

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

Tuesday, May 11, 2010
7:00 p.m.
Council Chambers
363 West Independence Blvd.
Harrisville, Utah 84404

COUNCIL: Mayor Richard Hendrix, Council Member Darla Fowers, Council Member Bruce Richins, Council Member Grover Wilhelmsen. Council Member Allen and Council Member Crowther arrived late.

STAFF: Jennifer Morrell, City Recorder; Lynn Fortie, City Treasurer; Bill Morris, City Administrator arrived late.

VISITORS: Ruth Pearce, Jeff Pearce, Jim Mackley, Matt Jensen, Jennifer Willie, Alex Willie.

6:30 P.M. WORK SESSION

1. Review/report on Utah League of Cities and Towns mid-year conference.

Council Member Richins reported on a Risk Management session he went to. It made him aware of different risks around the city to both citizens and employees. He also noted that he was impressed by a statement made by David Church reminding elected officials that they serve the public. Council Member Wilhelmsen mentioned he was impressed by the guest speaker who talked about treating people as objects instead of people and the consequences of doing so and the positive impact of treating people as people. He was also impressed by the communications seminar and Deseret News city blog and would like to see the City take advantage of this type of thing. Council Member Richins asked who from the City has been trained as a Hazwoper, someone trained to assess hazardous spills. Mayor Hendrix thought there may be someone from the Public Works department. Council Member Richins also asked if someone was trained to inspect the playground and the Council discussed having GameTime come back and do the annual inspections. There was some discussion on using the Trust safety grant for training.

2. Zoning changes – removal of R5-6 and R-3.

Mayor Hendrix discussed how and why these zones were formed saying they were put in place for specific purposes. He said these two zones were never intended to be transferred to other parts of the City because of the density. Because it was never taken off the books there is a developer who has approached the Planning Commission to change some parcels of land to R5-6 on the south end of town. Mayor Hendrix said these zones need to be removed so they are not an option in the future.

3. Creating cemetery district.

Jennifer Morrell said the staff had been approached by a resident of Pleasant View to see if Harrisville would consider creating a cemetery. Mrs. Morrell gave some general facts and statistics about developing a cemetery and the fiscal impact of maintaining it. She also mentioned that City Administrator, Bill Morris, had recommended if it were ever done that a cemetery district be created in order to be its own taxing entity.

4. Opening bowery restrooms.

Mayor Hendrix explained that staff has received concerns from parents and grandparents regarding the bowery restrooms being locked. The residents are enjoying the new playground equipment with their children but frustrated there is not a restroom close by. Mayor Hendrix explained his reason for keeping them closed was to keep them nice. Typically the bowery restrooms are only open for City functions or when you rent the bowery. He suggested a possible thirty day trial period for keeping them open also mentioning that the restrooms at Millennium Park and at the end of Independence have been vandalized five times in the past month. The Council discussed the hours the restrooms are currently open and the possibility of installing security cameras around the restrooms. Mayor Hendrix also noted a request from Officer Wilson to keep the restrooms at Millennium Park closed until later in the morning because the Junior High kids are smoking in them before school. He said they have opened them early in the morning because of requests from joggers and walkers at the track.

Council Member Richins felt the thirty day trial period was a good idea and suggested opening the restrooms during Public Works hours and if that was successful keeping them open until 8:00pm or 9:00pm when they would be locked by the police department. Mayor Hendrix clarified that they are left open during baseball games. Mayor Hendrix said he would talk to Gene Bingham and Max Jackson about keeping them open for a trial period from 6:00am to 6:00pm. Council Member Wilhelmsen said this will help pinpoint when the vandalism is taking place. He suggested that something be put in the newsletter to inform residents of when the restrooms are open and to report suspicious activity. Mayor Hendrix also suggested the possibility of a sign on the restroom doors with the non emergency dispatch number to report incidents of vandalism.

(Council Member Crowther arrived at 7:00 p.m.)

7:00 P.M. CITY COUNCIL MEETING

- 1. Mayor Richard Hendrix called the meeting to order at 7:00 p.m. and welcomed all visitors.**
- 2. Council Member Fowers led the Pledge of Allegiance and offered the opening ceremony.**
- 3. CONSENT ITEMS**

Action to approve the minutes of April 27, 2010 as presented.

Council Member Richins pointed out two corrections that needed to be made and asked for clarification on the statement about the speed limit reduction on West Harrisville Road. Some brief discussion on the use of the new speed trailer in evaluating driving speeds.

MOTION: Council Member Richins moved to approve the Consent Agenda with the corrections that had been discussed. Council Member Fowers seconded the motion. All Council Members voted aye. Motion passed.

Mayor Hendrix excused Council Member Allen saying he would be late. He also said items c and d on the agenda would be moved up and discussed first.

4. BUSINESS ITEMS

- c. Discussion and possible action on final acceptance of Wildflower Estates Subdivision Phase 1.**

Matt Jensen, representing Wildflower Estates Subdivision, said he has been working with Gene Bingham and Jones Engineering to address some issues that needed to be completed. He said those items have been completed and they are requesting release of their escrow funds. Mr. Jensen said a list of items was created last fall for them to complete including a cracked sidewalk and a ring around a manhole that needed to be replaced. He said all the work was done last fall or within the past month. Council Member Richins asked how many lots were in Phase 1 and how many phases were planned. Mr. Jensen said there are approximately twenty lots and plans for five phases although some are one lot phases. All together he said there are approximately ninety lots.

MOTION: Council Member Wilhelmsen made a motion to accept final acceptance of Wildflower Estates Subdivision Phase 1 as recommend by Jones & Associates and release of all escrow. Council Member Richins seconded the motion. All Council Members voted aye. Motion passed.

- d. Discussion and possible action on final acceptance of Acorn Storage.**

Mayor Hendrix expressed a concern he has with the south side of the storage units. There is a four foot piece of property that borders Saunders Construction that is an eye sore and has been cleaned up twice by Saunders Construction. Mrs. Morrell explained that the property has been sold to a new owner.

(Council Member Allen arrived at 7:13 p.m.)

Mayor Hendrix said he would recommend giving final acceptance but would like the new owners to be made aware of the City's concern with the weeds. Council discussed where the problem was on the site and how large of an area it was. Council Member Richins discussed another storage site in Harrisville

that has let their landscaping deteriorate and recommends the City has Acorn Storage rectify the landscape problem before giving them final approval. The Council agreed that Mr. Mecham would need to contact the new owners and get them to clean up the area before giving him final approval.

MOTION: Council Member Fowers moved that we do not accept or provide final acceptance for Acorn Storage until the issue of the landscaping is rectified and we have something satisfactory in place. Council Member Crowther asked to add that the strip of land is verified that it is landscaped according to the plans. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

- a. **Discussion and possible action on motion to review FY 2009-10 budget, in accordance with UCA §10-6-127, for purposes of amendment and set public hearing on proposed amendment for June 8, 2010.**

Lynn Fortie, City Treasurer, approached the Council stating it is still too early to know if there are going to be changes to the current budget but this will allow us to set up the public hearing and notice it if there are changes that need to be made.

MOTION: Council Member Richins made a motion to set public hearing for June 8, 2010 to amend the FY 2009-10 budget. Council Member Allen seconded the motion. All Council Members voted aye. Motion passed.

- b. **Discussion and possible action on adoption of tentative FY 2010-11 budget in accordance with UCA §10-6-113, and set public hearing on proposed final budget for June 8, 2010.**

Mr. Fortie explained to the Council that the tentative budget they were given includes a memo reporting some of the changes that were made including an increase in the projected amounts for the "franchise tax". This change will mean the City no longer has to dip into the "use of fund balance". Mr. Fortie also reported that the expense to repair the cabin roof has changed and he has increased the capital projects fund by \$5,000. Mayor Hendrix suggested purchasing a new marquee and putting it under capital projects. He recommended putting \$50,000 as an amount for the tentative budget. The Council discussed the type of sign they would like to see as well as the current and future sign ordinance.

Council Member Fowers expressed her appreciation to the staff in containing costs and adhering to their budgets. Council Member Richins asked if the increase in benefits costs was being passed on to the employees. Mr. Fortie replied that ten percent of the increase would be covered by the employee. Mayor Hendrix pointed out that a new vehicle has been purchased by the police department due to an accident that totaled a patrol car. The new Ford Mustang is the replacement vehicle. The Council discussed the accident, insurance coverage for the lost car, and considerations of fuel economy in the new purchase.

Council Member Richins asked if any decisions have been made on the 401k contribution. Mayor Hendrix talked about the need to keep good people and using this benefit as a way to reward them. There was some discussion on a matching program where the City would only contribute as much as the employee was willing to put in up to a maximum percentage. Mr. Fortie said that is what they do in Riverdale City and mentioned it would not cost the City more to follow this type of program. Mr. Fortie reminded the Council that the suggestion was to do away with the 401k and take the amount that was contributed and use it for a wage increase. Mayor Hendrix also explained the suggestion to take the two percent cost of living increase and use it to adjust wages for some of the employees to be more on par with other communities in the state and county. Council Member Allen asked the Mayor if he had received input from the employees. Mayor Hendrix felt it deserved some further discussion first and suggested meeting again for a budget session on May 25th. Mayor asked for a motion to approve the tentative budget and set the public hearing.

MOTION: Council Member Fowers moved to accept the tentative budget for FY 2010-11. Council Member Crowther seconded the motion. All Council Members voted aye. Motion passed.

MOTION: Council Member Allen moved to set the public hearing for the proposed FY 2010-11 final budget on June 8, 2010. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

Mayor Hendrix excused Bill Morris saying he would be arriving late.

e. Discussion and possible action on Ordinance No. 419, Architecture, Landscaping, and Screening.

Council Member Fowers had concerns with the clause for fire hazard items asking that it be more specific and differentiate between agricultural growth and weeds. The Council discussed the need to be specific without listing every plant. Council Member Crowther asked that "white" be added as an external surface color for structures. Council Member Richins had concerns about the ordinance and why the City has to legislate this type of thing. He also asked why there was a clause prohibiting vegetable gardens in the park strip. Mayor Hendrix explained there is the possibility it could obstruct vision and commented on his desire to see the grass in park strips replaced with other vegetation to conserve water. Council Member Richins suggested the "Rip Your Strip" program that some cities have sponsored. Council Member Wilhelmsen discussed how the program works and some alternative ideas for the park strip. Council Member Fowers suggested the Mayor write something for the newsletter about changing your park strip.

(City Administrator Bill Morris arrived at 7:53 p.m.)

Mayor Hendrix brought up the concern from the fire hazard clause. Mr. Morris said he had a specific home in mind with weeds so close to the house that they presented a fire hazard. Mr. Morris suggested taking out "vegetative overgrowth" and replacing it with "dry weed overgrowth". Council Member Crowther asked that, "may constitute a public nuisance", be added so it is something that can be under the discretion of the code enforcement officer. Some further discussion was given to vegetable gardens in the park strips and the possibility of sidewalk obstructions causing injury. The wording of the ordinance was changed to include the words "that obstructs the sidewalk".

Council Member Richins asked about the acronym LEEDS. Mr. Morris explained it stood for Leadership in Energy and Environmental Design and is a building development standard that will support more energy efficient building. Looking at the paragraph on screening Mr. Morris explained that he was trying to get away from standard chain link fence look but did not address vinyl coated chain link fences. Council Member Crowther asked that "after two years of growth" follow the parking screening requirement of six feet in height. Mr. Morris also noted that this ordinance will change the front yard fence requirements from 3 ½ feet to 4 feet.

MOTION: Council Member Crowther motioned to approve Harrisville City Ordinance No. 419, Architecture, Landscaping, and Screening as submitted with the revisions discussed in this meeting. Council Member Wilhelmsen seconded the motion. Roll call vote. Council Members Allen, Richins, Wilhelmsen, Fowers, and Crowther voted yes. Motion passed.

f. Discussion and possible action on Ordinance No. 420, Historical Preservation Ordinance.

Mr. Morris explained this ordinance was modeled after an ordinance given by the state archives with some significant modifications. It will create the position of City Historian and gives that position a job description. Mr. Morris reviewed the criteria for historical items and the designation procedures. Council Member Fowers asked if there should be a definition for centennial trees. Mr. Morris clarified what is written in the tree ordinance concerning centennial trees. The Council discussed the old oak tree on West Harrisville Road and how it could be preserved by designating it as a centennial tree. This may require a change to the forestry ordinance. Mr. Morris referred to pioneer planted trees that were cut down on 2nd and Wall in Ogden and the need to look around the city for trees that need to be protected.

Mr. Morris reiterated that this is a volunteer program and will not be forced upon property owners to follow. Council Member Fowers voiced concern that property owners be notified by mail instead of relying on notification in the newspaper for historic district proposals. She also asked that a change be made from Mayor to City Historian for the responsibility of recording the Historic Landmark Register status with the county. Mr. Morris mentioned that people wanting to demolish a historic house must give the City thirty days notice to go in and take pictures. He also mentioned that the "standards for rehabilitation" guidelines follow the state standards. Council Members pointed out some general typographical errors.

MOTION: Council Member Fowers moved to approve Harrisville City Ordinance No. 420, Historical Preservation as noted in the title with the few corrections that were discussed. Council Member Allen seconded the motion. Roll call vote. Council Members Allen, Richins, Wilhelmsen, Fowers, and Crowther voted yes. Motion passed.

g. Approve a variance to the current park bowery contract to allow the use of the sound system with an increase in the rental fee and security deposit.

Mayor Hendrix talked about how this issue came about. He recommended that the rental fee remain the same with an increase to the security deposit. He said it has been suggested to raise the security deposit from \$150 to \$200. The Council discussed having someone there to set up the equipment and show those renting it how it should be used as well as increasing the rental rates. Council Member Allen suggested giving electronic access to the closet. Council Member Richins warned about letting someone have full access to the storage room. Council Member Wilhelmsen discussed how easy it is to damage sound equipment and the maintenance costs. He feels there should be someone employed by the City to set up the equipment and go over a check list with those who are renting it. Mayor Hendrix summed up the discussion by suggesting the rental fee be raised to \$75 and the security deposit to \$200 with stiffer wording in the contract holding the renter responsible for damages. The Council discussed who could come and set up the equipment and what would need to take place.

MOTION: Council Member Allen moved to change the rental of the park bowery to increase the rental of the bowery if you choose to rent the sound system from \$50 to \$100 and also change the deposit if you decide to rent the sound system from \$150 to \$200. To include rules and regulations prepared by staff and have staff work out who will check equipment in and out. Also, sound equipment will only be rented to those who rent the bowery as well. Council Member Richins seconded the motion. All Council Members voted aye. Motion passed.

5. PUBLIC COMMENTS

Ruth Pearce, 295 E 1150 N, Harrisville. Mrs. Pearce asked if the budget would be made available to the public for viewing. Mr. Morris said it would be available in the City Recorder's office fourteen days before the public hearing.

6. MAYOR/COUNCIL FOLLOW-UP

Council Member Crowther asked to schedule a Park Committee meeting for next Thursday. Council Member Wilhelmsen asked to schedule a Heritage Days meeting for next Tuesday in the council room. Mayor Hendrix asked to meet with the Park Committee chair and co-chair before their Thursday meeting. He mentioned his discussion with the RAMP committee. They require that the splash pad be built or the money turned back in. Mayor Hendrix said he liked the suggestion by Council Member Wilhelmsen to put the splash pad on the current ball diamond. The Council discussed the splash pad and the recommendation to place it on the ball diamond. A suggestion was made by Council Member Richins to get rid of the old public works building and barb wire fence and create additional parking. Mayor Hendrix mentioned that some preliminary work has been done by Ridgeline Design and Council Member Richins added that some plans were already created for turning the old public works building into parking.

Council Member Crowther asked Mr. Morris if anything was being done on his suggestion for an ATV ordinance. Mr. Morris said there was not. Council Member Allen asked about the necessity of having an ATV ordinance when there is a state law governing ATV use on streets. Council Member Crowther clarified that he wants an ordinance regulating use on private property. Several Council Members voiced concern with that.

Council Member Wilhelmsen gave an update on Heritage Days. He said they have acquired enough advertisement to cover fifty percent of the cost of the book. Also, they are looking at the possibility of coming up with a sponsor page and support page on the Heritage Days website to generate some income. He discussed some of the other ideas for sponsors. Council Member Allen asked about the police statistics and asked if he could get statistics for Detective Rowley. There was also some discussion from Council Member Crowther about the possibility of having interns come and work for the City.

7. ADJOURN

Mayor moved to adjourn at 8:53pm

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 8th day of June 2010