

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 3, 2013, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Gary Bates and Ron Case. 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 March 29, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Kody Maughan	Kevin Maughan
	Avis Richards	Ron Jensen	Mike O'Reilly
	Ken Richmond	Herm Olsen	Deb Phillips
	Matt McBride	Cynthia McBride	Brian Hobbs
	Mark Ballif	Mike Nichols	Cody Anhder
	Jonathan Cook	Rachel Fry	Michelle Arnold

Opening Ceremony: Ron Case

Councilmen Colin Harrison and Carl Leatham were excused from this meeting due to vacation.

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

<u>YEA 3</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Glenna Petersen	

The Council reviewed the minutes of the March 20, 2013 regular City Council meeting. There were word changes on lines 241, 267, 268, 332, 333, and 334. After discussion, Ron Case made a motion, seconded by Glenna Petersen, to approve the minutes of the March 20, 2013 regular City Council meeting with the changes.

<u>YEA 3</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
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 15471 through 15503.

<u>YEA 3</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Glenna Petersen	

Kevin Maughan asked if Wellsville City ever purchased water and who he would talk to about it. Mayor Thomas G. Bailey stated that Wellsville City does purchase water. Mr. Maughan would need to talk to the president of the Wellsville Dam Irrigation Company which is Arlyn Brenchley. Mr. Maughan stated that he owns water in the Wellsville Dam and in the canal. Mayor Bailey stated that he would need to talk to Quinn Murray or Ray Bankhead about the water in the canal. Mr. Maughan asked what the water is worth. Mayor Bailey stated that he could discuss that issue with the water engineer or a real estate agent. Mr. Maughan asked if Wellsville City sold water. Mayor Bailey stated that Wellsville City can't sell water, but that the Wellsville City Irrigation Company can.

Kody Maughan asked if he could get a copy of the audio file for the City Council meeting held March 20, 2013. Don Hartle stated that he would need to bring a CD to the office and they could copy it off for him.

At 6:30 p.m., Mayor Thomas G. Bailey conducted the following public hearings:

First, receive public input, then consider for approval a concept plan for the Kody Maughan Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South. Mayor Thomas G. Bailey reminded those in attendance of the public hearing rules and guidelines. Kody Maughan stated that he met with the Planning Commission last week. They were concerned that there were two lot 2's on the plan. It was decided that a lot line adjustment could be done to move the smaller lot 2 back to being part of the property that is located in the county. The home will be located in front of dad's home. There is plenty of frontage for the home. Other concerns are the 66-foot road and the sidewalk. Kody Maughan would like to face his home to the east. He is wondering where the frontage for his home would come from. Kody Maughan stated that 200 South is a very busy road. He is required to have a 20-foot side yard. He is wondering if he could build the home 30 feet off of 200 South, and 20 feet off of 400 East. Mayor Bailey stated that it depends on how the home is faced. It is required that a home has a 30-foot setback on the front yard. Don Hartle stated that because this is a corner lot, it is also required that he is 20 feet from the roadside. Mr. Hartle stated that Kody Maughan should discuss this issue with Cache County Building Inspector Don Davis. The address for the home facing east would be 210 South 400 East. Mr. Hartle stated that he also needs to be concerned about the address for emergency contact. Gary Bates stated that the problem is that the road is narrow and out of alignment. Mr. Hartle stated that he has been doing some research and it may be possible to have 2 parcels with the same tax identification number that is not contiguous. Kody Maughan stated that he has talked with the Cache County Recorder and City Engineer Chris Breinholt. Mr. Breinholt stated that the decision is ultimately up to Wellsville City. Mayor Bailey stated that the concept plan could be approved with conditions. Glenna Petersen stated that 200 South is a dangerous road and thinks that a sidewalk would be a good idea. Ms. Petersen stated that she would like to hear from the other council members concerning the sidewalk. Ron Case stated that Wellsville City has had an unofficial moratorium on sidewalks. Mr. Case stated that sidewalks should be discussed on a case-by-case basis until the sidewalk study is completed. Mr. Case suggested that a sidewalk not be required. Gary Bates stated that he can agree with that decision. Mr. Bates asked about payment in lieu of the sidewalk. Mr. Bates used Russell & Earl Glenn as an example of the payment in lieu of sidewalk. Mayor Bailey asked if all were in agreement that the sidewalk requirement be waived. All agreed. Mayor Bailey stated that the City Council needs to discuss the 66-foot road. City Engineer Chris Breinholt stated that the road should be 99 feet. Kevin Maughan made an agreement with the City when he built his home that if the property was ever subdivided, the 66-road would be deeded to Wellsville City. Kody Maughan asked if he would be required to pave the road if he built his home off of 400 East. Mr. Case stated that it is required to build the road to city standards. Kody Maughan asked if he could postpone paving the road until more homes are built on the property. Glenna Petersen asked if a subdivision is approved behind Kevin Maughan's home, would Wellsville City be responsible to pave the road. Mr. Case suggested setting a date that the road would be paved by. Kody Maughan stated that he could live with that. Mayor Bailey stated that it would be a city road, and asked who would be responsible for snow removal. Mr. Case stated that it could be part of the agreement. Because the road is not paved, Kevin Maughan or Kody Maughan would be responsible for snow removal. Mr. Bates stated that his concern is that if the property is ever sold, the developer that it was sold to wouldn't be responsible for paving the road. Mayor Bailey stated that the City Council needs to be very careful about waiving the frontage off of 400 East. There should be a 30-foot setback on 400 East and 20-foot side yard on 200 South. If Kody Maughan wants to move the home 30 feet off of 200 South, that is up to him. Kody Maughan asked if there is a reason that on a corner lot, the 30 feet front yard and 20 feet side yard couldn't be switched. Mayor Bailey stated that it has never been switched. Kody Maughan suggested asking Jan Maughan for 10 feet of property, which would move the center line of the road. Mayor Bailey stated that he would have to ask for 10 feet of property the entire length of the road. Mr. Bates stated that Kody Maughan is asking that the City Council approve a concept plan with no house drawn on it, the sidewalk requirement be waived, and paving of the 66-foot road be waived. Mr. Bates stated that the 66-foot road runs across 2 lots. It is normal that Wellsville City ask that the 66-foot road be paved. Mr. Case asked if the northeast corner is where the home will be built. Kody Maughan stated yes because he doesn't want a sump pump in his basement. Ms. Petersen stated that her fear is that the property is sold and the City will be responsible for paving the road. Mr. Case asked if a time limit for paving a

road can be set. Mr. Hartle stated that it has never been done before. Mr. Hartle stated that he would have to ask City Attorney Bruce Jorgensen. Mr. Case stated that he is a little leery of going outside of the parameters. Mr. Hartle stated that it is a subdivision. It doesn't matter if the subdivision has 1 home or 100 homes. Mr. Hartle stated that Wellsville City has never been involved in an agreement like this before. Mr. Hartle stated that other citizens will want to do the same thing. Kody Maughan stated that he has reviewed the rules and regulations. Kevin Maughan and Kody Maughan are giving away ½ acre of ground to Wellsville City. Mayor Bailey stated that was the agreement between Wellsville City and Kevin Maughan that when the property is subdivided, the road would be deeded to Wellsville City. Kevin Maughan asked if the road would have to be paved if the house faces 200 South. Mr. Hartle stated that the 66-foot road is still part of the subdivision. Don Hartle suggested that Kody Maughan contact Cache County Building Inspector Don Davis about the issue of which way the house can face. Mayor Bailey asked if there was any public comment. There was none.

At 7:03 p.m., the public hearing was closed.

Don Hartle stated that the Planning Commission approved the concept plan with the condition that the smaller lot 2 be absorbed into the county. Mr. Hartle stated that he will discuss this issue with City Attorney Bruce Jorgensen. After discussion, Ron Case made a motion, seconded by Gary Bates, that the concept plan for the Kody Maughan Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South be approved with the following conditions, 1) the smaller lot 2 be resolved per City Attorney Bruce Jorgensen's review and approval, 2) the sidewalk requirement be waived, and 3) require that the 66-foot road be paved.

YEA 3

Gary Bates

Ron Case

Glenna Petersen

NAY 0

Second, receive public input, consider the recommendation of the Planning Commission, then consider for possible adoption of a code amendment, based on the recommendation of the Planning Commission that the code be amended based on a request from SHHP L.L.C. (Richard Knapp) for facilities at 7877 South Highway 89/91 (Sherwood Hills) 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 reminded those in attendance of the public hearing rules and guidelines. Mike O'Reilly stated that he is the Executive Director of an upscale drug and alcohol rehabilitation center that specializes in prescription drugs. Operating 100 to 140 beds would allow them to use the entire facility. There are State regulations that they have to follow. They have contracts in place, and are very overstaffed at this point. Don Hartle asked if they have checked with the State Fire Marshall before they process. Mr. O'Reilly stated yes. Glenna Petersen stated that she attended the Planning and Zoning meeting last Wednesday. The concerns that were discussed were contacting UDOT, fire code, State licensing, food preparation, and a site plan. Mr. Hartle stated that they will need to contact UDOT because it is a change of use. Mr. O'Reilly stated that he will contact UDOT tomorrow. Mr. O'Reilly stated that they will have food onsite. At the opening of the facility, the food may be catered. Mr. O'Reilly stated that the building that housed the condominiums is unusable at this time. Mr. O'Reilly stated that any construction will have to go through the Planning Commission. Mr. O'Reilly stated that the south building is part of the ultimate plan, but not the current plan. Ron Case asked if they have other facilities in the State. Mr. O'Reilly stated that he has owned 7 or 8 facilities in the past. This facility is not part of a larger company. Mr. Case asked if they had to have the same type of licensing from the State of Utah. Mr. O'Reilly stated yes. Mr. Case asked if there have been any infraction or write-up from the State of Utah. Mr. O'Reilly stated no. Ron Jensen stated no. Mr. Case asked if the facility would be a closed campus or if the clients are free to leave. Mr. O'Reilly stated that the clients aren't free to leave. The clients will be under constant supervision. Mr. Case commented that when other businesses have come before the City Council, the citizens of Wellsville have been 100% for or against the business. The comments that he has received about this business are 50/50. Mayor Bailey stated that the biggest question is will there be anything done at Sherwood Hills that would drive people away from the golf course. Gary Bates stated that he hopes that it can be resolved by the frequency of reports that are submitted to the City Council. Mr.

O'Reilly stated that the Planning Commission asked that the reports be submitted every 6 months. Don Hartle stated that the 6 months will begin when the conditional use permit is issued. Mr. Bates asked about the number of beds. Mayor Bailey stated that the number of beds will be assigned when the conditional use permit is issued. Mr. O'Reilly stated that they have submitted the fire plan to the State Fire Marshall. Mr. Bates asked that they arrange a time to meet with Fire Chief Clint Kerr. Mr. Jensen stated that they will meet with Fire Chief Kerr. Mr. Bates also suggested that they keep the roads accessible 24 hours per day. Cody Anhder, building maintenance representative, stated that the roads have been kept accessible all winter long. Mark Ballif stated that he has been ignored throughout this entire process, and that he is upset with the Planning Commission. Mr. Ballif owns the golf course. He lives in Ogden and has 3 grown children. Mr. Ballif stated that this golf course has been very successful. Mr. Ballif stated that he has built several golf courses and has worked at 20 golf courses in his lifetime. Mr. Ballif stated that the golf course without the hotel and restaurant is impossible. The golf course can't survive without the hotel and restaurant. Mr. Ballif showed the master plan of the golf course. There will be no fences to keep the clients from wondering off. Mr. Ballif believes that this is a hazard to the golf course. Mr. Ballif stated that the golf course will go bankrupt if this facility is allowed. Mr. Ballif believes that Wellsville City is bailing out Richard Knapp. Mr. Ballif asked what benefits Wellsville City will receive from this facility. There is no sales tax. Wellsville City will receive the same amount in water and property tax. The zone is RPD. RPD stands for Recreational Planned Development. This facility is not Recreational Planned Development. Mr. Ballif referred to the facility as a mental health hospital. Mr. Ballif stated that none of those involved have ever owned this type of facility. Mr. Ballif is concerned that hole #2 is 150 feet from the facility. Mike Nichols stated that Mr. Ballif has owned the golf course for 40 years. He has employed a dozen or so people from the community. Mr. Nichols stated that Mr. Ballif pays \$30,000 a year in water fees. Mr. Nichols stated that he struggles to understand the logic of the Planning Commission. Mr. Nichols stated that he has 2 concerns: 1) it is dark when the golf shop closes, and 2) smoking area is close to the golf course. Avis Richards stated that she has been the General Manager of Sherwood Hills for the past 2 years, and the accountant for the past 12 years. Ms. Richards stated that she understands the concerns of Mr. Ballif. Ms. Richards stated that the property has lost money every year except for 2002. It is built in an area that people don't come to. Ms. Richards stated that she can count on 2 hands that number of people that have come to the hotel, ate at the restaurant, and golfed in the last 2 years. The property is currently closed and will remain closed. It will never again open as a hotel or restaurant. It is the ideal area for people to bring their life back together. Ms. Richards stated that they will gladly put up some fences. Ken Richmond stated that he is the Marketing Director for this facility. Mr. Richmond stated that he was raised around drug addicts. He hires recovering drug addicts to work for his construction company. People are at this facility for a reason. It will be a benefit to the community. Herm Olsen stated that a empty, boarded up facility is of no use to the community. The Planning Commission can impose conditions on this facility to satisfy and meet the conditional uses. Mr. Olsen stated that he worked with City Attorney Bruce Jorgenson on the code that is being presented tonight. Mr. Hartle asked who owns the facility. Mr. O'Reilly stated that Richard Knapp owns the property. He is also a partner of the facility. The facility will be purchasing the property from Mr. Knapp.

At 7:56 p.m., the public hearing was closed.

Gary Bates stated that to Mr. Ballif's detriment, if he refers to this facility as a mental health hospital, the public opinion can be swayed by using a term like that. The public perception is that they are not seeing it as a mental health hospital. The facility is closed. There is no revenue. There are no customers using the facility. Mr. Bates believes this is a way to rejuvenate the facility. Ron Case stated that based on the comments, it is not the responsibility of the City Council to decide if a business is profitable or not. The hotel and restaurant is already closed. Mr. Case asked that the owners of the facility don't allow people to come and then release them into Logan or the surrounding area. Mr. Case recommends that they fence the smoking area. There is a great need for these types of programs. Mr. Case hopes that the two parties can work out their differences. Wellsville City would hate to lose the golf course. Wellsville City would hate to lose Sherwood Hills. Glenna Petersen stated that she feels for Mr. Ballif, and can see his fear. Ms. Petersen doesn't see the two entities resolving their differences. It will take a change of heart. Ms. Petersen stated that she can see both sides. Mayor Thomas G. Bailey stated that two City Council members are not in attendance. Mayor Bailey stated that there is a quorum. Mayor Bailey asked if those City Council members in attendance want to vote or table this decision until the next City Council meeting. The issue

was discussed. It was decided that a decision would be made. After discussion, Gary Bates made a motion, seconded by Ron Case, to **ADOPT CODE AMENDMENT 2013-02** adopting **ADMENDMENTS TO TITLE 10 OF THE WELLSVILLE MUNICIPAL CODE PROVIDING FOR A RECOVERY RESORT TREATMENT FACILITY (RRFT) AS A CONDITIONAL USE IN THE RPD RECREATIONAL PLANNED DEVELOPMENT ZONE AND REALATED AMENDMENTS.**

YEA 3

NAY 0

Gary Bates  
Ron Case  
Glenna Petersen

Department Reports:

Glenna Petersen – 1) Sidewalk Committee is visually checking all sidewalks in Wellsville City.

Ron Case – 1) Tennis Court lights need to be fixed.

2) Asked that the distance of the trail around the dam be posted – Gary Bates will work on it.

Gary Bates – 1) USU has a department that helps with street surveys. He forwarded the information onto Councilwoman Glenna Petersen.

2) Phase 2 & 3 of the trail is in the final approval process with the government.

3) The trail cost more than what was anticipated. Spoke with the State Trail people about additional funding. They suggested that Wellsville City apply for another grant. He is going to apply for a 50/50 grant for \$10,000. He will use the \$17,000 from the RAPZ tax as the matching funds. It will cost a little out of pocket, but it will be replenished with the money from the grant.

4) Compensation & benefits review – spoke to Pam Gunnell, but she is too busy. She suggested a graduate student looking for an internship. Mr. Bates spoke to a professor at USU, and there are 4 to 5 graduate students that will not be leaving the valley and they are looking for a project. Mr. Bates will write up a statement of work and what Wellsville City would be willing to compensate for that work. The City Council can review that statement in 2 weeks.

5) Annual review of cemetery – asked that Don Hartle add it to the agenda in 2 weeks.

6) Memorial Day program – spoke with Jackie Orton & Jerry Cokely. They are willing to come again. Wellsville City will provide the speaker and music.

City Manager/Recorder's Report:

Don Hartle – 1) The City Council reviewed the letter from John Powell concerning roads. Asked what roads the City Council wanted done this summer. It was planned to have Center Street from Highway 89/91 to 1600 East and 200 East from 200 North to 400 North. There is also the issue of the corner at 400 North and Highway 89/91. All City Council members stated to complete the roads that have already been discussed. Ron Case asked if the corner had been discussed with UDOT. Mr. Hartle stated that UDOT won't do anything about it because it is a city road. Decided that cement barriers were too dangerous. Will install the steel delineators.

2) In July 2012, some guys were in the water meter at the elementary school and did some things that they shouldn't have. It was determined that \$16,000 worth of damage was done. Mr. Hartle will discuss this issue with City Attorney Bruce Jorgensen and have him write a letter stating that it was not Wellsville City Public Works that caused the damage.

At 8:12 p.m., Gary Bates made a motion, seconded by Glenna Petersen, to adjourn the meeting.

YEA 3

NAY 0

Gary Bates  
Ron Case  
Glenna Petersen

---

Mayor Thomas G. Bailey  
Mayor

---

Don Hartle  
City Manager/Recorder