

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, September 1, 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 August 27, 2010. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Amy Petersen
Perry Maughan Tom Maughan
Curtis Cooper Randy Wall
Jim McCaughey Shawn McArthur
Patrik Roderer Rene Roderer

Opening Ceremony: Gary Bates

The Council reviewed the agenda. Gary Bates added an Eagle Scout project. Jackie D. Orton made a motion, seconded by Colin Harrison, 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 August 18, 2010 City Council meeting. Ron Case made a motion, seconded by Carl Leatham, to approve the minutes of the August 18, 2010 meeting as presented.

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

The Council reviewed the minutes of the August 24, 2010 City Council meeting. Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the August 24, 2010 meeting as presented.

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, Ron Case made a motion, seconded by Jackie D. Orton, to approve the City's bills for payment, represented by check number 12072 through 12135.

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

At the previous special City Council meeting, which was held on August 24, 2010, the City Council instructed Mayor Thomas G. Bailey and Don Hartle to discuss with City Attorney Bruce Jorgensen the issue concerning The Maughan Boys Construction Company bidding on city jobs when they work for Wellsville City. Mayor Bailey stated that they received a letter from Mr. Jorgensen stating that it is okay for Perry Maughan and Tom Maughan to bid on a city job as long as they disclose the name of the company and the name of the owners of the company. Perry Maughan stated that he owns 50 percent of the company, and Tom Maughan owns the other 50 percent. Perry Maughan stated that he understands the concern that some contractors may think that they have an inside, but they have to abide by the same code book as any other contractor. Mayor Bailey stated that in the letter from Mr. Jorgensen, it stated that Wellsville City would need to let other contractors know that they are bidding on the same specifications. Perry Maughan stated that the City Council does a good job, and they are good to work with. Perry Maughan stated that he appreciates working with the City Council. Colin Harrison stated that it is nice to know that there is no reason not to let Perry Maughan and Tom Maughan bid on a job, and it is to Wellsville City's advantage to let them bid. Perry Maughan stated that they treat other contractors with respect when they are awarded a contract with Wellsville City. Tom Maughan stated that they take pride in Wellsville City, and they do a good job for Wellsville City. Ron Case stated that Perry Maughan and Tom Maughan need to write down the name and address of each employee to meet all of the requirements from City Attorney Bruce Jorgensen. Jackie D. Orton stated that he supports this decision, but cautioned Perry Maughan and Tom Maughan to not work on their project on Wellsville City time. Tom Maughan stated that he has that same concern, and stated that Don Hartle is very good to come out and inspect their work. Perry Maughan stated that they don't inspect their own work. Mr. Orton stated that was for their own protection. Gary Bates stated that a concern from City Engineer Chris Breinholt is that this puts him in an awkward position. On one project, they could work as partners, and another project Mr. Breinholt would have to inspect their work. Mr. Bates asked that Perry Maughan and Tom Maughan be aware of Chris Breinholt's concern. Perry Maughan stated that Chris Breinholt is very good to work with and very professional. Perry Maughan stated that they don't always see eye to eye, but they do respect each other. Mayor Bailey thanked Perry Maughan and Tom Maughan for attending this meeting.

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

YEA 5

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

NAY 0

Receive public input and consider for approval the preliminary plat for the Reynolds subdivision, consisting of a total of 3 lots (2 additional building lots) on property at 39 East 300 South. Don Hartle stated that when he received this subdivision, the lot was 165 feet wide. Year ago, Mr. Reynolds divided the property in half, which would be 82 ½ feet, so that his son could build a home. When the property was surveyed, there is 80.49 feet of frontage, instead of 82 ½ feet on the remaining property on 100 East. Mr. Hartle stated that he discussed this issue with City Attorney Bruce Jorgensen. There was another individual that developed a subdivision at 200 North and 200 East with the same problem. This individual had to go before the Board of Adjustments, and a variance was granted to this individual on August 21, 2003. Mr. Hartle stated that when an individual purchases property, very seldom is it surveyed, and this is the case with Mr. Reynolds. Mr. Hartle stated that the developer would have to submit an application to the Board of Adjustments to allow a home to be built on the smaller lot, but all of the other zoning ordinances would be required. Mr. Hartle stated that City Attorney Bruce Jorgensen has no problem with the variance and subdivision taking place at the same time. Mr. Hartle submitted a memo authored by City Engineer Chris Breinholt which states the following recommendations: 1) You may consider asking the developer to extend the sidewalk from its existing location on the south line to the Kevin Reynolds property to the north line of Lot 3, 2) The survey for Lot 3 has 80.49' of frontage, but zoning requires 82.5 feet. A variance will need to be obtained from the Board of Adjustments, and 3) The ditch along the west side of 100 East will need to be shown on the construction plans including detailed grading information for the new sidewalk. Mr. Hartle stated that the City Engineer can recommend extending the sidewalk, but the City Council can't make someone install a sidewalk in front of someone else's home. Jackie D. Orton asked if the sidewalk in

front of lots is in good condition. Mayor Thomas G. Bailey stated that he didn't know. Perry Maughan stated that the sidewalk is old, but it is in good shape.

At 6:30 p.m., Carl Leatham made a motion, seconded by Colin Harrison, to close public hearing.

YEA 5

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

NAY 0

After discussion, Ron Case made a motion, seconded by Jackie D. Orton, to approve the preliminary plat for the Reynolds subdivision, consisting of a total of 3 lots (2 additional building lots) on property at 39 East 300 South subject to the memo from City Engineer Chris Breinholt dated August 31, 2010, a variance must be granted on the lot on 100 East, and request that the developer consider extending the sidewalk to the south in front of the home at 265 South 100 East, which was originally part of this property.

YEA 5

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

NAY 0

The City Council considered for approval a "Centralized Postal Box" for Sterling Ridge subdivision. Don Hartle stated that Travis Taylor approached him about a centralized postal box for his subdivision. Mr. Hartle stated that he spoke with Amy Petersen, the postmaster, and Perry Maughan about this. The centralized postal box will be located on 1450 South at about the intersection with 25 West out of the way so that as you come around the corner on 1450 South, cars are not stopped right there. Mr. Hartle stated that there is the road, and then the swale. The swale would have to be piped, and then an asphalt or cement pad would have to be installed for the box to be set on. Mayor Thomas G. Bailey asked if the post office truck could drive up to it in the snow. Mr. Hartle stated no. Amy Petersen stated that the post office truck driver doesn't carry a shovel with him. Mr. Hartle stated that there is about a distance of 6 to 10 feet. Perry Maughan stated that this is an issue for the HOA to be aware of, and to remove the snow from around the centralized postal box. Ms. Petersen stated that delivery in that area is usually in the afternoon. Gary Bates stated that the city code neither requires nor doesn't require a centralized postal box. Mr. Hartle stated that this has to be approved in the form of a motion because it will be located in the public utility easement. After discussion, Colin Harrison made a motion, seconded by Gary Bates, to approve a "Centralized Postal Box" for Sterling Ridge subdivision.

YEA 5

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

NAY 0

The City Council considered for approval or non-approval whether to rebuild the bridge over the Little Bear River at approximately 350 East 400 North, based on the recent inspection by the State Bridge Safety Inspector. Don Hartle stated that he has been working on this project for 4 years, and has met a lot of people from the State of Utah concerning this bridge. Perry Maughan, Tom Maughan, and Mr. Hartle don't think there is anything wrong with the bridge, and that it is in good shape. Mr. Hartle stated that 2 years ago, the bridge was downgraded. Wellsville City spent some money making improvements to the bridge. The bridge is inspected every 2 years. The bridge has been downgraded again. Jackie D. Orton asked if they have a choice in the matter. Mr. Hartle stated yes, but if anything goes wrong on the bridge, Wellsville

City will be held liable because the State of Utah will be covered by the letters that have been written to Wellsville City. Perry Maughan stated that he agrees with Mr. Hartle, and that Wellsville City needs to move forward with this project. Colin Harrison asked what is not safe on the bridge. Perry Maughan stated that the walls of the bridge are not safe, the width of the bridge is not safe, and if a 100-year storm should happen, it will not be able to handle the water. Ron Case asked what the cost of a new bridge would be, and stated that the letter from the State of Utah states that there is funding available. Mr. Hartle stated that he believes it will cost more to remove the existing bridge, then the purchase cost of a new bridge. Mr. Hartle estimated between \$300,000 and \$350,000. Mr. Hartle stated that they would bring in a pre-manufactured bridge. Mr. Hartle stated that he has not looked into any type of funding until a decision is made by the City Council as to what to do. Mr. Case asked what the time frame is for this project. Mr. Hartle stated that he would start the process now, and hope to have it completed by next summer. Mr. Case asked if Wellsville City receives no outside funding, would this project impact the road construction of new roads. Mr. Hartle stated no. After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, to move forward to replace the bridge at approximately 350 East 400 North.

YEA 5

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

NAY 0

The City Council discussed approving an amendment to the trails grant agreement. Gary Bates stated that he received a call from the Division of Parks and Recreation that they had some money left over from some projects, and asked if Wellsville City had enough money to do everything they wanted to do concerning the trail around the Wellsville Dam. Mr. Bates stated that they were cut short on the gates and signs for the trail around Wellsville Dam. Mr. Bates stated that this is a matching funds grant. Mr. Bates stated that he discussed this with Don Hartle, and they agreed that they could use an additional \$7,500 from the State. Mr. Bates stated that if they spend the additional grant money, the matching funds would come from impact fees. After discussion, Gary Bates made a motion, seconded by Ron Case, to approve an amendment to the trails grant agreement.

YEA 5

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

NAY 0

The City Council continued their discussion on open space and Red Slide West Park. Mayor Thomas G. Bailey stated that he and Don Hartle met with City Attorney Bruce Jorgensen. They received a letter today. Don Hartle handed out copies to everyone to read. Randy Wall stated that he is not sure Bruce Jorgensen understands the 2/3 vote. Mr. Wall stated that he understands Mr. Jorgensen's concerns. Mr. Wall stated that the residents of the Red Slide subdivision phase 3 will not approve this, so they are back to square one. Mayor Bailey stated that after they received the letter, he and Mr. Hartle had an idea. They have discussed the idea with City Attorney Bruce Jorgensen and Utah League of Cities and Towns Attorney David Church. If the HOA goes defunct, the open space returns to the previous owner. John Panos needs to redo the deed of the open space into two different deeds. John Panos will deed the 22 acres of open space to Wellsville City, and the West Park to Wellsville City. Wellsville City will then deed the 22 acres of open space to the Red Slide Subdivision HOA. Then, if in 5 years there is no HOA, the open space will go back to Wellsville City because they were the previous owner, not John Panos. A Red Slide Subdivision HOA will need to be in place, and they will be required to obtain insurance and pay the taxes for the 22 acres of open space. Wellsville City will then do exactly what they have said they will do with the park. Wellsville City will lower the berm, install a sprinkling system, plant grass, and grade it so there will not be a retention pond in the West Park. The HOA will have to be something done on the 22 acres of open space to keep the storm water off of the city streets because it has to be retained on their property. Mr. Wall thinks this is a great

idea. Shawn McArthur stated that when the 22 acres of open space is deeded back to the Red Slide Subdivision HOA, it doesn't indicate phases. Mayor Bailey stated that the deed will read to the Red Slide Subdivision HOA, and they can decide who is in the HOA. Gary Bates stated that the 22 acres that remains in open space has to follow the ordinances of Wellsville City. Mr. Wall asked if the monthly charge or upfront cost will change. Mayor Bailey stated that it will remain the same. Mr. Wall stated that he doesn't want Wellsville City to lose out on the RAPZ tax that they received for the West Park. Ron Case stated that the money is ear-marked for the West Park project. Mayor Bailey stated that this agreement will be in the minutes for this City Council meeting, so they may want to get a copy of the minutes to explain the proposal to the residents. Mayor Bailey stated that they would like to get this project completed. Mr. Bates stated that a plan needs to be made for the park so that trees and benches can be installed in the future. Don Hartle stated that most of the sprinkling system is in, so if a tree was planted, the sprinkling system may have to be rerouted, and at this time, there are no trees or benches. Mayor Bailey asked if Mr. Wall would take this proposal back to the residents of the Red Slide Subdivision, and will proceed in 2 weeks. Mr. Hartle reminded everyone of the October 1, 2010 deadline. Mr. Wall thanked the Mayor and the City Council for working with them on this project.

Patrik Roderer met with the City Council about an Eagle Scout project. Mr. Roderer would like to build a deck/handicapped access for fishing at the south parking lot area next to the water that is flush with the new trail. It would be 8 feet by 20 feet. An individual from Burton Lumber gave him 2 estimates: 1) pressure-treated wood without cement is about \$1,000, and 2) trex decking with big-foot footings without cement is about \$1,500. The second option would require a trench. Gary Bates asked if there was any interest in getting donations for this project. Mr. Roderer stated that he has received donations from a few people. Mr. Roderer stated that he would have a brass plaque with the names of people who donated more than \$100 mounted on the platform. Mr. Bates asked if the intent of this project is that another young man who is working towards his Eagle Scout rank would install the handrail as his Eagle Scout project. Mr. Roderer stated yes. Mr. Bates stated that the Recreation Committee supports this project. Mr. Bates asked if Mr. Roderer had contacted the State about a grant for disabled fishing access. Mr. Roderer stated that he hadn't contacted the State yet, but he would. Mayor Thomas G. Bailey stated that if this project is approved, Mr. Roderer would need to work with Mr. Bates. Mr. Bates stated that he has assigned Paul Egbert to work with Mr. Roderer on this project. Ron Case asked if this project would be completed this year. Mr. Roderer stated yes. Mr. Bates asked if a limit needs to be set by the City as to how much the City would contribute to this project. Don Hartle stated that Wellsville City is getting a fishing deck for half price. Mr. Bates suggested a limit of \$800 to be contributed to this project by Wellsville City. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve the concept plan for an Eagle Scout project for Patrik Roderer, that Wellsville City is willing to pay up to \$800 in matching expenses, and if the cost is more, Mr. Roderer would need to come back to the City Council for another discussion, and prior to construction, the plans are to be approved by Paul Egbert of the Recreation Committee.

YEA 5

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

NAY 0

Department Reports:

Jackie D. Orton – 1) The south sidewalk around the Wellsville City Square is completed, and looks good.
2) Discussed with Paul Egbert the stop sign at Center Street and Main Street – move it closer to the sidewalk. They will also replace the stop sign at 600 South on the east side.
3) Feels that they need to enforce the city code concerning the hedge on the northwest corner of Center Street and Main Street to be cut back to 42" high – Don Hartle will write a letter to the owner.

Colin Harrison – 1) Spoke with Kaylene Ames – will be using the chairs out of the tabernacle for the music in the park.
2) Need to get the tarp up – not because of the pit, but to have the serving area covered.

- 3) Need help with beef dinner – collecting money and filling water cups – start time is 11:30 a.m. – cost is adults \$11, and kids 4 years of age to 8 years of age \$7, and kids 3 and under are free.
- 4) Flowers have been ordered.
- 5) Appreciates all of the work that Perry Maughan and Tom Maughan do for Founder’s Day.
- 6) Complaints about the lights being left overnight or late at night at Darley Field – Gary Bates will ask his son Earl for any suggestions.

Ron Case – 1) Patriotic program – after the Mayor reads the biographies of the individuals being honored, please give them to him and he will put them on the website.
2) Sterile Carp in Wellsville Dam – yes.

Mayor Thomas G. Bailey – 1) Thanked Perry Maughan, Tom Maughan, and Don Hartle for all of the many hours spent on the water system.
2) Thanked Don Hartle for all of his work on the new reservoir.
3) The next City Council meeting is to be held on September 15, 2010. Jackie D. Orton and Colin Harrison will be attending the Utah League of Cities and Towns, and Mayor Bailey will be in Oregon. Ron Case suggested canceling the meeting.
4) Rodeo dinner – September 2, 2010 – 6:30 p.m. – bowery at the City Square.
Carl Leatham – 1) Two different people from his neighborhood commented on the discussions going on at the City Council table while another conversation was taking place. They expressed a concern that it was very rude and unprofessional.
2) Signs for the park – Eagle Scout project for Riley Seeholzer – still not up.
3) Gates – paint them – white reflection tape
4) Discussed with the Planning Commission the lot size continuing to the back of the home. Jay Nielson was not in attendance to the meeting.

City Manager/Recorder Report:

Don Hartle – 1) Update on the new 1-million-gallon reservoir – held the pre-construction conference – will start construction next Tuesday.
2) Running out of burial lots in the northwest corner – consider having the east side surveyed and open another section of the cemetery – will not sell any lots until all of the lots in the northwest corner are sold.
3) The Planning Commission and Board of Adjustments and the spouses will be having a Christmas Party. Does the City Council want to have an employee Christmas Dinner? – yes – will schedule for December 3 or December 10.

At 8:28 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