SMITHFIELD CITY COUNCIL NOVEMBER 10, 2021

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, November 10, 2021. The meeting began at 6:30 P.M. and Mayor Jeffrey H. Barnes was in the chair. The opening remarks were made by Jamie Anderson.

The following council members were in attendance: 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: Michael Harris, Jeffry R. Gittins, Bob Holbrook, Donya L. Harvey, Michelle Anderson, David Frandsen, Josh Runhaar, Jed Al-Imari, Robert Hansen, Diana Cannell, Sue Hyer, Evelyn Meikle, Craig Neilsen, Dave Haynie, Lynn Godderidge, Marty Spicer, Kris Monson, Eric Bingham, Dallas Nicoll, Wade Lindley, Merrilee Wells, Julie Rudie

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM OCTOBER 27, 2021.

> ***A motion to approve the October 27, 2021 city council meeting minutes was made by Jamie, seconded by Curtis and the vote was unanimous.***

Yes Vote: Wall, Anderson, Hunsaker, Wells, Campbell
No Vote: None

RESIDENT INPUT

ROBERT HANSEN: I want to talk about collector roads. I want to make sure there are proper setbacks. They help with good flow. I know a setback ordinance is being considered later tonight. Fifteen feet is okay if on a local road. Collector roads need larger setbacks. They help keep people away from noise and vibration. Fifteen feet is not appropriate. Setbacks should not be based on zones they should be based on road type. A collector road should have a 30-foot setback. I am okay with high density housing, your MPC zone and mixed-use. It should not be on collector roads. I will give you an example. A rezone request has been made to put townhomes facing 680 North with the homes facing the road. That is a lot of congestion on that road. It is a safety hazard backing onto the road. Lower density should be considered on collector roads. Maybe a small road could be installed to serve the townhomes separately. I am a dairy farmer who utilizes 800 West. As a future collector road it does not have the proper right-of-way or width. Swathers and discs are wider than the road. Sometimes construction vehicles are parked in the way. It is hard to get around them. Make sure collector roads have the proper right-of-way. My research shows the road is 66 to 70 feet wide but yet the road in front of my house on 300 South is 90 feet wide.

MARTY SPICER: You will be considering a rezone later in this meeting. The mixed-use overlay zone was originally only from 200 North to 200 South but has been expanded since the beginning. By expanding the Central Business District further south you will be hurting the downtown area. Most cities provide incentives in the downtown area. I oppose the rezone at 1200 South Main being considered later in this meeting. At the upcoming growth summit on November 19th new concepts and ideas for the central business district in cities will be discussed.

MICHAEL HARRIS: I have concerns about water. I spent 35 years working in the dairy farm industry. I also worked in the food industry. I would hope you are protecting water rights for current and future agricultural communities. I don't want to see a sudden increase in the monthly culinary water utility rate. It needs to be a balanced approach moving forward.

APPROVAL OF HISTORICAL PRESERVATION COMMISSION MEMBERS DONYA HARVEY AND ERIC BINGHAM.

Jeff Gittins mentioned he is the Chairman of the Historical Preservation Commission.

There are two openings on the commission. Glen Jay Thornley retired and asked to be released. Juli Weber is a member of the planning commission and asked to be released.

Donya Harvey is a member of the Historical Society and has focused on celebrations and activities in the past.

Eric Bingham is a member of the Historical Society and has done assignments as requested. Eric's wife, Amber, works with the Youth Council of the city.

> ***A motion to approve Donya Harvey and Eric Bingham as Commissioners on the Historical Preservation Commission was made by Curtis, seconded by Wade and the vote was unanimous.***

Yes Vote: Wall, Anderson, Hunsaker, Wells, Campbell
No Vote: None

Jeff Gittins informed the council the Historical Society applied for a $50,000 grant to put a new roof on the Douglass Mercantile Building. The grant was applied for by the October 25th deadline. Grants for up to $50,000 could be applied for with a zero percent match. Applications for over $50,000 required a 30% match. Two bids were received to replace the roof and they are around $50,000. The grant application took about 40 hours to complete.

AUDIT PRESENTATION FOR FISCAL YEAR 2021, WHICH IS THE PERIOD OF JULY 1, 2020 THROUGH JUNE 30, 2021, BY REPRESENTATIVES OF ALLRED JACKSON.

Diana Cannel informed the council the annual audit has been completed and there were no findings.

The state adds additional testing requirements yearly.

This year included the regular audit plus a special single audit on the federal grant funds the city received. The majority of the federal grant funding came from the CARES Act.

Overall assets increased approximately $7,000,000.

There was approximately $4,000,000 in capital asset additions.

No new debt was incurred. This is impressive and hard to do with a city that is growing so quickly. The new well cost over $1,000,000 and was paid for with cash.

Jon asked if the asset increase was because a change in values of city owned properties? Diana replied the city operates on a cash basis so current market value is not considered.

Liabilities increased approximately $1,000,000 from items such as deposits, escrow and accounts payable at yearend.

All funds showed a positive except for the sewer fund. It shows a negative until impact fees and other items were included.

Impact fees are to pay for future growth of the system and are restricted for this purpose only.

The sewer rate should be reviewed to make sure the monthly utility fee will cover expenses and deprecation expense. On occasion, one-time purchases will be made which can show a fund is in the negative. All funds should be monitored to make sure this is a one-time occurrence and not something which will happen year after year.

Wade mentioned taking over ambulance service effected the financials in the General Fund. Diana replied that is correct. The agreement between the county and city ended on December 31, 2020. Now all revenue and expenses in regard to ambulance service are included. This fiscal year only included full revenue and expense for January through June.

Wade stated he was happy to hear that property tax and utility rate increases over the last few years helped the city not incur any new debt.

Wade does not support the city adding additional debt for future projects. Diana mentioned it is very unusual to see no new debt on an expensive project like the new well. This means the city saved for many years to pay cash for the project. The city in turn saved interest expense. It is impressive the city was able to do this.

Diana mentioned around twelve pages in the audit report focus on the federal single audit.

Curtis mentioned Zions Bank recently stated inflation was at around 6% last month. The highest it has been since 1999. How is the city effected? How can the city prepare? Diana replied costs are increasing. The city has two options. Either reduce purchases or add revenue to cover the additional cost. Any item which has a variable cost should be reviewed.

Curtis asked if there are any red flags the council should be concerned about? Diana replied this year was very clean. The monthly sewer utility rate should be reviewed.

Diana informed the council not every single transaction is tested. A sample is taken and that transaction reviewed from beginning to end. High dollar items are always a focus of the audit. Usually with a high amount of sampling done if there are underlying issues they will be exposed.

Mayor Barnes asked Diana how she knows the sewer fund needs to be reviewed? Diana replied the sewer fund shows an operating loss of about $113,000. Overall with impact fees collected the amount is positive. The fund should be reviewed for one-time expenses to see if they are the reason for the negative.

Curtis thanked the staff as it is hard job to keep in compliance in some many different areas with different requirements.

Jamie thanked the department heads for staying within budget and making proper financial decisions in regard to their budget.

Diana mentioned the report is over 100 pages in length and she is happy to review the report or any other item at any time.

Note: After review with Diana it was determined an item listed as an operating expense should have been classified as a non-operating expense. The sewer fund showed a positive balance for the year when the item was properly categorized.

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-33, AN ORDINANCE REZONING PARCEL NUMBER 08-059-0018 FROM RA-1 (RESIDENTIAL AGRICULTURAL 1-ACRE) TO RM (MULTIPLE FAMILY RESIDENTIAL). THE PARCEL IS LOCATED AT APPROXIMATELY 265 NORTH 300 EAST AND IS 0.36 ACRES.

Mayor Barnes mentioned there are two 4-plexes on the parcel north of this parcel. The parcel being considered for rezone is currently covered with trees. The parcel is located west of the Staker Parson Companies office buildings.

Jamie asked if plans for the parcel are known? Jon replied he knew very few details other than the owner wants to maximize the square footage of the lot.

Mayor Barnes asked if a duplex would fit on this parcel? Clay replied the city allows ten units per acre. The maximum amount the owner could build on this property is three units. Jon mentioned the first unit requires 7,500 square feet and each additional unit requires 4,000 square feet so there might be enough room for three units.

Wade mentioned the Planning Commission was unanimous in recommending approval of the request.

A motion to adopt Ordinance 21-33, an Ordinance rezoning Parcel Number 08-059-0019 from RA-1 (Residential Agricultural 1-Acre) to RM (Multiple Family Residential) for a parcel located at 265 North 300 East 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 ORDINANCE 21-34, AN ORDINANCE REZONING PARCEL NUMBERS 04-006-0005 AND 04-006-0036 FROM CC (COMMUNITY COMMERCIAL) TO CBD (CENTRAL BUSINESS DISTRICT). THE PARCEL IS LOCATED AT 1215 SOUTH MAIN AND IS 3.00 ACRES.

Mayor Barnes mentioned the request is a rezone from Community Commercial (CC) to Central Business District (CBD). This is the parcel Marty Spicer mentioned during "Resident Input" he thinks should be denied as it is not close to the Central Business District area.

Dan Sundstrom mentioned he owns the two parcels being requested to be rezoned.

Dan talked to the property owner to the west of this parcel and it would be a benefit if a full-sized road is installed allowing access to the west parcel. The road will take up a significant amount of space so the rezone request is being made to allow for smaller setbacks on new buildings built in this area along the new road.

Mayor Barnes asked Clay to comment on Marty's comment regarding mixed-use. Clay replied the rezone request is not for a mixed-use overlay as stated by Marty.

Jon mentioned a rezone to Central Business District would allow the setback to be zero on the front. All other zones have a front setback.

Jon stated Central Business District by definition is also the core of the old part of the city not this area.

Dan stated he was open to other options but needs help with a smaller setback if a full-sized road is going to be installed.

Jon mentioned there is a need for a full-sized road in this area but the parcels are outside of the core area of the city.

Jamie asked if the new road would be dedicated to the city? Clay replied if a subdivision is created the new road would be dedicated to the city.

Jamie asked if the city is asking for a full-sized road to be installed? Clay replied that is correct.

Jamie asked what the setbacks are in Central Business District? Clay replied the property line.

Jamie asked how far a building would be from the road? Clay replied it could be twelve feet from the back of the curb and gutter to the property line. If the rezone request is not granted a setback of 30 feet from the property line is required.

Mayor Barnes asked how wide the parcel is? Dan replied the grassy area where the road would be installed to the property line is about 70 feet.

Jamie asked what the issue is with this concern? Craig replied Dan does not want the building to start 30 feet behind the property line. Dan wants the building to start at the property line so he can build a bigger building.

Jon mentioned Central Business District is the only zone with a zero-foot front setback. The rest of the zones require 30 feet. Setbacks in commercial zones in the city might need to be reviewed.

Jamie asked Dan if he intends to expand the existing building? Dan replied he would like to expand the current building. Build a new building on the front part of the parcel. A company has contacted Dan about leasing the new building. Build one or more new buildings on the north side of the new road. Jeff Wood, who owns the property to the west, would like to tie a new road for his development into this road to allow the roads to be looped and not dead end.

Jamie mentioned the types of allowed businesses in Central Business District are more restrictive than in Community Commercial. Dan agreed but mentioned the setback is a more important issue for him on developing these parcels.

Deon mentioned the only effected buildings would be new buildings being built on the new road. The old building would be grandfathered in. Craig replied Dan would build a new road and give to the city but he won't install the road if the rezone request is not granted.

Jon mentioned if the new road is built it severely restricts what could be built on the north side of the new road.

Jamie suggested having the Planning Commission review commercial setbacks in the city code. Jon mentioned not just the front setbacks but all setbacks in commercial zones should be reviewed.

Wade stated he did not feel Central Business District zoning was appropriate for these parcels. Jamie concurred and mentioned the long-term impact to what type of businesses could be built on these parcels was a concern.

Jamie stated the city wants to see new businesses on these parcels and rather than grant the rezone request setbacks should be reviewed and the current zoning left in place.

Dan mentioned with the 30-foot setback the new buildings would be to small and not of any value.

Deon asked if the 30-foot setback would apply to the new road as well as the highway? Jon replied that is correct.

Curtis asked Dan when he would like to start on the project? Dan replied in the spring as he has interest from businesses who would like to occupy the new buildings.

Curtis asked if Bob Lewis, previous parcel owner, asked for the parcels to be rezoned previously? Dan replied Bob hired him to subdivide the parcel. During the process Bob's son left the business (Expertec). Bob decided at that point to sell the parcels to Dan. Dan is now making the request to rezone the parcels.

Curtis asked Dan if he is occupying the existing building? Dan replied he is operating his electrical contracting business out of the building and has been since July.

Curtis mentioned he did not want to lose this new road and give up access to the parcels to the west.

Curtis suggested having the Planning Commission review setbacks in the code. Jon mentioned they could start the process in December.

Curtis mentioned the city needs to work within the rules but doesn't want to see the road not developed long term. Jon concurred.

Dan mentioned he would prefer to keep the Community Commercial zoning if the setbacks were different.

Jon stated he would like to start the setback review process in commercial zones with the Planning Commission in December. Dan stated he was not opposed to that process.

Jamie stated the current zoning is the best for the parcels and the city needs to see if there is a way to possibly change the setbacks in this zone.

> ***A motion to DENY Ordinance 21-34, an Ordinance rezoning Parcel Numbers 04-006-0005 and 04-0006-0036 from CC (Community Commercial) to CBD (Central Business District) was made by Jamie, seconded by Wade and the vote to DENY was unanimous.***

Yes Vote: Wall, Anderson, Hunsaker, Wells, Campbell
No Vote: None

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-35, AN ORDINANCE REZONING PARCEL NUMBERS 08-044-0034, 08-044-0035, 08-044-0033, 08-044-0084, 08-044-0030, 08-044-0037, 08-044-0039, 08-044-0038, 08-044-0040, 08-064-0002 AND 08-064-0012 FROM R-1-10 (PUD) (SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FEET/PLANNED UNIT DEVELOPMENT OVERLAY ZONE), RA-1 (RESIDENTIAL AGRICULTURAL 1-ACRE) AND A-10 (AGRICULTURAL 10-ACRE) TO MPC (MASTER PLANNED COMMUNITY). THE PARCELS ARE LOCATED AT APPROXIMATELY 510 EAST 680 NORTH AND TOTAL APPROXIMATELY 99.77 ACRES.

Josh Runhaar reviewed the proposed concept plan which must be included as part of the rezone request process.

The development would be as follows:

115	Standard Lots	
99	Small Lots	
30	Cluster Homes	
244	Total Single-Family Homes	(58%)
50	Duplexes	
124	Townhomes	
174	Total Multi-Family Units	(42%)
418	Total Units	

The majority of the land in the rezone request is currently zoned R-1-10 PUD (Single Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone).

Senior housing would be included but it is not part of the self-help program.

A new connection point will be created at 680 North as well as at approximately 350 East.

There will be 9,998 linear feet of trails as proposed.

Open space will be 15.2 acres or 16% of the overall project size.

There will be four parks. Two in the south end which are approximately 0.4 acres each. One along the northern boundary which would be 3.4 acres. One towards the north end and west of center totaling approximately 11.8 acres.

Final design of the parks will not be completed until the city offers their input in what they want to see in these areas. The intent would be a natural park which does not require very much maintenance.

Jamie mentioned the city council was considering a bike park on the hillside which cannot be developed. Josh concurred.

Josh mentioned a 10-foot-wide sidewalk would be installed on the south side of what would be future road 680 North. This would offer connectivity to the large park.

Mayor Barnes mentioned Hyrum and North Logan installed bike parks but had to bring in fill. This area is already a hillside and a great location for a bike park.

Josh mentioned the parcels are not conducive for a sports field.

Irrigation water is available on the parcels and can be used to water the parks and open space areas.

Thirty-four parking stalls are being added for the parks. They will consist of 20, 10 and 4 parking stalls in various locations.

All of the roads would be public except for the alleyways leading to the cluster homes.

The townhomes and single-family homes will be self-help. They will all have two car garages.

The senior housing homes might only have one car garages, if allowed.

Jon mentioned the senior housing would be on the west side of the development south of 680 North. The area is designed with a cul-de-sac. Josh mentioned it is designed as a cul-de-sac but nothing will be put in place which cannot be removed if the city wants to extend the road to the south long term.

Jamie asked where the powerlines are located. Josh replied they run along the north end of the project as well as cut through the project in the hilly area of 680 North. Nothing will be built beneath the powerlines.

The sewer mainline is aligned with the powerlines. Sewage will flow to the west.

Josh explained the water issue is from a spring not located on property NNHC (Neighborhood Non-Profit Housing Company) owns. Water is being piped to a concrete box located on the neighboring property. The water was then piped north onto some land where it absorbed into the ground. A land swap was completed with the neighboring property owner. The water will no longer be able to run onto the ground. It is a possibility to pipe the water into the storm water system.

Jamie mentioned the residents residing on 230 East have had flooding problems in the past. The council denied a development request in that area because of water issues and powerline concerns.

Josh said he was aware of the groundwater or spring issue. The issue is most likely from a spring which is not located on NNHC property. The hope is maybe an old waterline is feeding the spring and is located and the water can be diverted elsewhere.

Josh mentioned the new homes built on the west side of the development would be slab on grade homes to avoid any potential water issues.

Jamie said in good faith it is hard to approve a development which has potential water problems. Josh replied the water issue is not on his property and he cannot deal with a water issue on someone else's property.

Jon stated the land used to be irrigated with irrigation water. When this stopped all of the Cottonwood trees in the area died. The area will be irrigated again as the parks and grass around the homes are installed. This could lead to future water issues.

Curtis asked Jon to clarify his comments about the water on this land as he was not sure what was being stated. Jon replied it is unknown where water will flow when this land is irrigated again. Josh stated the land has been irrigated the last few years without any problems. The fields were not abundant in the crop which was produced but the acreage was watered.

Jon stated his biggest concern was there only being one access for the fire department. The access to this area is Crow Mountain Road (600 East).

Jon stated he would like to see NNHC work out an agreement with Staker Parson Companies to have access to 800 North if the fire department needs a second access to get into this area. The road is currently gated and an agreement would be required. Wade mentioned Chief Downs had reviewed access concerns to the parcels in the rezone request.

Josh mentioned when he met with the STRC (Subdivision Technical Review Committee) the original proposal was to connect the south road, approximately 350 East, first. At the recommendation of the STRC, 680 North would be connected first.

Josh reviewed the phasing plan of the proposed development. Phases 1 and 2 are already complete and are located east of the proposed development. Phases 3-7 would need to be completed in order for the 680 North Road to be connected. It is estimated it would take four years, after approval, to get the new road installed and connected.

Josh asked Chief Downs to meet with himself and Staker Parson Companies about the request to get a breakaway gate and access on 800 North.

Jon mentioned his preference is to see 680 North connect before 350 East connects.

Jon stated the fire code requires a secondary access but does not require a secondary entrance/exit for the residents living in the area. Access to 800 North would be for the fire department only and not those residing in the area.

Wade mentioned those residing in the area are highly concerned about increased traffic in this area without a second access/exit point. This development is a big project for the city. Water and sewer have been planned for and the demand can be met. It is personal for people when safety and children become involved.

Wade stated he understood a condition of approval could not include the 680 North Road would be installed at the start of the project. The road has a cost. The cost will be recouped long term. Income off of the development is not a concern of the council. The best option for all of the residents is the road is connected at the start of the project. NNHC would be seen in a favorable light if they were to install the road at the beginning of the project.

Josh mentioned right now NNHC is building 16 homes per year. They could possibly build 32 per year. The project will take several years to connect the road. NNHC does not have the funding to install the road now.

Jost stated if the city was willing to install the road now, NNHC would pay the city back over time for the road.

Wade stated a property owner has the right to benefit off of their property. The city council has to weigh the rights of those in the area when making a decision.

Josh mentioned he was well aware of the traffic concerns from those residing in the area. There will be emergency access for the fire department.

Josh stated if the rezone request is denied then the PUD (Planned Unit Development) ordinance will be used. This will result in senior housing being removed and more duplexes being built.

There are 14 phases in the proposed development. It is anticipated each phase will take 12 to 18 months to complete.

Wade asked if is possible to start on the west side of the property and develop to the east as opposed to starting on the east and going west? Josh replied because of how the utilities need to be installed he has to work from the east going west.

Josh stated installing approximately 2,500 linear feet of road at the start is not financially feasible for NNHC. Around 100 units will be added over a period of four years before the road connects.

Jon asked what the intention is where the road at 350 East needs to cross city property? Josh replied it would be the intent of NNHC to install the road, at their cost, if the city will grant permission. Jon mentioned NNHC will have to pay for about 250 linear feet of road across city property to access Upper Canyon Road.

Curtis mentioned the concerns of the council are also the same concerns the planning commission had.

Curtis mentioned he walked the area over a period of about three hours. Not one construction vehicle was in the area during that time. Traffic flow was observed and it was not terrible. The hours observed were not when school was getting out. Hundreds of homes will not be added before the new road is connected. Josh stated NNHC would build 16-32 units in this area per year.

Curtis asked how many new homes are being built in the city yearly? Craig replied there will be over 200 this year.

Curtis stated 680 North will be installed and connect long term. The council asked the developer to include parks and trails and they have been included.

Jon mentioned the planning commission and city council worked on the MPC (Master Planned Community) Ordinance for almost two years. The city asked developers with this type of development to hold off submitting an application until the ordinance was completed. Two applications have been recently submitted. One of them was recently approved and the second one is this request. This type of development is what the city council and planning commission asked for when creating an MPC zone.

Jamie mentioned they could have used the PUD rules and already started the project. NNHC chose to wait as the MPC zone gives them more options. Jon mentioned the MPC zone was well thought out and included a lot of input from many different people of varying backgrounds.

Josh mentioned the main intent of the MPC is to have one big development which connects throughout rather than a bunch of small developments that dead end and have no connectivity.

Mayor Barnes asked if people living in these homes will all be low income? Josh replied the homes are the same size local developers are building but the buyer cannot afford to purchase from a developer. The homes are about 1,400 square feet upstairs and downstairs. Affordability has gotten out of control on new homes. Teachers, nurses, firefighters, police officers and trades people are all a core component of these developments. Single family moms as well as students can apply. There are different options for different incomes. People making $75,000 per year can still apply. The townhome option is for those with a lower income level.

Josh mentioned some of the building lots could be sold to developers or others wanting to build. All of the lots do not have to be self-help. None of the senior housing will be self-help.

Deon mentioned a significant amount of development has already been done east of this development. Did the water flow or water issues change when those developments were built? Jon replied the water issue has been an issue for many years and he did not think any development in the area caused the flooding issue.

A motion to adopt Ordinance 21-35, an Ordinance rezoning Parcel Numbers 08-044-0034, 08-044-0035, 08-044-0033, 08-044-0084, 08-044-0030, 08-044-0037, 08-044-0039, 08-044-0038, 08-044-0040, 08-064-0002 and 08-064-0012 from R-1-10 (PUD) (Single Family Residential 10,000 Square Feet/Planned Unit Development Overlay Zone), RA-1 (Residential Agricultural 1-Acre) and A-10 (Agricultural 10-Acre) to MPC (Master Planned Community) 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 RESOLUTION 21-19, A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION ON CERTAIN REAL PROPERTY UNDER PROVISIONS OF SECTIONS 10-2-403 AND 10-2-405, UTAH CODE ANNOTATED, AS AMENDED. THE PARCELS BEING CONSIDERED FOR ANNEXATION ARE LOCATED AT APPROXIMATELY 700 NORTH 800 WEST. PARCEL NUMBERS 08-042-0003, 08-042-0025 AND 08-042-0024. THE PARCELS TOTAL APPROXIMATELY 49.36 ACRES.

Justin mentioned this would be Step 1 of 3 in the process. The Resolution allows the staff and county to start the review process. The request would come back in December for review and to set the advertising process. The final step, tentatively scheduled for January 12th, would be to hold the public hearing and vote of the council.

The Resolution is to only start the process and is not approving the annexation request.

The request is to annex three parcels north of what is formerly known as the Coleman property on 800 West at about 700 North. The three parcels total just under 50 acres in size.

Mayor Barnes mentioned the annexation request fits in the annexation boundary of the city.

A motion to approve Resolution 21-19, a Resolution accepting a Petition for Annexation for Parcel Numbers 08-042-0003, 08-042-0025 and 08-042-0024 was made by Wade, seconded by Curtis and the vote was unanimous.

Yes Vote: Wall, Anderson, Hunsaker, Wells, Campbell
No Vote: None

CANVASS THE ELECTION RESULTS OF THE NOVEMBER 2, 2021 GENERAL ELECTION.

Justin informed the council the final election results for the General Election held on Tuesday, November 2nd were as follows:

MAYOR

Jeffrey H. Barnes	1,045	40.57%
Kris Monson	1,531	59.43%***

CITY COUNCIL

Jamie Anderson	1,036	21.61%
Wade C. Campbell	1,339	27.92%***
Sue Hyer	1,411	29.43%***
Andrew Lillywhite	1,009	21.04%

Total Registered Voters: 6,828

Total Ballots Counted: 2,598

Voting Percentage: 38.05%

Kris Monson was elected as Mayor and Sue Hyer and Wade Campbell were elected as Council Members.

Their terms will start in January 2022.

Eighty ballots were disqualified. Sixty-one were disqualified because of being postmarked or mailed November 2nd or later. Three were disqualified because the primary election ballot from August was submitted not the General Election ballot for November.

Justin stated he was disappointed and frustrated the turnout was only 38%. Voters had the ballots in-hand for almost three weeks and had ample time to vote. Yet only 38% chose to vote.

Curtis asked what the election cost? Justin replied the Primary Election cost just under $14,000. The budget was $15,000 so it was cheaper than expected. Final cost of the General Election won't be known for a few weeks.

Mayor Barnes stated he felt it was a fair election where none of the candidates disparaged the other candidates.

Justin mentioned voter turnout was about double what it has been in the past during a traditional in-person voting scenario.

Wade mentioned the primary election was around 24% so this was a big improvement over that.

Mayor Barnes stated it was sad to see the low turnout where it is no work to vote as it almost takes no time to select the candidates and sign the envelope.

> ***A motion to certify the results of the November 2, 2021 General Election was made by Jon, seconded by Wade and the vote was unanimous.***

Yes Vote: Wall, Anderson, Hunsaker, Wells, Campbell
No Vote: None

****The city council took a short recess at 8:56 P.M.****

****The council meeting was reconvened at 9:05 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 17.88.110 "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 (MPC)" AND CHAPTER 17.89 "MIXED-USE OVERLAY ZONE", SECTION 17.89.130 "SITE PLAN REQUIRED".

This Ordinance is being reviewed by legal counsel of the city and will appear on the December 8, 2021 city council meeting agenda.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 21-20, A RESOLUTION UPDATING THE PREVAILING FEE SCHEDULE OF THE CITY.

Craig mentioned a few fees were missed during the last Prevailing Fee schedule update at the last council meeting in regard to the golf course.

Also, the county is now charging the city $750 for each annexation request which is submitted so the annexation fee would be adjusted as well.

The proposed fees are as follows:

Punch Pass		
Regular - 9 Holes	Christmas	$260.00
Regular – 9 Holes	Valentine's	285.00
Regular – 9 Holes	Spring	300.00
Regular Promo – 9 Holes	10 Round	150.00
Senior – 9 Holes	Christmas	220.00
Senior – 9 Holes	Valentine's	245.00
Senior – 9 Holes	Christmas	260.00
Senior Promo – 9 Holes	10 Round	130.00
Black Friday – 9 Holes	10 Round	125.00
Shotgun Tournament		55.00
Annexation		2,250.00
Disconnection		1,250.00

> ***A motion to adopt Resolution 21-20, 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 AND POSSIBLE VOTE ON ORDINANCE 21-31, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 "ZONING REGULATIONS", BY AMENDING CHAPTER 17.60 "RM MULTIPLE-FAMILY RESIDENTIAL ZONE", SECTION 17.60.040 "HEIGHT REGULATIONS", CHAPTER17.64 "CB CENTRAL BUSINESS DISTRICT ZONE", SECTION 17.64.040 "HEIGHT REGULATIONS", CHAPTER 17.68 "CC COMMUNITY COMMERCIAL ZONE", SECTION 17.68.040 "HEIGHT REGULATIONS", AND CHAPTER 17.72 "GC GENERAL COMMERCIAL ZONE", SECTION 17.72.040 "HEIGHT REGULATIONS".

Clay mentioned the proposed Ordinance would change the allowed building height from 35 feet to 50 feet in certain zones.

The Master Planned Community (MPC) and MU (Mixed-Use) Zones are not included in this Ordinance.

The intent of the Ordinance is to help with urban sprawl.

Jamie stated he did not think over 35 feet tall was allowed in the airport overlay zone. Clay replied buildings can be over 35 feet if the airport authority is notified and approves the request.

Jamie asked if part of this request is because the fire department can now reach building over 35 feet tall? Clay replied that is one factor as is urban sprawl.

> ***A motion to adopt Ordinance 21-31, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", by amending Chapter 17.60 "RM Multiple-Family Residential Zone", Section 17.60.040 "Height Regulations", Chapter 17.64 "CB Central Business District Zone", Section 17.64.040 "Height Regulations", Chapter 17.68 "CC Community Commercial Zone", Section 17.68.040 "Height Regulations", and Chapter 17.72 "GC General Commercial Zone", Section 17.72.040 "Height Regulations" 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 21-32, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 "ZONING REGULATIONS", BY AMENDING CHAPTER 17.56 "R-1 SINGLE-FAMILY RESIDENTIAL ZONE", SECTION 17.56.030 "AREA, WIDTH AND YARD REGULATIONS".

Jamie asked what issue is driving the proposed Ordinance? Jon replied a planning commission member felt people don't utilize their front yard like they do their backyard. If the home is closer to the road, then people will have a bigger backyard.

Driveways were discussed and the concern was that 15 feet was not enough to keep people from parking on the sidewalk.

The proposal is to allow homes to have a 15-foot setback and the garage must have a 25-foot setback.

Jamie stated most homes have the garage closer to the road than the house.

Jon stated corner lots are not addressed in the proposed Ordinance and should be.

Jamie asked Jon if he felt the Ordinance was incomplete? Jon stated he felt it was incomplete and the request is not something that needs to be incorporated into the code.

> ***A motion to DENY Ordinance 21-32, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", by amending Chapter 17.56 "R-1Single-Family Residential Zone", Section 17.56.030 "Area, Width and Yard Regulations" was made by Jon, seconded Jamie and the motion to DENY passed by a vote of 4-1.***

Yes Vote: Wall, Anderson, Wells, Campbell
No Vote: Hunsaker

INITIAL DISCUSSION ON A PUBLIC SAFETY UTILITY FEE.

Wade stated he felt it is the time to implement a public safety utility fee.

Jamie asked Wade how much he was proposing for this new fee? Craig stated last month wages were discussed for the fire and police departments. Research was done and North Logan, Hyrum and Millville have all implemented this fee as part of the monthly utility bill. Cities are using the funds for police departments, fire departments and ambulance/EMS service. The cities are charging on average between $3.00 and $5.00 per month per account.

Jamie asked if these funds would be dedicated for the local police, fire and ambulance departments? Craig replied that is correct. The fee would help to pay wages and benefits, expenses as well as capital project costs.

There are about 4,000 connections in the city.

A $3.00 per month fee would generate approximately $144,000 per year.

A $4.00 per month fee would generate approximately $192,000 per year.

A $5.00 per month fee would generate approximately $240,000 per year.

Jamie mentioned before long a new fire department substation is going to be needed on the east side of town.

Craig informed the council if this is something they support a Resolution will be drafted. The public hearing and vote of the council would be at the December 10th city council meeting.

Curtis asked how much was needed to offer a higher wage and benefit package in the fire department than Logan City? Craig replied approximately $152,000.

Curtis asked if the option to band aid the wage issue in the police department was $99,000? Chief Allen replied that is correct.

Jamie stated he would support a $5.00 per month public safety utility fee.

Curtis asked what the goal of this revenue would be for? Jamie replied for anything the fire department, police department and ambulance service need to operate their departments. Craig mentioned wages are an issue and the need for equipment is an issue. A truck for the police department has been on order over six months. Everything those departments purchase is getting more expensive. At the December 8th city council meeting wages and benefits for the fire department will be discussed. Inflation is becoming a big factor.

Craig asked the council if they wanted to consider a fee now and then have it incrementally increase each year? Mayor Barnes replied the fee should be implemented now and the council can review and amend the fee as needed in the future. Wade concurred.

Curtis and Wade stated they would support a $4.00 per month public safety utility fee.

CITY MANAGER REPORT

Craig updated the council on the 1000 South Main streetlight and road project.

The new road is currently being graded. Curb and gutter will start to be installed the week of November 15th. Weather permitting pavement will be put down around November 18th.

The signal light poles will be set within the next couple of weeks.

The signal light should be completed and road opened later this year.

Wade asked if the cut across the highway is considered complete? Craig replied the contractor has micro sealed the surface and considers it complete. UDOT (Utah Department of

Transportation) will make the final call on if changes are needed at this point. Jon replied the hump/lip from the repair work does not meet UDOT's standards and will have to be corrected.

The city office and library are closed in observance of Veteran's Day on Thursday, November 11th.

The city employee Christmas party will be held on Wednesday, December 8th from 12:00 P.M. to 2:00 P.M. at the clubhouse at the golf course. It will be an open house where employees can come anytime during that two-hour period and have a meal. The event is being catered by The Charcoal Grill.

The staff is concerned about the federal mandate on the COVID-19 vaccine. The department heads have been reviewing the best course of action the last couple of months. The staff will draft a proposed policy in preparation if the federal mandate is considered legal by the courts. The city would be affected by the mandate as federal funding is received in the ambulance department from Medicare and Medicaid payments.

It is unknown at this time if the mandate would only include the ambulance service department or the entire city staff.

The preference is not to put a mandate in place. The city would not be able to comply with weekly testing and the enforcement of those who are unvaccinated in wearing masks while they are at work. The city currently has 151 employees and that number increases to over 180 during the busy summer season. The fine for non-compliance would be just under $14,000 per occurrence. The intent would be to have a policy in place in case the court system says the mandate is valid.

Jamie asked if it is known how many employees are vaccinated? Craig replied unofficially it is estimated around 60%. Some departments are almost fully vaccinated and other departments are well below 50%.

Wade stated he did not support a mandate. Craig replied where the city receives federal funding it will have to comply if the mandate is enforceable.

COUNCIL MEMBER REPORTS

Curtis mentioned the parade float is going to be updated and remodeled before next year's Health Days event.

Jamie did not have any additional items to discuss.

Deon mentioned the Lion's Club helped with a project to make bunk beds for those in need. The intent is to make sure no child is sleeping on the floor. The state Lion's Club paid for the materials and the local Lion's Clubs throughout the state supplied the labor.

Mayor Barnes asked how someone joins the Lion's Club? Deon replied by paying the annual dues and attending local meetings.

Jon mentioned the Historical Society should know by mid-December if the grant request for a new roof on the Douglass Mercantile Building has been approved. If approved, the project will need to be completed by June 30, 2022.

A CLG (Certified Local Government) grant is being applied for in the amount of $18,000. This is a 50/50 match grant. The water service line project recently completed on the building could be used as part of the grant match if the grant is approved.

Jon stated the city needs to have its own building inspection department and not contract with the county. There are three employees who work for the county who work on Smithfield projects. It is unknown how many of their 40 hours per week are spent on Smithfield projects.

Jon stated the city could provide this service and make a profit of it and use those funds elsewhere.

Craig asked Jon exactly what he wants to know or see so a decision can be made? Jon asked if the wages paid to local building inspectors is known? Craig replied he has that information.

Jon stated a fully certified inspector would be required. A second inspector certified in residential projects would be required as well. Help with permitting and plan review would be needed as well.

Craig mentioned he has complied all of this information as well as the state code on what is allowed. The new 14-day turnaround requirement is in force. Right now, it takes one person in the county department a ½ day to review a new home and a full day to review a new townhome. There were 1,450 inspections in the city last year. Two building inspectors will not be able to do this many inspections.

Craig recently attended a conference where one of the main topics was building inspections. Staffing, wages and timelines were discussed in depth.

South Ogden recently advertised a building inspector position at $80,000 per year plus benefits. Only three applications were received after posting the job a couple of different times.

Craig explained the department might breakeven or make a small profit. The department is not allowed to be a profit center per state code.

Craig stated two building inspectors will be needed as well as a full-time office person.

Jon asked for all of the information Craig had compiled to be presented to the council for review.

Jon mentioned currently the city is collecting 20% of the building permit revenue received by the county.

Craig mentioned the lead building official in Hyde Park is $117,000 with wage and benefits. The mail official in Logan is $146,000 with wage and benefits. The main official at the county is $128,000 with wage and benefits. This does not include vehicles, equipment or training.

Wade asked Craig to thank Doug Petersen for his efforts in keeping the green waste bin smashed down and accessible to the residents. A resident contacted Wade and asked for this to be passed along.

The library received an Impactful Service Award from the state. The award was for keeping the library open and offering different types of services while the building was closed because of COVID-19.

The next library board meeting is on Wednesday, November 17th at 7:00 P.M.

Wages and possible equipment purchases in the Fire Department will be discussed at the December 8th council meeting.

The wildland fire team is back from deployment and most likely done for the year.

MAYOR'S REPORT

The Cache Summit is on Thursday, November 18th. One staff member, the mayor, some council members and some planning commission members are attending the event.

The planning commission meets for their regular monthly meeting on Wednesday, November 17th.

The green waste bin will be hauled away on Friday, November 19th for the year and return in the spring.

Mayor Barnes thanked Jamie for an excellent writeup on culinary water in the city in the November newsletter.

Curtis mentioned the annual Night of Giving hosted by the Smithfield Chamber of Commerce will be held on Saturday, December 4th. Tickets can be purchased at Lee's Marketplace or directly from the chamber.

Wade mentioned a Halloween activity was hosted at the Old Main Theatre. It was nice seeing the building being utilized.

EXECUTIVE SESSION TO DISCUSS REASONABLY IMMINENT LITIGATION. UTAH CODE ANNOTATED 52-4-205 (1) (C).

An Executive Session was not held.

****Jamie made a motion to adjourn at 9:49 P.M.****

SMITHFIELD CITY CORPORATION

____
Jeffrey H. Barnes, Mayor

ATTEST:

____
Justin B. Lewis, City Recorder

SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT 84335

AGENDA

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on **Wednesday, November 10, 2021**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Jamie Anderson

1. Approval of the city council meeting minutes from October 27, 2021.

2. Resident Input

3. Audit presentation for Fiscal Year 2021, which is the period of July 1, 2020 through June 30, 2021, by representatives of Allred Jackson.

4. Discussion and possible vote on Ordinance 21-33, an Ordinance rezoning Parcel Number 08-059-0018 from RA-1 (Residential Agricultural 1-Acre) to RM (Multiple Family Residential). The parcel is located at approximately 265 North 300 East and is 0.36 acres.

5. Discussion and possible vote on Ordinance 21-34, an Ordinance rezoning Parcel Numbers 04-006-0005 and 04-006-0036 from CC (Community Commercial) to CBD (Central Business District). The parcel is located at 1215 South Main and is 3.00 acres.

6. Discussion and possible vote on Ordinance 21-35, an Ordinance rezoning Parcel Numbers 08-044-0034, 08-044-0035, 08-044-0033, 08-044-0084, 08-044-0030, 08-044-0037, 08-044-0039, 08-044-0038, 08-044-0040, 08-064-0002 and 08-064-0012 from R-1-10 (PUD) (Single Family Residential 10,000 Square Feet/Planned Unit Development Overlay Zone), RA-1 (Residential Agricultural 1-Acre) and A-10 (Agricultural 10-Acre) to MPC (Master Planned Community). The parcels are located at approximately 510 East 680 North and total approximately 99.77 acres.

7. Discussion and possible vote on Resolution 21-19, A Resolution accepting a Petition for Annexation on certain real property under provisions of Sections 10-2-403 and 10-2-405, Utah Code Annotated, as amended. The parcels being considered for annexation are located at approximately 700 North 800 West. Parcel Numbers 08-042-0003, 08-042-0025 and 08-042-0024. The parcels total approximately 49.36 acres.

8. Approval of Historical Preservation Commission Members Donya Harvey and Eric Bingham.

9. Canvass the election results of the November 2, 2021 General Election.

10. 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 17.88.110 “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 (MPC)” and Chapter 17.89 “Mixed-Use Overlay Zone”, Section 17.89.130 “Site Plan Required”.

11. Discussion and possible vote on Resolution 21-20, a Resolution updating the Prevailing Fee Schedule of the City.

12. Discussion and possible vote on Ordinance 21-31, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, by amending Chapter 17.60 “RM Multiple-Family Residential Zone”, Section 17.60.040 “Height Regulations”, Chapter 17.64 “CB Central Business District Zone”, Section 17.64.040 “Height Regulations”, Chapter 17.68 “CC Community Commercial Zone”, Section 17.68.040 “Height Regulations”, and Chapter 17.72 “GC General Commercial Zone”, Section 17.72.040 “Height Regulations”.

13. Discussion and possible vote on Ordinance 21-32, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, by amending Chapter 17.56 “R-1 Single-Family Residential Zone”, Section 17.56.030 “Area, Width and Yard Regulations”.

14. Initial discussion on a public safety utility fee.

15. City Manager Report

16. Council Member Reports

17. Mayor’s Report

18. Executive Session to discuss reasonably imminent litigation. Utah Code Annotated 52-4-205 (1) (c).

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.