

MINUTES
SMITHFIELD CITY COUNCIL MEETING
August 8, 2012

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **August 8, 2012**. The following were present constituting a quorum.

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

Mayor Simmons called the meeting to order at 6:00 p.m.
Councilmember Kris Monson offered a prayer and led the Pledge of Allegiance

Visitors: David Barnes, Ralph Erickson, Johnny W. McCoy, Travis S. Taylor, Crystal Grimes, Calvin Grimes, Sophie Grimes, Nathan Carroll, Ryan McCammon, Brandon Carroll, Mark Russell, Preston Russell, Char Izatt, Wade Lindley, Bob Swanson, Marilyn Lindley, Lynn Godderidge, Doug Corbridge, and Jean Douglass

Agenda:

Welcome and Opening Ceremonies

1. Consideration of Consent Agenda
Minutes of City Council Meeting held July 11, 2012
2. Resident Input
3. Consideration to Award the Storm Sewer Study to JUB Engineering
4. Consideration to Authorize Mayor to Sign Letter of Engagement for Consulting Services with Jones Simkins, P.C.
5. Consideration of Request of Travis Taylor for an Extension of Bond for the Villas at Smithfield Ridges Phase 1
6. Consider Approval of Final Plat of Monte Vista Subdivision 600 South 100 West
7. Public Hearing, not to begin before 6:30 p.m., to Receive Public Input for Consideration of **Ordinance 12-05**, "Set Salaries for Elected and Statutory Officials"
8. Consideration to Award Contract for Construction of Chlorination Building

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9. Public Hearing, not to begin before 7:00 p.m., to Receive Public Input for Consideration of **Ordinance 12-07**, “A Request from Wade Lindley, Marilyn J. Lindley, and Robert W. Swanson, for a Rezone of their Respective Properties Located at 750 West 100 North (parcel #08-083-0001, 2.72 acres); 700 West 100 North (parcel #08-083-0002, 3.12 acres); 690 West 100 North (parcels #08-083-0003, 2.29 acres;) from RA-2 (Residential Agricultural - 2 Acre) to RA-1 (Residential Agricultural 1 Acre)
10. City Manager Items
11. Mayor and Council Reports
12. Adjournment

Consideration of Consent Agenda

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Mayor Simmons declared the consent agenda approved.

Resident Input:

Smithfield resident David Barnes requested speed bumps be installed on the new section of 100 East from 600 South to 800 South to slow down the traffic that is expected.

City Manager Jim Gass explained the city has received numerous requests for speed bumps over the years and has elected not to install them. He cited examples in other cities where they have been installed only to be removed because of the problems they cause. They are very difficult for emergency vehicles to navigate, they take a toll on snow plows, and the public in general hate the problems they cause their cars. Mr. Gass said the city could install 25 mph signs on both ends and if necessary “Children at Play” signs however they lose their effectiveness rather quickly. Chief McCoy added that we have our speed trailer that we can put on that road.

Smithfield resident Ralph Erickson updated the city council on the activities of the Historical Society. We have had three successful open houses at the tabernacle. Council Members Monson and Kent were in attendance at the last open house. One more open house will be held on Labor Day weekend.

Mr. Erickson made a trip to Logan to get a copy of the article that appeared in the Herald Journal on the tabernacle for each councilmember. He felt it was good public relations for Smithfield and for the building.

On the 25th of July, Alan Roberts came to Smithfield to begin the assessment of the Youth Center. Mr. Erickson pledged to forward the results of the study on to the city council.

Mayor Simmons reminded Mr. Erickson the LDS Church discontinued use of the building and gave it away. As a result, we should refrain from identifying it as an LDS Tabernacle. Also, within the city the building is known as the Youth Center and is still a community building being managed and

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used by the Rec Department. Use of the building needs to be scheduled through the Recreation Department.

Consideration to Award the Storm Sewer Study to JUB Engineering

City Manager Jim Gass said he recently met with the Community Impact Board (CIB) on a grant request for \$15,000 to help in the cost to perform a storm sewer study for the southern parts of Smithfield. The results of the study would look at our existing storm sewer capabilities, current and future storm flows in the area, recommended sizes and locations for the main collection lines, and placement of detention ponds and their recommended allowable outflows. The study will address the existing problems the city is experiencing on South Main during large storm events. JUB has proposed a fee of \$30,000 for the study with half being paid by the city and the other coming from the grant. The city's portion was included in the current budget.

Councilmember Jeff Barnes asked where the city's portion (\$15,000) was in the budget. City Manager Jim Gass showed Mr. Barnes the line item on his copy of the budget.

Motion: Councilmember Dennis Watkins made a motion to allow City Manager Jim Gass to sign an agreement for JUB Engineering to proceed with the Storm Sewer Study. The motion was seconded by Councilmember Brent Buttars. A roll call vote was taken and the following votes recorded:

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

Consideration to Authorize Mayor to Sign Letter of Engagement for Consulting Services with Jones Simkins, P.C.

The engagement letter with Jones Simkins, P.C. is for those accounting services the city is using to better prepare for the annual audit.

Motion: Councilmember Kris Monson made a motion to engage in an agreement and for Mayor Simmons to sign a letter for consulting services with Jones Simkins, P.C. The motion was seconded by Councilmember Dennis Watkins. A roll call vote was taken and the following votes recorded:

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

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Motion Passes

Consideration of Request of Travis Taylor for an Extension of Bond for the Villas at Smithfield Ridges Phase 1

Travis Taylor was in attendance requesting this extension. The Villas represent a section of the Smithfield Ridges PUD that is comprised of small lots (5,000 to 7,000 sf) on private streets that was started back in 2007. The balance of the PUD known simply as Smithfield Ridges are traditional 12,000+ sf lots on public streets. The overall area for both sections was comparable, however, the Ridges (5 phases completed) has sold much better than the Villas which as struggled and never advanced beyond the first phase. The developers, Westates, has been debating whether or not to pursue the Villas or abandon the concept in favor of the traditional development as in the case of the Ridges. Development of the first phase of the Villas is nearly complete west of 1030 East street but there has been very little work done on the east side with no homes being built. The developer would like to extend their development agreement and the term of their security deposit which expires September 25, 2012, for one more year while they weigh the market and decide whether to continue the Villas as originally conceived or revert the remainder of the first phase (east of 1030 East) and the balance of the phases to a more traditional layout.

City Manager Jim Gass said part of the problem they're fighting with the Villas is that there is considerable grade from east to west which when coupled with the small lot it become very difficult to create a flat area to build the homes. As a result they find it necessary to do considerable terracing with rocks boulders which is not always well received by the public. Larger lots would help in addressing this issue.

Councilmember Brent Buttars asked if the PUD is changed how are we going to deal with the people who bought into the concept of a clubhouse and commons area.

City Manager Gass said any change in the PUD, particularly the first phase of the Villas, will require consultation of the existing homeowners. Since the development will still be a PUD the requirements for density and open space will remain in place.

Councilmember Barnes asked Mr. Taylor where they were planning to build a clubhouse? Mr. Taylor identified the location adjacent to the Villas.

Councilmember Kris Monson said she would like to give more time and have things done right.

The PUD ordinance was recently modified prohibiting the extension of the Development Agreement and Security Bond. Mr. Taylor asked that his requested be considered under the provisions in place at the time of the original approval which didn't have such a restriction.

Motion: Councilmember Kris Monson made a motion to approve the request for an extension of the bond for the Villas at Smithfield Ridges, Phase 1, and that it be done by

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invoking the language in the ordinance at the time the plat was originally approved. Councilmember Jeff Barnes seconded the motion.

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

Motion Passes

Consider Approval of Final Plat of Monte Vista Subdivision 600 South 100 West

No one was in attendance to represent construction of the subdivision. City Manager Gass said it would be better if someone were here. There was no discussion or action taken.

Public Hearing not to begin before 6:30 p.m., to Receive Input for Consideration of Ordinance 12-05, “Set Salaries for Elected and Statutory Officials”

Mayor Simmons read **Ordinance 12-05**. He thanks Smithfield City residents for allowing him and the city council to serve. He is extremely appreciative of the council members. They are volunteers, for part of the time they put in. Mayor Simmons opened the public hearing at 6:48 p.m. There were no comments from the public so Mayor Simmons closed the public hearing at 6:49 p.m.

Motion: Councilmember Kris Monson made a motion to approve **Ordinance 12-05**, “Set Salaries for Elected and Statutory Officials”. The motion was seconded by Councilmember Brent Buttars. A roll call vote was taken with the following votes cast:

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

Councilmember Dennis Watkins said he would feel more comfortable if we approved elected officials and appointed officials under separate ordinances.

City Manager Jim Gass suggested it was possible to approve one ordinance granting pay raises to appointed officials while not granting such raises to elected officials. The council simply needs to let staff know of their desires and the ordinance can be written accordingly.

ORDINANCE 12-05

AN ORDINANCE AMENDING THE SMITHFIELD MUNICIPAL CODE ADOPTED DECEMBER 21, 1995

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BE IT ORDAINED by the City Council of Smithfield that the following sets the salaries as required by Chapter 2.16.050:

The salary of the officers of this municipality shall be paid in the amount and at such time as is below specified:

1.	Mayor	Monthly	\$	733.42
2.	Council Members	Monthly		444.45
3.	City Treasurer	Bi-Weekly		1,559.44
4.	City Recorder	Bi-Weekly		2,068.26
5.	Justice Court Judge	Bi-Weekly		800.31

This ordinance shall take effect as of July 1, 2012 upon its adoption and posting.

Adopted by the City Council of Smithfield, Utah this 8th day of August , 2012.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

Consideration to Award Contract for Construction of Chlorination Building

City Manager Jim Gass said the chlorination building will be located on Upper Canyon Road. Water will come from Petersen Springs and Miles Springs. We have \$75,000 in the budget for it. The low bid went to MW Construction from Paradise. Doug Petersen would like the Public Works Department to do the underground which would save about \$11,000 on the contract. There would be some costs for materials and labor with the material costs being in the range of \$3,000 to \$4,000 which would still put us under budget.

Mayor Simmons declared a short recess at 7:04 p.m.

Mayor Simmons declared city council meeting resume at 7:07 p.m.

The price of the completed building would be \$64,630. Granting MW Construction the overhead and profit (\$1,000) on the portions eliminated, the total cost of the contract ill be \$65,630.38.

Motion: Councilmember Dennis Watkins made a motion to approve the contract to MW

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Construction for \$65,630.68. The motion was seconded by Councilmember Jeff Barnes. A roll call vote was taken and the following votes recorded:

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

Public Hearing, not to begin before 7:00 p.m., to Receive Public Input for Consideration of Ordinance 12-07, “A Request from Wade Lindley, Marilyn J. Lindley, and Robert W. Swanson, for a Rezone of their Respective Properties Located at 750 West 100 North (Parcel # 08-083-0001, 2.72 acres); 700 West 100 North (Parcel # 08-083-0002, 3.12 acres; 690 West 100 North (Parcel# 08-083-0003, 2.29 acres) from RA-2 (Residential Agricultural – 2 Acre) to RA-1 (Residential Agricultural-1 Acre)

Mayor Simmons opened the public hearing at 7:13 p.m.

Wade Lindley presented his request for a rezone of two pieces of property belonging to his mother at the corner of 800 West and 100 North along with an adjoining parcel belonging to Robert Swanson. The property is currently zoned RA-2 and the request is to change the zone to RA-1. Mr. Lindley explained his father recently died and his mother would like to sell her home with one acre and leave the balance of the property (3 acres) as one piece which contains the farm outbuildings so he could continue to farm it. There had been request in the past to rezone the property to a zone with smaller lot requirements, but the Lindleys had been vocally opposed to those requests. Mr. Lindley stated that he sees his request as being different because it’s not his desire to subdivide the property for additional housing but rather to combine parcels to continue farming as has been done in the past. He cited changes in the area which he feels bolsters his request namely the apartments that have been recently built just to the east of the Swanson property, the development of the Park Place Subdivision on the north side of 100 North and the recent construction of a church and elementary school adjacent and west of the subdivision. He has talked to five neighbors that have given their support to him and those within his family have urged him to rezone the property because the RA-2 zone is next to 60 unit trailer park.

Councilmember Brent Buttars said there wasn’t a lot said at Planning and Zoning. Neighbor Robert Swanson owns property adjacent to the 11 units. He has two and one-half acres. The back portion of his property has been used as a pasture for many years. He likes pasture, and some time down the road he will make Wade an offer he can’t refuse, so he can continue to use it as pasture.

Neighbor Doug Corbridge is concerned that we have fought quite a bit here. Ned Low tried to change his property, but he was turned down. Ned says you turned him down so how come they can do this. He feels people have tried in the past to rezone some of the property but were turned down.

Neighbor Matt Sheen echoes what Doug said. His property is by Ned Low’s. If someone came in

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and developed on property that is for sale, he would be okay with Wade, but hopes it won't open up a flood gate.

Mayor Simmons closed the public hearing at 7:26 p.m.

Councilmember Brent Buttars thinks we need to be consistent with what we do. We denied Ned Low. He wanted smaller lots. It seems ironic that the Lindleys want to change their's when they didn't want other people to change it. Councilmember Buttars wants to be consistent. He is against the request.

Councilmember Kris Monson stated she had gone out and looked at the property today, and had City Recorder Dean Clegg compile information on previous requests. She has had heartburn over this. She is with Councilmember Buttars

Councilmember Jeff Barnes asked if all the homes on 100 South are two acres.

City Manager Jim Gass said he believed the majority on the north side were one acre, but was corrected by residents from the area who stated the majority of the lots were 2 acre
Councilmember Kris Monson asked how big Mr. Lindley's proposed parcel is.

Mr. Lindley said 3.71 acres. This will be Wade Lindley and his mother, Marilyn.

Councilmember Jeff Barnes said he thought he heard if a change was made from RA-2 to RA-1 and then there was a boundary line adjustment to separate the Lindley home what would happen to the rest of the property?

City Manager Gass said to split off the Lindley home that piece of property would have to be rezoned to RA-1 allowing for a one acre parcel. It seems to Councilmember Barnes that Mr. Lindley wants to do this so he can keep farming. He doesn't know where Mr. Lindley stands, but Mr. Lindley did mention the possibility of just rezoning where the home is.

Councilmember Kris Monson would like that.

City Manager Gass said you could retain RA-2 on all of the property except where the home would be split off. Mr. Gass added in the future if Mr. Swanson wanted to sell off his back part to Mr. Lindley he would have to rezone and be able to maintain a 30 foot rear yard behind his home.

Mr. Lindley would like to get the home broken off.

City Recorder Dean Clegg said if the plan is to accommodate Mr. Lindley so he could split off the home on a one acre parcel we will need to have a legal description prepared for that lot split and then reconsider the request with the change.

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City Deputy Recorder Char Izatt said boundary adjustments generally come to the planning commission. The next planning commission meeting is on August 15 and the matter of the boundary line adjustment to create the one acre lot could be heard. The notice of approval could come later. The paper work could follow.

Marilyn Lindley said the planning commission recommended to approve by a vote of 6-1.

Mrs. Izatt asked about waiving the \$25.00 fee for the boundary line adjustment. The council concurred. The question of the \$200 for the rezone where a new request will be considered. It was determined that the request is not a new request but rather a modification of the original so no additional fee would be warranted.

City Manager Items

Cemetery

Has everyone had the opportunity to go by the cemetery and see the improvements? The sign is being worked on. We talked about going with a light gray with black lettering. After some discussion it was decided the sign should say "Established 1860".

Civic Center

Reported that he and Brett Daniels met with Architect Kelly Christofferson yesterday to discuss the design for the new east entrance to the civic center. The city was awarded \$66,000 from RAPZ Tax and the city committed \$25,000 more to construct the entrance. Although the hope is to construct more than the entrance the primary emphasis will be on getting the east entrance done. We hope to do this later this fall.

Parking Lot Improvements

We are working on improving 100 West to accommodate additional on-street parking. As public works began making improvements we have found it necessary to replace more curb and sidewalk than originally planned in order to correct drainage problems and dangerous sections of sidewalk. As a result it is having an impact on our curb and sidewalk replacement funds.

Sewage Treatment

You will see in the next budget adjustment an increase in the amount required to treat of our sewage. This is a reflection of our growth and the corresponding meter readings.

Sunset Park

Because it is so dry and hot we have decided not to delay the installation of the sprinkling system

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and sod until at least fall. The sidewalk as been constructed through the park along 1000 East. The street itself should provide adequate room for vehicle parking.

Mayor and Council Reports

Councilmember Buttars' Report:

Councilmember Buttars had received positive comments about the golf course from out-of-staters.

The City Party – Councilmember Buttars wonders if we should give compensation to people who are not willing to come and socialize with us. He doesn't want any compensation going toward that. The reason for the city party is to socialize.

Councilmember Barnes' Report:

Nothing

Councilmember Monson's Report:

Councilmember Monson went to the Chamber of Commerce meeting and she was asked what their role was in our town. They feel like all they do is give. They want us to help them in a way to grow their businesses bigger so we get more tax dollars. Mrs. Monson will do an article in the October newsletter so she can show support for what they do. Mrs. Monson asked City Deputy Recorder Char Izatt to send Stacey Dority, Secretary of the Chamber of Commerce, an e-mail with a list of the existing and new businesses in Smithfield.

City Recorder Dean Clegg said we give the Chamber \$1,000 a year. Why don't they form and send out their own newsletter, then they can do their own advertisements.

Mayor Simmons asked if they have a vision of what they want to have. They need to go to other chambers and see what they do. Logan spotlights businesses in their newsletter. Let's have the President of the Chamber write an article in the newsletter for them. The current president is Kristie Berryhill.

Councilmember Dennis Watkins said it should be the responsibility of the chamber to promote business and themselves.

Councilmember Watkins' Report:

Mr. Watkins gave member of the council a proposal from Skyline AES to do some preliminary design work for the library.

We had a proposal by Kelly Christofferson. He looked at the library building. He felt that the

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building had a lot of merit for adding on.

Councilmember Buttars asked if we can build to the north to beautify Smithfield. His problem with building to the north would be interference with the trees and the presence of the flood plain.

Councilmember Watkins said we have some properties in town that are not looking very good. One is the house on 400 South that burned down.

Mayor Simmons' Report:

This summer Mayor Simmons has been busy with complaints about how people take care of their yards. He owns some apartments in Logan. Some of these apartments have trees that are close to the sidewalk. He received a courtesy note asking him to please trim the branches and then call to see if he is in compliance. There were tips on good property management. Is there any way that we might leave a note that would give responsibility to the home owner in a similar manner?

Mayor Simmons said, "Let's write something up like this and try and see if it will work."

Adjournment:

Motion: Councilmember Kris Monson made a motion to adjourn. All were in agreement.
Adjourned at 8:34 p.m.

Approved and signed this 26th day of September, 2012.

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

O. Dean Clegg, Recorder