

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, July 18, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Colin Harrison, Gary Bates, and Carl Leatham. City Manager/Recorder Don Hartle was also present. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on July 13, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Chase Anderson Clint Kerr
Aaron Walker Matt Pearce Kate DuHadway
Jonathan Cook

Opening Ceremony: Colin Harrison

Councilwoman Glenna Petersen was excused from this meeting due to vacation.

The Council reviewed the agenda. Carl Leatham made a motion, seconded by Colin Harrison, to approve the agenda as presented.

YEA 3 NAY 0
Gary Bates
Colin Harrison
Carl Leatham

Councilman Ron Case arrived at the meeting at 6:04 p.m.

The Council reviewed the minutes of the June 20, 2012 regular City Council meeting. There was a word change on line 341. Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the June 20, 2012 regular City Council meeting with the correction.

YEA 3 NAY 0 ABSTAIN 1
Ron Case Gary Bates
Colin Harrison
Carl Leatham

Chase Anderson met with the City Council to ask about putting a metal recycle bin on city property behind the fire station. Mr. Anderson stated that he would be responsible for emptying it and keeping the area around it clean. Ron Case asked if this was a private business. Mr. Anderson stated yes. Mr. Case asked how often the bin would be dumped. Mr. Anderson stated every day. Gary Bates asked if Mr. Anderson has metal recycling bins in other cities. Mr. Anderson stated he has recycling bins in Clarkston and Newton. Mr. Anderson stated that he would park a 2-ton dump truck until he can purchase another bin. Mr. Bates asked about issuing Mr. Anderson a business license. Don Hartle suggested giving Mr. Anderson a 3-month trial period. Mr. Bates asked how much a business license is. Mr. Hartle stated that it is about \$200. Mr. Bates asked if the City Council is bypassing the system for convenience. Colin Harrison stated that this is a service that is being offered to the residents of Wellsville City. Carl Leatham stated that it would be different if Mr. Anderson was being paid for this service. Mr. Bates asked if Wellsville City would require that doors be taken off refrigerators and freezers. Mr. Harrison asked what other cities are requiring. Mr. Anderson stated other cities do not require the doors to be removed. Mr. Harrison stated that he supports this service. Mr. Case stated that his concern is that it would turn into a junk pile. Mr. Bates stated that he supports this service. Mr. Leatham stated that he supports this service. Mr. Anderson thanked the City Council for their support and time.

The City Council considered the recommendation of the Planning Commission on a request from Tom Horlacher that a code is written to allow multi-family dwellings in all residential zones. The City Council is to approve or reject the recommendation. Carl Leatham stated that the Planning Commission debated this issue for 3 weeks and recommended revising the code to allow some type of multi-family dwellings. Mr. Leatham stated that he remembers City Planner Jay Nielson stating the Logan City was trying to clean up

this very issue. Mr. Leatham stated that Don Hartle has expressed his concerns about enforcing this code amendment. Mr. Leatham stated that Tom Horlacher said that a condition could be that the property owner be a tenant. Mr. Leatham asked how the city would enforce it. Mr. Leatham stated that other concerns that were expressed were parking and utilities. This request is not just for the RA-1 zone, but for all residential zones. Mr. Leatham stated that multi-family dwellings are currently allowed in the R-1-12 zone with restrictions. Gary Bates stated that the way the code is written, multiple units are allowed. Don Hartle stated that a duplex or 4-plex is allowed, but can't be on the same block. Ron Case stated that parked cars would have to be kept off of the street. Mr. Case stated that Mr. Horlacher says that there can be very strict conditions, but he can't follow the code now. Mr. Case stated that the code isn't enforced now. Mr. Leatham stated that the code states that a single-family home can be converted to allow an apartment. Mr. Leatham stated that a concern is that the home has to be up to fire code. Mr. Leatham stated that Mr. Hartle suggested that a business license be required. Mr. Leatham stated that again, it is an enforcement issue. Mayor Thomas G. Bailey stated that this issue would also be allowed in subdivisions. Gary Bates stated that an apartment in the basement is allowed, the house sells, and the apartment can be rented out. Mr. Bates stated that he feels different about this than a duplex or 4-plex. Mr. Leatham reminded the City Council that once it is allowed for 1 resident, it will be allowed for all. After discussion, Colin Harrison made a motion, seconded by Ron Case, to not approve the recommendation of the Planning Commission on a request from Tom Horlacher that a code is written to allow multi-family dwellings in all residential zones.

YEA 4

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

NAY 0

The City Council discussed the use of funds anticipate from summer fires for use of equipment. Mayor Thomas G. Bailey stated that 2 to 3 weeks ago, the fire department traveled to Moroni to fight a fire and also helped with the Millville Canyon fire. Money, maybe up to \$20,000.00, for fighting those fires will be coming into the city. Clint Kerr stated that 5 or 6 years ago, they ran into the same issue and the City Council voted to transfer the money to the fire department. Gary Bates asked what the fire department wanted to do with the money. Mr. Kerr stated that the money should pay for gas and repairs to the equipment. Mr. Bates that the decision 5 or 6 years ago was not a permanent decision. Don Hartle stated that all money comes to the city and is deposited into the city's account. The money can't be put into the capital fund and used for maintenance. Mr. Bates stated that the years the fire department receives money should help with the years that they don't receive any money. Mr. Hartle stated that the first responders received a \$4,444.00 grant and it is just deposited into the General Fund revenues. Mr. Bates asked if the City Council ever says no to anyone if they run over their budget. Mr. Hartle stated that the fire department has problems because he received \$4,000 worth of invoices on June 18, 2012 and the 2011/2012 budget had been closed, so it came out of the 2012-2013 budget. Mayor Bailey asked where the money for gas and repairs comes from. Mr. Hartle stated the budget. Mr. Bates suggested that when the city receives the money, reimburse the fire department for the expenses, and then keep an eye on the money. At the end of the year, transfer whatever is left over to capital. Ron Case stated that the fire department earned the money so it should go back to them for gas and to fix the equipment. Mr. Kerr stated that they applied for a 50/50 grant for wild land and they have to come up with the money to match the grant from somewhere. Mr. Case stated that Mr. Hartle has to stay in line with the auditors. Mr. Case stated that he liked Mr. Bates idea of putting it in the operating budget and whatever is not used, move to capital in June 2013. Mr. Hartle stated that if the money is to be used for capital items, he will move it to capital. If the money is in the operating budget, it has to be spent this year. Reed Bailey asked why would the fire department go and fight other fires if it didn't benefit the fire department. Mayor Bailey stated that the money can't go to other departments. Mr. Bates stated that this is not as hard as it is being made into. Colin Harrison stated that the simple way to see this is that the fire department will receive the money to be used and an adjustment will be made next June. Mr. Case stated that the fire department doesn't know exactly how much they will be receiving and how much they will be spending. After discussion, Gary Bates made a motion, seconded by Colin Harrison, that the funds anticipated from the summer fires be put into the operation budget, at the end of the fiscal year, any money left over will be transferred to the Capital Fund.

YEA 4

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

The City Council reviewed for possible approval an Inter-local Agreement with Cache County for “Fire Inspections of Businesses”. Mayor Thomas G. Bailey stated that the City Council should have received a letter in their packet concerning this issue. This would be for large businesses, such as Sherwood Hills and Burger King. Clint Kerr contacted Jason Winn with the Cache County Fire Department, and they are willing to do fire inspections for businesses for \$24 per hour. Clint Kerr stated that the Wellsville City Volunteer Fire Department is qualified to do business inspections, but there is a conflict of interest and it is not good for the volunteer fire department to inspect businesses in town. Aaron Walker stated that home-based businesses are sent a form concerning fire inspections. It is not required to inspect a home-based business. Gary Bates asked if it is an annual inspection. Mr. Kerr stated yes. Ron Case asked if the fire department would pay for it. Mr. Kerr stated no. Mr. Case asked if it should be part of the business license fee. Mr. Bates stated that the city should define who needs a fire inspection and pass the fee onto the business. Colin Harrison stated that he needs more information before he can approve this. Reed Bailey stated that if a business is inspected and something happens, it relieves the city of any liability. Mr. Case suggested that the city pay the cost for this year and work on a code concerning this issue in the coming months. Mr. Harrison asked if the Cache County Fire Department could inspect a couple of businesses and Wellsville Fire Department inspect the rest of the businesses. Mr. Kerr stated that it isn’t worth the liability. Mr. Walker stated that as a fire department, they could put together a list of businesses that the Cache County Fire Department could inspect. Mr. Bates stated that he agrees with Mr. Case and to send a letter to the businesses that there rates will increase because of a county fire inspection. Mr. Harrison asked if this would affect fire insurance rates. Mr. Kerr stated no. After discussion, Ron Case made a motion, seconded by Gary Bates, to approve an Inter-local Agreement with Cache County for “Fire Inspections of Businesses”.

YEA 4

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

The City Council discussed procedures in City Council meetings. Mayor Thomas G. Bailey stated that at the last public hearing, he asked that people not clap, keep the remarks to 3 minutes, and respect others. Mayor Bailey would like to implement these procedures in every public hearing. Mayor Bailey used the truck stop issue as an example. Colin Harrison stated that whether it is for the people opposed to the truck stop or not, the procedures need to be implemented. Gary Bates stated that he doesn’t want the City Council accused of being bias. The City Council needs to be universally fair. Mayor Bailey stated that he would try to make it as fair as possible. Mr. Bates suggested some type of device to keep track of the 3 minutes. Don Hartle stated that he would purchase a timer. Mayor Bailey stated that the City Council is willing to listen to everyone, or as a group, they can pick a spokesperson. Mr. Bates suggested creating a poster that states the rules. Mayor Bailey stated that could be done or to review the rules at every public hearing. Mr. Bates stated that the Planning Commission should follow the same procedures. All of the City Council agreed.

Department Reports:

Colin Harrison – 1) Spoke to Jerry Cokely about being the representative for the Community Covenant program, waiting for a return call.

2) A comment was made to him about the flags on Main Street – have been taken care of.

3) Wellsville website – reviewed application for booths for Founder’s Day – brings up something different – may be a virus on his computer.

4) Founder’s Day – John Anderson asked about using the property north of the cemetery for the tractor pulls – not very big and it is in hay – would need the sound system. The advantage of using the property at the Middle School was the fence would keep people back. With the slope of the property, they didn’t get a good pull. Discuss the issue with Arlyn Brenchley as he is the individual that rents the property for hay.

5) Flowers for Sunday night program – will get them.

6) Founder’s Day – electricity hooked up across main street as well as tables and chairs.

7) New event for Founder’s Day – draft horse pull.

8) Founder’s Day – recreation volleyball – will set up nets after sham battle.

Ron Case – 1) Letter from State Ombudsmen – heard nothing.

2) Wireless in the Council Chambers – not working yet, still trying to get everyone’s schedule to work.

3) Prominent member of the community passes away, send a letter to the family on behalf of the City Council – nice gesture – do it privately.

4) Open space – adjacent piece to Tom Maughan’s – working on it.

Mayor Thomas G. Bailey – 1) Garage of Joe Reynolds is in the process of being removed.

2) July 4th fireworks restrictions – same for July 24th – west of 200 West, south of 900 South and north of 400 North.

Gary Bates – 1) Chicken coops on 800 South 200 East – share a common roof – have City Attorney Bruce Jorgensen write a letter.

2) Kenny Balls – lives on 200 West – concerned that traffic is moving too fast – consider extra stop signs – think about it.

3) July 22, 2012 – Utah National Guard Concert – 7:00 p.m. – east side of the tabernacle or in the cultural hall of the LDS Church if bad weather.

4) August 17, 2012 – movie in the park – 9:00 p.m.

5) Spoke to Dave Bell – will help with the new park design of the Red Slide east park.

Carl Leatham – 1) Southwest Heritage Estates – City was going to look into the irrigation water problem – did it get resolved – no.

2) Follow up on Johnson property – improved, but still in violation – has talked to Richard Stevens about the issue – talk to City Attorney Bruce Jorgensen about issue.

3) Emissions – County Council reviewing – may happen in 2013 – will be enforced by the State.

City Manager’s/Recorder’s Report:

Don Hartle – 1) Attended a Water Master Plan Steering Committee meeting. Other municipalities attended to come up with a plan concerning water.

2) Utah League of Cities and Towns – September 12, 13, 14, 2012 – needs to know who is going by July 27, 2012 so that reservations can be made.

3) Ethics law to be adopted – review South Salt Lake code.

4) Handed out quarterly financial statements.

5) Annual donation has been mailed off to the Wellsville Foundation.

At 8:23 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 4

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

NAY 0

Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder