

**SMITHFIELD CITY COUNCIL**

**APRIL 11, 2018**

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, April 11, 2018. The meeting began at 6:30 P.M. and Mayor Jeffrey H. Barnes was in the chair. The opening remarks were made by Mayor Barnes.

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

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

**VISITORS:** Jason Watterson (Utah Local Governments Trust), Jeff Gittins, David Olson, Merilee Olson, Kristy Murdock, Lisa Rappleye

**APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM MARCH 28, 2018.**

\*\*\*A motion to approve the city council meeting minutes from March 28, 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**

JEFF GITTINS: The historical society recently lost two members. Marilyn Low Nielson and Diana Tout Esplin recently passed away. There are two new residents willing to serve; Pamela and Glen Logan. They are from California and recently retired. A grant has been applied for. The society is networking with other entities. Some members of the society attended a museum conference last year. A grant was obtained for a couple of the members to attend. The society has applied for a \$1,000 grant from the Utah Department of Heritage and Arts. The purpose of the grant is for archival purposes. Some information such as the city EIN were needed and Mayor Barnes supplied me with that information. This year we would like to concentrate on sorting pictures. Eric Bingham will spearhead this project. We will sort the pictures into archival boxes which will allow for the photos to be revealed. Next year, the photos will be scanned and the information on the photos put together. The society will be hosting a community preservation workshop on May 18<sup>th</sup> and 19<sup>th</sup>. Four regional meetings like this are held in the state and Smithfield was selected as a host city this year. I am going to provide the council with a tentative schedule of events for the workshop. The Smithfield Chamber of Commerce will be involved. There will be a luncheon on Friday, May 18<sup>th</sup>, at the tabernacle. A workshop session will happen at the cemetery. Another workshop will be on creating a vibrant downtown heritage area. I would ask you to review the proposed agenda. The planning commission should be involved as well. Those interested in history can and should attend. The agenda will be finalized this coming Monday, April 16<sup>th</sup> at a meeting at BRAG (Bear River Association of Governments). The northern region consists of Box Elder County, Rich County, Cache County and the Cache Valley portion of southern Idaho. The event can be registered for in advance. We are interested in

getting the tabernacle listed on the registry. There will be a panel discussion about the tabernacle after the luncheon. The workshop at the cemetery will be held at 10:30 A.M. before the luncheon. There is the possibility the museum might be toured as well.

Jeff showed the council a box of miscellaneous old photos which had been given to the society. The photos are just randomly stacked in the box. Some have a description on them and others do not. The society has around twelve boxes like this to work through.

BART: So the plan is to organize the boxes now and then do more with the photos later?

JEFF: Yes. We want to scan them and make them available so the public can view them. If people come to the city office and want to donate items we need the city staff to get their contact information. We cannot keep everything that is donated. We have a community history museum. We want to know where items come from. Items have to be returned in some cases. The sign at the museum still has not been hung back up. How long has it been since the chinking was completed? I thought an assignment was made to do this. I had to pick up the sign as it was laying in the snow and mud. The sign is now weathered. The sign has been sitting on a bench for a year. The sign needs to be rehung. The goal is to open the museum to the public. We are applying for a grant in this regard. Items need to be organized and sorted through. We need some help. I would like to have an agenda item at a future city council meeting to discuss the findings of the museum committee. We need some time to discuss this. There has been a discussion on possibly moving the museum. An executive session might be needed to discuss an item dealing with the society as well. I don't want to discuss the item at this time. There will be four options for the council to consider.

CURTIS: Who is the president of the museum?

JEFF: Are you referring to the members of the historical society?

CURTIS: Who is in charge?

JEFF: The historical society oversees the museum. Craig Nielsen is the secretary. Mike Harris is the Vice President. I am the President.

CURTIS: Does the society have a website?

WADE: Yes, they do.

JEFF: We need to reorganize the society due to changes and the recent deaths of some of the members. Melissa Draper is over public awareness.

JUSTIN: Melissa contacted me this week and we got a link to the historical society website on the city website.

MAYOR: Can we preregister for the workshop?

JEFF: Yes. There might be a small fee but that has yet to be determined. The fee would include the luncheon. The fee might be collected and donated to the society. There will be a table at Health Days explaining what is going on. The society changed the plans we had for May to make this event happen.

MAYOR: Justin, please get with Jeff and schedule a time for the society to be on a May agenda.

CURTIS: I thought the discussion on headstones was at the Civic Center not at the cemetery?

JEFF: People can walk up to the cemetery or drive up there but there will be a discussion at the cemetery.

CURTIS: I got an email today about the meeting on Monday where everything will be finalized. Who is attending this meeting?

JEFF: Lynda and I and possibly the mayor.

CURTIS: I have never heard about walking to the cemetery until now. I am surprised to hear there is a fee involved. I thought it would be free.

JEFF: A fee is being considered. They are working on trying to finalize how much to charge. If people pay a minimal fee upfront they are more apt to show up and attend. There is a concern when people break for lunch they will leave and not come back.

CURTIS: Where the workshops are close to Jim's Grill and Callaway's Bistro I was hoping people would go to the local businesses for lunch.

JEFF: Craig Nielsen is compiling a list of local eateries to present to people of where they can go.

CURTIS: I am not sure how to involve the planning commission. Do you just want them to attend?

JEFF: I think it is good to have everyone attend. There is a class on having a vibrant downtown. The society meets the first Thursday of each month at 7:30 P.M. Usually we meet at the Senior Center but sometimes we meet in the upstairs of the tabernacle. There is not any handicap access to the upstairs of the tabernacle.

MAYOR: Anyone interested in historic preservation should be involved. It will also be good to learn how to properly clean headstones; especially the older ones.

JEFF: People can drive up to the cemetery or walk. It will be up to each person to decide. Everything that is happening is within walking distance.

<p><b>TAP (TRUST ACCOUNTABILITY PROGRAM) AWARD PRESENTATION TO THE CITY COUNCIL BY REPRESENTATIVES OF THE UTAH LOCAL GOVERNMENTS TRUST.</b></p>
---

Jason Watterson informed the council this is the third year in a row the city has received this award. The program has been in existence for about five years.

The program was put in place to help local governments develop safety programs. The intent is to keep employees and residents safe.

There are specific requirements to receive the award. Some of the requirements are reviewing driving records of city employees, inspecting the sewer system, removing every manhole cover in the city and doing an inspection as well as having a safety committee.

The city was given a grant in the amount of \$4,187 along with receiving the award. The city also receives a discount of 4.5% on the annual workers compensation premium.

By preventing losses the Trust saves substantial funds.

Jason thanked Craig, Brett Knight and the entire city staff for achieving this goal.

Jason presented Mayor Barnes with Accountability Award for 2017 from the Trust.

Clay asked Jason what the biggest insurance claims are the Trust pays outside of automobile accidents? Jason replied sewer backup claims used to be the second highest amount of claims. In

recent years that changed to water main line breaks. Currently, sewer backups are third on the list.

Sometimes cities will not make cleaning and videoing sewer lines a priority as they are out of sight and out of mind. This should be a focus now and every year.

Mayor Barnes asked if Smithfield had any sewer backups in the last year? Jason replied he was not aware of any from an insurance payout perspective.

Jason informed the council when he started working for the Trust ten years ago approximately \$1,000,000 was paid per year in insurance claims for sewer backup problems. Currently, the Trust pays out about \$100,000 per year in sewer backup claims. The reason for the change has been the focus of the public works department and engineering staff of each city making sewer line cleaning, repair and videoing a priority. Last year, 2017, was an anomaly in the number of claims paid because of the significant abnormal flooding in the spring.

Bart thanked the city staff and everyone involved for helping to obtain the award, receive the grant and keep insurance claims to a minimum in the city.

**DISCUSSION AND POSSIBLE APPROVAL OF THE CONDITIONAL USE PERMIT REQUEST BY KRISTY MURDOCK, PROPERTY OWNER, TO ALLOW A TWO (2) LOT MINOR SUBDIVISION/INTRABLOCK DEVELOPMENT, MURDOCK LANE INTRABLOCK SUBDIVISION, LOCATED AT 126 EAST 100 SOUTH. ZONED R-1-10.**

Kristy Murdock informed the council her request is to build one new home behind the existing home she owns.

Kristy purchased the parcel formerly owned by Gene Roskelley.

All of the old structures behind the existing home would be removed to make way for the new home.

The existing home is currently being remodeled.

Jamie asked if the city staff had reviewed the request? Craig stated it had been approved by the staff and planning commission. Clay mentioned a turnaround will be required for fire department apparatus access and sewer and water lines will have to be installed as well as a road.

Curtis asked Kristy if she understood the infrastructure requirements? Kristy replied the improvements will cost around \$50,000 to \$60,000 which might make it so she cannot afford to build there. Kristy might sell the parcel instead.

Wade mentioned it was nice to see the parcel cleaned up. The mayor concurred.

\*\*\*A motion to approve the Conditional Use Permit request for the Murdock Lane Intrablock Subdivision, a two (2) lot minor subdivision/intrablock development to be located at 126 East 100 South was made by Curtis, seconded by Wade and the vote was unanimous. \*\*\*

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

No Vote: None

Kristy asked the council if the rumor was true the irrigation canal behind this parcel was going to be filled in? Craig replied the canal is not being filled in. Mayor Barnes mentioned he was not aware of any discussion in this regard. Clay stated the canal will stay open to collect and transport storm water. Deon mentioned parts of the irrigation canal had been buried from Logan City to Hyde Park City but none of the irrigation canal in Smithfield City has been buried or is proposed to be buried.

**DISCUSSION WITH KIM AND LISA RAPPLEYE ABOUT CHANGING THE SETBACK REQUIREMENTS ALONG THE GOLF COURSE TO ALLOW THEM TO BUILD AN ADDITION ONTO THEIR HOME WHICH WOULD ENCROACH ONTO THE 30 FOOT SETBACK REQUIREMENT. PARCEL NUMBER 08-131-0028 LOCATED AT 226 SUMMIT DRIVE.**

Mayor Barnes stated he was not sure of a solution to this issue but wanted to hear the thoughts of the council.

Bart expressed concern how the city will stop future requests of this nature if this request is granted. Wade concurred.

Deon mentioned he served on the Board of Adjustments in the past. Requests like this were asked many times and they were always denied. A variance is not applicable in this case. There have been issues in this area in the past where the homeowners complained about the trees and tree branches falling into their yards. Homeowners wanted the trees removed. Golf balls are hit into the trees in this area which protect and shelter the homes. By deeding property to the Rappleye's their home will now be closer to the trees. If the trees are removed the city has greater liability.

Curtis asked if the city is liable for golf balls hit at the homes? Jamie replied the golfer is responsible. Deon agreed but mentioned the city will be included in any lawsuit in this regard. The city will most likely prevail in the lawsuit but will have to pay funds to legal counsel to defend the city.

Jamie stated this is a unique situation. Several homes along the golf course are close to the course. If the addition is allowed to be built onto this home the addition will still be further away from the course than some of the other existing homes. There is a home on the second hole which gets pelted with golf balls all of the time due to its location. One of the concerns is if this request is granted how would similar requests be denied. The city will most likely never utilize this property. The golf course will not be expanded in this area.

Curtis mentioned the Rappleye's already maintain the area. They mow, water and fertilize the area. They installed sprinklers in the area. They are paying to water and maintain city property at their expense.

Curtis asked how many feet they need to allow for their project to proceed? Lisa replied they need at least six feet but are hoping to obtain ten feet.

Lisa mentioned the city is not using the property in question. Lisa and Kim paid for a tree to be removed which was located on city property. Even with the tree removed there is still protection for the homes in the area from other trees.

Curtis mentioned the new addition will not even come to the edge of the existing concrete pad. This is a unique situation. There is still plenty of space in the area even if the addition is built. There are ordinances and rules in place but the council needs to look outside of the box in how to make this work.

Lisa mentioned the row of trees on the golf course are close to some homes along the golf course but the trees are about 40 feet away from her home.

Mayor Barnes mentioned during his six years on the council he had never had a request like this in this area. The staff might have had requests but he had never talked about something like this in a council meeting. Craig replied requests such as this have come to the staff several times and most recently along a city park.

Curtis asked if all previous requests of this nature have been denied? Craig replied that is correct.

Curtis mentioned the city needs to look at this as a partnership as the Rappleye's are already maintaining the area in question. Craig mentioned if this request is approved all of the other residents who were denied based on the current city code will come to the council with the same request.

Bart asked what happens if a tree on the golf course damages one of the homes along the course? Craig replied city's insurance will pay for the damage in most cases. Bart mentioned in big windstorms the trees will come down and the city needs to lessen the liability as much as possible by keeping the homes as far away from trees as possible. Jamie replied the Rappleye's have already paid for one tree to be removed. Lisa mentioned it cost \$1,500 for the tree to be removed.

Mayor Barnes mentioned he is not as worried about setting a precedent as others might be. Many times in the past unique situations have been discussed and resolved and similar requests have not been made in the future.

Clay reminded the council they required a homeowner in this area along the golf course to remove and reinstall their fence. The fence was installed on city property and the city required them to relocate the fence back onto private property.

Bart mentioned this request could not be granted anywhere else along this area of the course as the homes are closer to the course. Lisa replied even with the new addition their home would still be farther away from the course than other homes in the area.

Deon mentioned if this request was made by any other resident who did not live along the golf course the council would not even consider it. Is the city going to allow different requirements if someone builds by a vacant lot? The city is a property owner just like the residents of the city. This situation should not be treated any differently just because the city is the property owner.

Mayor Barnes mentioned if the city deeds the Rappleye's ten feet of property the setback issue would then not be an issue.

Mayor Barnes mentioned the city is not going to change the setback requirement so the only option is to deed the Rappleye's ten feet of property.

Jamie asked Lisa if ten feet would work? Lisa replied ten feet is needed to build the addition they would like to build. The Rappleye's considered building options on the sides of their home but those options were too expensive and did not flow well with the house. The easiest option is to put the addition on the south side of the house.

Jamie mentioned he was not opposed to deeding the Rappleye's the property they need for their project.

Lisa said she understood the caution of the council but there is not anyone else in the area who has the amount of space available as her and Kim do.

Deon mentioned he understand the request as he had a similar request at his home in the past when he wanted to expand his house. Deon could not build the addition onto his home he wanted to because he could not comply with city setback requirements. This is not the only project in town denied because of the setback requirement.

Deon stated Mayor Barnes might not be worried about precedent but he is because the court system rules based on precedent.

Bart replied he did not support the request.

Wade said he would support the request if it can be legally done.

Justin recommended the council decide if or how they want to pursue this as Lisa has been working on this request since October 2017. Lisa needs to let her contractor know if she is going to be able to proceed or not with the project.

Wade mentioned there is only one option. Deed the property to the Rappleye's or do nothing. Justin replied the council cannot vote on the request at this time but can come up with a consensus of how or if they want to proceed.

Curtis supported deeding ten feet of property to the Rappleye's.

Mayor Barnes stated he supported the request to deed the property to the Rappleye's but does not have a vote on the request.

Bart and Deon both said they did not support the request to deed the property to the Rappleye's.

Deon mentioned the Rappleye's cannot make a claim on the city property even though they are maintaining it. The government is different in regards to the possession of property. Government property cannot be possessed by someone. The city code does not allow for the addition to be built. Many other people in town would like to add on additions, garages or sheds but they cannot because they must abide by city code. Setbacks are put in place to keep one neighbor from encroaching onto another neighbor.

Deon did not support making this request for one property owner in the city. If this request is granted for the Rappleye's it needs to be granted for everyone. Mayor Barnes replied every situation is different and a request like this would not be granted elsewhere in the city.

Craig informed the council some of the golf course property is encumbered with Land and Water Conservation Funds. If that is the case the parcel cannot be deeded to the Rappleye's. If the property is allowed to be deeded to the Rappleye's there is a process which must be followed. The residents need to be notified, a public hearing held and at that time the council would vote on the request.

Jamie asked if this is the same process for the residents who want to take over the maintenance and care of a city owned retention pond? Craig replied that is correct. The residents who made that request have not decided whether or not to move forward at this point so nothing is happening in this regard.

Craig mentioned if this process is allowed the land will have to be appraised and a value assigned to the parcel being given away. A value has to be attached to the land in question.

Wade mentioned he would support the request to deed the property to the Rappleye's if it can be legally done.

Craig mentioned the staff will research the issue and see if the request can be granted. If the request can be granted then the process to get the parcel surveyed and appraised would begin.

Mayor Barnes asked for clarification on how the land might be encumbered by the Land and Water Conservation Fund? Craig replied when the city receives funds from the Land and Water Conservation Fund for projects the land must stay as open space and cannot be sold for any reason. If this property was part of that project the land cannot be sold or deeded to the Rappleye's.

Mayor Barnes asked if all of the course was purchased with this type of funds? Craig replied some of the course was purchased with these funds but he did not recall which areas or holes.



Wade mentioned he would support exploring the process. Wade wanted to gather and study more information on this request.

Wade did not support the city spending any funds on this project.

Wade mentioned at this time he would consider the request but would not make a decision whether to vote in favor of deeding the property at this time until he had more information.

Mayor Barnes mentioned the staff will review the request and see if it can legally be done. If not, then the request is over and cannot be done. If allowed, the Rappleys will be responsible for any and all costs associated with the request.

Craig mentioned a commercial appraisal will be expensive. An appraiser would have to be contacted to see if the appraisal is considered a residential appraisal or commercial appraisal. The last commercial appraisal done for the city cost over \$2,500. There will be fees for the city attorney to review the request. There will also be a fee to have the area surveyed. Lisa replied this is a cheaper option than building on either side of her home so her and Kim would consider this option.

Mayor Barnes replied the staff would find out what is allowed or not allowed and notify the council and the Rappleys.

Lisa asked what the timeline would be if the request is possible? Craig replied that is an unknown but would most likely take several weeks. Lining up a commercial appraisal might take months. The city attorney would need a couple of weeks to review the request. A surveyor would have to be hired and they are quite backlogged at this time.

Lisa replied she would hope a timeline could be established as they would like to start construction as soon as possible. Craig replied the last time the city requested a commercial appraisal it took over 3 ½ months as there is only one local commercial appraiser. Commercial appraisals are different than residential appraisals.

Lisa stated this was not the outcome she had hoped for in coming before the council but understood there are rules which must be reviewed and followed. Curtis replied options have been discussed but there is only one possible option and it will be considered. Lisa replied she wished the uniqueness of this situation could be considered. Mayor Barnes replied the city will not change the setback requirements so deeding over some of the property is the only option.

Lisa asked if this process is allowed who will make the arrangements for the surveyor and appraiser? Craig replied the city staff will make all of these arrangements.

**DISCUSSION WITH DAVE AND MERILEE OLSON REGARDING THE POSSIBILITY OF CONNECTING A SECOND HOME TO A PRIVATE SEWER AND CULINARY WATER SERVICE LINE LOCATED AT 560 NORTH 400 WEST. PARCEL NUMBER 08-043-0009.**

Mayor Barnes read the following code, Section 13.04.140 (Separate Connections):

“It is unlawful for two (2) or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the governing body and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the municipality for all water services utilized on all such premises. Nothing in this section shall be deemed to preclude the power of the municipality to require separate pipes, connections or meters at a subsequent time.”

Mayor Barnes mentioned he was not aware of this section of the code until recently.

Clay suggested reading a section of the code on sewer connections, Section 13.16.150.

Mayor Barnes read code Section 13.16.150 (Separate Building Connections Necessary):

“A separate and independent building sewer shall be provided for every building; except where an accessory building stands at the rear of a main building and a private sewer cannot be constructed to the accessory building through an adjoining alley, court, yard or driveway. In such case, the building sewer from the front building may be extended to the rear accessory building and the whole considered as one building sewer. Both buildings must be under common ownership and the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.”

Dave Olson stated this was the first time he had seen this section of code.

Mayor Barnes mentioned the council is aware of the situation. Dave and Merilee own a home which is connected to the city water and sewer system by a private lateral. The water meter is located quite a distance from the home. The laterals are private. Dave and Merilee would like to build a new home to the south of their existing home. Dave and Merilee are requesting to connect the new home to the existing private water and sewer lines. Dave stated that was correct for sewer but not for water. Dave would like to run a second private lateral for water service.

Mayor Barnes mentioned each home has to be on a separate connection by city code. Clay mentioned there are many reasons the code is written this way. If there are problems with one home then other homes are not affected. If one home does not pay their utility bill it will not affect other homes. If a line is dug through by mistake other homes are not affected. If the sewer backs up on one home it will not affect another home. In order to avoid legal issues it is best to have the homes on separate connections.

Clay mentioned code Section 16.20.090 talks about the requirements for all subdivisions in the city.

Mayor Barnes mentioned the Olson's were given permission to connect to the city services in the past for one home. Clay replied when they built their existing home it was just one home on one parcel and is not considered a subdivision. Craig mentioned the parcel was not split so a subdivision was not created. Clay stated that is correct as a subdivision is created when land is split.

Mayor Barnes mentioned the Dave and Merilee would like to disconnect their parcel from the city if they cannot hook onto the existing city services through their existing private sewer line.

Jamie asked if there are pros or cons to disconnecting the parcel from the city as it might be the best option. Wade concurred.

Wade mentioned there is not a way to get around the city code in regards to subdivisions.

Wade did not see any negatives in allowing the parcel to go back into the county.

Wade mentioned there would have to be a discussion about the water and sewer service to the existing home if the parcel is disconnected. Would the city allow the existing home to continue to utilize city services would be a point of discussion.

Jamie expressed concern about the annexation of other parcels in this area possibly being a roadblock in the future. Dave replied he knows Deon has concerns about future annexations in this area. Jamie clarified the city does not annex property into the city. All annexation requests are made by property owners wanting to come into the city by their choice.

Dave mentioned four new homes are going to be built in the area with wells and septic tanks. The city has nothing to offer them other than higher taxes according to Dave. Jamie replied the city is trying to consider options for this issue and arguing about the issue will not resolve the issue. Dave replied annexation can still be done in the area even if his parcels are not included.

Mayor Barnes mentioned annexation will occur east of the railroad tracks in this area. Developers are currently looking at options in this area. Dave's parcel is on the west side of the railroad tracks which is less likely to be developed.

Wade asked Dave if he owns Parcels 08-042-0013, 08-042-0014 and 08-042-0015? Dave replied that is correct.

Bart asked Dave why he annexed this parcel into the city in the past? Dave replied he wanted to have city water and sewer service.

Dave replied there is no benefit for him to be in the city now as the cost to install the water and sewer infrastructure is \$90,000. For the existing home the city allowed a private sewer line to

run through the property owned by Ernie Garza. A two-inch water line has been run about 700 feet from the home to the water meter.

Dave mentioned the parcel was annexed into the city 14 years ago.

Dave mentioned again he cannot afford \$90,000 for the water and sewer infrastructure work but is willing to pay a portion for these improvements if the surrounding parcels are developed in the future.

Dave stated he has been fighting this issue with the city since January 2017.

Mayor Barnes asked if any of the staff or council had been involved in a disconnect request in the past? Justin replied he had completed this process twice before but not for Smithfield City. Justin explained the process to disconnect is very similar to the annexation process but in reverse.

Jamie asked Justin if the concerns were on the other disconnects he dealt with. Justin replied there is always a concern about future annexations and if the parcel being considered for disconnection will affect future annexations of surrounding parcels.

Mayor Barnes mentioned he reread the city council meeting minutes from June 14, 2017 when the request to disconnect this parcel came before the council. Mayor Barnes was the only council member who voted against denying the request to disconnect.

Jamie mentioned he did not see any negatives to disconnecting the parcel.

Bart asked Dave if he wants to keep the existing home on city water and sewer service if the parcel is disconnected? Dave stated he would and was told it is illegal for the city to require the home to be disconnected from the city and water and sewer service. Craig replied that is incorrect as legal counsel for the city had reviewed this request and the council could require as part of the disconnection process the existing home be disconnected from city services. A fair timeline would need to be established but the city can make it part of requirements to allow the disconnection.

Dave stated he wished there were other options than disconnecting from the city but he cannot afford \$90,000 for water and sewer service lines. Originally, the infrastructure costs would have been \$400,000. The city now allows for curb, gutter and sidewalk to be waived as well as a fence along the railroad tracks is no longer required.

Jamie asked about the process to disconnect the parcel from the city. Justin replied the first step in the process is the city has to receive a request by Dave and Merilee to disconnect. They will be required to pay a fee to the city for this process. They are also required to submit a plat with legal description from a professionally licensed surveyor. A small portion of the parcel owned by Don Flaherty is located inside the city limit as well and will need to be disconnected with Dave's parcel.

Wade stated he would support the request to disconnect.

Bart stated he was not 100% sure he would support the request to disconnect but was leaning that way. The subdivision requirements need to be fulfilled on any subdivision in town. Dave replied he cannot afford \$90,000 for improvements.

Jamie asked Dave why he does not want to build on the parcel he owns across the road to the west which is already located in the county? Dave replied he wants to keep those parcels as open space. Jamie replied he understood but the home could be built on a very small area of the open space. Dave replied he does not want to build there as he wants to keep the existing shop on the property where his current home is when he builds his new home.

Merilee mentioned if they build on the property already located in the county they will have to sell the existing home and five acres. Dave wants to continue to farm the land already in the county.

Merilee stated the council needs to put ordinances in place for special cases like this or open space will not be kept as people cannot afford to build just one home. Developers can pay the cost when multiple homes are built as they are doing the project to make a profit. A bank will not loan an additional \$100,000 for this project to pay for water and sewer lines.

Dave stated it is cheaper to drill a well than pay \$90,000 for water and sewer service. If the city is not going to allow him to connect to the existing service lines then he would like to disconnect from the city.

Dave asked the council how they would feel about disconnecting the parcel as he did not want to waste the \$500 application fee if the council is going to deny the request for a second time. Jamie, Wade and Curtis said they would support the request to disconnect. Deon replied he voted against the previous request to disconnect but was leaning towards supporting the request this time.

Mayor Barnes told Dave and Merilee to get with the city staff to start the disconnection process if that is what they wanted to do.

**PUBLIC HEARING, NO SOONER THAN 7:30 P.M., FOR THE PURPOSE OF DISCUSSING ORDINANCE 18-05, AN ORDINANCE AMENDING THE SMITHFIELD CITY PUBLIC SERVICES REGULATIONS, TITLE 13 IN PARTICULAR CHAPTER 13.04 "WATER SERVICE SYSTEM".**

*\*\*\*The public hearing opened at 8:20 P.M.\*\*\**

There were not any questions or comments.

*\*\*\*The public hearing closed at 8:21 P.M.\*\*\**

**DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 18-05.**

Jamie stated he had read the proposed ordinance and it cleans up some out of date wording and makes the language similar to the existing land use code. Wade concurred.

Mayor Barnes identified a grammatical error in Section “G” where “fee” was listed twice and needed to be removed.

Mayor Barnes asked in Section “F” if the petitioner or the city decides if the fee can be paid in lieu of providing the city with water shares? Clay replied the city will decide based on if there is adequate water available or not. Jamie replied if there is adequate water available then the petitioner can decide whether to provide shares or pay the fee.

Deon stated in Section “F” it states two shares of water stock would be required. What is the associated fee if a fee is paid in lieu of providing shares? Clay replied it depends on the size of the meter the petitioner is requesting. Craig replied the fee is listed in the prevailing fee schedule which is updated on a regular basis. Right now the fee is \$2,000 per share.

Deon replied in lieu of providing the city with two water shares the petitioner could pay the city \$4,000 instead. Craig replied that is correct.

Mayor Barnes asked if the canal company names in the ordinance were correct? Clay replied they need to be updated from the Logan Northern Canal Company to the Cache Highline Water Association.

\*\*\*A motion to adopt Ordinance 18-05, an Ordinance amending the Smithfield City Public Services Regulations, Title 13 in particular Chapter 13.04 “Water Service System” amending Section “G” by removing the word “fee” which was double entered and changing the “Logan, Hyde Park and Smithfield Canal Company and Logan Northern Canal Company” to the Cache Highline Water Association was made by Curtis, seconded by Wade and the vote was unanimous.\*\*\*

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

No Vote: None

**PUBLIC HEARING, NO SOONER THAN 7:30 P.M., FOR THE PURPOSE OF DISCUSSING ORDINANCE 18-06, AN ORDINANCE AMENDING THE SMITHFIELD CITY PUBLIC SERVICES REGULATIONS, TITLE 13 IN PARTICULAR CHAPTER 13.16 “SEWER SERVICE SYSTEM”.**

\*\*\*The public hearing opened at 8:28 P.M.\*\*\*

There were not any comments or questions.

\*\*\*The public hearing closed at 8:29 P.M.\*\*\*

**DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 18-06.**

Wade mentioned “fee” was double listed in this proposed ordinance as well and needed to be removed.

Jamie felt the proposed ordinance was appropriate as it cleaned up the existing code.

\*\*\*A motion to adopt Ordinance 18-06, an Ordinance amending the Smithfield City Public Services Regulations, Title 13 in particular Chapter 13.16 “Sewer Service System”, amending Section “E” by removing “fee” which was double listed was made by Curtis, seconded by Wade and the vote was unanimous.\*\*\*

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

No Vote: None

**CONTINUED DISCUSSION ON THE 2019 FISCAL YEAR BUDGET. THE PERIOD OF JULY 1, 2018 THROUGH JUNE 30, 2019.**

Craig reviewed proposed changes to the fiscal year 2019 which were made since the initial presentation to the city council at the March 28<sup>th</sup> council meeting.

Interest Expense on the city office building was changed to the actual amount not the initial estimate.

Water and sewer fund wages and benefits were each increased approximately \$4,000 to pay the new wage for an employee who is obtaining some certifications. When the certifications are received the employee will receive a wage increase.

Engineering expense in the water fund was increased \$50,000. The process will start to determine the location of the new water tank in the northeast portion of town. The process to select the tank site, purchase the land and do all of the required tests on the land will take approximately three to four years. Approximately three sites will be listed as options.

Jamie asked if the proposed change in this line item would be paid for with the recently passed increase in the monthly water charge? Craig replied that is correct. This project is part of the projects needing to be completed in the next five years.

The water meter line item was increased \$100,000. During this past winter over 200 water meters have stopped working and need to be replaced. Most of the meters were approximately 15 years old. The average lifespan of a water meter is ten to twenty years and the new meters have a lifespan of fifteen to twenty years. The new meters are 4G and will be able to be read from the city office in the future as opposed to having a truck drive the route to collect the readings.

Jamie asked how the staff identifies a water meter which has failed? Craig replied when the staff is doing monthly meter readings they will find zero changes in the meter reading, a signal a battery has failed or other notifications.

The proposed budget will be put on the city website for the public to review.

The public hearing on the budget will be held at the May 9<sup>th</sup> council meeting.

The vote of the council on the proposed budget will be at the May 23<sup>rd</sup> council meeting.

### **CITY MANAGER REPORT**

Craig reminded the council the Comcast Cares Day of Service will be held on Saturday, April 21<sup>st</sup>. Mayor Barnes encouraged everyone to get signed up and participate if possible.

There will be a joint planning commission and city council discussion on smaller sized building lots as part of the planning commission meeting on Wednesday, April 18<sup>th</sup>.

Parks Supervisor Brad Hulseby no longer works for the city. Hayden Downs has been promoted to interim parks supervisor. Hayden will be doing a working job interview over the next few months.

There are several job openings with the city at this time. Very few applications have been received. This is a problem everywhere locally as it is hard to fill jobs at this time.

Curtis asked if the parks supervisor position requires any certifications? Craig replied the position does require certifications for both pesticide and fertilizer application.

### **COUNCIL MEMBER REPORTS**

Curtis informed the council the rec center is preparing for the Comcast Cares Day of Service as well as Health Days. The booth spaces are starting to fill up for Health Days.

Curtis is still looking for females willing to serve on the planning commission. Jamie mentioned he gave a couple of names to Char Izatt who could be contacted. Curtis mentioned Mindy Spackman is now done with the commission. There is a current opening for an alternate.

Curtis is going to visit with Jeff Gittins to see how the planning commission can be involved in the upcoming community preservation workshop. Jamie replied he felt Jeff was encouraging the commissioners to attend the workshops if possible.

Curtis informed the council all of the intramural sports at the rec center are full.

Curtis felt there needs to be some parameters set for selecting the Citizen of the Year. The Lion's Club has done this selection in the past but there is not really any criteria for the selection.

Curtis mentioned the Smithfield Chamber of Commerce gives away two \$500 scholarships each year and they don't really have any parameters in selecting the students. Curtis suggested this should change for the future.



Deon mentioned Pete Krusi was selected by the Lion's Club as the Citizen of the Year. Chad Downs oversees this committee.

Wade mentioned the guardrail in front of the Civic Center had been damaged and the city staff needs to check it out and repair as needed.

Bart mentioned Fire Chief Jay Downs was in Hyrum working on some training with the staff members down there. Chief Downs is still looking to hire an engine boss. In order to obtain this certification a financial incentive will be included for the employee who is hired if they are not currently certified as an engine boss.

Bart informed the council he is working with the chamber on setting up guidelines for the scholarships they hand out.

Bart was going to inform the chamber about the upcoming community conservation workshop so the chamber could be involved.

Jamie mentioned the trail committee meets on a regular basis and he was hopeful they could change the time they meet so he would be able to attend future meetings. Currently, the date and time they meet is in conflict with some other commitments Jamie has.

Deon mentioned the Lion's Club spaghetti dinner fundraiser is on Thursday, April 12<sup>th</sup>.

Deon asked where and when the Citizen of the Year award should be presented? Curtis suggested at the event where the most people will attend during Health Days. Mayor Barnes suggested at the youth theatre performance and either night would be fine.

Deon informed the council he had been contacted by a resident asking the possibility of rezoning some land on the southwest side of town from two-acre lots to a tighter density. Is this possible? The property is located at approximately 200 South 800 West. Craig replied the future land use map shows this area zoned as 10,000 and 12,000 square foot building lots so it could be rezoned to lots smaller than two acres.

Deon asked if the sidewalk planned on Main Street north of where Cantwell Lumber used to be located (500 South Main) was still going to happen in this budget year? Craig replied that is correct.

Justin mentioned he spoke with Jaci Bennett about her new building at 72 North Main and her business Lil' Rascals. Jaci is allowed to have 72 people in the building and the majority of the week she is at capacity. Jaci wanted the council to know she appreciated their assistance on this project.

Mayor Barnes asked if the temporary sign could be taken down at Lil' Rascals? Clay replied Jaci is in the process of installing a permanent sign.

## **MAYOR'S REPORT**

Mayor Barnes mentioned he and Deon had attended the Doodlebug Academy grand opening.

The sidewalk around the new bathroom at Central Park has been poured.

A new member will be appointed to the Smithfield City Tree Committee at the May 9<sup>th</sup> council meeting.

Mayor Barnes informed the council the county had contacted him about the proposed 0.25% sales tax increase the Cache County Council is considering. Does the council support the proposed increase? The increase would generate approximately \$111,000 per year for the city for transportation related projects.

Curtis liked the idea the funds could be used for several different types of projects such as sidewalks, curb and gutter or roads.

Mayor Barnes stated the county council will vote on the request but asked each local city council if they support or do not support the proposed increase. Craig replied he strongly supports the increase.

Curtis asked how the funds are collected and distributed? Craig replied the county will collect the funds and distribute them to the local cities and towns.

Curtis asked if voters would decide whether or not to support the proposal? Craig replied the county council will vote on the request as part of a proposed ordinance. Mayor Barnes replied the proposed increase can be considered because the legislature passed Senate Bill 136.

Craig informed the council if the increase is adopted the city will start to see funds in July 2019.

Clay informed the council the road work at 1000 South Main will start on Monday, April 16<sup>th</sup>. There will be some lane closures while the work is completed.

Bart, Wade and Deon all stated they supported the proposed sales tax increase.

Deon mentioned he has heard from several residents who are upset about the recent utility rate increase.

Mayor Barnes asked if there is a fee to connect to the secondary water system? Clay replied only if the person is connecting to the city owned irrigation system.

Mayor Barnes asked if there is a map of the city owned system? Clay replied there is.

Craig mentioned an excavation permit is required if the city road has to be dug into to make the connection.

Deon asked how often funds are obtained from the CMPO (Cache Metropolitan Planning Organization) for city projects? Craig replied the 1000 South Main project is being paid for with CMPO funds. Clay replied this project was denied the first time the city applied and approved the second time.

Deon asked if this is the only CMPO project in the city? Craig replied he was not aware of any others.

Mayor Barnes mentioned former city manager Jim Gass is the chairman of the CMPO and suggested the city apply for additional projects in the future. Craig replied the city can apply but matching funds are needed and the city cannot supply those funds at this time. Clay mentioned the CMPO will not pay for curb and gutter. The city would be required to pay for all curb and gutter as well as 25% of the project cost. Craig stated the proposed project for 250 East is estimated to cost \$8,000,000 and the city would have to pay 25% of that cost.

Wade asked if Logan City recently increased their culinary water rate? Craig replied that is correct. Clay mentioned Logan City does an incremental increase each year.

Mayor Barnes mentioned he received a letter from a person wanting to build a new home outside of the city limit on 800 West and they needed some information to provide to the county. Craig informed the council he provided this person with what the city will require for improvements to the road since the road is owned by the city.

<p><b>EXECUTIVE SESSION TO DISCUSS REASONABLY IMMINENT LITIGATION, UTAH CODE 52-4-205 (1) (C).</b></p>
--

\*\*\*A motion to close the regular council meeting and open the executive session was made by Curtis, seconded by Wade and the vote was unanimous.\*\*\*

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

The executive session opened at 9:04 P.M.

Those in attendance: Mayor Barnes, Deon Hunsaker, Jamie Anderson, Bart Caley, Wade Campbell, Curtis Wall, Craig Giles, Justin Lewis

\*\*\*A motion to close the executive session and reopen the regular council meeting was made by Curtis, seconded by Bart and the vote was unanimous.\*\*\*

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

The executive session closed at 9:11 P.M.

\*\*\*Bart made a motion to adjourn at 9:12 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, April 11, 2018**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Mayor Barnes

1. Approval of the city council meeting minutes from March 28, 2018
2. Resident Input
3. TAP (Trust Accountability Program) Award presentation to the city council by representatives of the Utah Local Governments Trust.
4. Discussion and possible approval of the Conditional Use Permit request by Kristy Murdock, property owner, to allow a two (2) lot minor subdivision/intrablock development, Murdock Lane Intrablock Subdivision, located at 126 East 100 South. Zoned R-1-10.
5. Discussion with Kim and Lisa Rappleye about changing the setback requirements along the golf course to allow them to build an addition onto their home which will encroach onto the 30 foot setback requirement. Parcel Number 08-131-0028 located at 226 Summit Drive.

6. Discussion with Dave and Merilee Olson regarding the possibility of connecting a second home to a private sewer and culinary water service line located at 560 North 400 West. Parcel Number 08-043-0009.
7. Public Hearing, no sooner than 7:30 P.M., for the purpose of discussing Ordinance 18-05, an Ordinance amending the Smithfield City Public Services Regulations, Title 13 in particular Chapter 13.04 “Water Service System”.
8. Discussion and possible vote on Ordinance 18-05.
9. Public Hearing, no sooner than 7:30 P.M., for the purpose of discussing Ordinance 18-06, an Ordinance amending the Smithfield City Public Services Regulations, Title 13 in particular Chapter 13.16 “Sewer Service System”.
10. Discussion and possible vote on Ordinance 18-06.
11. Continued discussion on the 2019 Fiscal Year Budget. The period of July 1, 2018 through June 30, 2019.
12. City Manager Report
13. Council Member Reports
14. Mayor’s Report
15. Executive Session to discuss reasonably imminent litigation, Utah Code 52-4-205 (1) (c).

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.