

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, June 3, 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 emailed and faxed to the Herald Journal on May 29, 2009. The meeting was called to order at 6:00 p.m. by Mayor Ruth P. Maughan.

Others Present: Jennifer Leishman Kaden Lindley
Rayden Lindley Blaine Lindley
Ray Winn Dave Bigelow

Opening Ceremony: Prayer: Rayden Lindley
Pledge of Allegiance: Kaden Lindley

The Council reviewed the agenda. Ron Case made a motion, seconded by Thomas G. Bailey, 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 May 20, 2009 meeting. There were word changes on lines 190, 191, 255, 256, and 260. Thomas G. Bailey made a motion, seconded by Marcene Parker, to approve the minutes of the May 20, 2009 meeting with the changes.

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, Marcene Parker made a motion, seconded by Gary Bates, to approve the City's bills for payment, represented by check number 10377 through 10447.

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

Philip Rasmussen was to meet with the City Council for a business license. Mr. Rasmussen was not in attendance to this meeting.

Kaden and Rayden Lindley met with the City Council to discuss their Eagle Scout Project. They would like to build covers over the dugouts at Christensen Field. They figure that each cover will cost \$350, for a total of \$700 for the entire project. They hope to find scraps of metal so that the cost will be cheaper. Marcene Parker asked if the scrap metal will look good. Blaine Lindley stated that Custom Fence has a scrap yard with odds and ends and that if a person is willing to look through them, they are free. Gary Bates asked that this project be coordinated with Jeff Lowe and allow him to look at the plans. Mayor Ruth P. Maughan stated that the policy of Wellsville City is to pay ½ of the total cost of the project. Mayor Maughan stated

that they can work through Don Hartle. Don Hartle stated that Mr. Lindley needs to pay for the materials, and then bring all of the receipts in and Mr. Hartle will cut Mr. Lindley a check. After discussion, Gary Bates made a motion, seconded by Thomas G. Bailey, to approve the Eagle Scout Project of Kaden Lindley and Rayden Lindley.

YEA 5

NAY 0

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

Brandon Jones was to meet with the City Council for a business license. Don Hartle stated that Mr. Jones called and was unable to attend tonight's meeting.

Ray Winn and Dave Bigelow met with the City Council to discuss the potential purchase of Northern Utah Manufacturing. Mr. Winn stated that he would like to begin making cheese from organic dairy farms, which there are 2 in Cache Valley. Mr. Winn stated that he has been negotiating with Dairy Farmer of America (DFA) who currently owns the building located in Wellsville City. Mr. Winn stated that he made an offer, and DFA countered offered. Mr. Winn asked if the City Council liked the idea, and the possibility of connecting to the City sewer system. Mayor Ruth P. Maughan asked if Mr. Winn is purchasing or leasing the building. Mr. Winn stated that he would be purchasing the building. Jackie D. Orton asked if he would also be purchasing the equipment that is outside of the building. Mr. Winn stated that most of the equipment has been sold. Mr. Orton asked what Mr. Winn does with the product. Mr. Winn stated that he sells the organic cheese to health food stores and grocery stores. Mr. Orton asked about having a retail store inside the cheese plant. Mr. Winn stated that he would probably not have a retail store inside the cheese plant. Thomas G. Bailey stated that there were problems with the neighbors around the cheese plant complaining about the smell and noise. Dave Bigelow stated that he couldn't say there would be no smells, but they could eliminate odors with putting the waste water into the City sewer system. Marcene Parker asked how much cheese would be made in 1 day. Mr. Winn stated that about 7,000 pounds of cheese per day would be made from about 70,000 pounds of milk. Mr. Bigelow stated that this is about 1/10 of the milk volume that was coming in before the plant closed in December 2008. Mayor Maughan asked if they would bring in raw milk from the trucks. Mr. Winn stated that that was correct. Mr. Bailey stated that they would contract with the dairies. Mr. Winn stated that that is part of the process, and that each dairyman would have ownership in the business. Gary Bates stated that 50,000 pounds of milk fit in one semi-load, so there would be approximately 1 ½ semi-trucks coming per day. Mr. Winn stated that that was correct. Ron Case asked how many shifts would there be. Mr. Winn stated that there would be 1 8-hour shift Monday through Friday, with all local trucks doing the delivery. Mr. Bates stated that as the business grew, there would be out-of-state trucks. Mr. Bigelow stated that that is not the intent at this time, but he is not going to say that it couldn't happen. Ms. Parker asked how organic farms were different from regular farms. Mr. Winn stated that it has to do with how and what the cows are fed. Ms. Parker asked if there are other organic cheese factories. Mr. Winn stated that there are organic cheese factories in Blackfoot and Rexburg. Mayor Maughan asked what the organic farms feed in the winter. Mr. Bailey stated that they have to have organic certified hay and grain. Mr. Winn stated that the average cow on farm lasts 2 to 3 years. The average cow on an organic farm lasts 10 to 12 years. Mr. Bates stated that making cheese is making cheese and feels that a discussion with the neighbors should be held to let them know that this is a locally-owned business as opposed to a corporation. Mr. Bailey suggested that if the building changes ownership, the business is reviewed again. Mr. Winn stated that as part of the by-laws of a LLC, the business can't be sold to anyone but to the dairy people that are involved. Mr. Winn stated that he has had a small operation doing this same thing at his home in Smithfield. Ms. Parker asked if he has had any complaints from neighbors. Mr. Winn said no. Mr. Orton feels that this would be a benefit to Wellsville City to have the cheese plant back in operation. Mr. Bates asked for an estimation in dollars for taxes, water, and jobs. Mr. Bigelow estimated it at \$100,000 per year. Mr. Hartle stated that before, the cheese plant was paying about \$35,000 for water per year. Mr. Bigelow stated that the energy use tax, which is 5% in Wellsville City, is worth about \$2,500 to \$5,000 per month. Mayor Maughan stated that if Wellsville City doesn't allow them to use the City's sewer system, there could be the possibility of smells. Mr.

Bigelow stated that by using the City's sewer system, it would almost eliminate the possibility of smells. Mr. Bates stated that it was determined that the smell was coming from leaks on the ground. Mr. Bigelow stated that this is single-strength milk instead of concentrated milk. Mayor Maughan stated that in the past, the cheese plant almost ruined Wellsville City's sewer system. Mr. Bigelow stated that was because 2,500 pounds of fat per week was going into the sewer system. Mr. Winn stated that a filter system could be installed to clean the water before going into the sewer system. Don Hartle stated that at this time, he doesn't think it is a good idea to allow them to discharge into the sewer system. With the approval of the poo-gloos from the State of Utah, Wellsville City's sewer system is in the middle of a trail period. Mr. Hartle stated that he doesn't want to change the input that is currently going into the sewer lagoons. Mr. Bates asked if it would be possible to haul 40,000 pounds of water away per day and still be profitable. Mr. Winn stated that they would have to run the numbers to see. Mayor Maughan asked what the feelings of the City Council were concerning this issue. Ms. Parker stated that she would like to see the cheese plant operational again. Mr. Bates stated that the fact remains that the cheese plant is a manufacturing island surrounded by a neighborhood that has to deal with truck traffic, smell, and noise coming from a junky building with equipment all over. Mr. Bates stated that the community meetings did help the situation. Mayor Maughan asked if anything will be done with the equipment in front of the building. Mr. Bigelow stated that most of it will disappear. Mr. Orton asked if the equipment is valuable. Mr. Bigelow stated that it depends on the individual. Mr. Orton asked if Mr. Winn does indeed purchase the building, what will happen to the equipment in front. Mr. Bigelow stated that it might come back inside the building. Mr. Orton asked how many employee would be at the cheese plant. Mr. Winn stated about 10. Mr. Orton stated that he is in favor of it. Mr. Case stated that he is concerned for the neighbors of the cheese plant and suggested having another meeting where Mr. Winn and Mr. Bigelow presents their plan to the neighbors. Mr. Bailey stated that he thinks that it is a shame to have the cheese plant building empty. Mr. Bailey stated that Mr. Bigelow has had his eyes opened and knows what he has to do in order to keep the neighbors happy. Mr. Hartle stated that he recommends that a business license associated with milk products and the conditional use permit be discussed with City Attorney Bruce Jorgensen. Mayor Maughan stated that even if the sale does go through, the business has been shut down for more than a year and they will have to re-apply for a conditional use permit and a business license. Mr. Bigelow stated that the business hasn't been shut down for longer than a year, and that Mr. Winn will be purchasing the name and the business license. Mr. Orton asked if there was any negative from the City Council, would Mr. Winn purchase the building. Mr. Winn stated no. Mr. Orton stated that Mr. Winn has his vote. Ms. Parker stated that Mr. Winn has her vote. Mr. Case stated that he would like to discuss this issue with the neighbors. Ms. Parker stated that this will supply jobs, give Wellsville City a tax-base, and using an existing building. Mr. Bates stated that if he was pushed, his vote would be for Mr. Winn. Mayor Maughan stated that Mr. Winn has the feeling of what is wanted from the City Council, with the understanding that nothing is to be dumped into Wellsville City's sewer system. Mayor Maughan thanked both Mr. Winn and Mr. Bigelow for their presentation.

Chris Brown was to meet with the City Council to discuss possible stop signs in the Heritage Southwest Estates subdivision. Mr. Brown was not in attendance to this meeting. Don Hartle stated that Mr. Brown called and asked for stop signs in the Heritage Southwest Estates subdivision to slow down traffic. Mr. Hartle stated that traffic signs are used to move traffic, not control traffic. This subdivision is an in and out subdivision that makes a circle. After discussion, it was decided that the Heritage Southwest Estates subdivision doesn't need stop signs and if Mr. Brown calls the City office again, to tell him no.

The City Council continued their discussion on a policy on the use of City equipment. Ron Case stated that he thinks that there should be something in writing whether the City allows the use of City equipment or not. Don Hartle stated that the issue needs to be discussed. Mayor Ruth P. Maughan suggested that Ron Case sit down with Don Hartle and write a proposal. Mr. Case stated that he gets the feeling that the answer is no when it comes to using the City equipment by residents. Jackie D. Orton asked why this issue has been raised. Mr. Case stated that it just seems in the past few months there have been many requests to use the City equipment. Thomas G. Bailey stated that Wellsville City should be careful when it comes to allowing different groups to use the City equipment. Mr. Case stated that cleaning the stream bed should be part of the Wellsville City Irrigation Company's responsibility. Mr. Orton asked if this issue should be dealt with on a case-by-case basis. Mr. Case thought that was what Wellsville City was trying to avoid. Mr. Hartle gave an example of allowing Wellsville City Irrigation Company to use the City equipment, but then Northfield Irrigation Company thinks that they should also be allowed to use the City equipment. Mr.

Bailey stated that Wellsville City Irrigation Company handles the water for Wellsville City, Northfield Irrigation Company doesn't. Mr. Case stated that Wellsville City has loaned out the sound equipment and both times it has come back missing items. Mr. Hartle stated that he is looking for some guidance on the issue. Mr. Case stated that is what a policy would do. Mr. Hartle asked how the City Council wants to handle the issue. Mr. Orton stated that he thinks a straight answer about the use of the City equipment should come from Don Hartle. Mr. Hartle stated that he would use his best judgment when it came to loaning out City equipment. Gary Bates stated that he thinks that Wellsville City should support the Wellsville Tabernacle Foundation by allowing them to use the sound system. Mayor Ruth P. Maughan stated that the sound system could be loaned to the Wellsville Tabernacle Foundation with the understanding that if a piece of equipment isn't returned, the Wellsville Tabernacle Foundation will be billed to replace it. Mr. Bailey stated that Wellsville City should be careful with the sound system also. Mr. Bates stated that loaning out the sound system should be limited to the Wellsville Tabernacle Foundation. Mayor Maughan stated that a checklist should be inside of the box and each piece should be labeled. Mr. Case stated that the sound system is missing 2 microphone stands and 2 speaker stands. Mr. Hartle stated that he will check with KSM to see what the cost would be to replace them.

Department Reports:

Jackie D. Orton – 1) Will be meeting with Matt Swap representing UDOT to review the sidewalks and apply for grants up to \$500,000 for new sidewalks.

2) Ideas for Red Slide subdivision – discussed water pressure. Mr. Orton thinks that Wellsville City should pay A & D Landscaping for the sprinkling system that was installed at the park. Mayor Ruth P. Maughan stated that Wellsville City can't take on everything that John Panos failed to complete. Mayor Maughan stated that Mr. Panos didn't bond for the park because it was to be part of the HOA. Mayor Maughan stated that the Red Slide subdivision residents need to pull together and all of them get on the same page. Don Hartle stated that he and Mayor Ruth P. Maughan met with City Attorney Bruce Jorgensen and Mr. Jorgensen is doing some research that will be presented to the City Council at a later meeting. Gary Bates stated that he discussed the Greystone subdivision that resides in Hyde Park. They have found that the water lines need to be 1 ¼ - 1 ½-inch pipe instead of 3/4-inch pipe. Hyde Park did install a reservoir above the subdivision and is looking to install more reservoirs because there is more development going on above the canal.

Ron Case – 1) Over Memorial Day weekend, there was no camping at the dam.

2) The benches that have been re-done at Christensen Field need to have the trees behind them trimmed so that they don't touch the benches.

3) Planning & Zoning – replace Richard Rawlinson. Mr. Rawlinson recommends Stan Wade. Mayor Ruth P. Maughan recommends John Spence. Mayor Maughan will talk with John Spence about accepting the nomination.

4) Loyal Green made a presentation at the last Planning and Zoning meeting. Mr. Green would like to abandon his subdivision which he said would save him money on his property taxes. The property has now been zoned Highway Commercial and no one will want ½ acre Highway Commercial lots. A public hearing is scheduled for June 24, 2009.

5) Handed out an article from Eagle Mountain concerning HOA's.

Mayor Ruth P. Maughan – 1) Memorial Day was wonderful. Mayor Maughan would like to thank Don Hartle and all of the City employees for their hard work. Mayor Maughan would like to thank Councilwoman Marcene Parker for the wonderful program. Mayor Maughan thought that everything was very nice.

Thomas G. Bailey – 1) There has been some vandalism at the Wellsville Rodeo Arena. The glass blocks in the girls' restroom were shot out and a set of harrows is missing. He doesn't know if the vandalism has been reported to the Cache County Sheriff's Office. Would like a cement barrier put up on the road by Chick Darley's.

- Marcene Parker – 1) Would like to thank everyone for their help with the Memorial Day program.
2) Barrier signs – need to be picked up.
3) City workers – is it a State law to have them wear orange vests? No.
4) Letter to JJ Construction along Center Street – Don Hartle and City Attorney Bruce Jorgensen is working on it.

- Gary Bates – 1) Handed out a rewrite of the Parks & Recreation resolution with everyone’s comment.
2) Meeting with John Knutsen representing the State of Utah concerning the bridge.
3) Chairperson of the Parks and Recreation Committee – Mary Ann Degn accepted as the acting Chairperson for a 6-month trial period. Margo Pierce accepted as the secretary. Would like to find a tech-savvy junior in high school that could help with the information that needs to be put out on the website. Suggestions were Spencer Probst, Nick Lindley, and Curt Finlayson.
4) Fishing at the Wellsville Dam – needs a contract between Wellsville City and the State of Utah that the Wellsville Dam will be considered a community fishery.

City Manager/Recorders Report:

- Don Hartle – 1) Kay Mitton – would like to camp on the east side of the dam on June 13 – 15 of 2009 – Yes
2) There is a home at about 150 North 100 West that has built a road to come out on 200 West. He has cut the fence and doesn’t have approval to have access onto 200 West. The road is very dangerous and narrow. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to allow Don Hartle to compose and sent a letter to this resident stating that the road needs to be closed.

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

- 3) Received approval from the State of Utah for the poo-gloos – feels that this takes priority over roads.

At 8:25 p.m., Thomas G. Bailey made a motion, seconded by Jackie D. Orton, to adjourn the meeting.

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

Ruth P. Maughan
Mayor

Don Hartle
City Manager/Recorder