

SMITHFIELD CITY COUNCIL

SEPTEMBER 28, 2016

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, September 28, 2016. The meeting began at 6:00 P.M. and Mayor Darrell G. Simmons was in the chair.

The following council members were in attendance: Deon Hunsaker, Barbara Kent, Kris Monson, Jeff Barnes and Curtis Wall.

City Manager Craig Giles, Police Chief Travis Allen, City Engineer Clay Bodily and City Recorder Justin Lewis were also in attendance.

The opening remarks were made by Mayor Simmons.

VISITORS: Jennie Orme, Jeff Nielsen, Craig Winder, Todd Orme, Todd Horman, Kirt Hoggan, Randy Cluff, Toby Cluff, Marcus Cluff, Jack Greene, Ron Hellstern, Tony Johnson, Vic Bingham, Emily Larsen, Erica Lundahl, Jami Nelson, Devon Matthews, SueAnne Matthews

RECOGNITION OF RECREATION PROGRAM VOLUNTEERS ERICA LUNDAHL, EMILY LARSEN AND VIC BINGHAM FOR YEARS OF DEDICATED SERVICE TO THE COMMUNITY.

Brett Daniels came before the council to present recognition plaques to three recreation center program volunteers. The three volunteers are difference makers in the community and the youth of the city have benefited from their service.

The Top Sports program has been run for several years by Erica Lundahl and Emily Larsen. The Top Sports program is for youth that have physical limitations that would not allow them to participate in regular sports programs. The youth of the city and valley have been benefited by this program. Leagues have been held for indoor soccer, baseball and basketball.

Emily Larsen thanked all of the volunteers who have helped with the program for many years. Emily thanked the council for allowing the program to use the city facilities for their leagues.

Brett introduced Vic Bingham. Vic has over 46 years of coaching experience. Twenty-three of those years were managing the Aztec American Legion baseball team and the Blue Sox baseball team. Vic has been instrumental in improvements to the facilities at Forrester Acres along with the help of Jay Dee Barr and others.

Vic thanked the council for their continued support over the years. Vic worked with all of the local mayors going back to when Ken Webb served. Vic thanked Brett, the parks department employees and the community for their continued support. The Aztec American Legion program had teams come from all over the country to participate in tournaments and coaches from outside of the area always commented on how nice the facilities and grounds are for a town so small. Jay Dee Barr was given special thanks for his 15 years of coaching service with Vic. Craig and Lorraine Earl, Steve Smith, Mary Demille and Blair Packer were all thanked by Vic as well.

Mayor Simmons thanked Vic, Emily and Erica for their many years of dedicated service. All of them have done amazing service for the community that changed the lives of hundreds of children and adults.

Mayor Simmons mentioned he attended some meetings with Governor Gary Herbert and Governor Herbert mentioned he was aware of the Blue Sox team and how competitive they have been for many years and how many titles they had won.

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM AUGUST 24, 2016

A motion to approve the city council meeting minutes from the August 24, 2016 city council meeting was made by Barbara, seconded by Kris and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

RESIDENT INPUT

Jennie Orme stated she had been to the planning commission meeting when the North Creek Meadows Subdivision was discussed and she had some concerns. The item is on the agenda and Jennie wanted to let the council know her concerns. The development has already started without city approval as the road has been cut and pipes are being put in the ground. How can the subdivision start without formal city approval? Bob Saxton started development in the area and Larry Lewis continued on with the next development. Bob's building lots were large and Larry Lewis's were at least 14,000 square feet. Why aren't the new lots at least 14,000 square feet? How come it is not important for this development to have lots of this size? A precedent was set over 15 years ago for lot size in this area and it is being ignored. Property values decreasing is a concern. They could drop as much as 20%. At the planning commission meeting it was stated there will not be any covenants or restrictions on these lots. Why aren't there rules on these lots? There are not any home size requirements. The subdivision has been approved fast with no consideration for those living in the area. Only the developer will benefit from this project. Some of the new homes on 830 East could face east or west. This is a problem. Why can't we say there must be rules for this development? Why are they allowed to build before final approval?

Mayor Simmons asked for an update on if and how construction had started. Clay stated the developer can dig on his property as he owns it. Some preliminary work was being done and one of the city streets had been dug into. The city has an encroachment permit completed by the developer. All costs are covered by the contractor and the city has an escrow account to pay for any incurred costs if the project is not approved. In regards to the comments about larger lots sizes. The city requirements for R-1-12 (Residential 12,000 Square Feet) have not changed. The developer decided to have larger lots. Jennie Orme said she disagreed as the area was zoned R-1-12 but the city told the developer the lots had to be at least 14,000 square feet. Mayor Simmons remarked the city can research the issue but zoning allows for larger lots than approved

not smaller lots. Jennie remarked she was told the lots had to be at least 14,000 square feet by the city.

Mayor Simmons asked if there would be any CC&R's (Covenants, Conditions and Restrictions) for the project? Clay stated there are not.

Mayor Simmons informed those in attendance CC&R's are done by the developer and not at all associated with city code or ordinances.

Jeff stated he had driven down the road in question and was shocked to see work being done before the project had been approved and he was not aware this was allowed. Clay stated they had only been working in the road for a day. Jeff stated that was incorrect they had been working in the road for two days and had installed a manhole. Clay stated he was unaware of more than one day of work being completed and he was only told some preliminary work was done.

Clay stated a developer is allowed to locate utility stubs and other city infrastructure before a project is started but if the council did not want to allow this type of work in the future to let him know and he would not allow it.

Mayor Simmons asked if city ordinance had been followed? Clay stated that was correct since the contractor had an encroachment permit issued by the city.

Craig Winder stated all of the legal standards required by the city had been met. The Orme's and several others attended the planning commission meeting where Craig provided his contact information and not one person contacted him. Visionary Homes builds an attractive product that meets the demands of the market. This parcel is in a great location and will fill up quickly. The homes will be attractive. None of the homes will have an embarrassing appearance or be built substandard. Visionary Homes just received the People's Choice Award in Cache Valley as determined by those touring during the Parade of Homes event. Nothing has been done wrong so nothing needs to be changed at this point.

Devon Matthews stated all of the surrounding parcels have CC&R's and asked if there would be any for this development? Craig Winder stated there would not. Devon responded without CC&R's anything could be built there and this development needs to have CC&R's.

SueAnne Matthews stated they are new to the city and building a new home in this area. The location of their new home was because the area has CC&R's. Home values are protected by CC&R's.

Mayor Simmons stated the city cannot legislate or control the value of any home or property.

Craig Winder stated he would like to meet with anyone that has questions but he had not been contacted by anyone.

Jami Nelson said she is concerned as well and did not know about this project and had not been notified about the project. The road is being torn up without final approval. Jami was thankful to be able to contact the builder and work with them but at the same time wanted her voice to be heard by the city council. Right now the council is acting like they don't care and our voices are not being heard. Jenny wanted specifics on agreements by past developers from 15 or more years ago for the area.

Mayor Simmons stated the city has a master plan that shows all the proposed zoning in the city. There are many different classifications.

Jami stated she was concerned about the direction the homes would be facing on 830 East and they all need to face the same direction. The homes need a fence around them as well.

Jami stated she had never seen a map of this area. Mayor Simmons invited the entire community to come to the city office and review the master plan or on the city website. Currently, the master plan is being reviewed and updated. People need to take an interest and be involved. The city does not have a way to engage every resident on each issue without the residents wanting to be involved and knowing what is going on.

Jami felt the area would be fine if lots of trees and a fence was required.

Mayor Simmons mentioned the issues being dealt with by the council and planning commission need to be followed by the residents if they want to be involved and have a say. The city cannot tell a person what to do with their private property. The city does not own or control the land. The developer has to follow city ordinances and code but can do what they want if they comply.

Mayor Simmons suggested those with concerns go and meet with the developer and see if a compromise can be made as the city cannot negotiate with the developer if all ordinances and code is being complied with.

Jami stated the developer was out of bounds in cutting into the road before the project was approved. Mayor Simmons stated they were allowed to do so because they had a permit issued through the city. Clay mentioned the developer had the permit for another project that was never completed and transferred it to this area.

Jami mentioned this is a big project and it comes across as arrogant to start the project before it is approved. Three local homeowners could not attend and want to speak with the developer as well according to Jami.

Jami asked how residents can be more informed? Mayor Simmons stated all meetings are published and posted, public hearings are posted as well, planning commission meetings are held the same night and time each month as well as city council meetings.

Barbara stated people with concerns need to speak during the preliminary plat process as well as during the public hearings on the issue.

Curtis mentioned he had been on the planning commission previously and all of the items related to the planning commission meeting are ready to review at least three or four days in advance.

Mayor Simmons suggested to everyone if there is undeveloped property where you live you need to be involved and stay up to date from the day you move in as eventually someone will want to build something there and to be part of the process a person must be involved and stay informed.

TODD HORMAN, AGENT FOR DRY CANYON, LLC, HAS REQUESTED APPROVAL OF PHASE 2 OF THE FINAL PLAT (12 LOTS) FOR THE GEORGE R. WEEKS SUBDIVISION, LOCATED AT APPROXIMATELY 300 SOUTH 1100 EAST. ZONED R-1-12.

Clay informed the council the request had been reviewed by the STRC (Subdivision Technical Review Committee) as well as the planning commission and sent to the council for consideration. The request is for Phase 2 as Phase 1 is a parcel owned by the LDS Church which at this time has not been developed but was previously approved.

Todd Horman stated Phase 2 is approximately three acres and partially surrounds the LDS church property. Phase 2 is 12 building lots and a future Phase 3 will be approximately 20 building lots. The road on the south side of the property goes up Dry Canyon. The lots will be around 1/3 acre. There is a temporary turnaround for fire department access. Long term the road through Phase 3 will connect to 1000 East.

Curtis mentioned all of the city requirements had been met and the planning commission did not have any concerns.

Jeff mentioned there will be a significant amount of dirt that must be removed before the sidewalk can be installed. Todd replied that area is owned by the church and the church will have to install the sidewalk in that area when they develop Phase 1.

Clay informed the council Todd would be responsible for all infrastructure for Phase 2. A water model had been completed for the project along with Phase 3 as well. All fire flow and culinary water requirements had been met.

Barbara mentioned the zoning is for 12,000 square foot lots but the majority of the lots were 15,000 to 16,000 square feet and she liked the bigger lot sizes being offered.

Todd mentioned the preliminary plat from the church included more homes and roads but he did not like their concept and had it redone to the current layout as he felt it fit the layout of the land better.

A motion to approve Phase 2 of the George R. Weeks Subdivision, 12 lots, located at approximately 300 South 1100 East was made by Jeff, seconded by Curtis and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

Mayor Simmons asked Todd when he wanted to start the project? Todd stated realistically it would not start until spring as winter is too close and the infrastructure work could not be completed this fall.

Mayor Simmons cautioned those in attendance just because the LDS Church owns some property in the area does not mean a church will go there as the land can be sold and homes put there if the property owner chooses to do so. Just because a certain person owns a parcel does not make it mandatory they develop in a certain way.

Todd mentioned they would start to advertise the building lots now the project has been approved.

CRAIG WINDER, AGENT FOR IRONWOOD DEVELOPMENT, HAS REQUESTED APPROVAL FOR PHASE 1 OF THE FINAL PLAT (20 LOTS) FOR NORTH CREEK MEADOWS SUBDIVISION LOCATED AT APPROXIMATELY 300 SOUTH 900 EAST. ZONED R-1-12.

Clay stated this request is for the area brought up in the resident input section of the meeting. The STRC and planning commission have reviewed the request and sent to the council for consideration. A water model has been completed for the project as well.

Craig Winder stated Ironwood had done everything the city had requested. They had met with the STRC twice on various concerns and then gone to and been before the planning commission for approval. The preliminary plat was approved approximately a month ago. Now the final plat is before the council for consideration. The developer wants to have a good relationship with others living in the area and all the requirements and city ordinances have been met. The owner of Ironwood resides in the city and wants to make sure a good job is done and a good project completed.

Craig informed all of those in attendance they could call, email or meet with him at his office anytime.

Clay mentioned the exact location, west boundary, of this project is 830 East 300 South.

Curtis mentioned this request did not include the area owned by Bob Saxton on the south end of 830 East.

Jennie Orme expressed concern about the lot sizes being smaller than those on the surrounding parcels.

Mayor Simmons asked Craig Winder if he was willing to meet with the residents of the area in the upstairs conference room to discuss their concerns and issues? Craig stated he would but suggested meeting at his office where the plat could be specifically discussed and would most likely be a better option to address their concerns.

Craig Winder mentioned the four lots on 830 East facing to the west would have a higher value but he understood the concerns about how it would look when people drove down the road. Jennie Orme expressed concern for those four lots as each home would have the ability to face different directions and she did not like that option. Barbara mentioned the city cannot control the direction a home faces. Craig Winder mentioned he was open to discuss this issue but until tonight nobody had contacted him about this concern. Craig Winder asked Jenny which direction she wanted the homes to face? Jennie stated she wanted all of them to face the same direction.

Craig Winder stated he would pass along the concerns of the residents to the owners but could not make any promises on what they would do or would not do.

Kris stated she was not comfortable voting on the request until the neighbors had met with Craig to discuss all of their concerns.

Note: The discussion was temporarily stopped so Craig Winder could meet with residents of the area outside of the council meeting to discuss their concerns and the discussion started again later in the council meeting.

PUBLIC HEARING, NO SOONER THAN 6:30 P.M., TO CONSIDER A REQUEST BY JEFF NIELSEN OF FORESIGHT SURVEYING, AGENT FOR ANDREW NIELSON FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR A THREE (3) LOT MINOR SUBDIVISION/INTRABLOCK DEVELOPMENT NAMED THE A. NIELSON SUBDIVISION LOCATED AT APPROXIMATELY 180 EAST CENTER STREET. ZONED R-1-10.

Jeff Nielsen informed the council for this project to be possible a boundary line adjustment was required and the work had been completed and the documentation was at Cache Title waiting to be recorded. The planning commission had reviewed and approved the request. The request would be to create a three lot subdivision with two new homes being built. The boundary line adjustment was on the east side of the parcel. A hammer head turnaround would be installed for fire department access. Some old buildings would be removed. The old home on Lot 1 would stay at this time but could be removed and replaced in the future if the owner chooses to do so but at this time he wants to keep the existing home.

****The public hearing opened at 7:19 P.M.****

There were not any comments from the public.

****The public hearing closed at 7:20 P.M.****

DISCUSSION AND POSSIBLE VOTE ON THE CONDITIONAL USE PERMIT REQUEST FOR THE A. NIELSON SUBDIVISION.

Jeff Barnes asked what would happen to the existing barn? Jeff Nielsen replied it would be removed.

Jeff Barnes asked what would happen to the dead trees? Jeff Nielsen responded the dead trees on Lot 3 would be removed but some of the dead trees were on the neighbor's property and not part of this project.

Barbara mentioned Lot 1 has the existing home and Lot 2 is approximately 9,000 square feet and Lot 3 is approximately 12,000 square feet. Jeff Nielsen replied the area is zoned R-1-10 and Lot 2 would be 9,800 square feet. City code allows one of the lots to have a 10% reduction under the zoning limit in some cases.

Barbara asked if city code had been met? Clay stated all city ordinances and code had been met.

Deon asked if the road would be owned by the three lot owners? Jeff Nielsen stated it would be a separate parcel.

Deon asked who would own the road? Clay stated the three parcel owners would own and be required to maintain the road.

Barbara asked if the road was excluded in the size of the lots? Clay stated that was correct.

Deon suggested a maintenance agreement be put in place for the maintenance and repair of the private road.

A motion to approve the conditional use permit request for the A. Nielson Minor Subdivision Intrablock Development, three (3) lots, located at 180 East Center was made by Curtis, seconded by Jeff and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall
No Vote: None

PUBLIC HEARING, NO SOONER THAN 6:45 P.M., TO CONSIDER A REQUEST BY NORTHPARK HOLDINGS, LLC TO REZONE PROPERTY OWNED BY WARREN JOHNSON (PARCEL# 08-056-0017, 0.56 ACRES) LOCATED AT 229 NORTH MAIN FROM R-1-10 (SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FEET) TO RM (MULTIPLE FAMILY RESIDENTIAL).

Tony Johnson stated this was a project he wanted to start several years ago but there were some lot split issues that needed to be resolved. The intent is to clean up the area and build ten townhomes on this parcel and the parcel directly to the north.

****The public hearing opened at 7:27 P.M.****

There were not any comments from the public.

****The public hearing closed at 7:28 P.M.****

DISCUSSION AND POSSIBLE VOTE ON THE REZONE REQUEST BY NORTH PARK HOLDINGS, LLC.

Jeff asked how the house on Parcel 08-056-0016 was already zoned multi-family? Clay stated Parcels 08-056-0024 and 08-056-0016 were part of a subdivision. There are seven or so trailer houses on parcel 24.

Kris asked if there were any trailer houses still there? Tony stated there are two and they are working with the owners to get them relocated.

Deon mentioned this has been a very undesirable area for a long time and would be good to see the area cleaned up. Kris and Barbara agreed.

Barbara felt putting townhomes in the area would be a good mixed use of the area.

Tony mentioned the intent would be to build ten townhomes with a playground area. The current request is to rezone Parcel 08-056-0017 because until it is rezoned the project cannot continue.

Curtis mentioned one person commented at the planning commission meeting about her concern for there not being a fence. Tony stated he was not sure what would happen in that regard as some people want fences and others do not but if there are security issues or concerns a fence would be installed.

Barbara asked if the general plan was being followed? Curtis stated it was.

Jeff asked if the ordinance about intrablock developments having a fence installed would be applicable? Clay stated in this case it is not applicable as this would require a conditional use permit and not be an intrablock development. Access to the townhomes would be between the existing two homes and UDOT (Utah Department of Transportation) would have to approve access from the highway.

A motion to approve the rezone request for Parcel 08-05-0017, 0.56 Acres, from R-1-10 (Residential 10,000 Square Feet) to RM (Multiple Family Residential) was made by Barbara, seconded by Deon and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

A temporary adjournment was taken at 7:34 P.M. for ten minutes

PRESENTATION AND DISCUSSION BY RON HELLSTERN ON THE NATIONAL WILDLIFE FEDERATION COMMUNITY CERTIFICATION PROGRAM.

Jeff informed the council he had known Jack Greene and Ron Hellstern for around 20 years as they had got him involved with Envirocon. The Envirocon competition is still going on yearly.

Ron is from Nibley and is a conservationist by heart. Right now Ron is promoting community involvement in habitat management. Ron helped Nibley City to become the first National Wildlife Federation Community in the State of Utah.

Ron mentioned Envirocon now includes eight international countries.

Ron informed the council he is strictly a volunteer and trying to inform communities and valley residents about this program. To be certified, a property owner needs to have food, water, shelter and an area for wild animals to raise their young. This program is for all non-domesticated animals. Communities can also be involved and become certified as well. In the past this program has been very successful on the east coast and is now moving west. Right now over 200,000 homes are certified and 198 communities in the United States. The program is relatively new and growing. Some of the benefits to wildlife are pollination from butterflies and humming birds. All types of birds are given a place to live. Air and water quality are both better. As part of the program over 1,000 trees were donated to Nibley City. The National Arbor Day Foundation has statistics showing areas with lots of trees have less crime. Statistics show the population of Monarch Butterflies is decreasing. This program helps to create safe ways for the butterflies to travel as they migrate. Milk weed and nectar plants need to be planted to provide food and shelter. What does the program take to get involved? There is a one-time \$20 fee and the person who signs up will get a magazine and certificate showing they are certified. The magazine gives tips of how to make places bird friendly and wildlife friendly. For the city to become certified 100 homes need to be certified in the community, three common areas in the city such as parks and two schools. There is no charge to the schools to be involved. The system for the city to become certified is a point system and when 175 points are accumulated the city is certified. The application is simple and there are not any home inspections or park inspections.

Kris mentioned she works at Logan High School and saw how the butterflies were tagged and followed and it is great program. Kris stated she raises bees and supports birds and bees but not deer habitat as they are destroying some people's yards in the city. Ron mentioned each homeowner can be habitat friendly and they choose how to be habitat friendly and right now he chooses to keep the deer away from his property.

Barbara asked if North Logan City could participate where they have a deer management program? Curtis stated they could as each city has a different focus on what they want to accomplish.

Barbara asked for clarification on the three commons areas for the city. Ron said they are the same requirements as a homeowner and areas like Mack Park would be good common areas.

Ron mentioned last year 1,100 Monarch Butterflies were tagged and around 300 to 400 were tagged this year. One of the butterflies flew to Arizona which was very unusual as normally they fly to Southern California.

Mayor Simmons asked Jeff to oversee this program for the city and stated education was the key to making this program a success. Jeff stated he was glad to be involved.

Jack Greene stated he was glad to help the city. Jack started the Tree City USA program in the valley many years ago.

CONTINUED DISCUSSION ON THE REQUEST BY IRONWOOD DEVELOPMENT FOR APPROVAL FOR PHASE 1 OF THE FINAL PLAT (20 LOTS) FOR THE NORTH CREEK MEADOWS SUBDIVISION LOCATED AT APPROXIMATELY 300 SOUTH 900 EAST. ZONED R-1-12.

Craig Winder informed the council he had addressed the concerns that most agitated the neighbors in this area. The homes on 830 East which have the option to face east or west will all face the same direction. They will all be consistent in this regard. Craig will be meeting with other neighbors of the area that could not attend the council meeting to address their concerns.

The owners of the development are considering some CC&R's (Covenants, Codes and Restrictions) for the area but they had not yet been established. The CC&R's for the Bob Saxton property were being reviewed and this development would be similar but not exact to those.

Craig Winder stated he did not want the council to delay the vote on this request as their project had deadlines to meet and the issues are between the developer and the residents of the area not between the developer and the city. Individual concerns about fencing would be discussed with each property owner.

Mayor Simmons thanked Craig Winder for his willingness to meet and discuss with the residents as this was not standard protocol as part of a city council meeting. Kris thanked Craig Winder for his willingness to discuss the concerns with those in attendance and have an open dialogue about what is happening in the area.

Curtis asked if anything needed to be included in a motion to approve the request in regards to the CC&R's? Justin stated no as they are not a city issue but a developer requirement.

Jeff expressed concern about the irrigation water canal running on the east side of the parcel. Some of the homes will be flooded in the future from this canal. When a 100-year storm happens the canal will overflow and fill the basements of some of the homes. Mayor Simmons mentioned anyone purchasing a parcel in this area needs to recognize the possibility their home will flood if they build by a canal here or anywhere in the city.

Jeff expressed concern about the homeowners digging into the berm along the canal and causing problems. Craig Winder informed the council the property line is well short of the canal and canal bank. Each building lot in this area along the canal is restricted meaning special attention must be taken in this regard to the property line and canal. Kirt Hoggan and Zan Murray had been provided information on the subdivision to review in their work with the irrigation company.

Jeff thanked Craig Winder for giving the canal company the 20 feet of space needed along the canal.

Craig Winder pointed about the specific language on the plat regarding the canal and how it is listed for the restricted lots.

A motion to approve the final plat, 20 lots, of the North Creek Meadows Subdivision located at approximately 300 South 830 East was made by Curtis, seconded by Deon and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

PUBLIC HEARING, NO SOONER THAN 7:00 P.M., TO DISCUSS ORDINANCE 15-01, AN ORDINANCE AMENDING THE SMITHFIELD CITY ANIMAL REGULATIONS, TITLE 6: 6.04.010 “DEFINITIONS” AND ZONING REGULATIONS, TITLE 17: 17.04.070: “DEFINITIONS”; 17.32.100 “SPECIAL PROVISIONS FOR KENNEL/CATTERY CONDITIONAL USE”.

Curtis informed the council this resolution was in regards to wording in the kennel and cattery section of the city code. The planning commission had added some new language and deleted some old language and changed some descriptions with the intent for the ordinance to be easier to understand.

Jeff asked if the main changes were to the definitions section of the ordinance? Curtis stated that was correct.

Jeff asked if a kennel and cattery both require a conditional use permit that must be approved by the planning commission? Curtis stated that was correct.

****The public hearing opened at 8:20 P.M.****

There were not any comments from the public.

****The public hearing closed at 8:21 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-01.

Jeff asked what “or other premises meant to contain” meant? Curtis said he was not sure.

Jeff asked if a kennel kept dogs from being loose in yards? Curtis stated that was correct.

Jeff expressed concern for dogs running loose in people’s backyards and how to stop that from happening.

Mayor Simmons asked if some of the wording needed to be changed or clarified? Curtis stated the entire ordinance could be reviewed and modified as needed.

Justin asked for clarification as he was confused on the wording in the ordinance. Could a resident have three dogs in their backyard if the area was fenced off? Curtis said that is the intent of the ordinance.

Curtis stated some of the definitions could be changed and brought back to the council for consideration. Barbara felt that was appropriate as she was concerned about what happens when a resident has a fence but it won't keep the animals from getting into the neighbor's yard.

Mayor Simmons suggested tabling the ordinance until it could be reviewed and some of the wording changed.

A motion to table Ordinance 15-01, until clarification and changes were made to some of the wording and definitions was made by Jeff, seconded by Barbara and the vote passed by a vote of 4-0.

Yes Vote: Hunsaker, Kent, Monson, Barnes

No Vote: None

Abstain: Wall

Barbara mentioned she felt all of the definitions needed to be reviewed and changed to be clear and easy to understand.

DISCUSSION AND POSSIBLE VOTE ON REVISIONS TO THE EMPLOYEE PERSONNEL MANUAL.

Craig mentioned some words needed to be removed in the personnel manual for compliance purposes.

In the title "Response Responsibilities Of On-Call Employees" the word "response" would be removed and it would now say "Responsibilities of On-Call Employees".

Line 3 in Section 1 reads "The on-call employee will respond appropriately, within 30 minutes, to any situation he/she is called out on. In such cases, minimum compensation will be one hour". The words "within 30 minutes" will be removed from the section for compliance purposes and at the advice of legal counsel.

A motion to approve changes to the Smithfield City Corporation Employee Personnel Manual were made by Barbara, seconded by Curtis and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

CITY MANAGER REPORT

Craig informed the council four bids had been received on the splash pad. Two decisions needed to be made by the council at this council meeting. One, the selection of the vendor. Second, whether or not to have a freshwater system or a recirculating water system.

A certified operator will be required for a recirculating system, chemicals will be needed and testing at least three to four times per day will be required. A fresh water system will not require any of this.

The city has received preliminary approval to dump the water from the splash pad into Summit Creek after it is used on the splash pad area.

The disadvantage to an open system is it is just a free flow. Water goes in and out.

On dry years', water use can be restricted by restricting the number of hours the splash pad is open.

All of the bids were for a 3,200 square foot splash pad with similar features.

The bids were as follows:

	Freshwater	Recirculating
Big T Recreation	248,721.00	436,317.00
Creative Stoneworks	188,380.00	210,380.00
Splash Pads USA	120,000.00	140,000.00
Splash Zone, LLC	No Bid	306,595.00

Mayor Simmons asked if research had been done on each of the contractors? Brett stated he had checked references as well as visited several splash pad sites. A splash pad installed by Splash Pads USA was one of the ones he visited and they have the lowest bid.

Craig mentioned a concern of himself and Brett was why is Splash Pads USA so much cheaper? The reason is they manufacture their own parts such as the nozzles where the other suppliers buy them from a supplier and add their mark up and then resale them.

Jeff asked if Splash Pads USA had any splash pads installed in the valley? Brett stated in North Logan and Wellsville.

Barbara asked if the recirculating system cost added an additional \$20,000 to the project? Brett stated that was correct in regards to the Splash Pads USA bid.

Brett mentioned a freshwater system will have lower maintenance costs plus all of the water is not saved with a recirculating system. Around 30% is lost to evaporation and from hitting the ground or being absorbed in towels. Fewer personnel are required so wages and benefits to

operate the splash pad would be cheaper. A recirculating system requires chemicals to be added each day and throughout the day when the water is tested three or four times.

Curtis asked if the splash pad in Ammon, Idaho had a recirculating system? Brett stated that was correct. Curtis mentioned a bonus for Ammon, Idaho is their swimming pool is right next to the splash pad so the swimming pool personnel can check the splash pad when needed.

Mayor Simmons asked if freshwater systems are still common? Craig stated almost all vendors offer both options as they are both very popular choices.

Mayor Simmons asked what type of system is used in Wellsville City? Brett stated they use a freshwater system and put the water into their irrigation system for reuse.

Mayor Simmons asked for clarification on where the water would go from the Smithfield City splash pad? Brett stated at this point into Summit Creek. Mayor Simmons liked the idea the water would still be utilized after being used at the splash pad. Barbara agreed and felt the freshwater option was best. Kris concurred with Barbara and the mayor.

Mayor Simmons mentioned having a freshwater system sounds very wasteful but when a person learns the water will be reused later on the water is not being wasted. The key will be to educate the residents on why this system is the best option for the city.

Barbara asked where the water goes in a recirculating system? Craig stated into one or more storage tanks. Curtis mentioned the water must be chlorinated in a recirculating system. Craig stated when a recirculating system is drained in the fall, before winter, the water in that case would go into the sewer system.

Mayor Simmons mentioned people will think a freshwater system is wasteful until they understand the water is being reused elsewhere. Brett mentioned he had not calculated actual numbers but he was quite certain the splash pad would use less water than is being put on the grass at the proposed location.

Jeff asked how much RAPZ tax money had been received for this project? Brett stated the city received \$150,000 in RAPZ tax funding for a combination splash pad and skate park project. The city will be contributing \$85,000 towards the project cost and another \$15,000 of in-kind labor done by the city staff. Two other grants have been applied for that could help pay for the entire project as well.

Craig mentioned the skate park is in the design phase right now and this project will have to be completed in phases with the splash pad being first. There is not enough funding do to the project all at once.

Craig also reminded the council the insurance refund from the Utah Local Governments Trust as well as the Comcast Cares funding would be used on this project to help cover the cost.

Jeff asked if the desire of the city staff is to go with a freshwater system? Craig and Brett both said yes.

Craig stated the preference of the city staff was to accept the bid from Splash Pads USA for \$120,000 for a freshwater splash pad system.

Barbara asked if issues with the vendor had been resolved? Brett stated all of his concerns had been resolved and there will be a legally binding contract between the supplier and the city.

Mayor Simmons asked which supplier was local? Brett stated Creative Stoneworks was a local contractor and had the second lowest bid. Craig mentioned the Splash Pad USA bid was \$120,000 and the Creative Stoneworks bid was for \$188,380.

Mayor Simmons asked what type of warranty comes with a splash pad? Brett stated he was not sure but would find out and let the council know. Craig mentioned the portfolio from Splash Pads USA shows the project will have a one-year warranty.

Craig informed the council Splash Pads USA has projects all over the country and focuses on California and Texas during the winter months.

Barbara asked if all of the bids were for a comparative design? Brett stated that was correct. All of the proposals were for 3,200 square feet with comparative features. The Splash Pad USA proposal includes 26 total nozzles, three water loops, four water cannons, a mushroom and four dump buckets. A few additional features could be added for the \$20,000 that is being saved by not going to a recirculating system.

Barbara asked about the possibility of including a slide. Brett stated they can be included but he recommended against having one as they require a special mat or pool area at the bottom of the slide. Curtis agreed as he was aware of issues/concerns about one he has direct knowledge of.

Curtis asked about the possibility of extending the concrete on the outer edge to keep from ruining the grass and not having a muddy area. Brett agreed and stated the minimum distance needed on the edge is five feet but he would like to go more than that.

Jeff asked if benches would be installed? Brett stated they could be but at the current time the idea was to utilize the existing shady areas. Curtis mentioned North Logan has some benches around their splash pad.

Curtis mentioned the contract with Splash Pads USA stated the project would be completed in 120 days.

Barbara asked if the existing pavilion would stay? Craig stated it would and the long term plan is to upgrade the pavilion area as well as the restroom facility.

The consensus of the council was to accept the bid from Splash Pads USA and go with the freshwater system at a total cost of \$120,000.

Craig informed the council the fire department received a grant in the amount of \$78,000 to pay for new turnouts, uniforms, fitness equipment, a minor facility upgrade and tuition assistance for some of the department members. Kris mentioned what a great job the department does each year in getting grants. Mayor Simmons mentioned the department had earned significant revenue fighting wildfires as well this year.

Interviews for the job vacated by Jess Daines would be held on Friday, September 30th. Six candidates would be interviewed. Four of the candidates currently work for the city and two candidates do not. Craig, Doug Petersen and Brett Daniels would be conducting the interviews.

The roof on the city office building is starting to come apart on some of the seams and allowing water inside the building. Right now the areas are being patched to try and avoid a major repair.

A sexual harassment training seminar will be held for all of the employees on October 18th at 10:00 A.M. and again at 2:00 P.M. All employees must attend at least one session.

COUNCIL MEMBER REPORTS

Barbara mentioned the Comcast Cares money had been received. The number of volunteers on that day had not been sent to the city. The funding will be used to help build the splash pad. Mayor Simmons mentioned he talked to representatives of Comcast and they love the city and were very complimentary about the residents and what was accomplished. Barbara mentioned Randy Porter lives in Smithfield and works for Comcast and was a great help for the project. Mayor Simmons stated Comcast intends to keep their annual day of service on the last Saturday of April as it is a national event for them.

Curtis asked if the online signup issues were going to be resolved? Mayor Simmons remarked Comcast was aware of the issues and is working on a resolution for the future. Barbara stated the online signup was an issue two years ago and again this year. Mayor Simmons said Comcast understands they need to simplify the process.

Barbara mentioned the senior ball will be held on November 12th and is done with the help of the youth council and the Lion's Club. Mayor Simmons asked where the event would be held? Barbara stated at the LDS Church west of Sky View High School. Mayor Simmons asked why the event was not held at the Civic Center? Deon stated the kitchen at the church is used to prepare the meal. Mayor Simmons responded if the meal is catered he would prefer the event be held at the Civic Center. Barbara mentioned they always have a band in attendance and they setup on the stage at the church and that is another reason the event is held at the church. Barbara mentioned the event start time had not yet been set but would most likely be around 5:00 or 5:30 P.M. because 6:00 P.M. is too late.

Kris mentioned some of the terms of the library board members are expiring and she has some people she is going to ask to serve and after she talks to them she will bring the names to the council for consideration and approval.

Deon mentioned the annual Founder's Day dinner will be held on Monday, October 10th. Mayor Simmons asked to be excused as he has another commitment and will be out of town. Deon mentioned the guest speaker will be talking about LDS Church Tabernacles.

Deon asked how the city CERT program is doing? Mayor Simmons mentioned there were some meetings earlier in the year and the CERT group works in conjunction with the local faith based groups and the public safety department of the city. They all work together to make things happen.

Deon asked why there are junk cars parked on the city owned property west of town? Chief Allen stated the fire department typically uses them for practice. Craig mentioned Chief Downs informed him they have three cars down there right now that are being used for extrication training.

Deon mentioned the Lion's Club is holding their district convention on October 14th and 15th. The meeting on the 14th will be held in Smithfield at the Lion's Club lodge and the meeting on the 15th will be held in Logan at BATC.

Jeff informed the council Ben Harris is still working on the tree inventory list. All of the city properties had been completed as well as both sides of Main Street.

Jeff mentioned the Veteran's Memorial dedication ceremony will be held on Saturday, November 12th starting at 1:00 P.M.

Curtis informed the council the Smithfield Chamber of Commerce is meeting again. A survey is currently being worked on for the Cache Valley Transit District about ridership.

MAYOR'S REPORT

Mayor Simmons informed the council an RDA application for a loan had been submitted and would come before the board on October 12th for consideration. The business is a daycare center and would be located in the Blackrock Subdivision behind O'Reilly Auto Parts. Interest rates will be reviewed and discussed between now and the meeting.

The weeds in the subdivision have been mowed and the area has been cleaned up.

Craig asked the council if the joint planning commission/city council meeting to review the general plan could be held from 5:00 P.M. to 6:00 P.M. with the regular council meeting starting at 6:00 P.M. on October 12th? Curtis remarked the planning commission was planning for 5:00 P.M. Copies of the draft of the general plan are available for review by the planning commission and city council. Representatives from J-U-B Engineers will conduct the meeting and answer questions.

Mayor Simmons asked Chief Allen for an update on the location of some new stop signs in town. Chief Allen stated new stop signs were installed by the developer on 600 South at 1030 East and 1080 East.

Mayor Simmons asked if there are rules that are in place about when a stop sign is installed as the city staff had received some complaints about the new signs. Kris asked if the signs had been covered up for a week or so before they were unveiled so people could get used to them being there? Mayor Simmons stated there is not a policy in this regard. Craig stated the federal standard is followed by the city and since these areas are not major control points and are a basic street no notification or signage about the new signs is required.

Mayor Simmons asked if the new key system for the city buildings was operational? Craig stated the system is up and running and he would provide new electronic key fobs to each council member if they wanted one.

Mayor Simmons asked if the hard keys still worked? Craig stated the buildings were in the process of being rekeyed and all old access cards and keys would no longer work.

****Kris made a motion to adjourn at 9:25 P.M.****

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, City Recorder

SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT 84335

AGENDA

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah on **Wednesday, September 28, 2016** The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Mayor Simmons

1. Recognition of recreation program volunteers Erica Lundahl, Emily Larsen and Vic Bingham for years of dedicated service to the community.
2. Approval of the city council meeting minutes from August 24, 2016.
3. Resident Input
4. Todd Horman, agent for Dry Canyon, LLC, has requested approval of Phase 2 of the Final Plat (12 lots) for the George R. Weeks Subdivision, located at approximately 300 South 1100 East. Zoned R-1-12.
5. Craig Winder, agent for Ironwood Development, has requested approval of Phase 1 of the Final Plat (20 Lots) for North Creek Meadows Subdivision located at approximately 300 South 900 East. Zoned R-1-12.
6. Public Hearing, no sooner than 6:30 P.M., to consider a request by Jeff Nielsen of Foresight Surveying, agent for Andrew Nielson for approval of a Conditional Use Permit for a three (3) lot minor subdivision/intrablock development name the A. Nielson Subdivision located at approximately 180 East Center Street. Zoned R-1-10.
7. Discussion and possible vote on the conditional use permit request for the A. Nielson Subdivision.
8. Public Hearing, no sooner than 6:45 P.M., to consider a request by Northpark Holdings, LLC to rezone property owned by Warren Johnson (Parcel# 08-056-0017, 0.56 Acres) located at 229 North Main from R-1-10 (Single Family Residential 10,000 Square Feet) to RM (Multiple Family Residential).
9. Discussion and possible vote on the rezone request by Northpark Holdings, LLC.
10. Presentation and discussion by Ron Hellstern on the National Wildlife Federation Community Certification Program.

11. Public Hearing, no sooner than 7:00 P.M., to discuss Ordinance 15-01, an Ordinance amending the Smithfield City Animal Regulations, Title 6: 6.04.010 “Definitions” and Zoning Regulations, Title 17: 17.04.070: “Definitions”; 17.32.100 “Special Provisions for Kennel/Cattery Conditional Use”.
12. Discussion and possible vote on Ordinance 15-01.
13. Discussion and possible vote on revisions to the Employee Personnel Manual.
14. City Manager Report
15. Council Member Reports
16. Mayor’s Report

Adjournment

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

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