

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, December 5, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen 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 November 30, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Diana Cannell Marc Edminster
Peter Nielson Tim Parkinson Millicent Parkinson
Chris Petersen John Petersen John Spence
Leesa Cooper Jonathan Cook Jake Harrison

Opening Ceremony: Mayor Thomas G. Bailey

Councilman Gary Bates was excused from this meeting.

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

YEA 3 NAY 0
Colin Harrison
Carl Leatham
Glenna Petersen

Councilman Ron Case arrived at the meeting at 6:06 p.m.

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the City's bills for payment, represented by check number 15052 through 15184.

YEA 4 NAY 0
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Dianna Cannell of Allred Jackson CPA's presented the 2011/2012 audit report. Ms. Cannell stated that there were 4 findings. Ms. Cannell stated that Utah State law says that the General Fund balance cannot exceed 18% of the next year's projected revenues. Ms. Cannell stated that the parks department was over budget by about \$4,000 and that the Storm Water budget was over as well. Ms. Cannell stated that there is a Treasurer Fidelity Bond that Don Hartle thought that Wellsville City didn't need anymore, but it is required. It has been increased to the required amount. Wellsville City has some unclaimed property. There are a few checks that are over 1 year old. The report hasn't been submitted to the State. The checks need to be researched and the report needs to be submitted to the State. Ms. Cannell stated that Wellsville City has very detailed records and wonderful documentation. Mayor Thomas G. Bailey stated that Wellsville City appreciates Dianna Cannell and her staff at Allred Jackson. Mayor Bailey stated that he and the City Council appreciates all of the hard work that Don Hartle, Leesa Cooper, and the other staff members do. After discussion, Ron Case made a motion, seconded by Glenna Petersen, to accept the 2011/2012 audit report presented by Dianna Cannell of Allred Jackson CPA's.

YEA 4 NAY 0
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council considered for adoption a resolution authorizing (1) \$708,000 water revenue refunding Bonds, series 2012A, and (2) \$70,000 taxable water revenue refunding bonds, series 2012B, for refunding the City's outstanding water revenue Bonds, Series 2004, 2010A, and 2010B and related matters. Mayor Thomas G. Bailey stated that Wellsville City would like to refinance the water bonds in order to have a lower interest rate. Over the next 10 years, Wellsville City will save over \$100,000. Marc Edminster stated that Wellsville City currently has 3 water revenue bonds, and that all 3 will be replaced by 2 new water revenue bonds. Wellsville City will have a total savings of \$189,000. After discussion, Colin Harrison made a motion, seconded by Glenna Petersen, to approve **RESOLUTION 2012-08 AUTHORIZING (1) \$708,000 WATER REVENUE REFUNDING BONDS, SERIES 2012A, AND (2) \$70,000 TAXABLE WATER REVENUE REFUNDING BONDS, SERIES 2012B, FOR REFUNDING THE CITY'S OUTSTANDING WATER REVENUE BONDS, SERIES 2004, 2010A, AND 2010B, AND RELATED MATERS.**

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Peter Nielson met with the City Council for a business license. Mr. Nielson owns his own construction company, Accurate Homes. He builds 5 to 10 homes per year. He meets clients at the office a couple of times, and then all meetings are on-site. Mr. Nielson stated that it didn't make sense to rent an office space, so he would like to move his office to his home. Mr. Nielson stated that the company is very low-key and low maintenance. Mr. Nielson stated that he owns 2 trailers that he keeps parked at the back of his lot. Carl Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. Mayor Thomas G. Bailey stated that the trailers cannot be parked on the street. Mr. Nielson stated that he understood. After discussion, Carl Leatham made a motion, seconded by Ron Case, to approve the business license for Peter Nielson.

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Tim Parkinson met with the City Council to discuss culinary water and potential annexation. Mr. Parkinson stated that he is here on behalf of his mother, Millicent Parkinson, who is in attendance. Ms. Parkinson's well went dry on November 28, 2012. Mr. Parkinson asked that her home be annexed into Wellsville City for the benefit of City water. Don Hartle stated that Mr. Parkinson spoke to him about this issue. Mr. Hartle stated that it takes approximately 6 months for the annexation process. Mr. Hartle stated that Ms. Parkinson doesn't have that kind of time. Mr. Hartle stated that he told Mr. Parkinson he would have to discuss the issue with the City Council to see if they would allow Ms. Parkinson to connect to City water immediately. Colin Harrison asked how many acres Ms. Parkinson has. Mr. Parkinson stated approximately 2 ½ acres. Carl Leatham asked if Ms. Parkinson would have to connect to the sewer also. Mr. Hartle stated that the code states that a residence that is annexed into Wellsville City has to connect to the sewer within 1 year of annexation. The residence has to be within 300 feet of the existing sewer line. Mr. Hartle stated that when the property is surveyed, ask the surveyor to shoot the grade of the existing sewer line. Mayor Thomas G. Bailey asked if Wellsville City has Mr. Parkinson's word that they will annex the property into Wellsville City. Mr. Parkinson stated that Wellsville City has his word. Ron Case stated that Wellsville City does have the option to turn the water off if the annexation is not completed. Mr. Parkinson stated that he understood. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to allow the residence of Millicent Parkinson to connect to Wellsville City water and continue with the annexation process.

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council reviewed for possible approval an agreement with the Church of Jesus Christ of Latter Day Saints for use of some of their property. Don Hartle stated that because Gary Bates is not in attendance, he asked that they review this agreement at a later meeting.

The City Council discussed the recent audit by the Utah Retirement System, and the additional required premium. Don Hartle stated that the State Legislation passed a law a few years ago that a City has to pay the retirement of the Court Judge based on his/her salary. Mr. Hartle stated that numerous communities are unaware of this law. Mr. Hartle stated that he has worked with City Attorney Bruce Jorgensen on this issue for the past 1 ½ years. The State of Utah is willing to waive the penalty. Wellsville City owes \$19,857.88. The amount, \$14,732.12 is what is owed to the retirement account, \$5,125.76 is the interest. Mr. Hartle stated that this dates back to 2003. Mayor Thomas G. Bailey stated that Wellsville City has fought this as long as they can, and now they have no choice but to pay it. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to pay what is required by the Utah Retirement System for the Court Judge.

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council discussed the potential need to purchase additional water rights. Don Hartle stated that this issue was discussed briefly at the last City Council meeting. Mr. Hartle handed out a sheet containing additional information. Mr. Hartle stated that it is a good buy, but can't justify spending the money when there is a possibility of losing the water rights. Mr. Hartle stated that he discussed this issue with the Public Works Department, and after much thought, they are not in favor of purchasing this water for Wellsville City. The amount of water is 58 acre feet at \$2,000 per acre foot. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to decline the offer of purchasing additional water rights.

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council reviewed the proposal for upgrading the sewer U.V. lights. Don Hartle stated that this issue was discussed at the last City Council meeting. Mr. Hartle handed out copies of the proposal. This issue will be added to the agenda in 2 weeks to be considered for approval. There are 2 proposals. The first proposal is approximately \$70,000 to treat 1.4 million gallons daily. The second proposal is approximately \$130,000 to treat 3 million gallons daily. In November, Wellsville City peaked at 3,061,000 gallons for one day. Mr. Hartle asked that the City Council give this issue some thought. Mr. Hartle stated that he will ask Tom Maughan to attend the next City Council meeting to discuss this issue. Once the decision has been made, it will take approximately 5 to 6 months to install it.

Department Reports:

Colin Harrison – 1) Completed the application for 25 years of Tree City USA.

Ron Case – 1) Glad that Leesa Cooper is in attendance, and wished that Gary Bates was here as well. Thanked Leesa and Becky Bates for all of their hard work putting up the Christmas light display on the City Square. Thought that the letter to the editor was inappropriate and out of line.

Mayor Thomas G. Bailey – 1) Appreciated all of the work that was done on the Christmas display on the City Square.

Carl Leatham – 1) Received email from UDOT – seminar on Monday, December 10, 2012.

2) Received several emails concerning the last City Council meeting. Discussed the numbers concerning law enforcement calls at the truck stop in Perry, Utah. Called Brent Miller and discussed both truck stops located in Logan, Utah and Perry, Utah. Discussed impact fees, and asked if the impact fees are different for commercial versus residential. The answer is yes. Discussed reviewing fees for conditional use and business licenses. Residents are concerned over 13 acres, but this decision involves 400 acres.

City Manager's/Recorder's Report:

Don Hartle – 1) He and Mayor Bailey met with City Attorney Bruce Jorgensen. Loyal Green has filed an appeal concerning the road master plan in the commercial area – addressed in a letter. Don Ewing has filed a protest concerning the code amendment – addressed in a letter. Advised by City Attorney Bruce Jorgensen that Steve Kyriopoulos would need to make a new application for the truck stop now that it is allowed in the CH, Highway Commercial zone. Discussed this with Mr. Kyriopoulos and he is opposed to it. Has requested a workshop with the Planning Commission on December 12, 2012.

2) – Open space – the offer has been accepted – public hearing will be held on December 19, 2012 – will close before the end of the year.

3) Cell phone tower – working on it.

4) Received an application for a group home at Sherwood Hills

5) South Valley RV – drive by and review the area – will be discussing this issue with City Attorney Bruce Jorgensen.

At 7:40 p.m., Glenna Petersen made a motion, seconded by Colin Harrison, to go into an executive session.

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

At 8:35 p.m., Colin Harrison made a motion, seconded by Glenna Petersen, to go out of executive session.

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

At 8:35 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder