

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, September 19, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Ron Case, 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 September 14, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Kevin Tingey	Bill Tingey
Ray Bankhead	Dave Nielsen	Arlyn Brenchley
Marcene Parker	Kent Bankhead	Lori Berry
Bevan Higbee	Don Ewing	Alison Ewing
Justin Cooper	Chrisann Smith	John Kerr
Carol Kerr	John Spence	David Roundy
Jill Hales	Clayton Case	Garyn Perrett
Loyal Green	Robert Bolton	Kristine Bolton
Katie Christensen	Natalie Lewis	Reed Bailey
Rachel Fry	Kristi Rosavio	Ariel Rosavio
David Owen	Wendy Egbert	Paul Egbert
Candy Sorensen	Bruce W King	Jonathan Choat
Rich Boyce	Jackie Andersen	Ruth P. Maughan
Karma Leatham		

Opening Ceremony: Ron Case

Councilman Colin Harrison was excused from this meeting due to vacation.

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

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Carl Leatham	
Glenna Petersen	

The Council reviewed the minutes of the September 5, 2012 regular City Council meeting. Ron Case made a motion, seconded by Glenna Petersen, to approve the minutes of the September 5, 2012 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Carl Leatham	
Glenna Petersen	

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Glenna Petersen made a motion, seconded by Gary Bates, to approve the City's bills for payment, represented by check number 14833 through 14886.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Carl Leatham	
Glenna Petersen	

Robert Bolton asked what the position of the City council was concerning the report from the State Ombudsmen concerning the proposed truck stop. Gary Bates stated that they haven't been asked to review the report. Don Hartle stated that it would be inappropriate for the City Council to respond. A conditional use is scheduled for October 10, 2012. If the conditional use permit is denied, one of the alternatives is to appeal the decision to the City Council. Mr. Hartle stated that the City Council needs to be cautious concerning addressing this issue.

Robert Bolton met with the City Council to discuss the proposed truck stop. He thanked the City Council for the opportunity to address them. He moved to Wellsville in 2006. He previously lived in California. Mr. Bolton gave some history as to what brought him and his wife to Cache Valley. Mr. Bolton stated that 5 months ago, he was at an event and a neighbor of his told him about a rumor that a truck stop was going to be built on the corner of Highway 89/91 and 400 North. Mr. Bolton lives on 900 East, and became very involved in the issue. He couldn't believe this proposal. It would open up a major artery for traffic down his street. Mr. Bolton feels that the term that has been used "not in my backyard" is inappropriate. There will be traffic up and down 900 East 24 hours a day, 365 days a year. The residents along 900 East risk losing equity in their homes, which goes beyond the term "not in my backyard". Mr. Bolton stated that he has heard the comment, "take one for the team". Mr. Bolton asked if anyone on the City Council would want a truck stop next to them. Mr. Bolton understands that the City Council wants to increase the tax base in Wellsville City. The problem with the proposed truck stop is access. Mr. Bolton stated that he is not a highway engineer, but has spoken to people that are in that type of business. Mr. Bolton understands the reasons to have an access route at 500 North. UDOT has approved a future traffic light at the Caine Dairy intersection. There can be too many other problems, which may result in a barrier placed down the middle of the highway. In reviewing all of the information, there is a big decision ahead of Wellsville City. Mr. Bolton asked that the residential area be treated with respect and with integrity of the neighborhood.

