

**MINUTES**  
**SMITHFIELD CITY COUNCIL MEETING**  
**October 24, 2012**

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **October 24, 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.

Councilmember Jeffrey Barnes offered a prayer.

The Pledge of Allegiance was led by Jaxon Hickox of Boy Scout Troop 68, Smithfield, Utah.

**Visitors:** Tylar Albaugh, Katie Swain, Kelly Cannon, Dave Barnes, Doug Jensen, Brekka Jensen, Autumn Shakespear, Steve Wassom, Debbie Wassom, Jeremy Jensen, Jaxon Hickox, Keaton Horman, Josh Heaps, Andrew Wood, Shawn Anderson, Justin Kleven, Nick Morrison, Gwen Price, Kayson Barwick, Melissa Hardman, Reed Findlay, Max Gyllenskog, Mike Weibel, Jeremy Hunt, Jay Downs, Lyle Chunner, Michelle Robison, Jayson Duffin, Jacob Low, Matt Dewey, Nelson Ricks, Alyson Clarke, Chandler Eskelson, Kori Thompson, and Jean Douglass

**Agenda:**

Welcome and Opening Ceremonies

Consideration of Consent Agenda

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Eagle Scout Project Report from Kasen Barwick

1. Resident Input
2. Sandy Spendlove to give Presentation of CERT Liability Guide Program
3. Presentation of Sewer Study by Sunrise Engineering
4. Consideration of **Resolution 12-11**, "A Request from LaVolye Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC, for the Annexation of 16.47 Acres on 250 East from 600 South to 800 South

## **Continuation of Minutes of City Council Meeting held October 24, 2012**

5. Consideration to Allow Cemetery Record Books be Stored by the State Archives
6. Consideration to Award Contract for Construction of East Entrance to Civic Center
7. Introduction of **Ordinance 12-08**, “An Ordinance Amending the Smithfield City Land Use Ordinance (Zoning), Title 17: By Adding Chapter 17.14 “Animal Rights Regulations for R-1 Zones” in its Entirety.”
8. City Manager Items
  - Amended Agreement with Verizon at the Golf Course
  - Request for Quit Claim Deed for Property Adjacent to Crow Mountain Road
9. Mayor and Council Reports
10. Adjournment

### **Consideration of Consent Agenda**

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Mayor Simmons declared the consent agenda approved.

#### **Eagle Scout Project Report from Kasen Barwick**

Boy Scout Kasen Barwick reported on the service project organized for his Eagle Project. Kasen had 10-15 scouts help with his Eagle Project. They cut down and cleaned up the willows growing along the creek on 100 North between 200 East and the Civic Center. There was a total of about 30 hours service rendered that day.

Councilmember Jeff Barnes said Mr. Barwick did a good job. Three adults were there to make sure things were done right.

#### **Resident Input**

None

#### **Sandy Spendlove to Give Presentation on CERT Liability Guide Program**

Mayor Simmons welcomed Sandy Spendlove of the CERT Liability Guide Program. Ms. Spendlove said it is a pleasure to introduce the Community Emergency Response Training to the Smithfield City Council. Ms. Spendlove in turn introduced Rick Williams.

Mr. Williams talked about the program. He has seen the benefits of CERTS before. He has had prior experience in local government, the state level, and the national level. He has personally witnessed the value of CERTS. He spent time working with Hurricane Katrina.

The CERTS program began in Los Angeles following earthquakes. He started training people to support fulltime and professional responders. He did not have enough resources and manpower needed to deal with big problems. FEMA adopted the CERT Program in 1993. The CERT Program is available in all fifty states, three territories, and six foreign countries. Sandy Spendlove is the State Coordinator for Utah.

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Mr. Williams introduced Smithfield Fire Department member Mike Weibell who heads the medical reserves. This program provides support through civic participation. It is a program of neighbors helping neighbors. There is a CERT Program in Smithfield and there is the need for help from all local governments.

Sandy Spendlove said there are only eight ambulances in this valley. We have the responsibility to take care of ourselves when resources are stretched. CERT volunteers are trained in search and rescue, and also receive basic training on the operation of fire equipment. We train people how to take care of other people until medical help arrives. Ms. Spendlove said her first experience was with the canal break in Logan. CERTS can be involved in many things and they love to do their part. They meet once a month as a council.

Smithfield Assistant Fire Chief, Jeremy Hunt also works with CERTS. Mayor Simmons introduced CERTS team members present at the meeting. Jeremy Hunt said we haven't officially formed a Smithfield CERTS team although there are several who have been trained. We are now working through the process. We are very fortunate to live where we do, where we can get help.

City Councilmember Brent Buttars asked where we could send people for training.

Mr. Williams said it is the National Emergency Response Training Center. It is developed under FEMA. They are well trained people. Mr. Williams added that we have CERTS trained people in schools. USU has a tremendous team. It is a whole community program.

Mr. Williams said they come to local government because there is a certain amount of liability that comes from inviting groups to help. If the government is willing to help with the risk it is outweighed by the benefit you get. Our churches are doing a tremendous job; the request for CERT comes from your local agencies. The big issue is liability and so they look to local government to sponsor the group.

Chief Downs and Jeremy Hunt will work with Councilmember Kris Monson and a study group to lead a discussion and look into a CERTS program in Smithfield.

Smithfield resident Debbie Wassom has been through the CERTS training many times and has wished we were organized. Mrs. Wassom would like to be on the committee. She has wanted this for a long time. Debbie's husband, Steve Wassom, is also a CERTS volunteer. Mr. Wassom said they are directed to make a plan for their organization but that plan needs to be coordinated with the city. Mayor Simmons thanked all those who participated.

### **Presentation of Sewer Study by Sunrise Engineering**

Jeremy Jensen from Sunrise Engineering was in attendance to discuss the sewer study that was recently completed by Sunrise. They were hired to analyze the existing sewer in Smithfield and identify any areas that may be a problem or that could pose a problem in the future. He reported the existing system was approved in 1988 with construction beginning after that. The original system used reinforced concrete pipes. The system is now just over 20 years old. As part of their analysis they chose six locations in the city to meter the flows on a continuous basis. As expected, the

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demand on the system follows the typical curve with low flows late at night and peaks in the early morning and evening.

Population growth is critical in forecasting the adequacy of a sewer system. Smithfield has grown 2.5 per cent per year since the sewer was installed and they used that growth figure in their analysis. They also looked at Hyde Park's flow because they share the same trunk line that transports the sewage to the Logan lagoons. After building and validating the model they found very few deficiencies. Mr. Jensen did note however, that from the point the sewage from the two communities comes together the communities should closely monitor the line. Indications are the trunkline could begin approaching acceptable capacity within the next 20 years.

Mr. Jensen added there are areas we need to watch to make sure that the lines continue to be free flowing. In particular, he identified 100 feet of pipe and two manholes through the airport property that are projected to have capacity issues in the future. One possible solution would be to increase the pipe size to 36 inch and construct a new metering station at an estimated cost of \$1,026,000. The cost of this improvement should be shared with Hyde Park.

City Manager Jim Gass said our sewer system is in really good shape. We have a very good system. Mr Jensen said we are advised to check this report every five or ten years.

Mr. Jensen next gave an update on the lift station that is being built at about 1600 North and 1200 East in Logan. This lift station will replace the one built by Smithfield on the trunkline as part of the original sewer project. The project is being managed by Logan City who operates the lift station. The design plans have been submitted to the State Division of Water Quality for review. There are a few minor things that need to be changed. Logan is working with USU to purchase land; they are unsure how long this will take. The estimated cost on the entire project is \$3.9 million.

Councilmember Dennis Watkins asked if we have the option to separate from Logan City in the future and provide our own treatment.

City Manager Gass answered, "That depends whether or not the state will ever issue a separate discharge permit. They have been reluctant to do so in the past preferring to monitor regional plants rather than several individual plants. He said it would likely be less expensive to remain with the existing treatment system. If we were to separate, it might be difficult for Hyde Park to come with us because placement of a treatment plant would likely be upstream from Hyde Park because of the airport requiring them to pump.

Councilmember Dennis Watkins asked about the \$400,000 we are sending to Logan and what would our costs be if we went on our own. City Manager Gass said operational costs are high, insurance goes up, personnel to run the system all in addition to the cost of the treatment plant. Maybe you might want to engage a firm to do a study and see how much it would cost.

City Recorder Dean Clegg requested Mr Jensen to report on how Scott Archibald is doing. Mr. Archibald is the Manager of Sunrise Engineering's Smithfield office. He was severely injured last summer in a bicycle accident.

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Mr. Jensen answered, "He is doing a lot better. He is up walking around, and got permission to drive and is using a crutch to get around. He is much better than he was three months ago."

**Consideration of Resolution 12-11, "A Request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC, for the Annexation of 16.47 acres on 250 East from 600 South to 800 South"**

City Recorder Dean Clegg is working with Hansen Architects. It has taken a while to get the proper signatures. The decision before the council is whether or not they are willing to accept the petition for annexation and proceed to the next step.

**Motion:** Councilmember Jeff Barnes made a motion to accept Resolution 12-11, a request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC, for the annexation of 16.47 acres on 250 East from 600 South to 800 South. The motion was seconded by Councilmember Brent Buttar.

A roll call vote was taken with the following votes being cast:

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

**RESOLUTION 12-11**

**Pitcher Family Land LLC**

**Cache County Tax Number 08-017-0004**

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTIONS 10-2-403 AND 10-2-405, UTAH CODE ANNOTATED, 1995, AS AMENDED.**

WHEREAS, on October 4th, 2012 owners of certain real property (petitioners) filed a petition with the City Recorder of Smithfield City, Cache County, State of Utah requesting that such property be annexed to the corporate boundaries of Smithfield City; and

WHEREAS, said petition contains the signatures of the owners of private real property that is: 1) located within the area proposed for annexation; 2) covers a majority of the private land area within the area proposed for annexation; and 3) is equal to at least one-third of the value of all the private property within the area proposed for annexation; and

WHEREAS, the petitioners certify that said property proposed for annexation lies contiguous to the present boundaries of Smithfield City and the petitioners have caused an accurate plat or map of the real property proposed for annexation to be prepared by a licensed surveyor and have filed said plat or map with the City Recorder; and

WHEREAS, said petition appears to comply with all the requirements of Section 10-2-402 and 403, Utah Code Annotated, 1953, as amended.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of Smithfield City, Cache County, State of Utah, that the Annexation Petition attached hereto as Exhibit "A", is hereby accepted for further consideration under the provisions of Utah State Annexation Law and is hereby referred to the City Recorder for review pursuant to Section 10-2-405(2), Utah State Code Annotated, 1953, as amended.

BE IT FURTHER RESOLVED that this resolution shall become effective upon adoption.

ADOPTED AND PASSED by the City Council on this 24<sup>th</sup> day of October , 2012.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

City Manager Gass told the council, as this progresses, and we move toward annexation, he would like to see as a condition for annexation additional right-of-way be dedicated to the city to widen the south side of 600 South and the east side of 250 East to their full width. Also the north half of 800 South.

Councilmember Dennis Watkins added that 250 East and 600 South collects a lot of water. This could be a concern. Mr. Gass said how that will be handled is part of the storm sewer study being conducted by JUB Engineers. In the meantime, if an LDS church is built there they would have to detain the storm water on the site.

**Consideration to Allow Cemetery Record Books be Stored by the State Archives**

City Recorder Dean Clegg said we have old books full of records from the cemetery and in the last month we have sent them to be microfilmed. The State Archives (USU Library) will hold them for us, but we need permission of the city council. They will be preserved well. We have them stored in other forms. All members of the council were in agreement for City Recorder Clegg to store these books at the USU Library.

**Consideration to Award Contract for Construction of East Entrance to Civic Center**

City Manager Jim Gass said this is a project to put an entrance on the east side of the Civic Center. We divided the project into three schedules: (a) the walkway and shelter, going through the east exterior wall, (b and c) have to do with work inside the building. We received bids between \$91,000 and \$137,000. Landmark Construction gave the low bid. They are the same contractor that constructed the improvements to the interior of the building a few years ago. Landmark's bid will allow us to award all three schedules.

**Motion:** Councilmember Dennis Watkins made a motion to award the bid for construction of an east entrance to the Civic Center to Landmark Construction Company in the

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amount of \$90,920. Council-member Kris Monson seconded the motion. A roll call vote was taken with the following votes cast:

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

Bid Opening  
2:00 pm  
Civic Enter East Entrance

Jim Gass, Brett Daniels, Jon Wells, and Dean Clegg were there representing Smithfield City.

<b><u>Todd Jensen Construction</u></b>	A	85,702.00		
	B	9,066.00		
	C	14,051.00	Total	108,819.00

<b><u>Lundahls</u></b>	A	101,992.00		
	B	10,513.00		
	C	21,927.00	Total	134,432.00

<b><u>Landmark</u></b>	A	68,830.00		
	B	7,790.00		
	C	14,300.00	Total	90,920.00

<b><u>Raymond Construction</u></b>	A	99,987.00		
	B	17,000.00		
	C	12,000.00	Total	128,987.00

<b><u>M.W. Construction</u></b>	A	99,049.00		
	B	10,559.00		
	C	18,631.00	Total	128,239.00

**Introduction of Ordinance 12-08, “An Ordinance Amending the Smithfield City Land Use Ordinance (Zoning), Title 17: By Adding Chapter 17.14 “Animal Rights Regulations for R-1 Zones” in its Entirety”**

Councilmember Kris Monson reported that City Deputy Recorder Char Izatt, City Building Inspector Jon Wells, and Mrs. Monson have been working on this for almost a year. The ordinance is an attempt to allow people to reestablish lost animal rights to their property in the single family zone.

City Manager Gass recommended the council delay action on the ordinance until the council has spent time reviewing it and he has had an opportunity to meet with Councilmember Monson to review some concerns he has. After discussion, the item was tabled until a later date.

**City Manager Items**

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### Amended Agreement with Verizon at the Golf Course

A few years ago we entered into an agreement with Verizon for a cell phone tower and building on the golf course. The original site placed the facilities on on the brow of the hill at the south end of the overflow parking lot. That particular site was constructed by the city using uncompacted fill which proved to be too unstable for the building and tower. Verizon is now requesting a change in the original agreement permitting the building and tower to be moved to the east of the original site where it would be on more stable ground. The agreement would also be modified to include an initial payment to the city of \$2,000 to secure the site.

**Motion:** Councilmember Dennis Watkins made a motion to allow Mayor Simmons to sign the amended lease agreement between Smithfield City and Verizon. The motion was seconded by Councilmember Barbara Kent. A roll call vote was taken with the following votes recorded:

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

### Request for Quit Claim Deed for Property Adjacent to Crow Mountain Road

During the platting of the Ridgeview Subdivision, Crow Mountain Road (600 East) was realigned at Upper Canyon Road. This realignment shifted the road to the west allowing it to intersect with Upper Canyon Road straight on. In dedicating the property for the new alignment, it was always the intent of the city to release any claim they had on the original alignment. Although the city has never had deed for the original alignment, a release of claim to the property is now being requested to avoid any title issues in the future.

**Motion:** Councilmember Barbara Kent made a motion to allow Mayor Simmons to sign a deed releasing claim to the original alignment of Crow Mountain Road. Councilmember Kris Monson seconded the motion. A roll call vote was taken with the following results:

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

### Youth Center Evaluation

City Manager Gass asked Councilmember Jeff Barnes if he had heard anything about the Youth Center evaluation. Councilmember Barnes said the Historical Society met and reviewed it for corrections. Mr. Barnes thinks it is ready to come back to the city.

**FYI:** Hansen Annexation –There was interest in weather or not the property being requested for annexation could be served with water. The Hansens met with JUB Engineers and their preliminary report suggests all of the area currently being cultivated can be serviced by the

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storage reservoir in Dry Canyon. The reservoir elevation is 5,230. The cultivated portions vary from about 5100 to 4950.

### **Sunset Park**

There is an access walkway from 900 East to the trail at Sunset Park. They plan on putting this in this fall. It is in the budget.

### **Cemetery**

City Manager Jim Gass has had many positive comments about the cemetery. The slab for the new sign at the north entrance was provided by Evolution Design. Brown Monument provided the engraving, and Lance Walker did the masonry work.

### **Water Study**

JUB is finishing the study which evaluates the water rights we currently have and determine whether or not they are sufficient to meet the city's needs over the next 40 years. The State has a requirement limiting cities ability demand water as part of a development to only that which will only be required over the next 40 years. Once the study is complete they will present their finding to the city council.

### **Building Permits**

The city has currently issued 120 building permits for new housing units in Smithfield this calendar year. That represents nearly 400 new residents. There were 52 single family dwellings, with the balance being townhomes and apartments.

### **Chlorinator**

MW Construction has completed the construction of the chlorination building on Upper Canyon Road. It is now operational and the City has added the Peterson Springs to the culinary system.

### **Mayor and Council Reports**

#### **Councilmember Watkins' Report:**

Nothing

#### **Councilmember Kent's Report:**

The Smithfield Youth Council Senior Ball is November 10<sup>th</sup>. All city council members and their partners are invited to attend. It will be at the Smithfield Stake Center beginning at 6:30 p.m.

#### **Councilmember Monson's Report:**

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The Recreation Department will be sponsoring a Christmas Lighting Contest. They will add a little to the program each year.

The Chamber of Commerce “Night of Giving”. It will be held at the golf course on December 1. There will be a limited number of tickets. The Smithfield Youth Council will be helping. The program will include a Christmas tree auction. There is a concern that some trees might sell for less than it cost to donate and decorate them.

### **Councilmember Barnes’ Report:**

Councilmember Barnes reminded members of the city council of the Veteran’s Day Assembly at Sky View on Friday, November 9 at 10:00 a.m. General Tarbet will speak, Mayor Simmons will speak, after which members of the City Council will have an opportunity to sign the Community Covenant. Lt. Simmons will say a few words and the presentation of the Community Covenant will follow.

Tree issue – We have a land owner in Three Creeks who is concerned about a few dead tress along the banks of Summit Creek which he feels are at risk of falling on his property. We have sent a letter to the property owner that owns the trees advising him to remove them.

### **Councilmember Buttars’ Report:**

Councilmember Buttars is wondering about the canal through Lundstrom Park in Logan City.

City Manager Jim Gass said they are in the process of installing the box culverts through Logan Canyon. The big pipe on 1500 North that ties the two canals together is in from 1200 East to the canal. They are also removing trees and bushes along the canals. They are making a concerted effort to notify and work with residents in the area. There was a filing in district court to stop the project, but all indications suggest the effort will not be successful and in the meantime work continues. The State NRCS has reaffirmed their support for the project.

Mr. Buttars asked about the status of the right-of-way for the project. Mr. Gass said the county secured the right-of-way not only in the area of the project but including the entire length of the canal even before the project began. “Lots of that property is owned by property owners. It is now a recorded right of way that allows them to proceed. It is moving forward. Zan Murray from JUB Engineering said they are definitely making progress.

Councilmember Buttars asked about our offer to purchase the old granary on 400 West. Mr. Gass said they have not come back with a counter offer on it and he wasn’t expecting one.

He also asked about the Wade Lindley rezone request. Mr. Gass said they have not been back to the city.

### **Mayor Simmons’ Report:**

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City Recorder Clegg told the Council that the City has to stop people from cutting through the Public Works area. Our insurance company has encouraged the City to do this because of the liability. We need to lock the gates at Forrester Acres to stop people from cutting across there on weekends and after working hours.

**Adjournment**

**Motion:** Councilmember Kris Monson made a motion to adjourn. All were in agreement.  
Adjourned at 8:39 p.m.

Approved and signed this 14<sup>th</sup> day of November 2012.

SMITHFIELD CITY CORPORATION

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Darrell G. Simmons, Mayor

ATTEST:

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O. Dean Clegg, Recorder