

**MINUTES OF HARRISVILLE CITY
CITY COUNCIL MEETING
Tuesday, August 22, 2017 – 7:00 p.m.
Council Chambers
363 West Independence Blvd
Harrisville, Utah 84404**

Present: Mayor Bruce Richins, Council Member Jeff Pearce, Council Member Gary Robinson, Council Member Jennifer Jensen, Council Member Ruth Pearce, Council Member Austin Tracy.

Staff: Bill Morris, City Administrator, Max Jackson, Police Chief, Jennie Knight, City Recorder, Sean Lambert, Public Works Director, Rick Hill, Bailiff.

Visitors: Vivienne Murtha, Mike Murtha, Margene Walters, Boyd Walters, Brian Walters, Eric Thomas, Tyson Lund, Michelle Tait, Sharron Belliston, Kathy Sprouse, Chris Cope, Grover Wilhelmsen, Gene Stephens, Bruce Baird.

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 Tracy led the pledge of allegiance and conducted the opening ceremony.

3. Consent Items.

- a. Approve the minutes of July 25, 2017 as presented.

MOTION: Council Member R. Pearce motioned to approve the minutes of July 25, 2017 as presented. Council Member Tracy seconded the motion. All Council Members voted aye. Motion passed.

4. Business Items.

- a. **Discussion/possible action to approve Harrisville Ordinance #494; A Mixed Use Zone.**

Bill Morris explained the rezone ordinance and gave Council a new drawing of the proposed mixed use development located at approximately 1525 Washington Blvd. Council Member R. Pearce expressed her desire for this to be two ordinances; one for the mixed use zone and the other for the proposed development. She feels mixed use is residential and commercial being developed at the same time. This proposal seems like a townhome development that she feels does not meet mixed use. If this proposal includes commercial, she would like that area to be developed. What was intended when passed the mixed use ordinance was to have developers bring in commercial and by doing that they are allowed higher density housing. Not in the reverse order. That is

why the zoning map was amended. She feels this is spot zoning. The concept plan does not include commercial to be developed, to be mixed use, commercial must be included. She is concerned with the driveways being counted as guest parking, a guest is public, not a resident. Driveways are private, not public; therefore, she feels there is no public parking. The proposal includes one parking space for every three units. Any family type event might invite more public than is available for parking. If driveways are considered public parking, that would only allow people to park on other resident's driveways. She is also concerned there is no open space through the residential section. The proposed open space is included in the commercial and parking sections only. That will conflict with the commercial. She also has concern with the retention pond being counted as the open space. Open space is supposed to include landscaping. With the UDOT easement requirements on Washington Blvd, the open space is reduced to less than what is required for the 400 ft of commercial area. The temporary turnaround is only 90 ft, not the required 110 ft. Water has been an issue discussed in planning commission meeting. The water is supposed to drain to mud creek, but she is concerned this will drain into neighboring properties. The plan proposed to planning commission put all the houses on the north side against the fence line. She is concerned there is no place for kids to play. Open space was designed for kids to play on swings, run around, and have picnics. She doesn't feel the detention basin is a nice place for open space needs.

The snow removal plan needs to include where the snow is going to go and who is responsible for the removal. She said the city does not allow an HOA. Bill Morris said the ordinance does not eliminate the possibility of an HOA.

Council Member Jensen expressed concern with the commercial area. She does not want to see developments for townhomes considered commercial. She acknowledged the commercial on the existing front but is concerned that is already there. She would like to see them bring in something else.

Council Member Tracy expressed her concern the public parking available is not enough. Council Member J. Pearce said he does not have anything else to add that has not already been said. Council Member Robinson said he understands there is a critical issue on the water. He is concerned about storm drain water jumping the curb down by Larsen Lane. When he considers this proposal, he is concerned with where the storm water will drain; there is a lot of concrete. He feels they need to protect the future citizens of Harrisville. When the new residents kids grow up they will not have a place to park nor have visitors.

Bruce Baird, Counsel for the project, introduced himself to Council and stated he would like to clarify the mixed use aspect of this proposal. He does development all across the state and it is very typical in horizontal projects to have residential come in first. In this case the commercial was already there. The plan is to use this commercial as a sales office during the construction of the townhomes, and later once they have revenue they can bring in the commercial. He explained commercial development is driven by rooftops. There must be housing to generate commercial. This proposal is in line with the study conducted by Better City and he feels this will help to develop commercial. This clarified this is not spot zoning. This is carefully considered zoning for the betterment of the city. The proposal has been recommended by Planning Commission. Regarding the concerns, the guest parking includes 18 stalls that will service 54 units.

There is a total of 61,000 ft of landscaped open space for children to play. It is quite common to use detention basins as parks. In fact the Harrisville City Park doubles as a detention basin. Council Member Jensen clarified that only half of the park is a detention basin and is unusable most of the season because there is often water in this area.

Mr. Baird feels the city engineer says this will make the current water system better than current standards by complying with all law standards. He feels this will help resolve the existing problems. He clarified HOA's are allowed by state law. The developer is willing to enter into a contract to address snow removal. They are in compliance with the turn around requirements.

He has faith in the city engineer and the city attorney that they will not approve something that has not complied with code. If this drawing is incorrect, they will address that before the final plat is put together.

The mixed use zoning was created by Ordinance 491 which has already been approved. The concept plan was shown as in compliance with what was approved. His clients have relied on this ordinance being followed for this plan. They have been refining this over the last few months to make it better. He reminded Council the Ordinance before them is to rezone the property. They have the best interest of the city in mind and would hope Council would allow a development that will implements the city's vision and plan from better city that complies with ordinance 491.

Council Member Jensen asked if the parking and play area was initially considered additional commercial and was changed. Mr. Baird said the current commercial lot is a large lot. He is familiar with other development and in comparison this commercial is quite normal for the amount that is being considered. In Salt Lake City, there is vertical mixed use with commercial being on the ground level and the residential above. This creates an average of 15-20% commercial and the remaining being residential. Council asked what is being planned for the future commercial. Mr. Baird said the plan is to maximize this as best as possible and as fast as possible. Commercial development doesn't work that way. If they had a tenant right now, they would disclose that. They must create the rooftops next door to help bring in the commercial. Council Member Tracy asked if having the parking with the commercial will cause a problem. Mr. Baird said they will have to abide by the commercial requirements. Quite often the commercial property aids with having additional parking after hours. He gave an example of shared parking that makes things work for both entities.

Council Member Jensen asked if the parking is temporary. Council Member R. Pearce said this is temporary because it is in the UDOT easement. Mr. Baird said that area will be addressed and they will deal with that during the development agreement. Council Member R. Pearce said the first 400 ft is supposed to be commercial. Mr. Baird pointed out this is mixed use. They are not taking out any commercial. This is quite a long and useful piece. He pointed out just because something is zoned commercial does not mean that it will happen. If there is no one in the area, they will not bring in commercial. Commercial retail tenants need rooftops; especially now with online shopping.

Mayor Richins asked Mr. Baird to clarify the storm water issues; will this be connected to an existing storm water drain that is capped. Mr. Baird said storm water will be release into the ditch on the south side at a rate that complies with historical discharge. The developer feels this will make things better. The engineer's testifies in Planning

Commission to this. Mayor Richins pointed out in theory. Mr. Baird said we cannot do anything besides trust the engineers. The engineer will make sure we comply with the law. He feels he has to convince Council to trust their own staff. The engineers have done their work. Mayor Richins asked about the water that is leaking around the capped off storm. Mr. Baird said that water is a mystery in the ultimate source. Water tends to run towards the easy source. They do know this will make things better. The city engineer said this will make things better. Eventually this water will end up in mud creek. This is going where it has always gone. Mud creek is to the northwest of the proposed development. Eric Thomas said the long term goal is to tie into the North Ogden storm drain. They do not currently have any easements to meet these requirements. North Ogden is willing to enter into an interlocal agreement to meet this need because it enables them to make this happen. As far as the commercial, the investor is buying the property to fill the commercial pad. He said within 12 months after closing the sales office, this will be developed into a commercial piece. They also want for this to happen. They do not want an empty field in front of the project and the buyer is interested in filling the commercial spot.

Council Member Jensen said she would like to see them take out the last two condos and put in parking. She is concerned with the distance people would be walking to the west townhomes and encouraged parking on both sides. Mr. Baird reminded Council this is just to zone the property so they can move forward. This is not the last step for approval. They cannot move to the next step in the process until this is approved. He also said this is odd to have the concept plan considered with the ordinance. The final details are not really the issue today. This can be addressed at a later date. These will all be included in the development agreement but they cannot move forward without the rezone.

Mayor Richins asked about the emergency turn around. Mr. Baird pointed out where the turn around is located on the plan. He said detail design work on the rezone creates these types of issues. He also pointed out two units will be restricted by development until the through street continues. Another point is this project will be developing a street that will eventually go through. The city will benefit from this road being created.

Mayor Richins pointed out the property west of the proposed development is unincorporated Weber County. Bill Morris said Mr. Baird knows zoning and planning well. When the ordinance passes, this will lock in the standards that will be met. Bill Morris asked if Mr. Baird reviewed the Better City Strategy and how this proposal compares to other communities with regard to mixed use. Mr. Baird reviewed the two types of mixed use, vertical and horizontal and said some types are better in certain areas. He indicated if the layout of the property was different, vertical mixed use might be better. Recognizing all properties are different, the horizontal mixed use proposal satisfies the requirements by driving the rooftops. Some components must drive the others. Mr. Baird said this is proposal is subject to a development agreement. He trusts the engineer on the development plat and the city attorney on the development agreement. This proposal meets the requirements but he recognizes there are other steps that need to be taken. Mayor Richins said he met with North Ogden on the storm drain issue and they indicated they are interested in annexing this property into North Ogden. Bill Morris said the developer for North Ogden just wanted to put in the

townhomes. Bill Morris and Mayor Richins disagreed and thought this would better serve Harrisville.

MOTION: Council Member J. Pearce motioned to table Harrisville Ordinance #494; A Mixed Use Zone until the water issues are addressed. Council Member Robinson seconded the motion. A Roll Call vote was taken.

Council Member Tracy	Yes
Council Member R. Pearce	Yes
Council Member Jensen	No
Council Member J. Pearce	Yes
Council Member Robinson	Yes

Motion passed 4-1.

Bill Morris asked Council for direction on what direction they would like staff to take to address the problems and whether they prefer to hear from a professional engineer who can answer questions. Council Member Robinson asked what kind of guarantee we would have from North Ogden that this will happen; he feels they have a tendency not to follow through. Council Member Jensen disagreed saying they are good with following through. Council Member J. Pearce sees an issue with the water issue on the south side. Council Member Jensen said if Planning Commission recommended approval. Mr. Baird said he is happy to provide an engineering report showing that the storm water will be improved. The city will enter into an interlocal agreement with North Ogden as the final agreement. Council Member R. Pearce asked for more parking in the residential area, not commercial, and to have the open space in the residential section, not the commercial.

Mayor Richins asked if this was part of the ordinance. Bill Morris said the concept plan is part of the ordinance, but can be adapted to meet requirements. He informed Council this will come back at the next meeting along with the site plan.

b. 2017 Paint Striping Projects

Sean Lambert explained he received bids for the 2017 paint striping projects. He received three bids; Mountain West Striping for \$4,814.80, Aspen Paving & Const. for \$5,614.70, and Morgan Construction for \$5,314.20. He is recommending Mountain West Striping be awarded the bid.

MOTION: Council Member Jensen motioned to approve the 2017 Paint Striping Projects for Mountain West Striping for \$4,814.80. Council Member R. Pearce seconded the motion. A Roll Call vote was taken.

Council Member Tracy	Yes
Council Member R. Pearce	Yes
Council Member Jensen	Yes
Council Member Robinson	Yes
Council Member J. Pearce	Yes

Motion passed 5-0.

c. “No Truck Route” Signs

Council Member Jensen said there are quite a few semi trucks coming through Hunting Creek Road since the completion of the 1700 North connection in North Ogden. Traffic has increased as a truck route. She approached a driver who indicated his GPS system was sending this as an access to North Ogden, not realizing this is a residential neighborhood. There is no need for trucks to use this route and they are getting lost trying to make their way through the neighborhood. She has witnessed a number of trucks heading up to Smith’s in North Ogden. She is suggesting posting “No Truck Route” signs on the Harrisville ends of the road. Our city roads cannot sustain semi truck traffic use. Mayor Richins asked where these signs will be posted. Sean Lambert said the signs will be placed 60 ft. inside the intersection with Hwy 89 and on Hunting Creek Road just after you enter Harrisville from North Ogden. Bill Morris said there are regulations that allow the placement of these signs. This is not a typical road sign. Max Jackson asked about enforcement. Bill Morris said the signs usually restrict by weight or axel base through the text that will define the parameters to be met for enforcement. Council Member Robinson asked about local truck delivery. Bill Morris said this will not apply for local deliveries; only traffic that does not belong in the neighborhood. Council Member J. Pearce said local deliveries are not the problem, only semi trucks.

MOTION: Council Member Jensen motioned to approve the “No Truck Route” signs to be placed on 1550 North (Hunting Creek Road). Council Member R. Pearce seconded the motion. All Council Members voted aye. Motion passed.

5. Public Comments - (3 minute maximum)

Sharon Hill (Belliston), resident on the North side of proposed project at 1525 N. Washington Blvd, said she wanted to let Council Member J. Pearce know that North Ogden city engineer is aware of the ditch on the north side of this property. They approached her about piping this ditch on the south side of her property. This has not happened. She is concerned with being land locked from this project.

Vivienne Murtha, 2544 N. 600 W., said she was present at the last Council meeting when residents expressed their concerns with several properties on 750 W. One resident complained about the animal shelter on 750 W. Council Member Jensen then said there was no progress being made or effort to clean up the property and even indicated they would hold up their business license. Eleanor Jensen has spent half a million dollars and inherited a disaster. They has spent time cleaning up the property and she hired someone directly after Council meeting to clean up. She has done a lot of work and there are people living there. Money has been spent. There has been some judgment and jumping on the bandwagon with loud complainers. She has taken pictures of other businesses throughout the city that are out of compliance. She wants to know why Eleanor Jensen is being targeted. She has email Council a Powerpoint with 22 properties that are out of compliance. She is asking code enforcement to send notice of clean up.

Mayor Richins asked if this is an official complaint. Vivienne Murtha said yes. Council Member Jensen said she did notice that the yard has been cleaned up. She is glad to see things are improving. She is not chastising people but helping them come into compliance.

Mike Murtha, 2544 N 600 W, said he has a list of 5 more businesses that he would like to file complaints against. If this is a public campaign on the businesses, there are 27 properties that would improve the image of this town. He has heard the Mayor say he would like to clean up the city. He thanked Council for approving the minutes for July 25, 2017. 24 days from now will mark the year anniversary of the proposed animal shelter. He said if the city is going to be fair about this, they need to not because there are upset people. He will take the high road, but this need to be addressed fairly. Last year he made a mistake at a budget hearing that hurt some people's feelings. Some of the comments that were made on July 25, 2017 were like that. He apologized for what he said, he took responsibility. He said Eleanor Jensen has not felt welcomed by the city and encouraged Council to be fair.

Bryan Walters, said his father lives south of the proposed project at 1525 N. Washington Blvd. Planning Commission was not unanimous on their recommendation of this project. He and his father do not have total faith in the engineering. He would like North Ogden and Harrisville to address the water issues on the development of this property with regard to the surrounding properties. The Chadwick ditch was only used for irrigation until UDOT started dumping into it. It is full of weeds and other things and they are the end user of this ditch. He is unable to clean the ditch and North Ogden City will not clean it. The new pipe line installed leaks to the south; there is water from North Ogden and UDOT and the leaking pipe. He suggested someone drill a hole in the pipe. They say this is all ground water running down the gravel. The other concern is the green area for the kids to play. They will be climbing the fence and playing in the irrigation ditch which causes a safety concern. They asked for a chain link fence. Roger Shuman suggested a cement fence because fences start to lean. If there is water, fencing will warp. With regard to the nuisance properties, they have written letters about the Morelli's property that was zoned commercial in 2008, right when development ceased. This property is a fire hazard with weeds and nothing gets enforced on this. There are open storage facilities as well with an individual living on the property using an outhouse. The North Ogden engineer specifically witnessed this. He would like this to be taken care of.

Christine Cope, 2460 N 750 W, said she was here to talk about the Pomeroy and Nagy property at the last Council meeting. She would like to know what type of action has been taken since then. She has not seen any change at the Nagy property. Nothing seems to be happening. Additionally a semi truck has now been brought to the Pomeroy property. She is concerned people are living in the semi. She would like to know how residents can stay informed about this situation. Council Member J. Pearce said the Nagy property has been sold and they have been given 30 days notice to vacate the property.

6. MAYOR/COUNCIL FOLLOW-UP:

Council Member Robinson suggested including something in the newsletter encouraging residents with neighbor issues to talk to their neighbors rather than calling code enforcement. He feels if we send over the code enforcement officer without interaction between neighbors we will be creating bad relationships. This was something he learned at the league training. He feels when government is relied on, things get worse.

Mayor Richins said he feels we had a very successful Heritage Days event. There were some additional events and felt the breakfast was very successful. Some of the Planning Commissioner’s and their wives enjoyed cooking and serving residents. The fishing derby was also a success and there was not a time where the archery was not being used. The car show was good. He was pleased but feels more advertising could help bring in things better. We will be having a Heritage Days discussion at a later meeting date.

Council Member Robinson asked if resident issues with the pond neighboring property owners have been resolved. Mayor Richins pointed out the pond construction is not complete. Max Jackson said the Muellers spoke with wildlife officials and got things resolved. Council Member Robinson asked about closing the fishing prior to the fishing derby. Mayor Richins said this was done by executive order. Council Member Robinson said city officials cannot control fishing. Mayor Richins said there was not an order for any fishing, the pond was closed.

Mayor Richins asked who will be attending the league training in Salt Lake. Council Member J. Pearce and R. Pearce will be attending Thursday and Council Member Robinson is attending. There is now a late fee for any further registrations.

- 7. Closed Executive Session:** Utah State Code §52-4-204 & §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) and §52-4-205(1)(c) strategy regarding pending or reasonably imminent litigation.

MOTION: Council Member J. Pearce motioned to adjourn the regular meeting and enter a Closed Executive Session. Council Member Robinson seconded the motion. A Roll Call Vote was taken.

Council Member Tracy	Yes
Council Member R. Pearce	Yes
Council Member Jensen	Yes
Council Member Robinson	Yes
Council Member J. Pearce	Yes

Motion passed 5-0.

Mayor and Council convened into a Closed Executive Session.

MOTION: Council Member R. Pearce motioned to adjourn the Closed Executive Session. Council Member Tracy seconded the motion. A Roll Call Vote was taken.

Council Member Tracy	Yes
Council Member R. Pearce	Yes
Council Member Jensen	Yes
Council Member Robinson	Yes
Council Member J. Pearce	Yes

Motion passed 5-0.

8. Adjourn.

Mayor Richins declared the meeting adjourned at 9:04 p.m.

ATTEST:

BRUCE RICHINS
Mayor

JENNIE KNIGHT

City Recorder

Approved this 12th day of September, 2017