

MINUTES
SMITHFIELD CITY COUNCIL MEETING
March 13, 2013

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **March 13, 2013**. 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 Manager Jim Gass offered a prayer and led the Pledge of Allegiance

Visitors: Johnny McCoy, Joel Cripps, Don Cripps, Ralph Erickson, Matt Larson, Ben Anderson, Kaden Francis, Tyler Hill, and Jean Douglass

Agenda;

Welcome and Opening Ceremonies

Consideration of Consent Agenda

Minutes of February 27, 2013 City Council Meeting

1. Residents Input
2. Public Hearing, not to begin before 6:10 p.m., to Receive Input for Consideration of **Ordinance 12-03**, which Amends the Smithfield City Land Use Ordinance (Zoning) Title 17; by Amending Sections: 17.04.070 “Definitions”; 17.97.020 “Conditional Use Permit Required”; 17.120.010 “Use Allowance Matrix”.
3. Recess to Redevelopment Agency Meeting
4. Reconvene City Council Meeting
5. City Manager Items
6. Mayor and Council Repots
7. Budget Discussion for Fiscal Year 2013/2014
8. Adjournment

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Consideration of Consent Agenda

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Mayor Simmons declared the consent agenda approved as corrected.

Residents Input:

None

City Recorder Dean Clegg has received a letter from Lt. Governor Hansen's Office approving the Hansen Annexation. Earlier today, LaVoyle Crossley signed the annexation agreement as required by the city council. The documentation for that annexation (Pitcher Family Trust) will now be forward to the Lt. Governor's Office.

Mr. Clegg reported that we have been having an abundance of inquiries on cemetery plots in light of the price increase scheduled to take effect July 1. There have been those who have bought up to four plots in a row but have not been willing to purchase a plot along the road preferring to leave those single lots and then buy consecutive plots. Mr. Clegg informed the Council that this would not be a good policy. Instead he has been requiring that when purchasing consecutive lots the first lot is included to avoid multiple single lots scattered along the roadside. He also had a couple who wanted to be cremated. He said we do allow two cremations in one plot.

Mayor Simmons asked "If you buy three, do you have to buy four?" "No, but you can't leave one plot against the road." Mr. Clegg wants the plots next to the roadways to be used.

Councilmember Brent Buttars agrees. If you leave the single lot next to the road, that makes it hard for the city.

Mr. Clegg said if council members are not in favor of what Mr. Clegg is saying, please visit with him.

City Councilmember Brent Buttars said "Mr. Clegg knows what needs to be done. You do not buy the plot, you buy the right to be buried in that plot"

Public Hearing not to begin before 6:10 p.m. to Receive Public Input for Consideration of Ordinance 12-03, Which Amends the Smithfield City Land Use Ordinance (Zoning) Title 17; by Amending Sections: 17.04.00 "Definitions"; 17.97.020 "Conditional Use Permit Required"; 17.120.010 "Use Allowance Matrix".

Mayor Simmons opened the public hearing at 6:17 p.m. City Manager Jim Gass said since recently adopting a new ordinance that deals with farm animals, there needs to be further clarification into what constitutes a household pet to help distinguishing between the two. This ordinance removes pygmy goats from the definition in favor of simply goats. The ordinance also clarifies that there is a ban on all swine, pigs and hogs within the corporate limits of Smithfield. Earlier versions of the zoning ordinance made clear this restriction, but at some point it was mistakenly removed. Also, the definition for RVs is eliminated from Chapter 97 in favor of a similar definition found the Definition chapter of the zoning ordinance.

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Mr. Gass mentioned the new ordinance dealing with chickens failed to identify where they were allowed. The amendment modifies the Land Use Matrix Table to include chickens and thereby remedy this oversight. We never agreed where chickens are allowed. Chickens are administrative conditional use. Char has the ability to put that in. We neglected to put that in when we adopted the chicken ordinance.

There were no comments from the public.

Mayor Simmons closed the public hearing at 6:24 p.m.

Motion: Councilmember Dennis Watkins made a motion to approve **Ordinance 12-03** “An ordinance amending the Smithfield City Land Use Ordinance (zoning), Title 17; by amending Sections: 17.16.060 “Nonconforming Animal Rights:” 17.120.010, “Use Allowance Matrix”. The motion was seconded by Councilmember Kris Monson. A roll call vote produced the following results:

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

ORDINANCE NO. 12-03

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 THE SMITHFIELD CITY LAND USE ORDINANCE (ZONING), TITLE 17; BY AMENDING SECTIONS: 17.04.070 “DEFINITIONS”; 17.97.020 “CONDITIONAL USE PERMIT REQUIRED” AND 17.120.010 “USE ALLOWANCE MATRIX”.

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

1. The following sections shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted shall be added.

17.04.070 DEFINITIONS:

HOUSEHOLD PETS: Animals or fowl ~~for food production~~, ordinarily permitted and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel or cattery as defined in title 6 of this code. Household pets may also include the keeping of not more than twelve (12) pigeons, four (4) mature rabbits, two (2) ~~pygmy~~ goats, one lamb not over eight (8) months old, two (2) ducks, two (2) geese and **two (2)**

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ferrets and that not more than five (5) of the above listed species of animals or fowl are permitted at any one time.

SWINE: Includes pigs, hogs and boars and are not permitted in any zone.

17.48.050 FARM ANIMALS:

Those agricultural areas within six hundred feet (600') of a commercial, single- or multiple-family residential, or manufacturing zone, and within three hundred feet (300') of a residential agricultural zone shall be limited in the number of farm animals allowed to the following: not more than two (2) cows, two (2) horses, two (2) llamas, four (4) sheep, four (4) goats, twenty (20) rabbits, forty (40) chickens, forty (40) pheasants, ten (10) turkeys, ten (10) ducks, ten (10) geese, three (3) ostriches, four (4) emus, and forty (40) pigeons per acre or portion thereof. Not more than three (3) of the above listed species of animals or fowl are permitted at any one time. **Swine (includes pigs, hogs & boars) are not permitted in any zone.** (Ord. 02-19 § 1, 2002)

17.97.020: CONDITIONAL USE PERMIT REQUIRED:

A conditional use permit for a commercial recreational vehicle (RV) park or campground facility must be issued in accordance with the provisions of this title and this section before such a facility may be constructed in any zone which permits said construction and location as a conditional use. In addition to such terms and conditions as may be required upon the issuance of a conditional use permit for an RV park or campground, all RV parks or campgrounds shall be built to the standards set forth in this chapter. ~~"RV" shall mean recreational camping type vehicles, travel trailers, as well as tent trailers or tents, if applicable.~~ (Ord. 11-05, 2012)

17.120.010 USE ALLOWANCE MATRIX:

Zoning Districts

Residential/Domestic:

Add: Chickens | | AC Administrative Conditional R-1

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the ordinance as a whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearings and upon the posting of three (3) copies at three (3) public places within the corporate limits of Smithfield or by notice on the Smithfield City official website as a substitute for physical posting of notice at three physical locations.

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THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 13th day of March, 2013.

SMITHFIELD CITY CORPORATION

ATTEST:

Darrell G. Simmons, Mayor

O. Dean Clegg, Recorder

Recess to Redevelopment Agency Meeting

At this point (6:27 p.m.) the city council meeting was closed to hold the Redevelopment Agency Meeting as they had a special speaker. Randy Sant

Reconvene City Council Meeting

City Council meeting was reconvened at 7:41 p.m.

City Manager Items

Pitcher Property Annexation

City manager Gass briefed the city council on a pending request to rezone 3 acres of property in the recently annexed property comprising the Pitcher Family Land, LLC which is currently at the Lieutenant Governor's Office for approval. The property represents a parcel to be purchased by the LDS Church for a future Ward building. Before the property can be sold it must be subdivided and before it can be subdivided it needs to be rezone allowing for the creation of a three acre lot. A rezone request for an Agricultural 3 acre zone (A-3) has been reviewed and recommended by the planning commission and is ready to come before the city council. However, until the annexation is returned by the Lt. Governor's office and is recorded at the county recorder's office the annexation is not complete and the city council cannot formally approve the rezone request. The applicants for the rezone are therefore requesting the city council advertise for the public hearing and consider a conditional approval of the rezone request on March 27th pending final acceptance and recording of the annexation.

Mr. Clegg will try to get this in the newspaper by Sunday.

Councilmembers Buttars, Barnes, Kent, Monson, and Watkins all agreed to the public hearing if Mr. Clegg can get the advertisement in the newspaper in time.

Sidewalk on 100 North

City Manager Gass said they have been looking into the possibility of a sidewalk on 100 North from 600 West to 800 West. He has had conversations with UDOT and they are aware of our intent to apply for grants funds to construct the sidewalk. Assistant Engineer has met with Rocky Mountain

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Power to get an estimated cost to relocate a number of power poles that are in the path of the sidewalk and he is anticipating that estimate on Thursday. There this is a safety issue with getting children to the elementary school, there has been some indication that Rocky Mountain Power may participate in the relocation to some degree. Mr. Gass reiterated the competitive nature of the grant funds and suggested because of the cost of the project, that if we were awarded funding it may only be for a portion or a phase.

The most critical stretch of the sidewalk is the portion that runs in front of the Dennis Pitcher lot. It's significant because it would cause considerable disruption of the lot. Clay Bodily spoke with Mrs. Pitcher yesterday and she had a number of questions and was obviously concerned about where the sidewalk would be placed. She was also concerned that she might be required to pay a portion of the construction costs. She is quite familiar with Councilmember Kent and would appreciate working with her when the time comes.

Curb and Gutter on 200 North

Three years ago Roger Swaner who lives on East 200 North, wanted curb and gutter to be constructed coming down Heinz' Hill (200 North). City Manager Gass explained to him at the time that the city has restricted their involvement in the construction of individual sections of curb and gutter and as a rule only installs curb and gutter as a portion of a larger street project. In some instances, if it is in the best interest of the city, the city has participated on 50/50 basis for some individual homeowner sections provided there is money available in the budget. At the time, Mr. Gass indicated there was not money available and if Mr. Swaner wanted to proceed he would be doing so at this own cost. It was also suggested to him that he could request 50/50 reimbursement at a later time, but there would be no guarantees it would be granted. Mr. Swaner elected to move forward at his cost. Since that time Mr. Swaner has made a request for reimbursement on a couple of occasions, but it has always been late in the year when the money had already been spent. This year he is again making the request prior to the approval of next year's budget in the hope of a favorable consideration. Mayor Simmons asked if Mr. Swaner was led to believe that we would do that. Mr. Gass wanted to leave the impression that if possible, the city would help; but in Mr. Swaner's mind we were going to reimburse him. Total cost for the curb and gutter would have been about \$3900 or \$1,950 on a 50/50 basis

Councilmember Monson thinks we should go ahead and pay him. She added he understands that we should pay him.

Councilmember Dennis Watkins asked if it could come out of this year's budget. Because of lateness of the budget year and most of the money budgeted for that purpose having been spent, it will have to wait until after July 1st.

All councilmembers were in agreement to pay for three hundred feet of curb and gutter at \$13.00 a foot at 50% or \$1,950.

Winter Work

Mr. Gass said that during the winter some employees do specific jobs. Public Works employees will re-build and re-paint all our equipment. Dump trucks need to be repaired. This winter they have re-built or replaced the beds on some of the trucks. They put in a new cooling system in the patrol and repainted many of trucks. In past years they have made various building improvements

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including their break room. Every department keeps busy repairing and rebuilding during the winter. Tractors, mower, service trucks, etc., have been worked on. The Golf Course and the Fire Department do much of the same thing. In the budget this year there is a request for a new dump truck. Our newest truck is probably a 2004.

Mayor Simmons' Report

Mayor Simmons said as he went through the community center he thought it would be nice to have an open house. That is a very nice building. He thanked city employees for all their work there. He is hoping with the two new rooms that the building will be used more.

Mr. Gass said it is busy, there are some groups or organizations that rent it weekly. During summer time it has the least amount of use. We still have the food pantry in there. One area in the back is for police storage; the children's theater also has storage space there.

Mayor and Council Reports

Councilmember Watkins' Report

Nothing

Councilmember Kent's Report

The Lion's Spaghetti Dinner is tomorrow night (March 14) at 5:00 p.m. The Youth Council will be helping there.

School children using the route from 200 South to 800 West and then through the equestrian arena parking lot to get to school are experiencing flat tires from puncture weeds. Councilmember Kent would like the city public works department to be mindful of these weeds and spray them as they start appearing.

Councilmember Monson's Report

Councilmember Monson went to the County Council Meeting because Dr. Wood is proposing to put five houses up on Still Water Farms. She is concerned about traffic on Canyon Road. He wants five houses between the current house and barn. It was suggested that it may be more beneficial to further improve Upper Canyon and encourage the traffic to follow that route rather than go down Canyon Road.

Councilmember Barnes' Report

Good news for the Tree Committee. They were awarded \$1,000 From "Tree Utah". Thanks to Phyllis Smith. Once it has been determined where the trees will be planted that have been purchased using the grant money, someone from "Tree Utah" will need to be present during the planting. "Tree Utah" doesn't have any weekends available.

Councilmember Buttars' Report

Nothing

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Mayor Simmons' Report

Mayor Simons feels it has been a rather mild winter. He asked if there were any runoff concerns.

City Manager Jim Gass said we are doing a little work along the Logan and Northern canal including trimming trees between First and Second East. However, we have not made a trek down Summit Creek yet.

Mayor Simmons wondered if we are ready to pull the old city office down. City Manager Gass said those who submitted the high bid for the right to salvage the building contents were supposed to be out of there today. The only thing holding us back at this point is determination of the asbestos mastic on the floor tile. At this point, it appears it can be safely dispose of at the landfill provided it remains attached to the concrete floor as it's being removed. A final survey of the building for hazardous materials will be made next week which will pave the way for its demolition

City Recorder Dean Clegg told those in attendance to please not be alarmed when the overhead door is gone, if the public goes in there and takes what they want.

City Manager Gass said as soon as we have some word on what we have to do, it will be gone.

Budget Discussion for Fiscal Year 2013/2014

City Manager Gass discussed the following General Fund Categories:

Legislative	Youth Council	Administrative	Attorney	Non Departmental
General Government buildings		Elections		

The next meeting on the Budget will be Wednesday, March 20th in the conference Room upstairs.

Adjournment

Motion: Council Member Monson moved to adjourn at 9:2 pm. All were in agreement.

Approved and signed this 27th day on March, 2013

SMITHFIELD CITY CORPORATION

ATTEST:

Darrell G. Simmons, Mayor

O. Dean Clegg, Recorder