

**MINUTES
HARRISVILLE CITY COUNCIL
August 16, 2022
363 West Independence Blvd
Harrisville, UT 84404**

Minutes of a regular Harrisville City Council meeting held on August 16, 2022 at 7:00 p.m. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

Present: Mayor Michelle Tait, Council Member Blair Christensen, Council Member Max Jackson, Council Member Kenny Loveland, Council Member Steve Weiss, and Council Member Wilhelmsen.

Staff: Jennie Knight, City Administrator
Justin Shinsel, Public Works Director
Jessica Hardy, Finance Director
Bryan Fife, Parks and Recreation Director
Mark Wilson, Police Chief
Brody Flint, City Attorney
Maria Devereux, City Recorder

Visitors: Larry Crook, Beverly Crook, Blaine barrow, John Millaway, Marvin Farrell, Jack Jones, Arnold Tait, Alicia Davis, Tarah Spencer, Nicholas Taylor, Craig Call, Nathan Averill, Joan Brown, Diana Wilhelmsen, Taylor Spendlove, Blaine Barrow, Deanna Aguilar, Carlos Aguilar, Jennifer Moore, Jessica Singh, and Marcus Keller.

1. CALL TO ORDER

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

2. OPENING CEREMONY

Council Member Christensen opened with the pledge of allegiance and prayer.

3. CONSENT ITEMS

a. Approval of the minutes for June 14, 2022, July 12, 2022, and August 2, 2022 as presented.

MOTION: Council Member Jackson made a motion to approve the meeting minutes for June 14, 2022, July 12, 2022, and August 2, 2022 as presented, second by Council Member Christensen.

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.

b. Appointment of Appeal Authority.

Mayor Tait noted she and Jennie Knight, Administrator, interviewed Craig Call and invited him to present.

Craig Call advised he is an attorney with experience in planning and zoning law. He has served as the property rights ombudsman for the State of Utah (2 years), he currently serves as a hearing officer for eight cities and three counties and is willing to represent the city as the appeal authority. He gave an overview of the appeals he can hear in relation to land use regulations, zoning administration, variances and more.

MOTION: Council Member Jackson made a motion to ratify the appointment of the Appeal Authority, Craig Call, 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.

4. RECOGNITION/PRESENTATIONS

a. Police Highway Safety Awards

Police Chief Mark Wilson noted per a scheduling conflict UHP is unable to attend. The awards are for DUI enforcement and Seatbelt enforcement. He explained Harrisville City Police Department received two of the 25 awards of excellence distributed statewide.

5. OATH OF OFFICE

Police Chief Wilson congratulated Officer Keller in his promotion to detective following exemplary work.

The Oath of Office was administered to Detective Keller by Jackie VanMeeteren.

6. BUSINESS ITEMS

a. Discussion/possible action to adopt Harrisville Resolution 22-20; a resolution providing the holding of a Special Bond Election on November 8, 2022. [Marcus Keller, Zion's Bank Consultant]

Marcus Keller, Zions Bank, advised passing the resolution is the first step along with issuance of a notice of intent to the Lieutenant Governor's office advising the city is ready to move forward with the bond election. This would move the General Obligation bond forward to the ballot for the November 8, 2022 election.

Marcus Keller explained the property tax is only limited to the bond and the public can vote on bond for a community or recreation center. If this passes via vote, the public gives authority to issue bonds up to \$6MM. Authorization of a General Obligation (G.O.) bond is

good for 10 years, the city can wait a couple of years and delay it if they prefer. It's a secure bond with the lowest interest rate and requires a majority vote from citizens, but understands that with inflation, it may not be the chosen option at this time.

Council Member Wilhelmsen stated he is aware this is a sensitive issue and appreciates there is no obligation for commitment. He questioned if is this a good time to put the bond on the ballot.

Council Member Jackson is in favor of the public making the decision on this matter, instead of the Council.

Council Member Wilhelmsen advised he is in favor of a Public Hearing on this item.

Council Member Christensen is in favor of the public voting on this item.

MOTION: Council Member Weiss made a motion to adopt Harrisville Resolution 22-20; a resolution providing the holding of a Special Bond Election on November 8, 2022 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.

b. Discussion/possible action to adopt Harrisville Resolution 22-19; a resolution approving an Interlocal Agreement with Weber County for the distribution of Coronavirus State and Local Recovery Funds for the construction of a new Children's Justice Center.

Mark Wilson, Police Chief, recommended to table the item to allow time for staff to research and delve into this more. Though there is a need for the new Children's Justice Center, they would like to see what other cities are doing and overall gather more information.

Council Member Weiss noted he would like to know which cities are giving their support and the amount they are pledging.

Brody Flint, Attorney, explained he has spoken to other cities and they agree there are invaluable resources for both the police department and the CJC with a new building and new interview rooms.

Jennie Knight, City Administrator, ARPA funds may be issued if there is a need to utilize.

MOTION: Council Member Jackson made a motion to table the resolution approving an Interlocal Agreement with Weber County for the distribution of Coronavirus State and Local Recovery Funds for the construction of a new Children's Justice Center, 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 passed unanimously.

c. Discussion/possible action to grant preliminary approval for the Dixon Creek Park Subdivision, Phases 1-5, which includes 14.104 acres of development with 212 townhome units and 5.97 acres of open space.

Jennie Knight, City Administrator, stated the developer is present to answer any questions and explained the proposed preliminary application came with a positive recommendation from the Planning Commission at the July 13, 2022 meeting and is consistent with the Master Development Agreement (MDA) for Dixon Creek Park dated May 17, 2022. All applicable fees have been paid to date. Staff is recommending approval for all five phases and each phase will come back independently for approval. On April 12, 2022, Brighton Development Utah, LLC submitted an application for preliminary subdivision approval for Dixon Creek Park Subdivision phases 1 through 5, which includes 14.104 acres of development with 212 townhome units and 5.97 acres of open space. (Section 2.2 of the MDA, lists maximum residential units of 215) She explained, the exhibits are included in the packet for review, they contrast the MDA rendering of the proposed residential element of the development against the proposed preliminary subdivision plat of the same area.

Jennie Knight noted the engineer recommends preliminary approval of the plat and improvement drawings subject to the items and comments on the plans being completely addressed prior to final approval of any phase. The engineer's memo (August 11, 2022) is included in the packet for review.

MOTION: Council Member Weiss made a motion to grant preliminary approval for the Dixon Creek Park Subdivision, Phases 1 through 5, which includes 14.104 acres of development with 212 townhome units and 5.97 acres of open space, subject to the City Engineer's memo dated August 11, 2022 and all other staff and agency comments, 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.

d. Discussion/possible action to direct and authorize staff to repair the Plush Nest Subdivision Street Lights (\$35,500) and address the public hazard that currently exists.

Jennie Knight reviewed the public hazard and gave an overview of the Plush Nest Subdivision Street Lights issue; The Plush Nest subdivision was developed from approximately 2014 through 2020. During that time certain improvements were not installed to the city's specifications. There was no cash escrow required at the time the subdivision was recorded and the lots were used as the bond collateral. The lots have since all been developed, rendering the bond essentially null and void. The developer has been contacted

numerous times by city staff and provided with a punch list of deficiencies that still exist. The main deficiency creating a public hazard are the street lights, several of which have never worked.

Recently the city requested a bid from the contractor who is familiar with Rocky Mountain Power standards to repair and replace the deficient wiring and bring the street lights up to city standards. Information is included in the council packet which includes the most recent communication given to the developer, a punch list of outstanding items, the most recent complaint received, and an estimate of \$35,500 to repair the eight street lights. Staff is seeking direction and authorization to repair the street lights and remove the public hazard that currently exists.

Justin Shinsel, Public Works Director, stated the company that is completing the installation is on the State vendor list. The city has received four bids.

Brody Flint, City Attorney, stated the costs may be equal in a civil suit, this is a lesson in making our development agreements, bonds, and escrows complete in the future. He explained future agreements can be looked over much more closely. He recommends the City moving forward to repair the existing issue.

MOTION: Council Member Weiss made a motion to direct and authorize staff to repair the Plush Nest Subdivision Street Lights (\$35,500) and address the public hazard that currently exists, second by Council Member Christensen.

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.

- e. **Discussion/possible action to adopt Harrisville Resolution 22-18; a resolution adopting the Fiscal Year 2023 Budget for Harrisville City, Harrisville Community Reinvestment Agency; and Four Mile Special Service District, Fiscal Year ending June 30, 2023 and the Fiscal Year 2022 certified tax rate.**

Jennie Knight, Administrator, explained the city held the required Truth in Taxation (August 2), a work session on August 9th, and staff is available for clarification if needed.

Jessica Hardy, Finance Director, stated since the adoption of the Fiscal Year 2022-2023 Tentative Budget, the following changes were made: General Fund - Fund 10 Revenues: 10-31-110 Property Tax Revenue increased \$470,036 due to the change in the certified tax rate from 0.001150 to a proposed property tax rate of 0.001500. The large increase in Harrisville City's proposed property tax rate is to cover the General Fund's portion of the debt service payment of the bond. She reviewed the changes to Fiscal Year 2022-2023 Tentative Budget and gave an overview of expenditures, revenues, capital improvement projects, sewer, streetlights, garbage and long-term debt (included in packet). She explained the city has been going through an audit and the city has been working in a deficit.

Council Member Wilhelmsen noted throughout the past weeks they have listened to public and their concerns. They have talked to City Directors and is confident they are trying to

balance the budget and strive to be frugal. This is a business, and though they are an elected body, they have to balance the budget. He stated now is the time to change attitudes and thinking. He understands that Truth and Taxation hasn't been done for years, it hasn't been maintained. The city deserves to move forward working with residents to volunteer, supporting employees, managing the needs of the city, not just seeing how to maintain the status quo.

Council Member Jackson explained over the years the city has been affected. He wants to keep quality employees and bring in more businesses instead of losing them.

MOTION: Council Member Weiss made a motion to adopt Harrisville Resolution 22-18; a resolution adopting the Fiscal Year 2023 Budget for Harrisville City, Harrisville Community Reinvestment Agency; and Four Mile Special Service District, Fiscal Year ending June 30, 2023 and the Fiscal Year 2022 certified tax rate, 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.

- f. **Discussion/possible action to adopt Harrisville Ordinance 537; an ordinance amending Community Forestry and Gardens regulations, enforcement, and penalty sections, and making technical changes to align with the municipal code.** [Jennie Knight]

Jennie Knight reviewed the item: The Road Maintenance Department has been conducting inspections of the public right of way throughout the city. There are several outstanding nuisance issues that have been caused by residents and/or property owners. When preparing noticing for these nuisances, the municipal code has some contradictory language in the enforcement section. This proposed ordinance amends the enforcement and penalty sections to better align with the municipal code. Enforcement of these nuisances will help the city hold the property owner's accountable for any damage made to the public right of way and take the burden off of the general fund to replace, repair, or remove these nuisances.

MOTION: Council Member Loveland made a motion to adopt Harrisville Ordinance 537; an ordinance amending Community Forestry and Gardens regulations, enforcement, and penalty sections, and making technical changes to align with the municipal code, 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.

7. PUBLIC COMMENTS - (3 minute maximum)

Carlos Aguilar has concerns with a few items presented tonight; Plush Nest, he asked how and what controls will be put in place to be sure not to waste city funds going forward. He thanked the Council for their efforts.

Jennifer Moore stated the city has vacant lots, and lack of development for years, and asked why more businesses aren't in place.

Joan Brown commented she can't afford to pay more and the city may need a tax increase but would like to understand why the city is in such dire need (budgets). Many may not be able to stay in Harrisville City any longer.

Blaine Barrow noted residents cannot afford to pay for a new public works building and is concerned about the amount of taxes they may pay overall. He didn't hear of the sale of the public works building until recently.

Sgt. Davis (Harrisville City Police Department) thanked the council for all they have done, for hard decisions that were made.

Council Member Jackson pledged his best to keep the city moving forward.

8. MAYOR/COUNCIL FOLLOW-UP

No comments

9. CLOSED EXECUTIVE SESSION:

The Council may consider a motion to enter into Closed Executive Session for the purposes described under UCA §52-4-205(1)(a)(d)(e); for discussion of the character, professional competence, or physical or mental health of individual(s), strategy session to discuss the purchase, exchange, or lease of real property, or strategy session to discuss the sale of real property.

MOTION: Council Member Loveland made a motion to enter into closed session for the purposes described under UCA §52-4-205(1)(a)(d)(e); for discussion of the character, professional competence, or physical or mental health of individual(s), strategy session to discuss the purchase, exchange, or lease of real property, or strategy session to discuss the sale of real property, 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.

10. ADJOURNMENT

Mayor Tait adjourned the meeting at 9:20PM.

MICHELLE TAIT
Mayor

ATTEST:

MARIA DEVEREUX
City Recorder
Approved this 11th day of October, 2022