

**SMITHFIELD CITY COUNCIL**

**APRIL 22, 2020**

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, April 22, 2020. The meeting began at 6:30 P.M. and Mayor Jeffrey H. Barnes was in the chair. The opening remarks were made by Jamie Anderson.

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

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

VISITORS: Bryce Goodin, Glade Smith, Dustin Smith

**APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM MARCH 11, 2020.**

\*\*\*A motion to approve the March 11, 2020 city council meeting minutes was made by Wade, seconded by Jon and the vote was unanimous.\*\*\*

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

No Vote: None

**DISCUSSION REGARDING OPTIONS WITH THE SMITHFIELD CITY JUSTICE COURT.**

James Peters introduced himself to the council.

James is the Justice Court Administrator for the Administrative Office of the Courts.

James has held this position for about 3 ½ years.

James reviewed with the council what options there are for the Smithfield City Justice Court as well as provided some information on the court.

The city has a sitting judge.

A judge is an elected official who is entitled to the remainder of his/her term unless he/she resigns or retires during the term.

There are three options with the local court. One, do nothing and continue on with the status quo. Two, combine with another local court as part of an interlocal agreement. Three, close/dissolve the court.

Judge Terry Moore's term runs through the end of 2022 so there are about 2 ½ years remaining on his current term.

Nibley and Hyrum recently did an interlocal agreement. The Nibley court was closed and those cases now go to Hyrum. All of the cases go before Judge Larsen in Hyrum. The two cities worked out an agreement on how revenue is split as well as expenses.

Mayor Barnes asked what happened with the sitting Nibley judge? James replied Nibley worked out an agreement with Judge Cook where he resigned/retired voluntarily.

Judges are required to retire at age 75 in Utah but they can resign at any time.

Judges can be impeached, which is very rare, or not reelected during their retention election.

The term is for a period of six years.

One advantage of an interlocal agreement is it can be terminated. The city can restart a justice court. Nibley could terminate their agreement with Hyrum and reopen their justice court if they choose to do so.

If a justice court is dissolved in Utah it is very hard to ever get back. By dissolving a justice court now might not work for the city in ten or twenty years. Getting a justice court back at that time would almost be impossible.

There are many justice courts in Cache Valley.

Cache Valley is unique in that there is not a county justice court.

Lewiston, Clarkston, Amalga and Newton recently closed their justice courts. All of the cases from those areas now go to the Logan City Justice Court.

Mayor Barnes asked what would happen if Smithfield wanted to work out an interlocal agreement with Hyde Park/North Logan where there are two sitting judges? James replied one of the judges would have to be paid out or retire.

Since the judge is elected they would get compensated through the end of their term whether they work or not.

In Nibley's case they worked out an agreement to pay the judge and he retired.

If a court is closed it needs legislative approval from the state. A petition to dissolve is filed.

The court cannot be dissolved sooner than January 2021.

In order to dissolve by January 2021 the judicial council must be notified by July 1, 2020.

If the petition to dissolve the court is filed before July 1, 2020 and it is approved the court would close on July 1, 2021.

Wade asked why a court is hard to get reinstated once it is dissolved? James replied that according to state statute it says in order for a court to be created there must be a demonstrated need. With courts in Hyde Park and Richmond as well as Logan it is very unlikely the state would see the need for a new court.

The rule of thumb is a new court will not be created within 25 miles of an existing court.

The judicial council is the body who approves a court dissolving as well a new court being created.

The Chief Justice of the Utah Supreme Court is the chairman of the judicial body.

Mayor Barnes asked why people would go to Logan for their court case rather than Hyde Park or Richmond if the local justice court is dissolved? James replied people cannot go to those courts without an interlocal agreement being in place. The default is people go to county court or district court if there is not a county court.

Jon asked if Cache County is the only county without a justice court? James replied Weber County used to have their own but they did an interlocal agreement with Roy City several years ago.

Jon asked where the city court is losing money on a yearly basis what is the advantage to having a local city court? James replied that is a philosophical question for the council. Does the council consider the court a core function of the city? Is the council okay with people who get tickets in the city going to Logan to pay for those tickets or have their case heard there?

Jon asked what percentage of people pay their citations online? Also, what is the percentage overall for the State of Utah of people who pay tickets online? James replied he would pull those numbers together and send to the council for review. Traffic tickets are typically not contested and people just pay them.

Mayor Barnes asked when Nibley combined with Hyrum was a deal already worked out beforehand with their judge or was that part of the process? James replied it was agreed to beforehand. Judge Cook resigned and was paid for the remainder of his term.

Curtis asked if the job performance of a judge is reviewed? James replied all judges are scrutinized. There is a judicial conduct commission. They review complaints. They are an independent agency. The commission recommends discipline if a complaint is serious and deemed to be true.

Jon asked if there are guidelines for conduct for judges? James replied there is a code of judicial ethics.

Curtis asked James if he attends local courts? James replied there are 115 courts throughout the state. Over the last 3 ½ years, James has visited all of the courts in the state.

Curtis asked if audio is taken during all court proceedings? James stated that is correct.

Curtis asked if video is taken during court proceedings? James replied video is typically not taken. The Providence and Richmond courts are going to try out a pilot program using video cameras.

Deon stated he thought the city council appointed and reappointed judges previously? James replied he thought that was changed in approximately 2012.

Curtis asked why the court has to run at a loss and not at least a breakeven financially. James replied the intent on the distribution of the fines received was supposed to be so the court neither made money nor lost money but that is not happening. Most courts lose money.

Craig mentioned the wage of a judge in Utah cannot be lowered. Any cost of living increase given to other employees must be provided to the judge as well. Even if caseload decreases the wage of the judge cannot decrease.

Curtis asked why caseload is decreasing? Craig replied because not as many citations are being issued.

Jamie asked if a complaint is filed against the local judge what happens? Craig replied it is handled by the state.

Jamie mentioned an interlocal agreement with Richmond might be possible as well. Combining with Hyde Park is not the only option for an interlocal agreement.

Curtis did not like the option that if the local justice court is dissolved the city cannot ever get it back. Mayor Barnes felt long term the city could have a justice court again because the caseload of the city will grow and the population will continue to increase.

**DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY VHD, LLC FOR APPROVAL OF THE FINAL PLAT FOR THE FAIRWAY RIDGE SUBDIVISION AN (8) LOT/UNIT SUBDIVISION LOCATED AT APPROXIMATELY 700 EAST 300 SOUTH. ZONED R-1-10.**

Mayor Barnes mentioned the proposed subdivision is at about 700 East 300 South on the north side of the road.

Jamie mentioned he was disappointed the current three-way intersection would not be expanded to the north but understood why the design is the way it is currently proposed for this subdivision.

Curtis asked if a trail needed to be included which would lead people onto the sidewalk at 300 South. Currently there is a trail to the west of this parcel which could be expanded long term to this area. Bryce Goodin replied there are grading issues on this parcel. There is going to be about a four to five foot retaining wall on each of the building lots because of the slope.

Curtis mentioned the long term goal has been to extend the trail along the area by the turkey sheds to the west of this area along the golf course boundary. Bryce replied the parcel to the west of this parcel is flat and would be easier to connect a trail and sidewalk. Jon mentioned the parcel to the west is owned by Randy Saxton.

Bryce mentioned retaining walls will be needed along all of the building lots in the proposed subdivision.

Mayor Barnes asked if all of the homes will face inward into the cul-de-sac and not onto 300 South? Bryce stated that is correct. All of the homes will face inward.

Jon asked if there would be a fence along 300 South like there is with the homes east of this parcel which face inward? Bryce replied there would be but he was not sure what type of fencing material would be installed.

\*\*\*A motion to approve the final plat for the Fairway Ridge Subdivision, an eight (8) lot/unit subdivision located at approximately 700 East 300 South was made by Jamie, seconded by Wade and the vote was unanimous.\*\*\*

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

**DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY VHD, LLC FOR APPROVAL OF THE FINAL PLAT FOR FOX MEADOWS 2, A (26) LOT/UNIT SUBDIVISION LOCATED AT APPROXIMATELY 325 NORTH 600 WEST. ZONED R-1-10.**

Mayor Barnes mentioned this phase is located north of Birch Creek Elementary School. Jon also stated west of the Park Place Subdivision.

Mayor Barnes mentioned this phase would extend to 800 West.

Bryce Goodin mentioned the storm water retention pond long term will be on the Coleman property to the north.

Clay mentioned the current plan is to have a temporary storm water pond. As the project expands to the north a long term pond will be constructed.

Jon mentioned during spring runoff water has always pooled along the east side of 800 West in this area. The road is higher than the agricultural fields to the east.

Bryce mentioned a temporary pond would be constructed now for both Phase 2 and Phase 3 of Fox Meadows.

Mayor Barnes replied the water collecting on 800 West should be resolved when curb and gutter and the storm drain system are installed on 800 West. Jon concurred.

Clay mentioned storm water will flow to the north on 800 West and 770 West.

Jamie asked for clarification on where the permanent storm water pond will be. Clay replied north of Phase 4 of Fox Meadows which is on the south side of Saddleback Road and north of Fox Meadows Phases 2 and 3. A regional pond will be created there.

Jamie asked what happens if Phase 4 is not completed? Clay replied the temporary ponds will be used until Phase 4 is complete.

Mayor Barnes asked if the storm water could flow south? Clay replied it is designed to flow north into the temporary pond and long term into the permanent pond. Long term having one regional storm water pond is better than several smaller ponds.

Jamie expressed concern about the amount of time it will take for the long term pond to be built and functional. Clay replied even the temporary ponds have to be constructed to hold capacity of a 100 year storm.

Mayor Barnes mentioned all of the building lots in Phase 1 of Fox Meadows are sold.

Wade asked if there are sewer issues with Phase 2? Bryce replied there is a note on the plat regarding the sewer. A private lift station is being installed north of this phase. The sewage will flow to the lift station and then be pumped to 300 North 600 West. A homeowner's association will be created and maintain the lift station. A management company is in place to communicate with the homeowner's about the lift station. The management company will notify the property owners if there are issues and what the costs will be. The homeowner's will be informed to contact the management company and not the city if there are sewer problems in the area. A SCADA system is being installed so the developer is notified if there is a problem with the lift station.

Jamie mentioned Phase 1 of Fox Meadows is not part of the sewer lift station area because it can gravity flow in that area. Bryce replied that is correct.

\*\*\*A motion to approve the final plat for Fox Meadows 2, a twenty-six (26) lot/unit subdivision located at approximately 325 North 600 West was made by Jamie, seconded by Wade and the vote was unanimous.\*\*\*

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

No Vote: None

**DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY VHD, LLC FOR APPROVAL OF THE FINAL PLAT FOR FOX MEADOWS 3, A (27) LOT/UNIT SUBDIVISION LOCATED AT APPROXIMATELY 340 NORTH 770 WEST. ZONED R-1-10.**

Mayor Barnes mentioned in this phase 340 North does not extend west to 800 West but 280 North would extend to 800 West. Phase 4 will also have a road which extends to 800 West.

Clay mentioned any subdivision with over ten building lots requires to access points. If Phase 2 is not built then there will only be one access point. In order for Phase 3 to be built the infrastructure for Phase 2 will need to be completed as well.

Jamie asked Bryce Goodin if Phase 3 would be started before Phase 2? Bryce replied the infrastructure for Phases 2 and 3 will be installed at the same time.

Clay mentioned the city attorney was aware of this concern and addressed it with the developer.

Curtis asked if the dairy to the north is still operating? Bryce replied it is.

\*\*\*A motion to approve the final plat for Fox Meadows 3, a twenty-seven (27) lot/unit subdivision located at approximately 340 North 770 West was made by Jamie, seconded by Curtis and the vote was unanimous.\*\*\*

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

No Vote: None

Deon asked Jon to encourage the planning commission to finish the MPC (Master Planned Community) ordinance.

The area where Fox Meadows is being built is full of 10,000 square foot lots with little diversity according to Deon.

Deon mentioned the planning commission should consider eliminating 10,000 square foot lots. The MPC ordinance will bring diversity to future subdivisions.

Mayor Barnes asked Deon if he was wanting more traffic and high density housing? Curtis replied Deon wants to see more open space.

Jon mentioned the planning commission had more pressing issues to deal with but the MPC ordinance will be completed at a future date.

**DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 20-09, AN ORDINANCE REZONING PARCEL NUMBERS 08-079-0071 AND 08-042-0019 FROM RA-2 (RESIDENTIAL AGRICULTURAL – 2 ACRE) TO RA-1 (RESIDENTIAL AGRICULTURAL – 1 ACRE). THE PARCELS ARE LOCATED AT APPROXIMATELY 561 SADDLEBACK ROAD AND TOTAL 3.74 ACRES.**

Mayor Barnes mentioned the parcels being considered for rezone are on Saddleback Road north of Phase 1 of the Fox Meadows Subdivision.

Jamie mentioned a portion of each parcel being considered for rezone is not in the city. Glade Smith replied when the parcel to the north, which is currently owned by the Coleman family, is annexed into the city the remainder of his two parcels will be annexed into the city at that time.

Curtis mentioned part of the approval process by the planning commission was that the portions of the parcels not currently located in the city would be annexed into the city long term.

Mayor Barnes asked Glade if he was willing to annex the land located in the county into the city? Glade replied he is.

Jon mentioned the planning commission included in the motion to approve the rezone some verbiage about requiring the area located in the county be annexed into the city when the surrounding parcels were annexed.

Jamie asked if the Smith's will need permission from the county to build on the parcel? Jon replied they are building on the portion of the parcel already located in the city. The lot is non-conforming at this time. Once the remainder of the parcel is annexed into the city the lot will be conforming.

Glade mentioned he was not sure why the entire parcels were not already in the city but it was that way when he purchased it decades ago.

Mayor Barnes asked if the intent is to build on the vacant parcel to the west? Clay replied that is correct. The house must be entirely built in the city and Glade is aware of this requirement.

Mayor Barnes asked if there is any reason to not annex the parcels into the city now? Jon replied there is no need for them to do that as there is enough land in the city to build the home on.

Mayor Barnes asked if the home can be built on the portion of the parcel located in the county? Jamie replied the house must be in the city limits if it is being reviewed and approved by the city.

Glade mentioned the proposed design and layout of the new home has the home located entirely in the city.

\*\*\*A motion to adopt Ordinance 20-09, an Ordinance rezoning Parcel Numbers 08-079-0071 and 08-042-0019 from RA-2 (Residential Agricultural – 2 Acre) to RA-1 (Residential Agricultural – 1 Acre) with the condition when Parcel Number 08-042-0007 or 08-042-0021 is annexed into the city the portions of Parcel Numbers 08-042-0019 and 08-079-0071 not currently located within the city limits be annexed into the city at that time, was made by Jamie, seconded by Wade and the vote was unanimous.\*\*\*

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

No Vote: None

<p><b>DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 20-04, A RESOLUTION IMPLEMENTING AUTHORITY TO CONDUCT ELECTRONIC MEETINGS AND PROVIDING PROCEDURES FOR PARTICIPATION IN ELECTRONIC MEETINGS.</b></p>
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Craig mentioned the state has recommended each city adopt a virtual meetings Resolution if there is not already one in place.



The proposed Resolution would allow a council member or the mayor who is sick or out of town and cannot physically attend a council meeting to participate.

The city office building is defined as the anchor point in the Resolution.

Curtis asked if this allows anyone to watch the council meeting remotely? Craig replied the council meeting could be broadcast. It has been recommended on broadcasted meetings comments from the public are not accepted from those remoting in because it is an unknown of who is talking. They can make blind statements.

Jamie asked if a resident would need to be in attendance at the city office building to participate in a public hearing? Craig replied that is correct. This Resolution only has to do with the city council members and mayor being able to participate electronically. The meeting still has to be recorded, the city office building open for people to be able to attend and some staff members in attendance to oversee the meeting.

Curtis felt the Resolution was appropriate and mentioned many businesses are making electronic meeting policies as well. Craig replied it is a good option for a mayor or council member to be able to participate if they are not physically able to attend.

Jon asked who oversees the meeting if the mayor is not in attendance? Mayor Barnes replied it would be the mayor, then mayor pro tempore and then any council member. If no council members or the mayor are in attendance then the mayor would conduct the meeting from his remote location.

\*\*\*A motion to adopt Resolution 20-04, a Resolution implementing authority to conduct electronic meetings and providing procedures for participation in electronic meetings was made by Curtis, seconded by Wade and the vote was unanimous.\*\*\*

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

No Vote: None

<b>DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 20-02, A RESOLUTION UPDATING THE PREVAILING FEE SCHEDULE OF THE CITY.</b>
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Mayor Barnes mentioned the two biggest proposed changes are changing the resident grave plot purchase from \$450 to \$650 and the nonresident grave plot purchase from \$1,200 to \$1,600.

Curtis asked where the proposed fees came from? Craig replied in reviewing the fees charged by other cities as well as the fact funds are needed to expand the cemetery grounds because there are limited burial spaces left to sell.

Mayor Barnes mentioned cemetery plot spaces are very limited. People are in the market to purchase cemetery plots. The proposed fees are in-line with what other cities are charging. Once all of the plots are gone there won't be anywhere in the city for people to be buried. There is the

possibility of expanding to the east to add some plots. That area is not large and won't last forever.

Craig mentioned the city operates a small irrigation water system of about 142 users east of Sky View High School. The Cache Highline Canal Company is implementing a user fee. The fee is \$90 per connection. The city is billed a flat fee of \$90 per user on top of the other yearly fees and assessments. Jon mentioned the fee is a pass through fee meaning the exact amount billed to the city is the exact amount billed to each user.

Craig mentioned the rest of the proposed changes are for registration fees at the rec center for various sports as well as some park rental fees. Some team sports are increasing up to \$50. The majority of the individual fees are increasing \$3.00.

Mayor Barnes asked for clarification on the increase for the fee at the senior center. Craig replied the Priority 3 rental fee would increase from \$60 to \$65.

Deon stated he would not support the Resolution as this would be the third increase to the cemetery fees in the last fifteen years.

Deon supported increasing the nonresident grave plot purchase price but not the resident grave plot purchase price.

Deon stated residents are upset about any fee increase and have told him so.

Deon did not support the fees charged for the horse arena. People want to use the local arena but it is cheaper to go elsewhere and rent a different facility. Mayor Barnes replied he did not agree.

Mayor Barnes had reviewed fees charged by other cities in the valley as well as what the county charges. The county charges more than Smithfield. Craig mentioned the staff reviewed these fees after the last discussion on this topic and they are lower than what other cities charge.

Jamie mentioned the fees charged to use the horse arena are staying the same and not increasing in the proposed Resolution.

Mayor Barnes mentioned he had a list of fees charged by others for use of their equestrian facilities, which Brett Daniels had put together, and he would share it with the council.

Deon mentioned he was told indoor arenas throughout the state can be rented cheaper than the city facility. Mayor Barnes replied he would like to know where as he would call them and find out what the fees being charged are.

Jamie mentioned the fees are different for non-profit and for-profit entities renting the facility.

Craig mentioned Cache County, Lewiston and Hyrum were some of the local places contacted to see what their rates are. Mayor Barnes stated he felt the fee charged by the city was fair.

\*\*\*A motion to approve Resolution 20-02, a Resolution updating the Prevailing Fee Schedule of the City was made by Curtis, seconded by Jon and the motion passed by a vote of 4-1.\*\*\*

Yes Vote: Wall, Anderson, Wells, Campbell

No Vote: Hunsaker

**PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 20-13, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 13 “PUBLIC SERVICES”, SECTION 13.16.140 “USE OF SEWER SYSTEM MANDATORY”.**

\*\*\*The public hearing was opened at 8:22 P.M.\*\*\*

There were not any comments or questions.

\*\*\*The public hearing closed at 8:23 P.M.\*\*\*

**DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 20-13.**

Clay mentioned the sewer system of the city was installed in 1988.

Clay mentioned the new home being built by Glade Smith’s son is over 300 feet away from the sewer system so he can be on a septic tank and not have to connect to the city sewer system.

The proposed Ordinance would require all newly constructed buildings in the city to be on the sewer system of the city. Septic tanks would no longer be allowed for new construction.

The sewer system of the city is adequate and there is no reason to allow septic tanks in the future.

Jon asked what happens to those currently on septic tanks? Clay replied this only applies to new construction.

Mayor Barnes asked why the new Smith home would be on a septic tank? Clay replied because an application has been submitted before the Ordinance is changed.

Justin mentioned there are two steps in fixing the loophole allowing septic tanks. The first step is adopting this Ordinance. There is also a change which needs to be made to the construction and design standards. The second Ordinance will go before the planning commission in May and then come to the council for approval.

Jamie asked what the fee is for not complying for other parts of this section of code? Clay replied it is an escalating fee determined by a judge.

Mayor Barnes asked for clarification of what would happen in the future if Glade Smith wanted to build the new home after this Ordinance is adopted? Craig replied the new home would be on

the sewer system and it would be up to the city whether or not to require the existing home to be on the sewer system.

Jon stated as the Ordinance currently reads all lots must be on the sewer system. Craig replied that is correct. If a new sewer line is run down Saddleback Road then Barringer, Smith and the other homes will be required to hook onto the sewer system of the city.

Jon asked if the two year limit is for buildings without a toilet and have something like a wash drain? Craig replied that is correct.

\*\*\*A motion to adopt Ordinance 20-13, an Ordinance amending the Smithfield City Municipal Code Title 13 “Public Services”, Section 13.16.140 “Use of Sewer System Mandatory”.\*\*\*

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

No Vote: None

<p><b>CONTINUED DISCUSSION AND UPDATE ON THE FISCAL YEAR 2021 BUDGET WHICH IS THE PERIOD OF JULY 1, 2020 THROUGH JUNE 30, 2021.</b></p>
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Craig mentioned the Fox Meadows Subdivision Phases 2 and 3 were just approved. The city is in the planning stage for a master lift station west of town.

Craig asked the council to allow for the future sewer mainline to be installed when the infrastructure for Fox Meadows Phases 2 and 3 is installed. The project will be cheaper now than later and the new road will not have to be dug up. The cost of the project will be about \$90,000. If the council allows the project to proceed the budget will be adjusted to include this project.

The consensus of the council was to allow the new sewer mainline to be installed at this time.

Deon asked exactly where the sewer line would be installed? Clay replied on 800 West.

Jon asked if the contractor the bid was obtained from is the same one doing the work for Visionary Homes on the project? Craig replied that is correct.

Clay mentioned the line is a pressurized line so the cost of the pipe is more than regular pipe.

Curtis asked how much is being saved by installing the pipe now and not later? Clay replied the only expense to the city is the cost of the pipe and the backfill material.

Jon asked if the city is being charged for the trench being wider or the labor? Craig replied the city is not being charged for those items.

Craig mentioned a trench at least three feet wide would be cut into the new road if the line is installed at a later date. Clay stated since a trench box will be required the width will actually be wider than three feet.

Craig estimated the minimum amount the city would save is \$50,000. Labor, mobilization, material cost changes and road work will all be saved. Jon replied he felt \$50,000 was a low amount and the savings to the city would be quite a bit more than that.

Craig mentioned the city staff is well aware the revenue received by the city is going to drop because of the Coronavirus. There are daily briefings the staff listens too. There are differing opinions on how bad the financial impact will be to the cities and counties in the state. The staff is being conservative and knows a hit to the revenue is coming. It is not doom and gloom as some project. A spending freeze has been implemented. Any item that can be purchased at a later date is not being purchased now.

Craig asked the council and mayor to notify the auxiliaries they work with about the spending freeze as the staff does not work with some of these groups on a regular basis.

The biggest financial impact to the city will be decreases in sales tax revenue and Class "C" Road tax revenue. There is a two month lag from when the state receives sales tax until the city is paid so it is an unknown how bad the hit is at this time. The sales tax revenue for the month of April will be the worst month according to current projections.

Currently, the biggest impact to the city is at the rec center. In the two weeks in March the rec center was closed over \$56,000 in revenue was lost. April will be worse because the rec center was closed almost the entire month. Only a couple of areas of the facility are currently open.

If all outdoor sports such as soccer, baseball and adult softball are cancelled the budget impact will be significant. Over 700 people will need to be refunded if the spring soccer season is cancelled.

Curtis mentioned some used equipment was sold so that should help with revenue which was not planned for.

The new budget has the actual amounts for health insurance included. The original proposal was a 10.95% increase. After working with the broker the amount was reduced to 7.95%. That amount was still too high so other changes were made and the final rate is an increase of 1.79%. This required a change to the deductible amount the employees pay.

Jamie asked what the current deductible is and what the new deductible will be. Craig mentioned the current deductible is \$1,500 individually and \$3,000 for a family. The new deductible is \$2,000 per person and \$4,000 per family. The out of pocket maximum is increasing from \$3,000 per person and \$6,000 per family to \$5,000 per person and \$10,000 per family. These changes needed to be made to get the monthly premium lower and more affordable.

Jamie asked if the city utilizes an HAS (Health Savings Account) plan? Craig replied all but two employees are on an HSA plan. Two employees are still on a traditional plan. For a traditional plan the city pays 70% of the cost and the employee 30%.

Curtis asked if the city can apply for PPP (Payroll Protection Program) funds? Craig replied the city cannot.

Craig mentioned at one time the staff thought the city could get some funds from the CARES program but that does not appear to be an option.

Jon asked if the ambulance service can apply for supplies? Craig replied ambulance supplies run through the county. Chief Downs replied supplies for his department are coming from the national stockpile.

Jon asked if the city will be able to quickly apply for federal government funds when the funds are available? Craig replied the chance of the city getting any of those funds is slim. The focus of those funds is in on cities and counties with a population over 500,000. There are only two of these areas in the state and Cache Valley is not one of them.

Craig mentioned the city has been informed by the state there are not any funds available for loss of revenue.

Craig mentioned the staff would like to proceed with the new budget as presented but with a few recommendations and changes. None of the equipment would be purchased in July. None of the large projects would start in July. Equipment and large project purchases would be held off until actual financial data is received and the impact to the city is known. The equipment might be purchased in the fall, winter, next spring or not at all depending on how much revenue is received.

Curtis asked for an example of what projects would be put on hold. Craig replied the cemetery expansion project as well as the new "Welcome to Smithfield" sign.

The new test well project would continue on since it is in the water fund and not the general fund. The new well is needed for future growth.

There is a reserve in the Class "C" Road Funds account so regular street projects like crack sealing and chip seal will still be done.

Converting the cemetery to irrigation water from culinary water will be held off for now.

Cost of living wage increases will be held off at this time.

Jamie asked how much of the general fund revenue is from sales tax? Craig replied about 44% which is too high of a percentage.

Curtis mentioned the city does not have many closed businesses at this time. Craig replied everyone is being effected but mainly the local eateries.

Jon asked if Staker Parson Company is still busy? Craig replied construction is still strong locally. The county sold the highest number of building permits ever in one month in March 2020. The number of permits sold in April will be very few.

The public hearing on the new budget will be held at the May 13<sup>th</sup> city council meeting.

Curtis mentioned since Health Days has been cancelled that expense will no longer be incurred so that will help offset revenue lost by the rec center.

Jamie thanked the staff for being mindful of the current economic situation and cutting back as much spending as possible.

Curtis asked when the department heads will come back before the council? Craig replied they will attend the May 13<sup>th</sup> council meeting in case there are specific questions on their budgets. The council will not vote on the new budget until the May 27<sup>th</sup> council meeting.

Curtis asked how the employees are being evaluated and how job performance is monitored. Craig replied one of his frustrations was in the past raises were not tied to performance. The city has done a straight across the board cost of living increase for a long time. The city has over performers and under performers just like all other cities and private businesses.

A new process is currently being implemented. In the future, a department head will be given a certain amount of money for raises such as 5.00%. The department head will then determine how he/she wants that 5.00% to be allocated. Curtis liked the new process and felt it is appropriate.

Craig mentioned the city now uses the Perform module in the NEOGOV software for this purpose.

Employee evaluations are currently being done for all full-time employees. They will be completed by June 1<sup>st</sup>. Goals are set. Ratings are assigned in several categories by the department head as well as the employee. After the employee is rated by both parties they then meet to discuss the evaluation.

Curtis mentioned he likes the direction this is going as he felt it needed to be done before now. Craig replied it has taken about three years to get the software in place and to the point evaluations can be done electronically.

Jon asked if reviews will be done annually? Craig stated that is correct.

Curtis liked the new process and mentioned it will help keep the good employees and reward them.

Craig mentioned the software allows for information to be included all year long so people don't have to remember events or things that happened a year later.

Jamie and Mayor Barnes both felt this new process is appropriate and needed.

Craig mentioned where the online evaluations are new it is still a work in progress and will be tweaked as needed.

**DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 20-03, A RESOLUTION AMENDING THE RULES AND POLICIES OF THE CEMETERY.**

Mayor Barnes stated the proposed change is to allow a head of household to only purchase two grave plots not four. Space is limited and there are not many plots left in the cemetery.

Curtis mentioned people cannot hoard them because if they want to sell them they have to sell them back to the city for the price they paid for them. They cannot profit off of them by reselling them.

Deon expressed concern if a child dies the parents would not be able to purchase three grave plots so they could all be buried by each other. Jon agreed and mentioned a recent family circumstance like Deon mentioned happened in his family and he was thankful to have four grave plots.

Curtis mentioned the issue is having four all together. Maybe an option would be to allow only two plots to be together.

Mayor Barnes mentioned most cities and cemetery districts do not allow for a large number of plots to be purchased.

Craig mentioned there are very few remaining areas where four plots could be purchased together.

Curtis mentioned what happens in special circumstances where a child passes away unexpectedly. Craig replied the intent is to allow a plot to be purchased for the deceased and two could still be purchased by the mom and dad. Four would not be allowed to be purchased. Only two could be purchased if there is not a current burial.

Justin mentioned another reason for the proposed change is to buy time. There are only about 500 burial plots left to be purchased. Right now 125 people could purchase all 500 plots. By changing it to only two being allowed to be purchased that would allow 250 people to purchase plots.

Jon asked if there is a way to take back some of the sold plots if they are not used within a certain amount of time? Justin replied state code dictates the process for the city to reclaim burial plots. It is a specific process. Justin stated he was not aware of any state code which would allow the city to take back burial plots just because they were not occupied.

Curtis mentioned even if this Resolution is adopted it can be changed in the future. The council might want to change back to four when the expansion on the east side of the grounds is completed.



Jon mentioned it is too costly to build a new cemetery. The city could not afford to even buy land for such a purpose.

Jon stated he supported the Resolution but struggles with the change on a personal level.

Curtis mentioned the change can be reviewed and updated by the council at any time.

Jamie asked if two burials could be done in one burial plot? Craig replied not at this time. Curtis mentioned they allow it in the Boise, Idaho area. Jon mentioned his wife's parents are buried that way in Springville.

Mayor Barnes mentioned it would be hard to do that in the Smithfield Cemetery because the ground is a gravel pit. It is hard to dig without the walls collapsing of the plots on either side of the current burial.

Jon asked if a mausoleum had ever been considered? Curtis replied not that he was aware of.

Jon mentioned he was not aware of any in Cache Valley but there are some in the Salt Lake area where there are private cemeteries. The caskets can be stacked either four or six high. Justin mentioned a plaque is put on the wall letting people know where the deceased is located. Craig mentioned maintenance costs would be less.

Mayor Barnes stated looking to the future cities will run out of space in their cemeteries. People will be forced to do cremations because of a lack of space. Craig mentioned that is already a requirement in Centerville and other areas because they are out of space.

Mayor Barnes mentioned the city will not be able to build a new cemetery in the future as it is too costly. Jon mentioned a burial plot at a private cemetery in Seattle costs \$12,000.

Mayor Barnes mentioned the Smithfield Cemetery is part of the general fund of the city. Richmond has an advantage where their cemetery is part of a district and collects property tax separate from the property tax collected by the city.

\*\*\*A motion to adopt Resolution 20-03, a Resolution amending the Rules and Policies of the Cemetery was made by Curtis, seconded by Jon and the motion passed by vote of 4-1.\*\*\*

Yes Vote: Wall, Anderson, Wells, Campbell

No Vote: Hunsaker

### **READING OF ARBOR DAY PROCLAMATION.**

Mayor Barnes read the Arbor Day Proclamation declaring Friday, April 24, 2020 as Arbor Day in the city.

Mayor Barnes mentioned the green waste dumpsters will be taken away at the end of April and not be brought back to the city until October.

On Friday, April 24<sup>th</sup> is a Food Pantry Parade being hosted by the Young Automotive Group.

Deon mentioned Lieutenant Governor Spencer Cox stated city celebrations do not need to be cancelled. Craig replied for later in the summer not the month of May.

Logan City has cancelled their fireworks show on July 4<sup>th</sup>.

Hyrum City is evaluating whether or not to cancel their July 4<sup>th</sup> celebration. Worst case they will have a fireworks celebration only.

Curtis mentioned the fireworks for Health Days were paid for several months ago. They might be utilized during a summer activity since Health Days has been cancelled. Jon mentioned this year is the 125<sup>th</sup> anniversary of the Smithfield Blue Sox and maybe the fireworks celebration could be done in a joint effort with their celebration.

Curtis mentioned Sky View High School Athletic Director Ryan Grunig was named Athletic Director of the year for the State of Utah. Ryan resides in the city.

*\*\*\*Curtis made a motion to adjourn at 9:11 P.M.\*\*\**

## **SMITHFIELD CITY CORPORATION**

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Jeffrey H. Barnes, Mayor

**ATTEST:**

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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 22, 2020**. The meeting will begin at 6:30 P.M.

Smithfield City Council Meeting Minutes, April 22, 2020

Welcome and Opening Ceremonies by Jamie Anderson

1. Approval of the city council meeting minutes from March 11, 2020.
2. Discussion regarding options with the Smithfield City Justice Court.
3. Discussion and possible vote on the request by VHD, LLC for approval of the Final Plat for the Fairway Ridge Subdivision an (8) lot/unit subdivision located at approximately 700 east 300 South. Zoned R-1-10.
4. Discussion and possible vote on the request by VHD, LLC for approval of the Final Plat for Fox Meadows 2, a (26) lot/unit subdivision located at approximately 325 North 600 West. Zoned R-1-10.
5. Discussion and possible vote on the request by VHD, LLC for approval of the Final Plat for Fox Meadows 3, a (27) lot/unit subdivision located at approximately 340 North 770 West. Zoned R-1-10.
6. Discussion and possible vote on Ordinance 20-09, an Ordinance rezoning Parcel Numbers 08-079-0071 and 08-042-0019 from RA-2 (Residential Agricultural – 2 Acre) to RA-1 (Residential Agricultural – 1 Acre). The parcels are located at approximately 561 Saddleback Road and total 3.74 Acres.
7. Discussion and possible vote on Resolution 20-04, a Resolution implementing authority to conduct electronic meetings and providing procedures for participation in electronic meetings.
8. Discussion and possible vote on Resolution 20-02, a Resolution updating the Prevailing Fee Schedule of the city.
9. Public Hearing for the purpose of discussing Ordinance 20-13, an Ordinance amending the Smithfield City Municipal Code Title 13 “Public Services”, Section 13.16.140 “Use of Sewer System Mandatory”.
10. Discussion and possible vote on Ordinance 20-13.
11. Continued discussion and update on the Fiscal Year 2021 Budget which is the period of July 1, 2020 through June 30, 2021.
12. Discussion and possible vote on Resolution 20-03, a Resolution amending the Rules and Policies of the cemetery.
13. Reading of Arbor Day Proclamation.

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.