

MINUTES
SMITHFIELD CITY COUNCIL MEETING
January 25, 2012

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **January 25, 2012**. The following were present constituting a quorum.

Mayor	Darrell G. Simmons
Council Members	Jeffrey Barnes Brent Buttars Barbara Kent Kris Monson Dennis Watkins
City Manager	James P. Gass
City Recorder	O. Dean Clegg

Mayor Simmons called the meeting to order at 6:00 p.m.
Mayor Darrell Simmons offered a prayer and led the Pledge of Allegiance

Visitors: Steve Krebs, Questar Gas; Jon Wells, Dixie Neugebauer, Rolf Neugebauer, and Jean Douglass

Agenda:

Welcome and Opening Ceremonies

1. Consideration of Consent Agenda,
Minutes of January 11, 2012 City Council Meeting
2. Residents Input
3. Discussion with Steve Krebs from Questar Gas Company
4. Consideration of **Resolution 12-03**, "Set Prevailing Fee Schedule for 2012"
5. Consideration of **Resolution 12-02**, "2012 Rules of Procedure and Conduct for City Council Meetings"
6. Consideration to Authorize Mayor to Sign an Operational and Maintenance Agreement for the Logan and Northern Canal
7. Consideration of a Request from Bart Roylance, Smithfield Implement, to Display Items on Grass Area East of Building During Summer Months
8. Consideration of Appointment of Planning Commission Members
9. City Manager Items
10. Mayor and Council Reports
11. Adjournment

Consideration of Consent Agenda,
Minutes of January 11, 2012 City Council Meeting

There were two changes to be made at the request of Councilmember Jeff Barnes. City Recorder

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Clegg will make these corrections and the minutes for this meeting will be approved at the next city council meeting.

Residents Input

Smithfield citizen Dixie Neugebauer wondered why “citizens input” was crossed out of the agenda portion of the Resolution 12-04 for Smithfield City Council meetings. Mayor Simmons answered that we were directed to use the word “Resident Input” on these agendas. The item is still there, just with different wording.

Discussion with Steve Krebs from Questar Gas Company

Steve Krebs of Questar Gas was in attendance. He asked if the council had any issues for Questar. There were no comments from the council. He said he had some items he would like to discuss with the council. He is a member of the Northern Utah Chamber Coalition (NUCC). There are five chambers included in this organization – Brigham City, Davis County, Weber County, the Ogden Area, and they would like to include Cache to unite to go to the legislature to bring in their voice. This would let counties meet to discuss concerns of this area. The first item of concern is the expansion of I-15 corridor north. They would like to extend to Brigham City. When you enter the interchange at 11th South in Brigham City they want to bypass the area with the stop sign that backs traffic to the east.

They would like to widen SR 30. They have done a band-aid fix there that has made things worse. This is the Valley View Highway. They would like to widen the highway from Logan to the freeway. Some of the trucking companies do not allow their trucks on this road. Valley View Highway was on the agenda, but Logan City and Cache County could not reach an agreement on it. It needs to be made safer.

Another issue is businesses are required to e-verify to make sure their workers are legal. We are asking the businesses to be held harmless here.

They are in support of Utah State University Brigham City Campus extending and adding more resources to that. They want state funding of business resource centers (start up new businesses) that gives businesses the money to help start up new businesses. They want a group of citizens on that committee. The chamber would like to invite Smithfield to be a part of the NUCC. The person to contact is Sandy Emile. The Smithfield Chamber of Commerce meets next Thursday at 1:00 p.m. at the Alpine Cleaning Building. Councilmember Kris Monson is connected with the Chamber.

Mayor Simmons asked Mr. Krebs how the meter item is going in Smithfield. He said it is going good. He wants to be a good member of the community.

Consideration of Resolution 12-03, “Set Prevailing Fee Schedule for 2012”

Mayor Simmons reminded the group that this item was discussed in the last city council meeting. The council wanted to give it more time. We needed a fee in there for chickens. It is now there.

Mayor Simmons said the council has had a chance to review this ordinance.

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Councilmember Brent Buttars asked if people who live outside the city limits are required to pay extra for these services.

City Manager Gass responded that a change in state statutes that does not allow cities to charge people living outside to pay more.

City Manager Jim Gass said the fee for dog kennels has gone from \$50 to \$55 for non-spayed dogs and from \$20 to \$27 for spayed dogs and is shown in two places.

Councilmember Brent Buttars said Logan is upping their fees for burials on Saturdays. If we don't get a newspaper on Monday, we may have more Saturday burials and may want to look into that.

City Manager Jim Gass said we have a higher fee for burials on Saturday. If the family stays in the cemetery after 4:00 p.m. we charge an extra fee.

Motion: Councilmember Kris Monson made a motion to approve **Resolution 12-03**, "Set Prevailing Fee Schedule for 2012". Councilmember Dennis Watkins seconded the motion. A roll call vote produced the following results:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins

Nay: None

Motion Passes

**RESOLUTION 12-03
SMITHFIELD CITY'S PREVAILING FEE SCHEDULE**

WHEREAS, Smithfield City, being an incorporated City, desires to provide a combined, complete schedule of fees charged by the City; and,

WHEREAS, Smithfield City has referenced several assessed fees throughout the Municipal Code as being identified on the most current prevailing fee schedule; and,

WHEREAS, these fees are changed from time to time; and,

WHEREAS, in the process of daily administration of the City, it is deemed to be more efficient to consolidate all assessed fees on one schedule,

NOW, THEREFORE, be it resolved;

That the Smithfield City Prevailing Fee Schedule be adopted setting forth the fees to be charged for the year 2012 (See attached schedule)

Approved and signed this 25th day of February 2012

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

ATTEST:

Darrell G. Simmons, Mayor

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/s/ O. Dean Clegg

O. Dean Clegg, Recorder.

Consideration of Resolution 12-02, “2012 Rules of Procedure and Conduct for City Council Meetings”

Mayor Simmons reminded the council that this item was on the agenda of the last city council meeting. Mayor Simmons asked if the council had any further concerns.

Councilmember Jeff Barnes asked if the changes Councilmember Watkins wanted on “Conflict of Interest” were made on the new rules.

Mayor Simmons said, “Yes, you each got a copy in the e-mail with your corrected copies from City Attorney Bruce Jorgensen. If there is a significant conflict of interest the person can stay at the meeting, but that person would not vote.

City Recorder Dean Clegg said it depends on how you feel.

City Manager Jim Gass added that on the significant conflicts of interest you would hope the council member affected not be in the room while the vote is taken.

Motion: Councilmember Dennis Watkins made a motion to approve **Resolution 12-02**, “2012 Rules of Procedure and Conduct for City Council Meetings”. The motion was seconded by Councilmember Brent Buttars. A roll call vote was taken with the following votes:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins

Nay: None

Motion Passes

RESOLUTION 12-02

A RESOLUTION AMENDING THE RULES OF PROCEDURE FOR THE CONDUCT OF SMITHFIELD CITY COUNCIL MEETINGS.

WHEREAS; the City Council of Smithfield City has adopted rules of procedure for the Council to follow during the time they are convened together; and

WHEREAS; State law or other circumstances may require or allow for changes in the adopted rules of procedure to better meet the needs of the city council and the public; and

WHEREAS, there are now circumstances existing which favor a modification in the rules of procedure;

NOW THEREFORE BE IT RESOLVED, that the adopted Rules of Procedure shall be amended to read as follows.

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PURPOSE OF CITY COUNCIL MEETINGS: All meetings of the Smithfield City Council are to be held in compliance with the Open and Public Meetings Act wherein, “The Legislature finds and declares that the State, its agencies and political subdivisions, exist to aid in the conduct of the people’s business.” It is the intent of the law that their actions be taken openly and their deliberations be conducted openly. There are provisions for the holding of closed meetings, commonly also known as Executive Sessions.

OPENING CEREMONY: Smithfield City Council meetings may begin with an opening ceremony including a welcome by the mayor, The Pledge of Allegiance to the Flag, opening remarks and/or a prayer.

RESIDENT CITIZEN INPUT: The council meeting agenda may allow for an allotment of time for ~~resident citizen~~ input. This time is available for all ~~residents citizens~~ who wish to make comments or remarks on matters for which no specific agenda time has been scheduled. In consideration of the number of individuals wishing to make comments and the time available to do so, the mayor may restrict the time available per individual making comment. No action may be taken by the Council, except related to items on a published agenda for action.

ORGANIZATION

1. The Council is made up of six (6) Council Members, one of whom is the Mayor, all of whom shall be in attendance at all City Council Meetings unless excused.

Also, the City Manager and the City Recorder are to be in attendance at all City Council Meetings, unless excused.

2. The Council Members, at the first regular meeting of January of each year shall select a Mayor Pro Tempore, (hereinafter referred to as “Mayor Pro Temp” or Mayor Pro Tempore”), who shall be one of the six (6) Council Members, other than the Mayor.

3. The Mayor will preside at all meetings of the City Council. The Mayor Pro Temp will preside in the Mayor’s absence.

4. Duties of the Mayor:

- a. To preside and conduct the Council meeting on the day and time set.
- b. To present the order of the business to be conducted and acted upon.
- c. To read a roll call of those present and state the date and time of each meeting.
- d. To receive and submit in a proper manner, all motions and proposals presented by the other five (5) members of the City Council.
- e. To put to vote all motions which are properly made, or arise in the course of the proceedings and to announce the results of each motion.
- f. To inform the Council, when necessary, on any point of order or practice.
- g. To sign all ordinances or resolutions that are passed by the Council.
- h. To maintain order in the meetings of the Council.
- I. To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.

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- j. Recognize speakers and Council Members prior to receiving comments and presentations.
 - k. May have anyone removed for cause from a meeting on a two-thirds favorable vote from the Council Members
 - l. Review and approve the agenda for each meeting.
5. **Duties of the Mayor Pro Temp:** The Mayor Pro Temp, during the absence of the Mayor, shall have and perform all of the duties and functions of the Mayor and as a council member retains the right to vote.
6. **Temporary Mayor Pro Temp:** In the event that both the Mayor and Mayor Pro Temp are absent from a legally called meeting, the Council Members present shall appoint another member of the Council to preside. In such an event, the temporary Mayor Pro Temp shall perform all of the duties and functions of the Mayor and as a council member retains the right to vote.
7. **Duties of the City Manager:**
- a. Attend all Council meetings and take part in discussion but without right to vote.
 - b. Implement the policies and programs established by the Council.
 - c. Submit to the Council plans and programs established by the Council.
 - d. Perform other duties as may be required.
8. **Duties of the City Recorder:**
- a. To post all required public notices, including public notices of regular and special meetings at least twenty-four (24) hours prior to the meeting and post public notice of the annual meeting schedule and shall provide copies to *The Herald Journal*, other newspapers with general circulation or published within the City, and to the State's electronic notice website.
 - b. To attend each City Council meeting and insure the proper recording of each meeting.
 - c. Provide copies of agendas, ordinances and resolutions prior to the meeting.
 - d. To keep the minutes of the proceedings and make available in timely manner.
 - e. To keep and maintain a permanent record of the proceeding of each Council meeting.
 - f. To ensure that Council Members receive material pertinent to regularly scheduled Council meetings prior to the meeting, and as soon as reasonably possible prior to or during special or emergency meetings.
 - g. Perform other duties as may be required.
 - h. Prepare the agenda for approval by the Mayor.

RIGHTS AND DUTIES OF COUNCIL MEMBERS

1. **Council Member rights:** The rights of the Council supersede the rights of an individual member, when the individual member is performing the duties and responsibilities of a member of the City Council. As such, all members of the Council are equal and their rights are equal, subject to the different responsibilities assigned by the State and City law to the Mayor and other Council Members in their administrative, executive and legislative capacities. The majority or a minimum of three (3) yes votes prevail. Debatable motions must receive full debate. Personal remarks in debate are always out of order.

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2. **Meeting Attendance:** Every member of the City Council shall attend the meeting of the Council unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the City Recorder. The City Recorder shall inform the Mayor of the excused absences.
3. **Conflict of Interest:** A member of the City Council may declare a conflict of interest related to specific agenda items at any time. Members of the Council will file with the Mayor a sworn Conflict of Interest Statement and disclose the contents of said statement to the City Council, at the beginning of each calendar year, when circumstances may change, or at any time required by law. (See Sections 10-3-1301 to 1312 of the Utah Code.)

MEETINGS AND ATTENDANCE

1. **Place of City Council Meetings:** All regularly scheduled meetings of the City Council will be held at 96 South Main, or at such other place as may be designated. A meeting convened at the place designated may be adjourned by the Council to any other place in the City of Smithfield for the sole purpose of investigating some particular matter of business which may be conveniently investigated at such other place, or may adjourn to any other room or building that may be more accommodating for the business of the Council, so long as proper meeting location is posted for the general public.
2. **Regular Meetings – Time for Notice:** Regular meetings of the City Council shall be held on the second and fourth Wednesdays of each month at ~~6:30~~ **6:00** p.m. unless otherwise posted.
3. **Special Meetings:** The City Recorder shall give notice of the time and place of every special meeting of the Council at least twenty-four (24) hours prior to such meeting as required by State law. Such notice shall also be delivered to each member of the Council personally, or by telephone **or e-mail** . Such notice may also be given by the United States Mail, directed to the member of the Council at the member's residence and mailed no later than five (5) days prior to the time fixed for such a special meeting. Attendance at any special meeting will be considered a waiver of the personal notice requirement.
4. **Meetings, Matters Considered:** All items to be considered and voted on must be on the agenda. Matters not on the agenda that are raised during a meeting, may be discussed but no decision may be called for or voted on if not on the agenda.
5. **Quorum:** All Council meetings shall require the presence of a quorum of Council Members, meaning, three (3) or more members, excluding the Mayor, to conduct business. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from a vote, however, shall count toward constituting a quorum. A yes vote of a minimum of three (3) voting members shall be required for any ordinance or resolution to pass.
6. **Public Meetings:** Council meetings are for the purpose of conducting City business. The general public does not have the right to speak unless called on by the Mayor or the Mayor Pro Tempore in his absence.
7. **Public Hearings:** Public hearings, which are part of some Council meetings, are

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a time for the public to give their opinions, present questions, and receive answers. A public hearing is under the direction of the Mayor. He decides who is to speak and for what length of time. Public hearings should start at the time they have been posted. They can start after the advertised time, but not before.

PROCEDURE – ORDER OF BUSINESS

1. **Order of Business:** The Mayor may direct the order of the agenda items. Public hearings that have been advertised by legal notice must not begin before the time stated in the notice.
2. **Agenda for Meeting:** All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the City Council shall be delivered to the City Recorder, at least forty-eight (48) hours prior to each City Council meeting, whereon the City Recorder shall immediately arrange a list of such matters according to the order of business and furnish each member of the City Council, and when present, the attorney, with a copy of the same prior to the City Council meeting and as far in advance of the meeting as time for preparation will permit. Agenda items will be restricted to those matters proposed by the Mayor, City Council Members or City Manager.
3. **Agenda Deadlines:** All agenda items shall be delivered to the City Recorder at least forty-eight (48) hours prior to the start of the meeting to insure that proper notice is given. For good cause, the Mayor, City Council or City Manager may permit the addition of agenda items submitted less than forty-eight (48) hours prior to the start of a meeting, provided proper notice can be given.
4. **Submission of Written Materials:** All written materials should be submitted with enough time in advance of the meeting to insure that Council Members have time to read and analyze the content.
5. **Consent Agenda:** A consent agenda will be used to list routine business items, all requiring action, but not expected to generate substantial discussion. Such items might be approval of minutes, accepting a resignation, making appointments, approving business licenses, etc. The Mayor may ask for any items on the consent agenda be put on the regular agenda for discussion. If none are suggested, the consent agenda can stand approved. If used properly, this will eliminate unnecessary discussion and time loss.
6. **Minutes of Council Meetings:** Minutes, a brief, accurate summary of the proceedings of the meeting, shall be kept of all meetings. Both written and recorded minutes shall be kept. **An audio recording of each meeting will be made available for the public to listen to within three days after the conclusion of the meeting.(UCA 52-4-203(4)).** Proposed **written** minutes will be made available to the public for review once they have been presented to the city council. Official **written** minutes will be made available to the public after they are approved by the city council.

PROCEDURE – ORDER AND DECORUM

1. **Opening Ceremony:** Smithfield City Council meetings may start with an opening prayer or other ceremony and Pledge of Allegiance. Anyone wishing to participate in the opening ceremony of a meeting must contact the City Recorder for a date and time in advance of the meeting. A schedule will be prepared and sent to those who request to participate.

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2. **Written request:** Any requests to have letters or written comments read into the minutes must be provided in electronic format that can be copied into the minutes, and inclusion of any such material in the minutes must be approved by motion of the City Council.
3. **Conducting the Meeting:** Council meetings are to be conducted by the Mayor or Mayor Pro Tempore and are under their direction. They are to maintain control of the meeting and to expect that those in attendance conduct themselves in an orderly fashion. They have the right to ask someone to leave the meeting, or to have someone removed, by a vote of the Council. Members of the public do not have the right to speak in council meetings unless invited by the Mayor. During a public hearing, members of the public have the right to speak when called upon, and in accordance with public hearing guidelines, but may be otherwise limited by the Mayor to a time period.
4. **Resident Citizen Input:** The Mayor may allow for a time at the beginning or during the meeting for citizen input or comment on items not on the agenda. **The Mayor may limit the time** ~~Time will be limited~~ to no more than five (5) minutes per topic.

PROCEDURE – MOTIONS

1. **Making Motions:** Any Council Member, except the Mayor, may make or second a motion.
 - a. Motions should state findings or reasons for approval or denial within the motion, when appropriate, and may be followed by any recommendations.
 - b. Motions should be repeated for clarification following discussion and prior to the vote, at the request of any Council Member.
 - c. Motions should be as brief as possible.
 - d. Each member of the City Council shall be entitled to vote on any matter placed before the Council, ~~except~~ When a conflict of interest has been declared for a particular agenda item by a Council Member. ~~In such event,~~ the Council Member shall ~~not~~ **be allowed to** vote in connection with such Agenda item **should the Council Member choose to do so**. The Mayor shall not be a voting member except when required to break a tie or when the Council is voting on whether to appoint or dismiss a City Manager or on an ordinance that enlarges or restricts the Mayor's powers, duties and functions.
2. **Second required:** Each motion must be seconded with the exception of a motion to amend a motion and motions to adjourn City Council meetings.
3. **Withdrawing a Motion:** After a motion is stated, the motion shall be in the possession of the City Council but may be withdrawn by the author of the motion prior to the vote. Withdrawal of a second is not necessary.
4. **Motion to Table:** A motion to table an agenda item for further study should be accompanied by specific reason for continuing the matter and whenever possible, a specific date to rehear the matter should be scheduled.
5. **Amending Motions:** When a motion is pending before the City Council, any member may

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suggest an amendment without a second, at any time prior to the Mayor putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and second may choose not to accept the amendment.

6. **To Reconsider a Motion:** To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Council Member who voted with the majority during the same meeting when action was originally or last taken, or during a future meeting provided proper notice is given and the item is listed on the meeting agenda. The motion to reconsider must pass by a majority vote, with at least three (3) yes votes being required. If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or rescinded, the motion shall be put to a formal vote of the Council. The requirements of Sections 10-3-508, Utah Code Annotated, 1953, as amended, shall be observed.

7. **Rescind a Motion:** A motion to rescind or make void the results of the prior motion may take place when the applicant and other persons directly effected by the motion have not materially changed their position in reliance on the Council's action on the motion, and when the Council may be legally required to rescind a prior action.

8. **Motion to Adjourn:** A motion to adjourn the meeting shall be made at the end of each City Council meeting. No second is required to the motion to adjourn.

9. **Motion to Recess:** A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the meeting in which the motion to recess was made.

PROCEDURES - DEBATE

1. **Interruptions and Questions:** No member of the Council shall interrupt or question another member in debate without obtaining the Mayor or Mayor Pro-Temp's consent, and to obtain consent, shall first address the Mayor.

PROCEDURES – VOTING

1. **Ordinances and Resolutions:** Every resolution or ordinance shall be in writing before the vote is taken. Ordinances shall become effective twenty (20) days after signature by the Mayor and City Recorder and publication or posting or thirty (30) days after final passage by the City Council and signature by the Mayor and City Recorder, whichever is closer to the date of final passage. An ordinance may become effective at an earlier or later date after publication or posting if so provided in the ordinance. Resolutions need only be signed by the Mayor and City Recorder to become effective and do not need to be published or posted.

2. **Required Number of Votes:** The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the City Council, unless otherwise prescribed by law, shall be a majority of the voting members of the quorum, but may never be less than three (3).

3. **Roll Call Vote:** A roll call vote of "yes" or "no" will be taken on every ordinance and resolution and any action which would create a liability against the municipality and in any other case at the request of any member of the City Council and shall be recorded.

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4. **Explaining the Vote:** After the vote is taken, any member of the Council wishing to explain his/her vote shall be allowed an opportunity to do so.
5. **Changing a Vote:** No member shall be permitted to change his/her vote after the decision is announced by the Mayor.
6. **Abstention:** Any Council Member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reasons shall not be considered a conflict of interest.
7. **Conflict of Interest:** Any Council Member who has declared a conflict of interest with respect to any agenda item may remain at the table, **be allowed to participate in the discussion regarding said agenda item, and may vote on the item.** ~~but shall not participate in the discussion regarding said agenda item and may not vote on it.~~
8. **Tie Vote:** Tie votes shall be broken by the Mayor casting a vote.

AMENDMENT OF RULES OF PROCEDURE

These Rules of Procedure may be amended from time to time at any meeting of the City Council, by resolution, after proper noticing of the proposal to amend the rules, upon a majority vote of all of the voting members of the City Council.

STATE LAW PREVAIL; CONSTRUCTION

To the extent any of these Rules of Procedure conflict with State law, State law shall prevail. So far as the provisions of these Rules of Procedure are the same as previously existing Rules of Procedure, whether written or established and developed over time, they shall be construed as continuations thereof. This document is not intended to be a comprehensive statement of every Rule of Procedure; and the fact that a particular Rule of Procedure is not mentioned shall not be construed as a repeal or rescission of such Rule of Procedure. The repeal or rescission of a Rule of Procedure shall only occur, if specifically accomplished in a written Resolution adopted by the City Council.

This resolution shall take effect upon the adoption and passage of the same by the City Council.

ADOPTED AND PASSED this 25th day of January, 2012

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, City Recorder

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Consideration to Authorize the Mayor to Sign an Operational and Maintenance Agreement for the Logan and Northern Canal

City Manager Jim Gass said we are not ready to act on this item. All council members received a copy of the list of changes. It is still being reviewed. Brent Rose, Attorney for the Canal Company is out of town. If council members have any questions we can go over the document.

Councilmember Dennis Watkins said it looks like a generalization would be very nice. "In order for the city to make repairs to the canal it needs to have permission of the canal companies. In times of emergency can we take care of the emergency?"

City Manager Gass said "Yes, we need to contact the water master and make sure we are doing okay."

Mr. Watkins said we are at the end of the canal.

City Manager Gass answered that the storm water will be our biggest problem. There will be less irrigation water when it gets to us. The biggest concern is what is added to the canal.

Mr. Gass said there is a procedure outlined if the canal company does not respond, they give you the go-ahead. They have to have reasons to deny a request. There is also going to be an agreement between the cities, particularly when it comes to storm water. There are several agreements that need to be made between cities on the canal. Canal companies have their representatives, and we have a representative for the cities. Right now it is Logan, Mark Nielsen.

Councilmember Watkins thinks it is great that the canal project has moved this far. City Manager Gass said it took a tragedy to get this far, and it is a good thing to have done.

Councilmember Jeff Barnes said Section 10 says much of the costs have to do with maintenance. "There is no cost to cities – who takes care of these costs?"

City Manager Gass answered that every city has recognized that we have a responsibility there.

City Recorder Dean Clegg said, "The canals are of value to us – last Thursday night there was lots of water. We had no problems."

Councilmember Barnes said that his neighbor, Mike Howell had problems. His house got flooded.

City Manager Gass said, "We want to make sure before the water leaves the golf course it goes down 120 South and into the storm sewer."

Councilmember Barnes added the last time Mr. Howell's house got flooded it was water off the golf course.

Mr. Gass said we are still having a problem there.

Mayor Simmons said when they pushed the snow into the corner of the parking lot at the LDS Church it creates a dam and then the water goes everywhere.

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Mr. Gass said the police and fire departments did a great job there.

Councilmember Dennis Watkins said that City Employee Lyle Izatt did a wonderful job the night of the water problems.

Mayor Simmons added that Fire Chief Jay Downs was doing double duty between Smithfield and Hyde Park.

Mayor Simmons said that Saturday was a mess. Mendon was really in trouble.

City Manager Gass said that we have about 1000 sand bags available if we need them. The detention ponds are about drained. On Tenth East is a detention pond and it worked great.

Councilmember Brent Buttars wondered if there has been any more discussion on who would take ownership down the road.

City Manager Gass said eventually the Logan Northern Canal will belong to the cities. There are still issues on this. There will be distribution for those remaining users. The cities should put that in and then it will be turned over to the canal company. We can't have discussions on money matters until the project is completed.

Councilmember Barbara Kent asked when we will be ready to approve this.

City Manager Gass hopes by the next meeting. He wants to wait until the final draft is completed.

Consideration of a Request from Bart Roylance, Smithfield Implement, to Display Items on Grass Area East of Building During Summer Months

The City Office received a letter from Bart Roylance of Smithfield Implement, requesting permission to display items on the grass in front of their building on Tuesday, Wednesday, Friday, and Saturday of each week during the summer of 2012.

City Manager Jim Gass said the city will establish the days then ask the Parks Department to make their schedule. Sometimes we change those days for maintenance purposes.

Motion: Councilmember Barbara Kent made a motion to approve the request from Bart Roylance, Smithfield Implement, to display items on the grass area east of building during the summer months. Councilmember Kris Monson seconded the motion. A roll call vote was taken with the following votes:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins
Nay: None
Motion Passes

Consideration of Appointment of Planning Commission Members

Councilmember Brent Buttars said this is to request approval of alternates to become regular members of the Planning Commission. These men are Peter Krusi and Doug Archibald.

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Motion: Councilmember Brent Buttars made a motion to approve Peter Krusi and Doug Archibald as members of the Planning Commission. Councilmember Kris Monson seconded the motion. A roll call vote was taken and the following votes cast:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins
Nay: None
Motion Passes

Councilmember Buttars said Ric Vernon has served for 15 years on the Planning Commission. Roger Douglas has served for five years, and Mike Paskett is coming up on 5 years. Steve Edwards is not currently a permanent member of the commission.

City Recorder Dean Clegg said we need to write up some rules about order and procedures. There have been no adjustments or changes for many years.

Ric Vernon has served three five-year terms. City Manager Jim Gass said Mr Vernon has been chairman of the commission for a long time. Mr. Gass would like to see him recognized with a plaque. We could have him come to the next council meeting and do this recognition.

Councilmember Brent Buttars said he likes to have new members of the commission come to a planning meeting just to listen before they start their job.

City Manager Items

Furnaces in Youth Center

We are having trouble with furnaces in the Youth Center. They were installed in 1990. We are working on them and we will probably have to replace them next year.

Utilities

We have a policy when it comes to people who leave for the winter with regards to having their water shut off. We have a policy in Champlain's. There is one meter for all the homes, they still have to pay for the sewer. They are still charged a water bill and a garbage bill. We have an unusual case with Jim Elwood on Second South and Sixth West. He rents that old house out. He would like to have the utilities on their old house shut off. No one is living there now. He has a well and is not on city water. We have no water to shut off; someone could come in and use the utilities. He has requested that we stop the bills here.

Councilmember Barbara Kent asked if in the past he has rented the home. His two boys have lived in the house. The youngest one has been the most recent tenant. He moved out at Christmas. There is no one living there now.

Mayor Simmons asked if we have landlord agreements in the city. City Manager Gass said, "No." Councilmember Kris Monson asked if we have more than one or two could we call and see if

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someone has moved in. Mayor Simmons has renters in Logan and he has to have rental agreements.

City Manager Gass said in Champlain we have to leave their utilities on because there is only one meter there.

City Recorder Dean Clegg said we don't charge anything to turn the sewer off and on when people leave their home for the winter. He doesn't think anyone is concerned with Mr. Elwood, but then maybe others would take advantage of the city.

Councilmember Dennis Watkins thinks we need to continue to charge these fees to make sure that our costs are covered. We should be hesitant and forgiving. We use that money to make sure those pipes are in good repair. The cost isn't that bad.

Councilmember Kris Monson asked if this is just the sewer portion of the bill. City Building Inspector Jon Wells said it is the garbage and dispatch too. Mr. Elwood could call and cancel those

Councilmember Monson agrees with Councilmember Watkins. They will follow through on this. If we cut their water off, we can discontinue that cost.

City Manager Gass gave a reminder to all council members that in our next meeting we will talk about multiple family modifications. Please be prepared.

Meeting with Michelle Apponash

This is a meeting we have set up with Michelle Apponash.

Councilmembers Buttars and Kent will be meeting with Mr. Gass and Mrs. Apponash about the intersection on 400 West and 400 North. She wants to get started on this building. She is open on when to meet.

Councilmember Buttars said he could meet on Tuesday, January 31, at 5:15 p.m., at the city office.

Councilmember Kent is in agreement with that, so City Manager Gass will get in contact with Mrs. Apponash.

New Animal Control Officer

Frank Keepers is now on board as the Animal Control Officer. He is a resident of Smithfield. He was a great animal control officer in the past.

Highway 30

City Manager Gass doesn't think the problem is Cache County or Logan. The issue is money. Valley View is their last priority.

Meet with Police

Chief McCoy wants to meet with Mayor Simmons and City Manager Gass tomorrow. Mayor

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Simmons has already talked to the Chief.

Retirement

Mr. Gass would like to meet with Mayor Simmons and any Council Members that would like to participate to discuss the Utah Retirement for Judge Terry More. There has been a law passed by the state that requires municipalities to pay into retirement for judges. The state is requiring all the cities to pay. Our policy does not allow our contribution to give retirement unless they are a full time employee. We are trying to work out some arrangements on this.

Mayor and Council Reports

Mayor Simmons' Report:

Mayor Simmons has met with each council member and assigned areas of responsibility within the city.

Councilmember Kent's Responsibilities

Youth Council, including the community booth at the fair,
Liaison for the council to work with schools – meet with principals, and
Senior Citizens

Councilmember Buttars' Responsibilities

Planning Commission,
Responsible to work with the cemetery keeping it the peaceful spot that it is, perhaps developing a brochure on cemetery etiquette and procedures.

Councilmember Watkins' Responsibilities

RDA,
Economic development,
Library, and
City Newsletter – working with the council on this

There will be an Annual RDA meeting on February 8. Mayor Simmons said Councilmember Watkins is very well educated on RDA.

Councilmember Barnes Responsibilities

Historical Society,
Water Advisory Committee
Service Organizations - including Lions, Tree Committee, Community Covenant

Councilmember Monson's Responsibilities

Rec Center,

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Representing the Council with the Chamber of Commerce
The Trail Committee,

Councilmember Monson will also lead the way on the social media. Facebook has become a way to communicate with people.

Mayor Simmons' Responsibilities

Emergency Preparedness,
Fire and Police,
Liaison with other cities and communities,
Golf Course,
Animal Control, Taxation and Finance,
MPO

Mayor Simmons said there will be plenty to do for all council members. Things can stay as they are, or you can make a difference.

Councilmember Buttars' Report:

Councilmember Buttars wondered where we are at on the main entrance and the new sign at the cemetery.

City Manager Gass reported that Lance Walker is a brick mason. We talked about it with him. He will draw up a sketch and get back with us on a price. Clay Bodily is working on the entrance. He will get with Councilmember Buttars when they are ready to make a move. This is for the northwest entrance.

Councilmember Buttars said we need to address the problem with boundary lines between the city and Mack Park and the street west of the Lion's Lodge. There are a couple home owners that live near the Lion's Lodge that have let their yards creep out into Mack Park. We talked about selling them a little piece. The Mack family would not let us charge them.

Councilmember Monson said it is not the city's responsibility; it is the responsibility of the Mack family. We cannot release that property; it belongs to the Mack family. We do not have the right to do anything.

City Manager Jim Gass visited with Brett Mack – they are not as concerned about someone going out there as they are about the city trying to sell it.

Councilmember Barbara Kent asked Councilmember Monson if she is saying we can't do anything about it unless the Mack family agrees. The Mack family wants to be involved with whatever decision is made.

Councilmember Buttars said we are not turning the property over, the fact is that they (the homeowners) have been using our property.

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Councilmember Barnes Report:

Councilmember Barnes met with Lt. Simmons about a ceremony for the Community Covenant. Do we want it to fit into Health Days? Some communities are doing it in city council meetings. Some are including this signing with their city celebration. Maybe we could do it in the musical at Sky View on May 11. The sign is 11" x 17".

Councilmember Kris Monson thinks it would be better in a city council meeting. There are so many things going on at the musical (the Children's Theatre) that would not be a good idea.

Councilmember Barnes said we would have to decide who would sign the document; also there would be a second document for anyone to come up and sign. One document is for city officials or whoever and the other one is for everyone.

Mayor Simmons asked if we have a flag ceremony on Health Days. Yes, at the breakfast at the Fire Station. Let's bring it up about having the signing in conjunction with breakfast that morning. We want to invite military personnel and families. If General Tarbet is available he comes out to these types of things. He was an honorary graduate of Sky View High School.

Catrina Rinehart could have Sky View Band playing all government music, we need to make this memorable. We will meet again in March to talk about this item. We need to make a bigger thing of this than just at city council meeting. Mayor Simmons said we will do that.

Military Utility Waiver – We need to take a look at this and update it and revise it.

Councilmember Monson's Report:

Held the first Health Days meeting last week. We will drop the amount of money that the girls get for the pageant.

The Tree Committee held a meeting recently. They will be putting an article in the newsletter. Councilmember Barnes will be taking the Tree Committee over.

Councilmember Monson would like to spotlight Smithfield businesses on Facebook. She would leave it up to the committee members for articles. She put this idea out to the Chamber. Mayor Simmons said let's start it and see how it goes.

Councilmember Kent's Report:

Councilmember Kent reported the youth council has been very busy. They are working with the Happy Factory making toys.

The Spaghetti Dinner is coming up on March 8.

We were going to the legislature, but due to weather conditions, cancelled the trip.

The theme of this year's Cache County Fair is "Livin' the Dream".

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The Youth Council Leadership is scheduled for February 28.

Councilmember Kent did mention to the library the art display pictures. They said to bring them in. The library has new shelving.

They are changing to a new computer system. (Inter Library Connection). You have to go to the specific library to get the book, and return it to the same library. We were able to get a new computer system because of this.

Mayor Simmons has asked Councilmember Watkins to look at a location for a new library. They feel we need to be as functional as we can.

Councilmember Kent asked if anyone has been a school liaison before. Mayor Simmons has. There are things that the schools will communicate with us.

Councilmember Watkins' Report:

Councilmember Watkins said since they allowed their business to be Facebooked they considered going back to advertising in the newsletter and going back to a monthly newsletter. The fees charged are so small they didn't see much value.

Councilmember Watkins suggested selling the bottom 1/3 of a page to coupon spaces split into six positions. If we generated \$50 per space that would allow \$300.

Councilmember Monson asked Councilmember Watkins if he would talk to the businesses about helping to generate revenue.

Councilmember Monson said the newsletter is already completely full. Mr. Watkins said the front page is traditionally the Mayor's Report. We could divide that up; the Rec Center needs to change, the library is one of the biggest reporters, we could cut that back. Change the newsletter to a monthly publication and put some coupons in it.

Councilmember Watkins wants the city to permit our businesses to gain money from sales tax revenues. Every time we get someone to buy in Smithfield, we benefit across the board. We are being sensitive to our costs. We are also trying to let the citizens know what is going on in the city.

Mayor Simmons asked if this would be just for local businesses with a business license. What kind of restrictions do we have?

Councilmember Watkins answered that we could have the Chamber take this on. Have the Chamber guarantee that we will fill the advertisement area of the newsletter.

City Recorder Clegg:

City Recorder Dean Clegg would like to put another 500 people on e-bill. By doing this we could save 54 cents per bill. What about the newsletter going out separately from the utility bill? Mr. Clegg said this is a goal down the road. He wants to change and make bills more colorful. He also said we need to change the appearance of the webpage. It needs to be brought up to date.

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There are a couple of companies that make newsletters on e-mail. Some businesses could not get their advertisements in on time.

Mayor Simmons said we need to continue to explore this idea and invite a member of the Chamber to come to a meeting.

Councilmember Watkins said Herriman City “Twitted” information to their residents during the fire last summer.

Mayor Simmons suggested we look at this, and when we go to League of Cities and Towns let’s talk to folks down there.

We will have an RDA meeting after the first council meeting in February. The purpose of the annual meeting (to be held in February) is to elect RDA officers. When that agenda is put together, the RDA meeting will be held after regular city council meeting. Some people think that is too late.

Mayor Simmons said he would like to have a photo taken of the council the night of February 8. City Recorder Dean Clegg will contact Orvid Pitcher to arrange for pictures that night .

Mayor Simmons expressed appreciation for emergency preparedness. Doug Petersen needs to be recognized for his work last week, the night of the potential flooding.

City Manager Jim Gass said we have sand bags.

Adjournment

Motion: Councilmember Kris Monson made a motion to adjourn. All were in agreement.
Adjourned at 8:12 p.m.

Approved and signed this 8th day of February 2012.

SMITHFIELD CITY CORPORATION

ATTEST

Darrell G. Simmons, Mayor

O. Dean Clegg, Recorder