

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 18, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Gary Bates, Ron Case, 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 April 13, 2012. 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 | Dave Kurek | Sandy Kurek |
| | James Wagstaff | Warren Rowsell | Ray Bankhead |
| | Phil Bankhead | Robyn Bankhead | Karen Nicholes |
| | Cory Hubbard | Timena Hewen | Ashley Coleman |
| | Laird Hartman | Elizabeth Davis | Kathryn Broughton |
| | Gaye Olsen | Lance Gunnell | Staci Gunnell |
| | Don Summit | Daniel Summit | Joshua Summit |
| | Bevan Higbee | Jonathan Cook | Jens Trauntvein |
| | Matt Pearce | | |

Opening Ceremony: Glenna Petersen

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 5</u> | <u>NAY 0</u> |
| Ron Case | |
| Gary Bates | |
| Colin Harrison | |
| Carl Leatham | |
| Glenna Petersen | |

The Council reviewed the minutes of the March 21, 2012 regular City Council meeting. Carl Leatham made a motion, seconded by Gary Bates, to approve the minutes of the March 21, 2012 regular City Council meeting as presented.

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| <u>YEA 4</u> | <u>NAY 0</u> | <u>ABSTAIN 1</u> |
| Gary Bates | | Ron Case |
| Colin Harrison | | |
| Carl Leatham | | |
| Glenna Petersen | | |

No one was in attendance for citizen input.

Shane Petersen was to meet with the City Council concerning an Eagle Scout project. Gary Bates stated that Shane Petersen was going to replace the sand on the little league field, but due to budget restraints, the project will have to be postpone until next fiscal year.

Joshua Summit met with the City Council concerning an Eagle Scout project. Mr. Summit stated that he is going to remove the dirt from the softball field and replace it with sand. Mr. Summit asked if there were any questions. Glenna Petersen asked when Mr. Summit would begin the project. Mr. Summit stated 2 weeks. Mr. Summit needs the time to gather equipment and materials. Ms. Petersen asked if the softball field would be ready in time for the softball season to begin. Mr. Summit stated yes. Gary Bates asked if Mr. Summit could go into more detail concerning the project. Mr. Summit stated there will be approximately 15 people. There will be a skidster used to remove the dirt. The dirt will be moved up to the rodeo grounds. The new sand will be laid out and leveled. Carl Leatham asked how long the project will take. Mr. Summit stated 2 weeks. Mr. Bates stated that the softball season begins the end of May. Mr. Bates stated that Mr. Summit will need to coordinate with Don Hartle to have the Public Works department help haul the old sand to the rodeo grounds. Mr. Bates stated that he received an email from Diane Roundy

that she would like to add some sprinkler heads to the project. There will be an additional cost for the pipe and sprinkler heads. Mr. Bates asked how Mr. Summit plans to get the new sand to the softball field. Mr. Summit stated dump trucks. Mr. Bates asked who would arrange the delivery of the new sand. Mr. Summit stated he wasn't sure. Mr. Bates stated that part of the Eagle Scout project process is to have a plan lined out. The City Council is approving the plan and coordination. Mr. Bates stated that in lieu of time, the project can be approved. Mr. Bates would like Mr. Summit to come back to City Council meeting in 2 weeks with more detail and a plan outlined. After discussion, Gary Bates made a motion, seconded by Ron Case, to approve the Eagle Scout project of Joshua Summit.

YEA 5

NAY 0

Ron Case

Gary Bates

Colin Harrison

Carl Leatham

Glenna Petersen

At 6:15 p.m., conduct a public hearing to receive public input, consider the recommendation of the planning Commission, then consider making a decision on a request from David Kurek, agent for South Valley R.V. Repair, agent for James Wagstaff at 802 South 200 East property tax ID # 10-041-0023 (.87 acres), and agent for Lazaro Guerra and Fernando Trejo at 780 South 200 East and 788 South 200 East property tax ID # 10-041-0025 (1.22 acres) and agent for Lance Gunnell's property at 252 East 760 South property tax ID # 10-041-0004 (.37 acres) to amend the Land Use Map to allow said properties to be zoned R-1-12, and then a portion of said land to be rezoned to CH, Highway Commercial. Mayor Thomas G. Bailey opened the public hearing. Mayor Bailey stated that the citizens that want to participate in the public hearing need to come to the microphone and state their name. Mayor Bailey stated that each person will be allowed 3 minutes. Mayor Bailey stated that many comments have been made in previous meetings. Mayor Bailey asked that the citizens not repeat each other. When there are no more comments from the public, the public hearing will be closed. The City Council will ask questions and discuss the matter, and then a decision will be made. Dave Kurek stated that he owns South Valley RV, and is acting as an agent for the business as well as 4 other individuals. Mr. Kurek stated that Lazaro Guerra would like to sell some property because he owns more than he can take care of. Mr. Kurek stated that Lance Gunnell would like to purchase the property and add it to the existing property that he owns. Mr. Kurek stated that he would like to employ some of the youth in Wellsville City. Mr. Kurek also brings tax dollars into Wellsville City. Mr. Kurek stated that he is willing to work with people if they are willing to work with him. Ron Case asked how much property is being sold. Mr. Kurek stated that Mr. Guerra owns 1.22 acres. If the property is rezoned to R-1-12, Mr. Guerra will own .25 acres and sell the rest of the property. The property is to the west and south of Mr. Kurek's business. Kathryn Broughton stated that she lives at 185 East 800 South. Ms. Broughton has no issues with rezoning the property to R-1-12. Ms. Broughton has an issue with the property being zoned CH, Highway Commercial. Ms. Broughton stated that this area is a neighborhood. There have been several businesses previously. Ms. Broughton stated that Mr. Kurek's business may or may not stay in this location. Ms. Broughton stated that she is concerned about the next business that will be allowed in this location. Lance Gunnell stated that he appreciates the comments that have been made. Mr. Gunnell stated that Mr. Kurek has been a good tenant with a good business. Mr. Gunnell stated that this issue is a land owner wanting to sell land and a land owner wanting to purchase land. Mr. Gunnell stated that he and his mother own this property. Mr. Gunnell stated that with him owning the property, he could clean up the eye sore. Mr. Gunnell believes that this is a win win situation for everyone involved. Mr. Gunnell stated that this is a small community with property next to a highway corridor. Mr. Gunnell stated that it seems logical that the property next to the highway be zoned CH, Highway Commercial. Mr. Gunnell stated that he feels he is not getting the support he needs. Mr. Gunnell stated that he is a good citizen of Wellsville City, with vested roots. Mr. Gunnell stated that it is the fly-bys that don't want to look at this business. Mr. Gunnell stated that he worked out the water issue with Ray Bankhead. Mr. Gunnell stated that he will clean up the chicken coops. Mr. Gunnell would like to see the City Council get behind him and support him. Mr. Gunnell believes that Wellsville City should support small local businesses. Phil Bankhead gave a history of the area and this property. Mr. Bankhead stated that is used to be zoned residential, and then it was changed to commercial so that a couple could run a door business out of it next to their home. Mr. Bankhead stated that no one is saying they can't run a business, but by allowing this

rezone, the commercial zone would double in size. Mr. Bankhead stated that he doesn't want any more commercial in this area. Mr. Bankhead stated that it is the job of the City Council to support the General Plan. The General Plan shouldn't be altered for any business. Mr. Bankhead stated that the rezone shouldn't be changed on a whim. All of the citizens in the neighborhood are concerned. Mr. Bankhead stated that the City Council needs to enforce the General Plan. Mr. Case asked Mr. Bankhead about a condition that the commercial area not get any bigger. Mr. Bankhead stated that a conditional use permit was granted based on the door business and that is when the property was rezoned. Mr. Case asked if one of the conditions was that the commercial area not get any bigger. Mr. Bankhead stated that he didn't know. Glenna Petersen asked what year the property was rezoned CH, Highway Commercial. Robyn Bankhead stated that it was around 1985. Ms. Bankhead stated that the bottom line is that the neighbors don't want the commercial area any bigger than it already is. Ms. Bankhead stated that 10 years down the road, a different Planning Commission and City Council could think differently about the area. This rezone is one step closer to rezoning the property to CH, Highway Commercial. Ms. Bankhead stated that South Valley RV needs Jim Wagstaff to be part of this rezone because it is Mr. Wagstaff's property that is contiguous to an R-1-12 zone. Ms. Bankhead stated that she would like to hear what Mr. Wagstaff's feelings are concerning this issue. Ms. Bankhead stated that Mr. Wagstaff doesn't need South Valley RV to rezone his property to R-1-12. Ms. Bankhead stated that she called and spoke with Don Hartle concerning this issue. Mr. Wagstaff could request rezoning his property. The property would have to be surveyed. Ms. Bankhead asked if the survey that has already been done could serve the purpose. Mr. Hartle stated that it could if it shows how Mr. Wagstaff's lot would be divided. Ms. Bankhead stated that currently it would take 2 steps to make a bigger CH, Highway Commercial zone. Ms. Bankhead stated that Carl Leatham made the statement that City Planner Jay Nielson always says to never make a change to the base plan based on a business. Ms. Bankhead stated that she has no problem with Mr. Wagstaff rezoning his property to R-1-12. James Wagstaff stated that his property is involved in this issue. Mr. Wagstaff stated that he has been in contact with Mr. Hartle. Mr. Wagstaff stated that his main concern is that his property is contiguous to an R-1-12 zone, and it is. Mr. Wagstaff would like to see the chicken coops cleaned up and gone, but asked at what cost. Mr. Wagstaff stated that he doesn't want the highway commercial area to grow. Mr. Wagstaff stated that if he decided to divide his property at a later date, he will do it independently sometime down the road.

At 6:38 p.m., Mayor Thomas G. Bailey closed the public hearing.

Ron Case asked Mr. Wagstaff is he was withdrawing his support of this issue. Mr. Wagstaff stated yes. Gary Bates asked if the diagram that the City Council received belongs to Mr. Wagstaff. Mr. Wagstaff stated yes. Carl Leatham stated that the Planning Commission recommended not approving this request. Colin Harrison asked if they gave a reason. Mr. Leatham stated that the reason was not to expand the commercial area in a residential zone. Mr. Bates suggested purchasing the triangular-shaped piece of property in the corner. Mr. Gunnell stated that any extra area would help keep this business here in Wellsville City. Ms. Petersen stated that she has a hard time telling people what they can and can't do with their property. Ms. Petersen stated that she has thought long and hard about this decision. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to follow the recommendation of the Planning Commission and disapprove a request from David Kurek, agent for South Valley R.V. Repair, agent for James Wagstaff at 802 South 200 East property tax ID # 10-041-0023 (.87 acres), and agent for Lazaro Guerra and Fernando Trejo at 780 South 200 East and 788 South 200 East property tax ID # 10-041-0025 (1.22 acres) and agent for Lance Gunnell's property at 252 East 760 South property tax ID # 10-041-0004 (.37 acres) to amend the Land Use Map to allow said properties to be zoned R-1-12, and then a portion of said land to be rezoned to CH, Highway Commercial.

YEA 4

Ron Case

Gary Bates

Colin Harrison

Carl Leatham

NAY 1

Glenna Petersen

The City Council reviewed for approval the Preliminary Plat for the Nicholes Subdivision, consisting of a total of 2 lots (1 additional building lot) on the west side of Center Street at 1261 South Center. Mayor Thomas G. Bailey stated that he and Gary Bates owe Ms. Nicholes an apology from the previous meeting. There was some confusion concerning the amount of acres on the subdivision. Karen Nicholes accepted the apology. Ms. Nicholes stated that she is here for approval for the Preliminary Plat on the subdivision. Ms. Nicholes stated that the conditions placed on the subdivision by City Engineer Chris Breinholt have been met. Carl Leatham stated that the Planning Commission wanted a note added to the plat about the culvert that is installed has to be at least 18 inches. Ms. Nicholes stated that it is listed as #4 on the plat in the comments section. Mr. Leatham stated that the Planning Commission approved the Preliminary Plat for the Nicholes Subdivision. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the Preliminary Plat for the Nicholes Subdivision, consisting of a total of 2 lots (1 additional building lot) on the west side of Center Street at 1261 South Center.

YEA 5

NAY 0

Ron Case
Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council reviewed for approval the Preliminary Plat for the Hubbard Subdivision, consisting of a total of 2 lots on the west side of 200 West from 450 South to 475 South. Cory Hubbard stated that he is here for approval for the Preliminary Plat on the subdivision. Carl Leatham stated that the Planning Commission approved the Preliminary Plat pending approval from City Engineer Chris Breinholt. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the Preliminary Plat for the Hubbard Subdivision, consisting of a total of 2 lots on the west side of 200 West from 450 South to 475 South.

YEA 5

NAY 0

Ron Case
Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

Don Hartle presented to the City Council the 2012/2013 tentative budget. Mr. Hartle stated that in his opinion, Wellsville City is in good financial shape. Mr. Hartle stated that in the 29 years that he has been employed by Wellsville City, Wellsville City has never raised property taxes, however, taxes have been raised by Cache County and the School District. There have been some major changes concerning governmental accounting. This has had a dramatic affect on how things are done. Wellsville City was written up last year because they had too much money in a savings account. Mr. Hartle stated that the auditors used to help Wellsville City, and gave them a significant amount of advice. Mr. Hartle stated that the auditors are not at liberty to give any kind of advice because it becomes a conflict of interest. Mr. Hartle stated that he has established another fund named the Capital Fund. It contains all of the monies earmarked for the Fire Department Capital, Public Works Capital, and First Responders Capital. Mr. Hartle doesn't know how many more years Wellsville City can go on as a bedroom community. Mr. Hartle put together a binder for each City Council member containing the budget worksheets and all of the documentation that supports the budget. Mr. Hartle recommended that the City Council take the binder and review it. The tentative budget will need to be adopted in 2 weeks. Mr. Hartle stated that he has given the City Council a balanced budget, which he is required by law to do. Mayor Thomas G. Bailey stated that he and the City Council appreciate the work that is put into this budget, and thanked Don Hartle for it.

Department Reports:

Colin Harrison – 1) Arbor Day – April 21, 2012 – 10:00 a.m. – tabernacle – will plant a tree in honor of Clarke Maughan. This will also be 24 years of participation with Tree City USA.

Ron Case – 1) Replace sign at Children’s Park because it was vandalized – on the Parks & Recreation Committee’s to-do list.

2) Distance of the trail around the Wellsville Dam – post it.

Gary Bates – 1) June 2, 2012 – Utah Free Fishing Day, will also be Youth Fishing Derby hosted by Wellsville City and chaired by Brett Jorgensen and Margo Pierce.

2) Parks & Recreation Committee would like to have a movie night in the Wellsville City Square in addition to the Music on the Square. Cost of admission would be free, but would have a concessions stand. Discussed holding the event on a Monday night versus a weekend night. City Council would support it.

Mayor Thomas G. Bailey – 1) Discussed moving the public hearing scheduled for April 25, 2012 to the Wellsville Elementary School. Glenna Petersen will call Principal Dobson and work with Jens Trauntvein to record the meeting. Don Hartle will check with City Attorney Bruce Jorgensen if the meeting can be moved since it has been advertised that it will be held at the City Office. Glenna Petersen will contact Don Hartle before 6:00 a.m. on Friday before he prepares the agenda as to the location of the public hearing.

Carl Leatham – 1) Amish store is dead – investor can’t afford it at this time.

City Manager/Recorder Report:

Don Hartle – 1) Someone ran into the fire station – has been dealing with the insurance companies since March 15, 2012. Estimated damages are \$3772.00. Wellsville City has a \$1,000.00 deductible – received a check for \$2,772.00.

2) Asked if someone could use the City’s internet – wouldn’t give out the password. Safer not to, but it is not unheard of. The advantage is having a laptop to search Wellsville City code online. Mr. Hartle will contact the computer technician to see if it is possible to have Wi-Fi available in the Council Chambers.

At 8:05 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to go into an executive session.

YEA 5

NAY 0

Ron Case
Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

At 8:27 p.m., Ron Case made a motion, seconded by Colin Harrison, to leave executive session.

YEA 5

NAY 0

Ron Case
Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

At 8:27 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 5

Ron Case

Gary Bates

Colin Harrison

Carl Leatham

Glenna Petersen

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder