

**MINUTES OF THE CITY OF HARRISVILLE
CITY COUNCIL MEETING**

Tuesday, July 13, 2010
7:00 p.m.
Council Chambers
363 West Independence Blvd.
Harrisville, Utah 84404

COUNCIL: Mayor Richard Hendrix, Council Member Chad Allen, Council Member Wayne Crowther, Council Member Darla Fowers, Council Member Bruce Richins, Council Member Grover Wilhelmsen.

STAFF: Gene Bingham, Public Works Director; Jennifer Morrell, City Recorder; Bill Morris, City Administrator.

VISITORS: Ruth Pearce, Jeff Pearce, James Mackley, June Brown, Jerry Preston, Gordon Boothe, Chad Ferrin, Chandler, Kyler Allison, Jason, Ryan Walker, Amy Walker, Chris Cope, Rick Sorensen, Nathan Wadman, Greg Montgomery.

6:00 P.M. WORK SESSION

Council Members began the discussion by asking why such an ordinance is needed. Council Member Crowther stated that he suggested this because of a problem with neighbors. Council Member Fowers expressed concern about creating an ordinance for the whole city because of a neighbor explaining that there are people throughout the City who use ATV's for utility purposes such as plowing, work in fields, etc... Council Members Wilhelmsen and Fowers asked for clarification on what the state law stipulates. Bill Morris pointed out that even though properly licensed ATV's are legal on the road under state law this ordinance would govern use of ATV's on private property and is governed through zoning.

Council Member Allen asked if this could be made into more of a nuisance ordinance. He said the way the ordinance is currently written he would find himself in violation of it. Mr. Morris explained title 10, chapter 8 of the state code that enables the city to enforce nuisance issues. Mr. Morris discussed the differences between residents using common law to deal with a nuisance problem and the city using zoning to control nuisances through conditional and permitted uses. He said there are state laws regarding public nuisance but the private party would have to bring their own suit and be responsible for the legal expenses. When the nuisance is covered under the municipal code City covers the costs.

Mr. Morris said there are performance standards that govern excessive soiling, dusting, and noise and are applicable to more than one zone. The key however, is defining what is excessive. Council Members Allen and Fowers both suggested performance standards as a better option for Council Member Crowther's problem noting that it would cover other things besides ATV's. Mr. Morris said he would look at North Ogden's performance standards but reminded the Council the difficult thing would be defining what is excessive. The Council discussed several scenarios where performance standards would apply. Mayor Hendrix reminded them all again about those residents who use their ATV's for utility purposes and cautioned the Council to look after the general welfare of the City but not things so restrictive on people. Mr. Morris said he would put a performance standards ordinance together and allow the Council to review it before sending it to the Planning Commission.

Staff Members present discussed the need for a new phone system and were given approval from the Council to purchase it. The dollar value is low enough to not require bids or any formal action.

7:00 P.M. CITY COUNCIL MEETING

1. Mayor Richard Hendrix called the meeting to order at 7:00 p.m. and welcomed all visitors.
2. Mayor Hendrix led the Pledge of Allegiance and offered the opening ceremony.
3. CONSENT ITEMS

Action to approve the minutes of July 13, 2010 as presented.

Council Member Richins mentioned the list of visitors was missing.

MOTION: Council Member Fowers moved to approve the minutes from July 13, 2010. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

4. BUSINESS ITEMS

a. Discussion and possible action on proposed tax rate for tax year 2010.

City Treasurer, Lynn Fortie, talked about the change in calculating the certified tax rate this year. He said the state is allowing us to calculate it the same this year as we did last year which is where the 0.000660 rate comes from. He said it would not raise our revenue significantly mentioning that property values have went down giving the City essentially the same revenue as last year. Council Member Crowther clarified the difference in the amount being collected this year from last year is only \$106 more. Mr. Fortie confirmed that is correct.

Council Member Richins made a motion to ratify the change to the proposed tax rate for the tax year 2010 from 0.000640 to 0.000660 and approve Resolution No. 2010-08. Council Member Allen seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

b. Discussion and possible action on Resolution No. 2010-07 Interlocal Agreement with Weber County Animal Services.

Mayor Hendrix welcomed Lt. Chad Ferrin, director of Weber County Animal Services. Lt. Ferrin explained the events leading up to Weber County inviting Harrisville and surrounding cities to enter into an interlocal agreement with them and Ogden and Roy for animal sheltering. The interlocal agreement is for the term of the bond, currently a twenty year bond. The benefit to entering the agreement is a 20% savings each month and a place on the board to assist in decisions related to the shelter and Animal Services. The proposed fee will be \$88 per animal for unclaimed animals picked up in the City. Based on last year's numbers the City would have been billed for 100 animals. He explained that once they begin operating this monthly price could go up or down.

Lt. Ferrin also mentioned the current contract the City has for animal control will remain in effect and will be the same price as last year. He said the new price of \$88 will go into effect once the new shelter is open and operating. Mayor Hendrix clarified that there are two agreements; one to enter into an agreement for the shelter and the other for animal services. Council Member Fowers asked for the cost of the bond. Lt. Ferrin said all the costs are wrapped into the \$88 per unclaimed animal. Lt. Ferrin discussed impound procedures and costs to the citizen with Council Members. Lt. Ferrin also explained how operations at the shelter work. Mayor Hendrix asked for clarification on the fee per animal to ensure that price covered all of the costs for operations and the cost of the bond for the new addition. Lt. Ferrin said that was his understanding. Council Member Allen excused himself from the discussion and voting because of his employment with the Weber County Sheriff's Dept. Council Member Crowther asked what the current cost was for Animal Control. Bill Morris said it was \$55 per animal. Lt. Ferrin commented that all cities have been underpaying with the County subsidizing the costs.

Mayor Hendrix talked about the benefits of contracting with Weber County.

Council Member Fowers moved to approve Resolution 2010-07 a resolution authorizing the City to join an interlocal agreement between Weber County, Ogden City and Roy City for improvements to and operations of the Weber County Animal Shelter. Council Member Wilhelmsen seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

c. Discussion and possible action on revised site plan, conditional acceptance, and cash escrow exception for The Georgian at Colonial Springs.

Jerry Preston of Liberty Investments came forward. He stated they are asking for a revision on their site plan for the dumpsters. He explained the problem they have with the current plan saying there is no way a disposal truck would have access to them. Their proposal is to do away with the seven small dumpsters and have two large ones. Mr. Morris explained that staff approved this change but it needed to go through the formality of the Council approving it. Council Member Fowers asked if two dumpsters would be sufficiently large for the size of the site. Mr. Morris said it may require some residents to walk farther but the dumpsters are larger than those originally proposed. Mr. Preston said there is one dumpster currently being used for 48 units, it is dumped twice a week, and there have been no complaints. Mayor Hendrix asked about the areas on the site plan where the seven smaller dumpsters were to be located. Mr. Preston said those areas will be landscaped. He also said the larger dumpsters will be fully enclosed and unseen.

Mr. Preston explained the second item from his memo requesting conditional acceptance. He said some of the items cannot be finished because they have been unable to sell the remaining buildings. He also discussed the bond issue. The original bond agreement was with Barnes Bank which went under so the City no longer has a bond. He said they are proposing a security bond or giving the City unencumbered access to one of their sites. Mr. Morris reminded the Council that this subdivision began under a different ordinance. He also talked about the pros and cons of a bond vs. cash escrow. Mr. Preston explained that this situation was slightly different from other subdivisions because the City does not own the curb, gutter, and sidewalk and would not be responsible for repairs.

Council Member Fowers asked about the memo from Kent Jones office and asked why those items have not been completed. Mr. Preston reviewed those items. He was not aware of the covered manhole.

Council Member Richins asked Mr. Preston where he goes to get a secured bond. Mr. Preston discussed the process for obtaining a bond. Council Member Richins thought it sounded shady but Mr. Preston said they are backed by an insurance company. Mr. Morris said we would want a AAA rated bond and explained the difference between cash escrow and a bond. He also reminded the Council that these are not public improvement but are private improvement.

Council Member Allen asked for Gene Bingham's input. Mr. Bingham referred to Brook Meadow Phase 2 and the fight to get the money from the bond company. He said the bond company wants to make sure that the money they pay out is justified. He said it took a year to get the money for Brook Meadow but acknowledged that these are private improvement so it may be different. Gene said he is comfortable with the site plan change but wanted to go through the Council to create a paper trail to show the right process was followed. He feels the new dumpster design is better.

Mr. Preston addressed the bond issue and reminded everyone that the City has nothing right now. He also said the City could have a lien on one of the remaining pads if as another option. Council Member Crowther asked what public improvements are left and Mr. Bingham replied that there weren't any, these are all private improvements.

Council Member Fowers asked Mr. Morris for his input. He said he would be more comfortable collecting on a bond even though the lien is a better deal. He explained to the Council this could not be a staff decision but must get approval from the City Council. Council discussed which of the items should be approved. Council Member Crowther said he would rather approve it now and with the stipulation that it takes effect as soon as the items to be completed are done. Mr. Preston reminded the Council that he is not only the developer but also the owner and has an incentive to get the work done.

Council Member Fowers moved to amend the site plan relating to the location of the dumpsters, grant conditional acceptance of the subdivision effective on the completion of the items from Brent Slater's memo date July 6, 2010, release of cash escrow in favor of a bond in the amount of \$206,212.68 and a copy of the revised site plan be submitted. Council Member Fowers seconded the motion. All Council Members voted aye. Motion passed.

d. Discussion and possible action on ratification of 750 West Storm Drain Project awarded to Marsh Construction.

Mr. Bingham explained where the project would take place and what the plan was for the outlet of the water. He discussed the current storm and land drain and how they will tie in with this project. He stated it will start around 2300 North and come down 750 West and include curb and gutter. Mr. Bingham explained why this project was expedited, including the cancelled City Council meeting June 22, 2010. He said Marsh Construction came in \$50,000 less than the engineer's estimates. They can come on site tomorrow morning because all the legal documents are in place. Council Member Allen asked about the quality of their work. Mr. Bingham said they are a good company and he feels comfortable with them. Mayor Hendrix explained why they were ratifying this item instead of approving it and reminding them of a discussion held earlier in the year. He said he gave Mr. Morris the approval to sign the agreement.

Council Member Fowers moved to ratify the decision to award the contract to Marsh Construction to not exceed \$102,973.16. Council Member Crowther seconded the motion. All Council Members voted aye. Motion passed.

e. Presentation of main park splash pad/ball field reconstruction site plan.

Mr. Bingham passed out a map of the proposed site plan and gave some history and background on how the site plan came about. He said the location of the splash pad was talked about and this was the spot determined. He discussed some new items that have been added including a walking path, a path that will tie in the bowery to the new walking path, and railing around the splash pad. He said there is still some uncertainty of the pool equipment room location. He reminded the Council this is only a conceptual plan.

Council Member Allen asked about northward expansion of the bowery parking lot. Mayor Hendrix expressed concern for that idea and talked about storm drain control and access for Heritage Days. Mr. Bingham discussed creating a buffer between vehicles and the parks and clarified that the berm west of the bowery parking lot will still be there even though the bunkers will be removed. Council Member Allen expressed concern that there will not be enough parking. Mr. Bingham acknowledged that parking would be a problem and although he is a proponent for more parking there are budget constraints. He said this project will be broken into phases.

Council Member Wilhelmsen questioned why the concession stand was by the ball field and not by the splash pad. Council Member Allen talked about creating a pad to bring in a Coke truck for the summer months. Mr. Bingham suggested contracting with a vendor might be another option. He said they will try and get some information from South Ogden and Riverdale on what has worked for them. Mayor Hendrix said the site plan will be displayed at Heritage Days. Mr. Morris said this plan is going to the Planning Commission tomorrow to approve the general site plan. Mr. Morris also mentioned a price list they just received for water features.

f. Discussion and possible action on the suspension of storm water fees for accessory buildings on parcels with an existing home.

Mr. Morris discussed why the item was being presented. He said the request is to suspend the fee altogether for anything other than new construction. The Council reviewed the figures in the staff report and talked about the benefits of suspending this for building outside of new construction. Mayor Hendrix discussed the implications for suspending the fee on additions to existing homes. Mr. Morris said residents pay when they initially build and should not be charged additional fees. Council Member Crowther clarified that this would only apply to residential.

Council Member Crowther moved to suspend the impact fee for additions to residential lots until we can reconsider a new storm water impact fee for additions, accessory buildings, and impervious surfaces during the next capital improvements plan revision. Council Member Allen seconded the motion. All Council Member voted aye. Motion passed.

g. Discussion and possible action on Ordinance No. 422, Animals and Fowl.

Mr. Morris explained this is a culmination of residents expressing interest in chickens and bees. He discussed the assignment of points to three classes of animals. There are large animals such as cows, medium animals such as sheep and goats, and small animals such as chickens. He reviewed the ordinance and how many animals you could have based on the zone you live in. He said points are allotted based on how big your lot is and added that this ordinance would mitigate any complaints neighbors may have.

Council Member Allen asked about excluding roosters. The Council discussed roosters and banning roosters from R-1-10 and R-1-6. Mr. Morris will add ban on roosters to 7b and correct typographical errors pointed out by Mayor Hendrix. Mayor Hendrix also talked about the discrepancies on the dog and cat setbacks for enclosures and the Council discussed allowing enclosures close to your own home but keeping them away from your neighbors dwelling.

Discussion on enclosure setbacks for all animals, including chickens, and what the setbacks should be. A suggestion was made by Council Member Crowther to create the setbacks based on the type of animal. Discussion of what constitutes a side yard and the problems with smells and noise.

Council Member Richins moved to table the ordinance to the next meeting on July 27, 2010. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

h. Discussion and possible action on Resolution No. 2010-06 Personnel Policy Manual Amendments.

Mr. Morris said these changes will help eliminate overtime expenses and create a safety committee. He said the first thing is a change in the employee code of conduct where a contract conflicts with the employee manual. Council Member Fowers asked to change the first amendment to say the part of the employee handbook that conflicts would be exempt but the other parts of the employee handbook would still apply. Mr. Morris said it would be reworded to say, "This manual does not apply to employees where the city council has approved an employment contract in the event of a conflict with their contract."

Mr. Morris explained that the employee code of conduct would apply to the justice court judge. He also discussed the amendment to the work week period. Council Member Fowers noted a discrepancy that stated 40 hours which should be 80 hours. Mr. Morris said it would be corrected. Council Member Allen asked if law enforcement was okay with these changes. Mr. Morris said this ordinance came about at their request. Mr. Morris said the amendment for the safety committee is for Pamela Crosbie. She will be over the safety committee and will run that to reduce workers compensation claims.

Council Member Allen Chad moved to approve Resolution No. 2010-06 with the changes mentioned. Council Member Richins seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

i. Review Ordinance No. 423, Compensation Schedule and set public hearing date.

Mr. Morris explained that the Council is just reviewing the ordinance tonight and needs to set a date for the public hearing. He explained that by law we need to set a salary range and a salary schedule for statutory officers and the judge. This ordinance will allow the City to give a raise without having to do a new ordinance. Mr. Morris reviewed the salary ranges on the ordinance. He mentioned the salary range for the judge will be modified to conform with what the published in the newspaper. He clarified for the Council that without this ordinance they would need to hold a public hearing anytime a raise was given.

Council Member Wilhelmsen moved to set a public hearing date for Ordinance No. 423 for July 27, 2010. Council Member Fowers seconded the motion. All Council Members voted aye. Motion passed.

5. PUBLIC COMMENTS

Jeff Pearce, 295 E 1150 N. He said he has filed two complaints with City Police Department and neither one has been addressed. He wants to know how long it takes to get a response. He explained that one is a sign violation and the other is trailers parking on the street. Mayor Hendrix said the sign in question was a business that is moving. Mr. Pearce asked the Council what the point of passing ordinances was if they are not enforced. Mayor Hendrix said he would check into it and see where those complaints are at.

Jim Mackley, 2803 N Hwy 89, Sentinel News. He wants to invite the City Council and Mayor to submit an article to the Sentinel News including any human interest articles. He said the next issue is Sept 3rd and said this invitation is extended to the public as well.

6. MAYOR/COUNCIL FOLLOW-UP

Mayor Hendrix mentioned the ad for the judges position was posted today in the newspaper. Also, Nate Thompson was offered a position as Willard City Chief of Police. He has accepted and will be leaving the City on Wednesday, 07-21-10.

Council Member Wilhelmsen gave a follow up on Heritage Days. He said they are meeting every week. Also, shirts will be ready in a few days but they need help freezing the shirts. He encouraged everyone to be involved. He said the advertising booklet has 42 pages and has been paid for. He also discussed their effort to get volunteers saying Michelle Tait is coordinating the volunteer effort.

Council Member Allen said Bruce Brown is not getting his water issue resolved because of Thoroughbred Meadows. Mr. Morris explained that he has a private civil contract and the City would not be involved at this time. Council Member Allen said that he concurs with Mr. Pearce with ordinance enforcement. He asked why Max Jackson is not here to answer questions. Mayor Hendrix said he has not required department heads to be at every Council Meeting.

Mr. Morris said we would add code enforcement as an agenda item. Council Member Allen said the City needs to be more proactive in enforcing ordinances.

Council Member Fowers expressed thanks for the Chambers property being cleared.

- j. **Closed executive session to discuss the character, professional competence, or physical or mental health of an individual(s) and strategy regarding pending or reasonably imminent litigation.**

Council Member Allen moved to go into a closed executive session to discuss the character, professional competence, or physical or mental health of an individual(s) and strategy regarding pending or reasonably imminent litigation. Council Member Crowther seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

Those present were Mayor Richard Hendrix, Council Member Chad Allen, Council Member Wayne Crowther, Council Member Darla Fowers, Council Member Bruce Richins, Council Member Grover Wilhelmsen, City Recorder Jennifer Morrell, and City Administrator Bill Morris.

Council Member Richins moved to go back into the regular session. Council Member Fowers seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

7. ADJOURN

Mayor moved to adjourn at 10:00 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

RICHARD HENDRIX
Mayor

ATTEST:

JENNIFER MORRELL
City Recorder

Approved this 13th day of July 2010