



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

July 11th, 2023

[Zoom Meeting Link](#)

Meeting ID: 863 1126 8046

Passcode: 169729

7:00 Pm City Council Meeting

Presiding: Mayor Michelle Tait

Mayor Pro Term: Blair Christensen

1. **Call to Order** [Mayor Tait]
2. **Opening**
 - a. Pledge of Allegiance [Council Member Loveland]
3. **Consent Items**
 - a. Approval of meeting minutes for June 13th, 2023 and June 20th, 2023 as presented.
4. **Recognition/Awards**
 - a. Recognition of Cynthia Benson earning her Utah Municipal Clerks Association State Certification.
5. **Business Items**
 - a. Future Farmers of America presentation [Freemont High School FFA Members]
 - b. Municipal Public Infrastructure District discussion for Ben Lomond Views Development [Marcus Keller]
 - c. Discussion/possible action to adopt Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor athletic facilities. [Jennie Knight]
 - d. Discussion/possible action to adopt Harrisville Resolution 23-11; a resolution to authorize agreement for a sidewalk grant for 2425 North. [Jennie Knight]
6. **Public Comments** - (3 Minute Maximum)
7. **Mayor/Council Follow-Up**
8. **Closed Executive Session**- A closed Executive Session for the purposes described under UCA §52-4-205(1)(a); discussion of the character, professional competence, or physical or mental health of an individual.
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
June 13, 2023
363 West Independence Blvd
Harrisville, UT 84404**

Minutes of a regular Harrisville City Council meeting held on June 13, 2023 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

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

Staff: Jennie Knight, City Administrator, Justin Shinsel, Public Works Director, Bryan Fife, Parks and Rec. Director, Mark Wilson, Chief of Police, Glen Gammell, Roads Director, Jack Fogal, City Recorder, Jill Hunt, City Treasurer

Visitors: Lauren Shafer, Lily Hansen, Ian Greenhalgh, Joshua Sphar, Sam Elder, Jordan Read, Nathan Averill, Elisabeth Hansen, Lily Hansen, Megan Worthen Nelson, Mike Shinsel, Shauna Read, Arnold Tait.

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.

3. Consent Items.

a. Approval of Meeting Minutes for May 9th, 2023 as Presented.

Motion: Council Member Wilhelmsen made a motion to approve the meeting minutes for May 9th, 2023 as presented, 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. Advice and Consent to appoint Planning Commissioner.

Mayor Tait introduced Jordan Read as her appointee for Planning Commissioner. Jordan Read is a big believer in doing what is right, he wants to stand up for those without a voice. His family has been residents of Harrisville City for sixteen years.

Motion: Council Member Loveland made a motion to appoint Jordan Read to the Planning Commission, 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. Business Items.

a. Presentation- Youth City Council service activities update

Josh Sphar updated council about the safe kids' day fair and the movie at the park. The safe kids' day fair took place on April 22nd. The Youth City Council helped pass out information passports to parents at the New Gate Mall. He enjoyed helping families. The YCC assisted Parks and Recreation with the movie at the park. They helped people get setup and notified people about the popcorn but unfortunately the movie was rained out.

Lily Hansen informed Council about the flag design contest. The flag design contest runs from June 1st to July 31st. Designs can be submitted online or in person at the City Office. Prizes will be handed out to the winners of the contest. The winning flag design will be presented at the Fall Festival. She asked everyone to spread the word to others so they can be a part of history.

Ian Greenhalgh gave a presentation about the Central Weber sewer district tour. The YCC learned how water was cleaned and sent to the community. YCC members felt this was a great opportunity to learn and share the information with others.

Elizabeth Hansen mentioned that the YCC has a full schedule and are taking on many projects. The YCC members are doing a great job.

b. Presentation- Weber County Election Services

Lauren Shauffer has been the Weber County Elections Director for a year and a half. She has worked in elections for five years. Weber County works with other counties and states to check for duplicate registrations, deceased voters, address changes, and updates from Driver's License Division. By performing these actions, the county has gotten rate of undeliverable ballots dropped from 20% in 2013 to 1.5% in 2022. The ballot envelope is an important part of election security. Each ballot has a number that is specific to the ballot, election, and voter. If someone gets a replacement ballot a new number can be issued but it invalidates the old ballot. If a signature on a ballot does not match the signatures on file, it will be audited. If a signature is challenged, the county will let the voter know within twenty-four hours. All machines used by the county are certified by the United States Election Assistance Commission. None of the

machines are connected to the internet, have Wi-Fi, or Bluetooth capabilities. All updates to these machines are done manually and logged for auditing purposes. There is some voter responsibility in the process. That responsibility is to update their address on vote.utah.gov if it changes. A new tool to track a voter's ballot is Ballottrax.utah.gov. This allows you to track your ballot from the time it is sent out to the time it is counted.

c. Presentation- Municipal Public Infrastructure District for Ben Lomond Views Development

Sam Elder, D.A. Davidson & Co, specializes in municipal bonds and Public Infrastructure bonds. They have assisted with roughly \$2,000,000,000 in debt tools throughout the intermountain west. A PID is similar to a special district that cities can create. The PID can fund bonds that can only be used on public infrastructure not private infrastructure. The difference between a PID and a special district is the City does not have liability for the PID. The PID program was created to help mitigate impact to municipal balance sheets. All funds are held by a national trustee, so it cannot be withdrawn unless it is approved by the trust. PIDs have no impact to existing residents. The thought behind a PID is future growth will pay for growth. There are two main types of PIDs. The first levy's a property tax above the existing tax on the new development. It can levy up to 4MM of additional property tax. They can then bond against what that future property tax will be. All information about the PID and the increased property tax must be disclosed to purchaser before sales are final. The second PID issues a special assessment lien. The lien is prepayable at any time with no penalty. The developer can borrow one third of value of the land before buildings start going up. The developer then pays the lean with the sale of completed buildings. Council Member Jackson asked if the PID would have the power to tax existing property or just the new development. Sam Elder clarified, the PID would only be able to levy a property tax on the proposed development. It would have no taxing authority over pre-existing residences or businesses. The developer of Ben Lomond Views is asking for the creation of a PID using the special assessment lien. Council Member Christensen inquired what would happen if the developer defaults. Sam Elder described that the developer would lose the land and the trust would find a new developer. The trust has an interest to find a developer to complete the project because that is how they get paid back. Council Member Wilhelmsen asked how long the process takes, where is the money coming from. He does not want the cost passed to the future residents. Sam Elder indicated that Council could implement protections for future land owners in the controlling documents of the PID. Council can include protections such as the developer has to make bond payments with the sale of each residence, setting a maximum debt amount, or not allowing additional property tax. Council Member Wilhelmsen inquired if the people who issue this bond are ok with a plan like that even though it could take years to be repaid. Sam Elder confirmed yes, they are. They are taking the risk that the assessment is accurate and they will make their money back. A PID does not take the liability off the developer; he must still pay the bond with the sales in the development. This is a tool to incentivize development to happen. If the developer defaults the money stays with the trust and would be carried to the next developer. To proceed with a PID the developer would submit a letter of intent to Council for a PID proposal. Council Member Christensen inquired how long the process would take to form a PID. Sam Elder explained it depends on how long it takes Council to be comfortable with idea and approve it. Once Council gives approval it will take sixty to ninety days to get the bonds. The intent of the presentation is to start a discussion so Council can make an informed decision. Council Member Jackson requested if the development will see movement while they look into a PID. Sam Elder cannot speak to the development; his involvement is with the PID. Council Member Wilhelmsen requested to know what the interest rate would be for the funds issued with the PID instead of traditional funding for a development.

Sam Elder explained the range depends on factors like property value, location, and feasibility of the project being completed. If he had to guess what the rate would be he would put it between 6.5% to 7.5% for the PID funding. If the developer received funding from another source, it would be 12% to 14% based on the current market. Mayor Tait inquired if the PID could proceed without the governing document from Council. Sam Elder clarified that the PID cannot be created without a governing document that Council approves. By approving the PID, Council is giving the developer the ability to receive tax free debt at a lower interest rate. Mayor Tait questioned what liability is there for the City. Sam Elder explained Council could put protections for the City and future residents in the governing document. There are very few issues with the type requested because of the mandatory payment lien when houses are sold. Mayor Tait clarified that his savings come from the interest rate and tax rate, and a third party holds the money to ensure it is spent on the developments infrastructure. Sam Elder answered yes, it is to ensure the funds are not abused. Mayor Tait, questioned why Mr. Palermo was not at the meeting. Sam Elder expressed that he was unsure why Mr. Palermo was not here. Council Member Wilhelmsen inquired what Sam Elder is meaning when he says infrastructure. Sam Elder answered it could mean roads, sewer, or most anything that can be deeded to a city and signed off by the city engineer. If the city engineer does not sign off on the infrastrucutre it cannot be funded by the PID. Mayor Tait questioned if designs would still need to meet City standards. Sam Elder acknowledged yes, it must be signed off by the city engineer and meet City standards; curb, gutter, side walk, or whatever the city standard is. Council Member Loveland requested to know who would be involved in creating the governing document. Sam Elder reported on the developer's side would be himself and the developer, the City's side would be Council and whoever else they brought in. Mayor Tait asked if the funding stayed with the project or developer. Sam Elder explained the funding stays with the project, even if the developer defaults he does not have access to the funding because it is held by a third party. If the developer defaults having some funding already prepared for the project will help generate interest from a new developer. Creating a PID is not the right tool for every project, he stressed he would not be presenting to Council if he did not believe this would benefit the project. Mayor Tait clarified all that was being asked at this time is for Council to express interest in learning more. There is no commitment at this point. We could continue to look into the PID and come back to the decision later. Sam Elder explained yes, all that is requested is Council's approval to continue looking at a PID. He is willing to take time and present to the Council more in depth about PIDs or answer any questions that may arise in the future. Mayor Tait inquired if the Council would like to look further into a PID for Ben Lomond Views.

Motion: Council Member Jackson made a motion to conceptually explore a PID for Ben Lomond Views, 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.

d. Discussion/possible action to adopt Resolution 23-06; a resolution to adopt the Harrisville City Road Safety Plan.

Glen Gammell explained this resolution lays the frame work to be eligible to apply for federal grants for safe roads. He thanked Jennie Knight, Jackie VanMeeteren, Justin Shinsel, and Mark Wilson who all assisting in putting put together the road safety plan. A road safety board was created, which will meet quarterly to propose safety ideas and re-evaluate current strategies. With the adoption of the safety plan, it will then be submitted to the US Department of Transportation. The plan will also be available on the web page so residents can see data and what the current goals are. Mayor Tait inquired how long it took to put the plan together. Glen Gammell explained it went fast, but there were six drafts of the document. There is a lot that must be included to meet grant application guidelines. The first grant deadline is July 10th so the window is short. Road safety board's ideas include new street lights, message boards, radar, and replacing street signs. Mayor Tait asked if these grants require the road safety plan to be submitted. Glen Gammell clarified yes; the plan is required for these grants. It opens up many new grant opportunities for the City. Council thanked all involved for their hard work.

Motion: Council Member Loveland made a motion to adopt Resolution 23-06; a resolution to adopt the Harrisville City Road Safety Plan, 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 Resolution 23-07; a resolution for an interlocal agreement with Weber County for surveyor services.

Jennie Knight explained the City has had an existing contract with Weber County for surveyor services, this is a renewal of that contract. The agreement with the county sets the price for recording documents. This resolution is to approve the new contract for the term of one year.

Motion: Council Member Christensen made a motion to adopt Resolution 23-07; a resolution for an interlocal agreement with Weber County for surveyor services, 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.

5. Public Comments - (3 Minute Maximum)

Mayor Tait opened the public comment period.

Megan Worthen-Nelson is the Director of Broadway on the side, a local business that facilitates the performing arts. Their goal is to address the diversity issues in the community. They want to create a safe welcoming environment for all people regardless of color, race, or creed. They are looking into creating a fine arts center in Weber County. Currently they are located in Harrisville and are hoping to receive support from the City. There is a need in Weber County for a fine arts center. It would be similar to Lincoln Theater or Capitol Theater but with a lower cost to use the venue.

Linda Gaz is concerned about the traffic on North Harrisville Road. She has lived in Harrisville for 47 years. The traffic on North Harrisville Road does not adhere to the posted speed limit. She saw a big truck pulling a tractor going 45MPH. She is asking the City to help protect the children that live and play on North Harrisville Road. There is no sidewalk on the road which can make it unsafe.

Mayor Tait closed the public comment period.

6. Mayor/Council Follow-Up.

Justin Shinsel explained that Glen Gammell has been working on the road safety plan for three months. He really has put his heart and soul into the plan. Council requested a brief review of financials. Justin Shinsel answered Public Works has self-performed a lot of work to save as much money as they can. You can see the efforts that have been put in to their work; an example is the retention pond at the park. They are performing a lot of projects and working on grants. Public Works has received approximately \$4,500,000 in grants and funding to help with roads and infrastructure. He is excited for the ground breaking on June 28th for the new Public Works building.

Bryan Fife explained Parks and Recreation replaced the pump at the splash pad and saved thousands of dollars but completing the work themselves. They have saved about \$4,500 by taking care of trees instead of contracting the work out. The City purchased movie in the park equipment which saved on rental fees. The equipment will have paid for itself after the movie in the park in July. Savings will be roughly \$6,000 a year for the movies in the park. The new playground was funded partially by RAMP, it was ordered yesterday but lead time is 27 weeks. The company will store it until the City is ready to install it. They saved \$3,000 by removing old equipment and wood chips themselves. All of the projects that have been self-performed by Parks and Recreation have saved approximately \$66,000 this year.

Mark Wilson informed Council Assistant Chief Dennis Moore finished writing a grant which will pay 50% of the cost for new body armor. With the savings they can buy carriers, plates, and the equipment needed to protect officers. The delivery date for radios has been pushed off until the first quarter of next year. The department has partnered with Walmart to raise money for the Children's Miracle Networks. They will be holding an event July 15th at 2pm with the fire department. They are currently working on a cyber security grant. There have been eight criminal mischief cases involving spray paint. Officers are monitoring high risk areas to prevent as many incidents as they can. The department received a grant to upgrade cameras and upgrade the server that the cameras run on. Council Member Jackson inquired about the funds from the beer tax. Mark Wilson explained it will be used to pay the City's portion of the upgraded camera system and server.

Jennie Knight informed Council there is an Arts and Culture Council established in 2008 by ordinance. The City could utilize that ordinance in support of any future arts programs. She thanked City staff and department heads for the time and effort put in to grants and cost saving work. There will be another council meeting Tuesday the 20th at 7pm. Pleasant View City will be hosting a land use training on June 27th at 6:30 PM.

Council Member Wilhelmsen reported on the senior luncheon. There were 18 people in attendance. He thanked Mark Wilson for cooking hamburgers, and giving a presentation on major scams that target seniors. He asked all in attendance to spread the word about the senior luncheon. If you know a senior in Harrisville, invite them to the luncheon. It is on the second Tuesday of the month at the Harrisville City Cabin. It is a great opportunity to connect with others, play fun games together, and receive informative presentations.

Council Member Loveland thanked Council Member Wilhelmsen and his wife for all of the hard work they put into the senior luncheon. They attended the last luncheon and had a great time.

Council Member Christiansen thanked staff for their hard work.

7. Adjournment

Council Member Loveland motioned to adjourn the meeting, 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.

The meeting adjourned at 8:42 p.m.

**MINUTES
HARRISVILLE CITY COUNCIL
June 20, 2023
363 West Independence Blvd
Harrisville, UT 84404**

Minutes of a regular Harrisville City Council meeting held on June 20, 2023 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

Present: Mayor Michelle Tait, Council Member Max Jackson, Council Member Blair Christensen, Council Member Grover Wilhelmsen, Council Member Steve Wiess.

Excused: Council Member Kenny Loveland.

Staff: Jennie Knight, City Administrator, Justin Shinsel, Public Works Director, Bryan Fife, Parks and Recreation Director, Mark Wilson, Chief of Police, Jessica Hardy, Finance Director, Jack Fogal, City Recorder.

Visitors: Arnold Tait, Kevin Shakespeare, Don Furlong, Nicole Shakespeare.

1. Call to Order.

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

2. Opening Ceremony.

Council Member Jackson opened with the Pledge of Allegiance.

3. Recognition/Awards

a. Recognition of Kevin Shakespeare for Planning Commission service.

Mayor Tait presented Kevin Shakespeare with a certificate of appreciation, a City pin, his name plate, and signed book for his dedication and hard work with the Harrisville City Planning Commission. Kevin Shakespeare served for three years on the Planning Commission.

4. Business Items.

a. Public Hearing – to receive input for and/or against the proposed resolution, Harrisville Resolution 23-08; a resolution amending the FY 2023 budget.

Motion: Council Member Weiss made a motion to open the public hearing for resolution 23-08, 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, Excused

The motion passed unanimously.

Jessica Hardy explained the City is allowed to open the budget twice a year, in January and June. There are six items' staff is recommending to amend in the current budget; ARPA funding for wages, recognition of \$9,000,000 in bonds, animal control and utilities, court legal fees, public safety expenditures, and FY22 general surplus in fund balance transfer to debt services. Mayor Tait asked if the FY 2022 general surplus to fund balance transfer to debt services was part of the rainy-day fund. Jessica Hardy clarified it is not. It will go to debt service until we start making bond payments. Council Member Jackson inquired if the County raised animal control fees. Jennie Knight explained we did not receive a notice of change but made an estimate based on last year's total cost. Reopening this budget allows the City to pay the balance.

There was no public comment offered.

Motion: Council Member Weiss made a motion to close the public hearing for resolution 23-08, 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, Excused

The motion passed unanimously.

b. Discussion/Possible action to adopt Harrisville Resolution 23-08; a resolution amending the FY2023 budget.

Jennie Knight explained this is the formal action for the resolution discussed during the public hearing.

Motion: Council Member Christensen made a motion to approve Resolution 23-08; a resolution amending the FY 2023 budget, 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, Excused

The motion passed unanimously.

c. Discussion/possible approve Harrisville Ordinance 541; land use and utility fees amended.

Jennie Knight explained Jill Hunt has been working on a consolidated fee schedule for the City. This ordinance would remove the fees from City code and instead direct residents to the fee schedule. By creating a consolidated fee schedule Council can make periodic adjustments to fees without adopting code changes through ordinances. Council Member Christensen inquired how often it could be changed. Jennie Knight clarified that the fee schedule could be changed as needed. It will likely be adjusted at Council meetings outside of budget season. The fees schedule will also make it easier for residents to see the set fees without having to read through code to find the information.

Motion: Council Member Wilhelmsen made a motion to approve Harrisville Ordinance 541; amending land use and utility fees, 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, Excused

The motion passed unanimously.

d. Discussion/possible action to adopt Harrisville Resolution 23-09; a resolution adopting the Harrisville City consolidated fee schedule.

Jennie Knight expressed this resolution is adopting the fee schedule referenced in Ordinance 541. The fee schedule includes utilities, planning and zoning, subdivisions, building permits, and encroachments. The fee schedule can be updated to amend fees or include any other fees the City adopts. Sewer, garbage, and recycling fees increased to cover the increased cost to the City. Council Member Jackson asked if the increases are in line with surrounding cities. Jennie Knight advised that the new rates are similar to surrounding cities. By adopting these increases with the fee schedule, it will help balance the garbage fund.

Motion: Council Member Wiess made a motion to adopt Harrisville Resolution 23-09; a resolution adopting the Harrisville City consolidated fee schedule, 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, Excused

The motion passed unanimously.

e. Discussion/possible action to adopt Harrisville Resolution 23-10; a resolution to authorize agreement for a side walk grant for 2000 North.

Jennie Knight explained resolution adopts an agreement with UDOT approving funds for curb, gutter, and sidewalk for a portion of 2000 North. Justin Shinsel described how Public Works applied for 2 safe sidewalk grants with UDOT. UDOT will pay 75% with a 25% match from the City. Public Works will be contributing by self-performing work for the 25% match. Council's approval is needed to move forward with this project to be completed before school starts in August. Council Member Jackson inquired how UDOT was involved with a City road. Justin Shinsel explained this is a grant provided by UDOT for creating safe sidewalks to schools. Part of the application process was proving how sidewalks would impact the safety of children walking to Orion Junior High School. The second grant was approved as well but the contract is not ready at this time. He will present it to Council when it is ready.

Motion: Council Member Jackson made a motion to adopt Harrisville Resolution 23-10; a resolution to authorize agreement for a side walk grant for 2000 North, 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, Excused

The motion passed unanimously.

f. Discussion/possible action to surplus Parks and Recreation Property

Bryan Fife explained last year fields 5 and 6 were removed from Harrisville Main park. This year field 4 has been underwater all season. Field 4 needs thousands of dollars in repairs to make it useable. His proposal is to remove field 4 and not spend the money on a field that is in a retention basin. Field 4 has not been used the last three years. He is asking to remove field 4 and surplus the materials. Council Member Wilhelmsen inquired about the cost to fix the field. Bryan Fife presented a quote from Dura-Edge, which would bring in dirt and laser level the field. The quote is for \$40,000 which did not include fixing the chain link fencing. Mayor Tait asked what would be taken out. Bryan Fife advised chain link fencing and score boards would be removed and sod would be put back in its place.

Motion: Council Member Weiss made a motion to approve surplus of Parks and Recreation Field 4, 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, Excused

The motion passed unanimously.

g. Discussion/possible action to purchase DGI drone

Chief Wilson explained there is enough money in the police budget to purchase a drone. Two quotes have been provided to Council. Both quotes are for drones similar or the same as the demonstration last month. The quotes include everything that would be needed to operate the drone, including extra batteries for extended use operations. Council Member Jackson inquired who would train officers and staff to use the drone. Chief Wilson answered Kyle Nordfors with Weber Search and Rescue would be the trainer. Mayor Tait asked when the drone would be purchased. Chief Wilson advised that if Council approves the purchase, it would be ordered tomorrow. Council Member Jackson questioned what the yearly cost would be for the drone. Chief Wilson explained the biggest expense is batteries but they will last for several years. The approximate cost is \$650 per set of batteries. Council Member Jackson asked how long the drone would last. Chief Wilson stressed that he does not have an exact time frame but the County has been using the same drones since the start of their program in 2018 without issues. Council Member Wilhelmsen informed Council that Mosquito Abatement purchased a drone several years ago. They are still using the same drone today and have purchased a second, and are looking to purchase a third. He believes this would be a good purchase for the City. Chief Wilson explained this will not be used every day but could make a huge difference when needed. Other cities have used it as a de-escalation tool, to assist in finding lost children, or elderly. Council Member Jackson asked how many would be trained to fly the drone. Chief Wilson explained there are eight in the class now with a goal to have all of Public Works and police officers trained. Council Member Wilhelmsen inquired how the drone would be useful for Public Works and Parks and Recreation. Chief Wilson answered it would be useful to Public Works to allow them to perform overhead inspections of rivers and waterways without having to send a person into them. The only benefit he can see for Parks and Recreation would be taking pictures of events.

Motion: Council Member Weiss made a motion to approve the purchase of a UVT drone for \$17,612.97, 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, Excused

The motion passed unanimously.

5. Mayor/Council Follow-Up.

Bryan Fife reminded Council the park restrooms were vandalized in May. It is one of the worst spray paint vandalisms he has seen. Servpro came out to clean graffiti in the restrooms. His recommendation is to leave the bathrooms closed except for community events and bowery rentals until cameras are installed. Council Member Christensen inquired if the next step would be to get bids for cameras. Bryan Fife confirmed yes, it is time to seriously look into cameras to deter vandalism in the future. Chief Wilson proposed putting live feeds in the police station patrol room so officers could monitor them. Council agreed to keep bathrooms closed.

Justin Shinsel reminded Council about the ground breaking next Wednesday at 10am. He is currently interviewing for assistant Director of Public Works. The position will be filled by July 1st.

Chief Wilson advised Council the police department still has an open position. Extra patrols have been added to North Harrisville Road to address speed concerns raised during the June 13th Council meeting. Council Member Weiss inquired about having the Highway Patrol occasionally conduct inspections on 2000 North. He witnessed two trucks full of rocks speeding down the road with uncovered loads this week. Chief Wilson confirmed that he would reach out to Highway Patrol about them doing D.O.T. inspections on 2000 North. Council Member Weiss asked if the road could be shut down to trucks. Justin Shinsel advised that it depends on the classification of the road.

Jennie Knight proposed reopening the discussion for staff bonuses that Council requested in May. With all of the cost savings the City's budget is healthy. Mayor Tait is looking at issuing a second bonus to staff but wants Council's opinion and approval. Council Member Weiss inquired about the cost of a staff bonus. Jennie Knight presented costs for staff bonuses. Council Member Weiss indicated he has no problem with staff bonuses based on how the departments are performing. Council agreed to proceed with bonuses.

Jennie Knight informed Council the certified tax rate for the Truth in Taxation hearing will increase by .69% to maintain the City's revenue.

6. Closed Executive Session- A closed executive session for the purposes described under UCA §52-4-205(1)(c); strategy session to discuss pending or reasonable imminent litigation.

Motion: Council Member Weiss made a motion to enter a closed executive session for the purpose described under UCA §52-4-205(1)(c); strategy session to discuss pending or reasonable imminent litigation, 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, Excused

The motion passed unanimously.

The Mayor and Council convened into a Closed Executive Session.

Motion: Council Member Weiss made a motion to close a closed executive session and reopen the public meeting, 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, Excused

The motion passed unanimously.

7. Adjournment

Council Member Weiss motioned to adjourn the meeting, 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, Excused

The motion passed unanimously.

The meeting adjourned at 8:20 p.m.

DRAFT

**HARRISVILLE CITY
ORDINANCE 540**

CP-2 (COMMERCIAL) ZONE AMENDMENTS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE CP-2 (COMMERCIAL) USE STANDARDS IN THE CP-2 (COMMERCIAL) ZONE ADDING HEIGHT REQUIREMENTS FOR INDOOR COMMERCIAL ATHLETIC FACILITIES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville 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 allow municipalities in the State of Utah 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, Utah Code Annotated Title 10 Chapter 9a enables municipalities to regulate land use and development;

WHEREAS, the City has adopted Commercial Use Standards to governing land use within the City;

WHEREAS, the City desires to amend Commercial Use Standards of Harrisville City as indicated herein;

WHEREAS, after publication of the required notice the planning commission held its public hearing on May 10, 2023, to take public comment on the proposed ordinance, after which the commission gave its recommendation to approve this Ordinance;

WHEREAS, the council received the recommendation from the planning commission and held its public meeting on July 11, 2023;

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

Section 1: 11.12.020 Uses

4. Any use in the following table is permitted if such use has a "P" designation in the zone where the use is listed. A "C" designation indicates that a conditional use permit is required according to the procedures of Chapter 11.18 of this Land Use Ordinance before the use can be allowed. An "N" indicates the use is not allowed in the specific zone where it is listed. If the last column in the use table includes a number this refers to a section in Chapter 11.14 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

Land Use	Zone		Specific Use Regulation
	CP-2	MP-1	
RECREATION AND ENTERTAINMENT			
<u>Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial</u>	<u>C</u>	<u>C</u>	

Section 2: 11.13.020 Main Building Development Standards

3. Main Building height

Minimum – 10 feet

Maximum – 45 feet, with the following exception:

Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.

Section 3: 11.13.060 Access Limitations

Access directly onto a residential subdivision or a street that is primarily residential in nature to or from commercial and/or manufacturing uses is prohibited, with the following exception:

A commercial use may have access directly onto a residential subdivision or a street that is primarily residential in nature, if the subdivision is within an area identified on the General Plan Land Use Map as General Commercial, and the street is identified as an arterial, minor arterial, collector, future collector, or a local road where the connection will be within 150 feet of a state road, on the Transportation Master Plan.

Section 4: 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.

Section 5: Effective date. This ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2023.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JACK FOGAL
City Recorder

RECORDED this ___ day of _____, 2023.
PUBLISHED OR POSTED this ___ day of _____, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall, 2) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.

City Recorder

DATE: _____

DRAFT



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

Staff Memo

Harrisville Ordinance 540;
CP-2 (Commercial) Zone Amendments
June 29, 2023

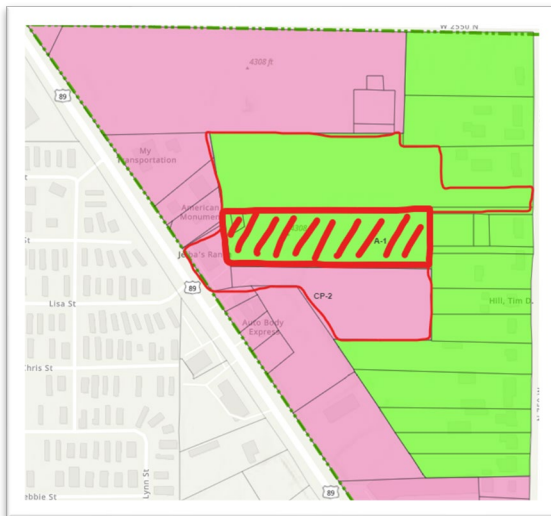
To: Harrisville Mayor and City Council
From: Jennie Knight, City Administrator
RE: Harrisville Ordinance 540; CP-2 (Commercial) Zone Amendments

A. Summary.

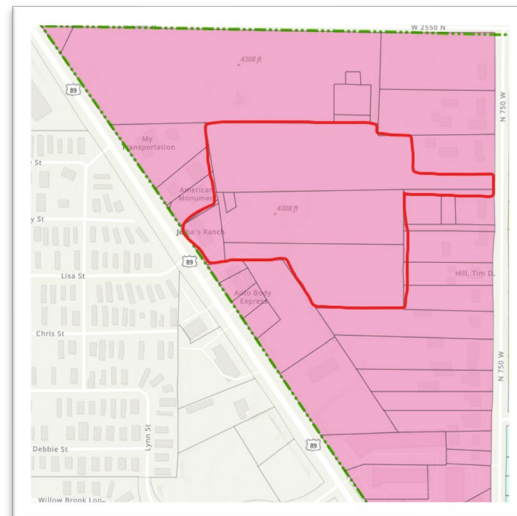
An application was received from applicant, Mark Apuna, for a Text Change Amendment to the Land Use Ordinance. This application is in reference to the Triple Peaks LLC site plan application for property located at approximately 2440 North Highway 89. On May 10, 2023, during the regularly scheduled Planning Commission meeting, a public hearing was held to receive public input on the proposed ordinance. (Planning Commission minutes from this meeting have been included for review.) Additional discussion was given on the proposed access language and the ordinance was updated to reflect those changes. After additional discussion at the June 14, 2023 Planning Commission meeting, the Commissioners recommended adoption of the enclosed proposed ordinance.

B. Application.

On April 26, 2023, an application was received to amend the Land Use Ordinance to allow a Commercial Indoor Athletic Facility as either a “permitted use” or “conditional use” with a maximum height of 70 feet for a facility that has frontage on Highway 89 and is adjacent to property identified as General Commercial on the General Plan Land Use Map. The current height restriction for commercial buildings is 45 feet. The following pictures show the Current Zoning Map and the Future Land Use Map.

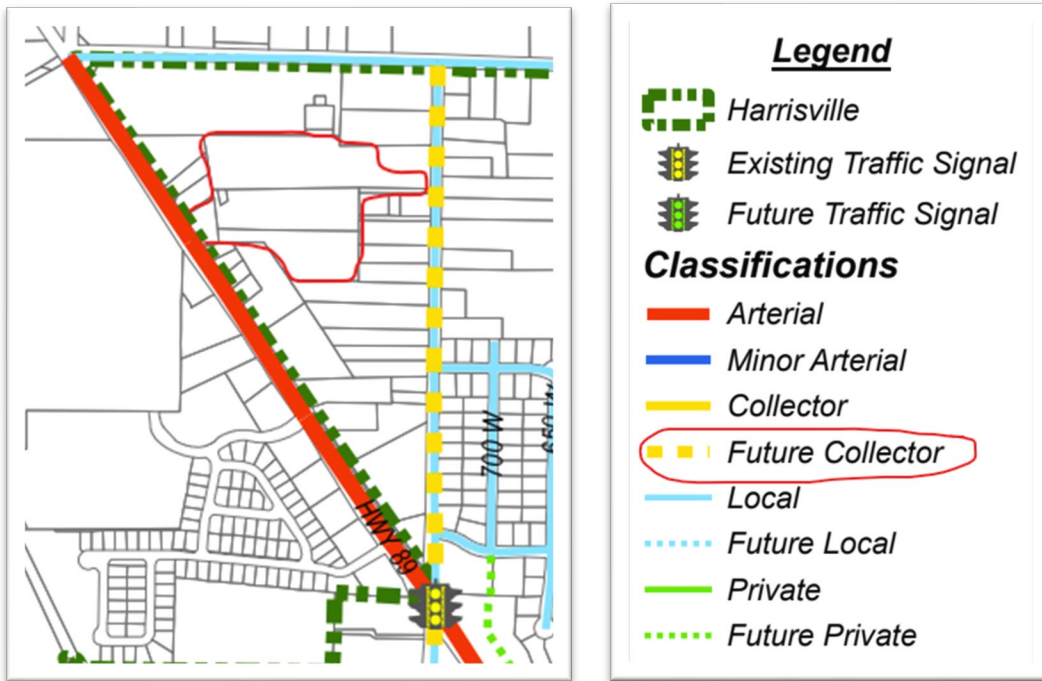


Current Zoning Map



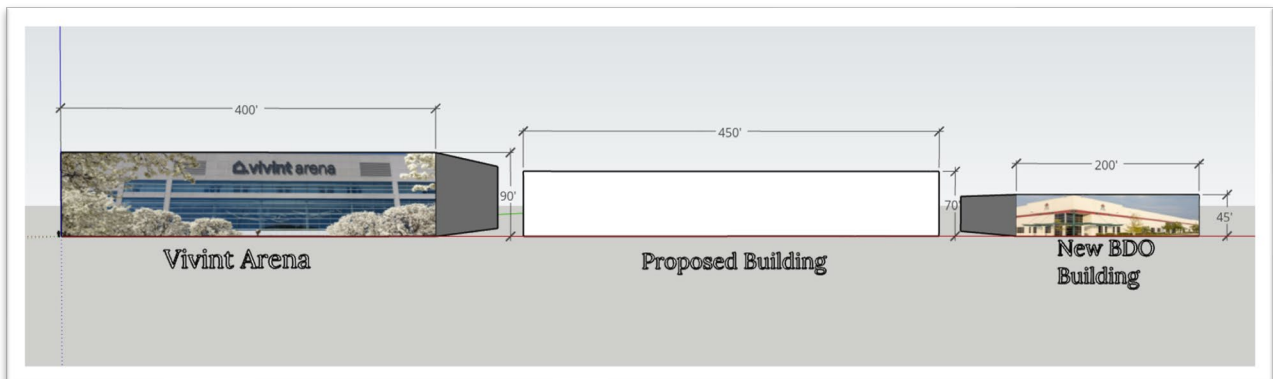
Future Land Use Map

Additionally, the application includes a proposed amendment to the regulation restricting access from commercial uses onto residential subdivisions and streets, where the roadway is identified as a future collector or arterial on the Transportation Master Plan. The following pictures show the location of the proposed site in relation to the “Future Collector” road 750 West. After discussion at the May 10th meeting, the language in the proposed ordinance was updated to read “and the street is identified as an arterial, minor arterial, collector, future collector, or a local road where the connection will be within 150 feet of a state road”

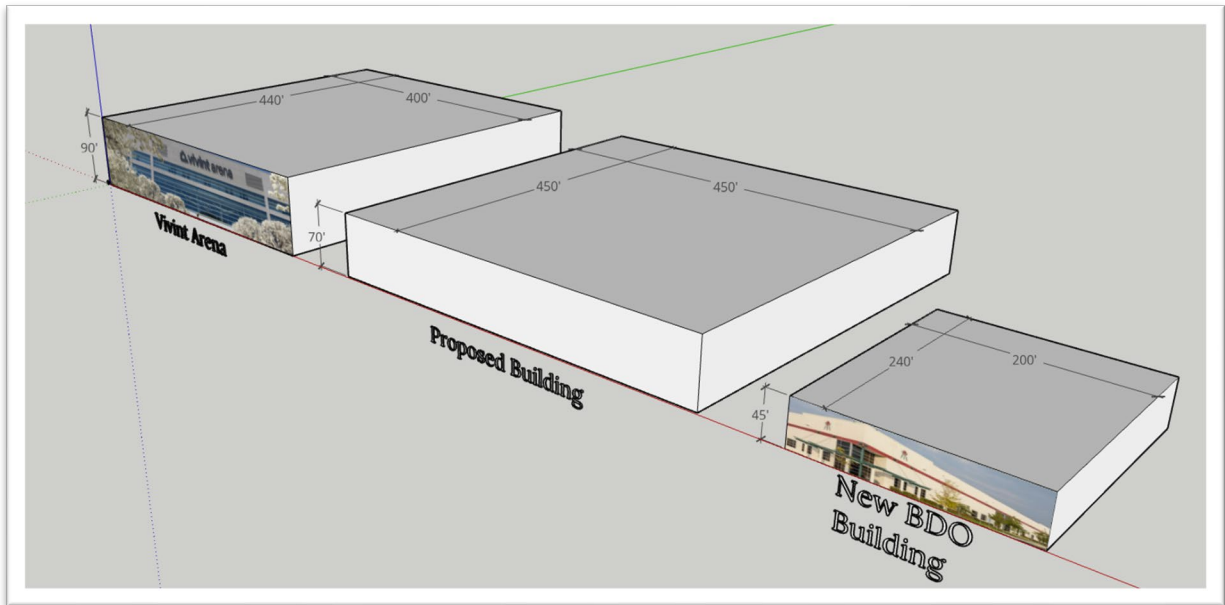
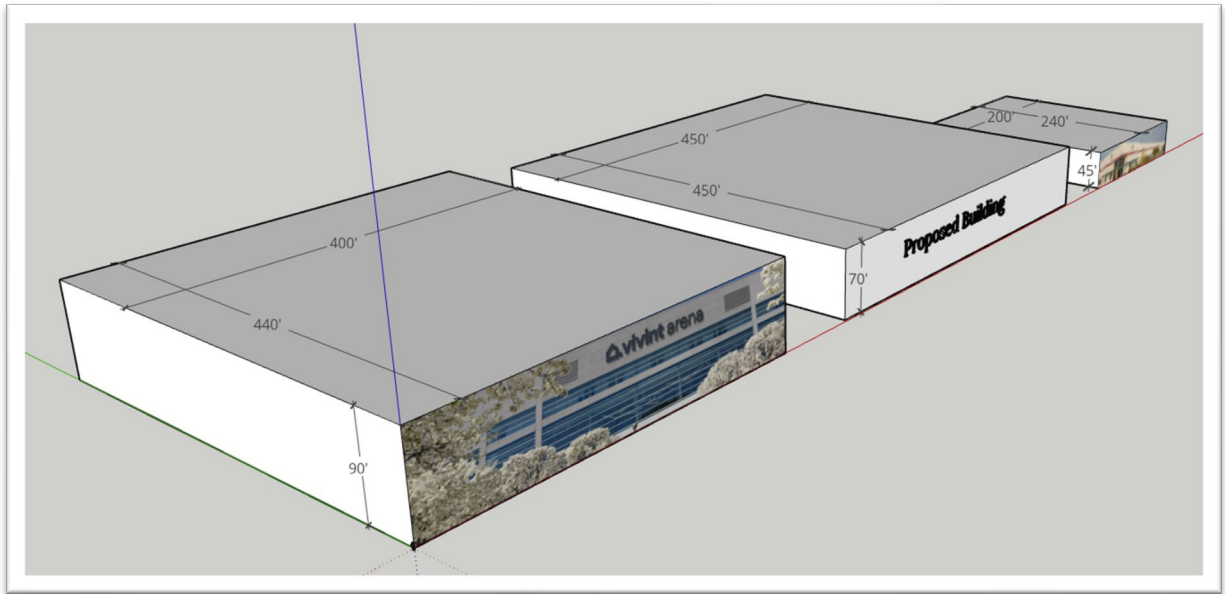


C. Review.

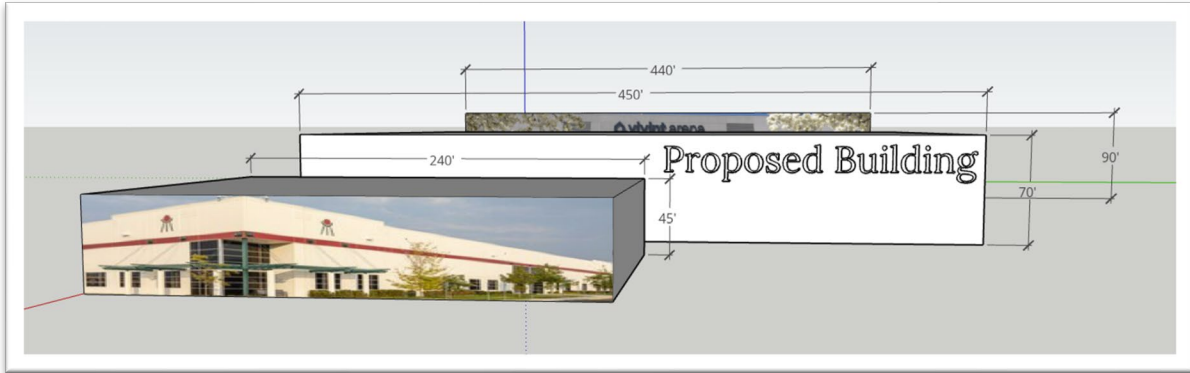
Staff has prepared a review of the proposed height of 70 feet compared to the current code of 45 feet.



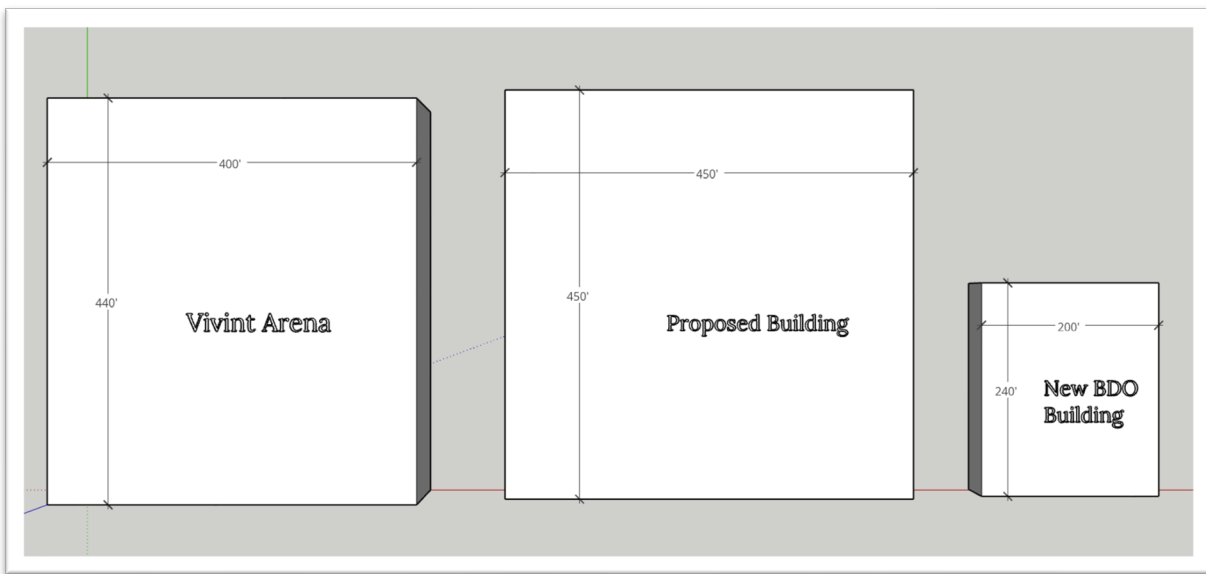
The Vivint Arena in downtown Salt Lake City has an approximate height of 90 feet. The prefabricated concrete building in the Ogden Business Depot has an approximate height of 45 feet. The picture above shows a comparison of the proposed athletic facility to existing buildings as a visual reference.



The Vivint Arena has an approximate length of 440 feet and width of 400 feet. The prefabricated concrete building in the Ogden Business Depot has an approximate length of 240 feet and width of 200 feet. The pictures above show a comparison of the proposed athletic facility with an approximate length of 450 feet and width of 450 feet.

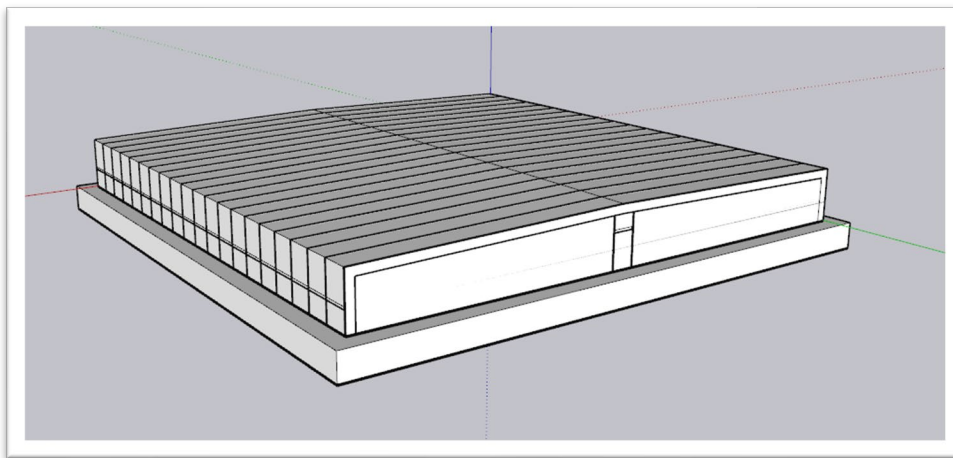


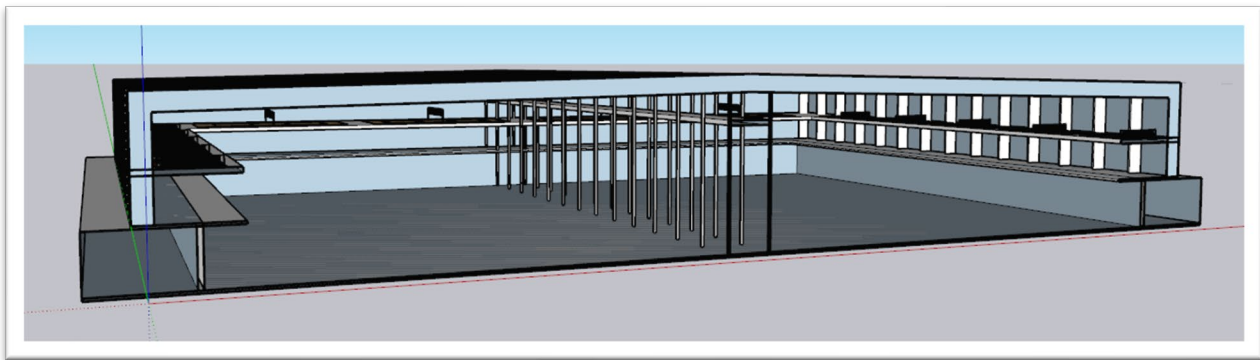
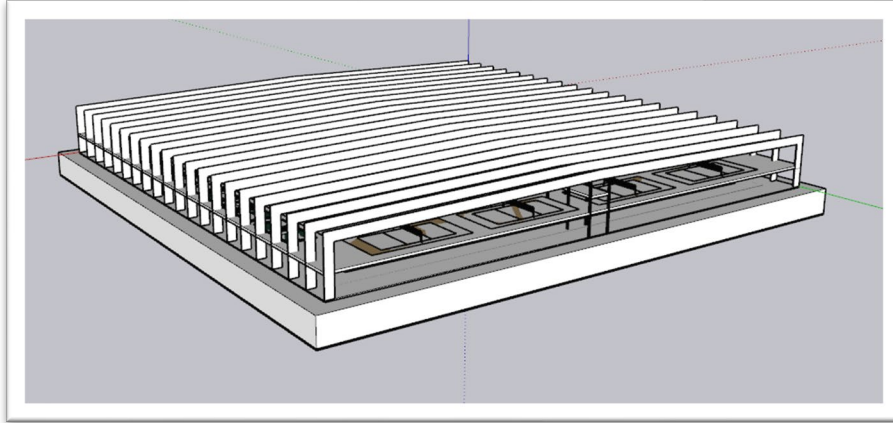
The picture above shows a comparison of the front view.



The picture above shows a comparison from the top view.

The Developer provided the following renderings of the proposed building.





D. Compliance with Utah Code Annotated.

In accordance with UCA §10-9a-502 Preparation and adoption of land use regulation.

1. A planning commission shall:
 - a. provide notice as required by Subsection 10-9a-205(1)(a).

Notice of the public hearing was given on April 27, 2023.

- b. hold a public hearing on a proposed land use regulation;
A public hearing was held on May 10, 2023.
 - c. if applicable, consider each written objection filed in accordance with 10-9a-205(4) prior to the hearing; and
 - d. (i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or part of the area of the municipality; and
(ii) forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).

Planning Commission voted to recommend approval of the proposed ordinance at their June 14, 2023 meeting.



Harrisville City Planning Commission

Harrisville City Offices
Wednesday, May 10, 2023

Commissioners:	Kevin Shakespeare, Chair Nathan Averill Chad Holbrook Brad Elmer	Staff:	Jennie Knight (City Administrator) Cynthia Benson (Deputy Recorder) Justin Shinsel (Public Works Director) Matt Robertson (City Engineer)
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Excused: Brenda Nelson
William Smith

Visitors: Tina Saunders, Casey Saunders, Katherine Berrett, Sean Wilkinson, Blaine Barrow, Brandis O’Toole, Christina Berriochoa, Nick Berriochoa, William Long, Michelle Tait, Arnold Tait, Steven Benson, Chris Sandberg, Kristy Sandberg, Tori Flinn, Chris Cope, Larry Lily, Debra Call, Michelle Dodson, Blair Christensen, Mark Apuna, Jamie Nunez, Joanna Richardson, Jeff Richardson, Mike Bowdish, Savannah Bowdish, Devin Pettit, Mark Apuna, Diana Wilhelmsen, Grover Wilhelmsen, William Allen, Doug Russell, Casey Saunders, William Maughan, David Skeen, Dugan Frehner.

1. CALL TO ORDER

Chair Shakespeare called the meeting to order. He excused Commissioner Brenda Nelson and Commissioner William Smith.

2. CONSENT APPROVAL – of Planning Commission minutes from April 12, 2023.

MOTION: Commissioner Holbrook motioned to approve the Planning Commission minutes of April 12, 2023 as written. Commissioner Averill seconded the motion.

Kevin Shakespeare	Yes
Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes

All voted in the affirmative.

3. PUBLIC HEARING - the Harrisville Planning Commission will hold a public hearing on May 10, 2023 at 7:00 p.m., in the Harrisville City Legislative Chambers located at 363 West Independence Blvd., Harrisville, Utah, to take public comment for and against the proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor commercial athletic facilities.

Chair Shakespeare reviewed the rules of a public hearing before opening the Public Hearing.

MOTION: Commissioner Averill motioned to open the public hearing to take public comment for and against the proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor commercial athletic facilities. Commissioner Elmer seconded the motion.

Jennie Knight, City Administrator, gave a brief staff review of the proposed Ordinance #540 at Chair Shakespeare's request. She reviewed the current and proposed zoning for the property. Additionally, the application includes a proposed amendment to the regulation restricting access from commercial uses onto residential subdivisions and streets, where the roadway is identified as a future collector or arterial on the Transportation Master Plan. The newest Transportation Master Plan for Harrisville City was adopted in February 2023 which identifies 750 West as a future collector. Building height comparisons were shown of the proposed building. Things to consider are compliance with the Utah Code for a Public Hearing along with noticing for this Public Hearing.

Mark Apuna, owner/developer, explained the proposed building will be an event center with synthetic indoor soccer fields, a football field, and lacrosse fields. The upper mezzanine, which is the reason for the height, is because this building would be the only place in the state of Utah which would allow for indoor football. Mr. Apuna had Suzie Becker, Zion's Bank, complete a financial analysis for this project. The project will bring in an estimated \$125,000 per year for Harrisville City. Included in the upper mezzanine will be volleyball courts and pickle balls courts. This will be a full public building without the public need to recoup the cost. Currently, the width and length of the building falls within Harrisville City code. The increased height is what is being asked for.

Larry Lily stated his concerns are with the increased traffic on 750 West, the current storm water issues already in the area, and the proposed access points are against Harrisville City Code.

Jeff Richardson said his concerns are with the proposed height and the increased traffic.

Mike Bowdish has concerns with the building causing an invasion of privacy with the adjacent properties and with the increased traffic.

Savannah Bowdish described how this proposed building will block her amazing views along with invade her privacy while she entertains in her backyard.

Chris Cope listed her concerns with the building height, the light pollution caused by the building and parking lot, traffic flow, and the parking lot being insufficient for an event center of this size. She added concerns on displacement of residents, traffic, and devaluation of surrounding properties.

Katherine Berrett concerns were with the traffic, children safety, residential taxes, storm water, noise, property values, and the ingress/egress onto a public street.

David Skeen spoke for the project. His development, which is CP-2, is expanding in this area and plans on utilizing the entrance on 750 West as an access point as it was always intended.

Sean Wilkinson pointed out the current proposed project could be allowed, outside of the height,

since the project is in line with the future land map of Harrisville City and the surrounding areas.

Brandis O'Toole concerns are with the building being in her backyard and the entrance being so close to her residence. Her other concerns were with storm water, limited access points, and lack of safety with no sidewalks on 750 West due to increased traffic. She asked the commission to consider this for the future, not for now.

