

**MINUTES  
HARRISVILLE CITY COUNCIL  
November 14, 2023  
363 West Independence Blvd  
Harrisville, UT 84404**

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Minutes of a regular Harrisville City Council meeting held on November 14, 2023 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

**Present:** Mayor Michelle Tait, Council Member Kenny Loveland, Council Member Grover Wilhelmsen, Council Member Max Jackson, Council Member Steve Weiss  
Council Member Blair Christensen.

**Excused:** Bryan Fife, Parks and Recreation Director

**Staff:** Jennie Knight, City Administrator, Brody Flint, City Attorney, Mark Wilson, Chief of Police, Justin Shinsel, Public Works Director, Jack Fogal, City Recorder, Sergeant Alisha Davis, Sargent Nick Taylor, Sergeant Millaway, Detective Keller, Officer Micheal Duffy, Officer Corey Clark, Officer Clint Carter, Police Administrator Jackie Vanmeeteren, Officer Nic Francis, Officer Tyler Vincent, Officer Christopher Paradis, Dennis Moore, Assistant Chief of Police.

**Visitors:** Arnold Tait, Adan Ochoa, Rebecca Behunin, Katherine Barrett, Nick Berriochoa, Eleise Behunin.

**1. Call to Order.**

Mayor Tait called the meeting to order and welcomed all in attendance.

**2. Opening Ceremony.**

Council Member Loveland opened with the Pledge of Allegiance.

**3. Consent Items**

**a. Approval of Meeting Minutes for October 10, 2023 as Presented.**

**Motion:** Council Member Wilhelmsen made a motion to approve the meeting minutes for October 10<sup>th</sup>, 2023 as presented, second by Council Member Jackson.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

#### **4. Employee Recognition.**

Mark Wilson recognized the employees who assisted in the Wal-Mart armed robbery investigation. Officer Duffy, Sergeant Millaway, Detective Keller, and Assistant Chief of Police Moore responded to the call. Officer Francis and Detective Keller were instrumental to identifying the suspect. Mayor and the Council presented certificates to the Police Department.

Mark Wilson presented Dennis Moore with an engraved Leatherman for 15 years of service with the City.

Mark Wilson presented certificates to those who passed their Part 107 drone license test.

#### **5. Business Items.**

##### **a. Harrisville Youth City Council activities update.**

Adan Ochoa recapped the activities the YCC assisted with during the Harrisville Fall Festival. They helped pass out candy, drinks, glow sticks, and food. Assisting with the Fall Festival was very rewarding. The YCC was able to recruit seven new members during the Fall Festival.

Becca Behunin reported on the First Annual YCC Retreat. Current members discussed their experiences and what they enjoyed with new members. They played a "get to know you game" to meet new members. Johnny Ferry presented to the YCC. He told them that there are no shortcuts and taught them effective communication skills.

##### **b. Public Hearing to receive input for and/or against Harrisville Ordinance 546; amending Transportation Impact Fees.**

Jennie Knight explained this ordinance is related to the resolutions and public hearing that took place during last months City Council Meeting. This ordinance would adopt the new Transportation Impact Fees.

**Motion:** Council Member Weiss made a motion to open the public hearing for Harrisville Ordinance 546, second by Council Member Loveland.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

There was no public comment given

**Motion:** Council Member Weiss made a motion to close the public hearing for Harrisville Ordinance 546, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes

Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

**c. Discussion/possible action to adopt Harrisville Ordinance 548; amending the Master Development Agreement for Dixon Creek Mixed Use Development located at approximately 1300 North Washington Blvd.**

Jennie Knight explained this ordinance is from an application that was received to amend the Dixon Creek Mixed Use Development. If adopted this would make several changes to the development. The development would change from six phases to two phases, the retention basin location has been moved closer to the west side of the development, garages and driveways would be added to all units, and introduce buildings with seven townhomes per building. By making these changes it would lower the density from the original proposal by nineteen units to one hundred and ninety-six units. The new building height is in compliance with the City's residential code. City Staff is recommending adoption. Council Member Wilhelmsen expressed concern with the height of buildings. There are single family homes near the development. He is concerned residents in those single-family homes will feel like people in the new townhomes can look into their yards and house. He inquired if there was some shrubbery or trees that could be planted to help protect current residents' privacy. Jennie Knight clarified the retention basin on the west side will act as a natural buffer between the proposed town homes and current residents' property. It will provide approximately one hundred feet of separation. She directed Council to exhibit E-2 which shows trees and shrubs included on the developer's proposed amendment.

**Motion:** Council Member Loveland made a motion to adopt Harrisville Ordinance 548; amending the Master Development Agreement for Dixon Creek Mixed Use Development located at approximately 1300 North Washington Blvd., by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**d. Discussion/Possible action to adopt Harrisville Resolution 23-17; a resolution adopting the Transportation Impact Fee Analysis.**

Jennie Knight explained Zions Bank completed the Transportation Impact Fee Analysis. Zions Bank used the information from the Transportation Master Plan and Transportation Impact Fee Facilities Plan to determine a cost value associated with each new trip caused by potential new development. Council Member Christensen inquired if adopting the analysis would affect current resident's taxes. Jennie Knight clarified this will only impact new development. It will not affect existing residents.

**Motion:** Council Member Christensen made a motion to adopt Harrisville Resolution 23-17; a resolution adopting the Transportation Impact Fee Analysis second by Council Member Jackson.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**e. Discussion/Possible action to adopt Harrisville Ordinance 546; amending the Transportation Impact Fee.**

Jennie Knight advised this ordinance will adopt the new Transportation Impact Fee. This includes the new Transportation Master Plan, Transportation Impact Fee Analysis, and Transportation Impact Fee Facilities Plan.

**Motion:** Council Member Weiss made a motion to adopt Harrisville Ordinance 546; adopting the Transportation Impact Fee, second by Council Member Loveland.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**f. Discussion/possible action to adopt Harrisville Ordinance 544; repealing and re-enacting Title 12 Harrisville City Code entitled "Subdivision Regulations".**

Jennie Knight informed Council during the 2023 Legislative Session the State Legislators adopted new regulations for city's subdivision review process. The deadline to be in compliance is February of 2024. New state code streamlines the process for development. The most significant additions are specific definitions, an administrative land use authority being created, and a review cycle limit of 4 reviews. There will be a first plat review which is done by planning commission, then three review cycles completed by City staff. The City has very specific timelines to meet once a completed application has been made. The developer must meet all of the city's comments before submitting for the next review cycle. If a development is 30 lots or more it must be phased. The new code would allow a developer to put some infrastructure in place before placing funds in escrow but it cannot be recorded until escrow is in place. Council needs to decide if they want to charge a fee in lieu of actual improvements or a deferral agreement. The fee in lieu would allow the developer to pay a fee towards public infrastructure improvements that need to be made in the future. The deferral agreement would require when the developer sells the property it is included in the agreement that the future owner would be

responsible to pay for future improvements to public infrastructure. Flag lots have not been allowed in Harrisville, but have been added to this new ordinance. This suggestion to allow flag lots will help meet moderate-income housing goals. Council Member Loveland would like to see flag lots taken off. Council Member Jackson agreed with Council Member Loveland. Council Member Christensen inquired if this only applies to new subdivisions. Brody Flint explained the reason the flag lots have been added to this ordinance is the state legislature is looking very closely at what cities do. The state may force cities to include flag lots in their code soon. Council Member Wilhelmsen has had neighbors inquire about flag lots and how they could subdivide for their children to build homes. Mayor Tait informed Council that the legislature has informed cities to be creative when meeting moderate-income housing goals. Council Member Loveland asked if the City is in compliance with our moderate-income housing plan. Jennie Knight clarified our plan was approved and we are making progress on our goals. The City will have to continue to make changes to meet the state goals for the moderate-income housing plan. Our next submission would be due in August of 2024. There was a lot of thought put into including flag lots in this ordinance. There are rules that have been put in place to help keep flag lots in line with City goals. Council Member Jackson inquired where these flag lots could be put included. Jennie Knight explained in areas like the A-1 zone where property owners have two or three acres but not enough for a full development or road. Council Member Weiss would like to be ahead of any future state legislation involving flag lots. He wants to address it now in a way that fits the City. Mayor Tait inquired what protections have been included for the City. Jennie Knight clarified there must be no other viable subdivision options to create a flag lot. They can have no other frontage options. Council Member Loveland proposed an example; a property in A-1 zone with three acres, how far could it be subdivided. Jennie Knight explained it could be subdivided into 3 lots. The original property, and two new one acre lots. A-1 requires one acre per lot, this ordinance does not change lot size requirements. Staff can go back to the drawing board and put in more strict rules that lay out exactly the size or shape of a proposed flag lot if Council desires. The benefit to how it is written now is staff has more control over the creation of flag lots. Staff will do whatever Council wants. Council Member Loveland inquired can staff have control and more strict written rules. Jennie Knight explained once a specific rule is written down staff has less leeway or control. Council Member Loveland inquired if the state passes new laws regarding flag lots would it override the current ordinances. Brody Flint pointed out the state can always override city ordinance. He stressed do not make your decision on what the state may or may not do. This is not an analysis of how we like flag lots. We need to address the needs of the residents and how they can use their land. The state is tying more and more funding to the moderate-income housing report. By being in compliance we can help ourselves now. Council Member Weiss recommended leaving the flag lots as written so staff can evaluate these lots as needed. Council Member Loveland inquired what is done when the fee is collected during the fee in lieu of. Jennie Knight explained it is held in escrow until needed. Council Member Christensen inquired if this would apply to new or existing development. Jennie Knight clarified new development, any existing property or agreements would be grandfathered in. Council Member Wilhelmsen asked if there is a reason a council member was omitted from the administrative land use committee. Brody Flint explained the blunt answer is the state does not want city council members making these decisions. It is one of the biggest litigation issues for cities.

**Motion:** Council Member Weiss made a motion to adopt Harrisville Ordinance 544; repealing and re-enacting Title 12 Harrisville City Code entitled "Subdivision Code" as written with the fee in lieu of actual improvements, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**g. Discussion/Possible action to adopt Harrisville Ordinance 547; amending Harrisville City Code 8.06.010 entitled “Flood Hazard Areas” and 10.05.050 entitled “Article V – Provisions for Flood Hazard Reduction”.**

Jennie Knight reminded Council last month we adopted a new flood prevention ordinance to meet new FEMA guidelines. After review with the state, our ordinance last month was missing several items. This ordinance addresses those missing items. Council Member Christensen inquired if this ordinance affects residents’ ability to purchase flood insurance. Jennie Knight clarified FEMA is requiring these changes for residents to be able to qualify for flood insurance. Council Member Loveland asked if this ordinance allows people to live in their RV in the city long term. Jennie Knight clarified this ordinance only outlines flood guidelines it does not change ordinances allowing use of an RV as a long-term residence.

**Motion:** Council Member Loveland made a motion to adopt Harrisville Ordinance 547; amending Harrisville City Code 8.06.010 entitled “Flood Hazard Areas” and 10.05.050 entitled “Article V – Provisions for Flood Hazard Reduction”, second by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**6. Public Comment**

Mayor Tait opened the public comment period.

No public comment was offered.

Mayor Tait closed the public comment period.

**7. Mayor/Council Follow-Up.**

Justin Shinsel reported Public Works is moving forward with their new building. They are expecting to see more progress after the first of the year. He is preparing for winter and the change in weather that accompanies it. He thanked staff who work tirelessly to keep the City running as smoothly and efficiently as possible.

Mark Wilson reminded Council several months ago Assistant Chief Moore applied for a COPs grant. The department was awarded the grant. It will pay for half of two officers’ salary for two

years. It will help the department grow and keep up with increased call volume due to new development. The funds must be expended within five years.

Jennie Knight thanked staff for their hard work during the Fall Festival. It was an amazing event with record numbers. She is proud of how everyone worked together. Santa at the Cabin will be held on December 8<sup>th</sup> and Shop With a Hero on December 9<sup>th</sup>.

Council Member Wilhelmsen reported on the senior luncheon. It was a fun event. The next senior luncheon will be December 12<sup>th</sup> at noon with live Christmas music. He thanked officers for apprehending the robbery suspect.

Council Member Weiss conveyed the Fall Festival was a huge success. He loved the fireworks and asked staff to look into adding more fireworks. He has received nothing but positive comments from residents.

Council Member Loveland thanked the officers and staff for everything they do. He appreciates the officers patrolling North Harrisville Road. The fireworks were fantastic and the Fall Festival was wonderful.

Council Member Jackson thanked the Officers and said they are a great bunch. He was impressed that over 1000 hotdogs were served at the Fall Festival.

Council Member Christensen thanked officers for actively patrolling the roads.

Mayor Tait thanked all staff and officers.

## 8. Adjournment

Council Member Weiss motioned to adjourn the meeting, second by Council Member Loveland.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Loveland, Yes

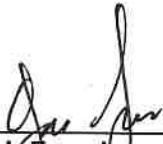
The motion passed unanimously.

The meeting adjourned at 8:36 P.M.

**ATTEST:**



  
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MICHELLE TAIT  
Mayor



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**Jack Fogal**  
City Recorder  
Approved this 12th day of December, 2023