

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, October 7, 2009, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Ruth P. Maughan, Councilwoman Marcene Parker, Councilmen Jackie D. Orton, Ron Case, Thomas G. Bailey, and Gary Bates. 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 October 2, 2009. The meeting was called to order at 6:00 p.m. by Mayor Ruth P. Maughan.

Others Present: Jennifer Leishman Evan Bigelow  
Russell Glenn Colin Harrison  
Zan Murray Chris Breinholt  
Chance Petersen Brady Lowe  
Treven Lowe Becky Poppleton  
Braden Gubler Brandon Frstrup  
Ryle Briggs Travis Taylor  
Paxton Guymon

Opening Ceremony: Thomas G. Bailey

The Council reviewed the agenda. Elizabeth Gill called and cancelled. Ron Case made a motion, seconded by Thomas G. Bailey, to approve the agenda with the change.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

The Council reviewed the minutes of the September 16, 2009 regular Council meeting. There were word changes on lines 78 and 133. After discussion, Marcene Parker made a motion, seconded by Jackie D. Orton, to approve the minutes of the September 16, 2009 regular Council meeting with the changes.

YEA 4 NAY 0 ABSTAIN 1  
Thomas G. Bailey Ron Case  
Gary Bates  
Jackie D. Orton  
Marcene Parker

The Council reviewed the minutes of the September 22, 2009 special Council meeting. After discussion, Thomas G. Bailey made a motion, seconded by Marcene Parker, to approve the minutes of the September 22, 2009 special Council meeting as presented.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to approve the City's bills for payment, represented by check number 10831 through 10957.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates

Ron Case  
Jackie D. Orton  
Marcene Parker

Joel Jensen was to meet with the City Council concerning his business license. Mr. Jensen didn't attend the City Council meeting.

The City Council met with the City Engineers to discuss the proposed 1-million gallon reservoir at the City gravel pit. Don Hartle stated that a study was performed by JUB Engineering to show that Wellsville City does indeed need a 1-million gallon reservoir. Mr. Hartle stated that the City needs a bid from City Engineers, JUB Engineering and Jones & Associates, on the cost to design the reservoir and the new transmission line. Mr. Hartle stated that while the City is building the reservoir, they should consider running another line to the Red Slide subdivision. Mayor Ruth P. Maughan asked if this new water line would help with the water problems in the Red Slide subdivision. Mr. Hartle stated that it may help the water problems. Mr. Hartle stated that when considering where to place the line, Jeff Maughan's family would be much more receptive to an easement than Marlowe Archibald. Mr. Hartle stated that he, Perry Maughan and Tom Maughan put together the specifications of the new reservoir. They are: 1) site analysis, 2) size of line, 3) design line from wells #1 and #3 to reservoir, 4) tie in existing reservoir to new reservoir, 5) tie in well #1 and well #3 into new transmission line, 6) T into transmission line at wells #1 and #3, 7) boring under canal, 8) altitude valve – atmospheric pressure, 9) meters for overflow, and 10) coordinate with Remote Control. Thomas G. Bailey asked if the new water line to the Red Slide subdivision would pump water from the wells. Mr. Hartle stated that it would pump to the reservoir, flow back to the subdivision, and tie into the existing water line. Mayor Maughan asked if the building with the chlorinator should be down next to the wells. Chris Breinholt stated that it may be more convenient and cheaper. Zan Murray stated that the bid should be on the fundamental components so that when the City compares the bids, it is comparing apples to apples. The City can then amend the contract as needed. Gary Bates stated that the specifications for the reservoir should be done to code. Mr. Murray stated that his firm doesn't bid on work like this. Mr. Murray stated that both firms should approach the project in the same way so that the bids are comparable. Mr. Hartle stated that most cities have one engineering firm that they work with, not 2 or 3 firms. Mr. Breinholt stated that when his firm is selected as the engineering firm for a city, they work for the city and the firm bills the city on an hourly basis. Mr. Hartle asked if there are other cities that these engineers work for that has multiple engineering firms. Mr. Murray stated that Logan City has multiple engineering firms. Mr. Hartle stated that they could put together an RFP, but whoever is selected to put the RFP together would design it for their firm. Mr. Breinholt asked about easements. Mr. Hartle stated that easements would not be part of this bid. Mr. Bailey stated that there is no difference how each engineering firm goes about the project, but the concern should be about the end product. Mr. Hartle stated that the bids should not include site analysis, chlorination, or easements. Mr. Hartle asked what a fair time frame for both engineering firms would be. Mr. Murray asked if the design should be ready to submit to the state. Mr. Hartle stated yes. Mr. Murray thinks about 4 to 6 months. Mr. Hartle asked if both engineering firms felt comfortable with the time frame. Mr. Murray stated that surveyors should be on the ground before snow falls. Mayor Maughan asked about the time frame for boring under the canal. Mr. Hartle stated that it takes about 1 month. Mr. Hartle stated that the bids will be due October 21, 2009 at 2:00 p.m. in his office. Mr. Murray asked what format the bids should be submitted in. Mr. Hartle stated that the bids should be broken down by task. Mr. Murray proposed splitting the project in 2, with one being the reservoir, and the other being the water lines and chlorination. Mr. Bates stated that Mr. Murray's request would be very doable. Mr. Hartle stated that he is not in favor of that because there would be no accountability. Mr. Breinholt stated that the City Engineer should function like a member of the City's staff. Mr. Breinholt stated that Wellsville City would be better off with 1 engineering firm than with both engineering firms bidding against each other for work. Ron Case stated that historically, Wellsville City did have a single engineer. Mr. Case stated that having 2 and 3 engineering firms was an experiment that hasn't worked either. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to have JUB Engineering and Jones & Associates submit bids for a 1-million gallon reservoir to Don Hartle by October 21, 2009 at 2:00 p.m. with line by line pricing on: 1) site analysis, 2) size of line, 3) design line from wells #1 and #3 to reservoir, 4) tie in existing reservoir to new reservoir, 5) tie in well #1 and well #3 into new transmission line, 6) T into transmission line at wells #1 and #3, 7) boring under canal, 8) altitude valve – atmospheric pressure, 9) meters for overflow, and 10) coordinate with Remote Control.

YEA 5

Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

NAY 0

Brady Lowe met with the City Council to discuss his Eagle Scout project. Mr. Lowe stated that he would like to put cement on the floor of the batting cages at the Wellsville Dam park. Mr. Lowe stated that he would dig up the grass, spread gravel, level the gravel, and pour cement. Mr. Lowe asked if the City would donate half of the money for the project. Gary Bates stated that this was a past Eagle Scout project that was never completed. The poles are crooked and it needs to be finished off and look nice. Mr. Bates stated that the Parks & Recreation Committee would like to put the pitching machine in the batting cages so that it is made available to all. Mayor Ruth P. Maughan asked if Mr. Lowe has a cost for the project. Mr. Lowe stated that he figures that it would cost no more than \$1700 for the project to be completed. Mr. Bates stated that Mr. Lowe's father is Jeff Lowe, who pours cement for a living and is the director of baseball for Wellsville City. Jeff Lowe will supervise this project. Mr. Bates stated that there is some money in the baseball account to help with this project. Jackie D. Orton stated that he would like to see a closer price for the cost of this project. Mr. Bates stated that Mr. Lowe should get a closer price and then call Don Hartle to give him a firm price. Thomas G. Bailey stated that Wellsville City has helped with a lot of Eagle Scout projects this year, and is wondering if there is money in the account for this project. Don Hartle stated that the City Council should consider putting a cap on the Eagle Scout projects. Mr. Bates stated that the batting cages are unusable as they are. Mr. Bates stated that the City is getting the cement at a good price, as well as free labor. Mr. Bailey asked what the size of the batting cage is. Mr. Bates guessed that it was about 16 feet by 60 feet. Marcene Parker asked if new poles would be needed. Mr. Bates stated that the poles could be reused. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve the Eagle Scout project of Brady Lowe, to have Mr. Lowe bring a firm cost into Don Hartle, and to pay half of the total cost of the project.

YEA 5

Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

NAY 0

The City Council met with Westates Development to discuss the proposed CC&R's and the appraisal of the Sterling Ridge subdivision. Paxton Guymon stated that he prepared a draft of the CC&R's. Don Hartle sent them back to him with some handwritten comment, and Mr. Guymon returned them to Mr. Hartle with the changes in red-line form. Mr. Guymon stated that he added language to the CC&R's so that Wellsville City has the right to enforce the CC&R's. Don Hartle stated that he recommends giving the City Council time to review the CC&R's. The Planning Commission also has to review and approve the CC&R's. Ron Case stated that if anyone has any changes to the CC&R's, they should attend the Planning Commission meeting next week, or get their changes to Mr. Hartle as soon as possible. Thomas G. Bailey asked if it was possible to have the buyer of the lot to sign a form stating that they read and understood the CC&R's. Mr. Guymon stated that a disclosure form could be added. Russell Glenn asked about the CC&R's containing wording concerning the fencing along Center Street and 1600 South, that the placement and material are consistent. Mr. Guymon stated that there is language that addresses the fencing concern. Mayor Ruth P. Maughan asked about the appraisal of the open space. Mr. Hartle stated that some guidelines need to be set on how to go about appraising the open space. Mr. Hartle read from the code reference 10.1.9.I. It states that the appraiser will appraise the open space buyout in the original state of land. There are about 10 acres of property. That property would revert back to the original zone, which was RA-1. Mr. Case stated that he is not sure about the density bonus. Mr. Guymon stated that they would be buying out raw land/dirt. Mr. Bailey asked if it would be raw dirt or 10 lots. Travis Taylor stated that if they had to pay for 10 lots, there would be no reason to participate in an open space buyout. Mr. Guymon stated that they have never done this before, so he and Wellsville City are treading new ground together. Mayor Maughan thanked Mr.

Guymon and Mr. Taylor for coming to City Council meeting tonight.

The City Council conducted a discussion concerning conditional use enforcement. Ron Case stated that the Planning Commission requested that the City Council discuss the enforcement of conditional use permits. Mr. Case stated that the Planning Commission is feeling frustrated because there are ordinances in place to protect neighbors and neighborhoods. The Planning Commission puts conditions in place, but it then takes months or even years down the road and individuals are still not in compliance. The question is how to enforce the conditional use permits. Mr. Case stated that the Planning Commission suggested a Citizen's committee, but he is not sure of the purpose of the committee, or how it would function. Gary Bates asked about Jerry Cokely enforcing the conditional use permits. Mayor Ruth P. Maughan stated that Mr. Cokely reports on vehicles and trailers that are parked in the City's right-of-way, or vehicles or trailers that are not licensed or have been parked in the same place for an extended time frame. Mr. Case stated that the problem with horses falls under this umbrella. Mayor Maughan stated that Mr. Hartle doesn't have the time to enforce conditional use permits, nor is there any money in the budget to hire someone to enforce conditional use permits. Marcene Parker asked how much money does the City pay Mr. Cokely. Mayor Maughan stated that Mr. Cokely is only compensated for gas, which is about \$50 per year. Jackie D. Orton stated that that this issue comes down to enforcements, and a starting point may be Mr. Cokely. Don Hartle stated that if the City is going to start enforcing conditional use permits, it is going to have to enforce everything. Mr. Bates stated that the City could try a soft approach with a clean-up effort of the City. Mayor Maughan stated that at budget time next year, some money could be set aside to start enforcing the ordinances. Mr. Case suggested a tickler file so that every conditional use permit is reviewed every 6 months to see if it is in compliance with City code or not. Thomas G. Bailey stated that if the City is going to start enforcing City ordinances, the entire City Council has to be in it together. Mayor Maughan suggested starting the enforcement of conditions on conditional use permits. Mr. Case stated that he was to open the discussion, and wants the City Council to be aware of it.

#### Department Reports:

Ron Case – 1) The Planning Commission approved a conditional use permit for Joel Jensen last week for a "Home Occupation". There were several restriction put on the conditional use.

Thomas G. Bailey – 1) The Shade Tree & Beautification Committee cleaned moss from the pond at the Black Willow park.

Marcene Parker – 1) Discussed apple trees at 200 East 100 North that the limbs are leaning onto the City's property, and are a traffic hazard.

2) Doug Stoddard's headstone – Brown Monument is fixing it.

3) Chris Brown's damaged car – cut him a check for \$100 for the insurance deductible.

4) Maughancrete – parking trailers out on the curve, very dangerous.

5) The ditch pipe is starting to crumble in front of her mother's home – discussed filling it in. When 100 West was redone, the storm drain hooks into the ditch. Can an irrigation ditch be used for storm water? Yes.

Gary Bates – 1) Knows that Perry Maughan and Tom Maughan are very busy – suggested the City Council show their support by participating in a Saturday clean-up of the City Shop area.

Mayor Ruth P. Maughan – 1) Letter about Envision Cache Valley – Tuesday, October 13, 2009 at the Logan Tabernacle – encouraged all City Council members to attend.

City Manager/Recorders Report:

Don Hartle – 1) Be aware that Verizon will be meeting with the Planning Commission next Wednesday night wanting to put another cell phone tower in the area of the big curve up Wellsville Canyon.

2) Main Street – Ruth Bingham’s trailer house – the water line is on the north side of Main Street, and wants to hook up off of that water line for a new home because she is getting rid of the trailer house to bring in a pre-fabricated home. When the new home was built, they paid a water hook-up fee. Discussed paying half of the cost to bore under the road. Doesn’t think it will cost more than \$1500. After discussion, Ron Case made a motion, seconded by Marcene Parker, for the City to pay half of the cost to bore under the road.

**YEA 5**

**NAY 0**

Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

3) Sewer Lagoons – install the poo-gloo’s the week of October 19, 2009.

4) Handed out new water regulation from the State of Utah.

At 8:13 p.m., Ron Case made a motion, seconded by Jackie D. Orton, to adjourn the meeting.

**YEA 5**

**NAY 0**

Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

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Ruth P. Maughan  
Mayor

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Don Hartle  
City Manager/Recorder