

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, March 21, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen 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 16, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Chris Gibbs	Kimberly Phipps
	Mark Phipps	Louisa Phipps	Hilary Anderson
	Cory Hubbard	Bart Nicholes	Karen Nicholes
	Greg Arlint	Nathan Phipps	Joan Kyriopoulos
	Don Ewing	Alison Ewing	Jackie D. Orton
	Marcene Parker	Garyn Perrett	Cody Schenk
	Loyal Green	Ashley Coleman	David Roundy
	Lars Latimer	Paul Krauth	Jonathan Cook

Opening Ceremony: Carl Leatham

Councilman Ron Case was excused from this meeting.

The Council reviewed the agenda. Don Hartle added a presentation from Paul Krauth from the State of Utah. Colin Harrison made a motion, seconded by Glenna Petersen, to approve the agenda with the addition.

<u>YEA 3</u>	<u>NAY 0</u>
Colin Harrison	
Carl Leatham	
Glenna Petersen	

The Council reviewed the minutes of the March 7, 2012 regular City Council meeting. Carl Leatham made a motion, seconded by Colin Harrison, to approve the minutes of the March 7, 2012 regular City Council meeting as presented.

<u>YEA 3</u>	<u>NAY 0</u>
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, Colin Harrison made a motion, seconded by Glenna Petersen, to approve the City's bills for payment, represented by check number 14158 through 14187.

<u>YEA 3</u>	<u>NAY 0</u>
Colin Harrison	
Carl Leatham	
Glenna Petersen	

Chris Gibbs handed out a packet of papers. Mr. Gibbs stated that he is a real estate agent representing Mark and Louisa Phipps, and he is also a resident of Wellsville City. Mr. Gibbs stated that the home of Mark and Louisa Phipps has been for sale for about a year. A buyer for the property has been found, but the sale is contingent upon allowing 3 horses per acre. At the present time, the Wellsville City code only allows 2 horses per acre. Colin Harrison asked if the citizen input is for general questions or business. Mayor Thomas G. Bailey stated that no motion can be made during the citizen input. Mr. Gibbs stated that he wanted to present the information and allow the City Council to discuss the issue before a decision was made. Mr. Gibbs stated that 73% of the acre has been used for pasture for the last 15 years. Mr. Gibbs stated that the code allows for 6 cows per acre, but only 2 horses. Mr. Gibbs stated that he is asking for

a variance and permission from Wellsville City to allow the buyer of the home to have 3 horses. Kimberly Phipps stated that she is representing Cornerstone Reality and is also a resident of Wellsville City. Ms. Phipps brought in the buyer. The buyer has been around horses his whole life. Ms. Phipps stated that before the buyer backs out, she would like to know if Wellsville City would grant a variance to allow 3 horses. Glenna Petersen asked if Wellsville City has ever had a request like this. Mayor Bailey stated that he wasn't sure. Mr. Harrison stated that the City Council would be making an exception to a law if this was allowed. Ms. Phipps stated that there are residents that have more than the allowed number of horses on their property. Mayor Bailey stated that some of the residents had horses and were grandfathered in before 1972 when zoning was adopted. Mr. Gibbs stated that the minimum open space requirement on a 1-acre lot is 40%. With 73% in pasture, the lot is well above the minimum requirement. Mr. Gibbs stated that the code also allows double the animals for grazing for 180 days. Mayor Bailey stated that the code was amended in 1991 to limit the number of animals on property. Don Hartle stated that when someone compares horses to cows, it is like comparing apples to oranges. The intent of the code for 6 cows was for family food production. Horses are not family food production. The code will have to be amended to allow for 3 horses on a 1-acre lot. Mr. Gibbs stated that is not true because a variance can be granted. Mayor Bailey stated that the City Council can't grant a variance. Mayor Bailey stated that the Board of Adjustments grants variances. Mr. Hartle stated that the Board of Adjustments meets as needed. Mr. Hartle stated that an application will have to be filled out and submitted. Mr. Hartle stated that it will take about 30 days because the meeting has to be advertized in the newspaper for 15 days. Mr. Gibbs asked if there is anything that the City Council can do. Mayor Bailey stated no. Mr. Gibbs asked if the City Council could grant permission to go around the code. Mayor Bailey stated no. Mr. Gibbs stated that he is trying to accommodate the buyer and the City, and do it the right way. Mayor Bailey stated that he appreciated it, but there is nothing the City Council can do for him.

Councilman Gary Bates arrived at the meeting at 6:15 p.m.

Hilary Anderson representing the Child & Family Support Center met with the City Council requesting that the City Council approve a proclamation declaring April as Child Abuse Prevention month. Ms. Anderson stated that April is Child Abuse Prevention month. The Child & Family Support Center provides many programs to the Cache Valley area. The Child & Family Support Center sponsors a race in Wellsville City later in the month of April as a fundraiser for the Child & Family Support Center. Ms. Anderson presented a packet of information to the City Council that includes brochures and ribbons to be worn during the month of April. Ms. Anderson also presented the declaration to be signed by Wellsville City. After discussion, Colin Harrison made a motion, seconded by Gary Bates, to declare April as Child Abuse Prevention month.

YEA 4

NAY 0

Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

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

First, receive public input and consider for approval the concept plan for the Hubbard Subdivision, consisting of a total of 2 lots on the west side of 200 West from 450 South to 475 South. Mr. Hubbard stated that he received the memorandum from the City Engineer concerning the concept plan. Mr. Hubbard requested waiving the sidewalk requirement. Mr. Hubbard stated that there are no sidewalks on the east or west side of the road. Glenna Petersen stated that if a sidewalk was installed, it wouldn't connect to any existing sidewalk. Mayor Thomas G. Bailey stated that it would be 165-feet of sidewalk in the middle of nowhere. Carl Leatham stated that currently it would be a sidewalk to nowhere, but eventually the sidewalk would tie all together. Gary Bates stated that he feels comfortable with waiving the sidewalk since there are no sidewalks adjacent or even close to the property. Jonathan Cook asked about a reasonable fee to be charged and put into a sidewalk improvement fund. Don Hartle stated that sidewalks have been discussed for 25 years. It doesn't make sense to have secret sidewalks, but it makes sense to maintain the existing sidewalks. Garyn Perrett stated that sidewalks help with erosion and water issues. Sidewalks will not

be an asset to the community if they are not built for 20 years. Mr. Perrett stated that sidewalks are good for roads and drainage. Mr. Hubbard stated that there are no guarantees that the sidewalk will last for 50 years. Because of the harsh winters, a sidewalk could last 5 years. Marcene Parker asked if the sidewalk funds could be used toward repairing sidewalks around the community. Mr. Hartle stated that the funds could be used for repairing sidewalks, but when Wellsville City decides to install a sidewalk in front of this property, they can't ask Mr. Hubbard to pay again for a sidewalk. Mr. Bates stated that it would be considered an improvement district, and that Wellsville City couldn't double dip by asking the residents to pay twice. Mr. Hartle stated that years ago, Wellsville City required curb and gutter. Because of the storm water issues, Wellsville City has gone away from curb and gutter. Mr. Hubbard stated that the area is rural. Carl Leatham stated that 200 West is very busy and has a lot of traffic on it. Kimberly Phipps stated that she had the same argument, but she paid to install a sidewalk to nowhere. Ms. Phipps asked that in 5 to 10 years when there is more development, who will pay for the sidewalk then. Mayor Bailey stated that it would be the property owners and Wellsville City. Jackie D. Orton stated that when he sat on the City Council, he suggested that the owner pay for a sidewalk when a home is built. If there is no sidewalk in front of the home, the money would be used to fix existing sidewalks. Mr. Leatham stated that the Planning Commission approved the concept plan, and recommended that the City Council require the sidewalk.

At 6:45 p.m., the City Council left the public hearing.

After discussion, Carl Leatham made a motion, seconded by Glenna Petersen to approve the concept plan for the Hubbard Subdivision, consisting of a total of 2 lots on the west side of 200 West from 450 South to 475 South and waive the sidewalk requirement.

YEA 3

Gary Bates
Carl Leatham
Glenna Petersen

NAY 1

Colin Harrison

At 7:02 p.m., the City Council went into public hearing.

Second, receive public input and consider for approval the concept plan for the Nicholes Subdivision, consisting of a total of 2 lots (1 additional building lot) on property on the west side of Center Street at 1261 South Center. Ms. Nicholes stated that she received the memorandum from the City Engineer concerning the concept plan. Ms. Nicholes stated that 43% of the property is open space, and they are selling ½ acre on the south side of the creek as a building lot. Ms. Nicholes stated that the Wellsville Ranches is on both sides of the highway, but there is no sidewalk in front of the 2 houses that are on Center Street. Ms. Nicholes stated that there is no sidewalk on either side of Center Street. Ms. Nicholes asked that the City Council waive the sidewalk requirement for the subdivision. Gary Bates asked how the subdivision can be approved if the property is zoned RA-1. Don Hartle stated that in the RA-1 zone, 40% of open space is required. Mr. Hartle stated that the Nicholes Subdivision has 43% open space. Ms. Nicholes stated that they have enough acreage and enough frontage for the lot, and they have open space. Mr. Bates asked if the rule was being bent just a little for this subdivision. Mayor Thomas G. Bailey asked if the property is zoned RA-1, will the new lot still have 1 acre. Mr. Hartle stated that in the RA-1 zone, it is required to have 132 feet of frontage. When open space is calculated, the frontage is reduced to 100 feet and the lot size to a minimum 20,000 square feet. The rest of the property is open space. Mr. Bates stated that it seems there is a loop hole in the code. Ms. Nicholes stated that the creek is the natural boundary. Kimberly Phipps asked what the future land use map allows. Mr. Hartle stated that it is zoned RA-1. Colin Harrison asked what the Planning Commission said. Carl Leatham stated that the Planning Commission approved the concept plan. Mr. Bates stated that he thinks this subdivision should be reviewed by a City Planner. Mr. Hartle stated that the City Council has to accept or decline the subdivision based on the code. Mayor Bailey asked Loyal Green, the Chairman of the Planning Commission, if he felt that the subdivision met the code. Loyal Green stated yes because the open space was part of the subdivision and it had been calculated correctly. Mayor Bailey asked if the open space is used. Ms. Nicholes stated yes. Mr. Leatham stated that in other subdivisions, the open space is unusable. Open space is not just for parks, but for views and open areas. Mayor Bailey asked the City Council how they felt about the sidewalk. Mr. Harrison stated that he has no problem waiving the sidewalk requirement. Mr. Hartle stated that the Planning Commission required a

larger culvert that what the code required.

At 7:27 p.m., the City Council left the public hearing.

After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to approve the concept plan for the Nicholes Subdivision, consisting of a total of 2 lots (1 additional building lot) on property on the west side of Center Street at 1261 South Center and waive the sidewalk requirement.

YEA 4

Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Greg Arlint and Nathan Phipps met with the City Council to discuss sewer in the commercial zone. Nathan Phipps stated that they are looking to purchase the property next to the Caine Dairy that is 4.2 acres for a Amish-style store. It will have a gift shop, ice cream shop, and local produce. Colin Harrison asked if it would be seasonal. Mr. Arlint stated no, and said to picture a Cracker Barrel store. Mr. Phipps stated that they spoke with UDOT, and UDOT referred them to Wellsville City. They asked for a variance for a road entry at 800 feet from the Caine Dairy road. They also asked for direct access and forgo a frontage road. Mr. Phipps stated that this would be the first business in the area and to help get it started, but not have to pay for all of the infrastructure. Mayor Thomas G. Bailey stated that a traffic study would have to be complete. Mr. Phipps stated correct. Mayor Bailey stated that there may have to be turn-off lanes. Mr. Phipps stated that it is a possibility. Mayor Bailey asked if they are looking for permission to pursue a variance for direct access. Mr. Phipps stated correct. Mayor Bailey asked the City Council if they had any questions about the road or access to the business. Mr. Phipps stated that they will have 800 feet of frontage and plans for the back of the building. Mr. Arlint stated that he plans to have a corn maze, pumpkin patch, and designed to expand the building if necessary. Mr. Phipps stated that the building will blend in. Don Ewing stated that he is concerned about problems with traffic, sewer, and water. Mr. Phipps stated that the area is zoned commercial. Mayor Bailey asked about the frontage and the road to the building. Mr. Arlint stated that the building will sit back as far as it possibly can on the property. Gary Bates stated that it is a great concept and fits nicely with what Wellsville City wants in the area. Mr. Bates stated that he is concerned about highway access. Mr. Phipps asked what would be required on a frontage road. Mr. Arlint stated that a gravel country road would fit his business. Mr. Bates stated that there are 3 different lots that would share the responsibility of the frontage road. Wellsville City would back charge the owners as the property is developed. Mayor Bailey asked about the sewer. Mr. Phipps asked where the closest sewer line is. Don Hartle stated that the closest sewer line is just south of the entry to Southwest Heritage Estates on the opposite side of the road. Mr. Phipps asked about a feasibility study and if there was a possibility of starting the business with a septic system. Mr. Bates stated that this issue has been discussed previously and the City Council would allow the owner to start with a septic system. Mayor Bailey stated that the code states that if property comes within 300 feet of the sewer line, the property owner has to connect to the sewer. Mr. Bates stated that Wellsville City may require a lift station in the area for the sewer. Mr. Hartle stated that there is nothing in the code that prohibits a septic system. Wellsville City would require approval from Bear River Health Department. Mr. Ewing stated that a business septic system will be in use all of the time. Mr. Hartle stated that the zoning and land use maps show that from 3900 South, which is the main entrance to AWHC to the south on the east side of Highway 89/91 is zoned Highway Commercial. Mr. Ewing stated that the property will flood. Mr. Phipps stated that a septic system will be more than adequate for Mr. Arlint's business. Carl Leatham stated that all access from 4300 South should tie into Highway 101. Mr. Leatham would like to see Wellsville City stay with the grid system. Mr. Leatham would like to see Wellsville City stay away from a frontage road. Mayor Bailey asked if the City Council wanted to give Mr. Arlint permission to pursue approval from UDOT. Mr. Leatham stated that there should be as few accesses onto Highway 89/91 as possible. Mr. Phipps stated that if they are not allowed direct access, they would have to make do with a frontage road. Mr. Arlint stated that he spoke with Jay Baker from Cache County Zoning Office and they don't want what Nibley has with the backs of the stores facing the highway. Loyal Green stated that the City Council and Planning Commission have spent a lot of time setting the road system for that area. Mr. Green stated that people

approach Wellsville City and tell Wellsville City what they want. The discussion tonight is based on what someone wants, and it is going away from the plan of the area. Mr. Green stated that he is also concerned with a septic system because of the high water table in the area. Mr. Phipps stated that a feasibility study on the septic system will answer those questions. Jackie D. Orton stated that Wellsville City is in need of commerce and a frontage road is the key. Mr. Phipps stated that the septic system is a very small issue. Mr. Phipps stated that if they are forced to run the sewer line, it will run any business out of Wellsville City. Mr. Leatham stated that there is a road master plan for Wellsville City. Mayor Bailey stated that the City Council is not approving anything, but just giving Mr. Arlint and Mr. Phipps permission to approach UDOT. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to approve in concept a road parallel to 4300 South running southwest a distance adequate for a lot sold by Brent Parker to Greg Arlint. A discussion will be held at a future meeting to discuss the development pertaining to roads in the highway commercial area.

YEA 4

NAY 0

Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

After discussion, Carl Leatham made a motion, seconded by Colin Harrison to allow Mr. Arlint and Mr. Phipps to complete a septic system feasibility test in the highway commercial area.

YEA 4

NAY 0

Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

Steve Kyriopoulos was to meet with the City Council to discuss commercial infrastructure. Steve Kyriopoulos was unable to attend this meeting, so his wife, Joan Kyriopoulos was in attendance. Ms. Kyriopoulos stated that they would like to build an All-American Eco-Truck Stop and would like input from the City Council on the project. Ms. Kyriopoulos stated that they would begin the project with a C-store, gas tanks, and a car wash. Ms. Kyriopoulos stated that they would like to have a future RV pad, future restaurant, picnic area, and a walking path. Ms. Kyriopoulos stated that they want this project to be very community friendly. Ms. Kyriopoulos stated that they have made some changes to the project. There is a diagonal parking instead of straight parking. The diesel trucks will be parked in the rear of the property. They would like to widen the access from 900 East. Ms. Kyriopoulos stated that they are asking the City Council to help with either the infrastructure or tax incentives. Ms. Kyriopoulos stated that they would like to straighten 900 East so that the corner is not a risk and widen 400 North. Mayor Thomas G. Bailey stated that 400 North is a county road and it may already be 66 feet wide. Loyal Green stated yes 400 North is a county road and there is also the east field irrigation ditch that runs along 400 North. Carl Leatham asked about head gates for the irrigation ditch. Mr. Green stated that there is a head gate in the southeast corner and also a head gate on 900 East. Ms. Kyriopoulos stated that they will be using solar power, low water use, and cleaning the water where they can. Mayor Bailey asked if the traffic study had been completed. Ms. Kyriopoulos stated yes. Ms. Kyriopoulos stated that they will also be using bio-fuel and would eventually like to build a small hotel on the property. Glenna Petersen asked who owns the property where 900 East would be straightened. Ms. Kyriopoulos stated that Loyal Green does. Garyn Perrett stated that if 900 East is rebuilt and heavy semi-trucks are using it, the road will fail within 1 year. Ms. Kyriopoulos asked that if the City Council had time, to make improvements to the concept plan. Mayor Bailey stated that he doesn't know what will be done about 900 East. It was asked if this project is a done deal. Mr. Leatham stated no, it is not a done deal, but everything that is included in the truck stop is allowed by Wellsville City code. Mr. Perrett asked if overnight parking of semi-trucks is against the noise ordinance. Mayor Bailey stated that Wellsville City does have a noise ordinance, and overnight parking of semi-trucks is allowed. Mr. Bates stated that Don Hartle has a DV meter that reads noise, and overnight parking of semi-trucks met the noise ordinance. Don Ewing stated that Wellsville City is a nice rural community and this project will ruin it. Mayor Bailey stated that it took a lot of time to develop the

Wellsville City code. When a business comes into Wellsville City, and meets the code, it can't be stopped. Ms. Kyriopoulos stated that they have applied for several grants to help fund this project. Mayor Bailey asked if there were any questions. Danny Roundy asked if this project would increase or decrease the value of his property. Mr. Roundy stated that it has to have some affect on the value. Mr. Bates stated that he thinks that the affect would be negative. Mr. Roundy is concerned with the noise and large semi-trucks in a residential neighborhood. Mr. Leatham stated that these are all valid concerns. Mr. Perrett asked what the process is for a project like this. Mayor Bailey stated that it will have to be reviewed by the Planning Commission and a public hearing will be held. Ms. Kyriopoulos stated that Steve Kyriopoulos is on the agenda for the next Planning Commission meeting. Don Hartle asked that the City Council leave their copies of the project so that he can mail them out to the Planning Commission. Mayor Bailey stated that Mr. Kyriopoulos will meet with the Planning Commission next week and will go from there.

Paul Krauth, representing the State of Utah, attended City Council meeting and made a presentation to the City Council concerning the sewer lagoons.

Department Reports:

Colin Harrison – 1) Will be holding a Shade Tree & Beautification Committee meeting to discuss trimming trees and Arbor Day.

Glenna Petersen – 1) Accompanied the Wellsville City Youth Council to Hyrum to assemble water kits for the 4th graders in Cache Valley.

Gary Bates – 1) Discussed purchasing a pitching machine for softball. Talked to Don Hartle and there is money in the budget for this. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to purchase a pitching machine for softball.

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

2) Discussed different Eagle Scout projects at the softball field, baseball fields, and Wellsville Dam.

At 9:40 p.m., Carl Leatham made a motion, seconded by Colin Harrison, to adjourn the meeting.

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

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder