asking for support to get people screened and made aware of the need to be screened for cancer.

Brent inquired if the cancer walk still occurred at Sky View and Dennis responded that it had been relocated to Logan. The Mayor commented this is not a yearly thing as cancer is being fought every day and awareness raised by many different subgroups all the time.

Barbara stated she is in support of cancer prevention.

With the support of the council; the Mayor read a proclamation by the American Cancer Society making the week of September 22, 2013 Cancer prevention week in the city.

CITY MANAGER REPORT

DECLARATION OF SURPLUS PROPERTY

Jim asked the council for permission to surplus one of the two police cars that is no longer in service. The other car would be kept for parts. Both of these cars have been replaced in the fleet last January. Jim also requested to surplus all of the old chairs that were located in the Youth Center.

Brent inquired if the police car was the Intrepid and Jim responded that was correct. Jim then commented that the city would be keeping the Chevrolet. Jeff asked what would happen to the car and Jim stated that it would be sold and if there were not any buyers then it would be donated.

Jeff suggested that the chairs just be given away and Jim concurred not to sale them but to put a note in the newsletter telling people where they can get some if they want. Jeff also mentioned that he has a trailer and was willing to haul them to Deseret Industries as their condition is not good. Barbara asked if Deseret Industries would even take them? Jeff commented that they would either go to Deseret Industries or to the landfill.

The council gave approval to surplus the requested items.

DISCUSSION OF TRANSPORTATION PLAN

Jim informed the council that the MPO allocated some funds that can be used by cities to do transportation planning in their city on a region wide basis. Jim suggested that Smithfield and Hyde Park get together to discuss the transportation plans for each city. Jim had been in contact with Reed Elder who is on the Hyde Park City Council in this regard. As Hyde Park develops north and Smithfield develops south; the roads that are installed by each community are of the same classification and will adjoin properly. Make sure both communities agree on what are major and minor streets. The two communities had this discussion a few years ago but the people involved have changed and it would be good to revisit this issue.

Brent suggested that North Logan City be involved as well so that planning could be done for 250 East and 1000 East so they could both go all the way through. Jim thought this might be a possibility. The Mayor stated he had talked with the other mayor's about this issue and both communities need to be involved. The money could be used for a facilitator to conduct the meetings, guide the cities through the process, and help to create maps and documents as needed. That would then provide something that can be referred to in the future.

With approval of the council, Jim would pursue getting something put together with the other communities to get the funding in place. Jeff wanted clarification on where the funding was coming from and Jim stated that it was from the MPO. Jeff wanted to know if a certain amount was set aside or if the funds needed to be requested. Jim was not sure but thought that \$100,000 had been set aside countywide for projects like this. The funds come from planning funds and have to be used for projects like this. The funds must be used for planning and not for any physical roads to be installed.

PERSONAL TIME OFF DISCUSSION

Jim discussed the challenges of sick leave with the employees working in the city and the past challenges. A new policy is being floated by both private and public businesses and they are going to a new policy called PTO or Personal Time Off. This is a combination of vacation and sick leave. The staff has been working towards developing a policy to present to the council for

review. The Mayor has been involved as well in some of the discussions. The idea would be to do away with sick leave in its entirety. The concern is not knowing when a person is really sick and sometimes it is being used as an extension of someone's vacation time. It is very evident that it is an issue because some people use their sick leave in conjunction with holidays and weekends.

A gray area in this regard is can sick leave be used when the person's spouse is going to the doctor? When a family member is in the hospital? This new policy would be to combine all of the time off into one area. If combined then when they want to take their child to the doctor, they can do it. If they want to go with a family member to the doctor they can do it. There would not be a gray area. The past policy has been to accumulate one sick day per month and it can accumulate quite high. Unfortunately it has been tempting for some employees to use their sick leave when they should be using their vacation time.

Jim had discussed this with the Mayor in the past but did not want to move forward with a proposal if the council was against the concept of going to a PTO based format for all employees. It would allow the employees some flexibility and at the same time fix the city issue of how sick leave is being used.

The current policy allows employees to accumulate up to 1,440 hours and upon retirement the employee is paid up to 20% of the total amount of accumulated hours.

Brent mentioned that some companies require that the first three sick days are unpaid and then on the fourth day the hours can be used but the first three days remain unpaid.

Dennis wanted to know if the proposal was based on hours or days as there are salary workers and hourly workers? Jim stated it is based on hours and not days.

Barbara liked the idea of this policy.

PAGER POLICY DISCUSSION

Jim said the new healthcare law states that if you are working then those hours count. For example, if a person is paid \$1.00 per hour for 8 hours to carry around a pager; no matter the amount paid the worker is credited for 8 hours of work. The reason this is important is because most of the people working at the fire station are part-time but do carry pagers when the station is not fully staffed. There are employees that carry a pager 8 hours per day and are paid by the county for the time carrying the pager but it does count towards their time worked and the need to provide for health care for them. This is an issue for police, fire, EMS and like departments.

Jim is currently working on a pager policy as the city currently does not have one.

250 EAST 600 INTERSECTION DISCUSSION

Jim informed the council that the curb and gutter and asphalt at the intersection of 250 East 600 South had been extended approximately 80 feet to the south. As the intersection was currently

done when people headed north and were turning right they cut the corner short and this kept breaking the asphalt off of the intersection corner. Extending the curb and gutter will stop this problem in the future.

DISCUSSION REGARDING THE PURCHASE OF ADDITIONAL PROPERTY ON THE EAST SIDE OF THE CIVIC CENTER

Jim reminded the council that this issue had been discussed in the past and he had met with some of the landowners'. There are three different pieces of property in question. The middle property is "For Sale" but the landowner is not in a position right now to sale any of that property. The other two property owners are willing to sale and Jim was trying to establish a fair price for the property.

The property owner to the south is willing to sell his property which is six feet wide and the length of his property for \$1,500 which is probably too much. It is probably priced at more than what it is worth as Jim believed it was worth around \$750. The property owner stated that is what it is worth to him in order to sale it.

Barbara wanted know if a lower price had been offered or could be offered? Brent inquired if this was the duplex property? Jim stated that it is the duplex property. Jim stated the property was probably 80-90 feet long or so but did not have an exact number.

Brent stated that the middle piece is quite small and Jim responded that is correct and currently the only access to that property is through the city parking lot.

The north piece is a strange looking lot and the property owner would actually like the city to buy more of the property than the city requested. The property owner requested that the city buy the entire bottle neck area and that would square up his property and as of now there had not been a discussion regarding a purchase price.

Barbara inquired of where Jim obtained his value of \$750 and Jim stated that he had talked to local appraiser, Alan Burris. The asking price for this section of backyard property was around \$4.00 per square foot and Alan stated that was too much. Front and backyard property appraise quite differently.

Kris expressed concern that if one property owner was paid \$1,500 that the rest would all be paid too much as well as the owners would talk amongst themselves.

Jeff wanted to know why the city should have an interest in acquiring the extra property? Jim stated that right now the curb and gutter is right along the fence line and that the additional property would allow for some landscaping but mainly the addition of some parking lot lights in that area.

The Mayor asked Jim if any of the property owners were willing to donate the land to the city? If they were offered a tax incentive? Jim informed the council that he had that discussion with the property owner requesting the \$1,500 and that the gentleman wanted money in hand more than a

tax credit. Jim encouraged some of the members of council to meet with him and discuss as well. Another option would be to condemn the property which is not something that has been done in the past in the city and Jim did not feel was appropriate in this case either.

Brent wanted to know if the city would be installing a fence along the boundary? Jim stated that a vinyl fence would be installed. Brent stated that could be a sales point in the discussion as well. Jim stated the property owner did not care one way or the other if he sold the property and the only way he wanted to sell it is if he gets \$1,500 for it. The Mayor stated that it would be nice to own but was not necessary as there was already a natural barrier of brush, trees and bushes along the area.

Jim viewed the area on a map said the property would be approximately 83 feet long by 6 feet wide. The Mayor suggested that Jim meet with him and make him an offer. Inform him the city would install a fence at the cost to the city but if he had no interest in reducing the cost he was requesting the city would just walk away from the proposal.

Jim asked what amount he should offer? Jeff suggested \$1,000. Brent suggested \$1,500 due to the property owner working with the city in the past to make the apartment look more like a house on that street rather than an apartment. Kris and the Mayor both suggested \$1,000 plus the installation of the vinyl privacy fence.

PUBLIC WORKS EMPLOYEE PROMOTION DISCUSSION

Jim reminded the council that Chris Seamons is leaving the city as he has accepted employment elsewhere. His last date of employment will be two weeks from this meeting. There will now be an opening in the public works department. When Chad Kendrick left the city he was replaced on a full-time basis by James Hunsaker and Hayden Downs was hired as a full-time seasonal worker. The department requested that upon Chris's departure that Hayden be promoted to full-time year round status as the department had just done interviews and been through the process when Chad was replaced a couple of months ago. Hayden has expressed an interest in accepting a full-time job as well. Also, up for discussion is a new lead in the water department that needs to be filled. The consensus from the department is to make that hire from within the existing employees and there are a couple of people to consider. The thought of the department is to do like was done with the parks department and hire two people as #2's and not the lead at this time. The internal department discussion was to consider Jess Daines and Cody Law for this job and make them #2's and not leads until they get some experience; right now they are the parks lead. Both have done a great job in the parks department and done a great job of learning what needs to be done. Jim suggested making them each a Parks 3 classification which is one step above where they currently are. Currently, they each make around \$32,000 to \$33,000 and the proposal would be to take them to \$35,000 each.

They Mayor inquired if the job had to be posted? Jim stated that only if a new employee was hired but he would double check as this was just promoting from within and no new positions were added.

Jim stated that the water department opening would be posted at the maintenance shop to inform all of the current employees of the opening and that they are allowed to apply for the position.

Brent wanted to know how many people were certified in the water department?

Doug Petersen and one other. Josh is water certified but not sewer certified. Kade is working towards water certification. Jim commented that another person needed to be certified in sewer.

The Mayor wanted to know why outside applications should not be accepted to see who is out there? Jim stated there was no reason that they could not consider people outside of the current employees and that the major projects for the year have been completed. The Mayor commented that there is fairness to looking outside of the current people and seeing what other talent is available. Two leads have left the city this year for other employment. Jim commented that both internally and externally could be considered.

The Mayor recommended that the job be posted and all applicants; current city employees or not be considered. Jim stated that is the direction they would go as there is not a sense of urgency in having to hire someone quickly.

Jeff inquired if Jess Daines and Cody Law were kept at their current salary when Chad Kendrick left his employment with the city? Jim stated they did receive a raise when they were promoted. They started as entry level, then had a probationary period, and then were promoted to where they are now.

Jeff wanted to know what Jess Daines and Cody Law current wage is? Jim looked up their wages and reported that one is making \$33,565 and the other \$33,632 and the proposal would be to take them each to \$35,000.

YOUTH CENTER BUILDING MAINTENANCE DISCUSSION

Jim mentioned that the rock work on the ramp entrances had been completed and the pilasters that were requested to be repaired were completed as well. There are 100 new chairs and the old chairs have been removed. The chairs are stored in a room on the west side of the building by the kitchen. The ramp railing had some posts that had been rusted off and they are being repaired with new bases installed on the cement and new legs being welded to them for support. The basketball floor has been completed and the projects for the year at the center are almost all complete. The total cost of all the projects is around \$17,000.

CAR SMART PARK STRIP DISCUSSION

Jim informed the council that the park strip in front of Car Smart had all been completed. Kris commented that it looked very nice. Barbara also commented on how it looked and that she liked the xeriscaping that had been completed.

MISCELLANEOUS ITEM DISCUSSION

Jeff wanted to know what projects the city had been working on east of the 7/11 Store up to 100 East? Jim explained that deteriorated sidewalk had been replaced as the old sidewalk was deteriorating and crumbling.

Jim informed the council that a water conservation plan must be completed by the end of the year. There will be a public hearing on this plan where the public can make suggestions as well.

The CIB loan schedule of calendar events was presented to the council. The final approval of the loan will be on October 3rd.

Jeff asked if the loan amount of \$965,000 needed to be approved by the council as per the minutes he reviewed it showed the council had originally approved a loan of \$800,000. Jim stated that the council will need to pass a resolution adopting the approval but that there will be a public hearing on the loan as well for citizens to voice their input. There is a parameters resolution that will need to be passed as well stating the parameters of what the loan is to be used for.

Jim informed the council that there was a meeting the previous day with the library board to discuss the new building and where they would like to see things go in the new building. The consensus was that there were many more things they hoped to accomplish but that the new 5,000 to 6,000 square feet won't accommodate for. The size of the required spaces they wanted will have to be scaled back. The board wanted items like a librarian office, break room, storage area, and open areas and they will try and accommodate as many as they can. The board decided there will be only one circulation desk and it will be at the main entrance. There will not be one on each floor. The desk will be at the entrance area for control help and space requirements.

Kelly, the architect, will take the input of the library board and others involved and come up with a plan which at that point can be shown to the residents for their input. Brent asked if a copy would be available to the council for review at the next council meeting or two? Jim said it may be available at the next meeting. Brent wanted to know if there was a children's area and Jim replied that there is. All of the spaces are being designed for multi-use programs.

Marilyn Chote, the sister of Connie Croshaw, wants to sale the old granary down by Forrester Acres as it is in her name and she wants it gone. Originally, Connie wanted \$400,000 for the property but Jim informed her the council would not be willing to pay very much as there is a lot of work that needs to be done just to clean up the area. Jim asked the council to see if it something they want to consider purchasing and if they do what are they willing to pay.

Barbara inquired if Marilyn had thrown out a price for the property? Jim stated that Marilyn considers the area a liability but did not offer a price.

The Mayor asked for the physical address of the property and Jim responded that it is on Center Street and 400 West.

Jeff asked what the property would be used for if purchased by the city? Brent stated parking. Barbara stated the railroad tracks are on the east side of the property. Jim commented it was a unique piece of property and got very narrow at one end.

Jim informed the council that the well on the golf course was being redeveloped. It is the Birch well and supplies 1,000 gallons per minute. There is \$92,000 in the budget for this project. The well will be pulled and then a camera run down it to inspect it. It has been approximately 13 years since the well has been inspected. Assuming there are not any issues, we will put a different pump down there and pump it at approximately 2,800 gallons per minute. The goal is to allow the city to pump at 1,800 gallons per minute but the rules state you can only draw 2/3 of the amount the well is tested at. The pumping will occur for 24 hours. The draw down will be checked. The water from the test pumping will be put in the canal as there is not really another area to put it. The city is working with CRS to develop a contract for the city to consider for this project. Plans will be developed for the scope of the project and then it will need to be put to bid. The plan is to do this project this fall when the well is shut down for the year. The budgeted amount will cover the cost of the project if major redevelopment of the well is not needed.

Barbara inquired if it was better to wait until the spring when the water table would be higher for the testing of the well? Jim expressed concern that if there are issues with the well that waiting until the spring will not allow for it to be repaired and up and running when needed. Jim did not see a benefit in waiting.

The Mayor stated that the taxable value on the granary owned by Marilyn Chote is \$76,060. The building was taxed at \$31,060 and the land at \$45,000. The Mayor asked if the building had any value and Jim stated there was zero value in the building. Jim stated the building was most likely valued on the square footage of the building not the condition of the building. The Mayor stated the size of the building was 5,341 square feet. The current property tax is \$838.41 per year.

COUNCIL MEMBER REPORTS

Jeff inquired if next month he is responsible for the content in the newsletter? The Mayor stated that it was Jeff's turn and asked that he work with Jeff to include some emergency preparedness items for the community as well.

Jeff expressed concern for the trees and bushes overhanging the sidewalk at approximately 100 North 600 West. Jim stated that the property owners could be contacted as there is an ordinance requiring seven feet of overhead space from vegetation.

Jeff asked what the health insurance notice was that was included in his box? Jim stated that any employee of the city that receives a check; received this notice for informational purposes only as it is a mandate as part of the health care laws to supply to each employee but that no action is required.

Kris asked the council about how serious they are in pursuing the possibility of a local skate park as she had been researching this subject with Brett Daniels. Costs could range anywhere from

\$50,000 to \$500,000. Kris visited with someone who once used the Preston skate park and it is not highly used because it was poorly designed. Brett did some research and people in this line of work will want upfront fees to come to the city and give the city ideas of what would work and where. There is no reason to pursue this project unless it is a very serious project to the council. Morgan City's skate park cost \$55,000 and Provo's cost \$300,000. Kris asked the council if this is the proper time for the city to consider a skate park or splash pad as the library project is currently underway as well. Jim stated that park impact fees would pay for the splash pad and skate park but \$300,000 is also a significant amount of money. Kris does not want Brett to do more work on this project unless the council is ready to move forward on these projects. Barbara commented that whether we like them or not can the city afford them? The Mayor thanked Kris and Brett for their due diligence in researching this subject and that it helped to prioritize funding and what needs to be done. The Mayor did not see available funding of \$300,000 for a skate park at this time.

Brent stated it is either a splash pad or skate park and Barbara concurred that both could not be done even if one could be done.

Kris stated that more kids would use a splash pad than would be using the skate park. Barbara asked if anyone had an estimate for a splash pad? Kris said they are not as expensive as she had guessed as in most cases it is mostly cement poured over tubing. Dennis mentioned that in order to recycle the water another community had spent \$75,000 to do so. Kris also commented that the jets or spray nozzles can easily get plugged if the splash pad is located by a playground area as the wood chips and sand debris can plug the system. The Mayor thanked Kris and Brett for the research they have done to this point and suggested that everyone keep it in their wish lists for down the road. Kris did comment that Logan City spent \$200,000 in the year 2000 on their skate park and Barbara thanked her for that information.

Kris informed the council of a gentleman that has a barn inside the city limits and inside the barn are 25 beehives. The neighbor to that property built a swimming pool and the bees and the swimming pool have created some problems. In researching the issue at the Utah League of City and Towns meetings information was presented that stated large building lots should only allow two beehives and smaller lots should only allow one beehive. Justin Lewis obtained a couple of other cities ordinances and one was very detailed and the other one was better suited for a community like us but it does state the number of hives allowed per acre. Kris stated she talked to a local bee expert and he has gone over and talked to the gentleman with the 25 hives. The beehive owner stated that he would only have 10 hives at this location this winter as he was renting out the other beehives to a farm in California. Kris stated she willing to go talk to the beehive owner along with Kurt Etherington and inform him what other city ordinances state and if he is not willing to comply then the city will have to put an ordinance together and in place. The barn is located on 400 North 100 East. The neighbors have been really patient but they are tired of getting stung as well as having their children getting stung. Running water will help with the problem but he just cannot have that many hives at one location. Kris stated she would speak with him and ask nicely for him to comply or an ordinance would be necessary.

Brent stated an ordinance would be necessary for the future. Barbara liked the idea of visiting with this gentleman as well and making the request for him to comply.

Brent asked Kris if the State of Utah did anything in regards to beehives? Kris stated that they must be registered with the State of Utah and pay a small yearly license fee. Each hive is supposed to have the owners name and address and hive number. Smithfield has never regulated this in the past. The state does spot checking of beehives and can shut them down if not operated properly.

The Mayor asked Kris the main reason to enact an ordinance would be for what reason? Kris said to limit the number of hives. The state license does not control the number of hives allowed.

Barbara showed the council a card given to the city with a picture of the fair booth from this year. Barbara asked Jim since the Youth Council did not use their full budget for the fair booth if they could give the rest of the budget funds to the Senior Citizen Center to have the men's restroom toilet replaced? Jim stated that would be fine if they choose to do that.

Barbara stated that the Youth Council advisors for this year are April Godderidge, Kim Sorensen and Sheri Egbert. April has helped in the past and Kim and Sheri are new for this year. The Youth Council will be sworn in tomorrow night at their regular meeting and Justin Lewis will handle the officer swearing-in part of the meeting. A youth representative will be working with the Founders Day group on October 10th. November 16th is the senior ball which the Lion's Club will be helping the Youth Council with. The Mayor suggested that in the future the senior ball be relocated to the Civic Center. The Youth Council will also be helping with the Turkey Trot on November 23rd.

Dennis presented the names of Ben Spendlove, Kristi Russell and Tim Kiester as new library board members and they were approved by the council.

Dennis asked Jim if it was necessary to have a formal agreement put in place with Skyline A/E/S for the architectural work at the library? Jim stated that yes it would be necessary and that it will be included on the agenda for the next council meeting.

MAYOR'S REPORT

Mayor Simmons gave an update on the city emergency preparedness system and that things are going well and there are many different people out helping to gather the information; Eagle Scout projects, faith based groups as well as the local CERT group. The goal is to have the system up and running by October 30th. Jim commented that the first batch of information has been received by the city and office employees will be updating that information in the city database as it comes in.

Mayor Simmons thanked Police Chief McCoy for his due diligence in keeping the Mayor up to date on happenings in the city as there as so many things going on that people are not aware of. The Mayor also thanked Chief McCoy for being very conscience of his budget and excused him from tonight's meeting as his parents are both very ill.

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Jim asked if anyone was familiar with Charles Cook that had a home at approximately 350 N 200 W. The yard is full of all types of debris such as couches and refrigerators and is in much disrepair. Jim stated there are two people in town named Charles Cook and this is the younger of the two. Jim wondered if anyone on the council had a way to contact him and if not then he would have Chief McCoy pursue the issue.

Jeff asked if anything had been left on his door asking him to respond and Jim informed him that he had done so. Jim commented this home has been an issue for at least the last 15 years. Barbara said she would see if she could find out any information. Jim stated that letters were being mailed to the address on file but that they keep coming back as undeliverable.

The Mayor stated that recently he has had the most dogs running loose complaints than ever before and they are scaring people. Mainly at bus stop locations. The Mayor stated that Officer Keepers is only a $\frac{3}{4}$ time employee but there seems to be a real challenge with animals in the city right now; mainly dogs. Jeff also expressed concern for an area in town where there are three Husky or Malamute type dogs on chains and they can run up to within a few feet of the sidewalk and they are not in a dog run.

The Mayor said that it might be time to consider moving this position to a full-time status.

A motion to adjourn at 9:18 P.M. was made by Kris.

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, Recorder

SMITHFIELD CITY RECORDER
96 South Main
Smithfield, Utah 84335

AGENDA

Public Notice is given that the Smithfield City Council will meet in a scheduled meeting at 96 South Main, Smithfield, Utah on Wednesday, **September 25, 2013**. The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Council Member Buttars

1. 6:03 P.M. Consideration of the Consent Agenda
Approval of Minutes of August 14, 2013 City Council Meeting
Approval of Minutes of August 22, 2013 City Council Meeting
2. 6:05 P.M. Resident Input
3. 6:15 P.M. Public Hearing to consider a request by Gilbert Cellan, property owner, for a rezone of the property located at 106 West 400 South. Parcel# 08-105-0015 & 08-105-0016. Approximately 3.1 acres from A-3 (Agricultural – 3 Acre) to RM (Multiple Family Residential).
4. 6:25 P.M. Consideration and possible vote on Ordinance No. 13-08, An Ordinance Amending Title 17, Zoning of the Smithfield Municipal Code, By Amending the Zoning Map of Smithfield City.
5. 6:30 P.M. Jared Nielson, agent for Elk Ridge Subdivision, LLC has requested approval of Phase 3 of the Final Plat for the Elk Ridge subdivision located at approximately 120 South 1200 East. Zoned R-1-12
6. 6:45 P.M. Dan Larsen, agent for Kartchner Homes, has requested approval for a renewal of Phase 4, (15 lots) of the Final Plat, for the Ridgeview Subdivision located at approximately 1000 East 120 South. Zoned R-1-12.
7. 7:00 P.M. Chris Biggs has requested an appeal of the denial of a Conditional-Use Permit for a dog kennel permit for up to three (3) dogs located at 200 Summit Drive. Zoned R-1-10.
8. 7:15 P.M. Discussion and possible passage of a Resolution making the week of September 22nd “Cancer Prevention Week” in the city in support of the American Cancer Society.
9. 7:20 P.M. City Manager Report
Declaration of Surplus Property
Discussion of Transportation Plan.

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Consideration of contract for architectural services at library

10. 7:35 P.M. Council Member Reports
11. 7:50 P.M. Mayor's Report
12. 8:00 P.M. Adjournment

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

In accordance with the Americans with Disabilities Act, individuals needed special accommodation for this meeting should contact the City Recorder at 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 9-23-13, and the Utah Public Meeting Notice website.