

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 21, 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 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 August 16, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Shaari Young Tim Parkinson
Josh Francis Kody Maughan Brent Benson
Matt Pearce Lynn Nelson Randy Auman
Jonathan Cook

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the agenda. Mayor Thomas G. Bailey asked that an item to discuss for possible approval a resolution supporting an increase in the emergency communication charge as part of the refuse collection fee be added to the agenda. Glenna Petersen made a motion, seconded by Carl Leatham, to approve the agenda with the additional item.

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

The Council reviewed the minutes of the August 7, 2013 regular City Council meeting. There was a word change on line 21. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the August 7, 2013 regular City Council meeting with the change.

YEA 4 NAY 0 ABSTAIN 1
Gary Bates Glenna Petersen
Ron Case
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, Gary Bates made a motion, seconded by Ron Case, to approve the City's bills for payment, represented by check number 15935 through 15995.

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

No one was in attendance for citizen input.

Shaari Lynn Young met with the City Council to discuss a business license. Ms. Young stated that she would like to operate a cleaning business from her home. Mayor Thomas G. Bailey asked if there would be any traffic coming to her home. Ms. Young stated that there would be no traffic. The business would be run from her cell phone. Carl Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the business license for Shaari Lynn Young for a cleaning business to be operated from her home.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council reviewed for approval the Final Plat for the Millicent Parkinson Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 620 North 200 East. Mayor Thomas G. Bailey asked if there were any questions. Don Hartle stated that there are still a few things that need to be addressed, but nothing that would prevent the City Council to approve the Final Plat. Mr. Hartle stated that the sewer line has been discussed with City Engineer Chris Breinholt and Sewer Superintendent Tom Maughan. Mr. Breinholt stated that an 8-inch sewer line with a widow lady would leave the solids in the line and cause problems. Mr. Breinholt stated that the smaller the pipe, the better the sewer would flow. Mr. Hartle stated that his opinion would be to allow both homes to run a 4-inch pipe with an easement. When the property to the north is developed, the developer will have to run the main line down 200 East. There would be 2 long service lines. Kody Maughan asked if the attorney is involved concerning the easement of the 2 sewer lines. Mr. Hartle stated yes, all easement are reviewed by the City Attorney. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the Final Plat for the Millicent Parkinson Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 620 North 200 East.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Kody Maughan met with the City Council to discuss attorney fees associate with his subdivision. Don Hartle handed out a copy of the ledger. There is a total of \$1,468.50 for attorney fees concerning the protective strip agreement. Kody Maughan stated that he received this ledger in the mail 3 days ago. There is no hourly rate of \$125 listed. Mr. Hartle stated that no hourly rate was given. Mayor Thomas G. Bailey asked how long Mr. Maughan believes he met with City Attorney Bruce Jorgensen concerning the protective strip agreement. Mr. Maughan stated 4 to 5 hours. Mr. Maughan stated that on April 22, 2013, a conference was held with Don Hartle and himself concerning the lot line adjustment. Mr. Maughan stated that the lot line adjustment was already completed. Mr. Hartle stated that the agreement for the lot line adjustment was drawn up at that time. Mr. Maughan stated that he was instructed not to talk to Mr. Jorgensen. When Mr. Maughan called 1 week later, Mr. Jorgensen stated that he was waiting on Mr. Maughan. Mr. Maughan stated that it delayed his project by 1 week. Mr. Hartle stated that he has no idea what City Attorney Bruce Jorgensen charges Wellsville City as an hourly rate. Mr. Maughan stated that he asked. An individual is charged \$225 and Wellsville City is charged \$175. Mayor Bailey asked what Mr. Maughan's request is. Mr. Maughan stated that he is here to negotiate the fees that he was charged. He was told the incorrect hourly rate, Wellsville City intervned and asked that another item be moved up in order of importance, and he was told not to talk to City Attorney Bruce Jorgensen. Mr. Hartle stated that Mr. Maughan did talk to Mr. Jorgensen. Mr. Hartle stated years ago, people would call the city attorney all the time and Wellsville City would be billed for it. The City Council decided that they didn't want people talking to the city attorney. Mr. Hartle stated that Mr. Maughan was told of the charges up front. Mr. Maughan stated that every charge was passed on to him, so he didn't understand why he couldn't talk to City Attorney Bruce Jorgensen. Mayor Bailey stated that Mr. Maughan was not going to blame the City Council for everything. A special easement was required for this subdivision instead of paving the road. Gary Bates suggested asking City Attorney Bruce Jorgensen to bill Mr. Maughan at the city's rate and move beyond this issue. Colin Harrison stated that on April 22, 2013, city business was involved and asked why Mr. Maughan was billed the entire amount. Mr. Hartle stated that they were working on the lot line adjustment. Mr. Maughan stated that the lot line adjustment was already approved so why did it have to be discussed with City Attorney Bruce Jorgensen. Mayor Bailey didn't know. Mr. Hartle stated that Mr.

Maughan called for a copy of the ledger 10 days ago and was going to pick it up. Mr. Hartle stated that after 1 week, he finally mailed it to him. Mr. Harrison stated that the attorney costs sound typical, and not unreasonable. Mr. Hartle stated that he would be happy to discuss this issue with City Attorney Bruce Jorgensen to get more detail and what the rate is. Mr. Maughan stated that he would pay the bill.

At 6:30 p.m., Mayor Thomas G. Bailey conducted the following public hearings:

First, receive public input, consider the recommendation of the Planning Commission, then consider for possible adoption a code amendment amending the land use regulation, 10-9A-3, Neighborhood Commercial zone, to allow heating and air conditioning businesses, as a conditional use in said zone. Mayor Thomas G. Bailey stated that this is a public hearing, and asked if there was any input. There was no input from the public. Carl Leatham stated that Brent Benson is the individual who is requesting this change. Mr. Leatham stated that there are 3 commercial zones that overlap in the downtown area. Mr. Leatham stated that after discussing the issue with the Planning Commission, it was recommended by the Planning Commission to rezone this building to the C2 zone. Ron Case asked if the C2 zone allows for residential. Don Hartle stated that the apartments located in the top of the building are currently non-conforming, and they would still be non-conforming in the C2 zone. Brent Benson stated that he is on a board, so he understands how some of this works. Mr. Benson asked why Wellsville City would want to rezone the building instead of allowing another condition in the current use. Mr. Benson stated that by rezoning, Wellsville City loses control over what will be allowed. Gary Bates asked if Mr. Benson is planning to sublet any of the building. Mr. Benson stated that he currently uses approximately 5,600 square feet, so he would use approximately $\frac{3}{4}$ of the building. Jonathan Cook stated that the nature of zones CN, C1, and C2 are very similar to each other. Mr. Cook asked what the goal of Wellsville City is in the downtown commercial, and what the realistic vision is. Mr. Leatham stated that by rezoning the property, it gives Wellsville City a few more options with the property. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to continue this discussion at a later City Council meeting.

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

NAY 0

Second, receive public input, consider the recommendation of the Planning Commission, then consider for possible adoption a code amendment clarifying a conflict in the code 10-6C-3 and 10-11-16-A as it relates to Multi-Family Dwellings. Mayor Thomas G. Bailey stated that this is a public hearing, and asked if there was any input. There was no input from the public. Carl Leatham stated that the Planning Commission is in the process of having City Planner Jay Nielson rewrite and simplify the code concerning this issue. After discussion, Colin Harrison made a motion, seconded by Gary Bates, to continue this discussion at a later City Council meeting.

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

NAY 0

At 6:47 p.m., the public hearings were closed.

The City Council discussed for possible approval a resolution supporting an increase in the emergency communication charge as part of the refuse collection fee. Mayor Thomas G. Bailey stated that Sheriff Lynn Nelson is in attendance tonight and asked if there were any questions for him. Colin Harrison stated that most of the questions had been answered at the last City Council meeting. Mr. Harrison stated that his concern was that the emergency fee would be part of the garbage collection fee, and that Logan City would

use it for their own needs. Mr. Harrison asked if there was a way to keep it separate from the garbage fee. Sheriff Lynn Nelson stated that the emergency fee would be put into a restrictive account and that a board would decide how the funds would be used. Gary Bates stated that the fee is only \$1.00, but asked why it wasn't advertised. Don Hartle stated that the public hearing was held 2 weeks ago. Mr. Bates asked why this issue wasn't discussed with the citizens. Randy Auman stated that he has asked the same question of all the communities that are participating. Mr. Auman has asked why the cities are not advertising this issue and discussing it with the residents. Mr. Auman stated that this is not an increase from Wellsville City. Mr. Auman stated that the residents should support the city on the method of payment. Mr. Harrison stated that he has attended all of the discussions concerning this issue. Mr. Harrison believes that it is absolutely needful, and that the money will be well used and not wasted. Sheriff Nelson stated that it has been a long, hard decision and that they have moved forward on the basis of a grant. Mr. Harrison asked if increasing the refuse collection fee is the easiest way to collect the \$1.00. Sheriff Nelson stated yes. After discussion, Ron Case made a motion, seconded by Colin Harrison, to approve **RESOLUTION 2013-09 A RESOLUTION SUPPORTING AN INCREASE IN THE EMERGENCY COMMUNICATION CHARGE AS PART OF THE REFUSE COLLECTION FEE.**

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council discussed the Wellsville Elementary School. Mayor Thomas G. Bailey stated that he asked Don Hartle to add this item to the agenda so that it stays in front of the City Council. Colin Harrison stated that the Cache County School Board has laid out the costs for this project, and there is nothing in the costs to demolish the old Wellsville Elementary School if Wellsville City doesn't want the building. Carl Leatham stated that Wellsville City gave up too easy. Mr. Leatham thinks that Wellsville City needs to step up and make some noise concerning this project and how it will affect Wellsville. Mayor Bailey stated that Don Hartle and himself met with Mike Liechty and expressed their desires. Mayor Bailey stated that nothing was done. Mr. Leatham stated that years ago when Lynn Archibald presented the Willow Valley Middle School to Wellsville City, he stated that it would not be an elementary school. Mr. Leatham stated that Wellsville is being brushed aside, and he believes that as a City Council, they should attend a school district board meeting. Mayor Bailey stated that he will call tomorrow and get on the agenda of the school district board meeting as a City Council. After discussion, Gary Bates made a motion, seconded by Carl Leatham, that Wellsville City send an official letter to the Cache County School District before the school district board meeting that states that Wellsville City has no interest in the Wellsville Elementary School as a City property and that they are gravely concerned with Willow Valley Middle School as an elementary school.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The City Council considered for possible awarding of a contract for Phases 2 and 3 of the Wellsville Dam Walking Trail project. Don Hartle handed out a bid sheet. The total of Phases 2 and 3 of the Wellsville Dam Walking Trail project is \$158,700.00. This included removal of trees. Gary Bates stated that he spoke with City Engineer Chris Breinholt and there is an error. The bid is \$10,000 too high. Don Hartle stated that the bid sheet is correct. Mr. Bates stated that phases 2 and 3 were estimated at \$90,000.00. Mr. Hartle stated that there is \$74,150.00 in the budget for phases 2 and 3. Mr. Bates asked if that included the grants. Mr. Hartle stated yes. Mr. Bates stated that the estimate was completed by Mr. Breinholt. Mr. Hartle stated that if the 2011 RAPZ tax funds are not used, Wellsville City will lose them. Mr. Bates stated that Mr. Hartle has a plan for the additional monies that are needed. Using impact fees of new development, the

project is about \$30,000.00 short. Mr. Hartle suggested borrowing the money from the storm water fund and repaying with a 5-year commitment and interest. Mr. Bates asked that Mr. Hartle double check the figure with Mr. Breinholt concerning the \$10,000 error. Mr. Bates stated that the state has approved widening the road at 400 South. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to accept the post-asphalt bid, to review the bid with City Engineer Chris Breinholt, to use Parks and Recreation impact fees to make up some of the difference, and that the Parks and Recreation department borrow the monies necessary from the storm water fund to complete the project and repay with interest.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council reviewed for possible write-off of uncollectable fees. Don Hartle stated that in the Red Slide Subdivision, Marathon Enterprises purchased a 1 ½-inch water hook-up for \$6,861.00. There is still a balance of \$6,166.88 left owing to Wellsville City. Mr. Hartle stated that it has been since 2007, and it has never been collected. Mr. Hartle stated that he recommends that it be written off. After discussion, Ron Case made a motion, seconded by Colin Harrison, to approve writing off \$6,166.88.

YEA 4

Gary Bates
Ron Case
Colin Harrison
Carl Leatham

NAY 1

Glenna Petersen

The City Council reviewed for possible approval an adjustment in the Fee in Lieu of Open Space for the Sterling Ridge Subdivision in exchange for additional width of 1600 South. Don Hartle handed out a spreadsheet of numbers explaining what the square feet of each lot is and what it is now. There is a difference of 6,143 square feet. The developer, Travis Taylor, pays Wellsville City \$6,388 per lot. Mr. Hartle stated that he has no problem giving Travis Taylor a credit of \$2,000. After discussion, Ron Case made a motion, seconded by Carl Leatham, that Wellsville City issue developer Travis Taylor a credit of \$2,000 for the Fee in Lieu of Open Space for the Sterling Ridge Subdivision in exchange for additional width of 1600 South.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council suggested names of individuals for the selection of election judges. Don Hartle stated that an election judge can't be related to any of the candidates. The individuals that were suggested were: Marcene Parker, Delilah Sant, Valarie Hall, LaVon Maughan, Darla Moore, Kaylene Ames, Jennifer Larsen, Lesa Gleason, Nancy Felt, and Jennifer Leishman. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to authorize Don Hartle to select election judges from those individuals that are listed.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Department Reports:

Thomas G. Bailey – 1) Asked that Ron Case and Colin Harrison give the prayers for the Sunday night Patriotic Program.

2) Asked what troop will be conducting the flag ceremony – trying to get the Eagle Scouts from the Wellsville 7th Ward – asked if Wellsville Eagle Scouts could be put in the program – yes.

Colin Harrison – 1) Founder’s Day – flowers – 5 corsages, dairy princesses, and Mayor.

2) Drug Awareness – hosted by Deputy Matt Pearce of the Cache County Sheriff’s Office – September 27, 2013 at 7:00 p.m. in the Stake Center.

3) Maughan Boys dug a sewer line for Marshall’s at about 170 North 200 East. A middle section of cement is missing. They need to be treated like any other contractor that does work within Wellsville City.

Glenna Petersen – 1) Joel Jensen will be installing the sidewalks

2) Received grant for sidewalk installation in front of John Spence’s home.

3) Existing lots require sidewalk if sidewalk is on either side of the lot – discuss with the Planning Commission.

Ron Case – 1) Settlement with Mr. Harrison on water damage – yes, it is settled.

2) Maughan property – been working on this issue for the past year – asked City Attorney Bruce Jorgensen if the matter is not settled by the end of September, Wellsville City will request another attorney.

3) Previous years of minutes have been entered into the program – will continue to work on it.

Gary Bates – 1) City Attorney – be thinking about getting bids for services from other attorneys.

2) Mosquito Abatement – will not be able to continue as the Wellsville City representative after the first of the year.

3) Met with intern working on payroll and insurance of employees – ready to present her findings – scheduled for September 4, 2013.

4) Asked if the pins and locks have been replaced on the gate at the dam – No.

5) Asked what the sound system is used for at Founder’s Day: flag ceremony, parade, sham battle.

Carl Leatham – 1) Asked that Don Hartle add sidewalks on existing lots to the Planning Commission agenda.

2) Discussed Mr. Belka’s request at the last Planning Commission meeting concerning a multi-family dwelling. Because of the City code and Don Hartle doing his homework, it is considered 2 units on the same lot and it is not allowed.

At 8:38 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

NAY 0

Mayor Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder