

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, March 7, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Gary Bates, Colin Harrison, Carl Leatham, and Councilwoman Glenna Petersen. 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 2, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Matt Pearce	Mark Johnson
Dave Kurek	Sandra Kurek	Lance Gunnell
Gaye G. Olsen	Evan Bankhead	Phil Bankhead
Robyn Bankhead	Dale Bankhead	Elizabeth Davis
Laird Hartman	Kathryn Broughton	Tom Maughan
Perry Maughan	Scott Wells	Jonathan Cook
Karma Leatham	Trevin Frstrup	Parker Murray

Opening Ceremony: Gary Bates

Councilman Ron Case was excused from this meeting.

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	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

The Council reviewed the minutes of the February 15, 2012 regular City Council meeting. There were word changes on lines 148, 149, and 150. Colin Harrison made a motion, seconded by Glenna Petersen, to approve the minutes of the February 15, 2012 regular City Council meeting with the corrections.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Colin Harrison	
Carl Leatham	
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 14083 through 14157.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

Deputy Matt Pearce and Deputy Mark Johnson representing Cache County Sheriff's Office met with the City Council. Deputy Pearce and Deputy Johnson introduced themselves. They are the star deputies for Wellsville City. Deputy Pearce gave a business card to each member of the City Council. Deputy Pearce stated that he can be reached by telephone, cell phone, or email. Deputy Pearce stated that email is the best way to contact him. Mayor Thomas G. Bailey thanked Deputy Pearce and Deputy Johnson for attending this meeting. Mayor Bailey stated that he appreciates what Cache County Sheriff's Office does for Wellsville City and for their help.

At 6:15 p.m., conduct the following 2 public hearings in order below:

First, receive public input for a possible code amendment at a later date on a request from Dave Kurek, agency for James Wagstaff at 802 South 200 East, property tax identification #10-041-0023 (.87 acres), and property at 780 South 200 East and 788 South 200 East owned by Lazaro Guerra and Fernando Trejo, property tax identification #10-041-0025 (1.22 acres) be rezoned from RA-1 to R-1-12. Mayor Thomas G. Bailey stated that the public hearing has been held with the Planning Commission. Since that public hearing, it has been determined that the land use map must be amended before the code is amended. The land use map shows that this area is zoned RA-1. The land use map needs to be amended to allow the area to be zone R-1-12. Dave Kurek stated that Mr. Guerra and Mr. Trejo would like to sell the property to Lance Gunnell to use with the current shop so that he has more room for a turn-around for trailers and more room to store more trailers. Mr. Kurek stated that the summer months are his busy months, and he plans to hire some neighbor kids to help in the shop. Phil Bankhead stated that there is over 2,000 square feet of chicken coops on the property. There is electricity to the coops because there are lights in the coops. Phil Bankhead stated that Wellsville City needs to address the chicken coop issue. Colin Harrison stated that the chicken coops are a different subject than what is being discussed tonight. Phil Bankhead stated not really. Phil Bankhead stated that Jim Wagstaff doesn't want to rezone his property because there will not be enough property for another home. Phil Bankhead asked what the purpose of the rezone is if it's not needed. Carl Leatham stated that the purpose of the rezone is residential. The purpose of the rezone is to rezone the property to R-1-12, which a majority of Wellsville City is zone R-1-12. The property that is currently zoned R-1-12 is contiguous to Mr. Wagstaff's property. If Mr. Wagstaff wants to subdivide or remodel his existing home, this rezone will help him. This property is a residential rezone. The property can be cleaned up and sold as a residential lot, which would help to clean up the neighborhood. Mr. Leatham stated that there was a great turn out to the Planning Commission meeting concerning this issue. There is a lot of opposition to this issue. Mr. Leatham stated that there is not one neighbor that is in favor of this rezone other than Mr. Kurek. Phil Bankhead stated that after the Planning Commission meeting, some comments were made to Lance Gunnell that he is a slum lord and doesn't take care of his properties. Phil Bankhead stated that Lance Gunnell does take care of his properties. Phil Bankhead stated that he reviewed the General Plan. The area that is being discussed tonight has been a sore spot since the day it was issued. Phil Bankhead stated that a saw mill was going to be built there. There are also some highway frontage issues. Phil Bankhead stated that Mr. Wagstaff doesn't know if he wants to rezone or not because he doesn't know if there is enough property to build another home because it is so close to the highway. Phil Bankhead read from the General Plan. Phil Bankhead stated that decisions are to be made based on the master plan. Phil Bankhead stated that there are several issues concerning the multiple family dwelling unit. There are several cars at the residence, and the parking should be in the rear of the property. Phil Bankhead stated that there are at least 9 or 10 cars there every day, and as many as 15 cars have been parked there overnight. Phil Bankhead stated that the chicken coop has a contiguous roof over the entire building. The chicken coops are bigger than his home, and the individual that built them didn't need a building permit. Phil Bankhead stated that the individual that owns them didn't build them, but they need to be gone. Phil Bankhead stated that Mr. Kurek does a good job with his business. Phil Bankhead stated that he is not a fan of the business, but Mr. Kurek has done pretty well with the conditions that have been placed on his business. Phil Bankhead stated that the citizens in the area don't want the business any bigger. Phil Bankhead stated that highway commercial developments should be at major intersections, and this is not a major intersection. Dale Bankhead stated that it is a good thing to have a commercial business at this intersection. Dale Bankhead stated that his family feels that the best interest is to let this business grow. Dale Bankhead stated that he is pro-business and pro-active for small businesses. Dale Bankhead stated that small businesses fuel the economy. Dale Bankhead stated that Wellsville City should make it easy to have a business. Small businesses create jobs, income for Wellsville City, and provide a service for the citizens of Wellsville. Lance Gunnell stated that he thought this would be a win-win deal for everyone involved. Mr. Gunnell stated that the property owner wanted to sell some property, Mr. Kurek's wants to grow his business, and it is a good sound fit in the area. Mr. Gunnell thought it would be a easy way to clean up the area without ramming an ordinance down someone's throat. Mr. Gunnell stated that the business is not a Miller's or Sharp's trucking company. This is Mr. Gunnell's community also. Mr. Gunnell stated that if it is legal, then he would like to pursue the issue. Mr. Gunnell stated that he purchased the property as commercial, and has had good businesses in it. Mr. Gunnell stated that he would like to purchase the additional property, lease it to a business owner, and clean up some of the negative

issues in the neighborhood. Kathryn Broughton asked if the commercial issue would be discussed down the road, but not tonight. Mayor Bailey stated that the land use map shows this area being zoned RA-1, and it would need to be amended to allow the property to be rezoned R-1-12. Mayor Bailey stated that another public hearing would be held concerning that issue. Ms. Broughton stated that if the R-1-12 zone would help someone, she is in favor of it. Her concern is rezoning the property highway commercial. Evan Bankhead stated that Wellsville City has an ordinance, and it needs to be enforced. Evan Bankhead stated that he knows it is not pleasant or fun to enforce the code, but it has to be done. Mr. Harrison asked when Phil Bankhead states we, who does he represent. Phil Bankhead stated that the entire neighborhood doesn't want this. Phil Bankhead reviewed the neighbors that are in attendance tonight, and the neighbors that were in attendance at the Planning Commission meeting. Phil Bankhead stated that they don't want the expansion because Mr. Kurek's business may not be there in 5 years. Phil Bankhead stated that without Mr. Wagstaff rezoning to R-1-12, this rezoning would be considered spot zoning. Phil Bankhead stated that his concern is the highway commercial. Mayor Bailey stated that the multiple family dwelling issue was discussed with City Attorney Bruce Jorgensen. The owner of the duplex can agree to put the parking in the rear of the building, but inasmuch as the duplex was built prior to the code requiring the parking behind the duplex, Wellsville City can't force them to comply with the current code. The duplex was built before parking in the rear was added to the code. Elizabeth Davis doesn't run a business out of her home. Ms. Davis agrees with Phil Bankhead. Ms. Davis stated that Mr. Kurek does a great job with his business. Ms. Davis stated that she sees the business every single day. Ms. Davis stated that with a privacy fence with bushes, she will still have to deal with a business right outside her door and windows every day. Ms. Davis stated that unless you are directly impacted by the business, you wouldn't have a problem with the rezoning. Mayor Bailey asked if there is any objection to rezoning the property R-1-12. Evan Bankhead asked if the property is rezoned R-1-12 and Mr. Gunnell doesn't purchase the property, would it meet the specifications to build a home. Mayor Bailey stated that if the property is rezoned and a home is built on the property, the home would have to connect to the sewer. Don Hartle stated that if a new home connects to the sewer, it has the domino effect, and the entire neighborhood would have to connect to the sewer. Phil Bankhead asked what criteria is used to amend the master plan. Mr. Leatham stated that it is not the policy of Wellsville City to amend the General Plan based on 1 project. Mr. Leatham stated that Mr. Kurek needs more room to expand his business because it has been successful. Another business in the building may not be as friendly. Mr. Leatham stated that the General Plan is not set in stone, but written on paper. The General Plan is a guide for what is best for the citizens of Wellsville City as a whole. Mayor Bailey stated that the land use map is not taken lightly. There have been untold hours spent working on it to keep Wellsville City the way it is now. But, over time, things change. Dale Bankhead asked if the property is rezoned R-1-12, could 3 more houses be built on the property. Mayor Bailey stated that he doesn't believe there is enough room for 2 homes, but may be enough property for 1 new home. Mr. Leatham stated that Mr. Wagstaff has .87 acres and depending on how the house sits on the lot depends on if there is enough room for another home. Mr. Gunnell stated that he paid for a survey. Mr. Gunnell asked if land owners have lost all of their rights. Mr. Gunnell stated that the citizens that drive past the property are taking precedence over the guy that is paying the taxes on the property. Mr. Gunnell stated that he apologizes for telling Wellsville City of his evil plan, but he is not trying to sneak something in the back door. Mr. Leatham stated that the corner piece is a vacant lot zoned strictly residential. As of now, nothing happens to the vacant lot. If the property is rezoned R-1-12, a home can be built on the vacant lot. Laird Hartman stated that if a home is built on the vacant lot, it has to hook onto the sewer, and then the rest of the neighborhood has to connect to the sewer. Mayor Bailey stated that the code says if a resident is within 300 feet of the sewer, they must connect to the sewer. Mayor Bailey stated that the Planning Commission tabled this issue. If it goes forward, the land use map will have to be amended. Mr. Hartle stated that by law, he has to have a copy of the agenda to the Herald Journal 24 hours in advance. Mr. Hartle stated that he had the agenda to the Herald Journal 24 hours before the meeting, but it was not in the newspaper today. Mr. Hartle stated that when the General Plan is amended, no notices are sent out. Mayor Bailey stated that the Planning Commission didn't take any action, and they don't know about the land use map being amended yet. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to continue this at a later City Council meeting.

YEA 4
Gary Bates
Colin Harrison

NAY 0

Carl Leatham
Glenna Petersen

Second, receive public input and consider adopting a code amendment amending the storm water drainage code 8-5-6-A, tracking of mud on City streets, 8-5-10 Illegal Discharges and Exemptions, and 8-5-20 Violations and Penalties. Mayor Thomas G. Bailey stated that the City Council was mailed out a copy of the amendment. Mayor Bailey stated that he and Don Hartle have had a few discussions concerning this issue. Colin Harrison asked if this is concerning the manure that is on the road. Mayor Bailey stated no, it is concerning storm water. Gary Bates stated that Wellsville City has to come into compliance with the State of Utah requirements concerning storm water. Mr. Harrison asked about the farmer who pulls out onto the road from his field. Mayor Bailey stated that he has the same concern. Mr. Bates stated that the State may have an exception for farmers. Scott Wells asked if the problems stem from 10th West in Logan being closed. Mr. Hartle stated no. Carl Leatham stated that he attended a seminar concerning storm water at the Utah League of Cities and Towns, and it can be very scary. Mr. Harrison stated it can be expensive also. Mr. Bates stated that Wellsville City has to try to comply, or they can be fined. Mr. Bates stated that he likes the wording that Mr. Hartle used in the amendment. Mr. Hartle stated that Wellsville City is part of a storm water coalition that includes Wellsville, Hyrum, Nibley, Millville, Providence, River Heights, Hyde Park, North Logan, and Smithfield. There is a graduating punishment. Mr. Hartle stated that his concerns are with developers. Glenna Petersen asked who decides if what is on the roads is mud or sediment. Mr. Hartle stated that nothing can be on the roads. Ms. Petersen stated that is ridiculous. Mr. Hartle stated that everything the EPA does is ridiculous. Mr. Bates stated that a maximum fine is defined, but a minimum fine is not. Mayor Bailey stated that his other concern is 5 years down the road; a different City Council may change the fines. Mr. Hartle stated that if Wellsville City doesn't fine an individual, the State will. Mr. Harrison stated that another piece of the code may address farm vehicles. Ms. Petersen asked what part of the code addresses construction sites. Mr. Hartle stated that code 8-5-9 addresses the construction sites, and this is an amendment to code 8-5-9. Mayor Bailey stated that he understands that it has to be done. Tom Maughan stated that it doesn't concern individuals as much as it pertains to construction sites. Mr. Harrison stated that Wellsville City has no resources to police the code. Mr. Hartle stated that is not the State's problem, it is the City's problem. After discussion, Carl Leatham made a motion, seconded by Gary Bates to **ADOPT CODE AMENDMENT 2012-02** adopting **AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 8, PUBLIC UTILITIES, CHAPTER 5, STORMWATER DRAINAGE, TO FURTHER COMPLY WITH STATE AND FEDERAL LAW ON STORMWATER DRAINAGE, BY AMENDING 8-5-9-A, 8-5-10, AND 8-5-20.**

YEA 3
Gary Bates
Colin Harrison
Carl Leatham

NAY 1
Glenna Petersen

Steve Kyriopoulos was to meet with the City Council to discuss commercial infrastructure. Don Hartle stated that Mr. Kyriopoulos was in the office a couple of weeks ago, and is currently working on a concept plan. Mr. Hartle stated that he sent Mr. Kyriopoulos a copy of the agenda, and has no idea where he is.

The City Council discussed 8-1E-2 of the code which prohibits turning of water on or off other than by City personnel. Mayor Thomas G. Bailey stated this issued came about because of Mr. Kyle Larsen wanting to turn his water off and on when they had a water leak because they were waiting for a plumber. Carl Leatham stated that he made the suggestion so that the Public Works department didn't have to babysit the water meter. Perry Maughan stated that he has concerns with citizens turning the water off and on. Mr. Maughan stated that not every setter turns the same. There have been problems with the setter being overturned, and then it twists off. The cost of replacing the setter is \$125. Colin Harrison asked if there are problems with citizens messing with the meters. Mr. Maughan stated yes. Gary Bates stated that the code states there is an allowance that can be charged to the home owner for tampering with the water meter. Mr. Bates stated that there is also an ordinance on top of that to make it a misdemeanor for tampering with the water meter. Mr. Hartle stated that citizens are messing with water that people drink, that they put in their bodies. Mr. Leatham stated that the Public Works department is willing to help citizens turn the water on and off. Mr. Bates stated that the code that is currently in place is working well. The ordinance states that

Wellsville City needs 24 hours notification to turn the water on and off, or a fee of \$25 will be incurred. Mr. Bates stated that he is in favor of the current ordinances. Mr. Hartle explained that the Public Works department comes to the office at 7:00 a.m. for the work orders, and are usually gone by 7:15 a.m. Sometimes it is hard to track them down in order to go turn water on and off for a citizen. Tom Maughan stated that 24 hours is a common courtesy, but if it is an emergency, the Public Works department tries to get on it as soon as possible. After discussion, Colin Harrison made a motion, seconded by Glenna Petersen, to leave 8-1E-2 of the current code which prohibits turning of water on or off other than by City personnel as is.

YEA 4

Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council discussed a policy for the cost of overage due to a water leak. Mayor Thomas G. Bailey stated that it has been the policy of Wellsville City to give a credit of 50% of the overage after a water leak has been discovered and verified by the City. Gary Bates stated that the water supervisor should establish a reasonable policy, along with regular meter readings. Don Hartle stated that the policy that is followed is the policy that was adopted 20 plus years ago. Mr. Hartle stated that the water meters are read 4 times per year, April, June, August, and October. Mr. Bates stated that the first time there is an overage on a water bill because of a leak; Wellsville City should give the citizen the benefit of the doubt. The second time there is an overage on a water bill because of a leak; the citizen should have to pay the amount of the overage. Mr. Bates stated that the citizen may have no way of knowing there is a water leak. Glenna Petersen stated that when she had a water leak, she could hear the water running. Carl Leatham stated that his water leak was outside, and felt that Wellsville City was more than fair with him concerning the bill. Perry Maughan stated that the beauty of the new meters is that it totals the number of gallons every day. When the amounts are entered into the computer, and there is a large gap, a flag comes up and the citizen is contacted. Mr. Hartle stated that the credit on the water bill is given 1 time only. Mr. Bates read from the code. Mr. Bates stated that Wellsville City needs to be considerate of the citizens who get surprised with an overage caused by a water leak.

The City Council considered making an application for a sidewalk grant. Glenna Petersen stated that on State Road 23 beginning at mile marker 1, she would like to start construction of a sidewalk. Ms. Petersen has contacted the State of Utah because 150 feet of the sidewalk is on property owned by UDOT. Ms. Petersen stated that a gentleman from the State of Utah will be coming up to review the area. The sidewalk will be on the west side of the Center Street, from approximately 350 South Center to 400 South Center. Gary Bates stated that City Engineer Christ Breinholt has already proposed a plan for the sidewalk, and may want to meet with UDOT when they are here.

The City Council continued the discussion on flooding that occurred along 400 South from 100 West to Center Street. Mayor Thomas G. Bailey stated that the previous discussions have been about replacing the culverts at 400 South 100 West. Don Hartle stated that the Public Works department was going to do some pot holing, but didn't get a chance to because of the snow. Mr. Hartle stated that he has talked to Annette Smith about this issue. Mr. Hartle stated that he received an email from Ms. Smith's daughter. The Smith family has talked to an attorney and an engineer. They feel that this is the City's fault. Mr. Hartle stated that the City may be at fault to some degree because flooding has happened before and nothing was done about it. Mr. Hartle stated that if the canal hadn't been opened up, the flooding may not have occurred. Mr. Hartle discussed with the City Council about giving Ms. Smith \$5,000 towards fixing her home, and asking her to sign a waiver. Mr. Hartle is concerned about setting a precedence. Mr. Hartle asked if the City Council was interested in making a contribution in order to solve this problem. Perry Maughan stated that if Ms. Smith would landscape her yard on the south and west sides, it would look nice and solve a problem. Mr. Hartle stated that he spoke with Ms. Smith about the landscaping option, and she is not interested. Mayor Bailey stated that the ditch has been a drain for the little canal since 1933. Glenna Petersen stated that if someone would make a drawing for Ms. Smith to show her what the landscape would look like, it might help the situation. Mr. Hartle stated that it is not landscaped. The City would build a berm. Mayor

Bailey and Mr. Hartle will call and talk to Ms. Smith and see what her thoughts are concerning the issue. Mayor Bailey stated that if Ms. Smith would close off the basement door and fill in the rest of the yard, there would be no more problems. Mr. Bates stated that if the money went to purchasing materials, people would come and help in repairing the damage to her home. Colin Harrison stated that the issue should be explored and the best judgment should be used. Carl Leatham stated that his concern is that Wellsville City would be admitting partial fault. Mayor Bailey stated that if Wellsville City is going to help solve the problem, Ms. Smith should help also by closing off the door. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to allow Don Hartle, Mayor Thomas G. Bailey, and the Public Works department to use their best judgment and apply it to fixing the water issue on 400 South from 100 West to Center Street.

YEA 4

Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council continued the workshop on the 2012/2013 budget. Don Hartle handed out the information concerning salaries that was requested at the last City Council meeting. Mr. Hartle stated that a 1% raise would cost \$3,700, a 2% raise would cost \$7,400, and a 3% raise would cost \$11,000. Glenna Petersen stated that she had no problem giving a majority of the employees a raise. Gary Bates stated that he feels the sports directors and City Council are adequately paid. Mayor Thomas G. Bailey stated that some employees could be excluded, and then give a 2% raise to others. Don Hartle stated that the part-time employees are at different rates because they started at different times. Mayor Bailey stated that all full-time employees received a \$20 per month increase last year. Mr. Bates proposed that a majority of the employee should receive a 2 ½% to 3% increase in pay. Mayor Bailey asked if there was enough money in the budget to allow for the increase in pay. Mr. Hartle stated yes. Mr. Bates stated that a cap had been placed on the medical insurance of the full-time employees. Mayor Bailey stated that the employees are allowed to negotiate a different deductible, but the amount for insurance premiums is capped at the 2011/2012 budget year. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to approve a 3% increase in pay to all employees except for the following: Mayor, City Council, sports directors, arena director, and judge for the 2012/2013 fiscal year budget.

YEA 4

Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Department Reports:

Glenna Petersen – 1) Will pursue sidewalk application.

2) Youth City Council – March 21 – fill packets with information about water.

3) Youth City Council – training at USU – next week

Gary Bates – 1) Asked if anyone would be interested in have wifi in the City Council Chambers – will pursue it.

2) Memorial Day program – will be on family vacation to Jackson Hole – if he has the program arranged, will someone manage it – yes.

3) Chairperson for Parks & Recreation Committee backed out – looking for a replacement.

Carl Leatham – 1) Asked about a desktop projector – something to think about.

2) Commercial Development – is the City willing to offer any infrastructure to get the area ready for development.

Councilman Gary Bates left the meeting at 8:48 p.m.

City Manager/Recorder Report:

Don Hartle – 1) Request from Hill Air Force Base to post promotions – no problem adding it to the website.
2) John Anderson – tractor pull on Founder’s Day – consider having it north of the cemetery on the property that Wellsville City owns. Review it and discuss at a later meeting. Concerned with crowd safety and parking.
3) Sewer lagoons – there is a chain-link fence with trees along the fence that Wellsville City allows people to go and cut down for firewood. Scott Leishman has been in to talk with Mr. Hartle about the property boundaries. Some think that the fence is the boundary and some believe that the boundary is the middle of the river. Discussed having Scott Leishman attend the next City Council meeting. Discussed having Scott Leishman review the minutes of past City Council meetings, and also hiring Hickman Land Title to do a title search of the property. Need to solve the problem and sign an agreement.

At 9:14 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 3
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder