

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, July 13, 2011, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Paul Egbert, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Mayor Thomas G. Bailey, Councilmen Carl Leatham and Gary Bates. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on July 8, 2011. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Louisa Phipps Anne Bell

Opening Ceremony: Jay Nielson

Loyal Green reviewed the agenda with the Commission. Don Hartle stated that he needed to discuss swales with the Planning Commission. M. Kent Larsen stated that he needed to discuss parking on the city streets with the Planning Commission. After review, John Spence made a motion, seconded by Paul Egbert, that the agenda be approved with the additions.

<u>YEA 5</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
John Spence	
M. Kent Larsen	

The Commission reviewed the minutes for the Commission meeting which was held June 22, 2011. After review, Russell Glenn made a motion, seconded by John Spence, that the minutes of the June 22, 2011 meeting be approved as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
John Spence	
M. Kent Larsen	

Louisa Phipps met with the Planning Commission to discuss a clarification of the Wellsville City code. Ms. Phipps read from 10-16-4 of the code concerning signs. Ms. Phipps stated that the sign that Heritage Southwest Estates subdivision would like to install is on private property, and not next to a home. Loyal Green read from 10-16-3 of the code concerning signs. Mr. Green stated that the question is does the sign code allow for signs for subdivisions. Paul Egbert stated that the heading of 10-16-4 is Multi-Tenant Lot. Mr. Green referred to Table B of 10-16-21, which explains the maximum total area of a lot. Mr. Green read the definition of a lot from the code. Russell Glenn stated that this sign will be placed in open space, not a lot. Don Hartle stated that open space is a lot because it has a tax identification number. Mr. Egbert stated that the open space lot is a residential lot, and monument signs are not allowed. A free-standing, 6 square foot sign is allowed. Mr. Green asked if the Heritage Southwest Estates subdivision is considered a multiple lot or building. Mr. Egbert read the definition of a multiple lot. Jay Nielson stated that the intent of the language is for commercial and industrial projects. This is a residential zone, and monument signs are not allowed. Mr. Nielson stated that it is standard procedure to always use the most restrictive of the code when there is a question. Mr. Green asked if the code covers signs in subdivisions. Mr. Nielson stated it sure does. Mr. Nielson stated that the question about the subdivision doesn't apply. Mr. Nielson stated that the question is what the zoning of the property is. Mr. Green asked if the size of the sign is too small. Ms. Phipps stated yes, that the HOA of the Heritage Southwest Estates subdivision would like a bigger sign. Mr. Green stated that they are back to requesting that the code be amended. Ms. Phipps stated that they don't want to amend the code. Mr. Green thanked Ms. Phipps for attending the meeting.

The Heritage Southwest Estates subdivision met with the Planning Commission to review for possible approval of a sign. Don Hartle stated that Louisa Phipps discussed this issue during the discussion of the previous agenda item.

Mayor Thomas G. Bailey met with the Planning Commission to discuss code enforcement. Mayor Bailey stated that he appreciated the Planning Commission letting him come. Mayor Bailey stated that he appreciates the work that the gentlemen that sit on the Planning Commission Board does. Mayor Bailey stated that since he has become mayor, he has realized that the wheels of justice turn oh so slow. Mayor Bailey stated that years ago, a citizen built a hay barn right on the property line. The individual was approached, and willingly torn the hay barn down. Mayor Bailey stated that there are currently 2 situations in Wellsville City that the willingness is not there. Letters have been written, calls have been made, and everything that Wellsville City does with these 2 situations has been passed through the City Attorney. Both situations are currently in the process with the City Attorney. In order to get an appointment with the City Attorney, Wellsville City may have to wait 6 weeks to 2 months. Mayor Bailey discussed the issue with manure on the road. Mayor Bailey stated that they have discussed this issue with the City Attorney. Both roads are state highways, so Wellsville City has no jurisdiction. Mayor Bailey stated that if there is a citizen concern and the citizen sees the truck spill manure onto the road, they can take the license plate number down and turn it into the Cache County Sheriff's Office. Mayor Bailey stated that he discussed this issue with Travis Mortensen, who is a Utah Highway Patrolman. Mr. Mortensen has had training in the rules and regulation of trucks. Mr. Mortensen told Mayor Bailey that a truck can be fined \$500 for spilling manure on the highway. Mayor Bailey stated that according to Mr. Mortensen, it has to be acted upon the day that the situation occurs. Mayor Bailey stated that Cache County Sheriff's Office can issue a ticket also. Mayor Bailey discussed parking on the streets. Mayor Bailey stated a year or so ago; a gentleman would drive around and issue letters to residents who were in violation of the street ordinance if Wellsville City would buy the gas. This gentleman issued a ticket to his wife's best friend, and it brought his days of issuing letters for street violations to an end. Mayor Bailey stated that the City Council has discussed this issue, and still haven't replaced the individual. Mayor Bailey stated that Don Hartle has sent letters to people concerning a parking situation, and it usually is corrected. Mayor Bailey stated that parking problems are sometimes more prevalent in certain neighborhoods. Mayor Bailey stated that a Star Deputy has been assigned to work with Wellsville City concerning any problems that may arise. The Star Deputy will have a box in the office, and if someone sees something, write the situation and the address down and place it in the box. The Star Deputy will check on the situation, and if needed, a citation will be issued. Mayor Bailey stated that since Wellsville City has opened up the trail around the dam, there have been problems with 4-wheelers, fishing from the bridge, and diving off of the bridge. Mayor Bailey stated that the City Council is looking at these situations and trying to come up with some solutions. Mayor Bailey explained that Wellsville City has contracted with Cache County Sheriff's Office for a certain number of hours per month. The Cache County Sheriff's Office does send a monthly report concerning the number of hours spent in Wellsville City. Mayor Bailey stated that the City Council has discussed having its own police department, and the pros and cons to doing so. Mayor Bailey stated that if the Planning Commission has concerns, let Councilman Carl Leatham or Mayor Bailey know about them so that they can deal with them. Mayor Bailey stated that as Wellsville City passes more ordinances, Wellsville City will rely on the goodwill of people to enforce them, and sometimes that goodwill is not there. Mayor Bailey stated that discussing issues with the City Attorney takes time. M. Kent Larsen thanked Mayor Bailey for his efforts concerning the manure on the road issue. Mr. Larsen stated that the corner that he lives on is very dangerous. Mr. Larsen stated that in the 7 years that he has lived there, he has seen a deputy there a total of 5 times. Mr. Larsen asked if it is reasonable to ask that the Cache County Sheriff's Office monitor that corner. Mayor Bailey stated that they can request that a deputy sit on that corner. Gary Bates stated that Sgt. Paul Todd did some training for the Parks & Recreation Committee concerning the neighborhood watch program. Mr. Bates discussed with the Planning Commission some of the options as citizens that they have. Mr. Larsen stated that Wellsville City is sitting on a gold mine concerning Highway 89/91 from Sherwood Hills to AWHC. Mr. Larsen stated that an ordinance is only as good as it is enforced. Mayor Bailey stated that a lot of it boils down to money and how much you have. Mayor Bailey believes that there is a happy medium somewhere. John Spence thanked Mayor Bailey for coming to the meeting. Mr. Spence expressed his concern about signs for subdivisions, and how they can divide a town. Mr. Spence asked about the City Council's feelings concerning the signs for subdivisions. Mayor Bailey stated that they haven't really dealt with it, but it has been mentioned a couple of times. Mayor Bailey stated that the

sign has to have “Wellsville” as part of it. Mayor Bailey reminded the City Council that just because someone wants the code changed; it doesn’t necessarily mean it is going to change. Mr. Spence discussed Gunnell Park that was passed 2 weeks ago. The park didn’t meet the ordinance, they have been operating for years, and the park is booked for this year. Mr. Spence stated that it looks like good ol’ boys politics. Mayor Bailey stated that Lynn Gunnell has given a lot of service to the community, and that this park is evolving into something larger than it used to be. Mayor Bailey stated that a problem may arise concerning the access, which will have to be dealt with sooner or later. Mayor Bailey stated that Wellsville City had signs made for the Wellsville City boundaries, and then UDOT changed the rules. Mayor Bailey stated that they are still working on the signs. Mr. Larsen asked if was possible for the Planning Commission and City Council to meet so that they are playing off of the same sheet of music. Mayor Bailey stated that he would come to Planning Commission anytime that he is asked. Mayor Bailey stated that Councilman Carl Leatham is the liaison between the Planning Commission and the City Council. Loyal Green thanked Mayor Bailey for attending the meeting.

City Planner Jay Nielson met with the Planning Commission to discuss a meeting regarding water at the Heritage Southwest Estates subdivision. Mr. Nielson stated that he met with the site manager from AWHC and the HOA of the Heritage Southwest Estates subdivision about 3 to 4 weeks ago. Mr. Nielson stated that he gathered all of the documents from the different parties. Mr. Nielson stated that they reviewed the entire water system. Mr. Nielson stated that it was apparent that the bulk of the responsibility for the water system is on the HOA of the Heritage Southwest Estates subdivision. Mr. Nielson stated that Utah State University made some concessions so that the residents of the Heritage Southwest Estates subdivision can water every day. Mr. Nielson stated that he feels that the problem concerning secondary water has been solved. Mr. Nielson stated that when the water system was designed, it failed to compensate for the loss of water pressure from the pond up to the Heritage Southwest Estates subdivision. Mr. Nielson stated that it was suggested to install a booster pump. Mr. Nielson stated that there was a concern with USU having enough water to cover their ground and have water for the subdivision. Mr. Nielson stated that Bryan Palmer, who runs the open space growing flowers, is using water more freely than he should, and AWHC is going to start managing his water usage. Russell Glenn asked about the issue that was raised concerning the Heritage Southwest Estates subdivision HOA having to pay for the water. Mr. Nielson stated that there is an annual maintenance fee of \$2,500 for power, operation, and maintenance on the system.

Don Hartle discussed with the Planning Commission swales at the Mt. Sterling LDS Church house. Mr. Hartle stated that he received a telephone call from JUB Engineering who had received a call from the LDS Church concerning the Mt. Sterling building and what is wanted in the swales around the church house. Mr. Hartle stated that some residents have grass, some mow the weeds that grow, some have small gravel, and some have large rocks. Mr. Hartle asked for some advice from the Planning Commission concerning this issue. Russell Glenn stated that in the Storm Water Management code, 8-5-13, the developer is to submit a landscaping plan, including swales, to the Planning Commission. The swales must be maintained by the property owner. Mr. Hartle stated that he drove out to Sterling Ridge subdivision, and 1 home has small rock in the swale. John Spence stated that the rock does look nice. Mr. Hartle stated that the landscaping fabric in the swales reduce the effectiveness of the swales for storm water. Jay Nielson stated that the landscaping fabric allows the water in. Mr. Glenn suggested that the developer come up with a landscaping plan that meets the code. Mr. Hartle stated that he will contact the developer and give him a copy of the code.

M. Kent Larsen asked about parking on Wellsville City streets. Mr. Larsen stated that this issue was addressed with Mayor Bailey in a previous agenda item.

John Spence asked about the ugly “For Sale” banner in the Ranches subdivision. Russell Glenn stated that he has discussed the issue with the owner of the home, and stated that Wellsville City would send him a letter. Mr. Glenn asked Don Hartle to send the owner of the home, Brett Smith, a letter concerning the “For Sale” banner attached to the side of his home.

At 7:25 p.m., John Spence made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

YEA 5

Russell Glenn
Paul Egbert
Loyal Green
John Spence
M. Kent Larsen

NAY 0

Loyal Green
Chairman