

SMITHFIELD CITY COUNCIL	DECEMBER 8, 2021
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The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, December 8, 2021. The meeting began at 6:30 P.M. and Mayor Jeffrey H. Barnes was in the chair. The opening remarks were made by Curtis Wall.

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

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

VISITORS: Michelle Anderson, Bruce Christensen, Bob Holbrook, Kim Dority, Stacy Dority, Nicole Zollinger, Glade Smith, Sue Hyer, Kris Monson, Russell Smart, Casey Hillyard, Brian Higginbotham, Michael B. Heaps, Janet Hillyard, Laura Jones, Brian Potts, Dan Sundstrom, Brice Sadler, Neil Sessions

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM NOVEMBER 10, 2021.

A motion to approve the November 10, 2021 city council meeting minutes was made by Jamie, seconded by Wade and the vote was unanimous.

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

No Vote: None

RECOGNITION OF STACY DORITY AND RYAN ZOOK
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Mayor Barnes mentioned Ryan Zook is a resident of the city.

Ryan is on the Youth Council and works Lee's Marketplace. While at work a person collapsed from a medical episode. Ryan was able to perform CPR until emergency service personnel arrived. Ryan learned CPR from his time in boy scouts. Because of Ryan's actions a man's life was saved.

Mayor Barnes thanked Stacy Dority for her role in organizing and overseeing the Smithfield Chamber of Commerce several years ago.

Stacy also established the annual Night of Giving for the chamber.

Stacy work on the annual Health Days celebration as well.

Mayor Barnes presented Stacy with a plaque of appreciation for her years of dedicated service to the city.

Nicole Zollinger currently oversees the chamber and was thanked for her service to the community.

RESIDENT INPUT

There were not any comments or questions.

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY S & H DEVELOPMENT FOR APPROVAL OF THE FINAL PLAT FOR THE MEADOWS AT SKY VIEW, PHASE 2, A (25) LOT/UNIT SUBDIVISION LOCATED AT APPROXIMATELY 340 EAST 900 SOUTH.

Mayor Barnes asked if Phase 1 is currently being built? Brice Sadler replied foundations are in the ground and the work has started.

Curtis asked Clay if he had any concerns? Clay replied Phases 2 and 3 need to be approved at the same time in order to meet the code which only allows ten units per road.

Curtis asked Brice if he was aware of this requirement? Brice replied he was.

A motion to approve the Final Plat for Phase 2 of the Meadows at Sky View, a (25) unit/lot subdivision, was made by Curtis, seconded by Wade and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY S & H DEVELOPMENT FOR APPROVAL OF THE FINAL PLAT FOR THE MEADOWS AT SKY VIEW, PHASE 3, A (54) LOT/UNIT SUBDIVISION LOCATED AT APPROXIMATELY 340 EAST 900 SOUTH.

Wade asked Clay if he had any concerns? Clay replied all of the issues have been resolved.

Mayor Barnes asked if a sidewalk is going down the middle of the entire project? Brice Sadler replied there is an eight-foot-wide sidewalk the entire length.

Brice mentioned two pickle ball courts are going to be constructed as well.

A motion to approve the Final Plat for Phase 3 of the Meadows at Sky View, a (54) lot/unit subdivision, was made by Wade, seconded by Jon and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON RECEIVING THE CERTIFICATION OF ANNEXATION FROM THE CITY RECORDER FOR THE ANNEXATION REQUEST BY NEIGHBORHOOD NONPROFIT HOUSING CORPORATION FOR PARCEL NUMBER 08-044-0083. THE PARCEL IS LOCATED AT APPROXIMATELY 680 NORTH 280 EAST. THE PARCEL IS APPROXIMATELY 6.69 ACRES. THE PUBLIC HEARING ON THE ANNEXATION REQUEST WILL BE HELD ON WEDNESDAY, JANUARY 12, 2022 NO SOONER THAN 6:45 P.M.

Justin mentioned this is Step 2 of 3 in the process.

The survey has been reviewed by the city staff and county. Some clerical changes were made to the survey.

The public hearing and vote on the request will be held at the city council meeting on Wednesday, January 12th no sooner than 6:45 P.M.

Mayor Barnes asked if this parcel is surrounded by the city on three sides? Justin replied the city borders the property on the east and south.

A motion to receive the Certification of Annexation for Cache County Parcel Number 08-044-0083 was made by Jamie, seconded by Wade and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON RECEIVING THE CERTIFICATION OF ANNEXATION FROM THE CITY RECORDER FOR THE ANNEXATION REQUEST BY VISIONARY HOMES 2022, LLC FOR PARCEL NUMBERS 08-042-0003, 08-042-0025 AND 08-042-0024. THE PARCELS ARE LOCATED AT APPROXIMATELY 700 NORTH 800 WEST. THE PARCELS TOTAL APPROXIMATELY 49.36 ACRES. THE PUBLIC HEARING ON THE ANNEXATION REQUEST WILL BE HELD ON WEDNESDAY, JANUARY 12, 2022 NO SOONER THAN 7:00 P.M.

Justin informed the council the city and county have reviewed the survey. The road, 800 West, needs to be added to the survey. The surveyor is working on this and it will be included on the survey the council considers at the January 12th city council meeting.

Curtis asked why the road has to be included? Justin replied the county requires the city to take the road as part of the annexation request.

Mayor Barnes asked if the entire road would be included? Justin replied that it would be.

Mayor Barnes mentioned the parcels being considered for annexation are located north of the Fox Meadows PUD. The parcels are included in the annexation boundary of the city.

A motion to receive the Certification of Annexation for Cache County Parcel Numbers 08-042-0003, 08-042-0025 and 08-042-0024 was made by Curtis, seconded by Wade and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-36, AN ORDINANCE AMENDING THE CONSTRUCTION & DESIGN STANDARDS PART I “DESIGN STANDARDS”, CHAPTER 4.0 “SITE DESIGN”, SECTION 4.2 “SUBDIVISIONS”.

Mayor Barnes mentioned the proposed Ordinance would reduce the maximum length of a road with no outlets from 1,600 feet to 1,200 feet.

Clay mentioned a typical city block is 660 feet long. The current municipal code would allow a road almost three blocks long. By reducing the length to 1,200 feet it makes it more manageable for vehicles to turnaround.

Jon asked if the measurement is from the centerline? Clay replied that is correct.

Jon asked if the measurement starts at the street outlet? Clay replied that is correct.

Curtis asked if this is a problem which is dealt with very often? Clay replied it is not a common issue but the intent is to make the change before it becomes a problem in the future.

Curtis asked what started the dialogue to create this Ordinance? Clay replied he was reviewing the code on another issue and came across the 1,600 feet requirement. After some research it was determined that nobody knew why 1,600 feet was being used in the code.

Deon asked why the length of a road needs to be restricted? Clay replied so that a road is not never ending. Snowplow trucks, buses, garbage trucks and other vehicles need a place to turn that is not never ending.

Deon stated Main Street is over 1,600 feet long. Clay replied Main Street also has an outlet at every block or about 660 feet.

Jon asked if the Ordinance would benefit emergency services? Chief Downs replied he did not see a plus or minus to adjusting the road length for his department.

Mayor Barnes asked if side streets start the road length calculation over? Clay replied that is correct.

A motion to adopt Ordinance 21-36, an Ordinance amending the Construction & Design Standards Part I “Design Standards”, Chapter 4.0 “Site Design”, Section 4.2 “Subdivisions” was made by Wade, seconded by Jon and the motion passed by a vote of 4-1.

Yes Vote: Wall, Anderson, Wells, Campbell

No Vote: Hunsaker

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING RESOLUTION 21-22, A RESOLUTION IMPLEMENTING A PUBLIC SAFETY UTILITY FEE.
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The public hearing opened at 6:58 P.M.

There were not any comments or questions.

The public hearing was closed at 6:58 P.M.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 21-22.
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Mayor Barnes mentioned the city council discussed a public safety utility fee at the last couple of council meetings and determined they would consider \$4.00 per month per account to help fund the fire and police departments.

Wade asked how the funds will be split if the fee is approved? Craig replied that is at the discretion of the council but all of the funds would stay in the General Fund. The fee will not fully fund either the police or fire department.

Jamie asked if the budget would include a specific public safety utility line item in the revenue section? Craig replied that is correct.

Jamie asked if the council would allocate those funds in the budget like all other funds? Craig replied that is correct.

Craig mentioned both the fire department and police department are in the General Fund so no matter how the funds are allocated they will always be part of the General Fund.

Jon mentioned public safety is considered fire and police. Are there any other uses? Craig replied public safety is defined as police, fire and EMS so the funds will stay in those departments.

A motion to adopt Resolution 21-22, a Resolution implementing a Public Safety Utility Fee was made by Jamie, seconded by Wade and the vote was unanimous.

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

No Vote: None

Jamie asked if the fee would go into effect on January 1st? Craig replied that is correct.

Curtis suggested putting a writeup in the upcoming newsletter to explain why the fee was implemented. Jon stated he has the council member write up this month and will talk about the new fee.

DISCUSSION ON FIRE DEPARTMENT REVENUE, EXPENSES, WAGES AND CAPITAL IMPROVEMENT NEEDS.
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Chief Downs reviewed fire and EMS call for service for 2021.

The original budget projected revenue of \$925,000. Now actual numbers are known; gross revenue should be around \$2,425,515 and net revenue approximately \$1,212,757. The difference being from Medicare, Medicaid and bad debt write offs.

When there are two calls for service at the same time; five employees are required for the calls. The department also has to plan for three calls at the same time.

The state requires a financial report to be submitted yearly. The report shows where the revenue is being spent.

About 83% of the calls for service are from Smithfield, Hyde Park and Richmond. Hyde Park and Richmond contract with Smithfield for coverage.

The department needs to plan for equipment replacement as well as wage increases to keep personnel from going to other departments.

Right now a part-time firefighter is being paid \$10.00 per hour. The employee can make more money at a non-skilled job elsewhere. The hourly rate needs to be increased.

Each call needs a paramedic. Right now there are eight paramedics on staff. In order to keep them working for the city a higher wage needs to be paid.

Part-time employees are heavily relied on. There are at least two in the department per day.

Hours put in by part-time employees total 17,200 per year.

The system is growing. The city is growing. Revenue is increasing because of growth. Call volume is increasing because of growth. Expenses are increasing because of the higher call volume and inflation.

Wade asked how many reserves work for the department? Chief Downs replied there are forty reserves and eleven full-time employees. Most of the department started as volunteers and worked their way up to part-time employees.

Jamie asked if the proposal is to allocate approximately \$53,000 for an increase in wages and benefits for the full-time employees? Chief Downs replied that is correct.

Brian Potts mentioned if the wage and benefit increase is approved there will still be \$35,000 left in reserve for capital improvements.

Jamie asked what are considered capital improvements? Chief Downs replied equipment such as a new ambulance as well as possibly a new building.

Jamie mentioned a new fire substation will be needed on the east side of town long term.

Chief Downs mentioned the staff is reviewing some options to purchase a new fire engine. Once the information is gathered it will be presented to the council for review and consideration.

There are five ambulances in the fleet and two of them are new.

Mayor Barnes asked if the increase in wages and benefits is being paid for from the increase in revenue? Chief Downs replied that is correct.

Chief Downs informed the council the department is doing about 22% of the local transfers right now. Initial projections were around 25%.

Mayor Barnes asked when the new wage amounts would go into effect? Craig replied next pay period if the council approves the increase.

Chief Downs mentioned the state requires the department to use the funds it collects. If funds are leftover the rate charged must be reduced. Funds from the department cannot be used in other city departments.

Mayor Barnes asked if the lowest paid employees in the department are the part-time employees? Chief Downs replied that is correct.

Jamie asked if wildfire revenue is included in the revenue amount? Chief Downs replied it is not. It is tracked separately for revenue and expense.

Curtis asked how employee turnover is in the department? Chief Downs replied it depends on where people are at in their lives. All but two of the full-time employees were previously part-time employees.

Jon asked what the youngest age is someone can be hired in the department? Chief Downs replied a high school graduate. Employees cannot drive the equipment until they turn 21 years old as well.

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING RESOLUTION 21-21, A RESOLUTION AMENDING THE FISCAL YEAR 2022 BUDGET WHICH IS THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2022.

Mayor Barnes mentioned the budget is adjusted twice per year. Once at the midpoint and then again at the end.

Craig reviewed the proposed budget adjustments.

The General Fund would increase \$2,620,204.

The majority of the revenue increase coming from grants and wildland fire income.

RAPZ Tax in the amount of \$151,800 is being included for the new Blue Sox restroom facility.

Ambulance service revenue is increasing \$245,513.

An increase to the BEMS Grant is being added in the amount of \$152,605.

A FEMA Grant in the amount of \$102,420 is being added.

The CMPO Grant in the amount of \$1,193,769 for the 1000 South Main streetlight and road project is being added.

Wildland fire income of \$310,298 is being added.

The surplus sale of a truck from the fire department in the amount of \$40,000 is being included.

Several other grants are being added such as the Hotspot Grant for the library.

A proposed expense increase of \$200,000 is being request from the General Capital Improvement Fund.

A new dump truck was ordered in May 2021 with a projected delivery date of February or March 2022.

The dealer contacted the city and stated another truck with a couple of extra features has become available if the city has an interest in purchasing it. Right now if a new truck is ordered it is anticipated to take 24 months before it arrives. The cost of a new order will be an increase of above \$10,000 more than the current order. The request is to get two new dump trucks in the Fiscal Year 2022 budget and then not order the dump truck which would have been ordered in the Fiscal Year 2023 budget.

Jon asked if the old plow trucks would be surplus? Craig stated that is correct.

Wade mentioned the Autocar is a 1994.

Jon mentioned the orange plow truck was purchased used.

Curtis asked what the different features are on the truck which is available compared to the truck which was ordered. Craig replied this other truck would not have a high boy liftgate. The sides of the bed are only two feet tall and fold down. The truck is more user friendly.

Water Fund revenue would increase \$1,120,739 of which \$711,583 is an ARPA Grant. This is payment 1 of 2 on the grant and the second payment, in the future, should be the same amount. The funds are used for infrastructure projects and will be used to pay for the new well and infrastructure project.

An increase to Water Dedication payments would be included in the amount of \$194,220.

Water Fund expense would increase \$986,410 of which \$711,583 is the ARPA Grant.

An increase to capital improvements of \$44,000 is being added for additional costs on the 1000 South Main project.

An increase to Telemetering Expense of \$20,000 is being included.

Depreciation Expense in the Sewer and Storm Water Fund would increase.

Sewer line cleaning and videoing would increase \$48,915.

Sewer professional services are increasing \$15,000 as work on the 600 West infrastructure project continues.

Storm Water revenue would increase \$52,757 which is from impact fees.

The golf course has had a great year. The golf fund is included in the General Fund. Golf Course revenue and expense would increase \$58,739.

Increases for wages and benefits in the police and fire department have been included.

Wade asked if a preliminary cost is known for the water tank project? Craig replied the cost of the water tank, booster pump and infrastructure will be approximately \$8,000,000.

Jon asked how big the tank will be? Craig replied three million gallons. The staff has applied for one grant for the project and is in the process of applying for a second grant.

Wade asked if the city is still saving money like was projected three years ago? Craig replied the amount being saved is shrinking. Expenses are increasing substantially and revenue is barely increasing because there has not been an increase in rates. All expenses for wages, supplies and even pipe are increasing substantially.

Craig suggested reviewing the rates in all of the enterprise funds.

Wade asked if paint had been obtained to paint the crosswalks? Craig replied it had and most of the crosswalks have been painted.

Mayor Barnes stated oil-based paint is best on fire hydrants. Water based paint does not do well long term.

****The public hearing was opened at 7:27 P.M.****

There were not any comments or questions.

****The public hearing was closed at 7:27 P.M.****

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 21-21.
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****A motion to adopt Resolution 21-21, a Resolution amending the Fiscal Year 2022 Budget was made by Jamie, seconded by Wade and the vote was unanimous.****

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

No Vote: None

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 21-38, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 12 “STREETS, SIDEWALKS AND PUBLIC PLACES”, CHAPTER 12.24 “CITY TREES”, SECTION 12.24.050 “PLANTINGS”.

****The public hearing was opened at 7:29 P.M.****

There were not any comments or questions.

****The public hearing closed at 7:30 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-38.

Jamie stated the Ordinance states a specific variety of tree must be planted in the park strip. How is this enforced? Jon agreed with Jamie’s concern regarding enforcement and mentioned the vast majority of the residents don’t know there is a tree list. Mayor Barnes concurred.

Craig mentioned the tree list is mentioned in several other sections of the code. Homeowners want the city to cut down trees in the park strip and pay for damaged sidewalk from the trees. The city can review the tree list to see if the correct type of tree was planted.

Jon was concerned the city does not have the staff to monitor what trees are planted in the park strip.

Curtis mentioned he has never seen the tree list of the city.

Craig mentioned the code of the city states the property owner is responsible for maintenance and upkeep of the park strip.

Jamie asked if the city would pay for removal of the tree and sidewalk repair if the correct variety of tree is planted? Craig replied no, it is still the responsibility of the property owner.

Craig mentioned the intent of the tree list is to make sure trees with canopies are not planted to hang over the sidewalk or road. Deep rooted trees need to be planted not shallow rooted trees which ruin sidewalks.

Jon mentioned there are different width park strips in the city but the majority are six feet wide.

Mayor Barnes mentioned he had been working with Neighborhood Nonprofit Housing Solutions to plant small trees in the park strip for their projects which will not create problems.

Curtis asked what happens when ownership of a property changes hands? Mayor Barnes replied the current property owner is responsible.

Curtis asked how code enforcement is going to be dealt with? Mayor Barnes replied he received a call from a local homeowner's association who had some questions about trees. A list of approved trees was provided to them.

Justin mentioned this discussion started when some new property owners who purchased homes in the Lantern Hills Subdivision called and asked if they had to plant the trees or if the developer did. The code was confusing in this regard and the proposed Ordinance was drafted.

Craig mentioned the tree list is included in multiple sections of the code and the intent is to make this section of code like the rest of the code.

Mayor Barnes mentioned there are people who call the city and ask for recommendations on what type of tree to plant.

Jon mentioned he didn't recall the tree list being included in the code. Craig mentioned the tree list can be added to the website if it is not there currently.

Curtis asked how often the tree list is reviewed? New varieties of trees come along all the time. Mayor Barnes replied it is probably time for the Tree Committee to review the tree list.

Curtis mentioned he would like to review the tree list.

A motion to adopt Ordinance 21-38, an Ordinance amending the Smithfield City Municipal Code Title 12 "Streets, Sidewalks and Public Places", Chapter 12.24 "City Trees", Section 12.24.050 "Plantings" was made by Jon, seconded by Wade and the motion passed by a vote of 4-1.

Yes Vote: Anderson, Hunsaker, Wells, Campbell

No Vote: Wall

PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 21-39, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 10 “VEHICLES AND TRAFFIC”, BY ADDING IN ITS ENTIRETY SECTIONS 10.08.300 “PARKING VIOLATION AND APPEALS”, 10.08.301 “COMPLAINTS REGARDING VIOLATIONS”, 10.08.302 “UNAUTHORIZED USE OF STREETS; STRICT LIABILITY OF OWNER”, 10.08.303 “UNAUTHORIZED USE OF STREETS; APPEAL PROCEDURE”, 10.08.304 “HEARING OFFICER”, 10.08.305 “APPEALING CIVIL FINES TO A HEARING OFFICER” AND AMENDING SECTION 10.08.200 “STOPPING, STANDING AND PARKING; VIOLATION; PENALTY”.

Chief Allen mentioned with the justice court being dissolved it created the need for this ordinance. The justice court would enforce city ordinances. The state does not enforce city ordinances. Winter parking citations are local and would come to the local justice court in the past. The intent is to make local ordinances civil issues rather than criminal matters. Civil issues can be handled in the city. The citation is issued and could be paid at the city office.

Jon asked why a hearing officer is needed? Chief Allen replied because a person has the right to appeal the citation. An appeal procedure must be put in place.

Jamie asked if the hearing officer would only deal with civil matters and not criminal matters? Chief Allen replied that is correct.

Jon asked what a speeding ticket is considered? Chief Allen replied a criminal matter.

Curtis asked how many local citations are issued? Chief Allen replied not many.

Chief Allen stated the city needs to be able to enforce the winter parking ordinance if necessary.

Jamie asked where this is a local issue does any of the fine revenue go to the state? Craig replied the city keeps all of the revenue from these types of citations.

Mayor Barnes asked how the winter parking ordinance works? Chief Allen replied the vehicle owner is the responsible party no matter who was last driving the vehicle.

Mayor Barnes asked what the winter parking citation amount is? Chief Allen replied most of the amounts are \$30 or \$35 and the amount is reduced if paid within 14 days. After 14 days the full amount would be owed.

Mayor Barnes asked who would collect the revenue? Craig replied the city staff.

Jamie asked if the citation remains unpaid after 40 days does it become a criminal matter? Chief Allen replied it will always be a civil matter.

Jon asked who the hearing officer would be? Chief Allen replied it would be someone appointed the mayor. Typically it would not be a member of the police department because they are the ones issuing the citation. Craig stated the initial recommendation is to appoint himself and Justin.

Anyone can be appointed. The intent would be to use city staff to start and it can be changed if needed.

Mayor Barnes asked if only the nuisance officer will be issuing these types of citations? Chief Allen replied the nuisance officer or any police officer can issue a citation.

Jon asked what some other possible citations are. Chief Allen replied dogs running at large and not having a licensed dog.

****The public hearing was opened at 7:49 P.M.****

There were not any comments or questions.

****The public hearing was closed at 7:50 P.M.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-39.

Jamie stated he did not have any concerns with the Ordinance as written. The Ordinance can be amended as needed. Mayor Barnes concurred.

A motion to adopt Ordinance 21-39, an Ordinance amending the Smithfield City Municipal Code Title 10 “Vehicles and Traffic”, by adding in its entirety Sections 10.08.300 “Parking Violation and Appeals”, 10.08.301 “Complaints Regarding Violations”, 10.08.302 “Unauthorized Use of Streets; Strict Liability of Owner”, 10.08.303 “Unauthorized Use of Streets; Appeal Procedure”, 10.08.304 “Hearing Officer”, 10.08.305 “Appealing Civil Fines to a Hearing Officer” and amending Section 10.08.200 “Stopping, Standing and Parking; Violation; Penalty” was made by Wade, seconded by Jamie and the vote was unanimous.

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

No Vote: None

APPROVAL OF HEARING OFFICERS.

Mayor Barnes stated at this point he would like to appoint Craig Giles and Justin Lewis as the Hearing Officers as required in Ordinance 21-39.

Curtis mentioned the Ordinance allows for more than one Hearing Officer.

Mayor Barnes mentioned if a lot of time is needed the Hearing Officer can be changed to someone else.

Curtis asked if the Hearing Officer would be paid? Craig replied if it is a staff member it will just be part of their job. If a non-staff member is appointed, they will need to be compensated.

A motion to appoint City Manager Craig Giles and City Recorder Justin Lewis as Hearing Officers as required in Ordinance 21-39 was made by Wade, seconded by Jamie and the vote was unanimous.

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

No Vote: None

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 21-23, A RESOLUTION UPDATING THE PREVAILING FEE SCHEDULE OF THE CITY.

Craig reviewed proposed changes to Recreation Center fees. Fees were proposed to increase from \$2.00 per person to \$50 per team. The following new camps would be added: track and field, cross country, volleyball training and dodgeball.

Jon asked if adult 2-pitch softball was decreasing \$50? Craig replied that is correct.

All of the city fees for parking which were removed from the city code would now be added to the fee schedule.

A motion to adopt Resolution 21-23, a Resolution updating the Prevailing Fee Schedule of the City was made by Jamie, seconded by Wade and the vote was unanimous.

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

No Vote: None

DISCUSSION ON EXPANDING 400 NORTH WEST OF 400 WEST.
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Mayor Barnes mentioned connecting 400 North west of 400 West is in the Transportation Plan of the city. The long-term intent would be to connect the road to the new development to the west.

The city would like to apply for funding from the COG (Community of Governments) and CMPO (Cache Metropolitan Planning Organization) to help pay for the project.

The project needs to be added to the priority list of the city or it cannot be applied for with these organizations.

There are two private parcels the road would need to go through.

Right now the furthest most north exit in the city going east is 300 North which is an old narrow road which cannot be easily expanded.

Wade asked if this project had been discussed with the property owners? Mayor Barnes replied the property owners had not been talked with yet. Clay had attempted to contact the Olague family but had been unsuccessful talking to the owner.

Casey Hillyard asked why this project is being considered now? Casey has lived at his current residence for 15 years. Casey has written two emails to the city in the past regarding access for the development to the west.

Casey stated he had never been contacted about this project. Until tonight he had not heard a word about a new road other than from rumors people were telling.

Casey stated anyone would be upset if they found out the city wanted to put a road through their property and they were not aware of it.

Wade stated he did not disagree with Casey's comments. Access to the new developments to the west have been talked about frequently. The developer will develop to the edge of his property but is not required to develop any further than that.

Casey asked if the new road will be paid for by the city? Wade replied that is correct. The council wants to apply for grant funding where the city has to pay for the project.

Casey expressed frustration the developer is getting off free from paying for this project.

Jamie asked Casey if he is considering selling his property? Casey replied if the road goes through it is something he will consider but it is not something he wants to do.

Mayor Barnes mentioned this item is just a discussion at this time. It is a possible future option. Nothing has been applied for or is being applied for at this time.

Casey asked Mayor Barnes if the city was applying for funding for the project now? Mayor Barnes replied he would like to add the project to a future projects list which would give the city the option to apply for funding in the future. At this time nothing is being applied for in regard to this road.

Mike Heaps stated he lives east of Casey on the corner of 400 North 400 West. There are many rumors about a new road in this area. A new road will affect everyone living in this area not just the two property owners the road would go through.

Mike stated he purchased this property because he likes space. The vast majority of his property is still agricultural.

Mike recommended stop signs be installed in this area of town because there is a lot of traffic in the area and they drive fast.

Mike stated he wanted to see Casey be able to keep his property.

Mike mentioned himself and those living in the area want to be informed about anything being considered to be done in the area.

Curtis asked if the city is considering applying for some funding but has not applied for funding at this time? Mayor Barnes replied unless the project is on a future projects list the city cannot even apply. The intent is to put the project on the future projects list so the city has the option to apply in the future.

Curtis asked if an application for funding is being considered at this time? Mayor Barnes replied no applications are being submitted at this time.

DISCUSSION ON THE REVENUE AND EXPENSE ASSOCIATED WITH HAVING A BUILDING INSPECTION DEPARTMENT IN THE CITY.

Jon stated he knew building inspection departments in other cities were paying for themselves.

Jon felt the city should consider adding a building inspection department as maybe it could put additional funding in the General Fund for other uses. The service would be a service which could be offered to residents as well as contractors. The city has not had one of these departments for five years. One big concern is finding qualified staff as right now there is a shortage. Someone who is already certified will have to be hired. An inspector has to have several different certifications. The inspectors will have to be hired away from other local departments by paying them more than they are already making. With approximately 1,000 building lots and an LDS Temple being scheduled to be built in the city a building inspection department will be busy for at least the next five to ten years.

Jon thanked Craig for all of the information gathered to review the proposal. The costs are higher than anticipated when reviewing the costs other local cities are paying.

Jon stated in his opinion the city should create a new building inspection department.

Curtis asked if there are any issues with what is currently being done with the county? Craig replied the current agreement with the county is working well.

Jamie stated one of his main concerns was the potential for the city to lose money long term as well as liability concerns.

Jamie stated the system the city is currently using is working and there is no reason to pursue creating a new department. The city is currently collecting revenue from the county. There is a chance long term the city could lose money by creating its own department.

Craig mentioned state code only allows fees to be charged which cover costs to operate the department. The department cannot operate at a profit.

Mayor Barnes asked if the city had ever considered combining with Hyde Park and North Logan for this service? Craig replied the city had not considered that option. When the city contracted with the county, Hyde Park only had one inspector and North Logan was doing their own thing as well. Those departments had not been combined at that time.

Craig reviewed the following with the council:

In 2020, the Cache County Building Inspection Department issued 304 building permits in Smithfield City. There were 1,525 inspections. They consisted of 1,427 residential inspections and 98 commercial inspections.

The county collected \$302,933 in building permit and plan review fees from those receiving permits in the city in 2020.

Hyde Park who does their own inspections as well as inspections for North Logan, Lewiston, Clarkston and Newton issued 131 building permits and collected \$163,000 in fees in 2020.

Logan City issued 682 building permits and collected \$550,000 in fees in 2020.

So far in 2021, there have been 202 building permits issued in Smithfield.

In 2020, the county paid \$559,238 in wages and benefits for their building official, four building inspectors and one permit tech.

In 2020, Hyde Park paid \$424,862 in wages and benefits for their building official, three building inspectors and one permit tech.

In 2020, Logan City paid \$498,629 for their building official, one senior building inspector, two building inspectors and one permit tech.

None of the numbers listed above include equipment, software, building space or other associated costs.

Craig mentioned he reached out to several cities throughout Northern Utah and their goal is too breakeven with their department.

Craig reminded the council any profit made by the department has to be set aside for use in the department in future years. The profit cannot be used in other areas of the city. State code does not allow it.

The initial startup costs for a new department would be several hundred thousand dollars by the time three vehicles are purchased, employees hired and software and other items purchased.

Offering the service would be good but it is not financially feasible for the city at this time.

The consensus of the council, with the exception of Jon, was the city should stay with the county and not open a building inspection department.

****The council took a short recess at 8:27 P.M.****

Council Member Wade Campbell left the council meeting.

****The council meeting was reconvened at 8:44 P.M.****

CONTINUED DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-30, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 “ZONING REGULATIONS”, BY AMENDING CHAPTER 17.88 “PLANNED UNIT DEVELOPMENTS”, SECTION 17.88.090 “APPROVAL PROCESS”, SECTION 17.88.110 “SUBDIVISION CONCURRENT WITH (PUD) APPROVAL”, SECTION 17.88.120 “PRELIMINARY PUD PLAN APPROVAL”, CHAPTER 17.81 “MASTER PLANNED COMMUNITY (MPC) ZONE”, SECTION 17.81.040 “REZONE REQUIRED”, SECTION 17.81.110 “APPROVAL PROCESS”, AND TITLE 16 “SUBDIVISION REGULATIONS”, CHAPTER 16.09 “PRELIMINARY PLATS”, SECTION 16.09.040 “APPROVAL OF PRELIMINARY PLAT”.

Craig mentioned this Ordinance was previously discussed but there was a concern about state code not allowing preliminary plats. The city can legally require a preliminary plan. Legal counsel reviewed the proposed Ordinance and did not see any conflicting code issues.

Mayor Barnes mentioned the only concern from the previous discussion was could the Ordinance be adopted or would it go against state code. It has been determined it can be adopted without any problems.

****A motion to adopt Ordinance 21-30, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, by amending Chapter 17.88 “Planned Unit Developments”, Section 17.88.090 “Approval Process”, Section 17.88.110 “Subdivision Concurrent with (PUD) Approval”, Section 17.88.120 “Preliminary PUD Plan Approval”, Chapter 17.81 “Master Planned Community (MPC) Zone”, Section 17.81.040 “Rezone Required”, Section 17.81.110 “Approval Process”, and Title 16 “Subdivision Regulations”, Chapter 16.09 “Preliminary Plats”, Section 16.09.040 “Approval of Preliminary Plat” was made by Jamie, seconded by Curtis and the vote was unanimous.****

Yes Vote: Wall, Anderson, Hunsaker, Wells

No Vote: None

Absent: Campbell

CONTINUED DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-24, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17, “ZONING REGULATIONS”, CHAPTER 17.92 “ACCESSORY APARTMENT”, SECTION 17.92.010 “PURPOSE OF CHAPTER”, SECTION 17.92.020 “CONDITIONS” AND ADDING IN ITS ENTIRETY SECTION 17.92.040 “DEFINITIONS”.

Mayor Barnes mentioned the proposed Ordinance had been talked about a couple of months ago so it could be reviewed. There was a concern about detached accessory dwelling units.

Curtis asked why a building permit might or might not be required? Craig replied it is up to the building inspector to determine if one is required.

Curtis asked what makes a building permit required? Craig replied it depends on the scope of the project. If the project is a remodel or new building it will be required.

Jon mentioned this Ordinance would allow a person to build a separate structure on their property. The requirements would be met at that time. The issue is when the property is sold. The parcel could be split and the city not be made aware of this. There are a couple of instances where this has happened in the city. There is a greater potential for issues long term if detached dwelling units are allowed.

Mayor Barnes stated there are very few lots in the city where a detached dwelling unit could be added because of setback requirements. Jon replied more existing homes could be remodeled to include an accessory dwelling unit as part of the main house. It would be hard to have a detached dwelling unit on a 10,000 or 12,000 square foot building lot.

Mayor Barnes mentioned if this Ordinance is approved it would not be utilized very often. Jon disagreed and stated in the old platted part of town, especially on the west side of town, the Ordinance could be used on many parcels.

Jamie stated he did not support the Ordinance as there are potential unintended consequences long term.

Deon asked why the utility connections need to be separate? Justin replied this was one of the items the council requested during the original discussion. An internal dwelling unit can have the same utility connections but a detached dwelling unit must have its own services.

Curtis asked Jon his thoughts on having separate utility connections. Jon replied it will require the road to be dug up to make the connections.

A motion to adopt Ordinance 21-24 was made by Curtis. There was not a second to the motion so the motion failed and did not go to a vote.

Curtis asked what happens now? Mayor Barnes replied at this point the Ordinance is dead and will not be considered again.

Jon stated his biggest concern was allowing detached dwelling units. Jon did not support that idea.

Curtis said he thought accessory dwelling units were allowed. Jon replied internal accessory dwelling units are currently allowed but detached dwelling units are not allowed.

Deon stated he would support the Ordinance if the requirement for not requiring a separate utility connection was removed.

Jon stated he did not feel the city is ready for detached dwelling units on the same lot at this time because of the long-term issues which could arise.

Curtis stated the Ordinance has failed and the council will move forward and the Ordinance will not be considered in the future.

CITY MANAGER REPORT

Jamie asked when the east bound portion of 1000 South Main would open? Craig replied the intent is to open the road on Friday, December 10th.

Mayor Barnes asked what the sign will say? Craig replied 1000 South Main / Wheeler Way.

Mayor Barnes asked if the sign would be Gossner Way or Wheeler Way? Craig replied it would say Wheeler Way.

COUNCIL MEMBER REPORTS

Curtis mentioned the Night of Giving was a success for the chamber. The final numbers were not known. This year 189 children are being sponsored. The total dollar amount raised from the event had not yet been announced. The event had a high turnout.

Curtis mentioned himself and Mayor Barnes attended the county planning commission meeting where the Hollow Ridge RV Campground was discussed. The item was tabled. Tough conditions will be implemented if the request is approved. The meeting was extended two hours in order for everyone to be able to speak who wanted too. The meeting was standing room only.

Jamie stated the golf course had an amazing year and is now closed because of winter.

Deon mentioned the Lion's Club is sponsoring a blood drive on Monday, December 20th.

Jon mentioned he contacted to the state to see if the grant request for \$50,000 for a new roof on the Douglass Mercantile Building had been reviewed yet. The review process is currently taking place.

Jon reminded the council himself and Deon serve on the Cache Highline Water Association board. Sadly, the board president, Kirt Hoggan, passed away this week.

Jon will serve as the president, he was the vice president, until a new president is elected in the spring of 2022.

MAYOR'S REPORT

Mayor Barnes did not have any additional comments.

CLOSING REMARKS FROM MAYOR BARNES AND COUNCIL MEMBER ANDERSON.

Mayor Barnes asked Jamie how many years he served on the planning commission? Jamie replied nine.

Mayor Barnes thanked Jamie for serving the city for nine years on the planning commission and four years as a council member.

Mayor Barnes presented Jamie with a clock of appreciation for his years of service on the planning commission and city council.

Jamie stated for thirteen years it has been a pleasure working with the city council, mayor, planning commission, staff and residents.

Jamie appreciated working with people who would not always agree on items but would stay friends even after a vote was taken.

Jamie thanked all of the department heads for how they run their departments.

Jamie stated as Mayor Pro Tempore he would like to thank Mayor Barnes for all the time spent on various boards and committees.

Jamie appreciated that all of Mayor Barnes service was with the intent of improving the city.

Jamie told Mayor Barnes he represented the city well.

Jamie mentioned the creation of the city owned and operated ambulance service was the thing he was most proud of accomplishing during his term.

Jamie also mentioned other significant projects like the 1000 South Main streetlight, pickle ball courts, wage increases and paying cash for the new well were all projects he was thankful to be a part of and see completed.

Mayor Barnes mentioned a person never really plans for the end of their term.

Mayor stated how much he enjoyed serving on the city council for six years and four years as mayor.

Mayor Barnes mentioned he was not sure what he was getting into as mayor and it was a rocky road in the beginning.

Mayor Barnes felt the toughest item the council dealt with while he served as mayor was raising the property tax rate. It was a tough but necessary decision.

Mayor Barnes was proud to raise wages for the employees to keep them from going elsewhere.

Mayor Barnes had one recommendation for the new mayor and city council. Hold the property tax rate the same in future years. The city will go backwards financially if this does not happen.

Mayor Barnes thanked Chief Downs for his service to the city.

Mayor Barnes mentioned his greatest accomplishment was the city creating its own ambulance service after CCEMS was disbanded.

Mayor Barnes thanked Chief Allen for his dedicated service to the community.

Mayor Barnes mentioned other projects which were accomplished while he was serving. The closing of the justice court. A new flagpole at the cemetery. Converting the cemetery grounds from culinary water to irrigation water. The construction of the skate park. The construction of eight pickle ball courts at Forrester Acres. The drilling of the new well and paying cash for it.

Mayor Barnes thanked the Gossner family for their donation of \$300,000 worth of land to the city so the signal light at 1000 South Main could be installed.

The Douglass Mercantile building was purchased and will hopefully be a museum long term.

New restroom facilities were installed at Central Park, the pickle ball courts and at the Blue Sox diamond.

Several park strips were converted from grass to xeriscaping.

The Master Planned Community (MPC) Zone was created over the period of about two years.

RDA funds were used to help businesses such as Lil Rascals, Doodlebug, Dominos Pizza, Discount Tire, Old Grist Mill and others. All of these businesses are in the city and thriving.

Mayor Barnes mentioned he worked many different places and done many different things in his life while working for the USDA but he felt the most noble thing he had done in his life was serve as mayor. Serving the residents of the city was always a pleasure even when the conversations were hard.

Mayor Barnes thanked the council for helping to make him a better person over the last four years.

****Jamie made a motion to adjourn at 9:31 P.M.****

SMITHFIELD CITY CORPORATION

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, December 8, 2021**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Curtis Wall

1. Approval of the city council meeting minutes from November 10, 2021.
2. Resident Input
3. Discussion and possible vote on the request by S & H Development for approval of the Final Plat for The Meadows at Sky View, Phase 2, a (25) lot/unit subdivision located at approximately 340 East 900 South.
4. Discussion and possible vote on the request by S & H Development for approval of the Final Plat for The Meadows at Sky View, Phase 3, a (54) lot/unit subdivision located at approximately 340 East 900 South.
5. Discussion and possible vote on receiving the Certification of Annexation from the City Recorder for the Annexation request by Neighborhood Nonprofit Housing Corporation for Parcel Number 08-044-0083. The parcel is located at approximately 680 North 280 East. The parcel is approximately 6.69 acres. The Public Hearing on the annexation request will be held on Wednesday, January 12, 2022 no sooner than 6:45 P.M.
6. Discussion and possible vote on receiving the Certification of Annexation from the City Recorder for the Annexation request by Visionary Homes 2022, LLC for Parcel Numbers 08-042-0003, 08-042-0025 and 08-042-0024. The parcels are located at approximately 700 North 800 West. The parcels total approximately 49.36 acres. The Public Hearing on the annexation request will be held on Wednesday, January 12, 2022 no sooner than 7:00 P.M.
7. Discussion and possible vote on Ordinance 21-36, an Ordinance amending the Construction & Design Standards Part I "Design Standards", Chapter 4.0 "Site Design", Section 4.2 "Subdivisions".
8. Public Hearing for the purpose of discussing Ordinance 21-38, an Ordinance amending the Smithfield City Municipal Code Title 12 "Streets, Sidewalks and Public Places", Chapter 12.24 "City Trees", Section 12.24.050 "Plantings".
9. Discussion and possible vote on Ordinance 21-38.

10. Public Hearing for the purpose of discussing Ordinance 21-39, an Ordinance amending the Smithfield City Municipal Code Title 10 “Vehicles and Traffic”, by adding in its entirety sections 10.08.300 “Parking Violation and Appeals”, 10.08.301 “Complaints Regarding Violations”, 10.08.302 “Unauthorized Use of Streets; Strict Liability of Owner”, 10.08.303 “Unauthorized Use of Streets; Appeal Procedure”, 10.08.304 “Hearing Officer”, 10.08.305 “Appealing Civil Fines to a Hearing Officer” and amending Section 10.08.200 “Stopping, Standing and Parking; Violation; Penalty”.
11. Discussion and possible vote on Ordinance 21-39.
12. Approval of Hearing Officers.
13. Discussion and possible vote on Resolution 21-23, a Resolution updating the Prevailing Fee Schedule of the City.
14. Discussion on fire department revenue, expenses, wages and capital improvement needs.
15. Public Hearing for the purpose of discussing Resolution 21-22, a Resolution implementing a Public Safety Utility Fee.
16. Discussion and possible vote on Resolution 21-22.
17. Public Hearing for the purpose of discussing Resolution 21-21, a Resolution amending the Fiscal Year 2022 Budget which is the period of July 1, 2021 through June 30, 2022.
18. Discussion and possible vote on Resolution 21-21.
19. Discussion on expanding 400 North west of 400 West.
20. Discussion on the revenue and expense associated with having a building inspection department in the city.
21. Continued discussion and possible vote on Ordinance 21-30, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, by amending Chapter 17.88 “Planned Unit Developments”, Section 17.88.090 “Approval Process”, Section 17.88.110 “Subdivision Concurrent with (PUD) Approval”, Section 17.88.120 “Preliminary PUD Plan Approval”, Chapter 17.81 “Master Planned Community (MPC) Zone”, Section 17.81.040 “Rezone Required”, Section 17.81.110 “Approval Process”, and Title 16 “Subdivision Regulations”, Chapter 16.09 “Preliminary Plats”, Section 16.09.040 “Approval of Preliminary Plat”.
22. Continued discussion and possible vote on Ordinance 21-24, an Ordinance amending the Smithfield City Municipal Code Title 17, “Zoning Regulations”, Chapter 17.92 “Accessory Apartment”, Section 17.92.010 “Purpose of Chapter”, Section 17.92.020 “Conditions” and adding in its entirety Section 17.92.040 “Definitions”.

23. City Manager Report
24. Council Member Reports
25. Mayor's Report
26. Closing remarks from Mayor Barnes and Council Member Anderson.

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.