

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 2, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Gary Bates, Ron Case, Colin Harrison, and Carl Leatham. City Manager/Recorder Don Hartle was also present. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on April 27, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Ray Bankhead Arlyn Brenchley
Thelma Seeholzer Derrek Nyman Carol Nyman
Eric Seeholzer Perry Maughan

Opening Ceremony: Ron Case

Councilwoman Glenna Petersen was excused from this meeting.

The Council reviewed the agenda. Colin Harrison made a motion, seconded by Carl Leatham, to approve the agenda as presented.

YEA 4 NAY 0
Ron Case
Gary Bates
Colin Harrison
Carl Leatham

The Council reviewed the minutes of the April 4, 2012 regular City Council meeting. Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the April 4, 2012 regular City Council meeting as presented.

YEA 3 NAY 0 ABSTAIN 1
Gary Bates Ron Case
Colin Harrison
Carl Leatham

The Council reviewed the minutes of the April 18, 2012 regular City Council meeting. Ron Case made a motion, seconded by Gary Bates, to approve the minutes of the April 18, 2012 regular City Council meeting as presented.

YEA 4 NAY 0
Ron Case
Gary Bates
Colin Harrison
Carl Leatham

The Council reviewed the minutes of the April 18, 2012 executive session City Council meeting. Carl Leatham made a motion, seconded by Colin Harrison, to approve the minutes of the April 18, 2012 executive session City Council meeting as presented.

YEA 4 NAY 0
Ron Case
Gary Bates
Colin Harrison
Carl Leatham

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Colin Harrison made a motion, seconded by Gary Bates, to approve the City's bills for payment, represented by check number 14234 through 14277.

YEA 4

NAY 0

Ron Case
Gary Bates
Colin Harrison
Carl Leatham

No one was in attendance for citizen input.

Joshua Summit was to meet with the City Council concerning an Eagle Scout project. Gary Bates stated that Joshua Summit needed to be excused from the meeting because he was out of town.

Arlyn Brenchley met with the City Council to discuss secondary water. Mr. Brenchley stated that he is the president of the Wellsville City Irrigation Company. Mr. Brenchley stated that there is a water pipe that runs to the east on 400 North from the canal to the Elwood Subdivision and from the Elwood Subdivision to the Wellsville City cemetery. Mr. Brenchley stated that there are residents that pay for secondary water, but has no way of getting to it because there is not a pipe installed across the road to their property. Mr. Brenchley would like to discuss what kind of hook-up fee, the size of pipe, and who can connect into the main water line. Mr. Brenchley stated that the irrigation company doesn't own the pipe; they just administer the water that is in the pipe. Wellsville City owns the pipe. Don Hartle stated that when the Elwood Subdivision was built, the pipe was installed in lieu of water. Wellsville City ran the line to the cemetery. Wellsville City will have to bore under the cemetery road in order to water the cemetery with secondary water. Mr. Hartle stated that he has talked with several other City Managers concerning a hook-up fee for secondary water. Everyone does it differently. Mayor Thomas G. Bailey asked how big the water pipe is. Mr. Hartle stated he doesn't know. Mr. Brenchley stated that the old water line was a 6-inch pipe. Mr. Hartle stated he believed it was a 6-inch pipe going east from Center Street to the cemetery, but from the canal to Center Street, possibly 8 to 12 inches. Mr. Brenchley stated that Tracy Maughan purchased the property that Nolan Maughan owned after Nolan Maughan's untimely death. Tracy Maughan pays for irrigation water that he can't use. Mr. Hartle stated that if a new line needs to be installed to the property line, it will have to be engineered. Mr. Hartle asked how the secondary water is allocated and who would monitor it. Mr. Brenchley stated that the individuals would have to get permission from the water master to use it. Mayor Bailey stated that he doesn't know how much pressure is in the water line. Mr. Hartle suggested that Wellsville City tap the main water line, install a 4-inch water line to the property line, keep track of time and materials, and decide on a hook-up fee from there. Perry Maughan stated that he thought that would be a good idea. Mr. Hartle stated that there would be 2 fees, a fee for boring the road and 1 for not boring the road. Mr. Hartle stated it would be separate lines, and that every citizen would have their own line. Mayor Bailey stated that the hook-up fee would have to be paid before any water is used out of the water line. Mr. Hartle stated that Wellsville City could recoup some of the cost of installing the main line. Mr. Brenchley asked if the irrigation company could purchase the water line. Mr. Hartle stated no because the water line goes to the cemetery. Perry Maughan stated that some specifications need to be made to each hook-up, such as adding a gate valve to each connection. Colin Harrison asked if they expect a lot of citizens to connect to the secondary water. Mr. Brenchley stated that he thinks citizens would want to connect to secondary water. Mayor Bailey asked if Mr. Brenchley would discuss this issue with Tracy Maughan. Mr. Brenchley stated that he would. Mr. Hartle stated that he would proceed on that basis.

The City Council discussed approval of the 2012/2013 tentative budget. Colin Harrison asked a question about the unearned column. Don Hartle stated that is monies that have been received during the 2011/2012 budget year. Ron Case stated that he finds the binder of information fascinating and very helpful. Mr. Hartle stated that he could give copies of monthly or quarterly financial statements to the City Council. Mr. Case stated that he would like to review the quarterly financial statements. Mr. Hartle stated that he will start making copies and handing them out to the City Council. Mr. Hartle asked if the City Council would like tabs for their binders. Mr. Case stated that it would be helpful. Colin Harrison stated that he read the entire binder. Mr. Hartle stated that the papers contained in the binder are more for his information. Mayor Thomas G. Bailey stated that they appreciate all of the work that Mr. Hartle does on preparing the budget. After discussion, Colin Harrison made a motion, seconded by Gary Bates, to approve the 2012/2013 tentative budget.

YEA 4

NAY 0

Ron Case
Gary Bates
Colin Harrison
Carl Leatham

The City Council discussed the previous medical insurance premium refund. Perry Maughan stated that he thinks that money should be put in a fund to go towards medical increases for the next year. Don Hartle stated that the insurance company wrote a check to Wellsville City in the amount of \$47,730. Ron Case asked what the refund was for. Mr. Hartle stated that the explanation was premium holiday. Mr. Case asked if it was a one-time thing. Mr. Hartle stated yes. Mr. Hartle stated that it was because of new regulations that have been passed. Colin Harrison asked if the money would go towards new year's premiums. Mayor Thomas G. Bailey stated that if the City Council would remember, the employee was to pay any increase in medical insurance. Mr. Hartle stated that the employees would like to see the money put in a fund that would cover medical insurance increases until the fund runs out. Mr. Case stated that the employees didn't pay any money into the fund, the taxpayers did. Gary Bates stated that the City Council spent a lot of time discussing this issue from the employee's point of view and the taxpayer's point of view. Mr. Bates stated that he felt Wellsville City was very generous in capping the cost of medical insurance at the current rate. The issue could be revisited at a later date. Mr. Bates asked how to justify offsetting the increases. Mr. Case stated that he agrees with Mr. Bates. The Wellsville City Council had an agreement with the employees. Carl Leatham stated that he is still trying to digest all of the information. Mayor Bailey asked if the City Council would like to think about the issue for 2 weeks and decide then. Mr. Bates stated that when this issue was discussed last, the City Council didn't have an amount. Now the amount is known, which is more than what was expected. Colin Harrison asked what could be done with the refund. Mr. Bates stated that it would go back into the General Fund. After discussion, Ron Case made a motion, seconded by Gary Bates, to leave the medical insurance premium refund in the General Fund and that it not be used against insurance premium increases.

YEA 4

NAY 0

Ron Case
Gary Bates
Colin Harrison
Carl Leatham

The City Council discussed sidewalk on 400 South and 500 South from Center Street to 100 East. Gary Bates stated that Wellsville City received 3 different grants to help pay for the trail on 400 South to access the reservoir area. Mr. Bates stated that the Parks & Recreation Committee thinks that kids will use the trail and it will keep them off of 500 South. Mr. Bates feels that Wellsville City shouldn't pursue the sidewalk on 500 South. Ron Case asked if the money earmarked for the sidewalk on 500 South will be used for the trail. Mr. Bates stated that a grant request has been submitted for money to tie the trail into the sidewalk along Center Street. Mr. Case stated that he does have a conflict of interest because he lives on 500 South. Part of the deal when the Parker property was sold to Wellsville City was that the developer (Wellsville City) would be responsible for sidewalks. Mr. Case would like the minutes to show that commitment. The obligation to the neighbors along 500 South has been met. Carl Leatham stated that he thinks 500 South still needs a sidewalk. Mr. Bates stated that citizens think 500 South is the entire sidewalk. Mr. Bates doesn't know if the sidewalk would be used if there was one available. Colin Harrison stated that he is not concerned about a sidewalk on 500 South. Mr. Bates asked if any neighbors had changed their opinions. Thelma Seeholzer stated that she has lived there for 68 years and hasn't needed a sidewalk yet. Mayor Thomas G. Bailey asked if there was money in the budget for the sidewalk on 500 South. Don Hartle stated that the money was never in the budget, but the issue was discussed. Mr. Bates stated that he doesn't know if he will need additional money or not. After discussion, Gary Bates made a motion, seconded by Colin Harrison, that Wellsville City not install at the City's expense a sidewalk on 500 South from Center Street to 100 South. If the City recognizes that a sidewalk is desired in the future, the home owners along 500 South will not participate and it will be installed at the City's expense. The City will be saving money by not installing a sidewalk on 500 South, and the funds can go towards tying the sidewalk into the trail system on 400 South.

YEA 3
Ron Case
Gary Bates
Colin Harrison

NAY 1
Carl Leatham

The City Council discussed the advisory opinion request. Don Hartle stated that the issue is dealing with the proposed All-American Auto/Truck Plaza and the request made by Garyn Perrett. Mayor Thomas G. Bailey, City Attorney Bruce Jorgensen, and Mr. Hartle discussed this issue on Monday, April 30, 2012. Wellsville City's first choice for attorneys was David Church. Mr. Jorgensen suggested Mr. Bateman, the attorney that wrote the letter. Mr. Jorgensen stated that he was very impressed with him and is fair. The Office of the Utah Property Rights Ombudsman is a free service, but Mr. Church would charge a fee. The letter states that the 2 parties would split the cost, but Wellsville City doesn't know who the 2 parties are. Steve Kyriopoulos called Mr. Hartle today and stated that he would like to have Mr. Bateman issue an opinion. Mr. Hartle stated that he called Mr. Jorgensen this afternoon about having Mr. Bateman issue an opinion. Since Mr. Bateman wrote the letter, there would be no charge to anyone if Mr. Bateman issued the opinion. Gary Bates stated that it is now public record who Mr. Kyriopoulos would like to have issue an opinion. Mr. Bates asked to keep Wellsville City out of trouble, should the Southwest Heritage Estate Subdivision HOA weigh in on the matter. Mr. Hartle stated that Mr. Perrett has to agree to Mr. Bateman, or Mr. Perrett would have to pay the attorney for the opinion that would be issued. Mr. Hartle asked if there was any objection. Mr. Hartle stated that he would continue with this issue.

Department Reports:

Colin Harrison – 1) Received only 2 “24 Years” stickers from Tree City USA – need one more – sent off any email to request another sticker.

Ron Case – 1) Returned CD to Don Hartle – Designs & Specifications document has been loaded on the website.

2) Asked for minutes from Planning & Zoning and City Council to load on the website.

Gary Bates – 1) Safety concern at the diversion gate on the corner of 100 East 300 South – worried about kids falling in – Arlyn Brenchley, president of the Wellsville City Irrigation Company will look into it.

2) Asked if there was an ordinance about nudity outside – can't find anything – request that the individual calls the Cache County Sheriff's Office.

3) Memorial Day program – Jackie Orton will speak and his Marine group will provide the program.

4) Submitted trail grant request in the amount of \$17,075.

Carl Leatham – 1) Thanked everyone for attending the Planning Commission meeting last week. Expressed concerns about not letting the applicant present his plan and then open it up for public comment.

City Manager/Recorder Report:

Don Hartle – 1) The first City Council meeting falls on July 4, 2012. Should the meeting be cancelled or rescheduled? Suggest making a decision as the date gets closer.

2) Received a call from the State Sewer people – sewer lagoons – applied for a permit to land apply on a continual basis and submitted an application to request a variance to land apply closer than the 300-foot required setback from the well head. The permit for land application was approved. The variance wasn't approved, but they did authorize the land application within 100 feet of the well itself.

At 7:20 p.m., Carl Leatham made a motion, seconded by Colin Harrison, to adjourn the meeting.

YEA 4

Ron Case

Gary Bates

Colin Harrison

Carl Leatham

NAY 0

Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder