

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, June 2, 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 May 28, 2010. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Joshua Burningham
Anselmo Caballero Madison Caballero
Bonnie Case Eric Seeholzer

Opening Ceremony: Gary Bates

The Council reviewed the agenda. Don Hartle added an Eagle Scout project approval. Colin Harrison made a motion, seconded by Jackie D. Orton, to approve the agenda with the addition.

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

The Council reviewed the minutes of the May 19, 2010 meeting. There was a word change on line 56. Ron Case made a motion, seconded by Carl Leatham, to approve the minutes of the May 19, 2010 meeting with the change.

YEA 5 NAY 0
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 11736 through 11849.

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

Joshua Burningham met with the City Council to discuss an Eagle Scout project. Mr. Burningham stated that he would like to seal and stain the picnic tables at the Wellsville Dam. Mr. Burningham stated that he has spoken with Sherwin Williams, and they are willing to donate the seal, stain, brushes, rollers, and pans for the project. Mr. Burningham stated that they will pressure wash the picnic tables with a solution of 10 to 1 water and bleach to kill any mold or fungus that is growing on the picnic tables. Mayor Thomas G. Bailey asked how many tables there were. Mr. Burningham stated that there are 8 to 10 tables at the Wellsville Dam. Gary Bates is concerned that the water to bleach solution will kill the grass, and suggested moving them to the asphalt. Mr. Bates stated that this project was high on the list from the Parks and Recreation Committee to have completed. Mr. Bates asked what color of stain they would be using. Mr. Burningham stated that it would be cedar or redwood. The City Council looked at the new park signs and suggested going with the cedar stain. After discussion, Gary Bates made a motion, seconded by Colin

Harrison, to approve the Eagle Scout project for Joshua Burningham.

YEA 5

NAY 0

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

Gary Bates stated that Brady Lowe has been into City Council meeting on 2 different occasions to discuss Eagle Scout projects. Both Eagle Scout projects have fallen through. Mr. Bates stated that the playground at the Wellsville Dam has a small stream running through it. Mr. Bates stated that Mr. Lowe has the use of a small backhoe and would be willing to pipe the stream and grate the area where it flows into the small stream if Wellsville City is willing to donate the materials. Mr. Bates stated that he has spoken with Don Hartle about this project, and feels that 6-inch plastic pipe would work for this project. Mr. Bates stated that he measured the area, and Mr. Lowe would need just over 100-feet of plastic pipe. Mr. Bates stated that he spoke with Mr. Lowe and Gary Bates would be willing to suggest this Eagle Scout project to the City Council so that he would not have to return to City Council meeting for a third time. After discussion, Ron Case made a motion, seconded by Jackie D. Orton, to approve the Eagle Scout project for Brady Lowe.

YEA 5

NAY 0

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

At 6:15 p.m., Jackie D. Orton made a motion, seconded by Carl Leatham, to go into public hearing.

YEA 5

NAY 0

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

Mayor Thomas G. Bailey conducted the following public hearing:

The City Council received public input, then considered the recommendation of the Planning Commission, then considered for approval a request from Anselmo and Madison Caballero that property at approximately 4625 South Highway 89/91 be rezoned from RA-1 to RA-1/2. Mr. Caballero stated that his father has given him some property that he would like to build a home on. Mrs. Caballero stated that they have met with UDOT concerning a driveway onto Highway 89/91, and UDOT will issue them a variance on the existing driveway of Anselmo Caballeros' father. Colin Harrison stated that they will access their home from the existing driveway, and not from the road that has been stubbed in the Southwest Heritage Estates subdivision. Mr. Caballero stated that is correct. Carl Leatham stated that the Planning Commission continued their discussion concerning this issue because they had many concerns such as, UDOT access, a narrow driveway, if it was legal when the property was subdivided, and if they would be able to connect to the sewer line or install a septic tank. Mr. Leatham recommended that this discussion be continued until the Planning Commission resolves their issues with this matter. Don Hartle stated that the property was subdivided in March 2007 at the County Recorder's Office, but not through Wellsville City. Mr. Hartle stated that this will have to go through a complete subdivision process. Mr. Harrison asked how big Mr. Caballero's property is. Mr. Caballero stated that he owns 1 acre. Mayor Thomas G. Bailey stated that this issue should go back to the Planning Commission, and after the variance from UDOT is issued, then proceed with the subdivision process. Gary Bates stated that if UDOT grants a variance, he would need to have an easement from his father in order to protect the entrance to his property. Mr. Hartle stated that

an easement would be filed as part of the subdivision.

At 6:28 p.m., Gary Bates made a motion, seconded by Jackie D. Orton, to leave the public hearing.

YEA 5

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

NAY 0

After discussion, Carl Leatham made a motion, seconded by Gary Bates, to continue the discussion on this issue.

YEA 5

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

NAY 0

The City Council reviewed for approval the final 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 and 500 South. Don Hartle stated that this subdivision has been approved except for the final plat. Mr. Hartle stated that the City Engineer has signed the final plat, as well as the Planning Commission. Mr. Hartle stated that Louis Lucero came into Planning Commission meeting and expressed concern that a 180-foot sewer line would put a manhole right in the middle of his driveway. Mr. Hartle stated that the sewer line would need to be reviewed and moved to either 160-feet of sewer line, or 195-feet of sewer line. Mayor Thomas G. Bailey stated that the sidewalk has been changed to 400 South. Mr. Hartle stated that the City Council made a motion to waive the sidewalk on this subdivision, and that a sidewalk would be installed some place else, but it may go back to being installed on 500 South. Jackie D. Orton stated that he would like to resend his vote on the previous sidewalk vote. Mr. Orton believes that there does need to be a sidewalk into the main entrance of a City park. Mr. Orton stated that he doesn't agree with there being no sidewalk at all. Mr. Orton stated that he would like to vote with Carl Leatham and see a sidewalk installed on 500 South. Gary Bates stated that he walked the holler of 400 South, and installing a sidewalk on 400 South is not going to be as easy as he thought it would be. Mr. Bates stated that there would have to be a bridge, as well as a lot of trail work. Mr. Orton stated that in the future, a sidewalk would be installed somewhere near this subdivision. Mr. Orton believes that the sidewalk should be installed now. Mr. Orton stated that Wellsville City has installed sidewalks in less important areas of the City than a main entrance to a City park. Mr. Orton asked if there would be an opportunity to revote concerning the sidewalk on 500 South. Ron Case asked if a sidewalk had to be completed now, or completed correctly. Mr. Case is unsure of the rush of installing a sidewalk. Mr. Case stated that the City has had the option of installing a sidewalk since they have owned the property. There will be 3 new lots, which 2 of the lots will have nothing on them, and 1 lot is for sale. Mr. Case asked about the possibility of installing a sidewalk along 100 East. Mr. Case stated that he is not opposed to a sidewalk, but thinks that rushing into it is wrong. Mayor Bailey stated that after discussing 100 East with City Engineer Chris Breinholt, it will be almost impossible to install a sidewalk along 100 East. Mr. Bates stated that if Wellsville city follows the plan of the park, they need a way to get foot traffic safely into and out of the park. Mr. Orton stated that the sidewalk on Center Street is very beat up, and believes that Wellsville City is missing an opportunity and making a mistake by not installing a sidewalk along 500 South. Mr. Hartle stated that Wellsville City will pay for the sidewalk when and where it is decided to be installed. Mr. Orton stated that a sidewalk is still needed on 500 South. Mr. Case stated that there is no reason to rush the sidewalk. Colin Harrison asked about the possibility of working something out as far as a sidewalk goes on 400 South. Mr. Bates stated that it would be a 3 to 4 year project, and it would be more expensive and more difficult than previously thought. Mr. Harrison asked if it would become a priority on the list of recreation projects. Mr. Bates stated that there are no significant plans for the RAPZ tax for next year. Mr. Orton stated that with all of the work that has been

done at the Wellsville Dam park, Wellsville City should have a good sidewalk entrance. Mr. Orton stated that if it doesn't get done now, it probably will never get done. Mr. Bates stated that with a normal subdivision that is accessing known foot traffic, the City Council would force the issue and make the developer install a sidewalk. Mr. Bates wonders if it is the right thing to do by installing a sidewalk now. Mr. Case stated that Wellsville City has the option to come back in 6 weeks and install a sidewalk. Carl Leatham stated that he has the same thoughts as Mr. Bates. Mr. Leatham asked if the City Council was treating Wellsville City as they would any other developer, and waiving the sidewalk requirement. Mr. Hartle doesn't think there is any favoritism because the City Council has waived sidewalks on 50 to 60 other subdivisions in the last 10 years. Mayor Bailey stated that a decision needs to be made. Mr. Hartle stated that his opinion is to resend the previous motion, and someone makes a new motion and vote on that. Mr. Leatham stated that the previous motion was left open. Mr. Orton stated that he would like to resend the previous motion. Mr. Case stated that if a sidewalk is going to be installed on the north side of 500 South, he believes that the trees need to be removed. Mr. Hartle recommended proceeding on the subdivision, and in 2 weeks, making a decision about the sidewalk so that the subdivision design can be completed. Mr. Case asked that the City Council take Eric Seeholzers' comment concerning the sidewalk and his garage into account. Mayor Bailey asked if there were any concerns with the final plat. Mr. Leatham stated that the Planning Commission approved the final plat as written. After discussion, Carl Leatham made a motion, seconded by Gary Bates to approve the final 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 and 500 South.

YEA 5

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

NAY 0

After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to continue the discussion concerning the Parker subdivision sidewalk after an on-site inspection has been completed.

YEA 5

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

NAY 0

The City Council considered adopting a resolution adopting the "2009 Municipal Wastewater Planning Program". Don Hartle stated that this is a report that he sends to the State of Utah every year. Colin Harrison asked what the point system stood for. Mr. Hartle stated that he didn't know. Mayor Thomas G. Bailey stated that this is more of a formality than anything else. After discussion, Colin Harrison made a motion, seconded by Jackie D. Orton, to approve **RESOLUTION 2010-05 2009 MUNICIPAL WASTEWATER PLANNING PROGRAM.**

YEA 5

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

NAY 0

Don Hartle gave an update on approval of the actions necessary to continue with the design, financing, and necessary actions to continue the progress for the new 1,000,000-gallon reservoir. Don Hartle stated that on May 27, 2010, City Engineer Chris Breinholt, Financial Consultant Mark Edminster, and himself, met with the State of Utah concerning funds for the new 1,000,000-gallon reservoir. Mr. Hartle stated that his

approach was that Wellsville City will not raise water rates. Mr. Hartle stated that there is a program that the maximum interest rate is 4%, but Wellsville City would have to raise their water rates from \$27.00 to \$48.50 per month. Mr. Hartle stated that there is an interest buy-down program. Mr. Hartle stated that Mr. Edminster stated that Wellsville City could go out on the open market and find rates as low as 5%. Mr. Hartle stated that Wellsville City could borrow \$216,000 from the State of Utah at 0% interest, and issue bonds in the amount of \$784,000 at 5% interest, which would leave Wellsville City with an overall interest rate of 4%. Mr. Hartle stated that they could proceed with this plan after the 30 days from the public hearing, which was held May 19, 2010. Mr. Hartle stated that he anticipates beginning construction on this project in July 2010. Gary Bates stated that he remembers Mr. Edminster stating that it doesn't matter where the money is borrowed from; Wellsville City would have to raise their water rates. Mr. Hartle stated that Wellsville City would also have to pass an ordinance that there can be no outside water used between 10:00 a.m. and 6:00 p.m. Mr. Bates stated that if there is any indication that Wellsville City is forced to raise water rates or limit watering times, a public meeting needs to be held so there are no surprises for the citizens. Mr. Hartle stated that Wellsville City has held 2 public hearings concerning a million-dollar loan, and there have been no one in attendance, specifically concerned about the water project. Mr. Hartle stated that after the meeting was held on May 27, 2010, the individual representing the State of Utah stated that she believes this can be approved without any regulations. Mr. Bates would like Wellsville City to explain to the citizen's the whys for increasing water rates or limiting outside water times. Mr. Hartle stated that his opinion is that the City Council has already approved borrowing up to \$1,000,000 up to 6% for no more than 20 years. Mayor Thomas G. Bailey stated that the City Council didn't approve raising water rates, and should proceed with the project without anticipation raising water rates.

The City Council continued their discussion of the action to take or not to take on the parking of trailers, vehicles, and equipment on city street right-of-ways. Mayor Thomas G. Bailey stated that Wellsville City has an individual that sends letters to any citizen that is in violation of ordinance 6-2-4. This ordinance refers to the parking of trailers, vehicles, and equipment on city street right-of-ways for longer than 24 hours. Mayor Bailey asked if the City Council should amend the ordinance to allow for a longer period of time to park, or leave it as it is. Colin Harrison asked if this ordinance is what the individual has been doing, or just abandoned or broken down vehicles. Jackie D. Orton stated that he feels this is a good ordinance, and that Wellsville City needs to enforce it. Mayor Bailey asked if the ordinance should be amended to 5 or 7 days instead of 24 hours. Gary Bates stated that if a trailer moves on Friday, comes back on Monday, it doesn't have to be moved again until Friday. Mr. Bates stated that he is all about personal freedoms, but some personal freedoms extend to the neighbors. Mayor Bailey stated that about 95% of the individuals that receive a letter take care of the issue immediately. Mr. Harrison doesn't feel that 24 hours is too short. Mr. Harrison stated that common sense says that this is a good ordinance. Mr. Harrison asked if the letter also includes a ticket. Mayor Bailey stated that the letter is a warning, and gives 2 weeks for the individual to take care of the issue. After that, a ticket may be issued by the Cache County Sheriff's Office. Don Hartle stated that there is a lot of verbal abuse that comes into the City Office. After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, to enforce the current ordinance.

YEA 5

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

NAY 0

Department Reports:

Gary Bates – 1) Has had good success with the bridge. A company by the name of Contec has dropped their price significantly to \$104,000. Discussed this issue and if the cost of the asphalt is dropped, the project will be completed with the current budget approved for the project. Mr. Bates will submit an application next year for the asphalt work to be completed. Mr. Bates will turn this project over to City Engineer Chris Breinholt to begin engineering it.

2) drinking fountain at the softball diamond – try to fix this year. Don Hartle will look into it.

3) Fishing Derby – June 5, 2010 – 8:00 a.m.

Mayor Thomas G. Bailey – 1) Water pump at the Red Slide subdivision – the pump is plenty big, but may be some problem with the hammering of the water when the pump turns off and on. Will come with a proposal to add tanks so there is no surge – cost should be under \$3,000.

2) Talked with Brad Murray about not submitting a bid for the sidewalk around the Wellsville City Square – Mr. Murray stated that his bid would have come in around \$16,000, so the bid from Steve Kerr is in the ballpark.

Ron Case – 1) Valley Lawn Care sign posted at the Wellsville Mart – permit from Wellsville City – no – Don Hartle will look into it.

2) A section of sidewalk is propped up in front of David Baker's home on Center Street – Don Hartle will look into it.

3) Memorial Day program – excellent

4) Cemetery looks great.

5) Would like to see the park rules signs installed ASAP.

6) Public hearings – Logan advertises in the newspaper that a public hearing will not start before a certain time – think about it.

Colin Harrison – 1) Memorial Day program went well

2) Cemetery looks great.

3) City's sound system – Al Scott (his neighbor), is looking into it – thinks it has a few problems – may not be worth it to fix.

City Manager/Recorder Report:

Don Hartle – 1) Agendas – adding Eagle Scout projects at the last minute – no action should be taken unless the item is on the agenda – rule for getting on the agenda is 48 hours.

2) Handed out Storm Water Regulations

At 7:58 p.m., Jackie D. Orton made a motion, seconded by Colin Harrison, to adjourn the meeting.

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Jackie D. Orton

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder