

1 MINUTES of the regular City Council meeting of Wellsville City held Wednesday, July 15, 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. City Manager/Recorder Don Hartle was also present. A copy of the Notice and Agenda was mailed
5 to the Mayor and Council members and emailed and faxed to the Herald Journal on July 10, 2009. The
6 meeting was called to order at 6:00 p.m. by Mayor Ruth P. Maughan.
7

8 Others Present: Kim V. Shurtleff David B. Fell Jr.
9 Tara P. Fell Eric Hunsaker
10 Joy Duque Justin Cooper
11 Danielle White Carolyn Orton
12 Shawn McArthur Dale Mohlman
13 Kyle Mohlman Randy Wall
14 Shane Barrington James Wakefield
15 Eric Baugh Aleena Winward
16 Sam Winward Bruce Jorgensen
17 Susan Miner Justin Miner
18 Jonathan Koehler Scot Weaver
19 Mark Reeder
20

21 Opening Ceremony: Jackie D. Orton
22

23 The Council reviewed the agenda. Ron Case made a motion, seconded by Thomas G. Bailey, to approve
24 the agenda as presented.
25

26 YEA 5 NAY 0
27 Thomas G. Bailey
28 Gary Bates
29 Ron Case
30 Jackie D. Orton
31 Marcene Parker
32

33 The Council reviewed the minutes of the July 1, 2009 meeting. There were corrections on lines 55, 75, 102,
34 149, 247, 274, and 275. Jackie D. Orton made a motion, seconded by Marcene Parker, to approve the
35 minutes of the July 1, 2009 meeting with the corrections.
36

37 YEA 5 NAY 0
38 Thomas G. Bailey
39 Gary Bates
40 Ron Case
41 Jackie D. Orton
42 Marcene Parker
43

44 Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for
45 approval. After review and discussion, Marcene Parker made a motion, seconded by Gary Bates, to
46 approve the City's bills for payment, represented by check number 10511 through 10558.
47

48 YEA 5 NAY 0
49 Thomas G. Bailey
50 Gary Bates
51 Ron Case
52 Jackie D. Orton
53 Marcene Parker
54

55 Joy Duque met with the City Council for a business license. She informed the City Council that her and her
56 husband want a business license for them to be able to do all types of handyman repairs, both inside the

57 home and outside the home. However, they will not be doing any type of major new construction. In
58 addition, they will provide snow removal. Jackie D. Orton informed the City Council that the Planning
59 Commission had approved them a conditional use for a home occupation last Wednesday evening. Based
60 on all of the data, a motion was made by Gary Bates and seconded by Jackie D. Orton that the City Council
61 approve a business license for "Honeybee Property Maintenance" at 581 South Center.

62
63 YEA 5 NAY 0
64 Thomas G. Bailey
65 Gary Bates
66 Ron Case
67 Jackie D. Orton
68 Marcene Parker
69

70 Eric Hunsaker met with the City Council for a business license. He stated that it is a data consulting
71 business. He will be traveling throughout the U.S. doing the consulting. No one will be coming to his
72 home and that the home will be used for office administration. Jackie D. Orton informed the City Council
73 that the Planning Commission had approved a conditional use for a home occupation for Mr. Hunsaker at
74 their meeting last Wednesday. Thomas G. Bailey then made a motion, which was seconded by Ron Case
75 that the City Council approve a business license for Hunsaker Digital Solutions at 273 North Red Slide
76 Drive.

77
78 YEA 5 NAY 0
79 Thomas G. Bailey
80 Gary Bates
81 Ron Case
82 Jackie D. Orton
83 Marcene Parker
84

85
86 At 6:15 p.m., Thomas G. Bailey made a motion, seconded by Marcene Parker, to go into a public hearing:
87

88 YEA 5 NAY 0
89 Thomas G. Bailey
90 Gary Bates
91 Ron Case
92 Jackie D. Orton
93 Marcene Parker
94

95 Mayor Ruth P. Maughan then conducted a public hearing to receive public input and consider the
96 recommendation of the Planning Commission on a request from Dale McBride, agent for Ida Hill, that the
97 portion of property at 685 East Main identified on the land use map as being allowed to be zoned CH
98 Highway Commercial, be rezoned from RA-1 to CH, Highway Commercial. Jackie D. Orton informed the
99 City Council that Dale McBride or no one else was in attendance at the Planning Commission meeting to
100 represent the request, therefore the public hearing was conducted, with no one in attendance at the meeting
101 with a concern. With no one in attendance at the Planning Commission meeting to represent the request,
102 the Planning Commission continued the request until August 13, 2009 and if no one comes in to the
103 Planning Commission before that date, the request will be closed. Mayor Maughan opened the floor up for
104 public input, but there was no one in attendance with input. Based on this data, Jackie D. Orton made a
105 motion, which was seconded by Thomas G. Bailey, that the City Council continue this matter until August
106 20, 2009 with the same course of action as the Planning Commission.

107 YEA 5 NAY 0
108 Thomas G. Bailey
109 Gary Bates
110 Ron Case
111 Jackie D. Orton
112 Marcene Parker

113 At 6:20 p.m., Thomas G. Bailey made a motion, seconded by Marcene Parker, to leave public hearings.
114

115 YEA 5 NAY 0
116 Thomas G. Bailey
117 Gary Bates
118 Ron Case
119 Jackie D. Orton
120 Marcene Parker
121

122 Mrs. Bryant White met with the City Council concerning a business license for her husband. Mr. White
123 makes contracts with individuals and businesses for pest and outside maintenance control. All of his clients
124 are out of sate, but he does use his home for an office when he is in town. No one will be at their home.
125 Jackie D. Orton informed the City Council that the Planning Commission had approved a conditional use
126 for a home occupation for Mr. White at 265 North 390 West for BT White Incorporated. Jackie D. Orton
127 then made a motion which was seconded by Thomas G. Bailey, that the City Council approve a business
128 license for BT White Incorporated.
129

130 YEA 5 NAY 0
131 Thomas G. Bailey
132 Gary Bates
133 Ron Case
134 Jackie D. Orton
135 Marcene Parker
136

137 Kyle Mohlman met with the City Council concerning an Eagle Scout project. He stated that he would like
138 to sand and repaint all of the posts that street names are on along Center Street. Several of them will have
139 to be straightened up before they are sanded and painted. He anticipated it will take about 2 gallons of rust
140 prevention and 2 gallons of paint. The City Council felt that it was a good project and is in support.
141 Therefore, a motion was made by Gary Bates and seconded by Jackie D. Orton that the City County
142 approve the project and that the City will pay 50% of the out of pocket costs.
143

144 YEA 5 NAY 0
145 Thomas G. Bailey
146 Gary Bates
147 Ron Case
148 Jackie D. Orton
149 Marcene Parker
150

151 Don Hartle discussed with the City Council a matter concerning a water hookup fee on a lot owned by
152 Justin Cooper at 300 West and 800 South. Mr. Hartle drew a sketch of how there was an existing water
153 meter at the said intersection and then the service line went west across the frontage of the lot that Justin
154 Cooper is going to build on and then into the property the Farmer's own at 350 West 800 South to provide
155 them water. When the home the Farmer's live in was built, the simplest way for the City to provide the
156 home water was to run the line as stated. Now Mr. Cooper is going to build a new line, Mr. Hartle feels that
157 the problem should be corrected. The City installed a new service line to the Farmer's and brought it
158 straight across from their home, and then the City will use the old service line to provide service to the
159 home Justin Cooper is going to build. When Mr. Cooper was in and paid his fees, he did not pay the water
160 hook-up fee and he stated we did not have to provide a new service to him and therefore he should not have
161 to pay the fee. Mr. Hartle feels that a new service line and meter is required to provide water to both homes
162 and therefore, Justin Cooper owes the hookup fee since the hookup fee was paid many years ago by the
163 individuals that built the home at 250 West 800 South. The City Council discussed the matter and feels that
164 the hookup fee is due the City. Jackie D. Orton then made a motion, which was seconded by Ron Case, that
165 Justin Cooper is required to pay the full cost of a water hookup fee before the water meter for his lot will be
166 installed.
167
168

169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224

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

NAY 0

The City Council then continued the matter of the concerns of the residents of the Red Slide subdivision. The matter was on the agenda for the May 20, 2009 meeting. The conclusion of that meeting was to have the City Attorney, Bruce Jorgensen, review the matter and give his written opinion. His letter dated June 23, 2009 was received by the City and the letter and the supporting documents (a total of 31 pages) was mailed to each property owner in the Red Slide subdivision on July 1, 2009. Mayor Ruth P. Maughan turned the time over to City Attorney Bruce Jorgensen to give a verbal update to everyone where we have been and where we are at this time. CC&R's were filed immediately after the final plat of phase 1, were very poor and basically said nothing. With phase 2, there were no CC&R's filed. Phase 3 CC&R's were filed, was to establish a Home Owner's Association, a private park and invites Phases 1 and 2 to join in on the private park. Open space is for the entire subdivision. Home Owner's Association was established, but has since expired. Mr. Jorgensen feels that it could be interpreted that Phase 1 would be part of the HOA. Shawn McArthur stated that he is in phase 2 and that a HOA was never mentioned. Mark Reeder of phase 2 stated that John Panos had told him that phase 1 and 2 were not in the HOA, only phase 3. Kim Shurtleff stated that he has done development work in Cache Valley for 27 years and that he feels that the CC&R's filed with phase 3 were excellent. Mark Reeder stated that his main concern is the retention pond in the park on the west. It is poorly built and he feels there is a real possibility that it could breach and flood the residents to the east of the retention pond. Several property owners expressed that John Panos had lied to them about almost everything. Marcene Parker stated that he had lied to the City Council in the same manner and that is part of the reason we are still having problems. Ms. Parker asked if there was any way we could go after the estate of Jeff Maughan. Mr. Shurtleff stated that he feels the City is responsible for the problems and may have a legal exposure. Carolyn Orton stated that she is concerned about the mud in the storm water line and that it will not handle the water if we had a large rain storm, and that she does not feel that the residents in phase 1 should have any responsibility for the concerns that have been expressed. Justin Miner stated that his interpretation of the materials received is that it was the responsibility of the home owners to maintain the park, not to develop the park. The matter of bonding on the park was discussed and the matter of the City not requiring bonding on the park, inasmuch as it was a private park and not being dedicated to the City was discussed for some time. David Fell wants to know what the City plans on doing about the problems. James Wakefield stated that he would like to have the City Council consider the possibility of all of the property (park and open space) deeded to the City. Eric Baugh stated that they would fully support James Wakefield's suggestion. Pauline Winward wants to know what the City plans on doing. Mr. Jorgensen suggested that rather than have every resident attend the meeting as this matter progresses, that all of the property owners have a meeting and form a committee of 2 property owners from each phase attend the meeting and represent the subdivision. The City has already had a grate built and installed in the retention pond, and the City will have one of their engineer's review the retention pond, its design, its construction, and the integrity of the pond, and will continue to work on the matter.

Department Reports:

Ron Case – 1) Has heard that Sherwin Seamons has gone into bankruptcy and should have City Attorney Bruce Jorgensen proceed immediately on getting the open space properly deeded in the Mount Sterling Estates subdivision.
2) Discussed that there appears to be a conflict on the date the horse parade will be held.

Thomas G. Bailey – 1) Informed the City Council that Clint Kerr has agreed to serve as a Board of Director for the Wellsville City Irrigation Company.

Gary Bates – 1) Informed the City Council that a group of scouts want to refurbish the tables at the City Bowery.

- 225 2) Has been down to the Wellsville Dam and looked over the new grass that was hydro-seeded and there is
 226 one very large area where the grass is hardly established at all. He will visit with Jones & Associates and
 227 have them work with Nelson Landscape to get the matter taken care of.
 228 3) Hold off on writing the regulation for public property until the Recreation Board has time to review them
 229 and give their input. Also, that the Recreation Board will be meeting with Glenn Ames concerning large
 230 biking functions in Wellsville.
 231 4) Visited with John Knutson concerning the application for a grant to build the bridge across the Wellsville
 232 Dam. Everyone that has reviewed the grant application feels very good about the project, but a final year
 233 or nay will not be until August 15, 2009.
 234

235 City Manager/Recorders Report:
 236

237 Don Hartle – 1) Informed the City Council that due to the decision by the City Council at the last City
 238 Council meeting in granting a credit for 2 consecutive water readings, he is requesting that the City Council
 239 approve a \$132.00 credit for Shirley Darley at 410 North Center. She has been trying to locate the leak for 2
 240 months and has dug up a considerable portion of her pasture before they located the leak. Ron Case made a
 241 motion, seconded by Jackie D. Orton, to approve the credit of \$132.00 for Shirley Darley.
 242

243	<u>YEA 5</u>	<u>NAY 0</u>
244	Thomas G. Bailey	
245	Gary Bates	
246	Ron Case	
247	Jackie D. Orton	
248	Marcene Parker	
249		

- 250 2) Discussed which engineering firm Wellsville City should use on the retention pond in the Red Slide
 251 subdivision. Based on the discussion, the City Council agreed that we would use JUB Engineering.
 252 3) Discussed with the City Council the procedure to get a new reservoir designed at the gravel pit. He had
 253 talked to JUB and Jones & Associates about coming in to a City Council meeting and discuss exactly what
 254 Wellsville City wants designed and then get them to submit a firm bid. Jones & Associates had no concerns
 255 about the procedure, but JUB feels that Wellsville City must consider more than just the price. Mr. Hartle
 256 stated that he had informed JUB that all of those factors were considered when the City Council selected
 257 them as firms to do engineering work for Wellsville City. The City Council agreed to get both firms to
 258 attend the next City Council meeting so that we can go over exactly what Wellsville City wants them to do
 259 and then they will give us a sealed bid.
 260 4) Informed the City Council that the bids on the pipe to be installed at the sewer lagoons was due on July
 261 8, 2009. However, because of some problems with the design, the bids were not opened and all the
 262 contractors were asked to submit a new bid on July 15, 2009 based on the updated information. Today, the
 263 bids were received:

264	Sage Excavation LLC	\$ 63,241.84
265	TBP Construction	\$ 139,400.00
266	AAA Excavation, Inc.	\$ 54,301.00
267	Rupp Trucking Enterprises, Inc.	\$ 61,281.00
268	Maughan Boys Corp.	\$ 39,986.53
269	Camerons Excavating	\$ 75,596.85
270	Regency Excavation	\$ 69,997.53

271 The bids were discussed, and the fact that the apparent low bid was from Maughan Boys Corp., which is
 272 owned by Perry & Tom Maughan, that both work for Wellsville City. Land Design Engineering and Dr.
 273 Kraig Johnson will be reviewing all bids and make a recommendation to the City Council on the company
 274 to do the work. This data will not be available until Monday morning, but Mr. Hartle feels that we need to
 275 proceed on the project as quickly as possible, and is requesting that a special City Council meeting be held
 276 on Monday, July 20, 2009 to make a decision. The City Council agreed to hold the special meeting;
 277 however, Jackie D. Orton will not be able to be in attendance. Based on the discussion, Councilman Orton
 278 feels that unless something comes up that he is not aware of, based on the spread of the low bid, that we
 279 should award the contract to Maughan Boys Corp.
 280

281 5) Informed the City Council that today at 5:00 p.m. was the deadline for filing for public offices this year.
282 The filings are as follows:

283	Bailey, Thomas G	Mayor
284	Larsen, M. Kent	Mayor
285	Wells, Dick	Mayor
286		
287	Ames, Kaylene	Councilperson
288	Bankhead, Kent	Councilperson
289	Case, Ron	Councilperson
290	Eyster, Mike	Councilperson
291	Harrison, Colin	Councilperson
292	Leatham, Carl P.	Councilperson
293	Pattee, Brian	Councilperson
294	Tingey, Kevin Madsen	Councilperson
295		

296 At 8:10 p.m., Marcene Parker made a motion, seconded by Gary Bates, to adjourn the meeting.
297

298	<u>YEA 5</u>	<u>NAY 0</u>
299	Thomas G. Bailey	
300	Gary Bates	
301	Ron Case	
302	Jackie D. Orton	
303	Marcene Parker	
304		
305		
306		
307		

308		_____ Ruth P. Maughan
309		Mayor
310		
311		
312		
313		

314	_____ Don Hartle	
315	City Manager/Recorder	
316		
317		
318		
319		
320		
321		
322		
323		
324		
325		
326		
327		
328		
329		
330		
331		
332		
333		
334		
335		
336		