

SMITHFIELD CITY COUNCIL

October 11, 2023

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, October 11, 2023. The meeting began at 6:30 P.M. Mayor Pro Tempore Wade Campbell was in the chair. The opening remarks were made by Jon Wells.

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

Mayor Kristi Monson was excused.

City Staff: Fire Chief Jeff Peterson, City Engineer Clay Bodily, City Recorder Justin Lewis, and Planning Administrator Brian Boudrero

Visitors: Nate Daus, Regan Wheeler, Alyna Ohling, Hailie Knight, Alyson Hunt, John Hauptman, Todd Orme, Bob Holbrook, Jeff Barnes, Jenn Staker, Shawn & Liz Kirkley, Ben Moss, Zuneid Mahmoud, Debbie Zilles

Approval of City Council meeting minutes from September 13 & 18, and October 4, 2023.

A motion to approve the September 13th & 18th, and October 4th, 2023 City Council meeting minutes was made by Curtis, seconded by Jon and the vote was unanimous.

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

No Vote: None

Resident Input

Liz Kirkley thanked staff for putting information online prior to meetings so that residents are able to review it and become better informed.

Youth Council Report

Alyson Hunt and Hailie Knight informed the Council that Trick-or-Treat Street will be held Friday, October 20th from 6:00 -9:00 P.M. at the Forrester Acres Park. The Turkey Trot will be Saturday, November 18th. The Youth Council will be helping with the Night of Giving on Saturday, December 2nd at Sky View High School. The Senior Ball will be held in March 2024. Curtis will forward the flyer for the Night of Giving to council members. He also encouraged the Youth Council to think about a backup plan for Trick-or-Treat Street in the event of inclement weather.

Presentation by CAPSA regarding October Domestic Violence Awareness Month.

Alyna Ohling provided a brief overview of CAPSA's services. CAPSA serves all of Cache Valley including Preston, Idaho, and the Bear Lake area. Domestic Violence is a pervasive issue; across the state, 1-3 women and 1-4 men are affected by interpersonal violence. The hope is that by raising more awareness, more people in need will reach out for support. Last year CAPSA supported 372 individuals who needed emergency shelter. There is a huge intersection between domestic violence and homelessness. The crisis support line handled 7,062 calls. The crisis line uses a Lethality Assessment Protocol (LAP). The number of law enforcement personnel linking individuals to help has doubled. Outreach has helped over 2,000 individuals. She highlighted the fact that "CAPSA is bigger than shelter/housing". There are a lot of outreach and education services provided. One of the goals is to offer support before escalation. The leading cause of homicide in Utah is domestic violence. Youth services are also expanding rapidly. CAPSA takes a holistic approach to the healing of families. She expressed gratitude for providing a platform where these issues can be discussed. She provided a copy of the annual report to each council member.

Curtis pointed out that local domestic-related incidents have risen and asked if the City is doing enough to help, he regrets not having more discussion at the City Council level. Alyna said law enforcement does a good job of connecting people to services. Anyone can recommend services. CAPSA has seen success rates climb. She also said council members are welcome to schedule a tour of the facility and learn more about the types of services provided.

Wade asked if the percentage of cases increases with population growth. Alyna said it is hard to determine if it is growth or the expansion of awareness. CAPSA has a \$5,200,000 operating budget; however, as the need continues to grow there is a focused effort on fundraising.

Discussion with representatives of the Cache Water District.

Nate Daus, Cache Water District Manager (CWD), summarized what the District has been doing. Cache Water District (an 11-member elected Board) was established seven years ago. The primary goal is to help communities and water rights holders in Cache County protect and use those rights more efficiently. The Great Salt Lake has become a primary focus of legislative water issues. The Bear River and its tributaries are a major contributor to the Great Salt Lake. When the legislature looks for solutions to maintain salinity levels, Cache County will be an integral part of that equation so the protection of water rights may become more of a challenge moving forward. CWD works with the different cities and canal companies in Cache Valley. Nate explained the Watershed Protection and Flood Prevention Act (PL-566) which authorizes the Natural Resources Conservation Services (NRCS) to help organizations plan and implement watershed projects. There are currently four PL-566 projects in Cache Valley. One is working with ten local canal companies (Logan, North Logan, and Hyde Park) to pipe and pressurize those systems and provide secondary water to those

cities and the agricultural land to the west. Another project is with the Wellsville-Mendon Irrigation Company which comes out of Hyrum Reservoir and services all the agricultural land throughout Wellsville, Mendon, and Petersboro. Another project is beginning with the canal companies coming out of Porcupine Reservoir. Franklin County is also the sponsor of a project which covers most of Lewiston City. Projects generally have a 2-3-year environmental study before they can begin so these will likely take about 10 years. CWD continues to be involved in working with the legislature; the last few years have included many water bills. The water-wise landscaping initiative is a good start but is not a long-term solution. Three years ago, the legislature passed a bill requiring secondary metering on all residential connections that come off a pressurized irrigation system. Smithfield City was a great example of why this did not make sense. Smithfield Irrigation runs out of water every year, so if residents hook to that and spend money putting in meters, water would never make it to the Great Salt Lake, which was the goal of the bill. CWD worked with the legislature last year to get all the local canal companies exempt from metering every home. He explained the reasons the legislature is very concerned about maintaining a healthy level for the Great Salt Lake. Earlier this year CWD and several other entities hired a firm to do a study of the Bear River. CWD has helped sponsor the water check program through Utah State University Extension to help with conservation; however, this program will be changed next year due to increasing costs and low participation. There are spring/fall water conferences held each year. He explained the cloud seeding program and the fact that this past year twelve million dollars was put in as one-time funding with five million dollars of ongoing funding. Cache Valley will have 15 remote generators as well as a plane that will fly out of the Logan Airport. Cloud seeding adds 3-8% of moisture to the snowpack.

Curtis asked how many water checks were done this past year? Nate said there were about 200 completed in 2022 and just under 150 this past summer. It has been hard to get people to sign up. Curtis mentioned how the Jordan and Weber Water Districts handle their billing/measuring systems which provide up-to-the-minute water usage. He asked if there could be funding to help provide this same data locally, which could help with conservation. Nate explained that they can do that because they have higher budgets and water development funds. CWD's operating budget is \$275,000 annually. He said there are some grant funding opportunities through the state that cities can look at.

Curtis said individual cities run their water programs; some of the fear of the CWD is that they will want to "take over". Nate explained that CWD has been set up differently than other water districts in the state. The creation of the District (a taxing entity) was on the 2016 ballot and approved by residents. It was not formed to take over existing water rights, but to help better communicate and protect water rights in Cache County.

Nate confirmed for Deon that some of the larger water districts have water rights but CWD does not.

Deon and Jon are involved with the Cache Highline Water Association.

Curtis, who recently changed his yard to a more water-efficient landscaping, said it

was difficult to do and to get information from the state. Nate agreed and said CWD does not have a program set up and it is more difficult for individuals in smaller communities.

Nate answered for Wade that CWD can help with culinary and secondary water issues. Wade advised that the current upgrade to the City's culinary system is costing six million dollars for a new spring waterline. Wade asked Nate if there are any grants or funding that might help. Nate said there are possible grants for culinary through the Division of Drinking Water. It can be difficult to upgrade the infrastructure. The legislature is looking at how to come up with funding for the state to upgrade systems.

Wade mentioned some concerns with the Smithfield Irrigation Company regarding metering and possible reallocation of funding and asked Nate to contact them for more details.

Regan Wheeler pointed out that historically water infrastructure has been robbed, and there is not enough money to keep the system healthy and well-funded. Often times cell phone bills and/or cable TV cost more than water bills. Although it is difficult to raise taxes, doing so a little at a time will be helpful.

Discussion and possible vote on Ordinance 23-26, an Ordinance rezoning Cache County Parcel Number 08-117-007 from CC (Community Commercial) to GC (General Commercial). The parcel is located at 869 South Main and is 0.68 acres. The request was submitted by Jess Roberts.

Jess Roberts with Skin Haus Salon explained they currently have an aesthetic spa and want to add more options such as tattoos, permanent makeup, and microblading services which requires a zone change from Community Commercial (CC) to General Commercial (GC).

Wade noted that the Planning Commission recommended approval. Brian stated the only difference between CC and CG is the option of having a residential component. None of the businesses around this salon have a residential element so the request fits in with what is around it.

Jess confirmed for Deon that the property owner has signed off on the request.

A motion to adopt Ordinance 23-26, an Ordinance rezoning Cache County Parcel Number 08-117-007 from CC (Community Commercial) to GC (General Commercial) was made by Curtis, seconded by Sue and the vote was unanimous.

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

No Vote: None

Discussion and possible vote on the request by Visionary Homes for approval of the Final Plat for the Village at Fox Meadows PUD, Phase 7, a (16) lot/unit subdivision located at approximately 600 North 770 West. Zoned R-1-10 PUD (Single-Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone).

Brian said the Planning Commission has recommended approval for the last phase of this PUD.

Deon pointed out that the surveyor has indicated that there is a roadway vacation required (on the east side) and recommended continuing this item until that issue is taken care of. If Smithfield vacates the road after the plat has been approved, there could be a question about giving up easements on the front end of those lots. He would like to see the proper procedure of vacating the land happen before approval. Brian said this has been a long-standing issue (between the County and City) over ownership of this area. The Cache County mapping system indicates County ownership; however, the County claims the City owns the land. Deon said if the property is owned by Smithfield, the City will also own part of the lots.

Jon asked if the County will stand in the way if the City moves forward with the vacation process. Brian stated they could if they wanted to. There have been discussions with the County Surveyor, the County Recorder, and the County Planning Department on this issue.

Ben Moss, with Visionary Homes, said the County GIS indicates this is a representation only, not a legal description. The developer is doing the burden of the work to show the true boundaries. The issue is that someone from the County, a long time ago, tried to make sense of the boundary lines. The City cannot show that they have an explicit right-of-way on those particular properties. It is prescriptive only. Deon said there is a difference between prescriptive and actual ownership. A vacation requirement means that it is not prescriptive. The County maps show 800 West is a City/County road. Deon believes that it should be vacated before it is approved and is not comfortable moving forward until the issue is resolved.

Curtis asked what the solution would be. Brian said the staff can find out more details. Curtis asked what a continuation of the proposal would do; Ben said it would not be catastrophic but he does not want to see it continue to be tabled. Ben is satisfied with what has been submitted but will proceed as the Council would like.

Wade deferred to Deon's opinion and would like to see this issue handled correctly. He agrees it would be good to continue this so it will not become a legal issue.

Curtis asked how long it would take to find a solution. Brian said it depends on who owns the property. Deon said if this was a County road when it was annexed, it likely became the City's property. Brian said the City is currently maintaining the road. Clay said his understanding is that the County transferred ownership to the City.

Justin said if the property was surplused it would require a public hearing and go before the Planning Commission and City Council. This will need to be reviewed by legal counsel. A map is not the same as a legal description.

A motion to **TABLE** the request by Visionary Homes for approval of the Final Plat for the Village at Fox Meadows PUD, Phase 7, a (16) lot/unit subdivision located at approximately 600 North 770 West. Zoned R-1-10 PUD (Single-Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone) until the land being vacated is properly recorded was made by Jon, seconded by Curtis and the vote was unanimous.

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

No Vote: None

Discussion and possible vote on Ordinance 23-25, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, adding in its entirety Section 16.04.090 “Subdivision Amendments”

Brian said this proposal is to include the addition of a link to the State Code in regard to final plat amendments.

The Planning Commission recommended approval.

A motion to **adopt** Ordinance 23-25, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, adding in its entirety Section 16.04.090 “Subdivision Amendments” was made by Curtis, seconded by Jon and the vote was unanimous..

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

No Vote: None

Discussion and possible vote on Ordinance 23-28, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.12 “Final Plats”, Section 16.12.030 “Preparation and Required Information” and Title 17 “Zoning Regulations”, Chapter 17.89 “Mixed-Use Overlay Zone”, Section 17.89.110 “Screening”.

Brian said this Ordinance would remove the wording Logan City Environmental from the municipal code where the city no longer works with Logan City in this regard.

The Planning Commission recommend approval.

***A motion to **adopt** Ordinance 23-28, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.12 “Final Plats”, Section 16.12.030 “Preparation and Required Information” and Title 17 “Zoning Regulations”, Chapter 17.89 “Mixed-Use Overlay Zone”, Section

17.89.110 “Screening” was made by Jon, seconded by Curtis and the vote was unanimous.***

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

No Vote: None

Discussion and possible vote on Ordinance 23-27, an Ordinance amending the Smithfield City Code Title 17 “Zoning Regulations”, Chapter 17.36 “Signs”, Section 17.36.060 “Permitted Signs: Permits Not Required”.

Justin said the proposed Ordinance is not based on any issues or concerns with current candidates. The changes will better clarify the rules for election signs. If the ordinance is adopted it will not be enforced until next year. Justin confirmed for Curtis that the City building is considered a “polling place” because it has a place to drop off ballots even though the election will be held through mail-in voting. The planning commission reviewed the proposed Ordinance and recommended approval. Election signs would be allowed to be placed 30 days before the Primary Election and 30 days before the General Election. Signs must be taken down no later than seven days after the election. In areas where there is no curb and gutter or sidewalk the signs must be at least ten feet back from the edge of the road surface. Where there is curb and gutter but no sidewalk the signs must be at least ten feet behind the curb and gutter.

A motion to **adopt** Ordinance 23-27, an Ordinance amending the Smithfield City Code Title 17 “Zoning Regulations”, Chapter 17.36 “Signs”, Section 17.36.060 “Permitted Signs: Permits Not Required” was made by Curtis seconded by Sue and the vote was unanimous.

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

No Vote: None

COUNCIL MEMBER REPORTS

Fire Chief Jeff Peterson said people currently involved with CERT (Community Emergency Response Team) are not happy with something that happened years ago. There was a lot of initial interest in the CERT program and then they were “cut loose”. He is in favor of the program; however, it should be supplemental to, and tap into, current plans. The biggest plans in this area come from the LDS Church and how to do neighborhood rapid assessments. He has met with leaders from three LDS stakes in Smithfield. People interested are all cautiously optimistic about getting the program going again. The City must be prepared to follow through; the Fire Department is ready and can handle the program. He has submitted an application to FEMA (Federal Emergency Management Agency) to sponsor the program. He proposes to begin offering a class for up to 30 people next month. He has funds to cover the costs for the first class. Justin said the budget can be adjusted in December for ongoing classes/equipment. Curtis said there are people already expressing interest. Deon said there needs to be continued training. The Council agreed to move forward with a class next month.

Curtis asked about the cemetery sign. Jon has checked into the price of a slab from Evolution Design; however, Brown Monument will have to do the engraving. The price previously discussed of \$10,000 at a City Council months ago was much too high.

Curtis sent pictures of signs throughout the City using different sign products. He thinks stucco or metal might work well. Jon said the slab estimate is \$2,100, with the engraving it might be \$2,500. Justin asked about securing the sign. Curtis said a slab might break easily so other options could be considered. Jon will ask Evolution Design if there is a way to properly secure the slab. Curtis and Jon will work together and asked that this be added to the November meeting agenda.

Curtis said his water-efficient landscaping is completed and he has learned a lot. Next week there will be a meeting for the grant for the Senior Citizen Center. The logs on the historic cabin need to be oiled and the price will be added to the application request. Jon will also attend the meeting. The grant is a CDBG (Community Block Development Grant).

Deon said 37 units of blood were collected at the Lions Club Red Cross blood drive. The Lions district convention will be held at the Youth Center next Friday-Saturday. There will be a food drive on Saturday. There will be a diabetes walk from the Youth Center to Forrester Acres Park. The Tree Committee has applied for a grant which is being reviewed and if approved could provide up to \$15,000.

Jon said the demolition and framing on the Douglass Mercantile Building has been done. The existing sewer drain will not work. Jon has talked with staff about a potential new sewer line. Justin said the Public Works Department has been asked to review it and obtain a cost.

Wade appreciates that some trees in various park strips have been trimmed. Justin said they have tried to clean up areas where there has been construction. Trees can be an everlasting battle to keep maintained, Public Works has been working on a possible plan. The staff is working on trimming trees in intersections where signs are blocked; Justin asked council members to let staff know of areas of concern. Wade said the creek crossing at Mack Park should be looked at. Shawn Bliss, the Library Director, has some ideas for new programs and providing a modern need.

Justin said winter parking restrictions will begin November 15th. Wade asked how garbage service would be handled with snow. Justin said it is a “work in progress”. The current contractor is trying to be a good steward, especially in the construction areas. Justin encouraged council members to continue to advertise the new noticing system.

*** Wade made a motion to adjourn at 8:23 P.M.***

SMITHFIELD CITY CORPORATION

Kristi Monson, 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, October 11, 2023**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Jon Wells

1. Approval of the city council meeting minutes from September 13th and 18th and October 4th, 2023.
2. Resident Input
3. Presentation by CAPSA regarding October being Domestic Violence Awareness Month.
4. Discussion with representatives of the Cache Water District.
5. Discussion and possible vote on Ordinance 23-26, an Ordinance rezoning Cache County Parcel Number 08-117-0007 from CC (Community Commercial) to GC (General Commercial). The parcel is located at 869 South Main and is 0.68 acres. The request was submitted by Jess Roberts.
6. Discussion and possible vote on the request by Visionary Homes for approval of the Final Plat for The Village at Fox Meadows PUD, Phase 7, a (16) lot/unit subdivision located at approximately 600 North 770 West. Zoned R-1-10 PUD (Single Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone).
7. Discussion and possible vote on Ordinance 23-25, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.04 "General Provisions", adding in its entirety Section 16.04.090 "Subdivision Amendments".
8. Discussion and possible vote on Ordinance 23-28, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.12 "Final Plats", Section 16.12.030 "Preparation and Required Information" and Title 17 "Zoning Regulations", Chapter 17.89 "Mixed-Use Overlay Zone", Section 17.89.110 "Screening".
9. Discussion and possible vote on Ordinance 23-27, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", Chapter 17.36 "Signs", Section 17.36.060 "Permitted Signs: Permits Not Required".
10. Council Member 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.