



HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-4100

MAYOR:

Bruce N. Richins

COUNCIL MEMBERS:

Grover Wilhelmsen
Michelle Tait
Jeffery Pearce
Jennifer Jensen
Michael Murtha

**CITY COUNCIL MEETING
AGENDA
363 West Independence Blvd
October 27, 2015**

"In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting the City Recorder at 801-782-4100, providing at least three working days advance notice of the meeting."

7:00 P.M. CITY COUNCIL MEETING
Presiding: Mayor Bruce Richins
Mayor Pro Tem: Grover Wilhelmsen

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE & OPENING CEREMONY** [Council Member Murtha]
- 3. CONSENT ITEMS**
 - a. Approve the minutes of September 22, 2015 as presented.
- 4. BUSINESS ITEMS**
 - a. Discussion/possible action to approve 2015 Municipal polling location and poll workers. [Jennie Knight]
 - b. Discussion/possible action to approve Ordinance 475; an ordinance amending section 11.08.020 relating to repeal other animal raising in the residential zones; severability; and providing an effective date. [Bill Morris]
 - c. Discussion/possible action to approve Ordinance 476; an ordinance granting an electric utility franchise for time certain to Rocky Mountain Power; severability; and providing an effective date. [Bill Morris]
 - d. Discussion/possible action to approve Resolution 2015-14; a resolution adopting the local transportation funding agreement for funding the Larsen Lane project; and providing an effective date. [Bill Morris]
- 5. PUBLIC COMMENTS - (3 minute maximum)**
- 6. MAYOR/COUNCIL FOLLOW-UP:**
- 7. CLOSED EXECUTIVE SESSION-** Utah State Code §52-4-204 & §52-4-205: 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).
- 8. ADJOURN**

DATE POSTED: October 23, 2015

BY: Jennie Knight, City Recorder

I, Jennie Knight, certify that I am the City Recorder of Harrisville City, Utah, and that the foregoing City Council agenda was faxed to the Ogden Standard Examiner, Weber County Library, and neighboring cities. The agenda was also posted at the following locations: City hall, on the City's website www.cityofharrisville.com and the State Public Meeting Notice website at <http://pmn.utah.gov>.

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.

2015 Municipal Elections

Polling Location: City Hall located at 363 West Independence Blvd

Poll Workers:	Marcia Whetton	Poll Manager
	Shanna Edwards	Provisional Clerk
	Jennie Knight	Receiving Clerk

**HARRISVILLE CITY
ORDINANCE NO. 475**

LAND USE ORDINANCE AMENDMENT – REPEAL OTHER ANIMAL RAISING

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING SECTION
11.08.020 RELATING TO REPEAL OTHER ANIMAL RAISING IN THE
RESIDENTIAL ZONES; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, after publication of the required notice the City’s Planning Commission held its public hearing on October 14, 2015, to take public comment on this proposed ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and had held its public meeting on October 27, 2015, to act upon this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville as follows:

Section 1: Land Use Ordinance Amendment. The Land Use Ordinance is hereby amended to read as follows:

11.08.020 Uses (Residential Zones).

Land Use	Zone				Specific Use Regulations
	A-1	R-1-20	RE-15	R-1-10	
Other animal raising.	P	P	P	⌘	

Section 2: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m., October 14, 2015

Commissioners: Steve Weiss
Kevin Jensen
Bill Smith
Patricia Young
Blair Christensen
Brenda Nelson

Staff: Bill Morris (City Administrator)
Shanna Edwards (Secretary)
Jeff Pearce (City Council)

Visitors: Ruth Pearce, Maxine Grange, Ray Grange, Gayle Dalpiaz, Susan Smith, Randy Peterson, Zackery Loveland, Katie Stacy, Richard Stacy, Ken Loveland, Annette Loveland, Ruth Nielsen.

Chairman Weiss welcomed everyone, and called the meeting to order. Commissioner Chad Holbrook was absent. Chairman Weiss called for a motion to open the public hearing.

1. PUBLIC HEARING to consider recommending adoption of Ordinance 475, amending Section 11.08.020 of the Land Use Ordinance relating to kennels in residential zones.

MOTION TO OPEN PUBLIC HEARING: Commissioner Smith motioned and Commissioner Young seconded with unanimous approval to open the public hearing.

STAFF RESPONSE: Bill Morris pointed out that kennels are not specifically mentioned as a use in the residential zones, but there is a provision for “other animal raising” which is not defined. He said when something is not defined, commissioners can take the approach to define it. The proposed ordinance #475 amendment, to “other animal raising” would allow kennels only in the A-1 zone and only as a conditional use. He stated that he is aware of other cities that allow kennels in their agricultural zone for properties of more than two acres with a conditional use permit to set limits on the number of animals, where the animals are kept, what kind of animals, etc. The property owner then takes the approved permit to Weber County Animal Control to get a kennel permit and license each dog. The question is, does “other animal raising” as it exists in the municipal code, include a kennel? Bill Morris stated that the Supreme Court of Utah has said that when the ordinance is vague, it must be construed in favor of the property owner. “Other animal raising” is vague enough that there are legal issues here.

Bill Morris explained that recommending an ordinance amendment is a legislative function. Commissioners can take citizen input, which is the purpose of the public hearing, but it is commissions legislative prerogative to determine how to handle the situation. They have an application for kennels in the A-1 zone. Although kennels is not in the ordinance specifically, there is a provision that allows “other animal raising.” He mentioned that citizens have turned in signed petitions requesting not to allow kennels in their neighborhoods. After considering public input, it is up to commissioners to make the decision regarding a recommendation of any ordinance amendment to the city council.

RESPONSE BY APPLICANT

Susan Smith, who lives at 1073 North Harrisville Road, explained that she and Randy Peterson are getting married Friday, and they both have two Labrador dogs or a total of four dogs (1 male, 3 females). Soon after they moved in, a complaint was filed that they had more than three dogs. Weber County animal services told her that to get the kennel license she had to apply at the city. It was her understanding that she could get a kennel license and have more than three dogs. She said they will not be boarding dogs, they just want to keep the four dogs they have, including occasional litters, which they will sell. There are two barns on their five and half property. The dogs are not running loose; they are in kennels. They do not plan to run a business or have a puppy mill. Their intentions are to be able to keep four dogs on their property.

Public Comments:

Ken Loveland, 1103 North Harrisville Road

He said he is concerned that the proposed ordinance amendment opens it up to all of Harrisville for kennels. Everyone may not be as conscientious as Smith/Peterson and run puppy mills. He cautioned against allowing kennels.

Mike Dalpiaz, 467 Chugg Lane

He sympathized with the applicant for being one dog over, but he expressed the same concern about allowing kennels. He said he can live cows mooing occasionally, but he does not want to have to live with barking dogs.

Richard Stacy, 1116 North Harrisville Road

He said he did not know it was necessary to apply to have license for more than three dogs. He mentioned that he can handle noise from fleets of other types of animals that he named, but he said he cannot handle the noise of barking dogs that kennels could generate. He mentioned the domino affect barking dogs have. Once one starts barking, all the dogs in the neighborhood join in. He has to get up early mornings for work and does not appreciate his sleep being disturbed by barking dogs.

MOTION CLOSE PUBLIC HEARING:

Commissioner Jensen motioned and Commissioner Smith seconded with unanimous approval to close the public hearing.

Commissioner Jensen referenced the proposed ordinance and pointed out that “other animal raising” is already shown with “N” as “not allowed” in the R-1-10 Zone rather than “P” “permitted” as reflected in the proposed ordinance. Bill Morris will correct that. Bill Morris further explained that the Title 9 is the Comprehensive Animal Control Title and needs to be cited on the proposed ordinance as a specific use regulation because it is applicable to kennels. Kenneth Loveland was recognized and he asked if there is anything that the commission can do to allow Smith/Peterson to have four dogs without opening the option up to everyone in the city.

Bill Morris determined that commissioners can interpret “other animal raising” in the current ordinance as allowing the Smith/Peterson to have the four dogs in their situation only, and he

recommended commissioners get rid of the use of “other animal raising” all together since the meaning is not defined. He said they cannot put conditions on this family if they determine their situation to be a permitted use under the current ordinance.

MOTION: Commissioner Nelson motioned to recommend that “other animal raising” be removed from the ordinance as a use in the residential zones. The motion was seconded by Commissioner Smith, and voting was unanimous.

MOTION: Commissioner Smith motioned to recommend that city council adopt Ordinance #475 as amended removing “other animal raising” in its entirety. The motion was seconded by Commissioner Young and voting was unanimous.

2. CONSIDER CONDITIONAL USE approval of for a kennel and dog breeding at 1073 North Harrisville Road, contingent upon City Council approval of Ordinance 475 - Susan Smith & Randy Peterson

Bill Morris explained that under state code there is what is known as a vested right. If you own property in Utah and you file a land use application, you are vested to the law that is in place at the time you file the application. Smith/Peterson are vested to an interpretation of “other animal raising” which can be interpreted to include four dogs. Now that the commission has made the recommendation to adopt Ordinance 475 as amended to eliminate “other animal raising,” there is a pending ordinance which supercedes vesting of rights of anyone else to have four dogs. Commissioner Jensen asked if one dog dies, are they held to keeping only three dogs? Bill Morris said that they can always have four dogs unless they do not have the fourth dog for more than one year. Abandonment of the use is defined by a period of more than one year.

Bill Morris said commissioners need to determine whether or not the conditional use permit is necessary now, and determine if “other animal raising” as it existed, allowed them to have the right to have four dogs. He explained that this is a judicial function. It is not proper in this function to take public comment or be swayed by public clamor. Chairman Weiss explained that commissioners need to decide if they are going to allow Smith/Peterson to have four dogs under the vested rights of the previous ordinance. Commissioner Jensen commented that he is willing to allow the fourth dog, but he hopes that if one dog passes, that the applicant will come into compliance and not get another dog.

In answer to a concern by Commissioner Young, Bill Morris explained that puppies are regulated in Title 9. Puppies are not considered as a dog until they are six months old. After they are reach months, they have to go away. Title 9 also includes nuisance regulations for excessive barking which can result in the owner being cited.

MOTION: Brenda Nelson motioned that attempting to following the courts advisement to construe interpretation in favor of the property owner, the planning commission interprets “other animal raising,” included in the list of uses in the residential zone at the time of the conditional use application, to include four dogs for Smith/Peterson based upon the vagueness of the

language of the ordinance, and due to the fact that the application was dated prior to action taken tonight on Ordinance #475.

Bill Morris explained that the applicant or any other citizen has ten-days to appeal the decision or interpretation by the planning commission to the city appeal authority, who would review the interpretation, modify it, return it, or sustain the action. It can be further appealed to the appellent court and on up the line.

3. CONSENT APPROVAL of Planning Commission Meeting Minutes September 9, 2015.

MOTION: Commissioner Jensen motioned and Commissioner Young seconded to approve minutes of planning commission meeting held September 9, 2015, as written. Voting was unanimous.

4. Public comments.

Ken Loveland thanked the planning commission for listening to the concerns of the citizens and taking into consideration the desire of the applicants. He said he feels it is “a win-win” situation for everyone.

Susan Smith thanked the commission and stated that they did not want to cause problems. They appreciate how it worked out, and she said they are happy to be living in Harrisville.

5. Adjourn.

At 7:40 p.m., Commissioner Nelson motioned and Commissioner Smith seconded with unanimous approval to adjourn. The next regularly scheduled planning commission meeting will be held November 11, 2016, 7:00 p.m. at the city hall.

Shanna C. Edwards
Secretary

Steve Weiss
Chairman

**HARRISVILLE CITY
ORDINANCE NO. 476**

ROCKY MOUNTAIN POWER FRANCHISE

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, GRANTING AN
ELECTRIC UTILITY FRANCHISE FOR TIME CERTAIN TO ROCKY
MOUNTAIN POWER; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, Rocky Mountain Power (hereafter “Company”) is a regulated public utility company that provides electrical power and energy services to the City and surrounding areas;

WHEREAS, *Utah Code Annotated* §§10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, *Utah Code Annotated* §10-8-21 authorizes the City to regulate power line facilities within the public right-of-way and to grant this franchise;

WHEREAS, providing electrical power and energy requires the installation, operation, and maintenance of power poles and other facilities to be located within the public right-of-way in the City;

WHEREAS, the City and Company have negotiated the Agreement Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power (hereafter “Agreement”) attached hereto as Exhibit “A” and incorporated herein by this reference;

NOW, THEREFORE, be it ordained by the City Council of Harrisville as follows:

- Section 1:** **Grant of Franchise.** The Agreement set forth in attached Exhibit “A” is hereby adopted and incorporated herein by this reference. The Mayor is hereby authorized to execute this Agreement and any related documents on behalf of the City in order to effectuate this Ordinance.
- Section 2:** **Severability.** If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**AGREEMENT GRANTING AN ELECTRIC UTILITY FRANCHISE
AND GENERAL UTILITY EASEMENT
TO
ROCKY MOUNTAIN POWER**

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Harrisville City (the “City”) and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City;

WHEREAS, the City, pursuant to the provisions of Utah Code Ann. § 10-8-21 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the City desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the City;

NOW, THEREFORE, be it ordained by the City:

SECTION 1. Grant of Franchise and General Utility Easement. The City hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as “Electric Facilities”) in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as “Public Ways”) within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof.

SECTION 2. Term. The term of this Franchise and General Utility Easement is for ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by Company. Within sixty (60) days after the passage of this ordinance by the City, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the City Recorder otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences; provided, however, that such use shall not

unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

SECTION 5. City Regulatory Authority. In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or City Ordinance.

SECTION 6. Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Notice of Annexation. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center
Attn: Annexations
P.O. Box 400
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power
Attn: Office of the General Counsel
201 South Main Street, Suite 2400
Salt Lake City, UT 84111

SECTION 8. Plan, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the City which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 The City shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the

manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the City of such work by written notice and shall allow the City, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the City shall give written notice to Rocky Mountain Power.

SECTION 9. Relocations of Electric Facilities.

9.1 The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City.

The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

9.2 Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

SECTION 10. Subdivision Plat Notification. Before the City approves any new subdivision and before recordation of the plat, the City shall obtain Rocky Mountain Power's approval of Electrical Facilities, including underground facilities to be installed by the developer, and

associated rights of way depicted on the plat. A copy of the plat shall be mailed for approval to Rocky Mountain Power:

Rocky Mountain Power
Attn: Estimating Department
1438 W 2550 S
Ogden, UT 84401-3242
(801) 629-4445

SECTION 11. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the City either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 13. No Waiver. Neither the City nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 14. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

SECTION 15. Amendment. At any time during the term of this Franchise, the City through its City Council, or Rocky Mountain Power may propose amendments to this Franchise by

giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

SECTION 16. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Customer Services Vice President, Rocky Mountain Power, 201 South Main, Suite 2400, Salt Lake City, Utah 84111, and such other office as Rocky Mountain Power may advise the City of by written notice.

SECTION 17. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 18. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

FOR HARRISVILLE CITY:

BRUCE RICHINS, Mayor

ATTEST:

City Recorder

FOR ROCKY MOUNTAIN POWER:

Authorized Agent

**HARRISVILLE CITY
RESOLUTION 2015-14 ____**

LOCAL TRANSPORTATION FUNDING – LARSEN LANE

**A RESOLUTION OF HARRISVILLE CITY, UTAH, ADOPTING THE LOCAL
TRANSPORTATION FUNDING AGREEMENT FOR FUNDING THE LARSEN
LANE PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §59-12-221 sets forth the County Option Sales and Use Tax for Transportation, and *Utah Code Annotated* §72-2-117.5 establishes the Local Transportation Corridor Preservation Fund provides the opportunity for Weber Area Council of Governments (WACOG) and the Weber County Commission to prioritize and approve funding for transportation projects included in the Regional Transportation Plan;

WHEREAS, Larsen Lane in Harrisville City is among the qualified projects prioritized for funding by WACOG and the Weber County Commission;

WHEREAS, the City intends to improve and re-construct the intersection of Larsen Lane and Washington Boulevard and submitted and submitted a timely application for the same which was approved by WACOG on or about October 2, 2015, with construction costs up to \$192,000;

WHEREAS, Weber County and the City propose to enter into the Local Transportation Funding Agreement set forth in Exhibit “A” attached hereto and incorporated herein by this reference;

NOW, THEREFORE, be it resolved by the Harrisville City Council as follows:

Section 1. Agreement Approved.

The Local Transportation Funding Agreement set forth in attached Exhibit “A” is hereby adopted and incorporated herein by this reference. The Mayor is hereby authorized to execute this Agreement and any related documents on behalf of the City in order to effectuate this Resolution.

Section 2: Effective Date.

This Resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2015.

HARRISVILLE CITY:

Roll Call Vote is as follows:

BRUCE RICHINS, Mayor

Mr. Wilhelmsen	Yes	No
Mrs. Tait	Yes	No
Mr. Pearce	Yes	No
Mrs. Jensen	Yes	No
Mr. Murtha	Yes	No

ATTEST:

JENNIE KNIGHT, City Recorder

LOCAL TRANSPORTATION FUNDING AGREEMENT

This Agreement is made effective this ____ day of October 2015, by and between Weber County and Harrisville City (collectively the “Parties” or individually the “Party”) witnesses that:

WHEREAS, Utah Code Annotated §59-12-2217, the County Option Sales and Use Tax for Transportation and Utah Code Annotated §72-2-117.5, the Local Transportation Corridor Preservation Fund provide the opportunity for a Council of Governments and the local legislative body to prioritize and approve funding for transportation projects that are included in the areas Regional Transportation Plan; and

WHEREAS, the Weber Area Council of Governments (WACOG) is the council of governments with the authority to work with Weber County, the local legislative body, to prioritize and approve funding for such transportation projects; and

WHEREAS, Larsen Lane in Harrisville City is among the qualified projects prioritized for funding by WACOG and the Weber County Commission; and

WHEREAS, Harrisville City intends to improve and re-construct the intersection of Larsen Lane and Washington Blvd.; and

WHEREAS, Harrisville City submitted a timely and complete application/request to the Weber Area Council of Governments (WACOG), and accordingly such request was approved by the WACOG on October 2, 2015; and

WHEREAS, Weber County has committed to assist with construction costs up to \$192,000; and

WHEREAS, Weber County and Harrisville City propose to enter into this Funding Agreement to establish the terms and conditions Weber County and Harrisville City will be bound to in regard to this agreement;

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

SECTION ONE INTRODUCTION AND BACKGROUND

A. Project Introduction

The Larsen Lane/Washington Blvd. intersection will provide a much needed additional left turn lane from Larsen Lane on to Washington Blvd. While some of the existing traffic on Larsen Lane is from Harrisville City residents, the majority of the traffic is from “pass-through vehicles” originating in North Ogden City and Ogden City. During heavy traffic periods, the left turn lane is totally inadequate and the waiting time for a left turn onto Washington Blvd. is extremely long.

The construction of this additional lane will require acquiring approximately 10 foot of street right-of-way along the Common Cents gas station south of Larsen Lane. The

existing curb, gutter and sidewalk along the area will need to be removed and relocated. Harrisville City has met with officials from Common Cents and they are considering donating the required right-of-way in exchange for the construction of a new and improved driveway approach to their business from Larsen Lane.

It also appears that a portion of the piping for the Western Canal (located on the Common Cents property) will also need to be removed and replaced as a part of this project.

The future design of the intersection of Larsen Lane and Washington Blvd will require the acquisition of additional Larsen Lane right-of-way on the north side of the Larsen Lane. The final layout will include relocated curb, gutter and sidewalk together with a widened pavement section.

There has been interest by the property owners at this corner to sale the three existing residential lots, remove the existing homes and construct a commercial development.

As this appears to be the future plans for this intersection corner, the current Larsen Lane/Washington Blvd Intersection Improvement Project will not include improvements on the north side of Larsen Lane. The future improvements needed at this location will be postponed until either the corner is developed as a new commercial development or as part of the future Federal Aid Widening Project on Larsen Lane between Washington Blvd and Highway 89.

The widening of the intersection will also require that the existing traffic and pedestrian signals be relocated. It appears that UDOT will be willing to fund the relocation of these signal structures.

B. Project Goals

- Provide additional left hand turning lane from Larsen Lane onto Washington Blvd.
- Remove and replace a portion of the Western Canal located on Common Cents gas station property.
- Reduce traffic congestion and improve level of service

C. County Obligations.

1. County agrees to contribute up to One Hundred Ninety Two Thousand Dollars (\$192,000) for the construction of the Larsen Lane/Washington Blvd. intersection from the Weber County 3rd ¼ % Local Option Sales Tax for Transportation Fund, currently budgeted for calendar year 2016.

D. Harrisville City Obligations.

1. Harrisville City shall ensure that all applicable State and Federal guidelines are followed with respect to property acquisition, description and recording.

E. Joint Obligations.

The County and Harrisville City agree to jointly develop accounting and reporting procedures for the use and distribution of transportation funds.

F. Miscellaneous.

1. Indemnification. Because County is only providing funding for this project, Harrisville City agrees to hold harmless, defend and indemnify Weber County, its officers, employees and agents from and against all claims, suits and costs, including attorney’s fees for injury or damage of any kind, arising out of Harrisville City’s acts, errors or omissions in the performance of this project.
2. Modification. This Agreement may be modified only upon the written agreement of both parties.
3. Applicable Law. This Agreement shall be administered and interpreted in accordance with the laws of the State of Utah.
4. Term and Termination. With the exception of the indemnification provision which shall continue until any applicable statute of limitations has run, this Agreement shall terminate upon completion of the project referenced herein.

IN WITNESS THEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers as of the day, month, and year first above written.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
Kerry W. Gibson, Chair

Commissioner Bell voted	_____
Commissioner Ebert voted	_____
Commissioner Gibson voted	_____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

HARRISVILLE CITY

By _____
Mayor