

**MINUTES OF HARRISVILLE CITY**  
**CITY COUNCIL MEETING**  
Tuesday, July 9, 2013 – 7:00 p.m.  
Council Chambers  
363 West Independence Blvd  
Harrisville, Utah 84404

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Present: Mayor Richard Hendrix, Council Member Michelle Tait, Council Member Paula Knighton, Council Member Bruce Richins. [Council Member Chad Allen and Council Member Grover Wilhelmsen are excused]

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

Visitors: Ruth Pearce, Jeff Pearce, Cory Maw, Roger Shuman, Clarissa Eatchel, Miranda Judd, Courtney Barrow, LaiKynne Ball, MaKaiya Nunn, Barbara Barnes.

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

**1. Call to Order.**

Mayor Hendrix called the meeting to order and welcomed all visitors. Mayor Hendrix excused Council Members Allen and Wilhelmsen.

**2. Opening Ceremony.**

Mayor Hendrix led the pledge of allegiance and opening ceremony.

**3. Consent Items.**

- a.** Approve the minutes of June 25, 2013 as presented.

Council Member Knighton pointed out an incorrect word on page 3, paragraph 3, “typography” was changed to “topography”. On page 4, paragraph 5, the word “adequate” was removed from the second sentence. On page 8, paragraph 3, the second sentence “Mayor and Council agreed one individual will be purchasing all items for the Heritage Days celebration.” was removed.

**MOTION: Council Member Knighton motioned to approve the minutes of June 25, 2013 with corrections. Council Member Tait seconded the motion. All Council Members voted aye. Motion passed.**

**4. Business Items.**

**a. Youth City Council Recognition**

Council Member Richins recognized six Youth City Council members who have graduated from school and will be moving on. Clarissa Eatchel and Bryan Saunders were in attendance and recognized for their service on Youth City Council. Council Member Richins thanked these individuals for their service for the past several years. Four other Youth City Council members who have graduated are Rachel Martin, Jalen Barrow, Sydney Maltby and Justin Christensen.

**b. Social Media Discussion**

Council Member Richins introduced Council to an idea mentioned by Chad Titensor to recognize residents throughout the city who are going the extra effort to keep up their properties

on the city's future facebook page. The city could hold a vote and determine a monthly winner. He feels it is important to recognize the residents that go above and beyond. Council Member Knighton agreed this would be a great way to involve the public and residents. Council Member Richins drew Council's attention to the social media policies that were sent as examples in their packets. He admitted he would like to get a hold of North Ogden City's policy because it would be more in line with meeting the needs of Harrisville. Council Member Knighton commented the City would supervise everything on the facebook page. Mayor and Council agreed some of the examples included too many items because they were drafted for larger cities. Mayor Hendrix pointed out there were a lot of extra things included that would not be necessary for our city. Council Member Richins agreed there wasn't really a need for some items including an operational manual. Bill Morris said he will prepare a draft policy using some of the applicable items from these examples. Council Member Richins will follow-up with the next discussion to determine which agenda this will be included on. Mayor and Council agreed to move forward with this.

### **c. Sidewalk Discussion**

Public Works Director Gene Bingham said he wanted to keep Council informed on a few items. He explained Ordinance #457 Nuisance Vegetation Ordinance was updated in December to address nuisances. The city has a perpetual maintenance program with side walks just like the roads, sewer and storm drain maintenance. The difference between these programs is regarding the city's responsibility vs. the home owner's responsibility. This discussion is because of concerns to areas that may pose a risk to the public. The city's side with maintenance has been addressed. The city insurance company, Utah Local Government Trust, asked about our sidewalk replacement policy. Gene Bingham responded that we have updated the nuisance ordinance. The Trust said if we have an ordinance in place we should be actively enforcing this. He said the code enforcement officer is willing to notify residents with the support from the Mayor and Council.

