

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 7, 2010, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Gary Bates, Ron Case, Colin Harrison, Carl Leatham, and Jackie D. Orton. City Manager/Recorder Don Hartle was also present. A copy of the Notice and Agenda was mailed to the Mayor and Council members, emailed and faxed to the Herald Journal, and posted on April 2, 2010. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Kayla Woodring
Everett Baerwaldt	Dave Baerwaldt
Brian Leishman	Connie Leishman
Jeremie Poppleton	Gary Hendry
Bevan Higbee	Kim V. Shurtleff
Shawn McArthur	Randy Wall
Dave Fell	Sam Winward
Karen Stoddard	Jake Harrison

Opening Ceremony: Jackie D. Orton

The Council reviewed the agenda. Gary Bates made a motion, seconded by Jackie D. Orton, to approve the agenda as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Colin Harrison	
Carl Leatham	
Jackie D. Orton	

The Council reviewed the minutes of the March 17, 2010 meeting. Ron Case made a motion, seconded by Colin Harrison, to approve the minutes of the March 17, 2010 meeting as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Colin Harrison	
Carl Leatham	
Jackie D. Orton	

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 Colin Harrison, to approve the City's bills for payment, represented by check number 11521 through 11604.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Colin Harrison	
Carl Leatham	
Jackie D. Orton	

Mayor Thomas G. Bailey opened the meeting for public input.

Everett Baerwaldt stated that his daughter-in-law suffers from Lou Gehrig's disease, and has no way to get to Logan for doctor's appointments. Mr. Baerwaldt asked why there is no bus service for Wellsville City. Mr. Baerwaldt stated that there are 2 other individuals in his neighborhood that the Sheriff's Office comes out to their homes and takes them to Logan for appointments and shopping. Ron Case stated that Wellsville City has tried for years to get CVTD (Cache Valley Transit District) to come through Wellsville. Mr.

Case stated that Wellsville would need to have a special election because the sales tax in Wellsville City would increase by ¼ of a cent. During the discussions with CVTD, CVTD stated that there would be 1 run in the morning and 1 run in the afternoon, and that it would take approximately 45 minutes to 1 hour each way. The City Council didn't feel that this was accommodating for the residents of Wellsville City. CVTD doesn't feel that there is enough of a demand to have multiple runs to and from Wellsville. Gary Bates stated that a shuttle from Hyrum to Wellsville was discussed, and CVTD felt that it wasn't feasible either. Dave Baerwaldt stated that there is a handicapped bus, which is a smaller van-type bus, which is most helpful. This bus is by appointment only. However, this bus isn't funded to come to Wellsville or Mendon. Mr. Bates stated that he thought there was also a property tax increase with the bus system. Mr. Case stated that it is just a sales tax increase. Mayor Thomas G. Bailey stated that Wellsville City would look into an election, and try to tie into the election next November. Mr. Case stated that it would be a County election. Don Hartle stated that Wellsville City has never conducted an election on an off year. Mayor Bailey asked if Mr. Hartle would call the County and ask for some direction on this issue.

At 6:15 p.m., Mayor Thomas G. Bailey conducted the following public hearing:

First, receive public input and consider for approval the preliminary plat for the LaVell Leishman subdivision containing a total of 3 lots (2 additional building lots) at 245 North 100 East. Brian Leishman stated that his mother owns 2 lots next to each other. The first lot is about an acre, and the other lot is about 1/3 acre. Mr. Leishman stated that they would like to split these 2 lots into 3 lots, with 82 ½ feet of frontage for each new building lot. Mayor Thomas G. Bailey stated that the City Engineer mentioned a drain coming from a home next to Mrs. Leishman's home. The home is owned by Earl Bates. Mr. Leishman stated that the drain is west of lot #3, and is hoping that they can move it into the 10-foot utility easement. Mr. Leishman stated that he will meet with Earl Bates to discuss the drain, and will work with him. Don Hartle handed out a memo from the City Engineer concerning a fire hydrant. The memo states: "The fire hydrant located near the northwest corner of the intersection at 200 North and 100 East is approximately 240' from the nearest frontage of Lot 1 in the LaVell Leishman subdivision. This is closer than the 250' maximum distance allowed for a new development from a fire hydrant. For this reason a new fire hydrant will not be required for this subdivision." Mr. Leishman stated that each lot has a unique county identification number. Mayor Bailey asked what the frontage of Mrs. Leishman's lot is. Mr. Leishman stated that it has almost 95-feet of frontage. Gary Bates asked if Mr. Leishman will offer to put the drain from Earl Bates' home into the utility easement. Mr. Leishman stated yes. Mr. Bates stated that Wellsville City should care if there is a drain line flowing into the ditch. Mr. Bates stated that an assessment of this drain line should be conducted by the Storm Water Committee, and that City Engineer Chris Breinholt should research this issue. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve the preliminary plat for the LaVell Leishman subdivision containing a total of 3 lots (2 additional building lots) at 245 North 100 East, and that the land owner can't run a new storm water line until City Engineer Chris Breinholt approves it.

YEA 5
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 0

At 6:30 p.m., the City Council toured the Fire Department facilities.

The City Council reviewed for approval the final plat for the Hendry subdivision containing a total of 2 lots (1 additional building lot) at 40 North 100 West. Gary Hendry stated that the lot that his home is built on has 105 feet of frontage, and the new lot has 93 feet of frontage. Carl Leatham stated that the Planning Commission approved this 2 weeks ago with no restriction. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the final plat for the Hendry subdivision containing a total of 2 lots (1 additional building lot) at 40 North 100 West.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

Bevan Higbee met with the City Council to make some suggestions regarding the Wellsville Dam. Mr. Higbee stated that there needs to be 2 signs posted about no loose dogs during nesting season and there is a 4-fish limit. Mr. Higbee referred to page 33 of the 2010 State of Utah Fishing Guide. He is concerned about floating devices and motorized boats on the dam. Gary Bates stated that the Parks and Recreation Committee is working on signs, and gave Mr. Higbee a copy of what the signs posted at the dam would read. A fisherman can have a float tube or a canoe, but nothing motorized. There will be no swimming at the dam. Mr. Higbee discussed restrooms, and that the restrooms on the west side of the dam are usually locked. Mr. Higbee suggested renting some blue port-a-potties and locating them in different areas for people to use. Don Hartle stated that the restrooms have been opened for the past 3 to 4 weeks, but the restrooms are not opened during the winter months. Mr. Higbee stated that he understands that there will be a bridge built across the dam. He would like to see the money for the bridge used for a fish cleaning station built at the dam. Mayor Thomas G. Bailey stated that the grant that was given to Wellsville City was for a bridge to be built across the dam. Mr. Bates stated that the Parks and Recreation Committee has a short list of projects they would like to see built throughout Wellsville City, and a fish cleaning station at Wellsville Dam is on that short list. Wellsville City applies for RAPZ tax monies every year, and this year the City Council decided to go a different direction with the RAPZ tax application. Mr. Higbee stated that he drives his 4-wheeler along the east side of the dam about once a week to pick up garbage. Mr. Higbee would like to see the City hire a couple of kids to pick up garbage. The City Council discussed having different youth groups looking for service to pick up garbage. Mr. Hartle stated that he has individuals call looking for work for community service hours. Mr. Bates stated that is a good idea. Mayor Bailey stated that different organizations can adopt a highway, is there such a thing as adopt a reservoir. Mayor Bailey thanked Mr. Higbee for his input concerning the Wellsville Dam.

The City Council discussed the necessary improvements and finances and made a recommendation for the West Park in the Red Slide subdivision. Don Hartle stated that he has put together another proposal based on the input that he has received for the Red Slide subdivision committee. This proposal is for Phase 3 of the Red Slide subdivision only. The proposal is as follows: 1) All open space must be transferred to Wellsville City with no conditions, 2) Both options must sign an agreement, and the monthly option will be filed at the County Recorder's Office. The options are as follows: \$10.00 per month included on the utility bill for 15 years, which equals \$1,800.00, or \$1,600 paid to Wellsville during the month of July 2010, which equals \$1,600.00. Shawn McArthur asked if this proposal is denied, will Wellsville City still do something at the park because of the improper drainage and some landscaping. Mr. Hartle stated that Wellsville City would have to seek approval from the owners of the property. Mr. McArthur asked why the proposal went from the entire subdivision down to the 23 property owners of phase 3. Mr. Hartle stated that City Attorney Bruce Jorgensen stated that phase 3 is fully committed, and this is a way to leave attorney fees out of this issue. Ron Case stated that there is no way to force phases 1 and 2 to be a part of this. Kim Shurtleff stated that if property owners in phases 1 and 2 want to join phase 3, they can, but if Wellsville City forces the property owners to join and bill all 54 property owners, it would create a nightmare. Mr. Shurtleff stated that not all property owners are affected in the same way. Mayor Thomas G. Bailey stated that Wellsville City can't say to a property owner that they have to pay twice as much as someone else because their property borders the park. Mayor Bailey stated that Wellsville City doesn't care how it is divided, just as long as they come up with the same amount. Randy Wall stated that he is part of phase 3, and he will write a check today. Mr. Wall stated that he is not as affected as other property owners in the subdivision, but he appreciates the offer. Mr. Hartle stated that the property owners will transfer the open space, and Wellsville City will maintain the west park. The open space will be filed as open space in perpetuity along with the City's open space code. Mr. Shurtleff stated that change is necessary. Mr. Hartle stated that there are certain things that are allowed in open space. Mr. Shurtleff asked what the reason is that Wellsville City wants the open space. Mr. Hartle stated because Wellsville City is putting up the money to finish the west park. Mr. Shurtleff asked if the open space could be put into a conservation

district that is owned by the phase 3 property owners. Dave Fell stated that there is a legal consideration because there are CC&R's for phase 3, and if a property owner in another phase wants to participate in the process, they have to accept the phase 3 conditions. Mr. Hartle stated that this option is for only people involved in phase 3. Mr. Fell discussed the definition of an HOA, and possibly creating a Wellsville Homeowners & Parks Association, L.C., and how it may warrant deed changes. Mayor Thomas G. Bailey stated that phase 3 would need to discuss this with City Attorney Bruce Jorgensen to work out the details. Mr. Hartle stated that the Red Slide subdivision committee would need to decide on how to proceed financially. Gary Bates stated that if the open space is not deeded to Wellsville City, phase 3 of the Red Slide subdivision would have to form an HOA, carry liability insurance, and pay taxes. The HOA can maintain the property, or the property can be deeded to Wellsville City and Wellsville City will maintain it. Sam Winward stated that he heard that there can be no restriction on the open space, but he asked for a one minor condition. If Wellsville City wants to sell the open space, phase 3 of the Red Slide subdivision gets first right of refusal on the open space property. Mayor Bailey stated that the property should stay as open space no matter who owns it. Colin Harrison asked if the Red Slide subdivision committee had met as a group. They stated that they had. Mr. Harrison feels that this is the third meeting concerning this issue with Red Slide subdivision, and nothing has been decided. Mr. Harrison feels that this is a waste of time. Mr. Wall stated that the Red Slide subdivision was waiting for the proposal from Mr. Hartle that was given to them tonight. Mr. Wall stated that Mr. Harrison is completely wrong. Mayor Bailey stated that they now know the proposal, and now they can move forward. Mr. Bates stated that should Wellsville City want to sell the open space, it should go back to all 23 property owners of phase 3, not just the 5 houses along 390 East. Carl Leatham stated that he agrees with Mr. Bates. Mr. Hartle stated that it shows there is a lack of trust. Mr. Leatham stated that this proposal is as iron clad as it can get. Mr. Winward stated that he doesn't expect that phase 3 would need to exercise the option of first right of refusal on the open space property. Mr. Hartle stated that Wellsville City has bent over backward for this park. Mr. McArthur stated that Wellsville City is correcting what was done incorrectly. Mr. Wall stated that he appreciated the offer that Wellsville City has put together for phase 3 of the Red Slide subdivision. Jackie D. Orton stated that they need to take the proposal and run with it. Mr. Bates suggested that City Attorney Bruce Jorgensen write up a rough draft of the of the proposal and include that the vote is 2/3 of the 23 property owners in phase 3 wins. Mr. Wall offered to pay for the attorney fees because he would like to see this project completed. Mr. Hartle stated that when he files the document at the County Recorder's office, he will attach the Wellsville City open space code. Mr. McArthur stated that Wellsville City is willing to take a risk and appreciates what is being done. After discussion, Ron Case made a motion, seconded by Gary Bates, to authorize Don Hartle to meet with City Attorney Bruce Jorgensen and write an agreement based on the proposal written by Don Hartle for the Red Slide subdivision west park.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 0

The City Council was updated on the progress of the new 1-million gallon reservoir and discussed approval of a financial consultant on the project. Don Hartle stated that he was proceeding on this project. Mr. Hartle stated that he contacted the Safe Drinking Water Commission about possible funds. Mr. Hartle did not request an application from this Commission. Mr. Hartle contacted the Department of Water Resources about an application for funds. The project has to be approved before funds can be distributed. The director for the Cache-Box Elder-Rich region lives in Woodruff. Mr. Hartle visited this individual. The individual stated that the committee meets every other month, and the project would be subject to the availability of funds. Mr. Hartle doesn't think Wellsville City would receive any funds from the Department of Water Resources for at least 1 year. Mr. Hartle stated that he spoke with Mark who represents Lewis, Young, and Birmingham. Mark stated that if Wellsville City went out on the open market, he feels we could secure a loan for 4% to 5% interest. The estimated total cost of the project is \$1,354,093.00. This figure doesn't include bond closing fees and financial advisor fees. Mark feels that Wellsville City could sell revenue bonds out on the open market in order to get the funds to build the 1-million gallon reservoir. Mr. Hartle stated that Wellsville City would issue a resolution on the revenue

bond not to exceed \$1,000,000.00. Mr. Hartle stated that Wellsville City has a loan that will be paid off January 1, 2013. Mr. Hartle's intent is to make no payments until after December 2012. Mr. Hartle feels that this is the best opportunity Wellsville City to build a 1-million gallon reservoir based on cost. Mr. Hartle is recommending that the City Council approve using Lewis, Young, and Birmingham as a financial consultant on the 1-million gallon reservoir project. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve using Lewis, Young, and Birmingham as a financial consultant on the 1-million gallon reservoir project.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 0

The City Council discussed for approval authorization to proceed for financing the new 1-million gallon reservoir. Don Hartle asked that the City Council authorize him to proceed to issue a bond not to exceed \$1,000,000.00. Mr. Hartle stated that Wellsville City would need to come up approximately \$575,000.00. Mr. Hartle stated that Wellsville City currently has \$251,069.82 in impact fees. Mr. Hartle stated that Wellsville City can use the other \$250,000.00 from the unrestricted water fund. Mr. Hartle stated that Wellsville City has already paid \$38,931.00 to Marlowe Archibald for property, and has already paid a portion of the engineering costs. Mr. Hartle stated that he doesn't fore see any big expenses in the water department in the next few years, and feels that this 1-million gallon reservoir is feasible. Mr. Hartle stated that the water department has borrowed money in the past from other funds, and has paid it back. After discussion, Ron Case made a motion, seconded by Colin Harrison, to authorize Don Hartle to proceed to issue a revenue bond not to exceed \$1,000,000.00.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 0

The City Council reviewed and discussed the proposed County Special Event Code. Gary Bates stated that he discussed this code with the Parks and Recreation Committee. After reading the code, it sounds like the County will collect all monies, and if there is any monies left over after the County pays for their expenses, then they will split it with the communities that were affected. Mr. Bates stated that the Parks and Recreation Committee feels that Wellsville City needs to charge some kind of fee for trouble and cleaning. Mr. Bates stated that he will contact the County Attorney and inform him that Wellsville City will not participate with the proposed County Special Event Code, and see if there has been input from other communities.

Department Reports:

Jackie D. Orton – 1) Rock Entrance Sign – spoke with Jerry Cokely and suggested adding lighting.
2) Drove 200 West today – 2010 repair from Highway 89/91 and work north – 2011 start at 300 North and work down to 100 South. The City Council was all in support of this suggestion.
3) Sidewalks – raising and lowering – only response from Steve Kerr. Mr. Kerr stated that the sidewalk has no base, just dirt. Walked around the City Square and counted 234 squares that need to be fixed. Used Mr. Kerr's wheel and shows 705 feet down the north side of the City Square. Formed, 4 inches on base, and sod – thinks it can be down for \$20 per foot. Will work with Don to put together some bid sheets.

Colin Harrison – 1) Shade Tree & Beautification Committee – Chad Hull will be doing some tree trimming.
2) Arbor Day – April 24, 2010 – 10:00 a.m. – tabernacle – Mayor Bailey say a few words and Wellsville Mountaineers will be doing the music.
3) Founder's Day – with the economy, does Founder's Day need to be cut back. After discussion, will run as he has in the past.
4) Dave & Ann Bell – trees – letter from City Attorney – 200 East 100 North – review and will discuss in 2 weeks.
5) Cemetery – looks horrible – commented possibly raising fees to \$1,000 for opening and closing a burial spot, discussed hiring and paying a cemetery sexton.
6) Trees in the Cemetery – no more trees in the cemetery, just on the outskirts.

Ron Case – 1) CERT program – 12 weeks - \$45. Would like to start this fall with 10 to 20 people interested in going through the program. City pay \$25, individual pay \$20 – use maintain internet fund for this.
2) Judge Terry Moore – take credit cards for court fines – if the City takes credit cards for court fines, they have to take credit cards for everything. This will increase the workload for the office workers, as well as fees associated with credit cards. Don Hartle is opposed to this. City Council agreed the City will not accept any type of plastic.

Gary Bates – 1) Bike Rally – July 24, 2010
2) Fish Derby – June 5, 2010 – kids only – stock with 4,000 after Memorial Day, but before June 5.
3) Volleyball Tournament for Founder's Day – Dana Rigby
4) Margo Pierce will help with the Tennis Tournament for Founder's Day 2010
5) Concert in the Park – June 19, 2010 – 4 Hims.
6) Cowboy Day – July 17, 2010
7) Community Talent Show – August 16, 2010
8) Suggested moving event board from post office to across the street from the City office – think about it.
9) Will begin selling space on the softball fence for banners.
10) Sherwood Hills Mountain Bike Race – add to Wellsville City web page

Carl Leatham – 1) Mike & Connie Leishman's cabinet shop – renting to Tom Jewkes, owner of Good Timber – many concerns from the Planning Commission – may have backed out.
2) Leonard Mackay's truck & trailer – it has been moved.
3) Site Plan approval for LDS Church – Planning Commission had many concerns – trees from the Shade Tree & Beautification Committee, have 6 handicapped stalls, 2 members of the Planning Commission doesn't think that is enough, wanted building rotated, wanted parking lot moved. Will get final approval from City Planner Jay Nielson and City Engineer.
4) Planning Commission is still reviewing the General Plan in conjunction with Envision Cache Valley – would like more direction from the City Council concerning priorities and growth goals.

City Manager/Recorder Report:

Don Hartle – 1) Karen Stoddard, daughter is Angela Jackson that lives at 300 South 100 East. Ms. Stoddard would like to build a home to the south of her daughter, but 300 South is a dedicated road that runs straight east. Ms. Stoddard would like to know if there is a possibility that Wellsville City would sell her the property to build the home. Mr. Hartle stated that it is his understanding that the property for a dedicated street belongs to the City. If the City chooses not to build the road, they have to go through the abandonment process, and the property returns to the previous owner, which was the federal government. Mayor Thomas G. Bailey stated that his concern is that right now, the street will not be opened, but no one knows what will happen 50 years down the road. Carl Leatham stated that Ms. Stoddard could build a home to the east of her daughter, but she would have to open the road. The City Council discussed different lots in the area that may be for sale. The City doesn't want to abandon the street.

2) Prices for park signs – 2' X 3' - \$85 each, 4' X 8' - \$400 each, 4' X 4' - \$225 each.

3) Discussed with City Attorney Bruce Jorgensen concerning the open space that Wellsville City is looking to purchase. Mr. Jorgensen's recommendation is that Wellsville City obtains a second appraisal because of the difference in the market value versus the County Assessor value. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, that Wellsville City obtains a second appraisal on the open space that Wellsville City is looking to purchase.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

4) Fire Department Credit Card – auditor says there is nothing that says it can't be done, so suggested 1 card with a \$500 maximum limit. Ron Case stated that he has talked to different individuals that he works with that is involved in City government. They suggested that an individual with the Fire Department apply for a credit card. After discussion, Jackie D. Orton made a motion, seconded by Ron Case, to deny the Fire Department a credit card.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

At 10:05 p.m., Carl Leatham made a motion, seconded by Gary Bates, to adjourn the meeting.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder