

CITY COUNCIL MEETING JULY 21, 2009 6:30 P.M. IONA COMMUNITY CENTER
PUBLIC HEARING 7:00 P.M. BACKYARD CHICKENS

PRESENT: Mayor Brad Andersen, Council member Steve Elliott, Council member Jane Shaw, Council member Dan Gubler, Treasurer Ron Nelson, Public Works Supervisor Zech Prouse, City Clerk Robyn Keyes.

ABSENT: Council President Dennis McArthur, Police Chief Shannon Basaraba.

VISITORS: Adrian Beazer, Michael Taylor, Misty Taylor, Paul Meng, Lara Meng, Jakob Meng, Jory Meng, Melba Buttars, Dale Buttars, Jeremy Cutts, Stacy Cutts, Dan Garren, Hollie Miyasaki

Mayor Andersen welcomed everyone, and Treasurer Nelson led with the Pledge of Allegiance.

Consent agenda. The Consent agenda was reviewed. Council member Gubler asked how the unused revenue rolled over into the next fiscal year. Mayor Andersen and Treasurer Nelson said the money was placed into a savings account. Council member Gubler made a motion to approve the consent agenda. Council member Elliott seconded the motion. All were in favor. Motion carried, consent agenda approved.

Iona Days. Mayor Andersen asked the Council members if their assigned tasks were ready for Iona Days. The Council members said they were ready and had everything lined up to go. Adrian Beazer asked if there was anyone available to help him with the car show. Mayor Andersen said there would be many volunteers that day and the Mayor said he would help him find some people to help.

Veteran's Monument. Mayor Andersen said that Dixie Hunting would like to put a monument honoring the soldiers from Iona that died, or were wounded during action, and asked for the approval of the Council to move forward with the project. The Mayor said Mrs. Hunting was fundraising for the money. The Council agreed that the monument was a good idea. Mrs. Hunting said she would like to place the monument by the flag pole. The Council agreed. Mrs. Hunting also stated that there were 434 veterans from Iona to date and she would like to see those that have died in the line of duty, or received a purple heart honored with the monument. The Council approved the project and thanked Mrs. Hunting for her interest and hard work.

Regulation of Cats. Mayor Andersen said he had discussed the issue of regulating the number of cats a homeowner could have. Attorney Storer said the City could regulate the number of cats per home through the City's ordinances. The Attorney said some cities required a license for each cat, but advised the City against such action. Supervisor Prouse said Animal Control offered the use of humane traps to help control the stray cats in the area. The Council decided against any enforceable regulation for cats, and instead said they would let the public know about the traps available from Animal Control.

Public Hearing Chickens. See appendix A. The Council held a public hearing to consider allowing backyard chickens within residential zones. After listening to the public's opinion and discussing the issue, the Council approved the City attorney to review the drafted ordinance changes and allow chickens on ½ acre of land or greater with 10 chickens allowed per ½ acre. The attorney will also review the possibilities for enforcement of the restrictions outlined in the proposed ordinance.

Approval of Preliminary Budget. The Mayor and Treasurer introduced the preliminary budget for the 2009/2010 fiscal year. Mayor Andersen explained the budget and said the decreased proposed revenue was due to the slowing economy. The Mayor said he was being cautious with expenditures and expected revenue.

Council member Gubler made a motion to approve the preliminary budget. Council member Elliott seconded the motion.

All were in favor, motion carried.

Preliminary budget approved.

Approval of Speed Limit Change. Mayor Andersen said many people had expressed approval of having a consistent speed limit within Iona. Supervisor Prouse suggested that having a speed limit of 25 from City limit to City limit going east and west would create too much of a traffic backup during busy times of the day. Supervisor Prouse said posting the 25 mph speed limit from 55th to Walker Ave. was good, and then increase to 35 to the City limits either direction.

Council member Gubler said the people he had talked to were in favor of enforcing the speed limit but were not in favor of lowering the speed on Owens Ave. to 25. Council member Gubler was in favor of increasing the speed to 35 on Owens Ave.

Council member's Shaw and Elliott were in favor of leaving the speed limit at 25.

Council President McArthur left a note saying he was in favor of leaving the speed at 25.

Supervisor Prouse said all other speeds were 25 in high density areas within Iona.

The Council approved keeping the speed limit at 25mph on Owens Ave. from 55th to Walker Ave. From 55th east to the City limits the speed limit is 35 mph and from Walker Ave. west to the City limit the speed limit is 35 mph but in between the speed limit is 25 mph.

Land Trade with LDS Church. Mayor Andersen said that the LDS church was in favor of trading land with the City of Iona. The trade would entail the City of Iona trading a piece of ground in Mountain Ridge Estates located on Iona Rd. for a piece of ground located directly behind the new LDS church. The Council agreed that would be a good place for a future park or a soccer field and approved the Mayor to continue negotiations with the LDS church.

Building Rental. Mayor Andersen said that Chief Basaraba was in favor of increasing the rental fee for the building as a means for paying for maintenance on the building and replacement of worn chairs and tables. The Council agreed and approved the following changes; Multi-purpose hall or Council room \$35/hour or \$150/day. Both room's \$70/hour or \$200/day. Lion's Club room \$20/hour or \$100/day. Television use \$300

deposit. The Council kept the required \$50 rental deposit and \$100 cleaning deposit the same.

The Council also agreed to eliminate alcohol use, and restrict music past 12:00 a.m. (midnight)

Regulations of Conditional Use Permits. Mayor Andersen said he talked with Attorney Storer regarding the review of conditional use permits, and charging a renewal fee. The Attorney advised against charging a renewal fee and said that annual reviews can be difficult if the City did not have the employees to conduct such reviews. Mayor Andersen suggested the Clerk send out letters, or call to the people with conditional use permits each year asking them if they were still in need of the permit, and reminding them of the conditions. Council member Gubler questioned the \$100 application fee for conditional use permits and said he thought the fee was less. Clerk Keyes and Mayor Andersen said the Council approved the fee increase last year. Clerk Keyes said she would look back on the minutes for Council member Gubler.

The Council decided to discontinue a renewal fee, but would send letters, or call out each year to the people with conditional use permits asking for an update.

Reports.

Mayor Andersen suggested that the Historical Society try to get more committee members to help with the task of the museum. Council member Elliott said that it was hard to find people willing to do the work that the current Historical Society members were doing. Council member Elliott commended the hard work of the members.

Mayor Andersen thanked Council member Elliott for his prompt efforts toward the purchase of the new restroom for the park.

Mayor Andersen said the City had received a \$2,650 grant for source water protection around the wells. The Mayor said he was involved with the annual source water awareness festival and the grant would go toward making signs to inform the public of the protected areas.

Mayor Andersen said he spoke with the company in Utah that resurfaced tennis courts. The company estimated that the cost to repair the cracks in the tennis court would be around \$14,000, but that repair would only last for about 5 years. The company estimated that a completely new surface would cost \$80,000.

Council member Gubler suggested removing the old court and replacing it with a new reinforced concrete slab with fiberglass embedded in the concrete, which would be a fraction of the cost.

Supervisor Prouse said the company that repaired the asphalt walking path said they could repair the asphalt on the tennis court for a reasonable cost.

Mayor Andersen asked Council member Gubler and Supervisor Prouse to obtain estimates for the projects they described so the court could be repaired with next years budget.

Mayor Andersen reminded the Council that this year was an election year and Council member Elliott and Council President McArthur, along with the Mayor's seat were all up for reelection. The Mayor said the deadline for declaring candidacy was moved up a month. The Mayor said he would like to announce in the August newsletter whether anyone was running again, or if a seat was going to be vacant.

Treasurer Nelson. No further report.

Supervisor Prouse. Supervisor Prouse said he had reviewed the water facility planning study conducted by Keller and Associates. Supervisor Prouse said everything looked good except the prices that Keller had originally stated had risen. Supervisor Prouse said the coating of the tank had risen from \$44,000 to \$63,000. Council member Shaw asked if they could raise the cost like that and Supervisor Prouse said they could. Council member's Shaw and Gubler suggested finding another company to do the work. Mayor Andersen along with Supervisor Prouse agreed that most of the work could be done by the City. Mayor Andersen said since the project was so small, Keller was going to subcontract the work and charge \$5,000 to oversee the project. The Mayor suggested instead of paying Keller \$5,000 to oversee the project, the City could pay Supervisor Prouse to oversee the project and do most of the work in house. The Council Agreed.

Mayor Andersen said that Supervisor Prose had passed his water distribution test for level II, which was an asset to the City.

Clerk Keyes. Clerk Keyes asked the Council if they wanted her to apply for a \$30,000 grant for enhancement along transportation corridors. Mayor Andersen suggested asking Paul Scoresby for his opinion regarding the detail of such project and if \$30,000 would cover the cost.

No further reports.

Council member Shaw made a motion to adjourn. Council member Gubler seconded the motion. All were in favor.

Adjourned 9:40 p.m.

APPENDIX A
PUBLIC HEARING CHICKENS 7:00 P.M. JULY 21, 2009
COMMUNITY CENTER

PRESENT: Mayor Brad Andersen, Council member Steve Elliott, Council member Jane Shaw, Council member Dan Gubler, Treasurer Ron Nelson, Public Works Supervisor Zech Prouse, Police Chief Shannon Basaraba, City Clerk Robyn Keyes.

ABSENT: Council President Dennis McArthur, Police Chief Shannon Basaraba.

VISITORS: Adrian Beazer, Michael Taylor, Misty Taylor, Paul Meng, Lara Meng, Jakob Meng, Jory Meng, Melba Buttars, Dale Buttars, Jeremy Cutts, Stacy Cutts, Dan Garren, Hollie Miyasaki

Mayor Andersen welcomed everyone, and explained the procedure for a public hearing. The Mayor read the minutes from the public hearing with Planning and Zoning on July 8, 2009. The Planning and Zoning Commission recommended a proposed ordinance change allowing chickens. The proposal would outline the restrictions and the permit process.

Mayor Andersen asked if anyone in favor of allowing chickens in residential zones would like to speak.

Adrian Beazer said he was in favor of allowing chickens, and that a homeowner should be allowed to use his property as he wished as long as it did not infringe upon the neighbors rights.

Michael Taylor said he was in favor of allowing chickens, and said that should include an enforceable permit.

Hollie Miyasaki said she was in favor of allowing chickens, and cities with a much larger population have managed chickens in residential zones.

Dan Garren said he was in favor of allowing chickens, and Los Angeles and Boise allowed chickens.

Misty Taylor said she was in favor of allowing chickens, and a permit was a good idea.

Mayor Andersen asked if anyone that was neutral would like to speak. No one spoke.

Mayor Andersen asked if anyone that was against allowing chickens would like to speak.

Paul Meng said he was against allowing chickens, and asked who would enforce the control of the animals.

Mayor Andersen said he had spoken with Animal Control and they said no other cities in the area allowed chickens, but they would work with Iona toward a solution.

Council member Shaw said if a fine was in place with the City Ordinance then that would be a means for control.

Mr. Meng suggested that $\frac{1}{4}$ acre was too small of an area for chickens.

Lara Meng said she was against allowing chickens, and agreed that a permit along with asking your neighbors if they minded if chickens were next door as a good idea.

Melba Buttars said she was against allowing chickens in residential areas. Mrs. Buttars said she was a realtor, and livestock in residential areas decreased property value, and could impact the value and sale of all of the houses in the area.

Dale Buttars said he was against allowing chickens in residential areas.

Mayor Andersen thanked everyone for their input, closed the public portion of the hearing and opened discussion for the Council.

Mayor Andersen read the recommended proposed ordinance drafted by Planning and Zoning. The recommendations were as follows:

Iona City Ordinances, Title 11, Chapter 4, Section 2

11-4-2-D

1. No livestock or farm animals may be kept on lots of less than one (1) acre in total area. The only exception to this ordinance is the keeping of backyard laying hens with a valid permit issued by the city, which requires that the minimum lot size be at least a third ($\frac{1}{3}$) acre.
2. Only one (1) animal unit per half ($\frac{1}{2}$) acre shall be allowed. One (1) animal unit shall represent:
 - a. Cow – 1
 - b. Horse – 1
 - c. Sheep – 5

Backyard Poultry for household, non-commercial egg production is limited to a maximum of ten laying hens, with a minimum of a third (1/3) acre lot size. For all other animals not listed the City Council may set compatible standards

3. All buildings, shelters, or enclosures for farm animals shall be located no closer than fifty (50) feet from any property line. The only exception to this ordinance is a building, shelter, or enclosure whose sole purpose is the sheltering or housing of backyard poultry and whose owner holds a valid Backyard Poultry Permit issued by the city of Iona. Buildings, shelters, or enclosures designated for backyard poultry production shall be located no closer than twenty (20) feet from the owner's home, and no closer than fifty (50) feet from neighboring homes.
4. Pigs, swine, non-permit poultry, or fowl shall not be allowed in the R-1 zone.
5. Conditions and restrictions of Backyard Poultry ownership with a valid permit issued by the city of Iona:
 - a. Owner must obtain and maintain a valid permit issued by the city of Iona to keep, own, and raise poultry in an R-1 zoned area. Failure to do so will result in a misdemeanor.
 - b. Permits will cost ten (\$10) dollars at initial purchase, and will be annually renewed without cost. They will remain valid unless revoked due to complaints and violations.
 - c. Process of complaint and violation actions. If the permit tee has a complaint or complaints arise from neighboring sources due their violation of city ordinance governing backyard poultry, the following process will be employed:
 1. First violation will result in a written warning.
 2. Second violation will result in a \$25 fine.
 3. Third violation will result in the revoking of permit.
 4. Fourth violation will result in a misdemeanor.
 - d. Definition of Backyard Poultry: For reference purposes in this ordinance, backyard poultry are defined as female chickens that are kept and grown for the purposes of food production or as pets.
 - e. A maximum of ten (10) laying hens are allowed per permit.
 - f. A maximum of one permit is allowed per household that owns less than one acre. For households with more than one acre, additional permits may be purchased that require one full acre for every additional permit to be purchased.
 - g. A minimum of a third (1/3) acre lot size is required to own and maintain backyard poultry.
 - h. A backyard poultry building, shelter, or enclosure can be no closer than 50 feet from any neighboring home, or neighboring living quarters.

- i. At least 2 square feet of living space per bird must be provided in accordance with USDA standards.
- j. Poultry are not allowed to be kept, raised, or maintained within a home or house designated as a human dwelling or where humans have, do, or will reside.
- k. All permit allowed backyard poultry will be kept and maintained in a humane, sanitary, and community respectful manner.
- l. No roosters or crowing poultry are allowed to be kept within an R – 1 Zone.
- m. All backyard poultry must be confined to the owner’s property at all times.
- n. All buildings, shelters, or enclosures designated for backyard poultry use must be located in a backyard location, and not in a front yard setting.
- o. Backyard poultry owners must maintain the proper sanitation of their poultry operations; they also must prevent and not allow a foul odor to leave their property or create a potential health hazard.
- p. Backyard Poultry cannot create a noise nuisance to neighboring parties.

Council member Shaw was against limiting the chickens allowed to laying hens. Council member Shaw said that frying hens were less noisy and were on the property for a shorter amount of time. Council member Shaw did agree with no roosters.

Mayor Andersen asked for suggestions regarding enforcement from the Council.

Council member Elliott said Chief Basaraba did not have time to enforce the restrictions for chickens, and was against allowing chickens in residential zones.

Mayor Andersen said he could see both sides of the issue, and said there were residents that would take care of their animals and there were residents that would not. The Mayor pointed out that for most homes there were 4 other homes that boarded the property and a homeowner’s choices had the potential to affect many people.

Mayor Andersen read from the code book that the purpose of having different zones was to promote the public health, safety and welfare, retain and enhance the aesthetics of the community, preserve and enhance land values, separate incompatible uses, promote security within the community, protect the public safety, facilitate adequate fire protection and avoid undue concentration of population.

The purpose of the R-1 residential zone was to preserve residential neighborhoods, prevent over-crowding of the land and encourage the development of low density areas which are best suited for residential purposes.

The Mayor stated that residential-agriculture zones must have large enough lots so they do not impose upon their neighbor, and recommended keeping animals on lots of 1 acre or more in size.

Council member Gubler said he was in favor of allowing chickens. Council member Gubler said ¼ and 1/3 acre lots were too small for farm animals, and ½ acre or larger would be more appropriate. Council member Gubler was against requiring a permit for

chickens and said the regulations should be clear and easy to understand with a nuisance law enforced. Council member Gubler said neighbors should be able to talk to each other regarding issues that affected each of them. Council member Gubler agreed frying hens should be allowed.

Mayor Andersen said it was difficult for neighbors to talk to each other sometimes. And asked for recommendations regarding enforcement.

Council member Elliott said there were too many animals in the residential zones already.

Council member Shaw said there were people that would break the rules no matter what and the City still had to enforce the ordinance, she suggested that requiring a permit would make enforcement easier.

President McArthur's comments were entered into the minutes as follows; President McArthur was in favor of allowing chickens in residential zones with 1/3 acre minimum and up to 6 chickens for that lot size. Larger lots could have 12 chickens. Chickens must be 30 feet from other residences, and not allowed in the front or side yards. They must be contained and kept clean. No roosters, and the grandfather clause did not apply. A permit must be obtained for a low fee. The 1st valid complaint would result in a \$25 fine, the second valid complaint the right to have chickens would be revoked for 6 months and the homeowner must begin the permit process over again to obtain more chickens. A formal committee should be established to enforce and oversee the issue.

Council member Gubler said he was against permits entirely.

Mayor Andersen said he could see the benefit of issuing permits and the negative side of issuing permits.

Mayor Andersen reminded the Council to put their personal feeling aside regarding the issue and make a decision that would benefit the community.

The Mayor suggested that the Council could make a decision, and ask the attorney to review the decision for final approval.

Council member Shaw said that most residential lots in Iona were less than 1/2 acre and by making 1/2 acre a requirement for chickens, it would solve a lot of the problems with the neighbors.

The Council agreed to ask Attorney Storer for his advice regarding enforcement.

Council member Shaw made a motion to approve the recommended ordinance with the lot size changed to 1/2 acre and the chickens allowed to 10 per animal unit, and after the Attorney advised the City regarding enforcement, a final approval would be made.

Council member Gubler seconded the motion.

Roll call as follows:

AYE: Council member Shaw, Council member Gubler

NAY: Council member Elliott

Motion Carried. Public hearing closed 8:20 p.m.