

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 4, 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 and emailed and faxed to the Herald Journal on July 30, 2009. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Robert Kurek
Dave Kurek Randy Wall
Jim McCaughey Bryant White
Sam Winward Aleena Winward
Laurel S. Maughan Glenna Petersen

Opening Ceremony: Ron Case

The Council reviewed the agenda. Ron Case made a motion, seconded by Gary Bates, to approve the agenda as presented.

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

The Council reviewed the minutes of the July 21, 2010 meeting. There were word changes on lines 30, 68, 256, 260, and 317. Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the July 21, 2010 meeting with the changes.

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 12015 through 12071.

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

No one was in attendance for citizen input.

At 6:15 p.m., Ron Case made a motion, seconded by Gary Bates, to go into a public hearing:

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

Conduct a public hearing to receive public input and consider the recommendation of the Planning Commission that the code be amended to allow “repair and maintenance of motor homes, campers, R.V. trailers and utility trailers” in the CH, Highway Commercial zone. Carl Leatham stated that the Planning Commission discussed this issue at length. The Planning Commission was very specific as to what types of trailers are allowed. There are no other kinds of R.V.’s or trailers allowed, other than what is stated above. Mr. Leatham stated that this code includes the entire area of highway commercial, which is the tan-colored area on the zoning map. Ron Case asked if a discussion was held about visual pollution. Mr. Leatham stated that it was discussed, and that it will be part of the conditional use permit. Don Hartle stated that there will be restrictions as to what will be allowed. Colin Harrison asked why there could be no snowmobiles or ATV’s. Mr. Leatham stated that the Planning Commission is concerned about noise pollution next to a residential zone.

At 6:37 p.m., Carl Leatham made a motion, seconded by Colin Harrison, to close the public hearing:

YEA 5

NAY 0

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

After discussion, Carl Leatham made a motion, seconded by Jackie D. Orton, to **ADOPT CODE AMENDMENT 2010-03** adopting **AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 10, LAND USE REGULATIONS, CHAPTER 9, ARTICLE E, HIGHWAY COMMERCIAL, TO ADD “REPAIR AND MAINTENANCE OF MOTOR HOMES, CAMPERS, R.V. TRAILERS, AND UTILITY TRAILERS” IN SAID ZONE AS A CONDITIONAL USE.**

YEA 5

NAY 0

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

Laurel Maughan, representing the Wellsville Foundation, met with the City Council to discuss the tabernacle. Ms. Maughan stated that she is here tonight to discuss the lighting outside of the tabernacle. Ms. Maughan stated that Kendall Larsen took off the fixtures that were dangerous. Ms. Maughan suggested that they attach the fixtures to a 2-inch pipe that stands 6 to 7 feet off of the ground. Ms. Maughan stated that the Brigham City tabernacle has the same type of lighting. Ms. Maughan stated that she discussed this with Curtis Maughan, who gave a rough estimate of \$8,000. Ms. Maughan stated that she discussed the same issue with Kendall Larsen, who thinks they can attach the fixture and fix them for \$98 per fixture. There are 16 fixtures. Ms. Maughan asked Wellsville City to help the Wellsville Foundation with this expense so that the fixtures are up off of the ground, safer, and are not vandalized. Jackie D. Orton asked if there is any protection on the fixtures if they are shot at with a BB gun. Ms. Maughan stated that the light is angled. There is a protective covering that goes over the bulb that can be tented or dome-shaped. Mr. Orton is concerned about lighting a building that can’t be used. Ron Case asked if the lighting is raised, will there be enough light for people walking. Ms. Maughan stated yes. Mr. Case asked if there will be additional glare for neighbors. Ms. Maughan stated not any more than there is now. Mr. Harrison asked what the results are of the study of the building. Ms. Maughan stated that the building is sound except for the roof. Mr. Orton asked when the Wellsville Foundation plans to report their findings to Wellsville City. Ms. Maughan stated that she hopes to have it completed by the end of the year. Gary Bates stated that if nothing is done with the lighting, they may still have some vandalism. If there is no lighting, the kids may hang out at the tabernacle, and then they may try to break in. Mr. Bates stated that the lights on the tabernacle go off at 10:00 p.m., and suggested that maybe they stay on a little longer. Ms. Maughan stated that in 2009, the Wellsville Foundation paid Rocky Mountain Power \$1,900 for the year. Ms. Maughan stated that it may help to leave the lights on longer. Mayor Thomas G. Bailey stated that if it doesn’t bother

the neighbors, the lights could be left on until 10:30 p.m. or 11:00 p.m. Ms. Maughan asked if there were any recommendations. Mayor Bailey stated that after reviewing the project, \$1,600 to \$2,000 may be a good investment. Ms. Maughan stated that the committee will gather the materials together, and will submit bills to Don Hartle up to \$2,000. Mayor Bailey asked if there was money in the budget to cover this. Don Hartle stated yes. After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, that Wellsville City will pay for the Wellsville Foundation, up to \$2,000, to replace and work on the lighting around the tabernacle.

YEA 5

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

NAY 0

The City Council continued their discussion of the open space and the Red Slide West Park. Mayor Thomas G. Bailey stated that this issue has been discussed several times, and this discussion needs to be 15 minutes or less. Randy Wall stated that they propose that some changes be made to the open space code. Mayor Bailey stated that his concern is if Wellsville City ever builds a reservoir higher up, and needs to run a water line down through the open space that is part of the Red Slide subdivision, Wellsville City will be unable to do it. Don Hartle stated that he is very concerned because the residents of the Red Slide subdivision want to restrict what can be in the open space. Mayor Bailey suggested that the Red Slide subdivision committee doesn't want to further limit the open space code. Jackie D. Orton stated that this committee has done a good job, and has come a long way. Mr. Wall stated that the changes in the code will protect the neighbors who purchased lots that have the open space behind them. Mr. Hartle stated that the building of public utilities on the open space needs to be left in the code. Mr. Hartle stated that he is also concerned that everything Wellsville City does with the open space has to be brought to the residents of the third phase of the Red Slide subdivision for a vote. Ron Case stated that he needs time to think about this proposal. Mr. Case stated that if he had to vote tonight, he would be opposed to it. Mr. Hartle stated that City Attorney Bruce Jorgensen would be opposed also. Mayor Bailey stated that City Attorney Bruce Jorgensen stated that the Red Slide subdivision could put some conditions on the agreement. Colin Harrison asked what the concerns would be from City Attorney Jorgensen. Mr. Hartle stated that the Red Slide subdivision committee is trying to short circuit the code by pulling parts of it out. Carl Leatham stated that he does like the agriculture part of the proposed code change. Mr. Leatham stated that he has spoken with the individual who currently farms the open space. This individual stated that notes have been left on his tractor for various things. Mr. Leatham stated that he would like to see the Red Slide subdivision committee stay as close to the original code as possible. Mr. Harrison stated that he has sat through several discussions concerning this open space. Mr. Harrison stated that there seemed to be a lot of mis-trust against the City, and now with tonight's discussion, it seems that has flipped that the City is not trusting the residents of the third phase of the Red Slide subdivision. Bryant White stated that he trusts that each individual who is part of the City Council will do their job, but he doesn't trust the City to follow through on their word. Mr. Case stated that the individuals that are part of the City Council have been elected by the residents of Wellsville City to uphold the code. Jim McCaughey stated that the City approached the Red Slide subdivision to obtain the 22 acres of open space. Mr. Wall stated that the Red Slide subdivision committee approached the City about building a park in exchange for the 22 acres of open space. Gary Bates stated that Wellsville City purchased some property from a family, and the family put restrictions on the property. The Red Slide subdivision committee is willing to give Wellsville City 22 acres in exchange for the city building a park. Mr. Bates stated that some wording needs to be hammered out, but doesn't think what the Red Slide subdivision committee is proposing is unreasonable. Mr. Case stated that it is a violation of the open space code. Mr. Hartle stated that a copy of the open space code has been filed with the agreement, and the code can't be changed. Mr. Wall stated that the Red Slide subdivision would like to write their own code for open space. Mayor Bailey stated that Wellsville City abides by the code, and will come to no one for a 2/3 vote on what to do with the 22 acres of open space. Mayor Bailey stated that future City Councils will be bound by this agreement. They will not be able to change it. Mayor Bailey suggested that the Red Slide subdivision writes up their code, bring it back to Wellsville City, and Wellsville City will discuss this with City Attorney Bruce Jorgensen to get his feedback. Mr. Case stated

that the code can be tightened, but not loosened. Mr. Harrison suggested that a member of the City Council meet with the Red Slide subdivision committee as part of a workshop so that this issue doesn't keep going back and forth. Mr. Harrison suggested that Gary Bates to the point-of-contact for this project. Mr. Case stated that he has a concern with the 2/3 vote. Mr. Wall stated that the proposed code doesn't restrict what Wellsville City can do in the 22 acres of open space. Mr. Leatham stated that the restrictions are already in place. Mayor Bailey thanked the Red Slide subdivision committee for attending this meeting.

The City Council continued their discussion of possible additional sidewalk replacement. Jackie D. Orton stated that the sidewalk on the east side of the City Square is completed. Mayor Thomas G. Bailey, Jackie D. Orton, and Steve Kerr walked the City Square. On the north side of the square, there are 16 pieces of sidewalk raised, 4 cracked, and 18 pieces need to be replaced. On the south side of the square, there are 18 pieces of sidewalk raised, 8 cracked, and 19 pieces need to be replaced. It was concluded that it is hard to replace pieces of sidewalk, and raising or lowering the sidewalk is a band-aid. Steve Kerr representing Sasquatch Construction, submitted a bid for replacing the sidewalk on the north side of the city square for \$8,700, and replacing the sidewalk on the south side of the city square for \$17,300. Mr. Orton stated that it is his feeling and recommendation that the sidewalk around the city square be completed. The sidewalk along on the west side of the city square has 8 pieces of cement raised, 4 cracked, and 0 pieces of cement need to be replaced. Mr. Orton reported that there are no grants for existing sidewalks. Mr. Orton stated that if Mr. Kerr is granted the contract, he can have the south side completed before Founder's Day, and will start and complete the north side after Founder's Day. Ron Case asked how the City would pay for the sidewalk. Don Hartle stated that the City also needs to budget \$1,150 for gravel on top of the bid. Mr. Hartle stated that this is all of the money that can be spent on sidewalks for this year. Mr. Case asked if any more sidewalks can be replaced until this money is paid back. Mr. Hartle stated that they will have to wait and see how the budget is next year. Mayor Thomas G. Bailey stated that in the last City Council meeting, a motion was made to spend \$10,000 to raise and lower the cement, which is more of piece-milling the project than replacing the sidewalk. Mr. Orton stated that Mr. Kerr can start the project Monday, and Mr. Orton has scouts lined up to replace the sod before Founder's Day. Colin Harrison stated that he walked the city square, has put some more thought into this project, and he is concerned about the south side of the city square. Mr. Harrison stated that he agrees with Mr. Orton, and that the sidewalk on the south side of the city square needs to be replaced now. Mayor Bailey stated that the reason this project can be done now is because Wellsville City got such a good deal on asphalt for the roads this year, and there is money in the budget left over from the roads project. After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, to approve Sasquatch Construction to replace the sidewalk on the south side, north side of 100 South from 100 East to Center Street, of the Wellsville City Square for \$17,300 with the same method that was used on the east side.

YEA 5

NAY 0

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

Department Reports:

Jackie D. Orton – 1) Disappointed with the asphalt work on the trail around the Wellsville Dam – Gary Bates suggested having more on-site presence from the City Engineer on big jobs.

Colin Harrison – 1) Founder's Day – Pit BBQ is without ownership. Looking for someone interested in doing this.

2) The Sunday night Patriotic Program will take place in the LDS Church located on Center Street and Main Street. Anything else that took place in the tabernacle will not be part of this year's Founder's Day.

Mayor Thomas G. Bailey – 1) New rock at the entry park – talked with Corey Parkinson about curbing – bid is \$300 - \$350. Thought that square cement would be better than curbing. Cement bid is \$3,700. Wellsville City will work with Corey Parkinson on curbing around the new rock at the entry park.

2) Be thinking about a “Marshall of the Day” for the Founder’s Day parade.

3) Flowers for Founder’s Day and Sunday program.

4) Rodeo Club has invited the Wellsville City Council and their spouses to an appreciation dinner on September 2, 2010 at 6:30 p.m. at the bowery.

Gary Bates – 1) Asked Mayor Bailey to write a thank-you note to the Youth Council for painting the bowery.

2) Rich Benson – discussed the state of the City campground – will clean it up and maintain it if he can collect a reasonable fee. Will post a sign with a phone number and a drop box. Will call Don Hartle to get on the agenda.

3) Asked Don Hartle to talk with Dallas Hall about extra watering of the new sod areas in the volleyball court at Christensen Field.

4) Bark chips for playgrounds – bid of \$3,600 – talked with Mark Phipps and he can get it for cost at \$1,300 delivered. The Recreation Committee will rake and level the bark chips.

5) The bridge design has been completed and approved by Jones & Associates.

6) Kurt Archibald is building the gates for the bridge. They will be 4-bar gates.

7) Would like approval to add another member to the Parks & Recreation Committee – be thinking of someone.

Carl Leatham – 1) Sterling Ridge subdivision is going well – landscaping has been replaced.

2) Mt. Sterling Estates – the sidewalk has raised 2 feet where they cut the water line. Don Hartle will look into it.

3) Mt. Sterling Estates – has the City filed on the open space? Yes, City Attorney Bruce Jorgensen did.

City Manager/Recorders Report:

Don Hartle – 1) The current budget has \$25,000 for improvements to the sewer lagoons. The preliminary costs look to be \$27,000 - \$30,000 to run phase 3 power to cell #3.

2) Water Loan – prospects went out today – quotes are due on August 16, 2010. Don Hartle will not be here for the August 18, 2010 City Council meeting.

3) Special City Council meeting will be held on August 24, 2010 to award the contract.

At 8:37 p.m., Ron Case made a motion, seconded by Jackie D. Orton, 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