

SMITHFIELD CITY COUNCIL

FEBRUARY 12, 2014

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, February 12, 2014. The meeting began at 6:05 P.M. and Mayor Darrell Simmons was in the chair.

The following council members were in attendance: Dennis Watkins, Barbara Kent, Kris Monson, and Brent Buttars. Jeff Barnes was excused.

City Manager James Gass and City Recorder Justin Lewis were also in attendance.

The opening remarks were made by Council Member Monson.

VISITORS: Dave Barnes, Alicia Facer, Jeffry R. Gittins, Johnny W. McCoy, Travis Allen, Jason Ostermiller, Kelly Christoffersen (Skyline A/E/S), Nefi Garcia (Verizon Wireless)

CONSIDERATION OF CONSENT AGENDA

APPROVAL OF THE MINUTES OF THE JANUARY 22, 2014 CITY COUNCIL MEETING

After consideration by the council, the Mayor declared the consent agenda for the January 22, 2014 city council meeting minutes as approved.

RESIDENT INPUT

There was not any resident input.

DISCUSSION AND POSSIBLE VOTE ON A REQUEST FROM SMITHFIELD IMPLEMENT CO. TO DISPLAY ITEMS IN THE PARK STRIP AREA ON THE EAST SIDE OF THEIR BUILDING IN THE SPRING AND SUMMER MONTHS.

Jim informed the council this was a yearly request by Smithfield Implement to be able to display lawnmowers and a small shed in the park strip area to the east of their building. Normally, two days are reserved for the city being allowed to maintain the area and on those days the implement does not put anything in the park strip area.

Mayor Simmons asked Jim if there was any reason to change what had been done in the past? Jim stated the agreement had worked well in the past and that the implement was good to work with if the weekly schedule needed to be modified.

Kris thought the council had agreed that this arrangement did not need to be renewed yearly unless some issues arose. Jim said that was a possibility but did not know for sure. Jim suggested that the same agreement as in the past be approved and then the council could decide in the future if the request needed to come before the council again.

A motion to approve allowing Smithfield Implement Company to display items in the park strip area on the east side of their building during the spring and summers months on Tuesday, Wednesday, Friday and Saturday was made by Dennis, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Buttars

No Vote: None

Absent: Barnes

DISCUSSION AND UPDATE FROM SKYLINE A/E/S ON THE ARCHITECTURAL PLANS FOR THE LIBRARY RENOVATION AND EXPANSION PROJECT.

Kelly Christoffersen from Skyline A/E/S came before the council to give an update on the design plans for the library expansion and renovation project.

Kelly stated that the project is about ready to go to bid and he hopes the project is ready to bid by February 21st. The design plans presented to the council showed the existing building as well as the new building. The new building will still have the Carnegie style but some glass curtain walls as well. The new building will be two stories and 2,800 square feet per story. The existing library building is about 2,100 square feet per story. Red brick will be used on the new building and it will be matched as closely to the existing library building color as possible but will not be an exact match.

Brent asked if the brick on the new building should be painted to match the same color as the existing building? Kelly stated that once the brick is painted that it will have to be maintained and painted again in the future and he recommended against doing that. Jim stated some of the historic flavor would be lost if the building is painted. Kris commented that if the new building is only a shade or so different that won't be bad. Kelly commented that the exact color had not yet been picked. The texture of the new brick will not be like the existing brick as that texture is not available and it is too expensive to have a custom brick and color produced. Brent commented that the top of the new Sky View High School building is painted and does not look bad.

Kelly informed the council that above and below the windows there would be a precast seal and it would be clad in aluminum.

Mayor Simmons asked if there would be an issue blending the new brick and the old brick where the buildings come together and touch each other? Kelly stated that the way the area is designed that the two colors of brick will not touch each other. All of the old brick will be saved when the two buildings are connected and that brick can be utilized elsewhere like on the front stairs that are in disrepair.

Kelly mentioned that the windows in the breezeway area had been removed at the request of the library staff as they wanted an area to display artwork that did not have any sunlight.

Brent and Jim both commented they liked the glass areas on the new building and how they are incorporated into the building.

Brent asked Kelly what the steps are for on the drawing? Kelly stated they were just a way to connect the new and old buildings and there is an emergency exit on the floor plan as well for the old building.

Mayor Simmons asked if the landscaping on the drawing was conceptual or actual? Kelly stated it was just conceptual at this point but the areas were defined where there would be landscaping. The actual grade of the area will be tied in between the buildings with grass. There will be nice landscaping in the planter strips in the parking lot. The trees shown on the plan are all existing trees.

Jim stated there will be a memorial area where the old city office building was located. Jim met with a USU professor and he would be assembling a team of landscape students to create the design of the memorial area. Jim anticipated a concept plan to be ready sometime this spring. Jim informed the council he had given the Professor; Ralph Erickson's contact information so the Historical Society could be involved in the memorial planning process as well. The area is full of historical buildings with the Carnegie library, youth center, Smithfield Implement building, the old bank where Every Blommin' Thing is located as well as the depot building where Wells Fargo is located.

Kelly mentioned that by the patio area there will be a significant grade change and they will try using the existing grade where they can.

Barbara asked if the children's library area would be light or shady? Kelly stated that area would be very open and lighted. The special collections area will be moved upstairs to a new walled off room that does not have any outside light. There will be study rooms upstairs as well. New windows will be installed in the back of the upper floor of the old library as well. Jim stated the walls in the study room area won't go all the way to the ceiling to allow for better ventilation and light.

Kelly stated the new building will have a circulation area, work room, library stack area, restroom, elevator and egress stair system. The floor heights between the new and old buildings will not match. Ramps and a couple of stairs will be necessary to meet the grade and connect the buildings.

Brent asked why the heights could not be matched from building to building? Kelly stated there was too big a difference in the grade from the area of the new building to the old building and that it could not be done.

Jim asked Kelly to inform the council of what would happen with the existing entrance on the old building. Kelly stated the current entrance will be used for egress only. The area will be dressed up as part of the project and the stairs will be redone. The current entrance will mainly be used as an emergency egress. Exiting the building will occur through the new building other than in the case of an emergency.

Mayor Simmons asked how many new parking stalls would be added? Dennis stated around 30 to 33.

Brent asked how the building was being designed to add onto in the future if needed. Kelly stated that after review it would be more economical to leave the new building as-is and add another new building in another direction if needed. A new building would be its own structure. The new library building will be a super steel structure and portions of the walls can be removed if needed. Additional buildings could be added north, south or west of the new building. The most likely options would be north or south.

Mayor Simmons asked if it would be possible to include solar power on the new building? Jim stated that topic had been briefly discussed at the last meeting with Kelly and that right now the timing of this project is not right for solar power on this building. The building would be designed to accommodate solar power in the future. Brent suggested if solar power in the future was a possibility that the walls be extended above the roof line to cover up seeing the solar panels. Kelly stated the height of the walls could be increased if needed. Jim stated the current design will allow for solar power to be connected in the future and an available option for down the road.

Mayor Simmons stated he would like to see a schematic of the electrical to see where the technology areas will be built in. Jim stated that Dale Cox and the library staff had met with Kelly and gone over where all of the computers would go. Wi-Fi will be available throughout the entire building.

Dennis stated that the study rooms were a desire and request of the library board. Dennis thought that was a great idea to have private study areas. The areas are not very large but a lot of things can be done in them. Barbara commented they would be good for tutoring or reading.

Mayor Simmons stated that many months ago there had been talk about a kitchen area. Was a kitchen included in this design? Kelly stated there would be a small counter for a break area but would not be a kitchen area.

Mayor Simmons asked if the break area would be useful for instructional teaching on things like canning? Jim stated that would not work. There were many wants and desires in the building but the biggest issue was the amount of available space on the current budget. The new building was just not big enough for a kitchen.

Kelly informed the council that the new building would be concrete over a metal deck and the material would be non-combustible. The existing building is a wood frame building.

Brent asked if there were new fire restrictions on the design of the new building? Kelly stated that new building was small enough that the fire restrictions did not apply. Jim stated the new building would not have a sprinkling system. Brent asked if special fire proof doors would be required? Kelly said they are not.

Jim asked Kelly to confirm when he thought the project would go to bid? Kelly said he was focused on February 21st and that the design process would not take longer than the end of the month as there were only a couple of things left to finalize.

Jim asked Kelly to provide a set of construction plans as soon as possible for the city building inspector to start his review process. The city wanted the plans reviewed before the project went out to bid.

Dennis said one concern of the library board is when to shut down the existing library and move to the new building and how that transition would work. Kelly stated the new building would be completed without opening up the existing building. There will be a major electrical upgrade in the old building that will probably take a week or so to complete. The library will most likely be shut down for a week not a month. Once the new building is occupied then the old building will be opened up and the work started. Dennis stated that was livable as the board was concerned it would be shut down for months. Kelly stated the goal was to make the transition as painless as possible.

The Mayor thanked Kelly for coming before the council and showing the design and floor plan of the building as well as answering questions.

Dennis stated there are water stains on the brick on the existing building and he was hopeful that the brick could be cleaned up. The renovated front entrance and stairs would be a great addition as they are in terrible condition. The awnings are in bad shape and need to go as well. Jim stated the awnings would be gone and they had served their purpose for long enough. Dennis mentioned that the basement entrances would be going away as part of the renovation project as well.

DISCUSSION WITH THE CHIEF OF POLICE ON THE SELLING OF POLICE DEPARTMENT EQUIPMENT WITH CERTAIN RESTRICTIONS.

Chief McCoy informed the council that the police department was in the process of recycling their firearms; specifically their handguns. The current handguns are approximately 13 to 14 years old and the department is replacing them. The current handguns will need to be surplus. There are 11 handguns which are Glock Generation 2 or Generation 3 and they are all 40 caliber.

Chief McCoy stated according to the State of Utah code there are three ways to surplus the guns of the department. One option was to trade-in the current handguns to the seller. A second option was to sell the guns to a legally constituted law enforcement agency. The third option is to sell the guns to a P.O.S.T. certified person and put on the paperwork the name, serial number and signature of the purchaser and that the department authorized the sale. Selling the guns to the general public is prohibited. A fourth option would be to keep the firearms as backup guns. The new guns are a Glock Generation 4. Most of the current guns were purchased in the fall of 2000 and three of them were purchased five to seven years ago. The new handguns were purchased through Salt Lake Wholesale. The trade-in value of the old guns would be about \$250 to \$275 depending on the condition.

Chief McCoy asked if the council would consider giving the old handguns to the officers as there was some sentimental value as these were the first handguns purchased for the department. The originals were a Model 22 and then when Travis Allen was promoted three new Model 23's were purchased. That was a big turning point in the department and the guns hold a historical value to the officers according to Chief McCoy. Chief McCoy asked that the guns be given to the Smithfield City Police Department officers without cost or at a minimal cost.

Kris asked why new handguns were needed? Chief McCoy stated that most departments rotate their handguns every five to ten years. Logan and North Logan just upgraded to Glock Generation 4's as well. It is an industry standard that they are upgraded on a periodic basis. The guns do experience wear and tear as they are carried on the officers hip eight hours per day or about 2,080 hours per year and the departments guns are 13 to 14 years old. The guns do get banged up being carried every day. The officers shoot about 1,000 practice rounds per year so most of the handguns have shot around 13,000 rounds. The trend is to rotate them over time to keep the officer with a sound firearm. When Jake and Travis were on the SWAT team they shot around 6,000 rounds per year. There is qualification shooting every second or third month for members of the department as well.

Dennis asked for clarification on the three scenarios; specifically the sale of the handgun to a member of a police force. Chief McCoy stated that the handguns can be sold to a P.O.S.T. certified individual if the city approves of the transaction. Any P.O.S.T. certified person would qualify; not just members of the Smithfield PD. P.O.S.T. stands for Peace Officer Standards and Training.

Dennis commented that he only remembered budgetary funds being allocated for the purchase of one handgun in the current budget year. Chief McCoy stated that the council had given the department money to rotate them out and get new ones and the police department is not over budget.

Dennis stated that he only recalled the request being for one handgun and it was to go on the shelf and be used for reserve purposes. Chief McCoy stated that was a discussion from about a year ago and the purchase of one handgun was for reserve purposes. Dennis asked Chief McCoy if that handgun had been purchased? Travis Allen stated that the reserve weapon had not been purchased.

Dennis asked if funds had been allocated in the current budget year for the purchase of all the handguns? Mayor Simmons stated there was nothing specific in the budget for handguns. Chief McCoy stated the department was still within budget.

Mayor Simmons asked for clarification on the appraised value. Chief McCoy stated the offered trade-in value would be \$250 to \$275 per handgun.

Mayor Simmons asked what is the cost of a new handgun? Travis Allen stated the cost for a new Generation 4 Glock is \$416.

Mayor Simmons asked if they could be sold back to a dealer? Chief McCoy stated that was correct; the guns could be sold to a dealer or sold to another police department.

Mayor Simmons asked where they are surplus if they need to be put out and advertised for sale? Chief McCoy stated that the department could do that and notify other departments they are for sale if the council chose to go that direction. Mayor Simmons stated the trade-in value would help to offset the cost of the new guns.

Mayor Simmons asked how much sentimental value there could be in the guns? Chief McCoy stated that all of the officers had asked if they could keep their current weapon. It would be nice to offer the weapons at a low cost to the officers according to Chief McCoy. Chief McCoy stated that himself, Travis and Sal all have the longevity with the department. The guns are a part of the history of the department and when it was opened.

Mayor Simmons stated that the idea of giving the guns to the officers was a new twist from his previous discussions with the Chief on this matter. Chief McCoy agreed and said that it had been recently mentioned by members of the department and he was asking the council to consider that option. Mayor Simmons stated there was significant value in the old handguns and that would help to offset the cost of the new ones. Over half the cost of the purchase could be recouped by trading in the old handguns. The cost of a new one is \$416 and the trade-in value of the old one is \$250.

Travis stated some of the advantages of the new guns is they can be used by both right and left handed officers and the current weapon is for right handed shooters only. There is a reduction in recoil in the new ones as well. Chief McCoy asked Travis to explain the new safety precautions in the new guns. Travis stated there is not an external safety but that there are three internal safeties. The grip is made of a polymer material Chief McCoy mentioned. Travis also mentioned that the Generation 4 model has an adjustable grip and the gun can be made to fit into the officer's hands. The magazine will release from both sides and there is a double spring mechanism that helps to reduce recoil which allows for the shooter to maintain target accuracy. The Generation 4 is a military grade gun and has been tested in all elements from dirt to dust to ice. Chief McCoy stated that there is an internal firing pin making the pistol hard to self-discharge.

Mayor Simmons asked if the guns were used in the line of duty very much as to his knowledge they were almost always only used for training purposes? Chief McCoy stated that thankfully he had only discharged his pistol in training and had not been forced to pull the trigger in the line of duty. Chief McCoy mentioned he had drawn his handgun in the line of duty but had not fired it.

Travis thanked the council for having the armory budget to allow making this purchase this year. The current guns are getting old. One of the old guns had to be sent in for repair. The guns are slowly wearing but not breaking. It would be a liability issue if one of the guns fails. The guns are inspected yearly where springs are replaced and internal mechanisms cleaned and changed as needed. The guns are kept in the best possible shape.

Barbara asked if the new guns had been purchased? Chief McCoy stated they had been received by the department last week. Barbara commented the only thing to decide then was how to surplus the old ones. Chief McCoy stated there are eleven that can be surplused. Eight Model 22's and three Model 23's. The barrel on the Model 22 is an inch longer than the Model 23.

Kris asked if the city had surplused equipment in the past to city employees at a discounted rate if the equipment could bring more dollars in from being sold elsewhere? Jim stated he was not aware of an instance in the past where something like that had happened. Chief McCoy stated that other city equipment had to be surplused and the guns are not required to be surplused. Chief McCoy stated he was just asking the council to consider the thoughts of the department.

Barbara asked if the intent was to surplus all 11? There could possibly be a compromise where some of the guns are worth a little bit more than others. Consider looking at those with sentimental value and selling the others. Chief McCoy commented that the department was asking for all 11 to be given to the officers but if the council wanted to split up the request that would not be a problem. The only thing that was prohibited was selling the guns to the general public. Mayor Simmons stated that the guns could be purchased by the general public but that they would have to do it through an authorized gun dealer.

Dennis stated that he thought one of the old handguns could be kept as a spare as the budget allowed for one spare handgun to be purchased. Now that gun would not need to be purchased and one or two of the old guns could be kept as spares. Dennis commented that he was not opposed to being kind to employees but that was a lot of money being left on the table that could be allocated elsewhere. There was not really any longevity in the department other than three of the current members. There is not much of a sentimental value for an officer that had only been with the department for a year or two in Dennis's opinion. Those officers would just be getting a good deal on a handgun. Dennis suggested keeping two as spares and then getting the best possible value out of the remaining guns. The money is needed and could offer a value that could be utilized in the budget.

Mayor Simmons stated he did not have an issue giving the officers the first option to buy their old handgun at the appraised value.

Mayor Simmons stated that this was just a discussion item at this point as the new guns had been purchased and were in service and the council could decide at a later time how to dispose of the old weapons. Some of the suggestions that were mentioned in the meeting had not been talked about before this meeting. There had been a precedent set in the past of not giving away city equipment. The decision needs to be equitable for the city and the police force.

Chief McCoy stated that Logan had traded-in all of their old guns but they have been in operation over 100 years and North Logan traded-in theirs as well and they have been in operation over 75 years. Both of those departments had rotated their weapons several times. This would be the first rotation of the weapons by the Smithfield City department which is a special time according to Chief McCoy.

Chief McCoy introduced the newest member of the police department; Officer Jason Ostermiller. Jason had worked with the Logan Police Department for 17 years and currently resides in Providence. Chief McCoy stated he was very excited to have Jason on the force and that he is very experienced.

Chief McCoy informed the council that Officer Ostermiller resides in Providence which is located outside of approved radius of the city requirements. Chief McCoy asked the council to consider allowing Officer Ostermiller to continue residing outside of the required radius. Chief McCoy also requested that since Officer Ostermiller is a full-time officer and is assigned a police car that he be allowed to take it home to his residence even though he is located outside of the allowed radius. According to the information that Chief McCoy had found on Google; Officer Ostermiller was located approximately $\frac{3}{4}$ of a mile outside of the allowed radius. Chief McCoy asked the council to consider these two requests.

Mayor Simmons welcomed Jason as a city employee and officer in the police department.

DISCUSSION AND POSSIBLE VOTE ON A STUDY REGARDING WASTE WATER TREATMENT OPTIONS.

Jim reminded the council that at the last council meeting it had been discussed about joining with Hyde Park City and North Logan City to do a study to see how feasible it would be to have a separate waste water treatment facility for just the three communities. The Logan lagoons will no longer meet the discharge standards that have been set by the EPA. The best option to meet those requirements is to go with a mechanical plant. Smithfield has been sending its waste to Logan for the last 23 years. There have been a few challenges over the years but they have been overcome. North Logan floated the idea of seeing if it would be feasible for the three communities to have their own plant. The initial study was much more detailed than the current proposal. The proposed study would give the answers that the council is looking for but not be as detailed as the previous study. A couple of locations would be studied and a couple of treatment options considered. This would be more of shoe string study and if a more in depth study was needed later than it could be investigated in more depth at that time. The price of the detailed study was around \$31,000; the cost of the proposed study has been taken down to \$13,500 which is a big savings.

Barbara asked if the \$13,500 was per community or the total for the entire study? Jim stated the total cost would be \$13,500 and that cost would be split by the three communities. The study will look at two locations of the plant and collection and pumping of the effluent. Most likely North Logan will have to pump their waste to a central point which would be at their cost. It is questionable if Hyde Park will have to pump or not. Each city would be responsible to get the waste to a central location at their expense. The standards that Logan has to meet is what would be considered for this study and the current flow numbers of the three communities would be utilized. The study would show the cost estimates of the facility as well as the costs to get the effluent to the facility. The study will also show the costs to operate the plant moving forward such as electricity, chemicals and manpower. Brent commented that the operating costs could be somewhat of an unknown. Kris commented that employees will have to be hired whether there is one community or all seven involved. Jim stated that an operator would have to be hired and

the costs of all maintenance costs shared. Brent mentioned that Hyrum City has three full-time employees running their system. Jim stated that not just one person would be hired for this plant to operate. There would need to be more than one as employees have weekends, sick days, and vacations and it would not work to just hire one employee. There are about 23,000 residents between the three communities.

Jim stated another option would be to form a district where all of the cities had a stake in the facility and operation and not just Logan City. Jim informed the council that Logan City is resistant to the idea of forming a district at this time but all of the other communities are still looking into that idea. Barbara asked Jim why Logan would be resistant to a district? Jim stated it might be a money issue as Logan City makes money off of the sewer system and transfers money from the sewer fund to the general fund periodically. Logan also likes to have control of the system. Logan owns the sewer lagoons as they built them and are the service provider. On the Wasatch front there are several districts where every city has some form of ownership. Right now, Logan would build the facility and Smithfield would contract with Logan but Logan would have all the say and decide the monthly rate. Smithfield City would not have a say which is not the best situation in Jim's opinion. Now the process is being started new; Jim thought that all options should be investigated. Smithfield needs to know if it does not work out with Logan is it feasible for Smithfield to have its own plant. The public wants know that answer and they want to know if it is feasible for the city to just be by itself for sewer treatment and not include Hyde Park or North Logan as well. For a small investment of just over \$4,000, per city, all three cities can have some answers to their questions.

Mayor Simmons asked what the State of Utah guidelines will be? Should the State of Utah be involved in the study? Dennis stated that was part of the scope of the work in the study. Jim mentioned that the exact requirements are unknown but that they should be about the same as Logan and the study was based off of the requirements that Logan has to meet. All of the byproduct will eventually end up in Cutler reservoir. Barbara stated that a reasonable assumption would be that if the same requirements are met that the city or cities would be granted a permit to discharge.

Mayor Simmons asked Justin about some of the challenges of the Richmond MBR Plant? Justin stated that Richmond treats about 500,000 gallons per day at an electrical bill cost of about \$6,000 per month. The amount of waste going into the Logan system or three community system would be much greater than that amount and it would need to be determined if the electrical bill of such a facility would even be feasible elsewhere.

Jim stated that the lagoons were a good option at that time as they are not capital intensive. The effluent just flows through. The request the council is being asked to consider is joining with Hyde Park and North Logan to pay for a study to determine if there is any merit in leaving the Logan system and making a new system. Dennis stated that he had read the scope of the study and thought it was great. From the information in the three city study it should be quite easy to determine if there is any merit in a single city system. Jim stated if the study shows that it is not feasible for three communities it certainly won't be feasible for one community.

Dennis mentioned that the sewer district is a logical solution but the answers to all three options are needed before decisions can be made. The council and residents need to know the cost of a single city system, three city system and the Logan system.

A motion to approve the waste water treatment facility study by Sunrise Engineering at a cost of \$13,500 to be split equally between Smithfield City, Hyde Park City, and North Logan City was made by Dennis, seconded by Barbara and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Buttars

No Vote: None

Absent: Barnes

Mayor Simmons stated the other two communities were on board with doing the study. Jim stated that the other two communities have already approved entering into the contract for the study. Smithfield will sign the contract with Sunrise Engineering and then invoice the other two communities for their share of the cost when the study is completed.

DISCUSSION WITH VERIZON WIRELESS ON THE CONSTRUCTION AND DESIGN OF THE CELL PHONE TOWER AND BUILDING AT THE GOLF COURSE.

Nefi Garcia came before the council to discuss the proposed cell phone tower and building at the golf course.

Nefi informed the council that he works for Verizon Wireless in helping to get new tower sites setup in Utah and Idaho. The new tower at the golf course has been in the works since 2008. Nefi informed the council that he did not get involved in the process until after the site was selected and a lease agreement reached. In 2012, there was an amendment to the lease agreement and the city was paid some funds to keep the agreement in place.

Nefi mentioned that he had sent the proposed construction drawings to both Jim and Chad Daniels for their review. The plans now are different from the original plans in 2008 or 2009.

Nefi stated he did need the approval of the council for the proposed tower pole. Nefi understood the importance of the look of the tower since it was at the golf course and needs to be aesthetically pleasing. The proposed tower would be 30 feet tall and only have three antennas attached to it. The pole would have a 20" base.

Nefi stated he understood there was a concern of the council that it would not look like the tower located by Firehouse Pizzeria. That particular tower has about a 44" base. The taller the tower the wider the base that is required. The proposed tower is not much different than light poles in the area as they are on a base of approximately 15 to 16 inches in diameter. Nefi asked the council if they had any issues with a 20" diameter pole? Mayor Simmons asked what was originally approved? Nefi stated the original drawing showed a square pole but the diameter was not listed as it was a concept drawing. The diameter of the pole cannot be reduced to less than 20" due to the amount of wiring that needs to be run in the pole to get to the three antennas.

Nefi mentioned that the light poles in that area are approximately 21 feet 6 inches tall.

Brent asked if there was an ordinance issue with a 30 foot tall pole? Jim stated he thought there was an exception for telecommunication towers but that he would have to double check.

Nefi stated the diameter of the pole at the top would decrease to 17.25”.

Mayor Simmons asked what the height of flag poles by the city office are? Jim stated he was not sure of the height of the flag poles but that most telephones poles are around 40 feet tall.

Jim informed the council that the discussion back in 2007 was that the building and tower look like the clubhouse and street lights as much as possible. The idea was to not have the building and tower stick out any more than possible. Since 2007 lots of things have changed as there is a significant amount of more data being transferred. More and more cables are needed to meet the load of the system. Jim stated he felt it was important for the council to review the plan since it had been a long time since it was previously approved.

Mayor Simmons asked how the tower would be expanded if needed? Nefi stated the same pole would always be used they would just change the existing antennas.

Jim stated the tower will be painted the same color as the local parking lot lights which is a brown or bronze color. The tower will not be silver. Nefi stated that everything will be painted to match; including the antennas.

Mayor Simmons asked if there would be a flashing light on top as a requirement? Nefi stated that one would not be required.

Brent stated he was fine with the proposal as long as it met city ordinance. Kris agreed with what Brent had stated. Barbara stated she was fine with the proposed changes as she now understands why the request has been made.

Jim stated that a request had been made to change the roofing material from the Verizon plan. Verizon had requested a metal roof but the city had asked for the roof to be done in asphalt shingles to match the clubhouse look. The look of the building will be like the clubhouse as well. Jim asked for a consensus of the council if they would allow the changes to the plan so Verizon could move forward with the project.

With consent of the council; Mayor Simmons authorized the requests of Verizon on the building and tower to be granted.

PUBLIC HEARING TO DISCUSS ORDINANCE NO. 13-09 WHICH AMENDS THE SMITHFIELD SUBDIVISION REGULATIONS, TITLE 16; SECTIONS: 16.06.040 “PROCEDURE”; 16.06.080 “RECORDING OF PLAT OR FILING OF RECORD SURVEY”; 16.12.040 “PREPARATION AND REQUIRED INFORMATION”; 16.09.040 “APPROVAL OF PRELIMINARY PLAT” AND AMENDING THE LAND USE

**ORDINANCE, (ZONING) TITLE 17; SECTION: 17.36.070 “PROHIBITED SIGNS”;
17.40.010 “BUILDING PERMIT REQUIRED”.**

Jim informed the council that most of this ordinance addresses the changes in the Cache County Surveyor office. That position with the county had been abolished and now the county contracts with J-U-B Engineers for surveying needs. Since the position has been abolished the city ordinance needs to be changed to reflect not needing the requirement of the final plat to be signed off by the county surveyor office. Statutory requirements will be met and the county will no longer be reviewing plats. The ordinance is being changed to reflect this change. The final plat will be filed when complete at the county recorder's office.

Jim stated that part of the change was also to the flashing signs. Currently, it is a requirement that the message signs display the date, time and temperature and the council has discussed previously removing that requirement. No new signs had been granted recently or requested as well. The last sign that needed to meet this requirement was at Preston Watts Collision and Repair.

Jim also read the change to swimming pools. Jim stated that for years there had not been any permits issued for swimming pools but last year there were three requests. There is a code requirement for pools in a residential area with more than 5,000 gallons and less than two feet deep. If the pool is four feet deep the number of gallons does not matter. The permit requires security and fencing for these types of pools. The new change is to add the requirement if the pool is two feet or deeper. If less than that a permit is not required. This ordinance is mainly a house cleaning ordinance to clean up old issues that have been previously discussed.

****The regular council meeting was closed at 7:43 P.M. and the public hearing opened.****

Jeff Gittins stated that it would be nice to have copies of the ordinance available at the door for residents to be able to review.

****The public hearing was closed at 7:44 P.M. and the regular council meeting reopened.****

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE NO. 13-09.

****A motion to adopt Ordinance No. 13-09, AN ORDINANCE AMENDING THE SMITHFIELD SUBDIVISION REGULATIONS, TITLE 16; BY AMENDING SECTIONS: 16.06.040 “PROCEDURE”; 16.06.080 “RECORDING OF PLAT OR FILING OF RECORD SURVEY”; 16.12.040 “PREPARATION AND REQUIRED INFORMATION”; 16.09.040 “APPROVAL OF PRELIMINARY PLAT” AND AMENDING THE LAND USE ORDINANCE, (ZONING) TITLE 17; SECTION: 17.36.070 “PROHIBITED SIGNS”; 17.40.010 “BUILDING PERMIT REQUIRED” was made by Kris, seconded by Dennis and the vote was unanimous.****

Yes Vote: Watkins, Kent, Monson, Buttars

No Vote: None

Absent: Barnes

JUSTIN HAMILTON TO DISCUSS ASSUMING OPERATION OF THE CAFÉ AT THE BIRCH CREEK GOLF COURSE.

Justin Hamilton informed the council he wanted to bring them up to speed on the plans at the café at the golf course as an agreement had been reached for him to assume operations of the café. Chip Lara has operated the café for the last two years and worked for Justin previous to that. Chip and Justin would operate the café moving forward but there are some limitations at the café as it is today. It is not possible to cook onsite and Justin's proposal is to cover the cost of installing a cooking hood so that onsite cooking can be offered. The offerings from the café will be increased and the café will be competitive like cafes at the other local golf courses. Chip has done a great job the last two years and offered consistent service. The new plan would be to have the café open two nights a week with one night being a rib night and the other night to be determined.

Justin stated his main purpose in coming before the council was to discuss the sale of alcohol and beer. The city currently has its own beer license for the golf course. Justin stated with his company taking over the operations of the café they will be required to have their own license and there a couple of options on the license that he can apply for. The licenses cost the same amount but have different considerations. Right now there are being requests made at wedding receptions to have a champagne toast and that is not currently allowed. The two available license options are a reception license which allows for beer and wine and also a limited license which allows for beer and wine. Both licenses are considered on the same level and the location of the area is not near any schools, churches or parks. The city would need to grant permission to move forward with Justin applying for a license. Justin stated the café will be run like a business since it is now operated by a private company and he wanted an agreement in place before he applied for the license with the state.

Kris stated she was a member of the city council when Callaway's applied for a license and at that time there was a great deal of concern by the public. Kris was not aware of any negative impacts that had been made since the license was granted and that business and revenue had come to Smithfield and she was not aware of any accidents that had been attributed to that license being granted. Kris commented that she liked the idea of being competitive with other local entities that offered the same service.

Mayor Simmons commented that basically nothing will change where the café already offers beer for purchase.

Justin stated the limited license was better to apply for as it allowed wine and beer. Justin understood there would be concerns about allowing full liquor in a residential area and that is why he did not want to serve full liquor. If the license is approved it will not allow for an outside party to bring their own alcohol either. Justin stated he did not believe the beer sales and wine sales would be a big part of the business but it does allow for his relationships with other groups to be able to encourage them to use the clubhouse since the beer and wine would be allowed.

Justin mentioned the example of at a CAPSA fundraiser they do a wine fundraiser and that would be possible if the license is granted and they wanted to come to the clubhouse for their dinner and auction. Some other golf and university functions could hopefully be relocated to the clubhouse as well. Right now Birch Creek is at a disadvantage to the other clubhouses by not offering this service. The café will not become a bar or have parties it will allow for a person to have a beer or glass of wine with their dinner. Seventy-five percent of the café sales must be food for the café to survive. The license is required to be bonded and has a yearly fee of \$1,250. The permit would be considered on a yearly basis to see if it was profitable enough to keep the license.

Mayor Simmons liked the idea of having some legal control of what is happening at the clubhouse and having a license will give some guidance and clarification on what is allowed. People are already bootlegging alcohol into the building right now. Justin explained that won't be allowed if the license is granted. No outside beer, wine or alcohol can be brought in. The beer and wine must be handled by a person that is licensed and trained. One of the restrictions is only allowing 2 ½ drinks per hour according to the current training and standards. There is not any control when people bring in their own drinks.

Jim asked what license the city currently had at the clubhouse? Justin stated right now it is a beer premise retailer which means that beer can be sold but it must be in a sealed container. Mayor Simmons stated that currently a café employee could not open the beer container and hand to a person and draft sales were prohibited. Justin stated there is not enough room in the café for draft sales. Justin also informed the council that the state considers beer and wine on the same level. Full spirits is something totally different and there are not any full licenses available in the state right now. Justin asked the council for their thoughts as in his opinion it would be beneficial to be able to offer beer and wine. Justin wanted to be on the same page as the council before applying for the license. Justin did not want to apply for the license if the council was going to reject the application when contacted by the state to see if the city approved.

Justin stated he hoped to have the café and license in place by mid-April and in order for that to happen he would need to apply by the 10th of March as the board meets the last Tuesday of the month.

Barbara thanked Justin for his clarification on why he was making the request as well as explaining how things would work in the future.

Mayor Simmons stated he liked the idea of being able to control what is being brought in; nothing from the general public would be allowed if the license was granted.

Brent asked Justin that after the hood is installed and if he decides to take his business elsewhere what happens to equipment like that? Justin stated that permanent fixtures will be left with the city such as the cooking hood. A five year lease was being signed. The removable or portable equipment would be taken by Justin if he did not resign the lease in the future.

Mayor Simmons stated this license would allow for some options for Justin and the café operation as well as the golf course. Justin commented he wanted to run a good professional operation but there had been limitations in the past at the café.

Mayor Simmons thanked Justin for attending the meeting and thought this was a logical step in what is happening with the café. Justin stated that the state will contact the city after the application is made to make sure the city approves of the request. Jim stated a city bond will not be required; the state bond is sufficient.

Jim commented that the alcohol that is purchased at the course is not the problem; it is the alcohol that is brought to the course by the general public and consumed that is the problem. With the license being granted for the café and catering that should not be an issue in the future.

Mayor Simmons stated the café should have better exposure and use in the winter months as well.

Justin stated that being allowed to cook the food onsite will be a great benefit as well. Currently, all the food has to be cooked elsewhere and then brought in. The hope was to keep the café open until 7:00 P.M. or 8:00 P.M. on a couple of week nights to offer something new and different. The atmosphere will still be very casual but give people some options of where to go to eat.

CITY MANAGER REPORT

Jim reminded the council that next month the budget process will begin. Jim asked for members of the council to send him items they hope to include in the new budget. At a future meeting the budget will be gone through line by line.

Mayor Simmons asked when the budget meetings will be? Jim stated in the later part of March or first part of April. The preliminary budget must be passed by the second Tuesday of May.

David Miles has a high water right in Birch Canyon. David owned property on the east bench that is now Milestone Estates. The high water right is assigned to that property. All of the owners of those lots or property are now shareholder's on that water right. The city is included because it owns the roads. This information was picked up on a title report. David is going to each property owner to see if they will release their ownership in the water right and assign it back to him.

Mayor Simmons asked why he was wanting to do this? Jim stated David did not realize that he was transferring ownership of the water right when he sold the building lots.

Mayor Simmons asked how much value or water right would be given up by the city? Jim said he was not sure but could ask David to supply more information to bring to the council. Mayor Simmons asked Jim to gather more information and bring before the council.

Barbara commented that it appeared the transfer was done legally but he was unaware that it had happened. Mayor Simmons stated he wanted more information before anything could be considered.

Brent commented that the city needed more information before any water rights are relinquished.

Mayor Simmons stated it was hard to make a mistake on water rights when the title work is done; it should be very apparent.

COUNCIL MEMBER REPORTS

Dennis stated he did not have any other information to review or discuss this evening.

Barbara informed the council that the youth council is doing some local service projects. They are bringing some Valentine's cheer to some local senior citizens. Some of the members will be attending the meetings for the Unplugged Challenge. The leadership conference in April is being worked on as well. The new advisors are moving forward and doing well. Mayor Simmons stated he was thankful the city had a youth council and was in full support of it. Hyde Park is just starting a youth council. Mayor Simmons asked Barbara how can we keep the program going strong? How can we keep it alive and exciting? The entire program comes down to the spirit of the volunteer advisors. There are lots of kids that want to be involved. Barbara stated that was a good idea and to give some thought of how to thank the advisors.

Kris informed the council that the Health Days committee had met and are going to allow Dave Gordon and his small carnival to participate at the Health Days Festival. Dave will be allowed to put his rides in the area where the old city office building was located and he will operate on Friday and Saturday from 3:00 P.M. until dark. Mayor Simmons stated he was impressed with how Dave handled himself giving his presentation to the council. Kris also liked the idea that he was willing to participate in the Unplugged Challenge.

Brent stated he is getting complaints and noticing the same issue as well. People are using their ATV's to push snow into their neighbor's yards. An employee told Brent that he watched a person use their snow blower and blow the snow into the road. Snow is being stacked in certain areas so high that by the time it melts in April the grass will be dead.

Brent asked if there is anything the city can do to stop this? Jim stated that he hates to see the city get involved in neighborhood issues. Barbara commented that people need to understand they need to contain the snow in their own yard and they cannot put it in the city street as well. Brent stated that when people are pushing the snow across the road to their neighbors they are pushing the salt on the road as well and it will kill the grass. Mayor Simmons stated that it is best to educate and remind people. It might be a good idea to place in the city newsletter but the city needs to be civil about it. If the city tries to enforce the issue throughout the city then the city will be required to hire more people just for enforcement.

Brent stated the compliant is with the neighbors not with the city. Barbara stated this is a resident to resident issue not a city issue. Jim commented that neighbors were wanting the city

to be involved with their neighbors so they did not have too. Brent stated he was frustrated and did not know what to do. Brent noticed a house on 300 South that plowed all of their snow into the road. Mayor Simmons commented that it all starts with education.

Justin suggested that either himself, the Mayor or Brent could write something and it be sent through the Parlant system so the citizens have it now and don't have to wait to get it at the next newsletter publishing.

Jim mentioned there is nothing in the ordinance about neighbors pushing snow into a neighbor's yard but it does mention snow cannot be pushed into a city street, against the gutter or over a storm water drain.

Barbara commented that she hears complaints from neighbors stating that some people never return their garbage cans to their house; they just leave them in the road all week long.

Mayor Simmons stated that the purpose of ordinances is to help with the quality of life of the community but that it is also the responsibility of people to be good neighbors as well.

MAYOR'S REPORT

Mayor Simmons informed the council that this was the most active week in a long time in regards to possible commercial work coming to the city. There is some serious interest in some local properties but the Mayor could not discuss in detail until the buyer or seller granted him permission to speak about it. The Mayor stated that he expected when the time was right some of these people would be coming before the council with their proposals.

The Mayor thanked Jim for his help in letting people and businesses know the process of what they can or cannot do and what is allowed and not allowed. There is a lot of interest in Smithfield commercially right now.

****A motion to adjourn at 8:19 P.M. was made by Kris.****

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, Recorder

SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, Utah 84335
AGENDA

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah on Wednesday, **February 12, 2014**. The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Council Member Monson.

1. 6:03 P.M. Consideration of the Consent Agenda
Approval of meeting Minutes from the January 22, 2014 City Council Meeting
2. 6:05 P.M. Resident Input
3. 6:15 P.M. Discussion and possible vote on a request from Smithfield Implement Co. to display items in the park strip area on the east side of their building in the spring and summer months.
4. 6:20 P.M. Discussion and update from Skyline A/E/S on the architectural plans for the library renovation and expansion project.
5. 6:40 P.M. Discussion with Chief of Police on the selling of Police Department equipment with certain restrictions.
6. 6:50 P.M. Discussion and possible vote on a study regarding waste water treatment options.
7. 7:05 P.M. Discussion with Verizon Wireless on the construction and design of the cell phone tower and building at the golf course.
8. 7:20 P.M. Public hearing to discuss Ordinance No. 13-09 which amends the Smithfield City Subdivision Regulations, Title 16; Sections: 16.06.040 "Procedure"; 16.06.080 "Recording of Plat of Filing of Record Survey"; 16.12.040 "Preparation and Required Information"; 16.09.040 "Approval of Preliminary Plat" and Amending the Land Use Ordinance, (Zoning) Title 17; Section: 17.36.070 "Prohibited Signs"; 17.40.010 "Building Permit Required".
9. 7:30 P.M. Discussion and possible vote on Ordinance No. 13-09.
10. 7:35 P.M. Justin Hamilton to discuss assuming operation of the café at the Birch Creek Golf Course.

Smithfield City Council Meeting Minutes, February 12, 2014

11. 7:50 P.M. City Manager Report
12. 8:00 P.M. Council Member Reports
13. 8:15 P.M. Mayor's Report

Adjournment

Items on the agenda may be considered earlier than shown on the agenda.

In accordance with the Americans with Disabilities Act, individuals needed special accommodation for this meeting should contact the City Recorder at (435) 792-7990, at least (3) days before the date of this meeting.

Prepared, posted in the City Office and library, emailed to each Council Member, emailed to the Herald Journal, Smithfield Sun, and forwarded to be posted on the City Web Site on 02/10/14, and the Utah Public Meeting Notice website.