

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

Tuesday, September 28, 2010
7:00 p.m.
Council Chambers
363 West Independence Blvd.
Harrisville, Utah 84404

PRESENT: Mayor Richard Hendrix, Council Member Chad Allen, Council Member Wayne Crowther, Council Member Darla Fowers, Council Member Bruce Richins, Council Member Grover Wilhelmsen.

STAFF: Jennifer Morrell, City Recorder; Bill Morris, City Administrator.

VISITORS: Patrick Erskine, Gary Stringham, Eric Sadler, Chuck Schaffer, Sterling Collin Phillips, Paul Astorga, Doug Stewart, Ruth Pearce, Jeff Pearce, Yvette Palau, Rich Clawson, Jerry Williamson, Jim Mackley, Mike Schultz

7:00 P.M. CITY COUNCIL MEETING

1. Mayor Richard Hendrix called the meeting to order and welcomed all visitors.
2. Council Member Wilhelmsen led the Pledge of Allegiance and offered the opening ceremony.
3. **CONSENT ITEMS**
 - a. Approve the minutes of August 31, 2010 and September 9, 2010 as presented.

MOTION: Council Member Richins moved to approve the Consent Items as presented. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

4. **BUSINESS ITEMS**
 - a. Discussion and possible action to approve Ordinance Number 427, LDS Church Garden Amendment to the General Plan and Zoning Map.

Eric Sadler of Architectural Nexus asked if the Council had any questions about the documents or what they are proposing to do on the site. Mr. Sadler said the project involves approximately 3.5 acres that was purchased by the LDS Church for the Harrisville Deseret Industries. It will be fenced off and gated and converted into a garden for the Bishop's Storehouse. It sits on the north side of the Deseret Industries bordered by Wall Avenue and Duesy Auto Shop. Council Member Fowers asked how it would be watered. Mr. Sadler said they have worked something out with the irrigation company to divert water into an underground water storage container. Council Member Richins asked how many acres this would encompass. Mr. Sadler said it was 3.02 acres. Council Member Fowers commented that this was a very good use for that land. Council Member Crowther asked that a surveyors stamp be put on the legal description identified as exhibit A. Council Member Fowers asked for the reversion provision to be removed from the title.

MOTION: Council Member Fowers moved to approve Ordinance Number 427, LDS Church Garden Amendment to the General Plan and Zoning Map, as outlined. Council Member Crowther seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

Council Member Crowther asked for an updated zoning map to reflect the changes.

- b. Discussion and possible action on Ordinance Number 428, Zoning Ordinance Amendments. Bill Morris explained that this ordinance came from the Planning Commission and would eliminate animals in the front yards, define how horses are kept, eliminate storing trailers and RVs in the front yard, and allow for

the rental of automobiles and non commercial vehicles. He explained the difference between commercial and noncommercial vehicles and said that Aloha Auto would like to be able to rent UHaul's.

Council Member Richins asked if this would help clarify issues with enforcing parking violations. Mr. Morris affirmed that it would and said the code enforcement officer assisted the Planning Commission with the wording. Council Member Crowther referred to Section 2 and asked why it requires a minimum of 30 feet of yard space behind your home. Mr. Morris said that is set back requirement in the current ordinance. Mr. Crowther said he would like to see a sketch added to Section 3 and asked that the requirement for additional parking to "remain open and unobstructed to the sky" be taken out. Mr. Morris suggested that "open and unobstructed" be left in with the words "in front yard" following it. Council Member Crowther also asked that Section 3, Item 5 say "storm water run off must be directed or collected". He also recommended that Section 4 include rental of commercial trucks not just noncommercial. He said this might open up the opportunity for a commercial enterprise that rents industrial trucks to bring their business to the City including a fork-lift dealership or construction equipment rental. Mr. Morris suggested changing it to say "commercial vehicles and equipment". Council Member Richins asked if the change to "collected and directed" included snow melt. Council Member Crowther said it would and the Council discussed how this might solve some problems that have come up in the past. Council Member Wilhelmsen asked if these changes would have any impact on Whetton Auto Sales in Knight Plaza. Mr. Morris clarified that the current ordinance allows for the sale of vehicles but not for rental.

MOTION: Council Member Allen moved to approve Ordinance Number 428, Zoning Ordinance Amendments with the changes made here. Council Member Crowther seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

c. Discussion and possible action to give partial conditional acceptance to Golf Crest Phase 2 and allow for a bond security in lieu of cash escrow.

Mike Schultz, Castle Creek Homes, said he had not seen the letter from Kent Jones office. Mr. Morris read the letter to everyone and explained that Golf Crest was in the same situation as the Georgian; noting that both developers had their escrow with the now defunct Barnes Bank. He said in this case an amount has not been set by the City Engineer for the bond amount. He indicated that staff would work with Mr. Schultz once they are given the amount.

Mr. Schultz requested that the landscaping be omitted from the improvements saying the landscaping cannot be put in until the buildings are complete. He said the landscaping for the detention ponds was completed this week. He also mentioned that he is required to either have the landscaping complete or escrow for it through the mortgage company before he can sell a unit. In essence he is putting up double escrow for the landscaping if the City requires it as well. This comes in to play mainly when they sell a unit in the winter and cannot landscape until the spring.

Mr. Morris suggested leaving this to staff to deal with. Council Member Crowther stated that the bond should still cover the landscaping. Mr. Schultz pointed out that if the landscaping were left out he could post a cash escrow. Mayor Hendrix recommended leaving it up to staff to determine the amount for the bond and to negotiate the landscaping. Council Member Crowther asked why parking lots were not included in the roadway improvements. Mr. Schultz said they cannot complete parking lots until the buildings are done. He pointed out that they would not be able to sell the units without the parking lots being done and questioned the need to escrow for them. He said the parking lots were essentially a part of the building. He said they could still be building for 4 more years.

MOTION: Council Member Fowers moved to grant partial conditional acceptance to Golf Crest Village Townhomes PRUD Phase 2 and that the bond issues be negotiated and worked out by staff and that the conditional acceptance include the items from the Kent Jones memo dated September 23, 2010. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

d. Discussion and possible action on request for six (6) month extension on final approval of Thoroughbred Meadows.

Bill Morris explained that Eric Thomas would not be here tonight. He explained that they want to wait until January to record so there is not an increase in the property taxes. Also, Mr. Thomas has just received approval from the lender to begin the improvements but it is too late in the year to start. He said Mr. Thomas feels the best option is to request a 6 month extension. Mr. Morris reported that Mr. Thomas has piped the Costley Ditch and put in the Brown's secondary water. He said they the Butter's secondary water issue would still need to be addressed.

Council Member Richins asked if we could grant this since an extension was given previously. Mr. Morris explained that the previous extension given to Mr. Thomas was for the initial application. It expired and he was required to apply again. This will be the first and only extension granted on the second application. Council Member Crowther asked why this development is taking so long. Mr. Morris explained that it is due to the economy and the difficulty in acquiring financing and selling the lots.

Council Member Allen asked why we should grant the six month extension due to the length of time it took to get the Brown's secondary water. Harrisville resident Jerry Williamson, 196 Larsen Lane, asked to speak. He said the development effects two sides of his property and stated he has no irrigation water. He said he has tried all summer to work with Mr. Thomas but nothing has happened. The Council discussed tabling this until the next meeting and asked Mr. Williamson if he would come back.

MOTION: Council Member Allen moved to table the request for a six month extension on final approval of Thoroughbred Meadows until the next meeting on October 12, 2010. Council Member Fowers seconded the motion. All Council Members voted aye. Motion passed.

e. Discussion and possible action on Ordinance Number 429, Cluster Development Concepts Amendment

Mr. Morris reported that this ordinance is from the Planning Commission as a result of the R-3/R5-6 zones being removed and a desire by the Planning Commission to adjust clusters to allow patio type homes. Council Member Fowers referred to page 4 section 8c(1) and asked if this was a good idea. Mr. Morris explained that it would allow single family patio homes and stressed this would not apply to multi-family developments.

Council Member Crowther asked that the references in the paragraph to the City Council and the Planning Commission be preceded by the word "Harrisville" so there was no confusion as to what city was granting the approval or making the recommendation. Council Member Fowers expressed concern that this is the very thing the Council was trying to get rid of when they removed the R-3/R5-6 zones. Mr. Morris said the Planning Commission requested this and suggested that Jeff Pearce, Planning Commission chair, explain the philosophy behind this ordinance.

Council Member Fowers also expressed concern for the density bonuses. Mr. Morris explained that the bonuses could potentially allow the density to double and he reviewed some of the options for awarding bonuses. Mr. Pearce pointed out there is a 100% bonus cap. Mr. Morris described how this would work in theory and provide homes that, although clustered closer together, would be nicer homes with open space. He said it might bring in something similar to the Cottages.

Council Member Crowther asked about frontage requirements. Mr. Morris explained that the development agreements for these would be approved on an individual basis and that is where those concerns would be addressed. Council Member Crowther also asked that the 50% open space bonus be changed from "a maximum of 50%" to "a minimum of 50%" open space to get the bonus.

Council Member Wilhelmsen asked about the possibility of multi-family homes. Mr. Morris asked the Council to read section 11.16.040 that ends with, "...so long as said development consists of separate and single-family dwellings." Council Member Crowther inquired about the bonus for landscaped park strips. Mr. Morris said the current landscape ordinance does not require park strips to be landscaped or trees put in which is why a bonus would be given for landscaping them.

Council Member Crowther also asked about the bonus for energy efficient homes and asked that the approved energy efficiency organization be "acceptable to the Planning Commission". Council Member Wilhelmsen asked how this ordinance would benefit the city. Mr. Morris said it would bring denser housing

but would look really nice, something similar to the Cottages. Council Member Crowther asked if this ordinance stated any standards for public utilities in the roads. Mr. Morris said this just covers density. Everything else for the subdivision would be covered by the Public Works Standards and the subdivision ordinance. Council Member Fowers said she is not in favor of this ordinance and would motion to disapprove it. The Council discussed areas in the City with 10 acres parcels. Mr. Morris addressed the concerns with Section 8c(1) and suggested striking c(1) and then vote on the ordinance without it.

MOTION: Council Member Wilhelmsen moved to approve Ordinance 429, Cluster Development Concepts Amendment, and that 11.16.030 8(c)(1) be stricken which refers to the density of the development and allow for the other changes to be made in the ordinance. Council Member Fowers seconded the motion. Roll call vote. All Council Members present voted yes. Motion passed

f. Discussion and possible action on Ordinance Number 430, Intoxicating Chemical Compounds Prohibited.

Mr. Morris explained that this is a Spice ordinance requested by the Police Department. He said it is modeled after the Spice ordinance passed by Ogden City. He pointed out that the purpose section has been better defined, the prohibition section includes businesses, and there is a provision for a DARE type program. In addition, the enforcement section includes the revocation of a business license issued by the City.

Council Member Fowers expressed support of this ordinance in light of the fact that neighboring cities are passing similar ordinances and could drive those who wish to purchase this substance into our city. Council Member Crowther asked if this is the same variety of salvia that people plant as a shrub. Mr. Morris said there are different varieties of the salvia plant with the plant in question being the salvia divinorum plant which is different than the common shrub. Council Member Crowther asked if passing this ordinance will force the sale of Spice underground. Council Member Allen replied that it is important to pass this and will give officers an additional charge against those who are high on spice. Also, he pointed out there are two smoke shops in the City that sell this substance.

Mr. Morris pointed out that one city has had five medical calls for people who were having problems with it, which is a small number of the population. Council Member Wilhelmsen said his concern is not so much what the individual does but how they affect the rest of the population such as driving under the influence (DUI). Council Member Allen said you can be charged if you are DUI on Spice but not if you are just walking down the street.

Council Member Richins asked for the description of Spice. Mr. Morris explained that it is all of the chemical compounds listed under 4.50.020 and they all have a variety of street names and come in a variety of forms. Mayor Hendrix discussed the difficulty in drug testing for this type of substance. Mr. Morris explained that there is a plant form as well as a synthetic form created to mimic marijuana. Council Member Richins asked if ricin/castor beans would fall under this ordinance. Mr. Morris stated it would not and explained why.

MOTION: Council Member Allen moved to approve Ordinance Number 430, Intoxicating Chemical Compounds Prohibited. Council Member Richins seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

Council Member Allen asked what the plan was for enforcing this ordinance. Mr. Morris said the Chief of Police will take the ordinance around to those businesses who might be distributing the substance and have an officer follow up in a few weeks to make sure they are in compliance.

g. Discussion and possible action on Resolution Number 2010-13, approving an Interlocal Cooperation Agreement between the North View Fire District and Harrisville City.

Mayor Hendrix discussed the impact fee agreement with North View Fire Agency and the creation of North View Fire District (NVFD). He explained that NVFD has the authority to collect impact fees and has asked that the cities continue to collect impact fees and pass those along to NVFD. Council Member Wilhelmsen said all three cities, Harrisville, Pleasant View, and North Ogden, must pass the interlocal agreement for NVFD to continue collecting the impact fees.

MOTION: Council Member Fowers moved to approve Resolution 2010-13, approving an Interlocal Cooperation Agreement between the North View Fire District and Harrisville City. Council Member Wilhelmsen seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.

5. Public Comments

Rich Clawson, Harrisville resident and police officer, asked the Council how the salary survey was progressing. Mayor Hendrix acknowledged the date would need to be moved. He said it has not been forgotten.

6. Mayor/ Council follow up

Mayor Hendrix apologized for not being at the Terikee Monument dedication and thanked those who participated. He asked how the Youth City Council dance went. Council Member Richins replied that it was fun for the youth with minimal expense. Council Member Crowther mentioned that the Planning Commission needs some alternates to fill the vacancy left by Bob Howard who has moved from an alternate to fill the seat of Mike Norseth. Mrs. Morrell said she will include it on the agenda for the next Council meeting.

Council Member Richins asked who had been appointed as mayor pro tem and asked that it be listed on the agenda. Mayor Hendrix said he would appoint someone for the remainder of this year and then make a new appointment next year.

Mr. Crowther inquired on the status of the salary survey. Mayor Hendrix said that Council Member Allen and Council Member Fowers have volunteered to oversee this. Mrs. Morrell said she will send them some information to help get things started. Mayor Hendrix said they will set a new goal for the salary survey to be complete by January 1st. Mayor Hendrix discussed the need to follow the regulations of the open public meetings act and exercise caution as they work to complete this. Mr. Morris said he would pass the new deadline on at staff meeting.

Council Member Crowther asked for the Planning Commission minutes to be sent to all of the Council Members. Mrs. Morrell will make sure those get emailed out. Council Member Crowther asked about the main park site plan. Mr. Morris said it is all done.

7. ADJOURN

Mayor Hendrix moved to adjourn at 8:35 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 12th day of October 2010