

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, March 20, 2013, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Gary Bates, Ron Case, and Colin Harrison. City Manager/Recorder Don Hartle and City Planner Jay Nielson were 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 March 15, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Hilary Anderson	Cassie Hendry
	Don Davis	Kody Maughan	Kevin Maughan
	Richard Knapp	Avis Richards	Ron Jensen
	Mike O'Reilly	Ken Richmond	Herm Olsen
	Stephanie Hancock	Deb Phillips	Nate Chambers
	Kelly Chambers	Matt McBride	Cynthia McBride
	Gary Hansen	Ryan Rigby	Kurt Petersen
	Eddie Christensen	Jonathan Cook	

Opening Ceremony: Glenna Petersen

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

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

The Council reviewed the minutes of the February 20, 2013 regular City Council meeting. After discussion, Ron Case made a motion, seconded by Glenna Petersen, to approve the minutes of the February 20, 2013 regular City Council meeting as presented.

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

The Council reviewed the minutes of the March 6, 2013 regular City Council meeting. There were word changes on lines 82, 118, and 119. After discussion, Glenna Petersen made a motion, seconded by Colin Harrison, to approve the minutes of the March 6, 2013 regular City Council meeting with the changes.

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

At 6:03 p.m., Councilman Carl Leatham arrived at the meeting.

Ryan Rigby stated that as he looks around Wellsville City, there are abandoned buildings, especially in the downtown area. Mr. Rigby asked what Wellsville City is planning to do with the buildings. Gary Bates stated that the City Council asked Don Hartle to discuss the issue with City Attorney Bruce Jorgensen. Don Hartle stated that City Attorney Bruce Jorgensen has been sick. Mayor Thomas G. Bailey stated that Wellsville City is working on cleaning up the abandoned buildings in Wellsville City.

Hilary Anderson representing the Child & Family Support Center met with the City Council requesting that the City Council approve a proclamation declaring April as Child Abuse Prevention month. Ms. Anderson stated that April is Child Abuse Prevention month. The Child & Family Support Center provides many programs to the Cache Valley area. The Child & Family Support Center sponsors a race in Wellsville City later in the month of April as a fundraiser for the Child & Family Support Center. Ms. Anderson presented a packet of information to the City Council that includes brochures and ribbons to be worn during the month of April. Ms. Anderson also presented the declaration to be signed by Wellsville City. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to declare April as Child Abuse Prevention month.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Cassie Hendry met with the City Council for a business license. Ms. Hendry would like to open a pre-school in the fall at her home. She will be teaching kindergarten readiness skills to 3- to 5-year-olds. She does have a degree from Utah State University, and has been working in pre-schools for the past 8 years. Ron Case asked what Ms. Hendry's address is. Ms. Hendry stated it is 28 North 100 West. Colin Harrison asked how many students she would have. Ms. Hendry stated she would like to have 10 to 12 students per class, 2 classes per day, 2 to 3 days per week. Carl Leatham stated that the Planning Commission approved the conditional use with no restrictions. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the business license for Cassie Hendry.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Don Davis representing the County Building Inspection Department met with the City Council to give the annual building report. Mr. Davis stated that he handles 10 incorporated cities and the unincorporated area of Cache County. Mr. Davis stated that 90% of his work is residential. There were 16 homes built in Wellsville City in 2012. Mr. Davis stated that he appreciates Wellsville City. Mayor Thomas G. Bailey thanked Mr. Davis for his report. Mayor Bailey appreciates working with Mr. Davis.

At 6:30 p.m., Mayor Thomas G. Bailey conducted a public hearing to receive public input, then consider for adoption a code amendment based on a request from Kody Maughan that the zoning map be amended to rezone property at 340 East 200 South (tax id # 10-016-0019) and property at 396 East 200 South (tax id # 10-016-0020) from RA-1 to R-1-12. Mayor Bailey reviewed the rules of the public hearing with those in attendance. Kody Maughan stated that he would like to rezone the property in order to build a home. Mayor Bailey asked if there was any comment from the public. There was no comment.

At 6:34 p.m., the public hearing was closed.

