

**MINUTES OF THE CITY OF HARRISVILLE
CITY COUNCIL MEETING**

Tuesday, May 24, 2011
7:00 p.m.
Council Chambers
363 West Independence Blvd.
Harrisville, Utah 84404

PRESENT: Mayor Richard Hendrix, Council Member Chad Allen, Council Member Bruce Richins, Council Member Michelle Tait, Council Member Grover Wilhelmsen.

STAFF: Gene Bingham, Public Works Director; Bryan Fife, Parks & Recreation Director; Jennifer Morrell, City Recorder; Bill Morris, City Administrator.

VISITORS: Ruth Pearce, Jeff Pearce, Craig Butters, Kevin Butters, Dave Robison, Gary Robinson, Jason Ball, James Beers, Jess Robinson.

6:00 P.M. WORK SESSION

1. Review logo designs and announce winner of logo design contest.

Jennifer Morrell, City Recorder, reviewed all of the entries in the logo design contest with the City Council. Council Members discussed the pros and cons of each entry. None of the entries stood out as a clear winner. Council Members narrowed it down to two entries and asked Ms. Morrell to go back to the designers and see if they could each make some revisions in their design. She agreed and said she would email the revisions to Council Members to make a selection.

7:00 P.M. CITY COUNCIL MEETING

1. Mayor Richard Hendrix called the meeting to order and welcomed all visitors.
2. Council Member Richins led the Pledge of Allegiance and offered the opening ceremony.

3. CONSENT ITEMS

- a. **Approve the minutes of May 10, 2011 as presented.**

MOTION: Council Member Richins motioned to approve the minutes of May 10, 2011 as presented. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

Mayor Hendrix excused Council Member Wayne Crowther

4. PUBLIC COMMENTS

Gary Robinson, 234 West Independence Blvd., thanked Gene Bingham and his staff for controlling the water so well and said it is an important responsibility of the City. Mr. Robinson feels that building a water park [splash pad] is a bad choice in hard economic times and said the City should not be in the business of entertaining residents. He feels the City should only provide services such as police, fire, and sewer and it is the citizen's responsibility to provide for their own recreation. He stated that in these hard economic times the Council is not thinking straight by putting an item like this on the agenda and feels it is a waste of tax payer's money.

Mr. Robinson acknowledged that the City had a grant to cover the cost of the splash pad. He made the assumption that every member of the City Council works for a government entity and stated that these entities do not represent the values of the citizens of Harrisville. He feels the City Council should think over this decision carefully and not go forward with it and get out of the business of recreating. He said people are having a hard time meeting their expenses and he feels the splash pad will require taxes to be raised sometime in the future. Mr. Robinson reiterated that money should not be put into recreation.

Craig Butters, SPS Auto/Butters Construction, wants to make a recommendation on the sign ordinance. He has been out and measured some of the surrounding businesses and submitted recommendations to the City. He said the way the sign ordinance is written with a 600 square foot cap creates problems especially in large shopping centers such as Wal-Mart. He thinks each store should be allotted so many square feet as well as an allotment given for frontage.

Mr. Butters said he did like the change to the grandfather clause which now requires the City and business owner to agree to take down a sign. He said he was thinking of more than just his business and feels there are many businesses close to the maximum square feet for signage. He also mentioned businesses that have what the ordinance calls a "specialty sign" and thinks there needs to be more discussion on it.

Kevin Butters, SPS Auto/Butters Construction, said they have carefully reviewed the sign ordinance and tried to determine scenarios that would happen. He thinks it is a bad idea to regulate temporary signs and said it will take someone full time to enforce. He reiterated that they have notes with what they think should be changed and why. He feels most businesses in the City are nonconforming and thinks the City needs to do something. They want to help clean up the ordinance and prevent future problems.

Jeff Pearce, Planning Commission Chairman, feels the revision is a vast improvement over the first draft. He says there are a few minor things that could be changed. He feels banner signs should be addressed and said they are meant to be temporary signs but most of the banner signs he has seen throughout the City are permanent. He said if businesses have a permanent sign they need to follow the ordinance and be in compliance. Mr. Pearce, addressing the Butters' concern, said existing signs will be left alone and will not fall under this ordinance unless they become damaged or need to be replaced. He feels this ordinance covers what needs to be addressed in the City.

5. BUSINESS ITEMS

a. Discussion and/or possible action to award bid for the main park reconstruction project.

Gene Bingham referred to the memo in the Council packets and reviewed the items he has prepared. He explained the bid tab form and said items 1 through 5 were supplemental items that would be put in if there was enough money. He said that all of the references for Modern Construction, including the phone calls, were good reports. He does not know the contractor but feels he has done his homework and all the reports are favourable. He said the engineers estimate was pretty close and the project was planned around those estimates. Mayor Hendrix pointed out that the City did receive \$100,000 from the Weber County RAMP grant and said we need to recognize this.

Council Member Tait clarified that all the construction is in the main park. Mr. Bingham said it was from the south entrance all the way to the north end of the park. Council Member Richins asked about the parking next to the current bowery. Mr. Bingham said they will reconfigure the paint striping to utilize the space better. Council Members Richins and Allen had questions regarding additional parking on the west side of the parking lot. Jason Ball, architect from Ridgeline Design, explained how the parking would work and said an additional 14 parking stalls were gained just by changing the layout.

Mayor Hendrix clarified that the parking would not go into the existing berm on the west side of the parking lot. Council Member Richins asked about parking along the highway. Mr. Bingham said that was in the third phase and there was not adequate funding for it at this time but it is something the City will pursue, possibly through grants. He said additional parking will still be needed to complete the project.

Council Member Richins asked about the home run fence. Bryan Fife said it will be a portable home run fence with sleeves in the grass. He said this fence will also act as a barrier between the playing field and the splash pad. Council Member Richins said he would like to see the field utilized for soccer or lacrosse. Council Member Tait asked how the sleeves in the ground would work. Mr. Fife said the holes for the sleeves will have plugs and will not cause a liability. Mr. Bingham explained this was a complicated project and a lot of thought and conversation has been put into it.

Council Member Richins asked about the "Harrisville City" ballpark sign. Mr. Bingham said it will be removed and a new one was not included in the bid for this project. He said if there is money done after the project is complete they can use it to purchase a sign and recommended Wright Signs. Council Members discussed the need to replace the current sign and the work done by Wright Signs at the Senior Center. Mayor Hendrix mentioned that a plaque or sign needs to go up to recognize the project was funded by Weber County RAMP. Mr. Bingham said the project can be started tomorrow pending the decision tonight.

Council Member Richins mentioned Mr. Robinson's comment and asked if we are doing the right thing. Mayor Hendrix discussed the problem of returning park impact fees to developers if this money is not spent for park improvements. Council Member Tait addressed Mr. Robinson's concerns by saying this is a good thing for the citizens and will give them a place to go that is free. She talked about the benefit to mothers and families and hard economic times make this more needed. She said this is not a bad expense and reiterated that this will be a great thing for young mothers.

Mayor Hendrix feels this is the right thing to do and feels that creating parks for citizens is important. He reminded everyone that the citizens who bought homes in Harrisville, via the developers, have paid for this. Council Member Richins acknowledged that the park is in dire need of a facelift. Mr. Bingham agreed and pointed out that they are going to utilize everything that is in the park already and make the best use of it in the redevelopment.

Council Member Wilhelmsen asked about the walkway going along the retaining wall and shrubbery. Mr. Bingham said it will be wide enough for two people to walk along. Mr. Ball said once the existing bushes are cleared it will be much wider than it is now.

MOTION: Council Member Allen motioned to award the bid to Modern Construction in the amount of \$399,699 for the main park reconstruction project. Council Member Tait seconded the motion. Roll call vote was taken. All Council Members voted yes with Council Member Crowther excused. Motion passed.

b. Discussion and/or possible action to approve a credit to Colonial Springs Ward House for storm water impact fees.

Bill Morris said this is a detention basin that is oversized and gives the city more capacity than is needed. He said refunding these impact fees will put the City in compliance with state impact fee laws. He referred Council Members to the calculations from the City Engineer.

MOTION: Council Member Richins motioned to approve the credit to the Colonial Springs Ward House for storm water impact fees in the amount of \$16,915.40. Council Member Wilhelmsen seconded the motion. Roll call vote. All Council Members voted yes with Council Member Crowther excused. Motion passed.

c. Discussion and/or possible action to approve Ordinance No. 435, Amended Sign Regulations.

Mayor Hendrix explained that a lot of work has gone into this since it was tabled and the intention of it is not to drive businesses away. Mr. Morris said this ordinance is not perfect but it is better than what we

had before, better than what was originally proposed, and should be more business friendly. He also pointed out that the concerns sent in by the Butters came in too late to be included in the final version but said their concerns can be address at a later time. He said the enforcement officer for this ordinance will be the building official and he is willing to take on this job. This ordinance also includes electronic signs which the old ordinance did not address. Mr. Morris noted that modifications can be made in the future.

Council Member Allen asked if old signs will be grandfathered in. Mr. Morris said they will and this ordinance changes the required amortization period to allow old signs to stay as long as they are maintained and in good condition. It requires the City to work with the business owner to make a change but there is no amortization period like the old ordinance. He said there are some sections that could be interpreted pretty broad but the intention was to make this ordinance more business friendly.

Council Member Richins commented on the details that have been put in the ordinance for signage. Mr. Morris said he took out political signs because he feels political speech is highly protected. He said this new ordinance only includes time, place, and manner for political signs.

Mayor Hendrix referred to section 11.23.070 and asked about the maximum size of signs. Mr. Morris said he went with the 600 square feet which is the standard size for billboard signs. He also said this is a living document that can be changed and acknowledged all of the good input that has been received from Craig and Kevin Butter's and Jeff and Ruth Pearce.

Craig Butters asked to make a comment. He feels the maximum of 600 square feet on signs is limiting especially if you have a business with a large amount of frontage. He says the cap at 600 square feet does not make a lot of sense and may prevent another anchor tenant from coming into the City. He noted that the old ordinance allowed 3 feet of signage per lineal foot of frontage. He feels this might drive businesses away. He said this may cause people to divide their property up into smaller parcels so they can get more signage. Mr. Morris said he left it at 600 square feet because that is the standard billboard size and said he does not have a problem with breaking it up but noted you do not want any sign to go over the standard billboard size.

Mr. Butters said the problem is that you have to add up every sign, logo, and banner and you cannot have the combined total go over the 600 square foot maximum. He feels the Planning Commission, design phase, engineering requirements, etc... would prevent a sign going up over 600 square feet and that is where the City would control the size. He feels the maximum amount of signage should be based on the frontage the businesses have. He referred to Wal-Mart and the surrounding tenants and the large amount of frontage they have. Mr. Butters said he is protected but is trying to look out for other businesses.

Kevin Butters asked to comment as well and pointed out there are no signs allowed in the site triangle, political or non-political, which means there will be no campaign signs at the end of Wall Avenue. Mr. Morris said the point of the 600 square foot maximum rule is to not allow a sign larger than 600 square feet. He is okay to change it and allow more signage based on a business's frontage, such as 3 square feet per lineal foot of frontage, but the largest sign needs to be maxed out at 600 square feet.

Ruth Pearce pointed out a problem in the ordinance with animated signs. Mr. Morris explained why he prohibited animated signs and his intention behind that. He also said we can fix insignificant conflicts in the codification process as well as typos without having to come back with another ordinance. He said the Council will need to address this issue of the 600 square foot maximum and reiterated not having any sign larger than 600 square feet. He also said you could allow them a bonus of 300 additional square feet to use across the site if their linear feet of frontage exceed the 600 square foot maximum.

Mayor Hendrix read section 11.23.070.2a and asked for clarification on its meaning. Mr. Morris said the 300 square feet is included in the total for a maximum of 600 square feet and noted the Butters are saying that for large commercial businesses this may be too small.

Kevin Butters said they have come up with a mathematical formula in the comments they are submitting which includes so many square feet of signage based on the size of the building face. Mr. Morris talked about adding the shopping center definition and explained that the comments from everyone came in all over the board on this ordinance. Some discussion occurred regarding signs on automobiles. He said they can make modifications tonight or table it.

Council Member Richins asked that it be passed with recommendations. Council Member Wilhelmsen made a recommendation on commercial frontage, of building into the linear square foot but making it clear that no sign will be larger than 600 square feet. Mayor Hendrix also added that this is a good document other than the problems with the business signs. He asked if anyone has looked at what other cities have done. Mr. Morris said he made the assumption that Greg Montgomery looked at Ogden City's

policy when he first drafted this. Mayor Hendrix suggested looking at Riverdale City's sign ordinance and see what they do and how it helps bring in businesses. His recommendation is to table this ordinance

Mr. Morris said we can double what is in the ordinance for shopping centers if they have additional frontage and added that he would take a look at the Butters' suggestions and fix any typos or inconsistencies. He suggested the section on commercial signs say, "shopping centers as defined by this ordinance will have an additional sign space based on their lineal foot of 3 square feet of combined total area for an additional 600 square feet". Mr. Morris read the definition of shopping centers from page 3 and said adding another 600 square feet should solve any issues with the Wal-Mart complex.

Ruth Pearce and Craig Butters both commented that this will still not fit a business like Wal-Mart and said each business in the shopping complex needs to be assigned so much signage. Council Member Richins said those in the Wal-Mart complex are okay because they are grandfathered in. Craig Butters discussed Knight Plaza and the other stores located in the Wal-Mart complex stating each business needs their own signage. Mr. Morris suggested a requirement for shopping centers to allot the amount of signage for each business on their site plan

Council Member Wilhelmsen said he does not think that doubling the amount of signage for shopping centers will solve the problem. He is happy with what is here if the section on business signs can be clarified. Mr. Morris talked about building the allotment of signage into the site plan process of new businesses based on the 3 square foot combination.

Craig Butters explained their formula which will accommodate a business with small frontage to still have its own sign. He said Mr. Morris's idea to approve it with each site plan would work as well. Council Member Tait added that it needed to be applied consistently from one business to the other if the Council decides to approve signage with the site plan. Kevin Butters mentioned that anyone who has any type of sign or banner on their car is in violation of the current ordinance.

Dave Robinson, future business owner who is on tonight's agenda, discussed the problem with having a huge building and only being allowed a small sign. Council Member Allen suggested no individual sign larger than 600 square feet but allow shopping centers and businesses 3 square feet of signage for every lineal foot of frontage. He agreed that if you have more property you should be allowed more signage.

Mr. Morris clarified Council Member Allen's recommendation as no sign larger than 600 square feet per single sign and shopping centers get to allot 3 square feet of the combined linear foot for each of the business faces allotted on the whole site plan.

MOTION: Council Member Allen motioned to approve Ordinance No. 435, Amended Sign Regulations with the recommendation that shopping centers be allotted additional signage based on the formula of 3 square feet per lineal foot of frontage to be delineated on the overall site plan approved by the land use authority so long as no single sign face exceeds 600 square feet. Council Member Richins seconded the motion. Roll call vote. All council members voted yes with Council Member Crowther excused. Motion passed.

d. Discussion and/or possible action to approve Ordinance No. 437, Crematorium in Certain Zones.

Dave Robinson explained that he is putting a building at 2358 N Hwy 89, south of the auto body shop. He said part of the building will be used as a crematory. He would like to change the wording in the municipal code to allow a crematory in that zone. Mayor Hendrix clarified that this crematory would be just for animals. Mr. Robinson said he did not want to limit it just for animal cremations but that is the main purpose.

Council Member Allen asked if the animals would be deceased when they are brought to Mr. Robinson's crematory. Mr. Robinson said they provide a service to the veterinarian clinics along the Wasatch Front and the animals are deceased when they get them. Council Member Tait asked how they are stored. Mr. Robinson said they are stored in a cooler until they have the facility operational and explained they can only do so many pounds in each cremation. He said the process is a little different if someone wants to get only the ashes of their animal.

Mr. Robinson stated his business is currently operational in Clinton City but they want to move their business closer to home and added that they have had no complaints at their current location. He said it meets all state and federal emissions requirements. He said this is actually a human crematory but is two feet shorter and there are many crematories in residential areas. He said the heat and burners they use burn everything off so there are no smells.

Council Member Tait asked if there was any risk because of the intense heat required. Mr. Robinson said they are well insulated and the machine is built to temperatures of 3,000 degrees. He added that some cities require a provision of a two hour firebreak between other buildings which is something they can provide if the City is interested.

MOTION: Council Member Wilhelmsen motioned to approve Ordinance No. 437, Crematorium in Certain Zones. Council Member Allen seconded the motion. Roll call vote. All voted yes with Council Member Crowther excused. Motion passed.

e. Discussion and/or possible action to approve Resolution No. 2011-02, Sewer Rate Increase.

Mayor Hendrix explained the sewer rates need to be raised to cover costs being passed on to the City by Central Weber Sewer Improvement District. In response to questions from Council Members, Mr. Morris said the two options are to raise the rate or subsidize the cost. Council Members discussed the addition to the current sewer facility, which was in anticipation of more growth with the assumption that the additional growth would pay for part of the bond and now that growth has gone flat.

Mayor Hendrix added that the addition to the facility was already underway and they are preparing for the future. Mr. Morris added that in addition to needing a facility to handle greater future demand the EPA mandates require that waste is treated down to a finer level which requires a lot of effort to rebuild a facility to meet these unfunded federal mandates. He said we have no choice but to pass it on to residents or subsidize it with the general fund which we do not have the capacity to do.

Mayor Hendrix said there is an informational flyer that he has asked Ms. Morrell to put on the website to explain what they do and explain why they are building the additions.

MOTION: Council Member Richins motioned to approve Resolution No. 2011-02, Sewer Rate Increase. Council Member Tait seconded the motion. Roll call vote. All voted yes with Council Member Crowther excused. Motion passed.

f. Discussion and/or possible action to approve a proclamation declaring May 25, 2011 as Arbor Day.

Council Member Tait asked why we are doing this as a City. Mr. Morris said it is for our Arbor Day recertification and our Tree City USA recertification. Council Member Tait questioned why the City was not having some type of ceremony. Mr. Morris said the ceremony will be reconstructing the main park and tearing down poplars and replacing them with new trees. Mayor Hendrix said all the trees going into the park will be hardwood trees which take longer to grow but will last for a long time.

MOTION: Council Member Tait moved to approve the proclamation for Arbor Day 2011 as May 25th for Harrisville City. Council Member Wilhelmsen seconded the motion. All voted aye. Motion passed.

6. PUBLIC COMMENTS

Craig Butters referred to the reconstruction of the main park and said he is willing to donate material to help with the project and asked Mr. Bingham to contact him so they could help.

Gary Robinson referred back to Business Item A on the agenda. He feels the City should give back the park impact fees and feels the Council voted against giving the money back to the citizens. He said they should take the park impact fees off permanently and increase the sewer and storm water impact fees. He reiterated that they need to get rid of the parks and said anytime government gets into anything they goof it up and referred to the federal government, health care, and the post office which he said is losing a ton of money.

He also addressed Business Item B on the agenda and assumed it was a new chapel and pointed out that he thinks Council Member Wilhelmsen attends church in the area where the new chapel is being built. He didn't hear anyone recluse themselves that they might be part of the congregation attending that meeting house and thinks that is something that should have been done.

Mr. Robinson also thinks that the Arbor Day proclamation should have been included in the newsletter a month ago to specify what trees people should be planting. He doesn't have problem with sewer rate increase but thinks the sewer impact fee should be increased. He feels that the sewer system we have

will eventually fail. He also asked for an answer to a question he posed at a past Council Meeting regarding the City funding the school resource officers. Mr. Robinson does not feel the City should be funding this cost but it should be funded by the school districts.

Ruth Pearce, commented on the sign ordinance, she thinks banner signs needs to be described as a temporary sign and should be for special occasions. She said the sale of beer and pop is not a special occasion and feels there needs to be better regulation of these types of signs.

Kevin Butters said he does not feel there is a conflict of interest when anyone is voting on storm water issues no matter what congregation they attend. He reiterated his request for the Council to review the recommendations made by him and his brother in regards to future changes to the sign ordinance.

7. MAYOR/COUNCIL FOLLOW UP

Council Member Allen asked about the Good Landlord program and if we are still working on this. He received a complaint from a citizen regarding police activity at a rental unit in her neighborhood. Council Member Allen mentioned there is a new way to track crime at rental units by tracking the call volume. Mr. Morris asked for some direction from the Council because he said most cities do not consider anything less than 4 units a rental unit.

Council Member Allen also passed on his compliments to Mr. Fife and Mr. Bingham for the softball/baseball fields and said they have never looked better. He has received a number of compliments from residents.

Council Member Tait asked that we include Arbor Day in next month's newsletter. Mr. Morris said something will be put in regarding the main park reconstruction and the service opportunity for people to go over and help.

Council Member Wilhelmsen said Heritage Days is coming along but they are still looking for volunteers to run some of the games. Council Member Tait said she is not going to go forward with Little Miss until she has 20 applicants.

8. ADJOURN

Mayor Hendrix moved to adjourn at 8:40 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

RICHARD HENDRIX
Mayor

ATTEST:

JENNIFER MORRELL
City Recorder

Approved this 14th day of June, 2011