

MINUTES
SMITHFIELD CITY COUNCIL MEETING
March 14, 2012

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **March 14, 2012**. The following were present constituting a quorum:

Mayor	Darrell G. Simmons
Council Members	Jeffrey Barnes Brent Buttars Barbara Kent Kris Monson Dennis Watkins
City Manager	James P. Gass
City Recorder	O. Dean Clegg

Mayor Simmons called the meeting to order at 6:00 p.m.
City Manager Jim Gass offered a prayer and led the Pledge of Allegiance

Visitors: Courtney Lower, Chad Daniels, Eric Kleven, David Barnes, Zach Thatcher, Kendrick Clark, Kasone Wamsley, Reese Thatcher, Ryan Rogers, Nick Hidalgo, and Jean Douglass

Agenda:

Welcome and Opening Ceremonies

1. Consideration of Consent Agenda
 - a. Minutes of City Council Meeting Held February 22, 2012
2. Residents Input
3. Hearing a Presentation for Steve Teuscher President of the Smithfield Lions Club
4. Hearing a Department Report from Birch Creek Golf Personnel
5. Consideration of Recommendation from Planning Commission Regarding Density Bonuses for Stonebrook Development Located at 879 South 250 East
6. Hearing a Request from Officer Nick Hidalgo for Reimbursement for Upper Level Classes
7. Discussion Regarding Realignment of Intersection at 400 West 400 North with Representatives of the Olague Family
8. Consideration to Authorize the Mayor to Sign an Operational and Maintenance Agreement for the Logan and Northern Canal
9. Consideration of **Resolution 12-05** "Utility Waiver for Active Duty Military"
10. Set Dates for Discussion Regarding the Budget for Fiscal Year 2012-2013
11. City Manager Items
12. Mayor and Council Reports
13. Adjournment

Resident Input:

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None

Consideration of Consent Agenda, Minutes of February 22, 2012 City Council Meeting

Mayor Simmons declared the consent agenda approved.

Hearing a Presentation for Steve Teuscher President of the Smithfield Lions Club

Mayor Simmons was contact by Mr. Teuscher's wife. Mr. Teuscher is in the hospital. He will report at another time.

Councilmember Brent Buttars, a member of the Smithfield Lions Club said they were wondering about holding an adult soap box derby. There are associations throughout the U.S. that do this. Do we have to have insurance?

Councilmember Kris Monson said when the city sponsors a race we have people sign that they will not hold the city responsible.

City Recorder Dean Clegg said on city sponsored bike rides we have participants sign a waiver.

Councilmember Buttars also said the Lions Club is willing to help plant trees in Mack Park. They are also willing to help buy some of the trees.

City Recorder Dean Clegg said Blacksmith Fork Conservation District has a form we can fill out for help with bare root trees. Councilmember Jeff Barnes added that they all cost money.

Councilmember Buttars asked if that is something the Lions can pursue on the soap box derby?

City Manager Gass said that the city closes that street for the Neighborhood Lawn Mower Parade. However, he is not sure that the city will want to take responsibility for liability to sponsor a soap box derby. If the council is willing to do this, we would have to have the police close the street off.

Councilmember Buttars said they are hoping that in a year or two it would be a big thing.

Mayor Simmons said lets have Mr. Teuscher come back and give us his plans.

Mayor Simmons said we need new signs at the entrances to the city. Some cities have the Lions Clubs help sponsor these signs. We need to work with the Lions group on a sign on the south end of Smithfield.

Hearing a Department Report from Birch Creek Golf Personnel

Chad Daniels and Eric Kleven of the Birch Creek Golf Course were in attendance to report on activity at the golf course.

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Chad Daniels, Golf Course Superintendent, has worked at the golf course for 25 years. He has been the course manager for 12-15 years. He would like to start out saying he is thankful for what he does. He enjoys everything he does. He loves that piece of property. He is appreciative of the council over the years. Mr. Daniels said their goal is to provide the best playing surfaces around. They strive to make this a good experience all the way around. He hopes that they are creating a good experience for all players.

Mr. Daniels said they have had ice before, but this year they lost some turf. They are working on it to make it as good as it has been. They have had a cutback since the economy hit on some of the details. They are doing well. The tragedy that Logan River had last year was a blessing for us. We have to have good springs and good falls, but they are doing pretty well.

One of the things that makes lots of money is our golf carts. They have people come in that want to play golf and move the old carts out of the way and take the newer ones. They are important for us. We were able to replace a few carts each year before the economy went bad.

We need to upgrade some things. Our newest greens mower is a 2006. We have needs as far as equipment goes. The irrigation system is very old. We put in lots of man hours and time to keep our golf course looking so good. We do lots of hand watering. We will have problems with the irrigation this year.

This golf course is really positive for the city. People spend money in Smithfield for drinks, gas, green fees. This is a great golf course. We continue to get good golf tournaments here. Eric Kleven does a phenomenal job at the golf course. He brings in money for our tournaments. He is a huge benefit to the course.

Golf Course Pro Eric Kleven said Birch Creek Golf Course ranked fourth among municipal golf courses in the country in 2002. Birch Creek started in 1963. Smithfield City bought it and turned it into an 18-hole course during the seventies.

Mr. Kleven said, "We do 20 to 30 weddings a year, and last year we had 12 Christmas parties." We have nine-hole matches; we have a men's association with over 300 men participating on Tuesday, Wednesday, and Thursday. We have a Ladies Association that meets on Thursdays. We have the USU Sunbirds from Arizona, Jr. Golf for Kids. This year we will host the 5A High School 3-day Golf Tournament. We have charity tournaments – ALS tournament sponsored by Lee's Market. IHC has a tournament at Birch Creek, and Shriner's Hospital. We sell advertisements, the pro shop averages about \$200,000 in sales. We have food services, but we do not have a contract on the food. We do have a food service manager coming this year. He will work for the city. Sky View boys and girls as well as USU golf teams play here. It is a great challenge to run this business. We try to do it the best possible way we can do it for Smithfield City."

A season golf pass at Birch Creek is \$215, \$185 for seniors. These prices are available through March 31. On March 27, 28, and 29 we will be giving free burgers when you buy a season golf pass. Come up and see what we have to offer. It is free.

Mayor Simmons said he appreciates the report. Chad and Eric really have a lot of invested passion to the course. It is a tough business. We have bought some equipment from courses that

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have gone out of business. A golf course adds flavor to a community. We know the wish list that you have, but we have to watch our money.

The charge to have a wedding at the golf course is \$800 with \$100 returned if it is left clean.

Consideration of Recommendation from Planning Commission Regarding Density Bonuses for Stonebrook Development Located at 879 South 250 East

Ryan Rogers, Agent for Stonebrook Development, was in attendance.

City Manager Jim Gass reminded the council that Stonebrook Apartments have already completed 30 units. The City has adopted a density increase.

The Planning Commission made the following recommendations:

In this complex they are required to have 50 per cent open space – they have 57 per cent open space so bonus points of (6.3) six point three percent was recommended;

They will provide a swimming pool, a club house for another density bonus of (10) ten per cent .

They are providing detached carports, so they get another bonus of (3) three per cent .

On the exterior of the building, 10 per cent is bricked, that gets them another density bonus of (1) one per cent .

Trails and sidewalks and walkways by the clubhouse would qualify for an additional(3) three per cent bonus.

The Planning commission would allow another (2) two per cent density bonus because of vinyl fencing on the west side of the complex. Along the north side there is currently a two rail fence.

These additional items bring their density bonus up to (25.3) twenty five point three per cent overall, with a full 50 per cent open space. Counting the number of units he is requesting, he falls within the limit. He is planning on a manager apartment unit in the clubhouse.

Mr. Rogers said they are planning a 2,000 square foot gathering area, a pool table, and a fireplace. Covered parking for the units that are already occupied will be installed by the end of March.

City Manager Gass said with as many units as they are planning, they need two exits to the area. They need to at least gravel the surface for the second exit. City Manager Gass said the planning commission was favorable with the plans.

Mayor Simmons questioned if the council needed to see more details before they approve this complex.

City Manager Jim Gass answered that what isn't clear is what is being constructed on the clubhouse and the timetable of when it would be completed.

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There was a question as to the size of the garages. They are 12 feet – they are small. The garages are big enough to open car doors on both sides.

This is a recommendation from the planning commission.

Mr. Gass asked if the council wanted to make changes.

Councilmember Jeff Barnes feels there are items here that we shouldn't give bonuses for, fencing being one. Pedestrian and bicycle trails do not add a lot. Mr. Barnes came up with 20 bonus points. Mr. Barnes doesn't feel that a boundary fence should get bonus points nor the trails..

Mayor Simmons said they went by the recommendation on what the ordinance approved. The ordinance gave the city council authority to decide what we would give.

City Recorder Dean Clegg asked if the ordinances say what type of fence.

City Manager Gass answered "No. If they provide fencing to some degree they should get some type of bonus."

Mr. Clegg added "If you take it from 25 to 20 bonus points, does it change the number of houses they can have there?" City Manager Gass answered "Yes."

Mr. Clegg asked "If that gave them a bonus based on 10 units per acre, does that make a difference?"

Mr. Gass answered "Yes".

Councilmember Kris Monson agrees with Councilmember Barnes on the bicycle trail getting three bonus points.

Mrs. Monson has a hard time with the bonus. She is bothered by those four extra units. She feels we are pushing too far here.

Councilmember Buttars asked if this means if you take those ten units and put them on the next ten acres it uses more property.

Mrs. Monson added again that she likes open space.

Mr. Rogers answered there is no more space to put trails.

Councilmember Barbara Kent asked if they had to put in sidewalks by the clubhouse. Mr. Rogers answered "No". "There are sidewalks all over the place."

Councilmember Dennis Watkins said if he were going to look at an attractive property that would make him money, bonus points would make the property more appealing. If you improve this property you can put in more apartments. If the property were to be improved, he feels that he would agree with the investment. He likes the idea that we are trying to get them to do more. Fifty-seven per cent of open space is pretty impressive.

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Councilmember Barbara Kent asked if we know when the clubhouse will be built.

City Manager Jim Gass said we need to know what phase the clubhouse is and when it will be done.

Mr. Rogers said these are 100 per cent rentals. They are not for sale. We will have 64 units on one parcel and 34 on the next parcel. The pool and the clubhouse (two-story clubhouse) will be a good size. There is nothing in Smithfield like this. It will be good for the city. We went over all this with the Planning and Zoning Commission.

Mr. Rogers feels they have done what they have been asked to do.

Mayor Simmons asked Mr. Rogers, "Where from here? Do we approve? Do we go back to the planning commission?"

City Manager Jim Gass suggested that council members look at all those items closely and make their decision.

Mr. Rogers said the planning commission went through it item by item. All the planning commission requirements were met. The planning commission does not give bonus points for garages.

Councilmember Barbara Kent asked if they cut to 20 bonus points, would you have to lose any buildings?

Mr. Rogers answered, "Yes".

Councilmembers Kris Monson and Barbara Kent both feel a six-foot fence is very important.

Councilmember Dennis Watkins is comfortable with this. He feels we should approve it.

Motion: Councilmember Dennis Watkins made a motion to approve the recommendation from the Planning Commission regarding density bonuses for Stonebrook Development located at 879 South 250 East. The motion was seconded by Councilmember Brent Buttars.

Councilmember Buttars asked if we wanted to say something about the size of the clubhouse (2,000 square feet) and the time-table.

Mr. Rogers said the big problem on the timetable is the bank. The bank sees if we can do it on our own.

Councilmember Buttars asked, "How do we make sure that people follow through on their commitments?"

City Manager Jim Gass said "We would look at the bonuses associated with that. He would not be able to build."

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Motion Stands

A roll call vote was taken and the following votes taken:

Yea: Councilmembers Buttars, Barnes, Kent, Monson, and Watkins

Nay: None

Motion Passes

City Manager Jim Gass reminded all that the second access road has to go in on the second phase. There are a maximum number of units that he can build with only one access road.

Councilmember Jeff Barnes said John Wells, City Building Inspector, needs to follow this a little closer.

Hearing a Request from Officer Nick Hidalgo for Reimbursement for Upper Level Classes

Officer Nick Hidalgo of the Smithfield Police Force is requesting reimbursement for six more credits of school. Officer Hidalgo thinks he will be done in February of next year in Criminal Justice. He is requesting 50 per cent reimbursement for registration of these classes.

Councilmember Dennis Watkins asked if this same reimbursement is available for all employees.

City Manager Jim Gass said "Yes. It should be work related."

Motion: Councilmember Kris Monson made a motion to grant Officer Nick Hidalgo reimbursement (50 per cent) for upper level classes. The motion was seconded by Councilmember Barbara Kent.

A roll call vote was taken with the following results:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins

Nay: None

Motion Passes

City Manager Gass said Mr. Hidalgo will bring in a receipt and a copy of his transcripts.

Discussion Regarding Realignment of Intersection at 400 West 400 North with Representatives of the Olague Family

Representatives of the family were not in attendance, but City Manager Jim Gass said they have expressed a desire to alter their earlier request which included the creation of two lots with one of those lots being situated west of a lot on 400 West and fronting on an extension of 400 North. Instead Michele Opponsah is pursuing a reconfiguration of her existing three lots so that two of the three lots will face 400 West. The new option would eliminate the need and the cost associated with an extension of 400 North Street which would need to be a public street on which the west lot could face. They will also be able to avoid the cost associated with an extension of the public utilities (water and sewer) down 400 North needed to service the west lot. Rearranging the lots will be accomplished through a boundary line adjustment that will need to be approved by

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the planning commission. This action will not come before the city council for approval. A plan of the proposed lot realignment was shown on the overhead screen. All lots within the RA-1 zone are required to have a 130 foot frontage and although the plans shows the lots being slightly less than the minimum, Michele is aware of the need to modify their width to ensure they comply. There is sufficient frontage to allow for this adjustment. If approved by the planning commission, the third remaining lot will be represented by the balance of the property and will be unbuildable until such time 400 North is extended to the west.

The two homes facing 400 West will be able to utilize the existing utility main lines (water and sewer) already in place in 400 West. Of the two lots, the south lot already has water and sewer service lines into it and Michele will not be required to pay an impact fee, hook up fee, or the cost to run those utilities for that lot. It is important to note however, the sewer service line into the south lot is only about 6 feet deep which wouldn't allow for basement plumbing. If Michele wants to have a deeper line installed, she will need to pay the cost to do so. The impact fees and hookup fees for water and sewer service lines for the north lot will be required and can easily cost Michele \$6,000 to \$8,000. The city may want to consider negotiating with Michele on the option of the city picking up those costs in exchange for additional right-of-way to realign 400 North. If either Michele or the city elect not to participate in such an arrangement, we will make sure the homes are placed so they will not infringe on the future right-of-way alignment.

Consideration to Authorize the Mayor to Sign an Operational and Maintenance Agreement for the Logan and Northern Canal

City Manager Jim Gass e-mailed changes that the cities and the canal company have requested to be made. Over the last three or four months this now is the final draft of the agreement.

Councilmember Dennis Watkins is curious (Cache County is a participant, but not paying any money). Why won't they pay on any of the funds? City Manager Jim Gss said they are the sponsor – Cache County is rural. The County rationale is that they take on all the finances. They continue to have responsibility for all the oversight.

Councilmember Watkins said setbacks are 15 feet on both sides, will we be doing some adjustments?

City Manager Jim Gass said we work within our ordinances to work with the easement. The easement on the east side is to make it easier for us to get into it.

Councilmember Watkins asked what about the homes already on the canal?

Mr. Gass said they are immune. This is the lower canal. There will be a similar agreement on the upper canal. (Smithfield, Hyde Park, Logan). Keith Meikle takes a lot of responsibility on this.

Councilmember Watkins asked how the cleaning will be taken care of. Mr. Gass said the canal will see what needs to be done there. The city can do it. This canal is going to be used for storm water.

City Recorder Dean Clegg said "When the canal company asks for help, the cities have been willing to help."

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Councilmember Watkins said, “Insurance, is that in addition to our current policy?”

Mr. Gass answered, “No.”

City Recorder Dean Clegg said “We are sitting on two million dollars of liability insurance.”

Mr. Watkins said this is good timing, we are sitting on the end of the canal. He thinks it is well timed.

City Manager Gass said it is important for us to be involved in this project. This will now take all storm water. The canal gets smaller as you go north, storm water is just the opposite, as it goes north it grows.

Mayor Simmons asked how other cities are doing on this.

City Manager Gass said North Logan has already approved it. Logan, Hyde Park, Smithfield are waiting for the final draft to come out before they sign it.

Councilmember Jeff Barnes asked when the cities will assume ownership. City Manager Gass said we need more negotiations –it is probably years out. We are major stockholders in the upper canal.

Councilmember Jeff Barnes said the letters to the editor and editorial in the newspaper are very negative. Comments in the newspaper are not necessarily true. Many studies have been made.

City Manager Gass said when the canals are built, it will be positive.

Motion: Councilmember Dennis Watkins made a motion to authorize the mayor to sign an Operational and Maintenance Agreement for the Logan and Northern Canal. The motion was seconded by Councilmember Jeff Barnes. A roll call vote was taken with the following votes counted:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins
Nay: None
Motion Passes

Consideration of Resolution 12-05, “Utility Waiver for Active Duty Military”

City Recorder Dean Clegg needs an e-mail to the city council without Bruce Jorgensen and another e-mail to the city council with Bruce Jorgensen.

Motion: Councilmember Kris Monson made a motion to approve a utility waiver for active military duty. The motion was seconded by Councilmember Jeff Barnes. A roll call vote produced the following votes:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins
Nay: None

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Motion Passes

RESOLUTION 12-05

A RESOLUTION APPROVING AND AUTHORIZING A WAIVER OF CERTAIN UTILITY FEES FOR MILITARY PERSONNEL CALLED UP FOR ACTIVE DUTY FOR WAR AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Smithfield City recognizes that the active duty call-up of military personnel for war has caused and will cause certain financial and emotional hardships on families; and

WHEREAS, the City Council recognizes the great service and sacrifice performed for the City and our Nation by these military members and has authority to help mitigate some of the financial hardships caused by such active duty call-ups; and

WHEREAS, the City Council deems it proper, as elected representatives of the citizens of Smithfield City, to express appreciation for the service and sacrifice by waiving certain utility fees for these personnel; and

WHEREAS, it is now the desire of the Municipal Council of Smithfield City to act to waive certain utility fees charged by the City.

NOW, THEREFORE BE IT RESOLVED by Smithfield City as follows:

Section 1. It will be necessary to meet the following guidelines to claim the waiver of utility fees:

- The utility account has to be in the name of the called-up military member or the spouse of the member.
- A copy of the activation to active duty “orders” will need to be given to the Utility Clerk..
- The called-up person can be either spouse.
- A waiver of utility fees application will need to be completed by the family.
- The waiver of fees includes all Smithfield City utility charges except those for garbage and dispatch.
- The waiver will be effective for one year or until the called-up member returns home which ever occurs first.

Section 2. The Utility Clerk is authorized to accept the completed application and waive the applicable fees.

Section 3. This resolution shall take effect immediately upon passage.

Adopted and approved this 14th day of March, 2012

SMITHFIELD CITY CORPORATION

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

/s/ O. Dean Clegg
O. Dean Clegg, Recorder

Set Dates for Discussion Regarding the Budget for Fiscal Year 2012-2013

It is time to start discussions for the budget for fiscal year 2012-2013.

City Recorder Dean Clegg said we have done this before starting in March. He suggests that we do it in the City Council room to accommodate people. The tentative budget must be presented at the city council meeting on May 9, 2012.

A decision was made to do budget sessions on Tuesday, March 27th, and again after city council meeting on March 28th. Mr. Clegg will send agendas about the budgets meetings to those people who have requested them. The Public Hearing for the Budget will be held in June

City Manager Items

Letter of Apology

The city received a letter of apology from Hayden Nix for two acts of vandalism against the city. One was at the Blue Sox Diamond, the other at Mack Park. Hayden had to go to juvenile court for these actions. His punishment was to write a letter and apologize to the city for what he did.

Bad Water

Misty Warren sent an e-mail to the city that her water smells fishy. She wants the city to do something about it. No one knows who she is. We sent an e-mail back, never got an address. Then another e-mail came that we haven't checked the water yet. No one knows who she is. We would be happy to address her problem if we know who she is.

Third South and Third East Booster Pump

This pumps water to the storage tanks. We need the pump to build up. There are a couple different ways to do that. The original system of "soft starts" is almost new. We want to sell them. We have a buyer who wants to give us about \$1,000. We paid more than that for them. Unless one system is just like our system it won't work. We have found a supplier who is willing to buy them for the \$1,000. We paid \$8,000.

Mr. Gass needs concurrence of the council before selling them for \$1,000. They have been replaced.

Councilmember Jeff Barnes thinks we should sell the old ones. Councilmembers Kent and Monson agree with Councilmember Barnes.

New Signs

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Smithfield resident George Stewart requested new signs be placed to help people find the Lion's Lodge. These signs have been replaced. They are installed.

Water Lines Under the Railroad Tracks

The city employees have done a good job here. We have one and one-half inch lines. We have to bore under the tracks. There is an insurance policy that we have to take out on every piece we put in. We will put this out for bid. We have the money budgeted for it. **Borings:** We have six to do. Casing is required. One that we are doing is on Second West to Sixth South.

Police Department

Mr. Gass passed out an ordinance that cleans up things that have to do with the police department. (Just housekeeping in the code book.) They will bring it back to the next meeting if there are any questions. Please let Mr. Gass know of your questions.

Mayor and Council Reports

Councilmember Barnes Report:

Councilmember Barnes is trying to organize a historical committee.

Councilmember Buttars' Report:

Nothing to report.

Councilmember Monson's Report:

Councilmember Monson is trying to put something about Smithfield on Facebook every day.

Councilmember Kent's Report:

The Youth Council are preparing applications for next years council. Applications are due at the end of April. Councilmember Monson would love to have a member of the Youth Council work with her on technology next year.

Summit School is looking for remembrances for their anniversary.

Councilmember Kent has received positive comments on the new animal control officer.

Councilmember Watkins' Report:

Councilmember Watkins gave compliments to City Manager Jim Gass on writing a response to about the old tabernacle. This would be a good article on the front page of the newsletter about the conditions of the youth center. There are important decisions to be made concerning the youth center.

Mayor Simmons' Report:

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Mayor Simmons is reminded that the spring runoff is about to begin. Are we ready?

City Manager Gass said “Yes, but we do have a few logs in the river that need to be cleaned out.”

The city received a thank you note from Tammy Seamons for the sympathy card at the death of her son.

The Lions Club came to Mayor Simmons looking for a recommendation for the “Outstanding Citizen” Award. They presented a name. Mayor Simmons said this would surprise the citizen for what they have done for the community.

Councilmember Kris Monson suggested another name for consideration as a recipient of the award.

Adjournment

Motion: Councilmember Kris Monson made a motion to adjourn. All were in agreement. Adjourned at 8:43 p.m.

Approved and signed this 28th day of March, 2012.

SMITHFIELD CITY CORPORATION

ATTEST:

Darrell G. Simmons, Mayor

O. Dean Clegg, Recorder