

**MINUTES OF HARRISVILLE CITY
CITY COUNCIL MEETING
November 10, 2020 – 7:00 p.m.
363 West Independence Blvd
Harrisville, UT 84404**

Present: Mayor Michelle Tait, Council Member Steve Weiss, Council Member Blair Christensen, Council Member Max Jackson. [Council Member Wilhelmsen was excused]

Staff: Bill Morris, City Administrator/Attorney, Glen Gammell, Public Works, Zack Loveland, Public Works, Mark Wilson, Police Chief, Bryan Fife, Recreation Director, Jennie Knight, City Recorder, Matt Robertson, City Engineer, Rick Hill, Bailiff.

Visitors: Marv Farrell, Doug Cannon, Jess Phillips, Sara Phillips, Annette Loveland, Kenny Loveland, Mike Dalpiaz, Shanna Edwards, Lynn Edwards, Chad Holbrook, Julie Saunders, Ron Saunders, Austin Tracy Moffitt, Arnold Tait, Carolyn Flinders, Homes, Trent Nelson, Chris ?.

7:00 P.M. CITY COUNCIL MEETING

1. Call to Order.

Mayor Tait called the meeting to order and welcomed all visitors. She excused Council Member Wilhelmsen and wished him a speedy recovery. Council Member Christensen gave a brief update on Council Member Wilhelmsen's condition.

2. Opening Ceremony.

Council Member Christensen led the pledge of allegiance and conducted the opening ceremony.

3. Consent Items.

- a. **Approve the minutes of October 13, 2020 as presented.**

MOTION: Council Member Weiss motioned to approved the minutes of October 13, 2020 as presented. Council Member Jackson seconded the motion. All Council Members voted aye. Motion passed.

4. Business Items.

- a. **Discussion/possible action to conduct interview for Harrisville City Council Member Mid-Term Vacancy.**

Mayor Tait introduced each candidate who applied for the mid-term vacancy; Doug Cannon, Kenny Loveland, and Austin Tracy Moffitt. Candidates each gave a brief introduction. A ballot vote was taken.

- b. **Discussion/possible action to appoint Harrisville City Council Member and Oath of Office.**

Mayor Tait counted the tally with the new Council Member as Kenny Loveland.

MOTION: Council Member Weiss motioned to ratify the Mayor’s appointment of Kenny Loveland to Harrisville City Council for the remaining term until December 2021. Council Member Christensen seconded the motion. A Roll Call Vote was taken.

Council Member Jackson Yes
Council Member Christensen Yes
Council Member Weiss Yes
Motion passed 3-0.

c. PUBLIC HEARING – Harrisville Resolution 20-18; a resolution creating Four Mile Special Service District.

Bill Morris explained the Council previously adopted a resolution stating the intent to create a special service district to provide secondary water and other services in areas of the city where these services do not currently exist. These areas would become a special district with the intent being, because this is not being provided to the entire city, the tax payers in the special service district areas and utility fees will pay for the services rather than the entire city.

Mayor Tait declared by unanimous consent the public hearing for Harrisville Resolution 20-18; a resolution creating Four Mile Special Service District open for public comments.

Marvin Farrell said he has lived in Harrisville all his life, and currently lives in the north end of town. His understanding is this is to support irrigation water specifically. He has some questions regarding the water that comes from North Ogden irrigation and Cold Water that comes down through this area. He feels what needs to be clear, that is not four mile, it is six mile, Water comes down through rice creek and follows the path on the northside of the golf course. North Ogden irrigation water comes off four mile and comes through the golf course. There are water users downstream that use the water off North Ogden irrigation and there are users that use the water off of Cold Water; with two separate systems. Once they come through the golf course, they connect and come into six mile. He asked for clarification on the water system, if they cannot get secondary. He understands there will be irrigation ponds they will pump out of to create irrigation systems. Is this going to be the users paying for this or is the city going to pay and maintain this. He does not think it is right for the entire city to pay the costs of this. If this is an HOA, the city should not have to pay for and maintain this, that should not be put back on the city. They need to make sure, if there are ponds, that people that use the irrigation downstream are getting the appropriate water. This irrigation area is a mess, with people taking water whenever they want. There are very few people, including his father, that use a schedule. Because of the system, they have a lot of people taking the water out of turn. He feels a lot of things need clarification. The ditches and entire system needs to be cleaned. He has concern with this being used for storm water. He has heard they will put in a larger culvert under Highway 89 to hold the water, but that will go downstream and needs to be cleaned out as well. This has not been cleaned out for years and eventually goes down under the railroad tracks and floods his dad and the neighbor on the east side as well. Eventually this ends up in Farr West and into Western Irrigation. He said they cannot be dumping water into Western Irrigation.

Shanna Edwards said she understands this is necessary for the golf course to develop and have a special service district, but she asked if this will apply to other areas in the city and are people serving on the board only going to be from the golf course. She said she is wondering if this resolution will cover more than just the golf course development.

Mayor Tait declared by unanimous consent the public hearing closed.

Bill Morris explained the name of the Special service district was chosen based on the major water system coming through the city being four mile; we named this in honor of that. This is just a name that we are giving the special service district. The people that live in the special service district will pay the fees. City staff is worried about the ability of an HOA to run an irrigation system, with the special service district, if the HOA goes defunct, there will be a system in place to address these services, with just the people in the district paying the fees. This is a separate governmental entity to cover a special area. He does not know the what type of use this will created, there are other users on the system. Some of the storm water issues will be resolved during the development. Harrisville code does not allow storm water and irrigation water to be mixed. In one area of the city, we are experimenting with an overflow system with an emergency release. Storm water contains contaminants that we want to keep out of the irrigation system.

Because this is a governmental entity, and just like other districts, other areas may be allowed to annex into the special service district. They will have to show an adequate water supply and the ability to create a system that will work and the city is willing to take on.

Council Member Jackson asked if the city should put together a committee to help with the process. Bill Morris explained we are meeting state requirements for public hearings and enter into a comment period to receive any objections for 60 days. The only piece being proposed is the golf course and no one is objecting to that because they need this to operate. Once the 60-day waiting period has commenced, we will adopt a resolution creating the district which is sent to the Lt. Governor's office for authorization. The district includes many other services in case we have to take over for the HOA. Similar to the other HOA's in the city, they will maintain some of the streets and other services. If they default on the services, the city will have a way to service them, and the taxes collected will be paid by the people receiving the services including any that annex. Once the district is created, we can setup bylaws, which outline a general manager of the district or however we want to set it up. Most often an administrative control board is created.

d. PUBLIC HEARING – Harrisville Resolution 20-19; a resolution creating Harrisville Cemetery Special Service District.

Bill Morris explained over the years people in the community have spent their lives living in Harrisville and have shown interest in being buried in the same community. There is currently not a location to be buried right now. By creating a special service district, we could have a cemetery similar to those in other surrounding communities. If this is something that the Council decides to do. The taxes would cover the purchase of the land and the cost of operating the cemetery. Council Member Jackson asked if this has to come to fruition right away. Bill Morris responded the district can be created and just remain in waiting until the city finds a location where they have interest and opportunity to create a cemetery.

By unanimous consent Mayor Tait declared the public hearing for Harrisville Resolution 20-19; a resolution creating Harrisville Cemetery Special Service District open.

Shanna Edwards said she would love to see a cemetery in the city. She said in the early days when the city incorporated, they wanted to create a cemetery, but the problem is the high-water table everywhere. At the time the only spot, the highest spot in the city, is across from the city, behind the Maughn's. She said a lot of people would love to see this, but she suggested finding out if this is possible first.

Marvin Farrell said he has a question about this district because he pays taxes to Ben Lomond Cemetery District. If he already pays for Ben Lomond, will he be double taxed. He also agreed

with Shanna Edwards, asking if we have a location or spot where this could happen. The water table level has decreased over the years. He suggested some of these things be looked at to see if this is possible. The city owns a piece on 750 West and he suggested looking at a place first and the go after funding.

Doug Cannon feels this is a possibility. He said in other cities there are also high-water tables. If the city finds a suitable location, a lot of cities have built up an area to create a cemetery, if the community wants this.

By unanimous consent Mayor Tait declared the public hearing closed.

Bill Morris addressed concern regarding high water table, saying the city engineer will conduct surveys for an appropriate area. He explained the term six feet deep is actually eighteen inches with vaults. There may be areas available now. These issues have to be addressed in the West Weber/ West Warren area. There are areas where things are shifting. We would gather some good information and conduct studies to indicate where this could work. He said city staff will look into how the Ben Lomond Cemetery District boundaries were created. He said while the city was going through the process of creating the first special service district, he felt this a good opportunity to create this second one. The tax does not have to be implemented right away. Council Member Jackson said in the funeral industry, there are trained sextons who can combat high water tables. They also use different fill than they take out.

e. PUBLIC HEARING – To consider potential projects for which funding may be applied under the CDBG Small Cities Program Year 2021.

Mayor Tait opened the public hearing for the CDBG program and stated that the purpose of the public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible applications for the 2021 funding cycle. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The CDBG Small Cities Program, in which Harrisville City is a member, is expecting to receive approximately \$200,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Bill Morris read some of the eligible activities listed including examples, such as Construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Bill Morris indicated that in the past Harrisville City has received several grants, one of which was bringing the entrance of City Hall up to ADA standards. The city has handed out its capital investment plan as part of the regional “consolidated Plan”. This list shows which projects the city has identified as being needed in the community. It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The City Recorder will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

Bill Morris said the CDBG program operates through the department of workforce services. There is close to one million dollars available for grants to fix sewer lines, water lines, and upgrade storm drains. Harrisville has received funds in the past to upgrade ADA compliance. The capital investment plan will be next on the agenda to identify projects that we would be eligible with.

Marvin Farrell said they have tried for years to get curb, gutter, and sidewalk, asking if this is eligible, and asked if they could hold a public hearing to see if there is interest.

f. Discussion/possible action to adopt 2020 Capital Investments Plan.

Bill Morris reviewed the completed projects, which include: crack seal projects, 1100 North completion, Larsen Lane Widening Project, and ADA compliance at the Parks and Recreation Building. He commented that has been a lot of work for city staff.

Projects listed as one-year projects include: slum/blighted area on Wall Ave, Capital Facilities Plan updates, Millennium Park Parking and Safety Improvements, North Harrisville Road Sewer repair, and 2300 North Sewer repair. He explained Public Works would like some of the declining business areas to be addressed, also installing more speed limit signs, and cameras at the park to address vandalism. Every year sidewalks and other improvements are necessary. Everything on the list should be eligible for grant money. He reviewed some of the lower priority items: which includes the super charged sewer line that overflowed in 2011 on Independence Blvd, is on Central Weber Sewer's project list. Once approved, this will be sent to Wasatch Front Regional Council to be eligible for grant applications.

MOTION: Council Member Jackson motioned to adopt 2020 Capital Investments Plan. Council Member Weiss seconded the motion. All Council Members voted aye. Motion passed.

g. Discussion/possible action to adopt Harrisville Ordinance 516; Transportation Code.

Bill Morris reviewed the proposed ordinance explaining the state code changed and we still had reference to old code in ours. He overhauled the code and cited the entire state law rather than listing individual citations. He explained Harrisville City is the highway authority for our roads and adoption of the state code in its entirety is recommended for cities of the fifth class. He reviewed traffic control devices regulations; people are not allowed to put up their own signs. He reviewed authorized areas for repairs; people are not allowed to fix their cars in the roadway, unless there is an emergency.

Mailbox standards, one-way roads, route restrictions, prohibiting dynamic breaking devices, and others were reviewed. Operational restrictions, negligent collision (lack of care that does not rise to reckless driving) and operation interference (if a person is interfering with a driver) were reviewed. Council Member Jackson said reckless driving is hard to prove. Careless driving is easier to outline in court.

Bill Morris said state legislation must be outlined. This ordinance adopts the regulations on all of these items. Follow the traffic rules, and comply with ADA regulations. Regulates low speed vehicles, which are allowed on city streets must follow these rules. We have given these guidelines for our own protections, and residents assume their own risk. Snow removal remains mostly the same; this further defines the snow removal process. Citations can now be issued for driving too slow under city code, rather than state code. Police will follow the state procedure for this. Chief Wilson said private property will need to have adequate signs with the towing company listed on the signs. Bill Morris said state code will be followed in different sections. Stopping and parking, control of pedestrians, commercial vehicle parking, cross walks, right of way, issues with transients with limited access were all reviewed. Penalty is an infraction with a fine up to \$1000. The state code will be followed for the bail schedule. Council Member Jackson asked if warrants can be issued on infractions. Bill Morris responded defendants cannot be incarcerated on an infraction for city code. Council Member Jackson asked if police cite under city code, does the state surcharge apply. Bill Morris responded no state surcharge is paid on city code violations.

MOTION: Council Member Weiss motioned to adopt Harrisville Ordinance 516; Transportation Code. Council Member Christensen seconded the motion. A Roll Call Vote was taken.

Council Member Loveland	Yes
Council Member Jackson	Yes
Council Member Christensen	Yes
Council Member Weiss	Yes

Motion passed 4-0.

h. Discussion/possible action to grant Final Acceptance of Thoroughbred Crossing Subdivision.

Glen Gammell explained the city engineer has recommended final acceptance of Thoroughbred Crossing Subdivision. They have petitioned the city for the release of escrow, but there are still a few more items to complete before escrow will be released. Council Member Christensen asked if there is a time limit for completion. Glen Gammell responded they are anxious to get the escrow release. Mayor Tait asked for an explanation on what is taking place with the detention basin. Glen Gammell explained this basin was not built to our standards, and this has been a long road trying to have it addressed. When the proposed Warren Hollow subdivision applied, there is now a better option to remove the current basin in Thoroughbred Meadows and bury a pipe to a lower basin in Warren Hollow that will be large enough to address the additional water. Bill Morris advised Council to adopt the engineer’s memo as part of the motion.

MOTION: Council Member Weiss motioned to grant Final Acceptance of Thoroughbred Crossing Subdivision subject to the City Engineer’s Memo dated November 10, 2020. Council Member Jackson seconded the motion. All Council Members voted aye. Motion passed.

i. Discussion/possible action to approve Harrisville Resolution 20-20; contract with Previdence Corporation for Mental Wellness Services.

Chief Wilson explained this program has been used by Ogden Police Department for the last year. The program uses artificial intelligence to watch for key indicators of stress and other mental health issues with officers. We will be one of the first cities to adopt a city-wide program. Each employee is given an evaluation yearly, and results will remain confidential with the program facilitator. No one at the city will have access to scores or results. Chief Watt, Ogden PD, said they have had success with the program and Weber Dispatch is now looking into implementing this for dispatchers. This is a good program and by receiving the backing of the Council, we will show confidence in the mental health of our employees, making them more comfortable to take care of any issues. Several employees have participated already in a trial evaluation. If an employee scores high enough on the assessment, the program notifies them and recommends the type of support or treatment that will help. If someone requires treatment, this is completely up to the employee to receive therapy or treatment under the health care options.

Council Member Jackson asked if this provides critical stress treatment. Chief Wilson said this will work similarly. When Officer Lyday from Ogden PD was killed in the line of duty, Previdence had staff on site within an hour to help address the needs of the officers affected. Council Member Jackson expressed his concern with officers who have difficulty admitting they need help. Bill Morris pointed out this will be mandatory, as part of the conditions of working here. Council Member Jackson asked if any negative feedback has been received. Chief Wilson said

the employee taking the assessment can be an honest as they want to be, but the city has provided another resource for them to receive support. As a city, we are providing resources for the care and welfare of our employees. Chief Wilson outlined the questions asked in the assessment; recognizing there are critical incidents that need to be addressed but also stress within the day to day work on the job within the city. Mayor Tait expressed this may have helped when Covid hit. She participated in the assessment and was impressed with the issues they can help address. Chief Wilson explained this is a year by year contract that does not have to be renewed. There are typically 35 extra evaluations throughout the year as well. They rarely charge for extra evaluations. The treatment and therapy are the employee's responsibility. Bill Morris pointed out Council is approving two things. First, is establishing a mental health and wellness policy, second, is the program available to assess and help facilitate treatment. These can be treated separately.

MOTION: Council Member Weiss motioned to adopt Harrisville Resolution 20-20, establishing a Mental Health and Wellness Policy and contracting with Previdence Corporation for an assessment program. Council Member Christensen seconded the motion. A Roll Call Vote was taken.

Council Member Loveland	Yes
Council Member Jackson	Yes
Council Member Christensen	Yes
Council Member Weiss	Yes

Motion passed 4-0.

5. PUBLIC COMMENTS - (3 minute maximum)

Marvin Farrell asked with the adoption of the transportation ordinance, with regard to off highway vehicles, where do agricultural vehicles fall. (Bill Morris explained these are vehicles of husbandry and are already adopted under state law.) Marvin Farrell said Thoroughbred Crossing development irrigation ditch there was a diversion put in on Warren's property to irrigate Warren's and Satterthwaite properties that goes down Larsen Lane towards Javier's and further down to North Street. When Larsen Lane was widened, that was removed. There was flood on the Satterthwaite property not too long ago. He is questioning if there is excess water, where will that go. They had to pump water out or the homes would have been flooded. Where this was there, and was then removed, there is now a problem. He said with the public use and open space of the golf course being lost, the city has added this area to other properties. Two thirds of his property is now designated as open space and public use and he asked how they can put this on someone else's property. There are other residents in this area that are affected as well.

Judge Trent Nelson updated Council on what is happening on the court. The Utah Supreme court has orders in place, which do not allow in person hearings, and will remain for quite a while. He was hoping things would be back in December, but this will be more likely happen in the spring time. Overall things are going well with the court. He requested if Council is receiving any feedback, to please let him know. Or if there are things they can do; he is open to listening to suggestions. As of right now, there will not be any in person hearings. Some defendants are taking advantage of this, by not answering phones, or requesting jury trials that cannot happen right now. Hopefully by March or April, they will be back to holding in person hearings. They use a program similar to Zoom. Although most defendants are attending by phone. He encouraged any suggestions from Council.

6. MAYOR/COUNCIL FOLLOW-UP:

Council Member Jackson reported he spoke with Kate from American Heritage Organization to request a bronze cast plaque for the Terikee Monument. They made a video this summer of this monument and are excited to help us out. There are companies right here in Ogden that do this bronzing. He will follow up in subsequent meetings.

Council Member Weiss thanked staff for the success of the Fall Festival. He received lots of positive comments on the fireworks. He would like to see that happen every fall and suggested even getting another school involved. There is a lot of support for the schools in our area. Bryan Fife said he received a call from the fireworks provider the day after and already has the invoice for next year. He agrees with having this during the Fall Festival. He explained we had to jump through some hoops due to Covid, but he was able to call on his part time recreation employees who really helped out at the last minute. Mayor Tait said she also received good feedback.

7. CLOSED EXECUTIVE SESSION: Utah State Code §52-4-205(1)(a): The Council may consider a motion to enter into Closed Executive Session for the purpose of discussion of character, professional competence, or physical or mental health of individual(s).

MOTION: Council Member Jackson motioned to close the public meeting and enter into a Closed Executive Session. Council Member Weiss seconded the motion. A Roll Call Vote was taken.

Council Member Loveland	Yes
Council Member Jackson	Yes
Council Member Christensen	Yes
Council Member Weiss	Yes

Motion passed 4-0.

Mayor and Council convened into a Closed Executive Session.

MOTION: Council Member Weiss motioned to close the Closed Executive Session and reopen the public meeting. Council Member Loveland seconded the motion. A Roll Call Vote was taken.

Council Member Loveland	Yes
Council Member Jackson	Yes
Council Member Christensen	Yes
Council Member Weiss	Yes

Motion passed 4-0.

8. Adjourn.

Mayor Tait declared the meeting adjourned at 9:22 p.m.

ATTEST:

MICHELLE TAIT
Mayor

JENNIE KNIGHT

City Recorder

Approved this 8th day of December, 2020