

**MINUTES OF HARRISVILLE CITY
CITY COUNCIL MEETING**

Tuesday, August 23, 2011 – 7:00 p.m.
Council Chambers
363 West Independence Blvd.
Harrisville, Utah 84404

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; Kent Jones, City Engineer; Jennifer Morrell, City Recorder; Bill Morris, City Administrator.

VISITORS: Ruth Pearce, Jeff Pearce, Jeff Lemberes, Don Knighton, Paula Knighton, Dave Eckersley.

6:30 P.M. WORK SESSION

Mayor Hendrix turned the time over to Kent Jones, City Engineer, to discuss the storm and the events that took place. Kent Jones gave a synopsis of the flood event and described some of the elements of the storm. He said the North Ogden Bench received 1" of rain by 8:00 p.m. on Sunday, July 31st, and that the soil was saturated ahead of the peak storm which occurred on Monday morning, August 1st. The estimated rain fall was 3" in a 24 hour period.

Mr. Jones presented a chart from the National Oceanic and Atmospheric Administration, NOAA, which produces precipitation estimates based on historic rainfalls throughout the whole country. The data for the storm on August 1st for the Ogden area shows that this was a 100 year storm, meaning the statistical probability of the storm recurring is once every 100 years. He said the bottom line is this was a very significant storm falling on already saturated materials which created a lot of flooding.

Mr. Jones showed a map of the Central Weber Sewer trunk line, or outfall, from North Ogden City into Harrisville and out to their plant in Marriott-Slaterville. He said the outfall line is 21" which is a very large line, noting that most of the mains are 8" or 10". He pointed out the collection area in North Ogden where 45 homes and numerous intersections were flooded. He said all the floor drains in those homes had flow going into the sewer system along with water from the intersections and it was not long until all that flow got into the sewer system and was coming down the outfall line to Harrisville City. (The diagram shows the Central Weber Sewer outfall line runs down Independence Blvd.)

Kent Jones said Gene Bingham, Public Works Director, documented the outfall from North Ogden City before it reached Harrisville. Mr. Bingham documented that there was five to six feet of sewage above the flow line in the manhole. Mr. Jones said the floodwaters from North Ogden came from basement floor drains, sewer manholes from flooded streets, and home sump pumps tied into the sewer system. He said the sewer manholes help vent gases that would cause corrosion to the pipes. In most cases the manholes are in the middle of intersections and the flooding in North Ogden was from curb to curb with entire intersections flooded so that the holes in the manholes acted like a catch basin in the storm drain.

Mr. Jones showed a map with the residents who were impacted from sewage backup. He explained that this neighborhood was created in 1975 with the Central Weber Sewer line pre-existing the development. He said the subdivision road was built over the top, which was fine, but there was not a need for another sewer line so they allowed the people who built there to connect into the main Central Weber outfall line. Mr. Bingham reported there were no other areas in the city that flooded. Mr. Jones added that all of the collection systems in the City functioned properly during the storm and were well managed by the Public Works Department.

Mr. Jones showed a schematic of the Uniform Plumbing Code of 1985. He pointed out that at the time the homes on Independence Blvd. were built they fell under the Utah Plumbing Code which did not require backflow prevention. He said the current code (Uniform Plumbing Code) says if a drain is below

the main sewer level there must be a backflow valve. Also, he noted that this would require no bathroom or plumbing in the basement.

Mr. Jones concluded by saying it was clear that the Central Weber trunk line was overloaded from the flood waters in North Ogden. He said Harrisville City is not responsible for the back up as it was not the City's facility that created it. He also emphasized that there is no protection from this happening again and added that the Central Weber Sewer line is sized properly for sewer flow.

Mr. Jones talked about the backflow prevention devices as an option that will help but also noted there can be problems associated with them. He said the present code means there should not be any plumbing fixtures in the basement and reiterated that the homes built on Independence Blvd. were constructed prior to the requirement for backflow valves

There was additional discussion on the backflow valves and how they can be used successfully, with the caveat that they are maintained and checked regularly to prevent backup into the home. Mr. Jones also showed Utah Code Section 63G regarding immunity of governmental agencies from acts of God. He said people assume the risk of danger when they engage in an activity with an assumed risk. Having a home with a basement is an assumed risk with sewer backup or ground water intrusion.

Mayor Hendrix opened up the meeting for discussion and public comments.

Judy Lemmon, 246 W. Independence Blvd, stated she was upset that this has happened a second time. She said it happened in September 1991 with two feet of water in their basement. She said the engineers she spoke with in Weber County said the retention pond was not supposed to be as large as it is and she thinks when it was enlarged that the manhole was covered but never checked.

She said the manhole covers were blown off in 2003 when someone on Washington Blvd. put gasoline down the storm drain. She feels that may have caused cracks in the sewer system and also feels the retention pond is too large and is causing problems. Ms. Lemmon reported speaking to Chad Meyerhoffer who said the sewer line should be bigger. She said in a 30 minute time frame the sewer came up into her basement like an explosion and then receded.

Gene Bingham stated that the manhole in the retention basin is visible and has a non-vented lid. He pointed out that after Central Weber Sewer's flow went down, the water in the retention pond was still high, which indicates it did not discharge into the sewer line.

Kent Jones explained that the manhole in the detention basin belongs to Central Weber Sewer. He also reiterated that when the sewer flow went down and there was still water on top of the manhole which shows that storm water from the city was not leaking into the sewer line.

Ms. Lemmon said this incident and the possibility it will happen again has lowered her property value.

Diana Anderson, Independence Blvd., said her house sits lower than any others on the street. She said the first flood they had cracked her basement floors and made a gap between the foundation and the floor. She said her basement floods anytime her neighbors get water on their property and this last flooding incident has caused her basement to be moldy. She explained that she has two sump pumps, one in the back of her yard that drains into the park and another in her basement and neither one was able to take care of the water that came up. She also commented on the incident in 2003 when gasoline was poured into the storm drain causing her basement to catch fire.

Dave Ferguson, lives on Hwy 89, said he was discouraged by the government immunity act. He decided to look at what other cities do. He explained that Tooele City has a no-fault fund set up for \$10,000 per home owner to help with the costs of damages in this type of situation. He said there are other cities with similar policies where residents fill out a simple form to show the damage and a fund is there to help compensate them. He asked if the City could do something similar.

Mayor Hendrix noted there is a sidewalk fund for sidewalk repair and asked Mr. Ferguson for more details on how Tooele set up their fund.

Gary Robinson, 234 W. Independence Blvd., noted that North Ogden has their manholes in low points at intersections. He asked if the City or Central Weber Sewer could make them raise their manholes. Kent Jones pointed out that the whole intersection was flooded curb to curb and said the manholes are not at a low point but actually are located at the high point.

Mr. Robinson asked if there is some type of electronic system that could shut things down when an event like this occurs again. He discussed his concern with continued building in North Ogden and the impact that has on the sewer system. Kent Jones said those new homes are tied into a different outfall and did not contribute to the problem. Mr. Robinson thinks pressure should be put on North Ogden to change their system so that it protects our city and pointed out that Harrisville has put in drains to help the cities downstream. Mr. Robinson does not think North Ogden is concerned about helping surrounding cities.

Kent Jones said he disagreed with that statement and said North Ogden has jointly funded two major retention basins and they have done all they can to control water including construction of detention basins. Mr. Jones also stressed that the storm system is not the problem here; the problem was with the sewer system and the cities did not have any problem with the storm drain system.

Mr. Bingham emphasized that all these problems happened on the Central Weber Sewer line not on the Harrisville City line. He suggested that the citizens who were affected by the storm take their concerns and suggestions to Central Weber Sewer District. He also expressed appreciation to North Ogden, saying they have been good to work with Harrisville and sensitive to our needs in regards to storm water.

Dave Ferguson said Central Weber Sewer District does not want to talk at all. Most of the residents in attendance agreed with his statement and many said they had received a letter stating that the Sewer District was not at fault.

Mayor Hendrix asked if they were contacted by the insurance carrier from Central Weber Sewer. Those present said they had been contacted with a letter saying the Sewer District was not at fault. Mayor Hendrix asked for a copy of the letter and recommended that residents go to the board meeting for the Sewer District and state their case.

Judy Lemmon read the letter she received from Central Weber Sewer and said the government did have prior knowledge of this problem because of the flooding 20 years ago when then Gov. Norm Bangerter took a tour of their street.

Dave Ferguson said the insurance companies want them (residents) to prove negligence. He said he is not a sewer expert and has no way to know if there is a flaw in the design. He asked what can be done to prevent this from happening again.

Kent Jones suggested again that residents consider installing a backflow device. Some of the residents argued that it would not work or that the cost was prohibitive. Someone in the audience asked if this was the only main line that services Harrisville and North Ogden. Gene Bingham said there are sewer lines on 2150 North, Independence Blvd., and one that runs down North Street. Kent Jones talked about why the outfall line is sized the way it is, stating it was designed to be big enough to handle sewage but not to handle an unprecedented storm event.

(Many questions came all at once from residents in the audience with some speaking over each other. Kent Jones tried to address them.) Mr. Jones said the developer made the request to Central Weber Sewer to tie into the mainline. There was no need at that time to construct a separate sewer line and the building code allowed that to happen. He restated that individual backflow devices would prevent this from happening again. Some residents asked why their homes were allowed to be built without a backflow device when their homes were built after the Uniform Building Code in 1985. Mr. Jones said the letter of the law says nothing can be connected in their basement to the sewer, not even a floor drain, but often builders felt what they had was close enough. He stressed again the need to install a backflow prevention device.

Mr. Jones and Ken Martin, Building Official, discussed some new types of backflow devices and how they are installed, maintained, etc... and also discussed the requirements from the Uniform Building Code. Kent Jones said there is no question this flooding was related to the storm.

Mayor Hendrix said that Central Weber has cleaned out the line and checked for any breaks or damage and has videotaped the line out 600 feet. Mr. Lemmon asked about the possibility of having a septic tank.

Charles Hawes, 239 W. Independence Blvd., said he is forced by law to tie into the system and pay for it. He thinks the recommendation for a backflow device is a patch job and said there was not a problem when they first tied into the main sewer line because of the volume, but there is a problem now. He feels the elected representatives should identify the problem and come up with a workable solution. He said if the problem cannot be solved then they will get a lawyer. He wants someone to tell him how he should fix the problem. He reiterated that the problem did not exist when they first tied into the line but feels the increased volume has created the problem and suggested putting in a new sewer line. He argued that it was the responsibility of the elected officials to protect resident's property values and health.

Lori Barrow, living in Judy Lemmon's basement, asked where the Lewis Peak subdivision in North Ogden will tie into. Kent Jones said it will tie into this same line. Dave Ferguson commented that increased development does add pavement and buildings which takes away from natural ways for the water to discharge. He added that during the winter he shovels snow in front of his house, which has been packed down over the drains by the snowplows, in an attempt to prevent flooding.

Judy Lemmon asked how the City can put pressure on the Sewer District. Mayor Hendrix said they can all show up at the Central Weber Sewer board meeting. Ken Martin said that the Mayor sits on the board to support the citizens but the citizens need to show up to support the Mayor.

Brent Lemmon, 246 W. Independence, explained the Health Department requirements for clean-up from a sewer backup. He said it is different than a storm water backup. He wants the City to run a separate sewer line for the affected residents and take them off the Central Weber line. He also talked about the problem with the berm behind his house and how it has taken away the natural flow of water on his property and noted how he has raised his property to compensate for the berm.

Mayor Hendrix stated that from this point on these issues need to be addressed to Central Weber Sewer District. He urged everyone to attend the next board meeting on September 19th at 5:00 p.m. and gave the address and directions to the Central Weber Sewer facility.

7:35 P.M. CITY COUNCIL MEETING

1. Mayor Richard Hendrix called the meeting to order and welcomed all visitors.
2. Council Member Richins led the Pledge of Allegiance and offered the opening ceremony.
3. **CONSENT ITEMS**
 - a. **Approve the minutes of July 26, 2011 as presented.**

MOTION: Council Member Tait motioned to approve the minutes of July 26, 2011 as presented. Council Member Richins seconded the motion. All Council Members voted aye. Motion passed.

4. **BUSINESS ITEMS**
 - a. **Presentation of Weber County Animal Control Services.**

Lt. Chad Ferrin, director of Weber County Animal Services, acknowledged there has been an increase in the requested fees for animal control and pointed out there are two portions to animal control services. He explained there are the animal services portion and the animal shelter portion and noted he was here to discuss animal services. He said that when the county looked at their budget and evaluated their costs they found they were paying 80% of the cost.

They decided to assess new fees by looking at the calls for service and the population of each city and base the fee on usage. He said this includes everyone in Weber County. He said that the new cost for animal services was based on last year's numbers which only include calls that generated a report. He said that will change as next year they will write a report for every call they go on.

Lt. Ferrin went over the statistics for the number and types of calls as well as population numbers.

Chief Max Jackson asked if the formula for the fees took into account the licensing fees generated by our residents that go into the County coffers. Lt Ferrin said the City is credited with the licensing fees and making people compliant will help lower the City's cost. Chief Jackson said the service they get from the county is good and appreciates that they make themselves available after hours.

City Administrator, Bill Morris, mentioned that comments were made at the last City Council meeting about the Police Department taking over animal control. Chief Jackson said they could not provide the service given by the county for less. He reminded the Council that the cost to provide animal services included wages, a vehicle, temporary shelter, training, liability, etc...

Mr. Morris asked if there would be any benefit to joining with Pleasant View or North Ogden vs. contracting with the county. Chief Jackson said those cities would not take on our load and it would cost the City more money over the long run. He feels the contract with the county is the best solution.

Council Member Allen pointed out that it is not only the trucks that are used but often they respond with horse trailers and deal with large animals. Council Member Wilhelmsen asked if more manpower will be required to follow up on people who are not licensed. Lt. Ferrin said it will not, and stressed this will be a more proactive use of time rather than just driving around looking for violations.

Chief Jackson said Harrisville pays less than Pleasant View and Lt. Ferrin added that animal services has been a great deal for a long time but now the City needs to share the costs.

Council Member Richins asked why this was being discussed when the City has committed to paying for the bond on the animal shelter. Lt. Ferrin reminded him that the City could still use the shelter and provide for their own animal control services, they are two separate things.

Council Member Wilhelmsen asked if fees are charged to the animal owners. Mr. Morris said there are relinquishment fees charged to animal owners.

b. Discussion and/or possible action on request from Golf Crest Village Phase 2 to exempt parking area from bond requirement.

Mike Schultz, developer for Golf Crest, said he is here to ask that the parking structure be removed from the escrow requirements and be treated as a driveway. He said the purpose of having an escrow is to protect citizens and the City from a developer's bankruptcy or from leaving the project. He said escrow is for infrastructure done prior to building of the homes.

He explained that the parking area cannot be completed until the buildings are built. Mr. Schultz feels the requirement to escrow for the parking puts an unnecessary burden on him. He also reminded the Council that they gave approval for him to use a bond vs. a cash escrow. He said there is only one bond company would give him a bond and it will cost him \$65,000. He feels the City will be protected if final occupancy is not given until the driveway/parking is put in.

Mr. Schultz explained that it does not make sense to bond for something the City will never come in and complete such as the buildings, driveways, and parking areas. He said all the public improvements are complete; the main roads and light poles are all in and the storm water detention ponds are landscaped.

Mayor Hendrix clarified that they would still need to put up a bond for the same amount. Mr. Schultz said the only thing left (if the parking area is exempt) are the sidewalks. He said if the driveways are exempt then he can post a cash escrow. Gene Bingham said he would need to verify the number of light poles required and the remaining sidewalk amounts.

In communicating with Ken Martin, Mr. Schultz was told that the driveways would need to be in before receiving final occupancy. Mr. Schultz showed the Council the improvement drawings indicating where the parking structures and driveways would be. He showed them which buildings were completed and which ones are still under construction and noted that they cannot put in the parking unless the foundation is in, at a minimum, and ideally not until all the heavy equipment has been moved out.

In response to a question from Council Member Wilhelmsen, Mr. Schultz clarified that he is asking for the parking areas to be exempt from the escrow requirements. He explained that the parking is budgeted as part of the building, not the development infrastructure, and is considered a part of the driveway. He said they would be completed after the buildings are completed and would be done before final occupancy is given.

Council Member Tait asked how big of a benefit it would be to Mr. Schultz to be exempt from this. He said it would save them \$240,000 which could help them build another building. He also discussed the extra cost of providing a bond and what improvements would be remaining if the parking area is exempt. He said the grading and paving improvements would need to be eliminated along with the waterway and the roadbase under the curb and gutter. He said all these things are tied to the parking area.

Ken Martin clarified that these are not parking lots because there is no room for parking other than in the driveway areas. He pointed out that the landscaping is also put in after the building is completed.

Bill Morris said we do not care about private facilities and explained why this was included in the SAP when the escrow agreement was created. Gene Bingham explained that this is the way it was drafted in the Developer's Agreement. Mr. Schultz reiterated that these are all things done after the building gets built and pointed out that everything the City could be liable for is done. Also, because it is a private subdivision there really is not anything the City can be liable for.

Council Member Allen asked why there was a division from staff on what should be done. Mr. Morris explained that last year the City Council only gave staff approval to negotiate on the landscaping not on removing the parking area. Council Member Allen asked Mr. Morris if the City was worried about the bond. Mr. Morris said he would rather have a cash escrow, which Mr. Schultz said he could put up if the driveway/parking area is taken out. Mr. Schultz said that technically the sidewalk is not a public improvement either and is something they normally do not complete until the building is finished.

Mr. Schultz said there is only 871 feet of sidewalk that needs to be done vs. the engineer's estimate of 3,102 feet which would decrease the amount they need in escrow for sidewalks.

MOTION: Council Member Richins motioned to approve the bond/escrow requirement be limited to the remaining public improvements as determined by the City Engineer and Gene Bingham for Golf Crest Village Townhomes PRUD phase 2. Council Member Allen seconded the motion. All Council Members voted aye with Council Member Crowther excused. Motion passed.

c. Discussion and/or possible action to set the dates for Heritage Days 2012.

Mayor Hendrix said the dates being considered for Heritage Days 2012 are July 27th and 28th and August 3rd and 4th. Council Member Wilhelmsen said it is important to avoid conflicting with the Weber County Fair. He also mentioned that Roy City Days are usually on the same weekend as Heritage Days but was a different weekend this year. Mayor Hendrix said the Weber County Fair is usually the 2nd week in August.

Mr. Bingham said July 27th and 28th make it hard to get the park set up because it is so close to the 24th of July when the City is closed. Council Member Wilhelmsen said Sue Russell would like to do other activities throughout the week because next year is the City's 50th anniversary. Mayor Hendrix said a work session will be held at the next City Council meeting to discuss Heritage Days.

Council Member Richins suggested waiting until after the work session to set the dates for Heritage Days. Council Member Wilhelmsen said the sooner the date is set the more advertising time we get especially with the car show. He said we need to start moving ahead with this now.

MOTION: Council Member Wilhelmsen motioned to set August 3rd and 4th as the primary dates for Heritage Days 2012. Council Member Tait seconded the motion. All Council Members voted aye with Council Member Crowther excused. Motion passed.

- d. **Discussion and/or possible action to appoint poll workers for the 2011 Primary Election and the 2011 General Election.**

Jennifer Morrell, Recorder, presented the names of the poll workers for the Primary and General Election.

MOTION: Council Member Tait motioned to approve the poll workers for the 2011 Primary Election and the 2011 General Election. Council Member Allen seconded the motion. All Council Members voted aye with Council Member Crowther excused. Motion passed.

- e. **Discussion and/or possible action to combine polling locations for the 2011 Primary Election and the 2011 General Election.**

Ms. Morrell explained that the law allows the City to combine precincts into one polling location. This will reduce the election costs.

MOTION: Council Member Allen motioned to combine precincts for the 2011 Primary and the 2011 General Election. Council Member Wilhelmsen seconded the motion. All Council Members voted aye with Council Member Crowther excused. Motion passed.

5. PUBLIC COMMENTS

Gary Robinson, Independence Blvd, commented on the new law for lighting fireworks. He said he supports allowing residents to light fireworks for an extended time period and not going back to 3 days before or after the holidays in July. He said he realizes there are some problems with it but thinks the City officials should keep the fireworks law the way it was this past year. He also commented that there are not many activities at Heritage Days for people over fifty.

6. MAYOR/COUNCIL FOLLOW UP

Mayor Hendrix said the next Council meeting will be on September 27th due to the Primary Elections being held on September 13th. He also reminded Council Members of the work session to discuss Heritage Days which will be held at the next meeting.

Council Member Richins asked about the splash pad schedule. Mr. Bingham said they will be half way complete on September 1st with a completion date set for September 20th. He said the contractors are claiming the Health Department held them up. Mayor Hendrix discussed the warranty issue and testing the system this year.

7. ADJOURN

Mayor Hendrix moved to adjourn at 8:57 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 27th day of September, 2011