

Minutes  
Regular Meeting  
November 9, 2011

Present: Mayor Kenneth F. Neilson, Councilmen Roger Bundy, Micheal Heaton, Bill Hudson, Thad Seegmiller, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, Public Safety Director Jim Keith, Public Works Director Mike Shaw, Public Works Project Manager Lester Dalton, Community Development Director Drew Ellerman, City Recorder Danice Bulloch, Leisure Services Director Barry Blake, Audience: Lou Balioni, Craig Coats, Karl Larson, Zachary Renstrom, Tyler Ames, Ron Boyer, Nur Kausar, Danny Polad, Jade Bluemel, Carissa Kleinein, Yvonne Fordham, Sue Barney, Emily Neumann, Maggie Seegmiller, Jolene Robbins, Jeff Peatross, Richard Rogers, Laden Cox

Meeting called to order at 6:00 P.M.

Mayor Neilson welcomed Scout Troop 1794.

**Invocation:** Councilman Bundy

**Pledge of Allegiance:** Councilman Heaton

**1. APPROVAL OF THE AGENDA**

*Councilman Hudson made a motion to approve the agenda for November 9, 2011. Councilman Bundy seconded the motion; which passed unanimously.*

**2. ANNOUNCEMENTS**

Mayor Neilson announced the Veterans Day celebration would begin 11:00 A.M. on Friday 11/11/11, he would like to encourage everyone to attend.

Councilman Hudson stated they held their first General Plan Open house last Thursday. Unfortunately, they did not have a great turn out. The next Open House will be held on Thursday the 17<sup>th</sup>. He would like to invite residents to attend the Open House from 6:00 to 7:30 P.M. in order to submit input or changes to the proposals.

**3. DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

**4. CONSENT AGENDA**

**APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 10/25/11 and 10/26/11.**

**PAYMENT APPROVAL REPORT: Consideration to approve the Payment Approval Report dated 11/9/11.**

Councilman Seegmiller asked about the refunds on building permits.

Mr. Drew Ellerman explained S & S Homes is building a home, and it was issued on the wrong plot plan. They requested a refund, and then paid again, with the corrected lot. There was another refund for a street impact fee, which was incorrectly calculated.

Councilman Bundy clarified the charge to the Toole County Constable, which was to serve papers.

City Manager Carter confirmed he is correct.

*Councilman Hudson made a motion to approve the Consent Agenda for November 9, 2011. Councilman Bundy seconded the motion; which passed unanimously.*

**5. PROCLAMATION**

- A. Consideration to ratify a Proclamation acknowledging the Day of Service sponsored by the Church of Jesus Christ of Latter-day Saints. Kenneth Neilson, Mayor**

Mayor Neilson read aloud the Proclamation acknowledging the Day of Service sponsored by the Church of Jesus Christ of Latter-Day Saints.

**6. DEVELOPMENT AGREEMENT**

- A. Consideration to approve a Development Agreement for The Meadows at Stucki Farms, located at approximately 4700 S. Washington Fields Road. Applicant: Karl Larson**

Mr. Ellerman reviewed:

The applicant is requesting approval of the revised Development Agreement for the Stucki Farms PCD. This agreement was previously approved with minor changes to be made, in late 2006 or early 2007. The agreement never did get recorded. Since then, a name change (from South Mountain to Stucki Farms) and ownership records with corresponding legal representatives have occurred. This name change and new ownership information have been added to the agreement along with the minor corrections from the original approval. The agreement is once again ready for approval from the City Council.

Staff recommends approval of the Development Agreement for Stucki Farms PCD by the City Council.

Councilman Seegmiller asked why it has taken so long to record the agreement.

Mr. Ellerman explained the development did not proceed when the initial approval of the agreement took place.

Councilman Bundy clarified the only change has been to the name.

Mr. Ellerman confirmed he was correct. The developers' names along with the name of the development have been changed.

Councilman Hudson asked if the "annual review" is a standard clause in the agreement.

City Attorney Starkey explained, due to the scope of the development, the annual review is necessary to keep up with the overall development to make sure they are following the agreement through out the phasing.

Councilman Hudson inquired who would be required to do the review.

Mr. Ellerman explained Staff would do the review, if an issue arises then the developer would return to the Council for review.

*Councilman Hudson made a motion to approve a Development Agreement for The Meadows at Stucki Farms, located at approximately 4700 S. Washington Fields Road. Councilman Turek seconded the motion; which passed unanimously.*

## **7. PLAT AMENDMENTS**

- A. Consideration to approve an Amendment to The Meadows at Stucki Farms, Phase 1A, located at approximately 4700 S. Washington Fields Road.  
Applicant: Karl Larson**

Mr. Ellerman reviewed:

The applicant is requesting approval of an amendment to the final plat for The Meadows at Stucki Farms, Phase 1A subdivision located approximately at 4700 South Washington Fields Road. The Meadows at Stucki Farms, Phase 1A subdivision was originally approved by the City Council on January 26, 2011.

The applicant is wishing to create larger lots by eliminating a few lots and enlarger those lots left. The market is driving this decision; this amendment is to make this subdivision and these lots more attractive to sale. The applicants are dropping four (4) lots from the 1A plat, going from 26 down to 24 lots. There are a few homes existing in the subdivision, but they will not be included in the lots, which are proposed for the increased in size. Thus, this amendment will not change the current conditions on those lots

Staff has reviewed the requested proposal, and has determined that the proposed final plat amendment is in compliance with the approved preliminary plat in the fact that no city streets will be altered and that the exterior boundary of the subdivision remains the same.

Density has decreased which has less of an affect on utilities and services.

The Planning Commission unanimously recommended approval of the amendment to the final plat of The Meadows at Stucki Farms, Phase 1A subdivision to the City Council, based on the findings and subject to the conditions below:

**Findings**

1. That the amended final plat meets the intent of the General Plan.
2. The proposed amended final plat conforms to the approved preliminary plat.

**Conditions**

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable in the General Notes, the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and / or Home Owners Association".

*Councilman Turek made a motion to approve an Amendment to The Meadows at Stucki Farms, Phase 1A, located at approximately 4700 S. Washington Fields Road with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Bundy seconded the motion; which passed unanimously.*

**B. Consideration to approve and Amendment to the Westgate Hills, Phase 2A located at approximately 50 North to 400 North and 1475 West to 1600 West. Applicant: Richard Rogers**

Mr. Ellerman reviewed:

The applicant is requesting approval of the revised final plat for Westgate Hills, Phase 2A, located approximately at 50 North to 400 North and 1475 West to 1600 West. This particular phase of the subdivision proposes 13 lots on an area covering 10.26 acres.

The location this subdivision is located on, is zoned PUD.

Staff has reviewed the requested proposal, and the proposed revised final plat conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the final plat revision of Westgate Hills, Phase 2A, to the City Council, based on the findings and subject to the conditions below:

**Findings**

1. That the revised final plat meets the intent of the General Plan.
2. That the revised final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance, as outlined.
3. The proposed revised final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable in the General Notes, the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and / or Home Owners Association".

Councilman Bundy asked for clarification on the status of ownership for the property near the roundabout.

Mr. Ellerman stated the road has been dedicated and owned by Washington City. He will make sure the note is corrected on the plat.

Councilman Seegmiller asked if property noticing has been given.

Mr. Ellerman explained State law does not require noticing for Final Plats.

Councilman Bundy asked if the building restrictions have been placed on two of the lots due to the slope.

Mr. Ellerman confirmed he was correct.

*Councilman Bundy made a motion to approve and Amendment to the Westgate Hills, Phase 2A located at approximately 50 North to 400 North and 1475 West to 1600 West with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Hudson seconded the motion; which passed unanimously.*

**8. ROAD DEDICATION PLAT**

- A. Consideration to approve a Road Dedication plat for a portion of the Washington Fields Road located approximately from 3650 South 600 East to 3800 South 900 East. Applicant: Mike Shaw, Public Works Director**

Mr. Ellerman reviewed:

The applicant is requesting approval of the road dedication plat for a portion of Washington Fields Road, located at approximately 3650 South 600 East to 3800 South 900 East.

The Planning Commission unanimously recommended approval of the road dedication of a portion of Washington Fields Road to the City Council. The Public Works department has reviewed the plat and approved its design.

Councilman Bundy stated the plat indicates a 66' public ingress and egress for future dedicated roadway. Does this exist?

Mike Shaw stated there is not an easement. There is not a necessity to show it on the plat as this does not exist.

Councilman Bundy asked about the statues of the property to the south where the road ends.

Mr. Shaw stated he is working to obtain the property at this time.

Councilman Hudson asked when construction would begin.

Mr. Shaw stated the ground is essentially ready for paving, once the grading has been cleaned up.

Councilman Bundy asked about the status of the Kensington Subdivision, which has been noted on the plat.

Mr. Shaw stated the land was subdivided in approximately 2007 and was never approved by the city. The road has just been stubbed for future use of the property.

Councilman Bundy asked if the road would be allowed for a deceleration lane if it were necessary.

Mr. Shaw stated the road is 106-foot, which would be enough room for deceleration lane.

Councilman Hudson explained to Council this is one of the areas of discussion with the General Plan update. The Committee has indicated they would like to see this area be Commercial.

*Councilman Bundy made a motion to approve a Road Dedication plat for a portion of the Washington Fields Road located approximately from 3650 South 600 East to 3800 South 900 East. Councilman Hudson seconded the motion; which passed unanimously.*

## **9. AWARD OF BID & RFP**

### **A. Consideration to award the bid for the reconstruction of the Three River Trails, located west of the Sunrise Valley Bridge. Barry Blake, Leisure Services Director**

Mr. Barry Blake reviewed the bids for the reconstruction of trails damaged from flood, which occurred in December of 2010. They had to meet with FEMA and the Army Corps and their evaluations take a significant amount of time. FEMA has agreed to pay 75% of the total cost of the reconstruction with Washington City paying the remaining 25%. The low bid came in for the Three Rivers Trail from PCI in the amount of \$220,716.50, which he would like to recommend approval to Council. The Mill Creek Trail only received one bid, which came in at \$38,560.00. It was much higher than what was budgeted, so he would like to recommend we do not accept this bid.

Councilman Seegmiller clarified the location of the trail projects.

Councilman Bundy asked if the trail would be armored.

Mr. Blake explained where the armoring of the trail would be located, which is a large portion of the project costs.

*Councilman Bundy made a motion to award the bid for the reconstruction of the Three River Trails, located west of Sunrise Valley Bridge to PCI in the amount of \$220,716.50. Councilman Seegmiller seconded the motion; which passed unanimously.*

Councilman Hudson asked who determined the estimated cost for the Millcreek Trail Project.

Mr. Blake stated the costs were calculated with Alliance Engineering and finalized by FEMA.

*Councilman Seegmiller made a motion to deny the Millcreek Trail Bid submitted by Royalty Enterprises due to the amount being outside the projected expense. Councilman Hudson seconded the motion; which passed unanimously.*

**10. NEW BUSINESS**

*None*

**11. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

*None*

**12. CITY MANAGER REPORT**

City Manager Carter stated we are continuing work with UDOT for the betterment funds to be used for power and lighting along with additional railing. We have been allotted \$500,000. We will not need the entire amount. We are also working on the dedication of Telegraph to Washington City. We are within 30 to 45 days of obtaining 300 East, which would then be placed on the Council agenda. There has been equipment by the bridge on 300 East, to be used to build a trail tie-in. The slurry project has been postponed until the Spring, and we still do not have a definitive answer with regard to the product. The environment assessment is complete with regard to removal of sediment on the 300 East Bridge, it will come to Council soon. We have requested funds from the MPO for a study at the Green Spring and Telegraph intersection. We are continuing discussion on the Sunrise Valley Bridge, which is moving forward slowly due to the property being in a foreclosure status. Phase 4 of the Southern Parkway will bid in December, and the Dog Park should be completed in February. The bathrooms will be the next project for the Dog Park. Barry has met with the BLM with regard to a trail head on Shinob Kibe, which they have recommended we hold on for a couple of years, because they are not certain what they have planned for the area. Staff would recommend holding off as well. We do not want to make plans to have a trailhead if BLM determines they would like to go a different direction with the land.

Councilman Hudson asked if the Shinob Kibe trailhead could be placed on a workshop meeting, so they could look at maps and become more familiar with the future plans.

Mr. Blake stated he would schedule for a Workshop Meeting.

Councilman Hudson wanted to remind everyone the Workshop meeting has been cancelled on the 22<sup>nd</sup>, and the Regular Meeting will be moved from the 23<sup>rd</sup> to the 22<sup>nd</sup> due to the Thanksgiving Holiday.

**13. CLOSED SESSION**

- A. The character or professional competence of an individual;**
- B. To discuss pending or potential litigation; and/or**
- C. Discuss purchase, exchange or lease of property.**

*Councilman Hudson made a motion to leave the Regular Meeting and move into a closed session to discuss pending or potential litigation and the purchase, exchange or lease of property. Councilman Bundy seconded the motion; which passed with the following role call vote:*

<i>Councilman Bundy</i>	<i>Aye</i>
<i>Councilman Heaton</i>	<i>Aye</i>
<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Council moved into Closed Session at 7:21 P.M.

Council left the Closed Session and returned to adjourn the Regular Meeting at 8:17 P.M.

Meeting adjourned at 8:17 P.M.

Passed and approved this 22<sup>nd</sup> day of November 2011.

Washington City



*Kenneth F. Neilson*  
Kenneth F. Neilson, Mayor

Attest:

*Danice B. Bulloch*  
Danice B. Bulloch, CMC  
City Recorder