

MINUTES
SMITHFIELD CITY COUNCIL MEETING
March 28, 2012

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **March 28, 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.
City Council Member Jeff Barnes offered a prayer.
Scout Josh Christensen from Troop 288 led the Pledge of Allegiance

Visitors: Tyra Simmons, Scott Barwick, Chad Andersens, Dennison Engler, Alex Keller, Chandler Thompson, Jayden Barwick, Boyd Corbridge, Brennen Reese, Valerie Elder, David E. Doxsee, Doug Petersen, Glen Thornley, Travis Taylor, Robert N. Geber, Marros Chaparro, Cristian Oerde, Jordon Brooksby, Jacob Kunzler, Spencer Cenley, Carter Low, Brandon Robb, Scott Nelson, Mark Low

Agenda:

- 1 6:05 Consideration of Consent Agenda
Minutes of City Council Meeting held March 14, 2012
- 2 6:10 Residents Input
3. 6:15 Mayor Simmons to Read a Proclamation Declaring April as “**Child Abuse Prevention Month**”
- 4 6:30 Department Report (Public works)
- 5 6:45 Consideration of a request from Travis Taylor, agent for Smithfield Ridges, LLC for approval for Phase 4 (5 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development, located at approximately 340 South and 1150 East. Zoned R-1-12(PUD) (Combined Single Family Residential/Planned Unit Development Overlay Zone)
6. 6:55 Consideration of **Ordinance 12-04**, “An Ordinance Amending Certain Provisions in CHAPTER 2.28 Police Department ; Deleting CHAPTER 2.60 City Jail; Amending CHAPTER 6.12 Animal Control Regulations Generally to reflect increase impound time requirements; And deleting SECTION 10.08.060 Approach to Park Space.”
- 7 7:00 City Manager Items
8. 7:15 Mayor and Council Reports

Continuation of Minutes from City Council Meeting held March 28, 2012

Barnes: Presentation of Names for Historical Society Board
9 7:30 Continued discussion for the preparation of the Fiscal Year 2012/2013 Budget.
10 Adjournment

Consideration of Consent Agenda

Minutes of City Council Meeting held March 14, 2012

Mayor Simmons declared the Consent Agenda approved.

Residents Input: None

Mayor Simmons to Read a Proclamation Declaring April as “Child Abuse Prevention Month”

Mayor Simmons introduce Valerie Elder from the Child and Family Service Center.

Ms Elder presented some information about the C&FSC. April is public awareness month with many activities being held during the month to help inform the public about the service offered at the center and to raise money for operations. During the past year there were 556 reported case of child abuse or neglect with 200 substantially confirmed cases in Cache County.

The Center is currently located at 1400 North 200 West.

Mayor Simmons thanked Ms Elder for the presentation and read the following proclamation:

**CHILD ABUSE PREVENTION MONTH
PROCLAMATION**

**SMITHFIELD CITY’S GREATEST ASSET IS OUR CHILDREN,
NOW AND FOR THE FUTURE.**

WHEREAS; ALL CHILDREN deserve to grow up in a safe and nurturing environment to ensure they reach their full potential.

WHEREAS; CHILD ABUSE is a serious and growing problem affecting millions of our nation’s children and thousands of children in Utah annually; and,

WHEREAS; CHILD ABUSE respects no racial, religious, class or geographic boundaries; and,

WHEREAS; IT IS IMPORTANT for all citizens of Smithfield to become more aware of child abuse and the critical need for prevention within their respective neighborhoods and community; and,

WHEREAS; DECREASING the occurrence of child abuse relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today, who will become the leaders of tomorrow;

THEREFORE; I, Darrell G. Simmons, do hereby proclaim April 2012 as Child Abuse Prevention

Continuation of Minutes from City Council Meeting held March 28, 2012

Month. I support child abuse prevention efforts and education, and I encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this 28th day of March 2012

/s/ Darrell G. Simmons

Mayor of Smithfield, Utah



Child & Family Support Center

380 West 1400 North

Logan, UT 84341

(435) 752-8880 ~ www.cachecfsc.org

Department Report (Public works)

Doug Peterson, Public Works director, gave a report of what the public works personnel have been doing, with only plowing snow on three occasions there was time to accomplish a number of projects. They repaired the roof on the shop, washed, painted and waxed the trucks, repainted the inside of the sewer truck, painted the chlorination building. A lot of work was done up Smithfield Canyon to the Petersen Springs area to capture more of the water and to fill and grade the slope around the spring to prevent runoff water getting in to the city water supply.

A number of summer projects are planned and the crew will be busy. Council Member Buttars asked if the flow had been increased with the work done on Peterson Spring. The answer was about three times more water.

Mr Peterson discussed a list of equipment needs to the Council including a newer dump truck to replace the one purchased on surplus from the State.

There was discussion concerning Eagle Scout projects and the good they do for the community.

Mayor Simmons thanked Mr. Peterson and the employees that do such a great job for the city.

Consideration of a request from Travis Taylor, agent for Smithfield Ridges, LLC for approval for Phase 4 (5 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development, located at approximately 340 South and 1150 East. Zoned R-1-12(PUD) (Combined Single Family Residential/Planned Unit Development Overlay Zone)

Travis Taylor discussed his desire to move to another phase of development at 340 South 1100 East.

There was a discussion on the road 1150 East and does it connect to 300 South. It will connect when the developers of the property to the north of Smithfield Ridges does something. The street 1150 East will eventually run fro 300 South to 600 south.

Storm water out of Dry Canyon was discussed and what the City has planned to divert the water

Continuation of Minutes from City Council Meeting held March 28, 2012

from running down existing channels into this development.

City Manager Gass explained that the City has moved to divert the runoff at the mouth of the canyon to the north side of 300 South and pick it up in a 24 inch storm drain that will carry it to the canal.

Council Member Barnes is concerned with the potential storm damage that might occur.

City Manager Gass would like to purchase some property under the power lines to build a detention pond to hold unexpected runoff.

Motion: Council Member Kent moved to approve Phase 4 (5 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development, seconded by Council Member Buttars.

Voted yea: Barnes, Buttars, Kent, Monson, Watkins

Voted nay: -

Consideration of Ordinance 12-04, "An Ordinance Amending Certain Provisions in CHAPTER 2.28 Police Department ; Deleting CHAPTER 2.60 City Jail; Amending CHAPTER 6.12 Animal Control Regulations Generally to reflect increase impound time requirements; And deleting SECTION 10.08.060 Approach to Park Space."

City Manager Gass stated the Council had reviewed this ordinance in a previous meeting. It is to clean up some of the wording regarding the Police department.

Motion: Council Member Monson moved to approve Ordinance 12-04, seconded by Council Member Watkins:

Voted yea: Barnes, Buttars, Kent, Monson, Watkins

Voted nay: -

ORDINANCE NO. 12-04

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on December 13, 1995; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING CERTAIN PROVISIONS IN CHAPTER 2.28 POLICE DEPARTMENT; DELETING CHAPTER 2.60 CITY JAIL; AMENDING CHAPTER 6.12 ANIMAL CONTROL REGULATIONS GENERALLY TO REFLECT INCREASED IMPOUND TIME REQUIREMENTS; AND DELETING SECTION 10.08.060 APPROACH TO PARKING SPACE.

Continuation of Minutes from City Council Meeting held March 28, 2012

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. Chapter 2.28 Police Department shall be amended as shown below. Words or phrases with ~~strikeout~~ shall be deleted and words or phrases that have been shaded are to be added.

Chapter 2.28

POLICE DEPARTMENT

- 2.28.010: Police Department Established:
- 2.28.020: ~~Marshal~~; Chief of Police:
- 2.28.030: Additional Powers and Duties of Policemen:
- 2.28.040: ~~Register~~ **Record** of Arrest:
- 2.28.050: Property Taken from the Person Arrested; ~~Triplicate receipts~~:
- 2.28.060: ~~Register~~ **Record** of Property to be Kept:
- 2.28.070: Stolen Property Disposition:
-
- 2.28.010: **POLICE DEPARTMENT ESTABLISHED:** There is established a regularly constituted police force to be known as the ~~police department~~ **Smithfield City Police Department** which shall consist of a chief of police and such other police officers as shall be employed by the municipality.
- 2.28.020: ~~MARSHAL~~; **CHIEF OF POLICE:**
- A. The municipal chief of police and other police officers shall have such powers as are granted by state law. ~~In addition, during the time when the city has contracted with the Cache County sheriff's office for law enforcement services, all references to the chief of police and police officers in this chapter shall be deemed to refer to the Cache County sheriff and his/her duly appointed deputies.~~
 - B. He shall organize, supervise and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers.
 - C. He shall, when required, attend meetings of the governing body to consult with and advise them on matters of public safety. He shall execute all lawful orders of the mayor and governing body and see that all orders and judgments of the justice of the peace **Smithfield Justice Court** are carried into effect.
- 2.28.030: **ADDITIONAL POWERS AND DUTIES OF POLICEMEN:** The chief of police and all police officers of the municipality shall have the following powers and duties in addition to those that may be assigned to them as above provided:
- A. To suppress riots, disturbances and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the municipality;
 - B. To execute and serve all warrants, processes, commitments and writs whatsoever

Continuation of Minutes from City Council Meeting held March 28, 2012

issued by the justice of the peace **Smithfield Justice Court;**

- C. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance.

2.28.040: **REGISTER RECORD OF ARREST:** The chief of police shall provide and cause to be kept a ~~register~~ records management system documenting of arrests. ~~Upon such register~~ **In such records management system** shall be entered a ~~statement showing~~ the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested.

2.28.050: **PROPERTY TAKEN FROM THE PERSON ARRESTED;**
TRIPPLICATE RECEIPTS: When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must ~~at the time~~ issue triplicate receipts therefor specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. ~~The third receipt must be sent at once to the office of the police department~~ **ensure that the property is accurately entered into a records management system.**

2.28.060: **REGISTER RECORD OF PROPERTY TO BE KEPT:** The chief of police must enter or cause to be entered in a ~~suitable book~~ **records management system** a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article ~~and make a corresponding entry thereof.~~

2.28.070: **STOLEN PROPERTY DISPOSITION:** It shall be the duty of the chief of police to keep all lost or stolen property that comes into the possession of the police department or any of its members. He shall make all reasonable efforts to discover the owners thereof.

- 2. Chapter 2.60 City Jail shall be deleted in its entirety.
- 3. Chapter 6.12 Animal Control Regulations Generally shall be amended as shown below. Words or phrases with ~~strikeout~~ shall be deleted and words or phrases that have been shaded are to be added.

6.12.050: **IMPOUNDMENT:**

- A. Any dog found running at large or any cat suspected of causing a nuisance as defined in this title shall be impounded by the animal control officer and confined

Continuation of Minutes from City Council Meeting held March 28, 2012

in a humane manner. Immediately upon impounding a dog or cat the animal control officer shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of ~~three (3)~~ **five (5)** working days in which the shelter is open to the public shall become the property of Smithfield City and will fall under the jurisdiction of the animal control officer. A feral cat becomes the property of Smithfield City immediately upon impoundment and therefore may be euthanized, at the discretion of the animal control officer, prior to the normal ~~three (3)~~ **five (5)** day requirement.

B. When any animal is found running at large or causing a nuisance; and its ownership is verified by the animal control officer, the officer may exercise the option of serving the owner with a citation in lieu of impounding the animal if it is the animals first offense. The owner of the animal, which has been impounded three (3) times, in a two (2) year period, will be required to appear before a judge for review.

C. Disposal of an animal by any method specified here in does not relieve the owner of liability for violations and any accrued charges.

6.12.060: **REDEMPTION:**

A. Any dog or cat impounded may be redeemed by the owner/caregiver thereof within ~~three (3)~~ **five (5)** working days upon payment of a mandatory impound fee as listed in the prevailing fee schedule plus any additional costs incurred in caring for the impounded animal. If any such dog or cat has been previously impounded within the past twenty four (24) months the impoundment fee shall be increased as listed in the prevailing fee schedule. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

6.12.090: **EUTHANIZATION:** Any animal not redeemed, adopted or rescued within ~~three (3)~~ **five (5)** working days may be euthanized. Any animal deemed by the animal control officer to be feral, dangerous, sick, injured or suffering may be euthanized immediately.

4. The following section in Chapter 10.08 Parking shall be deleted.

10.08.060: **APPROACH TO PARKING SPACE:**

- A. Every driver about to enter a parking space being vacated shall stop his or her vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space.
- B. No driver shall stop her or his vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly in the rear of a parking space being vacated.
- C. No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion in the process of vacating.

Continuation of Minutes from City Council Meeting held March 28, 2012

The follow citizens will serve as members of the Smithfield Historical Society Governing Board as approved by the fore mentioned motion:

Barbara Gutke, Jeff Bland, Billie June Buttars, Hollie Downs, Marilyn Neilsen, Jean Layne, Craig Neilsen, Mike lynch, Lyle Coleman, Jeff Gittins, Dixon Allen, Jeff Strate, Wade Lindley, and Lynda Gittins.

Emeritus Status was given to Lawrence Cantwell and Bud Pitcher.

Mayor Simmons requested that a member of the Youth Council be assigned to work a member of the Historical Board.

Mayor Simmons declared a recess at 7:20pm

Mayor Simmons reconvened the Council Meeting t 7:35 pm

Continued discussion for the preparation of the Fiscal Year 2012/2013 Budget.

Mayor Simmons turned the time to City Manager Gass to continue with the presentation of the proposed budget for Fical Year 2012/2013

The following department budgets were presented:

<u>Fund</u>	<u>Budget</u>		<u>Diff</u> <u>FY11/12</u>
Streets	167,250.00	-	94,016.74
Public Works	9,723.09	+	400.00
C Roads	373,411.62	-	52,133.87
Sanitation	725,000.00	+	24,200.00
Shop	14,100.00	-	300.00
Parks	63,275.53	+	1,760.00
Celebrations	27,150.00		0.00
Senior Citizens	17,000.00	-	300.00
Historical Society	2,750.00		0.00
Library	155,191.42	+	1,300.00
Cemetery	25,800.00	+	200.00
Contributions to other funds	257,737.09	-	70,085.83

During the discussions questions were asked and answered.

Mayor Simmons asked about using secondary water in the parks.

Council Member Buttars asked about purchasing the property on the corner of 400 West and Center Street.

A request was made to find someone to chink the Historical building.

Continuation of Minutes from City Council Meeting held March 28, 2012

It was suggested that a VoiP system for the phone in the Library be looked at.

Next Budget meeting scheduled for April 19th at 6:00 pm and May 2nd at 6:00

Adjournment

Motion: Council Member Monson moved to adjourn at 9:30 pm

Approved and signed this 25th day of April 2012.

SMITHFIELD CITY CORPORATION

___ ATTEST:

Darrell G. Simmons, Mayor

O. Dean Clegg, Recorder