

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 15, 2009, at the Wellsville City Offices at 75 East Main. City officials present were 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 April 10, 2009. The meeting was called to order at 6:00 p.m. by Mayor Pro-tem Marcene Parker. Mayor Ruth P. Maughan was excused due to illness.

<u>Others Present:</u>	Jennifer Leishman	Ty Rogers
	Arlyn Brenchley	Tom Smith
	Doug Cooper	Peggy Cooper
	Brent Tubbs	Michelle Tubbs
	Aubrey Tubbs	Casey Leishman
	Colby Maughan	Jayden Maughan
	Norman Wells	Kasey Lowe
	Courtney Christensen	Danny Majocha
	Marley Brenchley	Justin Brenchley
	Blake Brenchley	Gary Leishman
	Lynn Leishman	Tom Murray
	Collin Murray	Barry Parsons

Opening Ceremony: Jayden Maughan

The Council reviewed the agenda. Gary Bates asked that the City Council discuss an Eagle Project for Collin Murray. Don Hartle asked that the City Council discuss an Eagle Project for Jayden Maughan and a discussion with the Wellsville City Irrigation Company. Ron Case made a motion, seconded by Thomas G. Bailey, to approve the agenda with the additions.

<u>YEA 5</u>	<u>NAY 0</u>
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, Thomas G. Bailey made a motion, seconded by Jackie D. Orton, to approve the City's bills for payment, represented by check number 10180 through 10207.

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

Brent Tubbs met with the City Council for a business license. Mr. Tubbs stated that he installs projectors and interactive boards at schools and businesses, and would like to use his home office for billing and working on the computer. All of the materials are at the job site. Thomas G. Bailey asked if there was any traffic to his home. Mr. Tubbs stated that there would be no traffic to his home associated with the business. Marcene Parker asked if Mr. Tubbs used a truck to haul materials to the job site. Mr. Tubbs stated that he has a small trailer that is parked to the side and back of his home. Ron Case stated that the Planning Commission asked Mr. Tubbs to keep the trailer behind his home. The name of Mr. Tubbs business is Tubbs Technology and Construction. After discussion, Jackie D. Orton made a motion, seconded by Ron Case, to approve the business license for Brent Tubbs.

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

NAY 0

At 6:10 p.m., Ron Case made a motion, seconded by Gary Bates, to go into public hearings:

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

NAY 0

First, receive public input and consider for approval the concept plan for the Smith subdivision at 111 South 450 East, containing a total of 3 lots, (2 additional building lots). Don Hartle stated that he received a memo from Zan Murray representing JUB Engineering. The memo expressed the following comment: 1) The plat shows water and sewer utilities. Other utilities in the area (gas, power) should be shown. 2) Is there an existing easement for the canal/stream? 3) The area near the canal should be unbuildable and classified as a sensitive area on the plan. 4) Show and label setbacks from side property lines. 5) Update easement line type on Parcel 1. Mr. Smith stated that his application is for a 3-lot subdivision, 1-acre lot with the existing home, 1 lot with 2.97 acres, and another 1-acre lot. Arlen Brenchley asked if the zoning has changed to allow this subdivision. Ron Case stated that the zoning is RA-1, which the lots are required to be 1 acre or larger. Mr. Brenchley stated that Mr. Smith objected to the Maughan's' subdivision, and now he wants to do the same thing. Mr. Smith stated that the Maughan's were trying to create ¼-acre lots, and he is staying within the current zoning. Mr. Brenchley stated that with the water line running east and west between 2 of the lots, there should be a utility easement on the property. Mr. Smith stated that a utility easement does exist. Mr. Brenchley stated that the utility easement has not been recorded. Mr. Smith stated that when the property is divided, there is a 10-foot easement on the property for utilities. Mr. Brenchley suggested that the utility easement be at least 15 feet, and that the easement include the open irrigation ditch that runs north and south. Mr. Smith asked if there was an easement recorded through Dale Maughan's and what used to be the Hunsaker's. Mr. Brenchley didn't know. Thomas G. Bailey asked how the water line was buried. Mr. Brenchley stated that all of the water users agreed to bury it. Barry Parsons asked about the pressurized irrigation water line and how the new homes will affect it. Mr. Smith stated that the pressurized irrigation water needs to be available for all to use, and with the fence, it is ease to get to. Mr. Smith stated that there is a utility easement there because of the power pole. Mr. Brenchley stated that the utility easement is only 5 feet on each side, and believes that there should be a minimum of 10 feet on the south property line. Mr. Hartle stated that the concept plan shows a 10-foot easement on the south property line. Mr. Case stated that the Planning Commission had no concerns with the concept plan. Mr. Hartle asked if the open space requirements had been discussed concerning this subdivision. Mr. Case stated that they had. Mr. Hartle asked where the open space would be located. Mr. Case stated that the open space is located in the back of lot #2. Mr. Brenchley asked if the utility easement could be recorded on the lots. Mr. Hartle stated that there is a 10-foot utility easement around each lot. Mr. Hartle stated that the engineer of this subdivision should prepare an easement for 10 feet on each side of the open irrigation ditch for maintenance, and that the open space is in the back of lot #2. Mr. Smith asked if Mr. Brenchley would be willing to meet with him on-site to discuss what is wanted concerning the utility easement. Mr. Bailey stated that the advantage of recording the utility easement is so that the new owner of the property knows about the utility easement. Mr. Brenchley stated that both property owners should be involved. Mr. Parsons stated that he hadn't seen where the homes would be located on the property, and asked if one home would be in front of the other. Gary Bates stated that that is not being decided at this point. Mr. Case stated that one home could not be built in front of another because of the open space requirement. Mr. Hartle stated that from the west boundary, 309 feet to the east can't be built on because of the open space requirement. Mr. Case stated that the Planning Commission did discuss the issue of water, and if Mr. Smith has to bring water into Wellsville City. Mr. Hartle stated that because the property has secondary water,

Mr. Smith will not need to bring any water into Wellsville City. Mr. Case asked if the secondary water will stay with the property. Mr. Smith stated that the secondary water will stay with the property. Mr. Bailey asked how many shares the property has. Mr. Smith doesn't know, but will find out. After discussion, Thomas G. Bailey made a motion, seconded by Gary Bates, to approve the concept plan for the Smith subdivision at 111 South 450 East, containing a total of 3 lots, (2 additional building lots) with the condition that the preliminary plat will include a letter from the Wellsville City Irrigation Company addressing the easement on the south side of the property, a letter from the engineer addressing the easement concerning the canal, and that a discussion concerning sidewalks will be held.

YEA 5

NAY 0

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

At 7:00 p.m., Thomas G. Bailey made a motion, seconded by Gary Bates, to close the public hearings.

YEA 5

NAY 0

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

The City Council discussed the formation of a policy for activities at all City parks. Don Hartle stated that the issues that need to be discussed are as follows: allowing camping, prohibiting alcohol and tobacco, the opening and closing of parks, and year-around fishing. Gary Bates stated that it is not unusual to have a policy concerning activities at all City parks. Ron Case stated that it is more unusual not to have a policy concerning activities at all City parks. Mr. Bates stated that the sheriff's department suggested that the parks be closed at a certain time. Marcene Parker stated that she liked the hours of dawn to dusk, which would make the hours different in the winter than the summer. Other City Council members expressed that they liked the hours of 6:00 a.m. to 10:00 p.m. It was decided that Wellsville City would start out with the hours of 6:00 a.m. to 10:00 p.m., and reevaluate the issue if the need arises. Mr. Bates asked about having Wellsville Dam opened for year-around fishing and becoming a community fishery. Mr. Bates stated that the upside was that Wellsville City was promised more fish stocking opportunities. Wellsville City would have to have a fishing event once a year to teach children how to fish. Mr. Case asked if the event was a one-day event or a fishing club. Mr. Bates stated that it had to be at least a 1-day event. Thomas G. Bailey asked some of the scouts that were present what they thought about year-around fishing at Wellsville Dam. They thought it would be a great idea. Mr. Case stated that ice fishing would be prohibited because of the danger. Wellsville Dam doesn't usually freeze over in the winter. Mr. Bates discussed camping at the dam. It is nice to camp on the east side of the dam, but there is no water and no restrooms. It was discussed that camping be allowed by permit only. Mr. Case stated that it is easier to just say no to all camping. Mr. Bates asked how many times a year is there campers at the Wellsville Dam. Mr. Hartle stated that there are camp trailers there every weekend. Ms. Parker suggested that Wellsville City do away with camping, and after all of the projects that Wellsville City is working on now is completed, and then the City Council reevaluates the camping issue in a year. Mr. Bailey asked what the problems were associated with camping. Mr. Bates stated that the trash, noise, fires, and borrowing/stealing items from citizens' backyards are just some of the problems. Mr. Bates stated that he would write a draft of the policy a couple of different ways and then the City Council can make changes. Mr. Case asked who enforces the policy. Mr. Bates stated that the sheriff's department will enforce it. Mr. Bates stated that Wellsville City meets most of the requirements for the healthy community award, and doesn't see a real problem concerning smoking and alcohol in the City parks. It was discussed that some signs would need to be on display of the do's and don't in the City parks. Mr. Bates stated that he would write up a draft of the policy in the next 2 weeks so that the City Council can review it. After the policy is polished, the City Council will hold a public hearing concerning the policy for activities at all City parks.

Jayden Maughan met with the City Council to discuss his Eagle Scout Project. Mr. Maughan stated that for his Eagle Project, he would like to pour 9-foot by 15-foot cement pads underneath the 3 sets of bleachers at the new park by the Wellsville Dam. Mr. Maughan stated that he would be using fiber mesh with the cement, which makes the cement stronger, instead of rebar. Mr. Maughan stated that the cost to Wellsville City would be \$330 or less. Mr. Maughan stated that Staker Parsons has donated ½ of the materials, and that Johnson's has donated the gravel. Mr. Maughan stated that they hope to pour the cement this Friday. Gary Bates suggested that Mr. Maughan consider sealing the concrete. After discussion, Thomas G. Bailey made a motion, seconded by Gary Bates, to approve the Eagle Scout Project of Jayden Maughan

**YEA 5**

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

**NAY 0**

Collin Murray met with the City Council to discuss his Eagle Scout Project. Mr. Murray stated that he would like to install the stone markers that were built for those who donated funds for the purchase of trees that were just planted at the Wellsville Dam park. The marker will be installed at the base of the trees. Mr. Murray stated that he would dig a hole at the base of the tree, and with the help of his dad, pour cement to anchor the stone markers in. Mr. Murray stated that he would like to have this done within the next couple of weeks. There are 26 stone markers to be installed. The brick paving stones are 5 inches by 8 inches, and with the cement around them, they will be a total of 16 inches by 20 inches. They will be installed about 1 ½ feet away from the tree to allow the trunk of the tree to grow. The cost of the project is the cement and the lumber for the forms. Mr. Murray thinks that it will not cost more than \$100. Marcene Parker stated that it is Wellsville City's policy to pay ½ of the project. Ms. Parker stated that the receipts should be kept with their names on them and turned into Don Hartle. Gary Bates suggested that the concrete be sealed. After discussion, Gary Bates made a motion, seconded by Thomas G. Bailey, to approve the Eagle Scout Project of Collin Murray.

**YEA 5**

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

**NAY 0**

Arlyn Brenchley representing Wellsville City Irrigation Company met with the City Council to discuss if it would be possible for the Wellsville City Irrigation Company to use Wellsville City's backhoe to haul some dirt. Mr. Brenchley stated that as for the operator, Perry Maughan and Tom Maughan stated that they would do it after hours, but didn't seem that excited about it. Mr. Brenchley stated that he has 3 grandsons that operate backhoes for a living and they could haul the dirt. Ron Case asked about the insurance and what it is being done that requires hauling dirt. Mr. Brenchley stated that the Wellsville City Irrigation Company would like to pipe some of the irrigation ditches. Mr. Brenchley asked if he should purchase pipe from a retail store, or use some that Wellsville City already has and then he would pay the City. Don Hartle stated that the Wellsville City Irrigation Company is separate from Wellsville City. Mr. Hartle stated that Wellsville City Irrigation Company could use some of the pipe that Wellsville City already has, but there does need to be prior approval before the pipe is taken. Thomas G. Bailey stated that the water in the irrigation ditches belongs to Wellsville City. Mr. Hartle stated that long ago, Wellsville City and Wellsville City Irrigation Company was all managed by the mayor of Wellsville City, but he recommended that the 2 be split apart and managed by different people. Gary Bates asked if the Wellsville City Irrigation Company is profitable. Mr. Hartle stated that it is non-profit. Marcene Parker asked who makes up the Wellsville City Irrigation Company. Mr. Brenchley stated that the board is made up of volunteers. Mr. Hartle stated that he will check with the insurance company about Wellsville City Irrigation Company using Wellsville City's equipment and operators of the equipment. Mr. Case stated that his concern is setting precedence with other irrigation companies and the legal issues. After discussion, Marcene Parker stated that Arlyn

Brenchley should work with Don Hartle concerning this issue.

Don Hartle presented for adoption the tentative 2009/2010 budget. Mr. Hartle stated that the job of the budget officer is to give a budget message. Mr. Hartle stated that in his opinion, Wellsville City is in very good financial shape. Mr. Hartle stated that several months ago, the City Council talked about the possibility of raising taxes. Mr. Hartle stated that this budget has been put together based on no tax increase, no increase in the certified tax rate, and no increase in the utility rates and fees. Mr. Hartle feels that this is not the time to raise taxes. Mr. Hartle stated that this tentative budget is down 20.3% from the current budget which is due to no capital in the recreation budget. Mr. Hartle stated that based on employee time sheets, there are a few minor changes on salary allocations. Mr. Hartle stated that this budget doesn't include any salary increases. Mr. Hartle stated that he included an additional \$500 for mowing of the new City park. Mr. Hartle stated that medial insurance is up 5%, dental insurance is down 2%, and that liability insurance is up 6 – 6 ½%. Mr. Hartle stated that this budget is based on 5 homes being built next year. Mr. Hartle stated that Wellsville City receives more revenue from citations than from property taxes. By law, the General Fund has to be a balanced budget. Mr. Hartle stated that the water, sewer, and storm water budgets are where a City tries to make a profit. Mr. Hartle stated that the current budget is \$1,538,506, and the proposed 2009/2010 budget is \$1,220,470. Mr. Hartle stated that he recommends an engineer designing a 1-million gallon reservoir at the gravel pit with a transmission line, and that the engineer costs come out of the water budget. Mr. Hartle stated that he has taken a conservative approach to the budget. Mr. Hartle stated that a lot of cities are having major difficulties this year. Ron Case asked if there is a need to hiring an addition public works worker because of the complaints that the City has received concerning the snow removal and cemetery. There was quite a long discussion concerning the complaint that Wellsville City received concerning the cemetery. Gary Bates stated that he is interested in how other communities dig graves at their cemeteries. After discussion, Ron Case made a motion, seconded by Thomas G. Bailey, to adopt the tentative 2009/2010 budget

YEA 5

NAY 0

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

#### Department Reports:

Gary Bates – 1) Review the preliminary code for the Parks & Recreation Committee – Ron Case had some small changes.

2) Gravel trucks out of Kerr's gravel pit – charge a road use fee – against the law, public road. Gravel trucks rotate each year between 200 South and 300 South.

Marcene Parker – 1) Kerr Dairy – Mr. Hartle is still working on this issue.

2) Drug or alcohol testing on City Employees - no.

Thomas G. Bailey – 1) Kerr Dairy – if the State issues them a ticket, they will not receive any federal funding.

2) Arbor Day – April 25, 2009 – 10:00 a.m. – held at the City Square honoring Ted & Ruth Hall and Dee & Donna Stoddard.

3) East Entrance sign – 2 more pine trees will be removed.

Ron Case – 1) Sidewalks – proposed policy – review and discuss at a later date.

#### City Manager/Recorders Report:

Don Hartle – 1) American West Heritage Center – Over the years, Wellsville City has allowed the AWHC to take gravel out of the gravel pit. The AWHC is building a small train track and needs about 700 – 800 ton of gravel. If Wellsville City were to charge for this gravel, it would be about \$150 - \$200. After

discussion, Jackie D. Orton made a motion, seconded by Ron Case, to allow AWHC to take 700 – 800 ton of gravel out of the gravel pit.

**YEA 4**

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

**NAY 1**

Marcene Parker

- 2) Don handed out a copy of a letter recognizing Perry Maughan for 15 years as a certified water operator.
- 3) Cemetery Lot – never been used – turned over to City Attorney Bruce Jorgensen – put on agenda.
- 4) Discussed the home of Ross Wilde and waving connection to the sewer. After discussion, Ron Case made a motion, seconded by Gary Bates, that a letter be sent to Mr. Wilde that he has 1 year from April 15, 2009 to have the home connected to the sewer.

**YEA 5**

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

**NAY 0**

- 5) Grass seeding at the new City Park next to Wellsville Dam – because of the 5<sup>th</sup> Wednesday that occurs in April, the City Council authorizes Mayor Ruth P. Maughan, Gary Bates, and Don Hartle to make the decision based on the bids received.

**YEA 5**

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

**NAY 0**

- 6) 100 North as you turn off Main Street by the east entry park – 15 MPH signs came up missing last fall – Wellsville City doesn't stock 15 MPH signs, should they be replaced? – Yes, order 2.

At 9:30 p.m., Thomas G. Bailey made a motion, seconded by Jackie D. Orton, to adjourn the meeting.

**YEA 5**

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

**NAY 0**

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Marcene Parker  
Mayor Pro-tem

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Don Hartle  
City Manager/Recorder