

COMMISSIONERS' MINUTES – DAVIS COUNTY

WORK SESSION MINUTES

September 29, 2020

The Board of Davis County Commissioners met for a Work Session at 2:45 p.m. on September 29, 2020, in room 306 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Notice of this meeting was given under the requirements of UCA § 52-4-202.

ATTENDEES Davis County Commissioners in attendance: Lorene Miner Kamalu, Chair; Bob J Stevenson, Vice-Chair; and Randy B. Elliott.

Davis County Staff in attendance: Jason Fielding, Public Works Operations; Adam Wright, Public Works Director; Shairise Bills, Deputy Clerk/Auditor; Kent Andersen, CED Director; Mike Kendall, Attorney's Office; Robert Tripp, Attorney's Office; Neal Geddes, Chief Civil Deputy Attorney; Curtis Koch, Clerk/Auditor; Josh Wayment, Attorney's Office; Tony Thompson, Property Manager; Jeff Oyler, CED; Drew McDonald, CED; Rollin Cook, Animal Care Director; Bryan Smith, Animal Care Field Supervisor; and Shauna Brady, Commission Office.

Members of the public in attendance: Dr. Alex Lawrence, property owner of the Baer Creek property being discussed on the agenda.

AGENDA AS POSTED 2:45 p.m. **Commissioner Elliott, presenting: The Rooster Issue in Unincorporated Davis County (Mutton Hollow)**

3:15 p.m. **Commissioner Elliott and Adam Wright, Public Works Director, presenting: Request for County Participation to Install a Fence on Baer Creek in Kaysville**

DISCLAIMER The meeting was an open dialogue. Critical points in the discussion have only been briefly summarized. The reader may refer to the audio recording and the publicly distributed materials for further clarification of content. Timestamps have been noted in the minutes to aid in locating points of discussion in the audio record. The audio recording for this meeting is available based upon the County's current retention schedule.

All documents from this meeting are on file in the Davis County (DC) Clerk/Auditor's office.

The meeting commenced at 2:49 p.m.

WORK SESSION DISCUSSION **The Rooster Issue in Unincorporated Davis County (Mutton Hollow)—Presented by Commissioner Elliott (Minute 01:45)**

There is an escalating problem with some roosters in unincorporated DC, in Mutton Hollow. There is a large group of them now reportedly crowing non-stop throughout the day. Several area residents have complained, and one is now responding by honking a train horn through a megaphone every time the roosters' crow. It has become a very tenuous situation. Animal Care has received constant phone calls and emails from the complainants. The Animal Care Director has physically gone to the area to investigate the noise and said it was constant while he was there. The case was referred to the attorney's office for their review and consideration. They have indicated that it does rise to the citation level because the constant crowing is a nuisance, and a Disturbing The Peace citation should be issued to the person who is using his horn. Animal Care has yet to issue any citations because the Commissioners want a full understanding of the current ordinance before doing so. There has been some confusion over the language in the ordinances, which has caused hesitation in issuing any citations. While one ordinance allows roosters in the county's unincorporated agricultural part, the noise they are creating is violating another ordinance in the county.

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The attorneys said that the process of following the state statute and county ordinances involves allowing the county attorneys to decide whether to issue criminal offense charges or not. They advised that the legal process should be allowed to play out and give the disputing parties their due process in court if it comes to that. The Commissioners need not be involved in any of that process. As the Executive Body, the extent of their involvement is to ensure compliance with all applicable laws and county ordinances.

It's expected that there will be citizens that disagree and likely call the Commissioners. The Commissioners just want to be prepared to provide a unanimous response to the public on the issue, which is why this discussion took place to understand the ordinances more fully and respond appropriately to any public discourse.

(See Attachments A1-A4.)

Request for County Participation to Install a Fence on Baer Creek in Kaysville— Presented by Commissioner Elliott and Adam Wright, Public Works Director (Minute 46:06)

Adam said a culvert runs in front of the property owner's home with an easement on it for flood control. There was a 72-inch pipe failure in the channel that required significant repair and affected the easement. The easement restricts anything but grass, but there are rock work plantings, bushes, curb work, and stone columns. A google map of his property was shown.

The County's approach has been to be a good neighbor and attempt to restore those properties to what they were, even with the easement restrictions. This happened last fall, which affected the timing of things and pushed out many of the repairs. The following spring, when repairs resumed, it was evident that there were some additional issues with the grass and concrete, among other things, and they worked through the problems with the resident.

The public works department has been out several times working on the repairs over about five months. Some of the work required outside contractors, which caused delays because the size of the jobs was not a priority for some of them. Many of the repairs made did not meet the homeowners' expectations, which has drawn out the process even longer. Having to install a fence came up, and usually, a chain link fence is installed as a standard, but the property owner wants something more upgraded due to the higher value of his home. He has asked for the chain link fence's cost equivalent to him toward an upgraded fence. The fence was the solution because the mature bushes had to be removed when the culvert was repaired, and the younger bushes that replaced them did not provide enough of a barrier. A fence is necessary for safety issues because there is a 15-foot drop-off. As a result, interactions with the homeowner have escalated, and repairs have become quite costly and time-consuming to no avail. The homeowner demands the property returned to equal or better quality and expressed a myriad of issues, causing them upset.

NEXT STEPS The commission office will arrange to have Commissioner Stevenson meet with the property owner to look at the property easement.

**MEETING
ADJOURNED** The meeting adjourned at 3:58 p.m.

**MATERIALS
PRESENTED** All publicly distributed materials associated with this meeting are noted as the following attachments:

A1-A4 Davis County Ordinance sections 6.04.010 and 6.16.010

These minutes are pending legislative approval and are subject to change until approved

COMMISSIONERS' MINUTES – DAVIS COUNTY

Minutes prepared by:

Shairise Bills

Deputy Clerk/Auditor

Minutes approved on: _____

Curtis Koch

Davis County Clerk/Auditor

Lorene Miner Kamalu

Commission Chair