

MINUTES of the regular City Council meeting of Wellsville City held Monday, November 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, 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 November 15, 2012. The meeting was called to order at 6:30 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Robert Bolton	Kristine Bolton
Jake Harrison	Jonathan Cook	Steve Kyriopoulos
Joan Kyriopoulos	Ryan Cooper	Paul Cooper
Jeremy Hilton	Conner Hilton	Rachel Fry
Rich Boyce	Kevin Tingey	Arlyn Brenchley
Karma Leatham	Candy Sorensen	Gary Smith
Chrisann Smith	Doris Mayer	Leroy Mayer
Warren Roussell	Don Ewing	Alison Ewing
Jill Hales	Don Bailey	Reed Bailey
Ariel Rosario	Kristi Rosario	Ryan Piggott
Jeremie Poppleton	Loyal Green	Kelly Parkinson
Lisa Parkinson	Bruce Miller	Garyn Perrett
Tracy Bodrero	Jackie Anderson	Marcene Parker
M. Kent Larsen	Brandon Jones	Jon Leishman
Alicia Moser		

Opening Ceremony: Colin Harrison

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

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

The Council reviewed the minutes of the November 7, 2012 regular City Council meeting. There was a word change on line 129. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to approve the minutes of the November 7, 2012 regular City Council meeting with the correction.

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
Gary Bates		Colin Harrison
Ron Case		
Carl Leatham		
Glenna Petersen		

Wayne Benson met with the City Council for a business license. Mr. Benson is a field service engineer and would like to operate a consulting business out of his home. Mr. Benson stated that he has a desk in his bedroom where he files paperwork and answers his cell phone. Mr. Benson stated that most of his work is done out-of-state, and sometimes, out of the country. Carl Leatham stated that the Planning Commission approved the conditional use permit with no restriction. Colin Harrison asked if clients would be coming to his home. Mr. Benson stated no. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the business license for Wayne Benson.

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

Carl Leatham
Glenna Petersen

At 6:45 p.m. Mayor Thomas G. Bailey conducted the following public hearings:

First, receive public input and consider for approval the Concept Plan for the Ryan Cooper Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 1095 South 200 East. Ryan Cooper stated that he would like to build a home on the 1-acre lot that he is dividing off. Mr. Cooper also asked that the sidewalk requirement be waived because there is no sidewalk anywhere in the neighborhood. There is a danger to installing a sidewalk because it would drop off into the barrow pit. Mayor Thomas G. Bailey asked if Mr. Cooper had received a copy of the memorandum from City Engineer Chris Breinholt dated October 31, 2012. Mr. Cooper stated yes. Mr. Cooper doesn't have any problems with the memorandum except for the sidewalk. Carl Leatham stated that the Planning Commission approved the concept plan pending completion of the memorandum from Mr. Breinholt. Mr. Leatham stated that the Planning Commission did have a discussion concerning the open space that needs to be designated on the plan. Glenna Petersen stated that she reviewed the area today. Ms. Petersen stated that as more development comes into the area, she does see a need for a sidewalk in the future. Ms. Petersen stated that she did see the swale and the concern with that issue. Mayor Bailey stated that there would only be 100 feet of sidewalk. The sidewalk would need to be replaced before sidewalk would be installed along this road. Mr. Leatham stated that he agrees with Mayor Bailey and doesn't see a need for the sidewalk. Jonathan Cook asked about a sidewalk fund and how it works. Mr. Leatham stated that a sidewalk fund has been discussed. The problem with a sidewalk fund is to determine how to administer it. Glenna Petersen stated that she has a sidewalk committee, and they will hopefully have their first meeting next month. Ron Case stated that another option is to have a sidewalk improvement district and assess a fee to the citizens. Kevin Tingey asked if there is property or a right-of-way to build sidewalks. Mayor Bailey stated that the roads in Wellsville City are 99 feet, so there is plenty of space. Gary Bates asked if the open space requirement is understood. Mr. Leatham stated that the open space has to be designated on the plan. Mr. Bates stated that he can't find it. Mr. Leatham stated that it hasn't been shown yet. Mayor Bailey stated that 40% of the property has to be open space. Mr. Case asked if the back park of the lot would be open space. Mr. Cooper stated yes. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the Concept Plan for the Ryan Cooper Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 1095 South 200 East. The sidewalk requirement will be waived.

YEA 5
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Second, receive public input, consider the recommendation of the Planning Commission, then consider for possible adoption of a code amendment in regards to a request from Steve Kyriopoulos that the code be amended to allow commercial truck and fueling facilities, which includes convenience stores, food service, fuel delivery, overnight parking, and other traveler services associate with a commercial truck stop, in the CH, Highway Commercial zone. Mayor Thomas G. Bailey stated that a citizen of Wellsville City has requested a change to the code. Mayor Bailey has served on the Planning Commission, City Council, and now, as Mayor. There have been numerous times that a citizen has requested a change to the code. If it is passed, the next step would be to submit an application to the Planning Commission. No project is approved in the Highway Commercial zone without a conditional use permit. UDOT will be involved, and UDOT will also have to approve the plan. There is a law that states any development that comes within 100 feet of a canal system; the canal company has to be involved in the project. Conditional uses will be placed on the development. If the conditional uses are met, the development will go forward. Mayor Bailey reviewed the rules of a public hearing with those in attendance. There will be no clapping, booing, etc. Individuals will step to the microphone and express their opinion. There is a 3-minute time limit. There is no need to repeat something that someone else has already stated. Please state your name for the record and minutes.

Brandon Jones stated that he had a list of questions, but has narrowed it down to a request. This project will have big impacts on the Southwest Heritage Estates Subdivision. Mr. Jones asked that all of the t's are crossed and the i's are dotted. Mr. Jones stated that the citizens of Wellsville City are charging those that sit on the City Council to take care of the subdivision and trusting them to do so. Ron Case stated that this meeting is not to discuss Mr. Kyriopoulos' application for a truck stop. This meeting is to discuss if truck stop should be allowed in the Highway Commercial zone, which covers more than just Mr. Kyriopoulos' property. Carl Leatham stated that the 500 North road was approved when the Master Road Plan was approved. Colin Harrison stated that he has heard that those citizens living in the Southwest Heritage Estates Subdivision feel like outcasts. They are all citizens of Wellsville City, and hope that they don't feel different for living in the subdivision. Kelly Parkinson stated that he lives on 900 East. There are a lot of children and young families that live on that street. The residents do not want a truck stop. They have expressed their opinion to the Planning Commission on more than one occasion. The concerns are safety, noise, and air pollution. Mr. Parkinson asked that the code not be amended. Robert Bolton stated that one is naïve to think that Mr. Kyriopoulos' application for a truck stop is not related to the code be amended. Mr. Case stated that the purpose would be to allow a truck stop anywhere in the Highway Commercial zone. There is a direct impact on Mr. Kyriopoulos. If the amendment is approved, Mr. Kyriopoulos will still have to go through the application process. This meeting is to review the request for the entire zone. Mr. Bolton stated that if the request is denied now, it can be changed in the future. Mr. Case stated that this meeting is to discuss if a truck stop should not be allowed in the entire Highway Commercial zone, not just Mr. Kyriopoulos. Kevin Tingey stated that he is a citizen of Wellsville City. Mr. Tingey would like to address the legal issues of this project. It will impact Wellsville City as a whole. The Planning Commission stated that the code doesn't list truck stop. That is a problem. When Wellsville City was organized, it states that any legal activity can take place in Wellsville City. Now, people say that we can't have a truck stop. A court can overturn that decision, and Wellsville City will have no control over it. A court will decide the conditional uses and location. If a truck stop is not allowed in the Highway Commercial zone, it needs to be allowed someplace else. The land use map should be reviewed to decide where to put a truck stop. If a truck stop was to go into a residential area or agriculture area, there would be a bigger problem. Wellsville City doesn't have the population to support a strip mall or big box store. It is a commercial business, and therefore, needs to be in a commercial zone. Kristine Bolton stated that she is opposed to adding a truck stop to the Highway Commercial zone. She is concerned about the 24 hours per day, 365 days per year element of the business. This type of business is not conducive to a bedroom community. It belongs in an industrial area. There will be impacts on traffic, light, and environmental. This type of business isn't suited for Wellsville City. Mr. Bolton stated that he had a 4-page statement that he would like to read, but would save it until his agenda item. The Planning Commission approves the application, and the City Council is the judge of the matter if an appeal is filed within 10 days. A judgment on the CU change will compromise the process. Mr. Bolton asked that the City Council hold their decision until the Planning Commission has completed their process and the required studies have been completed. Mr. Leatham stated that the required studies will take place during the application process, not the amendment process. Mr. Bolton stated that the Planning Commission is not in a position to make an informed decision. Steve Kyriopoulos stated that there is one place in the code that says "truck" and that is a truck/car wash. The zone that Sharp's Transportation is located in doesn't mention the word, "truck", so they must be out of compliance. The purpose of the Highway Commercial zone is to provide travelers services. Mr. Kyriopoulos stated that they are a long way from breaking ground. There will be many conditions placed on the project, and he will do whatever is required to make this development happen. When Tom Smith owned the property, Mr. Smith asked that the Highway Commercial zone allow a car/truck wash. That is when the word, "truck" was added to the code. He purchased the property from Mr. Smith, and wanted to run a produce stand on the property. That is when "produce" was added to the Highway Commercial zone. Mr. Kyriopoulos is now making another request to add truck stop to a zone that allows traveler's services. No one can list everything that would be allowed in the Highway Commercial zone. Mr. Kyriopoulos asked that common sense be used. A truck stop qualifies as traveler's services. Lisa Parkinson asked if anyone that is voting tonight lives in the affected area. Mr. Leatham stated that he lives in Wellsville City and it affects him. Ms. Parkinson asked if anyone would move to the area after the truck stop is built. She asked why the Planning Commission turned to the land owner and ask why he wants a truck stop when the code doesn't say truck stop. It is the City Council's duty to protect the residents as home owners. They were there before the truck stop. Members of the Planning Commission state that if the citizens had done their homework, they wouldn't have purchased their home in the area.

Ms. Parkinson stated that during a Planning Commission meeting, Dale Bankhead stated that he would build the truck stop on his property. The City Council is to serve all people, not pick and choose which people to serve. Mayor Bailey asked that those in attendance stick to the code amendment that is being discussed. Mr. Leatham stated that the Highway Commercial zone includes more than 13 acres owned by Mr. Kyriopoulos. Ms. Parkinson used North Logan as an example of allowing something to be built in their city, and now trying to get it out of the city in order to protect their citizens. Ms. Parkinson stated that Mayor Ruth P. Maughan has Wellsville City as a bedroom community, and it should stay that way. Gary Bates stated that Dale Bankhead's property is located in the county, not Wellsville City. Candy Sorensen stated that a truck stop is a distinct use. Overnight parking is not in the code, and shouldn't be in the code. Ms. Sorensen handed out a "State of the Air" report for 2012. Cache County is listed as number 10 in the nation for the worst air quality. In 2011, Cache County was 11th, and in 2010, Cache County was 20th. Ms. Sorensen discussed particle pollution, and stated that short-term exposure could be deadly. She doesn't want her children to breathe the air that comes from a truck stop, and suggested that the code not be amended. Jill Hales stated that she attended a field trip 3 weeks ago, and discussed with a teacher the impact that this truck stop will have on the school and the children that attend it. The farther away from the school would be better. Leroy Mayer stated that his home is the closest home to this project. Mr. Mayer stated that it has been suggested that if he didn't like it, to pick up and move. He has lived in his home for nearly 30 years. The home has been in his wife's family for several generations. Wellsville City is family friendly, and he would like it to stay that way. Mr. Mayer doesn't want headlights shining through his windows. He asked that the City Council vote against the code amendment. Alicia Moser stated that she lives in the Southwest Heritage Estates Subdivision. She is from Salt Lake City, and loved the atmosphere of Wellsville City. Ms. Moser stated that she would have never moved to Wellsville had there been a truck stop located on the highway. Tracy Bodrero stated that mountain and livestock contribute to pollution. Changes were made to allow the Southwest Heritage Estates Subdivision to be built. Times change and so does City government. You can't tell people what to do with their own property. All land owners have a voice to decide what to do with their property. Ryan Piggott stated that he is not opposed to development, but it needs to be done right. Mr. Piggott is opposed to a truck stop because he doesn't see a LW's on the corner. Gary Smith stated that he lives on 900 East. The City Council has the ability to stop this madness. It is crazy. Not one of the residents living in the area want a truck stop in the community. Mr. Smith is against amending the code. Garyn Perrett stated that he is opposed to amending the code in the Highway Commercial zone. Mr. Perrett stated that the Planning Commission will plead ignorance, but the City Council has been told and informed. A truck stop can't be built on this property unless the code is changed. It will impact the safety and the citizens of Wellsville City. If this code amendment is approved, it will go against the State Ombudsmen's opinion, City Attorney Bruce Jorgensen, and City Planner Jay Nielsen. This is a choice for the City Council; don't pass it onto someone else. A truck stop is not listed in the code. Don't impact the citizens, protect them. Cody Schenk stated that he is not against development or trucks. He is concerned about the impact this development will have on Wellsville City and the citizens of Wellsville. Jeremy Hilton stated that he moved to Wellsville about 2 months ago. Mr. Hilton stated that had he known what was going to be built on the corner, he would have walked away. This truck stop will impact home values and the safety of children. Mr. Hilton loves coming into this valley, and he is against the code amendment. Marcene Parker stated that this is a room full of people from one section of town. The code amendment should be passed. It is for the betterment of the whole community, not just one section. Doris Mayer stated that she owns 2 homes across the street from Mr. Kyriopoulos' property. She has lived on the highway her entire life, and has witnessed traffic along the highway. Ms. Mayer stated that she hears breaks squeal. The traffic along the highway is unbearable. Loss of life on the highway is unacceptable. Ms. Mayer stated that she is against the code amendment. Mr. Bolton asked if he could read his statement before a vote was taken. Mayor Bailey stated no.

At 7:58 p.m., the public hearing was closed.

Glenna Petersen stated that whether it was a truck stop or some other development, it will impact the same way. Ms. Petersen stated that Nibley and Logan need to pay Wellsville City to keep the view open. Gary Bates stated that he attended a Planning Commission meeting about 2 years ago where City Planner Jay Nielson was working on the code and a list of businesses that were appropriate. This area is set aside for that type of business. It is important to recognize business development. Mr. Nielson was looking at expanding the list of businesses. Ron Case stated that he believes this has been the most controversial

topic in the history of Wellsville City. Another issue that has been controversial is group homes. There were 100% of the citizens against group homes because of safety and property values, yet there are 3 to 4 group homes surrounding Wellsville City. Whatever decision is made, someone will be upset. The emails that he has received have been helpful. The Planning Commission and City Council have been accused of having their minds made up and alternative motives. This decision should be based on what is best overall for Wellsville City. Wellsville City does have a need to establish a tax base. A truck stop in the Highway Commercial zone would have a big impact no matter where it is located. Mr. Case appreciates the emails and information. Some people say that things are facts, when what they really are is more of an opinion. Information has been incorrect, yet people believe that it is true. Carl Leatham stated that in August of 2011, he received a telephone call from Mr. Kyriopoulos asking if a truck stop could fit into this zone. He couldn't be sure because it didn't specifically say truck stop. The Wellsville City code has been amended before. Mr. Leatham read the purpose of the Highway Commercial zone. Mr. Kyriopoulos came to the Planning Commission, which turned into a public hearing instead of a workshop. City Attorney Bruce Jorgensen has said that his opinion is that the individual components fit, and the project could move forward. Comments to the letters online have stated that Wellsville City is corrupt, the City Council is corrupt, and that big business is involved. Ms. Leatham stated that he followed up on the crime issue. Perry Police Department reported 4 calls at the LW's Truck Stop along I-15 from July 25, 2011 to July 30, 2012. Wellsville City has been called irresponsible because they would be the only community that would have a truck stop and not its own law enforcement. Mr. Leatham named 4 truck stops in communities that the law enforcement is contracted with the County Sheriff's Office. Mr. Leatham stated that the tax revenue from the same truck stop in Perry is about \$1,100 per month. That is from the convenience store and fuel pumps. The restaurant is separate. The impact fees for the truck stop in Perry were so high because they put in infrastructure for 106 acres for future development. This truck stop does affect him and his family because they live in Wellsville. The people in the Southwest Heritage Estates Subdivision feel isolated because there is 1 road in and 1 road out. The subdivision roads are stubbed and cul-de-sacs were not allowed. The City Council is elected to represent Wellsville City, and to represent all citizens. Colin Harrison remembers when the Southwest Heritage Estates Subdivision was coming into Wellsville and the nastiness that came with it. Quit fighting against each other. Mr. Harrison appreciates the emails, telephone calls, and visits. When he decided to run for City Council, it was to represent the whole community. A majority of the citizens are in favor of the truck stop. Mr. Harrison doesn't know how the vote will go tonight. The City Council never discusses votes, and they never discuss votes with the Planning Commission. Mr. Harrison stated that Carl Leatham has taken a lot of shots. Mr. Leatham is a good man. His motives are pure. He has nothing to gain. Mr. Harrison has not responded to emails because he is gathering information just like everyone else. Gary Bates echoes what has been said, and especially what has been said about Carl Leatham. The Commercial Development Committee did a great job on the Road Master Plan. Mr. Bates thanked those that have written to him and talked to him. Mayor Thomas G. Bailey stated that the citizens who live in the area are crazy not to get involved. Mayor appreciates the opportunity to get to know the citizens in the area. There is a concern about 900 East. Wellsville City is not going to condemn any property. Taxes will not be raised to support a business. Mayor Bailey appreciates all those who have attended this meeting. After discussion, Colin Harrison made a motion, seconded by Glenna Petersen, to **ADOPT CODE AMENDMENT 2012-06** adopting **AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 10, LAND USE REGULATIONS, CHAPTER 9, COMMERCIAL ZONES, ARTICLE E CH HIGHWAY COMMERCIAL ZONE, TO ADD COMMERCIAL TRUCK AND FUELING FACILITY WHICH INCLUDES CONVENIENCE STORES, FOOD SERVICE, FUEL DELIVERY OF ALL TYPES OF FUEL, OVERNIGHT PARKING, AND OTHER TRAVELERS SERVICES ASSOCIATED WITH A COMMERCIAL TRUCK STOP.**

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

NAY 0

Robert Bolton met with the City Council to discuss the proposed code amendment and truck stop. Mr. Bolton read the following:

“The Kyriopoulos Truck Stop project reminds me a great deal of the man who continued to attempt to hammer a square peg through a round hole. No matter how hard the name struck the square peg, it simply would not fit into the round hole. Over the past year, Steven Kyriopoulos has continued to insist that his truck stop project was a conditional use as defined by Wellsville City Codes. He has stated that: “Our proposed development is clearly a conditional use permitted in the CH Zone.” Further, Mr. Kyriopoulos has insisted that home owners in the immediate vicinity of his project have no basis for complaint due to the damaging effects of his truck stop on their quality of life and land values, because they purchased their homes knowing full well that a truck stop might someday be built on this property. In a letter dated June, 1, 2012, Mr. Kyriopoulos states:

“We have heard the argument that ‘property will be devalued if this development occurs’. ‘How could someone be allowed to build a commercial development in my backyard’. My argument is why did you build your backyard next to my long term commercially zoned property? Yes, property rights and values will indeed be devalued here if we are denied this development. We paid commercial value when we purchased this real estate. We assured ourselves that the property was zoned for commercial purposes intended. We paid a fair market value for such and now if the project is denied for baseless reasons, our property will be devalued. Our proposed development is clearly a conditional use permitted in the CH Zone.”

Mr. Kyriopoulos is plainly wrong in this matter as evidenced by the opinion of the Utah State expert in these matters, Mr. Brent Bateman. The Ombudsmen for Private Property Rights ruled that the Kyriopoulos project was not a conditional use (CU) as defined by Wellsville codes. As a result, the homeowners in the vicinity of the Kyriopoulos project did not purchase their homes knowing that Mr. Kyriopoulos and his partners might someday build a truck stop on the property in question because this land was never zoned for truck stops in the first place. Now, because of his egregious error in judgment, Mr. Kyriopoulos wants the City Council to amend the code, at the eleventh hour, to permit his truck stop, regardless of how badly it damages residents in the immediate area. After tacitly admitting that his project will damage home values of Wellsville citizens close to his truck project, Mr. Kyriopoulos boldly comes back to the city requesting that the CU be amended. Beyond the opinion of the Utah State Ombudsman, there is the voice of the Wellsville City Planner, Mr. Jay Nielsen. On August 9, 2011, Mr. Nielsen wrote these words in a report regarding the proposed Kyriopoulos truck project:

“The application and site plan show truck services and repair and truck fueling facilities which are not allowed conditional uses in the CH Zone. All other proposer uses including auto self service pumps, convenience store, and auto/truck washing are allowed conditional uses. A reasonable interpretation could not be made that a truck stop with truck fueling is the same impact and use as those conditional uses allowed in the CH Zone. The traffic and safety impacts on the highway would be significantly greater for a truck stop. The alternatives for the applicant would be 1) remove the trucking components from the plan and application, or 2) apply for a change in the CH Zone to allow truck stops as a conditional use. My recommendation will be to leave the code as is. The intensity and frequency of traffic required for a truck stop is not consistent with other uses currently allowed in the code. The surrounding residential development would be adversely effected by an additional trucking operation. There has been considerable effort made by the Planning Commission to require commercial use to be more compatible with existing residential properties.”

How could the city planner have been more clear in this regard? Aren't his comments prophetic in light of the Ombudsmen's opinion rendered over a full year after Mr. Nielson wrote these words? Effectively, Mr. Nielson told Wellsville City officials that the Kyriopoulos project was a terrible idea, one that should not be implemented. Beyond all of the foregoing, there is the fact that fifteen months after Mr. Kyriopoulos filed his application with the city to build his mega truck stop, not so much as one formal study, prepared by independent, competent experts dealing with the many issues surrounding this question, has been submitted to the City Planning Commission. This is true in spite of the fact that the Commission has asked for these reports on a number of occasions. On October 24, 2012 while speaking to the Planning Commission, Mr. Bruce Jorgensen, the City's

Attorney stated: “No approval should be made before all studies are submitted to the Planning Commission.” Again, we must ask: Where are these reports, and why hasn’t the Commission demanded that Mr. Kyriopoulos produce these documents, in fifteen long months, prior to proceeding with the review process? Is it possible that one of the reasons Mr. Kyriopoulos has not complied with the request of the Commission is that he is fearful of the results of these studies? It is not only possible but also likely that some, if not all, of these reports may come back with data that is adverse to Mr. Kyriopoulos’s position. On another point, three of the four voting members of the Planning Commission have implicitly given their support, at public meetings, to the Kyriopoulos truck project prior to all of the evidence being submitted to the Commission. In prejudging this issue, they have tainted the review process of the Planning Commission and brought into question the impartiality of these individuals. Up to this point, it would appear that the Commission has dealt with many of the concerns voiced by citizens by not dealing with them at all. In other words, they have ignored unpleasant truths so they don’t have to deal with them. There are so many issues that militate against this truck project; it is difficult to know where to begin. The City Council should, in my view, decline to modify the CU in this matter. This is the only just result to this most disagreeable episode. Absent such an outcome, it is my recommendation that the Council hold the request by Mr. Kyriopoulos in abeyance making no decision at this time and refer the matter back to the Planning Commission to complete their review process. If the Council approves the request of Mr. Kyriopoulos to amend the CU prior to a complete review of this issue, it may create problems down the road that may do serious injury to city interests and greatly complicate the Council’s business. Should the city decide to modify the Cu at some future date, it will have ample opportunity to do so, after a thorough review, and discussion, of all issues raised in this matter. When I was a peace officer in California, I always asked myself: “How will my words, and deeds, be viewed by others, particularly a judge or jury?” The City of Wellsville would do well to adopt such an attitude. If the Wellsville City Council ultimately approves the Kyriopoulos Truck Stop Project ignoring the obvious dangers, and risks, associated with approving an intersection at 500 North and Highway 89/91 without a traffic signal to control vehicle movement, it places itself in grave danger. If a serious accident occurs at this intersection at some future date and someone is gravely injured, or killed, because the city approved such an obviously ill-advised project, the city may incur massive civil damages that could devastate the city’s budget for years into the future. Such an eventuality could result in a mammoth tax increase to pay for a civil judgment. I believe it is time to stop trying to bludgeon a square peg through a round hole in this matter and tell Mr. Kyriopoulos, at long last, that his project is inappropriate for this location because it cannot meet the numerous issues, and challenges, that confront it. Yes, the City of Wellsville does need to increase its tax base. However, such a poorly thought out project, as the Kyriopoulos industrial truck complex, is not the way to accomplish this goal. Surely, there are better ways to bring businesses to Wellsville that are compatible with the cherished values of our community and do not put at risk people’s lives and well being.”

Mayor Thomas G. Bailey thanked Mr. Bolton for his comments. Mayor Bailey stated that the City Council has approved to amend the code. A project has not been approved. All of the conditions for the project will have to be met. The development will also have to meet UDOT specifications, or there will be no project. Mayor Bailey stated that he appreciates that Mr. Bolton is against this project, and that he has been a gentleman throughout the process. Mr. Bolton thanked Mayor Bailey for his comments, and stated that they mean a lot to him.

The City Council discussed for possible approval the proposed Interlocal Agreement between Cache County and Wellsville City for law enforcement. Don Hartle stated that this agreement has been signed off, and needs to be approved by the City Council. The agreement is for the same coverage as last year, and the same amount as last year, which is \$47,490. After discussion, Ron Case made a motion, seconded by Colin Harrison, to approve the Interlocal Agreement between Cache County and Wellsville City for law enforcement.

YEA 5
Gary Bates
Ron Case
Colin Harrison

NAY 0

Carl Leatham
Glenna Petersen

The City Council discussed the City culinary water needs. Don Hartle stated that Wellsville City has an opportunity to purchase 58 acre feet of water out of the Little Bear River. A new water law has been established that if you don't use the water, you lose the water. Mr. Hartle handed out a packet of information concerning water and the cities within Cache County. A study has been completed by the State of Utah to project out the use and need for water for each community. By 2020, Wellsville City is projected to have a surplus of 3,439 acre feet of water. By 2050, Wellsville City is projected to have a surplus of 3,174 acre feet of water. Mr. Hartle asked that the City Council review this issue and give it some serious thought to purchasing the 58 acre feet of water. Ron Case asked if a price has been discussed. Mr. Hartle stated that the water has been appraised. Mr. Case asked if the price should have any bearing on their decision. Mr. Hartle stated no. Carl Leatham asked how Wellsville City would use the water. Mayor Thomas G. Bailey stated that Wellsville City could lease the water to other property owners.

Department Reports:

Glenna Petersen – 1) Wellsville City Youth Council has completed the “Pennies by the Inch” drive.
2) Wellsville City Youth Council – elected a new mayor – Corbin Evans.
3) Code for 4-wheelers on the road – not supposed to ride on the road because they are not street legal.
4) Reviewed the sidewalk for the LaRee Brown Subdivision – 2 sections are upheaval and 1 section is crumbled. After discussion, Glenna Petersen made a motion, seconded by Carl Leatham, to replace 3 sections of existing sidewalk and install the new sidewalk running east and west across the new lot.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

5) Baker's – live at approximately 375 South Center Street – removed a section of sidewalk and now the home is up for sale. The section of sidewalk needs to be replaced before the home is sold. Asked that Don Hartle write a letter.

Gary Bates – 1) Handed out the contract from the LDS Church concerning leasing the south side of the State Center and the north side of the South Building for Wellsville City Recreation. Don Hartle has figured the price of water.

Carl Leatham – 1) Johnson property – drove by on October 22, 2012 – have come into compliance. There are no demolition cars, but there is a 5th-wheel trailer, snowmobile trailer, pickup, and the driveway is full. They are moving in the right direction.

2) 900 East – pay close attention. People are using it as a high-speed off-ramp and a short cut to Highway 89/91. Discussed posting a 25MPH speed limit sign and asked that a Cache County Sheriff Deputy park on the street. Discussed school bus stop in the middle of the “Y”. The School District determines the bus stop. Parents need to complain if there is a problem. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to install a 25 MPH speed limit sign along 900 East.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

3) Asked for an update on the Maughan property – City Attorney Bruce Jorgensen is working on it – hope to close on December 18, 2012.

City Manager's/Recorder's Report:

Don Hartle – 1) The next City Council meeting will include the audit report

At 9:10 p.m., Ron Case made a motion, seconded by Colin Harrison, 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