

SMITHFIELD CITY COUNCIL

SEPTEMBER 9, 2015

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, September 9, 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, Barbara Kent, Jeff Barnes, and Brent Butters.

Kris Monson 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 Mayor Simmons.

VISITORS: Kelly Cannon (The Herald Journal), Glen Jay Thornley, Chad Poulson, Susan Barrus, Davie Lillywhite, Edith Lillywhite, Lyle Coleman, Blake Dursteler, Ryan Reeves, Bret Rigby, Jeffrey R. Gittins, Brett Daniels, Brandon Muir, Travis Allen

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM THE AUGUST 12, 2015 CITY COUNCIL MEETING

A motion to approve the city council meeting minutes from the August 12, 2015 city council meeting was made by Dennis, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Kent, Barnes, Butters

No Vote: None

Absent: Monson

RESIDENT INPUT

Glen Jay Thornley came before the council to discuss five items.

A resident informed Glen Jay sprinklers were hitting the historic cabin and Glen Jay asked the city staff to adjust them away from the building.

Deer had eaten Glen Jay's garden and he suggested watching to see how North Logan City handles their urban deer problem.

Mayor Simmons asked Glen Jay what he would do about the deer problem? Glen Jay stated he is a conservationist and would hate to see the deer trapped and killed but would hope they could be trapped and moved far enough away they would not return to the city. Glen Jay stated his daughter is having issues on the east side of the city with deer at her residence and he does not have a real good solution for the problem.

Mayor Simmons asked Glen Jay if he would sit on a committee to study the urban deer issue if the city creates one? Glen Jay stated he would be glad to participate.

Mayor Simmons stated most likely the issue will be on a future city council meeting agenda and possibly a committee could be formed to look at the issue. Glen expressed concern for the traffic related issues and accidents caused by the deer in the city as well.

Glen Jay suggested a bow hunt within the city limits might be appropriate. Mayor Simmons cautioned there are many negatives to a bow hunt as normally a bow shot does not result in an immediate kill and the deer can roam from yard to yard before expiring.

Glen Jay informed the council he had attended a Cache County Council meeting and at the end of the meeting there was a discussion with how Logan City is not happy with the county council in regards to trails and the airport. Logan City is not happy RAPZ tax funds are being used at the airport. Logan City wanted to have a joint meeting with the county council and two county council members objected. Those objecting to the meeting stated the population of the valley outside of the Logan City area is twice as many as Logan City and they would not be fairly represented. The Logan City council consists of five members and the county council consists of seven members. Three of the county council members reside in Logan city. Too much power would be given to Logan City if such a meeting held place.

Glen Jay suggested if an invitation formally or by word of mouth comes for Smithfield City to participate the city council should send a representative of the city to attend meetings like the one being proposed.

A member of the Logan City council is against having more people included in the discussion as this person is worried the more people involved the less that will get accomplished.

Glen Jay asked for the council to review some of the intersections in town that are overgrown and becoming a safety hazard. Glen Jay specifically pointed out the intersection at 100 South 200 West. Glen Jay felt there were around six to ten intersections in town that need to be reviewed and a couple of them were up by Jeff Barnes residence. Mayor Simmons informed Glen Jay historically the city staff trims trees in the fall after all of the infrastructure work has been completed and snow plowing time is about to start but the issue would be reviewed and areas identified that need to be cleared.

PRESENTATION BY SUSAN BARRUS ON THE 2015 CHILDREN'S THEATRE PERFORMANCE.

Susan Barrus stated this year was the 10th anniversary of the children's theatre production. A new board has been created to help with the production.

The following assignments have been made:

Susan Barrus	General Manager, Producer, Director
Kelly Olsen	Business Manager

Todd Durrant	Music
Shelly McCammon	Choreography Production Supervisor
Hayley Neil	Costume Design
Chantel Larsen	Costume Production and Management
Heather Mitchel	Volunteers

Susan explained her children had grown up and moved away and she could no longer do the production without some assistance.

Last year a RAPZ tax application had been submitted but was denied. Nibley City had been approved for the same type of production and Susan contacted the county council to see why last year's application was denied. After review, the county council determined the request should not have been denied and the city was awarded \$1,000 to help towards the cost of the production in 2016. This amount will be on top of the amount allocated in the budget by the city council.

All of the costumes are in bins, totes or cupboards. A sign in/out sheet is required when items are used by other cities or local groups.

The production in 2016 will be Twelve Dancing Princesses. This production was also the first one done by the children's theatre twelve years ago. The long term plan is to have a new show every other year and then a repeat of a past production every other year.

Approximately 160 children participated this year. In the past, anywhere from 140 to 220 children have participated.

Mayor Simmons thanked Susan for her years of dedicated service and for keeping the annual tradition of the children's theatre moving forward.

