

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 15, 2013, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Gary Bates, Ron Case, Colin Harrison, and Carl Leatham. City Manager/Recorder Don Hartle and City Planner Jay Nielson were 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 May 10, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Alex Dawson	Corey Christensen
	Jon Leishman	Kody Maughan	Kevin Maughan
	Gary Hansen	Brian Leishman	Ryan Rigby
	John Spence	M. Kent Larsen	Ruth P. Maughan
	Blaine Anderson	Luella Anderson	Shirley Bradshaw
	Joyce Anderson	Jan Anderson	Jerry Cokely
	Quentin Cudney	Bevan Higbee	Ken Richmond
	Jonathan Cook	Rachel Fry	

Opening Ceremony: Colin Harrison

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

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

The Council reviewed the minutes of the May 1, 2013 regular City Council meeting. There was a word change on line 156. After discussion, Colin Harrison made a motion, seconded by Gary Bates, to approve the minutes of the May 1, 2013 regular City Council meeting with the change.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
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, Glenna Petersen made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 15599 through 15655.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

Alex Dawson met with the City Council to discuss his Eagle Scout project. Mr. Dawson stated that he will be applying water sealant on the picnic tables at Wellsville Dam, staining a table at Wellsville Dam, and killing weeds and adding bark under a picnic table at Wellsville Dam. Mr. Dawson stated that the water sealant, stain, and bark have been donated. Mr. Dawson stated that he is seeking monies for buckets and paint brushes. Mr. Dawson stated that it should cost between \$20 and \$30 for buckets and paint brushes. Gary Bates stated that when Mr. Dawson has his supplies, to call him and he will help coordinate with

sealing, staining, and landscaping the area at Wellsville Dam. Carl Leatham stated that the area that the single picnic table sits on is unlevel and wonders if concrete would be a better choice. MR. Bates stated that they will try the bark for 1 year and reevaluate it next year. Mr. Dawson stated that he would like to complete the project over Memorial Day weekend. Mr. Bates stated that Mr. Dawson would need to call the City Office to schedule the bowery at the Wellsville Dam to seal the picnic tables. After discussion, Gary Bates made a motion, seconded by Ron Case, to approve the Eagle Scout project for Alex Dawson at that Wellsville City's portion of the cost will not exceed \$50.

**YEA 5**

Gary Bates  
Ron Case  
Colin Harrison  
Carl Leatham  
Glenna Petersen

**NAY 0**

Corey Christensen met with the City Council for a business license. Mr. Christensen stated that he has run this business from Cache Valley for 30 years. His business is cleaning carpets for commercial and residential. Mr. Christensen stated that he has a 30' by 40' shop that houses all of the equipment. He has a shelf in the shop that contains all of the supplies. There are also 2 vans that are parked in the shop. Carl Leatham stated that there were questions about waste water and chemical disposal. Mr. Leatham stated that there will be approximately 10 to 15 gallons per vehicle that may be dumped into the City's sewer system. Mr. Leatham stated that the Planning Commission approved the conditional use with no restrictions. Ron Case asked what the address of the business is. Mr. Christensen stated 120 West 100 South. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the business license for Corey Christensen.

**YEA 5**

Gary Bates  
Ron Case  
Colin Harrison  
Carl Leatham  
Glenna Petersen

**NAY 0**

Jon Leishman met with the City Council to discuss digging through the road for sewer service line inasmuch as the road is being rebuilt this summer. Mr. Leishman stated that there is no cement under the road and would like to save some money by digging through the road while it is being rebuilt instead of boring under the road in order to connect to the sewer system. Glenna Petersen asked how long this would take. Mr. Leishman guessed approximately part of a day. Ms. Petersen asked if the road would be closed. Mr. Leishman stated that the road is opened to residents who live along the road. Mayor Thomas G. Bailey stated that the City Council has allowed other residents before to do this while the road is being rebuilt. Gary Bates stated that he is concerned about compaction differences. Don Hartle stated that there are none. Mr. Hartle recommended that if Mr. Leishman is allowed to dig through the road that he would write a letter to those residents who live along the road and give them until June 10, 2013 to have it completed or they will have to bore the road. After discussion, Ron Case made a motion, seconded by Gary Bates that they allow Jon Leishman to dig through the road for sewer service line because the road is being rebuilt this summer, and that Don Hartle write a letter to all residents along the same road that they be given the same option to be completed by June 10, 2013.

**YEA 5**

Gary Bates  
Ron Case  
Colin Harrison  
Carl Leatham  
Glenna Petersen

**NAY 0**

The City Council reviewed for possible approval a proposed agreement and the Preliminary Plat for the Kody Maughan Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South. Mayor Thomas G. Bailey stated that last time this was discussed, there was to be an agreement and a letter from City Attorney Bruce Jorgensen about a lot line adjustment. Kody Maughan stated that the lot line adjustment has been completed and is at the Cache County Recorder's Office. Mayor Bailey asked what Mr. Jorgensen is working on. Kody Maughan stated that he is working on an agreement concerning paving the road at a later date when the property is sold or developed. There is also a 1-foot strip along Jan Hall's property that if she decides to develop, she would have to purchase from Kevin Maughan. Kody Maughan stated that he received an email from City Attorney Bruce Jorgensen today that says he has had some health issues and has not yet completed the agreement. Kody Maughan is wondering if the agreement could be added to the final phase if possible. Kody Maughan stated that he has been diligent and has done as much as possible. Kody Maughan stated that he would like to keep the ball rolling on this project. Mayor Thomas G. Bailey asked if City Engineer Chris Breinholt has any comments. Don Hartle stated that there has been no response from Mr. Breinholt. Gary Bates stated that if Ms. Hall develops her property, Mr. Maughan would pay half of paving the road. Kody Maughan stated that is correct. Mr. Bates asked if this has been communicated with the Hall's. Kody Maughan stated that he would discuss this issue with them. Mr. Hartle stated that if the City Council is considering approving the preliminary plat, the final plat would go before the Planning Commission next week before any comments from Mr. Breinholt are received. Kody Maughan asked if the preliminary plat could be sent to Mr. Breinholt. Mr. Hartle stated that Mr. Breinholt already has a copy of the preliminary plat. Ron Case asked if there is anything in the code that allows for approval of the preliminary plat without Mr. Breinholt's comments. Mayor Bailey stated that Chairperson John Spence is in attendance and asked if he has any comments on the issue. John Spence stated that the preliminary plat could be approved, but the final plat and agreement needs to be completed before it comes before the Planning Commission. Mr. Bates stated that if there are any issues from Mr. Breinholt that needs to be implemented and Kody Maughan disagrees with them, he will have to come back. City Planner Jay Nielson read from the code. Mr. Nielson stated that the leading sentence didn't sound very favorable. Mr. Nielson stated that conditional approval could be given. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to conditionally approve the preliminary plat for the Kody Maughan Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South with the conditions that the agreement from City Attorney Bruce Jorgensen is completed and any concerns from City Engineer Chris Breinholt are met and agreed to before going before the Planning Commission.

YEA 5

Gary Bates  
Ron Case  
Colin Harrison  
Carl Leatham  
Glenna Petersen

NAY 0

The City Council heard and considered the appeal of Gary Hansen regarding the Planning Commission's decision on April 24, 2013 relating to his request for a conditional use to allow 52 townhomes at 169 East 300 North. The City Council may or may not take action at this meeting. Mayor Thomas G. Bailey stated that he, City Manager Don Hartle, and City Planner Jay Nielson met with City Attorney Bruce Jorgensen concerning this issue. Mayor Bailey stated that Mr. Jorgensen sent a letter today. Mayor Bailey asked that the City Council take notice of the top of the letter that is highlighted in yellow. Gary Hansen asked if he could get a copy of the letter. Mayor Bailey stated no. Mayor Bailey stated that the letter dated May 15, 2013 is an attorney/client privileged letter and is not for public distribution. Mayor Bailey asked that the City Council take a few minutes to read the letter. The City Council took a few minutes to read the letter from City Attorney Bruce Jorgensen dated May 15, 2013. Mayor Bailey asked that Carl Leatham bring the City Council up-to-date concerning what took place at the Planning Commission meeting last week. Carl Leatham stated that City Planner Jay Nielson advised that the Planning Commission be clearer on their vote. Mr. Leatham stated that Mr. Nielson recommended that the Planning Commission address the conditional use. Mr. Leatham stated that there was a discussion concerning the Wellsville City code and the conditional uses of the manufacturing zone. Mr. Leatham stated that the Planning Commission continued their discussion at the next Planning Commission meeting. Mayor Bailey read from the letter issued by

City Attorney Bruce Jorgensen. The City Council takes no action and refers this issue back to the Planning Commission to react to the conditional use or deny the request. Gary Bates stated that there are 2 options. Mr. Bates stated that the Planning Commission may need more time. Mr. Leatham stated that he doesn't know if the Planning Commission needs more time. Mr. Leatham stated that Chairperson John Spence is present, and recommended that he be asked if the Planning Commission needs more time. Don Hartle stated that he questions whether the City Council is following the advice of City Attorney Bruce Jorgensen or not. Mayor Bailey stated that City Attorney Bruce Jorgensen advised that this issue be referred back to the Planning Commission to approve the conditional use or deny the request. The issue then can return to the City Council if there is an appeal. Mayor Bailey stated that there are 2 choices: 1) do what City Attorney Bruce Jorgensen recommends, or 2) move ahead. After discussion, Ron Case made a motion, seconded by Gary Bates, to table this discussion.

**YEA 5**

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

**NAY 0**

The City Council discussed for possible decision on a request that active military members receive a discount on their utility bills. Mayor Thomas G. Bailey stated that there has been a request from a citizen in Wellsville City to have the utility bills reviewed of those citizens who have been deployed. Mayor Bailey stated that there is 1 member of the community that has been deployed at this time. He is expected to be gone for 12 to 18 months. Gary Bates asked what the breakout of the total cost with no overage. Don Hartle stated that water is \$29.50 per month and sewer is \$22.50 per month. Colin Harrison stated that the family hasn't asked for this, but someone else from the community asked anonymously. Mr. Harrison stated that there is also police force and fire personnel, and asked where to draw the line. Mayor Bailey stated that it would be only water and sewer. Wellsville City collects the garbage fee, but is billed from Logan City. Ron Case stated that he discussed this issue with another City Council member from another City. That City chose not to do anything for several reasons such as, when to end it and the rank of the individual. It is very tricky to do. Gary Bates stated that Wellsville City has an opportunity to show support the last time this issue was discussed. This is a long campaign. It is different than local people who serve the community. Mr. Bates stated that the deployment papers show the amount of time the individual is deployed for. It is not a lot of money, but does show support. Mr. Case asked if this would be for active duty or just guard. Mr. Bates stated that it would be for those individuals who are deployed. Glenna Petersen asked what would happen if the individual deployed didn't come home alive. Mr. Bates stated that life would have to go on. Mr. Harrison asked how Wellsville City would find out about deployed members of the community. Mr. Case stated that it would be up to the family to notify Wellsville City. Mr. Bates suggested advertising it in the newsletter. Mr. Harrison asked about those that were deployed 3 or 4 years ago and not doing this for them. Carl Leatham stated that if the deployment is for 12 or 18 months, and the individual didn't come home, Wellsville City could still offer the service for the amount of time the individual was to be deployed for. Mayor Bailey suggested offering this service for 12 months, and if the individual is deployed for a longer time frame, the family would have to come in and apply. Mr. Bates suggested applying for help with the utility bill every 6 months. Don Hartle asked who would keep track of this. A discussion was held concerning who would qualify. An individual living with parents would not qualify. It was discussed that if the head of household was deployed, the family would qualify for this program. Mr. Hartle stated that there have been women who were deployed, yet they aren't the head of household. After discussion, Gary Bates made a motion, seconded by Colin Harrison, that the base fee for water and sewer be waived for Wellsville City residents who are deployed through military service. Those that qualify are homeowners who are head of household or spouses of the head of household. Proof through term of deployment is required. Each family will return every 6 months to renew if needed. Gary Bates asked that the front office staff author a paragraph that will be added to the newsletter. The City Council will review the paragraph before it is printed.

**YEA 5**

Gary Bates

**NAY 0**

Ron Case  
Colin Harrison  
Carl Leatham  
Glenna Petersen

The City Council continued the discussion regarding the Wellsville Elementary School, and a tour of the facility. Mayor Thomas G. Bailey stated that this issue has been discussed before. The City Council would like to tour the building after school is out, which the last day of school is May 31, 2013. After the tour is complete, the City Council will decide to accept the building or not. Gary Bates asked why they have to wait until school is out because there is a 5<sup>th</sup> Wednesday this month. Glenna Petersen stated that not all teachers would want a tour of the building to be held while their materials are still out. After discussion, the date of June 13, 2013 at 6:00 p.m. was decided that the tour will take place. Don Hartle will send out a notice that a special meeting will be held.

The City Council reviewed for possible decision on damage that was done in January when the City water mainline broke at 75 East Main. Don Hartle stated that this has been going on for some time. The estimate of damage according to Wellsville City's insurance company is \$4,871.13. It has been discussed whether Wellsville City should pay the claim or file it with the insurance company. Kraig Harrison, owner of the building that was damaged, says that his insurance company has decided that there was an addition \$809.76 worth of damage. This is a total of \$5,680.89. Mr. Hartle stated that the insurance adjustor stated that this was an act of God, and that Wellsville City has no liability. Mr. Hartle stated that this is a decision that the City Council needs to make. Mr. Hartle stated that since it is a liability, there is no deductible. Mr. Hartle stated that after talking with the insurance adjustor, he thinks that the insurance company will pay half of the claim and Wellsville City pay half of the claim, which is \$2,840.44. Colin Harrison asked if Wellsville would be better off to pay the entire claim instead of having an increase in premiums. Mr. Hartle stated that based on the claims that have been reported in the past, he doesn't feel that there would be any increase in premiums. Mr. Hartle stated that he recommends that Wellsville City settle with Kraig Harrison, and that Wellsville City pay half of the claim, and the insurance company pay half of the claim based on the waiver being signed. After discussion, Ron Case made a motion, seconded by Colin Harrison, that Wellsville City settles with Kraig Harrison and that Wellsville City pay half of the claim, and the insurance company pay half of the claim based on the waiver being signed.

YEA 4  
Gary Bates  
Ron Case  
Colin Harrison  
Carl Leatham

NAY 1  
Glenna Petersen

#### Department Reports:

Colin Harrison – 1) Annual cemetery clean up – May 21, 2013 at 6:00 p.m. – hot dogs will be served.  
2) Cemetery – the rope on the west flag pole is falling apart and needs to be restrung. Don Hartle stated that they will have to rent a boom truck, and if they are doing 1, they would be further ahead to do all 3.  
3) Person who was going to take over Founder's Day has backed out – any thoughts on names.

Glenna Petersen – 1) Contacted Darrel Erickson from Cache County who is over roads concerning the chip and seal of Wellsville Ranches – has not returned her call.  
2) Sidewalk Committee – discussed hiring someone for \$20 per hour and someone else for \$10 per hour to construct 3 blocks of sidewalk for the same cost as 1 block using a contractor. Would be a temporary City employee. Save money and have more sidewalks completed. Post position, worth trying for 1 summer. Need to price equipment and sidewalk forms.  
3) Contacted USU to do a study of the 28 ½ miles of roads within Wellsville City and how to take care of them. The study would cost approximately \$4,000. Discuss at a future meeting.

Ron Case – 1) Asked if conditional uses can be appealed for any reason, even if someone is just unhappy with the decision – yes.

- Gary Bates – 1) Asked about the sound system – used for Arbor Day – works great.  
2) Memorial Day program – Youth Council will not be singing, but a member of the Youth Council will be playing a musical number on the violin.  
3) Julie Johnson – member of the tabernacle committee – will be selling refreshments at the movie nights and youth concert.  
4) Flag Installers – Ray Bankhead, Thomas Bailey, Gary Bates, Vern Gunnell, Paul Bailey – Friday, May 24, 2013 at 10:00 a.m.

- Carl Leatham – 1) Planning Commission discussed 10-foot public utility easement – very common – will leave as it is.  
2) Planning Commission discussed frontage on hour-glass shaped lots – continuing this discussion.

City Manager's/Recorder's Report:

- Don Hartle – 1) The UV lights for the sewer lagoons will be delivered tomorrow.  
2) The open space in the Mount Sterling Estates Subdivision has been advertised as a tax sale. Don Hartle is working with the title company to make sure all of the documents are correctly filed.

At 7:58 p.m., Colin Harrison made a motion, seconded by Gary Bates, to adjourn the meeting.

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

**NAY 0**

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Mayor Thomas G. Bailey  
Mayor

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Don Hartle  
City Manager/Recorder