

SMITHFIELD CITY COUNCIL

FEBRUARY 28, 2018

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, February 28, 2018. The meeting began at 6:30 P.M. and Mayor Jeffrey H. Barnes was in the chair.

The following council members were in attendance: Deon Hunsaker, Jamie Anderson, Bart Caley, Wade Campbell and Curtis Wall.

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

VISITORS: Darek Kimball (J-U-B Engineers) Alton Hebdon, Kevin M. Opsahl (The Herald Journal), Glen Jay Thornley, Andy Rasmussen, Christopher Jensen, Jeff West, Michael Harris, Dianne Campbell, Dustin Smith, Paul Hancock, Jackie Hancock, Marcus Murdock (J-U-B Engineers), Jack Greene, Michelle Anderson, Robert Hansen, Todd Davis, Dayton Crites (Cache County Corporation), Hutch Daniels, Dave Olson, Merilee Olson, Smithfield 8th Ward Young Men's Group, Mason Niederhauser, Randy Hyer, Whitney Hyer, Wade Lindley, Bryce Gourdin, Scott Nelson, Michael Housley, Joseph Day, Matt Hyde, Sarah Hyde, Don Patterson, Sean Damitz, Kris Monson, Caleb Barker, Braxton Forsyth, Jack Mecham, Nathan Wright, Andy Wilder, Luke Bair

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM FEBRUARY 14, 2018.

A motion to approve the city council meeting minutes from February 14, 2018 was made by Curtis, seconded by Wade and the vote was unanimous.

Yes Vote: Hunsaker, Anderson, Caley, Campbell, Wall
No Vote: None

RESIDENT INPUT

MICHAEL HARRIS: I own Mountain View Technology. I have a historical picture I would like to present to the city council and mayor. The historical society made a copy of a picture owned by Bart Royslance. The picture is from around 1930. The tabernacle with the steeple is very visible. A corner of the library building can be seen. Summit School is visible as well as the tithing office. There is also a red brick building which used to be located at 100 West Center Street. Look at the size of the trees compared to how large they are today. I am thankful to speak to the council on another item. I have a concern about the proposed water fee. Everyone is more successful when working as a team. When I applied to build a home in the city there was a moratorium in place. There used to be problems in the north end of town before the sewer line was installed. There were problems south of the cemetery before the sewer line was installed. All of these issues were resolved with teamwork. I know there were developments recently built on the west side of town where irrigation water was promised and it has never been delivered.

Four entities failed to communicate with each other and it never got done. Nothing has happened. Don't get ahead of yourselves on the water usage fee increase. Work together.

LUKE BAIR: I am for a little rate increase. I understand the need for funds to improve the system. Going from \$4.50 per month to \$20.00 per month on the storm water fee is too much. You are also considering a water rate increase. This hits my back pocket. Why do I have to pay for projects that will happen in five years? Stretch this increase out over time. Why do all of the projects have to be completed at once? I know you already raised impact fees. Everything is going up substantially. The city will grow. Do some of the projects. You don't have to do them all at once. Not everyone in the community knows about this increase.

ALTON HEBDON: I didn't know about this rate increase until a week ago. Before you vote on it you need input from the residents. I am on a fixed income. The county is increasing their taxes. Growth is inevitable. These costs need to be passed on to those coming into the city. Share and share a like.

Mayor Barnes mentioned the discussion on the water and storm water rate increases have been going on since November 2017. A public hearing was held. An educational meeting was held separately. Numerous calls and emails have been sent to the council and mayor on this subject. The comments, concerns and questions are all appreciated by the council and mayor as this decisions is made and considered.

DUSTIN SMITH: I am late to the party. I just found out about the storm water impact fee. I am curious about it. Can someone explain the \$1,287 fee for a ¼ acre lot? Is this per lot? For new construction? What is the ultimate goal of the fee? You are trying to only promote ¼ acre lots.

CLAY: Impact fees are assessed and collected on all new development. The fee is assessed when a building permit is issued.

DUSTIN: So if the fee is based off of a ¼ acre lot size and the lot is three acres the storm water fee would be about \$20,000?

<p>DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 18-02, AN ORDINANCE AMENDING THE SMITHFIELD CITY SUBDIVISION REGULATIONS, TITLE 16, IN PARTICULAR CHAPTER 16.06 "MINOR SUBDIVISION", SECTION 16.06.070 "REQUIRED IMPROVEMENTS".</p>

Mayor Barnes explained in 2015 several changes were made to the minor subdivision ordinance. A line item which was removed from a previous ordinance was the ability of the council to waive curb, gutter and sidewalk west of 400 West. The proposed ordinance is to put this option back in the city code for the council to have the option in the future. The planning commission recommended the ordinance for approval at their February 21st meeting.

Jamie mentioned he was on the planning commission at the time the request to remove this option was made. Jamie did not necessarily support the change at that time but does support putting the option back in the code at this time. Agricultural areas are different than other areas of town. Wade concurred with Jamie's comments.

A motion to adopt Ordinance 18-02, AN ORDINANCE AMENDING THE SMITHFIELD CITY SUBDIVISION REGULATIONS, TITLE 16 IN PARTICULAR CHAPTER 16.06 “MINOR SUBDIVISIONS” was made by Wade, seconded by Jamie and the vote was unanimous.

Yes Vote: Hunsaker, Anderson, Caley, Campbell, Wall
No Vote: None

Mayor Barnes mentioned this was a wise decision as there are several sidewalks on the west side of town leading to nowhere.

Mayor Barnes recently spoke to a resident who resides on the west side of town and owns the only home on an entire block where there is sidewalk.

DISCUSSION REGARDING A PROPOSED SUBDIVISION TO BE LOCATED OUTSIDE OF THE CITY BOUNDARY AT APPROXIMATELY 100 SOUTH 800 WEST.

Mayor Barnes stated this discussion is on the subdivision proposed by Duane Williams which is outside of the city boundary. The subdivision is being reviewed by the Cache County Planning Commission on Thursday, March 1st. Curtis mentioned the county might withdraw the request for review from the agenda based on the decision made by the council at this meeting.

Mayor Barnes stated that Curtis and he had previously met with Duane and others on this request. The request by Duane is for access onto 800 West which is a city owned road. No city services such as water or sewer will be part of the subdivision where it is located in the county.

Mayor Barnes explained he had written a letter to Duane granting his request to access 800 West. Some residents and council members questioned if the mayor had authority to write the letter without consent of the council. Legal counsel was contacted by the city staff and it was determined the letter written by the mayor was in a gray area. The recommendation by legal counsel was to rescind the letter of approval until the council could discuss the request. A letter rescinding the approval was given to Duane as well as the county. The item is now before the council for consideration.

Jamie asked Curtis and the mayor to fill the council in on the discussion with Duane. Curtis replied right now the area is agricultural. The request is to make seven large building lots which will keep a lot of open space. Well permits would be required for water service and septic tanks would be installed. The question before the council is if the council wants to grant access onto a city owned road. Mayor Barnes submitted a letter rescinding his letter approving the request. The council now needs to determine how they want to manage access onto the road. Is the council going to deny the request to access 800 West? The parcel is for sale. The property owner has the right to sell the parcel. Buyers have the right to purchase the parcel. The buyer can keep the parcel in the county. There has not been a request to annex the parcel into the city.

Curtis mentioned he met with Chris Harrild from the county. The county could require the developer to follow the road specifications of the city where it is a city owned road if the city

makes the request. The cost of the road improvements would be borne by the developer. The county is currently waiting for the council to make a decision on whether or not to grant access to the parcel.

Wade mentioned the request is on the agenda at the county for their meeting on March 1st. Jamie asked if the agenda item would be removed if the council denied access to the road? Curtis stated that is correct. The county is waiting for an official response from the city so they can determine whether or not they are going to keep the item on their agenda.

Curtis mentioned the road is not the only issue as there is a bridge on the parcel as well. This area, 800 West, would be the main thoroughfare for access into and out of the subdivision.

Curtis felt the council needs to decide what they want 800 West to look like and access should not be granted until that is determined. Duane and his investors need to be met with to discuss the issue. Those living on the road, 800 West, need to be involved. If the parcel is annexed, improvements would be required. The parcel could stay in the county at this time, be developed and then annexed into the city later at which time the city would stand the cost of all of the improvements. A timeframe must be established as money has been spent by the developer on this project. The council has had two weeks to review the request and listen to comments and concerns of those in the area.

Curtis mentioned the parcel will be developed at some point it is just a matter of when.

Deon mentioned he had ridden with the city staff when they plow the road during a snowstorm and it is not in excellent condition. The county does not plow the road; the city does. Those living on 800 West are getting a city service of having the snow plowed and not paying anything for it.

Mayor Barnes mentioned it is interesting the city owns the entire road where one side of the road is in the county. The public works building of the city is located in this area. Green waste bins utilized by the residents are in this area. A lot of traffic has been created in this area. The current request is to build seven homes on 31 acres of land.

Mayor Barnes mentioned he felt the request for seven homes fits the rural atmosphere of the area. Someone else could purchase the parcel and put many more homes on it.

Curtis mentioned this will be the start of development in this area. The developer and residents of the area need to be involved in the process. Development is going to occur around this parcel whether it is in the city or not.

Mayor Barnes mentioned once the homes are built in the area the city would not annex the parcels/homes into the city. There would be no reason to annex the homes into the city as it would be a great expense for the city to pay for infrastructure improvements for the homes.

Curtis mentioned the council has to decide whether or not to grant access to the road where the county meets on the request the next day, March 1st. Curtis suggested denying access to the road

so the area could be reviewed. Should the parcel be in the city or county? What road improvements are required? If annexed a large subdivision might go there as opposed to seven homes. A conversation needs to be started about what the city wants in that area of town.

Jamie asked who owns the parcel? Wade stated the county website shows the parcel owned by the David Winberg Trust with a Logan, Utah address.

Jamie asked if the parcel had been purchased? Matt Hyde replied the parcel is under contract. The buyer had made a purchase contract after Mayor Barnes submitted his letter approving access to the road.

Wade stated he agreed with Curtis's comments. A family member has expressed interest in purchasing one of the lots. This discussion is personal on many levels. There are concerns by the fire department for this subdivision. The council and mayor received a letter from the developer's legal counsel, Hillyard Anderson Olsen, telling the council what they will and will not do. The council needs to do what is best for the city.

Jamie asked the best way to start this conversation and dialogue with all parties involved. Should it be at a council meeting? Should a committee be formed? What is allowed? Justin replied if three or more council members are in attendance it is an official city meeting. If two council members and the mayor are in attendance it is not an official city meeting.

Curtis mentioned the city can dictate what is done with the road based on the current city ordinance and construction standards where it is a city owned road.

Mayor Barnes read the following paragraph from the letter sent by the developer's legal counsel: "If there is pressure for withdrawal of your letter, we would emphasize that approval has been already been given by you as Smithfield City's apparent or actual agent, and that authorization has already been relied on by our client: a subdivision application was filed with required fees, a real estate contract is now in force, and equipment has been purchased. Thus, under detrimental reliance principles, Smithfield City is bound by your letter."

Mayor Barnes asked representatives of the council when they could meet on the issue? Curtis replied he has a flexible schedule and stated who is going to meet needs to be determined before deciding when to meet.

Mayor Barnes mentioned the options are to discuss this item in two weeks at the next council meeting or have two council members and the mayor meet with Duane and others from the area sooner. Curtis mentioned some people residing on 800 West should be included in the discussion.

Curtis asked Craig for his thoughts. Craig replied all of this discussion is out of the ordinary. The ordinances are very clear on what is required. This discussion goes against all city ordinances. This request is not a land use issue. The request is an access issue. The subdivision request is out of the city. The developer is asking for a right-of-way permit. All right-of-way permits are handled the same way in the city. All right-of-way permits go through the city

engineer, Clay Bodily. The developer needs to follow the standards set by city ordinance. Where the parcel is not located in the city it does not fall under the city land use ordinance. The only issue is the right-of-way.

Deon mentioned he read in the letter from the attorney the road would only be widened 50 feet. The road needs to be improved to city standards.

Craig asked the council what they are going to determine if a committee is formed? Curtis replied a meeting would be held so all parties understand what is going on in the area. There would not be any gray area. It would all be black and white.

Jamie felt forming a committee to discuss this issue was a better option than making the developer wait until the next council meeting.

Mayor Barnes asked Curtis if he was willing to be on the committee. Curtis replied he was.

Mayor Barnes asked Jamie if he was willing to be on the committee? Jamie replied he was but would have to meet at night as his schedule is not as flexible during the day.

Wade replied he could help but it would have to be at night not during the morning.

Deon said his main concern is making sure the city standard is met on the road. The entire width of the frontage needs to be developed to city standards if the request is approved.

Mayor Barnes mentioned himself, Curtis and Jamie would meet with Duane and residents of the area.

Mayor Barnes asked David Price if he was willing to serve on the committee? David replied he would be willing to serve.

Wade suggested asking Wade Lindley as he resides in the area. Wade stated he would be willing to serve.

Jeff West mentioned he lived in the area. Mayor Barnes asked Jeff is he was willing to be on the committee. Jeff replied he would be willing to help.

Mayor Barnes mentioned he would call the county on Thursday morning, March 1st to let them know the decision and plan of the council on this subject.

DISCUSSION WITH TODD DAVIS ON PARCEL NUMBER 08-047-0003, 31.82 ACRES, WHICH IS LOCATED OUTSIDE OF THE CITY BOUNDARY, ON WATER SERVICE, SEWER SERVICE, ANNEXATION AND ACCESS. THE PARCEL IS LOCATED NORTH OF DRY CANYON ROAD (300 SOUTH) AT APPROXIMATELY 1400 EAST.

Mayor Barnes mentioned Todd Davis would like to discuss his plans for a parcel he owns in the county but bordering the city boundary. The general plan calls for the area to be open space.

Todd informed the council he would like to build one home on the parcel. The county would allow for three ten acre parcels to be created from this parcel. There will need to be access to a city road. There are three access points. One from 300 South 1300 East, one on 1000 East and another on the east side of the subdivision Todd is currently developing just south of this parcel.

Todd's intent is to build a home just east of the power lines on the south side of the parcel.

There is the possibility for one home to be built on the west side of the power lines.

Todd explained he added a connecting road at 1300 East in his subdivision where the city only required a connecting road at 1250 East. The new road at 1300 East was added in case this parcel was ever developed there would be access.

Todd stated if he calculated the storm water impact fee correctly it would be around \$58,000 for his new home on the larger sized parcel.

Todd explained he spent over \$200,000 in his subdivision for the storm water system and it will catch all of the runoff from Dry Canyon. The entire area will benefit from this system. The cost of that system is spread over 38 lots.

Todd asked the council if there will be access issues to his parcel where he wants to build the home where all of the access points come off of a city road? Dry Canyon used to be a county road but is now a city road. The city purchased property years ago and relocated the Dry Canyon road to where it is now located.

Todd explained his initial thought was to annex the parcel into the city but now he understands how much the storm water impact fee will be he wants the parcel to stay in the county.

Jamie informed Todd access will be determined by city ordinance. Todd asked for specifics on what will be required for a driveway leading to his parcel. Jamie replied he did not have the information in hand but the city staff could easily supply him with the information he needs. Bart suggested to Todd he sit down with the city staff and review the request so he would understand what is allowed and not allowed.

Curtis mentioned the request to build above the power lines is in the buffer zone the city wants to keep in place and this new home would exceed that point. Todd replied the parcel is not in the city. The county could allow it but the city could shut down the project by denying access to the parcel. Curtis replied the access road is a concern as the city does not want to have to pay for a

road in the future. Todd replied he only needs access for a driveway not a road as he owns all 31 acres in question and only wants to build one home on it.

Curtis mentioned the intent right now is for one home but that could change in the future. Todd replied what happens with the parcel in the future is not part of this discussion. Curtis replied things can change over time and the parcel could be developed and a road would need to be discussed.

Mayor Barnes asked Todd if he was requesting city services to the parcel? Todd replied he is not as he has already applied for a well permit and will install a septic tank.

Todd stated he felt if the parcel was in the city it would be better for the city to help control how it is developed. By keeping the zoning of the parcel in 10 acre lots that would result in two homes and a lot of remaining open space. The council is naïve to think the city will not expand and grow in this area in the future. The Dry Canyon road used to be a county road and now it is a city road. It is a tough situation where the city could limit access to the parcel.

Todd stated he understood he could not build homes by the power lines as there are rules stopping that from occurring within “X” amount of feet of the power line right-of-way.

Clay mentioned he would be willing to meet with Todd but he was not really sure what the issue or concern is. Todd replied the only question is about access.

Todd informed the council he has a letter from the county stating he can build three homes on the parcel but he was never told access to the parcel would be an issue by the county.

Mayor Barnes asked former council member Kris Monson for her thoughts on this request as she was involved in development, trails and the new general plan for the city. Kris replied she has concerns about this development. The master plan calls for this area to be open space. The Bonneville Shoreline Trail would connect through this parcel. The trail has been included in the general plan for at least 12 years. Curtis replied it is in the current general plan as well. Kris replied significant time has been spent on this project. Forest Service property is to the east. There needs to be a buffer. Todd replied there is private property to the east of this parcel before it becomes Forest Service land.

Kris mentioned the intent right now is only for two homes but that could change and the entire parcel could be developed. A buffer area needs to be left in this area. The trail system needs to be protected. It was decided many years ago no development would be allowed above the power lines. The council needs to stick to this and do what is best for the city not for one person. Mayor Barnes replied the parcel is currently in the county and they control what is allowed or not allowed on the parcel not the city.

Dayton Crites, Cache County Trails Coordinator, concurred with Kris’s comments.

Dayton also mentioned there is room for trails and homes. The trail system will not happen without the cooperation of landowners.

Dayton stated he would like to meet with Todd to discuss the possibility of the trail going where the power lines go or further to the east along the bench.

Dayton mentioned in 2002 a plan was created for the trail to go through Cache Valley all the way into Box Elder County. The original plan called for the trail to be located under the power lines. In 2016, Dayton was hired by the county and the plan was reviewed and the location of the original trail might not be possible because of some slope issues. In this case it might be better if the trail is located farther to the east along the edge of Todd's property.

Todd asked what he needed to do to find out about access requirements of the city. Mayor Barnes replied he needed to work with the city engineer to review the city ordinance.

Craig mentioned the request by Todd for one home is different than the request on 800 West for a subdivision. Bart asked what the county will allow. Craig replied they will approve what their ordinances allow. Craig mentioned Todd earlier stated he was told by the county he can have three ten acre lots so that is what the county is going to allow.

Wade asked if the intent right now is just to have one home on the parcel? Todd replied that is correct. Todd wants to build a home for himself.

Bart asked Todd if he had any qualms with the trail system going through his property? Todd replied both options mentioned by Dayton would be viable. There is a large right-of-way along where the power lines are located and to the east the slope is not viable for building purposes so both areas would be considered.

Mayor Barnes asked Todd if his intent is to keep the parcel in the county. Todd replied that is correct.

Todd asked what he needs to do in regards to access. Craig replied the construction standards of the city need to be followed. Mayor Barnes mentioned he was willing to meet with Todd and Clay to discuss what is allowed and not allowed by the city in regards to a single driveway.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 17-19, A RESOLUTION AMENDING THE MONTHLY UTILITY CHARGE FOR CULINARY WATER SERVICE.

Mayor Barnes mentioned the process of reviewing the utility rates for water and storm water service started in 2017. After the general plan was completed, master plans were completed for transportation, water and storm water. At that point a rate analysis was done for water and storm water. Areas needing to be improved were identified. A public hearing was held on the rate increase as well as an educational presentation at the last city council meeting on February 14th. The council and mayor have received many phone calls and emails with suggestions on how to deal with this issue. The council has the option to vote on the proposed increases or postpone until a later council meeting if more information is needed.

Mayor Barnes mentioned he did not have a vote on the two proposals but would like to make some recommendations based on the information he has heard from the residents.

Mayor Barnes proposed the water base rate be increased from \$9.00 per month to \$15.00 per month not \$18.00 as currently proposed.

Mayor Barnes proposed the monthly storm water rate to be increased from \$4.50 per month to \$10.00 per month and \$5.00 per ERU (Equivalent Residential Unit).

Mayor Barnes suggested if these two proposals are approved to then revisit the rate schedule in January 2019 to see what progress has been made and how much has been saved for future projects. Incremental increases will be easier on the residents and the projects will still get completed even if they are delayed for a year or two.

Curtis asked Mayor Barnes if his proposal kept the new five tiered pricing structure in place in his proposal for actual gallons used? Mayor Barnes replied that is correct.

Curtis asked Mayor Barnes by reducing the monthly base from \$18.00 to \$15.00 how much longer it would take to reach the goals of the city? Mayor Barnes replied he did not know the exact period of time the projects would be delayed.

Jamie replied the infrastructure is aging and areas needing to be redone have been identified. Infrastructure can fail at any time and will need to be replaced. Curtis replied if that occurs the city would have to bond and pay interest.

Jamie mentioned the city needs to start saving funds for these projects as it is the responsibility of the council to deliver clean water to everyone in town.

Mayor Barnes mentioned all of the areas identified needing repair or replacement do not have to be done in six years. Jamie replied the existing infrastructure is aging each day and will need to be repaired or replaced.

Wade mentioned he had many sleepless nights thinking about this subject. The increase could be the difference between a family having enough funds to feed their family or not. A compromise had been reached to reduce the water base rate some and add a tiered rate where users pay for the more they use. The current proposal is user based. The current proposal gets the city where it needs to be by not having to bond and pay interest which Wade is wholly against. Some countries do not have proper water systems. Wellsville City has had several boil orders put in place in the last few years.

Wade explained he would not support a proposal where bonding and paying interest is the end result. Those on fixed incomes will be affected the most. The best option is a user based fee as proposed.

Wade suggested reviewing each fund on a yearly basis to see how much is being saved and how much progress is being made in reaching future goals.

Jamie mentioned he had been asked by residents when the projects are completed in six years will the rate be lowered? Wade replied it would be nice to think that but the rates would have to be evaluated at that time. Mayor Barnes replied nobody will ever believe the rate is going to decrease.

Jamie commented the city has to supply good clean water to everyone in the city. The goals must be reached so projects can be completed. The rate needs to be reviewed yearly. The council does not want to make an increase unless it is needed. The residents want basic water service and the council must do what is necessary to supply the water.

Deon mentioned he had been contacted more about this item than any other item in his six years serving as a council member. There are several misconceptions some residents have. The residents want new growth to pay for this increase. Impact fees are charged for new growth. There are aging water and sewer lines throughout the city and they need to be replaced. New growth does not pay for the replacement of existing services. The current rate is the lowest in the valley. Many people have lived in the city and relocated elsewhere and have mentioned how much cheaper the utility rate is in Smithfield than where they moved to. Expenses must be covered. Projects must be completed. Families will be affected but an increase must happen.

Jamie explained new growth does not pay for the old system. New growth pays for new lines and expansion of the system into new areas. New growth pays some of the cost of the old system but not all of it. Aging infrastructure must be paid for by current residents and new residents.

Jamie informed those in attendance new homes pay impact fees for water, sewer, storm water and parks.

Bart mentioned the increase needs to be implemented. Increasing the rate incrementally should have been done a long time ago. The council needs to do a better job moving forward in reviewing the rate and adjusting when needed. Delaying the increase until a later date is not wise. Those on fixed incomes will be affected. By delaying the increase the city will do nothing but get further behind. The rate should be reviewed on a yearly basis to see what is being accomplished.

Mayor Barnes said he does not support delaying an increase but felt an incremental increase would be better. Increase the base rate some now and then reassess the rate again in 2019.

Bart asked which projects would not be funded if enough funds are not saved? Clay replied the council would have determine which projects to do or not do as funds are available.

A motion to adopt Resolution 17-19, A RESOLUTION AMENDING THE PREVAILING FEE SCHEDULE FOR CULINARY WATER SERVICE, was made by Curtis, seconded by Wade and the vote was unanimous.

Yes Vote: Hunsaker, Anderson, Caley, Campbell, Wall

No Vote: None

The following rate schedule was adopted and will go into effect on March 1, 2018.

Monthly Base Rate: \$18.00

Tiered Rate:

0 Gallons to 6,000 Gallons used charged at a rate of:	\$0.90 per 1,000 gallons used
6,001 to 10,000 Gallons used charged at a rate of:	\$1.00 per 1,000 gallons used
10,001 to 15,000 Gallons used charged at a rate of:	\$1.10 per 1,000 gallons used
15,001 to 20,000 Gallons used charged at a rate of:	\$1.20 per 1,000 gallons used
20,001 to maximum used charged at a rate of:	\$1.40 per 1,000 gallons used

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 17-20, A RESOLUTION AMENDING THE MONTHLY UTILITY CHARGE FOR STORM WATER SERVICE.

Wade replied he felt there was more wiggle room in the storm water rate than the water rate.

Wade liked the proposal of going from the current rate of \$4.50 per month to \$10.00 per month with incremental increases at a later date.

Wade reiterated he was opposed to any proposal where the city would have to bond and pay interest at a future date.

Mayor Barnes stated the council could consider incremental increases such as going to \$10.00 now and then an additional \$5.00 per month in 2019 and again in 2020.

Curtis asked if modeling had been done with incremental increases to \$10.00, \$15.00 and \$20.00? Wade replied he had reviewed modeling at \$10.00 per month for the next six years. By the year 2026, the city needs approximately \$6,000,000 for projects. At a rate of \$10.00 per month the city would only have \$2,700,000 on hand by the year 2026. The first project and highest priority project is estimated to cost \$2,736,000.

Wade asked for the estimated cost of all of the projects needed by 2026? Craig replied approximately \$6,000,000.

Wade mentioned the city needs \$6,000,000 to pay for projects by the year 2026. A big detention basin needs to be built west of town. Piping needs to be installed in several areas of town. Mainly from 1000 South Main to 1200 West 1000 South. Having a rate of \$10.00 per month does not even pay for the highest priority project.

Wade felt increasing the rate incrementally over time was the best option.

Deon expressed frustration storm water is a federal regulation. The city is forced to comply. The canal companies are thinking of charging the city for storm water that is dumped into the canal.

Mayor Barnes stated an incremental increase of going to \$10.00 per month now, \$15.00 per month in 2019 and \$20.00 per month in 2020 would be reasonable. Wade concurred. Bart replied the rate needs to be reviewed yearly.

Wade suggested increasing the monthly rate to \$10.00 and the ERU (Equivalent Residential Unit) to \$5.00.

Bart asked if the rate would be increased \$1.00 per fiscal year once the target rate of \$20.00 was reached? Wade felt that would be appropriate.

Bart mentioned he favored the \$5.00 per year increase until the rate was at \$20.00 and then including a \$1.00 per fiscal year increase to help keep up with increasing costs and inflation.

Jamie stated he would like to hear from the residents in the audience if they preferred incremental increases or one large increase.

James Berg stated he would support incremental increases and hopes the monthly rate does not exceed \$20.00. The sewer rate is going to be increasing as well.

James asked what projects will be completed with the fees collected. Bart replied a study had been completed by some professionals with a list of projects and estimated project costs.

Wade mentioned the following projects needing to be completed:

1. 1000 South West of Main

Install 9,250 feet of 30 inch pipe from Main Street to 1200 West

Estimated cost: \$2,736,000

2. 1000 East

Install 1,700 feet of 18 inch pipe along 1000 East from 300 South to 120 South and then under the Logan Hyde Park Smithfield Canal to Skunk Hollow. (Oil Water Separator)

Estimated Cost: \$407,000

3. 1000 South Detention Pond

Construct regional detention pond on city property at 1000 South 1200 West and build berm around existing wetlands (20.1 Acre feet)

Estimated Cost: \$1,169,000

4. Highway 91 Crossing

Install 280 feet of 24 inch pipe across Main Street at 1000 South. Cross high pressure gas main

Estimated Cost: \$200,000

5. 1000 South - East of Main

Install 2,350 feet of 24 inch pipe east of Main Street along the south end of the city to serve future development. An easement will be needed.

Estimated Cost: \$570,000

6. Northeast Bench

Install 2,560 feet of 18 inch pipe to serve the northeast bench, north of Summit Creek

Estimated Cost: \$499,000

7. 600 South Connection

Install 1,700 feet of 15 inch pipe from 800 East to 700 East

Estimated Cost: \$402,000

8. 200 North Upsize

Replace pipe beginning along 200 North at 300 West, going west to 400 West, then south to Forrester Acres. New pipe lengths by size: 30 inch = 800 feet, 36 inch = 300 feet, 42 inch = 2,750 feet

Estimated Cost: \$1,688,000

Total Estimated Costs for Projects 1 – 8: \$5,983,000

James asked when the projects need to be completed? Wade replied 2026.

Mayor Barnes replied if the rate is not set at \$20.00 per month it will take longer to save up enough funds to complete the projects.

Jackie Hancock felt an incremental increase would be best and \$1.00 per year is reasonable.

Alton Hebdon stated the rate does not need to be increased all at once. The engineering firm is providing estimates, not hard costs. The engineering firm does not care the cost of the project and the city needs to negotiate the best rate possible.

Robert Hansen suggested incremental increases and after increasing the rate to \$10.00 to review again. There are many other options which can be considered than listed by the engineering firm.

Michael Harris suggested going to a \$10.00 per month rate and holding off any \$5.00 per month increase after that point. Michael provided an example of how the Smithfield Irrigation Company worked on a project where a loan was taken over a period of 20 years and paid off and now costs are cheaper.

Dave Olson said the goals need to be met but the city needs to be more responsible in how funds are spent. Issues will arise in the next six years which need to be taken care of. Money should not be moved from fund to fund. The funds need to stay in the fund. Several bids should be obtained. The projects should be done as cheaply as possible. If the goal is not met then this process will have to happen all over again. The rate should be reviewed on a yearly basis. The rate should have been reviewed on a yearly basis by previous mayors and council members. If the rate needs to be increased by \$1.00 or \$3.00 per year then do it to stay on task. The enterprise funds need to be monitored closely. Money should not be transferred from fund to fund. Jamie replied the council is not transferring funds from enterprise fund to enterprise fund. Craig replied it is allowed but there is a specific process which needed to be followed such as mailings and public hearings.

Wade asked Justin to add to the January 2019 city council meeting agenda for a review of the progress made in these two funds.

Andrew Soelberg thanked the council for the time spent on this discussion. Over the last 48 hours Andrew had reviewed all the work done over the last several months on this topic. Andrew supported the rate being increased to \$10.00 per month and suggested evaluating the rate again in 2019.

Jamie thanked everyone for their comments, questions and input.

Wade and Jamie both stated they would support the rate going to \$10.00 per month. Bart replied he would support going to \$10.00 now with \$5.00 increases over the next two years and then \$1.00 increases thereafter to keep up with inflation and extra costs.

Bart suggested reviewing the rates on a yearly basis so the council does not get in the same predicament in the future as they are today.

Mayor Barnes asked Justin to review the proposal being considered by the council.

Justin stated the current proposal is as follows:

Effective in March 2018 increasing the monthly fee to \$10.00 and the ERU fee to \$5.00

July 1, 2019, increasing the rate to \$15.00 and \$7.50 per ERU.

July 1, 2020 increasing the rate to \$20.00 and \$10 per ERU

July 1, 2021 increasing the rate to \$21.00 and \$10.50 per ERU

July 1, 2022 increasing the rate to \$22.00 and \$11 per ERU

A motion to adopt Resolution 17-20, A RESOLUTION AMENDING THE PREVAILING FEE SCHEDULE FOR THE MONTHLY STORM WATER SERVICE FEE, was made by Jamie, seconded by Bart and the vote was unanimous.

Yes Vote: Hunsaker, Anderson, Caley, Campbell, Wall
No Vote: None

Jamie thanked everyone for their feedback and comments. Mayor Barnes agreed with Deon's comments about being contacted more on the proposed rate increases than any other item he had discussed as a council member in the past. Bart replied he appreciated the comments, concerns and questions of everyone involved. Mayor Barnes replied it is balancing act and hard decision for the council but the right decision was made. The goals will eventually be met and the increase is being implemented incrementally over time.

The council meeting took a short recess at 8:40 P.M.

The council meeting was reconvened at 8:47 P.M.

INITIAL DISCUSSION ON SETBACKS IN AREAS ZONED I-1 (INSTITUTIONAL).

Jamie explained there is a family residing along the golf course who wants to add an addition onto their home. They have been watering, mowing and trimming some property behind their home for many years. After having a survey completed they found out they did not own as much land as they thought. They cannot add the new addition onto their home because of setback requirements in the city code. The family came to the planning commission asking for the setbacks in this type of zoning, Institutional, to be changed to allow them to build the addition onto their home. The city staff researched the issue and contacted several other local communities. None of them make an allowance for this request. Institutional zoning includes the golf course, city parks, the cemetery, churches and schools.

Justin informed the council the request is to have the council amend the city ordinance with a 30 foot setback down to a 20 foot setback in this zone.

Andrew Soelberg, chairman of the planning commission, stated currently the planning commission is not considering making a change unless directed to do so by the city council. Where other cities do not allow this change the planning commission would not make a recommendation for the change unless told to do so by the city council.

Mayor Barnes asked if the city would have an interest in selling some land to this family? Curtis replied several requests by property owners have been made in the past and for various reasons and concerns the city does not want to sell property in this area or anywhere along the golf course.

Justin informed the council the question at hand is does the council want to consider changing the city ordinance or keep it as currently written. Craig replied if the council wants to make this change they could consider this change for all zones. Jamie replied this is the only zone where

there are not neighbors in the backyards of each home so it would only be applicable to this zoning classification.

Bart replied he was not in favor of making a change to the current ordinance. If this change is made then several other similar requests will be made. There needs to be a buffer area in all zones.

Deon informed the council something similar to this was talked about years ago. People residing along the golf course were complaining about limbs falling off the trees along the golf course into their yards. There is a buffer between the trees and the backyards of the homes. The city owns this buffer area and it should be kept in place.

Deon stated he was not in favor of changing the current city ordinance.

Wade stated he would not support a change to the ordinance.

Curtis mentioned Logan City allows for a five percent variance but not significant changes. Other local cities have not made this concession.

Mayor Barnes asked if Logan City had the same setback of 30 feet? Curtis replied that is correct.

The consensus of the council was to not make any changes to the setbacks in I-1 (Institutional) zoning at this time.

OPEN AND PUBLIC MEETING TRAINING WITH THE CITY COUNCIL AND MAYOR.
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Justin informed the council as part of state compliance for the audit he has to review the following items with the council and mayor on a yearly basis. All of the council and mayor must be in attendance to review these items.

Open and Public Meetings Information

- A quorum of the council is three council members.
- A quorum is not two council members and the mayor.
- The mayor only votes in the absence of a council member and in the event of a tie or if a council member abstains from a vote and the vote is tied.
- All meetings of the council are to have an audio recording and written meeting minutes.
- All meetings of the council must be advertised and are currently advertised at the city office building, library, city website, *The Herald Journal* and the Utah Public Notice Website.
- The same rules apply to the planning commission.
- Any council member with a conflict of interest needs to announce the conflict before an item is discussed and give a reason for the conflict. The council member is allowed to participate in the discussion and vote if they choose to do so or they can abstain from the discussion and vote.

- Any vote of the council requires a yes or no from each council member and the vote of each council member must be specifically listed in the meeting minutes.
- Any vote to approve or amend the budget requires a public hearing beforehand.
- Any land use item requiring a vote must also have a public hearing beforehand.
- Administrative items do not require a public hearing.
- The city council is required to meet at least once per calendar month.
- Resolutions do not require a public hearing unless they are in regards to the budget or land use.

CITY MANAGER REPORT

Craig informed the council of the following:

The annual dog license and rabies clinic will be held on Saturday, March 17th. It will be from 10:00 A.M. until noon at the fire station.

The Comcast Cares Day of Service is on Saturday, April 21st. The day of service is being advertised through Facebook, Parlant and the city newsletter. Everyone in the community is invited to attend and participate.

One of the three pumps at the golf course has to be replaced. The pump was installed in 1978. The estimated cost of the new pump is \$14,000.

Mayor Barnes asked if any of the three pumps are new? Craig replied the pumps and motors are rebuilt when they can be but in this case it cannot be repaired.

House Bill 462 is currently working its way through the legislature. It is in regards to every city in the state helping to pay for the homeless shelters in the Salt Lake Valley. If the bill passes the city will have to give up a minimum of \$23,000 a year in sales tax revenue. The maximum a city would pay is \$200,000 per year. There are other variables such as moderate to low income housing and if the city falls short in this area the amount paid by the city will be more than \$23,000. Losing these funds will create a shortfall in the general fund in the amount the state transfers to this program from the city.

Bart asked if the city has enough low to moderate income housing at this time? Craig replied the staff calculated the city is short about 40 to 50 units in this regard. The calculations are based on finished units not units approved to be built. The apartments currently being built in town are for higher income than in this equation. The Utah League of Cities and Towns opposed the bill but it was passed by the committee and sent to the senate for consideration. If the bill is adopted it will go into effect July 1, 2018.

COUNCIL MEMBER REPORTS

Wade asked for an update on the skate park project. Wade had been contacted by several residents who want the council and mayor to revisit this project and debate whether or not it should happen. Mayor Barnes mentioned the construction of the project has already begun.

Craig relied that is correct. Curtis mentioned the sump pump and drain system has been installed. The crew coming to do the concrete work will be coming in March. Craig replied they are scheduled to start that portion of the project on March 12th. Jamie stated it was previously approved and the project is moving forward. Craig stated the design has already been paid for. Mayor Barnes mentioned several residents voiced their concern to him as well. There is a group in town opposed to the project.

Jamie asked Wade why the residents want to talk about the project again? Wade replied they want to discuss the location and how the project was funded.

Jamie informed the council he recently attended a library board meeting. The staff is in the process of reviewing their budget as well as applying for some grant funding.

The Ambassador Program formally known as the Health Days Royalty will be doing a fundraiser on Saturday, March 24th for the library.

In regards to trails there is a concern by some that Smithfield City is receiving the services of Cache County Trails Coordinator Dayton Crites but not contributing anything towards his salary. The council did not approve this line item in the Fiscal Year 2018 budget and it is being requested to add this line item to the Fiscal Year 2019 budget. The Cache Trails Alliance has expressed concern about projects being worked on by Dayton for cities that are not helping to pay his wage.

Curtis mentioned Bart is overseeing the Smithfield Chamber of Commerce in behalf of the council. The city pays \$1,000 to the chamber each fiscal year.

Bart will now be included in all of the communication regarding the Cache County Economic Development group. This is headed by David Zook the City Manager from Nibley. The group works on an employment plan for the valley. About 25 people attend the meetings which are held at BATC (Bridgerland Applied Technology College). Gary Saxton oversees the Logan City Downtown Alliance and wants to meet Bart and start working with him.

Curtis explained the Recreation Center has a program called Silver Shoes and Slippers. The program is for those 65 years of age and older. The program has good participation. Insurance companies will pay for senior citizens to come and exercise at the center.

All full and part-time employees at the recreation center are CPR certified.

Starting on March 1st, applications for the Health Days parade and booths will be accepted.

The recreation center will be participating in the Comcast Cares Day of Service project.

The next season of youth soccer and youth basketball is already full. There is not enough gym space or green space for all of the programs.

The city is not a CLG (Certified Local Government) but if they become a CLG the city can then apply for grant funding.

The historical society will hold a regional day in the city on May 18th and 19th at the Civic Center. This is the weekend after Health Days. There will be participants from Cache, Rich and Box Elder Counties. Preservation will be discussed. A drive through the city to see historic buildings will be put together. It is anticipated up to 400 people could attend. An archiving clinic will be held. Advertising will be done in all three counties. Headstone care and maintenance will be discussed.

Curtis asked if having two scouts hand out flyers for the event during the Health Days parade would be a viable option as well as having a booth during Health Days. Justin replied mailing the flyer with the next newsletter at the start of May would get the flyer to every utility account in the city.

Mayor Barnes mentioned he was in the process of working towards the city becoming a CLG. An ordinance will have to be adopted in order for this to happen. A board would be created as well. The board would be separate from the city council and the historical society.

Curtis mentioned the historical museum could be on the small museum tour list if \$25 is paid to help with advertising and flyer costs.

Andrew Soelberg was elected as the new chairman of the planning commission.

Curtis asked if there needs to be a council member over public works? Clay replied all scheduling and other public works items need to be coordinated through the city manager.

Curtis thanked the staff for getting all of the council member responsibilities posted on the website.

Lil' Rascals Daycare is now open. They are going to be invited to join the local chamber of commerce. The new building is open for operation.

Curtis felt this was a very good use of RDA funds. Mayor Barnes asked if all of the classes are full at Lil' Rascals. Curtis replied not quite but almost.

Curtis informed the council he asked Jaci Bennett, owner of Lil' Rascals, to remove the yellow sign hanging on the vinyl fence along the highway and she agreed to do so.

Wade asked when the Doodlebug Academy would open? Curtis replied soon as right now the interior of the building is being completed.

Deon mentioned he is working with a family, through his work, who want to donate some money to a city if the city is willing to name a building after them. Would Smithfield be willing to rename a building owned by the city if a large donation was made to the city? Clay replied the only building currently named is the Senior Center which is named after Ken Webb. Deon

replied he felt the city should consider something like this if someone ever made the request as a substantial amount of money is going to another city for the naming rights to the building. Mayor Barnes replied a request to the council for such a purpose would definitely be considered and reviewed.

Bart mentioned he had met with the fire department and was reviewing some of their documentation.

Bart planned to meet with Jaci Bennett to invite her to be a member of the local chamber of commerce. Bart was also going to schedule a time to meet with Gary Saxton so both cities could have a working relationship in regards to economic development.

Curtis asked Craig if he had quit doing his weekly reports to the council which the council would receive on Friday afternoon of each week? Craig replied he had not done any recently as he had been working on other projects. Curtis thanked Craig for sending them in the past as they always provided good information on what happened in the city throughout the week. Bart replied he would like to receive a quick update each week.

MAYOR'S REPORT

Mayor Barnes informed the council David Frandsen from Neighborhood Nonprofit Housing Solutions asked the Mayor to write a letter endorsing them for their efforts to provide high quality affordable housing in the valley. Jamie suggested not endorsing any organization unless it was mandatory. Bart mentioned they could come before the council at a future council meeting and make an official request. Mayor Barnes said he was not sure what exactly the letter would be used for but guessed it would be included as they are looking for funding options for projects.

Mayor Barnes mentioned Cache County Executive Craig Buttars had issued an endorsement letter and he had a copy of the letter for the council to review.

Mayor Barnes asked the council if it was okay for him to write an endorsement letter. Bart replied he was okay with it. Curtis concurred with Bart. Jamie replied he would support the letter if needed.

Mayor Barnes mentioned he had reviewed the detention pond on 1000 East that three residents had asked to take over and maintain.

Mayor Barnes asked Craig if the pond would be purchased from the city? Craig replied the request is to deed the land over to the three property owners and they would care for and maintain the area in the future. The deeds have been drawn up. Currently, the CC&R's (Covenants, Codes and Restrictions) are being completed.

****Curtis made a motion to adjourn at 9:35 P.M.****

SMITHFIELD CITY CORPORATION

Jeffrey H. Barnes, Mayor

ATTEST:

Justin B. Lewis, City Recorder

**SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT 84335**

AGENDA

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on **Wednesday, February 28, 2018**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Bart Caley

1. Approval of the city council meeting minutes from February 14, 2018
2. Resident Input
3. Discussion regarding a proposed subdivision to be located outside of the city boundary at approximately 100 South 800 West.
4. Discussion with Todd Davis on Parcel Number 08-047-0003, 31.82 Acres, which is located outside of the city boundary, on water service, sewer service, annexation and access. The parcel is located north of Dry Canyon Road at approximately 1400 East.
5. Discussion and possible vote on Ordinance 18-02, an Ordinance amending the Smithfield City Subdivision Regulations, Title 16, in particular Chapter 16.06 "Minor Subdivisions", Section 16.06.070 "Required Improvements".

6. Discussion and possible vote on Resolution 17-19, a Resolution amending the monthly utility charge for culinary water service.
7. Discussion and possible vote on Resolution 17-20, a Resolution amending the monthly utility charge for storm water service.
8. Initial discussion on setbacks in areas zoned as I-1 (Institutional).
9. Open and public meeting training with the city council and mayor.
10. City Manager Report
11. Council Member Reports
12. Mayor's Report

Adjournment

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

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