Mayor Thomas G. Bailey asked if there was any comment from the City Council. Carl Leatham stated that the Planning Commission recommended approval of the zoning map being amended. After discussion, Carl Leatham made a motion, seconded by Ron Case, to **ADOPT CODE AMENDMENT 2013-01** adopting **AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 10, LAND USE REGULATIONS, WHICH INCLUDES AMENDING THE ZONING MAP TO REZONE CERTAIN PROPERTY FROM RA-1 TO R-1-12.**

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council discussed Jay Nielson's role as City Planner. Mayor Thomas G. Bailey welcomed Mr. Nielson back. Mr. Nielson stated that it was good to be home. Mayor Bailey stated that the City Council gave Mr. Nielson a leave of absence for 1 ½ years. Mayor Bailey stated that Mr. Nielson will finish the work that he started before he left. Carl Leatham stated that the Planning Commission welcomed Mr. Nielson back. The Planning Commission discussed the land use code. Mr. Nielson will work 20 hours per month working on the land use code rewrite and attending meetings. Gary Bates stated that he discussed this issue with Mayor Bailey and feels that it is a formality that the City Council needs to discuss. Mr. Bates asked what the plan is for Mr. Nielson attending Planning Commission meetings. Carl Leatham stated that it is up to the Planning Commission and the City Council. Mr. Bates stated that attending the Planning Commission meetings will chew into the 20 hours. Mayor Bailey stated that Mr. Nielson will attend the Planning Commission meetings only when the Planning Commission needs him to. Jay Nielson stated that he has been working on the land use map for the past year. Mr. Nielson asked if the City Council wants the land use code rewritten. Mr. Nielson stated that he is not desperate for the work, but is happy to help. Mr. Nielson stated that he feels an obligation to complete what is unfinished. Ron Case asked Mr. Nielson if he worked on nothing but the rewrite of the land use code how long it would take him. Mr. Nielson estimated 1 year. Mayor Bailey asked if Mr. Nielson is starting from scratch or adding to what Wellsville City currently has. Mr. Nielson stated that he is adding to what Wellsville City currently has. Mayor Bailey stated that before Mr. Nielson left, his contract was 20 hours per month. This contract will be resumed with Mr. Nielson. Mr. Nielson stated that the current code makes him a little nervous because 4 years ago, the commercial code was modified that all projects in the commercial code were based on conditional uses. Mr. Nielson stated that this is not a way to have a code. Mayor Bailey stated that Mr. Nielson will work on the land use code and will attend Planning Commission meetings as needed. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to support the decision to reinstate Jay Nielson as the Wellsville City Planner and honor his contract with Wellsville City.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council conducted a workshop and considered the recommendation of the Planning Commission that the code be amended on a request for SHHP L.L.C. (Richard Knapp) that Title 10, Chapter 7, Recreational Planned Development (RPD) zone of the City Code to establish a definition for "Recovery Resort Treatment Facility" (RRTF) and allow said facilities as a conditional use. Mayor Thomas G. Bailey stated that this is not a public hearing. Mayor Bailey stated that the City Council was mailed a second mailing. The second mailing contained changes made to the code by City Attorney Bruce Jorgensen which was recommended by the Planning Commission. Colin Harrison stated that the letter from Mark Ballif mentions a declaration of easements, covenants, and restrictions that were filed with the Cache County Recorder. City Planner Jay Nielson stated that a declaration of easements, covenants, and restrictions is a private agreement between 2 parties. It is not an agreement with Wellsville City. Herm Olsen stated that he didn't see the letter from Mr. Ballif until now. Mr. Olsen stated that if the concern is that the access for the golf course will be impacted, the answer is no. Mr. Olsen stated that they will address the concerns raised by Mr. Ballif. The intent is not to impede or restrict access to the golf course. Colin Harrison asked if Don Hartle has a copy of the declaration of easements, covenants, and restriction. Don Hartle stated yes. Mr. Nielson stated that he can't believe that there are CC&R's that cross both properties. The CC&R's are private agreements. Ron Case asked about occupancy limits. Mayor Bailey stated that when a conditional use application is submitted, the Planning Commission will set the occupancy. Carl Leatham stated that the

State of Utah helps to mandate the occupancy limit. Mike O'Reilly stated that the State of Utah sets the occupancy limit by square footage. Mr. O'Reilly stated that they will not be asking for that many clients. Mr. Case asked about no person currently using alcohol. Mr. O'Reilly stated that there can be no consumption of alcohol once they reach the facility. The client will have already been through the detoxification process. Mr. Case asked about reporting to the City Council. Mr. Case asked if it will be 6 months from when the business license is issued, or every January and July. Mr. Hartle stated that reporting could take place with the business license is renewed and 6 months after. Mr. Case asked about no building, remodeling, or structure without permission from the Planning Commission. Gary Bates stated that the Planning Commission asked that they be made aware of any changes that take place to the building. Mr. Case asked about being located 1000 feet from any residential zone. Mr. Case asked if it was 1000 feet from the building or the entire property line. Mr. Olsen stated that it is usually from the building. Mayor Bailey asked how the Planning Commission felt about this issue. Mr. Leatham stated that the Planning Commission was happy with the answers that they were given to their questions and approved it per City Attorney review. Mayor Bailey asked when the public hearing would be held. Mr. Hartle stated that the public hearing is scheduled for April 3, 2013. Mayor Bailey thanked everyone for their time.

The City Council conducted a workshop and considered the recommendation of the Planning Commission, then consider for adoption of a code amendment at the future meeting, on a request that the City Code be amended to add a high density zone to Title 10, Chapter 6, Article F, RM-M Multiple-Family Residential zone. Mayor Thomas G. Bailey reminded those in attendance that this is not a public hearing. Carl Leatham stated that the Planning Commission recommended against adopting this code. Mr. Leatham stated that there wasn't much discussion. The Planning Commission doesn't see a need for the code. Gary Bates stated that Planning Commission member Brian Pattee discussed his experience in Logan City with this type of code, Planning Commission member M. Kent Larsen discussed a code with something more than 4 units, but less than what was being proposed, and Planning Commission member Paul Egbert was concerned about the high density of the proposed code. Mr. Leatham stated that the problem with this code is that the public hearing came before the workshop. Things were said privately by citizens and the City Council. The word got out to the public. Mr. Leatham felt that it was a shotgun approach. This code hasn't been discussed. Citizens are protesting, but they don't know what it is they are protesting. This code came about from a request made by a citizen of Wellsville City. Mr. Leatham stated that it has always been said that a code or policy should never be based on one specific project. Enough requirements and restriction could be put in the code to allow it to be approved. Mayor Bailey stated that 15 years down the road, this type of project could turn into rental properties. Colin Harrison stated that the likelihood of it being a rental property is low because of the cost of the properties. Mayor Bailey reminded everyone that the code is being discussed, not the project. Mr. Leatham read from a letter that was read at the Planning Commission meeting. The letter addressed the following concerns: 1) City dying from the inside out, and 2) Zero lot line development. Mr. Bates gave an example of a property in Nibley that is unable to sell and turning into rental properties, and the HOA of the property is falling apart. Mr. Leatham stated that parts of the code that are liked and disliked could be discussed in a workshop. Mr. Bates stated that Wellsville City did everything legal. The public hearing was held. Many people were not in attendance because of other commitments. As more people heard about the code, they wanted to have an opportunity to speak on the issue. There was a big turnout from people that live in the area of the cheese plant. People were in favor of removing the cheese plant. Mr. Harrison stated that citizens have now changed their minds. Citizens were in favor of the having the cheese plant removed. Citizens then heard that the cheese plant property was going to have apartment buildings on it. Citizens were confused. Ron Case stated that there are specific zones all over town, such as the historical zone for the American West Heritage Center and the RPD zone for Sherwood Hills. Mr. Case asked about setting up this type of zone in one area. City Planner Jay Nielson stated it is possible, but the whole effort has been to avoid it. Apartment buildings have been scattered throughout neighborhoods in Wellsville City. This is where Wellsville City was headed, but this code would reverse it. There is no effort to do neighborhood integration. Mr. Harrison asked if it has been discussed setting up zones for this type of project throughout Wellsville City. Mr. Leatham stated that a developer would have to have more than 1 acre of property to begin this type of project. Mr. Bates stated that a discussion was held about middle of the block development, which Wellsville City doesn't want. Glenna Petersen stated that she contacted her brother, who does development, and they discussed many things. Ms. Petersen discussed a planned district where this type of project would be allowed. Ms. Petersen stated that the developer approached the City with a plan, and then the developer sells the neighbors on the

plan and why it would be better than what they have. There would be no worry about developing a code. Mr. Nielson stated that it is very common and has been used for years. An example of a planned district is Sherwood Hills and the RPD zone. Mr. Nielson stated that the whole issue relates to density. The code allows 1 4-plex per block. This way it distributes the density uniformly to everyone. It is uniform fairness to everyone. Mr. Nielson stated that the problem lies when the developer turns to the neighbors. When the code allows the permitted use, the City Council would be hard pressed to deny the developer. Mr. Bates stated that the Planning Commission held the public hearing. They discussed not moving too fast on this issue. They also discussed surveying the community to find out if this is something that is wanted by the citizens. Workshops should have been held and then have a public hearing for the Planning Commission. More workshops held and then a public hearing for the City Council. Mr. Harrison stated that the discussion concerning density would come sooner or later and it is a discussion that needs to happen. The committee spent 6 months working on this code. There was no answer given to the developer from the start. Mr. Harrison suggested that the City Council have an accurate discussion concerning density. Wellsville City needs input from the citizens. Mr. Harrison suggested that Wellsville City complete the survey. Mr. Case stated that Wellsville City needs to be careful how the survey is completed. Mr. Case stated that surveys have ramifications and it can change the minds of the citizens. Mr. Bates read an article from the newspaper concerning Hyrum and the same issue. Mr. Bates stated that surveys aren't a bad thing if they are done correctly. Mr. Nielson stated that it may be helpful as a compromise to review the previous survey that was completed by Wellsville City. Mr. Harrison stated that it would be interesting to review, but doesn't feel it would give any useful information. Mr. Case stated that Wellsville City can't support business because Logan or Brigham City is cheaper. Mayor Bailey stated that surveys are a good tool because they can be concise as possible. Mayor Bailey stated that it would be a different story if the survey was business versus multiple-family dwellings. The citizens need to understand what Wellsville City is asking, and they need to be educated in order to get accurate results. Mayor Bailey stated that as a City Council, they need to be careful about criticizing the Planning Commission. The Planning Commission is appointed by the City Council. The Planning Commission has completed their job. It is up to the City Council to go along with the recommendation or not. Mr. Harrison stated that the Planning Commission should have spent more time on this issue. Mr. Leatham stated that the Planning Commission rushed into a decision. Mayor Bailey stated that the City Council has made decisions without a workshop. Mayor Bailey asked the City Council if they thought the code that was presented was going to pass. Mr. Harrison stated that a committee was assembled to write this code and he wishes that the Planning Commission and the City Council has taken the time to review it. Mayor Bailey stated that the Planning Commission and the City Council reviewed the code when Justin Cooper made his presentation. Mr. Case asked where Wellsville City stands in the process. Mayor Bailey asked about the public hearing. Mr. Harrison stated that the public hearing was advertized in the newspaper for the City Council exactly as it was advertized for the Planning Commission. Don Hartle stated that the workshop is held to discuss the matter. A public hearing in for citizen input. The code goes before City Attorney Bruce Jorgensen for his review and input before it is adopted. Mr. Hartle stated that Mr. Jorgensen has not seen this code. Mr. Leatham asked if the City Council should move forward with the public hearing. Mr. Harrison stated that the public hearing will involve the neighborhood that this project is taking place in. Gary Hansen asked that the City Council read the General Plan. The General Plan discusses how to do a survey, transitional areas, and neighborhood committees. It was adopted in 2010 and it is an amazing document. Mr. Leatham asked how to build retirement housing without opening it up to others. Mr. Nielson stated that Wellsville City could, but if they ever get challenged, they won't get away with it. Mayor Bailey stated that there are CC&R's for subdivisions and CC&R's for this project could say no children allowed. Mr. Nielson stated that all CC&R's are private. The public can't dictate what is contained in CC&R's. Mayor Bailey asked where the City Council goes from here. Mr. Bates suggested that everyone state their feelings. Mayor Bailey asked about the public hearing, a survey, and if this code is voted down. Mr. Hartle stated that he checked with City Attorney Bruce Jorgensen. If this code is voted down, the public hearing can be canceled. Mr. Leatham stated that this code is nowhere near ready to be ratified. It needs to be fine tuned. Mr. Case stated that he agrees to a point. A survey would be no different than a public hearing. Gary Hansen stated that in the General Plan, it states that volunteers are welcomed to go out and discuss the issues with the citizens. Mr. Harrison stated that there is a process to follow. The next step is a public hearing. Mr. Harrison is interested if citizens will come or not. If a survey is issued, the citizens may not show up to the public hearing. Mr. Bates stated that a buffer zone between residential and commercial could be developed which would be the RM-M Multiple-Family zone. Mayor Bailey stated that Hyrum was their multiple-

family zone in the commercial zone. Mr. Bates stated that most citizens are against more than 1 4-plex per block. Mr. Leatham stated that the discussion is about density. This is not a developer-friendly code. Mayor Bailey stated that this issue has been through the Planning Commission process. The Planning Commission doesn't have to care how long it takes a committee to make a decision. Mr. Harrison stated that mistakes have been made. Mayor Bailey stated that it is not good policy in a public meeting to criticize the Planning Commission. Mr. Bates stated that there are smart people on the Planning Commission. Mr. Harrison asked if the City Council was ready to take the recommendation of the Planning Commission and end this discussion tonight. Mr. Case stated that most people don't want it and Wellsville City is not doing anyone any favors by continuing it. Mr. Harrison asked if there had been enough of a discussion. Mr. Case stated that the City Council has been elected to make decisions. Mr. Harrison asked for the opinions of the public that were in attendance. Two of the members stated no, and one member stated that he agrees with the others, but wants to know what will be done with the cheese plant. Gary Hansen stated that he would like to put something in its place where the infrastructure is already there. There could be trails around the property. Gary Hansen stated that he wants to improve the property. It will be a shame if someone dies there and Wellsville City didn't do anything with the property when they had the chance to. Mr. Harrison stated that he is not ready to vote the code down. Ms. Petersen stated that as the code is written, she couldn't support it. Mr. Case stated no. Mr. Bates stated no. Mr. Leatham stated that as it is written, it is not ready. Mr. Leatham stated no. After discussion, Gary Bates made a motion, seconded by Ron Case, to accept the recommendation of the Planning Commission and vote against a request that the City Code be amended to add a high density zone to Title 10, Chapter 6, Article F, RM-M Multiple-Family Residential zone.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Glenna Petersen

NAY 1

Colin Harrison

The City Council discussed the existing elementary school. Mayor Thomas G. Bailey stated that he talked with Bruce Parker to find out some information for Wellsville City. The Cache County School District would like to give the building to Wellsville City. Mayor Bailey stated it was discussed previously to take a tour of the building. Mayor Bailey stated that Bruce Parker states that to demolish the building would cost at the most, \$10 per foot. There is asbestos in the tile of the building. Mayor Bailey stated that hazmat people would come in and remove the tile. Once the tile is removed, the cost drops to about \$5 per foot. That cost refers to a crusher coming onsite and crushing the building there. Mayor Bailey stated that once school is out for the summer, the City Council will take a tour of the building. Carl Leatham asked about modifying the existing structure to use as a shop or garage. Gary Bates stated that it would be beneficial to invite people that are knowledgeable about the uses of the building and demolishing a building. Mayor Bailey stated that this discussion will resume after school is out for the summer.

Department Reports:

Colin Harrison – 1) Tree Trimming Clinic – 22 attended

2) Arbor Day program – April 27, 2013 – 10:00 a.m.

3) Will not be in attendance to the next City Council meeting – will be out of town on April 3

4) Received complaints about the cemetery – not a good job digging graves.

5) Met with the Shade Tree & Beautification Committee – will keep working on the trees at the cemetery.

Glenna Petersen – 1) Submitted 2 grants for sidewalks today – appreciate the sidewalk committee.

Ron Case – 1) New open burn regulation went into effect March 1, 2013 – State regulation – fill out an application online. Add to the next newsletter and post information on the website.

Gary Bates – 1) Felt unsettled after the benefits review – how to do it fairly and keep employees happy and motivated. Asked that the compensation, insurance, and retirement be reviewed by a professional human resource company. Colin Harrison feels that it is a good idea. Glenna Petersen stated that Pam Gunnell works in this type of field. Gary Bates will contact Pam Gunnell.

2) Feels that Wellsville City is not keeping up on the streets. Talked to Chris Breinholt about the letter written by John Powell. There is a business in Tremonton that will survey the streets for free and recommend what each street needs as far as the life of the street. Will pass the information to Glenna Petersen.

3) Truck Stop – watching the truck stop in Corrine – trucks not stopping, but pulling out into traffic and making cars stop. The State will have to be cautious how they handle traffic if a truck stop is built in Wellsville.

4) Memorial Day – Marine Auxiliary to do the program again – yes. Will contact Jerry Cokely & Jackie Orton.

5) Discussed schedule of summer events – will post in the newsletter.

Carl Leatham – 1) Asked that the “Rules of Conduct” be framed so they stand out.

City Manager/Recorder’s Report:

Don Hartle – 1) Dennis Murray from LeGrand Johnson contacted Don Hartle. They will be redoing the canyon road this summer and asked that they have a hot pit in the gravel pit for 30 to 45 days. The gravel pit is in the county. Mr. Hartle read from the minutes of the Logan Planning Commission meeting. The City Council discussed this issue and asked Don Hartle to contact Dennis Murray about offering to chip and seal the road in return for having the hot pit.

2) Handed out a flyer concerning training - \$30 per person – asked that the individual pay for it and the City will reimburse them.

At 9:30 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

Mayor Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder