



Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **January 18, 2011** at 6:00 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
Shelly Jenkins, Councilor
Don Hunt, Councilor
Norm Searle, Councilor
Alan Arnold, Councilor
Present via Phone David Gibby, Councilor

Others Present: Larry Hansen, City Administrator, Steve Brooks, City Attorney, Randy Daily, Community Development Director, Lynn Fortie, Business Administrator, Lynn Moulding, Public Works Director, Dave Hansen, Police Chief, Ember Herrick, City Recorder and 11 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed those present. He noted that all Council members were in attendance with Councilor Gibby joining us via phone.

B. Pledge of Allegiance

Councilor Arnold led the Pledge of Allegiance. Mayor Burrows read a quote from William Bradford the Governor of Plymouth, Massachusetts stating that he would like to see the language from the beginning of mankind when God gave man law in holy text.

C. Moment of Silence

Mayor Burrow's quote was followed by a moment of silence.

D. Open Communications

The Mayor turned the meeting over to open communications, asking participants to keep their remarks brief and to the point to allow time for everyone who wished to comment to participate.

Mikayla Coy stated that her family has raised chickens since last June without any complaints from their neighbors. She stated that the chickens keep the insect population down and provide eggs to feed their large family and that she would like to see the Council pass the ordinance.

Brent Coy stated his appreciation for the Council members' willingness to take his calls and research the pros and cons of chickens in residential areas. He would also like to see the ordinance pass.

Charles Kerkvliet stated he is opposed to chickens in residential areas and asked the Council if they would consider putting in horseshoe pits at Riverdale Park before the Old Glory Days festivities.

Zeke Bardwell said that he is in favor of the chicken ordinance as a measure to help people to become more self-sufficient and use their property as they see fit.

Dave Neff stated many big cities allow residents to raise chickens. He would also like to see the ordinance pass.

There were no additional comments.

E. Presentations and Reports

1. Mayor's Report

The Mayor stated that the city had not yet received an interlocal agreement to review for the Communities That Care funding request. He said that on February 5th WSU has two for one basketball tickets available for Riverdale residents, the information is outlined in the newsletter for January. The Mayor also notified the public that there is a strategic planning session scheduled for Saturday, February 26th at the Senior Center at 8 am, it is open to the public.

2. City Administrator's Report

Mr. Hansen recognized the city employees who have anniversaries in the month of January. He also stated that the Staffing Authorization Report compares 2010 with 2005 and as of December 31, 2010, Riverdale was under its employee authorization with 57 part time and 50 full time employees.

3. Community Development Status Report

No changes.

4. Recorder's Report

No changes.

F. Consent Items

1. Consideration of meeting minutes from:

December 21, 2010 Executive Session

January 4, 2010 Work Session

January 4, 2010 Regular City Council

No changes to the record were requested.

2. Consideration of report on the condition of the treasury

Mr. Fortie stated that the general fund received approximately \$447 thousand in property taxes while \$140 thousand was spent on road projects and \$179 thousand went to Weber Basin Water. There were no questions from the Council.

3. Consideration of Red Flag Ordinance

Mr. Brooks stated this ordinance is required by federal mandate to prevent identity theft. Riverdale is considered a creditor because the city offers utility services. HR Office Manager Stacey Comeau has been designated as the program's coordinator to train the staff annually. The Council had no questions on the proposed ordinance.

Motion: Councilor Arnold moved to approve the consent items. Councilor Searle seconded the motion.

Call the Question:

The motion passed unanimously.

G. Action Items

1. Discussion of Ordinance 10-14-14 “Chickens in residential areas” rejected by the Planning Commission on 01/11/11.

Mr. Daily stated that he had drafted the ordinance in response to requests from some citizens who wished to own chickens in residential areas. He said that the Planning Commission determined chickens are not appropriate for residential areas as farm animals are not a reasonable expectation and if not properly cared for could prevent other residents from fully enjoying their property.

Councilor Gibby stated that he has raised chickens in the past and that if they are properly cared for the smell can be controlled. He also said that the proposed number of six hens is too few.

Councilor Searle stated that he has researched this ordinance extensively and has learned that other cities including Salt Lake do allow residents to raise chickens. He said that years ago he attended a meeting of the Utah League of City and Towns which recommended city officials amend their ordinances to help residents become more self sufficient and grow more of their own food. Councilor Searle stated that he feels Riverdale’s nuisance ordinances will address any problems that may arise if this ordinance passes.

Chief Hansen stated the city’s animal control officer feels strongly that passing this ordinance will add to her enforcement workload. He said law enforcement officials in Layton that he has spoken with claim that since they passed the ordinance they have had complaints of loud, smelly and annoying birds. They also reported having a tough time regulating irresponsible chicken owners. Chief Hansen stated that his enforcement team isn’t looking for violators but appreciates that if they get a complaint and need to remove the birds the law prohibiting chickens is currently on their side.

Councilor Jenkins stated that Riverdale is an urban area and chickens are classified as farm animals by the government. She reminded the Council that they have a responsibility to act in the best interest of the majority of the city’s 8,000 residents and need to respect the property rights of those who do not wish to live next to chickens. Councilor Jenkins stated that even with a nuisance law in effect, code enforcement is problematic as infractions are tough to enforce and the legal process is slow. She said she is also concerned about adding additional work for the city’s animal control officer. Councilor Jenkins stated that a local real estate agent had warned her homes for sale with chickens next door are tougher to sell.

Councilor Hunt stated that he has heard concerns from many residents over the proposed ordinance and was told by a chicken owner with eight hens that he discards a 5 gallon bucket of chicken waste every two weeks. Councilor Hunt fears that on 6,000 sq foot lot, the smell would be a problem. He would like R2 rental zones taken out of the ordinance.

Councilor Arnold asked about a sunset provision and said that he supports tabling the ordinance to give the Council members time to draft something that will work better for the community than the current draft.

Motion: Councilor Arnold moved to table the ordinance pending further revision of the ordinance by the Council. Councilor Searle seconded the motion. The Mayor asked for discussion on the motion. Councilor Gibby said that he doesn't oppose more time but stated that he doesn't feel the ordinance needs revision.

Councilor Jenkins said that she would like more input from the legal department, police department and animal control before the Council makes a decision.

Councilor Arnold stated he feels that Council should allow chickens and then address problems as they arise.

Mr. Brooks recommended the Council vote to either allow chickens or prohibit them instead of relying on conditional use permits.

Councilor Hunt stated the support documents for this council packet were all letters of support for the ordinance. He would like more time to study both sides. Councilor Jenkins agreed the Council needs more time to look at the negative impacts of such an ordinance.

Mr. Hansen said that if the Council tables the motion and they get their feedback on changes to the ordinance to the staff within 10 days it could be ready for the next meeting agenda.

Motion: Councilor Arnold made a motion to attach a friendly amendment that the Council review the ordinance and forward their comments to staff by 9am Friday morning January 28th, 2011. Councilor Searle agreed to second the motion with the friendly amendment attached.

Call the Question:

The motion passed unanimously.

2. Consideration of change order for 4400 South CDBG Storm Drain Project.

Mr. Moulding explained the change order, which was financially in the city's favor. The Council had no questions or comments.

Motion: Councilor Gibby moved to approve the change order for 4400 South CDBG Storm Drain Project. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

3. Consideration of change order for 500 West CDBG Culinary Waterline Project.

Mr. Moulding explained the change order, stating that complications with the old water line had caused the additional expenses.

Motion: Councilor Arnold moved to approve the change order for 500 West CDBG Culinary Waterline Project. Councilor Searle seconded the motion.

Call the Question:

The motion passed unanimously.

I. Discretionary Items

The Mayor asked the Council for any discretionary items. Councilor Jenkins updated the Council on the upcoming activities of the Youth City Council. On February 5th they will decorate Valentines cookies to be shipped to US soldiers serving in Afghanistan and to be delivered locally to Riverdale veterans. Councilor Jenkins also reported that on January 26th 12 members of the youth city government will attend the local government day at the state capital.

J. Adjournment:

With no further business to come before the Council at this time, Councilor Hunt moved to adjourn the meeting. Councilor Arnold seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:12 p.m.

Approved: February 1, 2011

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder