

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 21, 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, posted, and emailed and faxed to the Herald Journal on April 16, 2010. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Marcus Simons
	Chris Slater	Zan Murray
	Leesa Cooper	Paul Todd
	Sandra Todd	Jan Anderson
	Tim Anderson	Jerald Seeholzer
	Thelma Seeholzer	Carol Nyman
	Bonnie Case	Eric Seeholzer
	Jeremie Poppleton	Art Smith

Opening Ceremony: Colin Harrison

The Council reviewed the agenda. Jackie D. Orton made a motion, seconded by Carl Leatham, 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	

No one was in attendance for “open for public input”.

JUB Engineering met with the City Council to discuss services provided to Wellsville City. Mayor Thomas G. Bailey stated that Wellsville City has been working with 2 engineering firms, and has recently decided to work with only 1 engineering firm. Zan Murray, representing JUB Engineering, thanked Mayor Bailey and the City Council for the opportunity to attend the City Council meeting. Mr. Murray introduced Chris Slater and Marcus Simons, who are Project Managers for JUB Engineering, and also live in Wellsville. JUB Engineering was established in 1954 in Boise, Idaho as a Civil Engineering firm. JUB Engineering has over 300 employees working in 14 different offices. Having 14 different offices allows JUB to be close to neighborhoods. The employees of JUB Engineering are part of the community. Mr. Murray manages the Logan, Utah JUB Engineering office, which was established in 2001. Mr. Murray stated that JUB Engineering has completed many projects for Wellsville City. Mr. Murray stated that JUB Engineering is a municipal engineering firm, which means they work for counties, irrigation, and state agencies. JUB Engineering does not do any engineering for private development because they feel it would be a conflict of interest. JUB Engineering has worked for 15 different communities in Cache Valley, and represents 8 communities in Cache Valley, including Cache County. Mr. Murray feels that this is a reflection of the quality of work JUB Engineering provides. Mr. Murray stated that JUB Engineering brings value to Wellsville City, which Mr. Murray used the example of purchasing a car. Mr. Murray stated that when an individual purchases a car, that person makes sure that it fits their needs, can afford the car, the car has a good maintenance record, and are able to finance the car. Mr. Murray stated that JUB Engineering has similar value to Wellsville City. Mr. Murray stated that the overhead is a little more than other engineering firms. Mr. Murray stated that overhead is usually between 10 and 20 percent of the total costs. Mr. Murray stated that when Wellsville City deals with construction projects, JUB Engineering is close to Wellsville City, and the project managers can be on-site quickly. This gives value to Wellsville City. Mr. Murray stated that he is the Client Manager for Wellsville City, which the client manager is the hub of JUB Engineering for Wellsville City. JUB Engineering has a network of experts that can handle almost any request from Wellsville City. Mr. Murray stated that JUB Engineering has a funding specialist on-site that has found over \$168 million dollars for clients, in which \$123,000 of that funding has come to Wellsville

City. Mr. Murray stated that JUB Engineering could be the City Engineer, as well as a GIS Specialist. Mr. Murray stated that working for Cache County ties them in with issues that exist with the county. Mr. Murray stated that all work stays within the valley. Mr. Murray stated that he is very conscious of budgets. In closing, Mr. Murray handed out a newsletter that he produced called Infrastructure Advisor, as well as a list of items that the Logan JUB Engineering office has completed for Wellsville City. Ron Case stated because of the state of the economy, many engineering firms have combined and closed offices. Mr. Case asked if the Logan JUB Engineering office is at risk of being closed. Mr. Murray stated that JUB Engineering has no plans to consolidate with any other firms. Mr. Murray stated that the employees of JUB Engineering are part of the community, and have to live with what they designed. Jackie D. Orton asked what advantage JUB Engineering has with working for federal and state governments. Mr. Murray stated that it is a great advantage because it allows JUB Engineering to utilize federal and state funding for the cities. Mr. Orton stated that with JUB Engineering's connections with UDOT, a problem is that there is no money to work on the infrastructure of the City, such as sidewalks. Mr. Murray stated that JUB Engineering has pursued federal funding for sidewalks for Wellsville City, but has not been successful. Cindy Gooch, the funding specialist for JUB Engineering, has looked outside of the box, and has used Wal-Mart to receive funding for different projects in other communities. Mr. Orton asked if that was a service that JUB Engineering provides, or if there is a charge. Mr. Murray stated that Wellsville City is charged a discounted rate for Ms. Gooch's time. Mr. Murray stated that sidewalks are very important. Mr. Murray suggested that Wellsville City come up with a top 10 list of various projects that Ms. Gooch could look for funding opportunities for. Mr. Murray stated that this is an advantage because projects within the city can be completed, as funding becomes available. Colin Harrison stated that JUB Engineering has expertise in many different areas, and asked if Wellsville City saves money by projects staying in-house as opposed to contracting them out. Mr. Murray stated that it saves money for the city. Mr. Murray stated that other JUB Engineering offices might work on a project for Wellsville City because there are some things that are not done in the Logan JUB Engineering office. Mayor Bailey thanked Mr. Murray and JUB Engineering for attending the City Council meeting, and stated that a decision will be made at the next City Council meeting, which is in 2 weeks.

Sandra Todd met with the City Council for a business license. Ms. Todd stated that she would like to start a photography business. Most of her business will be done on location, and her home would be used for office work. Ms. Todd stated that she does have a big yard, and may take some family photos and other smaller groups there. Ms. Todd stated that there might be 1 to 2 vehicles parked at her home, but her driveway can handle that. Ms. Todd stated that there would be no signs in her yard. Carl Leatham stated that the Planning Commission had no concerns with the conditional use, and there was no public input. After discussion, Carl Leatham made a motion, seconded by Ron Case, to approve the business license for Sandra Todd.

YEA 5

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

NAY 0

At 6:45 p.m. Ron Case made a motion, seconded by Jackie D. Orton, to go into public hearings.

YEA 5

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

NAY 0

Mayor Thomas G. Bailey conducted the following public hearings:

First, receive public input and consider for approval the preliminary plat for the Dale Anderson subdivision containing a total of 2 lots (1 additional building lot) on property at 332 North 200 East. Tim Anderson stated that he would like to build a home east of Joyce Anderson, on his father's property. Jackie D. Orton asked what the intention of lot 2 was. Mr. Anderson stated that his father's home is located on lot 2. Carl Leatham stated that the Planning Commission had no additional concerns. Mr. Leatham stated that there were some property line concerns but they have been resolved. Mr. Leatham stated that Dale Anderson tried to give his neighbor some property on the north side of lot 2 so that the property lines were straight, but the neighbor didn't want the property. Mr. Leatham stated that this doesn't affect this subdivision. Mr. Leatham asked about the memo from Jones & Associates. Don Hartle stated that the items on the memo are to be addressed on the final plat. After discussion, Carl Leatham made a motion, seconded by Jackie D. Orton, to approve the preliminary plat for the Dale Anderson subdivision containing a total of 2 lots (1 additional building lot) on property at 332 North 200 East.

**YEA 5**

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

**NAY 0**

Second, presentation of the 2010/2011 tentative budgets for all funds, then receive public input, and then consider approving the tentative budgets. Don Hartle stated that one of his responsibilities as the City Manager and the budget officer, to give the City Council a State of the City address. Mr. Hartle stated that Wellsville City is in very good to excellent financial condition. The City, by law, is regulated on reserves. A city can have between 5% and 18% in reserves. At the end of last June, Wellsville City had 18% in reserves. Mr. Hartle stated that he takes a conservative approach when preparing the budgets for all of the funds. This pays off in the long run because Wellsville City has not had to lay people off and has not had to force any vacation time without pay. As Wellsville City approaches a new fiscal year, there will be some real change in the financial condition of the City. Mr. Hartle discussed different funds that currently have monies in them, but with different projects taking place, all of those funds will be down to zero. Mr. Hartle stated that this budget is very similar to last year's budget. Mr. Hartle stated that he recommends a year from now that the Wellsville City Irrigation Company pays an assessment to Wellsville City for water that the City owns that the residents are using. Wellsville City residents own 580 acre feet of water in Hyrum Dam, and Wellsville City owns 1120 acre feet of water in Hyrum Dam. The residents of Wellsville City use the water out of Hyrum Dam, which is used by the Wellsville City Irrigation Company every year. Mr. Hartle also discussed medical insurance with the City Council. Wellsville City's medical insurance premiums are going up 15%. Mr. Hartle is giving the City Council a balanced budget tonight. Mr. Hartle stated that he recommends that Wellsville City talk to the insurance company, which has 3 different plans, and each plan has 3 alternatives. Mr. Hartle recommended that the City Council take 1 meeting to go through the insurance plans. Mr. Hartle then discussed each fund with the City Council.

At 7:45 p.m., Colin Harrison made a motion, seconded by Gary Bates, to go out of public hearings.

**YEA 5**

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

**NAY 0**

After discussion, Ron Case made a motion, seconded by Gary Bates, to approve the 2010/2011 tentative budgets for all funds.

YEA 5

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

NAY 0

The City Council reviewed for approval the preliminary plat for the Parker subdivision containing a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 31 East to 100 East between 400 South to 500 South. Carl Leatham stated that the Planning Commission had some concerns with this subdivision. There is a barn that straddles 2 lots. Don Hartle is having Cache County look into this issue. The Parker's do not want this barn removed until there is residential development on either lot. The other concern is the sidewalk. A meandering sidewalk was suggested so that it avoids trees and other obstacles. A member of the Planning Commission doesn't like the meandering sidewalk. Another concern with the sidewalk is Eric Seeholzers' garage. The garage is right on the property line so the sidewalk comes up against his garage. A suggestion was made to move the sidewalk to the south side of the road, but then the City would have the same problem with the Maughans' garage. Mayor Thomas G. Bailey stated that there have been other subdivisions that were not required to install a sidewalk, and asked if that was a possibility. Gary Bates stated that the need for a sidewalk is there because of the park and Christensen Field. The sidewalk will help to get people off of the street. Mr. Bates stated that he supports more of a gradual meandering sidewalk. Ron Case stated that the trees can be removed if needed. Mr. Leatham stated that there is still the concern with Mr. Seeholzers' garage. Jackie D. Orton stated that he has no problem with the sidewalk the way that it is designed now. Mr. Bates stated that it may be practical to let the Parker's decide if the trees need to be removed and have more of a gradual meandering sidewalk. Bonnie Case stated that their biggest concern is having the sidewalk up against Eric Seeholzers' garage, and he has no vision of the sidewalk when backing out of the garage. Mayor Bailey asked if Mr. Seeholzer has cement in front of the garage. Mr. Seeholzer stated yes. Jerald Seeholzer is concerned that the sidewalk doesn't interfere with the water that comes down the ditch. Jerald Seeholzer suggested moving the sidewalk south of the ditch, which would also save the trees. Don Hartle stated that the sidewalk can't be moved out past the ditch because if Wellsville City should build a Public Works facility on the remaining parcel, the City would have to run an 8-inch water line, which currently there is only a 6-inch water line that goes to the east. Jerald Seeholzer stated that as the trees grow, the sidewalk will raise. Ms. Case asked who is liable for the sidewalk if Eric Seeholzer pulls out of his garage and hits someone on the sidewalk. It was determined that Eric Seeholzer would be liable. Mr. Case asked if the City would give Eric Seeholzer a hold harmless agreement. Mr. Bates suggested piping the ditch and installing the sidewalk over the ditch. Mayor Bailey stated that they could stay here all night long and discuss the sidewalk. Mayor Bailey suggested approving the preliminary plat and dealing with these issues on the final plat. After discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve the preliminary plat for the Parker subdivision containing a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 31 East to 100 East between 400 South to 500 South and to deal with the barn straddling a property line and the sidewalk issue on the final plat.

YEA 5

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

NAY 0

The City Council discussed the need to remove numerous trees on the road right-of-way at the intersection of 200 East and 100 North due to safety concerns. Colin Harrison asked if the City Council had looked at this area and had any input. Carl Leatham stated that it is a mess. Mr. Harrison stated that there are 17 young trees and 4 mature trees. Mr. Harrison proposed that the home owner remove the 17 young trees and have the 4 mature apple trees professionally trimmed. Jackie D. Orton stated that there is no other option. Mayor Thomas G. Bailey stated that the ordinance states that planting trees in the road right-of-way has to be approved by the forestry plan of the City, and no apple trees are approved. A home owner also has to

have approval from the City to plant on the City's property. Mr. Harrison stated after reading the code, Wellsville City has a right to remove the trees. Mr. Harrison stated that since he has been a member of the City Council, he has received at least 12 complaints about the trees from a safety issue to the way it looks. Mayor Bailey suggested having City Attorney Bruce Jorgensen write a letter stating that Wellsville City will be there on a certain day to remove the 17 young trees and trim the 4 mature trees. Mayor Bailey would like to talk to 1 of the home owners so that Wellsville City could get permission to remove and trim the trees. Don Hartle asked what day the City Council wants the trees removed and trimmed. Mayor Bailey suggested that Mr. Harrison meet with Don Hartle, work out the details, and have City Attorney Bruce Jorgensen write a letter to Dave and Ann Bell.

The City Council considered for adoption a resolution establishing the duties and responsibilities for the City Council. Appoint personnel to the statutory offices of recorder, treasurer, and City Manager. Also, renew appointments to the Planning Commission, Board of Adjustments, and Historical Commission. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve **RESOLUTION 2010-03 A RESOLUTION TO ESTABLISH THE DUTIES AND RESPONSIBILITIES FOR THE CITY COUNCIL. APPOINT PERSONNEL TO THE STATUTORY OFFICES OR RECORDER, TREASURER, AND CITY MANAGER. ALSO, RENEW APOINTMENTS TO THE PLANNING COMMISSION, BOARD OF ADJUSTMENTS, AND HISTORICAL COMMISSION.**

YEA 5

NAY 0

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

The City Council considered for adoption a resolution of the City Council of Wellsville City, Utah, (the "issuer"), authorizing the issuance and sale of not more and \$1,000,000 aggregate principal amount of the water revenue bonds, series 2010 of the issuer; fixing the maximum principal amount of the series 2010 bonds, the maximum number of years over which the series 2010 bonds may mature, the maximum interest rate which the series 2010 bonds may bear, and the maximum discount from par at which the series 2010 bonds may be sold; providing for the running of a contest period, and related matters. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to approve **RESOLUTION 2010-04 A RESOLUTION OF THE CITY COUNCIL OF WELLSVILLE CITY, UTAH, (THE "ISSUER"), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE AND \$1,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2010 OF THE ISSUER; FIXING THE MAXIMUM PRINCIPAL AMOUNT OF THE SERIES 2010 BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE SERIES 2010 BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE SERIES 2010 BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE SERIES 2010 BONDS MAY BE SOLD; PROVIDING FOR THE PUBLIATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNING OF A CONTEST PERIOD; AND RELATED MATTERS.**

YEA 5

NAY 0

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

Department Reports:

Jackie D. Orton – 1) Will be reviewing the bids for the sidewalk around Wellsville Square tomorrow with Don Hartle – thinks that it would be a great Eagle Scout or Youth Project to roll back the sod, and then put it back in place after the sidewalk has been poured.

2) Discussed funding for a bridge at 400 South and Center Street where there is no sidewalk – may be worth talking to Cindy Gooch with JUB Engineering about it.

3) Asked what is happening with the catering business that was coming into town – Don Hartle doesn't know – has not paid for the business license and the water has been turned off for lack of payment.

4) No sale of alcohol on Sunday's at the Wellcome Mart – correct. Sherwood Hills sells beer on the golf course and liquor at the restaurant.

Colin Harrison – 1) Cemetery looks great!

2) Trees in cemetery – read through the code, and it doesn't say anything about it. In the code, it says nothing about trees in the cemetery. The northwest portion of the cemetery has some real bare spots. Can a tree be planted in any open space? Ted Hall likes the idea of planting trees along the outer edges of the cemetery. Has had a request from the Olsen's to plant a tree next to their son's grave. The plot next to their son's is for sale. Discuss this issue with the Shade Tree & Beautification Committee.

3) Who is the cemetery superintendent? Don Hartle stated that everyone that works in the office can help with the cemetery.

4) Invite everyone to Arbor Day – April 24, 2010 – 10:00 a.m. – tabernacle – honoring Mayor Ruth P. Maughan.

Ron Case – 1) Asked about the election for CVTD to come to Wellsville City – Don Hartle stated not yet, waiting for a response from Cache County Clerk.

Gary Bates – 1) Discussed Nate Plowman as a member of the Parks & Recreation Committee. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to ask Nate Plowman to serve on the Parks & Recreation Committee.

YEA 5

NAY 0

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

2) Discussed moving the bulletin board located at the post office to the south side of Main Street across from the City Offices. Don Hartle is opposed to this – thinks that more people will see the information at the post office. Leesa Cooper suggested moving it to the north side of Main Street between the City Offices and the cinderblock building. Mr. Bates will take this suggestion back to the Parks & Recreation Committee.

3) Discussed Water Board meeting – the Water Board didn't discuss sterile asian carp. Mr. Bates will assume that he is to proceed. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to spend up to \$500 to purchase sterile asian carp as weed control for the Wellsville Dam.

YEA 5

NAY 0

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

Carl Leatham – 1) Discussed with the Planning Commission projects that are discussed outside their bounds – Don Hartle handled the discussion, which was very polite.

Mayor Thomas G. Bailey – 1) From time to time, people will call the office to see if they can purchase a 'Windows of Wellsville' book. Wellsville City has sold out of these books. Watkins Printing will print 200

for \$54.95 each, 1000 for \$37.95 each, and 2000 for \$27.50 each. This is to reprint the original book with no updates. Suggested adding this information to the newsletter, and people will have to pay up front for the book.

City Manager/Recorder Report:

Don Hartle – 1) Encountered a problem yesterday morning and Junior Kerr has resigned. Has hired Nolan Maughan and Malin Glenn. Mr. Kerr was making \$16/hour and Colby Maughan was making \$10/hour. Will start Nolan Maughan and Malin Glenn between \$11-\$12/hour. This is seasonal help for the summer.

2) In the current year's budget, Mr. Hartle has \$45,000.00 for a dump truck. The Public Works department needs to purchase a piece of equipment. About once a month, they have to go to the sewer pumping station out at Southwest Heritage Estates because it is clogged. This piece of equipment has a high pressure hose to clean out manholes. In the past, the Public Works department has had problems with water valves getting them on and off. This machine has an arm on it that can tork the value to the correct tork. Both Hyrum and Nibley has this machine, and the company has been out to Wellsville City to put on a demonstration of the machine. The machine is about \$53,000.00, and Mr. Hartle would like the City Council's opinion about purchasing this equipment. After discussion, Jackie D. Orton made a motion, seconded by Ron Case, to approve Don Hartle to spend \$53,000.00 for a vector/excavator for the Public Works department.

YEA 5

NAY 0

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

At 8:52 p.m., Ron Case made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 5

NAY 0

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

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Thomas G. Bailey  
Mayor

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Don Hartle  
City Manager/Recorder