

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

Tuesday, January 11, 2011  
7:00 p.m.  
Council Chambers  
363 West Independence Blvd.  
Harrisville, Utah 84404

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

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

**VISITORS:** Seth Hansen, Paige Folkman, Ruth Pearce, Jeff Pearce, Blade Wolsey, Josie Hulme, Justin Hulme, Craig Butters, Wayne Crowe.

**7:00 P.M. CITY COUNCIL MEETING**

1. Mayor Richard Hendrix called the meeting to order and welcomed all visitors.
2. Mayor Hendrix led the Pledge of Allegiance and offered the opening ceremony.
3. **CONSENT ITEMS**
  - a. **Approve the minutes of December 28, 2010 as presented.**

**MOTION: Council Member Richins moved to approve the minutes of December 28, 2010 as presented. Council Member Allen seconded the motion. All Council Members voted aye. Motion passed.**

**4. PUBLIC COMMENTS**

Josie Hulme, 513 E. 1700 N., North Ogden, UT. Ms. Hulme came to address two lit up deer that are displayed on the lawn of 326 E Larsen Lane. She feels that the positioning of these deer and the way they are lit up is pornographic and described the situation in detail to Council Members. She explained that she has called the Weber County Sherriff's office and the Harrisville Police Department to file a complaint and was told that free speech gave the individuals a right to their display.

Ms. Hulme read section 4.20 (Offensive Premises) of the municipal code to Counsel Members stressing the words "offensive" and "unwholesome" in section 4.20.010 as well as the penalties for violating the code as found in section 4.20.020. She asked that something be done to remove the deer from public view. Ms. Hulme also allowed her son to read a statement to Council Members stressing that the "deer are gross and inappropriate".

**5. BUSINESS ITEMS**

- a. **Discussion and possible action on settlement agreement with Craig and Kevin Butters.**

Mike Junk, City Attorney, began by addressing Ms. Hulme and said he would work with Chief Jackson to draft a letter asking the owners of the offensive deer display to remove it. He also said they could take some pictures in case further action was needed.

Mr. Junk asked Council Members to accept the settlement agreement that the City has reached with the Butters saying both he and City Administrator Bill Morris feel comfortable with the agreement. He gave Council Members a brief history of what has gone on between the City and the Butters leading up to the settlement agreement. The history he gave is as follows:

The Butters filed a lawsuit challenging the City's denial of a property rezone. The lawsuit was not heard until 2006 when a ruling was given requiring the City rezone certain portions of the Butters property. The City complied with the mandate and rezoned the areas but a debate began on the interpretation of that order. The City felt the uses of the property had to be approved by way of a site plan. The Butters agreed they would go off a site plan but the site plan submitted in 2008 was hand written with temporary parking for employees.

Kevin Butters appeared before the Planning Commission and asked for approval to park temporarily on non-hard surface in the front area of the property. The Planning Commission approved the temporary parking for three years. The Butters appealed that decision and it went to the City Council. Mike Junk advised the Council to deny the appeal and the three year temporary parking. The Council ruled that the Planning Commission overstepped their bounds in granting temporary parking. The Butters asked for a second opinion to see if the Council could deny the appeal as well as strike down the Planning Commission decision on temporary parking. The State Ombudsman reviewed the case and the City received a favorable ruling in December 2009. The Council then sent the site plan back to the Planning Commission to bring it into compliance with City ordinances.

Mr. Junk stated that in the process of working with the Butters on the site plan, another issue was brought to the City when Craig Butters asked to have an emissions shop added to the businesses operated by the Butters (this occurred in March 2010). Mr. Junk explained that although there were a number of different issues, the two issues they focused on were paving of the front area and bringing it into compliance with city ordinances, and determining what businesses were functioning on the premises and ensuring they were all licensed. Mr. Junk also said that at one point in the process they told the Butters they would not accept a hand drawn site plan.

A decision was made to bring the Butters in and review all the issues. One issue brought up by the Butters was the rock wall they paid for to be put between them and the Brown's property. Mr. Junk felt that both parties worked together and also acknowledged that the issue with the landscaping was missed as they went through the process. Mr. Junk asked the Council to accept the agreement. He said accepting the agreement does not mean the landscaping will not be addressed in a future situation stating that any time the Butters change their use they will need to include landscaping when they bring it before the Planning Commission and the Council.

Council Member Allen asked if the boats and RV's stored on the Butter's property was addressed. Mr. Junk said it was not addressed but is something that can be addressed even if this is signed. Council Member Allen also asked if anyone had inspected the drains listed on the site plan as well as the road base being laid for parking. Bill Morris said that is not something that would be done by Public Works or the building inspector. Mr. Morris discussed the concern with roto-mill tailings in the parking area and the concern that they will be tracked out onto the road but said this is something Ogden City has allowed.

Council Member Richins asked Craig Butters about future landscaping listed on the site plan. Mr. Butters said they want to do something with the corner right away and it is something they can do fairly quickly. Council Member Richins mentioned that the current landscaping is only rocks and dirt because the trees are all dead. Mr. Butters said the trees and landscaping were taken out when UDOT widened the road. He explained how they will incorporate the landscaping with the front of the house and make it all come together and shared some of his ideas with Council Members. He acknowledged they will need to bring in some drawings for approval when they get ready to do this.

Council Member Richins asked Mr. Butters about the proposed emissions center. Mr. Butters discussed their lawsuit with the Health Department and the emissions program saying he no longer needs a separate business license for CJR Emissions because he won the lawsuit so his request for that business license has been cancelled. Council Member Richins questioned the site plan saying there are no dimensions and asked why we are accepting a hand drawn plan. Mr. Morris said the municipal code does not require an engineered site plan. Council Member Crowther had a question about the current number of businesses. Mr. Morris assured the Council that once the settlement agreement is signed they will all be licensed. He also explained the multiple businesses lumped under Butters Companies Office.

**MOTION: Council Member Wilhelmsen motioned to accept the settlement agreement between Harrisville City and Craig and Kevin Butters and authorize the Mayor to sign the agreement. Council Member Richins seconded the motion. Roll call vote was taken. All Council Members voted yes. Motion passed.**

**b. Discussion and possible action on reapplication for final approval of Fiera Vista PRUD.**

Council Member Allen asked why this was on the Planning Commission agenda tomorrow night. Bill Morris explained that this expired in November and staff is requesting it be approved subject to approval from the Planning Commission tomorrow night. He said there have been no changes. Council Member Fowers clarified that this is granting access onto West Harrisville Road and asked whether a second access was created. Mr. Morris said everything they are requesting tonight is how it was already approved. He reminded the Council that although Harrisville City does not allow the breakthrough emergency exits this development is in Ogden City and they do allow that type of emergency exit so it is not something the City can control.

Council Member Crowther asked why the application fee was waived. Mr. Morris explained that Mr. Crowe has paid all of his engineering fees which is what the application fee covers. Council Member Crowther suggested tabling it until it is approved by the Planning Commission. Mr. Morris suggested putting it on the consent agenda for the next meeting. Council Member Wilhelmsen thinks it should be approved tonight because nothing has changed and there is nothing to discuss.

**MOTION: Council Member Crowther moved to table approval in the reapplication for final approval of Fiera Vista PRUD until the next meeting and put it on the consent agenda. Council Member Fowers seconded the motion. Council Members Allen, Richins, Crowther, and Fowers voted aye. Council Member Wilhelmsen voted nay. Motion passed.**

**c. Discussion and possible action on Ordinance No. 433, Statutory Speed Limit – Larsen Lane and West Harrisville Road.**

Bill Morris explained the ordinance for the speed limit on Larsen Lane and West Harrisville Road. Council Member Fowers expressed concern that the data used in making this decision comes from the Police Department when they spend so little time on West Harrisville Road. She would request that they spend more time patrolling West Harrisville Road enforcing the new speed limit if this is passed. Mr. Morris said he will pass on that request.

Council Member Fowers said she would like to see the speed limit set at 35 mph all the way down. Mr. Morris said it is something that could occur in the future. He explained that this ordinance will take effect 14 days from the time it is posted so that Public Works has time to put up the signs. Council Member Richins asked if there was going to be a sign with an advisory speed. Mr. Morris said that was something discussed at the last Council meeting but no decision was made. He said it is something that can be done without the Council's approval. He explained that this is a statutory speed limit and Council approval is required under the MUTCD. Council Members Allen and Fowers asked if Gene Bingham could look into setting an advisory speed limit and posting signs. Mayor Hendrix said he would have Mr. Bingham look at it.

**MOTION: Council Member Allen moved to approve Ordinance No. 433, Statutory Speed Limit – Larsen Lane and West Harrisville Road. Council Member Richins seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.**

**d. Discussion and possible action on Ordinance No. 434, Bona Vista Easement.**

Council Members reviewed the map which is Exhibit A. There was no discussion on this issue.

**MOTION: Council Member Fowers moved to approve Ordinance No. 434, Bona Vista Easement. Council Member Wilhelmsen seconded the motion. Roll call vote. All Council Members voted yes. Motion passed.**

**6. PUBLIC COMMENTS**

No public comments were made.

**e. Closed executive session to discuss the character, professional competence, or physical or mental health of an individual.**

Council Member Wilhelmsen was excused and left the meeting at 7:55 p.m.

**MOTION: Council Member Fowers moved to close the regular session and go into the closed executive session. Council Member Crowther seconded the motion. All Council Members present voted aye. Motion passed.**

**MOTION: Council Member Richins moved to close the executive session and go back into the regular session. Council Member Allen seconded the motion. All Council Members present voted aye. Motion passed.**

**7. MAYOR/COUNCIL FOLLOW UP**

Mayor Hendrix informed Council Members that the Council retreat will be held on February 25<sup>th</sup> from 6:00 to 8:00 p.m. at the Marriott-Slaterville City offices. Mayor Hendrix said it will include a review of each Council Members responsibilities as well as goals for the coming year and a presentation from department heads.

Council Member Richins asked when Council Members will look at the design of the splash pad. Mr. Morris said it would be available when the RFP is issued and the Council will approve the splash pad when they approve the RFP. Council Member Richins said he has 14 of the 16 Youth City Council Members going to the Capitol for Local Officials Day.

**8. ADJOURN**

Mayor Hendrix moved to adjourn at 8:15 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

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**RICHARD HENDRIX**  
Mayor

**ATTEST:**

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**JENNIFER MORRELL**  
City Recorder

Approved this 25<sup>th</sup> day of January 2010