This is mostly an informational item, but none the less needs to be addressed. He wants Council to be aware in case phone calls are received. He introduced Cory Maw who is a certified tree arborist. Mr. Maw reviewed the offending areas and has given an opinion for each case with regard to saving trees vs. removing trees, including a cost estimate for tree maintenance. He is available for questions tonight. The cost range is \$250 to \$2500 to repair the damage. Mainly Gene Bingham said his intent is to give a briefing on displaced side walks. Some of these areas are on school routes. There has been a case in the past where one person was seriously injured due to a tree issue. This is an opportunity to address future risk. The ordinance is now stronger and with the insurance company suggesting we take a proactive step regarding this issue, he would like receive Council's support with moving forward. He said normally Council receives updates on what is being done, but because of the sensitivity to this issue, residents may be calling. He informed Council that staff makes decisions everyday; however, sometimes they need the backing from the Council on items that may be sensitive to residents.

Bill Morris said Gene Bingham has inspected some properties that are potential hazards and when residents notice the public works director out in front of their properties, they have concerns. He put together a model letter to inform the resident's of their responsibility to address potential hazards. Council Member Knighton asked how much one section of sidewalk costs. Gene Bingham said about \$84 to tear out and replace one section of sidewalk. Council Member Knighton asked if these letters can be sent out together and if the residents respond immediately they could be eligible for a discounted rate. Gene Bingham said Code Enforcement wants to address this all at once. The homeowner can choose any licensed contractor to repair the sidewalk; however, if the homeowners choose to use the city's contractor, they can have the repairs completed at the city's price. Ultimately it's up to the

property owner. An advantage to using the city's contractor is the price and the contractor knows the city standards. Council Member Knighton asked about tree removal costs. Gene Bingham said he has some estimates for these costs. Council Member Knighton suggested possibly coordinating with the home owner's to address these issues all at once. Gene Bingham said he can leave the contractor information with each home owner, but he suspects this will not happen all at the same time. The city can offer the contractor price to the homeowners if they make contact within a timely manner. Council Member Tait asked about how many cases are in Harrisville. Gene Bingham said there are a lot of side walk issues that are not a hazard at this time but still need to be replaced. They also have city obligated responsibility for certain sections of sidewalk. The risk to address these hazards is due to the immediate attention needed on these particular cases to reduce potential liability. Council Member Knighton pointed out the 10 day time frame to contact the city, and asked how long residents have until fines are imposed. Bill Morris said technically they should be addressed within this window, but due to the costs associated, corrective action plans should be received within the 10 days.

Council Member Knighton expressed her concern with the city letting these issues slide now that they are aware. Gene Bingham said if the city can show we are reasonably trying to rectify these issues, we would be okay with regard to liability. He expressed his compassion for residents who will be addressing these side walk issues, recognizing some repairs may be costly. He would like to give the property owner's sufficient time to address these issues. One specific case will be quite costly. Council Member Knighton said once notice is given to the homeowner she suspects this would be a liability issue for them. Gene Bingham gave an example of a homeowner on 450 west who had to address the sidewalk issue before a sale could be made with the home. The home owner made arrangements to reduce the price enough to address the side walk concern.

Some of the properties were analyzed to determine the survival rate of the tree if roots were cut back. Council Member Knighton suggested having a draft response in place. Cory Maw explained cutting back the roots will compromise the integrity of the trees. Bill Morris indicated they will be addressed on a case by case basis.

Council Member Tait asked if this is mostly in the park strips. Gene Bingham said yes, and some trees closely planted behind the sidewalk. Cory Maw said usually the offending trees are large and mature. Bill Morris will put together a nice letter about approved trees for the right location. Council Member Richins reminded Council we have a brochure addressing this. Gene Bingham agreed saying this has been sent out in the past. Gene Bingham said if you cut a root that is tied to a specific branch that part of the tree will begin to die. If the home owner opts to sever roots they will risk the life of the tree. Cory Maw said 99% of the time the extreme cases will need to remove the tree. He said he looked at every option to save the trees. He uses a tree growth regulator to determine what is good for the tree. Gene Bingham said at the very least the city will have to require the homeowner to cut the roots. The liability of the integrity of the tree will lie with the homeowner.

Council Member Knighton asked if the contracted price will be set for all residents, and at what point do we give them notice for noncompliance. Bill Morris said in cases of noncompliance the city would remove the tree and charge the costs onto property taxes. He suggested spending the rest of this year bringing homeowners into compliance. Mayor Hendrix asked if the roots will die once they have been severed or if continued growth may be a risk. Cory Maw said the stump can be ground down and herbicides used to kill the tree roots. Mayor Hendrix asked if the roots have to be removed as well. Cory Maw responded they will be addressed to make sure there will not be a future issue with the tree.

Gene Bingham asked for Council's permission to move forward. Bill Morris explained Ken Martin, Code Enforcement Inspector, would like the backing of the Council as well. Council Member Knighton asked about the time line. Gene Bingham said as long as the city is working

on an active plan, they can show a reasonable effort to correct these issues. Council Member Knighton pointed out the city cannot drag our feet. Gene Bingham agreed once the process has been started we will see it through. He will work with homeowners on the concrete contractor pricing. Council Member Knighton asked if the city can work for a group discount between homeowner's. Gene Bingham said he can set a price with the contractor to give a good price to the homeowner. Council Member Richins asked if it's possible to do a temporary patch to avoid the abrupt transition in the meantime. Council Member Knighton said if the city has notified the resident, then the liability becomes the homeowner's responsibility. Council Member Richins agreed it is not the city's responsibility.

Council Member Richins asked about a few sidewalk issues on Highway 89. Gene Bingham said some replacement in that area will be necessary due to the heat damage. Gene Bingham again said we are doing our part to notify the resident's through this process. He doesn't want to see anyone hurt. Council Member Knighton thanked Bill Morris for his model letter. Mayor Hendrix directed Gene Bingham to move forward with this project. Mayor Hendrix and Gene Bingham thanked Cory Maw for his willingness to help and give his opinion.

**d. Discussion/possible action to approve 2013 Paint Striping Bids**

Gene Bingham presented council with the annual 2013 paint striping bids. He explained the lowest bidder Morgan Pavement already has the slurry seal contract. He said we will get a better price going through the same contractor. He is just looking for approval through Council to award the bid. He explained the parking lots are striped every other year, but the roadways are striped every year.

**MOTION: Council Member Tait motioned to award the 2013 Annual Paint Striping Contract to Morgan Pavement in the amount of \$6,103.00. Council Member Richins seconded the motion. A Roll Call vote was taken.**

<b>Council Member Tait</b>	<b>Yes</b>
<b>Council Member Knighton</b>	<b>Yes</b>
<b>Council Member Richins</b>	<b>Yes</b>
<b>Council Member Wilhelmsen</b>	<b>Excused</b>
<b>Council Member Allen</b>	<b>Excused</b>

**Motion passed 3-0.**

- e. Discussion/possible action to approve Harrisville City Ordinance #463, adopting Chapter 4.72 relating to Water Conservation regulations; severability; and providing an effective date.

Bill Morris said Council Member Wilhelmsen contacted Gene Bingham about a water conservation ordinance based on the drought conditions. This proposed ordinance has three parts. The first section references Utah State law that authorizes Mayor Hendrix to declare draught conditions in the city. There is an amendment on this, specifically applying to residents. Pine View has recommended that commercial, public property and churches water during the day so as to not disrupt the pressure during the evening when all residents are watering. Council Member Richins pointed out the city already waters during the day. Mayor Hendrix suggested including the specific times of day allowed for watering. Bill Morris said under these limited hours, it will be spelled out to residential properties.

Throughout the community, residents may notice that churches, schools, and other public entities are watering during the daytime hours. That way at night there is enough pressure during the evening hours for all the residential watering. Pine View has specifically asked for this. Council Member Knighton suggested including this information in the newsletter. Bill

Morris agreed and will write a tree article and water conservation article. Bill Morris explained “waste” is specially a legal term referring to “not being put to beneficial use” and will apply to the residents when watering. Mayor and Council gave discussion about waste water and excess water running into the gutter caused by leaks and overflowing water. Bill Morris also specified no tanker trucks full of water are allowed unless they have been approved through Bona Vista Water District. He said there is a 500 gallon limit. He commented Public Works fills the street sweeper through the city meter at the shop as an approved use.

Bill Morris said the third section is on water contamination. There will be no connections allowed between secondary and culinary water. The residents must have separate services for each. There is no inappropriate use allowed, contaminate introduce into the system, nor turning the water back on after it’s been turned off for noncompliance.

Bill Morris explained the penalties that go in place with potential violations. It’s an Infraction for the 1<sup>st</sup> section, 2<sup>nd</sup> section is a class C Misdemeanor, and the third section is Class B Misdemeanor. Bill Morris said only the city can impose a civil fine. Bona Vista would have to approach the city to enforce their issues because they have no policing authority.

Council Member Knighton asked about whether the draught proclamation has enough teeth for enforcement. Bill Morris responded that enforcement will be in place for the worst offenders.

This is mainly an education tool and resource for the public. Weber Basin has given notices to educate the public as well. Mayor Hendrix suggested including the limited hours of no watering from 10am to 6pm on residential properties.

**MOTION: Council Member Richins motioned to approve Harrisville City Ordinance #463, adopting Chapter 4.72 relating to Water Conservation regulations; severability; and providing an effective date. Council Member Tait seconded the motion. A Roll Call vote was taken.**

<b>Council Member Richins</b>	<b>Yes</b>
<b>Council Member Knighton</b>	<b>Yes</b>
<b>Council Member Tait</b>	<b>Yes</b>
<b>Council Member Allen</b>	<b>Excused</b>
<b>Council Member Wilhelmsen</b>	<b>Excused</b>

**Motion passed 3-0.**

#### **5. Public Comments.**

Roger Shuman, 1870 N. 750 W., expressed his concern with regard to the water conservation ordinance. He said does not have pressurized irrigation available to him and sometimes his watering times are between the hours of 10am and 6pm. His hope is that this ordinance does not apply to areas that flood irrigate on a schedule. Bill Morris responded this ordinance only applies to residents with Pine View secondary water. This exempts anyone on the flood irrigation system.

Clarissa Eatchel, informed Council that North Ogden City’s Youth City Council goes around to recruit and she became involved in Harrisville’s Youth City Council after she found out one exists in our city. Council Member Knighton asked if High School Civics teachers actively recruit kids for Youth City Council. She responded “yes” the Social Studies teachers do inform students of this opportunity. Council Member Knighton asked if there are other activities members on the Youth City Council would like to participate in. Clarissa Eatchel said North Ogden City sends their youth to the three day conference held at the University of Utah. Mayor Hendrix commented North Ogden’s Youth City Council has been in place longer and they hold a service fund raiser to raise funds for activities. Council Member Knighton asked if they would be

interested in fund raising efforts. Members of the Youth City Council requested more advertisement be made available. This could create more interest with kids joining the Youth City Council. Council Member Richins commented this is another sign resident's are not reading the city newsletter as the Youth City Council has been advertised for many months. Council Member Knighton suggested adding this to the city's facebook page. Council Member Richins said there is already a Youth City Council facebook page. Council Member Knighton suggested linking this page to the city's page.

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

Council Member Knighton said she is still reading through definitions included in Harrisville City Ordinance #461. Bill Morris extended the deadline until Friday, July 12<sup>th</sup>, for Council's review.

#### **7. Adjourn.**

Mayor Hendrix motioned to adjourn at 8:00 p.m.

#### **8. HERITAGE DAYS WORK SESSION**

Mayor Hendrix called the work session to order and turned the time over to Council Member Knighton who in turn gave the floor to Barbara Barnes. Barbara Barnes said the vendor coordinator spot is still available. Vendor coordinator is responsible for setting the numbers on the booths and coordinating the location of each vendor. Mayor Hendrix said he's in the parade and won't be available to coordinate the vendor booths this year. Barbara Barnes will still look for a coordinator, but she is finding a lot of people are out of town this year. She is keeping track of all the names for next year's celebration. Council Member Knighton commented they will have several options in place to get a head start on next year's celebration.

Council Member Knighton said Utah Daughter's of Pioneers will be the grand marshals and will provide their own car. Council Member Richins will take care of the parade purchases. He said there are limited entries for this year's celebration. Melissa Furgeson has contacted all of the entrants from last year and many are not available, the reason being the time of day. Mayor and Council gave discussion on the parade and agreed to let the parade play out again this year. Council Member Richins said Melissa Furgeson is hoping there will still be several last minute entries. Mayor Hendrix said the time restraints were conditioned on the drop in the economy. A look in the future may allow for the old Heritage Days schedule to be reinstated. Council Member Knighton informed Council Harrisville's LDS 1<sup>st</sup> ward holds an annual fundraising breakfast and parade on the 4<sup>th</sup> of July. She suggested considering joining forces for the breakfast and parade to take place in conjunction with Heritage Days. Mayor and Council agreed to leave the parade at 5pm and consider feedback for next year.

Council Member Knighton said to her knowledge the flag ceremony is in place. Council Member Tait has taken care of the cake and ice cream. Council Member Knighton will pick up table cloths for serving cake and ice cream as well as the kids table cloths, and glow in the dark necklaces for the dance.

Youth City Council suggested having a chalk fest dance since the theme is "Our Colorful Community". They have found packages of colored chalk available on Amazon. Another possibility is to make the colored chalk from a recipe on Pinterest. Council Member Knighton asked if they should include notice to the public so the participants can wear white. This could draw more attention to the Heritage Day's celebration. They agree to set a parameter to have the dance so people who don't want to participate aren't victims of the colored chalk. Council Member Knighton suggested putting this chalking on at a specific time, possibly as the kick off for the dance. She also asked about the prepackaged chalk. Mayor and Council agreed Youth City Council will be assigned with purchasing and/or making the colored chalk. They gave discussion on using the cake and ice cream table to sell the colored chalk. The money raised

could be used towards the Youth City Council attending the leadership conference next year. Mayor and Council agreed to add this item to the advertisement if time allows. They discussed selling the chalk for a few minutes and having a designated time to kick off the dance, possibly having the D.J. play a particular song. Council Member Richins will work with the Youth City Council to organize this event.

Council Member Knighton said Andrea Allen inquired what Council would like to include in the advertisement block where last year's 50<sup>th</sup> Jubilee celebration information was set. Mayor and Council gave discussion on what to include on the advertisement. Council Member Knighton suggested including Harrisville City statistics in line with "Our Colorful Community". Mayor Hendrix suggested doing away with this paragraph if it is unnecessary. Jennie Knight will send modern income housing information to Council Member Knighton for possible inclusion. Mayor and Council gave discussion on advertisement options. Some suggestions were a notice in the Standard Examiner's event listing, distributing advertisement notices through the local Boys Scout Troops. Mayor Hendrix suggested using the city newsletter and marquee. Council Member Richins pointed out less people subscribe to the newspaper. Barbara Barnes suggested Council consider how many people they would like to participate, keeping this in line with the small town celebration.

Barbara Barnes said she has solicited sponsors and currently has 10 confirmed sponsors. Council Member Tait suggested contacting Gold's Gym, as they usually contribute. Council Member Knighton reported 4x6 banners can be ordered with only two day turn-around time. Barbara Barnes said it's through Jones Embroidery. Mayor and Council gave discussion about sponsorship and advertisements.

Council Member Knighton reported the 5K is finalized. The golf tournament is also finalized, as is the 3 on 3 basketball tournament. She set the deadline for shirt sizes for Tuesday, July 16<sup>th</sup>, and requested everyone "cc" her on the email so she knows everyone is accounted for. Mayor and Council gave discussion on the logistics of Bingo, children's games and activities, and the saw dust scramble.

Council Member Knighton agreed to coordinate electricity requirements with Gene Bingham with regard to the tent location.

Barbara Barnes asked about clean-up requirements and whether volunteers are needed for this effort. Council Member Richins stated Waste Management provides temporary garbage containers throughout the park and clean-up is usually minimal. The Public Works department handles the ordering and pickup of the temporary cans.

Mayor and Council gave discussion on past sponsorship from Walmart. Council Member Knighton will follow-up with Pam Crosbie on this.

Mayor and Council gave discussion on who is eligible to receive prizes.

Jennie Knight will follow-up with Ogden Clinic about a first aid booth.

Council Member Knighton informed Council the mass gathering permit application and temporary food service permit have been submitted.

Council Member Knighton suggested using any surplus Heritage Days money to purchase necessities for future Heritage Days celebration instead of having this money absorbed into the general fund.

Mayor Hendrix motioned to adjourn at 9:00 p.m.

**ATTEST:**

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**RICHARD HENDRIX**  
Mayor

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**JENNIE KNIGHT**

City Recorder

Approved this 23<sup>rd</sup> day of July, 2013