

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
February 18, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
EXCUSED:	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Mark Baird	Wastewater/Water Superintendent
	Eric Howes	Community Services Director
	Scott Hess	Development Services Director
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Norah Baron – Planning Commission, Nancy Pederson, Deana Jorgensen, Jessica Jorgensen

Mayor Shepherd called the meeting to order at 6:00 p.m.

PLANNING COMMISSION INTERVIEW

The City Council interviewed Norah Baron, resident and member of the Planning Commission, for consideration of reappointment as her term would expire at the end of February 2014.

DISCUSSION ON THE ANIMAL CONTROL ORDINANCE

Adam Lenhard, City Manager, reminded the Council of citizen comments which had been expressed during the January 28, 2014, City Council Meeting specific to the number of animals allowed by the City's Animal Control Ordinance. He suggested the issue to be considered by the Council was whether companion animals needed to be addressed in the ordinance. He reminded the Council it had directed staff to look into that possibility.

Brian Brower, City Attorney, reported companion animals had been identified in one area of State Code which was specific to animal cruelty, which didn't apply in this situation. He stated service animals had been specifically identified as dogs and read the qualifications from the State

Code. He believed the verbiage reflected in State Code was very broad. He stated there was proposed legislation before the Legislature which would restrict municipalities from counting a service animal against the limit of dogs. He mentioned it advanced from its committee with a favorable recommendation. He expressed concern a resident could potentially have up to half a dozen dogs if they were able to get them classified as “service” animals.

Councilmember Bush inquired if there were a requirement for specific training or certification which would identify dogs as a service animal. Mr. Brower responded there was not a specific certification; rather verbiage in code reflected “evidence from a physician”. He expressed concern and shared examples of potential abuses of the system. He pointed out regardless of the animal’s training; the issues in which the municipality intended to regulate by designating a specific number of animals would be present. Mr. Lenhard pointed out there was a distinction between a service animal and a companion animal in State Code. He suggested the Council consider if it legitimized the comfort animal in the ordinance it would need to be prepared for the fourth or fifth dog coming into a residence. He clarified the Council would be creating an exemption for any animal which could obtain the physician or veterinarian verification. He stated staff was recommending no exemption in the ordinance for a comfort/companion animal.

Councilmember LeBaron pointed out Davis County currently allowed for three dogs and the City allowed two and suggested verbiage be included in the ordinance which reflected a third could be allowed provided the animal had some sort of “comfort” designation. Mr. Lenhard expressed concern staff would have to make a determination on whether the third animal was a comfort animal. Councilmember LeBaron suggested defaulting to ADA(Americans with Disabilities Act) requirements and a discussion took place specific to ADA requirements or designation. He stated he didn’t want to allow three animals unless there was the companion component.

Mr. Lenhard expressed concern about the additional impact to staff in determining if more than two dogs were allowed based on an “allowance” being made in the ordinance and suggested changing the number of dogs to three. Mr. Brower expressed his opinion it wouldn’t be difficult for a resident to obtain documentation from a medical provider substantiating the need for the exception or “comfort” animal.

Councilmember Bush inquired if the City would even need to consider amending the ordinance if the proposed legislation passed this legislative session. Mr. Brower didn’t think the City would be able to adopt a higher standard or exercise anything more restrictive than what was passed by the Legislature. Councilmember Bush stated he also didn’t want to amend the ordinance by allowing up to three dogs per resident and agreed with Councilmember LeBaron’s proposal that a third dog could be allowed with documentation.

Councilmember Benson inquired if someone with three dogs moved to Clearfield City would the City request the resident get rid of one of the dogs. Mayor Shepherd responded in the affirmative. Mr. Lenhard clarified the City contracted with Davis County Animal Control to enforce the City’s ordinance even though Davis County’s ordinance allowed three dogs.

Councilmember Jones expressed his opinion that the Council should be considering the ordinance for the City as a whole and expressed concern about the time and resources to manage

an exception to the ordinance. He suggested there were always certain individuals who would push the envelope.

Councilmember LeBaron explained the reason for only allowing two dogs was due to the small size of building lots and approximately half were rental units and expressed concern about possibly allowing three dogs per resident in a high density condominium. He emphasized the housing dynamic in Clearfield City was different than any other City within the State.

Councilmember Benson explained how the fee assed to the City by Davis County for animal control was the highest of any other city based upon the number of calls and believed if the ordinance were amended it could significantly increase the cost. Councilmember LeBaron suggested the City wait and see what happens with the Legislature and the proposed legislation. Mr. Lenhard commented he would visit with Clint Thacker, Davis County Animal Control, and let him know the issue was still pending on behalf of the Council.

Mr. Lenhard stated he had visited with Mr. Thacker to clarify information regarding the number of issued citations to residents with three dogs. He reported in most cases the officer became aware of the three dog situation because he/she was responding for another reason such as a noise, odor, or bite complaint; rarely was the officer responding to a three dog complaint.

