



HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100
www.cityofharrisville.com

MAYOR:
Michelle Tait

COUNCIL MEMBERS:
Grover Wilhelmsen
Steve Weiss
Blair Christensen
Max Jackson
Kenny Loveland

CITY COUNCIL AGENDA

December 12, 2023

[Zoom Meeting Link](#)

Meeting ID: 863 1126 8046

Passcode: 169729

7:00 Pm City Council Meeting

Presiding: Mayor Michelle Tait

Mayor Pro Tem: Blair Christensen

1. **Call to Order** [Mayor Tait]
2. **Opening**
 - a. Pledge of Allegiance [Council Member Weiss]
3. **Consent Items**
 - a. Approval of meeting minutes November 14, 2023 and December 6th, 2023 Board of Canvassers Meeting as presented.
4. **Oath of Office** – [John Millaway]
5. **Recognition/Awards**
6. **Business Items**
 - a. Harrisville Youth City Council activities update. [Hunter Ferguson and Tyra Makela]
 - b. Discussion/possible action to adopt Harrisville City 2024 Meeting Schedule. [Jennie Knight]
 - c. Discussion/possible action to adopt Harrisville Resolution 23-19; an interlocal agreement with Weber County for delivery of solid waste collection to the Weber County Transfer Station. [Jennie Knight]
 - d. Discussion/possible action to adopt Harrisville Resolution 23-20; recertification of the Harrisville Justice Court. [Jennie Knight]
 - e. Discussion/possible action to surplus cell phones. [Jennie Knight]
 - f. Discussion/possible action to approve the hiring of an officer using funds awarded by the COPS grant.
7. **Public Comments** - (3 Minute Maximum)
8. **Mayor/Council Follow-Up**
9. **Adjournment**

The foregoing City Council agenda was posted and can be viewed at City Hall, on the City's website www.cityofharrisville.com, and at the Utah Public Notice Website at <http://pmn.utah.gov>. Notice of this meeting has also been duly provided as required by law.

In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Requests for assistance may be made by contacting the City Recorder at (801) 782-4100, at least three working days before the meeting.

Posted: By: Jack Fogal, City Recorder.

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

Minutes of a regular Harrisville City Council meeting held on November 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 Kenny Loveland, Council Member Grover Wilhelmsen, Council Member Max Jackson, Council Member Steve Weiss
Council Member Blair Christensen.

Excused: Bryan Fife, Parks and Recreation Director

Staff: Jennie Knight, City Administrator, Brody Flint, City Attorney, Mark Wilson, Chief of Police, Justin Shinsel, Public Works Director, Jack Fogal, City Recorder, Sergeant Alisha Davis, Sargent Nick Taylor, Sergeant Millaway, Detective Keller, Officer Micheal Duffy, Officer Corey Clark. Officer Clint Carter, Police Administrator Jackie Vanmeeteren, Officer Nic Francis, Officer Tyler Vincent, Officer Christopher Paradis, Dennis Moore, Assistant Chief of Police.

Visitors: Arnold Tait, Adan Ochoa, Rebecca Behunin, Katherine Barrett, Nick Berrioachoa, Eleise Behunin.

1. Call to Order.

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

2. Opening Ceremony.

Council Member Loveland opened with the Pledge of Allegiance.

3. Consent Items

a. Approval of Meeting Minutes for October 10, 2023 as Presented.

Motion: Council Member Wilhelmsen made a motion to approve the meeting minutes for October 10th, 2023 as presented, 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.

4. Employee Recognition.

Mark Wilson recognized the employees who assisted in the Wal-Mart armed robbery investigation. Officer Duffy, Sergeant Millaway, Detective Keller, and Assistant Chief of Police Moore responded to the call. Officer Francis and Detective Keller were instrumental to identifying the suspect. Mayor and the Council presented certificates to the Police Department.

Mark Wilson presented Dennis Moore with an engraved Leatherman for 15 years of service with the City.

Mark Wilson presented certificates to those who passed their Part 107 drone license test.

5. Business Items.

a. Harrisville Youth City Council activities update.

Adan Ochoa recapped the activities the YCC assisted with during the Harrisville Fall Festival. They helped pass out candy, drinks, glow sticks, and food. Assisting with the Fall Festival was very rewarding. The YCC was able to recruit seven new members during the Fall Festival.

Becca Behunin reported on the First Annual YCC Retreat. Current members discussed their experiences and what they enjoyed with new members. They played a “get to know you game” to meet new members. Johnny Ferry presented to the YCC. He told them that there are no shortcuts and taught them effective communication skills.

b. Public Hearing to receive input for and/or against Harrisville Ordinance 546; amending Transportation Impact Fees.

Jennie Knight explained this ordinance is related to the resolutions and public hearing that took place during last months City Council Meeting. This ordinance would adopt the new Transportation Impact Fees.

Motion: Council Member Weiss made a motion to open the public hearing for Harrisville Ordinance 546, 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.

There was no public comment given

Motion: Council Member Weiss made a motion to close the public hearing for Harrisville Ordinance 546, 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.

c. Discussion/possible action to adopt Harrisville Ordinance 548; amending the Master Development Agreement for Dixon Creek Mixed Use Development located at approximately 1300 North Washington Blvd.

Jennie Knight explained this ordinance is from an application that was received to amend the Dixon Creek Mixed Use Development. If adopted this would make several changes to the development. The development would change from six phases to two phases, the retention basin location has been moved closer to the west side of the development, garages and driveways would be added to all units, and introduce buildings with seven townhomes per building. By making these changes it would lower the density from the original proposal by nineteen units to one hundred and ninety-six units. The new building height is in compliance with the City's residential code. City Staff is recommending adoption. Council Member Wilhelmsen expressed concern with the height of buildings. There are single family homes near the development. He is concerned residents in those single-family homes will feel like people in the new townhomes can look into their yards and house. He inquired if there was some shrubbery or trees that could be planted to help protect current residents' privacy. Jennie Knight clarified the retention basin on the west side will act as a natural buffer between the proposed town homes and current residents' property. It will provide approximately one hundred feet of separation. She directed Council to exhibit E-2 which shows trees and shrubs included on the developer's proposed amendment.

Motion: Council Member Loveland made a motion to adopt Harrisville Ordinance 548; amending the Master Development Agreement for Dixon Creek Mixed Use Development located at approximately 1300 North Washington Blvd., 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 was passed unanimously.

d. Discussion/Possible action to adopt Harrisville Resolution 23-17; a resolution adopting the Transportation Impact Fee Analysis.

Jennie Knight explained Zions Bank completed the Transportation Impact Fee Analysis. Zions Bank used the information from the Transportation Master Plan and Transportation Impact Fee Facilities Plan to determine a cost value associated with each new trip caused by potential new development. Council Member Christensen inquired if adopting the analysis would affect current resident's taxes. Jennie Knight clarified this will only impact new development. It will not affect existing residents.

Motion: Council Member Christensen made a motion to adopt Harrisville Resolution 23-17; a resolution adopting the Transportation Impact Fee Analysis 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 was passed unanimously.

e. Discussion/Possible action to adopt Harrisville Ordinance 546; amending the Transportation Impact Fee.

Jennie Knight advised this ordinance will adopt the new Transportation Impact Fee. This includes the new Transportation Master Plan, Transportation Impact Fee Analysis, and Transportation Impact Fee Facilities Plan.

Motion: Council Member Weiss made a motion to adopt Harrisville Ordinance 546; adopting the Transportation Impact Fee, 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 was passed unanimously.

f. Discussion/possible action to adopt Harrisville Ordinance 544; repealing and re-enacting Title 12 Harrisville City Code entitled “Subdivision Regulations”.

Jennie Knight informed Council during the 2023 Legislative Session the State Legislators adopted new regulations for city’s subdivision review process. The deadline to be in compliance is February of 2024. New state code streamlines the process for development. The most significant additions are specific definitions, an administrative land use authority being created, and a review cycle limit of 4 reviews. There will be a first plat review which is done by planning commission, then three review cycles completed by City staff. The City has very specific timelines to meet once a completed application has been made. The developer must meet all of the city’s comments before submitting for the next review cycle. If a development is 30 lots or more it must be phased. The new code would allow a developer to put some infrastructure in place before placing funds in escrow but it cannot be recorded until escrow is in place. Council needs to decide if they want to charge a fee in lieu of actual improvements or a deferral agreement. The fee in lieu would allow the developer to pay a fee towards public infrastructure improvements that need to be made in the future. The deferral agreement would require when the developer sells the property it is included in the agreement that the future owner would be

responsible to pay for future improvements to public infrastructure. Flag lots have not been allowed in Harrisville, but have been added to this new ordinance. This suggestion to allow flag lots will help meet moderate-income housing goals. Council Member Loveland would like to see flag lots taken off. Council Member Jackson agreed with Council Member Loveland. Council Member Christensen inquired if this only applies to new subdivisions. Brody Flint explained the reason the flag lots have been added to this ordinance is the state legislature is looking very closely at what cities do. The state may force cities to include flag lots in their code soon. Council Member Wilhelmsen has had neighbors inquire about flag lots and how they could subdivide for their children to build homes. Mayor Tait informed Council that the legislature has informed cities to be creative when meeting moderate-income housing goals. Council Member Loveland asked if the City is in compliance with our moderate-income housing plan. Jennie Knight clarified our plan was approved and we are making progress on our goals. The City will have to continue to make changes to meet the state goals for the moderate-income housing plan. Our next submission would be due in August of 2024. There was a lot of thought put into including flag lots in this ordinance. There are rules that have been put in place to help keep flag lots in line with City goals. Council Member Jackson inquired where these flag lots could be put included. Jennie Knight explained in areas like the A-1 zone where property owners have two or three acres but not enough for a full development or road. Council Member Weiss would like to be ahead of any future state legislation involving flag lots. He wants to address it now in a way that fits the City. Mayor Tait inquired what protections have been included for the City. Jennie Knight clarified there must be no other viable subdivision options to create a flag lot. They can have no other frontage options. Council Member Loveland proposed an example; a property in A-1 zone with three acres, how far could it be subdivided. Jennie Knight explained it could be subdivided into 3 lots. The original property, and two new one acre lots. A-1 requires one acre per lot, this ordinance does not change lot size requirements. Staff can go back to the drawing board and put in more strict rules that lay out exactly the size or shape of a proposed flag lot if Council desires. The benefit to how it is written now is staff has more control over the creation of flag lots. Staff will do whatever Council wants. Council Member Loveland inquired can staff have control and more strict written rules. Jennie Knight explained once a specific rule is written down staff has less leeway or control. Council Member Loveland inquired if the state passes new laws regarding flag lots would it override the current ordinances. Brody Flint pointed out the state can always override city ordinance. He stressed do not make your decision on what the state may or may not do. This is not an analysis of how we like flag lots. We need to address the needs of the residents and how they can use their land. The state is tying more and more funding to the moderate-income housing report. By being in compliance we can help ourselves now. Council Member Weiss recommended leaving the flag lots as written so staff can evaluate these lots as needed. Council Member Loveland inquired what is done when the fee is collected during the fee in lieu of. Jennie Knight explained it is held in escrow until needed. Council Member Christensen inquired if this would apply to new or existing development. Jennie Knight clarified new development, any existing property or agreements would be grandfathered in. Council Member Wilhelmsen asked if there is a reason a council member was omitted from the administrative land use committee. Brody Flint explained the blunt answer is the state does not want city council members making these decisions. It is one of the biggest litigation issues for cities.

Motion: Council Member Weiss made a motion to adopt Harrisville Ordinance 544; repealing and re-enacting Title 12 Harrisville City Code entitled "Subdivision Code" as written with the fee in lieu of actual improvements, 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 was passed unanimously.

g. Discussion/Possible action to adopt Harrisville Ordinance 547; amending Harrisville City Code 8.06.010 entitled “Flood Hazard Areas” and 10.05.050 entitled “Article V – Provisions for Flood Hazard Reduction”.

Jennie Knight reminded Council last month we adopted a new flood prevention ordinance to meet new FEMA guidelines. After review with the state, our ordinance last month was missing several items. This ordinance addresses those missing items. Council Member Christensen inquired if this ordinance affects residents’ ability to purchase flood insurance. Jennie Knight clarified FEMA is requiring these changes for residents to be able to qualify for flood insurance. Council Member Loveland asked if this ordinance allows people to live in their RV in the city long term. Jennie Knight clarified this ordinance only outlines flood guidelines it does not change ordinances allowing use of an RV as a long-term residence.

Motion: Council Member Loveland made a motion to adopt Harrisville Ordinance 547; amending Harrisville City Code 8.06.010 entitled “Flood Hazard Areas” and 10.05.050 entitled “Article V – Provisions for Flood Hazard Reduction”, 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 was passed unanimously.

6. Public Comment

Mayor Tait opened the public comment period.

No public comment was offered.

Mayor Tait closed the public comment period.

7. Mayor/Council Follow-Up.

Justin Shinsel reported Public Works is moving forward with their new building. They are expecting to see more progress after the first of the year. He is preparing for winter and the change in weather that accompanies it. He thanked staff who work tirelessly to keep the City running as smoothly and efficiently as possible.

Mark Wilson reminded Council several months ago Assistant Chief Moore applied for a COPs grant. The department was awarded the grant. It will pay for half of two officers’ salary for two

years. It will help the department grow and keep up with increased call volume due to new development. The funds must be expended within five years.

Jennie Knight thanked staff for their hard work during the Fall Festival. It was an amazing event with record numbers. She is proud of how everyone worked together. Santa at the Cabin will be held on December 8th and Shop With a Hero on December 9th.

Council Member Wilhelmsen reported on the senior luncheon. It was a fun event. The next senior luncheon will be December 12th at noon with live Christmas music. He thanked officers for apprehending the robbery suspect.

Council Member Weiss conveyed the Fall Festival was a huge success. He loved the fireworks and asked staff to look into adding more fireworks. He has received nothing but positive comments from residents.

Council Member Loveland thanked the officers and staff for everything they do. He appreciates the officers patrolling North Harrisville Road. The fireworks were fantastic and the Fall Festival was wonderful.

Council Member Jackson thanked the Officers and said they are a great bunch. He was impressed that over 1000 hotdogs were served at the Fall Festival.

Council Member Christensen thanked officers for actively patrolling the roads.

Mayor Tait thanked all staff and officers.

8. Adjournment

Council Member Weiss motioned to adjourn the meeting, 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 meeting adjourned at 8:36 P.M.

MICHELLE TAIT
Mayor

ATTEST:

Jack Fogal
City Recorder
Approved this 12th day of December, 2023

DRAFT

MINUTES
HARRISVILLE CITY BOARD OF CANVASSERS
December 6, 2023
363 West Independence Blvd
Harrisville, UT 84404

Minutes of a Harrisville City Board of Canvassers meeting held on December 6, 2023 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

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

Excused:

Staff: Jennie Knight, City Administrator, Jack Fogal, City Recorder,

Visitors: Arnold Tait,

1. Call to Order.

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

2. Opening Ceremony.

Board Member Wilhelmsen opened with the Pledge of Allegiance.

3. Business Items

a. Discussion/possible action to adopt Harrisville Resolution 23-18; a resolution approving the Canvass of the 2023 Municipal General Election.

Jack Fogal presented the Ballot Reconciliation Report and Ballot Summary Report for the 2023 Municipal General Election. There were 1,126 votes cast. Board Member Wilhelmsen inquired what the cost was to have the County collect and tally votes for the City. Jennie Knight answered we do not have an exact total yet. The cost will be lower than was initially estimated due to there being a fire district election and a County wide bond on the ballot.

Motion: Board Member Loveland made a motion to adopt Harrisville Resolution 23-18; a resolution approving the Canvass of the 2023 Municipal General Election, second by Board Member Weiss.

The vote on the motion was as follows:

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

The motion passed unanimously.

4. Public Comment

Chair Tait opened the public comment period.

There was no public comment given

Chair Tait closed the public comment period.

5. Adjournment

Board Member Weiss motioned to adjourn the meeting, second by Board Member Wilhelmsen.

The vote on the motion was as follows:

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

The motion passed unanimously.

The meeting adjourned at 7:06 P.M.

MICHELLE TAIT
Chair

ATTEST:

Jack Fogal
City Recorder
Approved this 12th day of December, 2023



HARRISVILLE CITY

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MAYOR:
Michelle Tait

COUNCIL MEMBERS:
Grover Wilhelmsen
Steve Weiss
Blair Christensen
Max Jackson
Kenny Loveland

Staff Memo

Harrisville Resolution 23-19
Interlocal Agreement
November 30, 2023

To: Harrisville Mayor and City Council
From: Jennie Knight, City Administrator
RE: Harrisville Resolution 23-19; Interlocal Agreement for Delivery of Solid Waste
Collection to Weber County Transfer Station

Summary

On November 6, 2023, Weber County Council of Governments (WACOG) approved the proposed Interlocal Agreement to be adopted by local municipalities offering a public benefit by having Weber County Transfer Station accept solid waste transported by individual or contracted service providers. Due to the significant amount of money invested in Weber County facilities which provide solid waste disposal services, Weber County is encouraging appropriate disposal of waste, which reduces the unlawful or inappropriate disposal of waste materials. Because Harrisville City's solid waste contract with Waste Management does not expire until June 2025, staff contacted Waste Management to see if an amendment to the current contract is necessary. Blake Leonelli, Waste Management Public Sector Solutions, indicated this is a common protocol they see within their service areas and he does not anticipate any issues with meeting the requirements in the proposed agreement.

**HARRISVILLE CITY
RESOLUTION 23-19**

**INTERLOCAL AGREEMENT FOR DELIVERY OF SOLID WASTE
COLLECTION TO THE WEBER COUNTY TRANSFER STATION**

**A RESOLUTION OF HARRISVILLE CITY, UTAH, APPROVING AN
INTERLOCAL AGREEMENT BETWEEN HARRISVILLE CITY AND WEBER
COUNTY FOR DELIVERY OF SOLID WASTE COLLECTION TO THE WEBER
COUNTY TRANSFER STATION.**

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1983 as amended, permits governmental units to enter into agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources; and

WHEREAS, Title 11, Chapter 13, Section 202.5 of the Utah Code Annotated, 1953 as amended, require that governing bodies of governmental units adopt resolutions approving interlocal agreement before such agreements may become effective; and

WHEREAS, Weber County and Harrisville City have negotiated an Agreement for the purpose of delivering solid waste collection to the Weber County Transfer Station.

NOW, THEREFORE, the City Council of Harrisville City hereby resolves to enter into the attached Interlocal Agreement with Weber County for the purposes authorized in the Interlocal Agreement, and the Interlocal Agreement is hereby approved. The Mayor is hereby authorized to execute said agreement on behalf of the City.

PASSED AND ADOPTED this _____ day of _____, 2023.

HARRISVILLE CITY:

Roll Call Vote is as follows:

MICHELLE TAIT, Mayor

Mr. Wilhelmsen	Yes	No
Mr. Weiss	Yes	No
Mr. Christensen	Yes	No
Mr. Jackson	Yes	No
Mr. Loveland	Yes	No

JACK FOGAL, City Recorder

INTERLOCAL COOPERATION AGREEMENT

by and among

HARRISVILLE CITY

and

WEBER COUNTY

Relating to the delivery of municipal solid waste to the Weber County Transfer Station

INTERLOCAL COOPERATION AGREEMENT

THIS IS AN INTERLOCAL COOPERATION AGREEMENT between HARRISVILLE CITY, which is a municipality and political subdivision of the State of Utah (“City”), and WEBER COUNTY, a political subdivision of the State of Utah (“County”).

RECITALS

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, found in Utah Code Title 11, Chapter 13, public agencies are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, the Solid Waste Management Act, found in Utah Code Title 19, Chapter 6, Part 5, specifically authorizes public entities to supervise and regulate the collection, transportation, and disposition of solid waste generated within their jurisdiction, and to require municipal residential waste generated within their jurisdiction to be disposed of at a solid waste management facility owned or operated by a public entity; and

WHEREAS, the County owns and operates a transfer station (“Transfer Station”) where solid waste is collected, processed, and then shipped to appropriate disposal sites; and

WHEREAS, the County has invested a significant amount of money in facilities and equipment to provide solid waste disposal services to county residents; and

WHEREAS, as a public benefit, the County accepts waste transported to the Transfer Station by individual county residents; and

WHEREAS, the County also provides or participates in various additional expanded services, including household hazardous waste collection, green waste recycling and compost/wood product sales, electronics recycling, tire recycling, chlorofluorocarbon (Freon) recovery, and community education; and

WHEREAS, the services provided by the County constitute a direct benefit to the public good by providing an appropriate disposal facility for waste, thereby reducing the unlawful or inappropriate disposal of waste materials and allowing for some of them to be re-used; and

WHEREAS, the long-term committed delivery of municipal residential curb-side collected waste to the Transfer Station is critical to the funding and amortizing of the Transfer Station and its operational expenses, including expanded services; to the ability of the County to provide solid waste services to the general public in an efficient, cost-effective manner; and to the County's ability to obtain better long-term agreements for the transportation and disposal of the waste, thereby providing a lower long-term cost to the residents of the City and other parts of Weber County;

NOW, THEREFORE, the Parties mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act, as follows:

Section 1. Purpose.

This Agreement has been established and entered into for the purpose of facilitating the efficient operation of solid waste services provided by the Parties.

Section 2. Effective Date; Duration.

- a. This Agreement shall become effective upon the completion of all of the following actions:
 - i. The Agreement is reviewed as to proper form and compliance with applicable law by the attorney for each Party;
 - ii. The Agreement is approved and signed by each Party; and
 - iii. The Agreement is filed with the keeper of records of each Party.
- b. The initial term of this Agreement shall be from the effective date through December 31, 2024.
- c. The Agreement shall automatically renew for additional terms of two years each, unless terminated earlier as provided in this Agreement, for a maximum of 12 years. Either Party shall have the option to terminate this Agreement at any time, by providing written notice of termination to the other Party at least six months before the date the termination will take effect.
- d. This Agreement may also be terminated at any time by mutual written agreement of the Parties.

Section 3. Waste Disposal.

In accordance with the purpose stated above, the Parties agree to the following:

- a. The City agrees to deliver, or cause to be delivered, exclusively to the County's Transfer Station, all of the household waste placed in curb-side containers by the City's residents and picked up by the City or by the company that the City contracts with to collect and dispose of curb-side residential waste. The County agrees to

accept such waste, subject to the fee schedules, rules, regulations, and procedures adopted by the County. Other types of waste that are not household waste collected by the City or under a contract with the City, such as curb-side recycling and commercial waste, may be brought to the Transfer Station but are not governed by this agreement.

- b. The County agrees to own and operate the Transfer Station throughout the term of this Agreement.
- c. The City shall elect one of the following billing and payment options:
 - i. The County will bill the City for the tipping fees for curb-side waste generated by the City's residents, and the City agrees to pay each bill within 30 days of receipt.
 - ii. Or, the County will directly charge the haulers of curb-side waste generated by the City's residents. The City shall ensure that the haulers timely pay all appropriate fees.

Section 4. Additional Provisions Required by the Interlocal Cooperation Act.

- a. This Agreement and the actions contemplated herein shall not receive separate financing, nor shall a separate budget be required. Each Party to this Agreement shall pay for its own obligations arising under this Agreement.
- b. Each Party shall maintain separate ownership and control over its own real and personal property. Therefore, there will be no need for joint disposal of property upon the termination of the Agreement.

- c. Since this Agreement does not establish an interlocal entity, the Parties agree that the County's Community Development Director, or the Community Development Director's successor or designee, shall act as the administrator responsible for the administration of this Agreement.
- d. Since this Agreement relates to the use of the County's Transfer Station, voting shall be weighted in favor of the County, with the County's vote outweighing the City's vote on any vote required by this Agreement.
- e. A copy of this Agreement shall be placed on file in the office of the official keeper of records of each Party.

Section 5. Indemnification.

Each of the Parties is a political subdivision of the State of Utah and claims the privileges, protections, and immunities of the Governmental Immunity Act of Utah. Each of the Parties agrees to indemnify and hold harmless the other for damages, claims, suits, and actions arising out of the indemnifying Party's negligent or intentional errors or omissions in connection with this Agreement.

Section 6. Publication of Notice of Agreement.

Immediately after execution of this Agreement by both Parties, each Party shall cause notice of this Agreement to be published pursuant to Utah Code Section 11-13-219.

Section 7. Notices and Contacts.

Any notice required or permitted to be given under this Agreement shall be deemed sufficient if given by a written communication and shall be deemed to have been received upon

personal delivery, actual receipt, or three days after such notice is deposited in the United States

Mail, postage prepaid, and certified, and addressed to the Parties as set forth below:

For the County:

Community Development Director
Weber County
2380 Washington Blvd., Ste. 250
Ogden, UT 84401

For the City:

Harrisville City
363 West Independence Blvd
Harrisville, UT 84404

Section 8. Miscellaneous Provisions.

- a. Integration. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings pertaining to this subject.
- b. Waiver. No failure by any Party to insist upon the strict performance of any provision of this Agreement or to exercise any right or remedy based upon a breach thereof shall constitute a waiver of any such breach or of a breach of any other provision.
- c. Rights and Remedies. Any party in breach of this Agreement shall be liable for all damages arising out of such breach, to the fullest extent permitted by applicable law.

- d. Severability. If any provision of this Agreement, or the application thereof to any person or circumstance, shall be invalid or unenforceable to any extent, then the remaining provisions of the Agreement shall remain in full force and effect, unless the invalidation of the provision materially alters the Agreement by interfering with the purpose of the Agreement or by resulting in non-compliance with applicable law. If the invalidation of the provision materially alters the Agreement, then the Parties shall negotiate in good faith to modify the Agreement to match, as closely as possible, the original intent of the Parties. To the extent permitted by applicable law, the Parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.
- e. Litigation. If any action, suit, or proceeding is brought by a Party with respect to this Agreement, each Party shall bear its own costs, including attorneys' fees.
- f. Recitals. The Recitals, as set forth above, are incorporated into this Agreement.
- g. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
- h. Amendments. This Agreement may not be amended except by an instrument in writing, approved and executed in compliance with the requirements of the Interlocal Cooperation Act.
- i. No Third Party Beneficiaries. The Parties do not confer any rights or remedies upon any person other than the Parties to this Agreement.

IN WITNESS WHEREOF, the Parties have signed and executed this Agreement on the dates listed below:

HARRISVILLE CITY

By: _____ DATED: _____
Michelle Tait
Mayor

ATTEST: _____
Jack Fogal
City Recorder

Approved: _____
Attorney

WEBER COUNTY

By: _____ DATED: _____
Gage Froerer
County Commission Chair

Attest: _____ DATED: _____
Ricky Hatch, CPA
Weber County Clerk/Auditor

Approved: _____
Deputy County Attorney



HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100
www.cityofharrisville.com

MAYOR:
Michelle Tait

COUNCIL MEMBERS:
Grover Wilhelmsen
Steve Weiss
Blair Christensen
Max Jackson
Kenny Loveland

December 5, 2023

Dear Mayor and City Council Members

RE: City Attorney's Opinion Concerning Harrisville Justice Court Application

Every four years the Harrisville Justice Court must be recertified by the Utah Judicial Council. As part of this process, I am required to provide you with an opinion letter. The purpose of the opinion letter is to advise you of the legal requirements for the operation of the Harrisville Justice Court and give you my opinion concerning recertification.

The Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice. (UCA § 78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).
8. The entity creating the Justice Court shall provide sufficient staff of public prosecutors to attend the court and perform duties of prosecution (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the municipality if the action is prosecuted by the city (78B-1-117).
12. Any fine, surcharge or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).
13. Every entity creating a court shall pay the judge of that court a fixed compensation (78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).
15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).
17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).
18. An audio recording system shall maintain the verbatim record of all court proceedings (78A-7-103).

In addition to those requirements which are directly imposed by statute, Section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for recertification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

- 1) That the court be open for at least one hour each day that the court is required to be open. The hours for larger courts are specified in C.J.A. Rule 9-105.
- 2) That the judge be available to attend court and conduct court business as needed.
- 3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for

the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.

- 4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- 5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- 9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to the Driver's License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.
- 10) Each court shall report required case disposition information to DLD, BCI, and the Administrative Office of the Courts electronically, as described in paragraph 9 above.

Additionally, the Judicial Council has divided Justice Courts into four categories based on the average number of cases filed monthly for the court. Certain minimum standards are required for each classification. Harrisville's average monthly case filings based on the Utah Courts Caseload Statistics for Calendar Year 2023 is 61 cases filed per month which places the Harrisville Justice Court in the Class III category. In addition to the base requirements mentioned above, the Harrisville Justice Court would need to meet the following requirements:

- Court must be full-time and would need to be open during regular business hours.
- Courtroom configuration must be permanent.
- Courtroom and clerk's office must be co-located in the same building.
- Must have a full-time judge.
- Trial calendar set at least weekly.
- At least 3 full-time clerks must be employed.
- City and County must provide prosecutors.

- City and County must provide adequate funding for indigent defense counsel for any defendant who requests representation and qualifies.
- City to provide a sworn law enforcement officer to attend court when required and to provide security for the court.
- City to submit a court security plan consistent with CJA Rule 3-414.
- City is responsible for payment of statutory juror and witness fees.
- City is responsible for the costs of at least 30 hours of training each year at Judicial Council-mandated training for judge and 10 hours for clerks.
- Proposed court location must be within 25 miles of current court.

All reports and audits shall be made and timely filed as provided by law or by rule of the Judicial Council. Reports to the Driver's License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

These guidelines are currently being met by our Justice Court. After a review of the recertification application, current law, and our Justice Court's operations, it is my opinion that it is reasonable, feasible and in the best interest of Harrisville City to continue to maintain and operate the Harrisville Justice Court.

This opinion is rendered solely for the benefit of the Mayor and Council of the City and the Justice Court Standards Committee in connection with the Application. This opinion may not be (a) relied upon by any other person or entity in connection with any other transaction; (b) furnished, either as an original document or as a copy, to any other person or entities; (c) quoted, circulated or referred to (in whole or in part) in any other document; or (d) publicly filed, without my prior written consent.

Sincerely,



Brody E. Flint
Harrisville City Attorney

**HARRISVILLE CITY
RESOLUTION 2023-20**

RECERTIFICATION OF THE HARRISVILLE JUSTICE COURT

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE
HARRISVILLE JUSTICE COURT.**

WHEREAS, the provisions of *Utah Code Annotated* 78A-7-103 requires that Justice Courts be recertified at the end of four-year term; and

WHEREAS, the term of the present Court shall expire in January 2024; and

WHEREAS, the Administrative Office of the Courts has requested submission of the recertification application no later than December 15, 2023; and

WHEREAS, the members of the Harrisville City Council have received an opinion letter from Brody Flint, Harrisville City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Harrisville City Council have determined that it is to the best interest of Harrisville City to continue to provide for a Justice Court;

BE IT RESOLVED, the Harrisville City Council hereby requests recertification of the Harrisville Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED, that the Harrisville City Council hereby affirms their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Harrisville Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

PASSED AND ADOPTED by the City Council on this 12th day of December, 2023.

MICHELLE TAIT

Mayor

ATTEST:

JACK FOGAL

City Recorder

Roll Call Vote Tally:

Council Member Wilhelmsen	Yes	No
Council Member Wiess	Yes	No
Council Member Christensen	Yes	No
Council Member Jackson	Yes	No
Council Member Loveland	Yes	No



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Staff Memo

Surplus of Equipment
Mobile Phone Upgrades
November 30, 2023

To: Harrisville Mayor and City Council
From: Jennie Knight, City Administrator
RE: Surplus of Mobile Phones

Summary

Harrisville City Staff is requesting the surplus of mobile phones from the Fall 2023 upgrade of city issued mobile phones. The surplus phones will be sold at fair market value or recycled through an appropriate provider. All phones will be factory reset before sold or disposed of.