At 6:30 p.m., Mayor Thomas G. Bailey conducted a public hearing to receive public input on the proposed "Road Master Plan" for the area north of Highway 101 (Main Street) and south of the Caine Dairy 4300 South (County address) and east of Highway 89/91 to the Meridian Road. Mayor Bailey reviewed the policy concerning public hearings with those in attendance. Carl Leatham gave a presentation on the roads master plan for the area. This plan is not to take away property or property rights. It is a plan that will help Wellsville City to be prepared when commercial development begins. There are several parcels in the area for sale. Wellsville City felt there was a need for a road system. Mr. Leatham read the bullet points from the map:

In support of the Wellsville City General Plan, the US 89/91 Corridor Agreement, and the combined interest of citizens and officials, the following road master plan has been drafted to:

- Optimize highway access onto US 89/91 to preserve traffic flow, while still allowing conducive commercial development
- Lay our roads in the established 10-acre block grid system
- Locate a collector road every four blocks
- Maintain 99 foot right-of-way widths for all roads
- Pavement width on collector roads a minimum of 60 feet
 - One lane each direction (12 feet each), middle turn lane (12'), and usable shoulders (12')
- Pavement width on local Ch, C3, or M1 zone roads a minimum of 44 feet
 - One lane each direction (12 feet each), middle turn lane (12'), and small shoulders (4')
- Consolidate and optimize railroad crossings

Mr. Leatham reviewed each bullet point. Most of the farm accesses along Highway 89/91 would be eliminated. The street 400 North would be deemphasized because the sight lines are not there for safe traffic flow. The intersections would be squared up so that there are no blind corners. The 10-acre block system is being used because that is what has been used historically. Wellsville City is laid out in the 10-acre block system. It will make addresses easier to find. Wellsville City is not in a position to tell land owners to give up their property in order to build a road. As the property is developed, the developer will be responsible to purchase the property and install the road. Arlyn Brenchley asked if a frontage road had been considered. Mr. Leatham stated that the biggest reason a frontage road had not been considered in because of setbacks. Garyn Perrett asked if Wellsville City owns the access for 500 North. Mr. Leatham

stated no. Mr. Perrett asked why Wellsville City was embarking on 500 North. Mr. Perrett stated that 500 North should not be pursued because Wellsville City doesn't own the access. Mr. Leatham stated that he completely disagreed. Using 500 North can consolidate traffic to 1 point. Mr. Perrett stated that 500 North doesn't eliminate access onto 400 North. There will be the same amount of traffic coming from 400 North. The access at 500 North is the only access not on the corridor agreement. Mr. Perrett stated that Wellsville City can't play it both ways. It is not fair to the citizens. Mr. Leatham stated that there is no reason to discuss an access until there is a plan in place. Jonathan Choat stated that it seems there needs to be a third step. There is a need for a preliminary plan, not jump to a final plan. Paul Egbert stated that he works for UDOT and the proposed plan meets state law. Mr. Leatham stated that by having access on 500 North, it will deemphasize 400 North. Kristine Bolton asked if the plan is approved, is it legally binding. Mr. Leatham stated that any code can be amended. Ms. Bolton stated that there is not much traffic on 900 East, and it doesn't go that fast. Dave Roundy asked about straightening out 900 East if it is deemed not necessary. Mr. Leatham stated that straightening 900 East would be an encouraged road unless there is a reason not to have it straightened. Jill Hales asked if there was a plan for the opposite side of Highway 89/91 in the same area. Mr. Leatham stated that he didn't know. Mayor Bailey stated that the roads inside the Southwest Heritage Estates are stubbed. Some roads are planned and will be laid out. Robert Bolton asked if the traffic volume on 500 East increases, would there be a traffic signal. Mr. Leatham stated eventually. Mr. Bolton stated that to maintain smooth traffic, UDOT may put barriers on 500 North. Mr. Egbert stated that barriers are used as a last resort. Mr. Egbert stated that it takes a lot of traffic to warrant a traffic signal. Katie Christensen expressed her opinion concerning 500 North. Ms. Christensen stated that it is a nightmare to turn left from the subdivision onto Highway 89/91. Ms. Christensen asked how many accidents would have to take place before something is done. Ms. Christensen stated that from her point of view, safety is a huge concern. Ms. Leatham stated that safety is Wellsville City's biggest concern. Jonathan Cook stated that as development takes place in the CH, Highway Commercial zone, 500 North is the best location for access. Access on 400 North causes problems because it is near the railroad. The access using 500 North is the best location. Wendy Egbert stated that intersections are safer when they line up with other intersections. Jackie Andersen stated that the accesses on 400 North are across from each other, and that people have crossed Highway 89/91 at 400 North for years. Marcene Parker stated that part of the plan is to understand concerns. From 400 North to Center Street, there are 8 roads that turn onto Highway 89/91. Don Ewing stated that it is a game of connect the dots. With a major truck stop, Wellsville City will have major truck traffic. Mr. Ewing stated that there will be 500 trucks along Highway 89/91 in a given day. John Spence asked where the 500 trucks were coming from. The truck stop isn't being built along the interstate. Mr. Spence stated that there are approximately 100 trucks that drive along Highway 89/91 in a given day. Bruce King asked if there were only 100 trucks along Highway 89/91, is a truck stop even a viable business. Candy Sorensen stated that the goal is to consolidate traffic to 1 intersection. No one knows what is going to happen. Ms. Sorensen asked what the plan is for a road that shuts down. Mr. Leatham gave several examples of roads that have been shut down. Mr. Leatham stated that as roads are developed, major corridors are built to consolidate and reroute traffic. Mr. Choat stated that this should be advertised as an idea, and not a master plan. Mr. Perrett asked if Wellsville City is deemphasizing 400 North, what the purpose of 900 East is. Mr. Leatham stated that there will still be development in that area, and traffic needs to move. Mr. Perrett asked why 500 North is viable and shown on the map. Mr. Leatham stated that it is viable for properties in the area. Mr. Perrett stated that the only reason for 500 North is to put a lot of people's safety at risk, and he thinks it is horrible. Dave Nielsen represents Bruce Petersen, who owns about 80 acres in the area that is being discussed. Mr. Nielsen discussed Envision Cache Valley plan. Mr. Nielsen stated that part of the problem is that no one wants to implement a plan. They need money to show how they are going to pay for it. They need money to show how they are going to maintain it. The function of the land owners is to get this done. Mr. Petersen would consider deeding property for roads if neighboring property owners do the same. This plan is a way to get in and out of the area without getting in each other's way. The City Council is right to come up with a plan. The opportunities are great. No one can handle the population without a plan. The burden is on the property owners. This is not an easy thing. Ruth Maughan commended the committee on a job well done. If there is no master plan, homes would be scattered all over. This plan is a guideline. It is never set in stone. There is room for improvements and changes. By in large, the committee has done a very good job. Wellsville City is in need of some type of road master plan. Mr. Perrett asked about the corridor agreement. Don Hartle stated that the Envision Cache Valley agreement was not signed by Wellsville City. The South Cache Corridor agreement was signed by Wellsville City. The South Cache Corridor agreement has a

life span of 15 years. That agreement was signed at least 10 years ago.

At 7:52 p.m., Mayor Thomas G. Bailey closed the public hearing.

Gary Bates stated that he wanted to clarify that eminent domain was never imposed, and as a City Council, they can't commit to it. Eminent domain may be imposed in the future. Mayor Bailey asked what the Planning Commission decided. Mr. Leatham stated that the Planning Commission issued no statement. Ron Case asked if they tabled the issue. Mr. Leatham stated that they continued the discussion until they heard what the City Council had to say about the issue. Glenna Petersen asked what the options were. Mayor Bailey stated that the plan can be approved, disapproved, or continue the discussion at a further date. Don Hartle stated that he recommended that they proceed with the adoption of a resolution. Mr. Hartle will prepare the resolution. The Planning Commission can make a recommendation to the City Council, and then the City Council can vote. Ron Case asked what the feeling of the Commercial Development Committee was. Mr. Leatham stated that they are all in agreement with the plan. Mr. Bates asked if there was anything new discussed tonight that hasn't been discussed before. Mr. Leatham stated no. After discussion, Ron Case made a motion, seconded by Gary Bates, to continue this discussion at a later City Council meeting until such time as the Planning Commission can make a recommendation to the City Council.

YEA 3

Gary Bates

Ron Case

Glenna Petersen

NAY 1

Carl Leatham

The City Council reviewed for approval the final 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. Mr. Cooper handed out construction drawings. City Engineer Chris Breinholt reviewed the previous construction drawings and requested some changes. The changes have been implemented. Mr. Cooper stated that that ditch on the west side will be realigned in order to straighten it out. Mayor Thomas G. Bailey asked if the irrigation company had any issues concerning the ditch. Arlyn Brenchley stated that he will meet with Mr. Cooper at a later time to discuss the issue. Carl Leatham asked if the ditch can be straightened without restricting the flow of water. Mr. Brenchley stated yes. John Kerr asked if the ditch was on private property or city property. Mr. Cooper stated that it is on city property. Don Hartle stated that the public works department has not reviewed the final plat. If the final plat is approved, it should be subject to review by the public works department. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the final 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 subject to the City Engineer, the irrigation company, and public works department reviews.

YEA 4

Gary Bates

Ron Case

Carl Leatham

Glenna Petersen

NAY 0

The City Council discussed 2013 road construction. Glenna Petersen stated that she has reviewed the street map. Ms. Petersen proposed that 200 East from 200 North to 400 North and Center Street from Highway 89/91 to 1600 South be reconstructed during the summer of 2013. After discussion, Glenna Petersen made a motion, seconded by Ron Case, to approve 200 East from 200 North to 400 North and Center Street from Highway 89/91 to 1600 South be reconstructed during the summer of 2013.

YEA 4

Gary Bates

Ron Case

Carl Leatham

Glenna Petersen

NAY 0

Department Reports:

Glenna Petersen – 1) Talked to Carolee Bunn about replacing the lights at the tennis courts. She stated that the City should wait until spring to do it.

2) Have talked to 2 people about being on the sidewalk committee and waiting for responses from 3 other people.

3) Working on getting bids for replacing sidewalks.

Ron Case – 1) Met with M. Kent Larsen from the Planning Commission – in the preliminary stages of putting together an emergency preparedness committee.

Carl Leatham – 1) The first committee meeting for the proposed code concerning “mixed use” will be held at the City Office building tomorrow night.

City Manager’s/Recorder’s Report:

Don Hartle – 1) They have started to land apply at the sewer lagoons.

2) The State was here today to inspect the water system. They will be here tomorrow to inspect the sewer lagoons.

3) Steve Kyriopoulos will be out of town on September 29, 2012. The proposed truck stop will be added to the agenda of the Planning Commission on October 10, 2012.

At 8:10 p.m., Ron Case made a motion, seconded by Gary Bates, to go into an executive session.

YEA 4

NAY 0

Gary Bates
Ron Case
Carl Leatham
Glenna Petersen

At 8:43 p.m., Glenna Petersen made a motion, seconded by Gary Bates, to go out of executive session and into regular City Council meeting.

YEA 4

NAY 0

Gary Bates
Ron Case
Carl Leatham
Glenna Petersen

Ron Case made a motion, seconded by Glenna Petersen, that Wellsville City offers the Clarke Maughan family \$260,000.00 for the property. Wellsville City will manage the property. Wellsville City will not allow Brian Maughan to manage the property as requested. All water that is associated with the property will be included in the sale. Wellsville City will be liable for all greenbelt rollback taxes. The property will be purchased as open space. Wellsville City will give the Clarke Maughan family 2 weeks or until October 3, 2012 to make their decision. The 2 weeks are negotiable by Mayor Thomas G. Bailey and City Manager Don Hartle.

At 8:50 p.m., Gary Bates made a motion, seconded by Ron Case, to adjourn the meeting.

YEA 4

Gary Bates

Ron Case

Carl Leatham

Glenna Petersen

NAY 0

Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder