

MINUTES
SMITHFIELD CITY COUNCIL MEETING
November 14, 2012

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **November 14, 2012**. The following were present constituting a quorum.

Mayor	Darrell G. Simmons
Council Members	Jeff 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 Dennis Watkins offered a prayer and led the Pledge of Allegiance

Visitors: Emily Haag, Dave Barnes, Johnny W. McCoy, Cayan Maughan, Cooper Larsen, Nicole Kidd, Troy Gunnell, Jeff Sorensen, Jameson Daines, Adam Vaughn, Ryan Sorensen, Chace Poole, Gage Poole, Brock Marchant, Coy W, Ashley Varcia, Melissa Edgar, Connor Runyan, Chelsea Elwood, Katie Swain – Hard News Cafe, Michael Kidman, Eric Fortney, Brett Glove, Raymond Castco, Ben Cook, Kyle Larson, Mich Loftin, Carli Jo Egbert, Jacob Guymon, Alex Beutler, Nick Haynie, Chase Mortensen, Jason Duffin, Sierra Hall, and Jean Douglass

Agenda:

Welcome and Opening Ceremonies

Consideration of Consent Agenda

Minutes of October 24, 2012 City Council Meeting

1. Resident's Input
2. Audit Report Presentation for Fiscal Year 2011/2012 from Jones Simkins P.C.
Consideration for Approval of Annual Audit
3. Consideration of Appointment to Planning Commission
4. Consideration of Request from Chief McCoy for Approval to Dispose of Unclaimed Property held by the Police Department
5. Consideration for Approval for Logan City to use Water Shares for Water Feature
6. Consideration for Approval of Boundary Line Adjustment for Sewer Lift Station

7. Consideration for Approval of Agreement for Purchase of Land for Sewer Lift Station
8. Receive the Certification of Annexation Petition from the City Recorder for the Annexation Request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC (CC 08-117-0004) and Direct the Publication of Such

Petition in the Herald Journal on November 21, November 28, and December 5, 2012.

9. City Manager Items
10. Mayor and Council Reports
11. Adjournment

Consideration of Consent Agenda,
Minutes of October 24, 2012 City Council Meeting

Mayor Simmons declared the consent agenda approved.

Residents Input

None

Audit Report Presentation for Fiscal Year 2011/2012 from Jones Simkins P.C.
Consideration for Approval of Annual Audit

Mike Kidman of Jones Simkins P.C. was in attendance. He told the group he would give just a couple highlights of the financial statement topics audited. There were no exceptions, no items of concern.

Mr. Kidman recommended all council members read Management Description and Analysis. It is prepared by City Manager Gass and it's an overview of what happened during the last fiscal year.

Operating Income/Loss – This area for the enterprise funds are doing much better with the increase in fees approved by the council last year. The golf course, when including depreciation, continues to be operating at a loss but it's minimal. Excluding depreciation and just looking at revenue over expenses, the fund operated in the black.

Bonds – All scheduled debt payments are being made. They are being paid on schedule

Budgetary Pages – You can look at expenditures, there are no negatives in any of the funds. No budgetary violations at all.

Internal Controls – No compliance findings. No internal control comment. City Auditor Dean Clegg said we got some help so audit team journal entries are making less entries.

Mayor Simmons thanked Mr. Kidman for a great report. He told Mr. Kidman his staff does a great job. Also, thanks was given to City Recorder Dean Clegg for all the good work he does.

Motion: Councilmember Dennis Watkins made a motion to accept the audit report for fiscal year 2011/2012 from Jones Simkins P.C. presented by Michael Kidman. The motion was seconded by Councilmember Kris Monson. A roll call vote was taken with the following results:

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

Mayor Simmons told Mr. Kidman to please thank his staff for a job well done.

Consideration of Appointment to Planning Commission

Councilmember Brent Buttars asked the council if they would accept Steve Teuscher as an alternate to the Planning Commission and as an opening becomes available to make him a full time member of the Planning Commission.

Motion: Councilmember Brent Buttars made a motion to appoint Mr. Steve Teuscher as an alternate member of the Planning Commission. As an opening occurs, to make him a full time member of the Planning Commission. Councilmember Kris Monson seconded the motion. A roll call vote produced the following votes:

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

Consideration of Request from Chief McCoy for Approval to Dispose of Unclaimed Property Held by the Police Department

Chief McCoy reported he has 24 bicycles that have not been claimed. By statute the city council needs to approve how they are disposed of. We have to publish a list of these bicycles in the newspaper for eight days. We can either get rid of them one by one or release all of them at once.

Chief McCoy told the council the last time we did this was in 2003. That time we had a public auction. We raised \$300.

Councilmember Kris Monson made a motion suggested we give the bicycles to USU for their “Blue Bikes Restoration Program”.

Councilmember DennisWatkins wondered about giving them to “Somebody’s Attic”.

Motion: Councilmember Jeff Barnes made a motion to donate the entire lot to the USU Aggie Blue Bikes Program. More discussion took place. There was no second made to the motion, therefore the motion died.

A suggestion was made that on December 7 providing an opportunity for community members to come in to inspect and claim the bikes, and then on December 9, send the remainder to USU.

Some members of our community have expressed an interest in some of the bikes to fix them up and give them away.

If the public is interested, they can view them on December 7 from 8:00 a.m. – 5:00 p.m.

Motion: Councilmember Dennis Watkins made a motion for a silent auction on December 8; following that, have Chief McCoy take the remaining bicycles to USU for their restoration program. The motion was seconded by Councilmember Brent Buttars. A roll call vote had the following votes counted:

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

Consideration for Approval for Logan City to use Water Shares for Water Feature

City Manager Jim Gass said one of the concessions to settle the Highline Canal project with residents in Logan was for (Logan City) to construct a water feature from the Golf Course to Lundstrom Park to replace the canal which is being piped. Logan City is using their shares in the canal and also has a commitment from USU for some of their shares to provide water to run down the water feature (ditch). Because of the amount of water needed, they are requesting Smithfield also contribute water shares. The shares of water would be a non-consumptive use meaning Smithfield wouldn't lose any of the water being used and we would have full rights to the water once it leaves the ditch and re-enters the canal. Logan has agreed to sign an agreement with Smithfield assuring them of the non-consumptive use with a pledge to replace any water that may at any point be considered lost. If necessary they would put a meter in to insure the same amount of water reenters the canal.

Councilmember Jeff Barnes asked how many second feet of water they have now.

Mr. Gass answered, "Somewhere in the neighborhood of 130 to 150 shares."

Councilmember Barbara Kent asked if we didn't let them do this, would the water just go through the pipe? Mr. Gass answered, "Yes". Mrs. Kent said if we are legally guaranteed that we won't lose any water she thought it would be okay.

City Recorder Dean Clegg said we should get all the water back in the canal.

Councilmember Jeff Barnes said the request by members of "FLOW" is somewhat ironic since their main objective was to defeat the project and prevent it from happening. They lost their objection and now are asking Smithfield City to be the nice guy and allow them to use our water in the water feature.

The City needs to know how much cfs others are giving before we agree to give some.

The council agreed with the concept and will await for more details and for the opportunity to review the agreement before giving their final approval.

Consideration for Approval of Boundary Line Adjustment for Sewer Lift Station

City Manager Jim Gass told council members sewage from Smithfield is being conveyed in the city's trunkline to the Logan Lagoons. It's pumped through a pump station that is operated by Logan City near 1200 West and 1500 North in Logan. The pump station sits on property owned by Smithfield City and it was built during the original sewer project in 1989-90. The lift station is being replaced and in order to build the new one there is the need for additional property adjacent to the existing property. It is being proposed that there be a boundary line adjustment between Smithfield and USU who owns the adjacent property. The boundary line adjustment will increase

the size of the existing lot lot to allow for the building of new pump station. Since Logan will own and operate the new pump station Logan City will pay USU for the additional property. Smithfield will will then deed the new lot to Logan because Smithfield will have no use for the property.

Motion: Councilmember Kris Monson made a motion to agree to adjustment of the boundary line. The motion was seconded by Councilmember Brent Buttars. A roll call vote was taken with the following votes cast:

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

Consideration to Approval of Agreement for Purchase of Land for Sewer Lift Station

Councilmember Jeff Barnes asked why do we have to do this? It is continuation of the above item on the agenda. A roll call vote was taken with the following results.

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

Receive the Certification of Annexation Petition from the City Recorder for the Annexation Request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC (CC 08-1170004) and Direct the Publication of Such Petition in the Herald Journal on November 21, November 28, and December 5, 2012

City Recorder Dean Clegg informed the council he had completed his review and there was a letter from Lynn Lemon stating the county found the petition to be in order. The letter from the county recommended the annexation include the dedication for the extension of 800 South east of 250 East. There is a 30-day period where affected entities can protest the proposed annexation.

Motion: Councilmember Jeff Barnes made a motion to accept the certification of annexation petition from the city recorder for the annexation request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC (CC 08-1170004) and direct the publication of such petition in the Herald Journal on November 21, November 28, and December 5, 2012. The motion was seconded by Councilmember Kris Monson. A roll call vote was taken with the following votes cast:

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

**CERTIFICATION OF ANNEXATION PETITION
AND NOTICE TO CITY COUNCIL,
CONTACT SPONSOR AND CACHE COUNTY COUNCIL**

STATE OF UTAH)

Continuation of Minutes of City Council Meeting Held November 14, 2012

County of Cache : ss.
)

I, O. Dean Clegg, the duly appointed and acting City Recorder of Smithfield City, Cache County, Utah, do hereby certify that I did on October 4, 2012, receive the Petition For Annexation and attached Plat which was filed with the City by LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC, which petition was accepted by the Smithfield City Council for further consideration pursuant to Section 10-2-405, Utah Code Annotated, 1953 as amended, by Resolution 12-11, adopted and passed by the City Council on October 24, 2012.

I hereby certify the Petition and state that I have reviewed the referenced Petition for Annexation, with the assistance of others as required by law, and have determined that the Petition meets the requirements of Subsections 10-2-403(3), and (4) of the Utah Code and I hereby give Notice to the Smithfield City Council, the Contact Sponsor for said Petition, and the Cache County Council, of my Certification of said Petition as meeting the requirements of the referenced subsections of state law.

IN WITNESS WHEREOF, I have hereto set my official signature and affixed the seal of Smithfield City Corporation in Cache County, State of Utah, this 14th day of November, 2012.

/s/ O. Dean Clegg
O. Dean Clegg
Smithfield City Recorder

The foregoing Certification was received by the Smithfield City Council on November 14, 2012.

SMITHFIELD CITY CORPORATION

By: _____
/s/ Darrell G. Simmons
Darrell G. Simmons, Mayor

Mayor Simmons will sign the certification tonight. Tomorrow City Recorder Clegg will send letters out to all those who signed the petition stating they accepted.

City Manager Items

Police Vehicles

City Manager Gass discussed the possibility of entering into a lease program for police cars rather than buying the cars outright. He presented the council with a number of leasing options which included two to three cars per year for 3 to 5 years. In the past the city has been purchasing one or two cars a year when possible at a cost of between \$30,000 and \$60,000. This has resulted in a replacement cycle of 7 to 8 years. With a leasing program it would be possible to reduce the time we have the cars to 3 or 5 years a maximum lease payment of \$65,000 to \$69,000 in 2020. He estimates in the years preceding 2020 the payments will be under \$60,000 for most of the options with the first two years being between \$12,000 and \$36,000. At the end of the lease period the cars would be returned to the dealer or could be bought outright. North Logan leases all their vehicles.

The police officers are currently putting between 10,000 and 12,000 miles a year on their cars. The lease program has a mileage allowance of 15,000 miles per year.

Councilmember Dennis Watkins asked why we don't double up on the cars rather than providing a car for each officer.

Chief McCoy said use of police cars can vary extensively during a shift. If officers were sharing their vehicles, at the end of their shift they would need to remove their equipment and the replacement officer would then have to store theirs. Also, half the cars greatly reduces the flexibility of the department especially during times when multiple officers are needed.

City Manager Gass also explained if you have two officers using one car for two shifts you're putting double the mileage on the car which in turn reduces the life of the car by half and you end up replacing the car twice as often anyway. They feel that the "car per man" program works better.

Councilmember Watkins would like to see the study in writing.

Chief McCoy said, "When you have a car per man the officer is held accountable for the upkeep, and maintenance of the vehicle."

Mayor Simmons would like to do more research on this and come back.

Draft of Budget Adjustments

City Manager Gass handed out proposed adjustments to the council. He explained that the mid-year budget adjustment is typically quite small as is the case this year. Overall he said the budget looks quite good and the adjustments being proposed are not to adjust for over expenditures. Revenues are trending in a very positive manner with sales tax leading the way. We are currently nearly \$80,000 ahead in our sales tax distribution over last year.

Earlier in the year the council agreed to provide an additional \$1,000 for Nick Hildago education reimbursement. The police department has received a Justice Assistance Grant for \$5,000 which has been added.

The as been \$73,464, added to the RAPZ tax revenues reflecting \$7,000 for a portion of the annual allotment and \$66,464 which was awarded for the Civic Center's east entrance. The \$7,000 allotment will be used to buy additional equipment with the school district at the Rec Center. There was also \$25,000 added to the Civic Center project from the General Capital Improvement Fund which represents the city's match.

Regarding the Youth Center and repairs to the rain gutters: Estimated costs are \$3,000 for the rain gutters and \$2,000 for the fascia.

Well

Our well at Birch Creek will pump 1,000 gallons a minute. We currently have rights to increase that pumping rate to 1500 gallons a minute. In anticipation of another dry winter resulting in a short supply of water next summer, the city is looking to upgrade the current pump and motor to allow for

the higher pump capacity. When questioned by Councilmember Brent Buttars about the potential of further developing our existing springs to increase our water supply, City Manager Gass said there was additional water available, but the city didn't possess the water rights to develop it.

Mosquito Abatement

We are part of the Cache MAD. Each city has a representative to the district. Our representative is Robert Mather and his term is about up. The district meets the fourth Thursday of each month at Bear River Health and they have asked the city to provide a name of a new representative to fill the term expiring on January 1, 2013. If the city isn't prepared to assign the responsibility to a council member, the position needs to be posted announcing the position and giving interested residents the opportunity to apply. They pay \$25 a month plus mileage. The term is for four years.

City Recorder Dean Clegg said there will be a resolution on December 12 to fill that position.

Logan Lift Station

Design on the new sewer lift station in Logan that was discussed earlier is nearly complete. The preliminary engineer's estimate to construct the facility has been placed at 3.9 million dollars, of which Smithfield must bear a significant portion (55%) because of the amount of waste we are contributing. The current rates that Smithfield is paying to Logan City for collection has been established to allow for the accumulation of 2.1 million of the 3.9 million dollars. As a city, Smithfield is required to make up the difference or approximately \$900,090. The city has a couple of different options including paying the difference up front, paying a portion of it up front and having an increase in the monthly rate paid to Logan over a five year period after which the rate would be adjust back to a lower amount, or allow for an increase in the rate to collect all of the money over the next five years. To meet the latter, the rates charged to residents would result in an increase of about \$5.00 per month. No decision was made.

Employee Christmas Party

Thursday, December 19th was set as the date for the employee Christmas party. The Fire Department will do the cooking, the city provides the food. It will be held during the noon hour.

There was some discussion concerning the cancelling of the summer party and whether or not the money saved could be used to increase whatever gift the council may consider giving the employees for Christmas. The council agreed to provide the same amount for a Christmas gift this year as was given last year with no increase due to the cancelling of the summer party. The council also reaffirm the need for a summer party for the employees in the future as an opportunity for the council members to become better familiar with the employees and to thank them for their efforts.

Golf Course

The Logan River Golf Course has just recently appointed Randy Oldham to be their new Greens Superintendent. The city had good relations with Mr. Oldham while he was at the Logan Golf and Country Club.

Fire Department

In recent discussions with the County, it has been suggested the city assume the lead role for all ambulance personnel currently employed by the county and assigned to the ambulances in the Smithfield and Hyrum fire stations. Smithfield presently employs four full time ambulance workers and their salaries and benefits are reimbursed by the county at a 70/30 split. Under the new proposal, the part time county employees would become part time Smithfield employees with the county picking up their salaries. With these part time employees being Smithfield Employees, Chief Downs would have greater supervisory control and would be able to utilize them in roles other than for the ambulance when they are not actively involved in ambulance activities, including fire fighting and station maintenance.

The council was agreeable to assuming the ambulance personnel in the Smithfield Station because many of them, if not all, are already on the city's payroll as fire fighters. However they were not supportive of making those assigned to the Hyrum station Smithfield employees preferring them to continue as county employees. City Manager Gass will inform the county of the city's preference and report back.

Mayor and Council Report:

Councilmember Buttars' Report:

Nothing

Councilmember Barnes' Report:

The presentation of the Community Covenant was last Friday as part of the Sky View Veteran's Day Assembly. General Tarbet gave a fantastic talk. The Community Covenant will be placed in the city office.

Councilmember Monson's Report:

They Rec Center is sponsoring the Christmas Lighting Contest.

The Turkey Trot will be on Saturday.

Councilmember Monson asked the council members to read the animal ordinance and let her know if changes need to be made. The ordinance will be discussed during the December 12th meeting.

Councilmember Kent's Report:

Councilmember Kent said the senior ball was a great success. Many thanks to the Lion's Club for their help.

The Youth Council will be helping with the Turkey Trot.

Thanks to the people who helped with the elections.

(City Manager Gass said they are starting on the east entrance to the Civic Center next Monday. That will make entering the Civic Center much better and not so congested.)

(City Recorder Dean Clegg asked council members to encourage county officials and the county council to make it more cost effective for the cities to use their electronic voting machines for the municipal elections .)

Councilmember Kent was contacted by a citizen whose daughter will be getting married in December who would like to have fireworks at the church by Birch Creek Elementary School for their wedding. City Recorder Dean Clegg said state law says fireworks are prohibited except on certain days (July 4th, and 24th).

Councilmember Watkins' Report:

Nothing

Chief McCoy:

Yesterday, Travis Allen's wife had a baby boy.

Yesterday Chief McCoy created a policy for injured cats and dogs. If an officer comes across an injured animal they should take it to the vet, but the vet cannot charge more than \$200 if the owner can't be found. Then the officer should try to find the owner to pay.

An Eagle Scout came to Chief McCoy who wants to use the flags for pedestrian flags. He wondered about using the flags at 100 North 600 West for kids walking along that roadway to school.

Councilmember Barbara Kent said we have come to a dead end about kids walking through the Pitcher property to get to school at Birch Creek.

Mayor Simmons Report:

We will not have a meeting on November 28. The next meeting will be held on December 12, 2012.

Adjournment

Motion: Councilmember Kris Monson made a motion to adjourn. All were in agreement.
Adjourned at 9:02 p.m.

Approved and signed this 12th day of December 2012.

SMITHFIELD CITY CORPORATION

ATTEST:

Darrell G. Simmons, Mayor

O. Dean Clegg, Recorder