

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

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

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

Staff: Jennie Knight, City Administrator, Mark Wilson, Police Chief, Justin Shinsel, Public Works Director, Jack Fogal, City Staff, Jill Hunt, City Treasurer, Jessica Hardy, Finance Director, Brody Flint, City Attorney, Clint Carter, Police Officer, Nic Francis, Police Officer, Sergeant Alisha Davis, Randy Douglas, Parks and Rec Bryan Fife, Parks and Rec Director

Visitors: Arnold Tait, Jon Hansen, Lily Hansen, Elisabeth Hansen, Doug Russell, Linda Russell, Chris Cope, Michael Shinsel, Matt Chura, Tyra Makela.

1. Call to Order.

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

2. Opening Ceremony.

Council Member Jackson opened with the Pledge of Allegiance.

3. Consent Items.

Approval of the Meeting Minutes for January 10, 2023 and January 24th, 2023 as Presented

Motion: Council Member Loveland made a motion to approve the meeting minutes for January 10, 2023 and January 24th, 2023 as presented, second by Council Member Wiess.

The vote on the motion was as follows:

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

The motion passed unanimously.

4. Oath of Office

Jennie Knight administered the Oath of Office to Officer Clint Carter.

5. Recognition/Awards

Bryan Fife and Randy Douglas were presented with a service awards by Mayor Tait for their 22 years and 25 years of service respectively.

[Council Member Wilhelmsen arrived at this time via zoom.]

6. Business Items

a. Presentation by Youth City Council on attendance at 2023 ULCT Officials Day

Lily Hansen, who is part of the Youth City Council, gave her presentation about the Utah League of Cities and Towns Local Officials Day. She said that her favorite parts were the speeches given by the Governor Cox and First Lady. She further explained the talk by Abby Cox was about how to volunteer in your community. The Harrisville City Youth Council then partnered with the Pleasant View Youth Council and did a mock exercise dealing with plots of land and what local governments part would be in that process.

Tyra Makela, also a member of the Youth City Council, explained her fascination about politics and how she wants to major in Political Science when she graduates from high school. She enjoyed the mock exercise about the plans for a plot of land. Members of the Youth Council were then given a tour by Representative Wilcox. Tyra Makela said getting to do these exercise and tour allowed her to look at a day in the life of a local politician. She was able to leave the meeting feeling reassured that her officials did care.

b. Presentation of year 2022 Audit Report

Jessica Hardy gave a presentation on the Fiscal Year 2022 Audit report. She explained the City did not receive any findings, which is good. She stated the audit was conducted per government standards. She explained there are two types of funds Governmental and Enterprise or business type activities. The difference is the business funds can make a profit and the governmental funds cannot. The money from the Public Works building sale is included in this audit. The City did not go over in fund balances or projections because the CARES Act money was re-allocated. Auditors looked at budget compliance, Justice Court, governmental fees, retirement, fund balance, restricted taxes, tax levy, public treasury bond, and impact fees. Jessica Hardy explained the only thing that was found by the auditors is the City did not have a separation of duties in the Justice Court. She said that the City has already fixed this issue during this current fiscal year. Mayor Tait asked if the auditors made any suggestions. Jessica Hardy said the only suggestion or item that needed to be fixed was the separation of duties with the Justice Court.

c. Discussion/ possible action to grant an extension for Conditional Zoning of the Ben Lomond Views Development.

Jennie Knight explained this issue was brought up by the Developer's attorney. The issue pertains to the City's conditional zoning that was adopted in 2021 with the development agreement to change the zoning of Ben Lomond Golf Course from open space to mixed-use large project zone. There is reversion in that code 11.06.080 subsection 3. The code says that

the City may examine the reason for delay and may either extend the time frame or initiate the steps for the reversion. It is outlined in the staff report dated February 9th, 2023. The analysis of phases submitted by the developer matches with plan maps and master development included in Ordinance 515. The developer has acquired easements for storm water improvements and have applied for the stream alteration permit for Millenium Park. The reasons for delay are outlined in number 4 of the Staff Memo. An application was submitted in May of 2022 for UDOT access to Highway 89. The Developer and City Staff met with UDOT, and completed the additional studies requested by UDOT. On Wednesday February 9th 2023, City Staff received permission to relocate the light from 1550 N Highway 89 to approximately 1700 N or 1800 N Highway 89, and permits have been issued for the developer to have access to the requested access locations on Highway 89. The City Staff is recommending an extension of up to 36 months for the developers to work through the appropriate process where the recording is required of the subdivision. Council Member Jackson asked will there be entrances or exits on 2000 North from the subdivision. Jennie Knight explained yes, there will be 2 access points completed during phase 2D. Council Member Weiss asked if there will be a light on 2000 North. Jennie Knight specified the approximately location is further to the south than 1900 North. Council Member Loveland asked why a 36-month extension. Jennie Knight answered because of the large project the proposed access requires a lot of construction from Highway 89 to the connection on 2000 N. That timeline can be shortened if the Council decides.

Motion: Council Member Weiss made a motion to approve grant of extension for Conditional Zoning of the Ben Lomond Views Development for a period of 36 months, second by Council Member Christensen.

The vote on the motion was as follows:

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

The motion passed unanimously.

d. Discussion/possible action to grant final acceptance of Plushnest Subdivision.

Justin Shinsel explained he asked for special funding to fix the street lights at Plushnest development a few months ago. This caused a conversation with the developer, and he was able to bring up the unpaid invoices during the conversation. The developer paid these invoices on Thursday February 9th, 2023. We are now ready to grant Final Acceptance which will put the Plushnest Development into City maintenance. Council Member Loveland asked if the street lights work and if the roads are good. Justin Shinsel said yes, we are ready to move forward with Final Acceptance.

Motion: Council Member Loveland made a motion to approve final acceptance of Plushnest Subdivision, second by Council Member Jackson.

The vote on the motion was as follows:

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

The motion passed unanimously.

e. Discussion/possible action to adopt Court Security.

Chief Wilson explained that the Justice Court has recently returned to in person court. He, Assistant Chief Moore, and Detective Keller have been covering as bailiffs. Chief Wilson explained that next year he has bailiffs budgeted into his proposed budget. He asked to start the contract for bailiffs now. There is currently a court security budget of \$1,300 but they need an additional \$2,000 to pay for the bailiff service for the rest of the fiscal year. Council Member Jackson asked if it is the same service Ogden City uses. Chief Wilson said yes. Council Member Jackson inquired how many bailiffs will be in court and if there is a minimum time the City will be billed for. Chief Wilson answered there will 2 bailiffs at court with a 4-hour minimum billing period. Council Member Jackson questioned if the bailiff service will transport to the jail and back. Chief Wilson said yes, it costs extra for them to transport, so they would save money by having a duty officer transport to and from the jail. Council Member Loveland asked if the \$1,300 in the budget and the \$2,000 extra will cover the cost for the rest of the fiscal year. Chief Wilson answered yes it will, he had planned out for a little extra in what he was asking for just in case. Mayor Tait asked if we would be able to cancel the contract if needed. Brody Flint said he would look at the contract and include this if it was not already included. Council Member Loveland asked if the proposed budget for next year of \$10,000 would cover the whole fiscal year. Chief Wilson confirmed it would cover it with a little extra to cover unexpected costs. Council Member Jackson said he did not see any harm in trying the bailiff service, and if they do not like them, they will find a different solution.

Motion: Council Member Weiss made a motion to approve \$2,000 for Court Security, second by Council Member Jackson.

The vote on the motion was as follows:

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

The motion passed unanimously.

f. Discussion/possible action to approve Storm Water Improvements at Harrisville Main Park

Justin Shinsel said that in early January the City experienced unexpected flooding due to rain and melting snow. He explained during that time we found the head gate at Harrisville Main Park was inoperable due to not being maintained properly. He stated that Public Works has already started the project and received three bids because of the \$20,000-\$25,000 price range. He explained this will help hold water back in the park retention pond and mitigate flooding downstream. He already has funds included in the budget this year but needs permission for the

allocation of these funds. Mayor Tait asked about an anticipated completion date. Justin Shinsel stated the estimated completion date is March 6th, but it would be a longer wait on the sod because of the time of year. Mayor Tait asked if this we will be ready in time for any unanticipated run off. Justin Shinsel answered yes, we will be ready.

Motion: Council Member Weiss made a motion to approve Storm water Improvements at Harrisville Main Park, second by Council Member Loveland.

The vote on the motion was as follows:

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

The motion passed unanimously.

g. Discussion/possible action to approve Harrisville Ordinance 539; General Plan Amendment; amending the Moderate-Income Housing Elements of the General Plan and including the 2022 Moderate Income Housing Report.

Jennie Knight said in November of 2022 the City received a notice of non-compliance with the Moderate-Income Housing Plan and we had a 90-day grace period to come into compliance. She explained in 2019 SB34 was passed and cities with population greater than 5000 needed to implement a program of reporting moderate income housing to the Department of Workforce Services. In 2022 a new law was passed that increased requirements from cities. To meet state requirements, we need to adopt at least three strategies, the staff is currently presenting 6 strategies. The City held the required public hearing during the Planning Commission Meeting, during that meeting we received two comments. These strategies are in line with the state's new requirements. Jennie Knight explained that the City Council is free to make any changes or recommendations they want. We need to adopt at least three of these suggested strategies to meet state requirements, if we adopt five the City is eligible for special funding. Council Member Loveland expressed concern about strategy number three. He is worried about reduced regulation on accessory dwellings. He gave an example that he has property and would upset his neighbors and other residents if we put up apartments in their yards. Jennie Knight explained we can eliminate that wording or that strategy if it is what the Council wants. Mayor Tait clarified that this is just identifying strategies we can evaluate in the City that might work but this is not passing an ordinance. Jennie Knight explained this does not take the authority from the legislative body to change and adopt ordinances. Council Member Loveland said if that is the case, he is okay with including strategy three. Mayor Tait asked if they want to leave all six strategies in. The Council confirmed yes.

Motion: Council Member Weiss made a motion to approve Harrisville Ordinance 539; General Plan Amendment; amending the Moderate-Income Housing Elements of the General Plan and including the 2022 Moderate Income Housing Report, second by Council Member Loveland.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes
Council Member Weiss, Yes

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

The motion passed unanimously.

h. Discussion/possible action to adopt 2023 Goals.

Jennie Knight reviewed the 2022 goals with the City Council. Those goals were economic development, new municipal complex, Ben Lomond ground breaking, department and staff development, City flag, increase in community activities, cemetery plan, and utility rate analysis. She explained the staff recommends recapturing some of our 2022 goals that did not get completed. She also suggested adding new goals this year. Those suggestions were updating franchise agreements, conduct business license study, conduct a facilities study, and try to complete the Healthy Utah Communities Award. Jennie Knight asked if there are any goals the Council would like to see or revisions to goals recommended by staff.

Council Member Loveland asked Jennie Knight to clarify what franchise agreements are. Jennie Knight explained that franchise agreements are agreements with utility companies, where the city receives a percentage from taxes collected by those utilities. Mayor Tait suggested we add updating franchise agreements to the 2023 City goals. Council Members agreed to add it to the City's 2023 goals.

Mayor Tait asked if they are still interested in a City flag. Council Member Weiss said the Youth City Council were tasked with this goal and suggested we open the idea to the residents to bring in ideas and drawings. Mayor Tait suggested leaving it as a goal. Council Member Wiess suggested giving a time frame of six months and see what ideas come in. Council Members agreed to keep it in the City's 2023 goals.

Mayor Tait then asked about the business license study and when the last time it was completed. Jennie Knight answered it was last completed in 2016. Council Members agreed to add it to the City's 2023 goals

Council Member Weiss suggested leaving off the cemetery plan from the 2023 goals due to there being more pressing goals. Council Members agreed to remove the cemetery plan for the time being.

Council Member Weiss asked about doing the farmers market for the Healthy Utah Communities Recognition. He suggested we put it out to the citizens to help with a farmers' market. Council Member Loveland said he likes the idea of a walkability audit for the Healthy Utah Communities Recognition. He asked how well attended the previous farmers markets were. Mayor Tait explained that they had trouble getting farmers to come to the market, there were people willing to buy but not enough sellers. Jennie Knight suggested making the walkability audit part of the Healthy Utah Communities and do the farmers market as part of our community activities goal. Council Members agreed.

Jennie Knight recommended removing the department and staff development goal. Mayor Tait said she feels the staff is where it needs to be and thinks it can be removed as a goal. Council Members agreed to remove the department and staff development goal.

Motion: Council Member Loveland made a motion to adopt 2023 Goals, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

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

The motion passed unanimously.

7. Public Comments

Mayor Tait opened the public comment period

There were no public comments received.

Mayor Tait closed the public comments section.

8. Mayor/Council Follow-Up

Justin Shinsel explained there was a theft at the Public Works building, and they are looking at a camera system due to the theft. There were two catalytic converters cut off snow plow trucks. The total damage is about \$14,000, and it will be three to four months before those trucks are repaired. Justin Shinsel thanked the City Council for allowing them to move forward with building the new Public Works facility. He said it will allow them to park vehicles in locked fully covered facilities. He expressed concern about it being a rough winter with snow fall, and asked for residents to please be cordial to plow drivers as they are trying their best to keep roads cleared of snow.

Bryan Fife explained that Parks and Recreation are working on an asset inventory of the shop and Bowery. He said basketball games are in full swing and are going well. He explained that the department will have to move sooner if they want to purchase the movie equipment for movies in the park. He said it may need to be as soon as next week.

Chief Wilson explained that he has some budget item updates. He said the budget numbers he gave at the retreat on January 24th, did not include the new detective the department was asking for. He announced that Assistant Chief Moore was working with the radio company and may have been able to reduce the purchase price of new radios by \$10,000.

Jennie Knight explained that the Planning Commission issued the Conditional Use Permit required for the Public Works building.

9. Closed Executive Session for purposes described under UCA §52-4-205(1)(c); strategy session to discuss pending or reasonable imminent litigation.

Motion: Council Member Weiss made a motion to enter into a Closed Executive Session for the purposes described under UCA §52-4-205(1)(c), second by Council Member Loveland.

The vote on the motion was as follows:

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

The motion passed unanimously.

The Mayor and Council Convened into a Closed Executive Session.

Motion: Council Member Loveland made a motion to close the Closed Executive Session, second by Council Member Weiss.

The vote on the motion was as follows:

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

The motion passed unanimously.

10. Adjournment

The meeting was adjourned at 8:55 PM.

MICHELLE TAIT
Mayor

ATTEST:

Jack Fogal
City Recorder
Approved this 14th day of March, 2023