Susan expressed excitement for how the production makes a positive change to children's lives. It helps children overcome social blocks and social anxiety.

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY DAVID R. LILLYWHITE, FOR APPROVAL OF "ONE ACRE SUBDIVISION", A TWO (2) LOT MINOR SUBDIVISION LOCATED AT 200 SOUTH 500 WEST. ZONED R-1-20.

Clay informed the council the request had been before the planning commission and approved and forwarded to the city council for review and consideration.

Dennis mentioned the request is quite simple.

Barbara asked which way the new home would be facing? David Lillywhite stated to the south.

Jeff concurred with Dennis and thought the request was quite simple and straight forward.

David informed the council the planning commission had recommended not requiring curb, gutter and sidewalk in this area. The request can be granted by the council since the location of the new home is west of 400 West.

Edith Lillywhite stated requiring curb and gutter would limit access for farm equipment on the neighbor's property to the north.

David informed the council there is a place between his property and the Smith property for surface water to run and collect.

Brent asked if there would be storm water issues if curb and gutter was required? Clay stated the city would resolve the concern like is done in all other subdivisions if the requirement is not removed.

Jeff asked if sidewalk would be required? Clay stated David was requesting the sidewalk requirement be removed as well.

Edit expressed concern that if curb and gutter is required there could be safety problems due to the amount of wide farm machinery that goes up and down the road.

Edith stated the closest sidewalk is at the Lyle Coleman residence.

Barbara asked if there is any curb and gutter in the area? Clay stated there is approximately 250 to 300 feet east of the Lyle Coleman property. Jeff mentioned there is on 200 South from 400 West to 500 West on the north side of the road.

A motion to approve the Once Acre Subdivision with the condition that curb, gutter and sidewalk not be required was made by Jeff, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Kent, Barnes, Buttars

No Vote: None

Absent: Monson

DISCUSSION AND POSSIBLE VOTE ON THE REVISED CONDITIONAL-USE PERMIT APPLICATION AND FINAL PLAT FOR THE STEPHENS SUBDIVISION FROM DAVID R. LILLYWHITE TO ALLOW A FIVE (5) LOT, RATHER THAN SIX (6) LOT MINOR SUBDIVISION/INTRABLOCK DEVELOPMENT LOCATED AT APPROXIMATELY 135 SOUTH 151 WEST. ZONED R-1-12. THE PURPOSE OF THE REVISION IS TO CONVERT WHAT HAS BEEN SHOWN AS LOT 6 ON THE ORIGINALLY SUBMITTED FINAL PLAT INTO A SEPARATELY DESCRIBED PARCEL BUT WITH ALL REQUIRED IMPROVEMENTS SUCH AS CURB, GUTTER AND SIDEWALK CONSTRUCTED ALONG THE FRONTAGE OF FORMER LOT 6 AND ELSEWHERE, AS IF FORMER LOT 6 REMAINED IN THE STEPHENS SUBDIVISION. THE INTENT IS TO HAVE FORMER LOT 6 HAVE ALL REQUIRED PUBLIC IMPROVEMENTS CONSTRUCTED ON PUBLIC PROPERTY ON THE

FRONTAGE ON 300 WEST OR ON THE DEVELOPER'S PRIVATE PROPERTY IN SUCH A MANNER THAT SAID FORMER LOT 6 WILL REMAIN AND APPEAR AS PART OF THE STEPHENS SUBDIVIONS, EXCEPT FOR THE SPECIFIC DESIGNATION OF THE REAL PROPERTY AS "LOT 6".

Clay informed the council the request had been previously approved by the city council. There was an issue with Lot 6 of the subdivision. After talking to city attorney, Bruce Jorgensen, he stated Lot 6 does not need to be included in the subdivision. The owner of Lot 6 would not sign off on approval of the subdivision and Bruce stated the signature of the parcel owner of Lot 6 would not be required but the approval needed to be changed from a six lot intrablock development to a five lot intrablock development.

Jeff asked if the request is to leave the existing house and lot out of the approval? Clay stated that is correct.

David Lillywhite expressed frustration the law allows one homeowner to control the entire subdivision approval. Clay stated if Don Corbridge, who owns the south lots of the subdivision, had followed the law there would not be an issue. David stated it had taken an additional year of waiting for approval after spending ten thousand dollars on engineering fees and eighty-five thousand dollars for the land. The law currently states the existing homeowner must sign the plat and the homeowner did not want to sign the plat without some type of compensation.

David had hired Bruce Jorgensen to help resolve the issue and the current proposal is Bruce's recommendation to the city.

David explained the owner of the existing home, the Moss family, had stated they would sign the plat but then they refused to and asked to be bought out for \$240,000. David felt they were trying to extort the developers of the project.

Barbara asked if the revised request allows the subdivision to proceed? David stated that is correct.

David stated curb and gutter will still be installed in front of Lot 6 as part of the approval process. Bruce Jorgensen had made that stipulation as part of the approval process by the city.

Mayor Simmons asked if the barn would be removed? David responded that Don Corbridge owns the south lots and would be removing the barn. David owns the north lots and will develop them. Most of the road is on the property owned by Don. Don has two lots and David would have three lots.

Justin informed the council the wording for the agenda and possible approval is what was recommended by Bruce.

Jeff asked if the road would be a city street? Craig stated it would not; it would be a private street.

Barbara asked if the entry is a driveway or road? Clay stated it is a private road.

Jeff asked if the subdivision will have curb, gutter and sidewalk? David explained where this is an intrablock development with a road that is only thirty feet wide curb, gutter and sidewalk is not required. The side of the road will have three feet of gravel for drainage purposes.

A motion to approve the Stephens Subdivision and conditional-use permit for a five (5) lot minor subdivision located at approximately 135 South 151 West was made by Dennis, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Kent, Barnes, Buttars

No Vote: None

Absent: Monson

PUBLIC HEARING TO DISCUSS AN APPLICATION TO OBTAIN FINANCIAL ASSISTANCE THROUGH A GRANT OR LOAN FROM THE COMMUNITY IMPACT BOARD (CIB). THE REQUESTED FUNDING WILL BE USED TO HELP PREPARE AND/OR UPDATE THE GENERAL PLAN, PARKS AND TRAILS PLAN, AND THE DEVELOPMENT OF IMPACT FEE ANALYSIS FOR WATER, STORM WATER, SEWER, PARKS AND TRAILS.

Craig informed the council the city is applying for a 50/50 matching grant through the Community Impact Board (CIB). The city is seeking grant funding in the amount of \$60,000 and the city will be required to match \$60,000. The hope is to get some grant funding and start the general plan process in January 2016. The intent is to have the city pay \$30,000 in this budget year and \$30,000 in the next budget year. At this time; the city has budgeted \$20,000 in the current budget year. The general plan, parks and trails plan, transportation plan, water plan, storm water plan and impact fee analysis would all be completed as part of this process. Part of the process is to have a public hearing announcing the city has the intent to apply for grant funding. The application for the grant is due by October 1st. The council would be informed within a couple of months if the grant is approved.

Jeff asked Craig if he would have to go before the CIB board to request the grant? Craig stated that is correct. J-U-B Engineers is helping put together the grant and presentation for the CIB.

Mayor Simmons asked if other firms had been considered for the project? Craig stated he was using J-U-B Engineers as they did the original general plan and the process would not have to start over.

Mayor Simmons asked if J-U-B Engineers is the best option? Craig stated that is correct.

Mayor Simmons asked how long the general plan update will take? Craig stated the intent is to start in January and the process will take about one year.

Mayor Simmons asked if the residents and city council would have input on the new general plan? Craig stated there will be several public hearings and meetings for the residents and council to offer their input and suggestions.

Mayor Simmons asked when the last general plan was completed? Barbara stated ten years ago. Craig remarked there is a state mandate for each city to have a general plan in place.

Barbara asked if the plan has to be updated? Craig stated it is in the best interest of the city to keep the plan up to date. When a capital improvement plan is created the city will be able to apply for more grant funding.

****The public hearing opened at 6:53 P.M.****

There was not any resident input.

****The public hearing closed at 6:54 P.M.****

DISCUSSION AND POSSIBLE VOTE ON THE COMMUNITY IMPACT BOARD (CIB) FINANCIAL ASSISTANCE APPLICATION.

Dennis stated he was familiar with the CIB but asked about the process if they only did grants, or grants and loans? Craig stated usually planning requests are grant based. The trend in the past has been the CIB has approved 50/50 matching grants for planning projects. On big projects they might do a grant and loan with a low interest rate. For the type of projects they review and consider; \$60,000 is a small amount.

Dennis asked if the city could request more than just fifty percent? Craig stated the city could ask for more but historically the CIB won't approve over fifty percent of the project cost.

Dennis mentioned the CIB had been very good to the city previously.

Craig stated he felt with a 50/50 request the city would have a good chance of getting the grant funding.

Barbara asked if the grant request was guaranteed? Craig stated there is a chance it won't be approved. Nothing is guaranteed.

Barbara stated it is a lot of money for the project but the general plan needs to be updated to offer guidance to the city council and planning commission.

Mayor Simmons stated he heard all of the CIB funding was funding a road or railroad project in Central Utah? Craig stated the CIB has different funds. Previously, they hired some people internally to help with general plan updates but they became so overwhelmed with requests they have offered grant funding to have private firms help with the process.

A motion to approve the application for financial assistance from Community Impact Board (CIB) was made by Dennis, seconded by Barbara and the vote was unanimous.

Yes Vote: Watkins, Kent, Barnes, Buttars

No Vote: None

Absent: Monson

APPROVAL OF CLAY BODILY AS CITY ENGINEER.

Craig informed the council that Clay Bodily had been the Assistant City Engineer for twelve years. Jim Gass was the City Manager and City Engineer. Clay has been acting as the city engineer for about six months since Jim retired.

Craig mentioned Clay has been doing a tremendous job and works well with the residents in explaining ordinances and requirements.

Craig suggested that Clay be formally approved as city engineer.

Mayor Simmons concurred with Craig's comments.

Mayor Simmons asked Clay for some highlights of the last twelve years. Clay stated the people he works with are the best part of the job. Clay thanked Jim for teaching him at length on projects over the last twelve years. Clay enjoyed watching the 100 West project come together and get completed. Completion of the Dry Canyon reservoir was another highlight. Working on park projects is always fun and entertaining.

Clay thanked Jim for his assistance and mentioned to the council they made a good choice in hiring Craig as he is doing a tremendous job as well.

Mayor Simmons thanked Clay for always being so happy and jovial to be around. Clay takes pride in his work and it is noticed by the city staff, council and residents. Clay is committed to the community and has done a great job.

Brent thanked Clay for taking the time to explain projects and requirements during the planning commission meetings. The planning commission is volunteer and they need items explained and Clay goes out of the way to explain requirements and ordinances of the city.

Barbara mentioned she had never had a negative interaction with Clay and appreciated what he does for the community.

A motion to approve Clay Bodily as City Engineer for Smithfield City Corporation was made by Brent, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Kent, Barnes, Buttars

No Vote: None

Absent: Monson

**CITY MANAGER REPORT
PERSONNEL MANUAL UPDATE**

Craig reminded the council he had asked them to review Chapters 4 through 6 of the employee personnel manual. Some of the proposed changes include making a full-time employee a person working twelve months per year not nine months as currently listed. Compensation (comp) time would be changed as currently department heads accrue comp time for hours worked over 45 per week. The proposed change is to make department heads truly exempt and no comp time would be earned. Additional employees and job titles would be changed from non-exempt status to exempt status. Several golf course employees would be changed to exempt status as they work more hours in the summer and less hours in the winter.

Barbara asked if making an employee exempt would change their salary? Craig stated the salary would stay the same; only the classification of the employee would change.

Mayor Simmons asked what would happen to the amount of hours currently accrued by the employees? Craig stated the personal leave bank would be suspended as of January 1, 2016. Employees would be able to use their accrued hours over time or be cashed out when they leave their employment with the city. None of the employees would lose their current amount of accrued hours. Currently, the way the policy is written an employee could earn up to 27 days of personal leave time per year plus paid holidays. The intent of the revision is to curtail this amount down to what other local municipalities are doing which is a few days less but not a drastic change.

Barbara stated she was not sure where the current number of vacation days had been determined but had noticed it was higher than other places. Craig stated the current policy has been in place for many years.

Craig asked the council to consider removing the floating holiday and making Christmas Eve, December 24th, as a standard city holiday. Brent mentioned he thought the floating holiday was implemented in case a holiday was on a Thursday or Tuesday then Monday or Friday could be taken as a holiday as well. Craig explained the problem is the entire city staff wants to take December 24th off and it has been hard to try and manage who gets the day off and who works. The city office does not have anyone coming in on December 24th and the preference of the staff is to have the day off rather than force some to work while others are home. Barbara mentioned she liked the idea of closing the city office on December 24th.

Barbara asked about what is being considered for Veteran's Day? Craig stated currently the city does not observe Veteran's Day but the thought was to remove the employee preference day and replace it with observing Veteran's Day. Mayor Simmons asked what the department heads thought of that idea? Craig stated he had talked to some of them one on one but wanted the thoughts of the council before formally asking the department heads. Dennis stated he liked the idea of taking off December 24th.

Dennis expressed concern for adding Veteran's Day as a holiday as the city office is already closed for two days later in the month for Thanksgiving and the day after Thanksgiving. As a

private business owner it is not possible to close for so many days in one month. Dennis stated his preference would be to keep the preference day for the employees and let them take the day off when they want it off and it would still allow for the city office to be open on Veteran's Day.

Barbara asked if Veteran's Day is a federal holiday? Craig stated that is correct. Mayor Simmons stated he would prefer a preference day over having Veteran's Day off being mandatory. Barbara asked if it is hard to track and manage? Craig stated it has been done this way for years and can continue the same way if the council chooses to leave it that way.

Barbara stated she was fine in observing Veteran's Day or having a preference day but the final decision should be what is best for the employees.

Craig explained one new addition is the need for an on-call public works employee. The city has reached the size an on-call person is needed for nights and weekends. The city would supply the employee with an on-call cell phone and the employee would be on-call from Monday morning at 7:00 A.M. until the following Monday morning at 7:00 A.M. Each public works employee would only be on-call approximately every eleventh weekend. Employees would be paid an extra hour of personal leave time for every day weekday they are on-call and an extra two hours for every weekend day they are on-call. Public works had received the recommendation and approved.

Dennis asked how this applies to burials? Craig stated the on-call employee would automatically help on weekend burials. Part-time staff will be better utilized for Friday and Saturday burials in the future.

Mayor Simmons thought the on-call employee section is a good addition to the policy manual.

Craig reminded the council after they review the city attorney, Bruce Jorgensen, will review and make sure each chapter is legal. The last three sections will be reviewed at the October 14th city council meeting. The long term intent is to have the council review the entire manual one more time and approve changes at the December council meeting and have the personnel manual go into effect on January 1, 2016.

Mayor Simmons asked if changes could still be made to the sections that have already been reviewed? Craig remarked any section can be changed until approved by the council; hopefully in December.

Barbara felt the changes were good and the personnel manual is adapting to current real life situations.

Jeff asked for some clarification on military leave as it is listed the city will pay for up to eleven days off? Craig stated the topic had been reviewed by the city staff and nobody else gives eleven days paid military leave. The standard has been ten paid days for military leave which equates to two work weeks. Jeff stated he liked the idea of changing to ten days as well.

Jeff asked if a National Guard member or reserve officer went for more than two weeks what happens then? Craig stated the city would pay for the first eleven days or ten days if approved and the employee would have to use personal leave time after that point or not get paid.

PUBLIC HEARING ON ORDINANCE 15-18, AN ORDINANCE WHICH AMENDS THE SMITHFIELD CITY SUBDIVISION REGULATIONS, TITLE 16 IN PARTICULAR CHAPTER 16.20.060 “STREET IMPROVEMENTS” AND THE SMITHFIELD CITY ZONING REGULATIONS, TITLE 17 IN PARTICULAR 17.90.025 “ARCHITECTURAL DESIGN AND MATERIALS”.

Clay informed the council street signs and regulatory signs are all very standard. Currently, the city orders the signs and then the developer picks the signs up from the city staff and installs the signs. This can be an inconvenience for the city staff and the developer when a sign is not installed as the city can keep deposit and escrow proceeds until a project is completed. The proposal is to allow the developer to order the signs directly and install them. The city will continue to replace old signs and damaged signs but all new signs would be paid for and installed by the developer.

Clay explained the second proposed change in the ordinance is to allow for metal siding. Current city ordinance will not allow for metal siding. There are many new types of metal siding that are aesthetically pleasing and the city staff would like to allow for this type of exterior material.

Dennis asked if the request is to allow metal siding? Clay stated that is correct but not corrugated metal siding. The siding must still be good looking and insulation must be able to adhere to it.

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

Clay mentioned the sign portion of the ordinance would include street signs and regulatory signs.

****The public hearing closed at 7:29 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 15-18.

Mayor Simmons asked if the city will still control where the signs are installed? Clay stated that is correct but the contractor would now install the signs not the city staff.

****A motion to adopt Ordinance 15-18, an Ordinance which amends the Smithfield City Subdivision Regulations, Title 16 in particular Chapter 16.20.060 “Street Improvements” and the Smithfield City Zoning Regulations, Title 17 in particular 17.90.025 “Architectural Design and Materials” was made by Barbara, seconded by Dennis and the vote was unanimous.****

Yes Vote: Watkins, Kent, Barnes, Buttars

No Vote: None

Absent: Monson

PUBLIC HEARING ON THE POSSIBLE PURCHASE OF WATER RIGHTS FROM THE UTAH WATER GROUP, LLC.

Clay informed the council the city is in decent shape at this time in regards to the amount of water rights owned by the city. As development occurs the city will need to purchase more water rights. An opportunity has come along which would allow for the city to purchase additional water rights at this time. If purchased; the water rights would be for future growth. The asking price is a fair price based on the current market value. The price of water rights will not decrease and only increase. If approved, the city would require the water right is changed from industrial use to municipal use and the transfer would be into the cities name.

Jeff asked if the current use is commercial for the water right that is for sale? Clay stated it is currently listed as industrial use.

Justin stated the staff had done some research and the current going rate is \$2,500 to \$3,000 per acre foot. The reason for the public hearing is this purchase request is not listed in the current budget and for the amount of money considering to be spent a public hearing is needed. A future budget adjustment would be needed but the council could approve the purchase of the water rights at this time.

****The public hearing opened at 7:33 P.M.****

Glen Jay Thornley asked for additional details on the water rights. Who owns them? Where are they located? Why did this group approach the city? Can more wells be drilled? Why are the water rights needed? Clay stated the State of Utah controls water rights. The current water right that is for sale is located in the Richmond City area. Part of a purchase agreement would be the right has to be able to be transferred to Smithfield City. A water right is being sold not a water share. They are very different. The use of the share would need to be converted from industrial use to municipal use. An application would be required to be submitted to the Utah Division of Water Rights. The diversion point would need to be changed. The current right that is for sale used to be used at the old cheese factory in Richmond.

Mayor Simmons asked if additional work is needed to make the sale even possible? Clay stated that is correct. The water right has not been used for beneficial use for many years. The Utah Division of Water Rights will determine the exact amount of water that can be sold and transferred. The amount owned might not be the amount transferred by the state.

Barbara asked how much the city is hoping to purchase? Clay stated he would like to see the city purchase 100 acre feet.

Barbara asked how much is for sale? Clay stated around five cubic feet per second.

Craig informed the council the broker had given the city three options. The more that is purchased the cheaper the per acre foot cost will be.

Glen Jay stated his son-in-law is the biggest industrial user in Richmond and uses more water than even Pepperidge Farms. Glen Jay stated he did not know that cities were required to purchase water rights. Glen Jay thought a well could be drilled when water was needed as he is not an expert in water rights or shares. Glen Jay expressed concern that water can be moved from place to place rather easily.

Barbara asked if there is a difference between water rights and water shares? Jeff stated that is correct.

Clay mentioned the broker had approached the city first and is in the process of approaching other cities. Smithfield City has been planning to purchase water rights in the future and this opportunity just came along.

Justin informed the council Richmond City had purchased a well from the actual owner of the water right and the person is reputable. Richmond City is not in a financial position to purchase more water rights at this time as they have spent millions of dollars on a new well and two million gallon water tank project.

Craig mentioned the water could actually be transferred to Salt Lake County or the Weber Basin. The reason a big push is being made locally to create a water conservation district is to keep the water rights in the valley.

Glen Jay asked why the broker approached Smithfield City first? Justin explained the broker started in the cities closest to Richmond and is approaching Smithfield City and Hyde Park City first. If neither has an interest then they will reach out to other local communities and then outside of the valley if necessary.

Mayor Simmons stated there is not a need for the water rights today but there will be in the future. Craig concurred.

Craig mentioned to the council once a city purchases a water right it cannot be sold. The state will not allow cities to sell water rights.

Dennis asked if water rights can be traded? Clay said he did not think they could be traded but they can be leased as Smithfield City currently has a lease agreement with Hyde Park City for some water.

Dennis asked if water rights are needed before a well can be drilled? Clay stated that is correct.

****The public hearing closed at 7:43 P.M.****

DICUSSION AND POSSIBLE APPROVAL OF PURCHASING WATER RIGHTS FROM UTAH WATER GROUP, LLC.

Mayor Simmons mentioned having enough water is always a concern now and in the future. Right now the city has money in the bank that can be used to purchase water rights. The

opportunity is there and the council should consider the purchase. Wondering where to get water in the future is always and will always be a concern of the city council.

Ryan Reeves stated the price is a good offer as current pricing is around \$3,000 to \$4,000 per acre foot if someone wants to sell their water rights.

Jeff asked if there is truly 1,500 acre feet of water for sell; the broker could possibly sell increments, for example, of 100 acre feet each to several different places? Clay stated that is correct. The Utah Division of Water Rights will determine how many acre feet can be transferred. The right has not been used for a very long time. The right was used as an industrial water right in the past and would need to be changed to municipal use for the city to have an interest in purchasing any of the available water right.

Jeff asked if the state determines the amount that can be sold? Clay stated that is correct.

Dennis asked how the money the city has on-hand has been collected? Clay explained when a developer comes to the city they are required to bring water shares, water rights or irrigation water shares to the city as part of the approval process. If the developer does not have any of these items they pay a fee to the city so the city can then go out and purchase the necessary water rights for city use. The city has been collecting fees in anticipation of purchasing water rights in the future.

Brent asked if impact fee money could be used to purchase water rights? Clay stated the city is currently using impact fee proceeds to pay for the water tank project.

Jeff mentioned the city already owns four cubic feet of water per second on the Del Monte well that is not being utilized.

Clay mentioned the city is in a good position right now in regards to the amount of shares and rights owned and also has money in the bank to purchase more water rights for future use. Jim did a good job in the past of saving money and purchasing water rights when available.

Brent stated it would be good to own more water rights; if possible.

A motion to approve a water right purchase agreement with Utah Water Group, LLC for up to 100 acre feet of water at a cost of up to \$2,500 per acre foot conditional on approval as municipal use for Smithfield City and approved by the Utah State Division of Water Rights was made by Dennis, seconded by Brent and the vote was unanimous.

Yes Vote: Watkins, Kent, Barnes, Buttars

No Vote: None

Absent: Monson

The regular council meeting temporarily adjourned for the RDA board meeting at 7:50 P.M.

****The council meeting reconvened at 8:25 P.M.****

COUNCIL MEMBER REPORTS

Brent thanked Mayor Simmons for his help on the sewer agreement between the local communities. Mayor Simmons stated everyone had signed the agreement except for Providence City.

Brent asked when the stop signs and other required signs would be installed on the new road at 600 South 650 East? Clay stated he would look into it and make sure the signs get installed.

Jeff informed the council the tree committee is going to apply for a grant to help inventory the trees throughout the city. The cemetery was completed last year. The grant is a 50/50 matching grant. The city is asking for a \$3,000 grant so the city would have to allocate \$3,000 as well. In the past, cities have received up to \$4,000 in grant funding. The grant can also be used to send a member of the city staff to arborist school. The application is due by Friday, September 11th.

Jeff mentioned the Founder's Day celebration will be on Saturday, October 10th. The subject will be military members from the past and present.

Jeff asked if anyone knew if the live nativity scene was going to be presented again this year? Mayor Simmons mentioned the group that had done it last year had indicated they would like to do it again.

Jeff asked if a day had been dedicated to turning on the Christmas lights at the library? Clay stated there had been a specific date set in the past. Barbara mentioned with the library construction project last year a firm date had not been set last year.

Jeff stated he would work with Kris to see if the live nativity would happen again this year and to determine a date.

Mayor Simmons asked if the Tree City Flag could be flown in the city? Jeff stated the city has a flag and it can be flown at any time. Mayor Simmons mentioned Nibley City flies theirs all the time and suggested the city put the flag below the State of Utah flag at the city office building.

Jeff stated the city has been a tree city for 22 years.

Barbara informed the council the youth council is going again. They recently held their annual planning meeting. The calendar has been set for the upcoming year. The opening social will be held at Mack Park. The senior center program had their annual Dutch oven dinner on Wednesday, September 9th. This is the biggest event of the year for the senior center. Starting in October weekly events will be held again.

Barbara thanked the city staff for taking care of the weeds in the location of the old city office building. The area looks much better now.

Brent asked if a date had been determined for the senior ball? Barbara stated it would be on October 24th. Jeff asked where it would be held? Barbara stated at the stake center on the west side of Sky View High School. A dinner and dance will be held for the senior citizens in the city. The council and city staff is invited to attend.

Dennis did not have any additional items.

MAYOR'S REPORT

Mayor Simmons asked if the brick on the old library building had been cleaned yet? Craig stated a bid is needed. Dennis mentioned one test area had been previously cleaned the brick was quite orange and the best option might just be to clean the hard water from the brick in specific areas.

Mayor Simmons asked if attendance has increased with the opening of the new building? Dennis stated the board had not held a meeting for a couple of months but they will meet next week and discuss. So far; the response from the residents has been positive. Barbara mentioned the summer program had been well received.

Dennis mentioned the board is considering changing the hours of operation due to increased demand.

Jeff stated he forgot to mention in his report the council should go up and look at Sunset Park. The playground has been installed and a cement border is being poured to keep the sand in.

Clay informed the council there will be three benches in the area but he was not sure who had purchased the third bench along the trail. Mayor Simmons stated he thought it was Kathy Tarbet but he would double check. Clay asked Mayor Simmons also to find out the location of where she would like it located in the area.

Brent asked if a bench would be installed in the Niederhauser park? Clay stated he did not think there was one in that area yet. Brent stated he would be willing to pay for one for that area if there is not already one there.

Justin informed the council, Jim Gass had asked the bench donated in his behalf be placed at the location of the old city office building when the new memorial park is created.

Mayor Simmons informed the council a representative from Smithfield City is needed on the sewer rate setting committee in order to satisfy some of the bond requirements for Logan City. Most cities are putting the city manager on the committee since they will be in place longer than current mayors and council members.

Mayor Simmons felt Craig should be the representative for the city and asked the council for their thoughts? The consensus of the council was Craig should be the city representative on the rate committee.

Mayor Simmons asked Craig if he would be willing to be on the committee? Craig stated he would.

Barbara asked if there is one member of each community on the board? Mayor Simmons stated that was correct.

Mayor Simmons informed the council the emergency personnel for the city continue to meet on a monthly basis. BRAG (Bear River Association of Governments) has prepared a mitigation program for the entire county. The local group will compare the county plan with the city plan and see how they work together.

Barbara mentioned everyone in the city should have received some emergency preparedness information by now.

Mayor Simmons asked Justin how the city is doing in regards to social media and sending information through the Parlant system? Justin informed the council that he had attended a City Manager's Luncheon with Craig where social media was the topic of the discussion. The city is doing quite well and people want more information posted through these areas. The intent is to post more Herald Journal articles on the Facebook account and also start a Twitter feed that will work directly with the Facebook account. The city was really setback when Facebook stopped the personal city page and converted it to a business page. People are starting to follow along again.

Mayor Simmons mentioned that Dale Cox is working with the city to have a communication system when power is out throughout the city. Radios will be utilized during times like this.

EXECUTIVE SESSION TO DISCUSS A POSSIBLE LAND ACQUISITION AND PERSONNEL MATTERS.

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

Yes Vote: Watkins, Kent, Barnes, Buttars

No Vote: None

Absent: Monson

****The Executive Session started at 8:46 P.M.****

Those in attendance: Mayor Simmons, Dennis Watkins, Barbara Kent, Jeff Barnes, Brent Buttars, Brett Daniels, Craig Giles and Justin Lewis

Brett Daniels left the executive session at 9:35 P.M.

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

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

****The Executive Session closed at 10:40 P.M.****

****Barbara made a motion to adjourn at 10:41 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, **September 9, 2015**. The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Mayor Simmons.

1. 6:03 P.M. Approval of the city council meeting minutes from August 12, 2015
2. 6:05 P.M. Resident Input
3. 6:15 P.M. Presentation by Susan Barrus on the 2015 Children's Theatre performance.
4. 6:30 P.M. Discussion and possible vote on the request by David Lilywhite, for approval of "One Acre Subdivision", a two (2) Lot Minor Subdivision located at 200 South 500 West. Zoned R-1-20.

5. 6:45 P.M. Discussion and possible vote on the Revised Conditional-Use Permit application and Final Plat for the Stephens Subdivision from David R. Lilywhite to allow a five (5) lot, rather than a six (6) lot minor subdivision/intrablock development located at approximately 135 South 151 West. Zoned R-1-12. The purpose of the revision is to convert what has been shown as Lot 6 on the originally submitted Final Plat into a separately described parcel but with all required improvements such as curb, gutter and sidewalk constructed along the frontage of former Lot 6 and elsewhere, as if former Lot 6 remained within the Stephens Subdivision. The intent is to have former Lot 6 have all required public improvements constructed on public property on the frontage on 300 West or on the developer's private property in such a manner that said former Lot 6 will remain and appear as part of the Stephens Subdivision, except for the specific designation of the real property as "Lot 6".
6. 7:05 P.M. **CANCELLED** Public hearing on Ordinance 15-21, a request by Jack Nixon, agent for Gib and Janet Cellan for approval of a conceptual plan review and rezone of 9.81 acres, Parcel Numbers 08-105-0015 and 08-105-0016 for the Oak Haven Planned Unit Development located at approximately 500 South 150 West from RM (Multiple Family Residential) to RM/(PUD) (Multiple Family Residential/Planned Unit Development Overlay Zone).
7. 7:20 P.M. **CANCELLED** Discussion and possible vote on Ordinance 15-21.
8. 7:30 P.M. Public Hearing to discuss an application to obtain financial assistance through a grant or loan from the Community Impact Board (CIB). The requested funding will be used to help prepare and/or update the General Plan, Parks and Trails Plan, Water and Storm Water Master Plans, Transportation Master Plan, and the development of impact fee analysis for water, storm water, sewer and parks and trails.
9. 7:35 P.M. Discussion and possible vote on the CIB financial assistance application.
10. 7:40 P.M. **CANCELLED** Public Hearing on Ordinance 15-14, an Ordinance which amends the Smithfield City Subdivision Regulations, Title 16 in particular Chapters 16.05 "Concept Plans"; 16.06 "Minor Subdivisions"; 16.09 "Preliminary Plats" and amending the Smithfield City Zoning Regulations, Title 17 in particular Chapter 17.84 "Intrablock Development".
11. 7:50 P.M. **CANCELLED** Discussion and possible vote on Ordinance 15-14.
12. 7:55 P.M. Public Hearing on Ordinance 15-18, an Ordinance which amends the Smithfield City Subdivision regulations, Title 16 in particular Chapter 16.20.060 "Street Improvements" and the Smithfield City Zoning

regulations, Title 17 in particular 17.90.025 “Architectural Design and Materials”.

13. 8:00 P.M. Discussion and possible vote on Ordinance 15-18.
14. 8:05 P.M. Public Hearing on the possible purchase of water rights from Utah Water Group, LLC
15. 8:20 P.M. Discussion and possible approval of purchasing water rights from Utah Water Group, LLC.
16. 8:35 P.M. Approval of Clay Bodily as City Engineer.

****Temporary Adjournment for RDA monthly meeting****

17. City Manager Report
Personnel Manual Update
18. Council Member Reports
19. Mayor’s Report
20. Executive Session to discuss a possible land acquisition and personnel matters.

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 09/08/15, and the Utah Public Meeting Notice website.