



**AGENDA FOR THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
OCTOBER 1, 2013 – 5:15 P.M.**

MAYOR AND COUNCIL DINNER – 4:45 P.M.

The Mayor and Council will meet in the Council Work Room for informal discussion and dinner. No action will be taken on any items.

CALL TO ORDER- 5:15 P.M.

COUNCIL BUSINESS

- 1) Minutes
- 2) Calendar
 - October 3 – Annual Employee Golf Tournament
 - October 8 – Work/Study Meeting 5:15 p.m.
 - October 15 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
 - November 5 – Election Day
 - November 11 – Veterans Day, City Offices Closed
 - November 12 – Work/Study Meeting 5:15 p.m.
 - November 19 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- 3) Discussion on this evening's Regular Meeting agenda items
 - a) Invocation – Cl. Packard
 - b) Pledge of Allegiance – Cl. Olsen
 - c) Consent Agenda
 2. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))

3. DISCUSSIONS/PRESENTATIONS

- a) Presentation by Rocky Mountain Recycling's Scott Pepler
- b) Public Works Administration – Brad Stapley, Public Works Director
- c) Swimming Pool – Charles Keeler, Recreation Director and Meredith Jones, Pool Manager

This meeting was noticed in compliance with Utah Code 52-4-202 on September 24, 2013. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

4. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

- a) Peer Court – Chris Creer, Council representative
- b) Mountainland Association of Governments – Mayor Clyde, representative

5. CLOSED SESSION – TO BE ANNOUNCED IN MOTION

The Springville City Council may temporarily recess the meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

ADJOURNMENT

This meeting was noticed in compliance with Utah Code 52-4-202 on September 24, 2013. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

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**MINUTES OF THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JUNE 4, 2013 – 5:15 P.M.**

8 The following are the minutes of the Work/Study Meeting of the Springville City
Council. The meeting was held on **Tuesday, June 4, 2013 at 5:15 p.m.** in the Springville City
10 Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of
this meeting, as required by law, was posted in the Civic Center and on the City’s website, and
12 was delivered to members of the Council, media, and interested citizens.

14 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were
present: Councilmember Rick Child, Councilmember Christopher Creer, Councilmember
16 Benjamin Jolley, Councilmember Dean Olsen, Councilmember Mark Packard, City
Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod,
18 Assistant City Administrator/Finance Director Bruce Riddle, and City Recorder Venla Gubler.
Also present were: Community Development Director Fred Aegerter, Public Safety Director
20 Scott Finlayson, Power Director Leon Fredrickson, Power Distribution Superintendent Brandon
Graham, Recreation Director Charles Keeler, Administrative Services Manager Rod Oldroyd,
22 Buildings and Grounds Director Alex Roylance, Public Works Director Brad Stapley, Chief
Building Inspector Jason Van Ausdal, Library Director Pam Vaughn, and Museum of Art
24 Director Dr. Rita Wright.

26 **MAYOR AND COUNCIL DINNER – 4:45 P.M.**

28 *The Mayor and Council will meet in the Council Work Room for informal discussion and
dinner. No action will be taken on any items.*

30 **CALL TO ORDER- 5:15 P.M.**

32 Mayor Clyde called the meeting to order at 5:15 p.m.

COUNCIL BUSINESS

34 1) **Minutes**

36 COUNCILMEMBER JOLLEY MOVED TO APPROVE THE MINUTES OF THE
MAY 14, 2013 WORK/STUDY MEETING AS WRITTEN. COUNCILMEMBER OLSEN
38 SECONDED THE MOTION, AND ALL VOTED AYE.

40 2) **Calendar**

- 42 • June 1-8 – Art City Days
- June 3-7 – Candidate Filing Period (Mayor and two Councilmember positions)
- June 11 – Work/Study Meeting 5:15 p.m.

- June 18 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- July 2 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- July 4 – Independence Day, City Offices Closed

Mayor Clyde noted that the most important event listed here is Art City Days. It was noted that the Skate Board Challenge was held. Councilmember Packard commented that a report about the Pool activity stated it was attended by over 1,000 people. Mayor Clyde observed that the Candidate Filing Period started on Monday. He announced that he had filed to run for another term. Recorder Gubler was asked if she could disclose who else had filed for candidacy. She replied that she had received three other applications besides the Mayor. The other applications were for the Council positions, and were from Jason Miller, Karen Ellingson, and Tara Tulley. Mayor Clyde reported that he had received a positive note from a resident complimenting the City for their kind service. He asked Chief Finlayson to pass along the thanks from this person to the officer who had helped open a vehicle. He thanked the Springville City employees for their good public service.

3) Discussion on this evening's Regular Meeting agenda items

a) Invocation – Cl. Child

b) Pledge of Allegiance – Cl. Creer

c) Consent Agenda

5. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
6. Approval of a Resolution establishing the Historic Center Community Plan Ad Hoc Committee – Fred Aegerter, Community Development Director
7. Appointment of members to the Ad Hoc Plat A Community Plan Committee – Mayor Wilford Clyde
8. Approval of a Resolution establishing the Golf Ad Hoc Committee – Troy Fitzgerald, City Administrator
9. Appointment of members to the Golf Ad Hoc Committee – Mayor Wilford Clyde
10. Appointment of members to the Economic Advisory Committee – Mayor Wilford Clyde

11. Approval of a bid award and contract with Morgan Asphalt Inc for Public Works Compound Paving in the amount of \$323,293.00 – Jeff Anderson, City Engineer

Mayor Clyde asked the Council if they had any questions on the consent agenda. He noted that there were a number of appointments for the Historic Center Community Ad Hoc Committee and the Golf Ad Hoc Committee. He reported that the appointees for the Historic Center Community Committee were volunteers and had been contacted to let them know of the appointments. They would be working with Director Aegerter to develop a Community Plan for the Historic Plat A area. He noted that he had asked Mr. Pat Bird to chair the Golf Ad Hoc Committee. They would be reviewing the proposed adjustment to golf fees, and giving recommendations on improvements to the infrastructure and operation of the golf course. He reported that the appointments to the Economic Advisory Committee were still coming, as he was reviewing the volunteers for this committee. Councilmember Jolley noted that this item

could be removed from the agenda since it was not ready. Mayor Clyde concurred. Mayor Clyde asked if there were other items to bring up for the calendar. There was none.

4) **DISCUSSIONS/PRESENTATIONS**

a) **Building Inspections**

Chief Building Official Jason Van Ausdal introduced the staff in his division: Jackie Nostrom, and Bruce Taylor. He reported that his division primarily process building permits and plans examinations—both residential and commercial. He noted that most of the examinations are done in-house. He checks for compliance with local ordinances and codes, but most of the checks are for compliance with for State-adopted laws. His division collects impact fees and connection fees, and ensures the general public is protected by showing that the building codes are followed. He displayed a slide showing the numbers of permits issued per year and the types of permits. He noted how many permits have been issued so far this year, and commented on the permits that are expected to be issued soon.

There was a discussion about the Love’s Travel Stop, the Holiday Inn Express, the Flowserve addition, and the Prestige project on 400 South. Chief Building Official Van Ausdal reported on the programs offered to builders and residents. He explained the Annual Contractors’ Night, which is an effort to be partners with the contractors working within our borders.

Chief Building Inspector Van Ausdal informed the Council about the challenges faced as a division. He reported that there is work done in the community without permits, work submitted for permits having inadequate plans, plans submitted without payment or insufficient payment. He reported that the City incurs costs to review plans, so he hopes to see the Council pass a new Resolution regarding plan review deposits. He added that many businesses in town are operating without a Certificate of Occupancy. He is charged to work with these businesses to make sure their buildings are safe. He showed pictures of buildings in Springville where there were violations of the Building Code creating dangerous conditions for the occupants. He asked if the Council had any questions. There was none.

Councilmember Packard thanked Mr. Van Ausdal for his work. Mayor Clyde thanked Mr. Van Ausdal for his efforts to help contractors be successful and follow the code. He cautioned Mr. Van Ausdal that there is a pleasant way and an unpleasant way to get compliance, and he asked him to work at making the experience of working with the City as pleasant as possible. Chief Building Official Van Ausdal replied that he takes pride is teaching how to meet the code and finding alternative ways to accomplish the intent of the codes. He assured the Council that his division tries to help as much as possible. Mayor Clyde thanked him for the efforts of his division.

b) **Vactor Truck**

The Council adjourned outside temporarily to view the operation and function of the Vactor Truck operated by the Wastewater Division of Public Works.

When Council reconvened in the Chambers, Director Stapley distributed a spreadsheet. He reported that he had been working with UDOT on the replacement of the waterlines in Main

Street before their paving project. He noted that the spreadsheet contains an analysis of the project. He reported that he has asked UDOT to hold off on paving the north end of Main Street, from Center north, in order to allow the City time to replace the water lines this summer. He noted that the estimated cost of the project is \$1.3 million.

Director Stapley noted that the question is how to fund the project. He has looked at funding sources and found some projects of less importance that could be postponed. He intent is to use reserves as little as possible. He added that an additional \$1.4 million is needed to replace the pipelines in South Main, so he is looking for a long-term plan. UDOT plans to resurface Main Street every seven to ten years, so South Main can be done in about seven years.

Director Stapley reported that he likes to keep his yearly project list at \$1.5 million. He proposes using the funds shown in yellow to fund Phase I. This allows him to fund other projects, put away money for Phase II, and replace the fund reserve, too. He explained the other projects that are coming up over the next few seasons. He reported that one concern he has struggled with is that there are two pipelines in Main—one on each side of the street. He noted that the southerly portion is the oldest. It was installed in the 1940's and consists of cast iron pipe with lead joints. However, the north end has a record of pipeline breaks. He considers the northern portion more risky so would recommend replacing the north end this year and schedule the south end for 2019-2020.

Councilmember Packard asked how likely the Department is to save for this project. He noted that it has been his experience there is typically another project with a high priority that bumps long term projects off even longer. Director Stapley agreed that the City has other projects with high priority. He reported that the 900 South pipeline replacement project has to coincide with the pressurized irrigation project. Councilmember Packard observed that he feels it will be difficult to accrue the required funding in two-years. Director Stapley agreed that it would be hard, and the project would have to be reevaluated yearly. He noted that water system revenues are dependent on the weather. A hot summer where residents use more water brings in more revenues, but he feels that his estimates are conservative and that he can discipline the budget to make this project happen.

Councilmember Packard confirmed that the proposal is to use fund balance for the project now, and then reimburse the reserves in years six and seven. Administrator Fitzgerald clarified that the 20-percent reserve will not be touched. Director Stapley agreed that the intent is not to touch the reserve. He observed that it is difficult to be a medium-sized town when outside entities can come in and affect the projects list. He added that the City is taking a risk on postponing the southerly half. Councilmember Packard asked why the funds are being repaid if the reserves are not being touched. Administrator Fitzgerald replied that the funds are being set up for other projects with the next priority.

Councilmember Child asked if UDOT is willing to postpone the project. Director Stapley replied that he has been told that UDOT will delay the project this winter. Councilmember Creer pointed out that \$200,000 of being taken from the PRV upgrade. He asked when this project will be reinstated. Administrator Fitzgerald replied that the funds for these projects will be maintained, and funds moved from other sources to finance the Main Street waterline replacement project. Councilmember Creer replied that he feels the PRV update is essential to

2 accomplish. Director Stapley replied that the PRV update is being accomplished within the
Operations Budget. He noted that some of the project is completed, but staff is tracking and
doing repairs as needed.

4 Director Stapley reported that in order to get started on the Main Street Replacement
Project, engineering and design need to be done. He informed the Council that City Engineer
6 Anderson cannot do the engineering and design because of all the other projects on his plate. He
noted that he received an estimate from a consultant for the design, and this amount accounts for
8 part of the estimate given to the Council for the project. He reported that UDOT has asked the
City to get started as soon as possible, so he would like to hand off the project to the consultant
10 to get started. He asked for direction from the Council. Administrator Fitzgerald commented that
if the Council is comfortable with the project as presented, he would be willing to take a risk for
12 the next two week and schedule the budget amendment for June 18, 2013.

14 Mayor Clyde asked Administrator Fitzgerald to review the budget change. Administrator
Fitzgerald replied that \$800,000 would be brought out of fund balance from the bond
restructuring talked about in the May 21 meeting. Then, additional dollars would be extracted
16 from current reserves to complete funding for the scheduled projects. The funds would be
returned to reserves as revenues come in. Mayor Clyde asked if there were any questions or
18 comments. Councilmember Child asked who prepared the estimates. Director Stapley replied
that Hansen, Allen, and Luce Engineers (HAL) had formulated the prices. Councilmember Child
20 asked if Director Stapley feels the estimates are accurate. Director Stapley replied that HAL was
usually very accurate. The estimates include a ten-percent contingency. The consultant fee is set
22 as a “not to exceed” figure, and HAL has never gone over.

24 Councilmember Creer verified that the state of the pipeline in South Main is even worse.
Director Stapley replied yes. He explained that although the pipeline is younger, the corrosive
soils in South Main are eating the ductile iron. It has to be replaced. Mayor Clyde asked the
26 Council if they were okay with the proposal. The Council nodded affirmatively. Administrator
Fitzgerald reported that the process would be turned over to the consultants, and a budget
28 amendment, and contracts for the consultant and contractors would be brought to the Council for
approval. Director Stapley reported that the intent is to avoid trying to dig through the old
30 concrete on Main and run the pipelines parallel to the old road bed. They will be “potholing” the
street to make sure they don’t hit the concrete. Mayor Clyde asked if there were other reports.
32

34 Administrator Fitzgerald handed out a draft of the “dashboard” to the Council and
reported that he was ready to go live on the website. He noted that users can see the data under
each statement when they click on the link. He suggested that this is a clean way to get
36 information to citizens and not be shy about the City’s accomplishments and failings. He just
wants to make sure the Council is okay with the presentation before it goes live. He added that
38 the information would be updated every few months. He asked for comments and feedback.

40 Councilmember Jolley suggested that instead of property crimes being 97.9-percent of
the State average, make is 2.1-percent below the State average. He commented that the
perception with the former reading is that the City is higher than the State instead of below. He

2 suggested the same reversal with the enterprise funds. Councilmember Child agreed that the
3 public would misread the information if given in that format.

4 Mayor Clyde asked if the Council was prepared to under fire regarding power rates.
5 Councilmember Jolley commented that he likes the red to green presentation. Administrator
6 Fitzgerald noted that red is not safe or unsafe, it is the middle of the scale. Mayor Clyde noted
7 that the dollars per capital were in yellow. He asked if that means Springville is average, and
8 how this number compared to neighboring communities. Administrator Fitzgerald replied that
9 the yellow color means Springville is nearing its target. Councilmember Jolley suggested
10 removing the red.

11 Mayor Clyde asked if this is the number of new dwellings started this year. This was
12 confirmed. Councilmember Olsen confirmed that Springville City is 2.1-percent below the State
13 average for property crimes. This was also verified. There was a discussion of the percentage of
14 the property tax rate attributable to the Library bond. Mayor Clyde asked for a date on the
15 summary. Councilmember Jolley commented that he likes the visual representation of what
16 Springville City is doing. Mayor Clyde asked if the debt burden is only the General Fund, or if it
17 includes the Enterprise Fund bonds. The reply was that the debt burden is only the General Fund
18 as a percentage of property taxes. Administrator Fitzgerald noted that the trend is down and the
19 debt burden is being reduced fast. He thanked the Council for their comments and would
20 incorporate the better numbers to put on the website.

21 **5) MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

22 a) Springville Irrigation – Rick Child, Councilmember Representative

23 b) Senior Citizens Committee – Dean Olsen, Councilmember Representative

24 There were no oral reports given. Councilmember Olsen handed out a written report
25 regarding the Senior Citizens’ Center.

26 **6) CLOSED SESSION – TO BE ANNOUNCED IN MOTION**

27 *The Springville City Council may temporarily recess the meeting and convene in a*
28 *closed session to discuss pending or reasonably imminent litigation, and the purchase,*
29 *exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

30 There was no closed session.

31 **ADJOURNMENT**

32 COUNCILMEMBER PACKARD MOVED TO ADJOURN THE WORK/STUDY
33 MEETING AT 6:40 P.M. COUNCILMEMBER JOLLEY SECONDED THE MOTION, AND
34 ALL PRESENT VOTED AYE.
35
36



**MINUTES FOR THE WORK/STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
MULTIPURPOSE ROOM, 110 SOUTH MAIN STREET
JULY 9, 2013 – 5:15 PM**

6

8 The following are the minutes of the Work/Study Meeting of the Springville City
9 Council. The meeting was held on **Tuesday, July 9, 2013 at 5:15 p.m.** in the Springville City
10 Civic Center Multipurpose Room, 110 South Main Street, Springville, Utah. Adequate notice of
11 this meeting, as required by law, was posted in the Civic Center and on the City’s website, and
12 delivered to members of the Council, media, and interested citizens.

13 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were
14 present: Councilmember Dean Olsen, Councilmember Richard Child, Councilmember Benjamin
15 Jolley, Councilmember Chris Creer, Councilmember Mark Packard, City Administrator Troy
16 Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City
17 Administrator/Finance Director Bruce Riddle, and Administrative Assistant Jackie Nostrom.
18 Also present were: Golf Director Raymond “Sonny” Braun, Administrative Services Manager
19 Rod Oldroyd, Art Museum Director Dr. Rita Wright, Public Safety Director Scott Finlayson,
20 Building and Grounds Director Alex Roylance, Power Generation Superintendent Matt Hancock,
21 Library Director Pamela Vaughn, City Engineer Jeff Anderson, Wastewater Superintendent Juan
22 Garrido, Recreation Director Charles Keeler, Community Development Director Fred Aegerter,
23 Power Director Leon Fredrickson, and Public Works Director Brad Stapley.

24

CALL TO ORDER

25 Mayor Clyde welcomed the Council, staff and audience as he called the meeting to order
26 at 5:14 p.m.

28

COUNCIL BUSINESS

30

1. Minutes

There were no minutes to approve.

32

2. Calendar

34

- July 16 - Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- July 24 – Pioneer Day, City Offices Closed
- July 29-August 3 – Springville World Folkfest
- August 6 - Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.

36

37 Mayor Clyde noted the City Offices would be closed July 24th in observance of Pioneer
38 Day. He reminded everyone of the upcoming World Folkfest and invited everyone to attend the
39 Mayor’s Reception on July 29th.

40

2 City Administrator Troy Fitzgerald informed the Council that City Recorder, Venla
3 Gubler, requested to cancel the August 13th Work/Study session due to the Primary Election and
4 proposed to hold the Board of Canvassers meeting the night of August 27th in order to approve
5 the primary election results. The Council agreed.

6 3. DISCUSSIONS/PRESENTATIONS

7 Mayor Clyde recognized the audience, and indicated that the vast majority of the
8 residents in attendance were present to discuss the sewer connections along Canyon Road and
9 recommended the order of the presentations on the agenda be rearranged to accommodate the
10 residents.

12 b. Discussion regarding homes on Canyon Road that are not connected to sewer – 13 Brad Stapley

14 Public Works Director Brad Stapley clarified that currently there is no imminent danger;
15 however, the possibility of a looming situation is realistic regarding the failing septic tanks along
16 Canyon Road and the corresponding leech fields. He informed the Council that a patron that
17 resides on Canyon Road is connecting to the City's sewer system because their septic tank failed
18 recently. He acknowledged some residents have already replaced their systems. Historically, a
19 septic tank's life span is approximately 20-25 years. He noted the majority of the current septic
20 systems installed on Canyon Road are at or close to their corresponding life expectancy.

21 Director Stapley reiterated the Springville City Code regarding sewer connections being
22 required for all dwellings within 250' of an existing sewer line. He noted that this standard is
23 consistent with other jurisdictions. Mayor Clyde asked where the sewer main terminates on
24 Canyon Road. Director Stapley responded that the sewer main ceases prior to the debris basin.
25 Councilmember Rick Child asked what residents were connected to the City's sewer system.
26 Director Stapley informed the Council that the homes located on the north side of Canyon Road
27 have connected; however, homes on the south side of the road still are using private septic
28 systems. Director Stapley noted that The Rivers subdivision is connected to the City's sewer
29 system.

30 Resident John Arbon asked about Director Stapley's concern when the system is closed.
31 Director Stapley responded that most of the water runs through a pipe system, but unsecured
32 joint leakage can seep into the culinary water system and directly affect the Hobble Creek Tank.
33 He also noted that the water coming from Strawberry Water Users flows through an open ditch.

34 Lisa Brotherson observed the City's requirement of connecting to the City's sewer
35 system, but questioned the cost associated with the project especially when there is no
36 forthcoming threat. Director Stapley indicated the City owns and operates a sewer system and
37 facility to ensure health and safety concerns are adequately met. He emphasized valuable spring
38 sources that could be negatively impacted by means of a contaminated leach field. Mayor Clyde
39 explained to the residents that Springville City Code indicated that the home owner is

2 responsible for the installation of the sewer lateral. He noted options would be explored and
evaluated prior to any decisions being rendered.

4 Ron Witney reported a septic tank situation at his home that resulted in sewer backup into
the residence. He noted the home is lower than sewer line level and would be required to install
6 a holding tank and periodically pump into the City's main. Mayor Clyde replied that the City is
aware that special circumstances will arise.

8 Lynn Bartholomew recommended installing a sewer main along the rear of the affected
properties and connecting to the main on 2750 East. The residents would be able to connect
through their rear yard and the main would be within 200' of every home and the project would
10 not impact any road. Director Stapley indicated that option was researched and the estimated
cost is \$250,000 to connect the 10-11 homes that are impacted.

12 Chad Bingham questioned the date the Code went into effect and asked why the residents
weren't required to connect when Canyon Road was resurfaced. Resident Lynn Bartholomew
14 reiterated that the residents on the north side of the road connected, but concerns arose with
properties on the south side. City Administrator Troy Fitzgerald indicated that in research that
16 has been conducted; this language has been in Springville City's Code for at least the last 15
years.

18 Francoise Kusseling asked what preventative measures could be taken to extend the life
of the septic tanks as an alternative to connecting to the sewer system. Director Brad Stapley
20 responded that the septic tanks can be pumped, and a biological treatment could be purchased to
help preserve the condition of the tank.

22 Ron Witney noted that a 14" abandoned water line goes through the bottom of the
properties and asked if that pipe could be utilized to alleviate the concern. Mayor Clyde
24 acknowledged the pipe, and indicated the pipe has deteriorated beyond repair and would not be
suitable for sewer connections. He reiterated that options would be researched and evaluated.

26 Steve Bartholomew suggested that when the park in the recently developed subdivision
needs to have restrooms installed that line could help facilitate residents as well as the restrooms.
28 Mayor Clyde acknowledged sewer problems would have to be addressed prior to restrooms
being installed in the park.

30 Robert Van Dyke shared his concern that realistically there is no way to pump his sewer
to the main along Canyon Road. He noted the ditch to the south of his property, and current City
32 Code does not allow cross-property access so that would leave him to have to pump the sewage
uphill. He shared his feelings that Springville City should have some financial obligation in this
34 particular situation.

36 Kelly Ercanbrack observed the sewer pump failure ratio for individuals who have
installed the elaborate systems, and noted the bad situations that arise.

38 Mike Hill indicated that a sewer pump station is installed in front of his home. He
informed the Council that when a warning light goes off he notifies the City so the sewage
doesn't interfere with his residence. Director Stapley acknowledged his concern and clarified
40 that the City would never connect him to the 400 South main just for that specific reason.

2 Mayor Clyde expressed his appreciation of the valuable input the residents have given
4 and this item will be scheduled in a future City Council meeting along with resolutions. City
Administrator Troy Fitzgerald asked for the resident's information so they may be notified via
email when the item will be addressed to the City Council.

6 **a. Presentation of the Draft Master Plan for the Culinary Water utility**

8 City Engineer Jeff Anderson noted this is the last of the master plan updates and the
discussion would be pertaining to culinary water. He briefly reviewed a map of Springville
10 City's existing water system and identified the locations of all of the springs and wells. City
Engineer Anderson informed the Council that the City's current master plan was adopted in 2006
12 which included a partial pressurized irrigation system; which requires the assumption that the
irrigation system is being maintained in this study. Mayor Clyde asked if the master plan could
14 be changed. City Engineer Anderson responded that the Council could change the master plan;
however, the ramifications would be severe as the west side of town has installed the
infrastructure for the irrigation system.

16 City Engineer Anderson explained the State requirements and identified the demands to
which the City must adhere. He noted the demands were based on the concept of an ERC,
18 Equivalent Residential Connection, and explained that the current City Master Plan is more
stringent than the State requirement. He explained that the totals are based on indoor winter
20 water usage and summer outdoor water usage including the irrigated feet acres determined by the
local fire authority. Fire authority demands a minimum of 1,000 gpm (gallons per minute) and a
22 two-hour minimum storage capacity. Mayor Clyde asked about the City's current water flow.
Director Stapley responded the City's current flow is roughly 15,000 gpm.

24 Councilmember Mark Packard asked if an additional well was going to be installed at the
400 South compound. City Engineer Anderson responded that the current master plan allows for
26 three extra wells. Councilmember Packard asked if the additional wells were funded. Director
Stapley indicated they weren't funded yet.

28 City Engineer Jeff Anderson relayed his concern that even with the existing and build-
out source requirements, and the effective storage in drought conditions, the tanks ultimately
30 would be useless and recommended that two larger tanks be installed. Councilmember Mark
Packard asked if the conclusion was impact based. Public Works Director Stapley responded
32 that the storage in essence was not effective. Mayor Clyde added that the canyon users wouldn't
have water once the tank dried up. Councilmember Packard asked if that requirement changed
34 from the previous master plan. City Engineer Anderson indicated that the need for additional
sources and storage is similar. Director Stapley explained the diameters of the pipe-the smaller
36 the pipe, the more head-loss you will receive. Springville depends on the dynamic head and not
the tank; however, if a fire commences the system is required to rely on the tank. Existing
38 deficiencies are mapped and a planned replacement of a 4" to 8" pipe is essential. He indicated a
future summary with projects would be provided with adequate solutions. He added that
40 installing a large transmission line to accommodate build-out would replenish the tank and

would alleviate some concerns. The larger the pipe, the less pressure, and ultimately the less head as the water climbs in elevation. Springville City would be required to keep approximately 50 psi at build-out. Director Stapley explained the Canyon Road water line project that would have to be addressed in the near future after the pressurized irrigation system is installed.

Councilmember Dean Olsen asked if tanks drain one million gallons a day of culinary water. Director Stapley responded that some water is gained back for less usage on Sundays; however, Councilmember Olsen's statement is correct. City Engineer Anderson identified each well, as well as its production rate respectively. Mayor Clyde asked if the City utilized the spring located at approximately 1200 South and 1200 East. Public Works Director responded that Springville City only has water shares and not water rights for that tank. Mayor Clyde recommended figuring out how to use the shares and utilize the associated water. Director Stapley indicated he would look into the matter.

c. MAYOR, COUNCIL, ADMINISTRATIVE REPORTS

a. Discussion with Department Directors

Mayor Clyde enlightened the Council regarding a recently published Springville City history book entitled "*Glimpses of Springville*". He noted that Springville City sponsored the writing and encouraged sales.

Mayor Clyde questioned the Public Works Director Brad Stapley on the status of the sidewalk installation at Westside Elementary School. Director Stapley responded the project is scheduled in conjunction with the 400 North project. He added that request for bids will be going out shortly and that residents have raised a small portion to help with the project. Director Stapley informed the Council that the project cost \$25,000 unless the Council would want to extend the asphalt which would cost an additional \$15,000. Mayor Clyde asked if the residents would be responsible to pay for the infrastructure when the property is fully developed. City Attorney John Penrod indicated that Springville City's current code doesn't allow that option. He added that when the property is developed, a road will have to be installed which would require the installed infrastructure to be removed.

Mayor Clyde indicated his concern of the inconsistencies of the FEMA flood plain maps for the subdivision, The Rivers. City Engineer Jeff Anderson responded that a the FEMA map has been recently updated; however, the information cannot be divulged to the public as of yet. He did enlighten the Council that the floodplain is decreased. He noted that City Officials are required to enforce what FEMA declares or risks losing flood insurance rights. Mayor Clyde reiterated that the inconsistencies need to be remedied. Public Works Director Stapley agreed.

Museum Director Dr. Rita Wright informed the Council that the exhibition "Voices" will open Wednesday, July 10, 2013.

Library Director highlighted the summer programming and elaborated that participants have been in the range of 500-750 patrons per day.

Public Safety Director Scott Finlayson informed the Council that two police cruisers were in accidents, and noted no officers were injured.

2 Recreation Director announced that the Heritage Days Committee has put together
3 advertisements that would go public in approximately two weeks.

4 Community Development Director indicated that staff has been working on the
5 Community Plan and Historic Center Plan. He noted the public meeting will be held tomorrow,
6 Wednesday, July 10, 2013 and the results would be presented to the Planning Commission in
7 September.

8 Assistant City Administrator/Finance Director noted that the budget audit was going to
9 commence for year 2013.

10 Building and Grounds Director Alex Roylance was happy to inform the Council that the
11 City Parks are being fully utilized. Councilmember Ben Jolley extended his gratitude to the
12 Parks Department for their efforts in repairing the drainage issue in the park.

13 **b. Commission, Board, and Committee Minutes**

- 14 i. Arts Commission minutes of May 14, 2013
15 ii. Emergency Preparedness Committee minutes of April 18, 2013
16 iii. Library Board of Trustees Minutes of May 9, 2013
17 iv. Parks and Recreation Board minutes for May 23, 2013
18 v. Power Board minutes of May 8, 2013
19 vi. Spanish Fork/Springville Airport Board minutes of June 6, 2013
20 vii. Water Board minutes for May 14, 2013

21 There was no discussion of the Board Minutes.

22 **c. Mayor and Council Reports**

- 23 i. Board of Adjustment
24 ii. Consortium of Cities and County (Housing Consortium)

25 There was no discussion of the Mayor and Council reports.

26 **d. CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION**

27 *The Springville City Council may temporarily recess this meeting and convene in a
28 closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange,
29 or lease of real property, as provided by Utah State Code Annotated §52-4-205*

30 There was no closed session

31 **ADJOURNMENT**

32 COUNCILMEMBER JOLLEY MOVED TO ADJOURN THE WORK/STUDY
33 MEETING AT 6:50 P.M. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND
34 ALL VOTED AYE.



**MINUTES FOR THE JOINT WORK / STUDY MEETING
OF THE CITY COUNCIL AND PLANNING COMMISSION
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
AUGUST 6, 2013 – 5:15 P.M.**

8 The following are the minutes of the Work/Study Meeting of the Springville City
Council. The meeting was held on **Tuesday, August 6, 2013 at 5:15 p.m.** in the Springville
10 City Civic Center Multipurpose Room, 110 South Main Street, Springville, Utah. Adequate
notice of this meeting, as required by law, was posted in the Civic Center and on the City's
12 website, and delivered to members of the Council, media, and interested citizens.

14 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were
present: Councilmember Dean Olsen, Councilmember Richard Child, Councilmember Benjamin
16 Jolley, Councilmember Chris Creer, Councilmember Mark Packard, City Administrator Troy
Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City
18 Administrator/Finance Director Bruce Riddle, and Administrative Assistant Jackie Nostrom.
Also present were: Administrative Services Manager Rod Oldroyd, Art Museum Director Dr.
20 Rita Wright, Public Safety Director Scott Finlayson, Building and Grounds Director Alex
Roylance, Library Director Pamela Vaughn, Recreation Director Charles Keeler, Community
22 Development Director Fred Aegerter, and Power Director Leon Fredrickson.

24 **MAYOR AND COUNCIL DINNER – 4:45 P.M.**

26 *The Mayor and Council will meet in the Council Work Room for informal discussion and
dinner. No action will be taken on any items.*

28 **CALL TO ORDER**

30 Mayor Clyde welcomed the Council, staff, and audience as he called the meeting to order
at 5:15 p.m.

32 **COUNCIL BUSINESS**

34 1) Minutes

 There were no minutes.

36 2) Calendar

- 38 • August 13 – Primary Election Day
- August 20– Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- August 27 – Board of Canvassers Meeting for the Primary Election
- 40 • September 2 – Labor Day, City Offices Closed
- September 3– Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- 42 • September 10 – Work/Study Meeting 5:15 p.m.

- September 11-13 – ULCT Annual Conference, Salt Lake City

2 City Administrator Troy Fitzgerald informed the Council that the ULCT conference
4 packet was delivered, and requested the Council to notify him if they chose to attend any of the
6 classes. Mayor Clyde noted the Board of Canvassers' Meeting and requested the meeting to be
held at 6:00 p.m. on August 27, 2013.

3) Discussion on this evening's Regular Meeting agenda items

8 a) Invocation –Cl. Olsen

b) Pledge of Allegiance– Cl. Child

10 c) Consent Agenda

12 2. Approval of all City purchase orders properly signed (Springville City Code §2-
10-110(5))

14 3. Approval of Appointments to the Economic Advisory Committee – Mayor Clyde

14 4. Approval of a Declaration of Surplus Property – Bruce Riddle, Assistant City
Administrator/Finance Director

16 5. Approval of a Purchase Agreement for the William's Property included as part of
18 the Runway Extension Project at the Spanish Fork/Springville Airport – Cris
Child, Airport Manager

20 6. Approval of a Purchase Agreement for the Hansen Property included as part of
the Runway Extension Project at the Spanish Fork/Springville Airport – Cris
Child, Airport Manager

22 7. Approval of a bid award for the Micro Surfacing 2013-2014 Project – Brad
Stapley, Public Works Director

24 Mayor Clyde requested to postpone the Economic Advisory Committee to the next
meeting.

8. **DISCUSSIONS/PRESENTATIONS**

28 a) **Westfields and Plat A Tour** – Fred Aegerter, Community Development Director

30 Community Development Director Fred Aegerter indicated the intent of this tour would
be to provide the Council with a closer look at what is happening in Plat A and to give them a
32 better understanding of the Community Plan. He gave a brief background of the efforts to help
stabilize the original City Plat, known as Plat A. In May 2001, the City rezoned the area to
34 eliminate multi-family dwellings. The new R-1-8000 residential zone required that lots for
single family houses be at least 8,000 square-feet in area. An accessory apartment was allowed
on lots of 10,000 square-feet, provided that the primary dwelling was owner-occupied. This was
36 later amended to allow single-family lots of 5,000 square-feet. Rather than the 8,000 square-feet
originally required. However, the 10,000 square-foot requirement for an accessory apartment
38 remains intact. Director Aegerter noted that the Westfield Tour would have to be postponed to a
future work session due to time constraints as he turned the time over the Mr. Bruce Bennett to
40 conduct the tour.

42 Mr. Bennett conducted a tour showing examples of how apartments affect the historical
composition of Plat A. He noted that several homes that were used as apartments in the past

have been purchased, converted and maintained as single family dwellings. Mr. Bennett commended the adopted “Historical Design Standards.” They help to keep the historical configuration of the area. He showed homes that look like they don’t belong in the historical Plat A, as well as recently constructed homes that make the neighborhood look “complete.”

9. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

a) Landmarks Preservation Commission – Councilmember Mark Packard, Representative

b) Historical Society – Councilmember Ben Jolley, Representative

There was no discussion of the Council reports.

10. CLOSED SESSION – TO BE ANNOUNCED IN MOTION

The Springville City Council may temporarily recess the meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

There was no closed session.

ADJOURNMENT

COUNCILMEMBER JOLLEY MOVED TO ADJOURN THE WORK/STUDY MEETING AT 6:46 P.M. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.



**AGENDA FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
OCTOBER 1, 2013 – 7:00 P.M.**

CALL TO ORDER

- INVOCATION AND PLEDGE**
- APPROVAL OF THE MEETING'S AGENDA**
- APPROVAL OF THE MINUTES**
- MAYOR'S COMMENTS**

CEREMONIAL AGENDA

1. Presentation of the Mayor's Recognition Awards

PUBLIC COMMENT: *Audience members may bring any item not on the agenda to the Mayor and Council's attention. Please complete and submit a "Request to Speak" form. Comments will be limited to two or three minutes, at the discretion of the Mayor. State Law prohibits the Council from acting on items that do not appear on the agenda.*

CONSENT AGENDA*

2. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))

PUBLIC HEARING AGENDA

3. Public Hearing to consider an Ordinance amending Section 11-3-402, Definitions, of the Springville Municipal Code pertaining to hotels and motels – Fred Aegerter, Community Development Director
4. Public Hearing to consider an Ordinance amending Sections 11-3-402 and 11-4-301 of the Springville Municipal Code pertaining to the keeping of hen chickens – Fred Aegerter, Community Development Director

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

This meeting was noticed in compliance with Utah Code 52-4-202 on September 24, 2013. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

- Venla Gubler, City Recorder

The next regular Council Meeting will be held on October 15, 2013 at 7:00 p.m. in the Civic Center Council Chambers, 110 South Main Street, Springville, unless otherwise noticed. In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

*The Consent Agenda consists of items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Council. The Agenda provides an opportunity for public comment. If after the public comment the Council removes an item from the consent agenda for discussion, the item will keep its agenda number and will be added to the regular agenda for discussion, unless placed otherwise by the Council.

CLOSED SESSION

5. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

ADJOURNMENT

This meeting was noticed in compliance with Utah Code 52-4-202 on September 24, 2013. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

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**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JUNE 4, 2013 – 7:00 P.M.**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, June 4, 2013 at 7:00 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center and on the City's website, and delivered to members of the Council, media, and interested citizens.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Councilmember Richard (Rick) Child, Councilmember Christopher Creer, Councilmember Benjamin Jolley, Councilmember Dean Olsen, Councilmember Mark Packard, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, and City Recorder Venla Gubler. Also present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Power Distribution Superintendent Brandon Graham, Recreation Director Charles Keeler, Administrative Services Manager Rod Oldroyd, Buildings and Grounds Director Alex Roylance, Public Works Director Brad Stapley, Museum of Art Director Dr. Rita Wright, and Art City Substance Abuse Prevention (ASAP) Committee Coordinator Suzy Young.

CALL TO ORDER

Mayor Clyde called the meeting at order 7: 00 p.m.

INVOCATION AND PLEDGE

Councilmember Child offered the invocation, and Councilmember Creer led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER JOLLEY MOVED TO APPROVE THE MEETING'S AGENDA WITH THE REMOVAL OF ITEM #10, APPOINTMENT TO ECONOMIC ADVISORY COMMITTEE ON THE CONSENT AGENDA. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

APPROVAL OF THE MINUTES

There were no minutes to approve.

MAYOR'S COMMENTS

Mayor Clyde welcomed the audience. He asked if there were any scouts or students in attendance. There was none. He introduced the Public Comment section of the agenda.

CEREMONIAL AGENDA

1. Presentation by Gary Anderson, Utah County Commissioner

It was noted that Commissioner Anderson had called to reschedule his presentation.

2. Presentation of a check from Wendy Wotring, AAA of Utah County, for the purchase of defibrillators to be installed in Springville Police Vehicles

Ms. Wendy Wotring and Ms. Marlene Boyer Reed presented the City with a check for \$5,000 to provide defibrillators to put in police vehicles. Pictures were taken for the newspapers, and thanks were offered by the Mayor and Council.

3. Presentation of the June Mayor's Recognition Awards – Suzy Young, ASAP Coordinator

Mayor Clyde introduced the Mayor's Recognition Awards, which recognize good citizens among our youth and reward them for being good examples. Coordinator Young called Mr. Kyle Christensen to the podium. She read the nomination from his teachers, Ms. Ann Makin and Ms. Nicole Berg, as follows: "Kyle literally has grown leaps and bounds this year, both academically as well as height! Always a conscientious student, he works hard to get his assignments done. He is friendly to others and makes sure people are included. He's been an asset to our class this year. He is an ideal student who follows the directions given him, goes out of his way to help his classmate and knows how to have fun. He is a great kid!" Mr. Christensen was presented his award.

Coordinator Young introduced Ms. Daisy Diaz, who was nominated by her teacher, Ms. Sarah Sumsion. The nomination read, "Daisy is a remarkable young lady. She is one of the hardest working students in my class. She has always been very respectful and eager to please. Daisy has goals and ambition and will go far. One thing that has stood out to me about Daisy is that although she does not aim to be the center of attention, she attracts the best kids to her. She is beautiful inside and out and I can see by her choices that she has a great head on her shoulders, wonderful parents who value her potential and abilities and an excellent support system to help her be successful. But the thing that has stood out to me the most about Daisy is how very kind and sincere she is in all she does. When those around her need an extra friend, she is willing to be that friend. When others need her attention and compassion, she is willing to give it. She will never be the student who demands attention, and this is why I am happy to nominate her for the Mayor's Recognition, because she is always quietly making all the best choices." The audience offered their congratulations by applauding. The young people were given gifts and pictures were taken for the press.

4. Presentation to the Art City Days Resident Artist, Jeff Decker

Mr. Craig Conover, Chair of the Art City Days Committee, Recreation Director Charles Keeler, and Councilmember Ben Jolley presented a plaque to Mr. Jeff Decker, commemorating his 20-year career as a Springville artist. It was noted that Mr. Decker is a celebrated artist of motorcycle sculptures. A recent article in Parade Magazine applauds Mr. Decker's accomplishments. Mr. Decker was presented tickets to the concert, t-shirts, and reminded of his opportunity to ride at the front of the Art City Days Parade. Mayor Clyde reported that he had recently learned that Mr. Decker is the only sculptor authorized to do Harley motorcycles. He congratulated Mr. Decker for earning this honor. There was applause from the audience.

PUBLIC COMMENT

Mayor Clyde asked commenters to hold their remarks to three minutes. Mr. Jim Flint reported that he wanted to let the Council know of practices or policies that are onerous on developers and anti-business. The first concerns road reconstruction by developer. He noted that he is the project engineer on 1200 East. The road in this area has 26-feet of asphalt, and the standard road width is 28-feet. His assumption was that the road could be widened two-feet, but was told that the entire roadway had to be built over. He suggested that this is a tremendous burden. The road was built decades ago, is functioning fine, but does not meet current standards. He asked why, if the road was so unsafe and creating impending doom to citizens, it had not been replaced before now. Why is it only unsafe now that a developer was here? He noted that the same thing is happening on a project on Center Street for the same issue. He assured the Council that he is not arguing about widening, but a complete rebuild is a deal-breaker on some projects. He asked that the City consider negotiation on the issue.

Mr. Flint reported that another matter is the right-of-way and power pole shifting on West Center. He has been asked to shift the right-of-way to accommodate the poles, which is willing to do, but he asks for consideration of an alternative street standard. He would like to reverse the sidewalk and planter so that the irrigation ditch does not have to be removed. He reported that staff has told him they do not have leeway to consider his request because of the code. He would like to slide the sidewalk and put a pole along the edge. He asked for the Council to authorize staff to consider his alternative, else the developer would lose land that was previously planned.

The final issue he would like to bring to the attention of the Council regards storm drain. He has been asked to drain the property to the westward into a major canal; however, the canal is only 1.5-feet below the property. He offered to do on site retention, but was told that this was not acceptable. He is at an impasse to solve this situation. He wanted to bring this to the attention of the Council so that the issues can be worked through.

Councilmember Olsen asked who Mr. Flint had been working with at the City. Director Stapley replied that this area is under the City Engineer, but he does not have enough information to suggest solutions. Mayor Clyde asked if the Council wanted to look at this issue. Director Stapley asked to speak with Mr. Flint first. He suggested that if he could not come to an agreement with Mr. Flint, the issue could come back to the Council. The Council expressed their agreement to this suggestion. Mayor Clyde commented that he would like to see a more general, practical solution that would not require exceptions. However, in the meantime, he was willing to have Mr. Flint work with Director Stapley.

CONSENT AGENDA*

5. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5))
6. **Approval of a Resolution establishing the Historic Center Community Plan Ad Hoc Committee** – Fred Aegerter, Community Development Director
7. **Appointment of members to the Ad Hoc Plat A Community Plan Committee** – Mayor Wilford Clyde
8. **Approval of a Resolution establishing the Golf Ad Hoc Committee** – Troy Fitzgerald, City Administrator
9. **Appointment of members to the Golf Ad Hoc Committee** – Mayor Wilford Clyde
- ~~10. Appointment of members to the Economic Advisory Committee – Mayor Wilford Clyde~~
- 11. Approval of a bid award and contract with Morgan Asphalt Inc. for Public Works Compound Paving in the amount of \$323,293.00** – Jeff Anderson, City Engineer

Mayor Clyde reported that the appointees to the Historic Center Community Plan Ad Hoc Committee are Ms. Joyce Nolte, Ms. Linda Mount, Ms. Kathleen Peterson, Mr. Tom Birch, Mr. Owen Whitesman, Mr. Curtis Eppley, Mr. Garth Mason, Mr. Art Johnson, Ms. Genevieve Baker, Mr. Pat Stika, Mr. Dick Sumsion, Mr. Dan Workman, Mr. Von Alleman, and Mr. Ben Henerson. The appointees to the Golf Ad Hoc Committee are Mr. Pat Bird, Mr. Jay Lamb, Mr. Clay Packard, Mr. Jon Winget, Ms. Maureen Reed, Mr. Sonny Braun, Mr. Craig Norman, Mr. Chris Jensen, and City Councilmember Dean Olsen.

COUNCILMEMBER JOLLEY MOVED TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER OLSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CHILD – AYE; COUNCILMEMBER JOLLEY – AYE; COUNCILMEMBER PACKARD – AYE; COUNCILMEMBER OLSEN – AYE; AND COUNCILMEMBER CREER – AYE. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING

12. **Public Hearing to consider a Resolution adopting the Fiscal Year 2013/2014 Springville City Budget** – Bruce Riddle, Assistant City Administrator/Finance Director

Director Riddle directed attention to the staff report and final budget included in the packet. He reported that the proposed Resolution contemplates appropriating \$61 million in revenues and expenses for next fiscal year. He noted that there are a few changes since the tentative budget. He asked if the Council wanted a complete report, or just an update of the changes since the tentative budget. Mayor Clyde suggested that the tentative budget was published and made available to citizens. If they want more details, they can submit a request.

Director Riddle offered highlights on the budget. He reported that revenues are projects to increase from last year up 5-percent. The budget proposes to use \$343,000 in fund balance for road improvements. No new taxes are proposed. There are a few minor fee adjustments. The City will absorb increases in wages and benefits. The budget recommends \$3.1 million in capital projects, including a roundabout in 400 South and Canyon Road, improvements to the Rivoli,

and continuation of the runway expansion at the airport. There are other smaller appropriations and new programs are contemplated—one police officer, additional part-time hours in emergency dispatch, an update to the streets master plan, a new position in recreation that will eliminate some part-time hours there, additional part-time hours for maintenance of the new water feature, and a continued study on a recreation center.

Director Riddle reported that the enterprise funds are balanced. No utility rate increase is proposed except for Plat A Irrigation. The secondary system will start with a grant. There will be the addition of an electrician by combining positions and funds from each of the enterprise funds. One notable change in service is the recycling service started in May this year. He directed attention to the attachment in the staff report labeled Exhibit A for a table with the changes noted, the page reference, and the dollar amount. The general fund is shown first. He noted that pool revenues have increased so part-time wages were augmented to accommodate new programs. However, there is no net impact. The next listings are the new programs. There are transfers from the general fund to the vehicle and recreation fund, a new police officer and a new recreation superintendent. The enterprise fund listings include the approved amendments to the Series 2008 bonds, and the 1500 West sewer project proposed as a sinking fund.

Councilmember Jolley asked if this project will be fully funded. Administrator Fitzgerald replied that the funding will cover the rough estimate, but planning will give a more accurate cost. Mayor Clyde explained to the audience about the project to connect and expand sewer services from Center to 900 South on 1500 West. The project will allow development to occur in this area. Director Riddle noted that there is the potential to amend the budget when the cost is more educated, but the entry indicates the intent of the Council to take these savings and put them in the sewer project. Administrator Fitzgerald reported that the project entails the use of impact fees, too. Mayor Clyde commented that he is aware of three builders that are interested in developing in this area.

Director Riddle reported that the only other changes are to the fee schedule. He noted that the golf fee increase as discussed are adopted but not implemented until the committee has a chance to discuss the proposal. Mayor Clyde explained that the fee schedule would be amended later if the golf committee does not approve the fee increase. Director Riddle reported that the nonresident library card fee is subject to discussion. He noted that staff has identified the cost to provide library services to residents. The analysis has found that the cost is \$175 to \$200. However, the Library Board has recommended the fee not to exceed \$95 because of similar charges in surrounding communities.

Director Riddle asked if there were any questions. Councilmember Olsen asked how much the budget is increasing from last year. Director Riddle replied that the budget is up \$9 million. The Council discussed the carryover of funds from last year to this year. The various projects and positions were noted. Mayor Clyde asked if there were any other increases in fees or taxes this year over last year. Director Riddle replied that there are no increases in taxes, and the fee increases are as discussed in Plat A and Highline Ditch Irrigation, the Library Card Fee and Golf Fees.

Mayor Clyde noted that an irrigation ticket will increase \$10 per year, and the Non-resident Library Card will increase from \$88 to \$95 for a family. He added that the golf fee

increase will not affect residents; nonresidents will increase \$1 for 9 holes. Director Riddle commented that the fee increase would apply to punch passes and all other passes. Mayor Clyde observed that the golf course would not transfer any funds to the general fund this year to allow some capital improvements to be completed.

Administrator Fitzgerald reported that the City's current indebtedness is at \$32 million. Mayor Clyde asked about the level of the reserve in each fund. Administrator Fitzgerald replied that all funds stand at 20-percent except for golf. Mayor Clyde commended Administration and the Directors for their efforts to contribute to the process of budget creation. He observed that he was impressed. He asked if there were any other questions. There was none.

Mayor Clyde opened the Public Hearing. There was no comment. COUNCILMEMBER JOLLEY MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER PACKARD MOVED TO APPROVE **RESOLUTION #2013-13**, ADOPTING A BUDGET FOR SPRINGVILLE CITY IN THE AMOUNT OF \$61,074,780 FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014. COUNCILMEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER PACKARD – AYE; COUNCILMEMBER OLSEN – AYE; COUNCILMEMBER CREER – AYE; COUNCILMEMBER CHILD – AYE; AND COUNCILMEMBER JOLLEY – AYE. THE MOTION CARRIED UNANIMOUSLY.

Director Riddle mentioned that the Certified Tax Rate would be brought back to the Council for adoption once it is established by the County.

13. Public Hearing to consider a Resolution adopting the Fiscal Year 2013/2014 Spanish Fork/Springville Airport Budget – Bruce Riddle, Assistant City Administrator/Finance Director

Director Riddle recognized Airport Manager Cris Child. He reported that there is no change to the tentative budget adopted in May. Highlights of the budget are that the airport operating expenses are supported by the lease revenues, so no contribution is required by the partner cities. The Capital Improvement Fund proposes \$4.1 million based on a grant schedule from the Federal Aviation Administration (FAA) and the State Department of Transportation. Matching funds from the cities will be required in an amount of about \$100,000 each. Mayor Clyde commented that the project underway is to extend the runway and taxiway. He noted that property would be added to the runway. He asked if the existing runway is being overlaid with asphalt. Manager Child replied that the existing runway and taxiway is scheduled for a fog seal only. Mayor Clyde reported that the runway would be extended to 6,500 feet. He asked if there were any questions. There was none.

Mayor Clyde opened the Public Hearing. There was no comment. COUNCILMEMBER PACKARD MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER OLSEN MOVED TO APPROVE **RESOLUTION #2013-14**, ADOPTING THE SPRINGVILLE/SPANISH FORK AIRPORT BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2014. COUNCILMEMBER PACKARD SECONDED THE

MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER JOLLEY – AYE; COUNCILMEMBER CHILD – AYE; COUNCILMEMBER PACKARD – AYE; COUNCILMEMBER OLSEN – AYE; AND COUNCILMEMBER CREER – AYE. THE MOTION CARRIED UNANIMOUSLY.

14. Public Hearing to consider an Ordinance amending Section 11-4-301, Land Use Matrix, of the Springville Municipal Code pertaining to restaurant uses in the Professional Office (PO) zone – Fred Aegerter, Community Development Director

Director Aegerter reported that an amendment has been proposed to allow restaurants/cafes in the Professional Office zone. The Planning Commission heard the issue on May 28. Director Aegerter displayed the proposed location on the corner of offices on 400 South. He read the intent of the zone to the Council and reported that the Planning Commission discussed expanding the use within other commercial zones. The Planning Commission discussed this application at length, but it was felt that the use meets the goals and objectives of the PO zone. It was noted that the City does not have many PO zoned area so it could be included as a conditional use. He noted that the restaurants/café use does not include fast food establishments with or without drive-thrus. He reported on the comments given by the Planning Commissioners during their discussion and as reported in his commentary.

Councilmember Child commented that this was an interesting discussion and there were differing opinions on fast food vs. sit-down restaurants. He noted that the list of restaurants not allowed was allowed just 1/5 of a block away. The other areas where a PO zone was located were pointed out on an aerial map. Director Aegerter commented that the location of the PO zone was part of why the conditional use was discussed. However, the Planning Commission has been working to eliminate conditional uses, so if there is any question about allowing the use at all, it should not be allowed rather than having a conditional use.

Mayor Clyde asked Mr. Cris Child, the applicant, his opinion of the Planning Commission's discussion. Mr. Child replied that he did not have a business in mind when he made the application, but he would rather not preclude one of the fast food restaurants. Mayor Clyde commented that a fast food restaurant would have issues in other areas with the PO zone, although the same conditions do not exist for this area of 400 South. Director Aegerter suggested that a map amendment instead of a text amendment might solve this question. There was a short discussion of the queue that forms for a drive thru.

Mayor Clyde opened the Public Hearing. There was no comment. COUNCILMEMBER PACKARD MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER JOLLEY MOVED TO APPROVE **ORDINANCE #07-2013**, AMENDING SECTION 11-4-301, LAND USE MATRIX, OF THE SPRINGVILLE MUNICIPAL CODE, 1991, PERTAINING TO RESTAURANT/CAFÉ USES IN THE PROFESSIONAL OFFICE (PO) ZONE. COUNCILMEMBER PACKARD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CREER – AYE; COUNCILMEMBER OLSEN – AYE; COUNCILMEMBER PACKARD – AYE;

COUNCILMEMBER CHILD – AYE; AND COUNCILMEMBER JOLLEY – AYE. THE MOTION CARRIED UNANIMOUSLY.

15. *(Continued from May 21, 2013)* **Public Hearing to consider an Ordinance amending the Springville City Municipal Code Title 11, §11-7-410 and Title 14, §14-5-101 pertaining to required improvements as well as Title 14, §14-5-202 pertaining to performance guarantees** – Fred Aegerter, Community Development Director

Director Aegerter reported that this item is a follow up from last week. The Council gave direction to clarify some issues. He reported observed that some language was proposed by the applicant, but his focus will be on the language of the Ordinance that was changed at the direction of the Council. He commented that he hopes the language addresses the Council's concerns. Councilmember Packard commented that he wanted to see the development and vertical construction carried out by the same owner. Attorney Penrod verified that this is the intent of the language.

Mayor Clyde opened the Public Hearing. There was no comment. COUNCILMEMBER PACKARD MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

Councilmember Packard asked if the bonding information was removed from the Ordinance. The reply was yes. Attorney Penrod reported that Attorney Bruce Baird was out of town, but indicates the proposal was okay with the developers.

COUNCILMEMBER JOLLEY MOVED TO APPROVE **ORDINANCE #08-2013**, AMENDING TITLE 14, SECTION 14-5-101 OF THE SPRINGVILLE MUNICIPAL CODE, 1991, PERTAINING TO IMPROVEMENTS. COUNCILMEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER OLSEN – AYE; COUNCILMEMBER PACKARD – AYE; COUNCILMEMBER CHILD – AYE; COUNCILMEMBER JOLLEY – AYE; AND COUNCILMEMBER CREER – AYE. THE MOTION CARRIED UNANIMOUSLY.

REGULAR AGENDA

16. **Consideration of the Outlook Development Agreement** – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod observed that this item was brought up in the last work session. He displayed the subdivision master plan comprising 50-acres total. He reported that Phase I consists of 16-acres. The development agreement vests right with the developer in order to allow him to move forward to complete the master plan. The agreement applies City laws in effect when the application for this subdivision was accepted. One of the vested exceptions to current City laws is the percentage of development required in residential before starting on commercial development. He displayed the acreage for each type of use and the phasing plan. He reported that the agreement covers all of the project but highlights Phase I. Future phases are to be allowed. If the City denies a future phase, the parties will go to mediation. He added that building permits will be pulled to the code that was just passed, and Certificates of Occupancy will be issued when all improvements are complete. He noted that the term of the agreement as it

was presented last time was lengthy. It is now 20 years, but the agreement runs out if there is no construction underway within a 4-year period.

Mayor Clyde confirmed that the underlying zone is commercial, so the project will revert to that use if the agreement is not in effect. This was verified. Mayor Clyde asked if there is a definition of “construction.” Attorney Penrod replied that the term “construction” means any improvement for which a building permit must be obtained. He added that the City must track the building permits and terminate the agreement. Mayor Clyde asked if the agreement continues if the developer runs a tractor on the property. Attorney Penrod replied that the City must give the developer a 6-month notice of termination. The developer has that period to submit a new application and start construction again. Attorney Penrod reported that 2600 West is an impact fee road, so the City will help with the construction of that street. The project will include a recreational trail in order to meet the bonus densities. Mayor Clyde asked what is considered a trail. Director Aegerter replied that the City has a standard for trails. Attorney Penrod commented that the proposed motion is contingent on the finalization of the exhibits. Mayor Clyde asked if there were other questions. There was none.

COUNCILMEMBER JOLLEY MOVED TO AUTHORIZE THE MAYOR TO SIGN THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND JMMS ENTERPRISE, LLC FOR THE DEVELOPMENT OF THE OUTLOOK SUBDIVISION CONTINGENT UPON THE CITY ATTORNEY’S APPROVAL OF THE EXHIBITS. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

17. Consideration of authorizing the execution of a Waiver of Protest Agreement to a possible future Special Improvement District for the MC Johnson Family Subdivision, Plat A, a minor two (2) lot subdivision to be located at 111 East 100 North in the R1-5 Zone and the HD-1 Overlay Zone – Fred Aegerter, Community Development Director

Director Aegerter reported that this is a simple item related to the development of a parcel on the northeast corner of 100 East and 100 North. He observed that this was originally a large corner lot. The developers want to subdivide the north side from the lot and create a two lot subdivision. He noted that the City Engineer felt it was appropriate to waive street, curb and gutter, and park strip improvements because of the lack of these improvements in the area. However, sidewalk is being required. He reported that the waiver says that the signers will participate in a future special improvement district. Mayor Clyde asked why they would agree not to protest. Director Aegerter replied that typically the developer would be required to install improvements now as the subdivision is being constructed. However, if they waive their right to protest any special improvement district that may be formed in the future to put in those improvements, they can put off putting in those improvements now.

COUNCILMEMBER PACKARD MOVED TO APPROVE THE PROPOSED “WAIVER OF PROTEST” AGREEMENT. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

18. Consideration of an Resolution amending the Water Fund for operational expenses in FY 2012-2013 – Bruce Riddle, Assistant City Administrator/Finance Director

Director Riddle reported that this amendment of the Water Fund for this year provides for the design of a water line replacement in Main Street. The formal design of the project is underway and may require another budget amendment to accomplish the project. The amendment is taken from fund balance. Mayor Clyde asked if there were any questions. There was none.

COUNCILMEMBER JOLLEY MOVED TO APPROVE **RESOLUTION #2013-15**, AMENDING THE WATER FUND BUDGET FOR FISCAL YEAR 2012-2013 AS OUTLINED IN EXHIBIT A. COUNCILMEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER JOLLEY – AYE; COUNCILMEMBER CHILD – AYE; COUNCILMEMBER PACKARD –AYE; COUNCILMEMBER OLSEN – AYE; AND COUNCILMEMBER CREER – AYE. THE MOTION CARRIED UNANIMOUSLY.

19. Consideration of purchasing an power line easement from Intermountain Power Association – Brandon Graham, Power Distribution Superintendent

Power Distribution Superintendent Brandon Graham reminded the Council of the approved easement on the north side of “In The Paint” and “Stouffers.” This is the last section and will follow the railroad belonging to Intermountain Power Agency. He displayed a detailed section of the railroad crossing and the easement. He reported that the appraised value is \$9,823. Attorney Penrod reported that the agreement with IPA is one-sided because of the indemnification clause. He noted that any damage to the rail easement will cost the City except for damage caused by their negligence. Councilmember Creer asked about the risk. Attorney Penrod replied that he has been assured by the Power Department that there is no risk. Superintendent Graham reported that IPA has a standard to comply with, so the extension will be built to their specifications. Mayor Clyde asked about Acts of God. Attorney Penrod replied that Acts of God are the City’s problem.

COUNCILMEMBER JOLLEY MOVED TO APPROVE THE PURCHASE OF A UTILITY EASEMENT FROM INTERMOUNTAIN POWER AGENCY FOR THE INSTALLATION OF POLES AND CONSTRUCTION AS PART OF A 46 KV TRANSMISSION LINE PROJECT FROM THE HOBBLE CREEK SUBSTATION TO THE STOUFFER’S SUBSTATION. COUNCILMEMBER CHILD SECONDED THE MOTION, AND ALL VOTED AYE.

20. Presentation of the establishment of a Fireworks Restriction Zone in Springville – Hank Clinton, Fire and Rescue Chief

Chief Clinton reported that the same restriction zone is being set as in year’s past. Fireworks are being restricted from the interface zone on the hillside because of the fire hazard. Councilmember Jolley asked why this is brought up yearly instead of being made standard. Chief Clinton replied that this is an informational piece for the public, not for the Council to adopt, unless they want to change it. Councilmember Olsen asked if the restriction zone will change in the future because of development. Chief Clinton replied that it could, but it was not likely

because the City's hillside boundary is with the Forest Service. Councilmember Child asked if the boundary will change with the new junior high school. Chief Clinton replied that it could change next year, but he feels it is fine for this year.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Chief Finlayson reported that he wanted to address the concerns expressed by residents on 700 East/800 East and 900 North. He asked Officer Drummond to spend some time there so that the Council knows that attention has been given to the neighborhood's issues. He read a statement from Officer Drummond.

The second issue he wanted to let the Council know of an incident. Yesterday a suspicious device was found in a roadway. The device was x-rayed by the bomb squad, and then destroyed. It was felt that the device was a dry ice bomb, like two found in Provo over the last weekend. This is why extra caution was taken. He added that neither one of Provo's were a bomb.

Mayor Clyde commented that a concern is that enforcement in the 900 North neighborhood will push traffic from 700 East to 800 East. Director Stapley reported that he had visited with the concerned neighbors. Since his visit, he has not heard from any of the concerned residents. Mayor Clyde asked if any study had been done. Director Stapley replied that the easiest way to reach the freeway is through 700 East, so he does not feel motorists will change their habits and take a different route. However, there is no stop sign there, so habits may change if the intersection is realigned. Mayor Clyde suggested that if the residents continue to complain, then the City can give them the traffic counts and speeds. If the intersection is realigned, then the City can reconsider getting more data. Chief Finlayson reported that the majority of the issue is during the school year. The Council agreed with this plan. Mayor Clyde asked if there were other reports. There was none.

CLOSED SESSION

21. The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

There was no closed session.

ADJOURNMENT

COUNCILMEMBER PACKARD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:52 P.M. COUNCILMEMBER JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.



**MINUTES FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
AUGUST 6, 2013 – 7:00 P.M.**

8 The following are the minutes of the Regular Meeting of the Springville City Council.
The meeting was held on **Tuesday, August 6, 2013 at 7:00 p.m.** in the Springville City Civic
10 Center Multipurpose Room, 110 South Main Street, Springville, Utah. Adequate notice of this
meeting, as required by law, was posted in the Civic Center and on the City’s website, and
12 delivered to members of the Council, media, and interested citizens.

14 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were
present: Councilmember Dean Olsen, Councilmember Richard Child, Councilmember Benjamin
16 Jolley, Councilmember Chris Creer, Councilmember Mark Packard, City Administrator Troy
Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City
18 Administrator/Finance Director Bruce Riddle, and Administrative Assistant Jackie Nstrom.
Also present were: Administrative Services Manager Rod Oldroyd, Art Museum Director Dr.
20 Rita Wright, Public Safety Director Scott Finlayson, Building and Grounds Director Alex
Roylance, Community Development Director Fred Aegerter, Power Director Leon Fredrickson,
22 Streets Superintendent Jason Riding, Library Director Pamela Vaughn, and Assistant ASAP
Coordinator Sara Hansen

24

CALL TO ORDER

26 Mayor Clyde called the meeting to order at 7:00 p.m.

28 **INVOCATION AND PLEDGE**

30 Councilmember Olsen offered the invocation. Councilmember Child led the Pledge of
Allegiance.

32 **APPROVAL OF THE MEETING’S AGENDA**

34 COUNCILMEMBER JOLLEY MOVED TO APPROVE THE MEETING’S AGENDA
AFTER STRIKING ITEM #3 FROM THE CONSENT AGENDA. COUNCILMEMBER
PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.

36

APPROVAL OF THE MINUTES

38 There were no minutes to approve.

40 **MAYOR’S COMMENTS**

42 Mayor Clyde welcomed everyone in the audience and outlined the procedure to offer
public comment.

2 Ms. Joan Morse Stewart informed the Council that a traffic light is desperately needed at
900 North Main, and requested information regarding the status of the project. City
4 Administrator Troy Fitzgerald indicated that Main Street is a UDOT road and they determine the
projects along that route. He added that the intersection does warrant having a traffic light
6 installed, but property acquisition is difficult, which would require a lengthy legal process prior
to the project moving forward. Mayor Clyde noted that the request has been presented to UDOT.

8 **CEREMONIAL AGENDA**

10 1. **Presentation of the Mayor’s Recognition Awards** – Sara Hansen, Assistant ASAP Coordinator

12 Mayor Clyde explained the background of the Mayor’s Recognition Awards and
encouraged youth to live clean lives and stamp out the illegal drug use in our community. He
14 added that youth are nominated by their teachers. Councilmember Jolley was invited to hand out
the honorary awards as he turned the time over to Assistant ASAP Coordinator Ms. Sara Hansen.

16 Ms. Hansen invited Ms. Morgan Johnson to the podium. Ms. Hansen read the
nomination from Brookside Elementary teachers, Ms. Ann Makin and Ms. Nicole Berg. It read:
18 “Morgan is quiet, unassuming and so sweet! She is such a hard worker and always quick to get
her assignments done. She’s a student that teachers hardly have to worry about because she is
20 always doing what needs to be done. She has many friends and is quick to include others.
Thank you, Morgan.” Ms. Johnson was presented her award and the audience applauded.

22 Ms. Hansen introduced Mr. Tony Devey as the next nominee. She read the
recommendation from Mr. Devey’s 6th grade teacher at Brookside Elementary, Ms. Susie Bird.
24 “Tony has really matured in the two years that I taught him. He is smart and very active. He has
struggled with personal issues in his life, I saw him overcome so many of those struggles and
26 become a really confident student. He works hard and cares for others. He wants everyone to be
included and goes out of his way to make sure that everyone is cared for. He is a good friend, a
28 good student, and talented gymnast. I am proud of who Tony is becoming.” Mr. Devey received
his award to the audience’s applause.

30 Ms. Hansen called the next nominee to the podium, Ms. Marissa Morse. Ms. Hansen
read the nomination from Ms. Katie Benson, Ms. Morse’s 6th grade teacher which read, “Marissa
32 is a wonderful student. Marissa constantly strives to do her best. Marissa is a hard worker and a
great friend to her peers. Marissa is always willing to help anyone who asks, and treats her peers
34 with respect and kindness. As Marissa attended school, she would bring a good attitude and be
determined to do her best. I loved having Marissa in my class this past year and know that by
36 continuing to work hard, showing persistence and a love of learning will help Marissa in the next
step of her education as well as be successful throughout the rest of her life.” Ms. Morse
38 received her award and the audience applauded.

40 Ms. Hansen announced the final nominee, Ms. Tristie Whiting. The nomination by her
6th grade teacher, Ms. Stephanie Truscott read, “Tristie is a wonderful student. She keeps her
classmates focused and works hard to be a peacemaker and problem solver. Tristie is a friend to
42 everyone. She seeks out those who need help or need a friend and is willing to help them out.

Tristie works hard to complete her school work well. She has had a goal this year to get 100% on all of her assignments and tests. She has been successful at this!" Ms. Whiting was presented her award to applause.

Mayor Clyde extended his gratitude to the youth involved with the program and urged each of the students to continue being a good example to friends and acquaintances

CONSENT AGENDA*

- 2. **Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))**
- ~~3. **Approval of Appointments to the Economic Advisory Committee** – Mayor Clyde~~
- 4. **Approval of a Declaration of Surplus Property** – Bruce Riddle, Assistant City Administrator/Finance Director
- 5. **Approval of a Purchase Agreement for the William’s Property included as part of the Runway Extension Project at the Spanish Fork/Springville Airport** – Cris Child, Airport Manager
- 6. **Approval of a Purchase Agreement for the Hansen Property included as part of the Runway Extension Project at the Spanish Fork/Springville Airport** – Cris Child, Airport Manager
- 7. **Approval of a bid award for the Micro Surfacing 2013-2014 Project** – Jason Riding, Streets Superintendent

COUNCILMEMBER PACKARD MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

Councilmember Jolley expressed his frustration regarding the micro surfacing contractor’s poor communication. He noted a flyer was distributed; however, the contained information was extremely vague. Streets Superintendent Jason Riding explained that two letters are sent to residents. The first letter is just an indication that work will be conducted, and the latter is 24-hours prior notification of the construction. City Administrator Troy Fitzgerald indicated that the City can require a more stringent public relations standard on the request for bid. Mayor Clyde expressed his desire to see the notice to exceed 24-hours. Street Superintendent Riding agreed.

REGULAR AGENDA

- 8. **Consideration of the Springville City Facility Policy** – Troy Fitzgerald, City Administrator

City Administrator Troy Fitzgerald reviewed the Facility Use Policy and noted that staff has learned how the facilities operate which requires alterations to the policy and would bring the Civic Center, Library, and Museum all under the same policy. City Administrator Fitzgerald handed out an updated policy along with a Resolution for the Council’s consideration. In

2 essence the update would include goals, simplify procedures, eliminate ambiguity, and improve
operations. He informed the Council of some challenges that could arise with the different types
of uses, set-up and take-down costs, and audio/visual assistance.

4 Councilmember Olsen asked if the rental fees were based on the rate per square foot.
City Administrator responded that similar sized rooms were grouped to keep the rates simple.
6 He reviewed the updates including business-hour rates, after-hour rates, activities, and services.
He noted the purpose is to ensure additional help is allocated. Councilmember Olsen asked if
8 Springville City would have first priority to the facilities. City Administrator Troy Fitzgerald
confirmed and stated that staff has been asked to schedule events three months in advance.
10 Councilmember Jolley asked if the water feature is included in the policy. City Administrator
Fitzgerald responded that the water feature is not currently available.

12 Mayor Clyde expressed that he would like to have the rental rates lower to patrons to
provide a service to the community. City Administrator Fitzgerald clarified that rates were being
14 raised nominally to cover the cost of providing the service.

16 City Administrator Troy Fitzgerald informed the Council regarding the discussion of
whether social events should be allowed to serve food in the facilities. He noted the Library
Board recommended against allowing food for social events. Councilmember Jolley questioned
18 the recommendation. Library Director Pam Vaughn responded that most libraries don't allow
food, and the furnishings in the library were not designed to accommodate food.
20 Councilmember Jolley asked if food would be part of the library programs. Director Vaughn
confirmed. Councilmember Jolley indicated he agreed with the recommendation for the
22 majority of the library; however, the resource should be available if requested. Library Board
Chair, Ms. Karen Ellingson, indicated that the Library Board would revisit their
24 recommendation. Councilmember Packard extended his gratitude to the directors and staff in
reviewing and adjusting the policies accordingly.

26 Councilmember Creer asked if the City is currently losing money renting out the
facilities. City Administrator Fitzgerald indicated the City is losing money because of the costs
28 associated with staff setting-up and taking-down rooms. Councilmember Packard questioned the
additional costs for the audio/video systems. City Administrator Fitzgerald explained the costs
30 associated with the wear and tear on the City's equipment and facilities. Councilmember
Packard expressed his feeling that the equipment assistance should be a provided service and
32 recommended removing that portion of the policy. Councilmember Creer requested an update
after a year. City Administrator Fitzgerald indicated the update would be scheduled.

34 COUNCILMEMBER PACKARD MOVED TO ADOPT THE UPDATED
SPRINGVILLE CITY FACILITY USE POLICY EXCLUDING AUDIO/VIDEO SYSTEM
36 CHARGES AND TO ENACT RESOLUTION #2013-21 ESTABLISHING FEES FOR THE
USE OF CERTAIN FACILITIES. COUNCILMEMBER JOLLEY SECONDED THE
38 MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER JOLLEY –
AYE; COUNCILMEMBER CHILD – AYE; COUNCILMEMBER PACKARD – AYE;
40 COUNCILMEMBER OLSEN – AYE; COUNCILMEMBER CREER – AYE.

9. **Consideration of an Agreement with the Springville Chamber of Commerce to jointly operate a “fair” on the Civic Center Park during Fall of 2013** – Alex Roylance, Building and Grounds Director

Building and Grounds Director Alex Roylance informed the Council that the Springville Chamber of Commerce has requested the City to allow a weekend event at the Civic Center Park which would include vendors and entertainment sponsored by the Springville Chamber of Commerce. Director Roylance indicated that the request was presented to the Parks and Recreation Board and the Board was generally supportive of a trial-basis event that focused on supporting Springville businesses. The Board was less supportive of an event that might involve non-Springville businesses as well as Springville businesses that aren’t members of the Chamber to receive exposure. The Board indicated that it would be inappropriate for the City not to support all Springville businesses on the same level.

Director Roylance explained that the event would be operated by the Chamber; however, the City will maintain oversight. Councilmember Creer noted that the Chamber of Commerce holding an event in May would take away from the Art City Days events. Mayor Clyde asked if the park grass could be restored. Director Roylance responded that the vendors would be rotated around the park so the grass in one specific location isn’t overworked. He added that the Chamber wanted a “Farmers Market” feel. Councilmember Jolley asked what the purpose was in holding the event. Director Roylance indicated the Chamber wanted to give businesses more exposure and to promote the Springville Chamber of Commerce. Mayor Clyde added that the purpose of the Chamber of Commerce is to build a business community and strengthen businesses. Administrative Services Manager Rod Oldroyd noted that the Chamber is trying to help promote businesses in the community and receive recognition. Councilmember Jolley expressed his concern that having this type of event wouldn’t promote businesses and was disparaging. Mayor Clyde indicated that our task is not to determine how they should gain exposure, but to allow them to hold an event on City property.

COUNCILMEMBER CHILD MOVED TO ALLOW THE CITY TO ENTER INTO AN AGREEMENT WITH THE SPRINGVILLE CHAMBER OF COMMERCE TO HOLD EVENTS ON THE CIVIC CENTER PROPERTY ON CERTAIN SATURDAYS IN 2013 AND 2014. COUNCILMEMBER CREER SECONDED THE MOTION. COUNCILMEMBER CREER, COUNCILMEMBER CHILD, COUNCILMEMBER OLSEN, AND COUNCILMEMBER PACKARD VOTED AYE. COUNCILMEMBER JOLLEY VOTED NAY. THE MOTION CARRIED.

10. **Consideration of a proposal to trademark Springville’s brands of “Utah’s Art City,” “Art City Days,” and the Springville City Service Logo** – John Penrod, Assistant City Administrator/City Attorney

Assistant City Administrator/City Attorney John Penrod turned time over to Garrett Wilcox, BYU legal extern. Mr. Wilcox informed the Council that Springville City’s General Plan states the City’s continued desire to enhance the “Art City” image. In registering a service mark, the registering agent is entitled to certain legal protections. The registering party would also receive certain benefits in legal instances including shifting the burden of proof to the

opposing party and the ability to recover attorney's fees nationwide if registered on the federal level.

Mr. Wilcox explained to the Council that if Springville registered "Art City" at the State level, it would not only protect its identity as "Art City," but it would also provide protection for "Utah's Art City" and "Art City Days." If the Council chose to register on the federal level, "Art City" would likely not be accepted because it may be too similar to other registered marks.

Councilmember Creer indicated that he couldn't see a need to register on a federal level. Mayor Clyde agreed and recommended to register the trademark of "Art City," "Utah's Art City," "Art City Days," and the City Logo. The Council agreed.

COUNCILMEMBER JOLLEY MOVED TO APPROVED AUTHORIZING THE MAYOR TO SIGN APPLICATIONS TO REGISTER VARIOUS CITY SERVICE MARKS WITH THE STATE OF UTAH INCLUDING "ART CITY," "ART CITY DAYS," "UTAH'S ART CITY," AND THE CITY LOGO. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Mayor Clyde informed the Council that Springville City was voted the best city to live in by the Daily Herald's readers.

CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

There was no closed session.

ADJOURNMENT

COUNCILMEMBER JOLLEY MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:45 P.M. COUNCILMEMBER PACKARD SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.



**MINUTES FOR THE SPECIAL MEETING
OF THE CITY COUNCIL
FOR THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
AUGUST 27, 2013 – 6:00 P.M.**

8 The following are the minutes of the Special Meeting of the Springville City Council.
The meeting was held on **Tuesday, August 27, 2013 at 6:00 p.m.** in the Springville City Civic
10 Center Multipurpose Room, 110 South Main Street, Springville, Utah. Adequate notice of this
meeting, as required by law, was posted in the Civic Center and on the City's website, and
12 delivered to members of the Council, media, and interested citizens.

14 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were
present: Councilmember Dean Olsen, Councilmember Richard Child, Councilmember Benjamin
16 Jolley, Councilmember Chris Creer, Councilmember Mark Packard, City Administrator Troy
Fitzgerald, Assistant City Administrator/City Attorney John Penrod, City Recorder Venla
18 Gubler, and Administrative Assistant Jackie Nostrom. Assistant City Administrator/Finance
Director Bruce Riddle was excused.

20
CALL TO ORDER

22 Mayor Clyde called the meeting to order at 5:59 p.m.

24 **CONVENE AS THE BOARD OF CANVASSERS**

26 **1. Consideration of a Resolution finding and promulgating the results of the Municipal
Primary Election held in the City to fill new 4-year terms for City Council positions**

28 City Recorder Venla Gubler gave a brief overview of the Primary Election held August
13, 2013 and identified candidates as well as the polling locations. She acknowledged the
consolidated locations and noted that Springville City used the same polling locations as the
30 2012 Presidential Election.

32 City Recorder Gubler informed the Council that the official results of the primary
election are as follows: 486 votes were cast in favor of Craig Conover; 506 voted were cast in
favor of Chris Sorensen; 97 votes were cast in favor of Tara Tulley; 40 votes were cast in favor
34 of Justin Ferrell; 440 votes were cast in favor of Joyce Nolte; 353 votes were cast in favor of
Jason Miller; 447 votes were cast in favor of Karen Ellingson; 51 votes were cast in favor of
36 Darren A. Hardy; and 391 votes were cast in favor of Devin L. Bird. She also declared that the
nominated candidates would be Chris Sorenson, Craig Conover, Karen Ellingson, and Joyce
38 Nolte for the positions of City Council members in the General Municipal Election on November
5, 2013.

40 **COUNCILMEMBER BEN JOLLEY MOVED TO APPROVE RESOLUTION #2013-24
FINDING AND PROMULGATING THE RESULTS OF THE PRIMARY MUNICIPAL
42 ELECTION FOR CITY COUNCIL POSITIONS HELD IN SPRINGVILLE CITY, UTAH ON
AUGUST 13, 2013. COUNCILMEMBER DEAN OLSEN SECONDED THE MOTION. THE**

VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CREER – AYE;
2 COUNCILMEMBER CHILD – AYE; COUNCILMEMBER OLSEN – AYE;
COUNCILMEMBER JOLLEY – AYE; COUNCILMEMBER PACKARD – AYE.

4
MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

6 Mayor Clyde informed the Council that the first Economic Advisory Committee meeting
is scheduled to be held tonight at 6:30 p.m. in the Multipurpose Room if any Councilmember
8 would like to attend. Councilmember Jolley expressed his interest in attending the meeting.

10 **CLOSED SESSION**

12 *The Springville City Council may temporarily recess the regular meeting and convene in
a closed session to discuss pending or reasonably imminent litigation, and the purchase,
exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

14 There was no closed session.

16 **ADJOURNMENT**

18 COUNCILMEMBER PACKARD MOVED TO ADJOURN THE SPECIAL MEETING
AT 6:15 P.M. COUNCILMEMBER JOLLEY SECONDED THE MOTION, AND ALL
VOTED AYE.



STAFF REPORT

DATE: September 19, 2013
TO: Honorable Mayor and City Council
FROM: Laura Thompson, Planner I
SUBJECT: **SPRINGVILLE CITY SEEKING TO AMEND TITLE 11, SECTION 11-3-402, DEFINITIONS, PERTAINING TO HOTELS AND MOTELS**

RECOMMENDED MOTION

Move to approve an ordinance amending the definitions of hotel and motel in Title 11-3-402.

SUMMARY OF ISSUES/FOCUS OF ACTION

Does the proposed request to amend the zoning code, meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to the Title and Zone Map?

BACKGROUND

Springville City has several motels that are currently rented to long term residents. According to City Code Section 6-10-101, an annual license fee equal to one and a half percent (1.5%) of the gross receipts derived from the rent for each and every occupancy of a suite or room(s) for a period of less than thirty (30) days is to be collected.

The definitions in place currently do not state "for a period of less than thirty (30) days" as allowed by State Code and defined in Title 6. The City Attorney has asked planning staff to move forward with updating the definitions so the proper fees can be collected from these types of establishments.

DISCUSSION

Staff briefed the Commission members at the August 27, 2013 meeting and was asked to gather additional information regarding crime statistics and continuous renewals of contracts, allowing longer terms of stay. Staff explained that at this time the City is not in the position of enforcing longer terms of stay beyond the 30 days. The amendments will aid in collecting the transient room tax allowed by City Code.

It was discussed that even though many of the units are being rented out as apartments, the City does not recognize that as a permitted use. The buildings are still classified as motels.

CITY COUNCIL AGENDA

October 1, 2013

COMMISSION ACTION:

The Planning Commission considered the proposed amendments at the September 10, 2013 meeting. There were no comments or concerns given.

Commissioner Parckard moved to recommend approval of the proposed amendments to Title 11-3-402, definitions of hotel and motel. Commissioner Clyde seconded the motion. All voted aye.

Commission Vote

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Huff	X	
Young	X	
Packard	X	
Nolte	X	
Clay	X	
Mertz	X	
Clyde	X	

ALTERNATIVES

1. Adopt the zoning amendment/ordinance as proposed.
2. Amend and adopt the proposed zoning amendment/ordinance.
3. Reject the proposed zoning amendment/ordinance.

Laura Thompson
Planner I

Attachments

ORDINANCE NO. ____-2013

AN ORDINANCE AMENDING SECTION 11-4-301, LAND USE MATRIX OF SPRINGVILLE CITY CODE, 1991 PERTAINING TO RESIDENTIAL RELATED USES

Be it ordained by the City Council of Springville, Utah:

SECTION 1: Section 11-3-402 of Springville City Code 1991 is hereby amended to read as follows:

Hotel – A building containing guest rooms that are accessed through interior corridors and in which lodging is provided for compensation to transient guests for a period of less than thirty (30) days, and in which where commercial services may be provided for guests.

Motel – A building or group of buildings in which lodging is provided to transient guests for a period of less than thirty (30) days on a temporary basis, and in which access to and from each room or unit is through an exterior door.

SECTION 2: This ordinance will become effective one day after publication hereof in the manner required by law.

SECTION 3: The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

ADOPTED by the City Council of Springville, Utah, this 1st day of October, 2013.

Wilford W. Clyde, Mayor

ATTEST:

City Recorder



Springville City Planning Commission

Letter of Recommendation to City Council

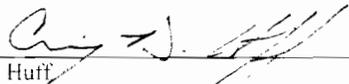
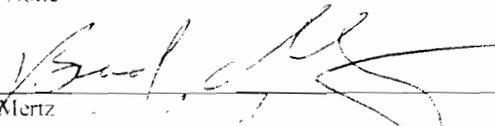
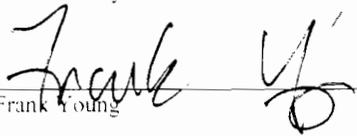
Applicant: Planning Staff 110 South Main Street Springville UT 84663	Request: Springville City seeking to amend Title 11m Section 11-3-402, Definitions, pertaining to hotels and motels.	Date of Meeting: September 10, 2013	
Zone Classification:	Total Acreage of Site:	Number of Lots/Units:	
General Plan – Land Use Designation:	Previous Use of Property:	Administrative Action	<input checked="" type="checkbox"/> Legislative Action
		Public Hearing Required →	→ Planning Commission → City Council

Motion by: <i>Brent Frederick</i>	Second by: <i>Edrie Cuyler</i>		
PC RECOMMENDATION	<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> DISAPPROVE	<input type="checkbox"/> OTHER:

CONDITIONS OF APPROVAL:

Move to recommend approval of the proposed amendments to Title 11-3-402, definitions of hotel and motel.

Planning Commission Signatures:

	YES	NO	ABSTAIN
 Craig Huff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Carl Clyde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Brent Packard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joyce Nolte	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Brad Mertz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Michael Clay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Frank Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVE 7 DENY _____ ABSTAIN _____


Darlene Gray
Planning Commission Secretary

September 10, 2013
Date



STAFF REPORT

DATE: September 24, 2013
TO: Honorable Mayor and City Council
FROM: Troy Fitzgerald, City Administrator
SUBJECT: **CHICKEN ORDINANCE 2013**

RECOMMENDED MOTION

A Recommendation to Approve/**Disapprove** an ordinance amending sections 11-3-402 and 11-4-301 and establishing Article 8 of Title 3 Chapter 7 of the Springville City Code regarding Chickens.

SUMMARY OF ISSUES/FOCUS OF ACTION

Should Springville City allow the keeping of hen chickens for egg production in all residential zones within the City?

GENERAL PLAN GUIDANCE

Land Use Objective 2 – Provide and maintain cohesive residential neighborhoods with a wide variety of housing types and densities which include the services and amenities that contribute to desirable, stable neighborhoods.

Community Identity Objective 1 – Protect and create an aesthetically pleasing and safe environment that enhances attributes that are unique to Springville and help to make it a desirable place to live.

BACKGROUND

The Springville City Council received a renewed request to consider allowing the keeping of hen chickens. The Council directed staff to look at this issue again. The issue was last discussed in 2011. At that time the City Council declined to pass an ordinance allowing chickens in residential zones beyond where they are already allowed.

The Springville Planning Commission reviewed the ordinance in meetings during November and December, 2010 culminating in a vote on December 14, 2010. The Springville Planning Commission moved to recommend to the City Council against the proposed amendment to Title 11, Sections 11-3-402 and 11-4-301 and establishing Article 8 of Title 3 Chapter 7 regarding chickens in any areas other than those zoned. This motion passed in a 4-1 vote.

The Springville Planning Commission again met on September 10, 2013 to consider making changes to the current code as it relates to chickens. After considering the matter, the Planning Commission declined to recommend any changes to the current ordinances. This was by a vote of 5 to 1.

If the Council considers changing the ordinances to allow chicken keeping, the Planning Commission recommends NOT allowing only vegetation as a screen, that chickens not be allowed at duplexes or twin homes and that a fee be charged for a permit to have chickens.

DISCUSSION

Chickens have been a matter of discussion throughout the state during the past several years. Provo, Orem, and Spanish Fork have all made significant changes to their ordinances between May, 2009 and early 2011. Other cities have since allowed urban chicken keeping and Springville is one of the few cities that does not allow chickens outside of rural areas. Research gathered by Springville City interns has been attached detailing other ordinances and regulations regarding chickens. Virtually all ordinances dealing with chickens in residential zones require coops and other restrictions.

Not all jurisdictions have chosen to allow chickens in residential zones. Information regarding various jurisdictions which have denied rezoning efforts is also attached.

The bulk of the proposed ordinance is contained in Title 3 – Chapter 7 (Public Safety/Animal Control) although minor changes to title 11 are necessary to complete the adjustments necessary to allow chicken in residential zones. The proposed ordinance is the same as the ordinance proposed in 2010 as research indicates that this proposal continues to be consistent with ordinances passed in neighboring communities.

The proposed ordinance has a number of conditions that are fully within the discretion of the Planning Commission to adjust. The ordinance most closely resembles the Spanish Fork ordinance and it is similar in nature to all of our surrounding, more urbanized communities.

Key elements of the proposed ordinance include:

- Hen chickens would be allowed in all residential zones. There is no minimum lot size so long as all other conditions are met. The rules for the R-1-15 zone and A-1 zones are not changed.
- The maximum number of chickens allowed outside of the R-1-15 zone and A-1 zone is 6 hens.

- No roosters are allowed, regardless of age.
- A Coop is required. The coop has specific design requirements including looking like an accessory building.
- No hens are allowed outside of the coop/enclosure.
- The Coop must be located 30 feet from a neighboring dwelling, six (6) feet from main dwelling and five (5) feet from property line
- The Coop and any enclosure must be cleaned weekly.
- The Coop must be located behind a solid fence or vegetation.
- Use is limited to egg production only.
- A permit is required. The permit is valid for a year and must be renewed similar to a business license. A physical inspection would only happen upon initial application and by complaint thereafter. The owner must certify that all conditions are met from year to year.

We do receive calls on chickens from the community. Animal Control officers have responded to the following number of chicken calls:

2011:	23
2012:	18
2013:	22 (to date)

In considering amendments which allow for hen chickens in residential zones, Animal Control Officers have the following comments:

Allowing chickens in town will increase the number of animal call complaints that the police department receives. We routinely get calls now from permitted locations on dogs, cats, skunks, fox, raccoons and sometimes mountain lions that attack people's chickens that are loose and in coops.

Springville is in a wild animal interface zone. We routinely get wild animals in town that must be dealt with. Over the past few years we have had bear, mountain lions, elk, deer, moose, fox and other wild animals in town. In less than nine months this year the animal control officers have euthanized 110 raccoons and 19 skunks. Allowing chickens, even in coops, will certainly increase the number of wild animals in town and increase the number of calls animal control officers will receive for incidents involving chickens and wild animals.

At the present time the City receives calls from homeowners about nuisance chickens roaming the neighborhoods and leaving their droppings on neighbors lawns. If we permit more chickens in our urban environment these calls will increase and costs for handling stray and nuisance chickens and predatory animals will increase. Chickens that are loose or injured will be caught and taken to the South Utah County Animal Shelter and disposed of. The cost to dispose of a chicken is \$53.00 per fowl.

PLANNING COMMISSION REVIEW AND ACTION

The Planning Commission reviewed this item at their regular meeting of September 10, 2013. Planning Staff reviewed the 2010 action on this item. Staff then explained that citizens approached the City Council and two members of the Council voted to review the amendment. Staff reviewed the zoning ordinance of the city through the years pertaining to the keeping of chickens. Staff then reviewed the information packet provided to the Commission relating to advantages and disadvantages of keeping chickens. It was also clarified to the Commission that they would specifically be looking at the definitions section of the zoning ordinance specific to the keeping of hen chickens and the use chart, specifically allowing the in all of the R-1 and R-2 zones, in addition to the R-1-15 (on lots over 20,000 square feet) and the A (Agricultural zone).

Staff explained that the proposed ordinance included amendment to other sections of the City Code besides Title 11 (Zoning Ordinance) and that the Commission would not be acting on those other portions of the ordinance. The Commission inquired as to whether or not they could make recommendations on those other sections and Staff indicated that any discussion they had would be part of the public record.

Staff explained that the General Plan doesn't really provide any direction on this issue and that the Historic Center Community Ad Hoc Committee was recommending the inclusion of chicken and bee keeping in their area of the City. Staff pointed out that this plan has not been reviewed by the Commission yet or adopted.

The Commission briefly discussed the work associated with keeping a chicken coop clean, possible permitting, and issues which might arise with keeping chickens on a twin-home or duplex lot. Staff explained that fees, if any, would be determined by the City Council.

The Commission opened the public hearing.

Luann Hawker explained that she was one of the residents who had approached the City Council about chicken keeping. She stated that she felt the Staff background information was thorough and comprehensive. She said that the concern raised by animal control about Springville being a wild interface at the last meeting concerned her. She said that she had talked with animal control at Spanish Fork and they had indicated that there had not been an increase in wild animals since adopting an ordinance allowing animal keeping. She also expressed her support for backyard chickens and explained that they have them now. She felt it would be prudent for the City to write a reasonable code to allow responsible citizens to have chickens.

Tara Tulley stated that she was a therapist and caring for animals would be a benefit for some patients as it would help them learn a new life skill and feel more self-sufficient, which could make a big difference for a person who has been addicted to drugs or has had social problems.

Blaine Shipley said he was aware of many opinions on this issue, but he supported backyard chickens. He said that hens don't fatally attack children, nor do they bark all night. He felt that

making chicken keeping legal would help address nuisances rather than people keeping them hidden as they were not legal.

Laura Jackson said she felt the concerns were exaggerated. She had animals in the city where she previously lived and they had fair and reasonable ordinances allowing keeping of animals. She expressed her love for Springville and its small town charm, part of which is having small farms and hens. She felt that keeping chickens in an R-2 zone wouldn't be a problem as she is in a two-dwelling unit and would not be opposed to chickens in her backyard. She stated that animals are attracted to the smell of fallen fruit.

Karen Ifediba asked Staff to clarify which zones currently allow chicken keeping. She said that there has been an ordinance in Springville for many years and that while the City is not anti-animal, chickens should be kept in an area where they do not irritate neighbors. She talked about how long she had lived in the City and that several years ago people in her area started to keep chickens. She said since that time, she has had a badger in her yard and skunks. She said that she didn't have those animals before and while couldn't be sure it was the chickens, something has changed to cause these animals in her neighborhood. She also reported that cats and dogs come into her yard, which are not hers. She said that she wasn't sure if changing the ordinance would make things better. She said she understood that people might want to be self-sufficient, but that keeping hens was expensive, including the costs of feed. She said she wasn't excited about having chickens close to her.

The discussion came back to the Commission.

The Commission discussed the need for solid fencing, rather than including a landscaping option. They also discussed the concern of chickens in the R-2 zone and agreed that they should not be allowed there. The creation of a temporary ordinance with inclusion of a committee of citizens to help develop the ordinance, monitor, address nuisances and assist animal control was mentioned, along with an information packet for those keeping chickens. There was discussion about the important role of citizens in any type of code enforcement. They discussed potential for transfer of bacteria and disease with chickens, based on information provided by Staff from the Utah State extension.

The discussion turned to the issue of nuisance, smells and setbacks. If areas were not kept clean, neighbors would not be able to enjoy the use of their yards. The Commission asked if anyone had experience with odors from chickens. Tara Tulley indicated that her parents kept them in Mapleton and now keep hundreds in Morgan and that there is no real order if they are taken care of. The Commission then looked at an area in Plat A as an example in terms of setbacks proposed by the draft ordinance. There was discussion about increasing the number of chickens allowed based on the lot size. They questioned whether the 30' setback was enough and that the five foot setback from the property line seemed insufficient.

The Commission clarified that their role in this matter was to recommend and that the City Council would make the final decision.

The issue of nuisance was again discussed. It was pointed out that no one calls code enforcement on themselves and that as neighbors complain it often creates hard feelings and hurts neighborhoods.

The Commission then clarified that vegetation should not be allowed as a fencing/screening device for chicken coops and areas; that they not be allowed for duplexes or twin homes and that fee should be charged if the proposed ordinance is adopted.

Commissioner Clay moved to not amend the ordinance to allow chicken keeping in the R-1 and R-2 zones as amending would not be in the best overall interest of Springville. Commissioner Young seconded. The vote was as follows:

CM Clay	Aye
CM Clyde	Aye
Chair Huff	Aye
CM Nolte	Nay
CM Packard	Aye
CM Young	Aye

ALTERNATIVES

As stated above, virtually all aspects of this ordinance are subject to discussion and alternatives. Property line setbacks, permit requirements, coop size and more could be adjusted. The Planning Commission could likewise vote to recommend leaving the current ordinance in place.

FISCAL IMPACT

So long as permit costs are set at actual expense, there will be no fiscal impact. Permit revenue should closely reflect permit issuance costs. There will be enforcement costs, but we are already incurring these expenses with illegal chickens being kept in the community.

Troy K. Fitzgerald
Troy K. Fitzgerald
City Administrator

Attachments

ORDINANCE NO. _____

AN ORDINANCE AMENDING OF SPRINGVILLE CITY CODE 1991.

Be it ordained by the City Council of Springville, Utah:

SECTION 1: Chapter 3-7 and Sections 11-3-402 and 11-4-301 of Springville City Code 1991 are hereby amended to read as follows:

3-7-115 Barns, Stables and Runs.

- (1) No manure or barn cleaning shall be stacked or caused or permitted to be stacked or piled within 200 feet of any place used in whole or in part for dwelling purposes, unless stored in a closed bin covered to prevent breeding and access of flies thereto.
- (2) No person shall keep any live swine or pigs in the City; and, except for dogs and cats, no animal shall be kept or maintained closer than 100 feet from a dwelling other than the dwelling of a person keeping or having such animal or animals, and no barn, pen, or corral shall be maintained closer than 100 feet to any street.
- (3) No chicken coop, house, or pen, or any other structure used for any containment of fowl, including pigeons, except for household pets, shall be kept or maintained closer than 100 feet from the door or window of any dwelling other than the dwelling of the person keeping or having the same except for permitted chicken coops as set forth in Article 8.

Article 8 CHICKENS

3-7-801 Hen Chickens for Egg Production Allowed.

Subject to the requirements of this chapter and any other applicable provisions of Title 11, hen chickens, in the numbers set forth below, may be kept on a lot or parcel of land in any residential zone. For lots 20,000 square feet in size or larger, the provisions set forth in Title 11 Chapters 3 and 4 for fowl apply. For all smaller lots, the following applies:

- (1) The number of hen chickens which may be kept shall be up to six (6).
- (2) No roosters of any age are allowed.
- (2) The principal use on the lot or parcel shall be a single family dwelling, duplex, or twin home.
- (3) Chickens may be kept on a non-nuisance basis strictly for familial gain from the production and consumption of eggs only and there shall be no sale or income resulting from the keeping of chickens.
- (4) All enclosures, pens and coops shall be located in the rear yard of the main dwelling or in an interior side yard provided all of the requirements of this chapter are met.
- (5) Enclosures, pens, and coops shall not be located in a corner side yard unless the side yard shall be completely fenced using site-obscuring fencing or vegetative screening, so as to prevent sight of such areas from the street or neighboring properties.
- (6) Dead birds and unused eggs shall be removed within 24 hours or less and shall be properly

discarded in accordance with this Chapter.

3-7-802 Enclosures Required.

To keep chickens, an enclosure, including a coop, is required, in accordance with the regulations established in this Section.

- (1) The coop shall meet the following construction standards:
 - (a) solid walls on all sides, exclusive of openings for animals and access to animals;
 - (b) a solid roof;
 - (c) that is designed so as to prevent intrusion, including by burrowing, from all types of rodents, vermin, and predatory animals; and
 - (d) such that they resemble typical accessory buildings.
- (2) The coop shall have a minimum floor area of at least two and one-half (2.5) square feet per chicken.
- (3) If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.
- (4) The coop shall be structurally sound and located in a rear yard at least thirty feet (30) from any neighboring residential structures and at least six (6) feet from the primary residential structure on the property. The coop shall be set back from the property line a minimum of five feet (5) and must also meet the minimum setback for accessory structures within the zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials or vegetative screening.
- (5) The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum, the coop and enclosed area shall be cleaned weekly.
- (6) No chicken shall be permitted to roam outside the coop or enclosure.

3-7-803 Food Dispensers.

Chicken feed shall be stored in rodent- and predator-proof containers. Water shall be available to the chickens at all times.

3-7-804 Permit Required.

(1) Permit Required: Any person who desires to keep hen chickens as authorized by this Article shall make application to the Police Department for a permit. These permits are temporary uses only and attach to the resident applicant, as specified in the application, and not to the property.

(2) Applications: Applications for a chicken permit shall be made in writing to the Police Department. The application shall include the following information:

- (a) The name of the person desiring the permit.
- (b) Location where the chickens will be kept.
- (c) Basic plans and specifications of the proposed activities, showing size and dimensions of the facilities.
- (d) The distance between the location of the proposed facilities and the nearest residential structure on all adjoining lots.
- (e) The distance between the location of the proposed facilities and the property lines.
- (f) The applicant shall acknowledge the rules set forth in this chapter and shall, as a condition of applying for the permit, agree to comply with such rules.
- (g) The application shall bear the signature of the applicant.

(3) Permit Issuance: Upon receipt of a complete application, receipt of the required fee and review to ensure that all aspects of the code are being met, the Police Department shall issue a chicken permit. Such permit shall not be transferable and shall be good for one (1) year. Thereafter, a new permit may be

issued upon certification of the permit holder that all code requirements continue to be met.

(4) The fee for the chicken permit shall be established by the City Council in its annual budget, or by resolution.

11-3-402 Definitions.

Animal Keeping – The raising, care, and keeping of animals and fowl, specifically in the A-1 and R1-15 Zones under the following conditions:

- (a) In the R1-15 Zone, no animals may be kept on any lot smaller in size than twenty thousand (20,000) square feet.
- (b) The number of animals kept on any lot or parcel shall not exceed one (1) animal unit, as defined below, for each ten thousand (10,000) square feet of area of the lot which is used as livestock management area.
- (c) No animals shall be kept on any lot or parcel where less than ten thousand (10,000) square feet of the lot is used as livestock management area nor shall fractional animal units be permitted.
- (d) For purposes of this Title, livestock management area shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens or cultivated grounds where animal waste can be spread, but shall not include the area of lot or parcel devoted to dwellings, sidewalks, driveways, and lawn.

(e) Animal Keeping does not include keeping hen chickens for egg production. Keeping hens for egg production in accordance with Title 3 Chapter 7 does not count for utilization of an animal unit unless more fowl are kept than permitted therein.

11-4-301 Land Use Matrix

PERMITTED USE	ZONING DISTRICTS																		
	A1	R1-15	R1-10	R1-8	R1-5	R2	R-MHP	R-MF1	R-MF2	PO	BP	VC	TC	NC	CC	RC	HC	L-IM	H-IM
AGRICULTURE & RELATED USES																			
<u>Chickens for Egg production</u>	<u>See Section 3-7-801 et seq.</u>																		

SECTION 2: This ordinance will become effective one day after publication hereof in the manner required by law.

SECTION 3: The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Springville Herald*, a newspaper published and of general circulation in the City.

ADOPTED by the City Council of Springville, Utah, this ____ day of _____, 2013.

Wilford Clyde, Mayor

ATTEST:

City Recorder



Springville

COMMUNITY DEVELOPMENT
Springville City Corporation

STAFF REPORT

September 6, 2013

Agenda Item #
Planning Commission
September 10, 2013

TO: Planning Commission Members

FROM: J. Fred Aegerter, Comm. Dev. Director

RE: Hen Chicken Ordinance amending Sections 11-3-402 and 11-4-301 of the Springville City Zoning Ordinance

Petitioner: Springville City Council

NOTE TO THE COMMISSION: You have received a report from the City Administrator as well as me on this item. That is because this item includes amendments to portions of City Code that the Commission does not review and Mr. Fitzgerald will be the presenter to the City Council. Please read both reports and the proposed ordinance and you can use my report for the recommended motion options.

Summary of Issues

1. Does the proposed request to rezone this property meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to the Title and Zone Map?
2. Does it maintain the objectives and strategies of the General Plan?

Background

An ordinance to allow hen chickens for eggs was considered by the Planning Commission in December 14, 2010. The Commission voted 4-1 to not amend 11-3-402 and 11-4-301 to accommodate the keeping of hen chickens in any zones where they were not allowed. They are currently allowed in the Agricultural zone and the R-1-15 zone provided the lot is at least 20,000 square feet.

The following excerpt is from the minutes of the last Planning Commission meeting where this items was discussed.

Legislative

Springville City seeking to amend the Springville City Municipal Code, Title 11, Section 11-3-402, Definitions, pertaining to animal keeping and Title 11, Section 11-4-301, Land Use Matrix. Director Aegerter approached the Commissioners and indicated that he was representing City Administrator Fitzgerald and reviewed the proposed amendment as written.

CM Huff referred to the Animal Control Officer comments and asked if the cost to dispose of the chicken could be passed onto the person who owned the chicken. Director Aegerter indicated that they could, but the concern is how the hens that are no longer laying eggs might be disposed of because of the cost of doing so at the animal shelter. The concern is the unwanted chickens that are dropped off in different areas of the City. Ms. Ruth Fuller reported that chickens only

lay for three to five years. Director Aegerter indicated that it was important to think through how to deal with the chickens that no longer lay. CM Petersen stated when they are purchased an individual cannot tell if the chicken is a hen or rooster.

Public Hearing

CM Huff opened the Public Hearing.

Ms. Fuller approached the Commissioners and indicated that chickens can be sexed for an additional fee. She reported that she had chickens and the cost of food and a three-month period for lay mash and scratch is about \$84.00 for her six chickens. Ms. Fuller reported that the chicken feed is medicated, so eggs could not be classified as organic. She stated that a light has to be kept on the chickens through the winter or there would be no eggs; chickens have to have a roosting place; chickens attract mice, skunks, fox and eagles. Ms. Fuller stated that even if she sold her eggs for \$2.00 per dozen, it would not cover her cost. She stated that she knows a lot of people were looking to become self-sufficient, but she did not think they have thought this through. Ms. Fuller questioned where this would start and stop; first chickens, then goats for milk, pigs, etc. She commented that people don't clean up after chickens.

CM Huff asked if she lived within the City limits. Ms. Fuller indicated that she has property with animal rights. CM Huff asked if she kept chickens to keep her animal rights. Ms. Fuller indicated that she does as well as bringing in a calf every now and again.

CM Petersen asked what her reasoning was for keeping her animal rights. Ms. Fuller responded that she likes the fresh products as well as being self-sufficient. She stated that she purchased the property that allowed the animal rights.

Council Member Ben Jolley approached the Commissioners and reported that he had attended a Utah League of Cities and Towns meeting that focused on chickens. He reported that there were a lot of public officials in attendance and one city was looking to adopt an ordinance and another city mayor who had adopted an ordinance. The mayor of the city that adopted an ordinance mentioned that one week after adopting the ordinance, someone requested that goats be allowed. The mayor indicated that there should be caution because one decision opens the door for other animals.

CM Petersen moved to close the Public Hearing. CM Packard seconded the motion. The vote to close the Public Hearing was unanimous.

Consideration

CM Huff called for discussion among the Commissioners. CM Petersen stated that she has two neighbors who have chickens. She questioned if anyone in the City knew who had chickens in their back yard. She stated that she does not see or hear the neighbor's chickens. CM Petersen stated that she would support the ordinance because of the humane treatment of the chickens and eggs.

CM Huff asked if staff had any idea of how many residents in the City had chickens. Ms. Ifediba suggested that the twelve individuals who came to the City Council meeting had chickens. CM Petersen indicated that there was not one present at this meeting in support of this ordinance. CM Huff stated that in passing the proposed ordinance, the City would be tying the resident's hands in getting the required yearly permit. CM Petersen stated that even if the ordinance did not pass, those who have chickens now would keep them illegally. CM Huff stated that part of him would like to see a restrictive ordinance and asked what is being done now. Director Aegerter reported that the Code Enforcement Officer issues a violation notice. CM Huff asked how often the violation notices were issued. Planner Snyder reported that violations are issued about once a month.

CM Staker pointed out that there are properties with animal rights within the City that have chickens. Director Aegerter indicated that those properties that allow for chickens were in the R1-15 zone with 20,000 square foot lots and the A-1 zones.
Mayor Clyde in attendance at 7:20

CM Packard stated that there was nothing better than fresh eggs, but it has been brought up by Ms. Fuller that raising chickens is expensive and is a fad. He stated that chicken coops would bring nothing but problems; pests, flies, smell, etc. He reported that he grew up around animals, but when animals are thrown into a residential area, it is not sanitary. CM Packard questioned who would enforce the ordinance.

CM Huff stated that he wanted to make sure there was a good discussion and the decision to approve or deny would be in the best interest for the City. CM Packard stated that he agreed with CM Staker regarding the right zoning. CM Staker reminded the other Commissioners that this issue had been discussed at length at a previous meeting. CM Huff indicated that he wanted to ensure the Commissioners have covered all the issues associated with the proposed ordinance.

Director Aegerter indicated that the Commissioners were looking at what is allowed in what zone and stated that the other information is included in another section of the Code. He indicated that the current ordinance includes animal keeping in the R1-15 and A zones. He reported that the number of animals or animal units was included in the Animal Control Ordinance. Director Aegerter indicated that the Commissioners were reviewing the proposed ordinance as if it were appropriate in all R1 zones and if it were defined appropriately.

CM Petersen questioned if in order for her to have chickens in her back yard, she would have to have the coop right in the middle of her back yard and not to one side. Director Aegerter stated was correct and that the challenge was that those who want chickens don't want them next to their house and the coops are set by the fence next to the neighbor's house. He added that the ordinance is written indicating that the owner of the chickens should be responsible for their care. CM Petersen asked if a permit was required for chickens now. Director Aegerter indicated that a permit was not required in the approved zones. He stated that the permit would be similar to a Yard Sale Permit; no cost, but a way to keep track of who has the chickens. Director Aegerter indicated that some subdivisions with CC & Rs would not allow for chickens. CM

Petersen stated that if her neighbor had chickens and was not caring for them, she would hate to have them charged \$53.00 to dispose of them.

CM Robison questioned if there was any concern or discussion regarding public health. Director Aegerter indicated that there had been discussion regarding health, safety and welfare of the community and what is advantageous to the community as a whole. He reported that is the policy decision the Commissioners would be recommending to the Council Members.

With no further discussion, CM Staker moved to recommend to the City Council against the proposed amendment to Title 11, Sections 11-3-402 and 11-4-301 and establishing Article 8 of Title 3 Chapter 7 regarding chickens in any areas other than those zoned. CM Packard seconded the motion.

CM Huff asked the Commissioners to state their reason why the Commissioners were recommending denial. CM Staker indicated that he put a lot of weight on what the Animal Control Officer stated and reviewed their statement. He added that it increases the monetary burden to the City to have to dispose of the chickens.

CM Robison stated that he appreciated CM Staker's comments and added that he saw three or four things; i.e. cause of conflict in neighborhoods, coop construction, enforcement, etc. CM Huff stated that he wanted the Commissioners to be on the record.

CM Petersen stated that her neighbors would probably keep their chickens anyway, but she would like a standard to go by for those residents who did not want to get rid of their chickens.

With the motion made to recommend against approval of the proposed amendment and seconded, the vote was as follows:

CM Packard – Aye
CM Robison – Aye
CM Staker – Aye
CM Huff – Aye
CM Petersen – Nay

END OF MINUTES FOR DECEMBER 14, 2010

At the last Planning Commission Meeting, held August 27, 2013, the Commission discussed this item and concerns relating to allowing the use. The proposed ordinance language was discussed. Most of the concerns discussed were similar to those identified in 2010. A packet of information was also provided to the Commission regarding this issue. The Police Chief was there representing animal control and he discussed some issues currently occurring with chickens within the City boundaries. The Commission expressed concerns about issues that may arise with expanding this use, especially to the R-2 zone. Options for a one year trial period was also discussed. (As a note to the Commission, the citizens who approached the City Council about

this item were provided with a copy of the background materials the Commission received for the August 27th meeting. Staff had incorrectly thought that they had been notified of the August 27th meeting. They have been made aware of this meeting.)

Staff Analysis

In consideration of this item, no portion of the General Plan seems to address this item. In considering this item, it is important to consider if there was a mistake made in not including consideration of limited animal keeping on residential lots beyond those areas where they are currently allowed. If a mistake has not been made, it would be well to consider if there have been specific changes that have occurred that would justify amending the General Plan. If changes are made, they need to be in the best interest of the community overall and those most affected by the proposed changes need to be made aware of those changes. Staff is working on a two year review of the General Plan that is anticipated to begin later this year.

In terms of zoning, which is a police power, the consideration is looking at the issues of health, safety and general welfare. The issues of health and safety is a consideration that needs to be addressed regarding the keeping of any types of animals. The balance of one property owner's right to keep chickens with the potential issue of how that may affect another property owner is the balancing test that the Commission will need to consider.

While the General Plan does not address the keeping of chickens for egg production at this time, the Historic Center Ad Hoc Committee has recommended such uses for their area, along with beekeeping. It is important to remember that this has not yet been adopted, but the Planning Commission and City Council will be seeing this issue in the next few months.

Staff Recommendation

If the Commission feels that the benefits of hen chicken keeping for egg production outweigh the potential issues associated with the use, we would recommend approval.

Recommended Motion

The options include the following or an amended version of such:

Move to amend Sections 11-3-402 and 11-4-301 of the Springville City Zoning Ordinance to allow Hen Chicken keeping for egg production in certain residential zones with the standards outlined in the proposed ordinance as it is in the best overall interest of the City and her citizens. (You may recommend changes to the ordinance language, but please be aware that this is not in the zoning ordinance).

Or:

Move to not amend Sections 11-3-402 and 11-4-301 of the Springville City Zoning Ordinance to allow Hen Chicken keeping for egg production as it is in the best overall interest of the City and her citizens.



Springville City Planning Commission

Letter of Recommendation to City Council

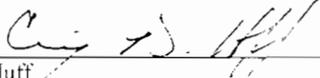
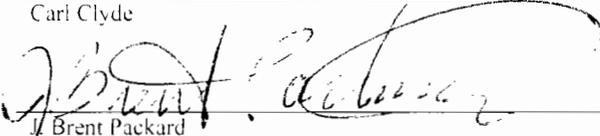
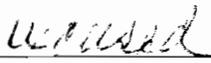
Applicant:	Request:	Date of Meeting: September 10, 2013	
Springville City Council 110 South Main Street Springville UT 84663	Hen Chicken Ordinance amending Sections 11-3-402 and 11-4-301 of the Springville City Zoning Ordinance.		
Zone Classification:	Total Acreage of Site:	Number of Lots/Units:	
General Plan – Land Use Designation:	Previous Use of Property:	Administrative Action	Legislative Action
		Public Hearing Required →	→
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
			→
			→

Motion by: <i>Michael Clay</i>	Second by: <i>Frank Gound</i>		
PC RECOMMENDATION	<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> DISAPPROVE	<input type="checkbox"/> OTHER:

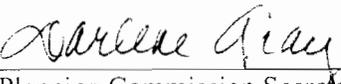
CONDITIONS OF APPROVAL:

Move to not amend Sections 11-3-402 and 11-4-301 of the Springville City Zoning Ordinance to allow Hen Chicken keeping for egg production as it is in the best overall interest of the City and her citizens.

Planning Commission Signatures:

	YES	NO	ABSTAIN
 Craig Huff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Carl Clyde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Brent Packard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joyce Nolte	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Brad Mertz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Michael Clay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Frank Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVE 5 DENY 1 ABSTAIN


Darlene Gray
Planning Commission Secretary

September 10, 2013
Date

Springville 2013 Chicken Ordinance Review

Utah County Chicken Ordinances

Municipality	Limiting Constraints			Frequency Constraints	Accommodations	Coop Set Backs			Allowed Use
	Zoning	Lot Size	Housing Type			Primary Residence	Property Line	Adjacent Structures	
Alpine	No	No	No	City Council Approval Needed	Coop (No specifications)	Can be within 75ft	—	75 ft Min.	Both
American Fork	No	7,500 sqft min.	Single Family only	7,500 up to 3, max six on 10,000+ sqft	Coop only: 6 sqft Coop w/ Pen: 2 sqft	—	15 ft	6 ft	Eggs Only
Lehi	Yes	yes (over 1/2 acre you can seek CUP for more)	Single Family only excludes Single Family attached	6 total pets for less than 1/2 lots (chicken not allowed in Multi-Family)	Nonspecific for residential areas	—	—	30 ft, roads too	Not stated
Lindon	No	Under 20,000 sqft up to 50 allowed	no	Multi-species reduction scheme, 1 rooster to 7 hens	5 sqft of enclosed area per chicken kept	—	—	25 ft	Not stated
Mapleton	no	20,000 sqft min	no	Animal unit, 1 unit per acre, 36 chickens is 1 unit		50 ft	—	100ft	Not stated
Orem	No	5,000 sqft min.	Single Family only	5,000 sqft up to 2, max 12 on 30,000+ sqft	Coop or "chicken tractor" at night, day enclosed yard	—	10 ft	—	Slaughter prohibited
Payson	no	5,000 sqft min	Single Family, duplex, twin home	6	not visible from street or other property, coop required enclosure optional	—	10ft	35ft	Both
Pleasant Grove	Yes	7,000 sqft min	single family, duplex, twin home	7,000 up to 4, up to 12 on 21,000+	Not visible from road, Coop only: 6 sqft Coop w/ Pen: 2 sqft	6ft	5ft	30ft	Both, No on site slaughter
Provo	No	6,000 sqft min	Single Family only	6,000 sqft up to 2, 6 max at 10,000+ sqft	Coop only: 6 sqft Coop w/ Pen: 2 sqft	6 ft	15 ft		Eggs Only

Springville 2013 Chicken Ordinance Review

Municipality	Limiting Constraints			Frequency Constraints	Accommodations	Coop Set Backs			Allowed Use
	Zoning	Lot Size	Housing Type			Primary Residence	Property Line	Adjacent Structures	
Saratoga Springs	Yes		Single Family Only	10 in certain zones,		6ft	10ft	30ft	Eggs Only, but slaughter is allowed under certain conditions in certain zones...
Spanish Fork	No	5,000 sqft min	Single Family Duplex or twin home	5,000+ sqft up to 6	Coop only: 6 sqft Coop w/ Pen: 2 1/2 sqft, coop required, can't be unsightly	6 ft	subject to zoning setbacks	25 ft	Eggs Only

Springville 2013 Chicken Ordinance Review

Municipality	Permit or CUP	Fees			Oversight	Year adopted	Other Animals in Code	Misc.	Violation Class.
		Initial	Annual	Other					
Alpine	CUP	None	None	None	Not delineated	Revised in 2011	Cows, Horses, Pigs, Goats, Bees Allowed	Animals not mentioned can be approval	
American Fork	P	\$15	renewed annually	\$75 for violation	Animal Control		No Roosters, limit regardless of age	Pen must be enclosed and rodent/predator proof	Class C
Lehi	P and CUP	None	None			Last reviewed in 2003	Ducks and Chickens are pets, no roosters	Does not specify as how to house the chickens, but they can only be kept on a non nuisance bases	
Lindon							Ducks, quail, pigeons, turkeys, phesants allowed		
Mapleton	P on 20,000 + sqft lots	none	none	none			Pigeons, and other "small" fowl allowed	You cannot befoul water supply with chicken waste (300' setback for coops from water ways)	
Orem								Chickens are not pets,	
Payson	P	Zoning Comp. Cerificate needed			Development Services Department	2/20/2013	no roosters, limit regardless of age	Rodent and Preditor proof food dispensers	Class C
Pleasant Grove	P	\$35						Yard must be screaned as well as coop, 24hr egg/dead bird removal	infraction
Provo		\$15 STC	Renewed Annually				No Roosters, limit regardless of age	odor cannot be detectable up to property line	Class C

Springville 2013 Chicken Ordinance Review

Municipality	Permit or CUP	Fees			Oversight	Year adopted	Other Animals in Code	Misc.	Violation Class.
		Initial	Annual	Other					
Saratoga Springs	P	none	none			recent	Other fowl not allowed	outdoor enclosure allowed, fenced yard does not meet requirements though, on site composting of odor producing bird waste prohibited, but if it is odorless you can and compost pile has to be 10ft from property line, waste on lawn must be removed, bagged disposed as well as waste in coop, dead birds/rotten eggs removed in 10 hours, food dispensers are to be insect resistant as well as vermon and rodent proof	
Spanish Fork		None STC			Animal Control	Amended 2012	No Roosters, limit regardless of age	Pens/Coops can be in interior side yard, screening required, coop construction requirements coop must be cleaned weekly	Class C

Other Utah Municipal Chicken Ordinances

Municipality	Limiting Constraints			Frequency Constraints	Accommodations	Coop Set Backs			Allowed Use
	Zoning	Lot Size	Housing Type			Primary Residence	Property Line	Adjacent Structures	
Centerville	prohibited in mid and high								
Clinton	agricultural zones and residential lots larger than one acre	1 acre		50	in rear lot, make chickens flightless			150 ft from public streets	non housegold pets
Draper City	all residential and agricultural zones	none	single family detached	up to 6	chickens are not allowed to roam within living quarters, all pens should be in good condition, rodent proof, remove manure weekly, coops in the rear, fenced yards. Not allowed to roam	30 ft from primary, 10 ft from secondary	enclosure 5ft from property lines, compost piles 3ft from property line	30 ft	non-commercial
Farmington	residential	any size		8 chickens					
Heber City	R-1, R-2, R-3, and R-14 Residential			up to 3 on 5,000 sqft; 1 chicken for each additional 1,000 sqft Max 8 chickens	no front yard coops, 20 ft from edge of open waterway				non-commercial
Layton	R-1-6, R-1-8, R-1-10, RS	10,000 square feet minimum		6 hens maximum	no coop over 120 square feet, and no taller than 7 ft		5 ft		no slaughter

Municipality	Limiting Constraints			Frequency Constraints	Accommodations	Coop Set Backs			Allowed Use
	Zoning	Lot Size	Housing Type			Primary Residence	Property Line	Adjacent Structures	
Taylorsville		>5,000 square feet		5,000-5,999 square feet 2 max. 1 chicken added per 1,000 square feet. No more than 10 chickens total	coop must be 3 square feet per animal, not located on front or side yards, must not be 8 ft in height. Outline on how to make it predator proof	15 ft	3 ft	25 ft	non-commercial, slaughtering prohibited
Tooele	MDR, R1-7, R1-8, R1-10, R1-12, and R1-14			no more than 6 animals	houses, cages, pens, coops etc are required				
West Jordan	Residential		Single Family, duplex, twin home, vacant property	5 hens, 5 chicks	Must be in the rear yard; coop is required. 1.5 square feet per chicken. If chickens are not allowed to roam, 6 square feet per chicken	20 ft	5 ft		not pets, non-commercial
West Point	R-1, R-2, conditional in R-3			for residential zones (x acres-.20 acres) x100= 30 animal points			10 ft	coop <120 square feet 50 ft. 75 ft from street, and 150 ft for coops over 120 sqft	Residential non commercial

**Cities that have
not considered
or denied
adopted
ordinances**

Tremonton denied

West Valley Considered, we
South Salt lake have their draft
 ordinance and
 research on file

 denied

Nephi allowed in Ag
 zones though

Brian Head denied

Municipality	Permitted or CUP	Fees			Oversight	Year adopted	Other Animals in Code	Misc.
		Initial	Annual	Other				
Centerville								
Clinton	for residential lots					4/27/2010	no roosters allowed	
Draper City						6/23/2009	No roosters	dead birds and rotting removed within 24 hours; all chickens must be vaccinated
Farmington								
Heber City						8/6/2009	No roosters	
Layton	permit		\$30			12/16/2004	No roosters in residential	

Municipality	Permitted or CUP	Fees			Oversight	Year adopted	Other Animals in Code	Misc.
		Initial	Annual	Other				
Taylorsville	permit	yes			Salt Lake Valley Health Department	5/19/2010	no ducks, feese, turkeys, oeaowl, crowing hens or rooseters.	
Tooele							rabbits, ducks, and chickens	
West Jordan	Permit		3 year calendar			1/27/2010		
West Point						8/21/2012	ducks, geese, pigeons, and rabbits	defined as a way to preserve "farming heritage"

Center for Disease Control Guidelines for Keeping Chickens

1. Keep baby chicks and adult chickens away from persons with weaker immune systems, including the elderly, pregnant women, diabetics, patients receiving chemotherapy, and people who are infected with HIV.
2. Do not keep chickens if a household has children less than five years of age.
3. Make sure that any interaction between chicks or chickens and small children is supervised and that children wash their hands afterwards. Children less than five years of age tend to put their hands and other potentially contaminated objects into their mouths.
4. Supervise hand washing for small children to make sure that it is adequate. See our CDC website for proper hand washing guidelines:
5. Always wash your hands with soap and water after touching chickens or anything in their environment. If soap and water are not available, use alcohol based hand sanitizer. Bacteria on your hands can be easily transferred to objects and other people in your home.
6. Wash contaminated items with hot soapy water or with a mild bleach solution.
7. Do not eat or drink around your chickens.
8. Keep chickens away from food preparation areas.
9. Do not wash items from chicken coops like water and food dishes in the kitchen sink.
10. Do not allow chickens to roam freely around the house.
11. Frequently clean the area where chickens are kept.
12. Visit your physician if you experience abdominal pain, fever, and/or diarrhea.

Source: www.cdc.gov/healthypets/pdf/intown_flocks.pdf



Considerations in Raising Small Backyard Flocks of Poultry in Population-dense Communities

David D. Frame, DVM, Diplomate ACPV
Extension Poultry Specialist

During these times of economic challenge many people are considering raising a few chickens in the backyard to augment their food supply. This has raised numerous questions ranging from how to feed chickens to addressing local animal-keeping ordinances. Often, the answers are a work in progress for many communities. The following considerations should be taken into account.

Science-based Education Is Critical

Be cautious of advice from self-proclaimed “experts” or people with informal training who attempt to fill a perceived educational niche. Many would-be poultry raisers are novices or first time owners. Learning how to do things correctly from qualified science-based sources is paramount in order to be successful. Optimal decision-making must be based on facts – not hearsay or folktales. Utah State University Cooperative Extension offers research-based education in small flock poultry raising. County agents and an Extension poultry specialist are available to educate groups and community leaders in poultry health and management issues. Fact sheets are also available on line:

http://extension.usu.edu/files/publications/publication/AG_Poultry_2008-01pr.pdf

http://extension.usu.edu/files/publications/publication/AG_Poultry_2008-02pr.pdf

http://extension.usu.edu/files/publications/publication/AG_Poultry_2008-03pr.pdf

Effects on the Economy

The commercial poultry industry contributes a significant and vital part to the agricultural economy of the U.S. Anything that jeopardizes the viability of this industry also jeopardizes the economic health of Utah. It is important that these commercial flocks be protected from serious diseases that would decimate this sector of Utah’s economy. An upsurge in number of small backyard flocks, particularly if not properly managed, might significantly increase the probability of disease exposure to the commercial industry. Past history has shown that diseases such as exotic Newcastle disease (END) can become present in the small flock poultry community. Exotic Newcastle disease can cause tremendous poultry death in both the small backyard flocks and in large commercial poultry operations. The discovery of END, for example, will have devastating economic consequences from death loss as well as the loss of trade with other countries.

Community Impacts

The local community may experience unanticipated impacts from an abrupt unregulated increase in backyard poultry keeping. Any potential undesirable repercussions can be minimized through recognition and well thought out planning to ensure that all remain good neighbors

Noise: Hens are quieter than roosters. There are no practical or humane methods to "de-crow" a male fowl. It takes experience and knowledge to properly identify the gender of young chicks. Your local farm implement store may not be able to provide this service reliably when chicks are purchased. Be prepared to cull roosters as the chicks mature. Hens do not need a rooster present in order to lay eggs.

Mixing of species. It is extremely risky to raise multiple species of poultry and waterfowl on the same premises – particularly if there is chance of exposure to wild birds. This is how many deadly poultry diseases get started, such as END or avian influenza ("bird flu").

Zoning. Some municipalities do not allow the raising of poultry or have strict ordinances that restrict this activity. Check with your city or county office to determine if there are specific regulations or restrictions that might preclude keeping poultry on your property. Along with city or county ordinances, some communities or subdivisions have rules or "covenants" that restrict the raising of poultry. Be sure to check if your domicile is in one of these.

Animal control. Chickens are no respecters of property lines. They are prone to wander at will into neighbors' yards and gardens. Remember chickens can also fly. To minimize the impact on neighbors, enclosures should be considered that properly restrain poultry and confine them to your property.

Animal waste. In many instances, used chicken litter can be incorporated into the garden soil or composted; however, improper composting or storage may create excessive odor and fly problems. Proper composting requires careful management of moisture, aeration, and temperature. Allowing chickens to superficially scratch through a pile of manure is not sufficient for optimal composting to occur for a number of reasons. There are many Extension publications from various universities addressing the issue of general composting techniques. These should be thoroughly perused during any decision-making process.

Disposal of deceased and spent fowl. It is important to realize that chickens have a relatively short life span. The productive life of a hen is about three to five years. Baby chicks soon grow up to be adult chickens and adult chickens end up as old chickens. Community leaders need to seriously address the issue of bird disposal. Do local ordinances allow birds to be

buried on the premises or composted on-site or taken to the landfill?

Human health. Although in most circumstances chickens pose a relatively low risk of giving disease to humans, there are a few that can be transmitted back and forth. Proper care and handling of eggs and processing of poultry carcasses are critical to avoid problems. Appropriate disposal of dead birds and used litter are also important.

Mice thrive in areas where chicken feed is improperly stored and excessive spillage occurs. Rats could become a problem in excessively wet areas or where water leaks occur. Feed should never be sprinkled into the litter or floor of poultry houses. This only encourages rodents to hang around the coops. Feed is to be properly dispensed in hanging hoppers that limit access to marauding rodents. Also, unused feed should be stored in closed containers in a cool area. A rodent control program of bait feeding and/or trapping should be mandatory in addition to all other precautions.

Animal Welfare

Proper care and feeding. It is imperative that poultry owners learn and implement proper care of their birds. Inhumane practices such as denying poultry access to water or a protected coop during hot days or during inclement and cold weather are intolerable. Many would-be poultry owners may never have raised chickens or farm animals before. They may not realize what the proper care and feeding of poultry entails. Birds are to be provided with a proper diet at all times and not left to fend for themselves. Enough space must be provided to adequately accommodate the number of birds kept. This is where appropriate science-based education becomes indispensable.

Enforcement of noncompliance. If some type of local poultry permitting program is practiced, will there be sufficient funds and personnel to carry out the program? Does the community have the adequate resources and personnel to deal with people who break the rules or handle poultry in cruel or inhumane ways?

Protection from predators and disease. Chickens are to be enclosed in a coop at night to protect them from predators. Although the debate could go on *ad infinitum* as to what the optimal construction should be, common sense is usually adequate. Doors should tightly close, glass or strong plastic windows should be used, and a solid floor should be in place. Periodic

inspection around the coop will indicate if varmints are trying to enter. Then take care of the varmint problem.

Outside runs need to be covered with good quality wire or roofing that will keep out wild birds and keep the chickens inside. Many people might find this a serious inconvenience, but it is imperative! Wild birds can carry diseases that could kill their birds or set up a reservoir of infection that could get into the area's commercial poultry industry with devastating consequences. This is a risk that any responsible community governing body should not take. The satisfactory demonstration of properly enclosed and restrained chickens should be a mandatory requirement in any permitting process.

Disease transmission. Chicks must be purchased from sources certifying that they are free from specific diseases. Certain species of poultry can carry

organisms that may do little harm to them but could cause devastating disease in another species. Mixing of species, such as ducks and chickens or chickens and turkeys increases the potential infection and spread of avian influenza (bird flu). Raising chickens and turkeys together could cause devastating disease in the turkeys. It is important to understand the nature of poultry diseases and how to deal with them. Contact your local veterinarian or Extension poultry specialist for further information on disease transmission and optimal biosecurity practices.

Visit these Web sites for other important information:
http://extension.usu.edu/files/publications/factsheet/AG_poultry_2005-01.pdf
http://www.aphis.usda.gov/animal_health/birdbiosecu.htm
<http://ag.utah.gov/divisions/animal/health/index.html#avianHealth>

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This publication is issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Noelle E. Cockett, Vice President for Extension and Agriculture, Utah State University.

Residential Urban Chicken Keeping: An Examination of 25 Cities



Missoula Residents with their backyard chickens.
Source: <http://www.missoula.com/news/node/226>

KT LaBadie

**CRP 580 Spring 2008
University of New Mexico
May 7th 2008**

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Abstract

City councils across the United States and Canada are increasingly being faced with the task of deciding whether or not to allow chicken keeping in residential backyards. In many cases this issue has two opposing sides: those citizens who want to keep chickens for egg production and those citizens who are concerned about the effects of chickens on their communities. This paper provides an analysis of pro-chicken ordinances from 25 cities in an effort to define the components of a just and well functioning chicken ordinance. Of the 25 ordinances, no two were identical but a variety of common regulatory themes were found across cities. Based on these findings, some considerations are suggested when forming an urban chicken keeping ordinance.

Introduction

*"I can't say that I would have envisioned chickens as an issue, but I've heard from a lot of people about them, and it seems like it's something maybe we ought to pay a little attention to."*¹

- Stacy Rye, Missoula City Councilwoman

It's happening right now in cities across the United States and Canada. Community members are organizing themselves into groups and approaching their city councils about an important urban planning issue: chicken keeping in the city.

This question of whether or not cities should allow backyard chicken keeping has increased substantially over the past 5 years as citizens become more interested in participating in their own food production. The issue has appeared recently before city councils in Missoula², Halifax³, and Madison⁴, and a case is currently pending in Ann Arbor, Michigan⁵. In many cases this interest in backyard chicken keeping has been met with much opposition and city councils often do not know how to begin approaching the issue.

The recent increase in urban backyard chicken keeping has come about for three main reasons. First, the local food movement itself has become very popular which has sparked a new interest for many in backyard food production. Since chickens are one of the smaller protein producers, they fit well into a backyard food production model. Second, rising energy and transportation costs have caused concern over increases in food costs, and backyard eggs offer a cheaper solution as they do not have to travel far to reach the plate. Lastly, many citizens are becoming increasingly concerned about food safety, and with meat recalls and other animal industry issues in the news, backyard chickens offer many a safer solution. For these reasons, backyard chickens have become

¹ Moore, Michael. Urban Chickens Scratching up a Controversy in Missoula. . Available online at <http://www.missoula.com/news/node/226>

² Medley, Ann and Jonathan Stumph. Video: Missoula Squabbles Over Urban Chickens. Available online at http://www.newwest.net/city/article/missoulas_urban_chicken_squabble/C8/L8/

³ CBC News. Halifax to Study Chickens in Cities. Available online at <http://www.cbc.ca/consumer/story/2008/02/12/chicken-report.html>

⁴ Harrison-Noonan, Dennis. Urban chicken keeper, Madison, Wisconsin. Interviewed on April 8, 2008.

⁵ Kunselman, Steve. City Councilor (ward 3) Ann Arbor, Michigan. Interviewed on April 29, 2008.

increasingly popular, but not everyone likes the idea of chickens living in their neighborhood.

There are generally two sides to the chicken keeping issue: those who are for allowing *Gallus domesticus* in residential backyards, and those who are opposed. There are a variety of reasons why people want to keep chickens, ranging from having a safe source of protein to gaining a closer relationship to the food they consume. Those who are opposed to backyard chickens however, often express concerns about noise, smells, diseases, or the potential for chickens running loose. There is also debate between the two sides as to the appropriateness of chickens in a city environment and if chickens qualify as pets or livestock.

Chicken keeping in urban environments is nothing new, but it is now something that needs to be planned for in all major cities and small towns across the United States. As the interest in the local food movement continues to increase, and as citizens become more interested in growing their own food, municipalities will eventually be faced with the issue of regulating backyard chicken keeping within their city limits. Planning for chickens can either be pro-active on the part of the city council and planning staff, or reactionary as citizens will eventually bring the issue to city hall. Municipalities often do not know how to approach the chicken keeping issue, and this paper serves to provide some insight through an analysis of urban chicken ordinances from across the United States.

Research Methods

The main goal of this paper was to analyze how residential backyard chicken keeping is regulated through the examination of chicken ordinances from a variety of cities. To achieve this, data was gathered through the examination of residential chicken ordinances, as well as through a variety of interviews, newspaper articles, video footage, and other resources.

Residential chicken ordinances from over 30 cities were gathered, however only 25 of the cities allowed the keeping of chickens, so only those were used in the analysis (see

Appendix A). The ordinances were sourced from city web sites, online web ordinance databases, and other online sources (see Appendix B). In a few instances calls were made to city planning departments to verify language in the ordinances.

Interviews were conducted with the following city officials, urban chicken keepers, and urban food/gardening community organizations:

- Steve Kunselman, City Councilor (ward 3) Ann Arbor, Michigan. He proposed pro-chicken ordinances for Ann Arbor, which are being voted on in May of 2008.
- Thomas Kriese: An urban chicken keeper in Redwood, CA and writer about urban chickens at <http://myurbanchickens.blogspot.com/>
- Dennis Harrison-Noonan, urban chicken keeper, Madison, Wisconsin. He was involved in the adoption of pro-chicken ordinances for Madison.
- Debra Lippoldt, Executive Director of Growing Gardens, Portland, OR

These interviews served to provide personal insights into urban chicken keeping, stakeholder positions, and the urban chicken movement. The interviews were also crucial in receiving feedback about chicken ordinances and the process involved in legalizing chicken keeping.

Analysis

Of the 25 cities evaluated, no two were identical in their restrictions and allowances (see chart of detailed findings in Appendix A). There were, however, common regulatory themes that emerged from the set evaluated. These common themes are as follows:

- The number of birds permitted per household
- The regulation of roosters
- Permits and fees required for keeping chickens
- Chicken enclosure/containment restrictions
- Nuisance clauses related to chickens
- Slaughtering restrictions
- Coop distance restrictions in relation to homes or property lines

The findings of the above commonalities, as well as unique regulations that emerged, are discussed in detail below. The ease and accessibility of finding the ordinances is also discussed.

Number of Birds Permitted

Of the 25 cities evaluated, only 6 had unclear (or not specifically stated) regulations on the numbers of birds permitted, while 13 stated a specific number of birds. Of the remaining, 3 cities used lot size to determine the number of chickens permitted, 2 cities used distance from property lines as a determining factor, and 1 city placed no limit on the number of chickens allowed. Over half of the cities evaluated stated a specific number of allowable chickens, which ranged from 2 to 25 birds. The most common number of birds permitted was either 3 or 4 birds, which occurred in 8 cities.

The most common number of birds permitted was 3 or 4, which will supply on average between 1 and 2 dozen eggs per week. Depending on the size of the family in the household, this may be sufficient. In some cases however, 3 to 4 birds may not be enough for larger family sizes or allow for giving away eggs to neighbors. In cities where it is legal to sell your eggs at farmers markets, 3 or 4 birds would not be sufficient. So what is a good number of chickens to allow in residential backyards for home consumption? Thomas Kriese, an urban chicken keeper who writes online about chicken keeping and ordinances, feels that no more than 6 birds should be permitted. "That's approximately 3 dozen eggs a week which is a LOT of eggs to consume, plus that's a lot of food to go through, and excrement to clean up," he stated in a personal correspondence.⁶

The answer of how many birds to allow is not an easy one, as other factors such as average property sizes and controlling for nuisances should be considered. A good example of how to address the issue surrounding the number of birds is Portland, Oregon's chicken ordinance. Portland allows the keeping of 3 birds per household; however you are allowed to apply for a permit to keep more (See Appendix A). In this case the ordinance is flexible, as a sufficient number of birds are permitted outright, and those wishing to keep more can apply to do so.

⁶ Kriese, Thomans. Urban chicken keeper. Redwood City, CA. Personal correspondence on April 28, 2008. His coverage of urban chicken ordinances is available online at <http://myurbanchickens.blogspot.com/>

Regulation of Roosters

The regulations regarding roosters were unclear in 14 cities and in 7 cities the keeping of roosters was not permitted. Of the remaining 4 in which the keeping of roosters was permitted, 1 city allowed roosters if kept a certain distance from neighbors residences, 1 allowed roosters only under 4 months of age, 1 allowed a single rooster per household, and 1 placed no restrictions.

Many cities choose to not allow the keeping of roosters, as neighbors often complain about the crowing which can occur at any hour of the day. Since one of the main reasons people choose to keep chickens is for the eggs, which roosters do not provide, it is generally accepted to only allow hens. In the case of Albuquerque, New Mexico, 1 rooster is allowed per household but it is still subject to noise ordinances (see Appendix A). So in this case, you can keep your rooster if your neighbors do not mind the crowing. This does allow people to have more choice, however it can also increase the costs associated with enforcing noise complaints.

Permits and Fees

The regulation of chickens through city permits and fees was unclear in 11 of the cities evaluated, while 4 required no permits or associated fees, and 10 required permits, fees, or both. The fees ranged from \$5.00 to \$40.00, and were either 1 time fees or annual fees. Of the 10 that required permits/fees, 3 required permits *only if* the number of birds exceeded a set amount which ranged from 3 to 6 birds. In two instances, it is also required that the birds be registered with the state department of agriculture.

Requiring a permit for chickens is no different than requiring one for dogs and cats, which is the case in most cities. From the perspective of affordable egg production however, attaching a large fee to the permit undermines that purpose. If a fee is too steep in price, it can exclude lower income populations from keeping chickens by increasing the costs of egg production. Fees may be necessary however to cover the associated costs for the municipality to regulate chickens. Another option, which was the approach of 3 cities, was to allow a certain number of birds with no permit/fee required, and anything

above that required a permit/fee. This allows equal participation and lowered costs, while still providing revenue for the regulation of larger bird populations.

Enclosure Requirements

In 9 cities the ordinances were unclear in regards to enclosure requirements or the allowance of free roaming chickens. Of the remaining, 2 had no restrictions and 14 required that chickens be enclosed and were not permitted to “run at large”. In one case, the approval of a coop building plan and use of certain materials was required.

Over half of the cities evaluated required that chickens be enclosed, and this regulation can help to alleviate the concerns of neighbors. Many chicken keepers want to keep their chickens confined in a coop and outdoor run, as this helps to protect them from predators. However, it is very restrictive to require confinement of chickens at all times, as many keepers enjoy watching their chickens free range about the yard. Just as there are regulations for leashing your dog, so too could there be regulation for only allowing chickens to roam in their own yard.

Requiring a building permit with specific material requirements, is also restrictive to lower income populations, and takes away from the sustainability of keeping chickens for eggs. In many cases, chicken coops are built with scrap materials and suit the design needs of the owner. Requiring a specific design or materials takes those choices away from the chicken keeper. Coops should be treated similar to dog houses, which are generally not subject to this type of regulation.

Nuisance Clauses

There were a variety of nuisance regulations stated in 17 of the cities evaluated, while the remaining 8 cities had unclear nuisance regulations. The nuisances that were stated in the 17 ordinances included one or more of the following: noise, smells, public health concerns, attracting flies and rodents, and cleanliness of coops/disposal of manure. Chicken keeping alone does not cause the nuisances listed above, but rather they result from improper care and maintenance which can sometimes occur.

A properly shaped ordinance can prevent potential nuisances by establishing clear guidelines for chicken care and maintenance, such as only allowing smaller sized flocks and not permitting roosters. An active community led education campaign, such as chicken keeping classes and coop tours, is another way in which to educate the public to ensure proper care and reduce the potential for nuisances. In many cities, chicken keeping community organizations have helped to educate the public on how to properly keep chickens within the limits of the law, thereby reducing nuisances and complaints.

Slaughtering Restrictions

Regulations regarding the slaughtering of chickens in residential areas were unclear in 19 of the cities evaluated. Of the remaining, 4 allowed slaughtering of chickens while 2 stated it was illegal to do so. This regulatory theme had the highest level of unknowns, most likely due to the issue not being included in the ordinance, or it being stated in another section of the general animal ordinances, and not referring specifically to chickens.

Although slaughtering chickens within city limits seems gruesome to some, others may wish to slaughter their birds for meat. Rogers, Arkansas for example, only allows the slaughtering to take place inside (Appendix C), which could help prevent neighbor complaints about the process. Allowing for slaughtering however, may also have its benefits, such as being a solution to aging urban chickens that no longer produce eggs.

Distance Restrictions

Distance restrictions between the location of the chicken coop and property lines, or coop and nearby residences, were stated in 16 of the ordinances evaluated. There were no restrictions in 3 of the ordinances and 5 were unclear. Of the 16 with distance restrictions, 12 were distances required from residences, while 3 were distances required from property lines. The distance required from property lines ranged from 10 to 90 feet, while the distances from residences ranged from 20 to 50 feet.

If a city chooses to have distance restrictions, the average lot sizes need to be taken into consideration. For example, Spokane, WA has a property line distance restriction of 90

feet (see Appendix A), which may be impossible to achieve in many residential yards. This large of a requirement would prevent many people from keeping chickens. The lower distance requirements, such as 10 or 20 feet are more feasible to achieve for those with smaller lot sizes. Distance requirements to neighboring homes (vs. property lines) are also easier to achieve as the distance considers part of the neighbors property in addition to the chicken keepers property.

Unique Regulations

All 25 ordinances evaluated had some combination of the above common themes, but there were also some unique regulations that one (or a few) cities had related to residential chicken keeping. These unique regulations are as follows:

- Chicken feed must be stored in rat proof containers
- Pro-chicken regulations are on a 1-year trial basis with only a set number of permits issued until the yearly re-evaluation.
- For every additional 1,000 sq. feet of property above a set minimum, 1 additional chicken may be added to the property.
- The allowance of chickens in multi-family zoned areas (allowance in single family zoning is most common)
- Coops must be mobile to protect turf and prevent the build up of pathogens and waste.
- Chickens must be provided with veterinary care if ill or injured
- Minimum square footage requirements per bird for coop/enclosure

The unique regulations listed offer some innovative solutions to possible issues such as pests and waste, as well as defining minimum space and health care standards for chickens. Some of these regulations also allow for more flexibility, such as extending the right to keep chickens to those living in multi-family dwelling units or allowing more birds on larger property sizes. In the case of Portland, ME, the permitting of chickens is on a trial basis, which may be a good option if a city wants to reevaluate residential chicken keeping after a certain time frame.

Locating and Understanding the Ordinances

Of the 25 pro-chicken ordinances, very few were actually easy to locate. In most cases, pages of code had to be searched in order to find the regulation and even then the chicken ordinances were often vague, incomplete, or regulations were spread throughout multiple sections of the code. This is an issue that should be considered, as unclear or hard to find ordinances can only lead to increased non-compliance.

The most easily accessible chicken ordinances were those specifically stated on city web pages, and those found through websites and literature from urban gardening organizations or community groups. One example of easily accessible ordinances is that of Rogers, Arkansas (Appendix C). Their chicken ordinance is not only easily accessible directly from the city website, but it is also clear and comprehensive. A clearly stated and easily accessible ordinance allows resident to know how they can keep chickens within the limits of the law, which can reduce complaints and other issues related to non-compliance.

Findings and Recommendations

“Issues such as rodent control are a real concern and the ordinance can have a positive influence on keeping an already urban issue from being exacerbated any more than it already is”.

- Debra Lippoldt, Executive Director of Growing Gardens, Portland, OR⁷

The original question for this paper was “What is a good urban chicken ordinance?” This was based on the idea of examining a variety of ordinances and then singling out those that were better than most and could serve as an example. After having conducted the analysis however, the question was changed to “What are the good components and considerations that make up a just and functional urban chicken ordinance?” There is no superior “one size fits all” ordinance to regulate urban chickens, as each city has different physical, environmental, social, and political needs.

Although each ordinance will be different from one city to the next, a pro-chicken ordinance should be built upon the following considerations:

⁷ Lippoldt, Debra. Executive Director of Growing Gardens, Portland, OR. Personal Correspondence on April 8, 2008.

- It satisfies the needs of most stakeholder groups and acknowledges that some stakeholders on both sides of the issue will be unwilling to compromise
- It does not discriminate against certain populations, such as those of lower incomes who can not afford high permitting fees, or those with smaller property sizes
- It allows for flexibility and provides choice, such as giving chicken keepers the right to choose their own coop design and building materials
- It allows for citizen input and participation in the ordinance forming process to assure that the ordinance fits the needs of , and is supported by the community
- It recognizes the role chickens can play in developing a more sustainable urban environment
- It recognizes the importance of the ordinance being clearly stated and easily accessible to the public, which will help ensure compliance and reduce violations.

The general considerations above are a good compliment to the specific allowances that each municipality chooses to fit its needs and that of its citizens. These specifics however can be more difficult to choose and looking to other cities as examples can provide insight into the best possible choices.

The evaluation of 25 different chicken ordinances showed a wide spectrum of choices that municipalities have made in the regulating of chickens. Looking at the number of chickens permitted, for example, cities ranged anywhere from 2 chickens to unlimited chickens. Only allowing for 2 chickens may not be an ideal choice, as they are social creatures and if one were to become ill and die, only one chicken would be left. Two chickens also do not produce enough eggs for a larger sized family. On the other hand, allowing for unlimited chickens may mean increased nuisance enforcement, or allowing for that many chickens may be met with increased public opposition. Often the average allowances found (not the most extremes) are the best choices of an example regulation for other cities to look to when considering the formation of their own chicken ordinance. In the case of the cities evaluated, the most common allowance was 4 to 6 birds, which can provide enough eggs for a family and does not highly increase the potential for nuisances. It also allows for a more sustained population if a bird becomes ill and dies.

Another example of the middle ground being a good option would be permitting and fees for keeping chickens. In some cities there were high fees for permitting, while in others no fee or permit was required. A few cities, which only required permits and fees if you have over a certain number of birds, show a good middle ground for how to permit chickens. That model allows for citizens to keep a certain number of chickens without added costs, while also creating revenue for enforcement and regulation when people choose to exceed that amount. Many cities are concerned over increased costs if chicken keeping is legalized, and this is one way to alleviate those concerns while still allowing citizens to keep chickens.

In some of the regulatory themes, such as in the examples above, the middle ground does provide a choice which can alleviate concerns while still allowing for the keeping of chickens. Other regulatory themes, such as the slaughtering of chickens, may come down to more of a yes or no answer, as was seen in many of the cities. In either case, if a city is going to adopt a pro-chicken ordinance, the most important part is to first allow for the keeping of chickens, with the understanding that the ordinance can be revisited and changed at a future time. Allowing for the keeping of chickens is the best way to see if the concerns surrounding chicken keeping ever come to fruition, and the ordinance can then be adjusted accordingly. In many cases, cities adopt a more restrictive ordinance as that is what will pass public approval and city council. Then as time passes with few complaints or nuisances, those regulations become more relaxed and tailored specifically to the needs of the city and its residents.

Conclusions

"It seems that if we want to be a town that does its part for sustainability, this is something we ought to consider. I think we want to allow folks to use their good judgment and move toward more sustainable food practices."
- Mayor John Engen, Missoula, MT⁸

Many cities and towns are now looking at how they can be more sustainable, and allowing urban chickens is one step towards that goal of increased sustainability. Not

⁸ Moore, Michael. *Urban Chickens Scratching up a Controversy in Missoula*. Available online at <http://www.missoula.com/news/node/226>

only can backyard chickens provide residents with a fresh and important food source, but they also bring about an increased awareness of our relationship to the food cycle. By forming a just and well thought out pro-chicken ordinance, cities can allow citizens the right to keep chickens while also addressing the concerns of other stakeholder groups. With that said, city councils should approach the issue of urban chicken keeping with a "how" rather than a "yes" or "no", as a growing list of pro-chicken cities across the nation shows that it can be done successfully.

References

(References for 25 City Ordinances: See Appendix B)

CBC News. Halifax to Study Chickens in Cities. Available online at <http://www.cbc.ca/consumer/story/2008/02/12/chicken-report.html>

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Moore, Michael. Urban Chickens Scratching up a Controversy in Missoula. Available online at <http://www.missoula.com/news/node/226>

Appendix A 25 Ordinances Analyzed

City/State	# of birds permitted	Roosters allowed	Permit/permit cost	Enclosure required	Nuisance clause	Slaughter permitted	Property line restrictions	Details or unique regulations
Los Angeles, CA	unclear	only if 100 ft from neighbors	unclear	unclear	Yes	unclear	20 ft from owners home, 35 ft from neighbors	
Rogers, AK	4	No	\$5/yr	Yes	Yes	inside only	25 ft from neighbors house	
Keywest, FL	unclear	Yes	None	Yes	Yes	No	No	Can't use droppings as fertilizer, feed must be stored in rat proof containers
Topeka, KS	unclear	unclear	unclear	Yes	Yes	unclear	50 ft from neighbors house	
South Portland, ME	6	No	\$25/yr	Yes, building permit required	Yes	unclear	Yes	On trial basis till November 2008, only 20 permits issued till yearly evaluation
Madison, WI	4	No	\$6/yr	Yes	Yes	No	25 ft from neighbors house	
New York, NY	No limit	No	Yes	No	Yes	unclear	No	
Albuquerque, NM	15	1 per household	None	No	Yes	Yes	No	
Portland, OR	3 without permit	unclear	\$31 one time fee for 4 +	Yes	Yes	unclear	unclear	
Seattle, WA	3	unclear	unclear	unclear	Yes	unclear	10 ft from property line	1 additional chicken per 1,000 sq ft of property above minimum
Spokane, WA	1 per 2,000 sq ft of land	unclear	unclear	unclear	unclear	unclear	90 ft from property line	Chickens allowed in multi-family zoned areas
San Antonio, TX	property line dependent	unclear	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	5 birds allowed 20 ft from home, 12 birds at 50 ft, 50 birds at 150 ft
Honolulu, HI	2	unclear	unclear	unclear	unclear	unclear	unclear	
Oakland, CA	unclear	No	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	
St. Louis, MO	4 max. without permit	unclear	\$40 permit for more than 4 birds	unclear	unclear	unclear	unclear	
San Diego, CA	25	unclear	unclear	unclear	Yes	unclear	50 ft from neighbors house	Feed must be stored in rat proof container
San Jose, CA	dependent on coop to property line	only roosters < 4 months old	permit needed for 6 or more birds	Yes	unclear	unclear	Ranges from 0 to 50 ft, determines # of birds	<15 ft = 0 birds allowed, 15 to 20 ft = 4 birds, etc, up to 50 ft = 25 birds
Austin, TX	unclear	unclear	unclear	unclear	unclear	Yes	50 ft from neighbors house	
Memphis, TN	unclear	unclear	unclear	Yes	Yes	Yes	unclear	Feed must be stored in rat proof container
Ft. Worth, TX	based on lot size	unclear	No	Yes	Yes	unclear	50 ft from neighbors house	<1/2 acre = 12 birds, >1/2 acre = 25 birds
Baltimore, MD	4	unclear	Must register with animal control and Dept of Ag.	Yes	Yes	unclear	25 ft from neighbors house	Coops must be mobile to prevent waste build up, minimum 2 sq ft/bird.
Charlotte, NC	based on lot size	unclear	\$40/yr	Yes	Yes	unclear	25 ft from property line	minimum 4 sq. ft/bird, no more than 20/acre
Missoula, MT	6	No	\$15 permit	Yes	Yes	unclear	20 ft from neighbors house	Feed must be stored in rat proof container
Boise, ID	3	No	unclear	Yes	unclear	unclear	unclear	
San Francisco, CA	4	Unclear	No	Yes	Yes	unclear	20 feet from door or window of residence	

Appendix B
Sources for 25 Ordinances

City/State	Source for Ordinance
Los Angeles, CA	Los Angeles Animal Services. http://www.laanimalservices.org/permitbook.pdf
Rogers, AK	Ordinance No. 06-100 http://www.rogersarkansas.com/clerk/chkordinance.asp
Keywest, FL	Part 2, Title 5 Section 62 www.keywestchickens.com/city
Topeka, KS	Section 18-291 www.municode.com
South Portland, ME	Chapter 3 Article 2 Section 3 http://www.southportland.org/index.asp?Type=B_LIST&SEC={93286E1E-9FF8-40D2-AC30-8840DEB23A29}
Madison, WI	http://www.madcitychickens.com/ and www.municode.com
New York, NY	Just Food's City Chicken Project. City Chicken Guide. Information available online at http://www.justfood.org/cityfarms/chickens/
Albuquerque, NM	City ordinance chapter 9, article 2, part 4, § 9-2-4-3, c-3 http://www.amlegal.com/albuquerque_nm/
Portland, OR	Ordinance 13.05.015 http://www.portlandonline.com/Auditor/index.cfm?c=28228#cid_13497
Seattle, WA	Ordinance 122311 section 23 www.seattleurbanfarmco.com/chickens
Spokane, WA	Title 17 Chapter 17C.310 Section 17C.310.100 http://www.spokanecity.org/services/documents/smc/?Section=17C.310.100
San Antonio, TX	Municipal code 10-112, Keeping of farm animals www.sanantonio.gov/animalcare/healthcode.asp
Honolulu, HI	Chapter 7 Section 7-2.5 www.honolulu.gov/refs/roh
Oakland, CA	Ordinance 6.04.320 www.oaklandanimalservices.org
St. Louis, MO	Ordinance 62853-7 www.slpl.lib.mo.us/cco/code/data/t102001.htm
San Diego, CA	Ordinance 42.0709 http://docs.sandiego.gov/municode/municodechapter04/ch04art02division07.pdf
San Jose, CA	Ordinance 7.04.030. 140, &150 www.sanjoseanimals.com/ordinances/sjmc7.04.htm
Austin, TX	Title 3 Chapter 3-2 www.amlegal.com/Austin-nxt/gateway.dll/Texas/austin
Memphis, TN	Title 9 Chapter 9-80-2, 9-68-7 http://municipalcodes.lexisnexis.com
Ft. Worth, TX	Section 11A-22a www.municode.com
Baltimore, MD	Baltimore City Health Code Title 2-106; Title 10, Subtitles 1 and 3 www.baltimorehealth.org/press/2007_02_02_AnimalRegs.pdf
Charlotte, NC	Section 3-102 http://www.charmeck.org/departments/animal+control/local+ordinances/permits/htm and municode.com
Missoula, MT	Ordinance Chapter 6 Section 6-12 ftp://www.ci.missoula.mt.us/Packets/Council/2007/2007-12-17/Chicken_Ordinance.pdf
Boise, ID	Chapter 6 Section 14 http://www.cityofboise.org/city_clerk/citycode/0614.pdf and http://home.centurytel.net/thecitychicken/chickenlaws.html
San Francisco, CA	San Francisco Municipal Health Code Section 37 http://sfgov.org/site/acc_page.asp?id=5476

Appendix C
Example ordinance
Rogers, AK

ORDINANCE NO. 06- 100

AN ORDINANCE REGULATING THE CONTAINMENT OF FOWL AND OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF ROGERS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: It shall be unlawful for any person to permit or allow any domesticated fowl to run at large within the corporate limits of the city. It shall be lawful to keep poultry flocks of any size in A-I zones of the city, so long as they are confined.

Section 2: It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all other zones, except A-I, under the following terms and conditions:

- a. No more than four (4) hens shall be allowed for each single-family dwelling. No birds shall be allowed in multi-family complexes, including duplexes.
- b. No roosters shall be allowed.
- c. There shall be no outside slaughtering of birds.
- d. All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
- e. Enclosures must be situated at least 25 feet from the nearest neighbor's residence.
- f. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
- g. Persons wishing to keep fowl within the city must obtain a permit from the Office of the City Clerk, after an inspection and approval by the Office of Animal Control, and must pay a \$5.00 annual fee.

Section 3: The above Section 2 is not intended to apply to the 'ducks and geese in Lake Atalanta Park, nor to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to poultry kept in areas of the City which are zoned A-I.

Section 4: Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance; however, owners of the poultry will have 90 days from the effective date to come into compliance with this ordinance.

Source: <http://www.rogersarkansas.com/clerk/chkordinance.asp>