

**MINUTES OF HARRISVILLE CITY  
CITY COUNCIL MEETING**

Tuesday, September 12, 2017 – 7:00 p.m.  
Council Chambers  
363 West Independence Blvd  
Harrisville, Utah 84404

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**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, Sean Lambert, Public Works Director, Bryan Fife, Recreation Director, Matt Robertson, City Engineer (Jones & Associates), Jennie Knight, City Recorder, Rick Hill, Bailiff.

**Visitor:** Ann Richins, Matt Hartvigsen, Tyson Lund, Aspen Teuscher, Katrina Kearn, Brian Walters, Julie Walters, Michelle Tait, Gene Stephens, Grover Wilhelmsen, Eric Thomas, Ty Christensen, Margene Walters, Boyd Walters, Bruce Baird, Kay & Kevin Holmes.

**6:00 P.M. Work Session Field Trip (Meet at 1525 N. Washington Blvd)**

Mayor and Council met onsite at 1525 N. Washington Blvd for a tour of the proposed mixed-use development. Eric Thomas pointed out where a ditch was created to show how the ground water following the North Ogden storm drain pipe will be diverted away from the Chadwick ditch and through the development before it reenters the Chadwick ditch. Council Member R. Pearce asked if there is a timeframe for how long the piping of the storm water will take. North Ogden is interested in starting the piping with this development and hopes to continue this project through the properties to the west and connect into Mud Creek. Currently the irrigation water and storm water are flowing together into the Chadwick ditch. This development will separate them as they should be. Boyd Walters gave some history on North Ogden development that has affected the water flow in the area. The overall plan is to secure easements through the property to the west and continue the storm water flow into Mud Creek. Council Member Robinson inquired as to the size of the pipe. North Ogden Engineer Matt Hartvigsen said this will be a 24 inch pipe. Council Member Robinson asked why not a 48 inch pipe. Matt Hartvigsen said that is unnecessary. Matt Robertson clarified the pipe leading into Mud Creek is a 48 inch pipe because it is collecting from several different sources. Boyd Walters explained a previous North Ogden development illegally discharges into the Chadwick ditch. Matt Hartvigsen said there was some confusion as to who had authority to sign on releasing water into the ditch. Bryan Walters explained they have lost faith in the engineers and thereby want to make sure the storm drain water is addressed in the future. Matt Hartvigsen said North Ogden will not send storm water through this development until the connection is made with Mud Creek. Areas concerning where the ditch will be connected in the future were pointed out.

**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.**

Mayor Richins led the pledge of allegiance and conducted the opening ceremony.

## **3. Consent Items.**

### **a. Approve the minutes of August 22, 2017 as presented.**

Council Member J. Pearce asked for the following changes to be made to the minutes. On page 2 the temporary turn around requirements were corrected. The name Morales was corrected to Morelli's on page 7.

**MOTION: Council Member R. Pearce motioned to approve the minutes of August 22, 2017 with amendments. 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.**

Council Member R. Pearce suggested this ordinance be separated into two ordinances. She feels the mixed use zone pertains to only this development when there will be other developments. She would prefer an ordinance to setup the mixed use zone and another ordinance for this development. Council Member Jensen said she feel this is fine the way it is. Council Member R. Pearce said the zone needs to be setup separately. Bill Morris clarified the ordinance changes the municipal code and also how that applies to this property. This is just doing this in one motion. Council Member Tracy asked if this will apply to other developments. Council Member R. Pearce asked why we are not zoning this as mixed use in Section 3. Bill Morris explained the importance of designating the commercial areas as commercial to meet the mixed use requirement. Council Member R. Pearce said there is no mixed use in the commercial area. Bill Morris said this is all the same parcel. Council Member R. Pearce again said she feels this should all be designated as mixed use. Council Member Jensen said the entire parcel is mixed use. Bill Morris said the code requires commercial to be CP-2. Council Member Jensen said she feels it is not necessary. Council Member Robinson asked what the point of calling this mixed use then. Bill Morris explained this is very important to call out the commercial requirement on the development. Council Member Robinson said this creates a new zone. Bill said the new zone is defined as R-1-6 residential. Council Member Robinson asked if this is changing the classification on R-1-6. Bill Morris said this is using the old R-1-6 and renaming this mixed use. Council Member R. Pearce said R-1-6 has already been eliminated. Council Member J. Pearce asked if there is anything that follows the R-1-6 standard. Bill Morris clarified he did not want to create an R-1-6 designation for zoning without the mixed use element and create more confusion. The development agreement will define the requirements. Council Member J. Pearce asked if there is other development, what would have to apply. Bill Morris said the zoning map will now include the MU zone. He said this is somewhat of a brain teaser. Council Member J. Pearce asked why this is one specific property. Bill Morris explained you can do two things in one ordinance. There may need

to be adjustments later. Having all the areas designated as mixed use creates concern. Staff wanted to make sure the commercial designation stays commercial. Council Member Tracy asked so they cannot come back for more residential. Bill Morris said he followed the regulations for R-1-6 in residential and commercial in the commercial zone. He also is allowing landscaping requirements in the open space so the development can maximize the commercial on the front piece. He said we will learn from any mistakes and bring in any changes. Council Member R. Pearce said she is concerned about exhibit "A" that includes things she does not want to approve; specifically the open space behind the south houses. Bill Morris said this will be addressed on the next agenda item; this is a site plan issue, not a zoning issue. Council Member R. Pearce said she does not think they have enough property. Mayor Richins pointed out the boundaries can be worked out as a condition of approval. Council Member Jensen said because they included a picnic area to preserve the easement area, they cannot build over that area.

**MOTION: Council Member Jensen motioned to approve Harrisville Ordinance #494; A Mixed Use Zone with the condition to work out the south boundary line. Council Member Robinson seconded the motion. A Roll Call Vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>No</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>No</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 3-2.**

**b. Discussion/possible action to grant Preliminary/Final approval on proposed mixed use development located at approximately 1525 N. Washington Blvd.**

Matt Hartvigsen, North Ogden City Engineer, explained he is in attendance to request Harrisville's cooperation to complete a storm drain that runs from Washington Blvd through this development, continuing through two adjoining properties and into Mud Creek Detention Basin. He has a letter of support from Mayor Taylor who is asking for this to resolve some continuing storm water issues. As a result of development in North Ogden they would like to continue the storm drain all the way to Mud Creek. They are currently working with the adjoining property owners to receive easements. The Cheney property owner has stated in emails that he will work with North Ogden. He would like to address some concerns for future development. They are also working with Sharon Belliston's attorney as well. They have not received a formal response from her attorney as of yet. They are hopeful this storm drain project can be completed.

Matt Robertson explained he included a memo relating any concerns for this proposed development. The water issue that exists right now is the ground water following the pipe. As Council was able to see on the field trip, this project will alleviate this issue. The last turn out to the Walter's property would be moved up stream so the ground water would be moved west of their property. Another benefit to the design is a head

gate on the storm drain structure that the Walter's can control. No nuisance water through land drains will come to the Walter's property at all unless he opens the head gate. Once North Ogden completes their storm drain to Mud Creek there will be no discharge back to the Chadwick ditch.

Between the commercial and residential is a 60 ft cross easement for future development to prevent land locking. The Belliston's to the north do not have any water runoff. Drains and pipes will be installed on the north side of the development so no water will run off. This area will be piped because there is not room for a ditch due to a driveway. They do have a conditional access permit from UDOT. They will need an encroachment permit and review from Weber County. Final improvement drawings with engineer signatures, cost estimate, and they must file a storm water (SWPPP) plan with the state. Those items are typically after approval. The cost estimate and other items that are specific to this development will be included in the development agreement. Council Member Robinson asked who will maintain the pipes. Matt Robertson said North Ogden City will maintain the storm water pipe. The ditch that would be piped on the Belliston's property would be the ditch users. The storm drain system will be part of the city infrastructure. Anything in the city right of way will be maintained by Harrisville. He showed where the storm drain system will be through the middle of the development.

There will be an HOA to address snow removal until future development. Bill Morris pointed out this will be a dedicated city street. Council Member Robinson said he feels North Ogden does not follow through with their agreements. Bill Morris suggested having an Interlocal Agreement with North Ogden for storm water maintenance. Council Member Robinson said he does not feel a 24 inch pipe is large enough. Matt Hartvigsen said they are sized according to a 100 year storm plan. They want to have this sized correctly. Once this leaves Harrisville, it will go back through North Ogden before it enters Mud Creek. There are flow regulations through the capital facilities plan. Bill Morris asked if a 30 inch pipe could be calculated. Mayor Richins pointed out this will not resize any existing pipes; the pipe under Washington Blvd is currently 24 inches. Council Member Robinson said the pipe down by Mud Creek is 48 inches. Eric Thomas pointed out that is due to more flow where two 30 inch pipes come together. Council Member J. Pearce asked about yard drains. Erick Thomas showed the landscaping drains and explained the property is lower in some areas so the water would not be able to flow away. Matt Robertson pointed out there will be no flow added to the Chadwick ditch. Council Member Robinson said there is a 6 inch slope difference with the land towards the east. Council Member J. Pearce said this is beyond Harrisville. Council Member R. Pearce asked if the road will slope back into itself. Eric Thomas said the road is crowned back to the curb and gutter. It will not continue to run off.

Council Member J. Pearce asked if Planning Commission received service letters. Bill Morris said all of these have been received. Eric Thomas confirmed on record, the letters were received. Bill Morris explained staff took the concerns from the last meeting and this is an updated plan. Mayor Richins asked about the North West lots. Eric Thomas explained there lots are restricted until the road goes through. Mayor Richins asked where the storm water will go. Eric Thomas said the storm water will be diverted and detained and released at state regulated flow rates allowed by law.

Matt Robertson explained the current ground water along with the allowable discharge created onsite from the development will be addressed. There is an overflow built into the structure so no flooding could occur.

Council Member J. Pearce said he has an issue with the amount of parking; he does not feel there is enough. Eric Thomas pointed out there is ample parking in this mixed use development. He used the townhomes by Orion Jr. High as an example of narrow streets and no public parking. He said the important thing to understand is this is a city street standard. Most people would block driveways in these developments but there is a 35 ft. parking area provided so sidewalks are not blocked either. When cars are parked on narrow streets, there is no place to drive. Council Member J. Pearce asked what the setback requirements will be. Bill Morris said 25ft in the front and 10ft in the back. Council Member R. Pearce asked about the current standards. Bill Morris pointed out current standards are for single family homes and this is not really off of the standard of 10ft. Eric Thomas said this is going to be a big feeling for townhomes. Eric Thomas explained the footprint of the townhomes. There will be 13 ft of private property behind the house until the common property begins. Matt Robertson said the open space requirements are met. Eric Thomas explained there will be private property, fencing for the ditch, and a large fence on the border. The open space designated as green on the map is four times larger than the required amount. Matt Robertson explained the strip on the detention area, just behind the units, and including the detention basin is over the required amount. Not including the other open space to meet the commercial requirement. They will be using the commercial space as a sales center until the townhomes are built and then they will fill this with a commercial piece. There is plenty of parking with 43 homes overall and 200 cars available to park. Eric Thomas pointed out they removed another townhome unit to allow for a picnic area. There will be flexibility and some private property to enjoy. The common space is not the only area for open space. Council Member J. Pearce how much will be affected by the road. Eric Thomas said the satellite overlay shows this will not really be affected. Bill Morris asked if Eric Thomas has some financial projections. Eric Thomas said the Better City's study show that Harrisville needs to bring in mixed use zoning to benefit the city. In this study, Harrisville is on track to have a \$75,000 deficit. The current tax from this property will increase to \$70-\$75,000 in property tax. This project will help bring in 10-15% of the needed tax dollars. This will show the advantage of the mixed use and the sales tax; a good benefit to the city from a fiscal standpoint.

**MOTION: Council Member Tracy motioned to grant Preliminary/Final approval on proposed mixed use development located at approximately 1525 N. Washington Blvd. subject to the engineering memo dated September 11, 2017, Interlocal agreement with North Ogden for storm water, a 30 inch storm water pipe, and the commitment to serve letters. Council Member Jensen seconded the motion. A Roll Call vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>No</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>No</b>

**Council Member J. Pearce            No**

**Motion is lost 3-2.**

Council Member Robinson asked about developing an HOA. He said the League of Cities and Towns asked cities not to approve these. Mayor and Council gave discussion on HOA's. Bill Morris said this HOA will not be maintaining streets or any infrastructure. Council Member Jensen said this is just mowing lawns and covering insurance.

Council Member J. Pearce expressed his concern about service letters. Council Member R. Pearce does not like the commercial parking area and would like more commercial. Jennie Knight obtained the commitment to serve letters. Council Members gave discussion on several parking and open space concerns. Mayor Richins read the service letter into the record. Council Member J. Pearce reviewed the service letters. Council Member Robinson said parking for future residents protection is a concern when growth takes place. Council Member R. Pearce expressed concern with the housing units footprint. Sean Lambert addressed regulations on the building footprint. He also said those are standard service letters. Proof of water service must be shown before a residential building permit can be issued. Bona Vista will not sell a culinary water connection if they do not have Pineview. This is a guarantee.

**MOTION: Council Member Jensen motioned to grant Preliminary/Final approval on proposed mixed use development located at approximately 1525 N. Washington Blvd subject to the engineering memo dated September 11, 2017, and an Interlocal agreement with North Ogden for storm water. Council Member Tracy seconded the motion. A Roll Call Vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>No</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>No</b>

**Motion passed 3-2.**

**c. General Plan Update**

Bill Morris explained this is a review of the General Plan. A time for Council to submit any corrections or changes they would like to make to the rough draft. Council Member Tracy said she had a clarification on page 5. Council Member J. Pearce said Laurence fixed all the errors he found. Council Members Robinson, Jensen, and R. Pearce had no comments. Mayor Richins said this will be an electronic document which will include maps. Bill Morris said maps are usually included at the end as addendums or exhibits.

**d. Discussion/possible action to approve purchase of two fire hydrants on 750 West.**

Sean Lambert explained the city owns the fire hydrants and to come up to current code we need to buy two hydrants. The cost is \$11,185.38 for two hydrants. The only place to take this money from is the Capital Improvements Fund. This will improve the fire rating for the city which in turn lowers homeowner's insurances rates throughout the city. It also benefits Bona Vista as well. Mayor Richins asked for current hydrant locations. Sean Lambert says he knows there are hydrants on the north and south end of 750 West. Council Member J. Pearce asked if labor is included. Bill Morris said this is budgeted out of Capital Projects which allows Sean Lambert to approach Council for permission to spend this money. Mayor Richins said we really need to meet this standard. Council Member Robinson asked if fire hydrants come with specifications. Sean Lambert said Bona Vista standards will be met or they will not install them.

**MOTION: Council Member J. Pearce motioned to approve the purchase of two fire hydrants on 750 West. Council Member Robinson seconded the motion. A Roll Call Vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 5-0.**

**e. Discussion/possible action to approve disposal/sale of Surplus Equipment.**

Sean Lambert explained there is a trailer built by the city that has tents for Heritage Days on it. In the past, vendor tents were provided. With the movie in the park, these tents are not usable. There is some value to them and he would like to take them to the auction to sell the trailer and the tents and have this money transferred to Heritage Days for vendor tents. Bryan Fife said the tents are a bit dilapidated. Sean Lambert is seeking permission to sell these and roll the money back to Heritage Days.

**MOTION: Council Member R. Pearce motioned to approve the disposal/sale of surplus equipment flat bed trailer and tents and rollover proceeds to Heritage Days. Council Member Jensen seconded the motion. All Council Members voted aye.**

**f. Heritage Days Discussion**

Bryan Fife explained he is here at the request of Council from last January. He is looking for feedback from Council on the event. Council Member J. Pearce said he thought things went well. Council Member Jensen agreed saying she thought things went well. She did receive some feedback that people were looking forward to receiving more prizes. She thought the entertainment was great, especially the "MC". Bryan Fife said he is committed to come back next year, he is Bryan's brother-in-law. This was his small stage so he can accommodate and even bigger crowd in the future. Council Member Jensen said he was very entertaining.

Mayor Richins said he was particularly impressed with the breakfast. He was expecting to have to work when he came from the parade but found there was very little left to help with. Bryan Fife said the Planning Commissioners and their spouses enjoyed helping with the breakfast and want to continue in the future. Mayor Richins said the archery booth was busy other than a 10 minute time frame. Council Member Tracy suggested making the signups more clear for each activity. Council Member Jensen suggested more advertisement, maybe even mailing a flyer to every resident. Council Member R. Pearce suggested including the event in the Standard Examiner. Council Member Tracy felt the outdoor signage was great with the breakfast. Council Member Jensen suggested adding a separate advertisement budget.

Mayor Richins said the car show coordinator expressed they could have promoted the event more. Bryan Fife said this was a volunteer who painted a very good picture but then he found out this was his first car show. He is confident this will build in the future. Council Member Jensen suggested coordinating the car show with Jelsco. She also suggested having more food vendors. Council Member Tracy said she ate at the event. Mayor Richins expressed his appreciation for the Youth City Council and the parade event. They stepped up and did an amazing job. Bryan Fife said they did a great job with the saw dust scramble as well. Council Member Tracy said they can reduce the saw dust scramble budget in the future. Council Member J. Pearce said Roy Days affects the car show. Bryan Fife indicated he is not concerned with Roy Days. Council Member R. Pearce said she received feedback that Roy Days is bigger. Council Member Tracy said we do not want to be as big as Roy Days. Council Member Jensen suggested having more fundraisers groups participate. She also felt the fishing derby and "Fish with a Cop" was a great event. Council Member Tracy suggested having the fishing derby at a different time so as not to conflict with the parade. Bryan Fife said they have to limit numbers for the fishing derby so it actually works out. Council Member Robinson suggested having arts and craft displays so people are able to display their talents. Council Member R. Pearce said Hooper Days had a church setup with 4H displays like the county fair. Council Member Tracy suggested bringing back the baby contest. Mayor Richins said he thought it was good with bringing back a lot of things and having some new things incorporated as well.

##### **5. Public Comments - (3 minute maximum)**

Grover Wilhelmsen, 134 E 1400 N, said he felt the field trip to the proposed development was very informative and helped. However, he found a comment made by Boyd Walters that may need to be addressed; whether or not it is illegal to discharge storm water into an irrigation ditch. He suggested having this addressed. He also commented he liked Heritage Days.

##### **6. Mayor/Council Follow-Up:**

Mayor Richins said he received a Thank You note from Ian Wilhelmsen thanking Council for letting him coordinate his Eagle Scout project to replace the sand with bark at the 2000 North park.

Mayor Richins informed Council of an open house to be held on September 28<sup>th</sup> here at City hall to address the widening of Larsen Lane. All residents on Larsen Lane will be



invited to attend. This will be an open forum including a timeline to meet all requirements. This should be a good education event for everyone.

Council Member Robinson asked if other Council Members had received a letter from Cindy Montgomery regarding resident notice for contractor work on Larsen Lane. She felt they should be talking to people where they are accessing easements, telling them what is going to take place ahead of time, rather than finding out after the fact. Council Member Jensen said Bona Vista should be addressing this since it was their project. Mayor Richins and Sean Lambert said the General Manager of Bona Vista was contacted. It is not always feasible to contact every resident. Council Member Robinson said the League of Cities and Towns suggests cities can better avoid situations like this where residents are upset.

Council Member Robinson expressed his concern the Weber County School District Bond meetings are being held at times that are not convenient for attendance. Mayor Richins said he thought there were meetings being held during the evening. Council Member Robinson said not according to the schedule he had.

Mayor Richins reminded Council Member of the upcoming League Conference for those who will be attending.

Bill Morris read into the record a staff report regarding Code Enforcement follow-up. Mayor Richins suggested the staff memos continue until things are brought under control.

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)(d) to discuss the purchase, exchange, or lease of real property.

**MOTION: Council Member R. Pearce motioned to close the regular council meeting and enter a closed executive session. Council Member J. Pearce seconded the motion.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 5-0.**

Mayor and Council convened into a Closed Executive Session.

**MOTION: Council Member Jensen motioned to close the Closed Executive Session and reenter the regular Council Meeting. Council Member R. Pearce seconded the motion. A Roll Call Vote was taken.**

<b>Council Member Tracy</b>	<b>Yes</b>
<b>Council Member R. Pearce</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member Robinson</b>	<b>Yes</b>
<b>Council Member J. Pearce</b>	<b>Yes</b>

**Motion passed 5-0.**

**8. Adjourn.**

Mayor Richins declared the meeting adjourned at 10:02 p.m.

**ATTEST:**

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**BRUCE RICHINS**  
Mayor

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**JENNIE KNIGHT**

City Recorder

Approved this 24<sup>th</sup> day of October, 2017