

MINUTES OF HARRISVILLE CITY
CITY COUNCIL MEETING
Tuesday, September 22, 2015 – 7:00p.m.
Council Chambers
363 West Independence Blvd
Harrisville, Utah 84404

Present: Mayor Bruce Richins, Council Member Grover Wilhelmsen, Council Member Michelle Tait, Council Member Jeff Pearce, Council Member Jennifer Jensen, Council Member Michael Murtha.

Staff: Bill Morris, City Administrator, Jennie Knight, City Recorder, Shawn Read, Police Officer.

Visitors: Ruth Pearce, Destiny Jimerson, Jamie Collard, Rock Mecham, Trevor Trotta, Kylee Hamilton, Abbi Clawson, Craig Butters, Boyd Walters, Brian Walters, Mike McLeighton, DeAnn McLeighton, Kobee Knight, AJ Jiron, McKenzie Cragun, Peter Griffin, Austin Teuscher, Aspen Teuscher, Sean Hart, Dorothy Donnelson, Keith Hellewell, Kerry & Shanci Maw, Pat Young, Bob Young, Jed & Hill Hunter, Doug Russell, Tyler Knight, Caleb Knight, John Barker, ?Pack, Russ Wahlen.

7:00 P.M. CITY COUNCIL MEETING

1. Call to Order.

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

2. Opening Ceremony.

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

3. Consent Items.

- a. Approve the minutes of August 25, 2015 as presented.

MOTION: Council Member Tait motioned to approve the consent items of September 22, 2015 as presented. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

4. Business Items.

a. Discussion regarding the Harrisville Justice Court.

Judge Renstrom gave an overview of how the Justice Court is running successfully. He expressed his appreciation of Council's support. He commended the fantastic police force under the direction of Chief Jackson. He feels good things are happening in the Justice Court. They are currently transitioning to a paperless system; all files will be moving towards electronic documentation.

Bill Morris reiterated what the judge said explaining the AOC is the governing body of the judicial branch. This recertification is their way of conducting an audit. Part of this process includes this update from the judge to the council. The certification should be easily completed. Mayor Richins said he has observed Judge Renstrom in court and he is pleased with how he runs the court. There have been a lot of improvements made. Although regulations do not allow the judge to translate he is able to understand because he is fluent in Spanish. The recertification paperwork is in order and this will complete the process that is required every 4 years.

b. Discussion/possible action to approve Harrisville City Resolution 2015-12; a resolution requesting the recertification of the Harrisville Justice Court.

MOTION: Council Member Pearce motioned to approve Harrisville City Resolution 2015-12; a resolution requesting the recertification of the Harrisville Justice Court. Council Member Jensen seconded the motion. A Roll Call Vote was taken.

Council Member Murtha	Yes
Council Member Jensen	Yes
Council Member Pearce	Yes
Council Member Tait	Yes
Council Member Wilhelmsen	Yes

Motion passed 5-0.

c. PUBLIC HEARING on business license study and proposed ordinance.

Bill Morris gave a preface for the business license ordinance. He explained that Council has expressed a desire to implement a good landlord program in the past. In order to implement this program a comprehensive business license fee study was required. Jeanette Harris from Zion's Bank explained the Utah State Code requires a study in order to charge a disproportionate fee for business licenses. The fees must be related to the associated costs.

MOTION: Council Member Jensen motioned to open a public hearing on business license study and proposed ordinance. Council Member Murtha seconded the motion. All Council Members voted aye.

Craig Butters, 760 N. Larsen Lane, asked if Council was going to discuss the proposed fees listed. He stated that not all of the fees are increasing. He asked if Council will be going through the fees this evening or if they will be holding a meeting at a later date. Mayor Richins explained that this item is listed as an action item so action is allowed but not required.

Kerry Maw, 970 N. Harrisville Road, asked if the city was in the “black” or “red”. He said if the city is not looking to increase revenue could Council consider passing the Good Landlord portion of the ordinance but not make any adjustments to the fees.

Jed Hunter, 735 N. Hwy 89, said he owns Klassy Kwik Stop. He asked if the study always takes the average police calls for each address. He expressed his concern that certain calls for service at their address may not be related directly to their business. Sometimes their address is referenced if an accident happens nearby. This would increase the calls for service but is not related to their business. He asked if this study takes into account these circumstances.

MOTION: Council Member Wilhelmsen motioned to close the public hearing on business license study and proposed ordinance. Council Member Tait seconded the motion. All Council Members voted aye. Motion passed.

Bill Morris addressed some of the questions that were asked by stating the city has no debt. The Council has been operating on the philosophy that the city would subsidize the services the businesses incur due to disproportionate fees. Some of these businesses are being subsidized upwards of 36%. Now that this study has been conducted they will have to decide if they want to continue to subsidize these businesses or pass the costs on to each business.

Jeanette Harris answered the question regarding what is considered calls for service. When she requests the call data, any traffic or medical related calls are removed. She specified Fire and EMS calls are not included in the numbers. They look at the calls very carefully. Bill Morris said during an audit of these collected numbers they found the numbers are consistent and the calls are legitimate.

Council Member Jensen said she feels the fees are going up quite a bit just to implement the Good Landlord program. For example a home occupation fee is going up by \$60. Home occupations are not really affected by disproportionate fees because they don't have many, if any, calls for service. She questioned why all of the rates are being increased. She stated she doesn't mind requiring rental businesses to be registered and implementing a Good Landlord Program but that these fees are too much of an increase. Bill Morris suggested Council consider a future plan to gradually increase the fees. We are currently subsidizing these businesses with tax payer monies. Walmart addressed their large business license fee by implementing an asset protection program to receive a discount on licensing fees. Council Member Jensen expressed her desire to maintain a business friendly relationship with business owners. She feels like other cities offer tax breaks to bring in business.

Council Member Murtha said he feels Council Member Jensen has a good view on this. He feels the Council is failing business owners because we have not conducted a study on why the fees are so high. He feels there is an explanation as to what is causing this fee. He expressed he is not really behind passing this right now.

Jeanette Harris said pages 20-21 of the business license study explain where the costs are incurred. There are actual costs for these fees and the fees are not based on any other cities. The base administrative cost is listed for each fee. Bill Morris asked Jeanette Harris to clarify how the administrative cost is calculated. Jeanette Harris

explained this is the cost per minute per employee. They interview the business license personnel and calculate the time spent of each license and multiply that cost by the cost per employee. She also clarified that disproportionate costs are never counted in the home occupation. The \$83 fee is coming from the administrative costs alone. The maximum allowable fee is the administrative cost plus the disproportionate cost for each business.

Council Member Murtha stated that what is not covered by the study is what the governing body has done to reduce the disproportionate costs to businesses. Bill Morris asked Jeanette Harris to clarify how the disproportionate cost is calculated. Jeanette Harris explained that since the salaries in the police budget vary, they take the specific costs of how many police would be needed if there were no calls. This is the base administrative cost for police. The remaining costs are divided against the number of calls per business. That is where the \$150 number is calculated. One reason this study is helpful is it allows cities to see where high call volumes are coming from and how they can be reduced. This provides a really good starting conversation with business owners. In Provo there was a sporting goods store that had a high volume of calls for service. They discovered this was based on drug deals taking place in the parking lot. They were able to implement a plan to reduce this activity which directly reduced the calls for service.

Council Member Tait asked about the 5 year study requirement. Jeanette Harris explained the State Legislature has required that this study be conducted every 5 years. Fees have to be reduced if businesses are able to reduce the calls for service during that time.

Bill Morris pointed out retail businesses often suffer because of thefts. He said if the city can work with them on better asset protection programs, they can reduce the business license fee.

Council Member Murtha said he would like to be more business friendly and feels the city should do our due diligence to find out what is going on with these fees. Bill Morris stated this information is included in the ordinance.

Council Member Jensen expressed her concern that businesses will not chose to locate within our city with high licensing fees. Bill Morris pointed out those are issues the Council can address.

Council Member Tait asked what to do about implementing the Good Landlord program. Bill Morris said the study includes the maximum proposed fee. Council does not have to charge this fee.

Council Member Jensen questioned how much revenue the Good Landlord program would bring in. Mayor and Council discussed whether or not to approve part or some of the ordinance. Bill Morris reminded Council to consider whether the city should still subsidize these businesses. He pointed out the city is trying to eliminate the large calls for service. He suggested Council table this discussion and invite businesses to attend an open house where Council could meet with them individually. Council Member Murtha agreed stating this will show the community that the city is doing our due diligence. Council Member Jensen expressed concern with the proposed home occupation fee stating people will just not get a business license.

Council Member Wilhelmsen asked for clarification as to how much the city is subsidizing. Bill Morris responded as much as 36% is being subsidized by the general fund. Mayor and Council agreed more discussion on this item is needed.

d. Discussion/possible action on adoption of Ordinance #469 Business License Regulations and General Revenue.

MOTION: Council Member Jensen motioned to table Ordinance #469 Business License Regulations and General Revenue. Council Member Tait seconded the motion. All Council Members voted aye. Motion passed.

e. PUBLIC HEARING on proposed impact fee ordinance, impact fee facilities plan, and impact fee analysis.

Jeanette Harris gave a presentation on the impact fee studies for the proposed impact fees for parks, transportation, and public safety. She explained the proposed numbers are the maximum cost that can be charged as the impact fee.

MOTION: Council Member Wilhelmsen motioned to open a public hearing on proposed impact fee ordinance, impact fee facilities plan, and impact fee analysis. Council Member Jensen seconded the motion. All Council Members voted aye. Motion passed.

No public comments were offered.

MOTION: Council Member Murtha motioned to close the public hearing on proposed impact fee ordinance, impact fee facilities plan, and impact fee analysis. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

f. Discussion/possible action on public hearing and adoption of Ordinance #474 Impact Fee Enactment.

Bill Morris explained that if passed, these impact fees do not go into effect until they are posted for 90 days. He said the park impact fee is increasing by \$100, and both the transportation and public safety are new impact fees.

Council Member Jensen asked what new parks are proposed and what impact this will have on the Millennial Park. Jeanette Harris explained the city does not want to be too specific and limit ourselves. Bill Morris said that may cause a future problem. We need to have a broad overview that will address different areas in the city. The details are things that will be worked out at a later date.

Council Member Murtha asked how close we are with our 5-10 year plan on the projections to extrapolate that number that is used to determine growth. He also asked if the appropriate directors have looked over these studies.

Bill Morris said Gene Bingham, Public Works Director, is the only one who gave any feedback. Bill Morris mentioned that Gene had some concerns about where you can allocate funds including improvements to Larsen Lane. Jeanette Harris said Larsen lane is not a structural deficiency, it is a traffic related issue. Bill Morris also mentioned Gene

asked if impact fees can be used to maintain existing roads. Bill Morris said these fees can only be used for new projects. This is an impact for new growth. Jeanette Harris said this study includes only impact fee eligible roads.

Council Member Murtha stated he would like the public safety opinion on these projections. Bill Morris said Max Jackson, Police Chief, has been involved through staff meeting discussions. Council Member Murtha expressed his desire to know where the projected growth is targeted and whether we are expecting our growth rate to be much larger. Bill Morris said the last 10 years dropped off a little from the projected growth because of the recession. Jeanette Harris said this includes a projected growth of 2% per year. Bill Morris said this is slowly starting to pick up and we are now addressing some of the projects that were planned.

Mayor Richins pointed out the road called 1500 North that goes through should be corrected to 1550 North. He also pointed out the study includes a future disc golf course. This has already been installed. Jeanette Harris explained this portion of the study was conducted before the disc golf course was installed.

Bill Morris recognized Jeanette Harris for her efforts on conducting these studies through Zion's Bank and making sure we are following State Law. Council Member Murtha asked how often we address these issues. Bill Morris said every 10 years. Jeanette Harris specified the funds must be spent within 6 years of collection.

MOTION: Council Member Tait motioned to approve Ordinance #474 Impact Fee Enactment. Council Member Jensen seconded the motion. A Roll Call Vote was taken.

Council Member Murtha	Yes
Council Member Jensen	Yes
Council Member Pearce	Yes
Council Member Tait	Yes
Council Member Wilhelmsen	Yes

Motion passed 5-0.

g. Discussion/possible action to grant final approval for Hunting Park six-lot subdivision located at the west end of 1500 North.

Bill Morris read the memo from the city engineer's office and informed Council that Planning Commission has given their recommendation on this subdivision.

Council Member Jensen said she was approached by some residents that the ditch or canal in this area runs over onto that property. Bill Morris said they cannot guarantee this area will never flood but the engineer's have worked together to address any potential issues. There was a concern from area residents that run off not be allowed onto existing lots. Council Member Jensen said she has witnessed this flooding herself as recently as last spring. The developer explained as these lots are sold they will have sump pumps or land drains that surround these homes. There are limited things they can do to address this. There is also a note on the plot to ensure the drainage from the new lots does not runoff to existing lots.

Council Member Tait asked for more detail with regard to planning commission's recommendation. Bill Morris explained the concern is with the new homes raising the ground and flooding out their neighbors. The developer read the note on the plat addressing this issue. There is another note that no basements are allowed. The building permit limits that lowest allowable elevation.

Mayor Richins asked if there is any report of the canal flooding. Bill Morris said that Gene Bingham is working with the canal company on another issue but he has not heard of a report in this area.

MOTION: Council Member Pearce motioned to grant final approval for Hunting Park six-lot subdivision located at the west end of 1500 North. Council Member Murtha seconded the motion. All Council Members voted aye. Motion passed.

h. Discussion/possible action to grant final acceptance of Phase 4 Wildflower Subdivision.

Bill Morris explained this is a formality to release the remaining escrow on phase 4 of Wildflower Subdivision. These improvements have been in longer than the required time frame. Council Member Jensen asked how long a guarantee is in place. Bill Morris said according to State Law we can only hold onto the escrow until the guarantee period expires. This is now one year but was previously two years. Bill Morris specified this is only on phase 4.

MOTION: Council Member Tait motioned to grant final acceptance of Phase 4 Wildflower Subdivision. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

i. Discussion/possible action on adoption of Ordinance #473 Land Use Amendment -amending the General Plan and Zoning Map for Wahlen Acres.

Bill Morris explained Mr. Wahlen subdivided his property without going through the proper procedure. This amendment will bring him into compliance. Planning Commission recommended approval on RE-15 but was entertaining an R-1-10 zone. Bill Morris explained we will also be working with this property owner to establish the connection of 1100 North. Council Member Pearce recommended approval of the R-1-10 zone. Bill Morris informed Council this was advertised as a RE-15 zone so anyone that may want to oppose this change would not have received proper notice for the R-1-10 zone. Thoroughbred Meadows is zoned RE-15 but some surrounding neighborhoods are R-1-10.

MOTION: Council Member Wilhelmsen motioned to approve Ordinance 473 Land Use Amendment- amending the General Plan and Zoning Map for Wahlen Acres. Council Member Tait seconded the motion. A Roll Call Vote was taken.

Council Member Murtha	Yes
Council Member Jensen	Yes
Council Member Pearce	Yes

Council Member Tait **Yes**
Council Member Wilhelmsen **Yes**

Motion passed 5-0.

5. Public Comments - (3 minute maximum)

Ruth Pearce, 295 E 1150 N., wanted to comment about the League of Cities and Towns conference. She recommended having a planning commission training not just for our planning commission but invite surrounding cities.

Mayor Richins said we had this training about a year ago and it was well attended.

Russ Wahlen, 122 E. Wahlen Way, wanted to confirm he talked to a few people about reducing the Wahlen Acre property to R-1-10 to match the surrounding area.

6. Mayor/Council Follow-Up:

Mayor Richins reminded Council meet the candidates night is this Thursday at 7pm at the bowery.

Mayor Richins also informed Council Don Knighton has resigned from the planning commission. This vacancy will be advertised in the newsletter.

a. General Plan Update.

Bill Morris gave a quick overview on working with Zion's Bank to do a comprehensive plan to get a cost estimate. This would be around \$60,000. Although an update is overdue, this is not a rainy day fund item. He proposed the he work directly with Gene Bingham to complete this study in house. This will have an impact on staff. Council Member Murtha said when the email was sent out to receive comment, there are 7 elements to this plan but no other information addressed anything other than the first element.

Bill Morris said there has been new legislation passed since the last update and new statutes apply. This old document is outdated. Council Member Murtha pointed out the General Plan states that Council will address this once every year.

Bill Morris suggested rewriting the document and even having this codified and put online to be easily accessed. Council Member Tait expressed concern with not having enough time to review all of the information.

Council Member Murtha suggested meeting as a public body to give input to staff. Bill Morris said the decision tonight is just to give staff permission to work on this project by putting together a draft and then having Council go through each element. Mayor and Council agreed for staff to begin this project.

7. Adjourn.

Mayor Richins motioned to adjourn at 8:58pm.

ATTEST:

BRUCE RICHINS
Mayor

JENNIE KNIGHT

City Recorder

Approved this 27th day of October, 2015.