

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, June 4, 2014, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Karen Higley and Glenna Petersen, Councilmen Gary Bates, Carl Leatham, and Perry Maughan. 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 May 30, 2014. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Shawn McArthur Kaden McArthur
William Lewis Jerilyn Isom Tracy Bodrero
Janie Isaacson Kendall Leishman Ruth P. Maughan
Mariah Noble Charee Vellinga Jonathan Cook

Opening Ceremony: Carl Leatham

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

YEA 5 NAY 0
Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The Council reviewed the minutes of the May 21, 2014 regular City Council meeting. Gary Bates made a motion, seconded by Karen Higley, to approve the minutes of the May 21, 2014 regular City Council meeting as presented.

YEA 4 NAY 0 ABSTAIN 1
Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
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 Carl Leatham, to approve the City's bills for payment, represented by check number 17003 through 17047.

YEA 5 NAY 0
Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

No one was in attendance for citizen input.

Shawn McArthur met with the City Council to discuss a business license. Mr. McArthur owns a business named Respiratory Intervention. He is using his home for an office only. The business is for home therapy for sleep disorders. Carl Leatham stated that the Planning Commission approved the conditional use with no restrictions or conditions. After discussion, Carl Leatham made a motion, to approve the business license for Shawn McArthur.

YEA 5 NAY 0
Gary Bates
Karen Higley

Carl Leatham
Perry Maughan
Glenna Petersen

William Lewis met with the City Council concerning an Eagle Scout project. Mr. Lewis stated that he is repainting the practice boards at the tennis courts. Mr. Lewis stated that he will need 3 gallons of primer and 3 gallons of paint. He received a discount on the primer and paint. The cost is \$23 per gallon. Mr. Lewis asked how much money Wellsville City would be willing to contribute to this project. Gary Bates stated that Mr. Lewis received a \$15 per gallon discount on the paint. Mr. Bates stated that Mr. Lewis is also furnishing the wire brushes and scrappers. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to approve the Eagle Scout project for William Lewis and that Wellsville City will purchase 3 of the 6 gallons of primer and paint that are required for this project.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Jerilyn Isom met with the City Council to continue the discussion of improvements to the camping area east of the Wellsville Dam. Ms. Isom handed out to the City Council a contract between her and Wellsville City concerning the camping area. Ms. Isom stated that she received bids and estimates for a sign. A sign 3 feet by 2 feet will cost \$120. Ms. Isom stated that she believes that they need to get the camping area up and going. Gary Bates asked if the sign will list the fee amount and contact information. Ms. Isom stated yes. Ms. Isom stated that they can discuss tomorrow night at the Parks & Recreation meeting what exactly the sign should say. Mr. Bates asked if Ms. Isom will build their own collection box. Ms. Isom stated that she is still reviewing collection boxes. Mr. Bates stated that he is willing to enter into a contract for 5 years with the Isom family for maintenance on the Wellsville Dam camping area. Mr. Bates asked if Wellsville City will cover the cost of the sign. Don Hartle stated that funds are getting pretty limited. Mr. Bates stated that Wellsville City should kick off this camping area right and the sign should look professional. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to accept the contract agreement from Jerilyn Isom for 5 years or less to maintain and collect fees at the Wellsville Dam camping area, that the existing policies of campgrounds are in place for this campground, and that Wellsville City pay \$120 for the sign.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Tracy Bodrero met with the City Council to discuss parking on dead-end roads. Mr. Bodrero stated that in the Southwest Heritage Estates subdivision, the right-of-way lines end at the city limits. Mr. Bodrero handed out pictures of trailers and vehicles parked in the middle of the street. Mr. Bodrero asked if this falls under the ordinance of unlawful parking. The curb, gutter, and sidewalk stopped about 6 to 10 feet before the right-of-way line, but the pavement doesn't end. Mr. Bodrero stated that he leases out the property, but can't access it because of those vehicles that are blocking the entrance. Don Hartle stated that he knocked on some doors of the neighbors in the area to discuss the situation. Mr. Hartle stated that the neighbors did move the vehicles. Mr. Bodrero stated that there are some neighbors whose relatives bring a large RV that is parked for days. Mayor Thomas G. Bailey stated that the pictures show vehicles and trailers blocking the entrance to the property. Mr. Bodrero asked what code states requires no parking in the right-of-way. Mr. Hartle stated that he doesn't know if there is a code concerning this parking issue. Carl Leatham stated that all personal RV's and trailers are to be parked behind the front corner of the home. Mr. Hartle stated that he thinks that ordinance is for home occupation permits only. Mayor Bailey stated

that an individual can't park a vehicle or trailer to block a street. Mr. Hartle believes that the code is different for a through street versus a dead-end street. Gary Bates suggested hanging a sign from the gate. Mr. Bodrero asked if there is a code that he can reference. Mr. Bates stated that Wellsville City's jurisdiction may stop because the property is in the county. It was suggested that Wellsville City install 'no parking between' signs with arrows. Mr. Hartle asked if they should be installed on both sides of the street. Mr. Leatham stated yes. After discussion, Carl Leatham made a motion, seconded by Karen Higley, to place 2 no parking signs with arrows 22 feet from the center of the road that states 'no parking in right-of-way'.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council discussed the approval of a bad debt write-off due to bankruptcy. Don Hartle stated that Mark Leishman took out bankruptcy owing Wellsville City \$315.29 on a utility bill at 134 East 100 South. Mr. Hartle recommended that the debt be written off. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve a bad debt write-off due to bankruptcy for Mark Leishman.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council reviewed and discussed for possible approval the proposed law enforcement contract with Cache County Sheriff. Don Hartle stated that he is opposed to the contract. Mr. Hartle stated that the City Council shouldn't sign this contract with this much of an increase for 6 years. Mr. Hartle recommended that Wellsville City wait until the new sheriff takes office and discuss the issue with him. Mr. Hartle suggested that Wellsville City look into a year-to-year contract with Cache County Sheriff. Gary Bates stated that there is no risk to the citizens of Wellsville City by not signing this contract. Mr. Hartle stated that Wellsville City should wait until there is a change in administration, ride it out, and express concerns to the new administration, and then go from there. After discussion, Glenna Petersen made a motion, seconded by Gary Bates, to continue the discussion concerning this issue until the first of the year.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council continued the workshop on the proposed affordable housing plan. Mayor Thomas G. Bailey stated that Gary Bates emailed the housing plan from 3 other cities and the score card from the state. Mayor Bailey asked if Mr. Bates had any further information. Mr. Bates stated that he had said his peace, and that it was time for other opinions. Mayor Bailey stated that the code was written by City Planner Jay Nielson and a committee. Mayor Bailey stated that Mr. Bates sent out plans from Richmond, Clinton, and Lehi. Perry Maughan stated that he appreciated the work that Mr. Bates did. Mr. Maughan stated that he was impressed with the plan from Richmond, and liked the simplicity of the plan. Mr. Bates stated that the plan from Richmond met the criteria of the state. Mr. Bates stated that he did do some more checking, and a high score from the state doesn't necessarily do anything for Wellsville City. A high score helps developers with the process. Mayor Bailey asked City Planner Jay Nielson if he had checked with the state about litigation. City Planner Jay Nielson stated that it is completely erroneous that the longer the plan, the

more developers will work on the city. The less attention that is paid to the plan, the more exposed Wellsville City will be. Mr. Nielson stated that he understood the City Council's paranoia with developers having their way with the city, but that is the business that the City Council is in. Wellsville City has stood up to developers, and have done it well. Wellsville City stood their ground. That is what Planning and Zoning is all about. Mr. Nielson stated that he was given the assignment to produce an affordable housing plan. Mr. Nielson stated that he had a contract with Wellsville City. Mr. Nielson stated that he did the research and the work for the plan. Mr. Nielson stated that he reviewed all of the plans that had been posted. He authored the very best plan for Wellsville City. Mr. Nielson stated that Mayor Bailey appointed a committee for him to work with. He spent 6 months working on this plan. Mr. Nielson stated that he is troubled by the lack of the trust that the City Council has in him. This plan has been in front of the City Council several times. The City Council wants to dumb down the plan. Mr. Nielson stated he didn't know what to tell the committee. He has never experienced this with Wellsville City before. Mr. Nielson stated that they have a long history of trust together, and is dumbfounded that the City Council would throw away a plan in order to pick another city's that isn't as good as theirs. Mr. Nielson stated that the City Council can't use the annual form and fill in the blanks. Mr. Nielson stated that he has discussed this plan with the State of Utah. The score of the plan doesn't amount to anything. Wellsville City will expose themselves if there is no plan. The plan that Mr. Nielson authored received a score of 7.2 out of 9. There are some things that needs to be left out. Mr. Nielson stated that race and ethnicity was left out. Mr. Nielson stated that the score is respectable and defensible. There may be those that challenge the plan. There is no penalty for moving ahead. The penalty comes in civil suits. Wellsville City can be sued for not maintaining ordinances. The lawsuit will goes to district court. There is no paranoia about getting sued. Mr. Nielson stated that he is prepared to make a full presentation concerning what the plan is about. Mr. Nielson stated that Wellsville City can't use Richmond's plan because they have to use their own demographics. Mr. Nielson stated that no one has called him and said that they were unhappy with the plan. If the City Council is unhappy with the plan, then it needs to be modified. It needs to be Wellsville City's plan, not some other city's plan. Mayor Bailey asked how long the presentation is. Mr. Nielson stated that Richmond received a score of 5.3 out of 9. Mr. Nielson stated that he would be willing to review the scoring and goals with the City Council if they are interested. Glenna Petersen stated that she knows that Mr. Nielson put a lot of work into the plan and she appreciates it. Ms. Petersen stated that she would like to hear Mr. Nielson's side. Ms. Petersen stated that her fear is people suing Wellsville City because of the plan. Mr. Nielson stated that it is not a legitimate fear. The State of Utah holds zoning very high. Zoning is part of the General Plan and part of the Land Use requirement. The goals of the plan were reviewed. The Affordable Housing Plan has a requirement. The outline was followed very precisely. Mr. Nielson stated that he knows there is a concern of legalities, but the legal risk is far greater that if there isn't a decent plan. Perry Maughan stated that other city's plans are decent plans. The City Council has the right to review other plans. Mr. Nielson stated that is what Wellsville City paid him to do. Mr. Nielson stated that his task was to write a plan with that outline that was given to him. Carl Leatham stated that there are issues on page 25 of the plan that scare him. There is only 1 paragraph in the General Plan that addresses multi-family housing. Mr. Leatham discussed reducing lot sizes, specific areas for multi-family housing, increasing the number of units allowed, and allowing accessory dwelling units or guest houses. Mr. Nielson stated that just because it is in the plan, Wellsville City isn't required to do it. Wellsville City would say that they don't want to consider it at this time. Gary Bates stated that those on the City Council now may change. Mr. Nielson stated that City Council's change all the time. Mr. Leatham asked if this plan is legally binding. Mr. Nielson stated that it is not. Mr. Leatham stated that Wellsville City needs retirement housing. Mayor Bailey stated that someone needs to request the process for retirement housing and modify the code. Mr. Leatham stated that the plan is 28 pages and is concerned that it is very wordy. Mr. Nielson stated that he is glad to hear this because there has been no feedback given to him. Mayor Bailey stated that feedback has been given because revisions have been made. Mr. Nielson discussed the changes that were made to the plan. Mayor Bailey stated that the document needs to be taken as a whole. Mayor Bailey stated that he appreciates the letter at the beginning of the plan. Ruth P. Maughan stated that she has the same concerns at Mr. Leatham. She discussed those concerns with Mr. Nielson, and he has answered those questions tonight. Ms. Maughan stated that the key word is possible. Mr. Nielson read from pages 19 and 20 from the General Plan. Mayor Bailey stated that if someone ever pushed is issue concerning page 25, they could refer them back to page 19 and 20 of the General Plan. Mr. Bates stated that the priorities and timelines are not required in the plan. Mr. Nielson stated that it is, but there are no dates, no one responsible, and no land available. Mr. Bates stated that he still isn't convinced. Mr. Nielson stated that his

concern is the lack of trust that the City Council has in him. Mr. Nielson stated that City Council members called the State of Utah before they called him. Mr. Bates stated that he has a responsibility to the citizens of Wellsville City, not to a paid employee. Mr. Nielson stated that he can't disagree. Mr. Bates discussed the checklist that is used to author the plan. Mr. Bates asked if a score of 5 or 7 makes any difference. Mr. Bates stated that he reviewed other plans, and there are things that Wellsville City left out of their plan. Mr. Bates wonders if the things being left out is being done purposefully. Mr. Bates stated that a high score helps developers to have moneys for moderate housing. Mr. Bates asked if there are any cities with a score of 9. Mr. Nielson stated that the highest score was 8.4. Mr. Bates stated that there are a lot of 4's and 5's. The only reward for a high score is to make it easier for developers. Mr. Bates stated that he isn't sure if that is worth the tradeoff. Mr. Nielson stated that a small, less detailed report may indicate whether the report is complete or not. Mr. Bates listed different things that Wellsville City is doing to look ahead for affordable housing, and should be taking credit for those items in this plan. Mr. Bates stated that Wellsville City has allowed developers mixed lot sizes. Mr. Nielson stated that Wellsville City hasn't allowed mixed lot sizes. Developers want as many lots as they can get. A subdivision with small and large lots is mixed lot sizes. There are subdivision where lots are a bit more or a bit less than required, but Wellsville City can't take credit for mixed lot sizes. Mr. Bates stated that Wellsville City is doing good things that they need to take more credit for. Mr. Bates stated that he is concerned that Wellsville City is providing more information than necessary. Mr. Bates asked that if the letter at the beginning of the plan is not constrained, so why have it. Mr. Nielson stated that there should be a statement on any plan that Wellsville City has. Mr. Bates believes that there is more opportunity to misconstrue the plan. Mr. Nielson stated that he can't disagree. Karen Higley suggested removing the considerations on page 25. Mr. Nielson stated that it is a good compromise to remove the considerations on page 25. Mr. Bates read from the checklist. Mr. Leatham asked what happens if Wellsville City doesn't meet the goals. Mr. Nielson stated that there is no penalty associated with this law. There is a civil penalty with litigation from private developers. Mr. Bates asked if it is reasonable to try and estimate between now and 2025 the number of homes that may become available for moderate housing. Mr. Nielson reviewed the plan with the City Council. Mr. Bates stated that he could live with the plan if there are some tweaks made to it. Mayor Bailey suggested that each City Council member review and redline the plan. Each plan will be passed to Don Hartle to be passed on to City Planner Jay Nielson. Mayor Bailey stated that this has been a good discussion. Mayor Bailey stated that he appreciated the work the Mr. Nielson did on this plan. Mr. Nielson stated that the bigger issue here is that in a few weeks, he will be presenting the Land Use regulation code. It will not be fun. It will be difficult. Mr. Nielson stated that he concerned that someone will not want to work through the plan and throw it out. Mayor Bailey stated that everyone needs to realize that this body is elected by the citizens of Wellsville City. Mayor Bailey stated that the plan needs to be reviewed and returned in two weeks.

Department Reports:

Gary Bates – 1) Maintenance & Capital spending plan – Don Hartle will keep working on it after the budget is approved.

2) Information from Scott Wells – problems with sprinklers heads at the Red Slide Park between the sidewalk and curb – asked if Reed Nelson completed that part of the project. Call Don Hartle about this issue.

3) Home businesses – asked if City is receiving its share of sales tax for home-bases businesses. Don Hartle stated that it isn't much, but believes that Wellsville City is receiving their share.

4) Fishing Derby – Saturday, June 7, 2014

5) Met with the Department of Natural Resources concerning pelicans at the dam – could install cannons that make noise or ask for permits to shoot them. Leave it as it is for now.

6) Movie in the Park – June 20, 2014

Mayor Thomas G. Bailey – 1) Thanked Gary Bates for the Memorial Day program.

Perry Maughan – 1) There was a tree that split at 300 East and Main Street. It will be removed because it is a hazard.

2) Reconstruction of roads is moving along.

Glenna Petersen – 1) She has contacted Ron Case about the website, but still hasn't been able to meet with him.

2) Dyers Woad next to the Wellsville City Springs – asked if it could be an Eagle Scout project to remove it. Gary Bates asked that she add it to the Eagle Scout project list.

3) Revitalization Committee is on Facebook – asked for the citizens to participate in a new logo and submit it by July 31, 2014.

4) Terry Haslam – water pressure in Red Slide is worse this year – working on it.

Karen Higley – 1) Stated she read the Water Conservation, asked what to do next. Don Hartle stated that if there is any input, write on the proposal and return it to him.

City Managers/Recorder's Report:

Don Hartle – 1) Handed out copies to the City Council of the Performance Schedule authored by City Planner Jay Nielson concerning the proposed truck stop.

2) Last fall, Steve Kyriopoulos asked the City Council, who voted unanimously, to support his request to move the traffic light from the Caine Dairy road to 500 North. Asked that the mayors of Logan, Nibley, and Hyrum, as well as the Mayor and City Council from Wellsville City to sign a Cooperative Agreement Amendment. The Cooperative Agreement Amendment was signed by Mayor Thomas G. Bailey and the City Council.

At 8:10 p.m., Carl Leatham made a motion, seconded by Perry Maughan, to adjourn the meeting.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder