

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, November 5, 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 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 October 31, 2014. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Mark Broughton	Clair Gunnell
	Paulette Gunnell	Liz Davis	Keri Pattee
	Robyn Bankhead	Penny Bankhead	Evan Bankhead
	Mark Stevens	Glenda Tripp	Dick Ostergaard
	James Hawker	Brenda Hawker	David Swanson
	Barbara Swanson	Janie Isaccson	Kendall Leishman
	Karma Leatham	Scott Gary	Art Smith
	Jonathan Cook	Ron Case	

Opening Ceremony: Karen Higley

At 5:00 p.m., prior to the regular scheduled City Council meeting, the City Council will meet at the end of the Pinecrest Circle cul-de-sac to review the entrance to the open space. Those in attendance are as follows: Mayor Thomas G. Bailey, Gary Bates, Karen Higley, Carl Leatham, Perry Maughan, Glenna Petersen, Sam Winward, and Dan Erikson.

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

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

The Council reviewed the minutes of the October 15, 2014 regular City Council meeting. Gary Bates made a motion, seconded by Glenna Petersen, to approve the minutes of the October 15, 2014 regular City Council meeting as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

The Council reviewed the minutes of the October 15, 2014 executive City Council meeting. Karen Higley made a motion, seconded by Glenna Petersen, to approve the minutes of the October 15, 2014 executive City Council meeting as presented.

<u>YEA 5</u>	<u>NAY 0</u>
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, Gary Bates made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 17564 through 17591 with the exception of check number 17569 which will be held until Mayor Thomas G. Bailey and Don Hartle meet with the Cache County Sheriff's Office and receive an explanation of the increase.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Kendall Leishman asked about the deadline concerning the mountain man. Glenna Petersen stated that it had to be in cement before November. Don Hartle stated that he spoke with Jackie Orton, and it will not be placed until spring of 2015. Perry Maughan stated that he spoke with Shawn Cudney and it isn't finished yet.

At 6:15 p.m., conduct a public hearing to receive public input, consider the recommendation of the Planning Commission, then consider for approval a request from Mark and Kathryn Broughton that the code and the zoning map be amended to rezone their property at 185 East 800 south from RA-1 to R-1-12. Mary Broughton stated that he would like to rezone his property in order to have more options while trying to sell it. There is approximately 1.7 acres of undeveloped property. There is little interest from buyers to use the undeveloped property as they do. The undeveloped property is more of the liability than an asset. Clair Gunnell stated that he lives at 711 South 200 East. His property adjoins the Broughton's property on the north end. There is a high water table in the area. This area is maintained as a rural atmosphere. He has lived there for 44 years and this is the first time property in the area has been considered for a change in the zoning. He is concerned about water, because when people would flood irrigate, he would get over a foot of water in his basement. Mr. Gunnell would like to see the rezone disapproved. Mr. Gunnell stated that the Planning Commission was unanimous in disapproval of the rezone. Evan Bankhead stated that he lives on 700 South. His issue with the rezone is concerning the sewer. If a developer purchases the property and builds 2 homes, the code states that he has to bring the sewer to the property. Mr. Bankhead stated that it then becomes a domino effect, and each property owner has to connect to the sewer and each property owner has to install a pumping station. Robyn Bankhead stated that she asked the Planning Commission if the property is contiguous to the R-1-12 zone, is the property automatically rezoned. Mayor Thomas G. Bailey stated that the state of Utah has no regulation concerning spot zoning. Ms. Bankhead stated that she is concerned about the domino effect of the zoning. She is already frustrated about the South Valley RV property and the commercial zone.

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

Carl Leatham stated that the Planning Commission recommended again the rezone. There were more people that spoke up at the Planning Commission meeting. The main concerns are as follows: sewer requirements, lack of action concerning South Valley RV, small lots are not favorable, and the domino effect of downsizing. Mr. Leatham stated that the Planning Commission did voted against the rezone, but the basis for the refusal had nothing to do with the zoning code. Mr. Leatham stated that he agrees with Evan Bankhead concerning the sewer pump station, and recommends that existing homes are allowed to stay on septic until the sewer is ran along 200 East. The issue concerning multi-family housing along the street is not valid because there is an existing duplex on the street. The issue concerning South Valley RV is valid, but has nothing to do with a rezone. Mr. Leatham stated that if the City Council can grant business licenses, they should also be allowed to revoke them. The issue concerning smaller lots is not valid because the General Plan states that smaller lots are allowed in the area. Mr. Leatham stated that the sewer will happen eventually. Mr. Leatham stated that the Planning Commission recommended against the rezone, but Mr. Leatham is recommending approval of the rezone. Perry Maughan stated that he agrees with Mr. Leatham, and that it is good practice. Mr. Maughan stated that the RV business is a difference subject. Karen Higley asked that because of the potential for flood, is there enough room for a home. Gary Bates

stated not just a home, but a street also. Don Hartle stated that Wellsville City is working on the issue concerning South Valley RV, but it is a slow process. Glenna Petersen asked what the number of potential homes on the property is. Mayor Thomas G. Bailey stated 2. Mr. Broughton stated that there will be 1 acre for the existing home, and 2 lots that are 15,000 square feet each. Mr. Leatham stated that a comment was made at the Planning Commission meeting about a neighbor purchasing the pasture land. Wellsville City would be creating a non-conforming lot. Mr. Hartle stated that he called Cache County Recorder Mike Gleed and it is possible to have a home on 1 lot and own property across the street, but with the same property tax identification number. He doesn't know how it happens, but it is possible. Mr. Bates stated sending this issue back to the Planning Commission with 2 suggestions: 1) the City Council have some arrangement with the existing property owners concerning sewer, and 2) strongly encourage neighbors that are members of the Planning Commission to recuse themselves from the discussion. Mr. Bates stated that he doesn't like overruling the Planning Commission, but sending it back to the Planning Commission with some guidance. Mr. Maughan stated that he agrees with Mr. Bates. Mayor Bailey stated that he has a hard time with telling one property owner that he can't build anymore homes until the sewer line is ran, and now saying to another property owner that they can sell the property to build 2 new homes and stay on septic. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to return this discussion to the Planning Commission with the understanding that the City Council would be opened to possible postponing the sewer hookup until the sewer is available from the north end, and that the members of the Planning Commission be objective, and if they can't be, to recuse themselves from the discussion.

YEA 4

Gary Bates
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

ABSTAIN 1

Karen Higley

Mark Stevens met with the City Council to discuss radon. Mr. Stevens represents Bear River Health Department. Mr. Stevens thanked Glenda Tripp for scheduling him to come and discuss this issue with the City Council. Mr. Stevens discussed radon with the City Council. Mr. Stevens would like to hold a workshop in Wellsville next year sometime in January or February at Willow Valley Middle School or Wellsville Elementary. Mr. Stevens stated that he sells radon kits for \$8.00 each. Glenna Tripp stated that she likes to be involved in safety issues. She is a cancer survivor. She is trying to help her community to be safer. Mr. Stevens asked if it would be possible to advertise in the City's newsletter. Mayor Thomas G. Bailey stated that it is possible. They would need to write up what it is that they would like to add to the newsletter. Don Hartle stated that he recommends holding the workshop on April 29, 2015. The piece for the newsletter would need to be submitted by March 20, 2015. Mr. Stevens thanked the City Council for their time.

Dick Ostergaard met with the City council to discuss paving 200 East from 200 South to a minimum of 400 South. Mr. Ostergaard stated that he would like to present a petition to the City Council of residents that have requested that 200 East from 200 South to a minimum of 400 South be paved. Mr. Ostergaard stated that it is 1 of the last residential roads that hasn't been paved. Mr. Ostergaard stated that his concerns with the road are as follows: dust, traffic, safety, equal recognition, and property values. Mr. Ostergaard asked that the road be paved during 2015. Perry Maughan stated that the sewer line would need to be extended. The current requirements are 22 feet of asphalt with 2 feet on each side of the street for shoulder. This road was an old cow trail that was also used as a dump. Mr. Maughan stated that he would estimate at least \$40,000 for this road to be paved. Mayor Thomas G. Bailey stated that the City Council will consider this request and discuss it at a later time.

The City Council received an update on a proposed street light at 200 West and Highway 89/91. Carl Leatham stated that he spoke with an engineer from UDOT. There is \$300,000 in a fund to cover the entire state of Utah. This engineer does recognize that this is a problem intersection. Mr. Leatham stated that the engineer stated that he would discuss this issue with the safety department of UDOT.

The City Council discussed for approval declaring a 10-wheel dump truck, a tractor mount generator, and a John Deere tractor as surplus property. Don Hartle stated that he recommends that these items be declared

as surplus. Mr. Hartle stated that in the past, the City Council has declared the items as surplus and they are advertised in the newspaper. Mr. Hartle stated that Lane Parker discussed with him an on-line auction and the cost is 10% commission. Mayor Thomas G. Bailey stated that Wellsville City should try the auction and see what happens. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, declare a 10-wheel dump truck, a tractor mount generator, and a John Deere tractor as surplus property, and that they be added to the on-line auction site.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council reviewed for approval the proposed resolution “Wellsville City Water Conservation Plan”. Mayor Thomas G. Bailey stated that a copy of the plan was mailed to the City Council members. Mayor Bailey asked if there were any questions. There were none. After discussion, Gary Bates made a motion, seconded by Karen Higley, to approve **RESOLUTION 2014-10 WELLSVILLE CITY WATER CONSERVATION PLAN**.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council discussed for possible approval the billing for County Sheriff services. Don Hartle stated that this issue was discussed at the beginning of the meeting. Mayor Thomas G. Bailey and Don Hartle will meet with incoming Sheriff Chad Jensen to discuss this issue after the first of the year.

The City Council discussed for possible approval preliminary locations of City capital projects. Mayor Thomas G. Bailey stated that this discussion began at the last City Council meeting. The condition of the City office and the condition of the maintenance building was discussed. It was also discussed to have both the City office and the maintenance building in the same area. Mayor Bailey stated that the first decision is where to build the new maintenance building. Glenna Petersen stated that Perry Maughan would like to build the maintenance building at the gravel pit. Perry Maughan stated that his reasons for building the maintenance building at the gravel pit are that it is out of the way, and there is a road, water, and sewer already there. Mr. Maughan stated that a 100’ by 200’ shed in the northeast corner would be perfect. Karen Higley stated that Don Hartle is opposed to building the maintenance building at the gravel pit and asked why. Don Hartle stated that it is in the middle of the aquifer and he can’t see taking that kind of risk. Gary Bates stated that building the maintenance building at the gravel pit would complete with the space for the rodeo arena. Mr. Hartle stated that when the Parker property was purchased, the agreement states that there will be no recreational facilities and no subdivision built on the property. Mayor Bailey stated that building the maintenance building at the gravel pit will not leave enough parking for the rodeo arena. Mr. Bates stated that the City Council should review all of the property that Wellsville City already owns. Carl Leatham stated that any place the maintenance building is built, there will be the same issues concerning the water. Mr. Hartle stated the issues may not be the same because the water at the gravel pit is culinary water. Mr. Bates stated that the City Council should consider selling property that the City owns and may not need in order to recoup some of the cost of building a new City office and maintenance building. Ms. Petersen asked if there is water and sewer to the property that Wellsville City owns that is east of the dam. Mr. Hartle stated yes. Mr. Hartle stated that he is working on documentation of all the property that Wellsville City owns. Mr. Bates stated that before deciding on the site, it should have all of the infrastructure in place. There can be argumenta for both sides at any location. Mr. Bates stated that some members lean towards the gravel pit area, while others lean towards the Parker property. Mr. Bates stated that he likes the idea of putting both the City office and maintenance building on Main Street. Mr. Hartle

stated that his recommendation is to continue this discussion until the next City Council meeting because of the other items that are on the agenda. Ms. Higley suggested that the City Council review all of the property during a physical visit to each one. The pros and cons can be listed for each property. Some City Council members may not be familiar with all of the properties as others are. Mayor Bailey stated that Wellsville City has spent \$250,000 on the rodeo arena, and now wants to take away the parking to that facility. Mr. Hartle stated that at the gravel pit, there is a difference in elevations. Parts of the gravel pit had to be lifted up because as they would dig, they would run into water. Mr. Leatham stated that the softball field also needs to be reviewed. Mayor Bailey stated that the City Council will meet at the City office on Saturday, November 8, 2014 at 8:00 a.m. to review all of the City-owned property. The properties to be reviewed are as follows: Parker property, camping ground, softball field, gravel pit, current City office building, and current maintenance yard. After discussion, Carl Leatham made a motion, seconded by Karen Higley, to continue this discussion at a later date.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Department Reports:

Carl Leatham – 1) FYI: The Affordable Housing Plan is scheduled for the City Council on November 19, 2014.

Gary Bates – 1) The service project to restore the trail gates is completed.

2) ATK donated projects. Wellsville City was the recipient of 3.

3) Discussion concerning restroom facilities at recreation properties. Asked that the City Council think about how to resolve this concern.

Perry Maughan – 1) Individual called who has a friend that lost a child. They would like to plant a tree and install a bench. Gary Bates stated that he is referring the entire tree planting and installing of benches to the Shade Tree & Beautification Committee.

Glenna Petersen – 1) Met with UDOT, Cache County Sheriff's Office, Wellsville Elementary, Willow Valley Middle School, and Sidewalk Committee concerning walking safely to school. Dave Bell and Jonathan Cook with author 3 options with costs and present at the later time.

Karen Higley – 1) Chris Gibbs called her and stated that his phone line was dug up in the spring. It has never been fixed. Don Hartle stated that he will call the phone company again.

At 8:28 p.m., Karen Higley made a motion, seconded by Glenna Petersen, to go out of regular meeting.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

At 8:28 p.m., Glenna Petersen made a motion, seconded by Karen Higley, to go into an executive session.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham

