SMITHFIELD CITY COUNCIL **AUGUST 23, 2023**

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, August 23, 2023. The meeting began at 6:30 P.M. Mayor Kristi Monson was in the chair. The opening remarks were made by Curtis Wall.

Council Members in Attendance: Wade Campbell, Sue Hyer, Deon Hunsaker, Curtis Wall, Jon Wells

Staff: City Manager Craig Giles, Interim Fire Chief Jeff Peterson, City Engineer Clay Bodily, City Recorder Justin Lewis, Zoning Administrator Brian Boudrero

Visitors: Aaron Robertson, Tami Midzinski, Michael Harris, Phil Marchant, Connie Gittins, Bob Holbrook, Todd Orme, Darwin Williams, Lee & Lupe Helms, Merrilee Wells, Janet Hillyard, Brian Lyon, Cheyanne Thatcher, Chris Olsen, Steve Liechty, Jeff Barnes, Jordan Dahl, Kenneth & Katie Bell, Jenn Staker, Tori Hillyard, Tytan Hillyard, Michael Heaps, Danny Hansen, Caralee Stokes, Debbie Zilles

Mayor Monson thanked the Lions Club for hosting the "Meet the Candidates" night on Thursday, August 17th. Mayor Monson was disappointed with the behavior of those who attended. She did not feel like the candidates had a chance to express their opinions, it was more of a "bash the City Council and Mayor" meeting. She asked that everyone treat each other with kindness, respect and courtesy during meetings and throughout the campaign.

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM AUGUST 9, 2023

A motion to approve the August 9, 2023 City Council meeting minutes was made by Wade, seconded by Curtis and the vote was unanimous.

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

DISCUSSION AND POSSIBLE RENEWING THE FRANCHISE AGREEMENT WITH ROCKY MOUNTAIN POWER

Steve Liechty, Rocky Mountain Power Regional Manager, said they are asking for a renewal of the franchise agreement to give them rights to continue to do business in the community and construct and install facilities, as needed, in the city right-of-way. The term for this agreement is five years. The last one was for twenty years. Agreements are traditionally for 15-20 years. A shorter time can be better and allows the Council to review it more often.

Curtis asked if anything could go wrong with that length of time? Mr. Liechty said he is not aware of anything. This agreement is essentially a template, the same terminology is used, and he cannot foresee any need for change or cause for concern. There is a section in the agreement that stipulates if there is a concern, the City can amend the agreement if needed. Curtis said he is confident, but wanted the information reflected in the meeting minutes.

Mr. Liechty said their goal is to partner with communities and serve the territories they work with.

Mr. Liechty noted that the outage the other night, where the entire City was impacted, was due to a transmission line on the north end of town that started on fire. Both transmission lines had to be de-energized which caused 6,500 customers to be out of power for about two hours. Curtis said he cannot remember that happening very often, Rocky Mountain has been very dependable. Mr. Liechty said they take pride in keeping the lights on.

> ***A motion to adopt the Rocky Mountain Power Franchise Agreement was made by Sue, seconded by Wade and the vote was unanimous.***

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

DISCUSSION AND POSSIBLE RENEWING THE FRANCHISE AGREEMENT WITH ALLWEST COMMUNICATION

Phil Marchant, from Allwest Communication, provided a PowerPoint presentation about their company and services. They have been working with the City Manager on the legal process of having a 10-year franchise agreement, which is a common timeframe. The agreement will allow them to work with the City and bury conduit and pull fiber through the conduit along the public right-of-ways. The goal is to allow everyone (residents and businesses) to use fiber optics. They will bore underground, put in a ground vault, and splice into a fiber drop, so the park strips will not be torn up. Allwest's expertise services rural communities. They are currently working with Logan, Hyde Park, and Nibley, which all have franchise agreements. The plan is to begin construction in early 2024. They have purchased property in Logan City and plan on putting in a central office. They are also working with Cache County for an agreement. They partner with UDOT (Utah Department of Transportation) and one of the goals is to get fiber service through Logan Canyon to tie into the Randolph Central Office, which will provide a redundant path for the fiber optics. Fiber is currently the top technology for internet bandwidth, there are no limitations to what bandwidth is carried over the fiber. The plan is to provide residents with up to 8 gig of service. The one gig residential price will be $65.00 per month. They do a competitive cost analysis with all of their competitors. Services are symmetrical (for download and upload) and they have diverse routes. The plan is to come into Logan through Sardine Canyon through a UDOT fiber line until they can get another route in through Tremonton. The central office in Logan will have a battery backup and generators.

Wade asked if they wanted to expand to other rural areas. Mr. Marchant said they have looked at smaller communities. President Biden has allotted $42.6 billion in BEAD (Broadband Equity, Access and Deployment) funding and they will be applying for some of those funds to help make it more cost-effective to get out to those more rural areas.

Jon asked about using UDOT fiber network through Sardine Canyon. Mr. Marchant explained that UDOT has been awarded the project for fiber and conduits, and AllWest will be leasing one of those conduits. He further explained that it is a trade as UDOT uses some of their conduits and fibers to get to the port of entry and traffic signals. He confirmed for Jon that Hyde Park, Nibley, and Logan have all approved a franchise agreement. They are currently working with North Logan and Cache County for possible agreements.

Curtis asked if a person could get more than one gig of service? Mr. Marchant said they can, they will have a tiered system. He explained that one gig equals 1,000 megabytes (MB). As an example, an HD movie streaming into a home is approximately 15-20 MB. One gig will be ample bandwidth for most homes.

Curtis said Smithfield is the second largest city in Cache Valley, if for some reason the property in Logan does not work out, Smithfield would love to have them located in the city. Mr. Marchant said they have hired B. Jackson Construction who will have several crews working to install the service.

Jon asked how the fiber from the vaults would get to a home and whether the contractor doing the work would run it to each home. Mr. Marchant explained that while B. Jackson Construction is doing the main network they will have advertising for people to pre-signup. They will then be notified when the fiber will be available for their home or business and will work with them. AllWest needs revenue for this investment so as they build out, they will be turning people on to the system as soon as possible. As crews are in the area doing the construction, the connection fee will be waived. Once construction is complete, if someone wants to hook up there will be a setup fee of approximately $150.00.

Jon noted that when new subdivisions come in for approval, the City normally requires utilities to sign off on final plats. He asked if this would be the same for fiber. Craig said yes, interacting with new construction was discussed in the meeting with AllWest. Mr. Marchant said part of his job is to work with developers and find out when trenches are dug so that they can get the conduit installed.

Jon noted that Providence has a fiber network. Mr. Marchant said that would be through Strata Communications. Jon said Providence adds the fee to the utility bill that they provide even if homeowners do not have the service. He pointed out that this will not be a City utility, but will be private for those who choose to sign up. Mr. Marchant said that is correct. Craig said Providence bonded for fiber, as part of the bond requirement, residents still have to pay whether they chose to use the service or not. This will be a better setup. Jon agreed.

Mr. Marchant explained that in areas of Ogden, they are deploying a fiber network similar to what they have planned for up here. They work closely with the cities to make sure that fiber is close to all facilities and key locations. There is a weekly coordination call with the cities. The goal is to make sure the city is happy with the fiber placement.

Sue asked about the construction timeline. Mr. Marchant said once the agreement is approved and signed, they will start planning with the engineer and public works departments to begin the first quarter of 2024. Depending on the weather they would like to be finished by the end of 2024 or early 2025.

Deon asked if Section 3B in the agreement, particularly "*Unless otherwise provided in said permit, Franchisee shall give the City at least 48-hour notice of Franchisee's intent to commence work in the Public Ways*" allowed for sufficient notification time. Craig said it did, 48 hours is standard.

Jon said there are areas in the community where homes are spread out, and it may not be financially in AllWest's interest to service them, he asked if these residents would still be able to receive service. Mr. Marchant said they have looked at Smithfield, and alone it would not make sense on a revenue basis to build out fiber, but with the addition of Logan, Nibley, and Hyde Park it does make sense. They looked at the cost per passing (a passing is a home or business) and if they can keep a passing at about $2,500 per unit they will still make money. They know fiber is the product that everyone wants. They would not be here if they had not done the research and looked at the FCC map, knowing there is not a "fiber to the home" product here in Cache Valley.

Curtis asked about the 10-year term. Craig said it makes sense because of the large upfront investment.

> ***A motion to adopt the AllWest Communication Franchise Agreement was made by Curtis, seconded by Wade and the vote was unanimous.***

<u>Yes Vote</u>: Campbell, Hyer, Hunsaker, Wall, Wells
<u>No Vote</u>: None

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY LEND LLC FOR APPROVAL OF THE FINAL PLAT FOR THE KNOLLS SUBDIVISION, PHASE 1, A (25) UNIT/LOT SUBDIVISION LOCATED AT APPROXIMATELY 260 NORTH 510 EAST. ZONED R-1-12 (SINGLE-FAMILY RESIDENTIAL 12,000 SQUARE FEET)

Mayor Monson pointed out the subdivision will be renamed Sunset Ridges as there is already another development named Knolls Subdivision in Cache Valley.

Tami Midzinski, from Heritage Land Development representing Lend LLC, was present.

Jon asked if this would be a two-part process for the name change and the plat. Justin said a motion will need to include amending the name of the subdivision to Sunset Ridges as it was advertised as The Knolls Subdivision.

Deon asked if storm water would be in Phase 2; Tami said Phase 1 has it as well. Clay advised that it is an underground sump.

A motion to approve the Final Plat for The Knoll Subdivision, Phase 1, a (25) lot/unit subdivision amending the name to Sunset Ridges for a subdivision located at approximately 620 North 510 East was made by Curtis, seconded by Wade and the vote was unanimous.

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

DISCUSSION AND POSSIBLE VOTE ON THE REQUEST BY KARTCHNER LAND MANAGEMENT FOR A SIX (6)-MONTH EXTENSION ON THE FINAL PLAT APPROVAL FOR THE GOLDEN FOREST FINAL PLATS FOR PHASES 1, 3, 4 & 5.

Brian advised that there have been construction delays with materials. Smithfield City Municipal Code Section 16.12.090 allows for up to an additional six (6) month extension. The applicant has petitioned for this extension before the expiration of the original eighteen (18) months.

A motion to approve the six-month Final Plat approval extension for Golden Forest Final Plats for Phases 1, 3, 4 and 5 was made by Sue, seconded by Wade and the vote was unanimous.

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

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 23-19, AN ORDINANCE REZONING CACHE COUNTY PARCEL NUMBERS 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 AND 08-043-0015 FROM A-10 (AGRICULTURAL 10-ACRE) TO MPC (MASTER PLANNED COMMUNITY). THE PARCELS ARE LOCATED AT APPROXIMATELY 485 NORTH 400 WEST AND TOTAL APPROXIMATELY 28.81 ACRES. THE REQUEST WAS SUBMITTED BY HERITAGE LAND DEVELOPMENT.

Aaron Robertson, from Heritage Land Development, said this project has been before the Council previously. They have spent time reviewing comments from citizens and the Planning Commission. The staff has done an excellent job reviewing the project and making sure it conforms to the Code. The Code is very specific with the requirements for the MPC (Master Planned Community) zone. He believes the proposed project conforms to the Master Plan and has taken the recommendations from the Planning Commission and adjusted the plan to have a religious center located within the development. The Commission forwarded a recommendation for approval of the Preliminary Plast and they are hoping to have the rezone request now approved.

Jon asked if the 29.23 acres included the five acres for the religious institution; Aaron said the proposal is for 28.81 acres.

Brian noted that the Planning Commission approved the preliminary plat, this request is only for the rezone.

Mayor Monson pointed out that the Council received several letters and emails which were distributed to the city council and reviewed. Resident's voices have been heard.

Curtis confirmed the vote of the Planning Commission to deny the rezone request was 4-3. There were some questions about borderline fencing. Tami Midzinski said that was offered as a condition. They plan to put a fence in from Mr. Helm's property to the south. The fence is not a requirement but they are willing to put in a vinyl fence. Tami pointed out the location of the religious facility on the plat (Lot 49).

Curtis drove through the area today, he is concerned about the narrow road. The church parking lot connects onto 400 West. Tami pointed out that they will be widening the road to meet the current city standards along their development. Aaron advised that in Phase 1 they will be tying into the other subdivisions and allowing traffic to flow east/west which they do not currently have. Curtis said school starts tomorrow and the City has never come up with a great solution for that area. Farm machinery is being driven down that road. Aaron agreed that traffic is a valid concern that should not be ignored. From their standpoint, they are relying on the traffic studies that have been completed based on the size of the roads and what traffic would be impacted. The report has been updated based on this plan and is available for review. Tami mentioned that they are adding an upgrade of 1,200 feet of sewer line on 400 West. She highlighted the fact that they upgraded and did not do the minimum size, which will help with future development.

Curtis asked about a sewage lift station. Aaron said a lift station will be installed but is not required for Phase 1. Tami said Phase 1 will take care of the improvements along 400 West. She confirmed for Wade that the lift station will be owned and managed by an HOA (Homeowner's Association).

Mayor Monson asked if the only change from the original denial is the five (5) acres that are being sold for a religious institution. Tami said that the change reduces the number of homes by approximately 30 to 36. Aaron said they also changed the product mix, as requested. Tami said the townhomes in Phase 5 have been removed and the 5-plexes have been listed as patio homes (for active adult living – slab on grade with shared backyards).

Curtis said the main issue is the roads, he likes the idea of the MPC and the thought process. It is not so much the road in front of the property, but also the road that extends to the south and for this reason, he has to deny the request when he votes.

Deon agreed with the road concerns but part of the problem is that all those homes have been built along there, in the County, where no roads have been widened. The County has allowed this so he will vote against a denial and vote to approve the rezone request.

> ***A motion to DENY Ordinance 23-19, an Ordinance rezoning Cache County Parcel Numbers 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0015 from A-10 (Agricultural 10-Acre) to MPC (Master Planned Community) was made by Wade, seconded by Sue and the motion passed by a vote of 4-1.***

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

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 23-23, AN ORDINANCE REZONING CACHE COUNTY PARCEL NUMBERS 08-039-0015, 08-089-0003 AND 08-089-0004 FROM A-10 (AGRICULTURAL 10-ACRE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FEET). THE PARCELS ARE LOCATED ON THE SOUTHWEST CORNER OF 440 NORTH 800 WEST AND TOTAL APPROXIMATELY 31.56 ACRES.

Wade said this request has already been denied twice before, he remains unconvinced as to why this would pass with the General Plan and the resident's opinions as they are.

Jon said the General Plan addresses this part of town and recommends that anything outside of the City be Agricultural. He thinks the General Plan should be revisited before going down this road.

> ***A motion to DENY Ordinance 23-23, an Ordinance rezoning Cache County Parcel Numbers 08-039-0015, 08-089-0003 and 08-089-0004 from A-10 (Agricultural 10-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet) was made by Wade, seconded by Jon and the motion passed by a vote of 3-2.***

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

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 23-22, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 "ZONING REGULATIONS", CHAPTER 17.100 "SITE DEVELOPMENT & LANDSCAPING", ADDING IN ITS ENTIRETY SECTION 17.100.055 "WATERWISE LANDSCAPING REQUIREMENTS".

Mayor Monson pointed out that this ordinance is not only for new builds but will allow residents to take advantage of water wise programs that are offered through the State of Utah.

Brian pointed out that this is not a mandatory program, only an option for interested residents.

Curtis has his yard ready to go and has just been waiting for this ordinance to be adopted. He has talked to a lot of people about it. This is a great opportunity and he is in support of the ordinance as proposed.

Jon said the ordinance has been scaled down a bit but still allows individuals to be able to take advantage of the state rebate program.

A motion to adopt Ordinance 23-22, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.100 “Site Development & Landscaping”, adding in its entirety Section 17.100.055 “Waterwise Landscaping Requirements” was made by Wade, seconded by Jon and the vote was unanimous.

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

OPEN AND PUBLIC MEETINGS TRAINING

Justin explained they are working with the auditing firm for the next month or so. This is a required annual training and Justin reviewed the following:

- A quorum of the council is three council members.
- A quorum is not two council members and the mayor.
- The mayor only votes in the event of a tie and the absence of one council member (e.g. if the vote is 2-2 and one member abstains, the Mayor would not vote and the motion would die; for an item to pass, it would require three yes votes).
- All meetings of the council are to have an audio recording and written meeting minutes.
- All meetings of the council must be advertised and are currently advertised at the city office building, library, the city website (www.smithfieldcity.org), and the Utah Public Notice Website. In some instances, there may be a requirement that it be posted in seven (7) locations (e.g. an annexation) which would also include the recreation center, golf course, fire station, and police station.
- The same rules apply to the Planning Commission.
- Any council member with a conflict of interest needs to announce the conflict before an item is discussed and give a reason for the conflict. The council member is allowed to participate in the discussion and vote if they choose to do so or they can abstain from the discussion and vote.
- Any vote of the council requires a yes or no from each council member and the vote of each council member must be specifically listed in the meeting minutes.
- Any vote to approve or amend the budget requires a public hearing beforehand.
- Most land-use items requiring a vote must also have a public hearing beforehand.
- Administrative items do not require a public hearing.
- The city council is required to meet at least once per month.

- Resolutions do not require a public hearing unless it is specifically required.

Justin answered for Wade that meetings require posting of at least 48 hours before, unless it is an emergency meeting and that requires 24 hour notice.

The city has a new mass communication system through CivicReady, where residents can sign up to receive notices electronically.

CITY MANAGER REPORT

Craig provided the mayor and each council member with a book about their powers and duties. He encouraged members to read and refer to the book as it contains great information.

The Central Park Well is still waiting for a few electrical components to finish the project. They are starting the landscaping. One of the biggest holdups has been the fence, they've had to tear out another section because it was installed incorrectly.

The 600 West Sewer South Extension project begins next week; construction equipment is being delivered.

The road on the north side of 100 North 600 West going north will be milled on approximately September 9th and asphalt work completed shortly after.

COUNCIL MEMBER AND MAYOR REPORTS

Curtis sent the members a video of his frontyard that he has been working on for water wise landscaping.

Mayor Monson asked how the CDBG (Community Block Development Grant) grant application is going, Curtis said that will be in October.

Deon asked what was happening with the Visionary Homes subdivision, where some land on Saddleback Road was not vacated. Clay said they are working on it and will be bringing it before the Council at a later date.

Deon said nine of the twelve candidates and 62 residents attended the "Meet the Candidates Night". It was one the largest attendances he has seen. It is still not good, but hopes this is making progress.

Deon noted that he is the District Governor for the Lions Club this year. The convention will be held in Smithfield in October. They will be doing a service project.

Sue said members of the Planning Commission were wondering when the Future Land-Use Plan would be updated. Mayor Monson said the plans are to begin in January 2024.

Sue mentioned Scott Gibbons served his last Commission meeting last week. At the next meeting the planning commission will elect a new chairperson.

Sue noted that the Youth Council is planning to swear in the new council at their next meeting.

Jon said the Douglass Mercantile building has been gutted and is ready to begin the rebuild to meet the current building and ADA (Americans With Disabilities) standards. Bids for framing have been requested from two local companies, one has been received from Sierra Restoration. The Historical Preservation Commission has suggested, if the Council agrees, to proceed with the bid received, which is less than $25,000. Craig said multiple bids are needed and he recommended going outside of the City for additional bids of no more could be obtained locally.

Wade said the Library Board has hired a new director, Shawn Bliss, who will begin employment with the city on Monday, August 28, 2023.

Wade said the Fire Department has been keeping busy, three wildfire crews are out.

Mayor Monson said the CivicReady program is a great way for mass communication. She encouraged people to sign up (a flyer was available). It is a good way to get information from the City. Alerts come through voicemail, text message and email. Residents were encouraged to contact Justin so he could get their email addresses and get them connected if they are having a hard time signing up on their own.

Mayor Monson thanked the candidates who were in attendance, they are doing a great job campaigning.

Curtis will send contact information about a Smithfield Chamber of Commerce member who is CERT-certified to Fire Chief Peterson.

*** Wade made a motion to adjourn at 7:45 P.M.***

SMITHFIELD CITY CORPORATION

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Kristi Monson, Mayor

ATTEST:

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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, August 23, 2023.** The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Curtis Wall

1. Approval of the city council meeting minutes from August 9, 2023.
2. Discussion and possible renewing the Franchise Agreement with Rocky Mountain Power.
3. Discussion and possible approval of a Franchise Agreement with AllWest Communication.
4. Discussion and possible vote on the request by Lend LLC for approval of the Final Plat for The Knoll Subdivision, Phase 1, a (25) unit/lot subdivision located at approximately 620 North 510 East. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet).
5. Discussion and possible vote on the request by Kartchner Land Management for a six-month extension on the Final Plat approval for the Golden Forest Final Plats for Phases 1, 3, 4 and 5.
6. Discussion and possible vote on Ordinance 23-19, an Ordinance rezoning Cache County Parcel Numbers 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0015 from A-10 (Agricultural 10-Acre) to MPC (Master Planned Community). The parcels are located at approximately 485 North 400 West and total approximately 28.81 acres. The request was submitted by Heritage Land Development.
7. Discussion and possible vote on Ordinance 23-23, an Ordinance rezoning Cache County Parcel Numbers 08-039-0015, 08-089-0003 and 08-089-0004 from A-10 (Agricultural 10-Acre) to R-1-10 (Single Family Residential 10,000 Square Feet). The parcels are located on the southwest corner of 440 North 800 West and total approximately 31.56 acres.
8. Discussion and possible vote on Ordinance 23-22, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", Chapter 17.100 "Site Development and Landscaping", adding in its entirety Section 17.100.055 "Waterwise Landscaping Requirements".
9. Open and Public Meetings training.
10. City Manager Report
11. Council Member and Mayor Reports

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.