

SMITHFIELD CITY COUNCIL

NOVEMBER 28, 2018

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

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, Fire Chief Jay Downs and City Recorder Justin Lewis were also in attendance.

VISITORS: Landon Eisner, Jack Davis, Grant Rose, Ty Norris, Aiden Larmore, Dianne Campbell, David Olson, Merilee Olson, Arianna Steiner

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

A motion to approve the city council meeting minutes from November 14, 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

There was not any resident input.

YOUTH COUNCIL REPORT

The youth council mayor was not able to attend and will present her report at the December 12, 2018 city council meeting.

RECOGNITION OF ARIANNA STEINER

Mayor Barnes mentioned Arianna Steiner is a member of the community who has succeeded and done well at Sky View High School. Recently Arianna placed 3rd overall in the 4A state cross country finals. Arianna is faster than most boys and trains with the boys. It is great to have young people in the community doing great things.

Mayor Barnes presented Arianna with a small congratulatory trophy.

There were two different scout troops in attendance. Ten boy scouts in total. Mayor Barnes challenged each boy to earn his Eagle Scout and to represent the community like Arianna does.

PUBLIC HEARING, NO SOONER THAN 6:35 P.M., FOR THE PURPOSE OF DISCUSSING ORDINANCE 18-21, AN ORDINANCE REMOVING THE SECTIONS UNDER CHAPTER 2.56 “PUBLIC RECORDS” IN THEIR ENTIRETY FROM THE SMITHFIELD MUNICIPAL CODE TITLE 2 “ADMINISTRATION AND PERSONNEL” AND ADDING IN NEW SECTIONS IN THEIR ENTIRETY TO CHAPTER 2.56 “PUBLIC RECORDS” AND AMENDING THE CHAPTER TITLE TO “ACCESS TO PUBLIC RECORDS”.

The public hearing opened at 6:41 P.M.

Mayor Barnes mentioned this ordinance has been created because there is a certain person making generic GRAMA requests to multiple counties, cities and other agencies at the same time in the same email request.

Justin informed the council the city currently does not have a defined process to submit GRAMA requests. The proposed ordinance will set a defined way of how to submit requests either in person or via email. GRAMA requests can still be easily submitted but they must be done on a mandatory city form. The form is easy to fill out.

Justin explained all records requests need to go to the same place. The city has two records officers, city recorder and deputy city recorder and either one can fulfill a GRAMA request. What has happened in other communities is council members and staff members are being contacted directly to fulfill GRAMA requests. This should not be allowed as all GRAMA requests should be completed by the records officer. Council members and staff members might be needed to assist in the process but the records officer should fulfill the request.

The intent is not to limit or delay GRAMA requests but to have a defined way to apply so people can make their requests quickly and easily.

The form and process will be listed on the city website if the ordinance is approved.

Mayor Barnes explained to those in attendance GRAMA requests are when people want specific city documents such a council meeting minutes or the audio recording of a city council meeting. Requests can be made for almost anything the law allows. A request is made by a person and then the records officer fulfills the request.

The public hearing closed at 6:44 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 18-21.

Jamie felt the request is appropriate and the code will be simpler as it has gone from approximately ten pages down to two pages in this regard.

Wade stated he did not have any concerns with the ordinance as proposed.

A motion to adopt Ordinance 18-21, an Ordinance removing the Sections under Chapter 2.56 “Public Records” in their entirety from the Smithfield Municipal Code Title 2 “Administration and Personnel” and adding in new Sections in their entirety to Chapter 2.56 “Public Records” and amending the Chapter Title to “Access to Public Records” was made by Wade, seconded by Curtis and the vote was unanimous.

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

No Vote: None

PUBLIC HEARING, NO SOONER THAN 6:45 P.M., FOR THE PURPOSE OF DISCUSSING RESOLUTION 18-14, A RESOLUTION TO OBTAIN WRITTEN APPROVAL TO FILE APPLICATION FOR A UTAH RECYCLING MARKET DEVELOPMENT ZONE.

The public hearing opened at 6:47 P.M.

There were not any comments or questions.

The public hearing closed at 6:48 P.M.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 18-14.

Curtis mentioned Jodie Richins, owner of Metal Vision, notified him the existing agreement had lapsed. A new application is being filed with basically the same information from the previous application.

The only business to utilize the previous agreement was Heritage Glass. They are a glass recycling company who specialize in mosaic floors.

The recycling zone allows applicants to apply for a \$2,000 tax credit.

Heritage Glass, Metal Vision, Paragon Tool, Mortimer Pallet, Lee’s Marketplace and Privacy Link all have an interest in the new application so they can receive the tax credit as well.

Curtis stated there is not a cost to the city for this program. The application lets the State of Utah know the city supports recycling.

Jamie asked if there is a benefit to the city from this program? Curtis replied the city gets nothing out of the program but local businesses receive the tax credit if they apply and qualify.

Jamie asked if an overlay zone had been created for this application? Curtis replied the commercial zone where these businesses are located is the area included in the application.

Curtis mentioned he visited with all of the businesses who qualify for the tax credit. A recycling compactor is required.

Jamie asked how often this program/application must be updated? Curtis replied every four years.

Deon asked if the original program was in place as he had submitted the original application around ten years ago? Curtis replied the program has been expired for a few years in the city.

Mayor Barnes asked if a map was supplied with the application? Curtis replied it is and he created it showing the included areas.

Curtis mentioned no businesses on the north end of town are being included because they don't have recycling compactors.

Mayor Barnes asked if the businesses would be notified of the tax credit if the resolution is adopted? Curtis replied he would notify the businesses.

Curtis mentioned once the resolution is adopted then the application and other items are submitted to the state for final approval.

Bart asked if all business areas on Main Street should be included? Curtis replied the program is not business specific and any business in the commercial areas listed on the application can qualify.

Bart asked if Callaway's Bistro qualifies? Curtis replied they do not as they do not have a compactor used for recycling purposes. Simply having a recycling dumpster does not qualify a business for the program.

Bart suggested including all of Main Street in the application so if new businesses come to town they would qualify and can be included. Curtis suggested approving the application as currently written so the existing businesses can get the tax credit this year. The application can be amended in the future if needed. Jamie replied having all of Main Street included would encourage businesses to come to town. Bart mentioned having this in place could help with economic development.

Curtis mentioned Lifestyle Products does not qualify as they do not have a compactor.

Curtis thanked Jodie Richins for her help in completing the application and gathering the needed information.

Mayor Barnes asked who the local coordinator will be as listed in the application? Curtis replied he could be.

Mayor Barnes mentioned the application requires a coordinator to be listed. Curtis replied he would accept this responsibility.

Craig mentioned the application states the city must contribute to the program. What is the city contributing? Mayor Barnes agreed and said a local contribution is required. Craig asked if the

city was going to waive permit fees or something similar? Curtis replied he talked to representatives at the state and the city is not required to do anything.

Craig expressed the concern the application specifically states the city must contribute. Curtis replied his understanding is the city does not have to contribute.

Jamie stated the application states an incentive must be offered. The city already offers free assistance with zoning help. Curtis replied he was told by the state nothing is required from the city.

A motion to adopt Resolution 18-14, a Resolution to obtain written approval to file application for a Utah Recycling Market Development Zone was made by Wade, seconded by Deon and the vote was unanimous.

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

No Vote: None

Curtis asked Justin to send him a copy of the draft meeting minutes when completed as he is required to submit them with the application.

Jamie asked when this program will go into effect? Curtis replied as soon as possible so the businesses can receive the tax credit for 2018.

Curtis mentioned it is up to the businesses and their tax accountant to file the appropriate documentation to receive the tax credit.

PUBLIC HEARING, NO SOONER THAN 7:00 P.M., FOR THE PURPOSE OF DISCUSSING ORDINANCE 18-15, A REQUEST BY DAVE AND MERILEE OLSON TO DISCONNECT PARCEL NUMBER 08-043-0009 AND 08-043-0040 FROM WITHIN THE SMITHFIELD CITY LIMITS TO CACHE COUNTY. THE PARCELS ARE LOCATED AT APPROXIMATELY 560 AND 590 NORTH ON 400 WEST. THE PARCELS TOTAL APPROXIMATELY 4.83 ACRES.

The public hearing opened at 7:01 P.M.

There were not any comments or questions.

The public hearing closed at 7:02 P.M.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 18-15.

Mayor Barnes mentioned this request had been discussed on and off for approximately two years. Dave Olson wants to disconnect his property from the city as he feels the development costs are too high in the city to build one home.

Bart asked if the Flaherty's will be building on their parcel as they are included in this request? Justin replied there is a very minor sliver of property owned by the Flaherty's in the city. Approximately 95% of the Flaherty parcel is already in the county. The Flaherty parcel must be included in the request since a sliver of their parcel is inside the city limit and located north of Dave's property.

Wade mentioned this item has been discussed for a long time and he does not have an issue with the request.

Bart replied he understood why the request was being made but once a decision is made they need to stick to it and understand the other potential consequences of the request.

Jamie asked what will happen with the existing water and sewer connection to the home? Mayor Barnes replied the home is on a private water and sewer connection.

Bart asked if the lines were the proper size for the addition of a second home? Craig replied a second home cannot be connected to a private lateral per city code. Two homes cannot be on the same connection.

Jamie mentioned he reviewed the letter from the Olson's legal counsel as well as legal counsel for the city. The city's legal counsel recommended both the water and sewer service be disconnected as part of this process.

Dave Olson stated it is up to the council to decide if they want to leave the existing services in place or if they are going to require a Petition for Services to be filed.

Dave was hopeful the council would not require additional action on the existing water and sewer service at his home.

Craig stated legal counsel of the city recommends the existing services be severed since the home would no longer be in the city. Then a Petition for Services outside of the city could be filed and considered by the council.

Craig explained the service is not immediately being disconnected as a reasonable amount of time would be needed if the council elects to have the services disconnected as part of this process.

Wade asked the timeline for consideration of the utility services by the council? Justin replied if a petition is received by December 5th the council would hear the request at the December 12th council meeting.

***A motion to adopt Ordinance 18-15, an Ordinance to disconnect certain described land from the corporate limits of Smithfield, Utah, County of Cache, State of Utah specifically Parcel Numbers 08-043-0009 and 08-043-0040 located at approximately 560 and 590 North on 400 West with the stipulation Petitions for Services for culinary water service and sewer service be filed no later than January 31, 2019 so the council can

determine if culinary water service and sewer service will continue to be allowed at the existing home on Parcel Number 08-043-0009 or if one or both services will be required to be disconnected from the city system was made by Wade, seconded by Jamie and the vote was unanimous.***

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

No Vote: None

Jamie asked what the timeline is until the parcels are officially disconnected from the city? Justin replied paperwork has to be filed with the state and typically takes 30 to 45 days but might take up to 60 days due to the upcoming holiday season.

APPROVAL OF APRIL GODDERIDGE AND TODD DURRANT AS MEMBERS OF THE SMITHFIELD LIBRARY BOARD.

Jamie informed the council the library board was in need of additional members. Several names were submitted. April Godderidge and Todd Durrant were contacted, informed about the responsibilities of being on the board and asked to serve. Todd and April are willing to serve if approved by the council.

A motion to appoint April Godderidge and Todd Durrant to the Smithfield City Library Board was made by Jamie, seconded by Bart and the vote was unanimous.

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

No Vote: None

CITY MANAGER REPORT

Craig did not have any additional items to review or discuss.

COUNCIL MEMBER REPORTS

Curtis mentioned Steve Teuscher and Jackie Hancock's terms on the planning commission expire in January. Both are willing to serve another term so they will be approved at a future council meeting.

The planning commission took a road trip before their December meeting to review alleys and narrow roads.

Several of the planning commission members attended the Cache Summit.

On December 6th through 8th, there will be 65 youth basketball teams, 5th through 8th grade, participating in the Top of Utah basketball tournament. Teams come from all over Utah and Idaho participate.

Curtis mentioned he will confirm with the state no incentives or costs are involved for the city in the recycling zone application.

Wade mentioned the annual Turkey Trot race was a success. Curtis agreed and mentioned runners will run in all conditions and it rained this year and they all still ran.

Wade did not have any additional items to report.

Bart mentioned an RFI (Request for Information) had been received by the city from a company looking for warehouse space. There are not any available buildings in the city right now which could accommodate the request.

The Night of Giving is Saturday, December 1st. Tickets are still available. Lots of donations have been received. It will be a great fundraiser to help families in need in the city.

Bart asked Chief Downs for an update on the fire department. Chief Downs replied it had been a very busy week with several accidents responded to. Some of the calls were vehicle accidents at 700 South Main, a car fire at 600 South Main and a vehicle that hit a deer and then ran into a parked truck north of town. The city did respond to a major accident in the Lewiston area which involved a car and a school bus.

Mayor Barnes mentioned he read in *The Herald Journal* where the county is considering raising the property tax rate to pay for four new fire department members.

Chief Downs informed the council last year the Cache County Fire Department had done a study on fire service in Cache Valley. The county has an issue in several towns where there is not any coverage Monday through Friday from 8:00 A.M. to 5:00 P.M. The county is considering hiring four new employees and putting two of them in the south end of the valley and two of them in the north end of the valley. They would be stationed in an existing fire station. The new employees would work 40 hours per week and volunteers would have to cover calls outside of that period of time. The public hearing on the proposed increase was held on Tuesday, November 27th. A final decision has not been made on whether or not to approve the increase.

Mayor Barnes asked if the two new employees for the north end of the valley would be stationed in Smithfield? Chief Downs replied they would not.

Bart asked if two of the new employees would be stationed in Hyrum? Chief Downs replied the proposal is to put two employees in Hyrum and two in Richmond.

Chief Downs explained Mayor Jeff Young from Richmond would like to see the two new employees be part of the Smithfield operation but the county wants the employees at the Richmond fire station. The intent would be the two new employees would respond to calls in the north end of the valley for Richmond, Lewiston, Cornish, Clarkston and Trenton.

Mayor Barnes asked what equipment would be used by these new employees? Chief Downs replied the equipment in the existing stations. Richmond, Lewiston, Wellsville and one other city

are getting new fire engines this year as part of the annual rotation. A brush truck might be stationed in Richmond as well.

Bart asked who pays to maintain the equipment? Chief Downs replied the city where the equipment is located.

Chief Downs mentioned the new employees in the south end of the valley would be staged in the ambulance building not at the fire station.

Chief Downs mentioned a temporary contract is being written between Richmond and Smithfield for 24 hour coverage. Currently, Richmond has a daytime coverage contract in place with the city.

Mayor Barnes asked why a long term contract is not being done instead? Chief Downs explained a long term plan needs to be finalized but right now there are coverage issues throughout the valley which need to be resolved or at least discussed.

Bart mentioned the next Smithfield Chamber of Commerce meeting will be held on Thursday, December 6th at the Birch Creek Clubhouse. Lunch will be provided and assignments made for those willing to shop for the families in need with the funds raised from The Night of Giving.

Jamie mentioned he met with Eric and Chad at the golf course to discuss equipment needs for the golf course. Right now research is being done and a list created with cost estimates which the council will review in the future. It has been several years since an investment was made in equipment and the course itself.

Jamie reminded the council the land at the golf course can only be used for recreational purposes based on the signed agreement from several decades ago. The land cannot be sold to a developer. The land will either be a golf course or a recreation area long term.

Mayor Barnes asked if new golf carts are being considered? Jamie replied there is a need for new golf carts as well as greens mowers. The greens mowers are about 12 years old and have around 6,000 to 7,000 hours on them. Parts are no longer available in most cases. Eric and Chad are trying to come up with a plan to accommodate both needs.

Jamie met with Librarian Marilyn Benavides to discuss the library budget and a donation to be used for some new shelving. Marilyn is going to contact the shelving supplier and request better pricing.

Mayor Barnes asked Jamie to visit with the library board on an issue he was contacted about.

Mayor Barnes mentioned a library policy is to allow patrons to use the computers for one hour. Some patrons are being asked to get off of the computers after an hour even if there are other computers available for use. Mayor Barnes did not feel it was appropriate to ask a patron to leave if there were not people waiting and not every computer was being used.

Deon mentioned the local property tax hearings have been completed.

Deon compared a home in Smithfield and Logan with the newest rates included. The homes were valued within \$2,000 of each other. One home was built in 1975 and the other in 1909. The Logan home was on a half-acre lot and the Smithfield home on a ¼ acre lot. The taxes for the Logan home were \$143 more than in Smithfield for a house of almost comparable value. The Smithfield home had the higher value of the two. The amount paid to the city on the Smithfield home was \$178.61 and the amount paid to Logan City on the Logan home was \$192.71. The Logan School district received \$737.97. The Cache County School District received \$610.82.

Deon mentioned even with the recent property tax increase the Smithfield home is still quite a bit cheaper than the Logan home.

Deon mentioned a resident stated during the property tax public hearing Logan City provides more services than Smithfield City so they should be able to charge more. The only item Deon and the staff could think of that Logan City offered that Smithfield City did not offer is a dog park.

Mayor Barnes mentioned one of the comments at the Cache County public hearing on the property tax increase was if taxes go up services should be expanded as well with the additional revenue.

MAYOR'S REPORT

Mayor Barnes mentioned the historical society received a \$1,000 museum grant. The address on the check was wrong but a resident took the check to a member of the historical society who in turn gave the check to Mayor Barnes.

Curtis mentioned there is one home on 600 South at about 800 East that has installed an antenna and dish. Supposedly the homeowner is supplying internet service to his neighbors.

Bart mentioned maybe it is a homebased business but would still need a business license. Craig replied a business which has no impact to the neighbors and city is not required to have a business license. Curtis mentioned customers do not come and go from the home so there is no impact.

Curtis mentioned he was told there are around 12 neighbors purchasing internet service from this person. The dish on the house is fed the signal and in turn he provides the service to surrounding homeowners.

Craig mentioned the county is now monitoring and tracking all antennas and towers for property tax purposes.

Curtis mentioned there is a home just a couple of blocks east of the city office where it appears there is an illegal sewer connection. Bales of straw have now been put around the base of the

camp trailer so the sewer line cannot be seen from the road. Craig mentioned he would have the code enforcement officer for the city check into it.

Mayor Barnes mentioned his neighbor, Bruce Allen, has had a truck parked along the edge of the road for quite a long time. If it snows the truck will be issued a citation for parking in the road. The truck has not been moved for a long time.

Mayor Barnes mentioned there is only one council meeting in December and it will be on the 12th. There will not be a council meeting on the 26th.

Jamie asked how many RDA applications had been turned in for the December meeting? Justin replied there have been several requests for information, applications, etc. but as of November 28th no official applications have been submitted. Applicants are in the process of trying to obtain bids on their projects. Most of the applicants are concerned they cannot get bids by the December 5th deadline and will have to come before the board in January.

Justin asked the board if they would like to cancel the December RDA board meeting and have all of the requests come in for the January board meeting?

Jamie asked how much funding is available? Craig replied now the audit has been completed and some projects finalized there is approximately \$200,000 in funding available.

Jamie asked if the funding for Marty Spicer's \$60,000 project is included in that amount? Craig replied there is approximately \$57,000 in remaining funding on that project. If Marty's project is not completed by the January deadline those funds will be available for other projects. The \$57,000 is not part of the \$200,000 which can be allocated.

Jamie asked if anyone knew if Marty was working on his project? Craig replied he was not sure.

Bart suggested not cancelling the December 12th board meeting as those who submit requests on time by the deadline should be able to proceed. Jamie and the mayor concurred.

****Wade made a motion to adjourn at 7:44 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, November 28, 2018**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Deon Hunsaker

1. Approval of the city council meeting minutes from November 14, 2018
2. Resident Input
3. Youth Council Report
4. Recognition of Arianna Steiner
5. Public Hearing, no sooner than 6:35 P.M., for the purpose of discussing Ordinance 18-21, an Ordinance removing the Sections under Chapter 2.56 “Public Records” in their entirety from the Smithfield Municipal Code Title 2 “Administration and Personnel” and adding in new Sections in their entirety to Chapter 2.56 “Public Records” and amending the Chapter Title to “Access to Public Records”.
6. Discussion and possible vote on Ordinance 18-21.
7. Public Hearing, no sooner than 6:45 P.M., for the purpose of discussing Resolution 18-14, a Resolution to obtain written approval to file application for a Utah Recycling Market Development Zone.
8. Discussion and possible vote on Resolution 18-14.
9. Public Hearing, no sooner than 7:00 P.M., for the purpose of discussing Ordinance 18-15, a request by Dave and Merilee Olson to disconnect Parcel Number 08-043-0009 and 08-043-0040 from within the Smithfield City limits to Cache County. The parcels are located at approximately 560 and 590 North on 400 West. The Parcels total approximately 4.83 Acres.
10. Discussion and possible vote on Ordinance 18-15.
11. Approval of April Godderidge and Todd Durrant as members of the Smithfield Library Board.
12. City Manager Report

13. Council Member Reports

14. 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.