

MINUTES
SMITHFIELD CITY COUNCIL MEETING
February 13, 2013

The Smithfield City Council met in a regular scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **February 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.
Councilmember Dennis Watkins offered a prayer and the Pledge of Allegiance was led by Boy Scout Ryan Larsen of Scout Troop 418.

Visitors: Jeremy Jensen, Darius Joyner, David Barnes, Jay Henrie, Eli Johnson, Owen Wilde, David Wilde, Kelly Cannon, Ryan Larsen, Tom Pershian, Ryan Robinson, Jake Johnson, Andrew Funk, Johnny W. McCoy, David S. Jorland, Eric Newell, Melissa Draper, and Jean Douglass

Agenda:

Welcome and Opening Ceremonies

1. Resident Input
2. Consideration of **Ordinance 12-06**, "A Request from Vincent Lee Hansen, Mary Elaine Hansen Beckstead, Laura Gaye Cook, Morris Wendall Hansen, and JoAnn U. Hansen for Annexation of Property Located at Approximately East of Hillside Drive and South of Birch Canyon. Containing 87.82 Acres +/-" (Public Hearing was held September 26, 2012)
3. Recess to RDA Meeting
4. Reconvene to City Council Meeting
5. Set Dates to Discuss the FY 13/14 Budget
6. Consideration of Annexation Agreement with Pitcher Family Farms LLC
7. Signing the Certificate of Annexation for Pitcher Family Farms
8. Dates to open Dump (April 19 and 20, May 4 and May 18) for April Newsletter
9. City Manager Items
10. Mayor and Council Reports
11. Adjournment

Consideration of Consent Agenda,
Minutes of January 23, 2013 City Council Meeting

Mayor Simmons declared the consent agenda approved.

Mayor Simmons welcomed all Boy Scouts, media, high school students, media, and Chief McCoy to the meeting.

Resident's Input: None

Consideration of Ordinance 12-06, "A Request from Vincent Lee Hansen, Mary Elaine Hansen Beckstead, Laura Gaye Cook, Morris Wendall Hansen, and JoAnn U. Hansen for Annexation of Property Located at Approximately East of Hillside Drive and South of Birch Canyon. Containing 87.82 Acres +/-" (Public Hearing was held on September 26, 2012)

Mayor Simmons said the public hearing was held on September 26, 2012 and at that time the property lines were identified.

City Manager Jim Gass said the council is aware of where we are at. We need some adjustments to boundaries; those changes were sent to the Hansens that modified their plat.

Jay Henrie, representing the Hansens said they have no concerns.

City Recorder Dean Clegg said the area inside the design cut the acreage from 160 to 87 acres. The elevation is around 5,100 feet.

Councilmember Kris Monson said they went above the power lines. That way we would have more control if the property is within the city.

Councilmember Jeff Barnes asked if this is just for annexation.

Councilmember Barbara Kent asked if this piece does not include the canyon.

City Manager Jim Gass said that is right.

Motion: Councilmember Barbara Kent made a motion to approve **Ordinance 12-06**, "A Request from Vincent Lee Hansen, Mary Elaine Hansen Beckstead, Laura Gaye Cook, Morris Wendall Hansen, and JoAnn U. Hansen, for annexation of property located at approximately east of Hillside Drive and south of Birch Canyon, containing 87.82 acres "plus or minus". The motion was seconded by Councilmember Dennis Watkins. A roll call vote was taken with the following votes cast:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins

Nay: None

Motion Passes

ORDINANCE 12-06
(Vincent L. Hansen 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

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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

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 of July, 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 South of Birch Canyon Road, East of Hillside Drive,

A tract of land to be annexed into the corporate limits of Smithfield City, located in Section 26, Township 13 North, Range 1 East, Salt Lake Base and Meridian, and more particularly described as follows:

Beginning at the Center of Section 26, Township 13 North, Range 1 East, Salt Lake Base and Meridian; thence South 31.05 feet; thence West 30.30 feet; thence North 00°25'24" West along the existing corporate limit line of Smithfield City 2112.64 feet; thence ; thence North 89°58'46" East 1440.00 feet; thence South 53°24'21" East 539.19 feet; thence South 00°25'24" East 1760.00 feet; thence South 89°58'46" West along the quarter Section line and partially along the existing corporate limit of Smithfield City 1840.00 feet more or less to the point of beginning. Containing 87.82 acres more or less

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 13th day of February, 2013.

SMITHFIELD CITY CORPORATION

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

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

Councilmember Kris Monson said she had talked with Jay Henrie, representing the Hansen family, about concerns about that happens to this land as it is developed. They are concerned about how far up it will be built. There are also citizens that have things on easement about this property not being developed. We would like whoever develops it to be aware of citizen concerns.

Mr. Henrie appreciates working with Smithfield City, they are looking forward to the rezone.

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Dr. Hansen would like to have been here tonight, but he is on call. Mr. Henrie expressed thanks for the annexation, he looks forward to working with Smithfield City Council.

Recess to Redevelopment Agency Meeting

Mr. Randy Sant was scheduled to be attendance to answer questions about the Smithfield Redevelopment Agency. However, due to a death in the family Mr. Sant was unable to be here. We will set up an appointment with him for March 13, 2013.

Reconvene City Council Meeting

See above

Set Dates to Discuss the FY 13/14 Budget

City Manager Jim Gass said we usually start this process in March. We need about three months to complete the job. Let's start with one in March to get it started. Mayor Simmons asked "What about the week of March 10?"

Councilmember Brent Buttars suggested March 6.

City Recorder Clegg said maybe we could have something after the March 13 city council meeting. It was decided the first budget meeting will be on March 13. The RDA meeting will be the same evening.

The second budget meeting will be on March 20 at 6:00 p.m.

City Manager Gass suggested to the council if there are things that you want to see worked into the budget please give these items to him before that meeting.

City Recorder Dean Clegg said we need to have the budget completed within the next six weeks.

Consideration of Annexation Agreement with Pitcher Family Farms LLC

City Manager Gass said there are those that want the agreement written in such a way that all lots on that property have access to secondary water. It is probably better addressed as part of the subdivision ordinance. In an e-mail from City Manager Gass, Mr. Gass said we need to make sure that we are doing what we are legally able to do. It is all about a fairness thing. There are things to discuss here.

Councilmember Brent Buttars said there is a problem with the cost.

Councilmember Jeff Barnes said the pipeline that serves this ground belongs to the Logan/Northern Canal.

Motion: Councilmember Jeff Barnes made a motion to accept the annexation agreement with Pitcher Family Farms as it is written. The motion was seconded by Council-

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member Brent Buttars. The following votes were recorded:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins

Nay: None

Motion Passes

AGREEMENT

THIS AGREEMENT is made and entered into as of the day of February, 2013, by and between SMITHFIELD CITY, a Utah municipal corporation (hereinafter referred to as “City”) and LAVOYLE CROSSLEY, Successor Trustee of the Pitcher Family Land, L.L.C. (hereinafter referred to as “Owner”).

Witnesseth:

WHEREAS, the City, will consider a request for annexation by the owners of real property in response to a properly filed petition for annexation as described in Section 10-2-403, UCA.; and

WHEREAS, the Owner filed such a petition for annexation with the City for property identified by tax number 08-117-0004 on October 04, 2012; and

WHEREAS, the City adopted Resolution No. 12-11 accepting said petition on October 24, 2012; and

WHEREAS, the City has met with the Owner of the property proposed for annexation and outlined the conditions that must be met prior to the annexation.

THIS AGREEMENT is entered into for the purpose of setting forth the terms and conditions whereunder the above described property may be annexed into the corporate limits of Smithfield City.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

Prior to or in conjunction with the adoption of Ordinance No. 13-04 by the Smithfield City Council, annexing the above described property into the corporate limits of Smithfield, the Owner shall:

1. Dedicate to Smithfield City Corporation a right-of-way of sufficient width to establish a full right-of-way width of 66' for 250 East Street from 600 South Street to the Owner's south property line.
2. Dedicate to Smithfield City Corporation a right-of-way of sufficient width to establish a full right-of-way width of 80' for 600 South Street from 250 East Street to the Owner's east property line.
3. Dedicate to Smithfield City Corporation that portion of a right-of-way to allow for the extension of 800 South Street along the Owner's south property line from 250 East Street to the Owner's east property line.
4. Identify, by certificate number, those water shares in the Logan and Northern Canal Company currently being used to water the above described property. Execute an affidavit approved by the Logan and Northern Canal restricting those shares of water to the above described property and/or all future lots within the property.

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5. AMENDMENTS: This Agreement constitutes and represents the entire agreement of the parties hereto and all other prior agreements, covenants, promises and conditions, verbal or written, between these parties are incorporated herein.

6. ATTORNEY’S FEES: Should either of the parties default in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including a reasonable attorney’s fee which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided herein or by the laws of the State of Utah, whether such remedy is pursued by filing suit or otherwise.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

SMITHFIELD CITY CORPORATION

By: /s/ Darrell G. Simmons
Mayor

ATTEST:

/s/ O. Dean Clegg
City Recorder

OWNER

LaVoyle P. Crossley, Successor Trustee of
the Pitcher Family Land, L.L.C.

Signing the Certificate of Annexation for Pitcher Family Farms

City Recorder Dean Clegg would like a Certificate of Annexation stating we as a city have followed all the laws required. He will keep this certificate on file.

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We, the undersigned, certify that the Smithfield City Council did follow all the legal requirements for annexation as requested from owners of property located at approximately 600 South to 800 South, East of 250 East

Cache County Tax Parcels: **08-117-0004** Containing 16.47 Acres

Those requirements are:

Reviewed and accepted a formal petition by **Resolution 12-11** on October 24th, 2012.
Accepted the petition as certified by the City Recorder on November 14th, 2012
Ordered a Notice of Certification be published in the Herald Journal for three consecutive weeks on Nov 21, Nov 28, and Dec 5, 2012.

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No protest was filed.

A public hearing was held to receive public comment on the 23rd day of January, 2013.

Accepted the annexation by **Ordinance 13-04** on the 23rd day of January, 2013.

<u>/s/ Darrell G. Simmons</u> Darrell G. Simmons, Mayor	<u>/s/ Brent Buttars</u> Brent Buttars, City Council
<u>/s/ Jeffrey Barnes</u> Jeffrey Barnes, City Council	<u>/s/ Barbara Kent</u> Barbara Kent, City Council
<u>/s/ Kris Monson</u> Kris Monson, City Council	<u>/s/ Dennis Watkins</u> Dennis Watkins, City Council
<u>/s/ Jim Gass</u> James P. Gass, City Manager	<u>/s/ O. Dean Clegg</u> O. Dean Clegg, Recorder

Set Dates to Open Dump (April 19 and 20, May 4, and May 18) for April Newsletter

City Manager Jim Gass said these dates will also be on the website.

Councilmember Kris Monson will put this information on Facebook and Twitter. This is only for “Green Waste”. If we do this on Saturday we have to pay overtime.

Mayor Simmons asked what about open it in the fall too. It can’t be burned until after October 1.

City Manager Gass will talk to the Health Department and Logan City about fall burning. All council members were in agreement.

Councilmember Jeff Barnes added in the fall maple leaves do not fall off until November.

City Manager Gass said we might have to go back to the Health Department about putting green waste down there. He will look into this matter about providing more service.

City Manager Items

City Manager Gass handed out sheets showing where we are on the budget, challenges, etc. He said the budgets really look pretty good. He compared the end of January this fiscal year compared to where we were last year. Our revenues are up and our expenditures are down from last year. There were no election expenses this year. Mr. Gass added the Police Department is down \$54,000 from last year. “C” Roads are down \$125,000. There is quite a lot of work that we did not do. Department heads are very conscious about their budgets. We are deferring capital expenditures. We have not bought any trucks; we need to start replacing some. We would like to save that balance so we can save some money and have some on hand when we need it.

Enterprise funds are also looking quite good. The golf course is not doing as well as it did last year. We got lots of business from Logan River Golf Course because of their flooding. So far this year we have done really well. There has been a request for sidewalks down on 100 North. UDOT has some funding (not much), but the chances of us getting any money is not good. We fall in Region 1 which is Layton – North. We will still pursue the sidewalks. It will cost \$35,000 to \$45,000 to put that sidewalk in. State law requires us to pay half of the cost of moving utilities. There are seven

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telephone poles down there. Drainage is not good down there. Applications for this money are due on March 20. We have to have a design. We get six points for it being an elementary school. For the children in the trailer park and the apartments that is the only way they can get to school. We are working on this and will try to have an application completed and turned in on time. Mr. Gass will talk with Mayor Simmons on this item.

Mayor and Council Reports

Councilmember Buttars' Report:

Nothing to report

Councilmember Barnes' Report:

Councilmember Barnes asked if we are going to announce in an upcoming newsletter about the cost increase on cemetery lots.

City Recorder Dean Clegg said it will be announced in an upcoming newsletter, and the increase will go into effect in July.

Councilmember Monson's Report:

Councilmember Monson gave the dates for the "Movies in the Park" this summer. The movies will be on June 7, July 12, and August 2.

Mrs. Monson said more Christmas lights have been ordered for Main Street for next Christmas.

Councilmember Kent's Report:

Councilmember Kent reported the Smithfield Youth Council thanked the city council and mayor for their support and sent them a card and a valentine.

Councilmember Jeff Barnes said Jake Lowe of the youth council gave the opening prayer in the senate in Salt Lake. He reported that Mr. Lowe did an exceptional job. Senator Hillyard was not in attendance that day.

Councilmember Watkins' Report:

Councilmember Watkins has checked on drawings for the library presentation for the March meeting.

Councilmember Watkins asked about progress on demolition of the old building.

City Manager

Gass said D. D. Salvage wants to come in and salvage the building. He is willing to pay \$878 for the materials he wants.

After this happens Parsons, Lloyd Facer and Edge will be requested to send in bids for tearing it down. It should not be too long before this happens. Mr. Grange is looking for the copper.

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Mr. Gass also said that the fire department and the police department would probably like to go in there before it is demolished.

Councilmember Watkins reminded Councilmember Buttars it is his turn for the front page article on the next city newsletter.

Mr. Watkins asked Mr. Buttars if someone from the Historical Society had called him.

Mr. Buttars answered, "No".

Mayor Simmons' Report:

Mayor Simmons told those in attendance that City Recorder Dean Clegg had officially notified the city of his intent to retire on July 8. Mr. Clegg has done a great job during his tenure with Smithfield City.

Comments by Councilmembers:

Councilmember Buttars: Thanks Dean.

Councilmember Barnes: Appreciate all that you have done. You have been a great help.

Councilmember Monson: Councilmember Monson has worked with Dean for a long time. He told her to vote with her heart, and she has tried to do that.

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Councilmember Kent: All the way along Dean has always been the first "go to man". Thanks.

Councilmember Watkins: Appreciates Dean's integrity, his wisdom, and his kindness. Yours will be big shoes to fill.

Mayor Simmons: Thanks Dean. I have appreciated your sense of humor. Please know that you are appreciated. Please be kind enough to let us show our appreciation.

City Recorder Clegg:

It is a good community, thanks for allowing him to work here.

Mayor Simmons reported there is a company that has given him demonstrations that uses technology on an "i phone". They have the possibility of broadcasting to all households in the community by text, e-mail, facebook, twitter. This program, if adopted, could help the city get rid of lots of paperwork. The city could send out via "i phone" licensing information, bills, and therefore free up office staff time. We could have on this program addresses within the community

and separate out certain areas of the community if there was an emergency in that part of town. The mayor could get in touch with city council members, the police station, fire station and city employees with just one phone call. The cost is \$2.57 a year. There is no charge to the citizens.

We need to research this with the community.

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City Manager Jim Gass said “It is as effective as any data available.”

Chief Johnny McCoy added “It would be a very dynamic tool for use in the community. This could be direct contact that city residents have with the city. It opens the doors to good communication.”

Councilmember Brent Buttars asked what percentage of the city would use this.

City Recorder Dean Clegg said that he thought about 80 per cent.

Chief McCoy said “This gives the people a way to communicate back instead of just being able to receive.”

Adjournment

Motion: A motion to adjourn was made by Councilmember Kris Monson. All were in agreement. Adjourned at 7:46 p.m.

Approved and signed this 27th day of February 2013.

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

O. Dean Clegg, Recorder