

1 MINUTES of the regular City Council meeting of Wellsville City held Wednesday, July 1, 2009, at the
2 Wellsville City Offices at 75 East Main. City officials present were Mayor Ruth P. Maughan,
3 Councilwoman Marcene Parker, Councilmen Jackie D. Orton, Ron Case, Thomas G. Bailey, and Gary
4 Bates. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and
5 faxed to the Herald Journal on June 26, 2009. The meeting was called to order at 6:00 p.m. by Mayor Ruth
6 P. Maughan.

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8 Others Present: Jennifer Leishman Colin Harrison
9 Loyal Green Philip Rasmusen
10 Tom Smith Ellen Wagstaff
11 Jon Wagstaff Travis Taylor
12 Stan Rowlan Paxton Guymon
13 Kelley Howard Kaylene Ames
14 Glenn Ames

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16 Opening Ceremony: Jon Wagstaff

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18 The Council reviewed the agenda. Thomas G. Bailey made a motion, seconded by Jackie D. Orton, to
19 approve the agenda as presented.

20
21 YEA 5 NAY 0
22 Thomas G. Bailey
23 Gary Bates
24 Ron Case
25 Jackie D. Orton
26 Marcene Parker

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28 The Council reviewed the minutes of the June 17, 2009 meeting. There were word correction on lines 102,
29 147, 173, 243, and 276. Ron Case made a motion, seconded by Thomas G. Bailey, to approve the minutes
30 of the June 17, 2009 meeting with the corrections.

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32 YEA 5 NAY 0
33 Thomas G. Bailey
34 Gary Bates
35 Ron Case
36 Jackie D. Orton
37 Marcene Parker

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39 Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for
40 approval. After review and discussion, Jackie D. Orton made a motion, seconded by Marcene Parker, to
41 approve the City's bills for payment, represented by check number 10448 through 10510.

42
43 YEA 5 NAY 0
44 Thomas G. Bailey
45 Gary Bates
46 Ron Case
47 Jackie D. Orton
48 Marcene Parker

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50 Philip Rasmussen met with the City Council for a business license. Mr. Rasmussen stated that he would
51 like to start a small business mowing and trimming lawns and trees. Ron Case stated that Mr. Rasmussen
52 attended Planning and Zoning meeting some time ago. Mr. Case stated that the issues that the Planning
53 Commission had were that the equipment for the business be stored in the shed, and that the trailer used for
54 the business be parked behind the house. After discussion, Marcene Parker made a motion, seconded by
55 Gary Bates, to approve the business license for Philip Rasmussen. The name of the business is Rasmussen
56 Grass, Yard, & Lawncare.

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

At 6:10 p.m., Thomas G. Bailey made a motion, seconded by Marcene Parker, to go into a public hearing:

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

The City Council conducted a public hearing to receive input and consider a request from Loyal Green to abandon the "Green Acres Subdivision" at 825 East Main. Mr. Green stated that the subdivision was created with ½ acre lots. Because the property has been rezoned Highway Commercial, no one would want a ½ acre Highway Commercial lot. Mr. Green stated that there is no reason to keep the subdivision. Ron Case stated that the Planning Commission recommended approval of this request. Gary Bates asked if Mr. Green would turn the easement back in as well. Mr. Green stated that he would keep the easements in place, but may turn them back in. Mr. Green stated that the easements are for his home. After discussion, Jackie D. Orton made a motion, seconded by Thomas G. Bailey, to approve the request from Loyal Green to abandon the "Green Acres Subdivision" at 825 East Main.

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

At 6:15 p.m., Marcene Parker made a motion, seconded by Gary Bates, to leave public hearings.

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

Colin Harrison met with the City Council to discuss Founder's Day. Mr. Harrison stated that he has contacted most people who have helped with Founder's Day in the past, and he needs to find a couple of replacements. There is a lot of action on the booths. There are some new things for Founder's Day this year, including the rodeo that will be held Friday and Saturday night. Mr. Harrison stated that he has spoke with Kurt Mitton and everyone is very excited. Mr. Harrison asked if it would be possible to find a local person who would want to run the concession stand at the rodeo. Mr. Harrison stated that Mr. Mitton doesn't want to be in charge of the concession stand. Mr. Harrison asked for any suggestions, changes, or ideas for this year. Mr. Harrison asked for the City Council's input on themes for Founder's Day. Mr. Harrison suggested "All is Well in Wellsville", "A Community Family", "The Future Is ..." or "The Gateway to Bridgerland". Mr. Harrison asked if he planned for enough restroom facilities. There is the brick house, the tabernacle, and 6 port-a-potties. Mayor Ruth P. Maughan stated that she hasn't heard of any complaints about the restroom facilities. Mr. Harrison stated that he contacted Dawnene Wilson about a melodrama, but because of health problems, she is unable to do it this year. Mr. Harrison stated that he contacted the participants of the play "Much Ado About Nothing", and they will perform Thursday,

113 Friday, Saturday afternoon, and Saturday night. Mr. Harrison asked about T-shirts. Marcene Parker stated
114 that she has about 4 boxes of them, and will bring them to the City office on August 1, 2009. Ms. Parker
115 asked about music in the park. Ms. Parker stated that she reserved the trailer from Sharp's Transportation.
116 Mr. Harrison asked if Ms. Parker would reserve the trailer. Gary Bates stated that because of the rain last
117 year, many people didn't see the theme, and so they could use the same theme from last year. The theme
118 from last year was "Growing but Remembering". Mayor Maughan thanked Mr. Harrison for all of his work
119 on this project.

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121 The City Council considered for approval the preliminary plat for the Smith subdivision at 111 South 450
122 East, containing a total of 3 lots (2 additional building lots). Mr. Smith stated that he is asking for approval
123 of the subdivision that he would like to create at 111 South 450 East. Ron Case stated that the Planning
124 Commission approved the preliminary plat. Mr. Case stated that the issues that were raised were access for
125 the Wellsville City Irrigation Company along the irrigation ditch, the open space, and the City Engineer's
126 comments. Mr. Case stated that all 3 issues have been worked out. Thomas Smith stated that he met with
127 Arlyn Brenchley who is the president of the Wellsville City Irrigation Company, and has agreed to a 45-
128 foot easement at the west boundary in order to maintain the irrigation ditch. Mr. Smith stated that he has
129 agreed to a 15-foot easement on the south side of the property. Thomas G. Bailey asked if that was to
130 maintain the pipe line. Mr. Smith stated yes. Mr. Smith stated that there was already a 10-foot easement,
131 but that Mr. Brenchley felt 15 feet was needed. After discussion, Ron Case made a motion, seconded by
132 Thomas G. Bailey, to approve the preliminary plat for the Smith subdivision at 111 South 450 East,
133 containing a total of 3 lots (2 additional building lots).

134
135 YEA 5 NAY 0
136 Thomas G. Bailey
137 Gary Bates
138 Ron Case
139 Jackie D. Orton
140 Marcene Parker

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142 The City Council considered for approval the final plat for Phase 1 of the Sterling Ridge subdivision on
143 property on the west side of Center Street from approximately 1450 South to 1600 South. Phase 1 contains
144 a total of 9 lots out of the total of 36 lots in the total subdivision. Ron Case stated that there was a big
145 discussion concerning this issue with the Planning Commission last week. Phase 1 consists of 9 lots, which
146 included the LDS Church. The LDS Church is pushing this because they want to begin construction. The
147 Planning Commission conditionally approved the final plat. Don Hartle stated that these were the
148 conditions from the Planning Commission: 1) a screening plan, 2) gave the date of September 1, 2009 for
149 the plan to be submitted, or all construction would stop, 3) retention pond and downstream analysis
150 reviewed by the City Engineer, 4) fee in lieu of the open space to be determined and paid based on the
151 number of lots being developed, 5) add rip-rap to detention pond outlet, 6) CC&R's approved, 7) add
152 statement 11-3-5-7 and 11-3-5-8 to the final plat. Mayor Ruth P. Maughan asked what statement needs to
153 be added to the final plat. Mr. Hartle read the statement that was added to the final plat from the final plat.
154 Mayor Maughan asked if the City would handle snow removal in the subdivision. Mr. Hartle stated yes.
155 Travis Taylor stated that the statement is a standard statement that is required on all final plats. Mayor
156 Maughan asked about the water in lieu. Mr. Hartle stated that Westates Development will pay to install the
157 12-inch water line from Aspen Way to the subdivision. Mr. Hartle stated that they will begin the process of
158 paying in lieu of the open space. The subdivision will pay 9/36 of the fee since that is the total number of
159 lots that are being developed in phase 1. Thomas G. Bailey asked about the LDS Church lot. Mr. Taylor
160 stated that the LDS Church lot is part of the 9 lots. Paxton Guymon stated that they will pay a pro-rated
161 amount for the open space in lieu. Gary Bates asked about the screening. Mr. Case stated that the Planning
162 Commission and City Planner Jay Nielson reviewed this extensively. Mr. Case stated that they have several
163 options based on the grade of the property. Mr. Case stated that is why they are giving them until
164 September 1, 2009 to create a plan. Mr. Case stated that Mr. Nielson used the landscaping around the new
165 Wal-Mart on the south end of Logan as an example instead of the screening used along 1000 West in
166 Logan. Mr. Taylor stated that Mr. Nielson drew a diagram, which he took to a landscape architect who is
167 making a model which should be completed at the end of next week. Mayor Maughan stated that under the
168 new subdivision code, all of the improvements have to be installed before building can begin. Mr. Hartle

169 stated that Westates Development would like to bond 150% of the improvements. Mr. Taylor stated that
170 they have changed their mind, and will now complete all improvements before the final plat is filed and
171 therefore, there will be no bonding required. Mayor Maughan asked if the improvements will be completed
172 for all 36 lots. Mr. Taylor stated that they will build the improvements for the first 9 lots. Mr. Bailey stated
173 that the 12-inch waterline goes through this subdivision. Mr. Taylor stated yes, so therefore the road will
174 have to be where it is because of the water line. Mr. Case stated that they would like to proceed with the
175 value of the open space and that the City Council needs to decide on which appraiser will be used. Mayor
176 Maughan asked if there were any suggestions for an appraiser. Mr. Hartle stated that a majority of the
177 appraisal work that has been done in Wellsville City has been completed by Jack Draxler. Gary Bates made
178 a motion, seconded by Jackie D. Orton, to use Jack Draxler as the appraiser.
179

180 YEA 5 NAY 0
181 Thomas G. Bailey
182 Gary Bates
183 Ron Case
184 Jackie D. Orton
185 Marcene Parker
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187 Mr. Bates stated that lots 1 through 4 and 6 through 9 are missing sidewalks. Mr. Taylor stated that
188 sidewalks are required on 1 side of the road. Mayor Maughan asked if there were sidewalks on both sides
189 of the road in the Red Slide subdivision. Mr. Orton stated yes. Marcene Parker asked when they thought
190 the other 27 lots would be developed. Stan Rowlan stated that it depends on the economy. Mr. Case stated
191 that there will be CC&R's and a HOA. Mr. Hartle stated that the City Council has to approve the CC&R's
192 for the subdivision. Mr. Bailey asked who will maintain the weeds on the undeveloped property. Mr.
193 Taylor stated that the undeveloped property will still be farmed. Mayor Maughan asked who will maintain
194 the detention pond. Mr. Taylor stated the HOA. Mayor Maughan stated that the LDS Church may be
195 interested in maintaining the detention pond like they do at the LDS Church on 200 South and Center
196 Street. Mr. Taylor stated that he will approach the LDS Church about that issue. Mr. Taylor stated that he
197 contacted Zan Murray representing JUB Engineering before this meeting. Mr. Murray has reviewed the
198 detention pond and the downstream analysis again, and will be sending a letter to Wellsville City. Mr.
199 Hartle stated that the Planning Commission wants something in writing concerning the detention pond and
200 the downstream analysis. Mayor Maughan asked about street lights. Mr. Hartle stated that there are 4
201 streets lights for the entire subdivision. Ms. Parker asked if the parking at the LDS Church was self-
202 contained, or would there be parking on the street. Mr. Rowlan stated that parking for the LDS Church
203 would be up both sides and around the back of the LDS Church building. Mr. Case stated that the fault line
204 was also addressed. Mr. Case stated that Westates Development hired a geological engineer, and his report
205 finds no fault line. After discussion, Ron Case made a motion, seconded by Jackie D. Orton, to approve the
206 final plat for Phase 1 of the Sterling Ridge subdivision, containing a total of 9 lots out of the total of 36 lots
207 in the total subdivision based on the recommendation and the conditions imposed by the Planning
208 Commission at their meeting on June 24, 2009, and that the improvements are completed before the final
209 plat is filed.
210

211 YEA 5 NAY 0
212 Thomas G. Bailey
213 Gary Bates
214 Ron Case
215 Jackie D. Orton
216 Marcene Parker
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218 Kelley Howard met with the City Council concerning water bill overages. Don Hartle stated that Jeremy
219 Howard called him and stated that he thought they might have a leak. Mr. Hartle stated that they checked it
220 out and it was a leak, and Mr. Howard got it fixed. Mr. Hartle stated that in the last 25 years, it has been the
221 policy of the City to give a credit of 50% of one of the meter readings. Mr. Hartle stated that there was
222 overage on 2 meter readings. Mr. Hartle stated that the City gave the Howard's a credit of 50% of the
223 largest reading. Ron Case asked what the address of the home is. Ms. Howard stated that she lived in the
224 Wellsville Ranches subdivision. Ms. Howard stated that she is grateful for any credit. Ms. Howard stated

225 that water meters are not read from October to April. The water had to have been leaking for months. The
226 water line is 6 feet under ground. Ms. Howard stated that she read her bill in April, and came in and paid
227 her \$71.25. Ms. Howard stated that their water bill has been the same since they moved to Wellsville. Ms.
228 Howard stated that she noticed the water overage on her May bill. Mr. Howard called the City office and
229 was told that someone would come out to look at it. Ms. Howard stated that no one showed up. Ms.
230 Howard stated that her husband called and talked to Mr. Hartle a couple of times. Ms. Howard stated that
231 there must have been a miss-communication, because after 2 weeks of calling and scheduling conflicts, the
232 leak was finally fixed in 2 days. Ms. Howard stated that her overage bill is now almost \$600. Gary Bates
233 stated that he had heard enough. Mayor Ruth P. Maughan asked what the amount was 50% of the overage
234 of the largest reading. Ms. Howard stated that her first bill was \$377 and she doesn't know the amount of
235 her second bill was. Ms. Howard stated that she believes her credit would be about \$150. Ms. Howard
236 stated that this is no one's fault, and would like the City to split the entire bill with her. Marcene Parker
237 asked what the amount of the total bill was. Ms. Howard doesn't know. Mr. Bates stated that he doesn't
238 think the City should punish people because of the City's billing practices. Ms. Howard asked about the
239 water meters being read by radio transmission, and why the water meters aren't read during the winter. Mr.
240 Case stated that water meters are read 4 times per year. Thomas G. Bailey stated that there are residents
241 who like that. Mr. Hartle stated that there would be no water overage during the winter months. Mr. Bates
242 stated that they are 6 months into this issue with only 2 billing cycles, and doesn't feel that the Howard's
243 are responsible for the entire water overage. After discussion, Gary Bates made a motion to reduce the
244 water bill of the Howard's from October through May to the average amount from the previous year. Jackie
245 D. Orton asked where the leak was. Ms. Howard stated that the leak was where their sprinkling pipe t-ed
246 into the main water line. Ms. Howard stated that the pipe should have lasted 100 years, but that it was a
247 faulty pipe. Mr. Bates stated that the Howard's shouldn't be punished because the water meters are read
248 quarterly instead of monthly. Mr. Case stated that he echoes what Mr. Bailey said about residents liking the
249 meters read quarterly. After discussion, Ron Case amended Gary Bates motion, seconded by Marcene
250 Parker, to credit ½ of the overage amounts from October 2008 through June 2009.

251
252 YEA 4

253 Thomas G. Bailey

254 Ron Case

255 Jackie D. Orton

256 Marcene Parker

NAY 1

Gary Bates

257
258 The City Council continued their discussion on problems associate with large organized bike rides in the
259 City. Mayor Ruth P. Maughan asked if there were any suggestions from the City Council members. Jackie
260 D. Orton stated that he doesn't want Wellsville City to appear unfriendly. Mr. Orton suggested a flat fee for
261 each biker, and some type of deposit fee for clean-up of the facilities. Don Hartle stated that with the biking
262 events, he has no complaints as to the way that the facilities are left. Mr. Hartle stated that his complaints
263 come from the disrespect that the bikers have to the law and for vehicles. Ron Case stated that Wellsville
264 City could require the bikers to ride single file. Marcene Parker suggested that the biking event pays for
265 their own specific law enforcement. Mr. Hartle stated that they do. Mr. Case stated that law enforcement is
266 watching out for the people that are part of the event. Mr. Case suggested contracting with law enforcement
267 for more hours to watch out for the residents of Wellsville City. Glenn Ames stated that he and his wife
268 have been biking for over 20 years. There is a push to have bikers comply with the law. Mr. Ames would
269 like to see more education from Wellsville City for bikers following the law. Mr. Ames stated that if a fee
270 was charged to each biker, it would be looked at as a penalty and it would turn events away from Wellsville
271 City. Mr. Ames stated that there are cities that are part of the bike event LOTOJA that have very strict laws
272 about bikers. Mr. Ames stated that by charging a fee for each biker, some small events would have no
273 money to pay the fee. Mayor Maughan stated that no one visits with the City Council about the events; they
274 just call and make the reservation for the bowery. Mayor Maughan stated that they should attend City
275 Council so that they will know what is expected of them as far as the rules and obeying the law. Mayor
276 Maughan suggested limiting the number of participants. Kaylene Ames stated that the last biking event did
277 limit the number of participants to 2,700, and they reached it. Mr. Case stated that the participants would
278 begin the event and have people meeting them along the way to ride with them. Ms. Ames stated that is
279 called poaching. Ms. Ames stated that she was appalled at the way some of the women were riding 4
280 abreast. Thomas G. Bailey stated that his complaints came from cars being parked in residents' driveway

281 and being parked 2 wide on the street. Mr. Ames stated that he would like to be part of an advisory
282 committee and would donate his time to help the City create laws and leave a good impression. This way,
283 Wellsville City will continue to draw biking events. Mr. Bates stated that if an ordinance is written, it
284 would be ignored. Mayor Maughan suggested having guidelines that when individuals call to reserve the
285 bowery for a biking event, it is expected of them to attend City Council so they are aware of the rules and
286 that the City Council expects them to be followed. Mr. Ames stated that the rules can be enforced through
287 an organization. Mr. Ames stated that the size of an event does make a difference. Mr. Bates asked why a
288 large bike event isn't staggered between 5 cities throughout Cache Valley. Mr. Ames stated that an event
289 would need that many more volunteers to pull off the event. Mr. Orton asked if the participant of the event
290 knows the rules. Mr. Ames stated that each participant is required to sign a waiver. Mr. Orton stated that
291 he is concerned with the abuse of parking. Mr. Ames stated that it is a big problem, and that Wellsville City
292 could require that some of the proceeds of the event are spent on education. Ms. Parker asked why biking
293 clubs pick Wellsville as a starting point. Mr. Ames stated that Cache Valley is beautiful, and that Wellsville
294 City is a great location to start. Wellsville City is a friendly community. Mr. Ames stated that there is no
295 excuse for breaking the law. Mr. Ames stated that the good that comes from biking far exceeds the
296 inconvenience. Mayor Maughan asked if Mr. Bates was willing to work with Mr. Ames as part of an
297 advisory committee. Mr. Bates stated that it would fall under the Parks & Recreation Committee. Mr.
298 Bates stated that he would like to see mutual respect for the law and for the citizens of Wellsville City.
299 Mayor Maughan asked that they have something in place and ready for next year.

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301 Department Reports:

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303 Ron Case – 1) He will be out of town next week and asked if someone would attend Planning & Zoning
304 meeting next week – Jackie D. Orton volunteered.

305 2) Informed the City Council of the 2-story garage with a family room and bathroom that Bill Belka would
306 like to build 1 foot off of the property line. Mr. Belka lives at 193 East 100 South. There are other places
307 on his property that he could build the garage, but he has his reasons as to why he wants it where he does.
308 Planning & Zoning are not trying to deny him building the garage, just building it somewhere else on his
309 property. Mr. Belka already has 1 access into his property, and Wellsville City doesn't have to grant him a
310 second access.

311 Gary Bates – 1) Christensen Field sign – found it – will get it installed.

312 2) Amanda Robinson – would like to schedule another softball tournament the weekend after Founder's
313 Day, and it running for about 3 weeks. Will there be a fee? The expense of the lights and clean restrooms -
314 \$25 per night.

315 3) Met with the representative from DWR – accepted Wellsville Dam as part of the Community Fishery
316 Program because of the location and showing growth. They promise better stocking of the fish, weed
317 control, funding for habitat developer, writing grants, docks for senior citizens/handicapped people. Asked
318 for Wellsville City to sign a non-binding agreement because Wellsville City promises to hold classes for
319 young people and to have someone part of the Parks & Recreation Committee to be over fisheries.

320
321 City Manager/Recorders Report:

322 Don Hartle – 1) Christmas Party – December 11, 2009 – 6:00 p.m. – Copper Mill

323 2) City Attorney Bruce Jorgensen wrote a letter concerning the Red Slide subdivision – mailed out a packet
324 to each resident of the Red Slide subdivision – it is about 50 pages. Gary Bates suggested having a
325 spokesperson from each phase to attend the July 15, 2009 meeting.

326 3) City Council needs to think about how much money they want to spend in attorney fees to have LeRoy
327 Parkinson's garage tore down and the horse problems - asked the City Council to give it some thought.
328 There are ordinances. Wellsville City needs to enforce them or amend them.

329 4) Update on the sewer lagoons – hauled gravel – started building the dike. Wellsville City is in the process
330 of receiving bids to install the new line and the air line. The deadline is next Wednesday. The plan is to
331 award the contract in 2 weeks. Wellsville City did discharge in June. Public Works shut it down last night
332 at 10:00 p.m. They are having a problem with the pumping station out in SW Heritage Estates. They are
333 having a problem with the Lindley Water Reservoir.
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At 8:05 p.m., Jackie D. Orton made a motion, seconded by Thomas G. Bailey, to adjourn the meeting.

YEA 5

NAY 0

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

Ruth P. Maughan
Mayor

Don Hartle
City Manager/Recorder