

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, December 19, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Councilwoman Glenna Petersen, 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 December 14, 2012. The meeting was called to order at 6:00 p.m. by Mayor Pro-tem Gary Bates.

Others Present: Jennifer Leishman Ryan Cooper Paul Cooper
Darrell Cowley Diana Cowley Jonathan Cook
Clint Kerr

Opening Ceremony: Gary Bates

Mayor Thomas G. Bailey was excused from this meeting.

The Council reviewed the agenda. Don Hartle stated that numbers 11, 13, 14 withdrew. Glenna Petersen made a motion, seconded by Colin Harrison, to approve the agenda with the changes.

YEA 5 NAY 0
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The Council reviewed the minutes of the November 19, 2012 regular City Council meeting. There were word changes on lines 118 and 252. After discussion, Ron Case made a motion, seconded by Gary Bates, to approve the minutes of the November 19, 2012 regular City Council meeting with the corrections.

YEA 5 NAY 0
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The Council reviewed the minutes of the December 5, 2012 regular City Council meeting. There was a word change on line 174. After discussion, Colin Harrison made a motion, seconded by Glenna Petersen, to approve the minutes of the December 5, 2012 regular City Council meeting with the correction.

YEA 4 NAY 0 ABSTAIN 1
Ron Case Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

The Council reviewed the minutes of the December 5, 2012 executive City Council meeting. After discussion, Carl Leatham made a motion, seconded by Ron Case, to approve the minutes of the December 5, 2012 executive City Council meeting as presented.

YEA 4 NAY 0 ABSTAIN 1
Ron Case Gary Bates
Colin Harrison
Carl Leatham
Glenna Petersen

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 Glenna Petersen, to approve the City's bills for payment, represented by check number 15185 through 15221.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Jonathan Cook asked how close the residential zone committee was to presenting their findings. Colin Harrison stated that they are getting close to presenting their findings to the City Council.

The City Council reviewed for approval the preliminary plat for the Ryan Cooper Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 1095 South 200 East. Ryan Cooper stated that he would like to build a home on the new lot. Carl Leatham stated that the Planning Commission approved the preliminary plat on the condition that Mr. Cooper complies with the memorandum issued by City Engineer Chris Breinholt dated December 12, 2012. Mr. Cooper stated that the surveyor had been out of town. Carl Leatham asked if the issues from the memorandum were completed. Mr. Cooper stated that the surveyor is working on it for the final plat. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the preliminary plat for the Ryan Cooper Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 1095 South 200 East with the condition that he complies with the City Engineer's memorandum dated December 12, 2012.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council reviewed for approval the preliminary plat for the LaRee Brown Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 290 East 300 South. Ms. Cowley stated that she is seeking approval of the preliminary plat. Ms. Cowley did receive a copy of the memorandum issued by City Engineer Chris Breinholt dated December 12, 2012. The items have been added to the final plat. Gary Bates asked if the sidewalk had been reviewed and resolved. Glenna Petersen stated yes. Carl Leatham stated that the Planning Commission approved the preliminary plat on the condition that Ms. Cowley complies with the memorandum issued by City Engineer Chris Breinholt dated December 12, 2012. Mr. Cowley asked for clarification on the sidewalk issue. Ms. Petersen stated that there are 3 sections that need to be replaced, a culvert needs to be installed under one of the sections, and a new sidewalk needs to be installed along the new lot. After discussion, Glenna Petersen made a motion, seconded by Carl Leatham, to approve the preliminary plat for the LaRee Brown Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 290 East 300 South with the condition that 3 sections of sidewalk are replaced, a culvert needs to be installed under one of the sections, a new sidewalk needs to be installed along the new lot, and all conditions be complied with in the memorandum from the City Engineer dated December 12, 2012.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

At 6:30 p.m., conducted a public hearing to receive public input, then consider for possible approval the transferring of approximately \$75,240.57 from Open Space Funds within the Capital Facilities Fund and approximately \$194,759.43 from the Capital Projects Fund within the Capital Facilities Fund for the purchase of approximately 24.72 acres (including water rights) for open space from the Clarke Maughan estate. Gary Bates asked that the proposal be reviewed. Don Hartle stated that they were hoping to close before the end of the year, but City Attorney Bruce Jorgensen is still working on transferring the water rights. This property is Clarke Maughan's meadow land. Ron Case asked if there was any risk of not getting the water rights. Mr. Hartle stated that Wellsville City will not purchase the property unless the water rights are included. Colin Harrison stated that he thought the purchase of Tom Maughan's property drained the open space funds. Mr. Hartle stated that it did. Mr. Harrison asked where this money is coming from. Mr. Hartle stated that the funds will come from the open space savings and from the Capital Project funds. Carl Leatham asked if Wellsville City will be able to use the water rights on this property. Mr. Hartle stated that nothing will change, and yes, the water can be used on the property.

At 6:37 p.m., the public hearing was closed.

After discussion, Ron Case made a motion, seconded by Carl Leatham, in order to provide for open space for our children and future generations, to honor our fore fathers for the sacrifices they made on our behalf in providing us with open areas for community gatherings and celebrations, to protect the vistas that are so critical to our citizens and in helping to maintain our rural atmosphere, and to protect the City's investment in the neighboring property, I move for approval of \$270,000.00 for the purchase of approximately 24.72 acres of land and water rights, with funding consisting of approximately \$75,240.57 from Open Space Funds and approximately \$194,759.43 as a transfer from the Capital Facilities Fund within the Capital Projects Fund. I further move that because the land is to be purchased in part with funds designated as 'Open Space Cash in Lieu of' funds, said property will be designated Open Space in perpetuity under the ordinance in section 10-1-9 paragraph F of the Wellsville City Code, which reads:

F. Use Of Land Limited: For the purpose of in lieu substitutions, use of the in lieu open space land shall be limited to the following:

1. Recreation active use: play fields, parks, trails, play grounds, related parking;
2. Recreation passive use: trails wild lands, natural landscapes;
3. Agriculture: croplands and pasture/grazing lands;
4. Conservation easements held by a recognized conservation organization or other type of ownership as permitted by subsection 11-5-4C of this code; and/or
5. Visual amenities or development setbacks.

And I move that the water rights shall be put to beneficial use for the citizens of Wellsville as determined by the Mayor, City Council, and City Manager as defined by the laws of the State of Utah and City of Wellsville.

YEA 4

Gary Bates

Ron Case

Carl Leatham

Glenna Petersen

NAY 1

Colin Harrison

The City Council reviewed for approval a contract for future audits. Don Hartle stated that this is the same contract that Wellsville City has had in the past. The contract is for the next 5 years. Ron Case stated that it is a hefty increase each year. Mr. Hartle stated that it is the standard increase every year. Gary Bates asked about putting the audit out for bid. Mr. Hartle stated that it has been put out for bid in the past. Mr. Case stated that as long as the auditing is not feeling too comfortable. Mr. Bates asked if Wellsville City was under a timeline to complete this contract. Mr. Hartle stated not really. Mr. Case stated that the auditing firm does a great job, but it is almost a 10% increase each year. Mr. Bates stated that the City is not growing at that rate, so the work load is not going up. Mr. Hartle stated that the auditing firm spends a lot of time auditing the computer information. Mr. Bates stated that if the audit went out for bid, Wellsville City wouldn't have to accept the lowest bid. Mr. Hartle stated that Wellsville City wouldn't have to accept the low bid if they could prove in some manner that they shouldn't be given the contract. Mr. Bates stated that a memorandum could be written and approved by the City Council outlining the reasons they stayed

with Allred & Jackson. Wellsville City is not required to take the lowest bid. Mr. Hartle stated that Wellsville City is required to take the lowest bid. Mr. Bates stated that Wellsville City shouldn't be afraid to put the audit out for bid because of the results. Mr. Hartle stated that the bid would have to be advertised in the newspaper. Mr. Case stated that this issue could be approved, but asked Mr. Hartle to discuss the issue with Allred & Jackson. Mr. Case stated that there has been quite a discussion about the increase in the contract for future audits. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to continue this discussion until after Mr. Hartle discusses with Allred & Jackson the concern about the increase in price.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council reviewed for approval a list of items to be declared surplus property and advertised for sealed bids. Clint Kerr stated that the fire department has an old pumper truck that he would like the blessing of the City Council to sell it. It has been advertised on the internet. Colin Harrison stated that he is in favor of using the internet as a tool to help sell the old pumper truck. Gary Bates asked about donating it to Mexico or use as a play ground item. Mr. Kerr stated that a discussion has been held about donating the old pumper truck. Mr. Bates asked if it is the policy of Wellsville City that disposal of equipment has to be reviewed by the City Council. Don Hartle stated that the policy is it has to be declared as surplus property. Mr. Kerr asked about sealed bids. Mr. Hartle stated that surplus property can be sold using any means. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to declare the old pumper truck as surplus property.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

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. Gary Bates stated that the Parks & Recreation Committee approached Stake President Evans about using some property that is owned by the LDS Church. President Evans contacted church headquarters. The agreement before them is the first draft. It has been reviewed by the Parks & Recreation Committee. The soccer, baseball, and softball programs are growing and additional sports fields are needed. The property that is being discussed is the property south of the Stake Center and the property north of the 700 South building. Mr. Bates suggested that the City Council review this agreement. Mr. Bates stated that Wellsville City will furnish the water and maintenance of the property. Ron Case stated that the agreement lists no Sunday use, but it doesn't list Monday as an available day. Mr. Bates stated that Wellsville City didn't ask for Monday use. Mr. Case asked for a clarification concerning Monday use. Carl Leatham asked about maintenance of the properties. Don Hartle stated that Wellsville City doesn't have the manpower to maintain the properties. Mr. Hartle stated that he agrees with furnishing the water, but doesn't want to get involved with maintaining church property. Mr. Bates stated that the LDS Church has contracts for the sprinkling systems. Mr. Hartle stated that the LDS Church sprays and fertilizes their property, Wellsville City doesn't. Colin Harrison stated that the LDS Church has contracts for lawn maintenance. Mr. Hartle stated that he is concerned with #2 of the agreement and Founder's Day. Item #12 is also of concern with public entertainment. Mr. Case stated that #12 needs to be read in its entirety. Mr. Hartle stated that he will review the agreement. Mr. Bates asked that this item be added to the agenda for the next City Council meeting. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to continue the discussion on this issue.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council discussed for possible cancellation of the next City Council meeting scheduled for January 2, 2013. Don Hartle stated that 4 of the 5 Planning Commission members will be unavailable for the Planning Commission meeting scheduled for December 26, 2012. As of right now, Mr. Hartle has no agenda items for the City Council meeting scheduled for January 2, 2013. After discussion, Glenna Petersen made a motion, seconded by Colin Harrison, that the next City Council meeting scheduled for January 2, 2013 be cancelled.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Department Reports:

Glenna Petersen – 1) Paulette Gunnell had called her 3 times concerning drainage in front of her home. Ms. Petersen was surprised that the Gunnell's withdrew from the agenda. There are concerns about the swale. Ms. Petersen reviewed it, but doesn't know what to change it.

2) Asked about the proposed contact with AT&T on the agenda that was shown as #14 on the agenda. Don Hartle stated that Wellsville City has had some problems with individuals trespassing onto city property. The gates belong to Wellsville City. The cell towers are inside the gates. Mr. Hartle has installed a new chain and lock.

Ron Case – 1) Next agenda – discuss open space ordinances. Asked that the City Council review the open space ordinances before the next City Council meeting.

Gary Bates – 1) Asked if the difference in numbers concerning the crime reports from Perry City had been resolved. Carl Leatham stated not completely. The Perry City Police Department secretary has been out of the office because of surgery.

Carl Leatham – 1) Asked if everyone received the email that he forwarded on Monday concerning Perry City and business license fees – yes.

2) The owners of Sherwood Hills have approached the Planning Commission about contracting with a private company to open a rehabilitation substance abuse center. They will begin with 24 beds. It is an adult wellness center. Applicants will be 18 years and older.

City Manager's/Recorder's Report:

Don Hartle – 1) The individuals from Sherwood Hills have submitted an application. The public hearing is scheduled for January 9, 2013 for the Planning Commission. Clint Kerr is concerned that there could be a change in the fire code and fire inspections. Mr. Hartle asked Mr. Kerr to look into the issue because it is on the agenda to be approved in 3 weeks.

2) Have been receiving weird stuff that individuals want added to the City newsletter – would like input from the City Council. Mr. Hartle will add it as an agenda item to the next City Council meeting.

At 7:27 p.m., Carl Leatham made a motion, seconded by Colin Harrison, to adjourn the meeting.

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

NAY 0

Gary Bates

Mayor Pro-tem

Don Hartle

City Manager/Recorder