Debra Call said to keep in mind the surrounding area is commercial and as it develops the surrounding roads will increase in traffic. She feels this is not a bad project, just not a good location.

Nick Berriochoa pointed out his concerns are with the property values dropping affecting his chances to retire and the traffic increase already on 750 West.

Casey Saunders stated his concerns are with the city losing its identity as a family-oriented community. His other concerns are with the accesses, storm water, no police presence, infrastructure to support the project, and the livelihood of those living on 750 West.

Kristy Sandberg said her concerns are with traffic, access point on 750 West, lack of sidewalks, flooding, and no police presence. She asked if there was a wetland study on the property completed because of the number of birds present.

William Maughan informed the commission about designation of wetlands prohibits building.

Katherine Berrett rose a second time restating her prior concerns for the access and traffic.

William Allen concerns are with the increase of property taxes, height of building, and dirt excavation. Opposed to the project.

Chair Shakespeare thanked those who commented and asked to entertain a motion to close the Public Hearing.

MOTION: Commissioner Holbrook motioned to close the public hearing. Commissioner Elmer seconded.

Kevin Shakespeare Yes
Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes

All voted in the affirmative.

- 4. DISCUSSION/ACTION/RECOMMEND** – to recommend approval for the proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor commercial athletic facilities.

Mark Apuna spoke on the benefits his project will bring to the area along with the concerns expressed during the public hearing. He added UDOT has given approval for the access from highway 89.

Jennie Knight reviewed the considerations from staff in response to the comments from the public hearing. Some of these considerations are the history of the project, the project consistency with the city goals or with the direction the city wishes to go, and the viability of the project to bring in additional economic resources. The height of 45 feet is already an allowed use. Access on 750 West was discussed when the city council adopted the Transportation Plan after a public hearing in February 2023. There is a current transportation impact study occurring for the city's roads to identify the areas where infrastructure is deficient. The outcome will allow for the city to apply for funding to improve the identified areas.

The city and developer have addressed the access for the project. The developer will be required to obtain an access agreement with UDOT for this type of project. The city already has a corridor agreement with UDOT identifying the signal locations along Highway 89 and there is not one included here. Electronic speed signs are posted on 750 West and not throughout other areas of the city. This area was identified as an area where they were needed.

Commissioner Averill said this area was already zoned commercial which would eventually block views. This development would mitigate the storm water issues currently on the property.

Chair Shakespeare commented on the height of the building finding it surprising there were little comments on this subject which was the reason of the public hearing. Any future commercial development would increase traffic along this road regardless.

Commissioner Averill added there are no other comments from the public comments which can be addressed since the water, traffic, and such are not part of the public hearing discussion. In the proposed ordinance it allows for the road access for the commercial area. The 750 West access would help this area be developed. He would like to see the verbiage include Washington Boulevard since there is a potential of more development like this in a few areas along with Highway 89 which would allow areas additional access to place them.

Chair Shakespeare recommended this issue be tabled until more information can be obtained.

Commissioner Elmer asked Mark Apuna directly, if the height is not approved then will this inhibit the project and if the developer had cliental already ready to come to this structure. Mr. Apuna replied in the affirmative.

Jennie Knight suggested if the Commission does table this issue, the option to leave the public hearing comment period open for written comments until the next planning commission meeting.

MOTION: Commissioner Averill motioned to table this item and leave the public comment period open until next Planning Commission meeting on June 14, 2023, and have the access requirement in the ordinance changed to include other commercial road access options for state roads including Washington Blvd and Wall Ave. Commissioner Holbrook seconded the motion.

Kevin Shakespeare Yes
Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes

All voted in the affirmative.

5. DISCUSSION/ACTION/RECOMMEND – to grant final site plan approval for the Public Works Facility located at approximately 1750 North 750 West.

Jennie Knight presented the staff memo review.. Considerations relating to landscaping, including location, height and materials of walls, fences, hedges, and screen landscaping were identified. The red line on the concept will be a concrete wall, and the green line will be a welded wire fence. Landscaping and ground cover have been outlined to prevent dust and erosion and to provide a visual break. The developer has included a diagram of how the landscape will be perceived from 750 West. The conditions recommended are compliant with the International Building Codes and Will Serve letters from the various utilities are being collected.

Commissioner Averill asked if the Bona Vista Will Serve included the secondary water. Jennie Knight replied in the affirmative with conditions outlined. Justin Shinsel, Public Works Director, gave more insight to the Bona Vista Will Serve conditions along with expressing the fees for application have been paid. He added he has met with a representative from Rocky Mountain Power to install underground power for the facility and three (3) surrounding property homeowners. Dominion Energy has been contacted as well.

Dugan Frehner, Blalock & Assoc, displayed new renderings for the project to show the Commissioners what the berm and landscaping will look like.

Commissioner Holbrook asked more about the cement wall appearance. Justin Shinsel answered the cement would be a wood texture using an example of product across the street from the city office.

Commissioners asked about various features on the property including the retention pond, drought tolerant landscaping, and berm features. Access from the City Shops onto 1750 was discussed with connection to Highway 89.

MOTION: Commissioner Holbrook motioned to grant final site plan approval for the Public Works Facility located at approximately 1750 North 750 West subject to the Staff Memo dated May 2, 2023, the Engineer’s Memo dated May 4, 2023, with all the requirements listed therein, and any other staff or agency requirements. Commissioner Averill seconded the motion.

Kevin Shakespeare Yes
Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes

All voted in the affirmative.

6. DISCUSSION/ACTION/RECOMMEND – to grant final subdivision approval for Ben Lomond Views Phase 2D located at approximately 200 West 2000 North.

Jennie Knight reviewed the engineer’s memo and staff memo for the 122 residential units. Landscaping plan was not included with this application. City Engineer concerns were; the asphalt tie-in and new curb and gutter elevations on 2000 North need to be portrayed in more detail on the plans. Additional asphalt and grading work may be required on the existing 2000 North roadway to ensure that it drains properly and matches the proposed curb and gutter; the pavement section for the new roadways should match the City Standard (which is also what was approved in Phase 2-A); provide a “Will Serve” letter from Bona Vista Water for the culinary water improvements; provide a final approval letter from North View Fire District; provide improvement plans for the parks and open space included in this phase. Also, provide details or a plan for the required landscaping for this phase including street trees. Once the items are addressed, the final processing items include: complete a Storm Water Pollution Prevention Plan (SWPPP), file a Notice of Intent (NOI) with the State, and obtain a Stormwater Activity Permit from the City before any construction begins; an engineer’s estimate for the cost of the public improvements needs to be submitted and approved by our office before the pre-construction meeting and will be the basis for the developer’s agreement and the associated construction guarantee; the final set of plans will have a “City Engineer Acceptance” stamp and will be the only set of plans to be used during construction; prior to construction, the Developer and the Contractor must hold a pre-construction meeting with City staff to review construction requirements. Included in the Engineer’s memo is the condition Phase 2-A of the overall site will need to be constructed prior to construction of this phase as several of the street accesses and the utility connections will be built in Phase 2-A.

MOTION: Commissioner Averill motioned to table final subdivision approval for Ben Lomond Views Phase 2D until items listed on the Engineer’s Memo dated May 4, 2023 are addressed or represented on plans. Commissioner Holbrook seconded the motion.

Kevin Shakespeare Yes
Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes

All voted in the affirmative.

7. PUBLIC COMMENTS - (3 minute maximum)

Chair Shakespeare opened public comment.

Chris Cope recognized and thanked the Public Works for their willingness and help with the flooding in and around the city. She would like to know if the south end of 750 West is also included as a collector. She added her complaints about the noticing for the public hearing was incomplete. She asked if there was some way to improve the public noticing for more public input.

Chair Shakespeare closed public comment.

8. COMMISSION/STAFF FOLLOW-UP.

Jennie Knight responded to public comments by saying 750 West is identified as a collector from 2550 North to West Harrisville Road. She expressed the staff goes above and beyond what is required by Utah State Code for noticing requirements.

She informed the Commissioners recently staff has been made aware of free training sponsored by the Ombudsman Property office which can be completed by the commissioners. These trainings can help to secure the annual training hours required. Commissioner Averill added he had received an email from the ULCT for trainings as well.

9. ADJOURN.

Chair Shakespeare adjourned the meeting at 8:32 pm.

Kevin Shakespeare
Chair

Cynthia Benson
Deputy Recorder

**HARRISVILLE CITY
RESOLUTION 23-11**

**A RESOLUTION APPROVING AN INTERLOCAL COOPERATION
AGREEMENT BETWEEN HARRISVILLE CITY AND UTAH
DEPARTMENT OF TRANSPORTATION FOR FUNDING FOR SAFE
SIDEWALKS TO SCHOOLS.**

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 3, *Utah Code Annotated*, 1953 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;

WHEREAS, Title 11, Chapter 13, Section 5 of the *Utah Code Annotated*, 1953 as amended, requires that governing bodies of governmental units adopt a resolution approving an interlocal agreement before such agreements may become effective;

WHEREAS, Harrisville City (hereafter “City”) applied for and received certain Safe Sidewalks to School funds from the Utah Department of Transportation (hereafter “UDOT”) as specified in the Interlocal Agreement for this purpose;

WHEREAS, the City desires to enter the Interlocal Agreement with UDOT for the disposition and expenditure of said Safe Sidewalks to School funds in accordance with the proper policies and practices specified in the Interlocal Agreement negotiated for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Harrisville City Council that the Interlocal Agreement, attached as Exhibit “A” and incorporated herein by this reference, is hereby entered with UDOT for the purposed contained in said Interlocal Agreement. The Mayor is hereby authorized and directed to finalize any terms of the Interlocal Agreement and execute the Interlocal Agreement for and on behalf of the City.

PASSED AND APPROVED by the Harrisville City Council this 11th day of July, 2023.

MICHELLE TAIT, Mayor

ATTEST:

JACK FOGAL, City Recorder

Roll Call Vote Tally Yes No

Grover Wilhelmsen	___	___
Steve Weiss	___	___
Blair Christensen	___	___
Max Jackson	___	___
Kenny Loveland	___	___



Mayor Michelle Tait

CITY *of* HARRISVILLE

363 West Independence Blvd · Harrisville, Utah 84404 · (801) 782-4100 · Fax (801) 782-1600

Memorandum

To: Mayor and City Council
From: Glen Gammell
Date: July 11th 2023
Re: UDOT TAP FUNDING GRANT

Summary:

Acceptance of the TAP funding from UDOT safe side walk grant. (PIN#20760)

This grant project is to create a turnout located behind Majestic Elementary on 2425 North, for better traffic flow during peak drop off times. This grant is a matching grant that has been awarded to Harrisville City. The total project is \$99,958.00, UDOT's match is \$74,968.50 and Harrisville City contribution match is \$24,989.50.

Weber School district is in support of this project and has deeded the needed property over to Harrisville City at no cost for this project.

Thank You,
Glen Gammell
Public Works
Assistant Director



Acquire information for the project, and assign the fields as follows:
 u) Local signature fields (only the ones needed)
 v) PM, and Director Signature fields to applicable persons
 w) Contract and Tracking Numbers to Shauna Sisneros
 x) Comptroller Signature to Kristi Barney

**State of Utah
 Department of Transportation**

Clear Form

Cooperative Agreement Converted TAP Funds for Local Agency	Project Description: Turnout Local Agency: Harrisville City	Charge ID No. 74486
PIN: 20760 Project #: S -3455 (2)0	Contract Number 239379	Tracking Number 43505 Date Executed 06/22/2023

THIS COOPERATIVE AGREEMENT, made and entered into on the executed date, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and Harrisville City, a political subdivision of the State of Utah, hereinafter referred to as the “**Local Agency.**”

RECITALS

WHEREAS, in the interest of the public, it is the desire of the parties hereto to construct and thereafter maintain This project would construct a turnout area off of the street where vehicles could drop off the students while staying out of the flow of traffic on the street.

WHEREAS, funds for the construction of Transportation Alternative Program (TAP) projects have been made available by **UDOT**; and

WHEREAS, it is the intent of **UDOT** that participation in TAP projects be on a 25 % Local, 75% State match basis with a maximum State participation of \$ 74968.5___; and

THIS COOPERATIVE AGREEMENT is made to set out the terms and conditions where the work shall be performed.

AGREEMENT

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

I. The **Local Agency** with its regular engineering and construction forces at the standard schedule of wages and working hours and in accordance with the terms of its agreement with such employees, or through qualified contractors with whom it has obtained contracts upon appropriate solicitation in accordance with the laws of the State of Utah, shall perform the necessary field and office engineering, furnish all materials and perform the construction work covered by this Agreement.

II. The **Local Agency** is required to pay, as part of the total project cost, 50% of the cost of any utility facility relocations required within the **UDOT** highway right-of-way, and the utility company is required to pay the remainder of the cost of relocation. The **Local Agency** will determine, as part of the design of the project, those utility companies with facilities that will require relocation and the cost thereof, and will execute a Utility Relocation – 50% Reimbursement Agreement with those companies prior to advertising the project for bids. Contact the Region 1 Utility and Railroad leader Lincoln Port, telephone number 435 851-1613 or lport@utah.gov for assistance in preparing the Reimbursement Agreement.

I. The **Local Agency** will comply with all applicable state and federal environmental regulations, including, but not limited to, Section 404 of the Clean Water Act and Utah Administrative Code 9-8-404.

Contact the Region 1 Environmental Manager, telephone number (801) 620-1687 for assistance with any environmental compliance requirements.

I. All construction work performed by the **Local Agency** or its contractor within **UDOT** highway right-of-way shall conform to **UDOT's** standards and specifications. For work performed within **UDOT's** right-of-way, the **Local Agency** shall submit plans to **UDOT** for review and approval prior to starting construction. The **Local Agency** shall comply with Utah Administrative Code R930-6 if performing any work within **UDOT's** right-of-way. Any inspection by **UDOT** does not relieve the **Local Agency** of its obligation to meet the standards and specifications. **Local Agency's** construction may conform to local standards if they are equal to or greater than **UDOT's** standards and specifications.

II. All construction performed under this Agreement shall be barrier free to wheelchairs at crosswalks and intersections according to state and local standards.

III. The **Local Agency** will participate at a minimum of 25 % of the total project. **Local Agency's** participation can be through financial contribution, preliminary or construction engineering costs, donated labor or equipment, etc. Supporting documentation will be required to verify all costs.

VII. The total estimated cost of the project including **Local Agency's** participation is as follows:

UDOT Funds (Allocated Amount)	\$ 74968.5	
Local Agency's Funds (Participation Amount)		\$ 24989.5
Total Project		\$ 99958

VIII. Upon completion of construction and final inspection by **UDOT**, and upon request of the **Local Agency**, **UDOT** will deliver to the **Local Agency** a lump sum amount of \$ 74968.5 _____ or 100% of **UDOT's** funds for the construction of the facilities covered by this Agreement. This amount is the maximum amount of **UDOT's** contribution. If the project should overrun the estimated project amount contained herein, the **Local Agency** shall be responsible to cover the additional amount. If the project is completed for an amount less than the estimated cost, the amounts in paragraph 7 will be adjusted proportionally and **UDOT** will deliver to the **Local Agency** a lump sum amount based on the percentages as stated in this Agreement.

IX. The **Local Agency** will furnish to **UDOT** a statement upon completion of the project for which the grant was made certifying the amount expended on the project and certification that the project was completed in accordance with the standards and specifications adopted for the project by this Agreement.

X. **UDOT** shall have the right to audit all cost records and accounts of the **Local Agency** pertaining to this project. Should the audit disclose that **UDOT's** share of the total cost should be less than the lump sum payment made to the **Local Agency** under this Agreement, the **Local Agency** will promptly refund to **UDOT** the identified overpayment. For purpose of audit, the **Local Agency** is required to keep and maintain its records of work covered herein for a minimum of 3 years after completion of the project.

XI. Upon commencement of the construction, the **Local Agency** agrees to complete the construction by 12/31/2024. If for any reason, the **Local Agency** cannot complete construction by 12/31/2024, the **Local Agency** must request, in writing before 10/31/2024, an extension of the grant with a full explanation of why the project cannot be completed on time and provide a new planned completion date. **UDOT** will review the request and inform the **Local Agency**, in writing, whether or not the request has been approved. Reasons for which **UDOT** will allow an extension of time include, but are not limited to, weather delays, material shortages, labor strike, natural disaster, or other circumstances that are beyond the **Local Agency's** control. If the request is not approved the **Local Agency** will relinquish the grant allocation for the project and this Agreement shall be terminated.

XII. If the **Local Agency** modifies its project and the modification affects the work, the **Local Agency** will notify **UDOT**. In the event there are changes in the scope of the work, extra work, or changes in the planned work that require a modification of this Agreement, such modification must be approved in writing

by the parties prior to the start of work on the changes or additions.

XIII. Upon completion of the work covered by this Agreement, the **Local Agency** shall be responsible for all costs associated with the ongoing care and maintenance of the resulting improvements.

XIV. **UDOT** and the **Local Agency** are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other party from any and all damages, claims, suits, costs, attorney's fees and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, or employees in connection with the performance and/or subject matter of this Agreement. It is expressly agreed between the parties that the obligations to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided the Act applies to the action or omission giving rise to the protections of this paragraph. This paragraph shall not be construed as a waiver of the protections of the Governmental Immunity Act by the parties. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

XV. Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of the Agreement at the request of the other party.

XVI. The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.

XVII. This Agreement does not create any type of agency relationship, joint venture or partnership between the parties.

XVIII. Each party represents that is has the authority to enter into this Agreement.

	Date	UDOT	Date
Title: Mayor	<i>Michelle Tait</i>	Project Manager: Chris Chesnut	06/12/2023
Michelle Tait	06/21/2023	<i>ds ds</i>	
Title: City Administrator	<i>Jennie Knight</i>	Region Director: Rob Wight	06/14/2023
Jennie Knight	06/22/2023	<i>Rob Wight</i>	
Title: Public Works Director	<i>Justin Shinsel</i>	Contract Admin: contractadmin@utah.gov contractadmin@utah.gov	06/26/2023
<i>Justin Shinsel</i>	06/22/2023	<i>Justin Shinsel</i>	