

MINUTES
SMITHFIELD CITY COUNCIL MEETING
December 12, 2012

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **December 12, 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 Kris Monson offered a prayer and introduced Boy Scout Colton Eck who led the Pledge of Allegiance.

Visitors: Will Newell, Eric Newell, Nathan Newell, Dale Cox, Remy Lambson, Pete Krusi, Stockton Dunkley, Kaden Rodeback, Chase Pettingill, Ralph Erickson, R. Dayton, Vincent L. Hansen, Jay Henrie, Sherman Lewis, Carolyn Lewis, Wade C. Campbell, Danne K. Campbell, Jeff Gittins, Lynda Gittins, Legy Elemmer, Mike Lynch, Ray Winn, Wes Thompson, Chase Wallace, Andy Howard, Jesse Moore, Sam Walker, Nathan Ulrich, Logan Bingham, Hayden Cantwell, Christian Parker, Porter Sessions, David Turner, Garth Mikesell, and Jean Douglass

Agenda:

Welcome and Opening Ceremonies

Consideration of Consent Agenda

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1. Resident Input
2. Report From Alan Roberts on Structural Study for Youth Center Building
3. Discussion with Jay Henrie for Consideration of a Request from Vincent Lee Hansen, for Annexation of Property Located at Approximately East of Hillside Drive and South of Birch Canyon
4. Public Hearing not to begin before 6:30 p.m. to Receive Public Input for Consideration of **Resolution 12-13** "Amending the Budget for FY12/13"
5. Discussion with Tim Ryan from "Bout Time Pub and Grub"
6. Discussion on **Ordinance 12-08** "Animal Rights Regulations for R-1 Zones"
7. Consideration of **Ordinance 13-01**, "Set Meeting Times and Dates for 2013."
8. Consideration of **Resolution 12-12**, "Appointment of Person to Represent Smithfield City

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on the Cache Mosquito Abatement District Board of Trustees.”

9. Signing of the Community Covenant by Mayor and Council Members
10. City Manager Items
11. Mayor and Council Reports
12. Adjournment

Consideration of Consent Agenda

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Mayor Simmons declared the consent agenda approved.

Resident Input:

Smithfield resident Ralph Erickson complimented the city employees on lighting they have done for Christmas. It is outstanding. He appreciates what they have done for the city.

Smithfield Mayor Darrell Simmons said he has received many e-mails from people out of our city complimenting us on our Christmas lighting.

Report from Allen Roberts on Structural Study for Youth Center Building

Mr. Roberts thanked the Mayor and Council for letting him do the study on the Youth Center. Their company has done studies for many historical buildings around the region. They looked at the structural stability of the building, the condition of the masonry, and the electrical and mechanical systems.

Findings and Recommendations

The walls are four bricks thick. There are header courses every seven courses, and sometimes every five and even every three courses. The earthquake in 1962 destroyed the Richmond Tabernacle and didn't damage this building.

Recommendations: A few of the main recommendations include re-decking the roof to provide a structural diaphragm and then tying the roof to the walls to provide stability. Replacing the heat systems with new and more efficient furnaces, expand and upgrade the wiring. Remove the accessible entrance in the front and return it to its original look, and then add an elevator or lift for access. Repair the masonry by re-pointing the grout and replacing damaged bricks. They also recommend the city look for additional uses for the building such as a center for the various arts – it could lend itself to a senior center.

There is nothing about this building physically that would preclude it from being renovated.

As for who could be responsible for the building going forward, they gave three possible options:

1. City maintains ownership

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2. Sell the building to a private non-profit organization
3. Sell it to a developer for profit organization.

Mr. Roberts said the study divided the cost for improvements into two categories. The first were the essential renovation costs which included seismic upgrades, repairs to the masonry, etc. at a cost of \$545,000. The second grouping of improvements include reconstructing the windows and spires, restoring the doors, and removing the access ramp at a cost of approximately \$428,000 for a total estimated project cost of \$973,000.

Councilmember Brent Buttars asked if the footings and foundation are okay. Mr. Roberts said “Yes, the foundation wall is over two feet thick. It is a strong building in lots of ways.”

Mayor Simmons asked Mr. Roberts if he is nervous about the way we are using the building.

Mr. Roberts answered, “No, but there should be a higher set of uses that it could be used for.”

Mayor Simmons asked why the church would get rid of it if it is so sound.

Mr. Roberts said “Because it was outdated.”

During their evaluation they found the original front doors, some of the hardware, and the railings.

Discussion with Jay Henrie for Consideration of a Request from Vincent Lee Hansen, for Annexation of Property Located at Approximately East of Hillside Drive and South of Birch Canyon

Former Smithfield resident Vincent Lee Hansen and Jay Henrie of Henrie Engineering of Orem were in attendance. Two months ago they approached the council about annexing 160 acres, some of which appeared to be undevelopable because of slope, access, and questionable water availability. As a result, they were asked to review the area and consider eliminating those areas which could not be developed. It was suggested that they make contact with JUB Engineers who could review the possibility of servicing the area with the city’s water system. The council also wanted to see serviceability of the site seemed too hard for annexation, and they are back tonight to see about annexing and developing only the part of the land that is developable.

After consulting with JUB Engineers it was determined that most of the area that was currently being cultivated could be serviced by the city’s water system. Mr. Henrie also showed the council a concept plan showing the area that they felt could be developed which included an area above the power lines on the east bench of the city.

Councilmember Kris Monson expressed her firm belief that development on this land should be restricted to the area below the power lines as shown on the Future Land Use Map in the General Plan. The area under the power lines and eastward should be left open and undeveloped.

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Councilmember Jeff Barnes asked if there was any access directly from the west. The answer was no. City Manager Jim Gass said Mr. Hansen would need to have at least two access roads to the area from the south.

Councilmember Barbara Kent asked if when we annexed, does it come in as Agricultural.

City Manager Gass said "Yes."

Mrs. Kent is in favor of annexing it.

Mr. Henrie expressed that he would like the city council to give him some direction on whether or not the area he was presenting for annexation was acceptable. The area has been scaled back significantly to reflect what he understood the council was hoping to see and now he's hoping for feedback.

Mr. Clegg added you can annex this property and bring it into the city limits, but you don't have to rezone all of it.

Councilmembers Jeff Barnes and Kris Monson will meet with Mr. Gass to discuss the configuration of the area more fully and then get with Mr. Hansen and Mr. Henrie.

Smithfield resident Eric Newell asked if there is any kind of easement on how close you can build to the mouth of Birch Canyon. This area is very unique.

City Manager Jim Gass answered that you cannot develop on any slope greater than 30%.

Public Hearing not to begin before 6:30 p.m. to Receive Public Input for Consideration of Resolution 12-13 "Amending the Budget for FY 12/13"

City Manager Jim Gass said the \$126,000 in proposed additional expenditures, \$103,000 is represented in the construction of the new east entrance to the civic center. Funding for the entrance is through a \$66,474 RAPZ Grant from the County with the balance coming as a match from the city's General Capital Reserve Fund. Other expenditures include \$6,750 for the police department reflecting a \$5,000 Law Enforcement Grant which they were awarded, \$1,000 for educational reimbursement which the council approved earlier and \$750 to cover the cost of cabinets in the evidence room. There was also a \$10,000 addition for street lights which is offset by the same amount from developers who will purchase the lights from the city to install in subdivisions. There was a bookkeeping adjustment transferring funds from the general fund to general capital improvement fund for architectural fees for the new library. These funds were provided by the RDA as a result of administrative services provided by the city. Seven thousand dollars in RAPZ tax funding is being earmarked for replacement of exercise equipment at the Recreation Center.

Mayor Simmons opened the public hearing at 7:12 p.m.

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Smithfield resident Jeff Gittins asked if there was money being allocated for the historical budget to be used to make improvements at the youth center.

Mr. Gass said that \$6,000 was being identified for replacement of the building facia and downspouts. (Shown General Government Building acct# 104160727)

Mr. Gittins mentioned that the Historical Society had already received three bids for rain gutters. Resident Ralph Erickson would like to echo what Mr. Gittins said – we need to start investing some money on upkeep on this building.

Mayor Simmons closed the public hearing at 7:18 p.m.

Councilmember Jeff Barnes asked what the Law Enforcement Justice Grant was for.

Mr. Gass explained it was for equipment and supplies and it reflects Smithfield’s share of an area wide grant given to law enforcement agencies in Cache County.

Motion: Councilmember Dennis Watkins made a motion to approve **Resolution 12-13**, “Amending the Budget for FY 12/13”. Councilmember 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

RESOLUTION 12-13

A RESOLUTION AMENDING THE FISCAL YEAR 2012/13 BUDGET FOR THE CITY OF SMITHFIELD, UTAH.

BE IT ORDAINED by the City Council Members of the City of Smithfield, Utah, that the 2012/13 fiscal budget be amended to include increases within the General Fund and other funds of the City.

INCREASE TO GENERAL FUND REVENUES*

Taxes	\$ 79,050.00
Intergovernmental	5,000.00
Charges for Services	10,000.00
Use of Prior Balances	<u>32,700.00</u>
TOTAL	\$ 126,750.00

INCREASE TO GENERAL FUND EXPENDITURES*

General Government Buildings	103,000.00
Police	6,750.00

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Streets	10,000.00
Contributions	<u>7,000.00</u>
TOTAL	\$126,750.00

CHANGES TO THE GENERAL CAPITAL IMPROVEMENT FUND*

TRANS. FROM GCIF RESERVES	\$ 68,000.00
EXPENSES	\$ 68,000.00

*See attached schedules for additional details

PASS AND APPROVED this 12th day December, 2012

SMITHFIELD CITY CORPORATION

ATTEST: /s/ Darrell G. Simmons
Darrell G. Simmons, Mayor

/a/ O. Dean Clegg
O. Dean Clegg, Recorder

Discussion with Tim Ryan from “Bout Time Pub and Grub”

Tim Ryan visited with the city council last summer about obtaining a club liquor license from the American Legion that he could then transfer to a business they own in Ogden. When they attempted to make the transfer the Alcohol Beverage Control Commission denied his request stating they have a policy whereby they try to ensure some licenses in rural areas. In order to free up the club license Mr. Ryan would like consent from the city council to transfer a restaurant liquor license for the “Bout Time Pub and Grub” from West Valley City to the American Legion Building in Smithfield. The restaurant liquor license could then replace the club license they want to take to Ogden. In order to transfer the restaurant liquor license they need to have a restaurant to transfer it to that has been approved by the city and they must get permission from the city council to accept the license in Smithfield. The restaurant license requires that 70% of all sales come from food. They have received health and fire department approval.

Councilmember Jeff Barnes asked if they were going to maintain the liquor license, but not sell liquor. Mr. Ryan said they will mainly sell sandwiches similar to what is done at the clubhouse.

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Councilmember Barbara Kent asked “So we are trading a club license for a restaurant license?” Mr. Ryan said “Yes.”

City Recorder Dean Clegg said “The business license we issue as they applied for it.” He has a business license that needs to be renewed by December 31. He has met all city requirements.

Motion: City Council Member Brent Buttars made a motion to prepare a letter of consent to grant the transfer of a restaurant liquor license for the “Bout Time Pub and Grub” restaurant. The motion was seconded by Councilmember Jeff Barnes. A roll call vote was taken with results as follows:

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

Discussion on Ordinance 12-08 “Animal Rights Regulations for R-1 Zones”

Councilmember Kris Monson said we have discussed this for a year. She visited with City Manager Gass and this version represents the final document. Councilmember Dennis Watkins asked what the changes are.

Councilmember Kris Monson reviewed the changes.

Councilmember Brent Buttars felt that the ordinance currently in place was adequate. Even if they lose their animal rights they still have an opportunity to obtain a grazing permit which allow animals on larger lots during the growing season. He is also concerned that the new law will allow people to establish animal rights in areas where animals haven’t existed for many years which may upset some people who think they live in an area that doesn’t allow large animals.

Councilmember Jeff Barnes asked if animals are required to stay on the property all year long.

Councilmember Monson answered, “No”. You have to renew this license every three years.

Councilmember Barbara Kent is in favor of people using their land to help out their sustainability.

Councilmember Monson said if we need to, in years down the road, we can tweek this ordinance.

City Recorder Dean Clegg said this ordinance will require a public hearing. If it meets with council approval, it will be on the agenda for the next meeting in January 2013. Mr. Clegg will advertise the public hearing in the newspaper for the January 9th, 2013 meeting.

Consideration of Ordinance 13-01 “Set Meeting Times and Dates for 2013”

City Recorder Dean Clegg said meeting dates and times will be on the second and fourth Wednesday nights of each month. The current times are 6:00 p.m.

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Smithfield Resident Jeff Gittins had concerns regarding the notice given when meetings are cancelled. He felt the ordinance should be specific in dealing with how far in advance notice is given and where it should be posted.

City Recorder Dean Clegg said state law says it must be posted 24 hours in advance. We try to get it on the web page by Monday, but the state law only requires 24 hours. Notices are also posted on the bulletin board in the front entrance of the city office building.

Motion: Councilmember Jeff Barnes made a motion to accept **Ordinance 13-01** "Setting Meeting Times and Dates for 2013" as the same they are currently held. The motion was seconded by Councilmember Kris Monson. A roll call vote produced the following votes:

Yea: Councilmembers Barnes, Kent, Monson, and Watkins
Nay: Council Member Buttars
Motion Passes

ORDINANCE 13-01

**AN ORDINANCE ESTABLISHING A TIME AND PLACE FOR
HOLDING REGULAR MEETING DURING 2013**

Be it ordained by the governing body of the municipality of Smithfield City, Utah.

SECTION 1. TIME AND PLACE OF REGULAR COUNCIL MEETING. The governing body shall conduct regular meeting(s) which shall be held on the second (2nd) and fourth (4th) Wednesday of each month during 2013 at the City Office Building, 96 South Main, Smithfield, Utah which meeting(s) shall begin promptly at **6:00 o'clock p.m.** during Mountain Standard Time and at **6:00 o'clock p.m.** during Mountain Daylight Time unless otherwise posted.

Changes to the place or time, or cancellations will be posted in advance.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect immediately upon posting.

Approved and signed this 12th day of December, 2012.

SMITHFIELD CITY CORPORATION

/S/ Darrell G. Simmons

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

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Consideration of Resolution 12-12 “Appointment of Person to Represent Smithfield City on the Cache Mosquito Abatement District Board of Trustees”

Mayor Darrell Simmons said Robert Mather has been on the Board. He is willing to do it again, but the trustee board would like a council member on the board to ensure good communications. There was no interest.

Motion: Councilmember Kris Monson made a motion to re-appoint Robert Mather as the person to represent Smithfield City on the Cache Mosquito Abatement District Board of Trustees. The motion was seconded by Councilmember Barbara Kent. A roll call vote agreed with the motion.

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

RESOLUTION 12-12

A RESOLUTION FOR THE APPOINTMENT OF A REPRESENTATIVE TO THE CACHE MOSQUITO ABATEMENT DISTRICT

WHEREAS, the City of Smithfield, Cache county, Utah, is a member of the Cache County Mosquito Abatement District, and

WHEREAS, the City of Smithfield is entitled to representation on the Cache Mosquito Abatement District Board of Trustees, and

WHEREAS, the City of Smithfield has followed the procedures for said appointment found in Utah Code 17B-1-304, April 2009,

THEREFORE, BE IT RESOLVED that the Smithfield City council hereby appoints Robert Mather to serve as a trustee of the Cache Mosquito Abatement District for a term of four (4) years beginning January 1, 2013.

Passed the 12th day of December, 2012.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

Mayor Simmons suggested we invite Mr. Mather to a future city council meeting.

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Signing of the Community Covenant by Mayor and Council Members

This item was cancelled.

City Manager Items

Civic Center

Improvements are going slower than anticipated. City employees are working in back of the old armory cleaning up, and knocking out walls to enlarge storage rooms that have been divided. One of the enlarged rooms will be for storage of items for the Children's Theater. The police are moving to the west side of the storage building and measures are being taken to ensure added security. The reserve police car is kept there as well as other trailers and other items. Public Works has taken the center area. There is room for the Rec Department to store material also.

Christmas Dinner

Reminder– The City Christmas Luncheon will be on December 19 at noon in the Fire Station.

Ambulance

The ambulance personal working out of the Smithfield station have been county employees. Most are also volunteer firemen and Smithfield employees when not working on the ambulance. To give the fire chief more flexibility and control when they are at the station serving as ambulance personnel, the county has agreed to convert them from county employees to city employees. This way they will always be city employees when working at the station. The county will reimburse the city 100% for the time they're working on the ambulance. This will begin about January 1, 2013.

In front of Car Smart (100 North Main)

We have always taken care of the lawn area along Main Street between Center Street and 150 North. This has provided better care of the landscape area in the downtown area. To make watering easier in front of Car Smart the city employees are installing automatic sprinklers. All other areas already have sprinklers.

Old City Office

The contents inside the old city office building will be put up for bid. Individuals will be able to bid on all remaining items including doors, furnaces, moldings, and miscellaneous contents as a lump sum. After the items have been removed the building will be torn down.

Storm Sewer

The storm sewer up Dry Canyon will be extended up past where the homes are being built. We will try to get it paved above Tenth East next summer.

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Fee Schedules

The council was requested to review the Prevailing Fee Schedule that will be in their boxes.

Update on Canal Project

The group opposed to the project on the LHP&S Canal have filed for an injunction to stop the project. The County in turn has filed for a dismissal. This will be heard on January 22. The project should be well on its way by that time. It will be really difficult for them to stop the project. Mr. Gass will forward to the council members a flier updating the progress on the project.

Civic Center

On the Civic Center property behind the building there is a small cinder block building that was used by the Armory to store a variety of fluids. Not knowing what was being stored, Chief McCoy asked Bear River Health to help identify the fluids.

Wes Thompson from BRH came and conducted a variety of tests and identified the majority of the substances. Mr. Thompson said some of the fluids could go to the Logan Landfill as Hazardous Waste while others would have to be hauled away, preferably by a qualified hauler. The exact cost is unknown, but Mr. Thompson will try to get an estimate.

Mayor and Council Reports

Councilmember Buttars' Report:

We need yield signs in the Gutke Subdivision for a couple of intersections. City Manager Gass said we have ordered four signs for that subdivision. They'll go up as weather allows.

Council Member. Buttars was concerned about the unpaved area between the new curb and the old pavement edge that is yet to be paved on 600 South near 650 East where Gary Neiderhauser is constructing a phase of East Sky View. City Manager Gass will go look at it.

Chief McCoy reported the advertisement for the sale of abandoned bicycles will be in the paper on December 14. The actual sale will be on December 26.

Councilmember Barnes' Report:

The Tree Committee ordered and received two new "Tree City USA" signs. They would like the signs erected next year when we receive the 20 Year decal.

Councilmember Monson's Report:

The "Night of Giving" sponsored by the Chamber of Commerce was very successful. Packages donated for \$70 went for \$375. Mayor Simmons thinks it would be a good idea to have a silent auction.

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The Rec Center sponsored the Christmas Lighting Contest. Mrs. Monson doesn't know if it is finished up yet.

Councilmember Kent's Report:

Councilmember Kent wanted to know who had the responsibility for maintaining the sidewalk from 300 North into the Park Place Subdivision. City Manager Gass said the city will have the responsibility to remove the snow and maintain the area.

Councilmember Watkins' Report:

Councilmember Watkins talked with Architect Kelly Christofferson working on the library. He is hoping to have something for the meeting in January.

Mayor Simmons Report:

Mayor Simmons asked if we are promoting the Chamber in the city newsletter.

Councilmember Kris Monson said this is not an advertisement. Mrs. Monson wants to encourage local buying in the newsletter. She will be writing the front part of the newsletter for January. She will work directly with Councilmember Watkins on the newsletter.

Mayor Simmons meets with the office staff as often as possible. He is very happy with the feelings for the city and what they do.

Mayor Simmons reminded all council members if they can make it, please come to the City Christmas Party on December 19.

Adjournment

Motion: Councilmember Kris Monson made a motion to adjourn. All were in agreement. Adjourned at 8:30 p.m.

Approved and signed this 9th day of January 2013.

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

O. Dean Clegg, Recorder