

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, September 5, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Colin Harrison 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 August 31, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Chris Breinholt	Teressa Breinholt
Justin Breinholt	Justin Cooper	Gary Hansen
Jonathan Marchant	Karen Johnson	Riley Johnson
Julie Ball	Mack Ball	Kyle Larsen
Zac Larsen	Simeon Wells	Don Ewing
Garyn Perrett	Jonathan Cook	Andrew Stokes
Helen Stokes		

Opening Ceremony: Mayor Thomas G. Bailey

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

<u>YEA 3</u>	<u>NAY 0</u>
Colin Harrison	
Carl Leatham	
Glenna Petersen	

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

The Council reviewed the minutes of the August 15, 2012 regular City Council meeting. There was a word change on line 100. Colin Harrison made a motion, seconded by Glenna Petersen, to approve the minutes of the August 15, 2012 regular City Council meeting with the correction.

<u>YEA 4</u>	<u>NAY 0</u>
Ron Case	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

The Council reviewed the minutes of the August 15, 2012 executive session meeting. There was a typing error. Carl Leatham made a motion, seconded by Colin Harrison, to approve the minutes of the August 15, 2012 executive session meeting with the correction.

<u>YEA 4</u>	<u>NAY 0</u>
Ron Case	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

Councilman Gary Bates arrived at the meeting at 6:08 p.m.

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Colin Harrison made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 14689 through 14832.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	

Colin Harrison
Carl Leatham
Glenna Petersen

No one was in attendance for citizen input.

Justin Breinholt met with the City Council to discuss an Eagle Scout project. Mr. Breinholt stated that he would like to build a wheelchair ramp for the fishing dock at the Wellsville Reservoir. The ramp will be 8 feet long. The project will require 1.75 yards of cement, which Staker Parson is willing to donate. Mr. Breinholt stated that his father has the tools and forms for the project. Burton Lumber is willing to donate the lumber needed for the project. The trex stacking will cost \$555. Mr. Breinholt asked if Wellsville City would be willing to pay for one-half of the cost and he will seek donations for the remaining balance. Mr. Breinholt also asked Wellsville City to donate some top soil and pea gravel. Ron Case stated that this is a great project and is very much needed. Colin Harrison stated that his concern is that other fishermen will block the ramp. Gary Bates stated that the Parks & Recreation Committee will be getting some signs to post. After discussion, Gary Bates made a motion, seconded by Ron Case, to approve the Eagle Scout project for Justin Breinholt, and that Wellsville City will pay for half of the cost of the project and donate top soil and pea gravel.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council reviewed for approval the preliminary plat for the “Parker Escape Subdivision” consisting of a total of 3 lots on the north side of 800 South from 50 West to 100 West. Justin Cooper stated that sidewalks have been added to both sides of the subdivision along 100 West and 800 South. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the preliminary plat for the “Parker Escape Subdivision” consisting of a total of 3 lots on the north side of 800 South from 50 West to 100 West.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council discussed the Community Covenant program. Colin Harrison stated that he spoke with Jerry Cokely and gave him the information to follow up on this program. The director of this program has changed 3 different times. An email was sent to Mr. Cokely, who then forwarded it to Mr. Harrison. It is a great program and it is their goal to have every community in the State of Utah on this program. They want to train Mr. Cokely to do more than Mr. Cokely thinks he is willing to take on at this time. Mayor Thomas G. Bailey suggested Norman Walker. Mr. Walker is a veteran and likes to be involved. Gary Bates suggested 2 or 3 individuals to work on this program. Another person who may be interested is Vern Gunnell. Mr. Bates stated that Mr. Cokely does have a legitimate concern because it could be an overwhelming task. Mr. Harrison stated that he would contact the men to see if they would be interested in helping with this program. Ron Case stated that a committee could be put together to help in other areas of the community.

The City Council considered the appointment of a committee to work on a proposed code for “mixed residential”. Mayor Thomas G. Bailey stated that an individual would like to tear down the cheese plant and build townhomes. Wellsville City doesn’t have a code that covers this type of residential zone. A committee has been put together to review other cities’ codes and to create a code for Wellsville City.

Carl Leatham stated that committee consists of himself, Colin Harrison, M. Kent Larsen, Russell Glenn, Jonathan Marchant, Jan Anderson, and chairman is Justin Cooper. Don Hartle stated that Jay Baker is the Assistant County Planner and is willing to write the code. He would like to be involved and attend the committee meetings. Colin Harrison asked if the committee meeting is an open meeting. It doesn't have to be because there are only 2 Council members on the committee so there is not a governing body present. Mr. Leatham stated that this committee will work on the final ordinance. Mayor Bailey stated that the committee needs to understand that this is a city-wide ordinance, not an ordinance for this project. Gary Bates stated that there could be sections of Wellsville City where a higher density is needed. Mayor Bailey stated that is correct. After discussion, Ron Case made a motion, seconded by Gary Bates, to approve the appointment of this committee to work on a proposed code for "mixed residential".

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council reviewed for possible approval the writing off of several uncollectable accounts. Don Hartle stated that since he has been with Wellsville City, he has written accounts off twice. Mr. Hartle stated that he has 5 accounts for review:

Lynette Egan	\$ 799.50 – unable to locate
Leonard Mackay	\$ 601.65 – deceased – Council already approved
Red Slide Park	\$ 490.12 – no water was used
Donald Pratt	\$ 618.00 – deceased
Corey Savage	\$1219.10 – no water was used

After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to follow the advice of the City Manager and write off these uncollectable accounts.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council discussed possible action by the council when residents' lots become unsightly. Carl Leatham stated that a meeting of concerned citizens took place at his home. Mr. Leatham handed out pictures of a backyard, which nothing much can be done about it. Mr. Leatham also handed out pictures of the front yard, which is a mess. Wellsville City does have a nuisance ordinance. Mr. Leatham asked if the Wellsville City is willing to spend the money to clean this yard up. Mr. Leatham stated that this is not the neighbor's fight. This resident is in violation of the city ordinance. Karen Johnson stated that 2 cars and the trailer will be moved this weekend. Ms. Johnson stated that the neighbor doesn't like derby cars. Mayor Thomas G. Bailey stated that cars spill over in front of their neighbor's home. Ms. Johnson stated that the cars are not hers; they are her son's friends. Mayor Bailey asked that Ms. Johnson encourage the friends to park across the street. Mr. Leatham stated that the backyard is screened. Ms. Johnson stated that she is trying to clean it up. Mr. Leatham stated that he appreciates that. Ms. Johnson stated that working on derby cars has kept her kids out of trouble. Mayor Bailey stated that some threats have been implied that holes will be burned in the fence. Ms. Johnson stated that they weld on the cars in their front driveway, and the neighbor would like them to weld on the cars at the side of their home. Ms. Johnson stated that welding to the side of their home is hazardous. Ms. Johnson stated that this is their livelihood. Gary Bates asked since this is their livelihood, do they have a permit for a restoration derby business. Mr. Bates stated that this area is not zoned for heavy manufacturing. Mr. Bates stated that he agrees with the neighbor. Mr. Bates asked if there was room in their garage for this kind of activity. Ms. Johnson stated that it is not

safe to weld inside of the garage. Ms. Johnson stated that they take every safety precaution. Mayor Bailey stated that the ordinance needs to be enforced and people need to get along with each other. Mayor Bailey stated that this has been discussed with City Attorney Bruce Jorgensen and his recommendation was to tarp the derby cars every night. Mr. Bates asked if the cars had been tarped. Ms. Johnson stated no. Mr. Bates stated that Ms. Johnson hasn't held up to the promise that was made. Ms. Johnson stated that she has held up to most of it. Mayor Bailey stated that the cars have to be kept on her property. Colin Harrison discussed a business license and a home occupation permit. Mr. Bates asked about sponsors. Ms. Johnson stated that businesses will donate a battery or a sticker to be put on the car during the derby. Mr. Bates compared this business to other businesses in Wellsville City. Mr. Bates stated that this has gone beyond a hobby. Mr. Bates stated that this is a family passion and part-time livelihood. Ms. Johnson stated that rodeo people have sponsors. Their trucks, trailers, and horses don't have to be put in their garage. Mr. Leatham stated that this issue has been brought to the City Council's attention, and the code needs to be enforced. Ron Case stated that this issue has been going on for some time. Mr. Leatham stated that Ms. Johnson has been notified of the problem, and the City Council feels that they are being ignored. Mr. Leatham stated that the yard is cleaned up, but then the cars come back. The backyard is screened. There is room in the backyard to do this hobby. Mr. Bates stated that the activity in the neighborhood has gone beyond the hobby stage. Mr. Leatham stated that a home occupation is conducted in such a way that no one knows it is there. Glenna Petersen asked if Ms. Johnson has thought about renting Twin Peaks Auto. Ms. Johnson stated that she has looked into it. Ms. Petersen stated that it is sitting empty. Ms. Johnson stated that it has cars in it. Mayor Bailey asked that Ms. Johnson work on cleaning up the front yard this weekend, and if it is not cleaned up, the City will have to pursue another option. Ms. Petersen asked if this type of hobby goes on all winter. Ms. Johnson stated that their last derby is in October. Any of the vehicles that don't run after that are recycled. Mr. Bates asked how many derby cars they have. Ms. Johnson stated that they have 1 derby car, 2 derby trucks, and some metal. Mr. Harrison stated that the City Council needs to review the business issue. Mr. Leatham stated that this would not be allowed in a residential zone as a business. Mr. Bates stated that he agrees with that. Mayor Bailey stated that a resident in Wellsville City has race cars. Mr. Harrison stated that the business is kept out of site. Mr. Bates stated that the issue becomes a problem when it infringes on the rights of neighbors. Mayor Bailey stated that they need to look at the entire picture. Mr. Harrison stated that when a complaint is made, then the City Council reviews the issue. Mr. Bates stated that at a future meeting, a discussion needs to be held concerning what to do when a hobby turns into a business so that the City Council has some guidelines to follow. Mr. Case asked who defines unsightly. Mayor Bailey stated that he has discussed this issue with Mendon City. When a complaint is received, they review it on a case by case basis. The issue is then discussed with the resident. Mendon City has been lucky that the resident has cleaned up the yard. Don Hartle stated that the City Council needs to be consistent. Mayor Bailey stated that making an ordinance is easy. Enforcing the ordinance is difficult. Mayor Bailey stated that the front yard will be cleaned up this weekend. The derby cars will be gone by October 20, 2012. Mayor Bailey stated that if this is not done, the City will take further legal action. A workshop with the Planning Commission concerning the issue of hobbies that turn into businesses will be held on January 30, 2013. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, that the City Council will follow the Mayor's council. By October 20, 2012, the property will be cleaned up and deemed appropriate by Mayor Bailey, Carl Leatham, Don Hartle, and the property owner or the code will be enforced. The City will clean up the property and bill the property owner. A workshop will be held on January 30, 2013 to discuss this issue further.

YEA 5

NAY 0

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

Mack Ball met with the City Council to discuss an Eagle Scout project. Mr. Ball would like to clean up around the stream that comes from the Wellsville Reservoir. His section is the farthest north. He is going to cut all of the dead trees out and remove the weeds. Mr. Ball would also like to build up the waterfall with more rocks. Colin Harrison stated that this project will be mostly labor. Mr. Ball stated yes. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to approve the Eagle Scout project for Mack Ball.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Zac Larsen met with the City Council to discuss an Eagle Scout project. Mr. Larsen stated that he would like to clean up around the stream that comes from the Wellsville Reservoir. His section is the middle section. He is going to be trimming trees, pulling weeds, and picking up garbage. Mr. Larsen asked the City Council when they would like this project completed. Colin Harrison stated as soon as possible. Mr. Larsen asked what he should do with the branches that are removed. Mr. Harrison stated that they need to be hauled off or chipped and the park used. After discussion, Ron Case made a motion, seconded by Carl Leatham, to approve the Eagle Scout project for Zac Larsen.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Simeon Wells met with the City Council to discuss an Eagle Scout project. Mr. Wells stated that he would like to clean up around the stream that comes from the Wellsville Reservoir. His section is from the culvert to the bend in the stream. He is going to trim the willow trees, remove the dead shrubs, pull weeds, and pick up garbage. Mr. Wells stated that he will need some garbage bags. Gary Bates stated that he has garbage bags that these young men could use. Colin Harrison asked if the banks of the stream need rocks. Mr. Bates stated that the banks are pretty stable. After discussion, Colin Harrison made a motion, seconded by Gary Bates, to approve the Eagle Scout project for Simeon Wells.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Department Reports:

Colin Harrison – 1) Thanked everyone for their help with Founder’s Day.

2) Tractor pulls – used the sound system – operated it with a generator – ran for about 5 minutes and then went out – speakers are fine – will need a new controller.

3) Will not be in attendance for the next City Council meeting

Glenna Petersen – 1) A boy was hit by a car at Founder’s Day – is the City liable – No.

2) Green Waste container – try to get 2 – Logan City not willing to bring 2 – emptied every day.

3) Sidewalk bid – how to go about getting one – get bids from 2 or 3 contractors – use contractor that live in Wellsville City.

4) Survey information – front office staff his it.

5) Sidewalk Committee – aerial view – think of names and put a committee together.

Ron Case – 1) Nearly 400 downloads from the website for Founder’s Day

2) There are some lights out at the tennis courts.

Mayor Thomas G. Bailey – 1) Thanked Colin and everyone for their time and effort put into Founder’s Day.

2) Survey of park in the Red Slide Subdivision – City Engineer Chris Breinholt is putting the information together.

3) Plaque – Outstanding Citizens since the City began honoring them.

Gary Bates – 1) Founder’s Day – patriotic program to begin earlier – discussed it.

2) Bicycle ride – 12 families attended.

3) Movie Night – over 300 people showed – rented the equipment and suggested Wellsville City invest in some equipment of their own – didn’t charge for attendance.

4) Trail – received funding for both sections – waiting on the State to approve a bike path.

Carl Leatham – 1) Attended the rodeo – did a great job and have a beautiful facility – lighting of the bucking shoots is awful – darkest part of the arena and that is where the action is – no one else observed a problem.

2) Jonathan Cook – tested wireless and needs a piece of equipment that cost \$82. After discussion, Glenna Petersen made a motion, seconded by Carl Leatham, to approve the purchase of wireless internet equipment up to \$100.

YEA 5

NAY 0

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

3) Discussed investing in a projector system

City Manager’s/Recorder’s Report:

Don Hartle – 1) Founder’s Day – several complaints – set up chairs for the parade, kids come to the street for candy and then you can’t see the parade – had a complaint about the cannon going off at 5:00 a.m.

2) Roads for next year Don recommends – Center Street from Highway 89/91 to Mt. Sterling road and 200 East from 200 North to the railroad tracks.

3) Jay Baker – Development Tour – handed out flyer on zoning issues if you are interested in attending.

4) Open Space meeting next week with Clarke Maughan family.

5) \$11,025 trail grant approved from 100 East to bowery.

6) Update on cemetery sprinkling system – just about finished and then will begin on the entry park at Red Slide Subdivision.

7) Received ombudsmen response to truck stop – Planning Commission to review next week – Steve Kyriopoulos will be out of town – will review on September 26, 2012.

8) Update on Mt. Sterling Estates Subdivision open space – City Attorney Bruce Jorgensen is working with Mr. Seamons attorney and should be taken care of in a couple of weeks.

9) Handed out the release of Annette Smith – City Attorney Bruce Jorgensen wrote it – any input is needed by noon tomorrow.

10) Letters to individuals whose culinary water has been turned off since April – City Attorney Bruce Jorgensen wrote the letters to the individuals.

At 8:20 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

NAY 0

Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder