

SMITHFIELD CITY COUNCIL

JULY 13, 2016

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, July 13, 2016. The meeting began at 6:03 P.M. and Mayor Darrell G. Simmons was in the chair.

The following council members were in attendance: Deon Hunsaker, Barbara Kent, Kris Monson, Jeff Barnes and Curtis Wall.

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.

The opening remarks were made by Barbara Kent.

VISITORS: Clayton Gefre (The Herald Journal), Lynette Hutchison, Brett Daniels, Marc Peterson, Dennis Peterson, Jim Gass, Russell Elwood, Lisa Welsh, Kenneth Tuveson, Laura Desmarais, Jay Baer, Troy Wakefield, Craig W. Buttars, Jamie Anderson, Michelle Anderson, Laura Kohler, Katherine Andrew, Arnold Neilson, Vicki Ballard, Kendra Sessions, Melanie Murphy, Tyson Luthi, Derik Brower, Sheri Anderson, Raquel Muir, Teresa Bodine, Sara Workman, Jeff Adams, Kim Datwyler, David Frandsen, Benjamin Farnsworth, Jeff Jackson, Reida Fillmore, Michelle Downs, Jared Nielson

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM JUNE 8, 2016.

A motion to approve the city council meeting minutes from the June 8, 2016 city council meeting was made by Curtis, seconded by Deon and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

RESIDENT INPUT

There was not any resident input.

JARED NIELSON, AGENT FOR ELK RIDGE ESTATES, LLC HAS APPLIED FOR APPROVAL OF THE FINAL PLAT FOR PHASE 4 (12 LOTS) OF THE ELK RIDGE ESTATES LOCATED AT APPROXIMATELY 120 SOUTH 1250 EAST. ZONED R-1-12.

Clay informed the council the request had been reviewed by the Subdivision Technical Review Committee as well as the planning commission and now the request was before the council for consideration. Only six lots can be built on at this time as more information is needed before the other lots can be built on. Jeff asked Clay specifically what he was talking about in regards to the other building lots. Clay replied a temporary turnaround is needed and would be on the neighbors adjoining property and a right-of-way is needed.

Jared Nielson mentioned Dennis Pond owns the land where the temporary turnaround is needed and he would get the necessary paperwork completed and provided to the city. The proposed phase is just east of the previously approved phases. The main access point is on 120 South down to 1000 East which people then usually take 300 South or 600 South to the highway.

Clay informed the council the water model for this area had been completed by J-U-B Engineers. Jared stated as part of Phase 1 a culinary water line had been run across the top of the property and the entire subdivision has good pressure.

A motion to approve Phase 4 (12 lots) of Elk Ridge Estates with the requirement the right-of-way agreement with the adjacent landowner be completed before the last six homes can be built was made by Barbara, seconded by Kris and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

DISCUSSION ON RAPZ TAX PROJECT AND POSSIBLE DECISION ON LOCATION.

Craig informed the council the staff felt the most appropriate location for the new skate park and splash pad was at Central Park. The area is a big open grassy area in the downtown area that has to be hand watered amongst other things. The city received a RAPZ tax grant in the amount of \$150,000 and has applied for more grant funding through an Eccles grant as well as an Outdoor Recreation grant. The project is at the point the final location needs to be determined.

Barbara liked the proposed location as there is a restroom and pavilion already in the area. The area is not utilized for anything else at this time as well.

Mayor Simmons mentioned these attractions would help to bring more people downtown as well. Craig mentioned some staff members have toured splash pads located in other cities and they are busy at all times of the day.

Kris asked if the water controls would be on a timer? Brett Daniels stated that is correct.

Curtis asked where parking would be located? Craig stated one area to expand would be the area where the old city office building was located. Curtis asked if that area would be paved? Craig responded some of the area could be paved, a trail developed, some landscaping completed and maybe a small monument installed by the highway. Barbara mentioned additional parking would be available at the library and by the youth center as well.

Curtis asked how the kids would be kept out of the creek? Craig remarked the company that insures the city recommended to not install a fence as the city is more liable when there is a fence. Barbara mentioned there is a fence on the south side of the creek right now.

Jeff asked if the size of the skate park was the same as the original proposal? Brett stated that is correct.

Barbara asked if the project would be completed in phases? Brett stated the amount of work completed would be done with the available funds but it would be best to do the project all at one time. Craig mentioned the staff is looking at some other possible funding options that will be brought to the council for consideration in the future.

Barbara mentioned both are good projects but she would like to see the splash pad completed first.

Jeff asked for the cost estimate for the project? Brett responded the splash pad estimate is \$140,000 and the skate park estimate is \$249,800. Barbara remarked the splash pad area could be completed with the current available funds and there is a lot of interest in the splash pad from the community.

Brett mentioned the staff wanted to make sure these projects were in a highly visible area and it would also be a way to help revitalize downtown.

Jeff asked if Central Park had a sprinkling system? Craig stated the sprinklers have to be set by hand and turned on and off manually.

Jeff asked if the restroom facility would be upgraded so people would have a place to change? Craig mentioned the long term plan would be to replace and expand the restroom facility.

Curtis asked if the volleyball court would be kept or removed? Craig stated that had not yet been determined but at this point the plan would be to keep it.

Brett mentioned all of the current uses in the Central Park area are for the baseball diamond and playground on the south side of the creek. The parking in the area could be improved and there is some street parking available.

Barbara asked if the access road from the youth center to 100 North would remain open or would it be closed? Brett mentioned that is an item that needs to be discussed but one thought was to gate off the road during the summer months and then open it back up during the winter months.

Barbara mentioned children could go and play on the playground if they get cold. Brett stated it is not a good idea to have a splash pad by a playground as the sand or material from the playground can damage the splash pad.

Deon suggested relocating the playground to the north side of the creek so all of the play areas were on the north side of the creek and the parking lot was on the south side of the creek.

Barbara mentioned parking could be reviewed and developed after the project is complete so that the city would know how much is needed.

Brett mentioned the insurance provider for the city would help with the design to make sure it is as safe as possible and has the appropriate amount of signs and gates.

Mayor Simmons asked if there was any concern about the proximity of the skate park to the historic cabin? Craig said he was not aware of any problems that would be created. Deon mentioned originally he was concerned about the proposed location for these two projects but he no longer has any specific concerns.

Barbara mentioned she liked the proposed location and Kris felt it was a good use of the space.

Barbara mentioned she had looked at other areas in the city and this was the best place.

The consensus of the council was to build the skate park and splash pad at Central Park.

Craig informed the council the staff would provide the council with some possible funding options for the balance of the project in the future.

Barbara felt this was a good way to expand the city square and Kris mentioned this could bring local business expansion to the area as well.

Craig mentioned there is only one skate park in the valley at this time and there is a lot of candy and drinks consumed by the people using the facility.

Jeff felt this would be a good location that is highly visible and if the projects were completed at Forrester Acres instead they would not be as visible and much more susceptible to vandalism. Brett concurred.

PUBLIC HEARING, NO SOONER THAN 6:30 P.M., FOR THE PURPOSE OF DISCUSSING THE PROPOSED CACHE WATER DISTRICT.

****The public hearing opened at 6:30 P.M.****

Mayor Simmons read the following statement:

This public hearing of the Smithfield City Council is called to order for the purpose of allowing the public to ask questions and obtain further information regarding issues contained in or raised by Smithfield City Resolution 16-07 entitled *A Resolution to Initiate the Creation of the Cache Water District* as passed by the Smithfield City Council on Wednesday, June 8, 2016, that will place before the voters the question of whether a water conservancy district to be known as the Cache Water District should be created is declared to be open at 6:30 P.M. on Wednesday, July 13, 2016, in the Smithfield City Office Building, 96 South Main, Smithfield, Utah. The members of the Smithfield City Council who are present are Deon Hunsaker, Barbara Kent, Kris Monson, Jeff Barnes and Curtis Wall.

The proposal for the voters to vote on the creation of the Cache Water District is the subject of a series of public hearing to be held by the Cache County Council and by the legislative body of each participating municipality within Cache County. Following the

public hearings, the question of whether the Cache Water District will be created will be placed before the voters during the November 2016, general election. Owners of private land or registered voters residing within a participating municipality who do not want the proposition to be placed before the voters may file a protest with the clerk or recorder of that municipality and owners of private land or registered voters residing within unincorporated portions of Cache County may file a protest with the Cache County Clerk. All protests must be filed by not later than September 12, 2016, which is 60 days after the last public hearing. If sufficient protests are timely filed, either the election will not be held or the municipality or unincorporated Cache County, for which adequate protest have been timely filed, will be removed from the proposal to create the Cache Water District and from the election. Protests are adequate if filed by the owners of at least 25% of the total private land area and at least 15% of the private land value within the subject municipality or unincorporated Cache County (each of which is an "applicable area") or by registered voters residing with the applicable area equal in number to at least 15% of the number of votes cast in the area for the office of President of the United States at the most recent election prior to the adoption of the Resolution. If adequate protests are not filed, the election will be held and the voters will decide if the Cache Water District will be created.

Jim Gass informed the council the public will get the right to vote on the creation of the proposed water district in November. There are limitations on the amount of tax that can be levied. The original board will consist of a member of each of the seven county council districts, one representative from the agricultural community and three at-large members. One of the goals of the district is to get representation for the valley at the state level. A bigger more united voice is needed for the valley. The water rights in the valley need to be protected.

Russ Elwood stated he is a lifelong resident and former member of the Smithfield Irrigation Board. Russ was involved in the process to install irrigation water lines in town as well as the sewer system. The district needs to be supported as the irrigation system is an asset to the city. Future demands need to be met. Water rights need to be protected. The city parks and cemetery need to be kept green. Protecting water is a good thing. Russ was in favor of putting the request on the ballot for this fall.

Jim informed the council the issue will be on the ballot this fall unless enough protests are filed.

****The public hearing closed at 6:40 P.M.****

Mayor Simmons read the following statement:

As stated at the beginning of this public hearing, any owner of private land and any registered voter who desires that the election on the question of the creation of the Cache Water District not take place may file a protest with the Cache County Clerk, if the land is located or the registered voter resides in the unincorporated portion of Cache County, or with the municipal clerk or recorder if the land is located within a

participating municipality or the registered voter resides within the municipality. The protest must be filed on or before September 12, 2016, which is 60 days after the date of the last series of public hearings dealing with the proposed creation of the Cache Water District.

CITY MANAGER REPORT

Craig reminded the council the city is insured through the Utah Local Governments Trust. The trust is issuing a refund to each of its policy holders and the city is going to get a refund check for \$15,191 in about October. The intent, with the permission of the council, is to use the funds toward the splash pad and skate park project. The trust is able to issue dividend checks when claims are down over a period of time.

Craig informed the council the city leases three backhoes on a yearly basis. John Deere had the state contract and last year the yearly lease fee was \$967 and the city leased three backhoes. The same amount was budgeted this year. John Deere was losing money on this program and convinced the state to let them out of the pricing structure they had committed too. The new cost is now \$6,500 per backhoe for a one year lease. The city is going to only lease two backhoes this year and has to reallocate budgetary funding for this line item.

Craig mentioned the amount of Class "C" Road funds projected to be received by the city has been reduced by \$43,000 as the state changed how the disbursements are going to be allocated and the counties will receive more and the cities will receive less of this funding. The budget will need to be reduced by \$43,000 for revenue and expense when adjustments are made in December.

Craig mentioned Fire Chief Jay Downs wanted to review possible fireworks restrictions for the July 24th holiday.

Jay Downs informed the council the State of Utah would be implementing fireworks restrictions for the July 24th holiday on Friday, July 15th. The grass in the foothills is drying up at a rapid rate and Jay asked the council to implement the same fireworks restrictions as in the past. If restrictions are implemented there would be a press release and the department would notify each fireworks stand in the city as well as post on Facebook and send a message through the city communication system. The rules and restrictions would be spelled out for everyone to review.

Barbara felt the restriction was appropriate and consistent with what was done in the past.

Jeff asked if there were any fires from fireworks on the July 4th holiday? Jay responded there were some reported in the city but none were confirmed. Richmond City and Lewiston City each had a few small fires from fireworks.

Mayor Simmons mentioned the message needs to include some verbiage about cleaning up the firework debris from the road if people choose to light them in the roadway. Jay stated the debris can cause vehicle tire damage and other issues if not cleaned up and disposed of properly.

Mayor Simmons asked if the state had implemented any new restrictions on drones as there have been issues in other areas of Utah where drones caused wildfire response to be called off in regards to air support. Jay remarked the city should not consider doing anything until the state puts their new mandates into effect. If the state mandate is not restrictive enough then the city can consider something more restrictive. People with drones do not realize the problems they are causing as all air support has to be grounded immediately. Mayor Simmons stated the additional loss at a wildfire elsewhere in Utah was calculated at over two millions dollars because air support was stopped and the fire continued to grow.

Jay informed the council a local team from the city's fire department just returned from a week of fighting wildfires in Idaho.

Jay mentioned there is going to be a ribbon cutting and open house for the new ambulance station in Hyrum City. The new building is almost complete. The building is 2,500 square feet and has two bays plus a living quarters. Hyrum City donated the land. The total cost of the project was around \$600,000 for the building. On July 28th there will be a final walk through and punch list put together with the contractor. Ownership will be taken over by the county on August 8th and the intent is to move in on August 1st. Currently, the ambulance is located in the Hyrum City Fire Station and the living quarters are in an old house next door. The new ambulance station is located by the rodeo grounds in Hyrum. Mayor Simmons mentioned he was thankful the city has a fire station and ambulances located in the city to allow for quicker response time.

A motion to approve firework restrictions for the July 24th holiday restricting fireworks from all areas north of Center Street and east of 200 East and all areas south of Center Street and east of 800 East was made by Jeff, seconded by Barbara and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

PUBLIC HEARING, NO SOONER THAN 7:00 P.M., TO CONSIDER A CONDITONAL USE PERMIT REQUEST FROM TROY WAKEFIELD TO ALLOW A THREE (3) LOT MINOR SUBDIVISION/INTRABLOCK DEVELOPMENT (SUMMIT COVE INTRABLOCK SUBDIVISION) LOCATED AT 153 WEST 200 SOUTH. ZONED R-1-10.

Clay informed the council the request is for a three lot intrablock subdivision and there is already a home on proposed Lot 1. The Subdivision Technical Review Committee and the planning commission had both reviewed and approved of the request. A conditional-use permit is required since it is an intrablock development.

Troy Wakefield stated the intent is to build two homes behind the existing home.

Barbara asked if the backyard to the homes is a local church? Troy stated that is correct.

Barbara asked if there is sidewalk in the area? Troy replied on 200 South there is an existing sidewalk.

Clay informed the council the new roadway would be a private road and not maintained by the city.

Mayor Simmons asked if the planning commission had any concerns with the request? Curtis stated they did not.

Barbara asked how big the lot sizes would be? Troy replied just over 1/3 acre each.

Barbara asked about the condition of the existing home. Troy stated it is not currently occupied but will be by the end of the month.

Barbara asked if it is a rental home? Troy stated that is correct and some work will be done on it before it is occupied.

****The public hearing opened at 7:00 P.M.****

Katherine Andrew asked about the height of the two proposed homes. Troy stated they would both be under the 25 feet limit set in the city code.

Jeff asked if there was an existing fence around the property? Troy remarked there is a chain link fence surrounding the LDS church and a wire grid type fence around the rest of the area. None of the fence is a privacy fence.

Clay reminded the council the surrounding property owners have 90 days to request if they want a privacy fence along their property and the developer would be required to pay 50% of the cost and the property owner the other 50%.

****The public hearing closed at 7:03 P.M.****

DISCUSSION AND POSSIBLE VOTE ON THE CONDITIONAL USE PERMIT REQUEST FOR THE SUMMIT COVE INTRABLOCK SUBDIVISION.

Barbara mentioned she did not think any additional requirements were necessary.

****A motion to approve the conditional use permit request for the Summit Cove Intrablock Subdivision, three (3) lots, located at 153 West 200 South was made by Curtis, seconded by Deon and the vote was unanimous.****

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall
No Vote: None

COUNCIL MEMBER REPORTS

Deon informed the council he had attended a Utah Department of Transportation (UDOT) meeting and the highway from Logan City to the south end of Smithfield City will be repaved this year.

Deon was frustrated the city had to pay for electronic signs a week in advance of the Health Days Parade when there were no such signs for the Cache Valley Cruise-In in Logan. Mayor Simmons stated UDOT had informed him in the past the signs are not required in Logan for that event since there are several alternate routes in Logan but there is not an alternate route through Smithfield.

Deon mentioned he had attended a canal board meeting and the canal board is frustrated people are dumping their lawn clippings in the canal.

Deon informed the council the city does have a right-of-way along the irrigation canal bank as part of the agreement with the irrigation company. The agreement states representatives from the city are supposed to meet with representatives from the irrigation company between November 1st and 15th of each year to determine the work that needs to be done before April 1st of the following year. The city is responsible to remove the debris that has accumulated in the canal before April 1st of each year. The city will be responsible for the canal in the future since the canal is piped everywhere but in Smithfield.

Craig mentioned he had met with the canal board and in the areas where the canal is piped the swell is now an area for storm water collection. Logan, North Logan and Hyde Park pay the vast majority of the storm water cost since they are piped and have the greatest amount of area in the system.

Clay mentioned storm water collects in the upper and lower canals in the city.

Mayor Simmons asked if signs need to be put along the canal letting people know dumping is not allowed. Deon replied the majority of the people live in the middle of the block where they are not seen dumping into the canal. Jeff felt installing signs would be appropriate. Barbara suggested contacting the canal company to find out where the problem is happening and focus on putting up signs in those areas.

Deon asked Justin and Craig to follow through with representatives from Utah State University to have them come out and measure how much water is being put on city parks as he has received complaints the grass around the library is being water constantly.

PUBLIC HEARING, NO SOONER THAN 7:15 P.M., FOR THE PURPOSE OF CONSIDERING A REQUEST BY NEIGHBORHOOD NON-PROFIT HOUSING CORPORATION TO REZONE PROPERTY OWNED BY MEIKLE LAND LIMITED PARTNERSHIP, PARCEL 08-045-0005, 13.22 ACRES, FROM A-10 (AGRICULTURAL 10-ACRE) TO R-1-12 (SINGLE FAMILY RESIDENTIAL 12,000 SQUARE FEET). THE PARCEL IS LOCATED AT APPROXIMATELY 650 NORTH 600 EAST.

Clay stated J-U-B Engineers had done a water model on the area and there are not any culinary water issues. The planning commission and the subdivision technical review committee had both reviewed the request and forwarded it to the council for consideration.

Kris mentioned she needed to clarify the proposed lot sizes were closer to 1/3 acre than 1/4 acre as she had incorrectly informed some people.

****The public hearing opened at 7:17 P.M.****

SHERI ANDERSON: We love our city and that is why we are here. I am representing the group that lives in the area and hope to do so in a positive manner. How many homes are proposed? There are already 73 existing homes in the area. One of the major concerns we have is infrastructure. There is only one main road off the bench area. What is the requirement for safety based on the number of homes in the area to safely get out of an area? There is only one access from our area.

CLAY: The local fire chief has reviewed the request and signed off on it. Neighborhood Non-Profit is looking at having a second access but it is not required by the city. The second access point would go through the Meikle property. The road would go east past the Meikle home. There is also access on the gravel road through Parson's asphalt plant area.

SHERI: How many homes are allowed before another new road is needed? I have seen a fire in the past above the Meikle property and the fire department could not get to it. If we had to evacuate our area there is only one road and it would be a serious situation. The roads need to be put in before an excess number of homes are added. I want the area to be safe.

KRIS: Are you talking the road down past Parson's pit?

CLAY: The only requirement for the road is that it is a hard surface and gravel is a hard surface. The Parson's pit road goes to the west. The Meikle road goes to the east.

SHERI: The Meikle road still ties into the same road (Upper Canyon Road). I think the engineering and fire department need to highly consider and double check the safety requirements in this area before additional homes are added. What can the area handle? I am concerned about the dense population in this area. A second concern is where do we get our culinary water from?

CLAY: We have nine springs up Smithfield Canyon and the majority of the water for the city comes from up there.

SHERI: So we have excess water right now?

MAYOR SIMMONS: We might be the best prepared city in the valley for the current amount of water we have available. The city has been engineered and prepared for future growth for many years.

SHERI: So water is not an issue?

CURTIS: Our last water model said we have enough water rights to last us until 2050.

KRIS: I actually think it is 2040.

DEON: We have the best planned water system in the valley according to the county water master plan.

CRAIG: Every subdivision is required to have a water model. We have enough water for households and fire suppression.

SHERI: Was a water model done in this area?

CRAIG: Absolutely.

SHERI: So the city is not being pressured to make smaller lots and smaller homes?

MAYOR SIMMONS: Yes on their yards less water is used on a smaller lot.

SHERI: Water is not the issue. The city is beautiful as well as up the canyon. What are plans for this specific proposal in regards to the green space that is required? How can we preserve this beautiful city with this development?

CLAY: We are in the process of redoing the master plan for the city. There is not a park in the master plan for that area. A park is not required as part of this process.

MAYOR SIMMONS: What makes a park required?

CLAY: It is not part of our current master plan. I would also mention R-1-12 zoning is closer in size to ¼ acre than it is to 1/3 acre.

SHERI: I am projecting 50 more homes in our area for this project and there are 73 existing homes so that should tell you the magnitude of this project.

CRAIG: Road, curb and gutter, right-of-ways and other infrastructure need to come out of your deduction to determine the number of homes.

SHERI: So none of the homes will be under ¼ acre?

BARBARA: The proposed zoning won't allow for lot sizes of 12,000 square feet or smaller so all of the lots will be over ¼ acre.

CURTIS: Kim Datwyler from Neighborhood Non-Profit has told me they will request 36 homes on this parcel. If the number of homes is the issue the proposal will be for 36 homes on this property.

SHERI: Because we don't have any parks the cops are already up in our area all the time. The only open space in the area is the street. We are concerned there are not any parks or open space areas. This development will bring in young families with children and they need a place to play. This is tearing our neighborhood apart. There is arguing amongst neighbors since the kids have nowhere to play. We are concerned about the growth rate for the city. Has the council or planning commission discussed this? I was blindsided by this request and will be involved in the future. Has the impact on growth in the city been talked about? How do we control how fast the city is having homes built?

MAYOR SIMMONS: We are currently redoing our master plan. The county and cities are studying population projections as well as there are a lot of possible scenarios. I have seen the growth projections for Smithfield going from 11,000 residents to 22,000 residents. We have enough water for the city to double in size. I talked to George Jeppesen and he said the city doubled in size while he has lived here for the last 40 years. Population growth is a crystal ball question. Smithfield is a good place to live and it is hard to put a cap on people wanting to move here. People want to live here. This is not just a city issue but a county issue as well. Roads will be an issue just getting from Logan to Smithfield in the future. There are air quality concerns as well for the valley. We all want rural living but it comes at a price. There is going to be growth and pressure from here to Soda Springs, Idaho and we are all going to see it. We are doing the best we can with services, public safety, parks and recreation and quality of life and this makes people want to come here. We are looking at it but there is not an exact answer. This building was built to serve the city for 50 years.

SHERI: It is irresponsible not to consider the impact to the local schools that growth has. Is there a public school planned for the area? We cannot grow this fast or we will outgrow the schools. You might need to consider a moratorium to slow things down. I am concerned about the growth rate and how this affects the local schools.

MAYOR SIMMONS: I believe our population has increased about 10% in the last four to five years which is an additional 1,000 people in the city. I would expect we will see that same type of growth in the next three years. It could be spread out on the east side and the west side.

SHERI: The majority of the agenda items tonight are in our area so we are concerned about the growth rate. We are requesting the city develop this area responsibly.

CURTIS: I am on the master plan committee. The new master plan will be available for public comment. I would love to see residents make comments and let us know their opinions. There has actually been a decrease in traffic on some roads where I thought there would be an increase. We drive up and look at the property and see what is going on there. We are reviewing parks and trails as part of this process.

SHERI: I think an area can be overpopulated and change an area and we can never get it back.

CURTIS: I moved here in 1990. I still think this is a rural area with a rural feel. I have lived in the same house for the last almost 30 years. I like the new master plan and how it is coming together.

SHERI: Is it public online or where do we find it?

BARBARA: The current master plan is on the website under "general plan". They mean the same thing. We are currently redoing the master plan since it has been ten years since the last time it was done. It is easy to find.

MAYOR SIMMONS: We are glad to put a link on our Facebook account as well.

SHERI: Several of us have concerns as we have not been educated on what is going on. I have done a lot of homework on this and been contacted by a lot of people. We request you please do not overpopulate our area.

LAURA DESMARAIS: I talked to Clay earlier as the road will go through Ken Tuveson's property. There is only 16 ½ feet there. Clay you went up there with us and said there is not enough space for a new road. Our concern is, are you going to take Ken's property to make this happen?

CLAY: The road will only extend to the property line.

LAURA: Will there be a sidewalk on Ken's property?

CLAY: Not until his area is developed by him or someone else?

BARBARA: All services must be contained in the specific subdivision they are approved for such as storm water.

LAURA: There are kids on ATV's riding all over the place. Damage is being done to Ken's private property. He has not complained about it. Do we need to post signs? We don't know what to do. People are dumping dirt, rocks and debris on his property as well.

JEFF: Take a picture of the ATV and call the police. Document it as there are options and things you can do.

BARBARA: Is there access to the power line road from here?

CLAY: Yes.

KEN TUVESON: I won't stop people.

BARBARA: Will you be impacted if there are more homes?

KEN: I just keep on working on my pipe when it is damaged. I have allowed access through my property to the back of the homes that were built along the edge of my property. There are a lot of high voltage power lines in the area. Homes should not be allowed to be built under the power lines. Fires will happen. They do happen. There are many power lines in the area. I am concerned about the city. Parson's wants to buy more gravel from me but I have said no as I

want the city to stay nice.

BARBARA: Building is not allowed in the right-of-way owned by the power company.

CLAY: There are specific requirements set by Rocky Mountain Power of what is allowed and not allowed. The new power lines for the subdivision will be underground.

KEN: Is it possible to have the high voltage power lines run underground?

CLAY: It would be too expensive. No current overhead power lines will be changed but new development will be underground. There will not be any sidewalk installed on the Tuveson property as part of this project.

RAQUEL MUIR: I know a lot of planning and engineering has already gone into this project. I am very emotional about this. I do real estate work. My biggest concern is I am worried about my property value. There is also a feeling in that area that will be lost and a price cannot be put on that for us. We are frustrated and change happens but we don't feel we have a voice. We want to voice our concern. There is an emotional side to this as well. This will affect all of us if this is approved.

MAYOR SIMMONS: We are glad to have you come and voice your concerns.

VICKI BALLARD: On 400 North all the way up Upper Canyon Road there are people on the road every day from 6:00 A.M. to 10:00 P.M. There is lots of foot traffic. There are lots of people walking up the canyon. A lot of people walk down to Mack Park from our area. There are several mom groups that walk from our area down there. There might be two moms and 17 children walking down there. There is not any shade or parks in our area. If people are walking on the road; the road becomes very narrow in a hurry and becomes a one lane road that quickly turns into a half lane road. Adding 36 more homes will add to the traffic. There have been 32 children added to our area since the Visionary Homes project started. We want a park. Right now we will just zone off the street by our house and call it a park and tell all the construction crews they need to get their behinds out of our park. Literally that is what is going on right now. Parks help with housing values. I understand why Sheri is mad as she spent a fortune on her dream house. You are telling her that her house won't be worth as much now. If a park is there her house will only go down in value 10% rather than 40% because the house in her back yard is only 1,500 square feet, has weeds in the backyard and dogs that will go poop in Sheri's yard. We want a park for a lot of reasons. A park would help to offset this. I don't want the value of my home to go down as we are not rich people. I want it to stay the same. Nothing against Neighborhood Non-Profit as I have so many friends that live there and it is a great program and I love them, love them, love them but at the same time their houses are not as cool as Sheri's. My house is not as cool as Sheri's either and probably hurting her home value. She is not being mean. She is just asking you nicely to consider our concerns. A park would be huge as it would help eliminate the need for the mommy groups to have to walk to Mack Park. We love to get our fitness in but I am not going to lie not having to walk up and down the road by Parson's every single day I would be all for it. A park would eliminate traffic on 400 North. Put in a park; it is not that hard. I will be happy. There will be less problems in our area. Neighborhood Non-Profit will be good and we will be good. Everyone wins if there is a park. I think it is a good compromise. The 400 North road is an issue and I want to see the master plan. It is an issue we need curb and gutter and a large sidewalk so people can walk on it. Visionary Homes is adding another new road and it leads onto Upper Canyon Road. We want to work with the city. If you put in a park I know a whole bunch of guys and kids that will lay sod for you. It is about trying to

find compromise. We have invested so much in our homes and we don't want to see it disappear. We want to welcome them with open arms and we are asking you to help us do that by making it this so with them coming in it is not actually hurting any of us economically.

LAURA KOHLER: Who develops and pays for new roads and curb and gutter?

MAYOR SIMMONS: Neighborhood Non-Profit would pay for their new roads and infrastructure. Tax dollars do not pay for developer's new roads.

LAURA: We really, really need a park. There are a lot of kids up there and it is a safety problem having a ton of kids in the streets.

MARSHA WARDLE: I have lived here for two years. I lived in a Neighborhood Non-Profit subdivision for about seven years. A concern I would like to express to the city is to definitely get everything in writing. Things do not happen that are promised. If not in writing, it does not happen. Parks that are promised don't happen. We moved in and stuff did not happen. I do like the city and I bought a home here. I want to keep walking in the city. When this project is complete there are going to be issues more than just house building. These are emotional issues for us that did happen when working in a group. Things are not being addressed such as the impact to the neighbors. I just hope this development does not come back to bite us. You need to get everything in writing from beginning to end or it just does not happen.

TYSON LUTHI: As elected officials sometimes we feel as residents of Smithfield our voices are not being heard and that is why a lot of us are here tonight. I might have stones thrown at me by I am openly against Neighborhood Non-Profit coming to our neighborhood. This proposal is putting a square peg in a round hole and feels like it does not fit. The reason I say that is I drive west to Birch Creek Elementary every day during the school year through an area that was a similar program. I have seen a development similar to this. The first year everything looks great. It really did but if you drive through today that is not the case. I spend a lot of time in my yard. I live south of where this would go into. I am opposed to it. The value of my home will depreciate and I realize the city does not care about that. I realize that is not why you are here is to talk about property values but it has been mentioned by almost every homeowner up there. You need to be the voice of the people as you sit up here that is the voice we are trying to get too. When I sell my home in two to five to ten years; whenever I move I want it to appreciate in value. I have four children. One that has already left Birch Creek Elementary, two that are going there and one that will go there soon. Right now I believe it is forty percent of the students at that school are at-risk, about 40%, meaning low income families needing assistance and things like that. I don't have anything against that. My concern is bringing another neighborhood to that school. What is that going to do to our school? Is that going to go up to 75% at-risk? I am concerned about that and it really worries me. Where does that money come from? Can the city sustain having two of these developments within two miles of each other? I am not saying anything bad against those that live in Neighborhood Non-Profit. I know a lot of people that live there and I even employed one and she was a fantastic gal but that is not always the case. Do we have numbers on that? Where does the funding come from for those that are at-risk? Is that something we are prepared for if we bring another 39 homes now?

MAYOR SIMMONS: You are making an assumption they will be at-risk families.

TYSON: They are almost the majority now.

MAYOR SIMMONS: We don't have that crystal ball. You are making an assumption about taking that up to 75% at-risk.

TYSON: I don't know the number as I just threw a number up but right now 40% of those kids attending Birch Creek Elementary from that neighborhood are at-risk students.

MAYOR SIMMONS: We don't look at family situations to that level. We can see what happens. I am not for or against this proposal. I know people living there. I know the last development like this brought a bunch of young families to an aging area on the west side of town. A new school and LDS church house were built as well. I know and work with some of these people. There are great families there. If you read the city newsletter you will see I share some of your same concerns but they are throughout the city. I don't like weedy lots. I am concerned about vacant lots. Health is not just something physical; it includes land values and yards being taken care of. We can do better as a community. Taking care of yards has nothing to do with Neighborhood Non-Profit. A specific group of people are not the only ones not taking care of their yards. I live in an area that could be upgraded.

TYSON: I live in an upgraded area and when I talk to any real estate agent and I don't want to start on property values as it is eroding this discussion. When someone goes to run a comparable on my property when I go to sell it they will look straight north of my home and see homes that cannot be compared. Look at how the Neighborhood Non-Profit area looks today as that is my concern today.

MAYOR SIMMONS: Let's tour these communities. Let's go to Richmond and Nibley and you will see some really nice areas. In River Heights as well.

TYSON: We are talking about Smithfield here on the west of town as I drive through there taking my kids to school every day. I don't want my neighborhood looking like that.

MAYOR SIMMONS: I don't want anyone's neighborhood as you have described. All of us can do a better job based on what you are saying.

TYSON: I fear Mayor Simmons that is already a done deal. I felt it was done a month ago at the last hearing. I felt this is going to happen. The purpose of this city hearing is for the people to come in here and say "here are our concerns" and table it so we can talk through it. Let's talk about it. Is this right for the community? Do the people have a voice?

MAYOR SIMMONS: Everything needs to be reviewed. Representatives of Neighborhood Non-Profit are here this evening to hear the discussion about the 36 proposed homes. They know they are being watched. We hope they hear it. They will take care of things and do it right. I hope Kim Datwyler is listening to what has been said. Lots of people want their kids to live here. I listen to developers each day at my job. There are many people that can qualify for this type of housing. Let's go up to 600 East and 1000 East and you will see some of the same problems you are mentioning.

TYSON: How are those covenants enforced?

MAYOR SIMMONS: They are not.

KRIS: I have some ideas of how to deal with that after the public hearing.

MAYOR SIMMONS: I want this discussion to happen and yes we are listening. These are bigger issues than just Neighborhood Non-Profit.

TYSON: I feel that is where it stems from.

MAYOR SIMMONS: It might but I don't know.

TYSON: I am just talking from the Neighborhood Non-Profit here in Smithfield. I drive through there all the time and it makes me ill to think my neighborhood is going to look like that and that makes me very, very concerned. When I was a little boy my parents would drive me through

Smithfield and I fell in love with the city. I felt at some point I would bring my family here and that is what I have done and I have been here for nine years. Now I am at a point I feel is this where I really want to live. I want to be a city council member in this city someday. I want to be part of this. It feels like everything I am explaining and bringing up is being heard. I am hoping this is already not a done deal. I am hoping there are some voices that will be heard tonight saying maybe this is not the right spot. The land has already been purchased and I just feel like it is a done deal.

CURTIS: Where did the 40% at-risk student number come from?

TYSON: I got it from a very reliable source and I cannot tell but it is from a very reliable source, from an administrator.

JEFF ADAMS: I live in the neighborhood and have similar concerns. Access needs to be reviewed. I know you are redoing the master plan. J-U-B Engineers reviewed the water model. There is only one main line in the area right now. This is all part of the master plan and I always hear the master plan being mentioned and I heard this discussion start two years ago. You want to develop in a way that makes sense. I encourage you to follow your heart. Let's wait until the study is done. Add a new water main line if needed. Add a second access road. The majority of the city wants to welcome people. We need to grow in a way to want people to come here. In order to do that we need to make sure the master plan is done. Open space concerns need to be addressed for the future. Development is a good thing but everyone needs to benefit, the city, the buyer and the developer.

KIM DATWYLER: I am the Executive Director of Neighborhood Non-Profit Housing Corporation. I want to address some of these concerns. We do things differently now than in the past. We enclose backyards with privacy fences. The entire front yard is landscaped and a sprinkler system installed before the homeowner can move into. The homes are completely done including the yard and back fence before they are moved into. We hired a landscape architect to help with the Nibley City project. There is value in these homes. The values of these homes are increasing. Nobody is going to intrude into Ken's field. The homes are fenced off. No dogs are going to run loose unless let out of the backyard. All the homes have very nice landscaping. I cannot talk about how the homes will look seven or eight years down the road as I don't know who will live there then. I live in a 30 year old subdivision. Long term some people just don't care. Social economic status has nothing to do if a person likes yardwork. I get good families to occupy the homes at the start. Each homeowner has to put in between 1,400 and 2,000 hours on the project. There are 78 homes in Nibley. All but 14 are complete. They are built slowly. The entire subdivision is not going in overnight. We only build 16 homes per year. Sometimes the growth is slower. Growth is happening and families want to be in Smithfield. Call representatives of Nibley City and ask them if we have done everything we said we would do. A comparable for a luxury home will not be done against one of our homes. Comparables must be of similar homes. Our homes won't be compared to the luxury homes in the area. Our homes are around 1,500 square feet on the main floor with a basement. The access to this parcel is equal to the other subdivisions in the area. All of these subdivisions lead to the main road. We are not requesting anything different than the other subdivisions in the area. The current master plan for the city shows the growth on the east side of town not on the west side.

****The public hearing closed at 8:20 P.M.****

DISCUSSION AND POSSIBLE VOTE ON THE REZONE REQUEST BY NEIGHBORHOOD NON-PROFIT HOUSING CORPORATION.

KRIS: I am here for the residents. I have seen the homes in Richmond and they are nice. There are eight homes and then other types of homes and then eight more homes. It is mixed up with different types of homes. The only reason I knew which homes were the Neighborhood Non-Profit homes was because of the white fence. I don't have a problem with these homes. We need a mixture of homes from beginner homes to lavish homes. Not just all big homes and not just all small homes. I don't want 116 acres of 55 and older homes that look the same way. We need to plan carefully. We need different types of homes in each neighborhood. There are some apartments by my place. I fought them being allowed but they are not a problem. We have all integrated together in the area. I have talked to representatives from the school district. Having that many homes of the same type in the same area will cause problems. We need to mix incomes. This will cause problems if approved. It is a school problem as well. We need groups of people mixed up. We need diversity. I agree with the need for a park. Neighborhood Non-Profit will not put in a park. It is not up to them. It is up to us to find a solution. I will push for a park in that area. The people going in these homes will be younger families with children. We need room for them. There needs to be a park there for everyone. I will talk to the developers to see if they will help. I have an extremely strong desire to mix the neighborhoods up. Some Neighborhood Non-Profit subdivisions as well as others. I don't want all of the land in that area annexed in for Neighborhood Non-Profit to develop.

KIM DATWYLER: We are already planning a park for the future.

DEON: That area is good for a park but most of the land up there is not in the city. It would be good to have a park but the land is out of the city limits.

KRIS: The Neighborhood Non-Profit proposal is for 36 homes without a park.

KIM: This is the most expensive property in that area. The lots will be about 12,000 square feet but the ones on the curve of the road will be a little bigger.

KRIS: We need to mix up the homes like in Richmond.

BEN FARNSWORTH: I work for Neighborhood Non-Profit. I cannot afford to live here. We are requesting the area is rezoned to R-1-12 because that is what is available. There is not a zoning classification for intermingling of lot sizes. We have read your code and we meet your requirements. All other developers are doing the same thing we are doing. We match the development to the existing code of the city.

KRIS: That is why we watch the development.

BEN: We are planning different lot sizes and a park in the future but it is not a requirement of your municipal code.

JEFF BARNES: I went to Nibley and those homes are nicer than the home I live in. The homes are beautiful and the homes are bigger than mine. I don't know the square footage of the homes but I was surprised how big and nice they are. All of the homes are landscaped. The entire neighborhood was complete. I think the area is well done. If the proposal for here is the same thing I don't see how I can say no.

CURTIS: I have reviewed these areas. There is a home by me that is not maintained. I looked at the landscaping. I built homes for 10 years. I drove past the Neighborhood Non-Profit homes in Nibley because they are so nice. I would live in one of them. I understand the concerns and the complaints. The master plan is being reviewed and parks in the city are being reviewed. The property is there and this is just the start. I have reviewed the minutes from the planning

commission meeting. We need to be welcoming and not label people. I went to Nibley to the open house and went through the homes. I wonder what the people that wanted to build here in this subdivision thought about the comments made in the public hearing at the planning commission. Are they being welcomed? They have responsibilities to meet as well. I am listening. I think we have several things to weigh in this decision.

JEFF BARNES: The homes located on 590 North are nice homes on large lots. I would love to live there if I could afford it. In the master plan it shows the two annexation requests we are talking about later this evening as coming into the city and the new master plan shows a park in this area. A park is needed in this area.

BARBARA: Is the new proposed master plan ready to review yet?

CURTIS: Not yet, it will be another month or so.

BARBARA: Will we make it available for review?

CURTIS: The city council and planning commission will review the plan and then the public will be involved starting in September or so.

BARBARA: Will it be advertised?

CURTIS: Yes. We want the community to be active in this process. We are talking and reviewing trails. I hope Sheri and others will attend those meetings.

BARBARA: This is a good discussion. There are items to address such as roads, sidewalks and trails. We have always had a goal of having a walkable city. The current discussion is about a rezone only of going from A-10 to R-1-12. The rezone won't solve our problems. It is going to add more homes. This is a good area for a park. The land is all coming in from one family.

KRIS: There are 11 families that own property in the area and only 9 of them have an interest in annexing into the city.

BARBARA: We need to talk about parks and green space.

KIM: I cannot speak for the family or their plans for other parcels for the future.

BARBARA: I know people wanting to be in the city in a Neighborhood Non-Profit area. I am concerned about the amount of traffic going onto 400 North and Upper Canyon Road. There are already many homes already accessing just one road. The only access for all of those homes is 400 North.

KRIS: All of the homes up the canyon only have access to Canyon Road or Upper Canyon Road as well.

BARBARA: I know the Meikle family. They are a local family. I think we need to look at the entire parcel. Sidewalk will be added to the subdivision. I have driven through Park Place and up in this area and there are some yards in the 590 North area that are in disrepair just like at Park Place. I cannot tell the Neighborhood Non-Profit homes from the others in Park Place unless someone points them out to me. I am willing to talk to the Meikle family. We could consider zoning such as R-1-20.

KRIS: Zoning requests are determined by the developer.

BARBARA: Is the property purchased from the Meikle family?

KIM: It is contingent upon approval by the city.

BARBARA: If we change the zoning there are no guarantees of a park.

KRIS: I think we are putting the cart before the horse.

BARBARA: Lots of work still has to be done. We have an existing problem we are going to add too. If we have a bargaining chip they might be willing to help. Is putting some of the land in a conservation easement possible?

KIM: The conservation easement in Nibley was new for us and new for them and they have not figured out exactly what they want to do with that property at this point.

BARBARA: I am conflicted here. I can see the problems. It is a beautiful area. It is hard to walk and ride bicycles in the area. I know no new parks were built by Birch Creek Elementary because of the new school being built.

DEON: I know the LDS church owns land up in that area.

KRIS: The school district did not know about the annexation requests.

JUSTIN: Yes they did. They were notified months ago when this process started. The paperwork was sent to the superintendent.

BARBARA: I know land is cheaper on the west side. I have access issues and concerns about the lack of a park in this area. We need a place for kids to ride their bikes. Neighborhood Non-Profit does not automatically mean a family will have a weedy yard.

DEON: I was on the council when the last master plan was done. Our original proposal for that area was one acre lots. That area is not good agricultural land up there. The west side of town has better agricultural land.

BARBARA: They could have requested R-1-10 which is smaller building lots than R-1-12. They could have also requested multi-family which they did not. In the future there could be council members that would approve multi-family housing in that area. I think 12,000 square foot lots is a better alternative than some of the other options. I don't like the idea of apartments there and 10 units per acre. As a representative of the city I think 12,000 square foot lots in this area is reasonable. Maybe we could consider adding different options for mixed use lot sizes in the future.

MAYOR SIMMONS: By mixed use are you talking townhomes?

JEFF JACKSON: I agree with Kris's comments and concerns. I am a developer. I love areas that have all different types of units of homes. We build all types. I like seeing a mix but you have to be open to mixed use. Mixed use means from townhomes and multi-family areas to mid-level to luxury homes. You cannot pick and choose; you take it all not just pick and choose what you want. I don't know Kim Datwyler and Ben Farnsworth but they offer a good product that is needed in the valley. As a developer I cannot offer their prices. You need to understand development costs as well such as your request to have a park donated. We would love to donate a park but we are paying for land, road improvements, impact fees and infrastructure costs. We have to develop every inch of a parcel to make a profit. We don't make gobs of money. I don't know how to tie up so much land but if Kim can she can make an awesome master plan. Look at other projects like this throughout the state. I live in the city but I am concerned about 400 of the same type of building unit in the same area. I would be glad to meet with Kim and her team to do a mixed-use area. A park needs a couple of acres. I would be glad to discuss a park. There is a gully up there that could be used for a park but the city requirement is that I do improvements across the entire frontage. That is 400 to 600 feet of street and curb and gutter with no return on investment. I am having, at my cost, to run three phase power from the east side to the west side of the parcel I am developing for a future LDS church to be built. I am going to incur an extra \$60,000 cost. I can get paid back through a pioneering agreement but I have to pay the cost now. Developers get a bad rap. Cities don't do anything to help us put in a park such as give increased lot density. Cities don't pay for improvement costs. In the last ten years my company has built around 60 homes in the city and I don't think it is a fair statement to say we don't work with the city.

KRIS: Neighborhood Non-Profit is looking at tying up all this land and developers like you won't even have a chance to work in the area.

BEN FARNSWORTH: I think everyone in attendance and the council think we are purchasing 110 acres to develop. We have contracts to purchase 40 acres. We made an original request to annex all 110 acres but changed the request. We have only talked to landowners about purchasing 40 acres not all of the land. We are only talking about 40 acres not all of the property in the area. The annexation fee is the same no matter the size of the land.

BARBARA: I understand the concerns. A request for smaller lots could be made. My choice is to have R-1-12 not multi-family in that area. If I vote that way it is because of that. Multi-family could request 10 units per acre.

KRIS: Is all 13 acres going to contain the same type of home or will some be bigger than others?

KIM: We are open to discuss that. It depends on our funding partner. It all depends on how much the funding partner wants to support us. We have not been told by our funding partner what they will do for this project. We own 80 acres in Hyrum City and it will be a mixed-use project but won't have apartments. Not all of the homes will look the same.

BARBARA: I know the development by Birch Creek Elementary is not all Neighborhood Non-Profit as another developer was involved.

JEFF BARNES: Is the zoning for the Nibley City project R-1-12?

KIM: Because of the conservation easement it is a little bit different. The lot sizes are around 10,000 square feet. A quarter acre is 10,800 square feet.

MAYOR SIMMONS: This has been a good discussion. I appreciate the comments and concerns. This is a sensitive issue where we have all learned and been educated.

JEFF BARNES: Is all of this area proposed as R-1-12?

JEFF JACKSON: I would have to look at the master plan. I am usually only able to find five to ten acres at a time to purchase. It is not possible to make big changes with small acreage.

KIM: We have gone before your technical review committee. An appraisal has been completed. The engineering for the project is completed. We have followed all of your rules. The master plan is a good document and we can work towards some of these other items but we are here tonight making this request based on your current rules. We do offer 26 different home types at this time.

KRIS: Can you do market rate homes?

KIM: Yes but we cannot build on lots sold that way.

MAYOR SIMMONS: So Jeff Jackson or anyone else could buy a market rate lot?

KIM: Yes.

JEFF JACKSON: This has been educational. I have held off on Phase 4 of my development until I saw how tonight went as Phase 4 would consist of building lots priced at \$95,000 to \$110,000. These would be $\frac{3}{4}$ acre to two acre sized lots. Now I know they are not developing all 110 acres that is a positive to me. I cannot sell building lots for \$110,000 if all of the surrounding homes are the same type.

MAYOR SIMMONS: So you like the idea of mixed lot sizes?

JEFF JACKSON: Yes.

KRIS: I have seen some nice multi-family in other cities that is classy and expensive.

KIM: We have never had a discussion to acquire all 110 acres. We offered to help the other property owners on our annexation request but never had the intention of trying to buy all of their property.

JEFF JACKSON: I had heard a rumor you were looking at buying all 110 acres so this is good to know.

KIM: We have no interest in all of the land. We are only interested in the 40 acres we are talking about. We just asked the other property owners if they wanted to be part of the annexation request we were making.

B.J. SPARROW: Jeff built too big of a home up there for me so I am probably hurting the most. I agree Neighborhood-Nonprofit can add value to your community as well. My concern is what council member Monson is saying about a lack of diversity. What is sticking in my head is if you go to any of these other cities most of us can agree North Logan is a premier city for living on the bench where the doctors and lawyers live. I am thinking why are we putting a non-profit on the east bench in Smithfield. Do you want to be known as the city council who approved a non-profit housing in any form on the east bench of your city. I think between Jeff and I and several other members can we not go find another hundred acres for non-profit. If they want to be in Smithfield they are already on the west side but I can guarantee I can find 30 more acres for 30% less than they are paying for it. Let's do it somewhere else. Why are you putting them on the east bench of your city? That is all I am thinking about. I agree there is value for the program. There is value for mixed-use. I don't oppose Jeff putting in mixed-use up there. At the end of the day myself, Luthi; we come from communities where I know Tyson came from on the west side and he wanted to come to the east side. There is something about west and east. We preserve the east. I come to the east side and build where I know there is agricultural land around me. The fact is if I was in North Logan and had agricultural around me. I have to rely on a city council that is just going to annex it in and make it R-1-12 because a developer is coming in. I will sit down now but non-profit on the east side of any city is foolish.

A motion to approve the rezone request for property owned by Meikle Land Limited Partnership, Parcel 08-045-0005, 13.22 Acres, from A-10 (Agricultural 10-Acre) to R-1-12 (Single Family Residential 12,000 Square Feet) was made by Curtis, seconded by Deon and the motion passed by a vote of 3-2.

Yes Vote: Hunsaker, Barnes, Wall

No Vote: Kent, Monson

JEFF: I know many of you are against this but these are nice homes and there are already small lots sizes in the area.

KRIS: We need to consider mixed-use in the future and make good neighbors.

PUBLIC HEARING, NO SOONER THAN 7:30 P.M., FOR THE PURPOSE OF DISCUSSING THE ANNEXATION REQUEST BY NEIGHBORHOOD NON-PROFIT HOUSING CORPORATION FOR PARCEL ID 08-044-0035 (6.25 ACRES) AND 08-044-0036 (11.97 ACRES). THE PARCELS ARE LOCATED NORTHWEST OF THE RIDGEVIEW ESTATES SUBDIVISION ON CROW MOUNTAIN ROAD (600 EAST), SMITHFIELD.

Justin informed the council this is the first of two annexation requests by Neighborhood Non-Profit. This request is on Crow Mountain Road northwest of the Ridge View Subdivision and is two parcels. One owned by Brian Peterson and the other by Nancy Jaussi. The council has

discussed the request over several months and the protest period ended at the end of June. No formal protests were filed.

****The public hearing opened at 9:20 P.M.****

SHERI ANDERSON: There are no zoning options to consider for this parcel beyond what we previously discussed between quarter acre and one acre. Does that need to be done as part of the master plan? The master plan needs to be redone before this is considered. We are not in fire code compliance and I think you need to talk to your fire chief and have him look at it based on what was just approved. My question to you is how do we prevent what just happened? We are frustrated. Landowners and developers are dictating what is being done in the city. We need to have a better master plan.

KRIS: We need to create mixed zones. How do we do that?

CRAIG: You need to define what you are considering a mixed zone.

KRIS: Areas that have ¼ acres, ½ acre and one acre building lots.

SHERI: Are you including townhomes with that?

BARBARA: Townhomes are an entirely different zoning classification.

SHERI: We need to review the master plan for this area.

JEFF: This area is designated in the area for future annexation. We show it would be annexed at some point.

MAYOR SIMMONS: The zoning can be R-1-12 and the lots can be bigger in size.

SHERI: Developers are dictating what the city is doing. Quit letting the developer develop the city.

KRIS: If the area is not annexed in we cannot control what happens on it.

MAYOR SIMMONS: Agreed. We cannot consider what may or may not go on it if it is not in the city.

BARBARA: Storage units were allowed in the county when we opposed it. I support the annexation.

SHERI: The street I live on is a great example of what can happen when we have control of how it is developed.

MAYOR SIMMONS: Sheri what would you have us do?

SHERI: I am going to be 100% honest with you. I don't know who I trust more, you or the county. I cannot answer that question tonight. Tonight I feel like I brought up points that had nothing to do with money, my yard or my income. I had valid population points and you did not listen. The infrastructure is not ready and I don't think you listened. I do not trust you 100%. Tonight I would probably trust the county more.

MAYOR SIMMONS: Have you talked to the city engineer or fire chief of what has been approved based on density? We are following the rules of the city.

SHERI: I will be involved in the future. We were honestly blindsided by this request. We had been in contact with the property owner for years about the property. They have been talking to non-profit for years and this is not something that just happened. We were told they were going to back down because of issues with the road. The road needs to be reviewed as it is a big issue. Thirty-five new homes for one outlet plus the existing 73 is too many homes for one outlet.

MAYOR SIMMONS: Are we out of compliance?

CLAY: There is nothing in the city code limiting the number of homes allowed.

BARBARA: This question is more fire code related.

SHERI: You need to review what other cities do. We were told this discussion was off the table. I don't receive the newspaper and I do everything online and my job keeps me busy. As soon as I was aware this was even going I got involved once I knew about it. I would have been involved sooner but I felt it was hush-hush as some of the property owners said they pulled it when they did not. I have some concerns and trust issues with the whole process. We will definitely be involved in the future. I lived here 25 years ago, we left, we came back and I am not sure we are going to stay.

****The public hearing was closed at 9:30 P.M.****

DISCUSSION AND POSSIBLE VOTE ON THE ANNEXATION REQUEST FROM NEIGHBORHOOD NON-PROFIT HOUSING CORPORATION.

BARBARA: There are two property owners involved?

JUSTIN: Yes.

BARBARA: Were either of them forced to be included in this annexation request?

JUSTIN: No.

BARBARA: I am in favor of us controlling it. Is zoning grandfathered?

CRAIG: Requests can be made for what the city allows at that time per the city code.

BARBARA: We could deny the request because we are working on the master plan.

CRAIG: Yes.

DEON: I agree with Barbara's comments about controlling how it is developed.

BARBARA: By annexing the parcels in that would help to develop more roads.

JEFF: It will come in zoned A-10 (Agricultural 10-Acre) but it will be developed in the future.

BARBARA: Only if we rezone it. We don't have to rezone it.

MAYOR SIMMONS: The county has the option to allow it to be developed as well.

JEFF: If it is annexed into the city it is being planned for development.

CURTIS: Why wouldn't we want it in the city?

MAYOR SIMMONS: Then we don't have to deal with it and we can just leave it in the county and let Neighborhood Non-Profit go to the county and develop it through them.

BARBARA: There are not any guarantees the county won't approve it.

KRIS: I agree with Sheri. There is no guarantee we won't let it happen. I feel the same way tonight as how they feel. I am disappointed we are going in the direction we are. This is not the direction I want the city to go. I know I will push my agenda to make it happen. I am concerned about the decisions the council is making.

****A motion to approve the annexation request by Neighborhood Non-Profit was made by Curtis*** There was not a second to the motion made by Curtis so no further action was taken.*

MAYOR SIMMONS: The issue can be tabled as it will come back around. We can take time and review it as part of the master plan. We will have done more research by then. We can get the residents involved. We have listened to the concerns stated by people tonight.

BARBARA: I have serious concerns for this area that cannot be addressed at this time.

TYSON LUTHI: What is the fire code?

FIRE CHIEF JAY DOWNS: Section 3 of the state code talks about this. The limit of 30 homes per access has not been adopted by the city. If it is adopted there are some other requirements that come into play as well such as every home needing an interior fire suppression system. The two access points have been met for this request. We need to be very careful about the fire sprinkler requirement.

MAYOR SIMMONS: Jeff (Jackson) what does a fire sprinkler system cost?

JEFF JACKSON: It would add at least \$15,000 to the cost of the home and no longer make the homes affordable. The more code you have in place the more expensive the home will become.

BARBARA: If the number restriction of 30 is tied to a fire sprinkling system requirement we could talk to Senator Lyle Hillyard about the possibility of that being changed.

CHIEF DOWNS: This is in an appendix not the state code, they are different.

A motion to table the annexation request by Neighborhood Non-Profit Housing Corporation for Parcels 08-044-0035 and 08-044-0036 so the master plan could be reviewed by the city council was made by Deon, seconded by Kris and the vote was unanimous.

Yes Vote: Hunsaker, Kent, Monson, Barnes, Wall

No Vote: None

PUBLIC HEARING, NO SOONER THAN 7:45 P.M., FOR THE PURPOSE OF DISCUSSING THE ANNEXATION REQUEST BY NEIGHBORHOOD NON-PROFIT HOUSING CORPORATION FOR PARCEL ID 08-044-0030 (13.92 ACRES) AND 08-044-0031 (2.89 ACRES). PARCEL 08-044-0031 IS 13.66 ACRES OF WHICH 10.77 ACRES IS ALREADY LOCATED WITHIN THE CITY BOUNDARY. THE PARCELS ARE LOCATED EAST OF THE HUNTER MEADOWS SUBDIVISION PHASE 13, SMITHFIELD.

Justin informed the council this is the second annexation request by Neighborhood Non-Profit Housing Corporation and includes two parcels. Parcel 08-044-0030 is 13.92 acres and owned by Marc Peterson. Dennis and Ruth Peterson own Parcel 08-044-0031 which is the second parcel and is 13.66 total acres of which 10.77 acres is already in the city and the remaining 2.89 acres is in the county. Dennis did not request his parcel to be annexed into the city but an island or peninsula cannot be created so by default Dennis's parcel is included in the annexation request. The council had accepted the request for annexation several months ago and the certificate of annexation in May at which time the annexation request was published in *The Herald Journal*. No written protests were filed with the county or the city on this request.

****The public hearing opened at 9:50 P.M.****

DENNIS PETERSON: I own the south parcel of which 2.89 acres is not in the city. I did not do a written protest as I am here this evening to state my protest. I am not selling my property to Neighborhood Non-Profit. There is no advantage to me to annex my parcel into the city. The council is considering forcing me to annex. I don't want too. There is not an advantage to me. This request only benefits Neighborhood Non-Profit. I don't want the council to force me to annex my property when I don't want too.

MARC PETERSON: I am Dennis's brother and I am willing to sell my property. Our family has owned this property since 1900. Our parents wanted to be even and fair as there are very different personalities and interests by my siblings. My mother and father have both passed away and things have been broken up. We tried to divvy up the property as best we could so we would all be satisfied. Dennis does not want to develop his property. Neighborhood Non-Profit builds a quality product. The homes look very nice. Had we known this 2.89 acres would create a future problem we would have divided things up differently. Please don't penalize me for a small piece of property my brother owns. By annexing these parcels into the city you can control what is done with them where right now the county has the control. I don't understand why the city would not want this land under its control. The logical thing to do is to take control of the land. There have been many different points of view this evening and there is open space and high density in this area. The high voltage powerlines create green space. I don't see higher end homes being built on this parcel. We wanted to make sure Dennis kept his property like it is but don't penalize me because of a small piece of land he owns. Please approve this annexation request. You can control the land in the future and make the best choices for the property.

KRIS: How big are the parcels?

MARC: The parcels considered for annexation are 13.92 acres that I own and 2.89 acres that Dennis owns. Over 10 acres of Dennis's property is already in the city limits. You have set the rules with the current master plan so please follow it. The process works.

KRIS: Where do you live now?

MARC: In Cottonwood Heights.

B.J. SPARROW: From the feedback you have heard tonight Neighborhood Non-Profit is requesting more than three parcels and they are all in separate discussions. This entire conversation needs to be one discussion about the entire area. There is no reason for several discussions about this area when there could be one.

JEFF ADAMS: I think you need to consider all the requests tonight as a whole. Get the master plan completed so you can review different things. Jeff Jackson is having to change his plans based on what is happening this evening. By tabling this request it allows you time to take a careful look at the area. You need to look at the large picture. Table this request and look at the entire area to see what is best. Once you have accepted the request you cannot go back.

KIM DATWYLER: I need to provide some background information I don't think you are aware of. This request is exactly what you want based on what you said earlier this evening. There is no reason to table this request. We are only talking about the annexation this evening. We are not going to move forward with developing it soon. This area will contain larger lot sizes like you requested. There is a mixed-use in this area as there are condos and luxury homes. Our proposal is to have ¼ acre to ½ acre lots in this development. We are already planning for it. There is open space included. We are looking at many different ways to make the landscaping look attractive. We plan on landscaping where the power lines cross the parcel. We are considering a possible water feature as well. The road on 680 North will eventually connect to Crow Mountain Road. We are helping to resolve some of your current issues. The socio-economic status of 24 homes is not going to change the city. We have police officers, fire fighters and school teachers living in these homes. Twenty-four homes is not changing a city of 11,000 people. I already have ten families wanting to be in Smithfield. I don't want to tell them

they are not wanted as the request was denied. Some of the families attended the planning commission meeting and heard people they thought were their friends get up and speak against them. They feel unwanted. I don't want to tell them that is what you are representing. You have welcomed us in the past so why not now. We have not built here since Park Place. I understand your concerns and why you tabled the first request but I don't see why you would table this request. This request does not have the same problems that were discussed with the other request.

BARBARA: There will be 24 homes?

KIM: There will be 24 self-help homes and eight building lots that will be sold and put on the market.

KRIS: I am confused about your request and the total acreage being annexed.

KIM: We requested three separate parcels to be annexed tonight between the two requests. The total acreage is around 40 acres.

BARBARA: When are you wanting to develop this area?

KIM: I don't know. It is up to the city which one we develop first.

SHERI ANDERSON: This is a good example of how the plan could fit. I say to table it. You can take control. The city can set the zones and rules.

****The public hearing closed at 10:10 P.M.****

DISCUSSION AND POSSIBLE VOTE ON THE ANNEXATION REQUEST FROM NEIGHBORHOOD NON-PROFIT HOUSING CORPORATION.

BARBARA: When I look at this request I don't see how we can deny it. There were problems with the other piece that are different from this piece. This parcel has access and there is already multi-use in the area. Dennis Peterson has stated he won't develop his land so it will stay in open space. A rezone would be considered in the future to discuss. I don't see a legal defense against it.

CURTIS: Isn't there a grade to this property?

KIM DATWYLER: Yes, that is why we were considering installing a water feature.

CURTIS: There is a spring on one of the parcels as well.

DENNIS PETERSON: The spring is on my property. I am trying to get the deed to the land but I won't get the water. In 1900 the water was deeded to the East Bench Water Works Company. There is not a spring there but just a pipe in the ground. Nobody knows where it goes. A two inch pipe runs 24 hours a day 365 days per year. The spring area is fenced in.

MARC PETERSON: Dennis has filed to take ownership of the land as right now there is not an owner of the land.

DENNIS: The fence is to keep people out and from getting hurt. There is no way to control the water. The water just runs into the ground.

SHERI ANDERSON: I know Beth Carter's home was flooded by that spring years ago.

CURTIS: The area in question will never be developed.

JEFF: I have been thinking about Sheri's comments and I want to see the connection of the road system between 680 North and the Crow Mountain Road area and eventually those two areas would tie together. Currently, the only access point for Marc's parcel is 680 North.

BARBARA: I am hoping the two brothers can come together and work this out.

KRIS: I don't think Dennis's property should be annexed if he does not want it to come in.

JEFF: Is there a way to leave Dennis out of this request?

MARC: We tried to break up the property fairly. Dennis can stop what I want to do. The spring is not on my property. The grade of the hillside is a benefit to making the lots larger.

CURTIS: The request we are considering meets all of the city requirements.

MARC: The larger building lots will be there like you requested.

A motion to table the annexation request by Neighborhood Non-Profit Housing Corporation for parcels 08-044-0030 and 08-044-0031 so the master plan could be reviewed by the city council was made by Kris, seconded by Barbara and the motion passed by a vote of 3-2.

Yes Vote: Kent, Monson, Barnes

No Vote: Hunsaker, Wall

IRONWOOD DEVELOPMENT GROUP, LC, AGENT FOR JESSICA TAMS QUINTON, HAS APPLIED FOR APPROVAL OF THE FINAL PLAT FOR PHASE 3 (8 LOTS) OF THE SMITHFIELD HEIGHTS SUBDIVISION LOCATED AT APPROXIMATELY 730 EAST ON UPPER CANYON ROAD. ZONED R-1-12.

Clay informed the council this is the last proposed phase at this time. Phase 1 and 2 are almost built out. This would finish up the project unless a request is made for Phase 4.

Jeff Jackson mentioned all but three lots are sold in Phase 1 and 2.

Jeff Barnes asked if a new road will be completed coming onto Upper Canyon Road? Jeff Jackson stated that is correct.

Jeff Barnes asked if there were plans to develop the land around the landowner's home? Jeff Jackson stated the owner wanted to hear the plan from Neighborhood Non-Profit Housing Corporation of what they had planned for the area before they determined whether to keep the parcel as one or subdivide it.

Barbara asked if the Subdivision Technical Review Committee had reviewed the request? Clay stated they had and it had been approved.

A motion to approve Phase 3 (8 lots) for the Smithfield Heights Subdivision was made by Deon, seconded by Curtis and the motion passed by a vote of 4-1

Yes Vote: Hunsaker, Kent, Barnes, Wall

No Vote: Monson

PUBLIC HEARING, NO SOONER THAN 6:45 P.M., FOR THE PURPOSE OF CONSIDERING A REQUEST BY IRONWOOD DEVELOPMENT GROUP, LC TO REZONE PROPERTY OWNED BY JESSICA TAMS QUINTON, PARCEL 08-045-0022, 5.43 ACRES, FROM A-10 (AGRICULTURAL 10-ACRE) TO R-1-12 (SINGLE FAMILY RESIDENTIAL 12,000 SQUARE FEET). THE PARCEL IS LOCATED AT APPROXIMATELY 861 UPPER CANYON ROAD.

At the request of the Ironwood Development Group, LC this item was cancelled from the agenda.

DISCUSSION AND POSSIBLE VOTE ON THE REZONE REQUEST BY IRONWOOD DEVELOPMENT GROUP, LC.

At the request of the Ironwood Development Group, LC this item was cancelled from the agenda.

COUNCIL MEMBER REPORTS

Barbara mentioned the senior citizens meet twice a month during the summer months and Ken Tuveson is a volunteer that helps all the time. The new youth council will be sworn-in in August sometime. They will do it at their own meeting or at a city council meeting. The leaders continue to do a great job and stay within budget.

Kris informed the council the problem with the flooring in the recreation center is still being reviewed and there is another meeting again on Friday, July 15th. One possibility is to add an air system underneath the floor.

Kris asked the staff to review the gravel that is being removed from the Lantern Hills Subdivision as her understanding was the council had not granted this request.

Kris had concerns with how some of the properties are being maintained on Center Street. Some of the yards are not being watered and the lawn has died. One home has three motor homes parked by it.

Kris asked the staff to review a tree located in the park strip at 400 North Main as the trunk is leaning significantly and being a hazard for people to see around. Clay asked Kris specifically what she wanted done with the tree. Kris mentioned the tree might need to be removed because of safety concerns. Clay mentioned the tree has been properly trimmed. Kris responded the tree trunk is the issue and there is a safety concern because of this tree. Craig reminded the council trees located in a city park strip or UDOT right-of-way are the responsibility of the homeowner to trim and maintain even though the tree is not located on their property.

Jeff mentioned Jon Cheatham had been on the front page of *The Herald Journal* as he continues to raise funds for the proposed city veteran's memorial. Curtis mentioned around \$3,000 had been raised so far.

Jeff informed the council the tree committee had met and Ben Harris would be starting the tree inventory of city owned trees soon. The tree committee informed Ben of what they wanted documented in the document he will prepare. In the middle of the cemetery is a row of Norway Sprue trees. One of these trees is bigger than recorded in the records of the state and will be submitted to be part of the State of Utah Heritage Tree program.

Jeff stated a volunteer had been working on reattaching some of the rocks on the foundation of the youth center as a volunteer project.

Curtis informed the council there were not any new items from the Cache Valley Transit District to discuss and the Smithfield Chamber of Commerce does not meet in the summer.

Curtis had printed 2,000 more flyers for Jon Cheatham to handout at Lee's Marketplace as he continues on with his fundraising project for the veteran's memorial. Kris mentioned she just received a \$500 donation to put towards the veteran's memorial project from a resident.

MAYOR'S REPORT

Mayor Simmons mentioned one of the topics of conversation at the last department head monthly meeting was a concern that council members are bypassing department heads and going to certain employees to get projects completed without first asking the department head to schedule the request. Each employee has certain tasks they must accomplish on a weekly basis and council members need to communicate with and coordinate projects with the department heads. Council members should not go directly to a specific employee. By going directly to an employee some of the employees are becoming confused on which tasks to accomplish first as they don't know which projects take precedence.

Clayton Gefre introduced himself as the news reporter *The Herald Journal* has assigned to the city. Clayton was hired by *The Herald Journal* in June 2015 after graduating from the College of Idaho in Caldwell, Idaho.

****Kris made a motion to adjourn at 10:35 P.M.****

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, City Recorder

**SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, Utah 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, **July 13, 2016**. The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Barbara Kent.

1. Approval of the city council meeting minutes from June 8, 2016
2. Resident Input
3. Jared Nielson, agent for Elk Ridge Estates, LLC has applied for approval of the Final Plat for Phase 4 (12 lots) of Elk Ridge Estates located at approximately 120 South 1250 East. Zoned R-1-12.
4. Discussion on RAPZ tax project and possible decision on location.
5. Public hearing, no sooner than 6:30 P.M., for the purpose of discussing the proposed Cache Water District.
6. Public Hearing, no sooner than 7:00 P.M., to consider a conditional use permit request from Troy Wakefield to allow a three (3) lot minor subdivision/intrablock development (Summit Cove Intrablock Subdivision) located at 153 West 200 South. Zoned R-1-10.
7. Discussion and possible vote on the conditional use permit request for the Summit Cove Intrablock Subdivision.
8. Public Hearing, no sooner than 7:15 P.M., for the purpose of considering a request by Neighborhood Non-Profit Housing Corporation to rezone property owned by Meikle Land Limited Partnership, Parcel 08-045-0005, 13.22 Acres, from A-10 (Agricultural 10-Acre) to R-1-12 (Single Family Residential 12,000 square feet). The parcel is located at approximately 650 North 600 East.
9. Discussion and possible vote on the rezone request by Neighborhood Non-Profit Housing Corporation.

10. Public Hearing, no sooner than 7:30 P.M., for the purpose of discussing the annexation request by Neighborhood Non-Profit Housing Corporation for Parcel ID 08-044-0035 (6.25 acres) and 08-044-0036 (11.97 acres). The parcels are located northwest of the Ridgeview Estates Subdivision on Crow Mountain Road (600 East), Smithfield.
11. Discussion and possible vote on the annexation request from Neighborhood Non-Profit Housing Corporation.
12. Public Hearing, no sooner than 7:45 P.M., for the purpose of discussing the annexation request by Neighborhood Non-Profit Housing Corporation for Parcel ID 08-044-0030 (13.92 acres) and 08-044-0031 (2.89 acres). Parcel 08-044-0031 is 13.66 acres of which 10.77 acres is already located within the city boundary. The parcels are located east of the Hunter Meadows Subdivision Phase 13, Smithfield.
13. Discussion and possible vote on the annexation request from Neighborhood Non-Profit Housing Corporation.
14. Ironwood Development Group, LC, agent for Jessica Tams Quinton, has applied for approval of the Final Plat for Phase 3 (8 lots) of the Smithfield Heights Subdivision located at approximately 730 East on Upper Canyon Road. Zoned R-1-12.
15. Public Hearing, no sooner than 6:45 P.M., for the purpose of considering a request by Ironwood Development Group, LC to rezone property owned by Jessica Tams Quinton, Parcel 08-045-022, 5.43 Acres, from A-10 (Agricultural 10-Acre) to R-1-12 (Single Family Residential 12,000 square feet). The parcel is located at approximately 861 Upper Canyon Road.
16. Discussion and possible vote on the rezone request by Ironwood Development Group, LC.
17. City Manager Report
18. Council Member Reports
19. 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 needed special accommodation for this meeting should contact the City Recorder at (435) 792-7990, at least (3) days before the date of this meeting.