



# HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-4100

MAYOR:

Michelle Tait

COUNCIL MEMBERS:

Grover Wilhelmsen  
Gary Robinson  
Ruth Pearce  
Clark Beecher  
Steve Weiss

## CITY COUNCIL AGENDA

363 West Independence Blvd  
December 10, 2019

"In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting the City Recorder at 801-782-4100, providing at least three working days advance notice of the meeting."

### 7:00 P.M. CITY COUNCIL MEETING

*Presiding: Mayor Michelle Tait*

*Mayor Pro Tem: Grover Wilhelmsen*

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE & OPENING CEREMONY [Mayor Tait]
3. CONSENT ITEMS
  - a. Approve the minutes of November 12, 2019 and November 19, 2019 as presented.
  - b. Discussion/possible action on advice and consent to Mayor's Appointments for: [Mayor Tait]
    - i. Harrisville Justice Court Judge
    - ii. Planning Commissioner
4. PUBLIC COMMENTS - (3 minute maximum)
5. BUSINESS ITEMS
  - a. Presentation by Waste Management [Blake Lionelli]
  - b. Discussion/possible action to adopt Harrisville Ordinance 503; Mixed-Use and In-Fill Development. [Bill Morris]
  - c. Discussion/possible action to adopt Harrisville Ordinance 505; Animal Boarding Establishments. [Bill Morris]
6. CLOSED EXECUTIVE SESSION: Utah State Code §52-4-205(1)(d): The Council may consider a motion to enter into Closed Executive Session for the purpose of discussion of the purchase, exchange, or lease of real property, including any form of a water right or water shares.
7. BUSINESS ITEMS CONT.
  - d. Discussion/possible action to authorize staff to enter into an agreement to purchase, exchange, or lease real property. [Bill Morris]
8. MAYOR/COUNCIL FOLLOW-UP:
  - a. Status of upgrade to audio system in Council Room
9. ADJOURN

DATE POSTED: December 5, 2019

BY: Jennie Knight, City Recorder

I, Jennie Knight, certify that I am the City Recorder of Harrisville City, Utah, and that the foregoing City Council agenda was posted and can be viewed at City Hall, on the City's website [www.cityofharrisville.com](http://www.cityofharrisville.com), and at the Utah Public Notice Website at <http://pmn.utah.gov>. Notice of this meeting has also been duly provided as required by law.

**MINUTES OF HARRISVILLE CITY  
CITY COUNCIL MEETING  
November 12, 2019 – 7:00 p.m.  
363 West Independence Blvd  
Harrisville, UT 84404**

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**Present:** Mayor Michelle Tait, Council Member Grover Wilhelmsen, Council Member Gary Robinson, Council Member Ruth Pearce, Council Member Clark Beecher, Council Member Steve Weiss.

**Staff:** Bill Morris, City Administrator, Laurence Boswell, Land Use Coordinator, Mark Wilson, Police Chief, Rick Hill, Bailiff.

**Visitors:** Richard Hendrix, Paul Neilson, Aspen Teuscher, Austin Moffitt, Richard Lenz, Trent Nelson, Blaine Barrow, Debbie Minert, Tom Wood.

**7:00 P.M. CITY COUNCIL MEETING**

**1. Call to Order.**

Mayor Tait called the meeting to order and welcomed all visitors.

**2. Opening Ceremony.**

Council Member Weiss led the pledge of allegiance and conducted the opening ceremony.

**3. Consent Items.**

- a. Approve the minutes of October 22, 2019 as presented.

**MOTION: Council Member Ruth Pearce motioned to approve the minutes of October 22, 2019 as presented. Council Member Grover Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

**4. Business Items.**

- a. **PUBLIC HEARING: Proposed Update of the Harrisville City 2019 Annexation Policy Plan.**

**MOTION: Council Member Steve Weiss motioned to open the public hearing for the proposed update of the Harrisville City 2019 Annexation Policy Plan. Council Member Ruth Pearce seconded the motion. All Council Members voted aye. Motion passed.**

Doug Larsen gave an overview of the process of updating the Annexation Policy Plan. This plan is coming to City Council with a favorable recommendation from Planning Commission for approval. Information gathered from prior hearings has been implemented into this plan. There are four areas that are outlined in the plan and on the map. Weber Industrial Park is located at the north western area and is comprised of mainly industrial and manufacturing. Harrisville Park East is currently owned by the city

and used for the City Park. Area three is 2000 north which is vacant and residential land with two separate parcels. This area was included in Weber County's recommendation for annexation and also in the 2003 plan. The fourth area is at the north end of the city by Colonial Springs and is vacant land. Also, part of the 2003 plan. Areas two, three, and four have been part of the past planning, and with respect to 2019 plan process, those three have had no issues or questions. Although more specific details are available at request.

Area one, received some additional comment and evaluation. Any approval at this time with regard to this plan, does not actually annex the property. This is a phased process and developing the plan is part of the process. Some areas have been included in the 2003 plan and have not been annexed yet. The process requires additional meetings and noticing and input. Where we meet and establish certain criteria to annex those areas thereby, it is important to discuss the Weber Industrial Park.

The Weber Industrial Park was assembled by local leaders in the late 1970's to encourage industrial growth in the area. Please note, the tremendous assets and businesses that reside in this park and the wonderful jobs they provide. Those efforts that were envisioned in the 70's have come to fruition. The Park is approximately 400 acres, including 50 businesses which include light manufacturing, distribution services, supply chains, auto sales, auto salvage, and internal revenue service. There is one 13-acre site listed and available for development and other parcels that could be available for expansion for existing operations.

Weber Industrial Park was also included in the 2003 plan with the southern area listed. As the overhaul of the general plan and update of the Annexation Policy Plan, it made functional sense not to bifurcate the park. This will also help create an identity for the city as an industrial hub for manufacturing and commercial enterprise. Based on the Park's geographical location, the city can promote efficient access given proximity to Highway 89 and Interstates 15 and 84. Allowing for expansion in other appropriate areas within the city. Annexation likewise helps clean up the unincorporated islands the state and county desires. Without question, this helps stabilize the city tax base.

If annexation occurs, the goal is to ensure the businesses become an integral part of the city. Harrisville has received accolades for their business-friendly relationships and creating business friendly environments. The city is creating short- and long-term maintenance care plans, based on the needs of business and industry within the park, while at the same time making sure the costs are mitigated or minimized. City standards for street care, storm water, and long-term sustainability; a 20-year plan will illustrate the care of the park. The city will be efficiently responsive with public safety needs. Please note the county and surrounding cities are also all responsive. The city will continue to support the park with future development.

When reviewing the Annexation Policy Plan, there are sections of specific focus. We are currently evaluating these key areas. As we have met with businesses and discussed this plan, input has been considered; and has been part of the strategy from the beginning. Input from businesses helps us come up with better strategies.

One requirement for Annexation is the need for municipal services in unincorporated areas. Services in the Park have generally been provided by Weber County. The city is developing a 20-year care plan that will designate 5-year increments areas that will be addressed during each phase. For example, signage and road leveling of the

intersection located at 2550 North and Rulon White Blvd. The 4 way stop came about from truck traffic traveling east and then north but this area could use further attention. The storm water system is in need of repair and upgrade due to winter run off. Financing of services, subject to annexation, as with service districts, will be funded through increased property tax, fees, and road revenues from the area. Anticipated local transportation funds available through WACOG, have been used for other projects with success. Rulon White is currently a transportation facility on the state's regional transportation plan. That is the first thing to happen for a road or project to happen. Tax consequences to residents and businesses have been reviewed; there are no residents in the Industrial park. The impact of the tax increase included in this plan is a 2.6% increase to businesses. One option is for the city to implement this over time; tax increase ranges from \$4 to \$24,000. There are ways to impose the increases over time if appropriate through the city's reinvestment agency.

Doug Larsen shared new information received today with the caveat he has not had proper time to review the proposed tax increase advertised in the Standard Examiner through the county's unincorporated services fund. As a city we have been faced with having to raise taxes in the past. As he reads the 100% proposed increase in the county's unincorporated services rate, one of those taxing areas included in property tax, this fund rate goes away and is replaced by the Harrisville rate. Initially and fundamentally, that annexation would possibly be a tax savings. At first glance, but this needs further study. It appears they are doubling the tax rate. That brings about a different dynamic to these businesses. His goal is to meet with all the businesses recognizing this is a hard discussion to have when talking about raising taxes. The common question is "What is this going to do for us?"

**Richard Lenz** stated he is representing the Lenz Group, Real Acoustics LLC and opinions of all tenants in his condominized building. Annexation from the business stand point, is adding another level of taxation. He wondered if Weber County does implement a tax increase, maybe there will be an offset. They are not dissatisfied with Weber County services. The gun range is across from his business, and they see a lot of public safety on a daily basis. They are working with a known benefit versus an unknown. They do not see the benefit or the advantage in having Harrisville annex, because they are living on a promise. This is not as significant as the larger businesses, but they do not see the advantage. They are able to deal with Weber County for fire services, and business licensing and they are a friendly entity to deal with. Nothing against Harrisville, he sees no particular reason to have this annexation. Does not make a lot of sense to them.

**Debbie Minert** stated she is an employee and resident of Pleasant view City. She read a prepared statement from Pleasant View City that details their position. The annexation plan of Pleasant View City from 2003 includes the entire Industrial Park. She was not employed then but communication was sent and several comments were received. Harrisville was sent that information but did not respond. Harrisville did not notify them of adoption of the Harrisville plan. They understand an agreement was made that each city would have the original property disconnected returned to them. But they cannot locate that agreement either. With no formal agreement in place, it makes sense to

have the original property returned to the city it was disconnected from. The initial plan was updated in 2009, the word east may have been a typographic error. The 2017 Pleasant View plan was a reiteration of the original plan, and was not intended to be a new annexation plan. The plans from 2009 and 2017 refer to the annexation plan and are not to revise or restate the annexation plan. The last paragraph in the Harrisville annexation they agree with, to not bifurcate this area. Pleasant View City Hall and Police Department are physically located further away, they current respond to the Industrial Park already. Most officers spend their time patrolling the streets, not at the office. The assertion that Harrisville's planning and zoning and community development for overseeing the Industrial Park is highly subjective. Pleasant View currently has significantly developed industrial area to the north. Pleasant View prefers this to remain unincorporated but if annexed, should go back to the city it was disconnected from.

**Brent Call** stated he is president of Richards Manufacturing and manager of QBT LLC, both are business in the Industrial Park. Both are affected entities under the proposed annexation plan. He objected to the three-minute time limit, there was no notice given in the public notice of this limit. He has made previous public comments. He recognized the authors of the plan, planning commission, and acknowledged the city's efforts to proactively create a plan. With adoption of the plan, the annexation of the proposed areas, as affected entities, he has concern about the process. Specifically, the proposed annexation of the Industrial Park, not the other areas. He has five concerns he feels have not been adequately addressed. His opinion is this plan is being fast tracked for the benefit of the city. Why does Harrisville want to annex, other than the taxes generated? Previously, his two major concerns. What immediate benefit will they receive for the increased taxes. He feels there is lack of negotiations with the county and other surrounding communities. His conclusions are what benefit will they receive from the city; he sees no immediate benefit. Future promises of future maintenance, nothing that is not already being provided by Weber County. The city talked to Weber County and Pleasant View but he feels they do not consider their feedback. He would like to point out to the council, all comments have been negative, there is no support for this by the affected entities. Weber County passed a non-binding resolution on Oct 8<sup>th</sup>. This process is to be mutually beneficial to the entities. In his opinion, this has not been the process. If the city proposes annexation in the next few weeks, it will show the city is money motivated. The city will risk legal action and protest by the business owners. Without a petition, there is no support. He would like language added to the plan, that would post pone until there is mutual benefit for services. If Weber County fails to provide services, and occupants would like to be annexed, then that could occur. Add language for open and cooperative discussions to do what is best for the businesses. Be a good neighbor and post pone the acceptance of the plan. Be a good neighbor to the businesses and surrounding community.

**Tom Wood** owns a business in the Industrial Park, in the Fox Run condominiums. The last planning commission is the first time he was involved in a government meeting ever. He feels there is no two-sided dialog happening, only the public comments required by statute. He feels the annexation is a done deal with going through the

formality needed to complete the process. He has spoken to a council member in Farr west whose comment was there is probably nothing you can do about it. He realizes hey are subject to the law of a civil society but he is hoping the ruling will be more like King Solomon, rather than King Louis the 16<sup>th</sup>. He has read the policy which includes the update of the address issues. He knows the zip code will not change, but the name of the city will and he does not know how important that will be to the shipping company. There are people that think they can collect enough written objections to stop the plan. He is not one of them and there are a number of reasons why. He believes there is a general apathy of the other businesses because they are large companies based out of state and do not want to get involved in local politics. He understands the plan should not allow for annexation of areas for increased revenue. He sees no other value to annexation. As far as the signage and road leveling at 2550 North, there will always be inattentive drivers who run stop signs and stop lights. He does not feel any prenotification will help and this does not justify annexation. He expressed his confusion with reference to traffic using 1775 West to avoid uneven surfaces. Google maps show this road in a subdivision. He wondered why Old Dominion would put a freight terminal close to the intersection. He sees many trucks using these intersections with no problems and said it would be a challenge to find an intersection without uneven surfaces. He has not witnessed any storm water issues and has been located in the park for more than 20 years. He questioned whether the affected party contacted Weber County with the issue. Storm water does back up and it happens everywhere when we have a big storm. The civil engineers would have considered this. He has no doubt North View Fire and Harrisville Police would provide good service, but he feels they would not respond faster than the fire station on 2000 West. If a response is needed and North View was dispatched, there might be a train blocking access. He feels Weber Count has been easy to work with. Years ago, his business was located in Ogden City, they were not easy to work with. Personally, he feels this is not about money, the proposed tax increase is conservative. His increase would be \$250 per year. If this affects residential areas, this might be more significant. He reiterated he has been happy with services and fails to see that Harrisville would do a better job.

**MOTION: Council Member Ruth Pearce motioned to close the public hearing. Council Member Stephen Weiss seconded the motion. All Council Members voted aye. Motion passed.**

**b. Discussion/possible action to adopt Harrisville City 2019 Annexation Policy Plan.**

Doug Larsen clarified this is a two phased process. The actual annexation would, if at all, occur next year. There is language in the statute to meet certain criteria. We have to have support, or rather not rejection, by half of the property in the Industrial Park. There will be an opportunity for those businesses to say no, it is not really about them saying yes. We hope to get to where the majority of the businesses are okay with the plan. He clarified businesses will have opportunity to do that.

Council Member Robinson expressed his concern with annexing the Industrial Park. He feels there is no protection for the people in the Industrial Park from Weber County for

them to lower their taxes. He is worried about the trains interfering with the ability to respond from North View. Bill Morris said there are mutual aid agreements with Weber Fire District to provide fire services if there is a train. There was a fire in Weber County earlier today where six jurisdictions from all over the county responded.

Council Member Robinson reiterated his concern these people will not be protected from their taxes being increased. Bill Morris explained we have hired a consultant to help with this process and he has shown the county is proposing doubling the property tax, so there is not guarantee. Council Member Robinson insisted they will have no guarantee. Bill Morris further explained they municipal service tax will be replaced by Harrisville's tax rate. Council Member Robinson said Weber County would then find another area to tax. Bill Morris explained they would have to increase the general fund, which would increase taxes county wide, not just in the unincorporated areas.

Council Member Robinson asked for financial projections that show the effect to the business owners, what is the increase dollar wise. Doug Larsen explained from a business perspective, they know what to expect with Weber County and Harrisville City is an unknown. That is what is done in business, being consistent. With respect and concern about Harrisville raising taxes, there is no protection that any entity will raise taxes. We can look back on Harrisville's tax rate, there is consistency within the history. He is not seeing significant tax increases with what has been done with rates in the past. Harrisville is pretty cautious and conservation.

The increase in property tax, in this occurred in 2019, for every business would be 2.59%. He is not going to share in a public meeting the specific amount. Council Member Robinson said he feels this is public information. Doug Larsen said the city would see about \$160,000 in static revenue.

Bill Morris asked if Doug Larsen has factored in the proposed tax increase by Weber County. Doug Larsen said he has not had time to review this, as the information was just released today. Bill Morris pointed out this is a notice, and could change. Council Member Robinson asked if the total property value in the Industrial Park is \$6 million. Doug Larsen clarified the Industrial park property worth is \$180 cumulatively. He pointed out as he studied the 2.6% rate, he asked the county to evaluate the tax model, they agreed our numbers are accurate.

Council Member Robinson asked what percentage of people are responding to the annexation and what their comments are. Doug Larsen said comments are consistent with what Council had heard tonight. He recognizes this is an unknown for them; they are asked what can be done better in quality of service for the tax increase. He pointed out we have received productive thoughts regarding our infrastructure plan may not justify an increase. As we continue to meet with businesses, we hope to find out more and improve on the process.

Council Member Robinson said he does not care about the 2.6% rate, he wants to know dollar amounts. Bill Morris said the proposed amount of increase to the city is \$160,000. Council Member Robinson asked what they will receive for this money. Doug Larsen said this has been outlined in the annexation plan, a better care plan. Mayor Tait pointed out this is just a plan and does not include specific details. She explained we will not know if this is a good thing for the city unless we prepare with a plan.

Council Member Robinson said in his opinion when we are putting a plan out there, this information should be included. Council Member Wilhelmsen pointed out other city's

plans do not include these details. That is not part of this phase. He feels there are things that Harrisville can offer the Industrial Park. There are details Council Member Robinson is seeking that not available yet. Mayor Tait explained that Mr. Larsen will be looking to meet with all of the businesses. She pointed out we do not want to do anything that will be detrimental to Harrisville City or the Industrial Park. We are following state statute to include the proposed areas. We do not have that specific information to give yet.

Council Member Pearce commented even if we pass the annexation plan, by the time anything is implemented there is a chance Weber County's proposed increase, our 2.6% rate might be a reduction in their taxes. Doug Larsen indicated this is his initial understanding. There needs to be attention to doing things right. He will provide information of Harrisville's tax history with existing businesses in Harrisville and let them express their experiences of doing business in Harrisville.

Council Member Robinson asked if businesses in the Industrial Park will be treated differently than existing Harrisville businesses. Doug Larsen commented potentially for a short period of time and pointed out that is no different than incentivizing a project, which Harrisville has done in the past.

Council Member Robinson said when businesses went into the Industrial Park, they understood there would be no taxes for a certain period of time. Doug Larsen clarified a portion of the large businesses' property tax was abated for a period of time. Mayor Tait pointed out these are the things that will be studied. Council Member Robinson expressed his concern with treating the next generation of businesses coming in differently than the current businesses.

Bill Morris explained a portion of the tax money paid, through the redevelopment agency, could be put back into the infrastructure, which is what Doug Larsen is referring to.

Council Member Weiss said he understands where the business owners are coming from; if there was a lot of concern over this process, he would expect to see the room full of businesses, but it is not. To him, that means there are concerns with the developing plan but nothing they cannot address. They have discussed the plan and need to move on. Bill Morris said within the next year, the Council will be overwhelmed by development of the golf course. We have put together a plan that meets the state code for annexation and will be focusing on other development for a time.

Council Member Beecher expressed his appreciation for the work that has been done on the plan. Council Member Wilhelmsen said he appreciates the businesses attending the meeting and assured them this is not a fast track process. They will work accordingly to meet the best needs of Harrisville by coming together on both sides. He feels there are things Harrisville can help with and the business information is very important to help work together.

Mayor Tait thanked Doug Larsen for all of his work and efforts on this plan.

**MOTION: Council Member Steven Weiss motioned to adopt Harrisville City 2019 Annexation Policy Plan by resolution 19-16. Council Member Pearce seconded the motion. A Roll Call Vote was taken.**

<b>Council Member Weiss</b>	<b>Yes</b>
<b>Council Member Beecher</b>	<b>Yes</b>



**Council Member Pearce**            **Yes**  
**Council Member Robinson**       **No**  
**Council Member Wilhelmsen**    **Yes**

**Motion passed 4-1.**

**c. Discussion/possible action to surplus property.**

Chief Wilson explained with recent changes in the police department, he would like to surplus the unmarked white 2016 Ford Explorer. As was budgeted, they purchased two new vehicles this year and they would like to surplus two. Unfortunately, the sedan was in an accident last month and was subsequently totaled.

**MOTION: Council Member Beecher motioned to approve the surplus of property. Council Member Weiss seconded the motion. All Council Members voted aye. Motion passed.**

**5. Public Comments - (3 minute maximum)**

**Richard Hendrix** expressed the work that has been done on the annexation plan to be mutually agreeable. At what point to we go to the businesses to see if they agree with this or not. Does that have to happen after phase two, when we finally meet with them to ask if they agree.

Bill Morris explained Doug Larsen will meet with businesses. Likely, the city will be focusing on other development before we take that on. He would like Doug to focus on creating a Community Reinvestment Area for the golf course, and possibly some areas in the south end that are blighted in the commercial areas, before we deal with the annexation. Unless staff is directed otherwise, they will focus on golf course, because of the deteriorating conditions.

Mr. Hendrix pointed out the businesses that are in attendance would say no but what about the other businesses. Bill Morris said Doug Larsen will continue to meet with all the business' that are willing.

Blaine Barrow commented they put up the speed limit signs today. He appreciates the effort the city made to put up the signs. He spent time watching traffic before he came to council and noticed the majority have to slow down when they see the sign because they were going over the speed limit.

**6. MAYOR/COUNCIL FOLLOW-UP:**

Mayor Tait informed Council the election canvass will be held November 19<sup>th</sup> at 7:00 pm.

Mayor Tait said there was a problem with renters at the cabin over the weekend. Sean Lambert wanted to know if there is list of people not allowed to rent the cabin. Laurence Boswell clarified we have a current list. Mayor Tait expressed disappointment with mistreatment of the cabin. Council Member Wilhelmsen asked if these were residents, or an outside party that joined in. Mayor Tait said there is no way to know that. Council

Member Wilhelmsen wanted to know if the deposit will cover the damage. There was discussion as to whether this was old damage or new. Staff will follow up if there is an issue. Chief Wilson said there are pictures where lag bolts were screwed into the logs, putting holes in the wood. Regardless if this is fixed, there will be evidence left.

Council Member Weiss commented although there is no snow yet, it is supposed to change soon. When driving through his neighborhood to attend council meeting there are at least 16 cars parked on the side of the road. He asked if this is the time to start handing out warning notices. Chief Wilson informed Council they have been giving out warnings since November 1<sup>st</sup>. They are allowed to park until 11:00pm unless it is snowing. The officers have been handing out warning, particularly along West Harrisville Road where there are apartments on the Ogden side. The police department tracks problem cars and does not like to cite residents unless there is a real problem. They usually give out several warnings first. Council Member Weiss stated that is fine, but there are some residents who are not taking responsibility for cars that are not drivable.

Council Member Robinson said Roy City used to have the same policy, but switched to specifically when it is snowing or snow is imminent, rather than a hard date, to improve public relations. Chief Wilson pointed out if they wait until a snow day, they only have one officer on duty and that officer is busy addressing calls. They do not have time to go enforce parking warning during storms.

Council Member Pearce pointed out a correction for the newsletter. There was an event advertised without a location.

Council Member Robinson asked if the clean up dates can be included in the newsletter.

- 7. CLOSED EXECUTIVE SESSION:** Utah State Code §52-4-205(1)(a): The Council may consider a motion to enter into Closed Executive Session for the purpose of discussion of character, professional competence, or physical or mental health of individual(s).

**MOTION: Council Member Wilhelmsen motioned to close the public hearing and enter into a Closed Executive Session. Council Member Weiss seconded the motion. A Roll Call Vote was taken.**

<b>Council Member Weiss</b>	<b>Yes</b>
<b>Council Member Beecher</b>	<b>Yes</b>
<b>Council Member Pearce</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>Yes</b>
<b>Council Member Wilhelmsen</b>	<b>Yes</b>

**Motion passed 5-0.**

Mayor and Council convened into a Closed Executive Session.

**MOTION: Council Member Wilhelmsen motioned to close the Closed Executive Session and reopen the public meeting. Council Member Pearce seconded the motion. A Roll Call Vote was taken.**

<b>Council Member Weiss</b>	<b>Yes</b>
<b>Council Member Beecher</b>	<b>Yes</b>
<b>Council Member Pearce</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>Yes</b>
<b>Council Member Wilhelmsen</b>	<b>Yes</b>

**Motion passed 5-0.**

**8. Adjourn.**

Mayor Tait declared the meeting adjourned at 8:45p.m.

**ATTEST:**

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**MICHELLE TAIT**  
Mayor

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**JENNIE KNIGHT**

City Recorder

Approved this 10<sup>th</sup> day of December, 2019

**MINUTES OF HARRISVILLE CITY  
BOARD OF CANVASSERS  
November 19, 2019 – 7:00 p.m.  
363 West Independence Blvd  
Harrisville, UT 84404**

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**Present:** Mayor Michelle Tait, Council Member Grover Wilhelmsen, Council Member Gary Robinson, Council Member Ruth Pearce, Council Member Steve Weiss. [Council Member Clark Beecher is excused]

**Staff:** Jennie Knight, City Recorder.

**Visitors:** Richard S. Hendrix, Blair Christensen.

**7:00 P.M. BOARD OF CANVASSERS MEETING**

**1. Call to Order.**

Mayor Tait called the meeting to order and welcomed all visitors. She excused Council Member Beecher.

**2. Business Items.**

- a. Discussion/possible action to approve Harrisville Resolution 19-15; a Resolution approving the Canvass of the 2019 Municipal General Election.**

Jennie Knight read the final election results into the record, reviewed the summary results report, summary of votes cast, and the by mail ballot summary.

**MOTION: Council Member Pearce motioned to approve Harrisville Resolution 19-15; a Resolution approving the Canvass of the 2019 Municipal General Election. Council Member Wilhelmsen seconded the motion. A Roll Call vote was taken.**

<b>Council Member Weiss</b>	<b>Yes</b>
<b>Council Member Pearce</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>Yes</b>
<b>Council Member Wilhelmsen</b>	<b>Yes</b>

**Motion passed 4-0.**

Mayor Tait offered congratulations to the elected candidates.

**3. Adjourn.**

Mayor Tait declared the meeting adjourned at 7:06pm.

**ATTEST:**

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**MICHELLE TAIT**  
Mayor

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**JENNIE KNIGHT**

City Recorder

Approved this 10<sup>th</sup> day of December, 2019

**HARRISVILLE CITY  
ORDINANCE 503**

**MIXED-USE AND IN-FILL DEVELOPMENT**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEAL SECTIONS 11.10.20.10, 11.10.020.11, AND 11.14.020.2; ADOPTING CHAPTER 11.11 CREATING MIXED-USE AND IN-FILL DEVELOPMENT ZONING AND REGULATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, the City desires to meet the challenges presented by growth and development by adopting provisions for mixed-use and in-fill development;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

**WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on November 13, 2019, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on December 10, 2019, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Harrisville City as follows:

**Section 1:**     **Repealer.** *Harrisville Municipal Code* §11.10.20.10, §11.10.020.11, and §11.14.020.2 is hereby repealed. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2:**     **Amendment.** Chapter 11.11 of the *Harrisville Municipal Code* is hereby adopted to read as follows:

**Chapter 11.11**  
**Mixed-use and In-fill Development Regulations**

**Sections:**

- 11.11.010 Enabling Act and Purpose.**
- 11.11.020 Findings.**
- 11.11.030 Sub-zoning.**
- 11.11.040 Process.**
- 11.11.050 Application.**
- 11.11.060 Development Agreement.**
- 11.11.070 Administration of Sub-zone.**

**11.11.010 Enabling Act and Purpose.**

This Chapter shall be known as “Mixed-use and In-fill Development Regulations” for the purpose of enabling the City to manage and regulate the development of large parcels and in-fill properties as identified by the City.

**11.11.020 Findings.**

The City Council finds that standard zoning practices such as single-purpose base zones, planned unit developments, and other traditional zoning classifications are inadequate to address the development of larger parcels and in-fill development within the City to ensure that these developments are well-planned, sensitive to the needs of the City and, also, successful in recognizing the rights of property owners to develop their land. This is especially true when the property involves issues of infill and configuration, and when the development of the property may take several years. The City Council has carefully researched the state-of-the-art practices for how to deal with such larger projects. Based on that research the City Council has determined that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner and those agreed-upon regulations being enforced and assured by the terms of a development agreement. The purpose of this ordinance is to create enabling provisions for adopting such specialized zones and applying them to particular properties.

**11.11.030 Sub-zoning.**

Eligible parcels under this Chapter maybe zoned as a sub-zone as follows:

1. Mixed-use Large Project (MU-LP) Sub-zone. This Sub-zone is designed for a “Large Project Master Planned Community” as provided in this Chapter.
  - a. Eligibility Requirement. The MU-LP Sub-zone only applies to development projects over one hundred (100) contiguous acres in size.
  - b. Plan Map. A proposed plan map showing the area of the project and proposed uses is required as part of the application.
  - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.

- d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.
2. Mixed-use Commercial (MU-C) Sub-zone. This Sub-zone is designed for a “Commercial In-fill Planned Community” as designated in the City’s General Plan.
  - a. Eligibility Requirement. The MU-C Sub-zone only applies to development in areas designed for mixed-use or in-fill in General Plan, and requires that the first level of all buildings provide for commercial uses. The secondary level of each building may contain commercial or residential uses. For a third level of commercial or residential uses, fourth level is required consisting of rooftop amenities such as: recreation, clubhouse, café, and similar uses.
  - b. Plan Map. A proposed plan map showing the area of the project and proposed uses, including adequate landscaping and open space, is required as part of the application.
  - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.
  - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.
3. Mixed-use Residential (MU-R) Sub-zone. This Sub-zone is designed for “Residential In-fill Planned Community” as designated in the City’s General Plan.
  - a. Eligibility Requirement. The MU-R Sub-zone only applies to development in areas designed for mixed-use or in-fill in the General Plan, and the proposed project shall include residential amenities that foster community, including but not limited to: clubhouse, recreation, pathways, personal services, café, and similar amenities as set forth in the Development Agreement.
  - b. Plan Map. A proposed plan map showing the area of the project and proposed uses, including adequate landscaping and open space, is required as part of the application.
  - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.
  - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.

**11.11.040 Process.**

The property owner(s) initiate the process under this Chapter by filing a written application with the City Recorder to create one of the Sub-zones provided in this Chapter. The Planning Commission shall consider the application for possible recommendation to the City Council in the same manner as any other zoning map amendment at the time of the application. The



City Council, acting in its legislative capacity, shall determine whether to create the Sub-zone, map such to the property, and approve the required Development Agreement. The application for a Sub-zone creates no rights in the property owner until any such Sub-zone and the Development Agreement are approved by the City Council and recorded against the property.

**11.11.50 Application.**

Any application for a Sub-zone shall include the following and such other materials as the City may require:

1. The proposed Sub-zone;
2. Complete plan map of the property proposed for the Sub-zone as provided in this Chapter and including topographical information at 2' contours or more detailed;
3. The proposed Sub-zone Ordinance specifying the permitted, conditional, and accessory uses as more fully detailed in the required Development Agreement.
4. A proposed Development Agreement.

**11.11.060 Development Agreement.**

1. Contents. The proposed Development Agreement shall include the items specified in this Section.
2. Legislative Action. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering and may make any modifications to the proposed Development Agreement that it deems appropriate before approving the Development Agreement and applying it to the property as a part of the creation and mapping of the Sub-zone.
3. Required Elements. The Development Agreement shall include:
  - a. A master development plan for the entire property of the project showing:
    - i. The general areas of each intended use and the approximate intensity of each such use such as the approximate number of each type of residential or support use.
    - ii. The general areas of each intended use and the approximate intensity of each use such as the approximate number of each type of commercial, office, or retail use;
    - iii. The approximate location of infrastructure such as roads, parking, storm water facilities, flood control, utilities, and other infrastructure; and
    - iv. The general location size and type of support uses, open space, recreational amenities, pathways or trails, and related amenities.
    - v. Designation of any present or postponed FEMA floodplain.
  - b. Proposed development standards for the various types of residential, commercial, retail office, or other uses proposed including parking areas, dimensions and setbacks.
  - c. Proposed design standards addressing building height, massing and orientation, open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.

- d. Proposed plan for maintenance of the project including appropriate costs for the same to be incurred by an owner's association, that accounts for implementation costs and long-term maintenance projections.
- e. Proposed plan for implementing, administering, enforcing the proposed project.
- f. A hold harmless provision ensuring that the City, and other public entities servicing the project, cannot be held liable for any damages arising out of the Development Agreement.
- g. Any other items that the City Engineer or City Attorney deems appropriate.

**11.11.070 Administration of Sub-Zone.**

It is the intent of the City that after the policy considerations by the City Council in adopting the proposed Sub-zone, applying that Sub-zone to the property, and entering into the Development Agreement that any implementation of the Sub-zone or Development Agreement is administrative in nature and not a legislative function. However, modification or amendment of the Development Agreement is a legislative function that requires approval of the City Council.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MICHELLE TAIT, Mayor  
Harrisville City

ATTEST:

\_\_\_\_\_  
JENNIE KNIGHT, City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) Harrisville Cabin on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE: \_\_\_\_\_

**HARRISVILLE CITY  
ORDINANCE NO. 505**

**ANIMAL BOARDING ESTABLISHMENTS**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING SECTIONS  
11.06.010, 11.08.20, 11.09.020, AND 11.10.020 RELATING TO ANIMAL  
BOARDING ESTABLISHMENTS; SEVERABILITY; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, Harrisville City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §10-8-84 and §10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, the City desires to meet the challenges presented by growth and development;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

**WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on November 13, 2019, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on December 10, 2019, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Harrisville City as follows:

**Section 1: Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.** *Harrisville Municipal Code* is hereby amended to read as follows:

**11.01.060 Definitions.**

12. “Animal boarding establishment” means any establishment that takes in animals and boards them. This definition is inclusive of a kennel, cattery, or related establishment where three (3) or more dogs or cats are boarded, breed, bought, sold, adopted, or donated.

~~12,13.~~ “Animal care” means a facility where animals or household pets are groomed, clipped, bathed, boarded, or similar non-medical care is provided. See also “Veterinary services.”

~~13.~~ “Animal shelter” means a public facility designed to temporarily accommodate the boarding and care of lost and stray animals, and/or dispose of stray dogs, cats and other animals.

**11.08.020 Uses.**

1. This section designates the land uses allowed in each residential zone district in Harrisville City. More than one of the non-dwelling unit land uses permitted in the respective zone may be allowed on a parcel or lot provided each use meets the lot area, setback requirements and any other special conditions established by Harrisville City Land Use Regulations.
2. All permitted and conditional land uses shall comply with all applicable regulations of Chapters 11.09 and 11.10 of the Land Use Regulations of Harrisville City and any other regulation governing the specific use prior to a building permit being issued for such a use to be constructed or to convert an existing structure to the permitted or conditional use.
3. Any land use that is not listed in this section is not permitted in that zone where the use is desired.
4. Any use in the following table is permitted if such use has a “P” designation in the zone where the use is listed. A “C” designation indicates that a conditional use permit is required according to the procedures of Chapter 11.18 of this Land Use Ordinance before the use can be allowed. An “N” indicates the use is not allowed in the specific zone where it is listed. If the last column in the use table includes a number this refers to a section in chapter 15 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

Land Use	Zone				Special Use Regulations
	A-1	R-1-20	RE-15	R-1-10	
<u>Animal Shelter</u> <u>Animal Boarding Establishment</u>	C	N	N	N	11.09.020 11.10.020.4e 11.10.020.4f 11.10.020.6 11.09.030

**11.09.020 Main Building Development Standards.**

Zone	A-1 and R-1-20				RE-15				R-1-10			
	F	S	C	R	F	S	C	R	F	S	C	R
<u>Animal Shelter</u> <u>Animal Boarding Establishment</u>	100'	15'	70'	15'	<del>100'</del>	<del>15'</del>	<del>70'</del>	<del>15'</del>				

**11.10.020 Special Regulations.**

- e. Special regulations applicable to all animals is as follows:
  - i. Owners shall keep animals in such a manner so as to prevent them from reaching onto adjacent property and eating trees and shrubs.
  - ii. Owners shall take necessary measures to prevent animals from creating obnoxious or offensive odor and noise, or otherwise create a nuisance affecting the buildings or property of others.
  - iii. Roosters are prohibited in R-1-6 and R-1-10 zones.
  - iv. Only one Animal Shelter use per 10,000 residents in the City. An animal boarding establishment shall have a minimum of three (3) acres.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MICHELLE TAIT, Mayor

ATTEST:

\_\_\_\_\_  
JENNIE KNIGHT, City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Harrisville City, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) \_\_\_\_\_, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
JENNIE KNIGHT, City Recorder

DATE: \_\_\_\_\_