Mayor Pro Tem Peterson called the meeting to order at 6:00 p.m.

UPDATE ON THE 500 WEST ENVIRONMENTAL STUDY FOR A ROAD EXTENSION ALONG 500 WEST STREET FROM APPROXIMATELY 1950 SOUTH TO 1700 SOUTH AND THEN TO D STREET IN THE FREEPORT CENTER

Chuck Easton, CRS Engineers, updated the Council on the 500 West Environmental Study for a road extension along 500 West from approximately 1950 South to 700 South. He informed the Council that the study was being funded by a federal grant so there were a lot of obligations and guidelines to follow as part of the study. He indicated most of the analysis was complete and the result appeared to be positive. He mentioned the Utah Department of Transportation (UDOT) only allowed 30 percent of the design to be completed at the current stage of the study while public scoping and a public comment period took place. He explained the main purpose of the
public outreach was disclosure but public concerns and suggestions were always welcome.

Councilmember Bush asked if the public outreach would be done jointly with Syracuse City, since it was partnering on the project. Mr. Easton responded the intent was to invite those affected by the project in both communities to the same meetings. JJ Allen, City Manager, recommended Antelope Elementary be considered as a nearby location for the public meetings. Mr. Easton mentioned the public open houses were expected to be in the first week of August.

Mr. Easton described the design options for the roadway. He reported there would be a signalized intersection installed at 500 West and Antelope Drive as part of the project. He also stated the design intended to avoid all the high capacity transmission lines in the area and minimize impacts to private property.

Mr. Allen explained most of the right-of-way was in Clearfield City but Syracuse had informally agreed to maintain the west side of the right-of-way. Mayor Pro Tem Peterson asked what the maintenance impacts would be for the City, specifically along the private property areas. Eric Howes, Community Services Director, commented the maintenance usually fell to the City until the property was developed.

Mayor Pro Tem Peterson asked about the projected speed limit for the area. Mr. Easton indicated the traffic study was still in progress for the roadway.

Councilmember Bush asked if some of the right-of-way would need to be purchased from private property owners. Mr. Allen stated the design was trying to limit those types of purchases but there were some areas that would need to be purchased from private property owners.

Councilmember Bush asked if utility infrastructure would be installed as part of the project. Scott Hodge, Public Work Director, indicated that infrastructure would be installed prior to the construction of the right-of-way and as a separate project to avoid the federal regulations associated with the project.

Mr. Easton indicated UDOT was consulted on changes that would be needed along Antelope Drive to accommodate the proposed project. He explained it was determined that the signalized intersection at 300 West would be removed with left turn striping and directional arrows added to 300 West so movement could be maintained for businesses in the area. He continued UDOT preferred there not be any left hand turning onto Antelope from 300 West but would not currently restrict it.

Mayor Pro Tem Peterson asked if any historical properties were identified in the Freeport area. Mr. Easton responded there were historical properties in Freeport but none in the project area. He indicated there was an underground storage tank on the Freeport side of the project that would need to be considered during the scope of the project.

Mr. Allen asked if the Syracuse City Council had been updated similarly on the project. Mr. Easton responded that report would be held in the following week.
DISCUSSION ON THE CONCEPTUAL DESIGN FOR THE CEMETERY EXPANSION LOCATED AT APPROXIMATELY 1050 SOUTH STATE STREET

Eric Howes, Community Services Director, reviewed the layout plans for the design of the cemetery expansion. He reported the design included a maintenance building with restrooms, memorial walls for cremains, contemplative spaces scattered throughout, and a gravel road wide enough for cars to travel. He explained Lindquist owned the mortuary on the property and had indicated a willingness to sell the property to the City based on fair market value. He explained the challenge was determining an actual property value for the property since it was such a unique piece.

Councilmember Phipps asked if the City planned to maintain the parking lot. Mr. Howes responded the City did not own the parking lot so its maintenance was left to the property owner. Councilmember Phipps asked if Lindquist could be pressured to improve the parking lot. Mr. Howes replied he would visit with the property owner about the parking lot’s maintenance.

Councilmember Bush asked how many burial plots would be added to the property. Mr. Howes responded a final number had not yet been determined but the estimate was about 2,100. He indicated it would depend on the design of the roadway to the maintenance building and the relocation of a sewer line in the area.

There was a discussion regarding the increased space for cremains, fencing, and designing a general area for special services such as the City’s Annual Memorial Day Commemoration. Mr. Howes indicated cremations were become more popular.

Councilmember Phipps asked if the project would be funded through cemetery funds. Mr. Howes replied the funding for the project had yet to be determined. He explained the project was currently in the design phase. He anticipated the cemetery space currently available for burial plots would be full within the next five years so funding would need to be addressed before then.

DISCUSSION ON BUSINESS LICENSE REQUIREMENTS FOR HAIR STYLISTS

Stacy Millgate, Customer Service Center Manager, stated staff conducted research on business license requirements for salons in various communities. She stated the research was provided in the Council agenda packet and used to determine that the City’s practices were in line with other communities. She informed the Council that there were salons that hired employees and salons that provided booth rental opportunities for hair stylists. Spencer Brimley, Community Development Director, referred to the statistic that the City had issued ten booth licenses and commented the information helped the department identify an area that may need to be addressed by code compliance specific to the licenses. He suggested the code compliance division could perform inspection of licenses and make sure the business owners were educated and made aware of the differences in the types of licenses.

Councilmember Bush asked if there were other business that might lease part of a building space to independent contractors. Ms. Millgate stated there were other business types such as financial advisors, realtors, and others. Mayor Pro Tem Peterson reported she had asked other property
owners that rented small areas to individuals conducting other types of business if they would require a separate license for their tenants, and the owners had indicated they would require separate licenses for their tenants. Councilmember Phipps commented a business license seemed appropriate if a service provider reported income via a 1099. Councilmember Bush agreed and explained 1099s were used when individuals owned their own small businesses.

Councilmember Roper expressed his opinion that the City’s business license fee appeared to be merely a revenue source for the City. He suggested the City pattern itself after the changes being implemented by the State Legislature on removing the financial burden from small business owner. Mr. Brimley explained the business license fee was more than a mere revenue source for the City. He continued the City was responsible for the regulation of business and industry within its borders in order to be able to provide a safe environment for its residents and the general public. He indicated there was a cost associated with that service being provided by the City. Councilmember Roper asked if that should be the responsibility of the business owner leasing the space. Summer Palmer, Assistant City Manager, explained when a service provider was an employee for a business owner, the employer owned the liability and the workers comp for that individual and his/her actions. She stated it was common for an employer to place that responsibility on an individual by identifying them as a subcontractor. She explained that if a business owner adopted a business model where the individual was an employee then the liability was the business owner’s and so was the licensing requirement. She continued the need for a business license and/or a professional license was part of the legal determination used to identify whether an individual was an employee or subcontractor.

JJ Allen, City Manager, asked what the difference was between a license issued for a hair stylist with a home occupation license and a hair stylist with a booth rental business license. Ms. Millgate explained the main distinction was the address tied to the license. She indicated the fee was the same either way, $64. She added the City also checked for professional licensing with the State before issuing a business license to a hair stylist, which was also the practice for all business license applicants required to have professional licensing by the State of Utah. Councilmember Roper asked if the license was still necessary since the State Legislature was pushing to deregulate certain types of businesses.

Councilmember Thompson provided an example of a hairbraiding stylist not needing a cosmetology license to provide services; therefore, not needing a business license to operate. He suggested if that type of a business owner were required to have a license he/she might take his/her business to another city. He asked if the City would consider a kiosk business license similar to Layton City’s that could address those types of services in an effort to deregulate where it could. Ms. Millgate explained if the State did not require a professional license then the City would not deny a business license to an individual providing those services.

Councilmember Bush expressed concern that there might be some legal issues for the City if it did not require business licenses. Mr. Brimley explained it was important for the City to understand the impacts businesses brought to the City and the general public whether it was a brick and mortar business or a home occupation. Mr. Allen added State Law allowed the City to require a business license for a home occupation business but no fee was required where there were minimal impacts.
Councilmember Phipps suggested the City held an interest in knowing what types of services were being provided by business owners. He stated the current discussion was focused on hair stylists. He suggested the same principles would need to be equally applied to all businesses if the City were to look at deregulation for one type of license. There was a discussion about the importance of using the business license as a way to regulate business and protect the public. Ruth Kjar, business owner, commented a business license was required by her insurance carrier for her business to be eligible for coverage. She also stated being able to advertise that her business was licensed brought her more business.

Brad McIlrath, Senior Planner, commented the real concern was not whether to require a license but whether to charge for that license. He explained the State required cities to conduct a fee study prior to establishing business license fees. He commented the City’s fee of $64 covered the administrative costs associated with approving the business license and was lower than a lot of other cities. Mr. Allen added the City charged all businesses the same license fee in accordance with State Law unless the law allowed a specific exception. He stated the City choosing to waive a fee raised new questions because the law only allowed disproportionate fees under certain circumstances. He reiterated the law had to be applied equally to all businesses. Stuart Williams, City Attorney, added a fee study was required by law if the City wanted to set different fees for different industries.

Mayor Pro Tem Peterson expressed a desire to have uniform application for the ordinances. She commented there had been confusion in the past regarding what business types needed licenses. She suggested the expectation for compliance needed to be done in a business friendly way going forward. Mr. Williams explained a noncompliant business would receive a notice of violation and be given time to cure the situation. He added the City was willing to work with them without closing the business down to gain compliance. He explained if the City determined there appeared to be confusion regarding business licensing for a particular industry, such as hair stylists, it could send a letter to those businesses educating them on the need for licenses based on their business models.

Councilmember Phipps explained the current practice for licensing of hair stylists should remain the same unless the City wanted to conduct a comprehensive study addressing business licensing as a whole. He commented anything less could cause liability issues for the City. Mr. Allen stated the City tried to take its lead from the State. He agreed there had been recent efforts to deregulate certain industries but the City had no way to predict where those efforts would fall in the future. Councilmember Roper agreed and asked the City to continue to look for ways to help businesses be successful. He stated the City had an opportunity to lead out and create an environment that provided additional freedoms for businesses. Councilmember Thompson stated he was satisfied with how business licensing was currently administered and if the City wanted to change that it would need to look at those changes comprehensively across all industries. Councilmember Bush agreed. Mayor Pro Tem Peterson agreed that if the City wanted to look at business licensing it needed to be a comprehensive approach across all industries.

Mr. Allen pointed out the City could not exempt certain industries from licensing except where State Law required it. He acknowledged the City could set its baseline business license fee lower
than the administrative costs associated with issuing the license, but it could not charge certain industries a disproportionate fee without justifying the disproportionate impact. Ms. Palmer commented the City did not want to make doing business in the City difficult for business owners. She also cautioned against making it easy for bad business to do business in the City by not keeping its regulations on par with State standards and other communities. Councilmember Bush agreed. Mayor Pro Tem Peterson expressed support for the City sending a letter to businesses that provided hair styling services to educate them on the different types of licenses needed to continue to operate in compliance with the law.

**DISCUSSION ON DOG GROOMING, DOG BOARDING/KENNELING, AND ALLOWING PIGS AS HOUSEHOLD PETS**

**Dog Grooming/Dog Boarding-Kenneling**

Brad McIlrath, Senior Planner, stated the City currently allowed dog grooming as a home occupation business but dog kenneling was not allowed to be part of the services offered by that business type. He reported a survey was conducted of other local communities and their practices for dog grooming and whether kenneling was allowed for that business type. He informed the Council that twenty-one communities responded to the statewide survey and fourteen of those allowed dog grooming as a home occupation business and only five of those allowed dog boarding as part of that business type. He continued half of the communities from Davis County responded to the survey. He informed the Council that Layton City responded and indicated it was in the process of removing dog grooming as a home occupation business. He reported Kaysville City allowed boarding in conjunction with dog grooming as a home occupation but only two dogs were allowed at a time at the home. He recommended maintaining the City’s current practice, but if the Council wanted to consider allowing the service as part of the home occupation license for a dog groomer regulations needed to be implemented that controlled the impact to surrounding properties.

Mayor Pro Tem Peterson commented technology was completely disrupting the dog grooming industry similar to the way Uber, Lift, and Airbnb was disrupting other industries by allowing a commercial use on residential property unregulated through an app. She suggested it was creating an unfair competitive advantage for operators providing the services through an app. Mr. McIlrath acknowledged it was a difficult industry to regulate. Mayor Pro Tem Peterson stated it was a valid point that there would be impacts to a residential area if kenneling were allowed. She stated a mechanism to mitigate the impact would be a necessary component for allowing it. Ruth Kjar, dog groomer, was in favor of allowing boarding as part of her home occupation business. She pointed out that her business was in her home and she intended to control the impact to her home as well as to surrounding properties.

Councilmember Roper proposed Farmington City’s ordinance addressed controlling the impacts of animals in residential areas sufficiently by stating that all animals needed to be kept and maintained in such a manner so as not to degrade below a reasonable standard the health, safety, noise, odor, sanitation, or environment of a person’s dwelling on a neighboring lot. He suggested the City consider including similar language in its animal control ordinance. He suggested the number of dogs was not as important as how those animals were kept and maintained. He stated
he had no issues with allowing dog groomers to board animals overnight. JJ Allen, City Manager, stated the boarding issue was a land use regulation and not necessarily tied to the number of animals allowed on a property. Stuart Williams, City Attorney, counseled that regulations were imposed to mitigate impacts for surrounding properties. Councilmember Roper added the standards applied to keeping animals were more important to articulate than the number of animals allowed.

Mayor Pro Tem Peterson asked if there were sufficient support to consider allowing dog boarding for dog groomers holding home occupation licenses and, if so, what regulations should be imposed. Councilmember Thompson expressed his opinion dog boarding might be best permitted as a conditional use. He suggested acreage might be considered when permitting the use. Mr. McIlrath added the City would also need to address how many dogs would be allowed for boarding in conjunction with a dog groomer’s home occupation license. Mayor Pro Tem Peterson stated she favored establishing standards for the business type rather than requiring a conditional use permit. She continued establishing a standard for the number of dogs allowed should not differ from what was allowed for other residential uses. She also commented the standard needed to be enforceable.

Councilmember Phipps expressed his belief that less government involvement was generally optimal, but consideration needed to be given to retaining the livability of the neighborhood and the health and safety of the animals. He stated if animals were kenneled in a home by a business owner, there was a presumed level of service expected whereby they would be protected and provided for in an appropriate environment. He suggested neighboring property owners would have that same expectation from the business owner. There was a discussion about the appropriate number of dogs allowed on residential properties, how that number should be applied to a business in a residential area, the reasonability of setting standards, and how to equally enforce such standards.

Mayor Pro Tem Peterson commented there appeared to be a level of comfort with allowing the boarding as long as there were clear standards in place. Councilmember Roper expressed his opinion the standards should not be so restrictive as to make it unreasonable to operate the business. Councilmember Phipps indicated the number of animals was not as important as the facility’s environment for protecting the animal and neighborhood. Councilmember Bush agreed.

Mayor Pro Tem Peterson asked what potential concerns should be considered before moving forward with changes. Mr. Allen commented the City would likely discover impacts that were not considered as new language was drafted, approved, and enforced. Mayor Pro Tem Peterson asked what consequences would be expected if those impacts were determined to be significant enough to prompt reverting back to not permitting boarding. Mr. Williams responded any business owner granted permission to board would then operate as a legal nonconforming use. Councilmember Roper commented it would be important to look at how Farmington handled the issue. Mr. McIlrath stated Farmington City did not allow boarding. Councilmember Roper stated he was more interested in how it addressed the standard for appropriately keeping multiple animals in residential areas. Mr. McIlrath stated the standard would need to be set in such a way as to not be too subjective. Mr. Williams agreed.
There was direction from the Council for staff to provide additional information on how boarding could operate under some type of business license, what type of standards would need to be in place, what process would be necessary to grant approval for the use, and how the use would impact the City’s liability as well as the enforcement of the standards.

Allowing Pigs as Household Pets

Brad McIlrath, Senior Planner, informed the Council that the same survey used to attain information on boarding services was used to assess how many communities allowed pigs as household pets. He stated the City Code currently only allowed pigs as farm animals, permitted only in the agricultural zone. He reported Syracuse City was the only community allowing pigs as household pets under specific conditions. He explained those conditions to the Council. He also reported there were several other communities that allowed pigs as farm animals with regulations on agricultural properties. He recommended keeping the City’s ordinance as currently written, but if the Council wanted to change the ordinance standards should be considered to minimize the impacts.

Councilmember Phipps reiterated his philosophy for limiting government but agreed the impact to residential areas should be addressed. He commented certain types of pigs could be housed inside a residence and be litter trained, while other animals, such as goats, could not. He acknowledged that some residents currently had pigs that were unknown to the City, which supported pigs could be household pets with minimal impact to residential areas. He liked how Syracuse had written its ordinance. Mr. McIlrath commented he asked Syracuse how it enforced the standards set by its ordinance and it was acknowledged that there was no active enforcement. Councilmember Roper commented most residents had a desire to be in compliance with City Code and they should be trusted to do so.

Councilmember Thompson agreed that the standards set by Syracuse appeared to adequately address the mitigation of the impacts. He asked how veterinarians responded to pet pigs. Samantha Sorenson, pet pig owner recently cited for violating City Code, asked if the survey differentiated between mini pigs, Vietnamese pot belly pigs, and/or farm pigs. Mr. McIlrath confirmed the survey addressed the different types of pigs. Ms. Sorenson informed the Council that her families’ pet pig was estimated to grow to 60 to 80 pounds at its full maturity. She continued the pet pig was neutered, vaccinated, and house trained like any household pet and smarter than the families’ two dogs. She agreed regulations should be established to mitigate impacts.

Mayor Pro Tem Peterson commented it was a fair question to address the land use issues associated with keeping animals in residential areas. She mentioned the City recently changed its ordinance to allow chickens in residential areas. Councilmember Roper suggested setting a standard that defined the breeds that would be appropriate for household pets and commented his research determined having a mini pig was no different than having a dog as a household pet. He also suggested looking at a weight limit and keeping pets on one’s personal property. Councilmember Bush commented he was not opposed to allowing pigs as pets as long as they didn’t bother the neighbors. Councilmember Thompson agreed and suggested the breeds
appropriate as a pet be defined in any proposed ordinance. He mentioned checking with
veterinarians to determine what those breeds might be.

Mayor Pro Tem Peterson stated allowing pigs as household pets would also require changes to
the City’s animal control ordinance. She asked the Council if there were concerns about the
impact to surrounding properties and the City’s ability to enforce any regulation. The Council
agreed the regulations needed to address pigs in the role as household pets versus farm animals.
Spencer Brimley, Community Development Director, commented the Syracuse ordinance
included a formula for calculating how many animals were allowed on a residential property
based on acreage. He reminded the Council when it amended its ordinance to allow chickens the
acreage of the property was a consideration. He suggested the City might want to look at
acreage, pen size, distance from other properties, and other considerations as part of amending
the ordinance.

JJ Allen, City Manager, asked if a mini pig was commonly kept indoors. Ms. Sorenson
responded that was pretty much standard for mini pigs. Stuart Williams, City Attorney, asked if
mini pigs were provided with paperwork identifying their breeds. Ms. Sorenson responded they
did not come with paperwork rather were identified by their characteristics. Mr. Williams
expressed concerns with trying to regulate mini pigs based on breed and establishing standards
that were easily enforceable. Councilmember Phipps commented it would also be important to
draft an ordinance in such a way as to be able to prohibit deliberate abuses. Councilmember
Thompson asked if the veterinarian provided paperwork certifying a mini pig as a household pet.
Ms. Sorenson responded the veterinarian provided paperwork that the pig was vaccinated and
healthy.

The Council directed staff to draft an ordinance that would in some way identify the
characteristics of a mini pig as a household pet. Mr. Allen stated the animal control ordinance
would need to be addressed as far as how a mini pig might be counted as a household pet. Mayor
Pro Tem Peterson asked how the Council wanted to prioritize the project for staff given the
significant priorities already being managed. Mr. Allen explained the highest priority for staff
were the active applications that came in daily, which had specific timeframes set for
consideration. Mayor Pro Tem Peterson pointed out amending the animal control ordinance was
not a priority previously identified by the Council. She suggested the Council needed to consider
the significant time that would be needed to address the issue and the staffs’ current workload.
Councilmember Roper suggested it was a priority but only as time allowed. Mayor Pro Tem
Peterson commented the proposed changes would not likely occur in 2018. Mr. Allen agreed and
suggested best case scenario would address the changes at some point in 2019.

Councilmember Roper stated he was an advocate for looking at the City’s ordinances and
making them less restrictive. He believed residents would appreciate those efforts by the
Council. Mayor Pro Tem Peterson agreed but wanted the Council to consider if the issue being
discussed was a higher priority than other projects already being managed. Councilmember
Phipps commented priorities should be identified as mandatory or discretionary. He suggested
Councilmember Roper felt like the issue was a high priority for discretionary time. Mr. Allen
provided examples of issues needing to be addressed by staff including updating the City Code
language as it related to conditional use permits, the land use management act, cell phone tower
regulations, a General Plan update relating to moderate income housing, land use applications, and other typical issues directed by the State. Councilmember Phipps commented a discretionary item that impacted a large number of residents would have more priority than those affecting a smaller number of residents. Mayor Pro Tem Peterson stated the land use application process was always available to residents wanting to address issues more quickly.

Ms. Sorenson asked how the enforcement proceedings regarding her pet pig would be affected by the changes being delayed as much as a year for consideration by the Council. Mr. Williams stated the City had discretion regarding the enforcement of the violation. He indicated there would be stay on the proceedings until such a time as the Council proceeded with addressing the proposed changes to its ordinances. Mr. Allen pointed out that consideration by the Council was not a guarantee the ordinance would be changed.

DISCUSSION ON AMENDMENTS TO THE FISCAL YEAR 2017/2018 BUDGET

Rich Knapp, Finance Manager, indicated there were budget amendments that needed to be completed before the end of the fiscal year on June 30, 2018. He explained one of the amendments was specific to reflecting the bond proceeds and expenditures associated with the Mabey Pond redevelopment efforts. He also explained the other amendment was to identify the completion of a second phase of energy efficiency projects made possible because of rebates received by Rocky Mountain Power due to another phase of that project.

Councilmember Thompson moved to adjourn as the City Council and reconvene as the CDRA in work session at 8:26 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, Roper, and Thompson. Voting NO – None.

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

APPROVED AND ADOPTED
This 31st day of July, 2018

/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, June 19, 2018.

/s/Nancy R. Dean, City Recorder