

SMITHFIELD CITY COUNCIL

AUGUST 12, 2015

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, August 12, 2015. The meeting began at 6:00 P.M. and Mayor Darrell G. Simmons was in the chair.

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

Barbara Kent was excused.

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

The opening remarks were made by Dennis Watkins.

VISITORS: Debora Seiter, John Seiter, Sonia Manuel-Dupont, Kelly Cannon (The Herald Journal), Jamis Buck, Nathaniel Buck, Rachel Christensen, Ryan Reeves, Brett Daniels, Jeff Jackson, Craig Ricks, Tracey Ricks, Jesse Vega, Rigo Chaparro, Gary Hansen, Jeremiah Esplin, Lyle Esplin, Diane Esplin, Bob Buckley, Jim Gass

PASSING OF FORMER MAYOR LONNIE LOVEDAY

Mayor Simmons mentioned the passing away of former Mayor Lonnie Loveday. Mayor Simmons could not recall if he had mentioned the passing of Mayor Ray Winn earlier in the year. Mayor Simmons wanted to thank both men for their years of service and dedication to the community.

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM THE JULY 8, 2015 CITY COUNCIL MEETING

A motion to approve the city council meeting minutes from the July 8, 2015 city council meeting was made by Dennis, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Butters

No Vote: None

Absent: Kent

RESIDENT INPUT

Debora Seiter came before the council to express her concern about the proposed Frisbee golf course up the canyon.

Debora resides at the west end of the city owned property where the Frisbee golf course would be located.

Debora expressed the following concerns: an increase in traffic on the narrow road that goes up the canyon will result in safety concerns for bikers, joggers and those walking up and down the canyon. Was an attempt made to contact those residing in the canyon about their thoughts or concerns on the proposal? Was an environmental impact study completed? Why is the information discussed at the Smithfield City council meeting different than the information being presented by Cache County Corporation?

Parking will require the removal of vegetation as there are two proposed parking lots of ten to twenty vehicles each. Other than clearing trees along the creek where can the parking lots be located? One of the proposed parking lots is located a quarter mile from the bridge.

Turkeys and deer live on the property and will now be displaced.

The county stated in their information packet there could be 200 daily trips on the canyon road for this activity alone. Why is a second parking lot needed?

Are there guarantees the land will not be impacted? Wildlife, safety and aesthetics are all new concerns that will be created.

Will the existing bridge work? What about sewage? Will the water supply be tainted when people go to the bathroom where they should not? Will a port-a-potty be used? How big is the truck that will dump and maintain the port-a-potty? What about trash? What is the liability to the city?

The program is stated as being completed by donors and volunteers. What happens when they stop cleaning up for themselves? What happens when the financial support of the donors stops? Who is paying for the new culvert that is required and the fencing around the water sources?

The plan has not been thoroughly reviewed by the city and the plan was written in short order.

The parking lot on the west end is so close to my residence I could touch the cars in the parking lot from my property.

Right now an imprint of the city vehicles maintaining the area is visible and they only drive on the property on a very rare occasion imagine the impact of groups of people driving on the property. Dozens of cars will create an environmental impact.

Participants in this program have already been on the property putting up temporary flag signs for the proposed hole locations. The proposal as listed by the county includes 18 holes and shows five feet by ten feet cement pads being poured. One of the cement pads is right by the creek and will require brush and vegetation to be removed.

The city did not notify me of this proposal; I found out from the county.

Mayor Simmons thanked Debora for coming in to state her concerns and thanked her for the manner in which she expressed her concerns.

Brett Daniels stated he had not attended the city council meeting where the proposal was made by some residents. The council had recommended Brett and the recreation department become involved to see if the program was viable or possible.

Brett explained the group wanting to create the Frisbee golf course had made a proposal several times over the last few years but there is not an area in town that will work. Forrester Acres does not have enough open space. Mack Park is a nature park. The proposed area had not been previously considered.

Clay and Brett had toured the parcel and thought it might work.

To this point the only thing done by the city was to file for a conditional use permit with Cache County Corporation to see if they would even allow the course since the parcel is located in the county and not within the city limits. The conditional use permit request will be heard by the county on Thursday, August 13th.

Brett informed Debora the proposed parking lot by the Seiter residence had been removed from the proposed plan and no cement pads would be poured. The parking lots will just be designated areas and will not be paved or have gravel put down.

Brett stated he had toured the parcel again before the council meeting and understood the concerns of the Seiter family as the proposed course is visible from their residence. The course can easily be modified to a different layout to get farther away from the Seiter residence. Possibly planting some trees would create a tree line and adding signage would keep people off of the Seiter property.

If the county denies the request then the proposal is done. If the county approves the request then the proposal comes back to the city council for review, consideration and possible approval.

Mayor Simmons asked for clarification on when the proposal went to the county? Debora stated on Thursday, August 13th and she would be attending to voice her concerns.

Debora thanked Brett for commenting on some of her concerns; especially about the cement pads and proposed parking lot by her residence.

Brett expressed concern for some of the items listed in the letter sent out by the county. Brett felt the county is overestimating the number of cars on the road for this use especially where 200 cars per day is listed. Mayor Simmons agreed and felt the traffic impact that was listed was way too high. The sport only has a small group of players locally.

Brett wanted to make sure everyone understood a Frisbee golf course is not a real golf course. It involves installing metal poles that have a chains hanging on them with a basket to catch the Frisbee. The cages and poles can be removed at any time as they are not permanently installed.

Kris stated he did not like the area being considered and the road is too narrow going up the canyon to allow for more traffic. The road needs to be widened before the canyon can handle

additional traffic. A subdivision on the Waters property was denied many years ago because of the concern about adding significantly more traffic to the canyon road. There will be safety issues for runners, walker, bikers and wildlife in the area.

Kris stated she did not think this was a good area for a public activity and there will be a huge environmental impact to the site.

Kris mentioned that the participants will not pick up all of their garbage and she did not feel a port-a-potty was appropriate for the area.

Brent asked where the city limit boundary is currently in that area? Clay stated at the turn off to the Lloyd Facer gravel pit road.

Mayor Simmons thanked Debora for attending and informed her the county and city both have more due diligence to do before the proposal can approved or considered for approval.

JEFF JACKSON, IRONWOOD DEVELOPMENT GROUP, LC, AGENT FOR JESSICA TAMS QUINTON, PROPERTY OWNER, HAS REQUESTED APPROVAL OF PHASE 2 OF THE FINAL PLAT FOR THE SMITHFIELD HEIGHTS SUBDIVISION (9 LOTS) LOCATED AT APPROXIMATELY 730 EAST 550 NORTH. ZONED R-1-12 (SINGLE FAMILY RESIDENTIAL, 12,000 SQUARE FEET).

Jeff Jackson stated the request for the approval of Phase 2 is part of the 27 lots that were previously approved for the entire subdivision. Phase 1 consisted of 10 lots of which four of the lots are sold. The intent is to get Phase 2 approved now so the infrastructure can be completed before winter. The road for Phase 2 is an extension of the road started during Phase 1.

Jeff Barnes asked if the road stops going to the east? Jeff Jackson stated the road dead ends going east but the road going south to Upper Canyon Road will be started as part of Phase 2.

Brent asked Jeff Jackson if he owned the property to the east of this subdivision? Jeff Jackson stated he did not. The road going south will eventually tie into Upper Canyon Road when Phase 3 is completed.

Brent asked if a turnaround was required for fire department access? Clay stated there are no issues for the fire department since there is a "T" type turnaround at the end of Phase 2.

Clay also mentioned the request for approval had been reviewed by the planning commission and approved.

Mayor Simmons thanked Jeff Jackson for keeping a clean work area while the homes are being built.

Jeff Barnes asked for an update on the large rock pile that had been created as part of the infrastructure work. Jeff Jackson stated about half of the dirt pile had been hauled down to his Black Rock Subdivision project at the south end of Smithfield and the remainder of the pile

would be gone within the next two months. The homeowners of two of the new homes being built in front of the rock pile had been promised the rock pile would be gone before they moved into their homes.

A motion to approve Phase 2 of the final plat for the Smithfield Heights Subdivision (9 lots) located at approximately 730 East 550 North was made by Jeff, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

RESIDENT INPUT

Alan Webb stated he had come to the meeting to support a friend that is having issues with the deer living in the city. The deer are a problem and a burden to residents. Flowers, shrubs and trees are being eaten as well as entire gardens. The deer pose a safety threat as well. A friend of Alan's has a major problem in the north east part of the city and the issue is now year round not just during the winter months. Alan did not know how to resolve the problem but hoped something could be done by the city.

Mayor Simmons stated the city council is concerned about the issue as well. Many residents are affected. The Utah Division of Wildlife Resources (DWR) is tasked with managing the deer problem throughout the state. Different processes can be considered with the guidance and approval of the DWR. Some other communities are trapping and relocating the deer. Other communities are killing the deer, having them butchered and given to needy families. The county is looking at creating a coalition to deal with the problem. Approval of the DWR is required for any proposal. North Logan was given approval to trap the deer. North Logan also had an archery hunt and the meat was utilized. There are many people that don't like the deer but there are just as many people that will fight to keep them and leave them alone. Theurer's Store in Lewiston is willing to butcher the deer and make them edible for consumption. The food can be utilized by local families or given to the local food bank. Hyde Park, North Logan and other cities are experiencing the same problem. Many residents feel part of the rural feel is to have skunks, deer and wildlife roaming through their yards. Further research will be done and considered by the city council in the future.

Kris stated five skunks had been trapped in three days at her home. The wildlife issue is a big concern and needs to be addressed. Mayor Simmons agreed some people are concerned but for every person concerned there is another person that does not want anything done.

Kris informed the council she had spoken with Nolan Krebs, Animal Control Officer for the North Park Police Department, and he stated there are people out there that want venison to eat. There are families in the valley that are starving. In the Logan City School District 60 to 63% of the students require lunch assistance. Kris felt culling the urban deer herd and giving the meat to needy families should be considered. Families are losing their gardens. Families cannot be self-sustaining since the deer are eating their gardens to the dirt.

Kris stated she would work with Mayor Simmons and Chief Allen on possible solutions. The deer are living and breeding permanently in the city and one option might be to cull the herd and feed the needy.

PUBLIC HEARING ON THE REQUEST TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION BY CRAIG H. RICKS, AGENT FOR CTR LLC, TO ALLOW FOR A FOUR (4) LOT MINOR SUBDIVISION/INTRABLOCK DEVELOPMENT LOCATED AT 364 NORTH 100 EAST. ZONED R-1-10.

Clay informed the council Craig Ricks is requesting approval of a four lot intrablock development. The subdivision review committee and planning commission had reviewed and approved the request. The request is now before the council for formal approval or denial.

Mayor Simmons asked how many total lots will be built on? Clay stated Lots 1 and 2 already have homes on them and if approved; Lots 3 and 4 could have homes built on them.

****The public hearing opened at 6:37 P.M.****

Craig Ricks informed the council his father had purchased the parcel from his uncle, Ron Plowman, back in the 1970's. The home on Lot 1 was built in 1976. Craig Ricks purchased the home from his father in 2006. The property used to have horses on it behind the house but the horses were sold in 2008 and the area has not been utilized since that time. The area behind the homes has become a nuisance issue and is of no value to the homeowner or the community.

Craig Ricks stated he had purchased the home on Lot 2 and there is adequate frontage for a new road to be installed between the two existing homes. The request is to create two new building lots behind both homes and each building lot will be approximately 0.45 acres. Sunrise Engineering and Foresight Surveying were hired to help on the engineering and surveying portions of the request. All city requirements have been addressed and incorporated.

Craig Ricks commented he felt the request would be better for him personally as well as the city as it would create additional tax revenue for the city and get rid of the nuisance issue of weeds in the middle of the block. Currently, there are intrablock developments on 200 North and 400 North and this request would be in harmony with other similar approvals in the area.

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

DISCUSSION AND POSSIBLE VOTE ON THE CONDITIONAL USE PERMIT REQUEST BY CRAIG H. RICKS, AGENT FOR CTR LLC.

Jeff stated there were a lot of sheds and outbuildings on the proposed parcels. Would they all be removed? Craig Ricks stated the horse corrals and lean-to buildings would be removed. There is a large shed on the north end of the one lot that is currently used as a shop.

Kris thanked Craig Ricks for proposing larger sized lots and not a highly dense area. Craig Ricks stated he is considering building on one of the lots and wanted to see larger sized lots in the area.

Mayor Simmons asked about the power line feeding the area. Craig Ricks stated the power service will have to be run from across the street and will be underground.

Mayor Simmons asked if there was enough room for emergency vehicles to get in and turnaround? Craig Giles stated the issue has been addressed and the appropriate turnaround footage has been included in the plan.

Jeff asked if the road would be "T" shaped and paved? Craig Giles stated that was correct.

Brent asked if the portable sheds would be removed? Craig Ricks stated that was correct. Craig Ricks hoped to sell the portable sheds and have them relocated elsewhere.

Jeff asked for clarification of what would happen to the shed on the north end of the property? Craig Ricks stated that shed is permanent and would stay with Lot 3. Craig Ricks hoped to build a new home on Lot 3 for his family.

A motion to approve the conditional use permit application by Craig Ricks to allow for a four (4) lot minor subdivision/intrablock development at 364 North 100 East was made by Dennis, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

Jeff asked if there is existing sidewalk in front of Lots 1 and 2? Craig Ricks stated that was correct.

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY RYAN REEVES, AGENT FOR VEFINA, LLC, FOR APPROVAL OF A TWO (2) LOT MINOR SUBDIVISION LOCATED AT APPROXIMATELY 600 SOUTH 100 EAST. ZONED CC (COMMUNITY COMMERCIAL) & RM (MULTIPLE FAMILY RESIDENTIAL).

Craig stated the request to create a two lot minor subdivision on the property formally occupied by Cantwell Lumber Company had been reviewed by the planning commission, approved and forwarded to the city council for review. Curb, gutter and sidewalk will be required. The money will be escrowed for the improvements for the entire project even though the project is starting on the highway. The front lot is zoned commercial and the back lot is zoned multi-family.

Jeff and Brent asked for clarification on the request to the council. Craig explained the parcel had been rezoned by the council previously. The current request is for approval of the two lot subdivision. As part of the approval the new road on 100 East will have to be installed. At this point, there will be two large lots created.

Kris stated she was uncomfortable with the request.

Kris felt the council had been led to approve an ordinance, previously, to specifically allow for this subdivision and she did not like it.

Kris stated she was uncomfortable with the zoning and the proposal for the entire parcel.

Mayor Simmons asked Kris for specifics in what she was against. Kris stated she felt like a city ordinance was created and passed specifically to help this property owner. An ordinance should not be created for just one person or entity. Kris felt the council was blindsided by the ordinance request to allow split zoning on one parcel. Kris considers the zoning on this parcel as spot zoning and not appropriate. Kris felt the zoning on this parcel was a big mistake and is very frustrated the city council approved the request.

Jeff stated after listening to the comments made by Kris he was confused on the request being made to the council. Craig stated the zoning request had already come before the council previously and been approved. The current request is for a two lot subdivision to be created. Kris added with split zoning on the two proposed lots.

Jeff asked if more parcels will be created in the future on the multi-family zoned area? Craig stated it could be just one or a request could be made for more lots in the future.

Brent asked if condos are built and sold if they would need their own specific lot number? Craig stated that was correct and a request to subdivide and create more lots would have to be approved by the council.

Ryan Reeves commented the preliminary plat is the next step in the process after the creation of the subdivision.

Jeff asked Ryan the intent for Lot 1 which is zoned commercial? Ryan stated an assisted living center is being proposed for Lot 1.

A motion to approve the request by Ryan Reeves for the approval of a two (2) lot minor subdivision located at approximately 600 South 100 East was made by Dennis, seconded by Brent and the motion passed by a vote of 3-1.

Yes Vote: Watkins, Barnes, Buttars

No Vote: Monson

Absent: Kent

DISCUSSION AND POSSIBLE VOTE ON RESCINDING ORDINANCE 15-05.

Justin informed the council a few months ago the council approved and passed an ordinance in regards to irrigation water on developments and reduced fees. The ordinance was passed right around the time of the transition of city managers. Two developers have stated they are confused what the ordinance is saying and wanted clarification. The city staff has reviewed independently and as a group and they are not sure how to interpret the ordinance as well. The belief of the

staff is everyone knows the intent of the ordinance but it is not written in a clear and understandable manner.

Justin had contacted city attorney, Bruce Jorgensen, and Bruce stated if there are problems with the ordinance that are more than just a few minor clerical changes the ordinance could be rescinded and the process could then start over and the ordinance be rewritten. A public hearing is not required before an ordinance can be rescinded.

Dennis asked if by rescinding the ordinance a precedent had already been set by allowing approval of items listed in the ordinance? Justin stated he was not aware of anyone that would be affected by rescinding the ordinance.

Jeff stated the ordinance had been reviewed multiple times during planning commission meetings and it was not well written. The ordinance is hard to understand and not clear in what is required or allowed.

Dennis asked what happens if the ordinance is rescinded? Justin stated the previous rules and guidelines would be reinstated and would stay in place until a new ordinance is passed.

Jeff asked if the process would start completely over? Craig stated the intent was to create a brand new ordinance that everyone could understand; the staff, council, developers as well as the residents.

Jeff agreed the ordinance was very confusing.

A motion to rescind Ordinance 15-05, an Ordinance amending the Smithfield Subdivision Regulations, Title 16: 16.20.070, "Secondary Water"; 16.16.050 "Dedication of Water" was made by Jeff, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

APPROVAL OF SURPLUS SALE ITEMS.

XEROX COPY MACHINE WORKCENTRE PRO 55

Justin informed the council a new copy machine had recently been purchased for the city office building. The new machine is a Sharp and about 1/3 the size of the old machine.

The old copy machine still functions and there might be value to someone to purchase it but it is unknown if there is any demand for an old copy machine.

Dennis stated the copy machine will be hard to sale where Xerox will not service the machine.

A motion to approve the surplus sale of the Xerox Copy Machine WorkCentre Pro 55 was made by Dennis, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

PUBLIC HEARING ON ORDINANCE 15-16, AN ORDINANCE AMENDING THE ZONING CLASSIFICATION ON PARCEL NO. 08-044-0006, 4.85 ACRES, LOCATED AT APPROXIMATELY 780 NORTH MAIN FROM A-10 (AGRICULTURAL 10-ACRE) TO RM (MULTIPLE FAMILY RESIDENTIAL).

Craig explained a request is being made to rezone 4.85 acres located at approximately 780 North Main from A-10 (Agricultural 10-Acre) to RM (Multiple Family Residential). The planning commission reviewed the request and denied the request. The request is now being sent to the council for review and consideration. The council has the official vote of whether or not to approve or deny.

****The public hearing opened at 7:05 P.M.****

Rachel Christensen asked if the property owned by Rigo Chaparro would be accessed from the west with traffic going up Oak Street? Craig responded the only access to the parcel is from the highway. There is no current access from the parcel to Oak Street or any planned access to allow access through Oak Street.

Rigo Chaparro stated he had reviewed the concerns of the planning commission and they had some valid points. Rigo wished he had been given time to address the concerns and questions from the residents and the planning commission.

Rigo informed the council he is trying to develop the parcel in a nice manner. Storage units had been considered and at one point there was a potential buyer that wanted the area for commercial use but changed their mind and are building in the Black Rock Subdivision at the south end of town. There is not attraction to this parcel for commercial use; it is too far from other business activity in the city. The city wants commercial business but there are many vacant commercial lots in the community. Storage units would work on the property but would not look good as people enter the city. What does the council want to see on the parcel? Right now the area is full of blight. Anything would look better than the property currently is. The lot does not look good when people enter the city. The area has been farmed in the past and is not being farmed any longer. There are two sets of overhead power lines running through the area. The area is not conducive to middle income or high end homes. Town homes and apartments would work on the parcel. Neighborhood Non-Profit has contacted Rigo about the possibility of putting homes there as part of one of their future projects.

UDOT has agreed to allow for one entrance/exit on the parcel.

Paragon Tool on 1000 South installed a turnout lane where the speed limit is 45 miles per hour and there are not any wrecks there. This subdivision will not create additional safety risks according to Rigo.

Rigo also mentioned the possibility of owner occupied duplexes like on 400 West Main in the city. They were built years ago and still look nice.

Rigo asked the council for input of what they would like to see on the parcel. Rigo and his partner, Jesse Vega, want to put apartments or town homes on the entire parcel.

Rigo informed the council it is not possible to sale residential lots on this parcel when a person can purchase a lot on the east bench of the city for the same cost as these lots.

Kris suggested that Rigo make the area by the highway more attractive by adding grass and a meandering sidewalk to the highway frontage area. The units need to be moved further off of the highway. The area needs to look nice as people enter the city. The units need to look like homes not apartments.

****The public hearing closed at 7:15 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-16.

Rigo stated designing the area by the road with more landscaping is possible and including fewer apartment units would be possible as well. Moving the units back from the highway would not be an issue either. Green space is required and there can be more at the front. Trees could be installed around the Questar Gas Company pump house to help the area look more attractive. The fence on the north boundary of Oak Street could be cleaned up and look better.

Jeff stated Neighborhood Non-Profit had built some homes on the west side of town and they look very nice. The homes are built by lower income families but still look very nice. Jeff had attended some open houses for the project and over time the homes will be upgraded with nicer amenities in his opinion. Kris stated the original owner has to live in their home for five years and the original homeowner takes pride in the home. Then when the home is sold in five years the homes tend to decline in appearance according to a person Kris talked with from Nibley City. Kris expressed concern for an area diminishing in appearance especially where it is the entrance to the city. Jeff disagreed and stated the Neighborhood Non-Profit homes in the city still look very nice years after completion.

Rigo mentioned the mark trend is people want to rent homes and not buy them like in the past. The city must have affordable housing options and find a fair balance in the city.

Mayor Simmons asked for input from the council of what they would like to see on the parcel. Rigo stated he was open to suggestions but just did not want to lose money on the project.

Mayor Simmons asked Rigo if he had done a market analysis study? Rigo stated he had and the price of these lots on this parcel would be comparable to the lots on the east bench and nobody would buy them on the highway when the cost would be the same price as the east bench lots.

Kris asked for something to be built that looks nicer than the multi-family units built behind Lee's Marketplace. Vehicles need to be off the street and the frontage needs to look nice.

Rigo asked if the council wanted more suggestions and options from him? Kris stated once the approval is granted the developer can put as many units as they want on the parcel and the city cannot do anything about it. Everyone must be treated the same. Kris stated she wanted to see a plat before she would consider granting a rezone request.

Rigo asked Kris if she was stating she would approve the multi-family zoning request if a certain look was met? Kris stated she wanted the units off of the highway and wanted the frontage to be esthetically pleasing.

Mayor Simmons disagreed with the comments made by Kris regarding the Neighborhood Non-Profit area. An area of town that was stagnant now has several nice new young families. A new school has been built in the area as well as a church. Times are changing and the council needs to adapt.

Rigo stated based on the market analysis there are two to three thousand students getting married per year locally that need a place to live. They can live in downtown Logan in a basement or an apartment or they can come to Smithfield and live in something nicer for the same price.

Mayor Simmons cautioned the council the city needs to be family friendly. Rigo agreed and stated there is a cost to make everything look beautiful and esthetically pleasing.

Rigo stated he would be glad to sit down with the staff, council and mayor to discuss options for the property.

Brent stated he felt the council needed to support the residents currently residing in the area and they stated at the planning commission meeting they want to see homes on the parcel not apartments. Smaller homes for new couples would be a good fit for the area.

Jeff stated he was not sure how some of the big homes on the east bench are paid for as they are expensive and lower cost options like Brent proposed need to be considered.

Mayor Simmons stated times are changing and young families are no longer interested in ½ acre lots. The big lots put a drain on city culinary water system as well. People want good WiFi service and to be able to come and go as they choose and not have to worry about yard maintenance.

Rigo stated his family is looking at selling their home and buying two townhomes so he can come and go as he wants.

Rigo stated he wants higher density zoning for this area and it can be created to look the way the council wants. There is not a rush to start construction immediately but the rezone request must be approved before anything else can be done.

Mayor Simmons thanked Rigo for his willingness to listen to the concerns and thoughts of the council.

Kris stated she felt the advice and recommendation of the planning commission should be upheld. The planning commission needs to approve the plan before the council should approve.

Mayor Simmons suggested taking the ideas mentioned by the council back to the planning commission for review and consideration. Rigo stated he could.

Dennis stated it was up to Rigo to proceed or not and how to proceed. Dennis did not agree with the comments made by Kris about having the city dictate what the area should look like. Logan City does this but Smithfield has never done this in the past and Dennis did not feel it was appropriate now either. The council is considering the zoning request only not the layout of the parcel. If approved, the developers can do what they want as long as they meet city ordinances. Even though this discussion can occur the developer can still do as they choose even if they say they will do differently. If a different zoning request is made the developer needs to start over and go before the planning commission with the new request.

Dennis agreed the parcel is a challenge for development.

Rigo expressed concern a request for residential zoning will take two to three months to get approved. Craig stated the process is the same for residential zoning and the request goes to the planning commission before coming to the city council.

Rigo asked what the process is to de-annex from the city so the landowner does not have to pay city property tax? Brent stated the last time he checked the difference between county property tax and city property tax was very small.

Kris stated if the planning commission reviewed the request again and approved she would reconsider. Brent stated he would support the decision of those living in the area and they do not want apartments there. Kris remarked apartments are better than storage units.

Dennis stated another concern mentioned during the planning commission meeting was the extra number of people that will live in the area. Rigo stated Oak Street will not be impacted by the development since there is only one entrance and exit for the parcel. Dennis disagreed and stated the area will have more people if there are apartments than homes.

Rigo stated he needed to visit with his partners, Gary Hansen and Jesse Vega, about how they want to proceed from this point.

Mayor Simmons suggested tabling the request at this point.

Craig asked for clarification of what the council is asking for. The request before the council is for a rezone only and nothing to do with the plat for the parcel.

Rigo asked if the council ever went against the recommendation of the planning commission? Brent stated it happens on occasion.

Rigo stated they did not want R-1-12 zoning for the parcel.

Jesse Vega stated he did not think it would be productive to go back before the planning commission. The same neighbors would make the same complaints and the request would be denied by the commission. Plus this would take another couple of months and nothing will get accomplished.

Rigo informed the commission that Jamie Anderson, chairman of the planning commission, told him he felt Rigo was misled by the planning commission. Jamie did not vote to deny the request; he voted in favor of the request.

Dennis mentioned to Rigo that he had not attended any of the annexation meetings and if he had been there he would have heard the discussion on the zoning for this parcel was not favorable toward multi-family.

Rigo stated he is a member of the community and is not sure why he is dabbling in real estate as he makes enough money selling insurance.

Jesse stated the units could be built to look like the Riverwalk Apartments in Logan by the golf course. A very nice rock front is toward the road and the garages are in the back so cars cannot be seen when people drive by. Mayor Simmons stated those are nice looking apartments but quite expensive to build and would they be affordable in Smithfield?

Jeff stated many parcels in different parts of the city have been rezoned to multi-family over the last ten years and there is very little of that type of zoning being approved in communities to the north and south of the city. The city should be concerned with the number of requests that are being made in the city.

Jesse stated there are multi-family units on the north and south ends of town. Smithfield is a central community to some large businesses to the north and then to Logan to the south. Smithfield is still affordable. Pepperidge Farms and Presto Products are located north and a new apartment complex on the north end of town would give people a place to reside on the north end of town.

*** A motion to deny Ordinance 15-16, an Ordinance amending the zoning classification for Parcel No. 08-044-0006 from A-10 (Agricultural 10-Acre) to RM (Multiple Family Residential) was made by Dennis, seconded by Brent and the vote was unanimous.***

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY LYLE ESPLIN, AGENT FOR TRAIL RIDERS REPAIR, A VEHICLE REPAIR FACILITY, LOCATED AT 4560 N 400 W TO HOOK ONTO THE CITY SEWER SYSTEM. THE BUSINESS IS LOCATED OUTSIDE OF THE CITY LIMITS.

Clay reminded the council anytime a request for utility service is made by someone located outside of the city limits the request must be heard and approved or denied by the city council.

The current request is for a business outside of town that wants to hook onto the city sewer system.

Clay stated he did not know of any positives for the city by granting the request.

Mayor Simmons asked if there are any current connections outside of the city limits? Clay stated he was aware of only one; Jay Pitcher. Clay was not sure when and why that connection was granted.

Kris asked if those hooked on outside of the city pay a higher rate? Justin stated legally a different rate cannot be charged between residents and non-residents so Jay Pitcher pays the same as all of the residents.

Jeff asked for an update on the business. Jeremiah Esplin stated he owns the property and the business. The parcel is five acres in size. The building is located about 240 feet off of the road. The city sewer system runs down the road in front of the business.

Jeremiah stated he talked to Jim Gass months ago and was told an application would possibly be required.

Jeremiah mentioned his preference is to hook onto the city sewer system rather than install a septic system. Right now the property around the business is a hayfield.

Jeff asked what kind of business is being operated at the building? Is the request for one bathroom? Could the land be annexed into the city? Jeremiah stated water service would have to be run from the Jay Pitcher property to hook onto the city culinary water system.

Dennis asked if the building has a restroom facility currently? Jeremiah stated the building does not have a restroom facility.

Jeremiah mentioned he would pay for the entire cost of the project, pay the hookup fee, impact fee and monthly service if the request is granted.

Clay mentioned one concern he had is there is no recourse from the city if the property owner does not pay their monthly bill. The owner could possibly add floor drains or install a grease trap in the future that would drain into the system as well. Jeremiah stated it would be a fresh water drain.

Dennis asked if there is a way to verify what is going into the system from this business? Clay stated it would be monitored and tested by Logan City like other businesses in the city.

Jeff asked what the fees would be to hook onto the system? Clay stated the impact fee is \$540, the hookup fee is around \$40 and the monthly fee is \$24.

Justin reminded the council this would set a precedent for the future. How could other requests of the same nature be denied? The Esplin's are good people but if they sold the business there is no guarantee the property owner would pay their bill and there is not a way to shut off the sewer service. When a person has full utilities in the city the water service can be shutoff for lack of payment. Justin wanted to be clear his comments were not directed at the Esplin family specifically but about the precedent and the recourse of such situations now and in the future.

Jeremiah asked if it would be possible to annex into the city? Hooking onto the city system would be less impact to the property than a septic system. Mayor Simmons reminded Jeremiah the county has their own set of rules that must be followed.

Clay stated an island or peninsula cannot be created in the annexation process and in this case that would happen so annexation is not possible at this time unless several other property owners join in as well.

Brent asked Jeremiah how he got a business license without a restroom facility? Jeremiah said he did not need a business license where he is an agricultural business but he is taxed like a commercial business. Brent stated all businesses must have a bathroom. Jeremiah stated he did not have a business license through the county. Dennis stated he knew when he built his business building a bathroom was required and it had to be handicap accessible. There might be different rules for an agriculturally based business. Jeremiah stated the county did not want to zone the property as commercial so they kept the zoning as agricultural but tax the parcel as a business.

A motion to deny the request by Lyle & Jeremiah Esplin to hook onto the city sewer system for their business located at 4560 North 400 West, outside of the city limits, was made by Dennis seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

Jeremiah stated a port-a-potty costs \$90 per month which is expensive.

Clay mentioned the county health department has issued a permit for septic service if the city denied this request. Jeremiah stated he will pursue installing a septic system at this point.

Jeff asked if Jeremiah farms the land? Jeremiah stated that is correct.

DISCUSSION AND POSSIBLE VOTE ON APPROVING THE WASTEWATER AGREEMENT BETWEEN LOGAN CITY CORPORATION AND SMITHFIELD CITY CORPORATION.

Mayor Simmons informed the council he had asked Jim Gass to attend the council meeting and help to review the proposed sewer agreement as Jim had been involved in the process since the start. Jim stated he has been involved in the sewer agreement and service contract since 1989.

Mayor Simmons stated Logan City built their lagoon system many years ago and since that time six outlying communities have attached to their system. Algae is growing in the Logan City system and the EPA has set a mandate to stop this process. A new facility will be required to be built. The Department of Water Quality has agreed to loan the cities the majority of the money for the project at an interest rate of 0.75%. Jim stated the loan is for seventy million dollars and the entire cost of the project is around one hundred to one hundred fifteen million dollars.

Mayor Simmons commented Logan City would build and maintain the new system and each of the six outlying communities could still stay hooked onto the system. Smithfield had considered the option of building their own plant or a joint venture plant with Hyde Park City and North Logan City. The two biggest concerns about leaving the Logan City system are acquiring land for the plant and getting the State of Utah to grant a new discharge point. Jim stated the biggest issue is a new discharge points as the state does not want to grant any new ones.

Mayor Simmons also mentioned the state does not have any additional funding to loan for projects like this and the interest rate on the private market would be four percent or higher which significantly impact the amount paid by each resident.

Nibley, Providence and River Heights considered hooking onto the Hyrum City system but in the end they determined the Logan system was the cheapest and best option for their communities. Jim stated the more Hyrum looked into adding the three communities onto their system the more nervous they became. Their system would have to be expanded and they would have to seek bond funding to pay for it. Their liability and risk would increase significantly.

Mayor Simmons asked Craig to review the operation and maintenance of the sewer plant like the one being proposed for Logan City. Craig stated finding qualified operators for the plant is difficult. While working in Coalville they had a mechanical plant and the operator of the plant was finally lured away when another city gave him significantly more money to leave. Typically the sewer plant operator is the highest paid employee in the city. Most cities have to advertise for six or more months to find qualified applicants. Disposal of sludge is another big issue. Logan City has a landfill they can use for the sludge but none of the other communities have a solution for sludge disposal. Coalville spent approximately \$45,000 trying to compost their sludge and over the course of three years only generated revenue of about \$10,000. Employees, maintenance and repair and getting rid of the byproduct are all issues that Logan will be dealing with the other communities don't have to worry about.

Craig stated in his opinion the best option was for Smithfield to stay on the Logan City system.

Mayor Simmons mentioned some members of the community want the city to be self-reliant and have their own system but there are many obstacles in this situation and the best option for the community is to stay on the Logan City system. The current agreement has been in place since 1989 and has worked so well the cities have not met as often as they should to discuss the sewer treatment and lagoon operation.

Jim stated another concern was for the parcel to put a plant on for just the three cities: Smithfield, Hyde Park and North Logan. Smithfield would be able to gravity flow to the

property west of town but lift stations might have been required for North Logan and Hyde Park. Lift stations cost in the hundreds of thousands range if not more than one million dollars. The area west of town tends to be marsh type and is hard to build a plant on as experienced with the new Logan City pump station that services the northern communities.

Jim stated the original agreement started as a 1 ½ page document and ended up being 12 pages as currently proposed. The initial proposal by the outlying communities was to create a sewer district but Logan City refused to join. The outlying communities tried to hold up the loan approval for Logan City as a way to leverage Logan City to comply too some of the outlying communities demands and it did not work. Logan City was told they could proceed without any of the outlying communities being on the system. If none of the outlying communities were part of the Logan City system the monthly utility fee would only increase about four dollars per month per connection.

Logan City will impose the charges for the system but all of the cities will help to determine the rates to be charged to all of the communities.

If all of the outlying communities stay on the system an eighteen million gallon reservoir will be created.

Brent asked what the build out for the system is? Jim stated 20 years but most likely the system will last longer than that so the agreement is for 30 years and can be extended in five year increments.

Logan City will own and operate the new system. The employees will be Logan City employees. Logan City will be responsible to make the annual bond payment as well as pay all associated expenses for the plant.

The outlying communities have three responsibilities: having a member on the rate committee, sending the sewer to the Logan City system and paying the monthly bill.

Mayor Simmons explained there is a provision for independent auditing and the rate cannot be set by Logan City at any rate they deem as appropriate. The rate must be just and proven.

Jim stated Logan City will own and operate the new plant but each community will be responsible for the costs of their own collection system. There will be some facilities that have shared costs by communities. The sewage sent from Smithfield does not go directly to Logan it mixes with other communities along the way and so joint costs would be involved in those areas.

Each city will bear 100% of the cost of issues for sending product into the system that damages the system.

Big businesses will be able to hook on in any city and receive sewer service. There was a concern by the outlying communities that Logan would deny big users the ability to hook on anywhere outside of the Logan City limits.

Rate studies will be completed and Logan residents will pay the same rate as the residents of the other communities.

All revenue collected for the sewer service must stay in the fund and cannot be used in different enterprise funds. The sewer plant is a separate fund from the collection system fund.

A reserve will be built to pay for major maintenance, repairs and future expansion.

Currently, there is about seventeen million dollars that has been set aside by all of the communities to start this project.

Fees will be paid by all of the communities to help close the existing lagoons. If a lagoon is not closed and used for other reasons other than sewer treatment by Logan City the cost will be up to Logan City to pay.

Brent asked if the lagoons would be closed? Jim stated a formal plan had not yet been submitted but some of the lagoons will still be needed to help equalize flows as some times flow are significantly higher than other times.

Most likely the plant will be located on the Valley View Highway close to the Cache County Jail but an exact location has not been determined.

Logan City will recoup some administrative fees for the project such as wages for those employees helping on the plant that are not sewer system employees, legal fees, engineering and accounting fees. The administrative fee will be around 3.5%. Mayor Simmons stated the committee can review the administrative fee and make sure the outlying communities are not being overcharged.

The sewer fund will be audited on a yearly basis.

Logan City will get paid a 5.5% transfer fee for the intangible risk they incur for owning and operating the system. This was a major discussion and sticking point in the negotiation and originally started at 8%. Jim stated Logan City incurs all of the risk for the system and should receive some reward for carrying the entire burden of all of the communities.

Mayor Simmons commented he was glad the mayors were able to sit down together and work out the agreement that works for all of the communities.

Jim mentioned he thinks the rate committee is the most important part of the entire agreement. The agreement states the committee must meet at least once per year but Jim suggested the committee meet at least quarterly.

An annual report will be prepared by Logan City and distributed to the outlying communities.

Professional consultants will be hired to help determine the rate schedule. The rate consultant will be an independent consultant.

An annual budget will be created by the committee and submitted to the Logan City Mayor for review and approval by the Logan City Council.

The members of the committee can be the mayor, council members, consultants or city staff members. A chairman and vice chairman will be selected on an annual basis. The representative of Logan City will be the chairman on an every other year basis.

The committee can meet as often as necessary.

Logan City has the majority of the votes. There are a total of 1,000 votes. The votes are based on the flow into the system and the dollars spent on the system.

The number of votes is as follows:

Logan	667	66.7%
Smithfield	71	7.1%
Hyde Park	37	3.7%
North Logan	112	11.2%
River Heights	8	0.8%
Providence	71	7.1%
Nibley	34	3.4%
Total	1,000	100%

The number of votes will be adjusted on a yearly basis.

Voting is different based on the specific situation. Some items require three of the voting members and at least 60% of the total shares to vote. Other items require at least five of the voting members to vote and at least 80% of the total shares to vote.

All of the communities will be metered. The flow for Logan City will be determined by subtracting the total gallons used by the six outlying communities from the total gallons run through the entire system on a monthly basis. All communities will use the same type of meter and be calibrated in the same manner.

The fund will be its own enterprise fund so the revenue and expense cannot be mixed into other Logan City enterprise funds or the general fund.

The administrative fee and transfer fee combine to make about \$1.00 per month per connection for those connections outside of the city limits.

The outlying communities have no liability in regards to the new plant.

If the rate committee does not set the rates in a timely manner; Logan City can set the rates without permission from the rate committee.

Logan City will be responsible to collect revenue for the system and pay the expenses and annual bond payment for the system.

Any of the outlying communities can leave the system at any time for any reason.

Mayor Simmons thanked Jim for reviewing the agreement and highlighting the important factors in the agreement. The council must decide whether or not to accept or reject the agreement.

Mayor Simmons informed the council all of the cities had reviewed and accepted the agreement except Smithfield and Providence and both of those cities are addressing the agreement in August at their council meetings.

Dennis asked why the county is not involved in this project? Jim stated in most other areas of the state the county is involved in items like this, parks and recreation and countywide library systems but the local county officials have always been hesitant to join onto agreements like this. One of the reasons might be this agreement only includes seven communities and not the entire valley. Dennis mentioned the majority of the valley is located within those seven communities.

Dennis asked for clarification on the rate charge being the same for residents of all communities. Jim stated rate studies will be done yearly and the flow rate will be the same for each community but the collection system fee will be different. Each city has their own collection system and has to deal with it and pay for it on their own.

Dennis stated the incentive to the city is to keep the cost of the collection system, owned and maintained by the city, as cheap as possible.

Jim stated the cost of treating sewage has increased over the years but the amount charged to the residents has remained about the same.

Mayor Simmons cautioned everyone a significant rate increase is coming. Jim stated the last number he heard was around a \$10 per month per connection increase.

Brent asked when the plant would be completed by? Jim stated either 2018 or 2019.

A motion to approve the interlocal wastewater agreement between Smithfield City Corporation and Logan City Corporation was made by Dennis, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

****The council meeting temporarily adjourned for a short break at 8:57 P.M.****

****The council meeting restarted at 9:07 P.M.****

PUBLIC HEARING ON ORDINANCE 15-17, AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE 5.32.110, FORM OF CERTIFICATE AND IDENTIFICATION BADGE ON SOLICITOR LICENSES.

Justin informed the council the staff is in the process of getting PDF fillable forms on the city website for people to be able to fill out before they come in. In reviewing the requirements for a solicitor license and badge the staff is asking for a couple of changes. Currently, the solicitor badge has a picture and the person's name but not the business name. The city staff would like to include the business name on the badge. The staff runs a background check through BCI and a photograph and information is kept on-file with the city for each person applying.

Kris mentioned she wants to keep a picture on the badge so people can just not exchange them. Each badge would specific to one person.

Brent asked how many solicitors come in during the year? Justin stated the last couple of years there have not been many but there are times when a company that sells alarm systems or pest control could bring as many as a dozen people at a time. They come in for a couple of days and then they are gone.

****The public hearing opened at 9:13 P.M****

There was not any resident input.

****The public hearing closed at 9:14 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-17.

****A motion to adopt Ordinance 15-17, an Ordinance amending certain provisions of Title 5.32.110 Form of Certificate and Identification Badge was made by Kris, seconded by Brent and the vote was unanimous.****

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

DISCUSSION AND POSSIBLE APPROVAL OF ALLOCATING BUDGETARY FUNDS TO CACHE COUNTY CORPORATION FOR USE IN HIRING A NEW TRAILS COORDINATOR FOR CACHE COUNTY.

Mayor Simmons informed the council that Cache County Corporation wants to hire a trails coordinator to work with all of the communities in the valley to combine their trails into one big trail system through Cache Valley.

Craig stated each city has the option to opt-in or opt-out. The estimated cost to the Smithfield would be \$2,498 per budget year and there is a two-year commitment.

Kris stated she felt this is a great idea and would help enhance the valley and the city.

Mayor Simmons expressed concern that Smithfield could opt-in and Hyde Park could opt-out and North Logan could opt-in and to make the system work Hyde Park would have to be included but not have to spend any money. Hyde Park could potentially benefit from the program and not have paid any of the cost of the project.

Craig stated the project is for a minimum of two years and he is not sure how much can be accomplished in a two-year period in this regard. The first year the new employee will be working with all of the communities on trail maps and how to align each community. The long term intent is to create a countywide regional trail plan. The new employee could help to apply for grant funding as well.

Brent asked if there is a guarantee any time will spent in Smithfield working on the trail system? Craig stated that is a good question and an unknown at this time.

Craig informed the council the trails coordinator would be overseen by the Cache County Development Office and an employee oversight committee within the department.

Mayor Simmons asked if an exact amount owed by the city is known? Craig stated the current estimate is \$2,498 per year but could fluctuate as cities opt-in or opt-out. North Logan and Lewiston are going to participate. Hyde Park has not yet decided. Richmond decided not to participate.

Brent asked what fund the funds would come from? Craig stated through the general fund and there would have to be a budget adjustment at a future council meeting to include the increase; if approved.

Jeff asked if all cities were being invited to participate? Dennis stated all of the cities in the valley were listed on the estimated fee schedule.

Dennis mentioned the majority of the cost is being paid for by Cache County Corporation.

Dennis stated it was a shame all communities were not participating. Justin stated Richmond felt the program would only be focused around the Logan area and Richmond would not see any benefit from contributing to the project at this point or in the next few years.

Kris stated she felt the city should participate.

Craig mentioned the Legacy Trail in the Salt Lake area and how well utilized it is by those residing in the area. The long term intent would be to have a trail that connects all around the valley.

Kris mentioned Council Member Holly Daines from Logan City had asked for copies of the city's trail plan last year as the thought process for this position started.

Dennis suggested not setting the dollar amount at \$2,498 since the amount might change as other communities opt-out.

Brent asked if there is a time limit? Justin stated there is a two year commitment for those cities that agree to opt-in.

A motion to approve budgetary funds not to exceed \$3,000 per fiscal year for two years paid to Cache County Corporation for use in hiring a trails coordinator was made by Kris, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

DISCUSSION AND POSSIBLE VOTE ON CHANGING CITY CODE PUBLICATION SERVICES.

Craig informed the council right now all city ordinance codification is done by Sterling Codifiers. They publish the ordinances for the city. The city staff has been approached by a different codification company named Municipal Code Online (MCO). Their specialty is on-line codification that can be immediately done by the city staff. MCO is more flexible than the current system and has a much quicker timeline for ordinances to be put on-line and accessible. The cost is \$1,500 per year. The service allows the use of six books in their system. Some of those the city can consider are ordinances, resolutions, policies and procedures, public works standards, meeting minutes and plans.

MCO is developing a new city meeting minute transcription service that will have the draft minutes of a meeting ready within 48 hours. This new service is still being worked on.

The MCO search engine allows for primary and secondary searches for ease of use.

The product offered by MCO is staff, city council and resident friendly.

The transition from Sterling Codifiers would only take a couple of weeks to implement.

Justin stated the staff is not looking for an increase in the budget as the cost would be about the same amount as is paid to Sterling Codifiers on a yearly basis.

Craig mentioned Hyde Park, Nibley and North Logan are already using MCO. Lewiston, Hyrum and Providence are looking into switching to MCO.

Mayor Simmons asked if a contract is required? Craig stated no contract or long term commitment is required and service can be switched at any time.

A motion to switch city codification services from Sterling Codifiers to Municipal Code Online (MCO) was made by Kris, seconded by Jeff and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

DISCUSSION ON A SIX (6) MONTH MORATORIUM FOR MULTI-FAMILY ZONING APPROVAL.

Kris stated she felt the council needs to review multi-family zoning and intrablock developments in depth as the master plan is started to be updated at the first of the year.

Kris felt some of the intrablock developments were done well and some turned out awful.

Kris stated she felt a moratorium on multi-family zoning approval and intrablock developments should be put in place when the master plan is started.

Kris informed the council Hyrum City just turned down a very large development and she is concerned the developer will now come to Smithfield with a similar request.

Kris expressed frustration that developers feel they can come to Smithfield and will always get approved for their projects.

Jeff asked Kris if she just wanted to temporarily stop zoning request changes to multi-family? Kris stated that was correct and she wanted to temporarily stop approval of intrablock developments as well.

Brent mentioned all of the multi-family areas on the master plan are occupied and he did not feel a moratorium was needed.

Kris commented she felt the council was approving spot zoning. Kris mentioned the Cantwell Lumber property as an area she considered spot zoned.

Kris felt the council needs to review where and how much more multi-family areas should be allowed in town before more are approved.

Mayor Simmons asked how easy or hard the process is to implement a moratorium? Craig remarked it is actually quite simple. An ordinance is prepared by the city staff and passed by the council. Craig provided an example ordinance from another community. The ordinance does not require a public hearing or to be reviewed by the planning commission. The moratorium would last for a period of six months.

Craig explained the master plan is just a guide or suggestion. For example, the request for a rezone earlier in the meeting was for multi-family zoning but the master plan shows the area as

community commercial zoning. A developer can ask for any type of zoning and the council can approve or deny the zoning request. Following the master plan is not mandatory as things change after the master plan is completed.

Mayor Simmons asked if the process starts with the council? Craig stated that is correct.

Craig informed the council he is working on obtaining grant funding to pay for the new master plan.

Clay mentioned the master plan is nothing more than a guide. Situations change all the time and are different than outlined in the master plan.

Mayor Simmons asked what happens when a moratorium is put in place? Craig stated no new requests can be granted by the council for the items mentioned in moratorium ordinance.

Brent mentioned he felt like a moratorium did not change anything. Kris disagreed and stated a moratorium gave the council time to review future planning and development for the city.

Kris mentioned the council cannot keep approving spot zoning such as the Cantwell Lumber property. Dennis stated the Cantwell Lumber property was not spot zoned as the parcel directly to the south is zoned multi-family and the parcels touch each other.

Kris stated builders and developers are coming to make more multi-family zoning requests. Mayor Simmons asked who told her this? Kris stated she had talked to one developer that stated that was the case.

Justin mentioned a moratorium should not even be considered until the master plan process is started which would be around January 2016; at the soonest.

Craig informed the council J-U-B Engineers would be meeting with the staff on Thursday, August 13th to discuss funding options for the new master plan. The city had budgeted \$20,000 for the new master plan and significantly more funding will be required. Cindy Gooch of J-U-B Engineers specializes in writing grants and will be working with the city staff on the grants that will be submitted.

CITY MANAGER REPORT

PERSONNEL MANUAL UPDATE

Craig stated the intent of the office staff is to revise the personnel manual to be more clean and clear. Chapters one through three have been sent to the council for review after Craig, Justin and Jane make suggested changes and updates. The staff would now like the input of the council on the first three chapters. The intent is to have the staff make proposed changes, the council review and then legal counsel sign off on the entire manual so the new manual can be put into effect on January 1, 2016.

Jeff mentioned much of the first section had been proposed to be removed. Craig agreed and stated much of the fair labor standards information was outdated and redundant. Many things in there were misunderstood by the employees as well. The introduction will now just be one page.

Craig informed the council he felt strongly that background checks and drug testing should be done on all new employees and wanted the thoughts on the council of whether or not to include the drug testing requirement in the new manual. Background checks are done by the local police department but there is a cost associated with drug testing. All employees with a CDL automatically require a drug test.

Mayor Simmons asked if employees carrying guns had special requirements? Craig stated the police department has an entirely different set of standards.

Mayor Simmons asked if the qualifications for fire department employees were similar to the police department? Craig stated that was correct.

Jeff asked who would pay for the drug test; the city or the employee? Craig stated the city would pay the cost of the drug testing.

Kris asked for a cost per drug test? Justin stated approximately \$25.

Kris asked if just the proposed new hire would be tested or all applicants? Craig stated only new full-time employees that are offered employment. Right now it has not been determined whether or not to include seasonal employees. The city hires around two to three new full-time employees per year so the cost on an average year would be \$75 per year.

Kris supported making drug testing mandatory for new employees.

Mayor Simmons asked if CDL license holders are checked randomly? Craig stated that was correct.

Craig asked the council if they had any issue with changing the probationary period for new hires to: three to six months? Each department head had a different opinion on the probation period. Justin wanted 90 days for the city office staff. Police Chief Travis Allen wanted 12 months for the police department. Public works wanted six months. The council had no issue with the three to six month probation period change.

Craig informed the council he would be out of the office on Friday, August 14th so no weekly report would be sent to the council. Kris thanked Craig for sending the report weekly and for the information provided to the council in the report. Craig stated he has some different ideas for employee workload in the winter when things slow down. Mayor Simmons thanked Craig for the weekly report and how it is presented.

COUNCIL MEMBER REPORTS

Dennis informed the council that library board member Karen Cripps term had expired and the library board had selected Holly Jones as her replacement. Dennis mentioned Holly had been contacted and she was willing to serve. Normally, three names are discussed by the board and then one is selected to serve.

Mayor Simmons asked if there were any updates about the library from the board? Dennis stated he was not aware of anything since the library board takes the summer off.

A motion to appoint Holly Jones as a member of the Smithfield City Library Board was made by Dennis, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Monson, Barnes, Buttars

No Vote: None

Absent: Kent

Kris did not have any additional items.

Jeff informed the council Glen Jay Thornley's grandson was overseeing the project of organizing the cleanup of the historic cabin. Hopefully, the cabin will be cleaned up within a couple of weeks.

Jeff asked if anyone had attended and seen the city fair booth at the Cache County fair? Craig stated he had seen the booth and sadly there were only around five cities that participated this year.

Jeff informed the council a local boy scout had been working on his communication merit badge and provided Jeff a copy of some of the history of the Cantwell Lumber Company. There was a write up and photos to review by the council.

Brent asked for an update on the recent car thefts in the city. Mayor Simmons stated a person in Logan City had been identified and the police department is working on the case. Craig mentioned the majority of the incidents were crimes of opportunity where cars had been left open and were easily accessible.

Brent mentioned he was disappointed in the highway resurfacing project. The surface was very rough. Mayor Simmons and Justin concurred. Brent expressed concern over how the intersections were done as there were several rugged seams. Craig stated he had attended a conference recently and the same contractor had done the same type of work to other roads in the state and they were all experiencing the same types of problems as Brent had mentioned. Mayor Simmons stated he was going to contact UDOT and express the concern of the council about the quality of work completed by the subcontractor.

MAYOR'S REPORT

UDOT 100 NORTH (SR 218) MEETING REVIEW

Mayor Simmons informed the council himself, Craig and Justin had met with Darin Fristrup and Todd Finlinson of the Utah Department of Transportation (UDOT) to discuss the speed limit and concerns of the council on 100 North.

UDOT will be adjusting the speed limit from Main Street to 400 West from 30 miles per hour to 35 miles per hour.

The speed limit from 400 West to 800 West will stay at 40 miles per hour.

UDOT will monitor the road closely when the speed limit is adjusted.

New school crossing signs that are approximately 25% larger will be installed. The new signs have a flashing light at the top and bottom and are very visible.

UDOT is going to do a warrant analysis on 800 South Main to see the feasibility of adding a stop light to that intersection. There was previous resistance by UDOT to put a stop light at that intersection when it was only a three-way road but now the road has been extended going west they feel a stop light might be appropriate. Installing a stop light at 800 South would most likely make installing a future stop light at 1000 South not needed especially where 1000 South does not extend to the east off of Main Street.

Brent expressed concern about cars driving east and west on the south end of Subway down by 1000 South. Clay mentioned the property owner had created a private roadway area there and the people residing to the east in the apartment complex tend to use the private road on a regular basis.

Mayor Simmons asked if there are any safety issues in this area? Craig mentioned it is a private road and cannot be controlled by the city. Clay stated the road might be further developed in the future if the area to the south of the private road is developed.

****Kris made a motion to adjourn at 10:01 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 Wednesday, **August 12, 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 July 8, 2015
2. 6:05 P.M. Resident Input
3. 6:15 P.M. Jeff Jackson, Ironwood Development Group, LC, agent for Jessica Tams Quinton, property owner, has requested approval of Phase 2 of the Final Plat for the Smithfield Heights Subdivision (9 lots) located at approximately 730 East 550 North. Zoned R-1-12 (Single Family Residential 12,000 square feet).
4. 6:30 P.M. Public Hearing on the request to consider a conditional use permit application by Craig H. Ricks, agent for CTR LLC, to allow for a four (4) lot minor subdivision/intrablock development located at 364 North 100 East. Zoned R-1-10.
5. 6:45 P.M. Discussion and possible vote on the conditional use permit request by Craig H. Ricks, agent for CTR LLC.
6. 6:55 P.M. Discussion and possible vote on the request by Ryan Reeves, agent for VEFINA, LLC, for approval of a two (2) lot minor subdivision located at approximately 600 South 100 East. Zoned CC (Community Commercial) & RM (Multiple Family Residential)
7. 7:15 P.M. Public Hearing on Ordinance 15-16, an Ordinance amending the zoning classification on Parcel No. 08-044-0006, 4.85 acres, located at approximately 780 North Main from A-10 (Agricultural 10 Acre) to RM (Multiple Family Residential).

8. 7:35 P.M. Discussion and possible vote on Ordinance 15-16.
9. 7:50 P.M. Discussion and possible vote on the request by Lyle Esplin, agent for Trail Riders Repair, a vehicle repair facility, located at 4560 N 400 W to hook onto the city sewer system. The business is located outside of the city limits.
10. 8:10 P.M. Discussion and possible vote on approving the wastewater agreement between Logan City Corporation and Smithfield City Corporation.
11. 8:30 P.M. Discussion and possible vote on rescinding Ordinance 15-05.
12. 8:45 P.M. Public Hearing on Ordinance 15-17, an Ordinance amending certain provisions of Title 5.32.110, Form of Certificate and Identification Badge on solicitor licenses.
13. 8:50 P.M. Discussion and possible vote on ordinance 15-17.
14. 8:55 P.M. Approval of surplus sale items
Xerox Copy Machine WorkCentre Pro 55
15. 9:00 P.M. Discussion and possible approval of allocating budgetary funds to Cache County Corporation for use in hiring a new trails coordinator for Cache County.
16. 9:15 P.M. Discussion and possible vote on changing city code publication services.
17. 9:20 P.M. Discussion on a six month moratorium for multi-family zoning approval
18. 9:40 P.M. City Manager Report
Personnel Manual Update
19. 10:00 P.M. Council Member Reports
20. 10:15 P.M. Mayor's Report
UDOT 100 North (SR 218) Meeting Review

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 08/10/15, and the Utah Public Meeting Notice website.