

**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, May 6, 2014 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James F. Minster, Council Members Russell Porter, Bryan Benard, Wayne Smith and Brent Strate

COUNCIL MEMBERS EXCUSED

Sallee Orr

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Fire Chief Cameron West, Executive Director of Police Department Affairs and Information Marci Edwards, Information Systems Administrator Brian Minster, Good Landlord Program Coordinator Ben Robbins and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Brian Hyde, Mikayla Hargroue, Maddie Gordon, Breanca Benard, Landon Weeks, Hannah Smith, Ian Syme, Callie Leininger, Kale Syme, Cole Combe, Ray Dea, Victor Dea, Adam Palmer, Rhett Parry, Chancy Hoaglin, James Clark, Andy Hauenstein, Kole Kimber, Carson T. Kofford, Steve Bleek, Andrew Doxey, Jakob Sugihara, Cheryl & Jami Combe, Monique Benard, Brevan Benard, Sarah Layton, Chloe Hansen, Morgan Keyes, Brandon Barney, Lanette Weeks, Addison Weeks, Tristan Palmer, Kylee Strate, Andy Hubbard, Brett & Stacie Richards

I. OPENING CEREMONY

A. Call to Order

Mayor James F. Minster called the meeting to order at 6:02 pm and asked for a motion to convene.

Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Benard. Council Members Strate, Benard, Smith and Porter all voted aye.

The mayor excused Council Member Orr from the meeting and thanked everyone for being in attendance that evening.

B. Prayer/Moment of Silence

The mayor led those present in a moment of silence.

C. Pledge of Allegiance

Council Member Porter directed everyone in the Pledge of Allegiance.

Mayor Minster indicated it was time for public comments and invited anyone who wished to speak to the council concerning issues not on the agenda, to come forward.

II. PUBLIC COMMENTS

Brian Hyde, 6069 S 1250 E – addressed the council concerning bee keeping in the city. He wanted to ask the council to make an amendment to the current ordinance that does not allow bee keeping. He informed the council several cities in the area were considering allowing bees. He gave the council some examples of another city's ordinance (see Attachment A). Mr. Hyde gave several reasons for allowing bees to be kept, including a diminishing bee population and health benefits. He answered several questions for the council and concluded his comments.

Doug Woolsey, landlord in city – Mr. Woolsey stated he was frustrated that the city was putting the burden of a rental license and a good landlord program on landlords. He went on to say he had a tenant that had issues with a neighbor who owned a pit bull. The pit bull was loose on several occasions, attacking the tenants dog and causing injury. The city issued several citations to the owner of the pit bull, but the dog continued to run free. Mr. Woolsey had contacted the mayor and later the chief of police, but had not received any response from them concerning the matter. He was frustrated that he was expected to pay and meet certain requirements of the good landlord program, but the city would not respond when he had issues. He also felt that his experience as a landlord should exclude him from taking classes. He had spoken with Paul Smith from the Utah Apartment Association, and because of some comments by Mr. Smith, Mr. Woolsey said he refused to take the classes from the UAA.

Council Member Strate asked Mr. Woolsey what his main issue was: not getting support from the city, or not wanting to take the good landlord class. Mr. Woolsey indicated it was not getting support from the city. He then concluded his comments.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Minster explained the city liked to recognize scouts and students in attendance, and invited any scouts to come forward.

Scouts from Troop 464 came forward and introduced themselves, stating they were there to earn their Citizenship in the Community merit badge. Council Member Benard presented each scout with a South Ogden City pin as he came forward. Scouts in attendance were: Andrew Doxey, Andy Hauenstein, James Clark, Adam Palmer, Jake Sugihara, Cole Kimber, Carson Kofford, Sam Sugihara, Steven McKee and Rhett Perry. Leaders from Troop 464 were Randy Jeffries and Brandon Barney.

IV. CONSENT AGENDA

- A. **Approval of April 15, 2014 Council Minutes**
- B. **Set Date For Public Hearing (May 20, 2014 at 6 pm, or as soon as the agenda permits) To Receive and Consider Comments on Creating an Ordinance Concerning Unsafe Transfer Of Money Or Other Personal Property In A Roadway**
- C. **Set Date For Public Hearing (June 3, 2014 at 6 pm, or as soon as the agenda permits) To Receive and Consider Comments on Adoption of FY2015 Budget**
- D. **Set Date For Public Hearing (June 3, 2014 at 6 pm, or as soon as the agenda permits) To Receive And Consider Comments On the City's Intent To Continue Its Practice Of Not Charging Itself For Water, Sewer, Storm Drain And Garbage During the 2015 Fiscal Year**
- E. **Set Date For Public Hearing (June 17, 2014 at 6 pm, or as soon as the agenda permits) To Receive And Consider Comments On the City's Intent To Continue Its Practice Of Not Charging Itself For Water, Sewer, Storm Drain And Garbage For the 2014 Fiscal Year**

- F. Set Date For Public Hearing (June 17, 2014 at 6 pm, or as soon as the agenda permits) To Receive and Consider Comments on Amendments to the FY2014 Budget
- G. Approval of Award of Bid to Superior Asphalt for Street Crack Sealing

Mayor Minster read through the items on the consent agenda and asked if there were any questions concerning any of the items. There were no questions. The mayor called for a motion.

Council Member Porter moved to approve the consent agenda, items A thru G as listed. The motion was seconded by Council Member Benard. The mayor then called a voice vote. Council Members Benard, Porter and Smith voted aye. Council Member Strate voted nay.

All items on the consent agenda were approved.

V. PRESENTATION

- A. Mayor Minster - Recognition of Outgoing Senior Youth City Council Members
The mayor invited Executive Director of Police Department Affairs and Information Marcie Edwards, who had overseen the Youth City Council, to come forward and help present certificates to the members of the Youth City Council who were graduating. The students being recognized were: Chloe Hansen, Sarah Layton, Callie Leininger, Ian Syme, Landon Weeks and Cole Combe. The audience gave each student a round of applause as they came forward to receive their certificates. Ms. Edwards also recognized the advisors to the Youth City Council, Monique Benard, Cheryl Combe and Lanette Weeks.

VI. PUBLIC HEARING

- A. To Receive and Consider Comments on the Proposed Vacation of Utility Easements on Lots 10, 11, and 12 Located in the Hidden Creek Subdivision

Mayor Minster indicated it was time to enter into a public hearing and called for a motion to do so.

Council Member Smith moved to leave city council meeting and enter into a public hearing, with a second from Council Member Benard. Council Members Porter, Smith, Benard and Strate all voted aye.

The mayor then invited members of the public to come forward and comment on the vacation of the utility easements. No one came forward.

The mayor then called for a motion to leave the public hearing.

Council Member Benard moved to leave the public hearing and reconvene the public meeting. Council Member Smith seconded the motion. Council Members Strate, Benard, Smith and Porter all voted aye.

VII. ACTION ON PUBLIC HEARING

- A. Consideration of Ordinance 14-04 – Vacating Utility Easements of Former Lots 10, 11 and 12 of the Hidden Creek Subdivision

City Attorney Ken Bradshaw indicated there had been some issues raised by Weber Basin Water, a stakeholder in the existing easements. He recommended the council table the

item until the issues could be resolved. Mayor Minster called for a motion concerning Ordinance 14-04.

Council Member Porter moved to table Ordinance 14-04, followed by a second from Council Member Strate. Council Members Strate, Porter, Smith and Benard all voted aye. The Ordinance was tabled.

VIII. DISCUSSION / ACTION ITEMS

A. Consideration of Ordinance 14-05 – Adopting the FY2015 Tentative Budget

City Manager Matt Dixon informed the council that state law required a tentative budget be adopted on or before the first regular city council meeting in May. Adoption of the tentative budget would formally begin the budget process, although staff had been working on it for some time. He reminded the council of his written summary of the budget in the packet and asked if there were any questions. The council had no questions. The mayor called for a motion.

Council Member Smith moved to adopt Ordinance 14-05, adopting the FY2015 tentative budget. Council Member Porter seconded the motion. The mayor called for any further discussion, and seeing none, made a roll call vote:

Council Member Smith-	Yes
Council Member Porter-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes

The FY2015 tentative budget was adopted.

B. Consideration of Ordinance 14-06 – Amending Consolidated Fee Schedule For Animal Control Fees and Adding Fee for Conditional Use Application for Home Businesses

City Manager Dixon explained two areas of the consolidated fee schedule would be considered for change; animal control fees and conditional use fees for home businesses. The animal control fees were being increased due to increased costs to the city for micro chipping and immunizations to make dogs eligible for adoption. The fee for the conditional use application for home businesses was being added because the regular fee for a conditional use, which was \$100, included a site plan review and therefore involved much more staff time. The review for a conditional use for a home business license involved much less staff time, so the recommendation was to reduce it to \$10. Mayor Minster asked if there were any further questions concerning the changes to the consolidated fee schedule. There were no comments or questions from the council, so the mayor called for a motion.

Council Member Benard moved to adopt Ordinance 14-06, with a second from Council Member Smith. The mayor asked if there were further discussion. There was no discussion, so the vote was called:

Council Member Benard -	Yes
Council Member Smith-	Yes
Council Member Strate-	Yes
Council Member Porter-	Yes

The motion carried.

C. Consideration of Resolution 14-11 – Approving an Agreement With Express Bill Pay and Bank of American Fork for Online Payment Services

City Manager Dixon explained this resolution was in regard to the city’s credit card merchant services. Staff had done some analysis, determining that changing to a different provider would save the city approximately \$10,000 per year, as well as providing enhanced services to residents paying their bill online. Mr. Dixon then turned the time to Information Systems Administrator Brian Minster for further explanation. Mr. Minster reviewed some of the enhanced services Express Bill Pay would offer, including the ability to take payments for all city activities, including those that were off-site and more options as to how and when a bill would be paid online. He also said Express Bill Pay was a preferred provider for the accounting software the city currently used. He recommended approving the agreement. Council Member Porter asked how soon the change would go into effect. Mr. Minster indicated it would be between thirty and sixty days. There were no more questions from the council. Mayor Minster called for a motion concerning Resolution 14-11.

Council Member Porter moved to approve Resolution 14-11. Council Member Benard seconded the motion. The mayor called for further discussion, and seeing none, made a roll call vote.

Council Member Porter-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes
Council Member Smith-	Yes

Resolution 14-11 was approved.

D. Consideration of Resolution 14-14 – Approving a Memorandum of Understanding With Utah National Guard for Security of the Browning Armory

Police Chief Darrin Parke came forward to explain that in jurisdictions where a Utah National Guard Armory was located, it was common to enter into a memorandum of understanding specifying what procedures would be followed if there were an alarm at the armory.

The mayor asked if there were further discussion. There was no discussion from the council, so the mayor called for a motion.

Council Member Smith moved to adopt Resolution 14-14, approving a memorandum of understanding with the Utah National Guard for security of the Browning Armory. The motion was seconded by Council Member Porter. After determining there was no more discussion, the mayor called the vote:

Council Member Smith-	Yes
Council Member Porter-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes

The memorandum of understanding was approved.

E. Approval of Hidden Creek Subdivision First Amendment

City Attorney Bradshaw informed the council that because the vacation of the easements in the subdivision had been tabled, this item would need to be tabled also. Mayor Minster called for a motion to table this item.

Council Member Benard moved to table discussion and approval of the Hidden Creek Subdivision First Amendment. The motion was seconded by Council Member Smith. There was no further discussion, so a voice vote was called. Council Members Benard, Smith, Porter and Strate all voted aye.

This item was tabled.

F. Discussion on Unsafe Transfer Of Money Or Other Personal Property In A Roadway Ordinance

City Attorney Bradshaw requested to speak to this item. He referred to the information the council had received in their packet, stating that there was a lot of information that was perhaps irrelevant; they should direct their attention to the documents marked “draft for discussion” as well as the map. Mr. Bradshaw indicated that this ordinance needed to be handled in such a way as to not restrict anyone’s first amendment rights; he felt drafting the ordinance as suggested in the packet, i.e. not allowing transfer of money of personal property on major streets, would accomplish what was needed. Council Member Benard asked what other cities had adopted similar ordinances; he did not want to be one of the first, in case there were any issues to be cleared up. City Attorney Bradshaw responded he felt the major issues had been dealt with and the city would be fine in adopting an ordinance. He then suggested staff prepare a draft ordinance and bring it back for the council’s approval. The council agreed.

IX. DEPARTMENT DIRECTOR REPORTS

A. Parks and Public Works Director Jon Andersen – Project Updates

Mr. Andersen reported on several projects:

Kiwana Water Project – this project would be finished the latter part of next week.

Road Crack Seal – since the council had approved the bid award that evening, Mr. Andersen hoped the project would be completed by the end of May.

Friendship Park Tennis Court Resurfacing – The bid would close tomorrow at 2 pm, at which time they would determine who would receive the bid award.

Splash Pad UV Filter - The bid would go out the first part of May, with installation complete by the time the splash pad opened after Memorial Day.

Road Projects – projects for Chambers and 1075 East would be ready to go out to bid on Thursday. Willow Wood and 37th Street would be ready for bid the first part of June.

Storm Drain Project (Nordin to Jefferson) – would go out to bid May 15th, and ready for council approval the second meeting in June.

City Hall Chiller Replacement – the bid for this project would close next Thursday.

Council Member Benard asked Mr. Andersen how the Country Club Drive water main break had affected the road. Mr. Andersen replied they had quickly patched some areas just to make them passable, but now some areas were beginning to sink. There was also an issue with the storm drain servicing the area. They were still assessing damage and calculating costs for the repairs.

Council Member Smith asked when repairs on Burch Creek and 785 East would be repaired. Mr. Andersen said it would be a few weeks.

X. REPORTS

A. **Mayor** – had attended the Communities That Care Town Hall meeting and enjoyed it. He had also attended an open house for the Wasatch Peaks Credit Union on Harrison and expressed his appreciation for the support they had given to the city. The mayor also reported that he, City Manager Dixon, and Public Works Director Jon Andersen had presented information concerning the 40th Street Project at a UTA Expo. Mayor Minster concluded by saying he had attended a pet adoption event; he was very impressed with those involved in the pet adoptions and the amount of work involved. He thanked those who helped for all their work.

B. **City Council Members**

Council Member Smith – nothing to report.

Council Member Strate – also attended the Communities That Care Town Hall Meeting and said he appreciated Council Member Orr and Porter’s work with the Communities That Care Program.

Council Member Benard – commented how much he appreciated the civil manner in which council members conducted themselves at meetings. Even if different members of the council disagreed on issues, they still conducted themselves well; that was not the case in some cities.

Council Member Porter – had been a part of the CTC Town Hall Meeting and felt South Ogden was well represented. He also asked if in light of the recent Supreme Court decision, the city would re-instate having prayers at the beginning of council meeting. The council may want to discuss it in the future.

C. **City Manager** –reported UDOT had contacted the city, indicating they had received funding for improvements to the Harrison Boulevard and Highway 89 interchange. A study had been completed on the interchange and he would forward a copy of it to staff and council.

Mr. Dixon then reported Horrocks Engineering was making a cursory study of the impacts incurred if the city were to widen 40th Street to a width greater than the originally proposed 84 feet. Once the study was completed, he and the mayor would meet with stakeholders in the project to determine if the project should stay at 84 feet or not.

D. **City Attorney Ken Bradshaw** – nothing to report.

XI. ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION

Mayor Minster then indicated it was time to adjourn city council meeting and convene into a work session. He entertained a motion to do so.

Council Member Benard moved to adjourn city council meeting and move into a work session. Council Member Smith seconded the motion. Council Members Benard, Smith, Porter and Strate all voted aye.

Note: Staff and Council moved to the EOC for the work session.

A. Discussion on FY2015 Budget

The work session began at 7:42 pm. The mayor turned the time to City Manager Dixon to facilitate the work session. Mr. Dixon indicated staff hoped to get direction on whether to move forward with the amounts they had budgeted for certain items.

Council Member Strate pointed out he had been given the responsibility of bringing up the issue of snow removal at the Nature Park during the budget discussions. He wondered if it was something that needed to be voted on by the council. Mr. Dixon indicated that if the council felt a change should be made, staff could budget for it; at this time money had not been budgeted for snow removal. Mr. Strate understood that some upkeep needed to be made to the trail in order to keep it as is, and any equipment bought for the upkeep to the Nature Park trails should be general to the city and not specifically for the trails in the park. Parks and Public Works Director Jon Andersen said the seal coat for the trail and the equipment for snow removal was in the capital outlay portion of the budget, but all capital outlays had been removed. He also said the city had not spent any money thus far in the maintenance (i.e. seal coat) of park trails or city owned parking lots. City Manager Dixon explained that staff had originally created the budget with capital expenditures included, but when everything was totaled and the budget was 2.5 million in the red, staff had removed all capital requests as well as all requests for additional personnel. The reality was that in order to add any capital items back into the budget, they would have to cut back in other areas or find additional revenue streams. In addition, state retirement rates were increasing. The hope was that there would be some monies left in the general fund for capital outlay. Mr. Dixon related to the council that if there were capital items they felt passionate about, that they wanted to use fund balance to pay for, they needed to let staff know so they could include it in the budget. He had also asked the department heads to make a list of prioritized capital items in preparation for any funding.

Finance Director Steve Liebersbach gave a financial overview of the city, stating that it looked like the budget would break even at the end of the fiscal year, without the allocation of any fund balance; since an allocation of \$140,000 of fund balance had been budgeted to balance the budget, that money could conceivably be available for capital items. If the council wanted to spend fund balance down from 25% to 18%, Mr. Liebersbach estimated the amount available would be \$300,000.

Mr. Dixon indicated there were several areas for which staff needed direction from the council. Staff had budgeted 3% for salary allocations, as well as a 1.5% 401k match; they needed to know if the council was okay with it. They also needed to know if the council was interested in raising any additional revenues, whether through property tax increases or transferring from enterprise funds as practiced by other cities.

Council Member Strate commented the city was very generous with its HSA contribution, but suggested that the city lock in the current amount, requiring the employees to pay any future increases. He was in favor of the 401k match, but not certain about the 3%.

City Manager Dixon asked if the council would be interested in increasing revenues through property tax increases. The council indicated they were not interested. Mr. Dixon then asked about enterprise fund transfers, as per the Provo model he had shared earlier with the council. Parks and Public Works Director Jon Andersen expressed the concern that it would be like "robbing Peter to pay Paul", as it would take money out of the water fund in order to put in the general fund to be used for roads. He suggested that if the council decided to do enterprise fund transfers, it should increase utility rates in order to replace the money that would be taken out of the water fund.

Council Member Strate shared his concern that by making transfers from the enterprise fund, it would cause different departments to not have to "carry" their weight. If the

city were to transfer funds, he would prefer to see it go to something like roads, but not to specific departments. The council seemed to agree that the money should be transferred, but only as a one-time event, not continually. Mr. Liebersbach commented the city could transfer monies from other enterprise funds like sewer, storm drain and garbage as well as from the water fund; it would be like charging those funds a franchise fee. Council Member Strate asked if the revenue received through the franchise fees could be earmarked for a specific item, such as roads. Mr. Liebersbach indicated since the funds would be in the general fund, the council could earmark them for anything it wanted. Council Member Strate pointed out the garbage fund had over \$600,000; he felt the city should use the money or reduce rates for garbage. City Manager Dixon suggested staff crunch some numbers, looking at each enterprise fund and determining how much from each fund could or should be transferred. Council Member Benard said he felt the city should not do anything that would appear on resident's utility bills, or even look like a rate increase. Council Member Smith commented the city should get as much done with the money as possible; it should look like it has gone a long ways.

Council Member Strate asked how other members of the council felt about the 3% salary increase. Mr. Dixon then explained the city was not proposing an across the board cost of living raise, but would follow the adopted policy of allocating 3% to the department heads who would then use the money to give increases based on performance. Mr. Dixon then clarified that staff would return to the next budget work session with suggested numbers for one-time transfers from the enterprise funds, as well as some prioritized lists for capital items from the department heads. The next month's financials would also be available.

City Recorder Leesa Kapetanov clarified that the council was in favor of keeping the 3% wage increase as well as the 401k match. The council agreed they both should be kept in the budget as-is. Council Member Strate said he would still like to see the city put a cap on its HSA contribution, and have the employees start paying any increases. Mr. Dixon explained that an employee committee had been created to determine how the money allotted for HSA contributions should be used; in the past they had chosen to raise the deductibles but have the city pay more into their HSA fund. It had cost the city the same, but the employees felt they had benefited. He did say that at some point, the city would no longer be able to cover the premiums, and the employees would have to start picking up the remainder. Mr. Dixon hoped the wellness program being looked at by staff would help with health care costs. There was no more discussion.

The mayor called for a motion to adjourn the work session.

Council Member Smith moved to adjourn, followed by a second from Council Member Porter. All present voted aye. The meeting adjourned at 8:48 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, May 6, 2014.


Leesa Kapetanov, City Recorder

Date Approved by the City Council May 20, 2014

Attachment A

Brian Hyde – Information on Bees

Ordinance No _____

AN ORDINANCE AMENDING SECTIONS 11-2-1 AND 11-10-7 OF THE NORTH OGDEN CITY CODE, TO AUTHORIZE BEEKEEPING SUBJECT TO CERTAIN REGULATIONS.

WHEREAS, honeybees benefit mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products; and,

WHEREAS, the North Ogden City Council desires to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas; and,

NOW, THEREFORE, be it ordained by the North Ogden City Council, North Ogden, Utah that the following definitions shall be added to Section 11-2-1 of the North Ogden City Code:

APIARY: Any place where one (1) or more colonies of bees are located.

APIARY EQUIPMENT: Hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax or hives.

BEE: The common honey bee, *Apis mellifera*, at any state of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.

BEEKEEPING: To hold a colony of bees in a hive for the purpose of pollination, honey production, study or similar purpose.

COLONY: Bees in any hive including queens, workers, or drones.

FLYWAY BARRIER: A solid fence or hedge used in beekeeping, at least six feet (6') in height extending ten feet (10') from the hive in each direction. It is used to force bees to fly at least six feet (6') above ground over neighboring property lines.

HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

BE IT FURTHER ORDAINED by the North Ogden City Council that the following shall be added to Section 1-10-7 of the North Ogden City Code

F. Beekeeping in Residential Zones:

An apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a rear yard (or side yard) of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.

1. Additional requirements:

- a. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

- b. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.
- c. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
- d. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive.
- e. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
- f. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
- g. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hives located between five feet (5') and fifteen feet (15') from any property line, a flyway barrier shall be established and maintained around the hive except as needed to allow access.
- h. On all lots, if the apiary is located in an area that borders a public walk or street, the area shall be separated from the public walk or street by a fence or wall.
- i. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
- j. Each beekeeper shall ensure that no bee comb or other apiary equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- k. Each beekeeper shall comply with all State laws and regulations pertaining to beekeeping.
- l. Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.
- m. In the event of a conflict between any regulation set forth in this chapter and bee management regulations adopted by the Weber County Health Department, the most restrictive regulations shall apply.