Mr. Brower read verbiage from the proposed legislation and clarified the most additional dogs any resident would be able to have would be two. Mayor Shepherd announced the City would wait until the legislative session ended to see whether the proposed legislation was adopted and if it were necessary for the City to amend its ordinance.

## WATER UTILITY UPDATE

Mark Baird, Wastewater/Water Superintendent, introduced himself to the Council and shared a visual presentation illustrating key points of the City's culinary water system:

- The processes for collecting the required different water samples for testing.
- How backflow systems worked and their importance.
- What the City was required to report to the Division of Water Quality (DEQ)
- Training required by City employees.

He shared pictures in the visual presentation that illustrated key improvements to the 700 South water tank and the Freeport well. There was also a photo which illustrated how the fluoride was added to water at the Freeport well.

- He explained how water pressure was maintained within the City.
- He explained how the recently installed SCADA system was beneficial to the City.

Councilmember Bush inquired how the water had been treated by Weber Basin prior to the City receiving it. Mr. Baird responded the City was purchasing finished water from Weber Basin and explained the water had gone through the treatment process. Councilmember Bush requested clarification if the City was required to use a treatment for water it received from the wells. Mr. Baird responded the water received from the wells didn't require treatment as it had been obtained from deep aquifers and emphasized that water was sample tested and its quality didn't

require additional treatment. Mr. Baird stated the water received from Weber Basin was water from the Weber River which was why it had to go through the filtration process. Mr. Lenhard commented Weber Basin provided a system field trip tour once a year which made different stops along the water system for elected officials to gain a better understanding of its processes. He indicated he would extend that invitation to the Council when it was received by the City. Mr. Baird added the City's sampling was very consistent relative to minerals in the water.

Councilmember LeBaron inquired if the City conducted any bio testing because fluoride treated water was used for outdoor purposes for lawns and gardens. Mr. Baird responded the City didn't conduct those studies and didn't know who would be responsible for that. Mr. Lenhard suggested Davis County could be a resource for that information.

Mark Baird left the meeting at 7:00 p.m.

#### DISCUSSION ON PLANNING COMMISSION APPOINTMENTS

Mayor Shepherd reminded the Council of the recent interviews which had taken place for vacancies on the Planning Commission and the City Council discussed the candidates and determined who should be appointed to the Planning Commission. Ms. Dean indicated staff would make recommendations for the specific terms and stated the appointments would take place during the February 25, 2014 City Council meeting.

#### DISCUSSION ON NORTH DAVIS SEWER DISTRICT RATE INCREASES

Adam Lenhard, City Manager, explained the North Davis Sewer District (NDSD) was proposing a rate increase and distributed a handout illustrating the background associated with the rate increase and reviewed it with the Council. He emphasized there were no consumption charges associated with the NDSD fees; just a base rate for each resident. He pointed out in addition to the pass through fee increase for the NDSD, the City incurred overhead in collecting the fees as well as to provide for the infrastructure, including replacement and maintenance of pipes, needed to get the sewage to the District. He reported the proposed increase beginning July 1 would be \$3.00 per month per connection and would continue to increase an additional \$3.00 each year for the next four years. He informed the Council the increases were tied to a fifty million dollar bond.

Mr. Lenhard believed the NDSD had no other option than to bond for infrastructure improvements. He pointed out another contributor to the proposed increase was the limit on impact fees recently enacted by the Legislature. He explained it prohibited the use of impact fees for any capital facility which extended longer than six years in the future. Councilmember Bush explained the options to the District in increasing its funding and a discussion took place.

Mr. Lenhard distributed a sample utility bill and recommended breaking out the sewer portion of the bill to reflect what portion of that bill would go to the NDSB and what would come to the City. He suggested placing information specific to the increase on the City's website referring questions or complaints from residents to the NDSB, as well as the use of social media. Councilmember LeBaron suggested providing residents with a comparison of other sewer districts' rates. Mr. Lenhard inquired as to who should provide that information to the City's residents. He commented NDSB had expressed a willingness to assist in informing the residents and he would request they send a separate mailer explaining the increase. The Council expressed agreement with the proposed suggestions.

**Councilmember LeBaron moved to adjourn as the City Council and reconvene as the CDRA in a work session at 7:20 p.m., seconded by Councilmember Bush. All voting AYE.**

*\*\*The minutes for the CDRA are in a separate location\*\**

**APPROVED AND ADOPTED  
This 11<sup>th</sup> day of March, 2014**

**/s/Mark R. Shepherd, Mayor**

**ATTEST:**

**/s/Nancy R. Dean, City Recorder**

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, February 18, 2014.

/s/Nancy R. Dean, City Recorder