



Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **February 1, 2011** at 6:04 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, Dave Hansen, Police Chief, Ember Herrick, City Recorder and 26 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. He also welcomed Boy Scout Troop 187 and their leaders who were in attendance working on their Citizenship in the Community merit badge. Mayor Burrows asked the Senior Patrol Leader Nick Graham to introduce his troop to the Council.

B. Pledge of Allegiance

City Administrator Larry Hansen led the Pledge of Allegiance. Mayor Burrows read a quote by John Adams from his inaugural address March 4, 1797 asking for God's blessing on our nation.

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.

Amy Ann Spiers stated that she is a real estate agent and is concerned that if a chicken ordinance passes it will make it more difficult to sell homes in Riverdale and will create more work for animal control to police. She expressed her concern that other farm animals like pot bellied pigs and goats will follow.

Edie Purkiss stated her opinion that the nuisance ordinance will police chickens and said she doesn't believe they need their own specific ordinance. She is an organic gardener and said her chicken eggs are healthy for her husband who has certain dietary restrictions.

Bart Stevens said chickens represent farm animals in a residential area for food production. He doesn't believe this should be an issue as it is not a reasonable expectation that one should be able to have the right to raise food-producing farm animals when living in a residential area. He stated that if parents want to give their children the experience of living on a farm they should live in an

agricultural area and recommended those in residential areas expand their gardens or grow more fruit trees as options for food production that won't impact neighbors the way raising farm animals could.

Stan Hadden said he is also concerned that allowing chickens will open the door to other animals like ducks, geese, and turkeys in residential areas. He stated that allowing chickens because some residents say they need them to feed their family could set precedence where anyone who can make a similar case could argue for the right to raise other food-producing animals. Mr. Hadden pointed out chickens can carry diseases that can be spread to humans like coxiellosis and avian flu. He stated that if the city allows these animals and people contract diseases from them it could create liability for the city where taxpayer dollars are used to pay out lawsuits. Mr. Hadden asked the Council to use their best judgment in acting sensibly to leave residential zones free from farm animals

Jodi Coy said that she owns chickens and if the birds are well taken care of they won't get diseases. She stated that as an owner she has an incentive to keep her birds healthy so that they will produce eggs. Mrs. Coy read a list of other cities in the state considering similar ordinances from a Deseret News article and stated that she agrees with the ordinance drafted and would like to see it passed.

Sandy Hunt said that she is opposed to the city allowing chickens in residential areas because she has experienced first-hand how it can negatively impact the surrounding neighbors. She stated that one of her neighbors living in a rental property raised chickens and that they created a significant increase in the mice population until animal control got involved and the animals were removed. Her concern is that allowing chickens could cause disagreements between neighbors who will bear the burden of the policing responsibility in reporting infractions to animal control.

Chuck Kerkvliet said that he is against chickens in residential areas and would like to see the issue on the November ballot.

Brent Coy owns chickens and stated that he feels that the animals are being singled out by city officials unfairly. He cited the fact that the Planning Commission recently rejected a proposed ordinance allowing six chickens only to recommend a household pet ordinance allowing pigeons and rabbits in any number a few weeks later. Mr. Coy said that pigeons could potentially carry the same avian diseases that chickens are susceptible to. He said that he is in favor of the amendment to change the definition of household pets but doesn't see the difference between hens and pigeons. Mr. Coy said he believes the nuisance ordinance will protect residents from infractions so that if anyone isn't properly caring for their chickens they can lose the right to raise them. He asked the Council to approve the proposed chicken ordinance without adding any additional restrictions.

Kevin Eastman from Weber Health and Human Services stood and asked the Council to confirm that the public hearing on Communities that Care (CTC) would not be tonight. Mayor Burrows confirmed that the public hearing would not be tonight and said that the Council would only be reviewing the interlocal agreement and discussing whether or not to proceed with a public study.

Dave Leahy complained about the city not having adequate street lighting, which he said created a safety hazard for drivers sharing the road with children and bikers. He said that he would like the city to do an assessment on dark streets to see where additional street lights would be appropriate. Mayor Burrows responded saying that Rocky Mountain Power owns, operates, and installs all of Riverdale's street lights. He said that while the city can request additional poles and pays the electricity bill for the lights, Rocky Mountain Power ultimately determines where each street light is placed and how many are appropriate.

E. Presentations and Reports

1. Mayor's Report

The Mayor said that on Saturday February 5th at 4 PM WSU has two-for-one basketball tickets available for Riverdale residents. He stated that the information is outlined in the newsletter for January and encouraged everyone to attend.

2. City Council briefing for the Saturday February 26, 2011 Strategic Planning Meeting

Mr. Hansen stated that an all day strategic planning meeting is scheduled for Saturday, February 26th beginning at 8 AM at the Riverdale Senior Center. He said the three main issues to be discussed include a fiscal review, an in-depth examination of citizen concerns identified in the 2010 survey results, and guidance for drafting a budget for fiscal year 2012. Mr. Hansen stated that the meeting is open to the public.

3. Community Development Status Report

No changes.

4. Recorder's Report

No changes.

F. Consent Items

1. Consideration of meeting minutes from:

January 18, 2011 Work Session

January 18, 2011 Regular City Council

Councilor Jenkins reported the misspelling of Charles Kerkvliet's name in open communications portion of the meeting minutes from the City Council meeting on the 18th and the correction of his position from one of support to one in opposition to the proposed chicken ordinance. The city recorder stated that she had made the appropriate revisions to the minutes to reflect Councilor Jenkins' changes.

2. Consideration of Planning Commission appointment for the term of February 2011 to January 2015.

Mayor Burrows stated his recommendation of Riverdale resident Steve Hilton for the Planning Commission appointment from February 2011 through January 2015. According to the Mayor, Mr. Hilton has worked for American First Credit Union as a technology expert for over 30 years and will make a valuable asset to the commission.

3. Review and comment by February 8, 2011 on ordinance 10-2-2 amending the definition of “Household Pets”.

Councilor Gibby said the way he read the amended ordinance it would allow residents to keep chickens as household pets. He stated that he doesn't approve of chickens being classified as household pets and said that he would like the ordinance changed prohibiting them. Mayor Burrows encouraged Councilor Gibby and the rest of the Council to put their concerns in writing to Community Development Director Randy Daily by February 8, 2011.

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

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of resolution adopting proposed changes to the Police Officer 1 and Accounting Clerk job descriptions.

Mrs. Comeau explained the reasoning behind changing the Police Officer 1 and Accounting Clerk job descriptions. The Council did not have any questions on the changes.

Motion: Councilor Gibby moved to approve the amended job descriptions for Police Officer 1 and the Accounting Clerk. Councilor Arnold seconded the motion.

Call the Question: The motion passed unanimously.

2. Consideration of untabling proposed Chickens Ordinance 10-14-14.

Motion: Councilor Gibby moved to untable the discussion on the proposed Chickens Ordinance 10-14-14. Councilor Arnold seconded the motion.

Call the Question: Roll call vote, Councilor Gibby aye, Councilor Jenkins aye, Councilor Hunt nay, Councilor Searle aye, Councilor Arnold aye. The motion passed four to one in favor of untabling the discussion on the proposed Chickens Ordinance 10-14-14.

The Mayor asked Mr. Daily to explain what changes had been made to this latest version of the chicken ordinance. Mr. Daily said his original draft was similar to ordinances drafted for neighboring cities but on recommendation from the Council, his latest version was adapted from Salt Lake City's chicken ordinance. He said the position of the coop to the adjacent property was now stipulated, which he feels is a good addition, the new ordinance also mandates all coops be whitewashed and disinfected three times a year and droppings cleaned out every two weeks.

Councilor Jenkins asked if policing these new requirements is possible and stated that many people won't be able to own chickens because they don't have sufficient room to comply with the

new draft's 25 foot from any dwelling restriction. Mr. Daily stated it is similar to our city's swimming pool ordinance requiring 35 feet between a pool and a neighbor's yard to minimize noise. Councilor Jenkins stated that not everyone will raise chickens responsibly; just as the city has problems with irresponsible dog and cat owners, she believes chickens will cause similar problems. She wants all the citizens to have an opportunity to give their input on this issue because it could potentially affect everyone. Councilor Jenkins read an email she received from a resident saying that Riverdale's Code Enforcement Officer has enough problems policing unkempt yards and the removal of old cars without the addition of chickens.

Councilor Searle said that he wished the issue had been identified in time to be an item on the 2010 citizen survey as he is interested in hearing both sides so that the Council can better represent the community. He said initially the only people at the public hearing were chicken supporters and that the first opposition the council had heard to the ordinance was voiced in the last two meetings. He agreed with the citizen suggestion that it might be wise to put it on the November ballot.

Councilor Hunt agreed allowing chickens in residential areas is a controversial issue. He is concerned about enforcing a chicken ordinance because neighboring cities with similar ordinances have complained about policing difficulties.

Mayor Burrows said a town meeting is appropriate to discuss recycling because it will have a financial impact on every resident. He said although chickens won't financially impact everyone, it could possibly be added to that same town meeting, but ultimately the problem is owners who don't take proper care of their animals. He stated that if the city grants individual animal permits people will have the right to keep dogs or cats or chickens until they become a nuisance and their right is revoked.

Councilor Arnold said he agrees with Mr. Daily's latest additions to the ordinance except the 25 foot provision, which he would like to see increased. He also stated that reasonable expectations are always changing within developing communities and that people should expect to live next door to individuals that have different uses for their property. Councilor Arnold said that he is in favor of limiting the number of animals someone can own but wants those residents that meet the space requirements to have the option to raise chickens for food production and as a hobby.

Councilor Gibby said growing up in Riverdale some homes in residential areas raised chickens. He doesn't believe many people will raise chickens because they are so much work but would like to see those that wish to raise them given the opportunity.

Motion: Councilor Arnold moved to retable the discussion on the proposed Chickens Ordinance 10-14-14. Councilor Jenkins seconded the motion.

Mayor Burrows asked for discussion on the motion.

Councilor Searle said he would like the ordinance to have an annual rather than a one time fee when Mr. Daily reworks it.

Councilor Jenkins stated that other cities allowing chickens require more space than Riverdale's proposed ordinance. She also said that she would like to hear more public input before the Council considers the ordinance again.

Mr. Hansen asked Mr. Daily if there is a specific reference that restricts chickens in the city's current ordinance. Mr. Daily said no, the issue is gray. Mayor Burrows stated that an ordinance allowing chickens in residential areas was suggested by residents who wanted to be certain that they weren't breaking any laws. Mr. Hansen said there may not be an ordinance that will appease everyone and that by passing this chicken ordinance the Council could be opening the door to more ordinances dealing specifically with other animals like pigeons, rabbits, etc. He suggested that rather than passing a new ordinance dealing specifically with chickens, the Council would be better off to just rely on the existing nuisance ordinance to regulate the few residents that own chickens. Mr. Hansen recommended the Council kill the proposed ordinance rather than tabling it so that they can deal with issues of greater importance to the city.

Call the Question: The Council voted unanimously in opposition to tabling the ordinance.

Motion: Councilor Arnold moved to deny the proposed Chickens Ordinance 10-14-14. Councilor Hunt seconded the motion.

Mayor Burrows asked for discussion on the motion.

Councilor Hunt asked Attorney Steve Brooks if the nuisance ordinance is sufficient to regulate chickens in residential areas and Councilor Jenkins asked Mr. Brooks if nuisance complaints could get tied up in the court system and take too long to abate. Mr. Brooks said that he is in favor of just dealing with the issue under the nuisance ordinance and stated that the different departments are currently in the process of amending the nuisance ordinance's language for the Council's review.

Call the Question: The motion to deny the ordinance was unanimous.

Mayor Burrows introduced Steve Hilton to the Council. Mr. Hilton stated that he was very impressed with their deliberations and looks forward to working with them in the future.

3. a. Discussion on proposed participation in interlocal agreement with Communities That Care (CTC).

City Attorney Steve Brooks stated that he received the CTC interlocal agreement and informed the Council that a study must be done before a public hearing can be scheduled. Mr. Brooks said that in his professional opinion he isn't comfortable with the interlocal agreement and said that he has discussed his concerns with the City Administrator Larry Hansen, members of Weber Health and Human Services, and South Ogden's legal council. Mr. Brooks said that the city's long-term obligations are vague in the interlocal agreement.

Councilor Jenkins said she is also concerned about Riverdale's long-term financial obligations to the program without county and federal government funding, stating that if those other agencies can't pay for it, Riverdale isn't in a financial position to take this on.

Councilor Arnold asked Mr. Brooks for clarification of state statute 10-8-2 of the Utah Municipal Code, specifically where it states that the city is required to have an interlocal agreement and a study performed before allocating funds to CTC. Mr. Brooks indicated that the interlocal agreement is not required by this statute and referred Councilor Arnold to sub paragraph 3 sections D and E of 10-8-2, which he read out loud in the meeting. In summary, the statute requires a municipal legislative body to determine a corporate purpose prior to appropriating money. Mr. Brooks explained that conducting a survey to analyze and demonstrate the purpose of the appropriation involves three things. First, identifying the benefit the municipality will receive in return for the money and resources appropriated. Second, an analysis of the way the money will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort or convenience of the inhabitants of the municipality. Third, how the appropriation is necessary for economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structure and property and other public purpose. Mr. Brooks said the statute also requires that the study results be published for public review 14 days prior to the scheduling of a public hearing.

Councilor Arnold said in his opinion the CTC study outlining the benefits and successes of their program should be sufficient. Mr. Brooks stated that when the Council allocates taxpayer dollars, for any amount, the law requires that the city provide the public with information showing the corporate purpose of that donation. According to Mr. Brooks the study will not cost additional funds as the necessary information can be compiled by the city's staff.

Mayor Burrows said that all interlocal agreements are done as part of the city's due diligence to protect the city legally.

Councilor Arnold said that he has reviewed the health department's findings and feels that the CTC program would be beneficial for the city.

Mr. Hansen said if staff is instructed to do the study at tonight's meeting, they will have it ready for the next council meeting on February 15th so that a public hearing could be scheduled 14 days later.

Councilor Gibby said for him the issue is the city's long-term obligations if the federal funding doesn't come through, but said that if the city's financial obligations can be protected in the interlocal agreement he is inclined to support it.

Councilor Searle said he attended the CTC meeting and although the speakers made the program sound good, he has reservations about funding it in light of the fact Riverdale already expends a great deal of money for drug prevention programs. He stated that although there appears to be federal funding now, programs like CTC add to the deficit and are likely to dry up. Councilor Searle stated that when he has asked parents of school-aged children in Brigham City about the

program, they stated they had never heard of it. He said that he doesn't want to replace the established DARE program to fund CTC.

Police Chief Dave Hansen said Riverdale is just one small city involved in funding the CTC program and stated that he has concerns about how much input the city would have into how the program is run, especially with a Washington Terrace employee overseeing it. He wants to be certain that this new program is superior to DARE before supporting it.

Councilor Hunt said although the initial investment is minimal, he is concerned about the long-term financial obligations of the city to CTC. He wants to be sure there is an exit provision in the interlocal agreement allowing Riverdale to withdraw if they don't like the program and agrees that proper procedure should be followed in conducting the study before the Council moves forward.

Councilor Jenkins said she is concerned that the program won't benefit all of Riverdale's youth; the children that attend other school districts outside of Weber County and private schools. She also asked if a year was sufficient time to produce the data needed to evaluate the effectiveness of the program.

Mayor Burrows asked the Council for consensus on instructing staff to compile a study evaluating possible corporate benefits of the CTC program to Riverdale in accordance with legal requirements. By consensus, the Council was unanimously in favor of moving forward with the study.

I. Discretionary Items

The Mayor asked the Council for any discretionary items. There were none.

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 8:15 p.m.

Approved: February 15, 2011

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder