

Clinton City Council Meeting Minutes

2267 N 1500 W Clinton, UT 84015

April 27, 2010

The Clinton City Council was called to order at 7:05 p.m.

Councilmember Blair Bateman led the pledge of allegiance and Councilmember Joanne Hansen offered the invocation.

Mayor Adams called for a roll call of all those present

Present were: Mayor L. Mitch Adams
Councilmember Blair Bateman
Councilmember Joanne Hansen was excused at 11:15 p.m.
Councilmember Anna Stanton
Councilmember Cheri Reed
Councilmember David Pearson

Also present were: Zac Martinez, Joshua Palmer, Rick Gurule, Robert Hinds, David Harris, Cindy Harris, Gaven Manfull, Chad Bangerter, Tara Kinser, Ariel Kinser, Camille Scramm, Jared Hainline, Melinda Scott, Ben Kempe, Suzanne Briscoe, Megan Jensen, Alicia Ayrton, Erika Anderson, Mindy Hany, Loni Schneider, Sam Cooper, Ryan Morrill, Bette Parkin, Mikayla Parkin, Fiona Morrison, Tina Wilson, Nancy Lougy, Michelle Hainline, Keith Schramm, Annemarie Allen, Deborah Barlow, Tony Thompson, Bryce Wilcox, City Planner Steve Parkinson, City Manager Dennis Cluff and Lisa Titensor recorded the minutes.

A. EMPLOYEE OF THE MONTH FOR MARCH 2010 – ZAC MARTINEZ:

Public Works Director Mike Child introduced Zac Martinez as Employee of the Month for March 2010. He said Zac has such a wide range of responsibilities as a supervisor that describing him as the Parks Supervisor doesn't really cover it. Besides being in charge of all of the maintenance at all of the City Parks (over 85 acres) with mowing, fertilizing and weed control, 1000's of sprinkler heads, valves and piping he is also responsible for the Cemetery maintenance and all of the burials that take place. In addition, he supervises the main street flower program, and the installation and maintenance of all of the City street lights (over 1,160), Christmas lights and other seasonal decorations.

He continued that Zac oversees maintenance of all the park bowery's and restrooms. In addition he is a certified playground inspector and makes weekly inspection to the City's playgrounds. He further explained another very demanding part of his job is supervising the crew that prepares the fields every sporting for events including soccer, football, little league baseball, soft ball leagues and tournaments. This includes watering and grooming infields, setting bases, painting lines, cleaning bleachers and facilities on a daily and nightly basis.

Zac and his crew play a critical role in making Heritage Days possible by setting up booths, power supplies, parking areas, sanitation in the parks and restrooms. He is also in charge of the Heritage Days Breakfast, including gathering the donations.

And in addition to that, each year, Zac manages a group of mainly young seasonal workers which presents its own challenges. Most are here for just a short season and require a heavy amount of training required. Teaching them about their various duties and how to safely operate their assigned equipment is a real challenge and although there is an occasional problem with the young inexperienced workers, Zac has managed to have a crew that presents a good image for the City and gets the job done.

Mr. Child said he can always count on Zac to be on hand for an emergency situation such as a water leak or a sewer main plug or for snow plowing. He frequently volunteers to be on-call and has responded to countless after-hours calls. He said Zac fills an extremely demanding role and this recognition is well deserved.

Mayor Adams expressed appreciation to Zac for all his hard work in the City. He said the City is very lucky to have such a dedicated employee. He presented Zac with a certificate and a gift basket donated by Texas Road House.

B. EMPLOYEE SERVICE AWARDS:

Mayor Adams recognized Justin Glommen for 5 years of service. Officer Glommen was not present, but will be provided a \$25 check in honor of his service.

C. UPDATE ON 800 NORTH PUBLIC INVOLVEMENT:

JUB Engineer Bryce Wilcox was present to provide the City Council with an update concerning the 800 North, 1000 West to 2000 West project.

He introduced Joshua Palmer of the Langdon Group to provide a power point presentation on the citizen outreach program for the project.

Mr. Palmer reported that the design process began in January. This project affects a substantial amount of residents in Clinton. The intent is to introduce them to one person whom they can go to with questions and concerns initially and throughout the project. It is intended to be a *Partnership with the Public*, so that citizens can voice their concerns. The process allows time to make accommodations and changes to the project based specifically on the citizens needs.

Mr. Palmer continued on with his power point presentation which identified the following:

- Every property owner was visited by the project engineer
 - More than 50 hours of design visit time;
 - Additional time for follow-up visits, e-mails and phone calls;
 - Citizens were able to voice concerns about their specific properties.

- As a result, the most common concerns identified were:
 - Property line definition
 - Maintaining access for personal/agricultural purposes

- Fear of increased speed due to road widening
- Ability to receive mail throughout project
- Landscaping concerns

- Communicating with citizens makes for a better design.
 - Citizens have a point of contact throughout design and construction
 - Citizens become part of a team rather than spectators of a project

- End Result
 - Less conflict during construction because of due diligence during design
 - A design that is based on a more collaborative process, and therefore better
 - Citizens are able to communicate ongoing concerns with a single point of contact, who in turn finds answers to questions, or collaborates with the project team to solve problems.

Mr. Wilcox then finished the presentation by identifying the anticipated schedule. He stressed that it is anticipated due to the countless variables in a project like this. He clarified that using federal funds on a project is a long and laborious process.

- Anticipated Schedule
 - Environmental Document Review for Right-of-Way Acquisition; all agencies involved have signed off. Right-of-way acquisition can begin in approximately a week; should take approximately 2 weeks.
 - 90 percent design plan set: Mid-May
 - 90 percent design review meeting: Early July
 - Advertising package completion: Mid-August – this is flexible and will be evaluated based on what is the most economical time frame.
 - Project bid opening: Mid-September – Construction could begin next summer.
 - Roadway Construction: October 2010 – September 2011

He said so far everything appears to be going very smooth especially for a federally funded project.

He then addressed the intersection at 1000 west. He said the Transportation Master Plan shows that it warrants a traffic signal. They need concurrence from UDOT and are waiting for a meeting with them to find out.

Mayor Adams expressed appreciation for the update.

D. DISCUSSION ON SB 172-LOCAL DISTRICT BOARD MEMBERSHIP:

Mayor Adams explained that because of Senate Bill 172 the City may need to have elected officials serve as representatives on the Boards of local district taxing authorities. Local districts like the Sewer, Weber Basin Water, Wasatch Integrated Waste Management and the Mosquito Abatement Boards currently have taxing authority. This Bill requires that in the future if that local district wishes to increase taxes, the board majority must be made up of either: 1) elected local officials; 2) a publicly elected board of directors; 3) have the tax increase approved by the

elected legislative body that appointed the representative to the district board; or 4) have the tax increase voted on by the public being served.

Mr. Cluff clarified according to the bill, if the entire district is within the county, the County Commissioners could control the tax increase issue. The local districts identified above are currently being overseen by boards of local elected officials except for the Mosquito Abatement District and Weber Basin Water. The Water District is dealt with specifically in Senate Bill 172 indicating the process they need to follow in order to attain an elected board of directors. The Mosquito Abatement district is the one that is in question. The bill identifies that the Board can be established as an elected board with a 2/3 vote of the current board and a resolution of concurrence by each existing city in the district.

Mayor Adams recommended allowing the current appointed Clinton representative, Laretta Beesley; to remain on the board at least until her term expires. If a tax increase issue arises, the issue can be brought back to the City Council (the appointive legislative body) for desired action. He said if the decision has to be made by the County the City Council can deal with the issue again at that time.

He clarified that this is intended as feedback to assist the Mosquito Abatement Company on how to set up their by-laws.

Councilmember Hansen made a motion to approve the concept of filling future district board vacancies with elected officials, but for now maintain Laretta Beesley in the position on the Mosquito Abatement Board with direction to bring decisions before the City Council. Councilmember Bateman seconded the motion. All voted in favor of the motion.

E. SUBDIVISION FINAL ACCEPTANCE, LOVELL PHASE 2 (Located at Approx. 1725 N 2500 W):

Public Works Director Mike Child reported that the required inspections have been completed.

Councilmember Pearson made a motion to approve the Final Acceptance of Lovell Subdivision Phase 2 and release all funds being held in escrow. Councilmember Stanton seconded the motion. All voted in favor of the motion.

F. TABLED FROM APRIL 13, ORDINANCE 10-01Z A REQUEST TO ADD/AMEND/DELET SECTIONS OF THE ZONING ORDINANCE; SECTIONS §2.02 “ANIMAL UNIT” (ADD); §2.02; §2.02 “FOWL UNIT” (ADD); §3.09 “SPECIAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS & FOWL” (AMEND); §14.02 TABLE 14.2.7 “USES” (AMEND):

Mayor Adams identified that this is a continuation of the issue from April 13, 2010. The public hearing was held and was closed on April 13. He said that in order to move forward, public comment should be limited and applause should be avoided.

He asked that those in attendance remain patient and orderly while the City Council discusses the issue.

He said in his opinion, he is not convinced that residential zones should allow chickens especially the small lots.

Councilmember Pearson said that he is not in favor of the proposed ordinance. He said he has attended Planning Commission meetings and the City Council meeting regarding this issue. He agrees with many points that have been made including land use rights. He personally, feels that rights of all property owners need to be considered, and feels that people have purchased property in residential areas with specific expectations.

He said he would like citizens to think outside the box. He proposed a trial area at West Fairfield Park where the City could set up a secure fenced in area where people could put chickens and take care of them, something similar to that of the community garden plots. He said he is not sure it is appropriate to allow chickens in residential back yards.

He added that he feels responsible to the Planning Commission and that if the proposed changes discussed during the public hearing on April 13 are passed, it effectively removes the protections for neighbors of chicken owners the Planning Commission intended. He cautioned the City Council to consider unintended consequences. He feels that even though many surrounding cities have allowed this, there has not been enough time pass to realize the full impact.

Councilmember Reed commented that she would like to see a limit of six chickens. Lower lot sizes of 8,000 sq. ft. or less should not be allowed because the lots are so small; 9,000 sq. ft and above should be okay. She would like to see the 25' set back limit shortened to 15' to accommodate the shorter backyards and protect neighbors on each side. She would like to keep coops as far away from all houses as possible. She contacted Syracuse and Farmington and they both said they have next to no problems, other than an occasional complaint about roosters. She said she does not want coops too near the home. She would like to see the coop on the side in the back yard, not the middle of the backyard. She said as a compromise, an enclosed area to keep the chickens may be in order. She clarified she would like lot size rather than zone to be the deciding factor.

Councilmember Stanton said that she also has put a great deal of thought into the issue. She said she agrees that small lots would impose too much on neighbors. She looked into chickens as a domesticated farm animal and has learned that they are actually not. She explained she recently moved from a 10,000 sq. ft. lot to a larger lot because she wanted animals. She said she has randomly asked many people about the issue all over town to get insight. She is not in favor of the ordinance right now. She feels that the Planning Commission did an excellent job in trying to protect all residents. She is especially not in favor of smaller lots having chickens.

Councilmember Hansen discussed the side yard issue. She said she would only be in favor of allowing chickens in the rear yard due to the closeness of the neighbors. She said she also agrees with the smaller lots not being allowed to have chickens. She has been approached about many issues including requiring a conditional use permit and requiring owners to register chickens. She said she doesn't think a fee should be required. If you have chickens, they need to be in the back yard to protect neighbors.

Councilmember Bateman said initially he was for chickens but he does have reservations. He agrees that small lots should not have chickens. He also feels that registration is necessary. He is not in favor of allowing chickens in the side yards to protect the neighbors who do not want chickens. He would like to see the coop as far from the home as possible for safety issues.

Mayor Adams identified consensus of prohibiting chickens on small lots.

Councilmember Pearson said that in order to enforce this it should be limited by zone. He said on the permit issue, the purpose is to provide education. He asked that the City have an “expert” identify guidelines such as those included on the USU Extension Services website. He is not convinced a fee is necessary but feels there should be a consequence for non-compliance.

Councilmember Reed said she would be concerned that residents wouldn’t get a permit, they will just get chickens. After a third offense, they should be prohibited from having chickens or have a fine imposed.

Councilmember Pearson asked staff if they have considered how enforcement of this issue will occur.

Staff reported that properly kept chickens are not visible from the street, so normally it would be on a complaint basis.

Councilmember Bateman pointed out that neighbor complaints will determine if residents are in compliance. If they follow the rules and information given with a permit, they should be okay.

The Council discussed compliance issues and neighbor complaints.

Councilmember Pearson said that he feels that chickens should be in an enclosure. He said if the purpose is to provide eggs for a family a limit of 120 sq. ft. should be sufficient. David Frame (expert) has said a small space is better for chickens.

Councilmember Stanton expressed concern about fences within fences.

Councilmember Bateman suggesting adding the requirement that the bird should be rendered flightless would help with enforcement.

A discussion on the location of the coop and proximity to neighbors took place. Most agreed that 35’ from all homes in area and at least 10’ from the back property boundary is sufficient.

Planning Commissioner Sam Cooper reported on the 2009 Agriculture Report from the U.S. Department of Agriculture that stated that less than 2% of chickens remain flightless. They have to have wings clipped every time they molt. As a result of ordinances that were passed that did not require enclosed areas in other communities, the city, town or township was held accountable in a court of law because they did not require an enclosure.

Mayor Adams directed the discussion to the proposed ordinance changes and asked to start at the beginning.

Mr. Parkinson identified the following is the same as reviewed during the last meeting; the areas that are highlighted are some of the areas that were in discussion but were not resolved.

As usual the words that are **bold type** are to be added and those which are ~~struck through~~ are to be eliminated, that which is in *italic* are staff comments if any.

ADD

2.02 Animal Unit (**Agricultural & Residential**) means the keeping of not more than the below-stated number of domestic animals:

1. One (1) head of: horse or cow; or
2. Three (3) head of: pig or sheep; or
3. Five (5) head of the following small, non-carnivorous animals: rabbits, hamsters, or other similar small animals.

2.02 Fowl Unit (**Agricultural**) means the keeping of not more than the below-stated number of fowl:

1. Fifty (50) each of the following classes of fowl: chickens, pheasants, and pigeons provided that there may be a combination of said fowl but not to exceed 200 on residential lots of one acre or more. An additional 200 may be allowed on the lot provided they are under five months old. Or
2. Ten (10) each of the following classes of fowl: ducks, geese, and turkeys provided that there may be a combination of said fowl but not to exceed 20 on any lot of one acre or more, regardless of number of fowl units permitted thereon.

2.02 **Fowl Unit (Residential chickens) means the keeping of not more than the below-stated number of chickens:**

1. **½ of fowl unit (Agricultural) multiplied by acreage, fractions to be rounded down.**
2. **1 acre (43,560 sq.-ft) and above, numbers mentioned within the fowl unit (agricultural)**

ADD

3.09 Special provisions relating to the keeping of animals and fowl

1. Animals and Agricultural fowl

- A. All corrals, pens, feeding troughs, barns, stables and other similar buildings or enclosing structures shall be located not less than one hundred and fifty (150) feet from Public Street except on corner lots the setback from one street may be reduced to not less than seventy five (75) feet.
 - i. These types of building or structures shall be constructed of materials that are typically associated with the use. The architecture of these buildings shall be similar to the typically found throughout the state.
- B. Temporary feeding troughs, i.e. those moved at least ten (10) feet from one location to another at not more that ten-day intervals may be located not closer that an fifty (50) from public street.
- C. All such buildings, enclosing structures, pens, corrals, troughs and permanent concentrated feeding areas shall be located not less than one hundred (100) feet from all dwellings on adjoining lots and not less than thirty (30) feet from dwellings on the same lot.

- ~~D. Animals shall not be kept on a residential lot or parcel unless the person keeping animals first registers with the City.~~
- ~~i. The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration, agree to comply with such rules.~~
 - ~~ii. The cost of filing a registration shall be as shown on the consolidated Fee Schedule adopted by the Municipal Council~~
 - ~~iii. The registration shall be good for one (1) year and SHALL be renewed annually.~~

2. **Fowls** Residential Chickens

- A. All coops, **and enclosed areas** shall be located in the rear yard and coops shall be located not less than ~~twenty five (25)~~ ten (10) **feet** from property line and not less than thirty five (35) feet from all dwellings on adjoining lots.
- i. Coops shall be constructed of materials that are typically associated with the use.
 - (1) ~~Fowl~~ Chickens shall be confined with a secure outdoor enclosed area.
 - (a) The enclosed area shall include a covered, ventilated, and predator-resistant coop.
 - (i) The coop shall have a minimum floor area of at least the following:
 1. Chickens, **pheasants, pigeons** – Two (2) square feet per fowl
 - ~~2. Ducks, geese, turkeys – Four (4) square feet per fowl.~~
 - (ii) If ~~fowl~~ chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of at least the following:
 1. Chickens, **pheasants, pigeons** – Six (6) square feet per fowl.
 - ~~2. Ducks, geese, turkeys – Twelve (12) square feet per fowl.~~
 - (b) **The enclosed area must be covered**
 - ii. The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line.
 - iii. No **residential** fowl shall be permitted to roam outside the coop or enclosed area.
- B. Feed shall be stored and dispensed in rodent and predator-proof containers.
- C. All **residential** fowl shall be hens (female) no roosters (males) are allowed.
- D. Fowl shall not be kept on a residential lot or parcel unless the person keeping chickens first registers with the City.
- i. The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration, agree to comply with such rules.
 - ii. The cost of filing a registration shall be as shown on the consolidated Fee Schedule adopted by the Municipal Council
 - iii. The registration shall be good for one (1) year and SHALL be renewed annually.

- E. Fowl kept as provided in this section shall not be deemed to be household pets as defined in Section 2.02 of this title.
- F. Compliance with UCA 4-29 as well as rule R58-6.

AMEND
 Table 14.2.7

Uses	R-1-6	R-1-8	R-1-8a	R-1-9	R-1-10	R-1-15
Raising, pasturing, and maintaining of not more than the following animal and fowl units for family food production or pleasure: 1 animal unit and 1 fowl unit for each one (1) acre in the lot up to a maximum of 5 animal and 2 fowl units . 1 fowl unit as defined in chapter 2 of this title, with a maximum of 2 fowl units.	P	P	P	P	P	P

The Council discussed the proposed ordinance as modified during the April 13, 2010 public hearing. The following ordinance is a result of the discussion:

ORDINANCE NO. 10-01Z

CHANGE

AN ORDINANCE OF CLINTON CITY AMENDING THE ZONING ORDINANCE OF THE CITY OF CLINTON AS OUTLINED AND UPON FINDING AN EMERGENCY AND DECLARING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE AND POSTING.

WHEREAS, Clinton City has established an ordinance regulating zoning within the City, and
WHEREAS, Has determined that changes are needed in this ordinance to promote the health, safety, and general welfare of the citizens,

NOW THEREFORE, the City Council of Clinton City, Utah hereby adopts the following.

THE COUNCIL OF CLINTON CITY HEREBY ORDAINS.

SECTION 1.

ADD

- 2.02 Animal Unit (Agricultural & Residential) means the keeping of not more than the below-stated number of domestic animals:
 - 1. One (1) head of: horse or cow; or
 - 2. Three (3) head of: pig or sheep; or
 - 3. Five (5) head of the following small, non-carnivorous animals: rabbits, hamsters, or other similar small animals.

- 2.02 Fowl Unit (Agricultural) means the keeping of not more than the below-stated number of fowl:

1. Fifty (50) each of the following classes of fowl: chickens, pheasants, and pigeons provided that there may be a combination of said fowl but not to exceed 200 on residential lots of one acre or more. An additional 200 may be allowed on the lot provided they are under five months old. Or
2. Ten (10) each of the following classes of fowl: ducks, geese, and turkeys provided that there may be a combination of said fowl but not to exceed 20 on any lot of one acre or more, regardless of number of fowl units permitted thereon.

2.02 Fowl Unit (Residential chickens) means the keeping of not more than six (6) chickens (hens only)
ADD

3.10 Special provisions relating to the keeping of animals and fowl

1. Animals and Agricultural fowl
 - A. All corrals, pens, feeding troughs, barns, stables and other similar buildings or enclosing structures shall be located not less than one hundred and fifty (150) feet from Public Street except on corner lots the setback from one street may be reduced to not less than seventy five (75) feet.
 - i. These types of building or structures shall be constructed of materials that are typically associated with the use. The architecture of these buildings shall be similar to the typically found throughout the state.
 - B. Temporary feeding troughs, i.e. those moved at least ten (10) feet from one location to another at not more that ten-day intervals may be located not closer than an fifty (50) from public street.
 - C. All such buildings, enclosing structures, pens, corrals, troughs and permanent concentrated feeding areas shall be located not less than one hundred (100) feet from all dwellings on adjoining lots and not less than thirty (30) feet from dwellings on the same lot.
2. Residential Chickens
 - A. All coops, and enclosed areas (chicken run) shall be located in the rear yard and shall be located not less than fifteen (15) from property line and not less than thirty five (35) feet from all dwellings on adjoining lots.
 - i. Coops shall be a minimum of 2 sq.-ft per chicken
 - (1) Coops shall be constructed of materials that are typically associated with the use and shall be predator-resistant, covered & ventilated.
 - ii. Chickens shall be confined within a secure outdoor enclosed area. The enclosed area shall be no larger than 150 sq.-ft.
 - iii. Chickens shall not be permitted to roam outside the coop or enclosed area.
 - B. Chickens shall be rendered flightless, or the enclosed area shall be covered.
 - C. Coops & Enclosed areas shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line.
 - D. Feed shall be stored in and dispensed from rodent and predator-proof containers.
 - E. Chickens shall be hens (female) no roosters (males) are allowed.
 - F. Chickens shall not be kept on a residential lot or parcel unless the person keeping chickens first registers with the City.
 - i. The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration, agree to comply with such rules.
 - ii. The cost of filing a registration shall be as shown on the consolidated Fee Schedule adopted by the Municipal Council

- iii. The registration shall be good for one (1) year and SHALL be renewed annually. Registration is due by April 15th.
- G. Violations are subject to provisions within this title.
- H. Chickens kept as provided in this section shall not be deemed to be household pets as defined in Section 2.02 of this title.
- I. Compliance with UCA 4-29 as well as rule R58-6.

AMEND
 Table 14.2.7/8

Uses	R-1-6	R-1-8	R-1-8a	R-1-9	R-1-10	R-1-15
Raising, pasturing, and maintaining of not more than the following animal and fowl units for family food production or pleasure: 1 animal unit and 1 fowl unit for each one (1) acre in the lot up to a maximum of 5 animal and 2 fowl units.	P	P	P	P	P	P
Residential Chickens (see section 2.02)	N	N	N	N	P	P

FORMATTING OF SECTION AND SUB-SECTION DESIGNATIONS SHALL BE ADJUSTED TO MATCH THE EXISTING FORMAT OF THE ZONING ORDINANCE

SECTION 2. Severability. In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

SECTION 3. Emergency clause. The council of Clinton City hereby declares that this ordinance is necessary for the immediate preservation of the peace, health or safety of Clinton City.

SECTION 4. Effective date. This ordinance shall become effective immediately upon publication after final passage.

Reviewed in a public hearing the 16th day of March 2010, by the Clinton City Planning Commission and recommended for adoption through a motion passed by a majority of the members of the Commission.

 ANTHONY O. THOMPSON
 CHAIRMAN

PASSED, ADOPTED AND ORDERED PUBLISHED by the Council of Clinton City, Utah, this 27th day of April 2010.

 MAYOR L. MITCH ADAMS

ATTEST:

DENNIS W. CLUFF (CITY RECORDER)

Posted: April 28, 2010

Mr. Cluff explained that the annual registration should be identified by a specific date to help staff with compliance.

The Council agreed that if there are violations, a penalty should be imposed.

Mr. Parkinson suggested using the current process identified in the Zoning Ordinance Title 28 Chapter 1. He explained it begins with a notice where time is allowed to fix the problem, if not fixed it is followed by a fix it ticket, after that a regular ticket, and finally a summons to appear in court. He added that compliance with UCA 4-29 as well as rule R58-6 is also necessary.

Councilmember Pearson questioned mentioning CC&R's in the ordinance.

Mr. Parkinson replied he does not feel it appropriate for the City to try to enforce CC&R's due to potential changes in subdivision CC&R's.

The Council gave direction to put information in the packet.

Councilmember Reed asked the Council to consider allowing corner lots where the house is away from other houses to be the exception to the rule.

Mayor Adams declared a five minute break for staff to prepare the ordinance for approval.

Mr. Parkinson replied that a structure is not currently allowed less than 20' from the property line. The setbacks and side yards next to the rear yards do not comply.

Mayor Adams pointed out that the ordinance requires rear yard placement of the coop. Councilmember Stanton questioned if fences needed to be included in the ordinance.

Mr. Parkinson responded as long as it is in an enclosure it does not apply.

Councilmember Stanton stated it is necessary to do what is right for all the citizens. She feels that a fence may give those who don't want chickens more protection.

Councilmember Pearson suggested possibly decreasing the site line. He said however, if they have a chain link fence that will not help.

Councilmember Bateman clarified that the best time to get chickens is in April. He suggested a registration time frame of mid April.

The Council agreed on April 15 as the registration deadline.

Councilmember Hansen made a motion to adopt Ordinance 10-01Z as written. Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember Reed, aye; Councilmember Hansen, aye; Councilmember Stanton, no because although she feels the ordinance will provide protection, she would still like to see fences addressed in the ordinance. Also, she expressed concern about setting a precedent that will allow other animals as well, she said she has already been asked about having it changed for a beaver.; Councilmember Pearson, no; Although he appreciates all the work the residents, staff and the Planning Commission as done on the ordinance, he is still concerned about infringing on the rights of all property owners.; Councilmember Bateman, aye. He said compliance will impact future decisions.

The Council directed staff to prepare for this go into effect the end of May and include it in the May Newsletter so that residents will have notice of the registration requirements.

APPROVAL OF THE MINUTES:

Councilmember Hansen made a motion to approve the minutes of the March 30, 2010 Special Budget Work Session as amended. Councilmember Bateman seconded the motion. All voted in favor of the motion.

Councilmember Stanton made a motion to approve the minutes of the April 6, 2010 Special City Council Meeting as amended. Councilmember Hansen seconded the motion. All voted in favor of the motion.

Councilmember Reed made a motion to approve the minutes of the April 13, 2010 City Council Meeting as amended. Councilmember Bateman seconded the motion. All voted in favor of the motion.

ACCOUNTS PAYABLE:

Councilmember Hansen made a motion to pay the bills. Councilmember Pearson seconded the motion. All voted in favor of the motion.

PLANNING COMMISSION REPORT:

Councilmember Pearson reported on the April 20, 2010 Planning Commission Work Session as identified in the minutes.

CITY MANAGER'S REPORT:

- Reported a meeting with local school leaders will be Wednesday, April 28 at 12:30 p.m. at Park Side Elementary.
- Addressed an E-mail regarding the League of Cities Legislative Committee.

The Council asked Mr. Cluff to continue as the representative.

- Reported that a meeting on property tax will be held May 13 at 8:30 a.m. at the County Building.

MAYOR ADAMS' REPORT:

- COG – Davis County has reached the population size to become an entitlement County for CDBG monies. The monies can come from the Federal Government directly to the

County. It requires inter- local coop agreements with all the cities and increases the opportunity for funding.

- Wasatch Integrated Waste Management revenue sources are anticipated to decline. It is anticipated that a \$1 month increase is planned for approximately 2014.
- Reported that June 2 will be the ribbon cutting for the new Wasatch Integrated Recycling Center adjacent to the land fill.

COUNCIL REPORTS:

Councilmember Stanton:

- Asked about street lights

Staff replied there is no money left in the budget this year for street lights.

- Youth Council
 - May 1 – Larry H Miller 5 K Run
 - Grand Marshall – Jeanette Wood
- Sewer District has bio solids
 - Proposed that if a new line goes into an annexation area, the City will be required to pay for it.
- Reported home sales are increasing in surrounding cities

Councilmember Pearson:

- Asked when the City Ordinances will be back on the website.

Staff replied they are working on it and will have them posted as soon as possible.

- Discussed the City Council Budget and areas to cut back
 - Utah League of Cities & Towns membership
 - Meetings Training and Travel
 - Christmas Dinner
 - Questioned Employee Appreciation

Councilmember Reed:

- Next Community Enhancement Class is May 13 – End of Life Care
- Community Arts Board will meet the third Thursday of each month. They are working on several upcoming events.
- Said asked the Council to consider changing the policy that allows employees to take city cars home.
- Asked for updates from the March 30, 2010 Budget Work Session regarding police reports and researching more economical credit card servicing companies.

Staff replied Chief Chilson will provide the Council with quarterly reports.

The Treasurer is doing interviews of potential credit card service companies.

- Asked for more information on part time employees' benefits.

Mr. Cluff responded he has provided a memo.

Councilmember Reed responded she would like more specific information identifying costs.

- Said she would take a cut in retirement benefits if she is asking employees to take cuts.

Councilmember Hansen:

- Has received a few applicants for the Parks Board
 - Parks Board working on several projects
- RAB Board meets Thurs April 28.

Councilmember Bateman:

- Eagle Awards – has four coming up.
- Citizen Corps. – Progressing – Federal Recognition – would like to certify with NIMS
- Economic Outlook Meeting – Est. \$3 gal of gas through summer – things are starting to look up
- Asked about census participation

Mr. Cluff responded Clinton has approximately a 78% return

Rick Gurule stated the City Council Agenda is not updated on the City Website in a timely manner.

ADJOURNMENT: *Councilmember Pearson made a motion to adjourn. Councilmember Stanton seconded the motion. All voted in favor of the motion. The meeting adjourned at 11:44 p.m.*