

SMITHFIELD CITY COUNCIL

OCTOBER 24, 2018

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, October 24, 2018. The meeting began at 6:30 P.M. and Mayor Jeffrey H. Barnes was in the chair. The opening remarks were made by Wade Campbell.

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

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

VISITORS: Craig Neilson, Michelle Eay, Joshua Eay, Michelle Anderson, Stephen Allred, Jeffrey Gittins, Lynda Gittins, Jeff Strate, Donya Harvey

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM OCTOBER 10, 2018.

A motion to approve the city council meeting minutes from October 10, 2018 was made by Bart, seconded by Wade and the vote was unanimous.

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

No Vote: None

RESIDENT INPUT

JEFFRY GITTINS: I have seen the new flagpole in the cemetery. I want to compliment and thank the council for doing something good for the city. It is good for the veterans. I have heard good comments about it. There is a lot of history on the veterans' from the city who served. I think there are 365 or 366 who served in the war.

PUBLIC HEARING ON ORDINANCE 18-14, AN ORDINANCE AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE SMITHFIELD MUNICIPAL CODE; AND ADDING CHAPTER: 2:46 "HISTORIC PRESERVATION COMMITTEE" IN ITS ENTIRETY.

Mayor Barnes mentioned he received a sample ordinance from Roger Roper who works for the State of Utah. The historical society took the sample ordinance and adapted it to the city. The city staff then took the proposed ordinance and split it into two ordinances since "standards" in the city are much different than "guidelines".

After consulting with Roger Roper it was determined only one ordinance is needed. Roger suggested changing the word "standards" to "guidelines" in the proposed ordinance. The wording now reads "Rehabilitation Guidelines". Standards deal with land-use and would be required to go before the planning commission. Now the wording has been changed so the planning commission will not be involved in this process.

Mayor Barnes attended the planning commission meeting on October 17th and updated the planning commission on the changes to the proposed ordinance.

Since the last council meeting the two proposed ordinances have been combined into one and a paragraph regarding the number of board members has been added.

The public hearing opened at 6:38 P.M.

JEFFRY GITTINS: The intent of this new commission is not to be a regulatory commission. It is an advisory commission. I see it where if someone thinks they have a historical building they could ask us for the history of the building as well as suggestions. There is no intent to have hard or fast regulations. I like the changes from the original proposal. The intention or purpose was never to include enforcement. The board would be an advisory committee. Some of the wording in 2.46.020 needs to be changed. There is a clerical error. This is how it currently reads: "The commission shall consist of a seven (7) member, citizens and residents of this city". It could be something like "The commission shall consist of seven (7) members". I think a change should be made to the following as well: "Board member recommendations will be made by the Smithfield City Historical Society, mayor or city council". The word "City" needs to be removed and the word "or" should be changed. The intent should be that the historical society, mayor and council are all involved. I would suggest the historical society present names to the mayor who in turn will present to the council for approval. Recommendations should come from the historical society. Whoever is selected to serve should be interested in the history of the city especially where this is a volunteer position. Members of the historical society will know who is active and want to be involved. The rest of the ordinance is simple and well done. This ordinance is good for everyone involved. We need to keep the history of the city alive and active. This will also allow us to become a CLG (Certified Local Government). We can apply for grants for projects. Roles will be defined. Nothing is secret.

RAY CHEATHAM: As a citizen of Smithfield I support this ordinance. I love history. It is important for us to preserve and understand. We need to understand who we are. I am thankful for the historical society. I have only lived in the city for six years. I see what the historical society does to educate and preserve. I am thankful as a father. We take pride in our community. I am not from Smithfield but I have deep ancestry in the valley. I want to see their names preserved. I am in support of this ordinance and the proposed changes Jeff Gittins has suggested. Those serving on the commission need to understand the history of the city and want to be part of preserving it. I want to express gratitude to the council and mayor for what has been done in this regard. I am especially thankful we have the tabernacle which is an anchor for our community. At a time of confusion and finger pointing in the nation it is important for us to strengthen our communities and homes. I hope we can continue to preserve the history of the city. I have lived in communities where buildings have been torn down and it is sad. Those communities lost their identity and tried to create new ones.

JEFF STRATE: I grew up in Spring City, Utah. There are several rock homes there. The same rock was used to build the Manti, Utah LDS temple as was used on those homes. There was an old church in town people wanted to remove when I was around ten to twelve years old. It had a free floating balcony and no pillars to support it. People petitioned to keep the building and

eventually it was added onto. The original rock was used for the expansion. My mother worked with the Daughters of the Utah Pioneers and helped to preserve an old school building. Lots of homes are opened up for Memorial Day weekend each year for people to tour them. The heritage of that area has been preserved. We need to recognize the past and plan for the future. I am glad the council is willing to adopt this ordinance. We need to preserve the tabernacle and other historic sites in the city.

DONYA HARVEY: I am from the Watts family. My family is some of the original settlers in the fort. We had an old yellow brick home. My grandparents lived there until in their 90's. We purchased that home. We have lived all over the country and spent time overseas. This is our home. We have settled here and will retire here. I am happy to see the city moving toward creating a historical preservation commission. My descendants are founders of the implement. It is so important to preserve our history, to teach it and have a place to teach it. We have a unique area we can share. It is also important to preserve our history as we create it. We need to document the past but be prepared for the future as well. I support creating the commission.

The public hearing was closed at 6:50 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 18-14.

Bart mentioned on the bottom of Page 1 there is a clerical error which reads as "PRESERVATIONCOMMISSION". A space needs to be added to read "PRESERVATION COMMISSION".

Mayor Barnes asked for the wording to be changed in Section 2.46.020 where it talks about the number of board members.

The consensus of the council was to change the wording to read: "The commission shall consist of seven (7) members, who are residents of the city".

Mayor Barnes asked for the wording to be changed in how board members are recommended. Jamie recommended the wording be changed to the following: "Board member recommendations will be made by the Smithfield Historical Society and shall be appointed by the mayor with the approval of the city council".

Curtis asked for clarification on why Items 2, 3 and 4 are included at the end of the ordinance. Justin replied this verbiage is included in most city ordinances so if any part of an ordinance is deemed to be illegal or incorrect the entire ordinance does not become null and void.

Curtis mentioned he read the draft meeting minutes from the planning commission meeting which was held on October 17th. Overall the comments were positive.

Curtis mentioned he was not aware of any concerns from the planning commission members about the ordinance.

Curtis asked if this ordinance is adopted could the newly created commission stop the owners of the Ye Olde Winn Mill building from tearing it down? Mayor Barnes replied not how this ordinance is written.

Curtis asked if the CLG grant which is available yearly is \$10,000? Jeff Gittins replied the amount can be up to \$20,000 but is typically \$10,000. Mayor Barnes mentioned most of the CLG grant approvals are for \$10,000.

Curtis asked if matching funds are required on CLG grants? Jeff Gittins replied he was not aware of a match requirement on a CLG grant.

Curtis stated he liked the idea of creating the commission.

Curtis asked where the newly created commission would be listed in the budget? Mayor Barnes replied the city could look to matching grants if the item was budgeted for but the historical society would prefer to solicit donations for projects when needed. Curtis replied he wanted to make sure the council is aware of any grant which is applied for as he did not want to be caught off guard and find out for example the city has to come up with \$25,000 to receive a grant.

Jamie mentioned the budget for the new commission will be reviewed yearly as part of the annual budget process.

Curtis suggested the new commission come to the council with a proposed budget listing proposed projects. Jamie replied the city will not accept a grant if matching funds are needed and the city does not have the funds available.

Curtis asked if there are any thoughts on how much funding is needed for the new commission. Jamie replied the council can adjust the budget if a need arises for the new commission.

Curtis asked how much funding is needed for the rest of the fiscal year for the new commission? Mayor Barnes replied the current fiscal year is almost 50% complete and he did not foresee any funds being needed in the current fiscal year. Funds for the new fiscal year will be discussed as part of the annual budget process.

Curtis asked if the historical society and the historical preservation commission will have separate budgets? Mayor Barnes replied he would think so. Craig suggested combining both budgets into one since the historical society will oversee the historical preservation commission as well.

Jamie suggested getting the commission created first and then discussing what the commission wants to accomplish and how much it will cost.

Jeff Gittins stated he would prefer the budgets are not combined. The markers recently placed on three historic buildings were paid for from the historical society budget and donations.

Jeff Gittins mentioned the historical society budget is bare bones and has been reduced to \$1,500. The historical society has to pay for the Founder's Day celebration, museum costs and costs associated with Health Days out of that budget. Discussing a proposed budget before approving the commission is getting the cart ahead of the horse.

Craig mentioned the staff will include the budget for the new commission where the council wants but the simplest place is to have new line items added in the historical society budget specific to the new commission.

Curtis mentioned all grants need to run through the city. Craig replied that is a requirement of all city entities. All donations and grants are accounted for the same way.

Deon asked if the proposed commission will have to have minutes taken by a staff member? Justin replied an agenda will be required, must be published, the meeting recorded and minutes prepared and approved just like other organizations in the city.

Deon mentioned in 2.46.040 it mentions "historic buildings of all periods". What is not included in this? Would a home from the 1970's be included? The wording is very general. Is the city trying to preserve something specific or everything? Wade replied if the homeowner felt there is historical value no matter the year built then it could be considered.

Deon asked who determines the historical value of a home or parcel? Mayor Barnes replied the property owner. The historic preservation commission cannot make anyone do anything they do not want to do. Bart mentioned the historic preservation commission is just an advisory board who can provide people reasons why they would want to consider preserving their property.

Deon stated the ordinance discusses interior and exterior. Would a person be able to change their orange and green carpet from the 1970's if they wanted too? Bart replied that is not the intent of the ordinance to regulate items like that. Deon replied he was not sure since it mentioned interior as well. Jamie replied the property owner has property rights and can do what he/she wants to do with his/her property. Craig mentioned the ordinance consists of guidelines that are recommended. Guidelines cannot be enforced by the city. Mayor Barnes mentioned the new commission is an advisory board not a regulatory entity.

Deon stated what started as guidelines in Logan have now changed and are enforced.

Deon asked why guidelines are needed if they cannot be enforced? Bart replied it gives the commission options to advise property owners about.

Deon mentioned he felt this ordinance was too close to being bad for the city as he had seen issues in Logan City where businesses left the downtown area because of historical building requirements. Bart replied these are not set in stone rules but guidelines. Craig mentioned the commission can give the property owner a copy of the guidelines but as written nothing can be enforced. Wade replied the only way to enforce anything would be to change the ordinance. Mayor Barnes mentioned Logan has a historic district which is different than Smithfield.

Bart mentioned he understood Deon's concern but did not think a line was being crossed as written. Deon replied he was not comfortable how the ordinance is written.

Deon mentioned he talked to some anonymous residents and they are opposed to the ordinance as it is written. Mayor Barnes asked who these people are. Deon replied residents of the city. Bart replied the anonymous residents must not have been too concerned about the proposed ordinance since they did not attend the council meeting to voice their displeasure or concerns.

Deon stated he was worried about adopting an ordinance before the costs of the commission were known. Mayor Barnes replied there will not be any cost associated with the new commission in the current fiscal year.

Deon mentioned he is not opposed to historical homes and his favorite homes to tour are the old homes in Nauvoo.

Deon mentioned Smithfield is one of the lowest sales tax generating cities in the valley and this ordinance will not encourage economic development.

Deon expressed concern guidelines are being considered even though they cannot be enforced. People are still concerned if they are in place.

Curtis asked if a council member would be a board member on the new commission? Mayor Barnes replied as written a council member would not be a board member. Curtis replied the council discussed at the last council meeting including a council member as a board member. Mayor Barnes replied council members are not board members on other committees in the city. A council member will be assigned to work with the new commission but will not be a board member.

Curtis mentioned he supported creating a historic preservation committee but at this time did not support the ordinance as written.

Mayor Barnes stated the ordinance does not hurt the city in anyway. The ordinance was mainly written based off of a State of Utah boilerplate ordinance. The city will now become a CLG and can apply for grant funding. The new commission will consider requests and make recommendations but will not have any regulatory authority. The new commission will advise people who are interested in historic buildings and properties.

A motion to adopt Ordinance 18-14, an Ordinance amending Title 2 "Administration and Personnel" of the Smithfield Municipal Code; and adding Chapter 2.46 "Historic Preservation Commission" in its entirety, amending on Page 1, "PRESERVATIONCOMMISSION" to "PRESERVATION COMMISSION", changing wording in Chapter 2.46.020 to read "The commission shall consist of seven (7) members, who are residents of the city" and "Board member recommendations will be made by the Smithfield Historical Society and shall be appointed by the mayor with the approval of the city council" was made by Wade, seconded by Jamie and the motion passed by a vote of 3-2.

Yes Vote: Anderson, Caley, Campbell

No Vote: Hunsaker, Wall

CITY MANAGER REPORT

Craig reminded the council the Cache Summit is on Thursday, November 15th. Tickets need to be reserved so those attending need to let Craig know immediately. Several planning commission members plan on attending. The event is from 9:00 A.M. until 4:00 P.M.

Craig mentioned the grant documents for the Land and Water Conservation Fund grant had been received and signed by the mayor. Currently, J-U-B Engineers are in the design process for the project. The intent is to start the project in the spring of 2019. The grant is a 50% match which can consist of in-kind labor as well as dollars paid. Grant funding, RAPZ Tax, park impact fees and in-kind labor will be used to pay for the project.

There has been a significant amount of positive feedback on the new pickle ball courts which will be built as part of this project.

The justice court of the city has been going through an audit. A pre-report has been received by the staff. There are several significant deficiencies which will have to be addressed. The justice court of the city is very small with one judge and one clerk. The state wants redundancy in all phases of the court system. Options will be determined and brought to the council for consideration at a later date. Across the state revenue from citations is decreasing and courts are losing money and having to be funded by the general fund of each city.

Jamie asked what happens if the deficiencies are not corrected? Craig replied each item must be addressed and dealt with or the court cannot continue to operate. A couple of local cities have recently closed their justice courts and now use the Cache County justice court system.

Curtis asked if the other city which inquired about combining their justice court with Smithfield was still an option? Craig replied that city closed their court and started using the county system.

Mayor Barnes mentioned he attended a monthly mayor's association meeting where Cache County Attorney James Swink spoke. James would like to see two justice courts outside of Logan. One in the north end of the valley and one in the south end of the valley. Craig replied James had tried to combine the court systems in the valley in the past into one and it had failed.

COUNCIL MEMBER REPORTS

Curtis mentioned the flagpole at the old Wellsville Elementary School building is still available if the city wants it. The only requirement by the school district is the city provide a hold harmless agreement to the county stating the county is not responsible if someone gets hurt when the flagpole is removed from the school grounds. The flagpole can be removed by removing a bolt and pulling it out of a sleeve.

Craig asked if the flagpole is one or multiple pieces? Curtis replied it is one single piece and could be as long as 40 feet. The city can cut to the appropriate length before it is transported. The Tube is a 2 ½ inch diameter.

Craig asked how far in the ground the flagpole is? Curtis replied he guessed around three feet.

Craig asked how long the flagpole had been in the ground? Curtis replied he was not sure but it was an older pole so it had been in the ground a long time.

Craig asked if the pole is steel? Curtis replied that is correct.

Craig asked when the flagpole has to be removed by since the staff is working on large projects right now such as replacing water meters and doing crack sealing projects. Curtis replied the flagpole must be removed by December since the school is being razed at that time.

Curtis informed the council he met with Paul Davis to work on the recycling agreement. Jodie Richins from Metal Vision found the original application and ordinance. Paul has been sent a copy for review. The new application just needs to be updated. If the agreement is in place four businesses in the city can save \$2,000 per year in tax savings. The businesses who could save are Lee's Marketplace, Mortimer Pallet, Metal Vision and Heritage Glass.

Curtis thanked Jamie for attending the planning commission meeting in his behalf.

Curtis mentioned most outdoor sports programs will wrap up this Saturday, October 27th. The new fall basketball league starts this Saturday and every gym will be full.

Bart mentioned he did not have any new items to report on the Smithfield Chamber of Commerce.

The fire department is working on a new proposal and agreement with Richmond City which will be presented to the council in the future.

A fillable form document is being created for economic development purposes where it can quickly be filled in when an RFI (Request for Information) is made. City information, pictures and statistics are included on the document as well.

Wade mentioned he spoke with Doug Orahoad about the new flagpole being installed at the cemetery. Doug asked Wade to thank the council and mayor for working on the project so quickly as normally governmental bodies are slow to react to requests. Several residents have noticed the new flagpole and all have made positive comments about it.

The senior citizen program is doing well and they appreciate the support of the council and mayor.

Mayor Barnes asked if the seniors are back to their regular meeting schedule? Wade replied they are; they meet every Tuesday at noon for lunch and a short entertainment program.

Justin mentioned the luncheon is well attended and around 60 to 65 people attend weekly which fills the senior center to capacity.

Jamie mentioned the library staff applied for a book enhancement grant and received it.

The library board is in need of new members.

Curtis asked how many new board members are needed? Jamie replied two or three.

Justin suggested a write-up be done and posted on Facebook and sent through Parlant asking for volunteers willing to serve. In the past the city has had good response in this regard.

Jamie mentioned a book sale will be held on December 10th.

Jamie mentioned the library received a \$3,500 donation for some specialty shelving for the children's portion of the library. If the funds are not spent in this fiscal year will they carry over? Craig replied they will not.

Jamie mentioned a quote had been received for the shelving the staff wants and they need an additional \$1,700 on top of the \$3,500 they already have for the project.

Mayor Barnes asked if shelving in the amount of \$3,500 could be purchased instead of \$5,200? Jamie replied the library staff does not want to scale back the project that much if they can get additional funds from elsewhere to pay for the project. Craig suggested reducing other line items in their budget so they can purchase the shelving they feel is best. Jamie replied the book budget is \$12,000 per year and they don't feel they should cut this line item back to pay for shelving. Bart suggested obtaining a second bid as shelving for \$5,200 seemed high.

Jamie mentioned himself, Craig, Eric Kleven and Chad Daniels met with a golf cart supplier and reviewed a formal bid to replace the entire fleet of golf carts. Some of the golf carts are as old as 2001. A proposal will be brought to the council for consideration at a future date.

Curtis asked what would happen to the old golf carts if new ones are purchased? Jamie replied they would be traded-in on the new golf carts as there is approximately \$93,000 in value in the old carts.

Jamie mentioned the previous plan had been to replace eight to ten carts per year but when the economy crashed that plan stopped and only a few carts have been purchased in the last few years.

If new golf carts are purchased the cart rental fee will be increased to help pay for the new carts.

Deon mentioned the Senior Ball will be on Saturday, November 3rd. The council and mayor are invited to attend.

Mayor Barnes asked where the event is being held this year? Curtis replied at the LDS Church at approximately 120 South 625 East.

Mayor Barnes mentioned the youth council and Lion's Club make this event possible.

Mayor Barnes asked all of the council members and their spouses to attend if they could.

Deon asked if the irrigation canal had been cleaned out? Craig replied the city has cleaned the portion they are required to clean.

Deon mentioned there is an upcoming webinar from the Utah League of Cities and Towns regarding liability for the culinary water delivery system. There is mainly a concern about apartments and PUDS's (Planned Unit Developments).

MAYOR'S REPORT

Mayor Barnes mentioned there is some upcoming land-use training on November 3rd at Utah State University he would be attending. The council is invited to attend as well. Curtis mentioned two planning commission members would be attending.

Mayor Barnes mentioned Brad and Joni Schumann reside on 800 West and want to do a two lot subdivision. The access would have been off of 100 North (SR-218). The county has denied the request to access 100 North. The current request is to access 800 West for the two new homes. The Schumann's are being sent a letter from the city informing them of the infrastructure requirements which must be completed such as widening the road and installing, curb, gutter and sidewalk. The city owns 800 West and those improvements would be required even if the homes are built in the county.

Bart asked the exact area these requirements would be needed. Craig replied only the frontage onto 800 West for the new home.

Mayor Barnes mentioned each building lot would be around one acre.

****Bart made a motion to adjourn at 7:48 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, October 24, 2018**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Wade Campbell

1. Approval of the city council meeting minutes from October 10, 2018
2. Resident Input
3. Public Hearing on Ordinance 18-14, an Ordinance amending Title 2 “Administration and Personnel” of the Smithfield Municipal Code; and adding Chapter: 2:46 “Historic Preservation Committee” in its entirety.
4. Discussion and possible vote on Ordinance 18-14.
5. City Manager Report
6. Council Member Reports
7. 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.