

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 7, 2013, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Gary Bates, Ron Case, Colin Harrison, and Carl Leatham. City Manager/Recorder Don Hartle, City Planner Jay Nielson, and City Attorney Bruce Jorgensen 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 August 2, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

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|------------------------|-------------------|------------------|-----------------|
| <u>Others Present:</u> | Jennifer Leishman | Braxton Maughan | Brian Maughan |
| | Randy Auman | Gary Hansen | Barbara Cokely |
| | Jerry Cokely | Rock Davidson | Kendall Leatham |
| | Janie Isaacson | Shirley Bradshaw | Joyce Anderson |
| | Blaine Anderson | Luella Anderson | Jan Anderson |
| | Peter Milligan | Cara Mortensen | Tim Parkinson |
| | Sandra Francis | Travis Taylor | Ruth P. Maughan |
| | Marcene Parker | Jens Trauntven | Jonathan Cook |
| | John Spence | William Everitt | Aaron Walker |
| | Perry Maughan | | |

Opening Ceremony: Ron Case

Councilwoman Glenna Petersen was excused from this meeting due to work.

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

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|----------------|--------------|
| <u>YEA 4</u> | <u>NAY 0</u> |
| Gary Bates | |
| Ron Case | |
| Colin Harrison | |
| Carl Leatham | |

The Council reviewed the minutes of the July 1, 2013 regular City Council meeting. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the minutes of the July 1, 2013 regular City Council meeting as presented.

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|----------------|--------------|
| <u>YEA 4</u> | <u>NAY 0</u> |
| Gary Bates | |
| Ron Case | |
| Colin Harrison | |
| Carl Leatham | |

The Council reviewed the minutes of the July 17, 2013 regular City Council meeting. There were word changes on lines 1 and 121. After discussion, Ron Case made a motion, seconded by Colin Harrison, to approve the minutes of the July 17, 2013 regular City Council meeting with the changes.

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|----------------|--------------|
| <u>YEA 4</u> | <u>NAY 0</u> |
| Gary Bates | |
| Ron Case | |
| Colin Harrison | |
| Carl Leatham | |

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Carl Leatham made a motion, seconded by Ron Case, to approve the City's bills for payment, represented by check number 15888 through 15934.

YEA 4

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

NAY 0

No one was in attendance for citizen input.

Braxton Maughan met with the City Council to discuss his Eagle Scout project. Mr. Maughan would like to fix the Christensen Field sign. He is replace board, sand all boards, prime and repaint the sign, and paint the letters white. Mr. Maughan will also sand and repaint the posts. Colin Harrison asked what the estimated cost would be. Mr. Maughan stated it would be about \$150. Gary Bates asked if most of the materials will be donated. Mr. Maughan stated yes. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to approve the Eagle Scout project of Braxton Maughan with Wellsville City contributing up to \$75 and the rest of the cost will be in donations to the project.

YEA 4

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

NAY 0

A representative from Cache County Sheriff's Office met with the City Council to discuss the proposed \$1.00 per month fee for emergency communications. Randy Auman, director of the E911 Communications stated that he would answer any questions or give a general overview if that is what is wanted. Mayor Thomas G. Bailey asked if the \$1.00 would be used for administrative fees. Mr. Auman stated no. This \$1.00 is a special revenue district with no intermingling with the general fund. Mayor Bailey asked if the user fees will also go towards replacing radios in the future. Mr. Auman stated that the \$1.00 per month fee is broken into \$.50 for user fees, \$.25 for maintenance, and \$.25 for capital improvements. Mayor Bailey asked that because the lie of the radios is unknown, who will be responsible 10 years from now to replace the radios. Mr. Auman stated that is why they are starting with a fee of \$1.00. The radios are 5 years old now, and the life expectancy is 10 years. There are over 1,100 radios in use. The \$1.00 fee will not replace all of the radios. Mayor Bailey asked if they will receive another grant. Mr. Auman stated that they are working on it and trying every year to get additional monies. Colin Harrison asked if the \$1.00 will be managed by the E911 Center. Mr. Auman stated yes, they are not hiring additional people to do it. Mr. Harrison asked why it has to be part of the garage collection fee and not a separate line item. Mr. Auman stated that the only county-wide billing system is for solid waste. That is the only way to bill every household in the county the \$1.00 fee. Mr. Harrison stated that Logan City takes monies from the garbage collection to balance the general fund. Mr. Auman stated that cities take from enterprise budgets all the time. Mr. Auman stated that this money can't be transferred out. Ron Case asked if the fee will ever increase. Mr. Auman stated no, not without asking for an increase. Mr. Case stated that the E911 Center can't increase it on their own. Mr. Auman stated no. Don Hartle stated that his concern is he doesn't see why the \$1.00 fee has to be tied into garbage collection. Mr. Hartle stated that Wellsville City adds \$.50 a month to what Logan City charges, and Wellsville City is lucky if they break even. Mr. Hartle stated that there has to be a better way to collect the \$1.00 fee without adding it to the garbage fee. Mr. Auman stated that there are 2 choices; add it to the garbage billing or to the property tax. The garbage billing is the only county-wide billing system. Mr. Hartle asked how Mr. Auman knows the number of garbage's collected in Wellsville City. Mr. Auman stated that he has a report from the environmental department at Logan City. Mr. Auman stated that an audit is done every collection day by the garbage truck driver. Gary Bates stated that the decision to purchase radios was made without involvement from Wellsville City. Mr. Bates stated that a fee is a sneaky way to collect monies. Mr. Bates suggested that the fee be added to the property tax and let the citizens decide. Mr. Bates stated that he would like to see a citizen from Wellsville City representing Wellsville on the committee. Mr. Auman stated that the mayor's from all the cities in the county signed off on the radios, and was told that the money would run out in 5 years. Blaine Anderson stated that if \$.25 is going into a savings account, he doesn't think that is a good idea. Mr. Auman stated that it is a PTIF account for infrastructure. Mr. Case asked if Mr. Auman would define infrastructure.

Mr. Auman stated that infrastructure is building new towers, propane, maintenance on generator, replacement of towers, etc. Mayor Bailey thanked Mr. Auman for his time.

The City Council continued consideration of the appeal of Gary Hansen regarding the Planning Commission decision of May 22, 2013 relating to his request for a conditional use to allow 52 townhomes at 169 East 300 North. Mayor Thomas G. Bailey stated that the City Council has been provided with information from City Attorney Bruce Jorgensen and information from Gary Hansen. Mayor Bailey asked if the City Council had any further questions. Gary Bates stated that he read the information from Mr. Jorgensen and Mr. Hansen and he had no further questions. Mr. Bates asked City Planner Jay Nielson about the wording of the motion. City Planner Jay Nielson stated that the City Council should refer to City Attorney Bruce Jorgensen's legal council, which is consistent with his. Ron Case stated that there are 2 issues: 1) Mr. Hansen's appeal of the Planning Commission's denial, and 2) Mr. Hansen's appeal for the conditional use approval which was done after the denial. Mr. Case stated that in Mr. Hansen's material, he believes that Wellsville City has not met their requirements as a city. Mr. Case stated that he believes that Wellsville City has met their requirements as a city. After discussion, Ron Case made a motion, seconded by Gary Bates, that the City Council uphold the denial of a conditional use permit on the request from Gary Hansen. City Attorney Bruce Jorgensen stated that the motion should include a reference or reading of the reasons. After discussion, Ron Case amended his motion, seconded by Gary Bates, that the minutes of the Planning Commission meeting dated April 24, 2013 state the reasons for the denial. Those reasons are as follows: 1) The proposed use does not meet the intended purpose of the M-1 Manufacturing zone which states that: "The purpose of the M-1 zone is to provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone, [and] adjacent areas..." (Wellsville Code 10-10-1), 2) The proposed project is not compatible with the surrounding single family residential neighborhood which is adjacent and surrounding the subject property. The proposed density is 10.65 dwellings per acre, whereas the allowed density in the adjacent residential zone may not exceed 2.85 dwellings per acre, except when multifamily dwellings have been approved as defined in Chapter 10-11-16, 3) The project, as proposed, does not meet the requirements set forth in Chapter 10-11-16 Multifamily Dwellings that establishes that the City desires, "to avoid concentrations of large number of multifamily dwelling...", 4) The project, as proposed, does not meet the requirements for multifamily dwellings as set forth in the General Plan and the City Code. The General Plan gives adequate guidance concerning the appearance of multifamily dwellings; 5) The proposed does not meet the purpose set forth in the General Plan, in that, the historical pattern of mixing multiple family dwellings within single family neighborhoods has been successful and concentrating multifamily dwellings has been less successful. The intent in the General Plan is to allow a limited number of multifamily dwellings within existing single family areas.

YEA 4

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

NAY 0

After discussion, Ron Case made a motion, seconded by Carl Leatham, that the City Council leave the decision made by the Planning Commission as is and the reasons for it are reference in a memorandum received by City Planner Jay Nielson dated April 26, 2013 and the minutes of the Planning Commission dated May 8, 2013 state reasons for the approval. Those reasons are as follows:

CONDITIONS OF APPROVAL FOR AN AMENDED PLAN WHICH MEETS THE REQUIREMENTS OF THE WELLSVILLE CODE AND THE GENERAL PLAN

This project is subject to the proponent or property owner agreeing to submit an amended plan and comply with the following conditions as written, or as may be amended by the Planning Commission.

1. The proposed project has been revised and amended by the conditions of project approval to conform to the requirements of Title 10 and Title 11 of the Wellsville City Code.
2. The allowed density and dwellings would be subject to requirements for sensitive lands and open space.

3. The proposed project has been revised and amended by the conditions of project approval to conform to the requirements of Title 10 and Title 11 of the Wellsville City Code.
4. The allowed density and dwellings would be subject to requirements for sensitive lands and open space.
5. The proposed project will be amended to allow a reduced number of dwelling units consistent with approvals for residential development specified in the Wellsville City Code. The final density and allowed dwelling units would be based on Code requirements for residential land adjacent to the property and the net acreage of the property when sensitive lands have been reduced.
6. The streets providing access and other infrastructure to the subject property have adequate capacity, or suitable levels of service, for the proposed use.
7. The approval of the amended project, if it includes multifamily dwellings, must meet all requirements for multifamily dwellings.
8. The proponent is put on notice that all standard conditions of approval will be recorded with the Conditional Use Permit and are available in the Wellsville City Office.

YEA 4

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

NAY 0

Gary Hansen stated that there are laws that have to be followed, and Wellsville City hasn't followed them. This project has been thrown out for no reason. The City Council has not considered the evidence. Mayor Thomas G. Bailey stated that Mr. Hansen has not met the multi-family dwelling code of Wellsville City. Mr. Hansen stated he didn't have to. Mayor Bailey stated that it has to be met in all zones. Mr. Hansen stated that the application was a conditional use for the manufacturing zone, and then Title 10 and Title 11 of the code had to be met. Title 10 and Title 11 are not part of the conditional use application and permit. City Attorney Bruce Jorgensen stated that it is critical that code 10-11-16, which is a supplementary regulation, be met in all zones. This project is a residential use in a manufacturing zone. Mr. Hansen stated that the code doesn't say it is not allowed. Ron Case stated that even if the project was allowed, it doesn't meet the multi-family ordinance. Mr. Hansen stated that he has documentation, evidence, and legal council that says it does, but it is not being allowed because some people doesn't want it. Mayor Bailey stated that this matter is closed. Mr. Hansen stated that he disagrees.

The City Council reviewed for approval the Preliminary Plat of the Millicent Parkinson Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 620 North 200 East. Tim Parkinson stated that the property has been surveyed. The sewer line has been added, the fire hydrant has been added, and the easement of the water line has been added. Mr. Parkinson stated that he has met all of the requirements. Mayor Thomas G. Bailey asked about ownership of the sewer line. Don Hartle stated that Wellsville City will have ownership because it becomes a main line where the 6-inch pipe begins. Gary Bates asked if there was a concern that it was a 6-inch line. Mr. Parkinson stated that when he received bids, the contractor asked if the sewer line could be a 4-inch line until the 2 lines intersect and then have a 6-inch line. Mr. Hartle stated that the 6-inch line is for future growth. Mr. Bates asked if Wellsville City is firm on the 6-inch line. Mr. Hartle stated that he worked with City Engineer Chris Breinholt. Perry Maughan stated that all sewer lines are a standard of 8-inch lines. Colin Harrison asked why Mr. Breinholt would recommend less than code. Mr. Maughan stated that they would have to ask Mr. Breinholt. Mr. Maughan stated that he would recommend that Wellsville City stick with the code. Mr. Harrison asked who owns the private 10-foot water line easement. Mr. Parkinson stated lot 1. Mr. Bates stated that he hates to hold up this project, but thinks the sewer issue should be discussed with Mr. Breinholt later in the meeting. Mr. Hartle stated that Mr. Breinholt is out of town until Monday. Carl Leatham stated that he is concerned about the sewer line and needs to be consistent. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to approve the Preliminary Plat of the Millicent Parkinson Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 620 North 200 East with the possibility of changing the sewer line from 6 inches to 8 inches after consulting with City Engineer Chris Breinholt.

YEA 4

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

The City Council reviewed for approval the Preliminary Plat and Final Plat for Phase 3 and Phase 4 (a total of 21 additional building lots) of the Sterling Ridge Subdivision on property on the west side of Center Street at 1450 South Center. Don Hartle stated that the Planning Commission approved the Preliminary Plat and Final Plat with the condition that half of the street at the intersection of 1600 South and 200 East be deeded to Wellsville City. Mr. Hartle stated that 2 copies of the plat were mailed to the City Council. Mr. Hartle stated that the correct plat is the plat that doesn't require property from Travis McBride. Travis Taylor stated that the Planning Commission asked that 4 to 5 feet be given, and they ended up giving 7 feet without going below 20,000 square foot lots. Carl Leatham stated that the Planning Commission approved the Preliminary Plat and Final Plat with the conditions of the lot size and right-of-way on Mt. Sterling Road. This has been accomplished. Colin Harrison asked if there was an HOA. Mr. Taylor stated yes. Mr. Taylor stated that City Planner Jay Nielson asked that the minutes from the original approval concerning landscaping and screening be incorporated. Mr. Taylor stated that this has been accomplished. Mr. Hartle stated that on 150 West where it meets 1600 South, the culvert is not wide enough. Mr. Taylor stated that he will get it fixed. Mr. Hartle asked that the City Council refer to the memorandum dated August 2, 2013 from City Engineer Chris Breinholt and the memorandum dated August 1, 2013 from City Planner Jay Nielson. Mr. Taylor asked for consideration because 700 to 800 feet of property was given for the road, that in exchange, it would offset some of the cash in lieu of open space fees. Gary Bates suggested that this issue be added to the next City Council agenda. Mr. Taylor asked for permission to move ahead and record the plat when they are half way completed with the improvements. He will bond for the remaining amount for the improvements. Mayor Thomas G. Bailey asked if this is what was done with the last 2 phases. Mr. Taylor stated yes. Mr. Hartle asked that Mr. Taylor get the mylar to him as soon as possible. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the Preliminary Plat and Final Plat for Phase 3 and Phase 4 (a total of 21 additional building lots) of the Sterling Ridge Subdivision on property on the west side of Center Street at 1450 South Center with the conditions that the culvert at 150 West and 1600 South be widened and possible renegotiating of the cash in lieu of open space funds.

YEA 4

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

The City Council reviewed for possible adoption Resolution 2013-08 the "2012 Municipal Wastewater Planning Program". Don Hartle stated that this was done for many years, and then it hasn't been done for the past 2 years. Mr. Hartle stated that Wellsville City has made real progress concerning the sewer system. The last part of the UV puzzle was installed today and technicians will be on-site tomorrow. Mr. Hartle stated that he told the Hendry's to plant the property that was purchased of Preston Brenchley's in grass for land application. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to approve **RESOLUTION 2013-08 2012 MUNICIPAL WASTEWATER PLANNING PROGRAM.**

YEA 4

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

The City Council reviewed for possible adoption of a resolution supporting a \$1.00 per month increase in the emergency communications charge as part of the refuse collection fee. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to continue to discussion at the next City Council meeting.

YEA 4

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

The City Council reviewed and awarded the contract for the 2013 asphalt work on roads. Don Hartle stated that Consolidated Paving is no longer located in box Elder County. Mr. Hartle stated that the 2013 asphalt bids are as follows:

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|-----------------|-----------------|
| LeGrand Johnson | \$59.40 per ton |
| Staker-Parsons | \$55.50 per ton |

Mr. Hartle stated that Staker-Parsons is down from last year, which was \$5700 per ton. Mr. Hartle stated that he recommends Staker-Parsons. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve Staker-Parsons for the contract for the 2013 asphalt work on roads.

YEA 4

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

The City Council discussed Marshall of the Day for Founder's Day. Many names were discussed. It was recommended that Loyal Green be the first choice, and Marcene Parker be the second choice. All agreed.

Department Reports:

Colin Harrison – 1) Founder's Day – Aaron & Carrie Salvege have taken off with the project and he is very impressed.

Gary Bates – 1) Firewood on 400 South – Clark Stewart, Jeff Glenn, Don Smart, Chris Clark
2) Mountain lion at the dam on the east side from 300 South to 700 South – add information to the website.
3) Music in the Park for Founder's Day – Rebecca Fuller is in charge.
4) Wellsville Elementary – disappointed not to see a budget item for removal of the school – asked that this issue be added to the next agenda.

Carl Leatham – 1) Had a tree that a beaver got to – gave some names of residents that trap beavers.
2) Asked about David & Angie Olsen – Don Hartle told them that the City Council waived connecting to the sewer at this time, but could come back at any time and require them to connect. They installed a dry line at this time.

City Manager/Recorder's Report:

Don Hartle – 1) On June 5, 2013, a Council member informed Wellsville City that a family was living in a trailer next to the mother's home. After 60 days, they are still living there. A travel trailer is considered a second dwelling on a lot. The City Council decided to send a letter from City Attorney Bruce Jorgensen to the family so that the code is being enforced.
2) Horlacher residence – rented out to 2 families and living in Logan – will send a letter from City Attorney Bruce Jorgensen.
3) Wellsville Elementary – Hilco Plumbing did some work on the plumbing and did some damage. The School District wrote a letter to Wellsville City concerning the issue. City Attorney Bruce Jorgensen wrote a letter that stated Wellsville City was not responsible. Damage totaled \$15,999.74 and Hilco Plumbing's insurance paid \$10,559.82. A letter from Hilco Plumbing's insurance stated that their client is now free of any liability. There is a balance of \$5,439.92. Wellsville City received a letter from the State Risk Management asking if Wellsville City would pay 50% and the School District will pay 50%. Both Perry

Maughan and Tom Maughan say no. The City Council asked that City Attorney Bruce Jorgensen write a letter stating that Wellsville City is not liable.

At 8:11 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 4

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

NAY 0

Mayor Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder