

**MINUTES OF HARRISVILLE CITY**  
**CITY COUNCIL MEETING**  
Tuesday, July 25, 2017 – 7:00 p.m.  
Council Chambers  
363 West Independence Blvd  
Harrisville, Utah 84404

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**Present:** Mayor Bruce Richins, Council Member Jeff Pearce, Council Member Jennifer Jensen, Council Member Ruth Pearce, Council Member Austin Tracy. [Council Member Gary Robinson excused.]

**Staff:** Bill Morris, City Administrator, Max Jackson, Police Chief, Keith Wheelwright, Police Lieutenant, Mark Wilson, Police Sergeant, Jennie Knight, City Recorder, Rick Hill, Bailiff, Jon Ungard, Police Officer.

**Visitors:** Aspen Tuescher, Michelle Tait, Mike & Vivienne Murtha, Kenny & Sabrina Hefflefinger, Stefanie Butte, Holly Smedley, Oakley Smedley, Aubrey Smedley, Conner Smedley, Brunson Smedley, Toni Flinn, Ann Richins, Ryon Hadley, Eleanor Jensen, Mary Beus, Chris Cope, Bridger Smedley, Mark Nielsen, Talia Best, Jackie VanMeeteren, Boni Webster.

**7:00 P.M. CITY COUNCIL WORK SESSION**

**1. Discussion on Forever Friends Oasis proposal.**

Stephanie Butte introduced herself as the animal control part of the proposal. She distributed packets addressing a list of questions provided by Harrisville Police Department. She explained animal licensing will be done through tracking systems. She believes this is an extremely important element and the key to compliance. She prefers to license through solicitation with several vaccination clinics. Cities can take animal licensing if preferred and even vet clinics as well. So when someone bring their pet in for vaccinations they can also license at the same time. Another issue is violations. She was very familiar with Ogden City's animal control title but does not know where to find Harrisville's ordinance. Lt. Wheelwright will provide her with Harrisville's ordinances. She explained she prefers education and warnings rather than issuing citations. She feels this encourages compliance. She further explained that Class B Misdemeanors must be investigated and citations issued through the court.

Lt. Wheelwright explained the questions originated with the proposal due to the fact that animal services were not explained. He said some of his concerns have already been addressed. He understands the police department would cover any felonies, but typically they are not currently involved in any Class B Misdemeanors. Through the e-citation process, citations are processed much faster than issuing a summons through the court. This would be a detail that would have to be worked out. Stephanie Butte feels this is workable and again explained her desire for education and the leg work would be done by her.

Lt. Wheelwright also asked about the dispatching for calls. Stephanie Butte explained she has a very good relationship with dispatch and was in contact with them regularly. She is also available after hours. Lt. Wheelwright informed Stephanie Harrisville Police Department currently responds to afterhour's calls. Stephanie Butte explained she is available for call anytime. Lt. Wheelwright said these concerns were not addressed

initially. Stephanie Butte explained she would work with dispatch directly and would use discretion as to when to involve the Harrisville Police.

Stephanie Butte informed Council she is authorized to perform euthanasia when directed by the court. Lt. Wheelwright questioned this due to the fact the shelter was advertised as a “no kill” shelter. He explained he is in favor of relocating animals as much as possible but when under a court order, the question arose of whether they would be able to accommodate that order. Stephanie Butte said she is familiar with the court ordered abatement procedures and also quarantine procedures due to bites. She would follow the city guidelines. She also has access to a large horse trailer to respond to large animal calls. Lt. Wheelwright explained this happens more frequently than in Ogden City. She expressed her desire to work with all of Weber County to the benefit of all animals and owners. She feels opening another local facility will help with emergency controls as well.

She explained ducks in storm drains is a liability issue. Generally the public works departments take care of these issues but she is able to address them as well. She promotes team work and education.

Council Member Jensen expressed her concern with the condition of the property. She recently has been by and the lawn is not taken care of and weeds are a concern. She feels if this is going to be a business in Harrisville, things need to be addressed.

Stephanie Butte said they are not ready to open right away. She agreed visual appearance is very important and by the time the facility is ready to open things will be taken care of.

Eleanor Jensen said she supports what Stephanie Butte has reported. They are trying to get a structure engineered but this is a busy time of year. They intend for this to look better than the current conditions. Stephanie Butte said they have held some clean up days but not having someone there and not having the business open has been an issue.

Council Member Jensen said the neighbors would appreciate this being cleaned up and looking better. Stephanie Butte said this is a work in progress. Mayor Richins said when this came about he thought the target date was July 1<sup>st</sup>, 2017. Stephanie Butte said they have been waiting for their 501C3 status to come through. There are a lot of grants available to get funding for equipment for the animals once this comes through. The nonprofit status will help this along. They do have a plan, it is just taking longer that anticipated.

Council Member Jensen said she could not find where the fee schedule was listed. Mayor Richins explained this is an animal control discussion and there is not an official proposal yet. Eleanor Jensen explained she did email a proposal that included fees. Bill Morris said this was distributed a few months ago and can be sent again. Lt.

Wheelwright explained that is where his questions regarding animal control services originated.

Mayor Richins thanked Stephanie Butte and Eleanor Jensen for their presentation. Chief Hadley said he would like to arrange something for a later date.

**7:30 P.M. CITY COUNCIL**

## **2. Call to Order.**

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

### **3. Opening Ceremony.**

Boy Scout Conner Smedley from Troop 419 led the pledge of allegiance and Council Member Ruth Pearce conducted the opening ceremony.

### **4. Consent Items.**

- a. Approve the minutes of June 13, 2017 as presented.
- b. Approve the 2017 Election Judges

Mayor Richins pointed out the word assistance should be changed to “assistant” on page 6, paragraph 1 of the minutes.

**MOTION: Council Member Tracy motioned to approve the minutes of June 13, 2017 with correction. Council Member R. Pearce seconded the motion. All Council Members voted aye. Motion passed.**

Jennie Knight explained the list containing the election judges is comprehensive for all of Weber County. Since the election is being held vote by mail and the county has vote centers throughout Weber County, they suggested we approve the entire list of judges because residents can vote in person at any of the vote centers.

**MOTION: Council Member J. Pearce motioned to approve the 2017 Election Judges. Council Member Jensen seconded the motion. All Council Members voted aye. Motion passed.**

### **5. Police Award Presentation.**

Max Jackson presented Officer Jon Ungard with the life saving award. He explained HIPPA laws do not allow specific information to be given. He further explained Officer Ungard came to him last year to get permission to become EMT certified in place of his 40 hour post requirement. He completed the course and received his certified status. He is now a medically trained officer. The Webster family is present to offer their congratulations on this award. Cindy Webster addressed Council and the public explaining the circumstances regarding this award. Mark Webster also addressed Council and the public offering his thanks for the life saving measures both Officer Ungard and Chief Jackson took. Mayor Richins presented Chief Jackson with the life saving award.

### **6. Business Items.**

- a. **Discussion/possible action to adopt Harrisville Ordinance #492, Building Standards and Code.**

Bill Morris explained this ordinance updates the construction and building codes. The International Code Commission issues a new addition every year. There were outdated things still included in the building code. He reviewed each section of the new code. Administrative provisions are updated. The appeal process, enforcement and penalties are updated. Several different code references are referred to and adopted as changes

are implemented by the governing authority. Staff will keep the number of copies required. We adopt the fire code and as changes are implemented, they are automatically adopted. Single family standards are adopted including flood and hazard areas. The last section includes address requirements on homes.

**MOTION: Council Member Jensen motioned to adopt Harrisville Ordinance #492; Building Standards and Code. Council Member R. Pearce seconded the motion. A Roll Call vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 4-0**

**b. Discussion/possible action to adopt Harrisville Ordinance #493, Home Business Repealed.**

Bill Morris gave some background on the changes that have taken place with state legislation. There is some backlash on local government which has caused concern with collecting fees on home businesses. We are now unable to generate revenue from home businesses and will be referring them to their legislators. We will provide a letter for informational purposes. Land use requirements will still be regulated. There will still be conditional use requirements for visiting clientele, just no business license requirement. This ordinance strikes out any reference to home businesses in the licensing sections. There was other left over language regarding non discrimination that was also removed. To clarify, the business license requirement will no longer be in place, although all land use requirements still exist.

**MOTION: Council Member J. Pearce motioned to adopt Harrisville Ordinance #493; Home Business Repealed. Council Member Tracy seconded the motion. A Roll Call vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 4-0**

**c. Discussion/possible action to approve Harrisville Resolution 2017-07; Certified Tax Rate.**

Bill Morris explained this resolution adopts the 2018 certified tax rate that was included in the FY2017-18 budget in June.

**MOTION: Council Member R. Pearce motioned to approve Harrisville Resolution 2017-07; Certified Tax Rate. Council Member Jensen seconded the motion. A Roll Call vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 4-0.**

**d. Discussion/possible action on advice and consent to Mayor's Appointment for Mayor Pro Tem.**

Mayor Richins recommended Council Member Ruth Pearce to serve as Mayor Pro Tem for the next six months. She has accepted this responsibility. She will fill in during any Mayor absence.

**MOTION: Council Member Tracy motioned to ratify the Mayor's Appointment for Mayor Pro Tem. Council Member Jensen seconded the motion. All Council Members voted aye. Motion passed.**

**7. Public Comments - (3 minute maximum)**

**Jeff Richardson**, 2396 N.750 W., explained he has been a resident for a long time. First he acknowledged what a great police department we have. He feels it takes a special individual to do that job. His concern he has is the entire time he has lived at his home the property at 2404 N. 750 W. has basically run a junk yard. Conditions are disgusting and he has had numerous problems with animals. The animals are now gone but he feels that he has to constantly complain to the city. He said the city took action for awhile and things got cleaned up somewhat. The junk and debris was moved away from the road. He said Ken Martin signed off on the clean up and he feels like that should not have happened. He and his family cannot enjoy their backyard due to the condition of the neighboring property. Rats and skunks are present. Today there were 9 vehicles at the property. People come and go day and night. There are four camping trailers that are never used, in addition to junk cars that are not registered and rusting away including piles of old tires. The problem does not go away. He wonders why the city has an ordinance when it is not enforced. He said he complained years ago about an animal issue and was the one charged. He would like something to be done.

**Christine Cope**, 2460 N. 750 W., explained she lives on the north side of the same property Mr. Richardson is referring to. She built her house 22 years ago. Mr. Richardson hit most of the key points. She would also like to mention the property at 2490 N. 750 W. Conditions on both properties are deplorable and the smell that comes from the house, she is not exaggerating. She feels this will negatively impact the sale of her house. She would like to work with the city to get continual action. The conditions Mr. Richardson outlined continue. Junk never gets removed, just moved away so it is not seen from the street. Skunks and rats are on the premises. Her suggestion is to

have the code enforcement officer address each item on the property with a deadline for cleanup. Possibly provide dumpster again at the city's expense. Have spot checks and probation conditions with an open end to the probation. Possibly involve the Weber County Health Department. She said a previous code enforcement officer met with her saying the city would take no further action saying agricultural property is address differently. She understands the Nagy property has usual circumstances but it is a health risk with garbage floating on the property. There is exterior roofing that exposes part of the house. People spend time there and she does not know what other action the city can take. She would like to sell her property next and asked what the city can do to help. She said the fear of retaliation has kept her quiet for a long time.

**Rick Sorensen**, 2460 N. 750 W., said he and his wife were married a year ago. They had relatives in last year for the wedding who wondered how these conditions can persist. They are there to ask for help from Council. What can they do together? There is frustration and anger regarding these issues. He has a lot of experience in management and leadership and how to motivate people. He feels like there are a lot of sticks applied to these properties but no carrots. Is there some kind of motivation to encourage better behavior? There are pests, rats, mice, and now skunks. He also must take additional measures to protect his beehives. There are also ongoing questions on the containers behind the barn. He asked Council what can be done.

**Aspen Tuescher**, member of Youth City Council, she would like to invite the Council and Mayor to be in the parade for Heritage Days. Staff said they will work around the breakfast so Mayor and Council can participate in the parade.

**Sabrina Hefflefinger**, reiterated what Council Member Jensen said about the animal shelter on 750 W. She has some concerns and issues. She feels like they have gotten as far as they have because of who speaks for them but there is no initiative on this project. She and her family were unable to light off fireworks on the 4<sup>th</sup> and 24<sup>th</sup> because of the weeds which are 5-6 feet tall on both sides of the property. They finally came to cut the weeds down before they were to approach Council. She also said they have taken on animals; acknowledging she is not sure if they are personal animals or not. She does not understand the plans to include a dog run and she has concerns with animals there with no shade. There are some caretakers on the property but the owners are only out there when they have to be. The bare minimum is being met. They cut the grass recently on the property. She said it is not difficult work to pull weeds. She indicated this is having an effect on her investment and is worried with the owner's not having initiative. She cannot imagine the funding it will take to get where they want to be because there is a lot to do. She encouraged Council to take this into serious consideration. This shelter is between two residential homes. She would not have purchased her home had she known this was the plan.

**Toni Flinn**, 2350 N. 750 W., said she has the same concerns as the others. The residents of 750 West are living with these types of conditions on their streets. The ordinances state to promote the health safety and welfare of the citizens. She would ask

Council to start with a health inspection, if possible. If there are people coming in and out, this cannot be a safe environment.

**Talia Best**, resident of 750 W., said she has only lived here for two years and is discouraged they have to live with this. They pay property taxes on a brand new house. She said the ordinances require homes to have house numbers, but they are forced to live with this stuff. The sewage floats down the yard and the garbage is bad. Something has to be done. They feel they as residents are being punished because they live by those guys. There are people in and around that place, constantly. He recently saw the resident of this house with a trailer full of trash. She encouraged Council to drive by and see for themselves. She said this is a biohazard. She is on the north corner and they get complimented on their house while there are violations down the street.

Council Member Jensen said if she could fix this, she would. She said the city has been working on this and it will be fixed.

Jeff Richardson said he is hesitant when Council says we are working on this. The Council has turned over several times over the years and this property has been in this condition. If anything, it gets worse.

Christine Cope said there is foot traffic between the two houses. Folks that are of concerning nature and expressed her concern this will make things more difficult to sell her house.

Mike Murtha, 2544 N 600 W., said everything that has been said about these two properties is correct. He passes these properties every day. The activities that come and go on these properties is concerning. Regarding the animal shelter, no one knew that it would take five months to get plans engineered. The city will not sign off until they submitted signed stamped engineered copies. He explained he encouraged Dr. Jensen not to spend any more money until she gets the plans. He owns a property on Wall Ave. that he will not approach the city about until the property is cleaned up. As soon as the engineered plans are available, the city will see progress. He realizes this is not something to take lightly. There is a lot of money tied up in the venture and they need to be wise. He understands Dr. Jensen is soft spoken. He also mentioned he has seen a transient living at the Nagy property.

Mayor Richins thanked Mike Murtha for the way he keeps up his own property.

#### **8. Mayor/Council Follow-Up:**

Mayor Richins said he appreciates the public that came and made comments tonight. He acknowledged the Nagy property, which is the north home, is a mess and embarrassment. He understands it is owned by a lending institution that is in the process of selling the property. When this will happen, he does not know. He reviewed what the city has done in the past to address the situations on the city's dime. He promised to rededicate himself to these concerns. In his opinion, both homes should be condemned. Whether this is through the health department or not. Council Member J.

Pearce said he feels the same way. Council Member Jensen said she remembered when these cases were coming through the court system. The judge handcuffed the resident and sent him to jail. Council Member J. Pearce suggested involving the strike force. Council Member Jensen agreed.

Chris Cope said he is dealing junk, trying to sell what he can, but he does not do anything with the rest of the junk.

Council Member R. Pearce asked if Council could amend the mixed use ordinance. She said we do not have an R-1-6 zone with commercial. This would not allow for vertical developments, only horizontal. She would like to address setbacks, building heights, buffering, fencing between residential and commercial. Open space requirements as a park or as back yard space and outdoor lighting. The mixed use proposal does not meet up with another road causing a cul-de-sac. Vertical mixed use with residential and commercial being developed at the same time. These are some things she would like included.

Council Member Jensen said the pond is being used but there is a lot of trash around the area to pick up. She suggested having some signs that encourage people to clean up their own trash. She also said she is having a hard time rounding up the numbers to see what will be saved on the animal shelter. She feels the numbers for animal control added to the shelter equal what we are paying Weber County. She is having a hard time considering this with all the neighbor struggles and how slow the process is going. She would like to have a closed session to discuss these issues.

Council Member Tracy said she was contacted by Mike Farrell who has concerns with the cows that are grounding down the ditch on the city property on 750 West. He is asking for the leasing party to address this, he does not want to pay for this.

Council Member R. Pearce asked about the general plan review. Mayor Richins said a draft is available but staff has not had time to review it yet.

- 9. CLOSED EXECUTIVE SESSION:** Utah State Code §52-4-204 & §52-4-205(1)(a): The Council may consider a motion to enter into Closed Executive Session for the purpose of discussion of character, professional competence, or physical or mental health of individual(s) and §52-4-205(1)(c) strategy regarding pending or reasonably imminent litigation.

**MOTION: Council Member R. Pearce motioned to close the public meeting and enter a Closed Executive Session. Council Member Jensen seconded the motion. A Roll Call vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>



**Motion passed 4-0.**

Mayor and Council convened into a Closed Executive Session.

**MOTION: Council Member Jensen motioned to close the Closed Executive Session and adjourn the regular meeting. Council Member Tracy seconded the motion. A Roll Call vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 4-0.**

**10. Adjourn.**

Meeting adjourned at 9:15pm.

**ATTEST:**

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**BRUCE RICHINS**  
Mayor

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**JENNIE KNIGHT**  
City Recorder  
Approved this 22<sup>nd</sup> day of August, 2017