

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

Tuesday, March 8, 2011  
7:00 p.m.  
Council Chambers  
363 West Independence Blvd.  
Harrisville, Utah 84404

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**PRESENT:** Mayor Richard Hendrix, Council Member Chad Allen, Council Member Wayne Crowther, Council Member Bruce Richins, Council Member Michelle Tait, Council Member Grover Wilhelmsen.

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

**VISITORS:** Matt Hartvigsen, Ruth Pearce, Jeff Pearce, David Skeen, Kraig Urry, Jackson Munn, Hunter Bingham, Nathan Lee, Chris Cope.

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

1. Mayor Richard Hendrix called the meeting to order and welcomed all visitors.

2. Chad Allen led the Pledge of Allegiance and offered the opening ceremony.

**3. CONSENT ITEMS**

a. **Approve the minutes of February 8, 2011 and February 25, 2011 as presented.**

**MOTION: Council Member Richins moved to approve the minutes of February 8, 2011 and February 25, 2011 as presented. Council Member Tait seconded the motion. All Council Members voted aye. Motion passed.**

**4. PUBLIC COMMENTS**

Ruth Pearce, 295 East 1150 North, mentioned she could not find the agenda on the city website. She referred to the last City Council meeting and the public comments surrounding the proposed sign ordinance stating that most of the comments were from businesses that claimed they would not be in compliance if the sign ordinance was changed.

She noted that those businesses are not in compliance with the current standards in the sign ordinance and it was not the changes being made that would cause them not to be in compliance. She feels the current ordinance has never been enforced and feels the city should be more proactive in enforcing the current ordinances. She also noted that no banner signs are allowed in the current ordinance and said the two gas stations at each end of Larsen Lane have tons of banners and she feels they look tacky.

Ms. Pearce also made mention of the agreement made by the City with SPS American Car Care for 4-6" of rotomill paving. She wants to know if there was 4-6" of rotomill laid down why there is so much road base and gravel showing through it.

**5. BUSINESS ITEMS**

a. **PUBLIC HEARING: Discussion and possible action on the Storm Drain Capital Facilities Plan.**

Matt Hartvigsen from Jones & Associates presented the study. He said tonight's purpose was to review the draft that has been compiled, receive input from the public and Council Members, and decide how to incorporate appropriate comments into the final draft. He pointed out that the Council has to adopt a capital facilities plan in order to impose an impact fee. This plan includes a list of the capital facility projects that need to be completed for the storm drain system.

He said it also includes associated calculations for the recommended impact fee and noted they have recommended a maximum and minimum impact fee. He said there is some extra capacity in the system for future development. Mr. Hartvigsen pointed out that if the City wants to recover costs for existing capacity in the system then we should charge the higher fee; if we want to be developer friendly and allow developers to connect on without recovering the cost we would charge the lower fee. He said there is no obligation to charge an impact fee at all but it is sound economic practice to have those who create an impact on the system pay a fee.

Mr. Hartvigsen said they are recommending an impact fee somewhere between the lower range of \$0.49 per square foot of hard surface and the upper range of \$0.069 per square foot of hard surface. Mayor Hendrix asked what the impact fee is now. Gene Bingham, Public Works Director, replied that it is currently \$0.93 per square foot for new construction and \$0.60 for post construction projects. Mr. Hartvigsen said there are currently fewer projects that need to be constructed so the impact fee would go down.

Mr. Hartvigsen addressed the question of whether to charge impact fees on residential redevelopment of property. He said residents pay an impact fee and then decide later to add an addition, RV pad, or additional hard surfacing on their property which increases the impact on the storm drain system. Mr. Hartvigsen is proposing that the impact fee residents are charged be an average ERU as it is hard to determine who will have more or less impact than the "average". He said they have already paid for their equivalent impact on the system so we would not want to charge them a further fee.

He also noted that on commercial development we charge a fee specific to a commercial developments hard surface. Mr. Bingham added that commercial development adds 80-90% of runoff compared to residential development which is 30-40% of the runoff.

Mr. Hartvigsen also brought attention to section 4.4 – Spending and Encumbering Impact Fees. He said the law requires we spend the impact fee or encumber it within a six year time frame. In the six year time frame the city is obligated to show that the money collected was spent on a qualifying project or return it. It is very important to have a good record keeping system to show how impact fees were collected, who paid them, and when they were spent.

Mr. Hartvigsen explained that the purpose of tonight's meeting is to gather feedback from the City and from residents and to look at the study and see if it matches the City's goals and desires. He said any comments received tonight will be incorporated into the final document. The plan will then be adopted and a waiting period of 90 days will occur before the new fees can be collected.

Council Member Allen asked what other cities are charging for their impact fees. Mr. Hartvigsen explained that other cities charge about what we are currently charging but stressed that the impact fee needs to be lowered because the backbone structure that carries water throughout the city is in good shape.

Council Member Allen questioned why they were suggesting we lower the fee. Mr. Hartvigsen reiterated that the study shows it should not be as high as it is and the City is required to lower it based on the new study. He discussed how the impact fee is calculated based on projects that will need to be completed once the City is complete and built out. He said they divide the costs of those projects between the projected numbers of new people that come into the City. A change in housing density from the Planning Commission, either higher or lower, would raise or lower the impact fee. He said the land use plan is used to calculate the fee.

Mr. Bingham also explained that the more projects the City completes the more the impact fee will decrease; mentioning all of the capital projects have been done on the sewer. He said we are currently at a negative \$21,000 balance but once that money has been recouped we can no longer charge an impact

fee for sewer. He also mentioned that one of the projects was partially funded with money from North Ogden City and Weber County because there were several parcels that utilized the basin making it a regional project. This contributes to the decrease in the impact fee.

**MOTION: Council Member Crowther motioned to open the public hearing for discussion and possible action on the Storm Drain Capital Facilities Plan. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

David Skeen, who owns the property at 2458 North Hwy 89, would like to see the City maintain the higher impact fee to take care of more drainage situations within the City. He sees quite a few wet areas in Harrisville that are going to take a bit to drain if they have hard surface. He felt Jones & Associates did a good job with the study. He identified his property on the map and the proposed storm water projects. He asked if right of ways have been purchased for the projects shown in the study. Council Member Crowther said an easement will be put in for those projects when the property is developed.

Mr. Skeen discussed the slope of the road on 750 West near his property and some of his concerns about drainage. He said he has water up to a foot deep, an engineer's study says he is taking 38 acres of water, his private storm drain has water coming up out of the sump pump, and his barn on high ground has water flooding all the stalls. His concern tonight is that the higher impact fee be kept to take care of drainage issues. Mr. Skeen also stated that his legal representation feels he is taking a lot of water that he does not need to be taking and said there are potential buyers for his land but it needs to be drained.

**MOTION: Council Member Richins motioned to close the public hearing on the Storm Drain Capital Facilities Plan. Council Member Crowther seconded the motion. All Council Members voted aye. Motion passed.**

Mr. Bingham addressed the remarks made by Mr. Skeen. He discussed the drainage issues that historically have been associated with that area of town and with Mr. Skeen's property. He said the best thing they can come up with is to discharge it into Six Mile Creek. However, there is a concern because the only ditch they could drain into is at 2550 North which is outside of the City limits. Mr. Bingham reported that he has seen people over the years bringing in fill to try and push the water back. He is not sure if this has added to the problem or not but agrees it is a landlocked area.

Council Member Richins asked if Project No. 1 was on the storm drain plan last year. Mr. Bingham said it was on the map last year and was an extension of what was done on 750 West. He said it will give people another option for drainage.

Mayor Hendrix asked if maintaining the current impact fee rate was legal. Mr. Hartvigsen explained that the impact fee law does not allow that. He said cities typically use their storm water utility fee to fix existing problems such as the one described by Mr. Skeen and emphasized that you cannot use impact fees to fix something that is already broken. Mr. Morris asked Mr. Hartvigsen if he accounted for the increase in construction costs on the project cost estimates. Mr. Hartvigsen said he did and acknowledged that he had some liberty to adjust the project costs but it would need to be defensible. He also reminded the Council that the impact fee can be escalated on an annual basis for inflation based on the Building Cost Index.

Council Member Crowther asked Mr. Hartvigsen about future cost analysis. Mr. Hartvigsen said that is what the annual escalation is for and added that this is a dynamic document the City should come back to every 4-5 years to reevaluate the plan. Mr. Bingham also added that you may have some impact fees come in but not enough revenue to complete a project. He said it is a balancing act of spending the money and justifying the expense. Mr. Hartvigsen commented that he thinks the City will struggle to spend fees during slow growth periods and noted that the scope of a project can change as well.

Mr. Hartvigsen wanted to clarify the difference between ground water and storm water. He said they are related but you need to separate ground water from storm water when you look at this report. He said people will have high ground water but not necessarily a problem with the storm drain system. Council Member Richins asked about Project No. 20 – Pennsylvania Project. Mr. Hartvigsen said that project has been taken off because it was completed. Council Member Richins asked if there was a better way to number the projects to show the order of when they would be completed. Mr. Bingham

reminded the Council that he presented something last January showing the projects for the next three years. He said the projects in the plan are not in order by priority but said Project No. 11 is next.

**MOTION: Council Member Allen motioned to table approval of the Storm Drain Capital Facilities Plan to the next meeting on March 22<sup>nd</sup> with the changes as noted. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

**b. PUBLIC HEARING: Discussion and possible action on the Impact Fee Study.**

**MOTION: Council Member Crowther motioned to open the public hearing for discussion and possible action on the Impact Fee Study. Council Member Tait seconded the motion. All Council Members voted aye. Motion passed.**

Chris Cope, 2460 N 750 W, said she liked the idea not to assess impact fees on those who add to their property. She said she was assessed a storm drain impact fee for a small greenhouse she built on her property even though she does not have storm sewer on her property. She expressed her appreciation that the City was doing away with it as she felt it was unfair.

Mr. Bingham reiterated that the impact fee for additions, accessory buildings, etc... has been done away with.

**MOTION: Council Member Richins motioned to close the public hearing on the Impact Fee Study. Council Member Crowther seconded the motion. All Council Members voted aye. Motion passed.**

**MOTION: Council Member Wilhelmsen motioned to table approval of the Impact Fee Study to the next meeting on March 22<sup>nd</sup> with the changes as noted. Council Member Allen seconded the motion. All Council Members voted aye. Motion passed.**

**c. Discussion and possible action on Spring 2011 crack seal projects.**

Gene Bingham discussed the crack seal project and the amount of water damage that is done to a road. He told the Council that he is seeking approval of the annual spring crack seal. He has solicited three bids and would like to get it done as soon as possible.

Council Member Crowther asked which roads would be done. Mr. Bingham said there are projects across the entire city including all of Harrisville Hollow, Larsen Lane, North Street, some places in Majestic View subdivision, Colonies subdivision, and Wildflower subdivision. He said they will also do the parking lots at the cabin, City offices, and Independence Park. Council Member Crowther asked if those roads were under warranty. Mr. Bingham explained that all the roads they are sealing have been accepted by the city.

**MOTION: Council Member Crowther moved to award the Spring 2011 crack seal services to Post Asphalt Paving for \$21,250. Council Member Wilhelmsen seconded the motion. All voted aye. Motion passed.**

**6. PUBLIC COMMENTS**

None.

**7. MAYOR/COUNCIL FOLLOW UP**

Mayor Hendrix asked Council Members to notify Jennifer Morrell if they are planning to go to the ULCT Mid-Year conference. He also asked them to come to the next meeting at 6:30 to have pictures taken for the web site.

Council Member Wilhelmsen said totals for Heritage Days are in. He said they worked hard to come into budget and would like to account for the overtime expense of police and public works their budget this year. Mayor Hendrix said things have improved. Council Member Wilhelmsen said they would keep working at it and discussed how they paid for the book last year.

Council Member Richins asked about the new City marquee and why Mr. Bingham decided to go with YESCO. Mr. Bingham said they were the only company that provides full service. Council Member Richins asked who gave input towards the three options that were presented. Mr. Bingham said they were ideas given by YESCO that will allow use of the existing pole which has power out to it. He said it is something he would like to get put in this year because it was budgeted for this fiscal year. He also talked about the maintenance option. Mayor Hendrix said the existing sign has worked for many years but it is becoming more difficult to put the letters up and the wind has blown part of the sign down.

## **8. ADJOURN**

Mayor Hendrix moved to adjourn at 8:15 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.*

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**RICHARD HENDRIX**  
Mayor

**ATTEST:**

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**JENNIFER MORRELL**  
City Recorder

Approved this 22<sup>nd</sup> day of March, 2011