

SMITHFIELD CITY COUNCIL

JUNE 13, 2018

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, June 13, 2018. 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: Deon Hunsaker, Jamie Anderson, Wade Campbell and Curtis Wall.

Bart Caley was excused.

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

VISITORS: Eric Sorensen, Jeff West, Jasilyn Heaps, Christopher Heaps, Jackie Hancock, Paul Hancock, Michelle Anderson

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM MAY 23, 2018.

A motion to approve the city council meeting minutes from May 23, 2018 was made by Curtis, seconded by Wade and the vote was unanimous.

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

RESIDENT INPUT

ERIC SORENSEN: I am a previous resident of the city. I moved out of the city in July 2017. I am building a new home up Smithfield Canyon. I started this process almost two years ago. I communicated with Craig Giles regarding water fees. There is an agreement in place from 2001 where I am entitled to hook onto the city culinary water system. The city main water lines run through my property. I am part of a four lot subdivision. I tried to work with the mayor and city council back then to secure a water connection but they did not have an interest until they found out they needed an easement from us to run the water line through our property. An agreement was reached. I was paid \$2,000 as part of the agreement. In lieu of having to provide two shares of water stock I paid the city \$7,000 to have access to the city water system. I don't know if the city still allows this or what is charged.

CLAY: A fee is still charged if approval is granted.

ERIC: Is Todd Davis located outside of the city limits?

CLAY: Yes, his new home will be outside of the city limits.

ERIC: What fee is he required to pay?

CLAY: The fee for a ¾ inch connection is \$2,000. Todd will also pay a deposit, connection fee and impact fee on top of that amount.

MAYOR: Todd is also responsible to install the line from the main line to his home.

ERIC: I sold my home last July. In the process of meeting with Doug Petersen and Clay to discuss my project I found out that the water impact fee recently increased by almost double. I had a building permit in place before the fee was increased. I want to know if there is any way the council will consider doing an exception so I can pay the old impact fee amount. The hole for our new home was dug in November 2017. I know the council started discussing the new fees around that time.

JUSTIN: The initial discussion started in November.

MAYOR: The fees were not adopted and approved until 2018.

ERIC: I moved outside of the city so I was not notified of the change. I would have paid the impact fee in 2017 if I had known it was going to change. The building permit was issued back then. I did not need the water until now. I am not sure what notices were sent out by the city. I am not sure if it was in the newsletter or where it was advertised. I don't take the local newspaper. I was not aware of the proposed fee increase. I found out about the increase on May 9th. A month after the fee increased. I talked to Craig and he informed me any change in the current fee would have to be approved by the council.

MAYOR: When was the hole dug for your new home?

ERIC: Around Thanksgiving. There are a total of four building lots in the subdivision. I am developing one of them. The first home was built in 2004 by the Seiter family. They took two of the building lots and built one home right in the middle of both of them. There is one building lot left to build on.

MAYOR: Is the Seiter home on culinary water?

ERIC: Yes. All four lots have access to culinary water from the city.

MAYOR: What did the \$7,000 fee you paid pay for?

ERIC: The city requires two irrigation water shares to hook onto the system. We were not able to purchase two shares and give them to the city so we paid the \$7,000 fee instead. The city would not consider allowing us to hook onto the culinary water system until they realized they did not have an easement through our property and then an agreement was made.

WADE: The main water line from the well runs through their property.

ERIC: There are actually two water main lines running through our property. My building permit was issued on November 21st. I am not sure if the county notified the city we were going to build or not.

JUSTIN: Since you built outside of the city limits the county is not required to notify the city of your building permit request or issuance.

DEON: You did not have permission to access the water line or connect to the system?

ERIC: Not until 2001 when the easement agreement was signed.

JUSTIN: Eric is requesting to pay the water impact fee charged in 2017 not the water impact fee amount charged in 2018.

MAYOR: The building permit was granted and issued in November 2017.

ERIC: I know I hear discussions about setting a precedent but I am not aware of any other requests that can be made such as mine.

MAYOR: We have only approved one request in the last ten years for a connection outside of the city limits.

ERIC: When I talked to Craig in 2016 he told me it was not possible without this agreement.

JAMIE: Can you clarify exactly what you paid for when you paid the \$7,000 fee.

ERIC: Item number 8 in the agreement reads as follows: "In lieu of the required 2 shares of water stock in the Logan, Hyde Park and Smithfield Canal as a condition to granting of a water

connection outside of the corporate limits of Smithfield as outlined in Section 13.040.400 of the Smithfield Municipal Code, Owner agrees to pay the City seven thousand dollars (\$7,000.00) prior to July 1, 2001. City accepts the same". Each building lot had its own agreement and each agreement required a payment of \$7,000. I will pay to install the one inch water line. The old impact fee is \$2,500 and the new impact fee is \$5,251.

MAYOR: Plus the other applicable fees.

CLAY: The connection fee is around \$300.

ERIC: It is \$400 for a one inch connection.

CLAY: A deposit, impact fee and connection fee will all need to be paid.

JUSTIN: The council cannot vote on this request since it is not a line item on the agenda.

DEON: What are you doing for sewer service?

ERIC: I will have a septic tank for sewer service and propane for heat.

MAYOR: The next city council meeting is on July 11th.

JUSTIN: A public hearing is not required. The item will be listed on the council meeting agenda. The council will need to explain if they approve this request why they are approving it for Eric and not for anyone else.

JAMIE: How many others could make this request?

CLAY: I am not sure. Impact fees are collected on projects in the city before a zoning clearance is issued.

JAMIE: Eric would have paid the fees in November if his home had been built in the city.

JUSTIN: Correct, the fees would have been paid before a zoning clearance was issued by the city. The remaining fourth lot will be required to pay the impact fee charged at that time if it is ever built on and has the same easement agreement in place that Eric does.

ERIC: Right now we are in the process of sheet rocking. We need water. Can I get water now? Can I pay the amount in-full and then be reimbursed the difference if the council approves the request in July?

CLAY: Yes, you can pay the full fee now and be reimbursed if the council approves your request.

CURTIS: I concur.

JEFF WEST: I own ten acres west of the city boundary. It is west of 800 West and south of SR-218 (100 North). I have been discussing my request with your staff members. I want to be on the agenda at the July council meeting. I have talked to Wade, Curtis and the mayor about my request. I want to talk to the council about the possibility of waiving some of the fees on 800 West as we want to access 800 West with one new home. I was told the council has the ability to waive the curb, gutter and sidewalk requirement. I am willing to meet with you each individually if you want or want to tour the property. I want to give my daughter a piece of land to build a new home. With the fees charged by the city to be in compliance it is cheaper to go build elsewhere. I don't want to do that. The parcel I would give to my daughter is on 800 West on the west side of the road across from the city green waste dumpsters.

JUSTIN: Jeff, I will need to know your exact request for advertising purposes.

JEFF: I want to request the curb, gutter and sidewalk requirement be waived for about 660 feet north of the proposed home on 800 West.

CURTIS: So you want a waiver for the area not included with the building lot.

WADE: The rest of the parcel is in greenbelt.

JEFF: We are going to need to have a discussion on the requirement to widen the road. The highway (SR-218) is 26 feet of asphalt from side to side. I measured 800 West at 22 feet of asphalt from side to side.

JAMIE: So you are creating a subdivision by adding one new home?

JEFF: Yes, it is called a subdivision but I wished it was called something else like maybe a lot split.

JAMIE: You are creating one new building lot?

JEFF: Yes.

JAMIE: How big is the building lot?

JEFF: It is $\frac{3}{4}$ of an acre. The area has already been rezoned by the county. The exact location of the home needs to be determined. If I cannot access 800 West then I am looking at accessing 100 North via a dirt road by my house. I will have to talk to UDOT (Utah Department of Transportation) about access. I have two entrances onto 800 West.

CURTIS: Why only $\frac{3}{4}$ of an acre for the new building lot?

JEFF: We want to keep as much in pasture as possible.

JUSTIN: I need to read a section of the city code in regards to Jeff's request. The code section is 16.06.070 Section "D". The code states: "Upon recommendation of the planning commission, the city council may, at its discretion waive the requirement for curb, gutter and sidewalk in agricultural and residential agricultural zones on 400 West and west of 400 West". The request would need to go to the planning commission before it comes to the city council. The request could come before the planning commission in July and the city council in August.

CURTIS: Our zoning in that area is a two acre requirement.

JEFF: The County allowed for and approved a $\frac{3}{4}$ acre lot. I am not creating a subdivision. I need access onto 800 West for one new home. There is no new development coming to my property other than this one home.

APPROVAL OF JASILYN HEAPS AS A COMMISSIONER ON THE SMITHFIELD CITY PLANNING COMMISSION.
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Curtis informed the council he asked Jasilyn Heaps to serve on the planning commission as an alternate. Jasilyn accepted and wants to serve. Jasilyn will add another female voice to the commission.

Curtis mentioned he likes having a diverse commission with different ages, genders and thought process.

A motion to approve Jasilyn Heaps as a commissioner on the Smithfield City Planning Commission was made by Curtis, seconded by Wade and the vote was unanimous.

Yes Vote: Hunsaker, Anderson, Campbell, Wall

No Vote: None

Absent: Caley

COUNCIL MEMBER REPORTS

Deon informed the staff it had been reported to him one of the playground slides at Forrester Acres is cracking along a seam that is held together by bolts. Justin replied he would have a staff member look at the issue.

Deon informed the council a resident informed him during the rescheduled Health Days event at Forrester Acres people parked in the turning lane on 100 North and created a hazard for those turning into the subdivision across (north) from the Blue Sox diamond.

Deon asked if there were any signage or enforcement options where this is a state road? Chief Allen replied that he and the department had not been notified of the issue. Those parking illegally could have been cited. Any changes to a state road must be approved by UDOT.

Curtis asked if this parking issue happens any other time of the year? Deon replied not that he was aware of.

Deon mentioned Pete Krusi and the royalty ladies threw out the first pitch at the Blue Sox games. The royalty ladies would prefer to be called the royalty rather than ambassadors.

Deon mentioned some residents informed him they were upset the city office building is closed on Friday each week. Justin asked Deon for information on why they were upset so the staff could try and make changes if possible. The staff had received multiple comments from residents stating it was nice to come in before 8:00 A.M. and after 5:00 P.M. to pay bills and take care of other items where this was not possible in the past.

Deon suggested the council review the city code pertaining to waiving curb, gutter and sidewalk. The requirement should only be allowed for a single home not a subdivision in Deon's opinion.

Deon asked if the ordinance dealing with requiring curb and gutter and a full road for a subdivision that the ombudsman had notified the city was not allowed had been updated? Justin replied the staff is well aware of what the ombudsman said but would have to review the code with the city staff to see if any adjustments were needed.

Jamie mentioned revenue at the golf course was up \$27,000 in green fees, \$1,200 in driving range fees, \$4,100 in cart rentals and \$18,000 in pro shop sales compared to this same time last year. There were 30 new kids at a recent camp. The men's association membership is at an all-time high; 365 members. Right now the revenue stream at the golf course is good. Some old golf carts are being repaired. It is time to start looking at purchasing some new ones. At the library, the summer reading program is currently under way.

Wade did not have any additional items to report.

Curtis mentioned with Jasilyn Heaps now a member of the planning commission the commission is now fully staffed. All of the commissioners are involved, participating and willing to serve.

Curtis mentioned he met with Brett Daniels to discuss Health Days. The events which were rescheduled were a success. The weather was good and made the day enjoyable.

Curtis asked the council to consider moving Health Days from the second week of May to the first week of June. Three of the last five years Health Days has been rained out. The first weekend of June is when school has just got out and people are not yet leaving for vacations.

Another option for Health Days, no matter when it is held, would be to move the booths from the afternoon to later in the afternoon and evening. The race and breakfast would be held in the morning. The booths and horse pulls would be held later in the day. The Blue Sox games and fireworks would still be held that night. Attendance at the horse pulls this year was high and the arena was full. The live band added an additional layer of fun and entertainment.

Curtis asked the council if there was any interest in changing the date permanently for Health Days? Mayor Barnes mentioned it might be fine to move the Saturday events but where an event was held every night of the week during Health Days he was not sure about changing the weekday events. Deon mentioned he heard from people they wanted the activities to start sooner on Saturday. The vendors felt rushed only being open from 5:00 P.M. to 8:00 P.M. and then having to hurry and exit before the fireworks.

Deon expressed concern with the food booths competing against the Blue Sox food booth. The Lion's Club did okay but Deon was not sure how the booth vendors fared. Curtis replied he stood in line for two hours waiting to get food from the Blue Sox booth so he did not see any issue with anyone not being busy.

Curtis mentioned maybe Health Days could hold the weekly events in May and the Saturday events in June. The Blue Sox have to schedule special games for the second week of May as their season has not yet started. If the event was held in June it could be part of the Blue Sox regular schedule.

Mayor Barnes asked if anyone attended the booths in 2017? Curtis replied he did. The morning was cold and wet. People left and did not come back in the afternoon when it warmed up. The Bubble Balls were a success. Mayor Barnes replied the GaGa Ball pit was a success as well.

Mayor Barnes mentioned the parade was cancelled two of the last three years because of rain.

Mayor Barnes stated where several of the week night events happened inside a building he did not see a reason to move them into June. The first weekend in June is a good date as school is out and graduation is over. Very few people have left for vacations as well.

Curtis mentioned he would work with the rec center to create a proposal for the council to consider at a future council meeting. Jamie replied he was willing to listen to a proposal but everyone needs to be notified well in advance if the date changes. The golf tournament sponsored by the Smithfield Chamber of Commerce would need to be notified immediately of any change. Curtis replied he would call Eric Kleven and ask his thoughts on rescheduling the golf tournament to the first week of June. Deon mentioned if the event is held in June the splash

pad will be open. The second week of May is quite early to open the splash pad. Mayor Barnes replied the splash pad will be open on Memorial Day weekend of each year. This year it was not open then because of a broken pipe.

MAYOR'S REPORT

Mayor Barnes mentioned he received several thank you cards and phone calls regarding how nice the cemetery looked for Memorial Day weekend.

Mayor Barnes thanked Hayden Downs and the entire staff for the work completed on the cemetery grounds.

Mayor Barnes mentioned he was at the cemetery the morning the items were cleaned off. As far as Mayor Barnes was aware no items were removed which should have been left.

Mayor Barnes informed the council he went to Ogden on Friday, June 8th and picked up 55 new chairs for the Civic Center. RAPZ tax funding was used to pay for the chairs.

The new sod east of the splash pad is growing and rooting down.

The skate park project is changing weekly with a significant amount of concrete being poured weekly.

The sidewalk project from approximately 450 South to 600 South has started. All of the area where the sidewalk will be placed has been cut out.

Deon asked if irrigation water and culinary water were being mixed and used at the splash pad? Curtis replied culinary water is used at the splash pad as well as all of the Central Park area so no water is being mixed. Mayor Barnes mentioned the overflow goes into Summit Creek. Curtis stated the option to utilize irrigation water was too costly as a filter system would have been required.

Mayor Barnes asked why the city needs to adopt new garbage rates if the county has already adopted the rates by Resolution? Justin replied any change to the prevailing fee schedule of the city must be approved by the council. The garbage fees are included in the prevailing fee schedule.

Deon asked if the fees would be implemented soon enough the city was not a month behind on the billing cycle so it would coincide with the county increase? Justin replied the council will adopt the rate change on July 11th and the utility billing at the end of July, for the month of July, will reflect the new rates.

Mayor Barnes mentioned he switched from a 90 gallon garbage can to a 60 gallon garbage can to save money.

Mayor Barnes informed the council the city had been approved for \$90,000 in RAPZ tax funds but he was not sure which project the funds were awarded too.

Mayor Barnes presented the council with a generic historic preservation ordinance for the council to review. The generic ordinance was supplied by the state as an example of what the city could adopt. The historical society will review the generic ordinance and add proposed changes for the city council to consider adopting at a future council meeting.

Mayor Barnes mentioned on Monday, July 23rd the historical society will be installing the historical plaque at the tabernacle (Youth Center). The tabernacle was added to the national list of historical sites. The plaque includes wording about the building, who was involved in building the building and the materials used to build the building. The DUP (Daughters of the Utah Pioneers) want to create a standalone monument by the tabernacle about three feet wide and six feet tall. There would not be a cost to the city other than digging the footings. The rest of the project has been donated, both materials and labor. One of the requirements of the DUP is to have a 99 year lease put in place for the land where the monument will be located since the monument is being donated by the DUP. The request needs to be approved by the council. Justin mentioned the council can come to a consensus if they want to approve this request or not as it is an administrative issue not a financial or land use issue.

Mayor Barnes asked if there were any objections to the monument or the 99 year lease? Wade replied he was okay with the request since there was no cost to the city. Curtis replied he was fine with the monument and lease request but had concerns about some of the items listed in the proposed ordinance. Mayor Barnes replied the generic ordinance is just an example and should be modified to fit the needs of the city.

Curtis asked where the monument will be located? Mayor Barnes replied on the northeast corner of the tabernacle.

Curtis asked if there will be issues with children climbing on it where a playground area is located just north of this area. Wade replied the monument will be six feet tall so it will be hard for kids to climb on it.

Curtis asked who picked the location? Mayor Barnes replied the historical society felt this was a good location.

Curtis asked if there was a concern about leasing the land for 99 years? Mayor Barnes replied he did not have any concerns since monuments last for decades.

Curtis asked if there was a lease done on the war memorial project by the library? Mayor Barnes replied there was not. The war memorial project was an Eagle Scout project not a DUP project.

****Jamie made a motion to adjourn at 7:37 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, June 13, 2018**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Jamie Anderson

1. Approval of the city council meeting minutes from May 23, 2018
2. Resident Input
3. Approval of Jasilyn Heaps as a commissioner on the Smithfield City Planning Commission.
4. Council Member Reports
5. Mayor's Report

Adjournment

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

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