

SMITHFIELD CITY COUNCIL

OCTOBER 12, 2016

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, October 12, 2016. The meeting began at 5:00 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, and City Recorder Justin Lewis were also in attendance.

VISITORS: Clayton Gefre (The Herald Journal), Char Izatt, Betty Dance, Vicki Reed, Tim Castillo, Ashley Bracken, Tarissa Gwilliam, Brian Higginbotham, Kathy Toolson, Jackie Hancock, Jennie Orme, Jamie Anderson, Stephen Teuscher, Casey McCammon, Wade Campbell, Bart Caley, April Bosworth, Gary Pulham

GENERAL PLAN DISCUSSION AND REVIEW BY THE CITY COUNCIL AND PLANNING COMMISSION WITH REPRESENTATIVES FROM J-U-B ENGINEERS

Cindy Gooch from J-U-B Engineers reviewed portions of the proposed general plan with the city council and planning commission.

The definition of what a general plan is and is not was explained.

The council and commission were asked to review the goals and policies of the general plan and make suggestions on additions, deletions, or corrections.

The general plan is a guiding document for the next 20 years but is usually updated every ten or so years.

The current zoning map was displayed and reviewed.

The commission and council were asked to consider what are the benefits and detriments to the city.

A future land use map was presented.

A plan for future annexation and existing open space was displayed.

Population projections are based on information provided by BRAG (Bear River Association of Governments) and Cache County. The growth rate for Smithfield City was set at 2.5% annually.

Minor changes were proposed to the future land use map. Some commercial areas were proposed on the west side of town on 100 North. Some new commercial areas were also proposed on the south end of town from Main Street going west.

A container park area was shown in other cities showing how shipping containers are utilized as places for businesses to operate.

Jamie Anderson stated part of the focus of the new plan is on economic development as well as making the city more walkable and aesthetically pleasing.

Kris stated the proposed land use map needs to be reviewed as it is advantageous to developers not existing residents. The city is developing too fast because of cheap taxes, utility rates and land. The proposed land use map was too aggressive. Stephen Teuscher remarked growth cannot be stopped but it can be controlled and this was a good start as a basis for review.

The impact of the growth of other cities needs to be considered as the layout for expansion of Smithfield City is discussed.

Wade Campbell mentioned people he talked to want to see a break between Smithfield and Hyde Park. They do not want a continuous build out all the way to Logan. Open space needs to be preserved. Cindy asked how to stop growth between the cities? Wade said he was not sure how to do that.

Jamie Anderson asked the commission and council to consider if they want the city to be a bedroom community or a place for the tax base to grow.

Cindy informed the commission and council on the long range county transportation plan there is a new proposed main road west of the city. Zan Murray stated the new main road is proposed on 2400 West which would go past Darrell's Appliance in Benson and lead to the middle of Amalga Town.

Deon mentioned the population of the valley is projected to double and Logan is out of room to grow so all of the outlying communities are where the growth will take place.

No new multi-family areas were included in the updated land use map.

New roof tops in a community bring new business to a city.

The commission and council were asked to review the parks and trails master plan as they show major parks, neighborhood parks and mini parks.

New parks were proposed in the following areas: north west, north east, south west, south east and central toward the west side.

Cindy suggested not approving the new general plan during the holiday season as residents will complain they were too busy that time of year to attend city council meetings.

A draft copy of the proposed plan could be placed online for the residents to review at any time.

Deon stated he wanted the new water master plan part of this document. Cindy stated the water master plan and transportation plan will be included but they cannot be finalized until the land use map is completed.

The commission and council will hold another meeting at a later date to continue to review the proposed plan. A public hearing will be held in the future for the residents to offer their input as well.

Mayor Simmons opened the regular council meeting at 6:17 P.M.

The opening remarks were made by Curtis Wall.

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 28, 2016.

A motion to approve the September 28, 2016 city council meeting minutes was made by Kris, seconded by Deon and the vote was unanimous.

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

No Vote: None

RESIDENT INPUT

Vicki Reed came before the council to discuss her concern about the curb, gutter and asphalt work not completed by the developer next to where she resides. Vicki resides at 142 South 300 West. The builder removed the road in April and has still not replaced and repaired what was dug up. Some curb and gutter was installed and then removed. Vicki expressed concern if the work is not completed soon it will be too late in the year for asphalt to be put down and the area will be hard to plow. The contractor only comes and goes periodically and does not work on the project on a regular basis. There is a dangerous four foot drop off in one area that was removed. Another neighbor's mailbox was removed over a month ago and still has not been replaced. Why has the project not been completed? What can be done to get the contractor to complete the project? According to Vicki the developer stated this is just a side project he does after hours.

Craig informed the council the area in question is the Stevens Subdivision and is being developed by Ben Balls. The city engineer is aware of the concerns and issues in the area and recently visited with Ben about this issue.

Mayor Simmons stated the city staff will do some research and contact Vicki with some answers. Barbara mentioned this was not the first time this item has been discussed as it has been an issue for months.

Craig mentioned some new curb and gutter was installed but done incorrectly and had to be removed. City standards must be met and they were not met on the original curb and gutter that was installed.

Betty Dance stated she lives in the area as well and was concerned asphalt would not be available in November. Some of the neighbors don't have access to their driveways right now and it will be worse in the winter months.

Tim Castillo also resides in the area and worked for a natural gas company for many years. The gas company had to obtain city permits from the city to dig in the road and usually had no more than two weeks to complete a project. This project has been going on since April or May. The new water and sewer lines have been installed and all that is left is the curb, gutter and asphalt which could be completed quickly. Dust is also a problem. Garbage cans cannot be put on the road. Some local area residents had mailboxes removed and now they have to drive to the post office to get their mail until this project is completed and the mail boxes are reinstalled.

Kris asked which city staff member follows through on projects like this? Craig stated the city engineer, Clay Bodily.

Barbara mentioned the city is reviewing permit processes and trying to make the process easier to track and hold people accountable when needed. The city does have escrow funds on hand. If the contractor defaults on finishing the project the city will finish the project and then use the escrow funds to pay for it.

PRESENTATION BY RICK MICKELSON ON THE JUSTSERVE VOLUNTEER INITIATIVE FOR THE COMMUNITY AND COMMUNITY MEMBERS

Rick Mickelson informed the council he is a district representative for the LDS Church and is helping to oversee the JustServe program. The program is about service and volunteerism. There is a website and app for this program. The Smithfield City Recreation Center has already signed up online. The city can participate as well. The Night of Giving could be considered a service project.

Mayor Simmons stated he did not think volunteers could help if it was a fundraiser like the Night of Giving? Rick replied the volunteers can help organize the event and setup but cannot take or handle the money. Trick or Treat Street could require volunteers as well as long as they were not handling money.

Mayor Simmons mentioned it is a great program and many good things could happen for the city and residents from this program.

Curtis asked Rick to contact Stacey Dority about the Night of Giving as she oversees the event. Stacey also oversees the Trick or Treat Street and could answer if either program needed volunteers.

Mayor Simmons asked if neighborhood projects can be completed with volunteers for this program? Rick stated neighborhood projects would only be allowed if sponsored by a sanctioned 501C3 company such as the city.

Mayor Simmons asked if other cities are participating? Rick stated cities are willing to participate if they know and understand the program.

Mayor Simmons informed Rick he would work with City Recorder Justin Lewis to coordinate volunteer projects through the city.

DISCUSSION WITH BRIAN HIGGINBOTHAM AND NEIGHBORS ON THE LACK OF SIDEWALK ON 300 SOUTH FROM APPROXIMATELY 500 EAST TO 700 EAST.

Brian Higginbotham related a story of how his son was walking along the road (300 South) where there is not any sidewalk and had a feeling he should move off the roadway onto the private property marked "No Trespassing". A car ran through the intersection immediately after his son moved off the road and would have killed him if he had not moved. A sidewalk is needed in this area for safety reasons.

In the cul-de-sac where Brian resides there are six homes with nine children going to Sunrise Elementary. Right now there are two options to get the children to school; walk or ride in a car. There is not a school bus route in the area.

On 300 South there is not a complete sidewalk on either side of the road from 300 East to 1000 East. On the north side of the road the sidewalk is missing from approximately 500 East to 700 East.

There are several large trees on the property owned by Bob Saxton that require residents to walk around them into the road to reach the next section of sidewalk.

Brian previously lived in Logan on 600 South by Woodruff Elementary. There was a lack of sidewalk in this area as well and the residents, city council and mayor and elementary school principal all came together to resolve the issue and get the kids to school safely.

Two new developments were recently approved on 850 East and 1000 East on 300 South. They will add another 60 or so homes to the area which would add approximately 90 more youth going to local schools.

Curtis stated the school district figures 2.5 children per home in their calculations.

The following were presented as ideas for the area: red curb to keep cars from parking on the road, a bicycle lane, construction barriers, protective guards, painted cross walks and a crossing guard. The best option would be to build a pathway off of the road.

Brian had spoken with Bob Saxton and Bob was willing to allow a pathway across his property but he would not pay for any of the cost.

In order for a pathway to be installed large trees would have to be removed on both the east and west side of Bob Saxton's property.

Mayor Simmons thanked Brian for a well-researched and thought out presentation.

Kris asked how the snow would be cleaned off of the pathway? Brian volunteered to keep the pathway clear in the winter months.

Kathy Toolson, principal of Sunrise Elementary, stated she had looked into the Safe Routes to School Program offered by the Utah Department of Transportation (UDOT) and the application period for this year closed on September 28th. Mayor Simmons mentioned Safe Routes to School money is only allowed to be used for sidewalk projects on UDOT operated and maintained roads so this area would not qualify.

Mayor Simmons asked Kathy if the school district was willing to help with the cost of the project? Kathy stated she had not talked to the district about this area but her last request for assistance up by the golf course had been denied and she did not expect any help on this project either.

Barbara asked who pays for the crossing guards? Kathy stated the city pays for one, the school district pays for one and the rest are volunteer.

Mayor Simmons mentioned several good ideas had been mentioned and could be investigated.

Brian mentioned the home west of the Bob Saxton property does not have a sidewalk and there are trees on the property that would have to be removed as well. April Bosworth mentioned Ken Fricke owns the house in question and he has children that attend the school. He would most likely allow for a new sidewalk in front of his home but would not be in a position to pay for the new sidewalk.

April stated she resides on 1000 East in the Smithfield Ridges Subdivision which extends from 300 South to 600 South and she won't allow her children to walk to school because of this safety issue.

Tarissa Gwilliam resides on 1000 East and would like her children to be able to ride a bicycle to school or walk but she won't allow it because the road is unsafe. She has witnessed several children almost get hit while riding bicycles on this road. Cars park along the road and children have to swerve around them. Children cannot safely cross 1000 East as there is not a crosswalk near 300 South. The speed limit is 35 miles per hour but most people are driving 45 miles per hour. Tarissa asked if crosswalks could be created at 300 South 1000 East as well as by Sunset Park at 600 South 1000 East. Tarissa also suggested either some flashing signs or flags to help make people notice there are children crossing the road.

Gary Pulham stated he lives in a cul-de-sac not far from this area. The roads are not wide enough for barriers to be placed since the city allows trailers, RV's and vehicles to be parked on the street. Crosswalks are needed. A path is the safest route. The window of time to create an asphalt path is closing as asphalt will only be available for no longer than the next six weeks because of the weather. Gary suggested asking Ironwood Development to smooth out the area to eliminate a three-foot rise from the road to where the path would be placed. Gary does not have

children attending the school but is concerned for the safety of the children and residents. Brian mentioned Bob Saxton told him the area could be leveled out for a path to be installed.

Kris asked if Bob has plans to develop the property? Brian stated Bob does not have plans for the area currently but is aware a sidewalk will have to be installed in the future when the area is developed.

Mayor Simmons mentioned the council needs time to review the information that has been presented and he understands there is a timeline if action is going to be taken. All suggestions and recommendations will be reviewed and considered.

Mayor Simmons stated he would personally talk to representatives of the school district about the issue.

Brian mentioned removing trees in the area would be a good project for the Comcast Cares Day of Service.

Kris mentioned construction barriers and cones would be destroyed by the snowplow trucks and was not a viable option. Barbara stated this issue is not easy to fix and there is not a perfect solution.

Mayor Simmons asked if a gravel pathway would work? Brian stated it would be a start and is better than nothing.

Deon mentioned about half of the council meetings he has attended had a discussion regarding sidewalk issues and concerns. There are many areas on Main Street which don't have sidewalk.

Deon did a sidewalk inventory of the west side of town and provided a map showing all of the areas on the west side that do not have sidewalk. This is not a new issue and everyone wants a sidewalk in front of their house. There is not any sidewalk by Birch Creek Elementary as well.

Deon understood the concern on 300 South as it is a busy road and being patrolled constantly. Sidewalk issues are expensive issues to try and resolve.

Kathy informed the council Sunrise Elementary is a 100% walking or parents driving their kids to school area. There are no buses that go to Sunrise Elementary.

Mayor Simmons asked if the school district reviews how the children get to school and if they can safely do it? Kathy stated it is not a real concern by the school district.

Mayor Simmons stated options for this area will be reviewed and considered but this area is not the only area in town with this type of problem.

Barbara asked the distance of the missing sidewalk? Curtis stated around 300 feet.

Barbara asked if there is a crossing guard by the school? Kathy stated there is further down on 300 East.

Jeff felt removing the trees and installing an asphalt path was the best option.

Barbara suggested painting some crosswalks as well.

Kris felt this issue needs to be resolve quickly because of potential weather related issues.

Ashley Bracken felt flashing lights on the stop signs at 300 South 700 East would be helpful. Most residents don't realize this area has stop signs. Craig mentioned the flashing signs are approximately \$2,500 each.

Mayor Simmons mentioned precedent will be set for the city by what is done in this area.

Mayor Simmons stated he would call and talk to Bob Saxton as well.

Craig informed the council the city staff follows federal guidelines in where crosswalks are allowed. Certain criteria must be met as crosswalks cannot be installed at random.

Craig expressed concern regarding the liability the city might incur if a gravel path is installed. People can easily trip and fall. There will be liability issues with an asphalt path as well. An asphalt path will have maintenance costs as well.

Kris stated her number one concern was safety. Craig mentioned the city is not responsible for when children or adults choose to walk on the road. If a path is installed the city is liable at that point.

Mayor Simmons asked if the city had been involved in any sidewalk lawsuits? Justin stated since 2013 he was aware of three claims on existing sidewalks that had been sent to the insurance company for the city. There are issues even in areas where there are sidewalks.

Justin mentioned a new sidewalk will cost \$15,000 to \$20,000 per block depending on the length and that does not include any costs for landscaping. Landscaping costs would be in addition to the cost of the cement, gravel and labor.

Curtis mentioned he would work on possible solutions for the area. Mayor Simmons suggested involving City Engineer Clay Bodily as well.

CONTINUED DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-23, AN ORDINANCE AMENDING THE SMITHFIELD CITY ZONING REGULATIONS, TITLE 17, IN PARTICULAR CHAPTER 17.36.125 "TEMPORARY SIGNS" AND 17.36.140 "WIND SIGN".

Justin reminded the council this ordinance was discussed at a previous council meeting and tabled as there was a concern about vehicle wraps and some possible unintended consequences

of the proposed ordinance. The section regarding vehicle wraps had been removed and the rest of the proposed ordinance was left as proposed. If the council wants to consider vehicle wraps it would be in a different ordinance at a future time.

A motion to adopt Ordinance 15-23, an Ordinance amending the Smithfield City Zoning Regulations, Title 17, in particular Chapter 17.36.125 “Temporary Signs” and 17.36.140 “Wind Sign” was made by Jeff, seconded by Kris and the vote was unanimous.

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

No Vote: None

DISCUSSION AND APPROVAL OF MEMBERS FOR THE SMITHFIELD CITY LIBRARY BOARD.

Kris informed the council the terms of three library board members were expiring. The library board proposes four people to be considered to serve. They are: Eric Bingham, Michelle Thompson, Bill Emmett and Darcy Hardman.

Jeff asked if any of the proposed board members had been contacted to see if they were interested? Kris stated she had not talked to any of them as she wanted approval of the council first. Jeff felt they should have all been contacted before the meeting to see if they were interested.

A motion to appoint Eric Bingham, Michelle Thompson and Bill Emmett to the Smithfield City Library Board contingent upon their acceptance to serve with Darcy Hardman as the first alternate was made by Kris, seconded by Barbara and the vote was unanimous.

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

No Vote: None

CITY MANAGER REPORT

Craig provided the council with a copy of the new encroachment permit being created by the city staff. The current permit is very vague. The new permit would add some items to make sure the contractor is in compliance as well as licensed and bonded. The financial terms of the permit are easily identifiable. The final draft of the permit will come before the council in the form of a resolution at the November council meeting.

The Cache Summit which is a training session regarding the future of Cache Valley will be held on November 10th from 11:15 A.M. to 4:00 P.M. at the Riverwood Conference Center. The summit is a gathering of local leaders, developers, business owners and others. The council and mayor are invited to attend.

There will be a land use conference in Sandy on October 25th and 26th if any of the council or mayor want to attend.

COUNCIL MEMBER REPORTS

Deon mentioned the historical society had some display units they recently purchased and they need a place to store them. They were hopeful to store them in the shower room at the Youth Center. They were also hopeful to utilize the upstairs room in the Youth Center as a work room to sort through donated items. Craig stated storing the cabinets, until they are assembled, would be best in the Civic Center in the bay where the parade float and other items are stored.

Deon stated the sign at the cabin had been removed when some previous work was completed on the building and the historical society would like the sign reinstalled.

Deon asked who owns the dumpsters the city uses? The historical society would like to clean up the area on the east side of the cabin and throw away some items. Craig mentioned Logan City owns the dumpsters and the city pays to use them and have them dumped. Deon asked if a dump truck or pickup truck could be put by the cabin for the garbage to be thrown into. Craig stated it would be hard for people to throw items in the back of a dump truck as they sit so high off the ground but if he knew a date and time the city could provide some type of vehicle.

Deon commented the annual Founder's Day dinner and program was held on October 10th at the Youth Center and the two speakers focused on discussing tabernacles.

Barbara mentioned the youth council will be participating in the pumpkin walk in North Logan with North Logan's youth council. Stacey Dority asked the youth council for assistance with the Trick or Treat Street being held in the city. This could possibly be a yearly event if the program continues in the future. The senior ball will be held on November 12th and the youth council will be heavily involved with the Lion's Club on this project. The senior citizens are meeting every Tuesday at noon for lunch and entertainment.

Kris mentioned LEAF had made a presentation to the city council several months ago and had a resolution for the council to consider adopting. The council has been provided a draft copy and can change and modify as needed and eventually pass at a council meeting.

Mayor Simmons asked when the annual Night of Giving would be held? Jeff stated on December 3rd.

Jeff did not have any additional items to present.

Curtis mentioned he attended the last Smithfield City Chamber of Commerce meeting and it was well attended. A PDF file for the Night of Giving had been created and was asked to be forwarded to anyone that would like to attend. Stacey Dority oversees the Night of Giving as well as the Trick or Treat Street. The Cache County Chamber of Commerce and the city chamber of commerce are thinking of doing some joint projects and time will be spent working together after the start of the year. Mayor Simmons mentioned the annual Cache County

Chamber of Commerce golf tournament needs to be held every other year in Smithfield if this is truly a joint effort. Currently, the golf tournament is being held in Logan every year.

Justin mentioned the city staff and Curtis had been provided some additional information on a rezone of some property that the council had denied at the August city council meeting as requested by Duane Williams. After some research and talking with legal counsel the council could have the option to reconsider the rezone request if they chose to do so. One of the items discussed at the council meeting was the lack of a purchase agreement between Duane Williams and Brett Brunson of Evolution Design for the parcel in question. Duane contacted the city staff and stated he would provide a copy of the written purchase agreement between himself and Brett for the council to consider. Curtis stated based on the new information he would like to reconsider and discuss the rezone request at the November 9th council meeting. Jeff stated he did not vote no on the rezone because the lack of a purchase agreement.

A motion to reconsider the rezone request by Duane Williams for Parcel Number 08-105-0058 located at approximately 600 South 200 West at the November 9, 2016 city council meeting was made by Curtis, seconded by Barbara and the vote was unanimous.

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

MAYOR'S REPORT

The Mayor did not have any additional items to discuss.

****Temporary adjournment at 8:02 P.M. for the monthly RDA board meeting.****

****The regular council meeting reopened at 8:37 P.M.****

EXECUTIVE SESSION TO DISCUSS A POSSIBLE LAND ACQUISITION

A motion to close the regular council meeting and open the executive session was made by Kris, seconded by Curtis and the vote was unanimous.

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

The executive session opened at 8:38 P.M.

A motion to close the executive session and reopen the regular council meeting was made by Kris, seconded by Curtis and the vote was unanimous.

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

The executive session closed at 10:50 P.M.

****Kris made a motion to adjourn at 10:51 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, October 12, 2016** The meeting will begin at 5:00 P.M.

Welcome and Opening Ceremonies by Curtis Wall

1. General Plan Discussion and Review by the City Council and Planning Commission with representatives from J-U-B Engineers.
2. Approval of the city council meeting minutes from September 28, 2016.
3. Resident Input
4. Presentation by Rick Mickelson on the JustServe volunteer initiative for the community and community members.
5. Discussion with Brian Higginbotham and neighbors on the lack of sidewalk on 300 South from approximately 500 East to 700 East.
6. Continued discussion and possible vote on Ordinance 15-23, an Ordinance amending Smithfield City Zoning Regulations, Title 17, in particular Chapter 17.36.125 "Temporary Signs" and 17.36.140 "Wind Sign".
7. Discussion and approval of members for the Smithfield City Library Board.
8. City Manager Report
9. Council Member Reports
10. Mayor's Report
11. Executive Session to discuss a possible land acquisition

Adjournment

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

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