

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, March 18, 2009, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Ruth P. Maughan, Councilwoman Marcene Parker, Councilmen Jackie D. Orton, Ron Case, Thomas G. Bailey, and Gary Bates. A copy of the Notice and Agenda was mailed to the Mayor and Council members and faxed to the Herald Journal on March 13, 2009. The meeting was called to order at 6:00 p.m. by Mayor Ruth P. Maughan.

Others Present: Jennifer Leishman Glen Murdoch  
Jon Robinson Whitney Robinson  
Frank Righetti Jake Petersen  
Nathaniel Larsen Cody Schenk  
Chalet Schenk Jennifer Robinson  
Tom Maughan Perry Maughan  
Dean Kerr Clint Kerr  
Ty Rogers Nate Daugs  
Daniel Summit

Opening Ceremony: Daniel Summit

The Council reviewed the agenda. Thomas G. Bailey made a motion, seconded by Marcene Parker, to approve the agenda as presented.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

The Council reviewed the minutes of the February 18, 2009 meeting. Marcene Parker made a motion, seconded by Gary Bates, to approve the minutes of the February 18, 2009 meeting as presented.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Ron Case made a motion, seconded by Jackie D. Orton, to approve the City's bills for payment, represented by check number 10017 through 10123.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

Glen Murdock representing the Child & Family Support Center met with the City Council. Mr. Murdoch is a member of the Child & Family Support Center Board. The Child & Family Support Center is a private, non-profit agency dedicated to strengthening families and protecting children. Services provided include: 24-hour hotline, 24-hour crisis/respite nursery, parenting and step-family classes, child abuse shelter, and women's groups. In 2008, at the CFSC: 3,011 children visited the 24-hour crisis/respite nursery, 3,664 calls were answered on the crisis hotline, 3,216 children and adults learned how to prevent childhood sexual

abuse, and 236 parents attended parenting classes. The month of April is Child Abuse Prevention month. Mr. Murdoch showed a short video. Mr. Murdoch read the proclamation, and asked Mayor Ruth P. Maughan and the City Council to adopt the proclamation. Mr. Murdoch appreciated the support that the CFSC receives from Wellsville City. Mr. Murdoch stated the different fund raisers that the CFSC sponsor. They include the 3<sup>rd</sup> Annual 10K/5K/1 Mile Race against Child Abuse, which starts in Wellsville, the 4<sup>th</sup> Annual Blue Ribbon Benefit Dinner and Auction, and the Flocked 'Cha. Mr. Murdoch also asked that the wish list of the CFSC be displayed so that anyone from Wellsville City can view the list and donate any items to the CFSC. After discussion, Thomas G. Bailey made a motion, seconded by Gary Bates, to adopt the proclamation.

YEA 5

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

NAY 0

Deputy Jon Robinson and Deputy Frank Righetti met with the City Council to give a quarterly report. Deputy Robinson is part of STAR, which is the Sheriff Town Area Representation. Deputy Robinson has helped with DNA and fingerprint kits for the community, as well as teaching some self-defense to young women. Deputy Robinson has also helped with parking problems. Deputy Robinson discussed with the City Council a traffic school for citizens who receive their first ticket. It is a 2-hour class, which when completed, there are no points that go on your record or your insurance. The class will take place at the Sheriff's Office, but no other details have been discussed. Deputy Robinson handed out copies of reports from January 2008 through February 2009 that include the number of incidents, the number of citations, and the number of hours, which are then broken down into further categories. Gary Bates asked about the law that was passed by the State of Utah concerning ATV's and if it was only for communities of a certain size and if it required action from the City Council. Deputy Robinson stated that Mendon, Providence, Millville, and Richmond have passed ordinances where ATV's are allowed. The State of Utah has allowed ATV's to be on the road, but has left it up to the communities as to where ATV's are not allowed. Deputy Robinson stated that Wellsville City used to have an active "community watch program", but not so much anymore. There is no citizen patrol, but just to be aware of what is going on in the neighborhood and report any suspicious activity. Deputy Robinson would like to have a community contact, so if there is someone that would like to be a part of this, let Deputy Robinson know. Deputy Righetti discussed park ordinance with the City Council. The communities of Providence, Nibley, and Millville all have a park ordinance that states an individual can be in a park from 8:00 a.m. to 10:00 p.m. The ordinance can also co-inside with curfew, which is 10:30 p.m. on weekdays and 12:00 a.m. on weekends. Another alternative is that a park can be opened from dawn until dusk. This would help the Sheriff's Office with individuals drinking at the park next to the dam, and anyone that is in a park after the designated hours can be stopped. The web site for the Cache County Sheriff's Office is [cashesheriff.com](http://cashesheriff.com). Mayor Ruth P. Maughan appreciated Deputy Robinson and Deputy Righetti for their time and their reports.

Jake Peterson representing Cache County Sheriff's Office met with the City Council to discuss the new mobile radio program and funding for said radios. Mr. Petersen stated that Bryan Low with Logan City Police Department wrote the grant for the new 800 MHz radios. They operate similar to a cell phone. There are pros and cons to the new radios, which Mr. Petersen can argue both sides. Most of the State of Utah is going to the 800 MHz radios because of the 2002 Olympic Games that were held in Salt Lake City. Mr. Petersen stated that the Volunteer Fire Departments were awarded \$200,000, which they would use to purchase the new radios with. Wellsville City is slated to receive 4 new radios for the Volunteer Fire Department and 3 new radios for the Volunteer EMS Department. Mr. Petersen stated that there is a use fee attached to the new radios. The monthly user fee for full-time employees is \$23.25 and the user fee for part-time employees is \$11.25. Mr. Petersen stated that some of the grant money was used to pay the user fees, and that the user fees for the radios have been paid up for 6 ½ years. The cost of the radios is about \$2,500 per radio. Marcene Parker asked what the life expectancy of the radio is. Mr. Petersen stated that it is about 10 – 15 years. Don Hartle asked if the intent was for each volunteer to have a radio, or will the 7 that Wellsville is receiving from this grant adequate. Clint Kerr stated that each volunteer doesn't need

to carry a radio. Mr. Hartle asked if the grant supplied Logan City, North Logan, and Smithfield with their needs. Mr. Petersen stated yes. Mr. Petersen stated that all of the grant money has been spent, and that they are planning on applying for more grant money in 2009. Mr. Petersen stated not to throw a lot of money at this issue yet until they know if they will be receiving any more money. Mayor Ruth P. Maughan stated that this is a real big expense, and appreciated Mr. Petersen coming to City Council meeting to discuss this issue.

Nathaniel Larsen met with the City Council for a business license. Mr. Larsen stated that he is a drywall contractor, and would like to use his home as a mailing address. Ron Case stated that the Planning Commission issued a conditional use permit to Mr. Larsen. Mr. Case asked if Mr. Larsen has a trailer. Mr. Larsen stated that he does have a 16' dump trailer that he dumps every night, but that if he doesn't make it to the dump that night, he dumps it first thing in the morning. Mayor Ruth P. Maughan asked for the name of the business. Mr. Larsen stated that the name of his business is Hang-Um Drywall. After discussion, Ron Case made a motion, seconded by Thomas G. Bailey, to approve the business license for Nathaniel Larsen.

<u>Yea</u> <b>5</b>	<u>Nay</u> <b>0</b>
Thomas G. Bailey	
Gary Bates	
Ron Case	
Jackie D. Orton	
Marcene Parker	

Cody and Chalet Schenk met with the City Council for a business license. Mr. Schenk stated that he would like to operate a lawn care and snow removal business at his home. Mr. Schenk stated that he lives in the SW Heritage Estates subdivision. Mr. Schenk stated that he would like to use his home as a mailing address, as well as having some equipment stored at the side of his home. Ron Case stated that the Planning Commission issued a conditional use permit to Mr. Schenk. Mr. Case stated that Mr. Schenk is going to install a cement pad for his supplies to be stored on. Mr. Schenk stated that his first project is a fence, and then will install the cement pad. Mr. Schenk stated that he does have CC&R's for the subdivision that he has to abide by. Mayor Ruth P. Maughan asked for the name of the business. Mr. Schenk stated that the name of his business is Grass Roots Landscape. After discussion, Marcene Parker made a motion, seconded by Jackie D. Orton, to approve the business license for Cody and Chalet Schenk.

<u>Yea</u> <b>5</b>	<u>Nay</u> <b>0</b>
Thomas G. Bailey	
Gary Bates	
Ron Case	
Jackie D. Orton	
Marcene Parker	

Jennifer Robinson with the State Division of Water Quality met with the City Council to discuss regulation of dairy sewage into the City sewer system. Mayor Ruth P. Maughan asked that Don Hartle give an update of this issue. Mr. Hartle stated that he received a call from a gentleman at the State that it had been reported that manure from a dairy was flowing in the creek at 400 South and Center Street. Jennifer Robinson with the State Division of Water Quality and Nate Daugs with the Conservation District came to Wellsville City for the day. Mr. Hartle stated that he was informed that the Dean Kerr Dairy barn is connected to the city sewer system. Mr. Hartle stated that dye was added to the drain water at the Kerr Dairy, and the dye came through the system and into a city sewer manhole. Ms. Robinson stated that her concerns are that Federal regulation is what decides what is and what isn't allowed in the sewer system. Wellsville City has also adopted an ordinance reference to solid or viscous substances, including paunch manure that is not wanted in the city sewer system. Ms. Robinson stated that too much solids coming through will plug up the pipe, and too much manure in the sewer system will plug up the sewer system. Ms. Robinson stated that Wellsville City has been in violation of the limits of the sewer system, and that the fines can be up to \$10,000 per day per violation. Ms. Robinson stated that this manure in the sewer system is an additional load to the city's sewer system. Marcene Parker asked what kind of impact this is having on the city's

sewer system. Nathan Daugs stated that the USDA estimates animal waste, and using them as a guideline, the Kerr Dairy is putting 300 – 400 gallons of water down the drain per day, which estimates that they are putting up to 94 pounds of phosphorus into the city's sewer system per year. Thomas G. Bailey asked if that is the milk parlor only. Mr. Daugs stated that it is the milk house and the milk parlor. Mayor Maughan asked if just the milk parlor is washed out. Mr. Daugs stated that both the milk parlor and the milk house are washed out. Dean Kerr stated that his dairy barn has been connected to the city's sewer system since 1974. Mr. Hartle stated that he discussed this with Mr. Bailey, and when the sewer system was installed in 1974, Mr. Bailey's dairy barn was also connected to the city's sewer system. Mr. Bailey stated that he spoke with Clint Baugh who stated that there were 5 or 6 dairies that were connected to the city's sewer system, and that the Kerr Dairy barn is the only one left. Clint Kerr stated that all of the cow manure is scooped up, swept up, and then the floor is washed. Dean Kerr stated that all that is going down the drain is colored water. Ms. Robinson stated that this is an additional load on the city's sewer system, but how much of an additional load is not known. Mr. Bailey asked if the pipe has ever been plugged up. Clint Kerr stated that the pipe has never been plugged up. Ms. Robinson asked how often the sewer lines are cleaned. Mr. Hartle stated that they are cleaned every 5 years. Ron Case stated that if the dairy barn was built 35 years ago, it would be grandfathered into the City, and would not fall under the ordinance that was set by Wellsville City. Mr. Hartle stated that you can't grandfather something that is in violation of City code. Jackie D. Orton asked if there was an easy way to measure how much manure, if any, was going into the city's sewer system. Mr. Daugs stated that they could cut the pipe and measure what was going into the pipe during the middle of the day, and then what was going into the pipe after a milking. Ms. Robinson stated that the ordinance that was set by Wellsville City is potentially being violated, but it is a decision that the City Council has to make. Gary Bates asked if the State could tour the facility to see what is being put into the city's sewer system. Mr. Hartle stated that the State has toured the facility. Marcene Parker asked when the State would step in and do something about this issue. Ms. Robinson stated that when Wellsville City violates their permit, then sources would have to be disconnected that shouldn't be connected. Mr. Bates stated that Wellsville City should not be seen as being non-responsive to this issue. Mr. Bailey asked if the conservation district could take samples. Mr. Daugs stated that they only take sample of the soil, and that they use the State to do all of their water samples. Mayor Maughan stated that Wellsville City would need to look around for a sampler. Mr. Bates stated that Wellsville City is meeting the intent of the code, not violating the code when it comes to the objectionable waste out of the corrals. Mr. Daugs stated that they are in the process of building something to catch what is coming out of the corrals. Mr. Bailey stated that there has never been a collection of manure in 30 years, why would it start now. Mr. Bailey stated that it has been there as long as it has with no sign of it doing anything. Perry Maughan stated that a sample should be taken and then everyone is protected. Mr. Orton thinks that that is a great idea. Mr. Bailey asked who would pay for the test. Perry Maughan stated that Terrell Dunn with Rural Water may have a tester and that he would contact him and find out. After discussion, Thomas G. Bailey made a motion, seconded by Jackie D. Orton, that a tester will be tracked down and the water from the Kerr Dairy barn will be tested for phosphorus. If the bill is a few hundred dollars, the City will pay for the test. The test will be completed in the next couple of weeks, and Wellsville City will send a copy of the results to Jennifer Robinson and Nathan Daugs.

Yea 5  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

Nay 0

The City Council discussed to award the contract on the Wellsville Dam walking trail. Gary Bates stated that he has discussed this issue with Don Hartle and both of them like the 8' wide asphalt, and feel that the 10' wide asphalt is too excessive. Mr. Bates stated that he recommends the Staker Parson bid. See attached "Exhibit A" and made part of these minutes. Mr. Bates stated that he spoke with Rich Benson and Ryan Higbee, as well as rode with Bevan Higbee. It has been decided that a path between the middle of the easement would be the best option. Mr. Bates stated that he spoke with Cindy Gooch representing JUB Engineering, and one concern is that the gravel path may hinder the grant for the bridge. Don Hartle stated that he is opposed to this option because this will rip up a hay field, haul road base, only so that 1 year later

it can be abandoned and turn into a patch of weeds that no one will take care of. Mayor Ruth P. Maughan doesn't think that the path will be abandoned. Mr. Hartle suggested that the path be paved so that it is done correctly. Mayor Maughan asked if Mr. Bates could find out what the cost would be to pave the gravel part of the walking trail. Jackie D. Orton stated that this gravel path is another good exit off of the walking trail. Mr. Bates stated that it is a way for the children to get to the playground. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to accept the Staker Parson bid, and to find out a cost to pave the gravel part of the walking trail.

Yea 5

Nay 0

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

#### Department Reports:

Gary Bates – 1) Charge a fee to use the arena – Schools and 4-H would not be charged. Thomas G. Bailey is concerned with charge residents to use Wellsville City's facilities. Mr. Bates stated that he did push back, but feels that the arena is tied up all of the time, and this would help free it up and also to get some funds. Marcene Parker asked if there would be enough people who would pay \$50 to use the arena. Mr. Bates stated that he would follow up on this issue and return with a report.

2) Troy Lowe – used arena for a roping event on Founder's Day weekend – long-range planning of the arena was to have a rodeo on Founder's Day weekend. If Mr. Lowe wants to use the arena for the roping event, he would need to move it up a week. Mr. Lowe is to contact Mr. Bates concerning this issue.

3) List of projects for the scouts to work on around Wellsville City – 4 boys to work on the projects around the new park.

4) Called around to other communities for a list of rates that they pay their Sports Directors – Wellsville City is the only community that pays their Sports Directors, every other community is volunteer. Will discuss with the Sports Directors that the City is in no position to raise the Sports Directors pay.

5) Pursuing the no drinking and no smoking in the parks in Wellsville City. Would also like to have year-around fishing, which may eliminate the Memorial Day party. Thomas G. Bailey stated that he can remember as a kid opening morning of fishing and what a big deal it was. Discussed eliminating overnight camping. Mr. Bates will contact the Fish and Game Department to discuss ideas and concerns with fishing at Wellsville Dam.

6) Cindy Gooch with JUB Engineering is working on the grant for the bridge, but has also stated that the Federal Government is accepting application now for money that will dispersed in 2011 for biking/walking trails. It was discussed that south of 400 South could use sidewalk for a safe route to school, which there is grant money available. Discussed Mayor Maughan, Mr. Bates, and Mr. Orton to discuss these grants with Cindy Gooch, who works out of the Kaysville office. There is \$500,000 available for new sidewalks/trails, and another \$500,000 available for trail improvements.

Thomas G. Bailey – 1) Citizens have complained that the City Council meetings are not being published in the Herald Journal. Check the website – Jackie D. Orton will pursue this and meet with The Herald Journal concerning this issue.

2) Entry signs – looking at replacing them – get a bid for a sign company – Don Hartle doesn't know where the money would come from. Discuss this issue with Clyde Demler.

3) Arbor Day – April 25, 2009 – Hull Tree Company from Preston, ID will be trimming trees.

Mayor Ruth P. Maughan – 1) Handed out copies of a letter from Sheriff Lynn Nelson concerning grant money.

Ron Case – 1) Dog Licenses – going to a 3-year license instead of a single year license – discussed and the City Council didn't approve.

2) Getting quite a bit of activity on the web site – have between 2 and 35 people look at the web site.

3) Wellsville Child Abuse Run – would like to list on the web site – need to discuss guidelines as to what the policy is concerning promotions on the web site. The web site does have a page for links to other web sites. Would like to post the police activity report, as well as the list of Eagle Scout projects.

Jackie D. Orton – 1) Child Abuse pamphlet – post on the web site

2) Concerned about 4-wheelers and the regulations concerning them in Wellsville City – Gary Bates will look into this issue.

City Manager/Recorder's Report:

Don Hartle – 1) Spoke with Craig Maughan concerning the all-horse parade. Discussed moving it to Logan, but for various reasons, would like to have it in Wellsville. UDOT is enforcing the state regulations, and to have a parade on a state highway, the sponsor has to have \$1,000,000 insured liability. Mr. Maughan would like Wellsville City to sponsor the parade and then it will be covered under the City's insurance. Mayor Ruth P. Maughan would like to know why they were going to move it to Logan. Mr. Hartle stated that no date has been set. After discussion, Thomas G. Bailey made a motion, seconded by Gary Bates to support the all-horse parade and sponsor it.

**Yea 4**

Thomas G. Bailey  
Gary Bates  
Ron Case  
Marcene Parker

**Nay 1**

Jackie D. Orton

2) Asked for the City Council's help when a job needs to be done, contact Don Hartle. Mr. Hartle is having problems with all City employees being contacted to get matters completed. All employee work is and must continue to be scheduled by the City Manager only. If not, then anyone in the community can request that they do things.

At 8:39 p.m., Gary Bates made a motion, seconded by Marcene Parker, to adjourn the meeting.

**YEA 5**

Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

**NAY 0**

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Ruth P. Maughan  
Mayor

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Don Hartle  
City Manager/Recorder