

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 5, 2015, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Karen Higley and Glenna Petersen, Councilmen Carl Leatham and Perry Maughan. 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 July 31, 2015. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Bruce Jorgensen	Leesa Cooper
	Justin Campbell	Dave Watts	Leslie Wood
	Newell Crookston	Zan Murray	Janie Isaacson
	Kendall Leishman	Ruth P. Maughan	Marcene Parker
	Scott Gary	Rick Stednitz	Cindy Stednitz
	Caleb Jacobsen	Wilma Hall	Jonathan Cook
	Arlyn Brenchley	Art Smith	Patti Petersen
	Kurt Petersen		

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the agenda. Don Hartle stated that item #10 needs to be deleted from the agenda. Karen Higley made a motion, seconded by Perry Maughan, to approve the agenda with the correction.

<u>YEA 4</u>	<u>NAY 0</u>
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

The Council reviewed the minutes of the July 15, 2015 regular City Council meeting. Karen Higley made a motion, seconded by Glenna Petersen, to approve the minutes of the July 15, 2015 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes aren't in numerical order from City Council meeting to City Council meeting as the City uses the same checking account for payroll and accounts payable. After review and discussion, Glenna Petersen made a motion, seconded by Karen Higley, to approve the City's account payables bills for payment, represented by check number 18421, and 18427 through 18457.

<u>YEA 4</u>	<u>NAY 0</u>
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

No one was in attendance for citizen input.

The City Council met with City Attorney Bruce Jorgensen to discuss the legality of city employees serving on the City Council. City Attorney Bruce Jorgensen stated that this issue has come up in the past and is coming up again. It is not a huge issue, but it does matter. Mr. Jorgensen stated that State law doesn't prohibit a city employee from running for office. Mr. Jorgensen stated that some parameter should be set if a city employee runs for office and is elected. Mr. Jorgensen stated that some cities don't want any conflict

and ask employees to take a leave of absence from their employment if they serve on a City Council. Mr. Jorgensen stated that Perry Maughan is currently serving on the City Council, and Tom Maughan is running for City Council this year. Mr. Jorgensen doesn't think that it is applicable at this time because Perry Maughan has already served 2 years. Mr. Jorgensen stated that Tom Maughan should be able to run under the same rules. Mr. Jorgensen stated that another issue is payment for employment and City Council. Mr. Jorgensen stated that State law doesn't prohibit payment for both services. Mr. Jorgensen stated that some cities do not pay employees that serve on the City Council so that there is no conflict. Mr. Jorgensen stated that State law says that an employee serving on the City Council can't use their position on the City Council to better themselves. Mr. Jorgensen stated that the employee should disclose why there is a conflict and withdraw from voting. Mr. Jorgensen stated that the employee shouldn't lobby other member of the City Council to vote to better the employee. Mr. Jorgensen asked if there were any questions. Mayor Thomas G. Bailey stated that because Perry Maughan has served on the City Council for the past 2 years and has been paid for that service, Mayor Bailey asked if the City Council has the option to continue paying Perry Maughan for his service on the City Council. Mr. Jorgensen stated that yes, it is perfectly legal. Glenna Petersen asked if Mr. Jorgensen would recommend that an employee choose between the two payments. Mr. Jorgensen stated that the City Council could recommend that the employee chooses between the two payments. Mr. Jorgensen stated that he recommends that a decision be made after the term of Perry Maughan expires, and if Tom Maughan is elected, after his term expires. Mr. Jorgensen stated that it is too late now. Perry Maughan stated that this issue was discussed two years ago and wondered why it is being brought up again. Mr. Jorgensen stated that in Mantua, the Chief of Police wanted to run for Mayor, Tom Maughan is now running for City Council, and another city has a similar situation. Mr. Jorgensen feels that it is something that should be discussed.

Councilman Gary Bates arrived at the meeting at 6:18 p.m.

Karen Higley stated that the information that the City Council received from Mr. Jorgensen is great. Ms. Higley understands that there could be issues that create a conflict of interest. Ms. Higley stated that She thinks Perry Maughan has been and is a great asset to the City Council. Mr. Jorgensen stated that he has no hidden agenda for writing this letter. Mr. Jorgensen feels that the conflicts can be overcome with abstaining from voting for issues that personally benefit city employees. Mayor Bailey thanked Mr. Jorgensen for attending this meeting and his input on the issue. After discussion, Karen Higley made a motion, seconded by Gary Bates, to pay a city employee as a regular City Council member, and to allow an employee/City Council meeting to attend the Utah League of Cities and Towns without using vacation/sick/PTO.

YEA 4

Gary Bates

Karen Higley

Carl Leatham

Glenna Petersen

NAY 0

ABSTAIN 1

Perry Maughan

The City Council met with Raymond Construction and design build team to discuss the new City Office with the City Council to determine the exterior finish. Justin Campbell, who is the architect for this project, stated that the plans have been approved. He has created two exterior facades to choose from. The materials are brick with a pre-cast element and EIFS, which is a stucco-like material. Mayor Thomas G. Bailey asked what the meaning of stucco-like is. Mr. Campbell stated that its appearance and texture is like stucco. There will be nothing painted. The EIFS will hold up to sunlight. Glenna Petersen asked what the price difference is between EIFS and stucco. Mr. Campbell stated that EIFS is more expensive. Mr. Campbell stated that the insulation quality is better and there is an energy performance increase. Mr. Campbell stated that the maintenance is easier for EIFS. Gary Bates asked if there is EIFS on the other three sides of the building. Mr. Campbell stated that is correct. The brick is only located on the front of the building. Perry Maughan stated that in his opinion, the option with the most brick looks nicer. Mr. Bates stated that the court entrance door is wrapped in brick and the front office door is wrapped if EIFS. Mr. Campbell stated that it was a budget driven decision. Mr. Bates is concerned that the entrance to the front office will be beat up down low. Mayor Bailey asked for the price to do the front office entrance in brick. Mr. Bates asked if the grade is set at sidewalk level. Mr. Campbell stated that the code requires that it slopes away from the building. Carl Leatham asked if the floor plan is being discussed also. Karen Higley

stated that the floor plan has already been decided by the selection committee. Mr. Leatham asked why there was a jog in the northeast corner. Mr. Campbell explained the reasoning behind that decision. Mr. Leatham stated that the citizens of Wellsville City have asked for a multi-purpose room. Mr. Leatham stated that Wellsville City has one shot at this building. Wellsville City should build what is needed or they are wasting their time and money. Mr. Maughan stated that Wellsville City can't build over water and power lines. Mr. Leatham handed out copies of 2 different plans that he has created. Mr. Campbell stated that the trusses for these new plans will span close to 100 feet. Mr. Campbell stated that the cost will exceed the budget. Mr. Campbell stated that he is not opposed, but wants the City Council informed. Mr. Bates stated that it is unfair to ask for a cost per square foot. Mr. Bates asked that the design build team review the plans and get back with the City Council. Mr. Maughan stated that the City Council is getting away from the budget. Wellsville City only has so much money to spend on this building and asked where the additional money would come from. Mr. Bates stated that it would cost approximately \$60,000 to \$80,000 to gain 1/3 more of a City Council/Multi-Purpose room. Mayor Bailey asked Don Hartle if Wellsville City had any more money for this project. Mr. Hartle stated that he didn't know, and would have to look and see. Mr. Leatham stated that he believes it is worth looking at. Mr. Campbell stated that the current plan is at site constraints now. Mr. Maughan asked if Wellsville City would be allowed to keep the driveway on the west side of the building. Mr. Hartle stated that Wellsville City is reviewing the property to see if a lot line adjustment could be made so that the driveway on the west side could be used as a fire station driveway. Mr. Campbell stated that the only way to make the building any bigger is to build to the west. Mr. Bates asked that the architect go back and take a shot at building a larger City Council/Multi-Purpose room. Mr. Campbell asked if using the driveway on the west side is a possibility. Mayor Bailey stated that he has a concern with using the driveway on the west side. Mayor Bailey stated that there would have to be enough space for snow sliding off of the roof. Mr. Campbell stated that the east side of the building is laid out and fairly locked in. After discussion, Gary Bates made a motion, seconded by Karen Higley, to approve the brick exterior of the building, and add brick wains coating in the entry way.

YEA 4

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan

NAY 1

Glenna Petersen

After discussion, Carl Leatham made a motion, seconded by Gary Bates, to resend the decision to give final approval of the building plans to the selection committee, and that the final decision will be made by the City Council.

YEA 4

Gary Bates
Karen Higley
Carl Leatham
Glenna Petersen

NAY 1

Perry Maughan

Mayor Thomas G. Bailey stated that the City Council will hold a special meeting to discuss the new City Office building with Raymond Construction and design build team on Monday, August 10, 2015 at 7:00 p.m.

The City Council met with Zan Murray for continued consideration of his request that the existing city firearms code be amended. Zan Murray stated that he communicated with City Councilmember Gary Bates concerning the wording in the code. Mr. Murray reviewed the changes to the code with the City Council. There were 2 words added in paragraph E. Carl Leatham asked if the code fits in with the State Code. Mr. Murray stated yes. Gary Bates stated that the City Council received a letter from a concerned neighbor. Mr. Murray stated that there are age restrictions in the code. Mr. Bates asked if the code covers archery and air rifles. Mr. Murray stated yes. Don Hartle asked if the new code allows an individual to shoot a pellet gun, BB gun, and a bow and arrow within the City limits. Mayor Thomas G. Bailey stated yes. Mr. Bates asked about trapping. Perry Maughan stated that trapping should be reviewed now. Mr. Murray stated that he has reviewed other city's codes and the state statute. Mr. Murray handed out copies of the language in the code for trapping. Mr. Maughan suggested that the wording for trapping should be included in the code. Glenna Petersen asked if this code change is approved, is the City Council going against what the neighbor is asking for. Karen Higley stated that the issues that the neighbor discusses are not a City Council issue. Mr. Maughan suggested that the City Council not get between two neighbors. After discussion, Gary Bates made a motion, seconded by Karen Higley, to allow Zan Murray to continue working with Don Hartle on code 5-3-4 to better update the firearm ordinance.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council discussed for possible action a letter received concerning connecting onto the City sewer at 290 East 300 South. Don Hartle stated that this home is the existing home of the LaRee Brown Subdivision. The City Council approved the subdivision with the condition that the existing home would have to connect to the sewer system. Someone has purchased the home and is asking Wellsville City to allow them 1 year to connect to the sewer system. Carl Leatham stated that this was a requirement for the approval of the subdivision and should have been paid for by the Brown family. Don Hartle stated that he has no way to enforce it. Karen Higley suggested that Wellsville City request that the individual make monthly payments to Wellsville City. After discussion, Carl Leatham made a motion, seconded by Karen Higley, to accept the proposal from Ms. Jackson, \$500 monthly payment until the sewer impact fee is paid in full, the owner has 1 year to come into compliance with the code concerning connectivity to the sewer system, and that the owner will be connected to the sewer system by September 1, 2016.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council reviewed for approval a resolution amending the City Policy and Procedures to bring the City into compliance in administering the Public Employees Noncontributory Retirement System. Don Hartle stated that the State Retirement System has been auditing Wellsville City for the past three months. Mr. Hartle stated that Wellsville City was out of compliance with the way they are administering the State Retirement System. After discussion, Glenna Petersen made a motion, seconded by Karen Higley, to approve **RESOLUTION 2015-10 A RESOLUTION AMENDING THE CITY POLICIES AND PROCEDURES FOR PURPOSES OF UTAH RETIREMENT SYSTEMS (URS) COVERAGE, TO CLASSIFY ELECTED OFFICIALS AS PART TIME AND APPOINTED OFFICIALS AS FULL TIME.**

YEA 4

NAY 0

ABSTAIN 1

Gary Bates
Karen Higley

Perry Maughan

Carl Leatham
Glenna Petersen

The City Council reviewed for approval of negotiating regarding cell phone towers on City property. Don Hartle stated that this issue has been discussed for some time now. Mr. Hartle stated that there are 2 other companies interested now. Wellsville City is doing business with Crown Castle now. Mr. Hartle stated that a representative from Crown Castle came to the office last week wanting to increase the number of years on the contract. Mr. Hartle stated that the original contract was for 5 years with the option of 5 extensions for 5 years each. Mr. Hartle stated that the current contract expires in 2026. Mr. Hartle stated that Crown Castle would like to sign for another 30 years. Mr. Hartle stated that if the contract is accepted, there will be a 4% increase every year, a signing bonus of \$5,000 given to Wellsville City now, and an increase in the monthly payment of \$105. Mr. Hartle suggested that the City Council authorize Mayor Thomas G. Bailey and City Manager Don Hartle to work with City Attorney Bruce Jorgensen concerning this issue. Mr. Hartle recommended remaining with Crown Castle. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to authorize Mayor Thomas G. Bailey, City Manager Don Hartle, and City Attorney Bruce Jorgensen to negotiate new cell phone tower contracts with the option to consider other companies.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council reviewed for approval the location of modular offices during the construction of new city offices. Mayor Thomas G. Bailey stated that there has been dirt disturbed on the west side of 100 East between Main Street and 100 North. This is the location of the temporary modular offices. After discussion, Karen Higley made a motion, seconded by Glenna Petersen, to approve the location of the modular offices during the construction of the new city offices.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council discussed needed improvements that are necessary for the culinary water system. Don Hartle stated that Maverik will be installing a sprinkling system for fire compression. Maverik is working with City Engineer Chris Breinholt concerning this issue. Mr. Hartle stated that Wellsville City has a deficiency in water in this area. Mr. Hartle stated that Wellsville City will need to run a water line from 100 East and 300 North to 200 East up to the cemetery and out to Highway 89/91. Mr. Hartle stated that Wellsville City also needs to find a second source of water for the Mount Sterling area. Mr. Hartle stated that he discussed these issues with Mr. Breinholt and stated that Wellsville City can't consider anything until the new City Office building and Public Works buildings are completed. Mr. Hartle stated that Wellsville City will also need a new water impact study completed. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to continue this discussion at a future City Council meeting, and that the water impact study be completed.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council discussed the use of funds from the Beehive Drive donation. Mayor Thomas G. Bailey thanked Kurt and Patti Petersen for all their hard work with this project. Mayor Bailey stated that it was a wonderful program and dinner and was extremely well organized. Mayor Bailey stated that the Beehive Drive gave Wellsville City \$6,000 in scholarship money. Mayor Bailey asked if anyone had any suggestions concerning the scholarship money. Patti Petersen stated that she thinks members of the Wellsville City Youth Council should be at the top of the list. Ms. Petersen stated that some of young people serving on the Youth Council have been there for 3 and 4 years. Ms. Petersen suggested having the young people submit an application or write an essay. Karen Higley thinks that is a great idea. Mayor Bailey recommended Glenna Petersen and Patti Petersen work together to come up with some guidelines for the young people applying for the scholarship money. Mayor Bailey asked that the applications/essays be brought to the City Council to help make the final decision. Don Hartle stated that he has two checks; one check in the amount of \$2,000, and one check in the amount of \$500. Mr. Hartle stated that the \$500 check is for the dinner and the \$2,000 check is for City improvements. Ms. Petersen stated that she went slightly over-budget on the dinner. Ms. Petersen stated that the cost for the dinner is \$780. Mr. Hartle suggested taking the extra \$280 out of the \$2,000 and using the rest for City improvements. Mayor Bailey stated that he was asked at the event what City improvements the money would be used for. Mayor Bailey stated that he told the Beehive Drive that it would go towards the splash pad. Ms. Higley stated that when she approached the City Council about the Beehive Drive, she asked that the funds go back to the Youth Council to allow the youth to attend training and conventions. Perry Maughan stated that the City Council should stick with what Ms. Higley previously suggested. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to approve the \$2,000 less the \$280 for the dinner to go towards the Wellsville City Youth Council's budget.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Department Reports:

Mayor Thomas G. Bailey – 1) The League of Cities and Towns begins September 16, 2015. Mayor Bailey asked that the City Council let Don Hartle know as soon as possible if each of them will be attending. Mr. Hartle asked that the City Council members fill out the application.

- 2) Founder's Day - Marshall of the Day – Kaylene Ames or Richard Maughan.
- 3) Founder's Day – Citizen of the Year has been chosen.

Carl Leatham – 1) Asked that the Herald Journal not refer to Maverik as a truck stop. It is a convenience store that also sells high flow diesel.

- 2) Visit from UDOT – light will be installed at 200 West and Highway 89/91. It will be a solar light. Wellsville City will be responsible for maintenance.
- 3) East side of dam – drinking fountain – there is no water to it and asked that it be removed.
- 4) Reverse 911 system – Cache County has one and asked if Wellsville City could tap into it. Perry Maughan stated that it wasn't an option.

Gary Bates – 1) Movie in the Park – August 14, 2015 – Big Hero 6

- 2) Music in the Park – July 25, 2015 had Wasatch Back come – not the best weekend, but Wasatch Back asked to come back next summer.
- 3) Handed out concept plans from 2 suppliers for the splash pad.
- 4) Horse shoe pits – hopefully both sets (City Square and Wellsville Dam) will be set up for Founder's Day.
- 5) Off-highway vehicle ordinance for Wellsville City – reviewed ordinances from Mantua and Mendon. Mr. Bates asked that the City Council review both ordinance and be ready to turn it over to Don Hartle in two weeks.

Perry Maughan – 1) 900 South – 3% grade – compaction test complete – lay asphalt this week and or the beginning of next week.

2) Bid to coat the rest of the roads – working with City Engineer Chris Breinholt on it.

Glenna Petersen – 1) Asked how the camping is going on the east side of Wellsville Dam. Gary Bates stated that the area has been cleaned up a couple of times and are waiting for a cash box to be built.

2) Trail towards Center Street – water erosion – Gary Bates stated that he discussed this issue with City Engineer Chris Breinholt. There was perforated pipe installed along the trail last year. It looks to be irrigation water. Mayor Thomas G. Bailey stated that the rules state that irrigation water has to stay on the owner’s property. Mr. Bates stated that he will discuss this issue with the neighbors of the trail.

3) Asked if there were blue gill in the Wellsville Dam – Gary Bates stated yes.

4) Asked if Wellsville City would be interested in her students (1st and 2nd graders) to create a bulletin board about the fish that are located in the Wellsville Dam. The students would present the information to the City Council. The City Council thinks it would be a good idea.

5) Seen an individual riding a 4-wheeler on the trail while walking a dog – will keep trying to educate people about the trails.

6) Thanked the Wellsville City Youth Council for all of their hard work on the Beehive Drive.

Karen Higley – 1) Still bidding prices for 2 different vendors for blow-ups. Asked if anyone had heard of the human hamster balls – looking into this option also.

City Manager/Recorder’s Report:

Don Hartle – 1) Inflatables – Wellsville City’s insurance policy excludes all inflatables.

2) Sewer Screen – a company will be building a plant in Lehi to manufacture sewer screens – sending Tom Maughan to observe a sewer screen in Brazil.

3) Wellsville City has rented storage space at the old cheese plant at a cost of \$300 per month.

4) Met with Sharp’s Transportation today – the road that is being put together looks favorable. Wellsville City is required to contribute a minimum of 7%. Mr. Hartle stated that he allowed gravel for the road to be taken out of the City’s gravel pit as the contribution.

At 9:03 p.m., Carl Leatham made a motion, seconded by Glenna Petersen, to adjourn the meeting.

YEA 5

Gary Bates

Karen Higley

Carl Leatham

Perry Maughan

Glenna Petersen

NAY 0

Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder