

MINUTES
SMITHFIELD CITY COUNCIL MEETING
January 23, 2013

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday **January 23, 2013**. The following were present constituting a quorum.

Mayor	Darrell G. Simmons
Council Members	Jeffrey Barnes Brent Buttars Barbara Kent Kris Monson
City Recorder	O. Dean Clegg

Excused Council Member Dennis Watkins and City Manager James P. Gass.

Mayor Simmons called the meeting to order at 6:00 p.m.
Councilmember Brent Buttars offered a prayer and led the Pledge of Allegiance.

Visitors: Johnny McCoy, Jeffrey R. Gittins, Gary Tyler, BPA; and Jean Douglass

Agenda:

Welcome and Opening Exercises

Mayor Simmons excused Councilmember Dennis Watkins and City Manager Jim Gass.

Consideration of Consent Agenda
Minutes of January 9, 2013 City Council Meeting

1. Residents Input
2. Re-Appointment of Member of Planning Commission
3. Consideration 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”
4. Consideration of a Request from Bart Roylance of Smithfield Implement to Display Items on Grass Area East of Building during spring and summer months
5. **Public Hearing**, not to begin prior to 6:30 p.m., to Receive Public Input for Consideration of **Ordinance 13-04**, “A Request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC, for Annexation of 16.47 Acres Located South of 600 South to 800 South of East of 250 East
6. Signing of the Community Covenant by Mayor and Council Members
7. Consideration of **Resolution 13-01**, “Set Prevailing Fee Schedule for 2013”
8. Mayor and Council Reports
9. Adjournment

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Consideration of Consent Agenda, **Minutes of January 9, 2013 City Council Meeting**

Mayor Simmons declared the consent agenda approved.

Residents Input:

Smithfield resident Jeffry Gittins gave information to the council about water matters. He said he would like to sit down with the members of the city council and representatives. He sent a letter to former city councilmember Mike Oliverson. There are things about the Smithfield water that need to be looked at. The Smithfield Irrigation Company is prepared to sit down with council members on these issues.

Mayor Simmons said he will get with Smithfield City Manager Jim Gass and try to set up something on February 23, 2013 at 10:00 a.m. This depends on Mr. Gass being available on that date. This is a Saturday morning.

Mr. Gittins would like to present Smithfield City with a map of underground pipes for the Smithfield Irrigation Company. He gave each member of the city council a map showing water availability within the city. He said they can see where all the lines are. He added that the irrigation company has a picture where two lines are so they can take care of problems before a development is started.

Smithfield Irrigation spent eighteen months to two years at the request of the state engineer mapping all water lines - every square inch of water line in Smithfield. They did this mapping in conjunction with water engineers. Every home valve, every drain, has been mapped out and updated to satisfy the state engineer.

Mr. Gittins said that Smithfield Irrigation has enough water rights to water another 250 to 300 acres. We don't want any Smithfield water rights to be lost because we are not using them. They did a total summary of every inch of ground that is irrigated. When the irrigation company meets with the city council members, we need to discuss lots of things to be ready for the upcoming water season.

Mr. Gittins asked, "What is the optimistic take on the future of the water in Smithfield?"

Councilmember Jeff Barnes answered, "As far as the state is concerned we have ample water rights."

The concern is that we need to make sure that we utilize every part of that water right. There is a concern that we need to be a little wiser to make sure that we are using that as we go. The state will ask if we are using it to beneficial use. They can demand that you prove that you are using what you have. There is a burden on the city as well if the state comes in and wants a portion of Smithfield water right not being used. We have to look at what part of their water right isn't being used. With the construction of the new canal specifically, things will be better.

Reappointment of Member of Planning Commission

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Councilmember Brent Buttars presented the name of Jamie Anderson to be re-appointed as a member of the Planning Commission. Mr. Anderson has done an exceptionally good job. He keeps everyone on task.

Motion: Councilmember Barbara Kent made a motion to re-appoint Jamie Anderson as a member of the Smithfield Planning Commission. The motion was seconded by Councilmember Kris Monson. A roll call vote was taken with the following votes cast:

Yea: Councilmember Buttars, Barnes, Kent, and Monson
Nay: None
Absent: Councilmember Watkins
Motion Stands

Consideration of Ordinance 12-08, “An Ordinance Amending the Smithfield City Land Use Ordinance (Zoning), Title 17; by Adding Chapter 17.14 “Animal Right Regulations for R-1 Zones” in its Entirety”

Councilmember Kris Monson said on Page 3 of the Ordinance 17.14 is where the change was made. Some of the language in that part of the ordinance was removed, it was very confusing. Councilmember Monson said she thinks this is a good ordinance. She has the backing of the police department, hopefully we have it all figured out. Mayor Simmons said he would like the council to see what we do there. Chief Johnny McCoy said if it is put into an enforcement category, the animal control officer would be the one to go out and check it out.

Councilmember Jeff Barnes asked “If on young animal allowance, is that animals that are less than a year old will count half, or you could have four, right?”

Mrs. Monson said, “Yes, but only until it reaches a year old.”

Councilmember Barbara Kent asked if the grazing permit covers part of the year.

Councilmember Brent Buttars said “Yes.”

Motion: Councilmember Kris Monson made a motion to approve **Ordinance 12-08**, “An Ordinance Amending the Smithfield City Land Use Ordinance (Zoning), Title 17; by Adding Chapter 17.14 “Animal Right Regulations for R-1 Zones” in its Entirety”. Councilmember Jeffrey Barnes seconded the motion. A roll call vote was taken with the following votes taken:

Yea: Councilmembers Barnes, Kent, and Monson
Nay: Buttars
Absent: Councilmember Watkins
Motion Passes

ORDINANCE NO. 12-08

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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 ADDING CHAPTER 17.14 “ANIMAL RIGHTS REGULATIONS FOR R-1 ZONES” IN ITS ENTIRETY.

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

1. Add the following Chapter in its entirety:

CHAPTER 17.14

ANIMAL RIGHTS REGULATIONS FOR R-1 ZONES

- 17.14.010 Purpose
- 17.14.020: Definitions
- 17.14.030: Number of Animals Permitted
- 17.14.040: Young Animal Allowance
- 17.14.050: Combining Land
- 17.14.060: Regulations Regarding Feeding and Housing Animals
- 17.14.070: Trespass By Fowl or Animals
- 17.14.080: Prohibited Animals
- 17.14.090: Continuance of Non-Conforming Animal Rights
- 17.14.100: Transferring The Animal Rights for Another Piece of Property
- 17.14.110: Animal Rights in Major Platted Subdivisions
- 17.14.120: Prohibitions On The Keeping of Animals Where Such Keeping Causes Excessive Soil Erosion or Dust
- 17.14.130: Permit Required
- 17.14.140: Revocation
- 17.14.150: Appeals

17.14.010: **PURPOSE:** The purpose of this chapter is to provide for the keeping of animals, other than household pets, within the Single Family Residential Zone if certain provisions and conditions are met as outlined herein.

17.14.020: **DEFINITIONS:** For the purposes of this chapter:

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ANIMAL: Individual or a combination of the following species: horses, cattle, llamas, mules, sheep, goats, turkeys, ducks, geese, rabbits, pheasants, pigeons. Exclusive of household pets.

ANIMAL EQUIVALENT UNIT (AEUs): A unit of measure used to equate numbers of animals of different species based on their size, social and environmental impact to a specific number.

ANIMAL RIGHTS: The right to keep, maintain, or board animals for personal, commercial, agricultural, or recreational use.

PARCEL: A single piece of land under one ownership or a single piece of land under one ownership together with contiguous pieces which may be under separate ownership but have been pledged to the primary piece for the purpose of increasing the available land necessary to establish animal rights.

17.14.030: NUMBER OF ANIMALS PERMITTED. Animals may only be kept within a single family residential zone when permitted by this title and in accordance with the provisions of these regulations.

A. The number of allowable animals kept shall be determined based on the Animal Equivalent Unit (AEU) for each animal and the size of the parcel set aside for the animals.

B. Classification. Each animal species shall be assigned one of the following classifications based on their size, and their anticipated social and environmental impact.

1. Large Size Animal - Cattle, horse, donkey, mule
2. Medium Size Animal - Sheep, goat, emu, llama
3. Large Fowls - Turkey, geese
4. Small Animals, Fowl - Pigeons, pheasants, ducks, rabbits

Animals not listed above and which are not considered household pets or animals which are not otherwise restricted, may be kept in accordance with this section in numbers consistent with their approximate size.

C. Animal Equivalent Units. Each classification of animal shall be represented by an Animal Equivalent Unit as follows:

Animal Classification	Adult Animal Equivalent Unit Per Animal	Animal Density Per AEU
Large Animal	1.00	1.00
Medium Animal	0.50	2.00

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Large Fowls	0.10	10.00
Small Animal and Fowl	0.05	20.00

D. Animal density. The number of animals assigned to a parcel shall not exceed a density of two Animal Equivalent Units (AEU) per acre. Animal species can be mixed provided the allowable density is not exceeded.

17.14.040: **YOUNG ANIMAL ALLOWANCE:** Animals which are less than one year old in the *Large Animal* and the *Medium Animal* categories as listed in table above will only count at half the adult animal unit equivalent rate.

17.14.050: **COMBINING LAND:** A lot may be combined with adjoining lots for the purpose of creating a parcel of sufficient size to meet the minimum requirements for the establishment of animal rights as outlined in this Chapter subject to the following conditions.

- A. An agreement between the applicant and the adjoining lot owner assuring the use of the adjoining lot owner's land by the applicant for the purpose of harboring animals must be recorded at the office of the County Recorder and be on file with the City Recorder.
- B. If the owner of property that has been pledged to another should sell all or a portion of the pledged property, the animal rights permit will be revoked unless a new agreement is recorded at the office of the County Recorder and filing with the city.
- C. Any fencing or barriers or portions of such, between the applicant's property and the adjoining lot shall be opened to allow for free passage of any animals from one lot to the other.
- D. Lot area pledged to another cannot be subdivided without the loss of animal rights.
- E. Land pledged to another cannot include area within required yard space, i.e. front yard, side yard and rear yard.
- F. If the owner of a lot that has pledged land to create a parcel for the purpose of establishing animal rights should sell that lot, animal rights will be lost unless a new agreement is signed and recorded with the new lot owner.

17.14.060: **REGULATIONS REGARDING FEEDING AND HOUSING ANIMALS:**

- A. Where permitted under the provisions of this title, any large and medium sized animals are to be fed and corralled at least forty-five feet (45') from the owner's dwelling and seventy five feet (75') from any neighbor's dwelling as measured from the closest point of the corral or enclosure to the closet point of the dwelling.
- B. These restrictions only apply to the permanent corral, stable, shed, barn or other protected or restricted area wherein the animal is fed and housed and not to the temporary grazing of livestock in pastures that are separate from a residential parcel.

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- C. Corrals, stables, sheds, barns, and other areas where animals are housed and fed must be cleaned of all animal waste (manure) and soiled bedding material on a regular basis (weekly). All waste must be disposed of properly and not be stockpiled, except during the winter months, beginning November 1st, when disposal is difficult. Any wintertime stockpile must be removed no later than April 15. Waste stockpiles have the same setback restrictions as corrals, sheds, etc.
- D. Using a common fence between adjoining lots for the purpose of pasturing, corralling, or otherwise containing large or medium animals shall be prohibited unless the adjoining property owner gives consent. If consent is not given, the owner of the animals must provide a secondary fence or other acceptable means to restrict animals from the joint fence.

17.14.070: **TRESPASS BY FOWL OR ANIMALS:** It is unlawful for the owner or any person in charge of any animal or fowl to allow such animal or fowl to trespass upon the premises of another.

17.14.080: **PROHIBITED ANIMALS:** It is prohibited, whether on a temporary or a long-term basis, to keep the following either under the provisions of this chapter or as household pets:

- A. Hogs or pigs.
- B. Alligators and crocodiles
- C. Bears (ursidae). All bears including grizzly bears, brown bears, black bears, etc.
- D. Cat Family (felidae). All except the commonly accepted domesticated cats, including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.
- E. Dog Family (canidae). All except domesticated dogs, including wolf, fox, coyote, dingo, etc.
- F. Ostrich (struthionidae)
- G. Peacock (pavo crisatus)
- H. Porcupine (erethizontidae).
- I. Primate (hominidae). All sub-human primates.
- J. Raccoon (prosyynnidae). All raccoons including eastern raccoon, desert raccoon, ringtailed cat, etc.
- K. Skunks
- L. Venomous fish and piranha
- M. Venomous snakes, lizards or other venomous reptiles.
- N. Weasels (muselidae). All including weasels, martens, wolverines, badgers, otters, ermine, mink, mongoose, etc. Additionally, all fur bearing animals in "fur farms" are also prohibited, except ferrets which are allowed as a Household Pet.
- O. Any otherwise prohibited wild animals such as big game animals which are restricted by state or federal law.

17.14.090: **CONTINUANCE OF NON-CONFORMING ANIMAL RIGHTS:** Refer to Chapter 17.16.060 for specific regulations regarding non-

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conforming uses; provided, however, that the prohibitions in Section 17.14.080 (Prohibited Animals) shall apply immediately and shall not be subject to Chapter 17.16.060 exceptions. Property owners of parcels with established non-conforming animal rights will not be required to adhere to this ordinance provided they maintain the non-conforming animal rights on said property. If the non-conforming animal rights are not maintained for any reason, this ordinance shall apply to the property, provided said property is one acre or larger.

17.14.100: **TRANSFERRING THE ANIMAL RIGHTS FOR ANOTHER PIECE OF PROPERTY:** The right to keep animals on a parcel is not transferable to another parcel.

17.14.110: **ANIMAL RIGHTS IN MAJOR PLATTED SUBDIVISIONS:** Lots in major or minor subdivisions are not eligible for animal rights.

17.14.120: **PROHIBITIONS ON THE KEEPING OF ANIMALS WHERE SUCH KEEPING CAUSES EXCESSIVE SOIL EROSION OR DUST:** The keeping of animals is not allowed when such keeping causes excessive soil erosion or dust by reason of overgrazing, trampling or other destruction of ground. This applies to both irrigated or non-irrigated ground. The keeping of animals on such parcels shall be considered a public nuisance. The maximum number of animals which may be kept in such areas shall be in accordance with this Chapter, but shall be further restricted to a number which does not cause the loss, trampling or other destruction of ground cover resulting in excessive soil erosion, dust, or odors.

17.14.130: **PERMIT REQUIRED:** Those wishing to establish animal rights for a particular lot or parcel shall first obtain an Animal Rights Permit from the planning commission. Prior to considering a request for a Permit, the city shall attempt to contact adjacent property owners to notify them of the pending action.

- A. Permits. Permits shall be granted for a maximum of three (3) calendar years and shall be renewed on or before December 31 of the third year regardless of the month in which it is granted. Renewals must be applied for and granted prior to the renewal date.
- B. Permit Fee. The applicant shall pay the applicable permit fee as established in the most recent prevailing fee schedule adopted by resolution of the Smithfield City Council.
- C. Renewals. The planning and zoning administrator may issue renewals of an existing Animal Rights Permit provided there have been no verifiable violations of the existing permit reported by the animal control officer. Violations may include excessive noise and/or containment issues related to the animals.

17.14.140: **REVOCAION.** The Permit may be revoked by the Planning Commission upon failure to comply with the conditions imposed at the time of original approval. It may also be revoked for just cause, such as:

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- A. Negative impact on the health, safety and welfare concerns of the residents of Smithfield.
- B. Complaints of noise, odor, failure to keep the animal under proper care and/or control.
- C. Creation or existence of a public or private nuisance.
- D. Legitimate written complaints received by the Animal Control Officer concerning the animals.

17.14.150: **APPEALS.** Appeal of any decision regarding animal rights permits shall be to the city council. Notice of appeal specifying the grounds for the appeal shall be made in writing and shall be filed at the office of the city recorder. The city recorder shall cause a copy of the notice to be given to the chairperson of the planning commission. The notice of appeal shall be filed not more than ten (10) working days after the decision by the planning commission. The city council may affirm, modify or reverse the decision of the planning commission, and the city council shall present, in writing, the reasons for its action.

2. The following Section shall be amended to read as follows.

17.16.060: **NONCONFORMING ANIMAL RIGHTS.**

- A. Where non-conforming animal rights are properly established the following applies.
 - 1. Numbers may not be increased except offspring in which case the offspring may stay at the mother's side, until six (6) months of age.
 - 2. To maintain a nonconforming land use, animals and/or fowls must accompany lots and/or building for a period of not less than thirty (30) days per calendar year.
 - 3. When extraordinary circumstances exist, any of the subsections of this section may be appealed to the administrative appeals hearing officer who shall have the right to grant exceptions.

3. 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.

4. 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.

5. This ordinance shall become effective after the required public hearings and upon its posting as required by law.

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

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Approved and signed this 23rd day of January, 2013.

SMITHFIELD CITY CORPORATION

ATTEST:

/s/ Darrell G. Simmons

Darrell G. Simmons, Mayor

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

Councilmember Monson said she is relieved that this is over.

Councilmember Barbara Kent said if there are problems we can come back and show people this ordinance.

Councilmember Jeff Barnes said, “We need to be looking at complaints that come in. People shouldn’t be violating ordinances.”

Police Chief Johnny McCoy had a question – “Are you going to enforce this ordinance?”

Council Member Jeff Barnes said “We could go out and talk to people, not enforce it.”

Mayor Simmons added, “Chief, if there is a problem would you be willing to come to a council member?”

Chief McCoy said “Yes”.

Consideration of a Request from Bart Roylance, Smithfield Implement, to Display Items on Grass Area East of Building During Spring and Summer Months

City Recorder Dean Clegg said we do this every year. How many things can be shown? Pleasethink about changing the ordinance concerning having to come to the council before anything can be shown, please make a change for the city recorder or his designated representative to make this approval. Would the council consider making that change? All council members said “Yes”.

Mayor Simmons said it has almost become part of the flavor of the downtown area.

Councilmember Kris Monson said she thinks it is important that we support our businesses.

City Manager Gass had a request in lieu of Public Works someone being able to take care of the ground.

City Recorder Clegg will write a letter to Mr. Roylance telling him the days he can display. These days are Tuesdays, Wednesdays, Fridays, and Saturdays allowing the City to water and mow the grass on the other days.

Motion: Councilmember Kris Monson made a motion to approve the request from Bart Roylance, Smithfield Implement, to display items on grass area east of building during spring and summer months on Tuesday, Wednesday, Friday, and Saturday. The motion was seconded by Councilmember Brent Buttars. A roll call vote was taken with the following votes:

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Yea: Councilmembers Barnes, Buttars, Kent, and Monson

Nay: None

Absent: Councilmember Watkins

Motion Stands

Public Hearing, not to begin prior to 6:30 p.m., to receive Public Input for Consideration of Ordinance 13-04, “A Request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher Family Trust, for Pitcher Family Land LLC, for Annexation of 16.47 Acres located South of 600 South to 800 South and East of 250 East”

Mayor Simmons opened the public hearing at 6:40 p.m.

He said this property is across from Sky View High School. Gary Tyler, Architect, was hired by the LDS Church to represent the Pitcher family. A church house will be going in there. That is the purpose for having this public hearing.

Smithfield resident Jeffrey Gittins one of the things the council ought to consider prior to approval of the Annexation is the water. He understands that this water belongs to the Logan/Northern Water Canal. If Smithfield City got the water shares for the Pitchers what do they do with them? Mr. Gittins needs to sit down with the council and see how we will work this out. There should be about 16 shares of water there. His suggestion would be to ask the petitioner to approach Logan/Northern Canal Company and enter into an agreement that the shares will be appropriately transferred to the owner of the property. His concern is that if the Pitcher family kept those water shares, there would be no water shares. They need to probably have the water stay with the land. Right on the north side of the 10 acres is the service line used and owned by the Pitcher family. The petitioner or developer should make sure that water is available to the supply line that has watered that property. If that isn't required, someone will say you can't come across my property to water the church line. This line has belonged to the Pitcher family.

Councilmember Kris Monson asked Mr. Gittins “How much does it cost for a homeowner to hook up to water?” He cannot answer that. In this case the cost would be relatively small if they do it when they build. They should make a plan where the homes and the church are going to be. When you look at the map you will see the reason he brought it with the specific challenge they are going to have. There are lots of lines the Pitcher family has the right to use the water on.

Mayor Simmons closed the public hearing at 6:50 p.m.

Mayor Simmons then asked if there were any questions from the council.

Councilmember Jeff Barnes said he feels the Pitcher family will be willing to let the water go with the property.

Mr. Tyler said, “When the development comes, they could tie on to that line.”

Councilmember Barnes told Mr. Tyler the pipe needs to be put into the ground before the development starts. Mr. Barnes would like to see in the annexation agreement that the water would be available to the whole subdivision.

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Mr. Tyler added that the Pitcher family realizes the water shares go with the land.

Mayor Simmons asked , “Does this ordinance have to be re-read”?

City Recorder Dean Clegg answered, “No, City Manager Jim Gass suggested that an annexation agreement be drawn up. Water would be required to remain with the property so the family cannot sell the water off separately. Mr. Clegg suggests we go ahead and accept it as it is written.

Councilmember Brent Buttars asked if the south end of this property abuts with 800 South.City

Recorder Clegg said “Yes, surveyors would have to determine where 800 South is.”

Councilmember Barnes asked if the agreement and annexation go hand in hand.

City Recorder Clegg said, “Yes, I am sure City Manger Gass will let you know what he is putting in the agreement before the Mayor is asked to sign it.”

Motion: Councilmember Barbara Kent made a motion to approve **Ordinance 13-04**, A Request from LaVoyle Crossley, Successor Trustee of the Marie Pitcher FamilyTrust, for Pitcher Family Land LLC, for annexation of 16.47 acres located south of 600 South to 800 South and East of 250 East. Councilmember Brent Buttars seconded the motion. A roll call vote was taken with the following results:

Yea: Councilmembers Barnes, Buttars, Kent and Monson

Nay: None

Absent: Councilmember Watkins

Motion passes

ORDINANCE 13-04

(Pitcher Family Annexation)

WHEREAS, the owners of certain real property, described below, desire to annex such real property to the corporate limits of Smithfield City, Utah; and

WHEREAS, said real property is located within the area proposed for annexation and covers a majority of the private land area within the area proposed for annexation; and

WHEREAS, said real property is equal in value to at least one-third (1/3) of the value of all private real property within the area proposed for annexation; and

WHEREAS, said real property is a contiguous, unincorporated area contiguous to the boundaries of Smithfield City and the annexation thereof will not leave or create an unincorporated island or peninsula; and

WHEREAS, said property is undeveloped and covers an area that is equivalent to less than five percent (5%) of the total land mass of all private real property within Smithfield City; and

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WHEREAS, said owners have caused a Petition for Annexation to be filed with the city, together with an accurate plat of the real property which was made under the supervision of a competent, licensed surveyor; and

WHEREAS, on the 11th day of November, 2012, the Smithfield City Council received the required Notice of Certification from the City Recorder certifying that the annexation petition meets the requirements of State law; and

WHEREAS, the City Council published and mailed notice of the Certification, as required by law and no timely protests have been filed in accordance with the provisions of Section 10-2-407, Utah Code Annotated, 1953, as amended; and

WHEREAS, the City Council held the required public hearing after giving notice as required by law, and has determined the referenced annexation is desirable;

NOW THEREFORE, pursuant to Section 10-2-407, Utah Code Annotated 1953, as amended, the City Council of Smithfield City, Utah, hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP, ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF SMITHFIELD CITY, UTAH.

BE IT ORDAINED, by the City Council of Smithfield City, Cache County, State of Utah, as follows:

1. The real property, more particularly described in Paragraph 2, below, is hereby annexed to Smithfield City, Utah, and the corporate limits of the City are hereby extended accordingly.
2. The real property which is the subject of this Ordinance is described as follows:

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A tract of land to be included in the corporate limits of Smithfield, Utah located in the Southwest Quarter of Section 34, Township 13 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

The Property is located at: 600 South to 800 South and East of 250 East.

Cache County tax Parcels: **08-117-0004**

A tract of land situate in the south half of section 34, Township 13 North, Range 1 East, Salt Lake base and meridian, U.S. Survey, more particularly described as follows.

Beginning at the grantor's northeast property corner as described in entry number 1040055 of the official records of Cache County, being on the existing Smithfield City Corporate boundary at a point located north 89°51'45" west 2632.56 feet along the north line of said south half and south 00°08'15" west 33.00 feet from the east quarter corner of said section and running thence along the perimeter of said grantor's land the following seven (7) courses: (1) south 01°48'25" west 627.13 feet (south 610.50 feet by record); (2) south 89°51'07" east 297.00 feet (east by record) to

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an existing rebar marking the property corner; (3) south 02°04'43" west 349.89 feet (southerly by record) to a Knighton and Crow rebar establishing the boundary line; (4) south 01°41'21 west 329.65 feet (southerly by record) to an existing rebar marking the property corner; (5) north 89°19'50" west 684.10 feet (west by record) to said existing corporate boundary; (6) north 01°01'26" east 1299.94 feet (northerly 1341.03 feet by record) along said corporate boundary; (7) south 89°51'45" east 406.01 feet along said corporate boundary to the point of beginning. Containing 16.47 acres

The basis of bearings for this plat is a line from the south quarter corner of said section 34, to the east quarter corner of said section 34, which bears north 43°44'32" east Utah North NAD83 State Plane Grid bearing.

3. The real property described in Paragraph 2, above, shall be classified as being in the A-10 District of the Agricultural zone in accordance with the provision of Section 17.08.050 of the Smithfield Municipal Code, and the Zoning Map of Smithfield City shall be amended to include the real property described above.
4. A certified copy of this Ordinance and an original plat describing the property so annexed shall be filed with the Cache County Recorder within thirty (30) days after the date this Ordinance is adopted.
5. This ordinance shall be effective upon the posting of three (3) copies in each of three (3) public places within the corporate limits of Smithfield City.

ADOPTED AND PASSED by the Smithfield City Council this 23rd day of January, 2013.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, City Recorder

Signing of the Community Covenant by Mayor and Council Members

Councilmember Jeff Barnes said that Capt. Simmons said Mayor Simmons found a few things that needed correcting. We now have the final version. Councilmember Barnes thought that was an excellent idea to have it presented at the Sky View High School Veteran's Day Assembly.

City Recorder Clegg will get it framed and hung. Those in attendance signed the covenant.

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Consideration of Resolution 13-01, “Set Prevailing Fee Schedule for 2013”

Mayor Simmons said all council members have been given the prevailing fee schedule for 2013.

Councilmember Kris Monson asked if we need to add fees for the animal control ordinance that was just passed?

City Recorder Clegg stated that we will prepare a Resolution for any changes that need to be made. The Recreation Department and Golf Course need the fees in place to begin this new year.

City Recorder Dean Clegg said because the cemetery lot and cemetery grave opening and closing rates are going to increase, please put in the date you are signing this so that it can be raised in July. If you make a motion to approve, add cemetery rates take effective on July 1.

Motion: Councilmember Kris Monson made a motion to approve **Resolution 13-01**, “Set Prevailing Fee Schedule for 2013” with cemetery lot prices going up on July 1, 2013. The motion was seconded by Councilmember Jeff Barnes. A roll call vote was taken with the following results:

Yea: Councilmembers Barnes, Buttars, Kent, and Monson

Nay: None

Absent: Councilmember Watkins

Motion Passes

Mayor and Council Reports

City Recorder Dean Clegg asked how many of the council members or mayor were planning on attending the “League” meetings to be held in St. George in April. He has tentatively made motel reservations for all, but he needs a firm number as soon as possible. All of them responded favorably.

City Recorder Clegg also informed the council at the next meeting the Hansen annexation will be here for approving.

Councilmember Kent’s Report:

Councilmember Kent said the youth council will be going on their visit in January to the state legislature.

The spaghetti dinner sponsored by the Lions Club will be in March.

Councilmember Monson’s Report:

Councilmember Monson wants to know about “Concerts in the Park”. Do you want to have concerts or “Movies in the Park”? She is in favor of movies. “Movies in the Park” are getting whole families. Last year it was more expensive. If we have \$3,000, that could be three movies. She will tell the Rec Center we want “Movies in the Park”.

Continuation of Minutes of City Council Meeting Held January 23, 2013

The first Health Days meeting has been held. They are taking the amount given to each girl down to \$250. We decided we don't want to hit businesses up for money this year. The girls will be given a new dress, and their parents will have to drive them to various events. Health Days will be Saturday, May 11.

The new girl at the Rec Center (Dani Lundberg) is fabulous. Councilmember Monson has decided if Bret recommends hiring someone, go with it.

Councilmember Barnes' Report:

Councilmember Barnes went with the Tree Committee working on some pruning classes.

Mr. Barnes is looking forward to Health Days. The Tree Committee wondered if they could have a booth without paying for it. They have been paying a fee for the booth every year, but they prefer not to pay that fee. All council members agreed that the tree committee should not have to pay this fee.

Mr. Barnes met with the Historical Society last week. Ralph Erickson is asking for priorities for this year.

The river diversion – the precast box culvert is complete. All water comes out of a 21 inch pipe. The “river feature” starts at the bottom of the golf course and runs the length of the golf course.

The tentative date for finishing is May 1.

City Manager Jim Gass was at the court hearing that took place. There was one man there representing this law suit, everyone else there was on the other side. The judge will publish a written statement. The project will almost be done before he comes out with his statement.

The NRCS State Conservationist is very happy with the way it has gone. It is a very positive thing that has happened. JUB and Whitaker Construction have been so careful when they are working.

Smithfield resident Jeff Gittins added they were able to provide historical information from the personal journal of Samuel Roskelley. He started working on the canal from North Logan to Smithfield Creek.

Councilmember Buttars' Report:

Councilmember Brent Buttars said that if the city has to remove a headstone to dig a grave, if we pay someone to come and move it, there is an additional cost of \$150.

City Recorder Clegg answered that is on the prevailing fee schedule. Burial spots need to be 6 x 10. Some headstones have to be moved before opening a grave. This winter has been a challenge, the frost is 18 inches deep.

Adjournment

Motion: Councilmember Kris Monson made a motion to adjourn. All were in agreement.

Adjourned at 7:34 p.m.

Continuation of Minutes of City Council Meeting Held January 23, 2013

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

SMITHFIELD CITY CORPORATION

ATTEST:

Darrell G. Simmons, Mayor

O. Dean Clegg, Recorder