

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, October 21, 2009, at the Wellsville City Offices at 75 East Main. City officials present were 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 16, 2009. Don Hartle informed the City Council that Mayor Ruth P. Maughan had called and asked to be excused, as her daughter had gotten sick and she needed to take her to the emergency room at the hospital. Mr. Hartle asked Councilman Thomas G. Bailey to act as Mayor Pro-tem. The meeting was called to order at 6:00 p.m. by Mayor Pro-tem Thomas G. Bailey.

Others Present:

Jennifer Leishman	Justin Cooper
Conner Tuttle	Taylor Mortensen
Zan Murray	Chris Breinholt
M. Kent Larsen	Colin Harrison
Kaylene Ames	Bonnie Case
Thelma Seeholzer	Eric Seeholzer
Travis Taylor	Joel Jensen
Frank Rigletti	

Opening Ceremony: Jackie D. Orton

The Council reviewed the agenda. Don Hartle stated that the bids on the 1-million gallon reservoir needed to be opened, reviewed, and possibly awarded. Gary Bates made a motion, seconded by Jackie D. Orton, to approve the agenda with the addition.

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

The Council reviewed the minutes of the October 7, 2009 regular Council meeting. There were word changes on lines 71 and 90. After discussion, Marcene Parker made a motion, seconded by Jackie D. Orton, to approve the minutes of the October 7, 2009 regular Council meeting with the changes.

<u>YEA 5</u>	<u>NAY 0</u>
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 10958 through 10993.

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

Conner Tuttle met with the City Council to discuss his Eagle Scout project. Mr. Tuttle would like to pour cement under the bleacher from the sidewalk to the fence at the pony league ball diamond. There will be

fewer weeds, less maintenance, and ease of mowing. Mr. Tuttle stated that he would need a load of gravel from the gravel pit, as well as the use of a dump truck from the City for an afternoon. Mr. Tuttle asked that the City help with 50% of the cost. Gary Bates asked if Mr. Tuttle could get the use for the backfill equipment donated. Mr. Tuttle stated that Justin Cooper would donate the use of his equipment for the project. Mr. Bates asked about donations for this project. Justin Cooper stated that they are trying to get LeGrand Johnson to donate half of the cement, and Sun Rock to donate half of the forms. Mr. Bates stated that this is a good project that has been on the list for quite a while. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve the Eagle Scout project of Conner Tuttle, and that the City's portion of the cost is less than \$300.00.

YEA 5

NAY 0

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

Taylor Mortensen met with the City Council to discuss his Eagle Scout project. Mr. Mortensen would like to pour cement under the bleachers on the east side of the pony league ball diamond. Mr. Mortensen stated that he would need a load of gravel from the gravel pit, as well as the use of a dump truck from the City for an afternoon. Mr. Mortensen will try to get LeGrand Johnson to donate half of the cement, and Sun Rock to donate half of the forms. Mr. Mortensen stated that the total cost of his project is \$638.00. Mr. Mortensen asked if the City would pay half of the project cost. Gary Bates stated that Justin Cooper called him and discussed this issue as two different projects. After discussion, Gary Bates made a motion, seconded by Ron Case, to approve the Eagle Scout project of Taylor Mortensen, and that the City pays half of the project cost.

YEA 5

NAY 0

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

Art Smith met with the City Council to discuss the future City Public Works property. Mr. Smith stated that he has lived in Wellsville City for a couple of years. There will soon be a major change in the City Council, with a new mayor, and possibly 3 new City Council members. Mr. Smith thanked the City Council for the opportunity to express his concerns, and he doesn't mean any disrespect to anyone. Mr. Smith stated that he would like to make an informed vote in the upcoming election. Mr. Smith stated that he understands that the City needs a new City Public Works facility. Mr. Smith asked if the City Council and management discussed moving a heavy application like the City Public Works facility from one residential area to a residential and recreational area, and if they have discussed informing the community of their intentions. Mr. Smith stated that he took an unofficial poll, and 85% to 90% didn't know that the City's intentions were to relocate the City Public Works facility. Mr. Smith stated that he discussed with 10 of the neighbors in the immediate area and 7 of the 10 were opposed to the Public Works facilities. Mr. Smith asked if the City Council has discussed the greater potential for water contamination. Mr. Smith stated that there are 4 springs that run from his property into the creek behind his home. Jackie D. Orton stated that this issue has been discussed before, and that there were conditions made when the property was purchased from the Parker family by Wellsville City. Mr. Orton stated that all of the present City Council members were serving on the City Council when the purchase of the property was made except for him. Mr. Orton suggested the citizens circulating a petition to cause something to happen. Mr. Smith stated that the intentions of a contract can be changed based on a greater need of the community. Mr. Orton stated that the worst eye sore on Center Street is the current City Public Works facility. Mr. Smith stated that there are far more children in the proposed area than the current area of the City Public Works facility. Mr. Smith stated that a safety issue needs to be considered. Mr. Smith suggested that the City Public Works facility be located in the gravel pit where it is out of site. Mr. Smith asked if the City Council thought of the negative

impact on the property values that the City Public Works facility would have on the surrounding neighborhood. Mr. Smith stated that the same thing happened in Logan, and now citizens of Logan are having a difficult time selling their homes because of the Public Works facility that is next door. Mr. Smith stated that Wellsville City has a greater responsibility to the community than to any individual. Mr. Smith asked if it were possible for the intentions of the property to be modified. Mr. Smith asked if there would be an open forum to have a discussion as a community to ask questions about this issue. Mr. Orton stated that the citizens of Wellsville City have the right to know. Mr. Orton stated that Mayor Ruth P. Maughan expressed second thoughts about the proposed site of the new City Public Works facility. Thomas G. Bailey stated that this agreement is between the Parker family and Wellsville City, and any change that takes place with this property, the Parker family has to be involved. This protects the integrity of Wellsville City. Marcene Parker stated that when the property was purchased, she understood it to be used as an investment, and that if some other property came along that would be a better fit for the City Public Works facility, the City Public Works facility would be moved. Ms. Parker stated that she has had second thoughts about relocating the City Public Works facility to the proposed site.

The City Council met with Travis Taylor representing Westates Development and Sterling Ridge subdivision to discuss the proposed CC&R's. Thomas G. Bailey stated that at last week's Planning Commission meeting, these CC&R's were beat to death. Don Hartle stated that Mr. Taylor emailed a revised copy of the CC&R's to Russell Glenn, a member of the Planning Commission. Travis Taylor stated that he has made some of the changes that were requested at last week's Planning Commission meeting. Mr. Glenn has submitted another list of changes to Mr. Taylor. Ron Case stated that the City Council has to approve the CC&R's, but asked what does that mean and how much input does the City Council have. Mr. Hartle stated that the CC&R's are a document for the subdivision, and how it is to operate. Mr. Case stated that there is a restriction against wind chimes, which is none of the City Council's business. Mr. Taylor stated that the City requirements are addressed in the CC&R's, but the review of the CC&R's has gone way beyond what is necessary. Mr. Case asked if any changes that have been made have a negative effect on the CC&R's or their ability to sell a lot. Mr. Taylor stated that the review of the CC&R's by the Planning Commission went overboard. Some of the changes were valid, and there was good input. Mr. Taylor doesn't think that there will be a negative effect on the CC&R's or their ability to sell a lot. Mr. Taylor stated that during the discussion, there was some give and take. Mr. Taylor stated that there are some parts of the list submitted by Mr. Glenn that he does disagree with. Mr. Case stated that there are areas of the CC&R's that the City has no business being a part of. Mr. Hartle stated that the CC&R's are a document that the HOA and developer put together, and the residents of the subdivision have to live by them. Mr. Hartle questions if the City has the authority to demand the changes are made to the CC&R's. Marcene Parker asked if the City approves the CC&R's, are they setting themselves up for failure. Mr. Taylor stated that the CC&R's can be more restrictive than the City code, but not any less restrictive. Mr. Case asked about the endowment set up by the developer for the HOA. Mr. Taylor stated that has been addressed in the CC&R's. Mr. Bailey asked if the CC&R's will protect the City in general in the future. Mr. Taylor stated that this is a neighborhood that in order to purchase a lot, they have to live by the CC&R's. The Wellsville City code requires the CC&R's to be in place. Mr. Bailey stated that the CC&R's discuss trees that will be planted in the lots. Mr. Bailey asked if the developer will purchase those trees. Mr. Taylor stated that the trees will be purchased by the homeowner. Mr. Taylor stated that the City has no responsibility to enforce the CC&R's. Ms. Parker asked if the City Council needs to review the most recent changes to the CC&R's. Mr. Case doesn't think so. After discussion, Ron Case made a motion, seconded by Gary Bates, to approve the CC&R's of the Sterling Ridge subdivision.

YEA 5

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

NAY 0

The City Council reviewed for approval an agreement with the Utah Division of Parks and Recreation/Federal Recreational Trails Program Funding for a grant in the amount of \$123,246.00. Gary Bates stated that Don Hartle, Chris Breinholt, and he met with the State on Wednesday of last week.

Mr. Bates stated that Wellsville City was the smallest community out of 11 communities to receive a grant. Mr. Bates stated that this grant is for the walking trail around Wellsville Dam and a bridge over the Wellsville Dam on 600 South. The total project cost is \$246,492.00, and that the other half of the project is funded by RAPZ tax and impact fees. Mr. Bates stated that there was some concern with the federal guidelines. Mr. Breinholt spoke with Cindy Gooch, who wrote the grant, and she stated that it is a matter of writing some letters and hiring a consultant. Mr. Bates stated that he has been down to the site and taken several pictures of the current trail, access across Wellsville Dam, and the east side of the dam for the Federal Highway Administration to review. Ms. Gooch believes that the studies can be done for less than \$1,000.00. Mr. Bates stated that there has been some cushion built into the project, which he believes will cover the permit costs. After discussion, Jackie D. Orton made a motion, seconded by Marcene Parker, to approve the Fiscal Assistant Agreement with the Utah Division of Parks and Recreation/Federal Recreational Trails Program Funding for a grant in the amount of \$123,246.00.

YEA 5

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

NAY 0

Ron Case asked that the minutes show that the City Council appreciates Gary Bates for the hours that he has worked on this project in the last several months.

The City Council discussed the matter that the agenda was amended to include opening of the bids, review, and possibly award for one of the existing two City Engineers to design the new proposed 1-million gallon reservoir and transmission lines to and at the City gravel pit. Don Hartle informed the City Council that he had discussed with City Attorney Bruce Jorgensen that Mr. Hartle had failed to put it on the agenda, but the City Attorney advised him that we could amend the agenda for this meeting, take the action the City needs to take, then put it on the agenda for the next City Council meeting to ratify the action taken by the City Council tonight. Thomas G. Bailey asked if the bids covered the same thing, so that the City Council was comparing apples to apples. Marcene Parker asked if they should wait for two weeks to award the contract after the City Council has had time to review the bids. City Engineer Chris Breinholt stated that they need to have the property surveyed before the snow falls, and that they need to have time to schedule the surveyors. Gary Bates stated that he could see some differences in the bids. Mr. Breinholt stated that both bids should be comparable unless something else has been discussed. Mr. Hartle suggested that the City Council review the bids so that they feel comfortable in making a decision. Mr. Bates stated that he doesn't think anyone will gain anything by taking the bids home to review them. The sealed bids were then opened and are as follows:

JUB Engineering	\$58,921.00
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Jones & Associates Engineering	\$42,824.00
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The City Council discussed with Zan Murray representing JUB Engineering and Chris Breinholt representing Jones & Associates Engineering, their bids. The City Council was convinced that both bids were bidding on the exact same project. After discussion, Gary Bates made a motion, seconded by Marcene Parker, to accept the bid from Jones & Associates for \$42,824.00 for the design of a 1-million gallon reservoir and transmission lines.

YEA 4

Thomas G. Bailey

Gary Bates

Ron Case

Marcene Parker

NAY 1

Jackie D. Orton

Joel Jensen met with the City Council for a business license. Mr. Jensen would like a business license for a concrete business. Ron Case stated that the Planning Commission approved the conditional use permit, and

placed several conditions on Mr. Jensen, such as employee parking and placement of trailers. Mr. Case stated that there were no conditions placed upon Mr. Jensen that is outside of the City code. Mr. Case stated that Mr. Jensen has agreed to the conditions. Thomas G. Bailey asked if Mr. Jensen would live up to the conditions placed on his business. Mr. Jensen stated that he would to the best of his ability. After discussion, Ron Case made a motion, seconded by Jackie D. Orton, to approve a business license for Joel Jensen for a concrete business. The name of Mr. Jensen's business is JJ Construction & Contracting.

YEA 5

NAY 0

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

Department Reports:

Ron Case – 1) Red Flag Rules – asked if Don Hartle was aware of this – Don stated he was working on it. Because Wellsville City does utility billing, it is a program that ensures that public information is kept safe. It is to be in place by November 1, 2009.

Thomas G. Bailey – 1) Attended the Envision Cache Valley meeting last week – they have gathered all of the information, and will now begin the implementation of the project.

2) Shed being built at 308 N Center – City Attorney Bruce Jorgensen will write a letter because the shed is on the property line, not at a 30-foot setback. This resident has 3 horses, and the property owned is .41 acres, which he is allowed 0 horses.

Marcene Parker – 1) Discussed apple trees at 200 East 100 North, and that the limbs are leaning onto the City's property. In the past, the City has paid for trimming trees. This resident doesn't have permission to plant any trees in the City's right-of-way. Will have City Attorney Bruce Jorgensen write a letter.

Gary Bates – 1) Over 25 Eagle Scout projects have been completed this summer – asked that a thank-you letter be sent on behalf of the Mayor, City Council, and Recreation Committee to the different LDS wards acknowledging the hard work of everyone – will draft it.

2) If a City doesn't maintain its City codes, at some point, someone will have a big mess to deal with. There are a lot of little things around town that aren't quite right. The City can't fix all of them. Hire someone to enforce the City codes. Marcene Parker believes that the fines will pay the paycheck.

City Manager/Recorders Report:

Don Hartle – 1) Be aware with elections, will call all of the existing City Council and candidates no matter the time of night.

2) Poo-gloos – problems with getting some of the materials for them – may be another week before they can get them into the lagoons.

Don Hartle stated that the City Council needs to go into an executive session, and asked that Travis Taylor attend this session to discuss a real estate issue.

At 7:37 p.m., Ron Case made a motion, seconded by Jackie D. Orton, to go into an executive session.

YEA 5

NAY 0

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

At 7:55 p.m., the City Council left the executive session at which time Ron Case made a motion, seconded by Gary Bates, to leave the executive session and return to regular City Council meeting.

YEA 5

NAY 0

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

Gary Bates made a motion, seconded by Jackie D. Orton that the City Council returns to regular City Council meeting.

YEA 5

NAY 0

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

The City Council discussed with Travis Taylor with Sterling Ridge subdivision, two concerns that Mr. Taylor has. Mr. Taylor is requesting that they be given some type of financial consideration in as much as they installed a 12-inch culinary water line from Aspen Way to Center Street based on the fact that they were informed that the culinary water line on Center Street was a 6-inch line. When the line was exposed to connect the 12-inch line onto it, it was actually an 8-inch line rather than 6-inch line. He feels that it they had known that they would have been required to install something less than the 12-inch line from Aspen Way. Also that N.W. King and Sons when they were connecting the 12-inch line onto the 8-inch line on Aspen Way that they installed a 20-foot length of 8-inch pipe at the connection rather than the 12-inch as was designed. He stated that according to his calculations that it would only reduce the PSI by 2 pounds, and therefore is requesting that they be allowed to leave the 8-inch line in place. Because of the cold weather and unable to get some parts immediately, Mr. Taylor is requesting that they be allowed to provide the City with security for some items that will not or cannot be installed until spring. He would like to wait and finish installing the sprinkler system until spring when it warms up and it will be a while before they can get the street light. After discussion, Jackie D. Orton made a motion, seconded by Marcene Parker, that the City Council authorizes Don Hartle to file the final plat once himself, Public Works, the City Engineer, and the developer agree on the items that need to be bonded for at 150% of the value and the City receives the bond.

YEA 5

NAY 0

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

At 8:20 p.m., Gary Bates made a motion, seconded by Marcene Parker, to adjourn the meeting.

YEA 5

NAY 0

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

Thomas G. Bailey
Mayor Pro-tem

Don Hartle
City Manager/Recorder