

SMITHFIELD CITY COUNCIL

APRIL 16, 2015

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Thursday, April 16, 2015. The meeting began at 6:04 P.M. and Mayor Darrell G. Simmons was in the chair.

The following council members were in attendance: Dennis Watkins, Barbara Kent, Kris Monson, Jeff Barnes, and Brent Buttars.

City Manager Craig Giles, former City Manager James Gass and City Recorder Justin Lewis were also in attendance.

The opening remarks were made by Barbara Kent.

VISITORS: Kelly Cannon (The Herald Journal), Russell D. Elwood, Heidi Harper, Ryan Reeves, Brett Miller, Glen Jay Thornley, Jeff Jackson, Ryan Rogers, Jeffrey R. Gittins, Lyle Coleman, Pat Draper, Jay Downs, Travis Allen, Jess Daines, Doug Petersen, Brett Knight, Allen Burningham, Brent Lawyer, Jane Carlson, Penny Findlay, Dennis Thornley

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM THE MARCH 25, 2015 CITY COUNCIL MEETING

A motion to approve the city council meeting minutes from the March 25, 2015 city council meeting was made by Barbara, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars
No Vote: None

RESIDENT INPUT

Jane Carlson came before the council to discuss her concerns on climate change and how people water their lawns. Jane was aware of water restrictions in the Salt Lake area and in California and wondered if Smithfield City had any restrictions or concerns? Mayor Simmons commented water use is not controlled by the city but is constantly monitored by the city staff. Jim explained the city water sources mainly come from up the canyon but the city has two additional wells that can be used to pump water when needed. The Birch Creek well was enlarged in 2014. The city council discussed lawn watering procedures at the last city council meeting and most likely some lawn watering literature will be part of the upcoming city newsletter. In the summer, eight out of every ten gallons of water used is put on lawns. People are watering incorrectly and there are major evaporation problems if watering is done during the day. The public needs to be educated on proper lawn watering.

Jane expressed concern about the city wells as in California she was aware of some wells that had dried up and collapsed. Jim explained the city wells are very deep and in even a really dry year the wells only pump 19 to 20 hours per day. The city did a recent water study and with

some liberal projections it was determined the city has enough water to last until 2040. The study was done on a 25 year projection.

Jane stated she had read some literature stating the western United States would have a mega drought by the year 2050 and the citizens need to be aware of this. Jim stated he had read some of the same information and the city is being proactive in water use and conservation and looking at how to manage the water system now and in the future.

Jane informed the council she did not like lawns and does not water the grass at her house. Jane only waters the trees. Jane was hopeful that lawns would go away in the future.

Mayor Simmons commented it was interesting that in the recent snowstorm Richmond received nine inches, Smithfield eight inches and yet the mountain areas such as Beaver Mountain and Tony Grove only received four inches and three inches respectively.

Pat Draper, President of the Smithfield Irrigation Company, stated he expected irrigation watering restrictions this year. The restrictions would most likely be similar to two years ago when the city was divided into three zones and each zone watered on alternating days.

Jim explained to the council the best conservation tool is charging more for water. The more a person pays the less they will use.

Barbara informed Jane the city had done some xeriscaping in some city landscape projects in order to help conserve water.

DISCUSSION AND UPDATE FROM HEIDI HARPER, LOCAL REPRESENTATIVE ON THE CACHE VALLEY TRANSIT DISTRICT BOARD (CVTD)

Heidi Harper came before the council to provide an update on the Cache Valley Transit District. The latest financial audit had been completed by the accounting firm, Jones Simkins, and there were not financial findings. Currently, an internal audit is being done by the district as well.

Heidi informed the council the board meets on the fourth Wednesday of each month at 5:45 P.M. in Room 840 at the Bridgerland Applied Technology College. Executive compensation will be discussed at the next board meeting.

Heidi stated the council can attend any of the meetings but if they are not able to that emails could be sent to her and she would ask questions at the meetings.

Heidi explained that at the June 24th meeting the board will talk about a fare free system versus a system that charges a fare.

Heidi mentioned she rides the bus four days per week and gets a significant amount of information from the other riders. The information she gathers from the riders she then takes to the board to discuss at their monthly meetings.

Mayor Simmons asked Heidi her thoughts of a fare free system versus a system that charges a fare. Heidi responded that a system in Colorado just changed from a system that charges a fare to a fare free system and CVTD Director Todd Beutler is closely monitoring the change.

Mayor Simmons asked how far north and south the buses go? Heidi stated they go as far north as Preston, Idaho and as far south as Hyrum. The Pepperidge Farms route had been terminated due to a lack of riders.

Mayor Simmons asked Heidi if Cache County Executive Craig Buttars attended the board meetings? Heidi responded Craig does attend but he is not a board member.

Heidi informed the council she had been on the CVTD board for three years and it is a fun board to be on and she has learned many things.

PUBLIC HEARING ON PROPOSED ORDINANCE 15-08, AN ORDINANCE AMENDING THE SMITHFIELD ZONING REGULATIONS; TITLE 17 IN PARTICULAR, SECTION 17.12.200 “DIVISION OF LOTS AND BUILDINGS”.

Jim stated that a section of the current ordinance which had been created around 30 years ago to deal with one situation in town. Since that time the ordinance has not been used. The ordinance has created problems with the city and landowners since it was created.

Jim provided an example of if a property owner owned 10 acres and wanted to put a building on one part of it and farm the rest it would not be allowed because the entire parcel must have the same zoning.

Jim recommended removing the section of the ordinance that does not allow more than one zoning classification on a parcel. The planning commission had reviewed the ordinance and recommended the ordinance for approval.

****The public hearing was opened at 6:25 P.M.****

Jane Carlson asked for clarification on what a zone was? Jim explained every land parcel has a classification such as commercial, agricultural or residential. Barbara stated the proposed ordinance would allow commercial zoning on the same parcel as multifamily if the landowner chose to go that way.

****The public hearing was closed at 6:28 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-08

Jeff asked the specific wording that would be removed from the ordinance. Jim stated the following would be removed from the current ordinance; if approved: “The presence of more than one zone within a lot shall not be permitted nor shall a building or structure be divided by two (2) or more zones”.

A motion to adopt Ordinance 15-08, an Ordinance amending the Smithfield City Zoning Regulations, Title 17 in particular deleting section 17.12.200 Division of Lots and Buildings, was made by Dennis, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING PROPOSED ORDINANCE 15-10, AN ORDINANCE AMENDING THE ZONING MAP OF SMITHFIELD CITY; SPECIFICALLY A REQUEST BY RYAN REEVES, AGENT FOR C & T DEVELOPMENT LLC, PROPERTY OWNER, FOR A REZONE OF 6.72 ACRES OF PARCEL# 08-110-0017 LOCATED AT 532 SOUTH MAIN, TOTAL PARCEL SIZE 8.17 ACRES, FROM CC (COMMUNITY COMMERCIAL) TO RM (MULTIPLE FAMILY RESIDENTIAL).

Jim explained this is the second zoning request by the developer. The first request was for the entire parcel to be rezoned to multiple family and the request was denied by the council. The current application is to leave the front area (west) by the highway zoned commercial and rezone the back 2/3 of the parcel to multifamily. No action is needed or going to be considered at this time for the portion of that parcel that is being left commercial.

Ryan Reeves stated the area remaining commercially zoned would be approximately 1.25 acres. Jim stated the current request is to rezone the remaining 6.72 acres from commercial to multiple family.

Barbara asked the width and depth of the remaining commercial area. Jim stated the east to west boundary as 531 feet wide and the north to south boundary to be 553 feet long.

Jim reminded the council the land adjoining the parcel (east) in question is undeveloped and is already zoned multiple family.

****The public hearing opened at 6:35 P.M.****

Penny Findley asked if the commercial area was going to have access to the highway? Is the proposal for the commercial area an assisted living center? Apartments? Condos? Ryan responded they would like to build an assisted living center on the commercially zoned area on the highway and put apartments on the rear portion of the parcel.

Penny stated she would like to see all of the access to the highway limited. Penny wanted all access to the property to have to go drive south to 600 South and be forced to go to the stop light to enter onto the highway. Ryan said the multiple family proposed area would all travel to 600 South to enter the highway. There would not be any access for the apartments through the assisted living center area to get to the highway.

Brent stated that 100 East would have to be installed from 600 South to approximately 500 South if any development is done to the property.

Penny commented she lives on Main Street and the traffic is horrendous and she is worried about having more traffic entering onto the highway because of this development. Ryan remarked the assisted living center would have 36 beds and very little traffic.

Penny mentioned that Cantwell Lumber had very little traffic. Ryan responded the assisted living center would have similar or less traffic than Cantwell Lumber.

Penny stated the city could require the developer to do like the city office building and have a sidewalk only on the side bordering the highway and make all of the access to the property go south to 600 South to enter the highway.

Glen Jay Thornley stated he concurred with Penny's thoughts. The traffic is a hassle and if a successful business returns into the Del Monte building across the road the traffic in the area will only get worse.

Glen Jay expressed frustration that he believes Smithfield City is becoming a bedroom community without any business. Main Street needs to be preserved for true commercial businesses. It might not be possible in that area but it is a concern giving up a commercial area for this idea.

Glen Jay mentioned he does not like what the city is becoming. All of the new units behind Lee's Marketplace are concentrated living already.

****The public hearing was closed at 6:40 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-10

Kris stated she did not like the multiple family plan for the area. Prime commercial property in town is being used for something else if this proposal passes. Cantwell Lumber is closing and everyone understands that. Smithfield is already flooded with multifamily and Logan has plenty as well. Rezoning the area to multiple family was not a good use of the property according to Kris.

Brent asked Ryan what had changed since the previous zoning request was made? Ryan said he did not know.

Kris remarked the developers plans were the exact same as before when the request was denied by the council. Ryan responded the last request did not allow for split zoning on the parcel and the area on the highway could not be kept commercially zoned previously.

Kris expressed concern that the ordinance passed earlier in the meeting was pushed forward and approved just so this request could be made and she was extremely bothered by that possibility.

Jeff asked what the zoning of the corner to the south was? Jim stated the house on the corner which is not part of this property is zoned commercial.

Jeff asked if a P.U.D. would be formed? Jim stated the Champlin owned property to the south west of this property was previously zoned commercial and Craig Champlin could not find a buyer for the property so he had the area rezoned to multiple family around ten years ago.

Brent asked Ryan if there was a possibility of doing more senior housing in the development rather than apartments only? Ryan responded that he had done a market study and more roof tops are needed in Smithfield to drive commercial growth. Ryan explained he has been in the real estate business for 12 years and there is and always has been a lot of commercial buildings that are vacant in Smithfield. The demographic was not good for commercial expansion at this time in the city.

Brent asked if more senior housing could be considered? Ryan responded they had thought about it but that there is not a strong demand right now for that type of housing in the city.

Kris expressed concern if the area is rezoned to multiple family there are no guarantees the developer would do senior housing as the zoning would allow for apartments.

Ryan informed the council that Craig Champlin would be a partner on the project and he had built the assisted living area to the east of this location.

Brent asked what the market study consisted of? Ryan said it was based on a group he put together that reviewed sales, demographics and how many units were full or empty.

Jeff asked if any homes would be built in the area? Ryan stated at this point there is not even a legitimate concept plan to consider. Demographics are considered and Ryan wanted to determine what would be the highest and best use of the property.

Kris stated she felt the request was about the developer making the most money not about what was best for the city.

Kris expressed concern the more small the spaces the less attractive the city will become.

Kris suggested some other type of development needed to be considered for the area.

Mayor Simmons stated many people consider the Del Monte area to the west across the highway as a blighted area. If this area is abandoned and nothing goes into the buildings this area will become blighted as well. Legacy House in Logan is located on a busy street and there are not any problems there.

Mayor Simmons stated everyone wants a nice commercial area with little traffic but everyone needs to be realistic about what will really happen to the area. The Del Monte property has been vacant for years. The Cantwell Lumber area cannot become a weed patch at the entrance to the city. There are some ugly vacant lots in town because past zoning requests have been denied. Kris responded that senior care is important but she does not like the idea of apartments and condos in the area. Ryan mentioned the reason apartments are being considered is because there

is a demand for the units. The area of townhomes, apartments and condos just south across the road is filling up as fast as the units are built.

Barbara asked if single family units could be put on the property rather than multiple family units? Ryan stated the value of the building lots would be too high for people to want to build there around all of the other buildings in the area.

Dennis asked if the entire area being considered for rezone was 6.72 acres? Ryan stated that was correct and Craig Champlin has another 0.9 acres that would be included in the development. The impact to the area will be low as the area will be designed in clusters.

Mayor Simmons asked Ryan to address the traffic concerns? Ryan stated that the least amount of traffic comes from assisted living centers. The interior traffic from the multifamily area will all exit south onto 600 South.

Penny Findley stated the long term plan from many years ago was to have feeder roads that fed onto the highway to lessen the amount of traffic on the highway but the roads had never been built and the highway was not safe. All traffic for the entire area needs to be directed to 600 South to enter the highway.

Barbara asked if the assisted living center could access the highway by going to 600 South and not using the highway? Mayor Simmons remarked there are dozens and dozens of cars that use the highway to get to Logan every day. The world is growing. A new high school is being built in North Logan. The entire issue needs to be reviewed fairly. All perspectives need to be considered.

Ryan stated the parcel could hold a 100,000 square foot building with 300 or more parking stalls which would result in major traffic onto the highway. The proposed senior center is the least amount of traffic impact possible.

Glen Jay reminded the council members they are elected by a city of 11,000 people and comparing Smithfield to Preston is not fair. Preston is half the size. Del Monte is a blighted area. In 20 to 30 years the apartments behind Lee's Marketplace will be older and the area will be full of blight as only lower income people will want to live there. This proposal by the developer is not what the residents want. Glen Jay has three daughters residing in town and they don't want this type of proposal approved. The job of the city council is to represent the people not the developer.

Mayor Simmons asked where all of the young kids that cannot afford single family housing should move to in the city?

Glen Jay stated the study completed by Ryan was not legitimate as it was just a group of people that go together. Mayor Simmons remarked the housing market is different today than in years past. Younger people today want different types of housing than in the past.

Mayor Simmons asked Kelly Cannon from the Herald Journal her thoughts as she currently resides in an apartment. Kelly stated she cannot afford a house as she has student loans and other debt. The housing bubble has burst and the younger generation does not want big homes. Younger people want just enough space but not too much. Kelly stated she was a fan of condos and townhomes. They are small but a person can own them and consider them their property. Kelly stated she could not afford anything big and she would not consider a big house if she could afford it. Mayor Simmons concurred with Kelly's comments as national studies show what Kelly had stated.

Penny Findley remarked putting the entire valley onto the same highway is a major problem and there are accidents every day on the highway.

Barbara stated based on her calculations the area could be split into 26 quarter acre lots. Is there a demand? How many units is the developer considering putting in this area? Ryan stated they had considered 62 units split over three different clustered areas. Ryan informed the council that was the original plan but it was only conceptual at this point.

Jeff stated Neighborhood Non-Profit had built some homes down by Saddleback Road and they are all lower income people but the homes are very nice. The people help to build them which makes them affordable.

Jeff asked Ryan if he was currently building an assisted living center in Hyrum? Ryan stated that was correct and the Smithfield building would be about the same size. The Hyrum building was two stories because of the size and configuration of the building lot.

Kris stated the proposed plan would not work for mid-range families. The plan would only work for younger couples without children and older couples as there would not be any grass or an area for the children to play. Ryan responded that playground areas can be added and they were planning on including a playground area in the development. Barbara stated she was concerned the initial plan would call for a playground but based on past experience in other areas the playground might not ever be installed. Ryan stated the design and review process by the council will all happen in the future and those items can be included. Jim stated the city ordinance requires a minimum amount of open space. The city and the developer work on what is allowed in the open space area.

Jeff asked why the line had been chosen where it was to split the commercial and multifamily areas? Ryan stated the engineer said the proposed line would not waste any space and 1.25 acres is needed for the assisted living center.

Brent asked if 1.25 acres is enough room for the assisted living building and the parking lot? Ryan stated more room to the east could be utilized if needed but the new "L" shaped assisted living center being built in Hyrum is on 0.87 acres.

Dennis asked Ryan if the parcel is under contract? Ryan stated the land is under contract subject to few items with zoning approval being one of them.

Dennis stated after the last council meeting he had gone and met with Wayne Cantwell about the property. The property had been for sale for around ten years. The preference of the community is for the parcel to stay commercially zoned but the reality is the parcel has been for sale for many years and there has only been one offer on the parcel and that is the offer by Ryan Reeves and his associates which does not include very much commercial space.

Dennis explained he went and viewed the property from 100 East and walked around the area. The area to the south is already approved for multiple family and the area to the east had already been approved for senior living and developed as such.

Dennis informed the council he had spoken with two of the homeowners that reside to the east and neither of them had an issue with apartments going into the area.

Dennis mentioned he respected the opinion of Glen Jay Thornley but did not agree with it in regards to the people residing in the Stone Haven and Stonebrook areas behind Lee's Marketplace. The families from that area reside in the boundaries of Dennis's LDS ward and he has a chance to work with them on a regular basis and they are a great group of people. The opinion the area might turn into a blighted area in the future is an opinion and not a fact. It might or it might not; there is no way to predict.

Dennis stated he uses 600 South every day to go to work and traffic is only an issue from about 7:40 to 7:55 A.M. when people are leaving for work.

Dennis felt leaving the highway frontage property as commercial was appropriate.

Dennis mentioned he did not want this area to be built like an area in north west Logan that is full of apartment complexes.

Dennis stated his own children do not want big homes and big yards. They want smaller yards and smaller homes like many of their friends.

Dennis mentioned he was appreciative of the insight offered by Wayne Cantwell as he has been in the area for many years. Dennis asked Wayne if he ever thought about splitting the parcel up into commercial lots but Wayne never had such an offer and did not want to develop the parcel himself.

Barbara mentioned she agreed with some of the thoughts from Dennis and Kris. Leaving commercial on the highway was appropriate. Seeing Cantwell Lumber close is sad for the community. The high density zoning in that area was a concern for Barbara as the number of units could vary from 26 single family homes to 62 apartment units.

Barbara mentioned she was against the entire parcel being rezoned to multiple family and did feel better about the current proposal.

Brent asked Ryan if senior housing was going to be included in the development? Ryan stated he was not sure. Ryan explained that Craig Champlin had over 25 years of building experience

and was concerned there would not be a demand for senior housing at this time. Craig is going to oversee the multifamily development and Ryan and his associates will oversee the construction of the assisted care facility.

Jeff asked if the entire parcel to the east had been developed? Ryan stated it was all developed by Craig about 10 years ago with the exception of 0.9 acres.

Jeff asked if the intent is to put all apartments on the multiple family area? Ryan responded he was not sure that was a decision he would leave up to Craig.

Brent asked if there are utilities on 100 East? Jim responded that any type of development will require the installation of water and sewer lines. The existing sewer main line is big enough.

Jeff asked if a retention pond would be required? Jim stated all developments commercial or residential must detain their storm water to a flow of .1 second foot per acre. The storm water detention condition is valley wide.

A motion to adopt Ordinance 2015-10, an Ordinance amending the zoning map of Smithfield City, specifically the request by Ryan Reeves, agent for C & T Development, LLC, property owner, for a rezone of 6.72 acres of 8.17 acres of Parcel# 08-110-0017 from CC (Community Commercial) to RM (Multiple Family Residential) was made by Dennis, seconded by Brent and the motion passed by a vote of 3-2.

Yes Vote: Watkins, Barnes, Buttars

No Vote: Kent, Monson

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING PROPOSED ORDINANCE 15-05, AN ORDINANCE AMENDING THE SMITHFIELD CITY SUBDIVISION REGULATIONS, TITLE 16: 16.20.070, "SECONDARY WATER"; 16.16.050 "DEDICATION OF WATER" AND 16.04.030 "DEFINITIONS".

Jim informed the council this ordinance had been considered on and off for many years. In the past, the city has required developers to bring water to the city when they want to do a new development. The developer could bring water rights, well rights, canal water and all other water rights. If there are not any irrigation shares available for purchase the developer can pay the city \$2,000 per unit in lieu of providing the city with water rights or shares. The preference has always been for the developer to bring water rights or shares to the city. Most developers have chosen to pay \$2,000 per unit as it is easier to pay the fee than find water rights or shares. The city has accumulated many irrigation shares over the years and does not have a place to show beneficial use all of the shares at this time. There is no current mechanism in the city ordinance that helps give developers an incentive to install a secondary water system. The city has the option to require a developer to extend the public water system but the irrigation company is a private system and the city cannot require a secondary water system. Most new developments don't have secondary water systems installed; therefore, they have no way to utilize the irrigation shares even on the property even if they have them. The irrigation company charges a very high connection fee and most people cannot afford to pay it. The residents choose

to pay for culinary water and not pay the connection fee to the irrigation company. Right now the city is collecting the irrigation shares from the developers and not able to utilize all of them. This is a problem for the city and the irrigation company. The State of Utah could review the number of shares in the system and compare them to the acreage being watered and if there are more shares than needed for the amount of acreage watered the state could take the shares from the system. Once the water shares are taken they are gone forever. The purpose of the ordinance is to give the developers an incentive to install a secondary water system. If the developer installs a secondary water system the fee per unit will decrease from \$2,000 per unit to \$500 per unit. The shares would then be sold to the purchasers of the building lots. The connection fee owed to the irrigation company is around \$2,300 and needs to come down for this ordinance to be a viable option. The ordinance serves two purposes; it gets people connected to the system so they can utilize the system and it keeps the shares from being seized by the state. The irrigation company must lower their connection fee for this to be viable option according to Jim.

Jeff Barnes asked for clarification on the fee paid by the developer. Jim explained at this time the developer pays \$2,000 per unit to the city. If the ordinance passes the developer would have the option to install a secondary water system at their expense but they would only owe the city \$500 per unit not the current \$2,000 per unit. The developer could save \$1,500 per unit but most likely the cost of installing the secondary water system would cost more than \$1,500 per unit. The decision would be a marketing decision the developer would have to make. For the ordinance to be effective the irrigation company needs to lower their connection fee so people will be willing to attach to the irrigation system.

Jim reminded the council when the system was installed the city staff did all of the excavation work for the irrigation system in conjunction with the installation of the sewer lines and the irrigation company only paid for materials. Not being charged for labor saved the irrigation company a significant amount of money.

Jeff Gittins stated the problem is not the connection fee charged by the irrigation company as the irrigation company is trying to recoup the initial cost of installing the system many years ago. The fee is not too high at \$2,000. The issue is the city gave the developers an option to turn over the shares to the city and it was the easiest and cheapest option. The shares are real property and should be treated as such. After the initial connection fee is charged the yearly assessment is only around \$35 per year per share.

Jeff Gittins thanked the council for moving this ordinance along as it had been a long process to reach this point. The irrigation company can only charge for actual costs incurred. The irrigation company is a not for profit organization. Right now the current arrangement is not working for the city or the irrigation company and needs to be changed.

Jim asked Jeff Gittins what the connection fee charge is based off of? Jeff Gittins responded it is a formula that determines the amount.

****The public hearing opened at 7:40 P.M.****

Mayor Simmons asked if the state had seized any irrigation shares in the past from the city? Jim responded not to this point but it is possible in the future. Jeff Gittins remarked it is a distinct possibility as the Wasatch Front is in need of water.

Mayor Simmons asked how the process works when the state wants to seize water shares? Jeff Gittins stated a challenge is made with the State of Utah and it is a judicial civil process.

Jeff Gittins stated he was speaking in behalf of himself and not the irrigation company.

Jeff Gittins mentioned he originally started this proposal many years ago and one issue has always been that developers could sell the irrigation shares for profit. The water is here and needs to stay here in the future.

Jeff Gittins informed the council he had attended the planning commission meetings when this ordinance was discussed and many of the changes he had asked for had been implemented but there were two more he would like the council to strongly consider. The definition of a canal is wrong. The section stating won't be accepted should be changed to high water, partial season water or Smithfield Irrigation Company shares won't be accepted. The other suggested change was changing the process from being reviewed by the city engineer to being reviewed by the city council. The council represents the people and should consider the expertise of the city engineer, county water manager, local engineering firms working with the city and the city attorney. The council has the ability to utilize all of these resources to help make a decision.

Pat Draper stated he is the President of the Smithfield Irrigation Company and he agrees with Jeff Gittins comment that the definition of a canal is wrong. Pat suggested adding Smithfield Irrigation Company shares as Jeff Gittins suggested as well.

Pat informed the council the irrigation board will review the fee schedule and there might be some room to adjust the connection fee down. The irrigation company is currently in the process of rewriting their bylaws.

Jeff Jackson asked when hooking onto the city irrigation system would be mandatory? Jim stated the city has an irrigation system east of Sky View High School and if a development is within 600 feet of the city owned irrigation system in that area it is mandatory the developer hook onto the system. Barbara asked if that requirement had always been in place? Jim stated that was correct.

Jeff Jackson commented as a developer if he purchases a parcel of land with irrigation shares included and there is not an irrigation system nearby he will always sell the shares as they are of no value on the land.

Dennis Thornley stated the definition of a canal is "any water course or channel or artificial channel filled with water for irrigation" according to Webster's Dictionary. Dennis stated he did not agree with the definition of a canal as listed in the proposed ordinance.

****The public hearing closed at 7:55 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-05

Jim stated he did not have any issues with the proposed changes suggested by Jeff Gittins. Specifically mentioning the Smithfield Irrigation Company shares and changing city engineer to city council was not a problem.

Jeff Barnes asked for an example of what would happen if a person purchased 20 acres of land and there were 20 irrigation water shares that came with the property. Jim explained the buyer could install a secondary water system and pay \$500 per unit to the city or sell the irrigation shares to whoever they chose and pay the city \$2,000 per unit. The city does not have the ability to dictate that the buyer must keep the shares with the property and not sell them.

Barbara asked if the city could legally require the water to stay with the land? Jim stated he was not sure but a Class "E" share in the city entitled that person the right to access the system but did not give them the right to use the system until the connection fee was paid.

Barbara asked if the developer would be required to install a secondary water system? Jim stated it is not a requirement but another option available to the developer.

Jeff Gittins mentioned if a development is done within 600 feet of the city owned irrigation system it is mandatory to hook onto the city system.

Mayor Simmons commented that water rights and use are some of the most misunderstood items people have to consider and try to understand.

Jeff Gittins explained a share in the Smithfield Irrigation Company was different than a share in the upper canal. Each share entitled the owner to a different amount of water and had different rules based on the rules and bylaws of the irrigation company for which the shares are part of. Rules and stock classification vary for irrigation company to irrigation company.

Barbara mentioned she is in favor of keeping the water on the land when possible.

A motion to adopt Ordinance 15-05, an Ordinance amending the Smithfield City Subdivision Regulations, Title 16: 16.20.070, "Secondary Water"; 16.16.050 "Dedication of Water" and 16.04.030 "Definitions" with the following changes to the proposed ordinance, Section 16.16.050 to include high water or partial season water or Smithfield Irrigation Company shares are not accepted and changing Section "D" from city engineer to city council was made by Jeff, seconded by Barbara and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

****TEMPORARY ADJOURNMENT TO THE REGULAR MONTHLY RDA MEETING at 8:10 P.M.****

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING PROPOSED ORDINANCE 15-07, AN ORDINANCE AMENDING THE SMITHFIELD CITY ZONING REGULATIONS, TITLE 17 IN PARTICULAR, SECTION 17.88.060 “APPLICATION OF PUD TO UNDERLYING ZONE”, PARAGRAPH “C”, “YARD SETBACKS” OF THE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE

Jim explained the current city ordinance allows for private and public streets in town. The city no longer allows for private streets and that section needs to be removed from the city ordinance. The current ordinance reads that a street cross section is supposed to be 40 feet wide but that would put the sidewalk on private property rather than on public property. The sidewalk needs to be in the public owned area. Right now a large truck would overhand into the road as the ordinance is written. A change needs to be made changing the 40 feet wide criteria to 45 feet wide. The change will allow the sidewalk to be on city property. Currently, the ordinance reads the street side of the sidewalk is on public property but it needs to read the backside of the sidewalk is on public property.

Brent asked if a sidewalk is only required on one side of a road in a P.U.D.? Jim stated that was correct. If not in a P.U.D. the street would need to be 60 feet wide and have sidewalk on both sides of the road.

****The public hearing was opened at 8:50 P.M.****

There was not any comments from the public.

****The public hearing was closed at 8:51 P.M.***

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-07

Barbara asked how long an average truck is? Jim stated the city ordinance calls for 10 feet wide and 18 feet long for parking stalls and this new ordinance requires 20 feet.

****A motion to adopt Ordinance 15-07, an Ordinance amending the Smithfield City Zoning Regulations, Title 17 in particular, Section 17.88.060 “Application of P.U.D. to underlying zone”, Paragraph “C”, “Yard Setbacks” of the Planned Unit Development (PUD) Ordinance was made by Brent, seconded by Jeff and the vote was unanimous.****

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

DISCUSSION AND POSSIBLE ADOPTION OF REVISED STREET CROSS SECTIONS FOR P.U.D.’S

Jim explained this discussion was along with Ordinance 15-07 in helping to correct the width of the cross section in a P.U.D. from 40 feet to 45 feet.

A motion to approve forty-five (45) feet as the correct width for the cross sections in P.U.D.'s in Smithfield City was made by Kris, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

DISCUSSION AND POSSIBLE APPROVAL OF IRRIGATION SHARE BANKING REQUEST BETWEEN SMITHFIELD CITY AND THE SMITHFIELD IRRIGATION COMPANY

Craig explained that during calendar year 2014 the city banked 99.48 irrigation water shares with the Smithfield Irrigation Company. The renter of the banked shares pays the cost of the yearly assessment. The shares that are banked cannot be used by the city during that particular calendar year. The agreement between the city and the irrigation company is reviewed and renewed on a yearly basis.

Jeff asked how many of the banked shares were utilized in 2014? Jim stated 99.48 out of the 100 allowed.

Jeff asked if more shares would be banked this year? Jim stated the agreement was up to 100 shares and 99.48 was as close as they could come without going over. Jim was unsure of who rented the shares or where they were from. Pat Draper, President of the Smithfield Irrigation Company, stated all of the shares were rented and that the majority of the shares were rented by Hyde Park City and a couple of other people. The intent is to rent all of the shares again this year but it is unknown from year to year how many shares will be rented. Jim stated 2014 was the first year of the program and it worked well for the city and the irrigation company.

A motion to renew the irrigation water share banking agreement between Smithfield City Corporation and the Smithfield Irrigation Company for the banking and use of up to 100 irrigation water shares was made by Jeff, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

CITY MANAGER REPORT BUILDING INSPECTION SCHEDULING CHANGES

Craig informed the council there were some changes that had been made in regards to how building permit inspections are handled. In order to streamline the process and allow Jon Wells more time for plan review and other tasks all inspections will be scheduled with the city office staff. Lora Lee Wise will oversee the scheduling of building inspections and other staff members will fill in as needed. When Jon is out of town or not available inspections will be scheduled with the Hyde Park City Building Inspector or the Cache County Building inspection

department. Craig is a licensed inspector and will do inspections when needed. All current permit holders have been notified of the scheduling change via email or letter.

Mayor Simmons asked how the relationship worked with the Hyde Park building inspector? Craig explained that Jon will cover the Hyde Park City inspections when their inspector is not available and the Hyde Park inspector will cover the Smithfield City inspections when Jon is not available. The county is used as a last resort as they charge the city for each inspection where Hyde Park and Smithfield help each other out as needed with no fees charged.

Jim showed the council pictures of the proposed new building which will be built on the north side of the city office building. The Old Grist Mill will be one of the occupants of the building and there will be some office space available as well. The water and sewer lines need to be run to the property as soon as possible since UDOT is going to resurface the highway. Once the highway is resurfaced the only time the highway can be dug into is in the case of an emergency. The intent of the building lot buyer is to start building the building in late summer and be completed in the fall.

Mayor Simmons asked if the buyer was going to come before the RDA board and ask for financial assistance? Dennis said he had spoken with the buyer and explained the process and informed the buyer an application is the first step in the process.

Mayor Simmons asked how soon the water and sewer service needed to be done in the highway? Jim stated it needed to be done immediately.

Brent asked where the water and sewer service for the city office attached to the main line? Jim explained the city office water and sewer lines attach on 100 South not in the highway like the buyer of the lot will be required to do.

Brent asked if it would be possible for the new building to connect to the city lines? Jim stated the parking lot would have to be dug up to do so and the service lines are only four inch lines and would have to be upsized so it was not possible to connect to the existing city office service lines.

COUNCIL MEMBER REPORTS

Brent did not have any additional items.

Jeff informed the council Jess Daines had attended the Tree City USA presentation on April 15th and had to speak in behalf of the city for a few minutes. The tree committee is planning the city Arbor Day and it will be held on Saturday, May 9th during Health Days. The tree planting ceremony will be at noon at Forrester Acres. The Mayor needs to read the annual Arbor Day proclamation as well.

Jeff informed Craig he will need to fill out the annual Tree City USA application later in the year as Jim has done it for many years. Smithfield has been a tree city for 22 years. Jim explained the application is due in November of each year and the city is required to spend \$2.00 per capita

per year as part of being a tree city. Jeff stated part of the process is having an annual Arbor Day celebration as well.

Jeff explained the art teacher at Birch Creek Elementary had the annual art contest and winners of grades first through fifth had been selected. The children will attend the annual tree planting ceremony on May 9th and show off their posters.

Mayor Simmons mentioned that Nibley City flies their Tree City USA flag and asked if there was a place in town the flag could be flown? Jeff remarked the city receives a new flag every year. Jim stated the flag used to be flown at the library but when the flag pole was painted and rope mechanism replaced the hooks for a third flag to be flown had been removed. Mayor Simmons suggested flying the flag at the city office building below the State of Utah flag. Jeff suggested the State of Utah flag could be replaced on occasion with the Tree City USA flag especially on Arbor Day in the city.

Kris informed the council the Health Days committee had met a couple of times and the celebration is on track. The celebration will be very similar to the past. There will be the youth theatre, a bicycle ride, the fun run and the celebration at Forrester Acres. A new person is overseeing the parade. The council will be at the front of the parade.

Kris asked if a grand marshal had been selected? Brent stated Paul Buttars had been selected by the Lion's Club as the citizen of the year.

Brent asked when Paul would be presented as the citizen of the year? Barbara suggested at the start of the youth theatre presentation on Friday or Saturday night. Kris said the presentation does not need to be long and she would talk with Susan Barrus, the director of the youth theatre.

Kris informed the council the annual girls pageant had been made private this year. Only eight girls applied and six were chosen. Only family members were invited to attend since emotions run high for those not selected.

Kris mentioned that Michael Neilsen had redone the city float in red, white and blue colors for the year. The city pays for the materials but Michael and his mom had done all of the labor for free and they do a tremendous job each year.

Barbara informed the council there had been a discussion about the Lions Club working with the city youth council to turn the youth council into the Leo Lions Club which is the youth group of the Lions Club. Barbara explained to the council after researching the differences between the Leo Lions Club and the youth council she felt it was appropriate to keep the organizations separate. If the youth council was changed to the Leo Lions Club the Lion's Club would be in charge of the group not the city council. The Leo Lions allow participants age 12 to 18 and the youth council does not allow that young age for participants. The Leo Lions votes for its committee where the youth council members are appointed by the city. There are several different bylaws between the two groups. Kris remarked one of the main goals of the youth council was to inform and teach the youth about city government and how it works. Brent stated the youth council works really well with the Lion's Club and he does not want to hurt the

relationship between the parties. Barbara thanked the Lion's Club for asking if the city was interested but at this time there were too many differences to change the youth council to the Leo Lions Club. Brent mentioned two of the benefits of the Leo Lions Club is there are scholarship opportunities as well as some insurance coverage.

Barbara reminded the council the annual day of service will be held on Saturday, April 25th. Registration will be from 7:00 A.M. to 8:00 A.M. for those that have not preregistered. The youth council will go to the work sites on the day of service and make sure everyone is registered and has a wristband so their service is counted. The count will not be completed until around 1:00 P.M.

Brent asked if a person who signs up and wants to work in the cemetery can they go and help on that project? Barbara stated that was correct. Participants can go to a project of their choosing or be assigned to a project if they just want to help. So far over 1,000 people have preregistered. A planning meeting is being held on Friday, April 17th at 9:00 A.M. at the recreation center for final assignments.

Dennis informed the council the library open house will be held on Monday, June 1st at 6:30 P.M. The program will start in the Youth Center and Mayor Simmons and former Mayor, Chad Downs will speak. Jim will offer a few remarks as well. There will also be music during the program and refreshments will be served on the patio area of the library after the program.

MAYOR'S REPORT

Chief Travis Allen informed the council that Amy Jones would be leaving the department as her husband was graduating from Utah State University and had accepted a position with a company in Detroit, Michigan. The job opening had been posted and several applicants applied. Aubrey Mayes had been selected. Aubrey resides in North Logan and has seven years of business and office experience. Aubrey is working on completing her degree in Business Administration. Aubrey will start working for the city on May 4th. Amy's last day of employment is April 24th. Alan Hodges has been hired a reserve officer for the police department. Alan has over 20 years of experience and recently retired from the Logan City Police Department. Alan wants to work part-time and keep his certifications. Alan resides in Smithfield.

Doug Peterson informed the council Heith Parker had been approved by the council at the last council meeting and started working for the city about two weeks ago. Heith has three years of experience. Heith resides in Smithfield and works with water department lead Brett Knight. Doug explained that Kade Tueller had accepted a position with Hyde Park City.

Mayor Simmons read the Arbor Day Proclamation proclaiming May 9, 2015 as Arbor Day in Smithfield City.

Mayor Simmons informed the council he would be attending a sewer meeting on Friday, April 17th. The local mayors were meeting to discuss the upcoming sewer project. Jim stated it will be three to four years before the new sewer plant is operational.

Mayor Simmons stated in the recent legislative session a 0.25% sales tax increase had been approved to be on the ballot at a future time and the sales tax, if passed, would be specifically for road improvements. Jim remarked that 0.10% of the 0.25% proposed increase would be specifically directed to the Cache Valley Transit District (CVTD) and some people were concerned about additional sales tax funds going there.

Jim informed the council the legislature had approved a \$0.05 per gallon gasoline tax increase and projections showed that would provide the city with approximately another \$60,000 per year for road improvements.

Mayor Simmons asked Justin for an update on the proposed vote by mail option for the 2015 election. Justin stated there would be a discussion on the topic at the May 13th council meeting.

Mayor Simmons asked Chief Allen for an update on a mountain lion that had been spotted in town. Chief Allen stated a call had come into the department about a mountain lion being spotted in the area of 200 East 200 South. Some grainy pictures showed what appeared to be a young small mountain lion. No sightings had been reported in the last few days and the local Division of Wildlife Resources Officer was monitoring the situation.

CONTINUED DISCUSSION ON THE NEW BUDGET FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016

Jim reviewed highlights of the proposed increases and decreases to the 2016 fiscal year budget.

Water Enterprise Fund

A decrease in Office Expense of \$5,050. The city had looked at purchasing a new software in fiscal year 2015 called Blue Review and opted not to purchase the software in the current budget year or future budget year.

Street Repairs showed a budgeted decrease of \$16,239 from \$42,327 to \$26,088. Not as many projects are planned in fiscal year 2016.

Water meter purchases were budgeted for \$70,000 in fiscal year 2016 and the fiscal year 2015 budget was \$65,000. There are approximately 700 meters that still need to be converted over to the new radio read metering system.

The capital improvement line item totaled \$38,500 for four infrastructure projects and one fence project around one of the city wells. Up from \$22,000 in fiscal year 2015. The city will provide the labor for the infrastructure projects and the expense will be for the required materials.

The telemetering line item decreased from \$75,000 in fiscal year 2015 to \$39,600 in fiscal year 2016. Fiscal year 2016 will be the last year of the telemetering project upgrade and the remote transmitters will be replaced.

Equipment purchases included a new service truck with a budget of \$30,000. The water fund would pay 50% and the sewer fund 50% of the total cost.

A used asphalt roller was budgeted for \$20,000 with the water fund paying 50% and the sewer fund paying 50%.

The maintenance department is switching from Case backhoes to John Deere backhoes due to cost. For fiscal year 2016 the water department will pay for one of the new backhoes and the sewer department will pay for two of the new backhoes. For fiscal year 2017 the water department will pay for two new backhoes and the sewer department will pay for one.

The contribution to the reserve fund was budgeted at \$69,933.

Total budgeted expenses for the water fund for fiscal year 2016 are \$991,196.

Sewer Enterprise Fund

Sewer line cleaning and camera inspection was budgeted at \$35,000. The intent is to have the entire city sewer system cleaned and videoed at least every seven years.

No sewer line extensions were budgeted for in fiscal year 2016.

The contribution to the sewer reserve account was budgeted at \$125,788.

Total expenses for the sewer fund for fiscal year 2016 are \$1,044,038.

General Capital Improvement Fund

Police vehicle purchases were budgeted in the amount of \$70,900. The total included two new police trucks at \$30,000 each and the annual lease payment on the two Dodge Chargers of \$10,900.

A new fire pickup truck was budgeted for \$30,000. Cache County pays \$7,000 per budget year towards the cost of the vehicle.

The fund also makes the annual loan payments on the police station, city office building and library.

Jess Daines explained the need for a new stand-on mower to mow the park strip areas in town. The parks department is responsible for approximately 100 acres of grass.

Jess informed the council the lease of a mini excavator for a one year trial basis will be mainly for the cemetery grave digging. On average there are around 60 burials per year but in calendar year 2014 there were just under 100 burials. The grounds are getting tighter to get the backhoes into to dig the grave sites and the mini excavator will leave a smaller footprint on the grounds

and get into tighter areas. North Logan and Syracuse are currently using the mini excavators in their cemeteries for grave digging purposes.

Park Impact Fee Fund

The remaining wood and fiberglass tables at Central Park would be replaced with different tables. A budgeted amount of \$12,000 was included.

The playground basin at Sunset Park was budgeted at \$10,000.

The addition of a splash pad was budgeted in the amount of \$120,000.

The start of the Heritage Trail and Monument area was budgeted at \$20,000. The fiscal year 2015 budget included \$10,000 for the project but none of the work will be completed in the budget year. The \$10,000 from fiscal year 2015 was added onto the fiscal year 2016 budget totaling \$20,000 in budgeted funds for the project.

The total budget for the park impact fee fund was \$188,000.

Recreation Center Budget

Jim explained the rec center tends to budget low on revenues and for fiscal year 2015 the budgeted amount from the general fund totaled \$89,068. The actual amount transferred totaled \$26,546 for fiscal year 2014. The budgeted transfer amount from the general fund for fiscal year 2016 totaled \$103,042 but each year the actual amount has got closer to zero.

The budgeted amount for expenses in fiscal year 2016 totaled \$581,292. The budgeted amount for fiscal year 2015 totaled \$557,518 an increase of \$23,774.

Storm Water Enterprise Fund

Capital Improvements decreased from \$100,000 to \$75,000. The capital project for fiscal year 2016 is getting the storm water pipeline under the railroad crossing on 1000 South.

The budgeted expense for fiscal year 2016 totaled \$203,565 a decrease of \$49,242 from fiscal year 2015.

Golf Course Enterprise Fund

Full-time employee wages showed a budgeted increase of \$46,881 to \$248,652.

Green staff wages showed a budgeted decrease of \$20,000 to \$90,000.

The wage changes are being made to convert Andy Downs from a part-time employee to a full-time employee as well as hiring one new full-time employee to assist Chad Daniels. Larry Hatch has approximately two years until he will retire and Chad's new assistant would learn how to

maintain all of the golf course equipment. The equipment is unique and has a steep learning curve of how to maintain and repair.

Utilities showed a budgeted increase of \$5,000 to \$42,000. The increase being for the need to run the water pump on the golf course due to the dry year and lack of canal irrigation water is expected.

Equipment purchases are budgeted at \$12,000. The purchases would consist of three new golf carts. The course has approximately 60 golf carts. RAPZ tax funds would be used to pay for the cart purchases.

The total budgeted expense for the golf fund decreased \$23,656 to \$1,161,920.

Justin explained the tentative budget will be approved at the May 13th council meeting and the final budget on June 10th. The state requires the budget to be adopted no later than June 22nd of each year.

****Kris made a motion to adjourn at 10:15 P.M.****

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, City Recorder

SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, Utah 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 Thursday, **April 16, 2015**. The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Dennis Watkins.

1. 6:03 P.M. Approval of the city council meeting minutes from March 25, 2015
2. 6:05 P.M. Resident Input
3. 6:15 P.M. Discussion and update from Heidi Harper, local representative on the Cache Valley Transit District Board (CVTD).
4. 6:25 P.M. Public hearing on proposed Ordinance 15-08, an Ordinance amending the Smithfield City Zoning Regulations; Title 17 in particular, Section 17.12.200 "Division of Lots and Buildings".
5. 6:40 P.M. Discussion and possible vote on Ordinance 15-08.
6. 6:45 P.M. Public Hearing for the purpose of discussing proposed Ordinance 15-10, an ordinance amending the zoning map of Smithfield City; specifically a request by Ryan Reeves, agent for C & T Development LLC, property owner, for a rezone of 7.64 acres of Parcel# 08-110-0017 located at 532 South Main, total parcel size is 8.17 acres, from CC (Community Commercial) to RM (Multiple Family Residential).
7. 7:00 P.M. Discussion and possible vote on Ordinance 15-10.
8. 7:10 P.M. Public Hearing for the purpose of discussing proposed Ordinance 15-05, an Ordinance amending the Smithfield City Subdivision Regulations, Title 16: 16.20.070, "Secondary Water"; 16.16.050 "Dedication of Water" and 16.04.030 "Definitions".
9. 7:25 P.M. Discussion and possible vote on Ordinance 15-05.

****Temporary Adjournment to regular monthly RDA meeting.****
10. Public Hearing for the purpose of discussing proposed Ordinance 15-07, an Ordinance amending the Smithfield City Zoning Regulations, Title 17 in particular, Section 17.88.060 "Application of PUD to Underlying

Zone”, Paragraph “C”, “Yard Setbacks” of the Planned Unit Development (PUD) ordinance.

11. Discussion and possible vote on Ordinance 15-07.
12. Discussion and possible adoption of revised street cross sections for P.U.D’s.
13. Discussion and possible approval of Irrigation Water Share Banking Request between Smithfield City and the Smithfield Irrigation Company.
14. City Manager Report
Building Inspection Scheduling Changes
15. Council Member Reports
16. Mayor’s Report
17. Continued discussion on the new budget for the period of July 1, 2015 through June 30, 2016

Adjournment

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

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

Prepared, posted in the City Office and library, emailed to each Council Member, emailed to the Herald Journal, Smithfield Sun, and forwarded to be posted on the City Web Site on 04/14/15, and the Utah Public Meeting Notice website.