

**MINUTES OF HARRISVILLE CITY**  
**CITY COUNCIL MEETING**  
Tuesday, September 24, 2013 – 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 Bruce Richins, Council Member Paula Knighton, Council Member Grover Wilhelmsen. (Council Member Tait is excused.)

Staff: Bill Morris, City Administrator, Jennie Knight, City Recorder, Gene Bingham, Public Works Director, Matt Hartvigsen, City Engineer, Ken Martin, Building/Code Enforcement Inspector.

Visitors: Cheyenne Palfreyman, Kevin Jensen, Tricia Ross, Rich Knight, Don Knighton, April Armstrong, Richard Armstrong, Lamar & Gayle Wardle, Jed McCormick, Ann Dabb, Howard Dabb, Cliff Hokansen.

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

**1. Call to Order.**

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

**2. Opening Ceremony.**

Council Member Wilhelmsen led the pledge of allegiance and opening ceremony.

**3. Consent Items.**

- a. Approve the minutes of August 27, 2013 as presented.
- b. Review the August 2013 check register.

**MOTION: Council Member Allen motioned to approve the minutes of August 27, 2013 as presented. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

**4. Business Items.**

a. Discussion/possible action to approve final approval for Plushnest Subdivision. Bill Morris referred to the engineer's memo from Jones and Associates recommending final approval for Plushnest subdivision. There are a few final approval processing items needed but these are not conditions on the approval.

Council Member Knighton asked about a requirement for a letter from adjacent land owner Bailey if the stub road goes through his property. Matt Hartvigsen said Mr. Bailey was in attendance during the project management meeting and expressed his agreement with the current location of the stub road. The actual moving of this stub road was at his request. Mr. Bailey is in agreement with the location that is shown on the final plat map.

Council Member Richins asked if the city received a letter from another adjacent land owner Mr. Walters. Matt Hartvigsen said yes, there is a minor drainage issue with this portion of the subdivision and they have a hand written letter stating Mr. Walters has seen the plans and is in agreement with what is being proposed. Council Member Richins asked about the drainage on

the east side of the property. Matt Hartvigsen said the main drainage channel is Dixon creek and flows to the south. That is the where the detention basin sits. Council Member Richins asked if that is being enlarged to accommodate the additional drainage. Matt Hartvigsen said the detention basin was designed to accommodate the existing developments. Any future development will have to be addressed in the future. The basin has been enlarged to accommodate the Plushnest subdivision. Council Member Allen asked if Public Works Director Gene Bingham was in agreement with giving final approval. Gene Bingham said he is comfortable with the items that have been met in the earlier memo. Council Member Richins asked if there is any need for public comments. Bill Morris said this subdivision will be permanent and property rights are involved, this would be a time where resident needs may be addressed. These comments are not to discourage the development of this property. He advised that once one resident is allowed to make comment, all residents will be allowed to make comment. Mayor Hendrix said he has always encouraged public comments even if there is no public hearing. Kevin Jensen expressed his concern about the drainage on the west back side of this proposed subdivision. Matt Hartvigsen said he would explain how this property will drain. He informed Council the developer put together an overall drainage with the interception to be through the road ways and piped into Dixon creek. He is confident this will intercept most of the water that is coming through to these residents. There will be some water off the west homes but will be considerably less than what they are experiencing now. The plan is to catch the drainage through the storm drains in the street.

**MOTION: Council Member Allen motioned to grant final approval for Plushnest subdivision. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

- b. Discussion/possible action to approve Harrisville City ordinance #461, an ordinance repealing and re-enacting Chapter 11.01 of the Land Use Ordinance regarding general provisions, adding and amending definitions, making technical changes.

Bill Morris informed Council he reviewed Council Member Knighton's comments and modified the definitions where there were any issues. He deleted any unnecessary areas and fixed the typos. Council Member Knighton provided Bill Morris with an updated copy with additional corrections. Bill Morris will take into consideration the additional corrections and will take into account staffs need for these definitions.

**MOTION: Council Member Richins motioned to table Harrisville City Ordinance #461, an ordinance repealing and re-enacting Chapter 11.01 of the Land Use Ordinance regarding general provisions, adding and amending definitions, making technical changes. Council Member Allen seconded the motion. All Council Members voted aye. Harrisville City Ordinance #461 is tabled.**

- c. PUBLIC HEARING – Business Regulation Review

Bill Morris gave a staff presentation regarding the business friendly request made by Governor Herbert's office. The city has asked to get information from our businesses and any suggestions they may have in our code to make Harrisville a business friendly city. Governor Herbert suggested cities reach out to their businesses and that's what we are doing is reaching out to business owner's to start the conversation in hopes to be a more business friendly community. This would allow for us to revise any unnecessary ordinances and keep them in accordance with being business friendly. In conjunction there will be a study conducted from

Zion's bank to meet the requirements to start a Good Landlord program. This public hearing will be an opportunity to see what we need to address with our business owner's.

**MOTION: Council Member Richins motioned to open a public hearing. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

Cliff Hokansen has recently bought the Interpace Brick facility on West Harrisville Road. His business is currently licensed for one business and he intends to open more. He said his experience so far has been positive when dealing with the city. In his opinion there is a lot of future coming through to this area. One thing he appreciated was the project management meeting he attended. This allowed him to have conversations with city staff before he had any engineering done on his project. He said the city has been helpful so far in his experience.

**MOTION: Council Member Allen motioned to close the public hearing. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

Mayor Hendrix said having a business friendly community requires a careful balance. Council Member Knighton asked if they can collect email addresses through business license renewals. Mayor and Council gave discussion on an opportunity to create our own Chamber of Commerce. There is currently no deadline on this project. Zion's Bank has submitted a quote for the required study to implement changes to business license fees. There will be another public hearing requirement where the city can advertise their willingness for an open relationship with community businesses. Council Member Richins referred to the handout that was submitted in Council's packets and asked what changes were made to the state law. He expressed his interest in having the results and examples of how the red tape was cut from other cities. Mayor Hendrix said there should be some examples available as other local cities like Ogden have been through this. Bill Morris said he will be attending a recognition ceremony and will ask the Governor for examples.

- d. Discussion/possible action to create a Special Assessment Area in accordance with Utah State Code Title 11, Chapter 42 for tree removal and sidewalk improvements.

Bill Morris acknowledged the difficulty staff has experienced with the tree and sidewalk issue. He said as city leaders they are entrusted with public funds and the difficult decision on whether to use this money to fix problems created by individual residents. He informed Council city staff has talked and visited with each of the residents affected by the tree and sidewalk issue. He explained the Special Assessment Area is designed to cover this type of thing. The city puts out the money in advance and the property owner pays back the city at 100%. He suggested rather than requiring a 100% return of the city money spent that a compromise be reached with the affected residents. The residents will be required to remove the trees at their own expense and the city will cover the costs of sidewalk replacement. Because this new proposal would require the residents to take care of the trees in exchange for the city covering the sidewalk it would not be a 100% return of city funds.

Council Member Knighton asked if this new proposal would set precedence for future sewer and storm drain issues. Bill Morris said this discussion has been just for the sidewalk issue. What Council decides to do from this time forward can be modified with a future ordinance. Council Member Knighton acknowledged this Special Assessment Area is complicated and asked to hear from Ken Martin, Harrisville City Code Enforcement Inspector. Ken Martin informed Council because of what is being proposed; this could possibly set precedence in the future. He

further explained the nature of this issue is because of the safety concern. Some of the future issues may not be safety related.

Recently the city received notice from a resident concerned with sidewalk liability. Council Member Knighton asked if some situations put the city at risk and others do not. Gene Bingham said the recent complaint was from a sunken utility trench. He said his concern is with safety. The city is required to address these concerns. He said sidewalks have been addressed since 2002 and they will continue to do so. The city has replaced the sidewalks in the areas where the responsibility is with the city. Now the areas that are the resident responsibility are being addressed.

Council Member Knighton asked if this recently discussed compromise will be a help to residents. Bill Morris said this is consistent with the agreement reached during the appeal hearings with two of the affected residents. Council Member Allen asked where the funds for sidewalk replacement will be coming from. Bill Morris and Gene Bingham both confirmed the funds will be from Capital Projects Fund. Council Member Allen said his personal opinion is that these residents have not necessarily created these issues. He said he is looking at it from a law enforcement stand point, of whether there was intent involved. He does not believe any of these residents intended to create these issues.

Ken Martin said some of these residents have not lived in these houses long. These are the older sidewalks in the more established areas. Bill Morris said we will be changing policy in the future and admitted maybe the city should have been doing a little better in the past with the enforcement of this issue. Council Member Allen asked how many cases there are. Bill Morris acknowledged there may be residents present who have comment. He again reminded Council the main concern for the city is the safety issue. Mayor Hendrix invited any public comment on this issue.

Cheyenne Palfreyman, lives on 1150 North, asked if she is required to pay for the sidewalk damage if her neighbor's tree is causing the damage. Mayor Hendrix said under the new proposal the neighbor would remove the tree and the city would replace the sidewalk.

April Armstrong bought a house with an existing condition with trees and damaged sidewalk. She said the trees provide shade, and she does not want to remove them. She would like to know if there are any other options. Council Member Allen asked if she had any suggestions.

She asked if the sidewalk could be ground down to level the areas. Ken Martin said the sidewalk cannot be ground out. The trees will continue to raise the sidewalk. Bill Morris asked if the roots can be trimmed. Ken Martin said the trees will die if the roots are trimmed. April Armstrong asked if safety tape is an available option. Mayor Hendrix agreed maybe a compromise could be reached. She said she has three trees that are being affected. Ken Martin said part of the sidewalk is being raised 3 inches. He said the sidewalk could be raised up to level it but the trees would continue to create future issues. The risk would still be there.

Ms. Armstrong said the sidewalk is never used by the public; people always walk in the street in her area. Bill Morris said it is irrelevant whether the sidewalk is being used. Council Member Knight expressed her concern with winter areas if slopes in the sidewalk have been created. Bill Morris said the compromise is complete tree removal at the resident's expense and sidewalk replacement at the city's expense. Other options would have to be reviewed. Mayor and Council gave a short discussion about some replacement scenarios.

Trisha Ross, 1013 N. 375 W., said she has trees that were planted in the wrong place. She understands the need for safety. She was under the impression a former Harrisville resident was able to have tree removal and sidewalk replacement done at the city's expense. Bill Morris and Gene Bingham said they are unaware of a circumstance where the city paid for the tree removal and sidewalk replacement in the past. Ms. Ross asked for confirmation that if the tree removal is covered by homeowner, sidewalk replacement would be covered by the city. The large trees in her front yard provide shade in the morning and help keep her house a lot cooler. She asked for an appropriate time frame to be given for tree removal. Bill Morris asked how

much time she needed. She said she appreciates the humanness that has been given to this issue. She asked if there is an option to deal with these issues by putting down some kind of reflective tape temporarily and given until spring to remove the trees. She said the sidewalk is not continuous throughout the cul-de-sac where she lives. In her opinion, most residents don't have the money to cover these costs. She asked that Council please remember to be patient and put into place a realistic deadline that can be met by the residents. Mayor Hendrix said city staff will work with residents on a case by case basis.

Council Member Richins asked about the history of sidewalk replacement ever being done in the past. Gene Bingham said he has no memory of the city covering the cost of the sidewalk replacement in the case of tree damage in the past.

Bill Morris suggested in lieu of setting up the special assessment area, Council support the compromise of the residents covering the costs of tree removal and sidewalk replacement costs covered by the city.

**MOTION: Council Member Richins motioned to approve the sidewalk replacement costs to be covered by the city under the condition the homeowner's cover the total cost of tree removal. Council Member Allen seconded the motion. All Council Members voted aye. Motion passed.**

Ken Martin said he and Gene Bingham will come up with a contract setting a deadline for each case. The city will then schedule a contractor to replace the sidewalk. Council Member Allen said he supports working through these issues on a case by case basis. Mayor and Council agreed deadlines will be set on an individual basis.

**e. Discussion/possible action to approve Engineering Services – Impact Fee Facilities Plan.**

Bill informed Council the city is trying to save money to expand Larsen Lane and also develop a plan for new park improvements. He informed Council the current park renovation projects have been completed and Council must adopt a new capital facilities plan to continue to collect park impact fees. The state law requirements have changed and new things are required. He reviewed the engineers estimate on the costs associated with the impact fees. There are a lot of situations where this money will be needed because of growth. These impact fees are necessary. Council Member Richins asked when the last time transportation impact fees were collected. Bill Morris said he is unaware transportation impact fees have ever been collected in Harrisville.

Gene Bingham said the parks impact fee study was conducted in the late 90's. It is time to get a new impact fee analyzed; now is the time for an update. Council Member Knighton expressed her desire to minimize these fees if they can. Bill Morris informed Council the future land use maps are necessary and Council agreed. Council Member Richins asked for clarification about the role of Zion's Bank. Bill Morris said under the new state law an independent review must take place by a third party to do the calculations. When the legislature makes changes to these laws, and this level of growth comes into communities, the impact is great on the area. These impact fees can't be collected until 90 days after they are passed. Bill Morris suggested getting this in place before the subdivisions are built out.

Gene Bingham requested input on Council's opinions to create the new required plan. This updated plan with Council's input would create an idea of what would be good for the city. Council Member Knighton agreed that time is of the essence. Bill Morris said the cost of the business license fee study has already been collected. Gene Bingham said there is probably enough money in place for the park study. Ken Martin clarified impact fees only affect the new residents moving into the city; the new residents that have an impact on existing residents.

Cliff Hokansen cautioned Council about increasing impact fees in Northern Utah. Harrisville has one of the lowest impact fees which draws business into the city. He used Ogden as an example of the high impact fees that deter business from coming in. He urged Council to consider the impact on commercial building permits versus residential building requirements; charging commercial businesses a park impact fee when they don't use the local parks. Bill Morris clarified commercial properties are not assessed the park impact fee. There are differences in these impact fees based on commercial and residential needs.

Don Knighton, 170 W. 1100 N., as an architect his opinion is potential property owners will walk away from property due to impact fees and urged Council to compare impact fees from Ogden and Logan to see how this affects communities.

Mayor Hendrix admitted more discussion may be necessary. Council Member Knighton asked for clarification on the necessity of the study. Bill Morris said the study will provide the highest rate; Council could always choose something less than that. Mayor Hendrix pointed out park impact fees have been in place for years. The parks are a substantial amount of money.

The transportation fee is hard to gage because the necessity is in the future. A plan must first be created, then the fees can be set in place towards this plan. Bill Morris said if the park impact fee were to be challenged the current study is out of date. Gene Bingham further clarified if we are charging a park impact fee we must update the plan to still collect this fee. Council Member Knighton asked if there was a grant for the splash pad and parking lot. Bill Morris said these grants are all Capital Facilities related. Gene Bingham pointed out these grants are usually a match. In order to apply and use these grants, the city must have some kind of funding mechanism in place.

Council Member Richins said there is nothing for the transportation fee in place. Bill Morris confirmed the city does not currently have a transportation impact fee. The future of Larsen Lane affects the need for transportation impact fees. Mayor and Council gave discussion on the need for future impact fees.

Gene Bingham commented there is still revenue coming in from park impact fees. With the completion of the current plan, we must update the plan to be in compliance. This impact fee money will have to be spent within the 6 year window, but a plan is needed at this time for spending.

**MOTION: Council Member Wilhelmsen motioned to approve engineering services for the impact fee facilities plan. Council member Allen seconded the motion. All Council Members voted aye. Motion passed.**

#### **5. Public Comments.**

No public comments were offered.

#### **6. Mayor/Council Follow-up.**

Council Member Knighton asked about the project management minutes where discussion was given about the Ben Lomond Golf Course. Bill Morris said general conversation and discussion was given during this meeting.

#### **7. Adjourn.**

Mayor Hendrix motioned to adjourn at 8:16 p.m.

#### **8. Heritage Days Work Session.**

Mayor Hendrix called the work session to order and turned the time over to Council Member Knighton. She said action needs to be taken to prepare for next year's celebration. First, a new date needs to be set. Mayor and Council agreed the first Saturday in August, which is August 2, 2014, for the Heritage Days 2014 date.

Council Member Knighton asked for Jennie Knight to have Pam Crosbie prepare the associated costs for the last 4 years. Mayor and Council gave discussion on the history of fireworks. Mayor Hendrix informed Council there is a relationship with Fireworks West that works well. Council Member Knighton asked if any members have any objection to giving Heritage days back to a committee format and out of Council's hands. Council Member Allen said the reason Council took over was to decrease the money being spent. Council Member Knighton there is an individual willing to devote getting sponsorships through the local businesses to help aid the financing of the celebration. Mayor and Council gave discussion on how other local cities run their celebrations.

Council Member Knighton said they will be starting to hold meetings for the committee soon to get things started for next year's celebration. She would like to collect email addresses for the local businesses so the committee can make contact with businesses for possible sponsorship. Mayor and Council agreed the vendors and money need to funnel through the city. They gave discussion on possible online signups.

Mayor and Council gave discussion on whether to reincorporate the all day program. Resident feedback has included a desire for the entire day celebration. They agreed some previous activities could be brought back into the celebration. Mayor and Council agreed to look at having local businesses sponsor each activity. Council Member Wilhelmsen said there is a small chamber of commerce in place that could possibly assist with Heritage Days. North Ogden City website has a small chamber of commerce listed in place. Mayor Hendrix said he did not have a lot of information on this.

Mayor and Council discussed various advertising resources that could be used to hold down the costs, as most businesses like to have advertisement be part of the sponsorship.

Discussion was given on the success of the midnight run and changes that may be implemented to help with future success.

Mayor and Council agreed some activities that are off site do not have to be held the same day. The possibility of incorporating the baseball/softball championship games in conjunction with the celebration.

Mayor and Council agreed to revisit the possibility of bringing back Harrisville's Got Talent based on its success in 2012. Other possible ideas were discussed such as fundraising opportunities for Youth City Council. They agreed to start building the Saturday evening program's entertainment first and build the other events around this. Some residents appreciated the small scale event which led away from the commercial feeling of past celebrations.

Council Member Richins said he had a local sound system provider in mind for this next year.

Mayor and Council agreed this is one of the largest expenses. Discussion was given to possibly change sound system providers but make sure they are familiar with the format.

Discussion was given to the free refreshments. Mayor and Council agreed most residents enjoy being able to attend without obligation to pay for everything.

Council Member Wilhelmsen reminded Council when the activities expand so do the associated costs. Discussion was given to the offsite activities, the logistics of having offsite activities.

Mayor and Council agreed to set the parameter on the dance ending with the fireworks display.

They agreed to try to solicit more participation from residents; also agreeing to try to keep things local and inexpensive. Council Member Knighton said the committee will keep planning ahead.

Discussion was given on keeping the same theme from year to year. Council Member Richins suggested reinstating some of the more popular events like the baby contest and Little Miss Harrisville. Council Member Knighton agreed if these events can fund themselves. Mayor and Council agreed to have the committee keep things within the guidelines of the budget, and have an outline of sponsors available for events. Council Member Knighton said the committee will begin work to gather information and sponsors for next year's celebration.

Mayor Hendrix motioned to adjourn at 8:56 p.m.

ATTEST:

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RICHARD HENDRIX  
Mayor

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JENNIE KNIGHT  
City Recorder