



# HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-4100

## CITY COUNCIL MEETING AGENDA 363 West Independence Blvd January 12, 2016

MAYOR:

Bruce N. Richins

COUNCIL MEMBERS:

Jeffery Pearce  
Jennifer Jensen  
Michael Murtha  
Gary Robinson  
Ruth Pearce

"In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting the City Recorder at 801-782-4100, providing at least three working days advance notice of the meeting."

**7:00 P.M. CITY COUNCIL MEETING**  
**Presiding: Mayor Bruce Richins**  
**Mayor Pro Tem: Jennifer Jensen**

1. **OATHS OF OFFICE ADMINISTERED** [Jennie Knight]
2. **CALL TO ORDER**
3. **PLEDGE OF ALLEGIANCE & OPENING CEREMONY** [Mayor Richins]
4. **CONSENT ITEMS**
  - a. Approve the minutes of December 8, 2015 as presented.
5. **BUSINESS ITEMS**
  - a. Presentation of 2014-2015 Audit Report. [Christensen, Palmer, & Ambrose]
  - b. Discussion/possible action to approve Harrisville City Ordinance #477, an ordinance amending section 11.13.020 reducing the side yard setback in the commercial zone; severability; and providing an effective date. [Bill Morris]
  - c. Discussion/possible action on advice and consent to Mayor's appointments:
    - i. Appointment of Jennifer Jensen as Mayor Pro Tem.
    - ii. Planning Commission Appointment
  - d. Heritage Days Date Designation
  - e. Discussion/possible action to adopt 2016 Meeting Schedule.[Jennie Knight]
6. **PUBLIC COMMENTS - (3 minute maximum)**
7. **MAYOR/COUNCIL FOLLOW-UP:**
8. **CLOSED EXECUTIVE SESSION** – Utah State Code §52-4-204 & §52-4-205: 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).
9. **ADJOURN**

**DATE POSTED:** January 8, 2016

**BY:** Jennie Knight, City Recorder

I, Jennie Knight, certify that I am the City Recorder of Harrisville City, Utah, and that the foregoing City Council agenda was faxed to the Ogden Standard Examiner, Weber County Library, and neighboring cities. The agenda was also posted at the following locations: City hall, on the City's website [www.cityofharrisville.com](http://www.cityofharrisville.com) and the State Public Meeting Notice website at <http://pmn.utah.gov>.

**MINUTES OF HARRISVILLE CITY**  
CITY COUNCIL MEETING  
Tuesday, December 8, 2015 – 7:00 p.m.  
Council Chambers  
363 West Independence Blvd  
Harrisville, Utah 84404

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**Present:** Mayor Bruce Richins, Council Member Grover Wilhelmsen, Council Member Michelle Tait, Council Member Jeff Pearce, Council Member Jennifer Jensen, Council Member Michael Murtha.

**Staff:** Gene Bingham, Public Works Director, Bill Morris, City Administrator, Jennie Knight, City Recorder.

**Visitors:** Ruth Pearce, Gary Robinson, Arnold Tait, Scott Palmer, Aspen Teuscher, Austin Teuscher, Jerry Preston.

**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 Tait led the pledge of allegiance and conducted the opening ceremony.

**3. Consent Items.**

- a. Approve the minutes of November 10, 2015 as presented.

**MOTION: Council Member Tait motioned to approve the consent items for December 8, 2015 as presented. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.**

**4. Business Items.**

**a. Cabin Reservation Contract Update**

Gene Bingham explained that every January we begin taking new cabin reservations for the next calendar year. We have fairly reasonable fees. He reviewed the current pricing and explained the convenience of the automatic door system. Last January we removed the deposit requirement temporarily but found the conditions were not favorable and immediately reinstated the deposit.

There are a few issues from time to time. Generally if the cabin is left in good condition staff spends about an hour to an hour and a half to clean the cabin. Sometimes there are items spilled into the carpet like cake and soda that require additional cleaning time. We pay for an outside cleaner over the weekend when staff is not available but during the week a city employee cleans daily.

Gene Bingham recommended increasing the rental fee to absorb half of the deposit and decreasing the deposit by that amount to eliminate the possibility of disagreements

between residents and staff with cabin conditions. Instead of collecting such a high deposit, he suggested absorbing the cost into the rental fee.

Surrounding cities also have the similar issues. Some actually pay employees to be available during reservations and check off the conditions before the rental is complete. We do not want to get to that point. Unless there is significant damage, we do not want to collect the deposit. Another consideration is the additional charge by the third party cleaner when the conditions are especially bad. Gene Bingham suggested increasing the rental fee and unless there is major damage, the city will return the deposit on all reservations. Additional costs incur when we deep clean the carpets, maintain a functioning vacuum and replace other items such as the garbage disposal. We also repaint every year. Staff understands that there will be issues because public facilities inevitably get banged up.

Gene Bingham said this is just a suggestion and he would encourage Council to have a discussion on any available options. He also informed Council staff would feel better about this type of rental policy increasing the cost of the cleaning while lowering the deposit. Now is a good time to address this before we begin taking reservations for the New Year.

Council Member Tait asked if people are allowed to reserve the cabin once their deposit has been forfeited. Jennie Knight clarified if the deposit is forfeited; they become ineligible to reserve the cabin in the future. Council Member Jensen asked what the proposed fee is. Gene Bingham said to increase the rental fee by \$100 and decrease the deposit by \$100. Council Member Jensen said she felt that the price for holding a meeting seemed high. Gene Bingham also pointed out sometimes there is alcohol involved. Council Member Tait said she thought there was a no alcohol policy. Mayor Richins and Gene Bingham confirmed there is a no alcohol policy but it is often violated. Council Member Jensen suggested leaving the deposit the same but raise the rental fee.

Gene Bingham explained that when issues like this happen residents often argue with staff and that is what he is trying to avoid. The next step would be to have a staff member available during reservations. Council Member Murtha suggested installing a camera system in the cabin to hold residents accountable. Council could also adjust the fees. Gene Bingham said he does not have any estimates on those systems. Council Member Murtha said a system could be installed for around \$1000. Mayor Richins pointed out there will still be an issue with the deposit. Council Member Murtha said if they cause damage evidence of that will be on the cameras. Mayor Richins said not likely the details. Gene Bingham gave a brief history on the condition of the cabin after reservations. He explained what process has been followed in the past but said the decision is ultimately up to Council.

Council Member Tait asked what the monetary cost of running the cabin is; does the city break even on the cost of maintenance. Gene Bingham said he does not have those numbers available but the city is not breaking even. We have recently replaced the counter tops and the carpet not too long ago. Mayor Richins complimented Dan Funk on his efforts to maintain the cabin grounds; keeping the flowers on the outside and creating the bridal room. Gene Bingham explained Dan Funk is very self motivated. He is trying to alleviate unnecessary pressure on staff.

Mayor Richins asked how the fees compare with other surrounding cities. He suggested raising both the deposit and the rental fee. Council Member Tait said she thought North Ogden was quite expensive. Gene Bingham said we are still fairly reasonable. Council Member Tait suggested tabling this item to find out some of the answers to questions. Council Member Wilhelmsen said he feels it is fair for residents to pay for what they get. When the city has to put out more money to cover the costs, this should be passed on to the residents. Council Member Jensen suggested raising the rates and the deposit. Mayor Richins explained the reason this is on the agenda for tonight is because the new reservation period begins in January. Bill Morris said staff can check into the cost of cameras. Council Member Murtha asked if the city is losing money. Gene Bingham said he doesn't know what the collected fees are but he does know the cost of maintenance. He also said he would support the idea of getting a camera system. Mayor Richins explained the rental fee is waived for certain groups.

Gene Bingham pointed out his purpose in addressing this is trying to hold residents accountable for their reservations and taking the stress and pressure off the employees. We have had some recent issues with residents and the collection of deposits. Bill Morris said the budget line item is \$11,000 per year in revenue. We have currently collected \$4000 so far this fiscal year. He said the time involved with the cabin would have to be prorated against the revenue collected. The other maintenance such as utilities and repairs would have to be included as well. Council Member Wilhelmsen said he feels this is a great service to our city but feels like the other responsibilities are a higher priority than the cabin. He feels if the rates are increased to lessen the impact on staff this will free them up to address more important matters.

Council Member Murtha suggested putting more time into deciding, he said the rates are not necessarily the issue. Council Member Wilhelmsen said the time it takes away from city employees is valuable. Council Member Jensen said they will have to cover the cost of service. If real property damage is involved the increased rates will help take care of that. Council Member Wilhelmsen said he doesn't feel like there is a real issue with raising rates. This will alleviate stress for employees. Council Member Murtha said this doesn't remove the argument that no matter how much you raise the rates, people may not be accountable. He doesn't feel the cabin should operate on revenue. Gene Bingham said he is fine to implement whatever the Council decides. Council Member Tait said she feels they do not have all of the information. Mayor Richins suggested increasing the rates to \$100, \$200, and \$400 and leave the deposit at the same rate. Council Member Jensen said there are issues with the camera systems with memory storage and asked who will review the tapes. They usually loop over a 24 hour period. Bill Morris said they would have to set the loop to a several day window. There will be a cost associated into implementing this. Council Member Tait said there will be cost associated with coverage. Council Member Pearce pointed out if there is no reason to keep the video, it just records over itself.

Jennie Knight explained the history of the deposit and how the resident only policy was implemented. Gene Bingham said the camera system is something that may need to be addressed city wide. If the city is going to implement this at the cabin then Council needs to consider implementing this city wide; at the splash pad and other city park facilities.

Council Member Jensen said there is a law stating how long the storage system would have to store the footage. When you get into this cost, the memory storage has to be addressed and is often costly.

Council Member Pearce asked when the new cost was implemented. Jennie Knight explained the fees were increased last year. Mayor Richins said the automatic door system was expensive. Gene Bingham said he can show the cost of maintaining the cabin.

Council Member Wilhelmsen proposed putting into place a new fee system tonight. Council Member Jensen said then it will cover the cost of reservations in the beginning of the year. Council Member Murtha asked to wait 30 days until making a decision. Mayor Richins pointed out the start of the new reservation period. Council Member Tait asked if they could consider an open ended proposal. Gene Bingham explained he had to carefully consider whether he wanted to propose this to council. There are always ongoing issues with the cabin but he wanted to consider the time frame for taking reservations. That is why this is on the agenda tonight. Bill Morris mentioned circumstances where a no rental policy has been implemented for a short period because of so many problems. When the facility reopened it was slow moving but they currently do not have as many problems. Bill Morris said this can be reviewed again new year. Whatever fees are set will be set for the entire year. Gene Bingham again pointed out the recent incidents that occurred causing this discussion. Council Member Murtha expressed his desire to look into other options before increasing fees. Council Member Wilhelmsen said he was in favor of considering a surveillance system. Gene Bingham said he was also in favor of this.

**MOTION: Council Member Wilhelmsen motioned to propose an increase in cabin fees to \$100 for meetings no food, \$150 for family dinner/party, and \$400 for wedding/open house with a \$300 to begin January 1, 2016, with consideration to implement a security surveillance system. Council Member Pearce seconded the motion. A Roll Call vote was taken.**

<b>Council Member Murtha</b>	<b>No</b>
<b>Council Member Jensen</b>	<b>Yes</b>
<b>Council Member Pearce</b>	<b>Yes</b>
<b>Council Member Tait</b>	<b>No</b>
<b>Council Member Wilhelmsen</b>	<b>Yes</b>

**Motion passed 3-2.**

**b. Discussion/possible action to ratify Mayor's reappointment of Planning Commissioner and appointment of new Planning Commissioner.**

Mayor Richins explained he is holding off on the appointment of a new alternate commissioner but is recommending reappointment of Steve Weiss. He informed Council of the extensive experience Steve Weiss brings to Planning Commission.

**MOTION: Council Member Tait motioned to ratify the Mayor's reappointment of Steve Weiss to Planning Commission for a term of 5 years. Council Member Murtha seconded the motion. All Council Members voted aye. Motion passed.**

**c. Discussion/possible action to approve Amendment to Development Agreement for "Colonial Springs" Development.**

Bill Morris introduced Jerry Preston to Council and explained he is here to talk about the Georgian project. He further explained the history of this project. It is about 15 years old and went in with a master development in Colonial Springs. The master development agreement does not specify that these units cannot be rented out. The Council that approved this project was under the impression these units would be owner occupied. This proposed amendment clarifies these will be allowed as rentals. Council Member Pearce asked if the development agreement is for the entire Colonial Springs or the Georgian. Jerry Preston clarified there are currently four buildings built and three more to be built. He said in 2007 the first four building were built. They were unable to build more units because they lost the FHA financing. Council Member Jensen asked why they were denied the financing. Jerry Preston explained they have to be 60% or more owner occupied to be given this financing. There are 47 units being rented. They tried to re-phase this so the number of owner occupied would increase but still couldn't meet the requirement for the FHA financing. Mr. Preston explained they would like to finish the remaining three buildings to clean up the area and reduce the amount of criminal activity.

Mayor and Council gave discussion on the pros and cons of allowing units as rentals. Council Member Jensen suggested the developer install something to keep children occupied. Jerry Preston said the three pads that are left will leave no area undeveloped. Council Member Tait asked for clarification that he is proposing to build these and then rent out the units. Mayor and Council gave discussion on the allowable options for owner occupied versus rentals. Jerry Preston acknowledged the developers do not want to leave these as vacant pads. They initially tried the re-phase to get enough owner occupied for FHA financing with no success. This is the last option. Bill Morris clarified the units may currently be rented out without restriction because the original agreement did not restrict the rentals. Council Member Tait asked for clarification. Bill Morris explained that if Council does not pass this amendment, the developer may opt to sue the city because the original agreement does not prohibit the rental of these units. He explained that Jerry Preston has given a good faith effort to do this but they are at this point and now are literally sitting on this ground. Bill Morris said he would like to see Council pass a good landlord program in the future to help regulate this. Council Member Murtha said the development agreements in the future should include specific language. Bill Morris clarified this zone is not available anymore within the city. The SAP zones are hard to regulate.

Gene Bingham said the SAP zones were not good. When they first came in, he could see the potential for problems. Bill Morris briefly explained the history of how these came about with North Ogden administration trying to come after the land at that time. Gene Bingham said there were other issues involved about 15 years ago and this was not a good deal. This amendment is for Council to decide. Council Member Jensen said

she has seen more problems with rentals. Council Member Tait pointed out that Council's hands are tied.

**MOTION: Council Member Tait motioned to approve Amendment to Development Agreement for "Colonial Springs" Development. Council Member Wilhelmsen seconded the motion. A Roll Call vote was taken.**

<b>Council Member Murtha</b>	<b>Yes</b>
<b>Council Member Jensen</b>	<b>No</b>
<b>Council Member Pearce</b>	<b>Yes</b>
<b>Council Member Tait</b>	<b>Yes</b>
<b>Council Member Wilhelmsen</b>	<b>Yes</b>

**Motion passed 4-1.**

**d. Discussion/possible action to grant Wildflower Phase 5 Partial Final Acceptance & Escrow Release.**

Bill Morris read the memo from Jones & Associates dated November 30, 2015.

Council Member Jensen asked if most of the items are complete. Bill Morris said Gene Bingham can grant conditional acceptance and after the year waiting period final acceptance is given through Council. Once final acceptance is given we have to maintain this development.

Gene Bingham said one an item is complete such as the sewer; the one year warrantee can begin. The developer has decided to put in the sidewalk once all of the homes are built. Everything else in this development looks good. He agrees with the city engineer's memo.

**MOTION: Council Member Pearce motioned to grant partial final acceptance of Wildflower Phase 5 subject to the items listed in the memo from Jones & Associates dated November 30, 2015. Council Member Jensen seconded the motion. All Council Members voted aye. Motion passed.**

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

Gary Robinson, 234 W. Independence, said he is curious on the cabin reservation if it is better to consider which group has a greater risk factor based on what type of reservation is made. If there is greater risk associated with weddings, double the deposit. This would cause people to think very hard with their issues. If there was a deposit of \$800 required.

**6. Mayor/Council Follow-up:**

Mayor Richins expressed his appreciation to Pam Crosbie for arranging Santa at the Cabin again this year. There was a good turnout. We have one of the best Mr. & Mrs. Clause that live right in our city, Roy and Linda Ford. They do this as a service to the city. Council Member Tait said they also answer letters to Santa.

Mayor recognized Council Member Michelle Tait for her 9 years of service and Council Member Grover Wilhelmsen for his 8 years of service. Together they have addressed a lot of issues over the years. He presented them with a signed copy of the history book and a plaque for their service.

Council Member Jensen said she is having difficulty with recreation basketball this year. Her son did not play this season. She expressed her desire to find a facility to allow for kids to play in our local area. She would like Council's help to anticipate problems and help find a facility so this can be a viable program. Mayor Richins explained to Council the Recreation Director, Bryan Fife, has had to work through some issues this year because of a change in staff at Orion. Council Member Jensen said she felt the previous employee had more of a vested interest with Harrisville Recreation. She proposed considering a combined facility with other surrounding cities.

Council Member Pearce said thank you to Gene Bingham for addressing the water leak on Larsen Lane. Gene Bingham said a 4 inch lateral line had an end that blew off. This was capped probably about 50 years ago.

Council Member Murtha said over the summer we discussed coming up with a charity or donation policy. Bill Morris said the policy is in place at no donations being accepted.

Council Member Murtha asked for a strategic plan update. Bill Morris said he and Gene Bingham will divide up the elements in the general plan and will be working on this throughout the next year. He said this will essentially be a rewrite of the entire plan. He will take the state law and address each element line by line.

Council Member Murtha asked if there is a proposed budget amendment meeting scheduled since the current budget will be affected by changes. Mayor Richins said this will be discussed in February along with next year's budget. Council Member Murtha asked for follow-up information on the business license disproportionate fee charged by public safety. Bill Morris said the consultants hired came up with a number based on the information provided by the police statistics. Council Member Murtha asked what has been done to reduce the disproportionate fees. Bill Morris said this information would have to come directly from public safety. Council Member Jensen said we can create our own good landlord program; we wouldn't have to use one from another city. Bill Morris said we created our own but the business license study was a requirement to implement this program. Bill Morris further explained the requirement set by state law and how our policy adopts these laws. It holds the land lords accountable for the activity of the tenants. There is also training available under the good land lord association that teaches land lords how to evict tenants if necessary. Council Member Murtha pointed out this also teaches what documentation is required to complete an eviction. The outlined program will fit within our city's needs and the available staff to man the program.

Bill Morris asked what specific information Council Member Murtha is requesting from public safety. Council Member Murtha said he would like to know what is being done to justify or hold down the cost of public safety services for businesses based on the



presentation given in Council previously. He said business owners will want to know these answers. Bill Morris said we are planning to have an open house to address these questions.

Council Member Murtha explained he cannot find an animal shelter that would be willing to take on our needs. We have until June 2017 to address this issue. He expressed his concern with what the costs for Weber County Animal Control services will be this year.

**7. Adjourn.**

Mayor Richins motioned to adjourn at 8:36pm.

**ATTEST:**

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**BRUCE RICHINS**

Mayor

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**JENNIE KNIGHT**

City Recorder

Approved this 12<sup>th</sup> day of January, 2016

**HARRISVILLE CITY  
ORDINANCE NO. 477**

**LAND USE ORDINANCE AMENDMENT – COMMERCIAL SETBACK**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING SECTION 11.13.020 REDUCING THE SIDE YARD SET BACK IN THE COMMERCIAL ZONE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

**WHEREAS**, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

**WHEREAS**, after publication of the required notice the City’s Planning Commission held its public hearing on December 9, 2015, to take public comment on this proposed ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and had held its public meeting on January 12, 2016, to act upon this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Harrisville as follows:

**Section 1: Land Use Ordinance Amendment.** The Land Use Ordinance is hereby amended to read as follows:

11.13.020 Main Building Development Standards.

CP-2 ZONE	Front Setback	Interior Side Setback	Interior Side Setback next to Residential Zone	Side Setback Facing a Street	Rear Setback	Rear Setback next to Residential Zone
Building	20 feet	<del>10 feet</del> None	20 feet	20 feet	10 feet	20 feet

**Section 2: Severability.** If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.





# HARRISVILLE CITY

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MAYOR:

Bruce N. Richins

COUNCIL MEMBERS:

Jeffery Pearce  
Jennifer Jensen  
Michael Murtha  
Gary Robinson  
Ruth Pearce

## Harrisville City – 2016 Meeting Schedule

In accordance with Utah Code Section 52-4-202(2), notice is hereby given of the 2016 Meeting Schedule for Harrisville City. The City Council will meet on January 12, 2016, at 7:00 PM, and will subsequently meet the second and fourth Tuesday of each month thereafter at the same time. The Planning Commission will meet on January 13, 2016, at 7:00 PM, and will subsequently meet the second Wednesday each month thereafter at the same time. Special or emergency meetings may be called, if needed, in accordance with state law. Some meetings may be cancelled. Unless otherwise announced, all meetings will be held at the Harrisville City Offices located at: 363 W Independence Blvd, Harrisville, UT 84404. For special accommodations contact the city office at least 24 hours before any meeting. For questions, contact the city office at (801)782-4100. JENNIE KNIGHT, City Recorder.

Published: January 1, 2016

<b>Harrisville City – 2016 Meeting Dates</b>	
<b>City Council</b>	<b>Planning Commission</b>
January 12 & 26, 2016	January 13, 2016
February 9 & 23, 2016	February 10, 2016
March 8 & 22, 2016	March 9, 2016
April 12 & 26, 2016	April 13, 2016
May 10 & 24, 2016	May 11, 2016
June 14 & 28, 2016	June 8, 2016
July 12 & 26, 2016	July 13, 2016
August 9 & 23, 2016	August 10, 2016
September 13 & 27, 2016	September 14, 2016
October 11 & 25, 2016	October 12, 2016
November 8 & 22, 2016	November 9, 2016
December 13 & 27, 2016	December 14, 2016