

SMITHFIELD CITY COUNCIL

OCTOBER 22, 2014

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, October 22, 2014. The meeting began at 6:02 P.M. and Mayor Pro Tempore Dennis Watkins was in the chair.

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

Mayor Simmons was excused.

City Manager James Gass, City Recorder Justin Lewis and Deputy Recorder Char Izatt were also in attendance.

The opening remarks were made by Jeff Barnes.

VISITORS: Jeff Curtis, David Barnes, Janice Gaultier, John Gaultier, Kelly Cannon (The Herald Journal), Ben Bodily, Jaycee Rindlisbacher, Esther Williams, Whitnee Lewis, Megan Kidd, Pete Krusi, Brad Lewis, Tyler Hoggan, Jake Hodges, Cade Fife, Jonathan Moser, Drew Conley, Jason Poulsen, Scott Nelson, Scott Archibald, Jay Downs, Travis Allen, Jeremy Hunt

APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM THE OCTOBER 8, 2014 CITY COUNCIL MEETING

A motion to approve the city council meeting minutes from the October 8, 2014 city council meeting was made by Barbara, seconded by Dennis and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

RESIDENT INPUT

Pete Krusi came before the council in behalf of Lee's Marketplace. Pete explained that Lee's had a program where if people brought in reusable bags for their items they would get a wooden nickel that they could place at various locations to help that area receive a donation. Pete presented the council with a check in the amount of \$1,289.45. There were 25,670 bags that were reused. The new program will be in regards to donating funds to help place trees in various locations.

The council thanked Pete and Lee's Marketplace for their generous contribution and donation to the city and parks department.

APPEAL BY JANICE GUALTIER REGARDING THE DENIAL OF A DOG KENNEL LICENSE BY THE PLANNING COMMISSION. MRS. GUALTIER HAS SIX (6)

INDOOR DOGS AND ONE (1) INDOOR CAT LOCATED AT 691 EAST 420 SOUTH. ZONED R-1-12.

Brent explained to the council that the Gualtiers had come before the planning commission requesting a kennel license as they have six dogs. A motion to approve the kennel license was made with some conditions but it was denied and the Gualtiers are appealing the planning commission decision to the city council for consideration.

John Gualtier explained the planning commission had denied the kennel license request and he and his wife, Janice, were coming before the council to ask for an extension of time to keep the dogs while they relocate out of the city. They have six dogs and do not want to get rid of any of them and were hoping the council would consider letting them keep the dogs while they find another home.

Janice explained they had purchased \$450 worth of bark collars and were keeping the dogs in the house or in the kennel away from Brent Buttars property as much as possible. The bark collars were not properly tuned in and so the dogs do bark on occasion. PetSmart had recommended Janice bring all of the dogs and the collars into the store so they could help her properly adjust them.

Dennis asked the Gualtiers if they were asking for the council to overturn the ruling of the planning commission? Janice remarked they were just asking for an extension of time to relocate but keep the dogs while they find a new residence. Brent explained they can keep six dogs but any amount over four requires a fixed run.

Jeff read from the city ordinance that stated they were allowed a total mix of dogs and cats of five. They have six dogs and one cat so they have two too many based on the city ordinance. Char Izatt stated that was correct as it would be considered a mixed kennel where they have dogs and a cat.

Dennis asked Jim if the ordinance listed a specific timeframe to come into compliance? Jim stated it is not specific and the council can determine the amount of time they will allow.

Jeff asked the Gualtiers if they have had the dogs for a long time? John stated they have had them all for several years.

Janice commented they did not want to bother any of the neighbors and asked anyone with a problem to let them know if they are barking or creating a disturbance.

Janice informed the council they are working with a realtor to find a place in the county where they can take all of their dogs but it is going to take some time to relocate.

Barbara asked the Gualtiers if they owned their home? John remarked they do and they will have to sale it but will purchase another home in the meantime.

Dennis asked if 90 days would be sufficient time? Brent stated he would not have a problem with six months so they could sale their home and find a new home. John thanked the council for considering that amount of time and working with them to allow them to keep their dogs.

A motion to allow John and Janice Gualtier six months (180 days), starting on November 1, 2014, to come into compliance with the city ordinance in the number of allowable dogs and cats they can keep at their residence located at 691 East 420 South, was made by Jeff, seconded by Kris and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

John stated he was a veteran and has been thanked in the past for his years of service. John thanked the council for their service as they do what is best for the city and try and represent the city in the best way possible at all times.

DISCUSSION AND POSSIBLE VOTE ON ABANDONING OF A RIGHT-OF-WAY AT THE SOUTH END OF CROW MOUNTAIN ROAD AND JOINING ONTO UPPER CANYON ROAD.

Jim explained that in order to abandon the right-of-way there is a process that needs to be completed. The landowner has to make a petition asking for the right-of-way to be vacated, the city council has a public hearing on the matter and then the request, if approved, would have to be approved by ordinance. A plat of the area can be included in the ordinance. The area in question has been vacated when the road was redone and made straight and the curve was removed.

Barbara asked if the new road area had a cost to the city or if it was donated free of charge? Jim stated the city did not have to pay for the area to straighten out the road. Part of the annexation approval was having the road straightened by the developer.

Jim explained the council needs to consider two things when considering the request to vacate the right-of-way. One, will there be an undue hardship on anyone in the area and if there is a hardship what is it. Jim stated he did believe there is a hardship to anyone as the area was vacated years ago and there have not been any complaints. The second item to consider is if it is in the best interest of the public. A 10 day posted notice will be required to advertise the request to abandon the right-of-way. A public hearing would happen at the next council meeting and then the council could vote on the matter.

Dennis and Jeff both asked if the area would be part of a future building lot? Jim stated it will be part of a new proposed subdivision that will be coming before the council for consideration. There are two new subdivisions being proposed. One on the east side of Crow Mountain Road and the other one further east off of Crow Mountain Road. This parcel would be part of the proposed subdivision that is being considered along the east side of the road.

DISCUSSION AND POSSIBLE VOTE ON APPROVAL OF A PARKING LOT AGREEMENT WITH THE SMITHFIELD IRRIGATION COMPANY AT THE LIBRARY.

Jim reminded the council this agreement had been brought to the council last month for review. The irrigation company owns the building on the south end of the parking lot that is being created on the west side of the library expansion project. The irrigation company owns 2 ½ parking stalls in the area and the city had asked the irrigation company to abandon the existing stalls and allow the city to use the area as an entrance to the new parking lot. The irrigation company in return would be granted three reserved parking stalls in the new parking lot when they need them. The irrigation company reviewed the agreement at their last board meeting and approved the agreement. Now it is up to the city council to review and consider.

Jeff asked if the three new stalls for the irrigation company will be permanently marked or reserved for them? Jim remarked they will not be marked for irrigation company use only. The irrigation company can notify the city when they have a meeting and three stalls can be marked off with cones for that night or the irrigation company can go and mark three of the stalls with cones. The irrigation company would be allowed to use other parking stalls in the library parking lot for people attending their meeting as well. Both the city and the irrigation company would work together to make sure there is guaranteed parking stalls for the irrigation company when they are going to meet.

Dennis agreed it is an added benefit to both entities to have the new parking lot and that it also helps to clean up and beautify the entire area as well.

A motion to approve the joint use parking lot agreement between Smithfield City Corporation for Parcel# 08-068-0001 and the Smithfield Irrigation Company for Parcel# 08-068-0015 as part of the library expansion and renovation project, was made by Brent, seconded by Barbara and the vote was unanimous.

Yes Vote: Watkins, Kent, Monson, Barnes, Buttars

No Vote: None

INTRODUCTION OF PROPOSED ORDINANCE 14-02, AN ORDINANCE AMENDING THE SMITHFIELD ZONING REGULATIONS, TITLE 17: 17.01.070: “DEFINITIONS”; 17.12.100 “EXCEPTIONS TO HEIGHT LIMITATIONS”; 17.32.100 “SPECIAL PROVISIONS FOR KENNEL/CATTERY CONDITIONAL USE”; 17.36.060 “PERMITTED SIGNS, PERMITS NOT REQUIRED”; AND 17.120.010 “USE ALLOWANCE MATRIX”.

Jim explained the proposed ordinance dealt with several different updates to existing ordinances.

Stealth antennas would be allowed and defined.

Wording was deleted from the Kennel/Cattery section. Char Izatt explained that the State of Utah law changed on July 1, 2014 with an effective date of January 1, 2015 that cities cannot have

breed specific ordinances or rules and all cities must change their ordinances to remove any breed specific requirements or language.

Brent asked how many dogs are allowed? Char responded that a person can have more than five dogs and with a mixed use kennel they cannot have more than a total of five animals; dogs and cats combined. Only one cattery has been in the city since the requirement was made.

Jeff asked how many dogs are allowed in a single kennel? Char stated all five dogs can be in one fixed dog run. Char clarified that a “kennel” means a person has three or more dogs and a “fixed dog run” is the actual physical area or fence the dogs are located and stay within.

Barbara asked if there needs to be more restrictions for kennels that have a higher number of dogs? Char stated she felt it would be best; right now a person is not required to have a fence until they have five or more dogs. Jim remarked that in the past a fixed dog run was not required but now it is required for five or more dogs.

Brent asked if “fixed dog run” needs to be defined better in the city code? Char stated there is a specific definition in the city ordinance. Jim agreed and reminded the council this is part of the animal ordinance for the city.

Jeff mentioned he felt it was appropriate to have an individual fixed run for each dog for people that have five dogs. Justin asked Jeff for some clarification on that comment as he has a fixed dog run that is very large, approximately 24’ x 32’, and two dogs reside in the same kennel but they are not sectioned off. Both of the dogs can roam the entire area and he did not feel it was appropriate to require large runs to be sectioned off. Jeff responded that Pat Jenkins, who resides in Richmond, has eight dogs and they all have their own individual dog runs. Dennis asked if the wording in this section needed to be revised? Jeff remarked he felt it is appropriate to change the wording so that five separate dog runs are required if a person has five dogs.

Dennis asked if the city ordinance states how large or small a fixed dog run has to be? Char responded there is not a size requirement but there are rules stating where in the yard the dog run is allowed, how far away from a fence and some other details as well.

Char informed the council that kennel permits are not allowed on parcels that are 10,000 square feet or smaller. Brent also mentioned that the number of allowed chickens is based on lot size as well.

Dennis asked the council to review and consider wording and options for this section to discuss at a future council meeting. Barbara agreed and asked that specific language about a fixed dog run be included for people with multiple dogs.

Jim informed the council he would remove this section from the proposed ordinance so it could be discussed again at a later time and a new ordinance created for this section in the future so the other proposed changes could be implemented, possibly, at the next city council meeting.

In the “Exceptions to Height Limitations” section in the city ordinance flag poles would be removed from this section.

In the “Permitted Signs” section of the city ordinance a section was added allowing people to install flagpoles without needing a permit as a flagpole is considered a sign. The maximum height of flag poles would be 35 feet in most areas of the city.

In the “Use Allowance Matric” section of the city code where stealth antennas are allowed would be added to the ordinance. The word “public” will be added before swimming pool in this section and “aquatic center” will be added to this section as well.

Dennis thanked Jim for the update and reminded the council that there will be a public hearing on the proposed ordinance at the next council meeting with a possible vote at that time.

Dennis asked the council if it would be appropriate to add “splash pad” to the Use Allowance Matric section as well? Char remarked that might already be included in the definition of an aquatic center but right now defining aquatic center and assisted living were proving to be hard for the city as every city seems to have a different definition and nothing is consistent.

Dennis mentioned that Stonebrook has an aquatic center with a pool, slides and splash pad area. Jim mentioned this is a private area and part of the approval of the PUD. Jim stated he would add splash pads and that item can be defined at a later time.

CITY MANAGER REPORT WITH DISCUSSION AND MINOR DECISIONS AS NECESSARY.

Jim updated the council on the progress of the library construction and renovation project. The parking lot would be paved on October 28th. About 70% of the concrete work has been completed. All of the concrete work would be done within two weeks. All of the sidewalks would be poured within 10 days. The entire upstairs floor in the new building would be completed by Friday, October 31st. North Logan City will be delivering the shelving that was purchased from them on October 31st or November 3rd. The shelving will be installed on the upper floor. The entire building should be completed by the third week of November and the transition from the old building to the new building could be completed at that time. The elevator should be installed by then and the new building would be completed and ready to move into. The intent is to be in the new building before Thanksgiving.

One of the issues with the old building will be when the shelving is removed the walls are lathe and plaster and the paint has lead in it and the plaster has asbestos in it. A new possibility is to add a new wall that would allow for the old wall to be left undisturbed and new electrical receptacles could be added to the new wall and a few inches of insulation could be added as well. Right now the old library building does not have any insulation. The cost to add the new walls in the upstairs and downstairs would be approximately \$12,000 and the cost to have the asbestos walls removed and dealt with would be over \$12,000. The current plan would be to add the new walls and have a better finished product when the project is completed.

The two trees by the highway had been removed by the city staff around the monument area at the library. A private contractor was hired to remove a dead pine tree on the north side of the new library building and when it fell it landed on and ruined a park bench. The contractor will be responsible to install a new bench.

Jeff asked if any bids had been received on the piano in the library? Jim stated the winning bid was for \$3,150 and the purchaser was working with a piano moving company and the library contractor to make arrangements to remove the piano from the library.

On 800 South, the piping project is moving along slowly due to issues with the utilities. Each business has its own natural gas service line and it has been a slow process working through them. The hope is to have the piping portion of the project completed by October 31st. There has been a change order on the project as the asphalt located at the entrances to the old Saxton car lot was approximately 18 inches thick and that was very unexpected and unknown and took more time to remove and dispose of.

Staker & Parson Company is currently working on the 800 South road extension as well as adding the turn out lane and moving the curb and gutter back.

Jim informed the council that provisions have been made that will allow for the storm water piping to function while the project is completed if there is a sizable storm before all of the piping is in the ground and connected.

COUNCIL MEMBER REPORTS WITH DISCUSSION AND MINOR DECISIONS AS NECESSARY.

Brent did not have any additional items to discuss other than he wants to research ordinances and rules in regards to dogs, dog kennel licenses and fixed dog runs in other cities so Smithfield can have an appropriate ordinance in place for dog owners and neighbors of dog owners.

Jeff remarked the Founder's Day celebration that was held on October 11th was a success. There was an open house before the program and the program was enjoyed by everyone in attendance. The intent is to have the program in the Youth Center again in the future.

Kris informed the council that the live nativity, lighting of the trees and an around the world nativity scene presented by the Historical Society in the Youth Center will all happen on December 1st. The Turkey Trot is on Saturday, November 22nd.

Barbara informed the council the Senior Ball will be held on Saturday, October 25th at 5:00 P.M. Due to the funeral of Lee Cantwell the activity has been moved to 451 South 250 East. The location is the LDS Church house across from Sky View High School. The youth council and leaders are trying to contact all of the seniors and let them know the location has been changed. Signs will be put up as well. Anyone 70 years of age or older can attend. The location change was announced at the weekly senior center activity as well.

Kris asked if a senior citizen needed a ride was there a service being offered to pick them up and take them home? Barbara remarked that had not been done in the past while she had helped with

the activity. Kris stated it had been done several years ago. Barbara said invitations had been sent out as well.

Dennis had nothing new to present to the council.

DISCUSSION WITH FIRE CHIEF AND POLICE CHIEF ABOUT A VEHICLE PURCHASE PROGRAM.

Jim informed the council that the discussion would be on new concept when it comes to purchasing new vehicles for the city in the future. The police department and fire department listed their vehicles and ranked them in the order they need to be replaced. Chief Allen remarked there is only one reserve car at this time since new hire, Trevor Larsen, is using one of the reserve cards on a full-time basis.

The two vehicles that need to be replaced the soonest are the 2008 Chevrolet Impala with 74,500 miles and the 2007 Chevrolet Impala with 58,100 miles.

The police department has 11 total vehicles. There are two 2013 Dodge Chargers that are being leased and are in very good condition. This is year two of five in the leases of those two cars. The department also has a 2008 Saturn Vue that was driven by Chief McCoy that can be used elsewhere in the city when needed or it can be sold and the funds used to help with the purchase of a new vehicle for the fleet.

Chief Allen informed the council for the budget period ending June 30, 2014 the repair costs of the police department vehicles totaled approximately \$8,500.

The fire department has two trucks. A 2007 Chevrolet $\frac{3}{4}$ ton truck and a 2011 Chevrolet $\frac{1}{2}$ ton truck. Chief Downs is driving the 2011 truck and assistant Jeremy Hunt is driving the 2007.

Information was provided to the council showing the current cost through the state bid of a 2015 Chevy Silverado W/T would be \$25,570 and the approximate resale value of the truck in two years would be \$29,425.

The cost of a 2015 Ford F150 XLT on the state contract is \$26,717 with an approximate resale value of \$32,125 in two years.

Chief Allen informed the council the approximate value is based on the book value of an identical truck to the truck that would be purchased to replace it. Trucks show a potential to make money or break even after two years and cars show a cost to the city if they were to be replaced after two years.

Jim stated both trucks that are being considered are 4x4 with four doors. The trucks would be under full warranty while the city owned them and maintenance items such as tires would not need to be purchased as the department only puts on approximately 11,000 to 13,000 miles per year per vehicle. The only expense for the new vehicles would be routine maintenance like oil changes and tire rotations.

Jeff asked what the city would do with the old vehicles when new vehicles are purchased? Chief Allen remarked they would be sold but past history showed they would not get more than \$500 to \$1,000 per car.

Chief Downs explained to the council that the Utah Local Government Trust is doing this type of program with their fleet and they put on 40,000 to 50,000 miles in a two year period and the program is working very well for them even with that number of miles on each vehicle.

Jeff asked if all of the new vehicles would be replaced every two years? Chief Allen explained that was correct and the key was to sale the vehicle when the sale value was still high and the cost of the new vehicle would be the same or less than the cost of the vehicle being sold.

Jim explained another key component to making this program work is to have the additional police related equipment that is installed be able to be removed and put in the replacement vehicle and no holes or damage done to the vehicle being sold. The cost of the necessary items added to a command vehicle is approximately \$3,897 and to a patrol vehicle is \$3,732. These items need to be removed from one vehicle and installed in another without damaging either vehicle and still functioning properly as they are removed and reinstalled. Chief Allen remarked most of the added on equipment will last for four to eight years; on average.

Chief Downs informed the council that Jeremy Hunt has expertise in installing and removing this type of equipment from the vehicles and he should be able to help save money on installation costs of all the accessory equipment.

Jim explained that the biggest challenge to the program is the initial cost in the first three years.

Year one would consist of purchasing three new vehicles at an estimated cost of \$88,237.

Year two would consist of purchasing three new vehicles at an estimated cost of \$88,072.

Year three would consist of purchasing six new vehicles at an estimated cost of \$76,342.

Year four would consist of purchasing five new vehicles at an estimated cost of \$29,057.

Year five would consist of purchasing three new vehicles at an estimated cost of \$11,565.

From year three and future years this would consist of starting to replace the vehicles purchased from year one moving and thereafter.

Jim explained to the council that the county pays \$7,000 per year towards the cost of Chief Downs vehicle and has done so for the purchase of two new vehicles in the past.

Jeff asked what other communities or places are trying this program? Chief Downs remarked the Utah Local Government Trust, Salt Lake County and Uintah County were places he was aware of.

Jeff Curtis suggested trading in the used vehicles on the new vehicles as when he worked for the Logan City Police Department they were getting \$1,000 to \$1,500 per vehicle and all of those cars had over 100,000 miles.

Jim said the program had been reviewed to replace the vehicles every three years rather than every two years and the resale value had changed enough it did not make sense. Two year replacement is the key to keeping the value high and covering the cost of the new vehicle.

Barbara asked if this program was being considered for the current budget year? Jim responded it would be for a future budget year as the council needs to review the program as it would take a long term commitment to make it financially viable.

Brent asked what the city was paying right now to lease the two police cars? Justin responded the annual payment for the two cars is \$10,899. Jim stated the drawback to the lease is that the city has nothing when the lease expires; unless the city wants to purchase the vehicle for an additional cost at that time.

Jim stated one possibility would be for the water or sewer fund to loan the general fund the money to start the program as the general capital improvement fund is in good shape but has several other annual commitments at this time such as the city office payment and police department building payment. In a year the general capital improvement fund will also be making the annual library building payment.

Brent asked if the police officers were comfortable switching to trucks from cars? Chief Allen stated the trucks would work well and the only car that would possibly work for this program would be a higher level Dodge Charger as the resale value of all of the other cars is too low after two years.

Kris asked how many miles each vehicle puts on per year? Chief Allen stated that each police department vehicle averages 12,000 to 15,000 miles per year.

Jim said he was originally skeptical of converting to trucks as the city wants to get the best possible gas mileage but with the new changes in technology the trucks get almost the same gas mileage as the cars and the resale value is significantly better on the trucks.

MAYOR'S REPORT WITH DISCUSSION AND DECISIONS AS NECESSARY

The Mayor was not in attendance; therefore, no report was given.

A motion to adjourn at 7:50 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, **October 22, 2014**. The meeting will begin at 6:00 P.M.

Welcome and Opening Ceremonies by Council Member Barnes.

1. 6:03 P.M. Approval of the city council meeting minutes from the October 8, 2014 City Council Meeting
2. 6:05 P.M. Resident Input
3. 6:15 P.M. Appeal by Janice Gualtier regarding the denial of a dog kennel license by the planning commission. Mrs. Gualtier has six (6) indoor dogs and one (1) indoor cat located at 691 East 420 South. Zoned R-1-12.
4. 6:35 P.M. Discussion and possible vote on abandoning of a right-of-way at the south end of Crow Mountain Road and joining onto Upper Canyon Road.
5. 6:50 P.M. Discussion and possible vote on approval of a parking lot agreement with the Smithfield Irrigation Company at the library.
6. 7:05 P.M. Introduction of proposed Ordinance 14-02, an Ordinance amending the Smithfield City Zoning Regulations, Title 17: 17.01.070: "Definitions"; 17.12.100 "Exceptions to Height Limitations"; 17.32.100 "Special Provisions for Kennel/Cattery Conditional Use"; 17.36.060 "Permitted Signs, Permits Not Required"; and 17.120.010 "Use Allowance Matrix".
7. 7:25 P.M. Discussion with Fire Chief and Police Chief about a vehicle purchase program.
8. 7:45 P.M. City Manager Report with discussion and minor decisions as necessary.

Smithfield City Council Meeting Minutes, October 22, 2014

9. 8:00 P.M. Council Member Reports with discussion and minor decisions as necessary.
10. 8:20 P.M. Mayor's Report with discussion and minor decisions as necessary.

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 10/20/14, and the Utah Public Meeting Notice website.