

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, January 14, 2009 at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Jaye Colling, Carl Leatham, and Richard Rawlinson. Also present were City Manager/Recorder Don Hartle and City Councilman Ron Case. A copy of the Notice and Agenda was faxed to the Herald Journal and mailed to the Planning Commission on January 9, 2009. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Jodi Gibbs
Mike Eupter Jacob Eupter
Brandt Baldwin

Opening Ceremony: Jaye Colling

Loyal Green reviewed the agenda with the Commission. After review, Carl Leatham made a motion, seconded by Jaye Colling, that the agenda be approved as presented.

Yea 4 Nay 0
Jaye Colling
Loyal Green
Carl Leatham
Richard Rawlinson

The Commission reviewed the minutes for the Commission meeting which was held on November 12, 2008. There was a word addition on line 117. After review, Richard Rawlinson made a motion, seconded by Carl Leatham, that the minutes of the November 12, 2008 meeting be approved with the correction.

Yea 4 Nay 0
Jaye Colling
Loyal Green
Carl Leatham
Richard Rawlinson

At 6:05 p.m., the Planning Commission conducted the following public hearings:

First, receive public input and consider for approval a request from Jodi Gibbs at 1385 South Center for a conditional use for a Level 1 "Home Occupation" for real estate sales from said address. Ms. Gibbs stated that she has set up a LLC, so she needs this business license for tax purpose. Ms. Gibbs stated that she does have an office in her home that she does paperwork out of, but her main office is in Logan. Richard Rawlinson asked if any clients would come to the home. Ms. Gibbs stated that occasionally, some may stop by to sign papers. After discussion, Jaye Colling made a motion, seconded by Richard Rawlinson, to approve the request from Jodi Gibbs at 1385 South Center for a conditional use for a Level 1 "Home Occupation" for real estate sales from said address.

Yea 4 Nay 0
Jaye Colling
Loyal Green
Carl Leatham
Richard Rawlinson

Second, receive public input and consider for approval the preliminary plat for the Baldwin subdivision (1 additional building lot) on property at 141 East 200 South. Don Hartle stated that Mr. Baldwin brought in this subdivision back in November, which Mr. Hartle took to JUB Engineering. Zan Murray representing JUB Engineering dropped the plans off 3 minutes before this meeting began. The four changes to the plans that JUB Engineering noted are: 1) label the version of the plat being submitted (i.e. concept, preliminary or final), 2) add a signature block for the utility companies, 3) revise the setback on the west

line of lot 1 to be 10 feet from the property line, and 4) show the other utilities on the plat (gas and power). Mr. Hartle stated that there is nothing on this list that affects the approval of the preliminary plat. Mr. Hartle stated that public works has reviewed the plat and approve it. Mr. Hartle stated that there are no utilities that need to be installed, just a service line to the new lot. Mr. Baldwin stated that lot #1 is the existing home, which was his grandmother's home and where they are currently living, and lot #2 is where they would like to build a new home. Loyal Green asked if the changes that were pointed out by JUB Engineering could be made before this goes before the City Council. Mr. Hartle stated that he would call Jeff Hansen in the morning and ask that Mr. Hartle have the revised copy by Monday. Richard Rawlinson asked how the land was on lot #2. Mr. Baldwin stated that it is fairly flat, with a dip. Mr. Hartle stated that public works believes that through the swale is a drain line. Mr. Rawlinson asked what kind of drain line. Mr. Hartle stated that it is for ground water from around the existing homes. Mr. Baldwin stated that his grandmother used to get water in the basement all the time. Mr. Baldwin believes it was from flood irrigating the field behind the home. Mr. Baldwin stated that since a home has been built in the field, there has never been water in their basement. Carl Leatham stated that because the set backs have changed since the older home was built, the new home will sit back farther than the old home. Mr. Baldwin understands that issue. Mr. Rawlinson would like to see the drain line maintained as much as possible. After discussion, Richard Rawlinson made a motion, seconded by Carl Leatham, to approve the preliminary plat for the Baldwin subdivision (1 additional building lot) on property at 141 East 200 South subject to the 4 items identified by JUB Engineering be completed and to be aware and try to maintain the drain line.

Yea 4

Jaye Colling

Loyal Green

Carl Leatham

Richard Rawlinson

Nay 0

Don Hartle stated that the code should be on-line by the end of the month, and that when amendments are approved, they will appear on-line within 30 days.

Don Hartle stated that Wellsville City has sent out renewals for business licenses. Mr. Hartle stated that he did not mail the application for renewal for Produce Landing and Fryer Sales, who is the individual that sells jerky on the corner of Highway 89/91 and Center Street. The Planning Commission agreed not to send out the 2 applications for renewal.

Don Hartle stated that at approximately 730 South Center Street there is an individual that owns a company by the name of JJ Construction. Mr. Hartle sent a letter to them stating that they need a business license. A girl called and came in and got an application and a copy of the home occupation code. Mr. Hartle stated that that is the last time he has heard anything from them. Mr. Hartle believes it is because the business can't comply with the home occupation code. Mr. Hartle spoke with Darrin Duersch from UDOT because it is a State road, and Mr. Duersch stated that UDOT will support however the City wants to proceed. Mayor Ruth P. Maughan and Mr. Hartle have an appointment to discuss some other matters with City Attorney Bruce Jorgensen, and would like to know if Mr. Jorgensen should send a letter. Carl Leatham stated that he has talked to this individual, and that there is some property behind the home along with an old garage/shed that he was going to put a new foundation and reinforce the building. Mr. Leatham stated that this individual has recently been through a divorce and his priorities may have changed. Mr. Hartle stated that there are usually 4 to 5 heavy trucks with equipment parked at the home, along with 4 to 5 cars/trucks that are employees. The Planning Commission usually allows with contractors a small trailer to be parked to the side or behind the front of the home. Mr. Hartle asked from some advice from the Planning Commission as to what to do. After discussion, it was decided that Mr. Hartle should add this issue to the agenda, and see if he responds.

Don Hartle stated that no one verifies that everything on an application is 100% accurate. When Tracy Bailey presented his application for a home occupation, the home and outside building were on 1 lot. Right now, the home and outside building are on 2 separate lots, and no one is sure if it ever was 1 lot. Mr. Bailey is building a new home, which he is selling his previous home to his son. Mr. Bailey is also

trying to sell the outside building separately. Mr. Hartle stated that the only thing that a person could purchase the outside building for is storage. Mr. Hartle would like to know if he should send Mr. Bailey a letter asking him to come in and discuss the issue. Richard Rawlinson stated that they should meet and discuss the building going with the home. Carl Leatham asked about getting City Attorney Bruce Jorgensen involved. Loyal Green stated that Mr. Bailey needs to understand the parameters, and that there could be no home occupation unless both the home and the outside building were on 1 tax identification number. Mr. Hartle stated that he could purchase more property around the outside building and sell the building with a vacant lot. Mr. Hartle stated that he will discuss the issue with City Attorney Bruce Jorgensen. Mr. Rawlinson stated that Mr. Hartle could visit with Mr. Bailey and explain the issue, and if there is no response, then get Mr. Jorgensen involved.

Carl Leatham stated that the old home of Terry Haslam's along 100 North has a cement pumper truck sitting in front of it. Richard Rawlinson stated that the individual who lives there is renting the home. Mr. Leatham asked if he uses the truck. Mr. Rawlinson stated that he does in the summer, but there is not a lot of cement being poured right now. Don Hartle stated that he will start watching that home.

At 6:33 p.m., Carl Leatham made a motion, seconded by Jaye Colling, to adjourn the meeting.

Yea 4

Jaye Colling

Loyal Green

Carl Leatham

Richard Rawlinson

Nay 0

Loyal Green

Chairman