

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, November 3, 2010, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Ron Case, Gary, Bates, 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 October 29, 2010. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Arlyn Brenchley Brooks Hull  
Mark Anderson Trevor Erickson Alena Erickson  
Debra Hansen Curtis Dent Danalin Dent  
David Bankhead Randy Wall

Opening Ceremony: Jackie D. Orton

The Council reviewed the agenda. Colin Harrison made a motion, seconded by Jackie D. Orton, 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 October 6, 2010 City Council meeting. Colin Harrison made a motion, seconded by Gary Bates, to approve the minutes of the October 6, 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 October 20, 2010 City Council meeting. There were word changes on lines 139, 141, and 142. Ron Case made a motion, seconded by Carl Leatham, to approve the minutes of the October 20, 2010 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 12374 through 12431.

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

Arlyn Brenchley stated that the Wellsville City Irrigation Company will hold its annual stockholder's meeting on December 4, 2010.

Brooks Hull met with the City Council to discuss his Eagle Scout project. Mr. Hull would like to install yield or stop signs at 900 South 200 West and 400 South 200 West. Colin Harrison asked if this is an Eagle Scout project or a public works project. Don Hartle stated that Mr. Hull could meet with Tom Maughan and Perry Maughan about the signs. Gary Bates stated that the more yield signs that are installed; people will expect more yield signs all over Wellsville. Mr. Bates stated that 200 West is not a normal street because it is the "road that goes to Mendon". Mr. Hartle stated that traffic signs are installed to move traffic, not control traffic. Mr. Hartle stated that there is a stop sign installed at 400 North 100 West that he doesn't understand why it is there. Mr. Hartle stated that he has no problem with yield signs. Mr. Bates suggested 700 South 200 West. Mr. Hartle stated that he would like to see a yield sign on 700 South 200 West instead of 400 South 200 West. Mr. Bates asked about the funds for the signs, and how it would be handled. Jackie D. Orton asked if a study of traffic needs to be completed first before installing yield signs at these intersections. Mayor Thomas G. Bailey stated that once 400 South is paved; there may be a need for a traffic sign on it. Mr. Bates asked if Mr. Hull could get enough hours for his project with installing 3 signs. Mr. Bates asked if Mr. Hull would be willing to install some handrails for the handicapped ramp at the Wellsville Dam. Mr. Hull stated that he would. Mr. Bates stated that the handrails are made of steel, and would need to be welded. Mr. Hull has a welder. Mayor Bailey stated that Mr. Hull would need to raise funds and/or get donations, and it is the policy of the City to pay 50% of the project. Mayor Bailey stated that Mr. Hull would need to work through Gary Bates on the projects.

Trevor Erickson and Mark Anderson met with the City Council to discuss the hedge at 21 North Center Street. Mr. Erickson stated that he doesn't understand the City code, and asked how high the hedge is allowed to be. Don Hartle stated that beginning at the property line, moving to the west 40 feet, the code states that the hedge is allowed to be 2 feet high. Carl Leatham stated that the hedge interferes with the visibility at the intersection of Main Street and Center Street. Mark Anderson just purchased the property from the Erickson's, and likes the hedge as a buffer for sound and privacy for the backyard. Mr. Anderson distributed pictures of other intersections where trees that Wellsville City planted also interfere with visibility at other intersections. Mr. Anderson asked to keep the hedge at 6 feet tall. Mr. Erickson stated that the stop sign should be moved so drivers can see it before they get to the intersection. Jackie D. Orton stated that he has discussed this issue with UDOT, and the stop sign will be moved out closer to Main Street. Mayor Thomas G. Bailey stated that the City has received some complaints about the hedge. Mr. Leatham stated that his concern with the hedge is children on bikes that can't be seen on the sidewalk. Mr. Hartle read from the City code, section 10-11-8 concerning the height of fences, walls, etc. A corner lot in addressed in the City code, section 10-11-11, that states from the property line back 40 feet, a fence, wall, etc. can only be 2 feet. Mr. Hartle stated that he will discuss this matter with City Attorney Bruce Jorgensen, and get him to address it. Mr. Erickson stated that he hopes that something can be worked out between the City and Mr. Anderson, who now owns the property. Mayor Bailey stated that they will discuss the matter with the City Attorney, and will send them a copy of the letter to them from the City Attorney. Mrs. Erickson stated that she has only heard compliments about the hedge. Arlyn Brenchley stated that if it allowed for one resident to have a 6 foot hedge, it has to be allowed for everyone to have a 6 foot hedge. Mrs. Erickson stated that 24 inches of hedge defeats the purpose of the hedge. Mr. Hartle stated that the City Attorney will address the issue.

Michael Dent and Danalin Dent were to meet with the City Council to discuss a possible annexation. Michael Dent is hunting, so his father, Curtis Dent, met with the City Council to discuss a possible annexation. Don Hartle stated that Danalin Dent met with Mayor Thomas G. Bailey and himself to discuss some property. When Willow Valley middle school was built, the City tried to work with the Elwood's who own the property to the south. The proposal was that if the Elwood's would donate half of the road from 200 West up to the canal, the City would build the road to city specifications and would pay to move the power lines. The Elwood's refused the offer from the City. The Dent's would like to purchase the property from the Elwood's that is below the canal, which is about 8 acres. Mayor Bailey stated that if the Dent's purchase the property, they are concerned with the regulations annexing it into Wellsville City. Gary Bates asked if the thought is to develop the 8 acres. Mayor Bailey stated that if the property is annexed, it would come into Wellsville City as RA-1, which is the zoning of the neighbors. Mayor Bailey

stated that what the Dent's do with the property is not the concern of Wellsville City at this point in time. Curtis Dent stated that it is their intent to leave it as 1-acre lots. Mayor Bailey stated that the first issue is when property is annexed into Wellsville City, 3 acre feet of water per developable acre is required. The City code stated that the developer purchases water out on the open market to bring to Wellsville City, or the developer can possibly purchase water from Wellsville City. Mr. Dent asked if Wellsville City has water to purchase. Mr. Hartle stated that the cost of water from Wellsville City is \$3,000.00 per acre foot. Mayor Bailey stated that the second issue is the road, which the Dent's would have to donate 49 ½ feet from the center of the road to Wellsville City. Mr. Dent stated that he would be responsible for moving the power lines, moving the telephone line, moving the irrigation line, and the source of heat would be propane. Mr. Hartle stated that the irrigation line would not have to be moved because it is far enough south. Mayor Bailey stated that the Dent's would have to donate one-half of the road, move the power poles, and move the telephone poles. Mr. Bates asked that if the Dent's did all of this, if Wellsville City would honor the original agreement with the new owner. Mr. Hartle stated that the original agreement was that if the Elwood's would donate one-half of the road, the City would put in all of the improvements. If the Elwood's wouldn't donate one-half of the road, then they (or the new owners of the property) would have to put in all of the improvements. Mr. Hartle stated that there is no agreement. Mr. Bates stated that if Wellsville City is trying to do the right thing for the area, then they need to be open-minded and discuss the issues. Mayor Bailey stated that the City Council needs to decide if what was told to the Elwood's would be honored with the Dent's; or does the City Council want to alter it. Mr. Dent stated that asphalt, curb and gutter add up, yet other homes above this property would benefit from the road. Mr. Dent stated that it makes sense to annex the property into Wellsville City, and not leave it in the County. Mr. Hartle stated that the decision is to stay with the agreement that a previous City Council made with the Elwood's, or to compose a new agreement with the Dent's. Carl Leatham asked if the property could be subdivided before being annexed into Wellsville City. Mayor Bailey stated that the annexation has to be the first step in this process. Mr. Bates stated that the Elwood situation is behind us. If Wellsville City shares the burden to finish the road, and curb and gutter, he is concerned that Wellsville City will be setting a precedence, and it would open a big can of worms. Mr. Hartle stated that he would have 2 different families in wanting Wellsville City to finish roads for each of them. Mr. Leatham asked if Wellsville City is setting a precedence for moving power poles. Mr. Hartle stated that Wellsville City never gets involved when moving power poles. Mayor Bailey stated that the Dent's want a commitment from Wellsville City concerning the road, curb and gutter, and moving utilities. Jackie D. Orton stated that if the property is annexed, there is no curb and gutter on that road, and it may not be required. There is a sidewalk on the other side of the road, so a sidewalk would not be required. Mr. Dent asked if there was a sewer line and a water line along 200 West. Mr. Hartle stated yes. After pulling water and sewer plans, Mr. Dent asked if the water line was on the north and the sewer line was on the south. Mr. Hartle stated that both lines were on the north side. Mr. Dent asked if he would be required to bore the road. Mr. Hartle stated yes. Mr. Dent stated that while driving on the road in question, there is plenty of room to pass another vehicle. Mayor Bailey stated that his concern is that as the road goes further to the west, the center of the road is true center. Mayor Bailey stated that the worst that could happen with this project is that the Dent's would be responsible to move the power poles, move utility lines, and build the road. Mr. Orton stated that he has no problem waiving the sidewalk and curb and gutter. Mayor Bailey stated that can be decided during the subdivision process. Mr. Dent asked how long the annexation process takes. Mayor Bailey stated about 3 months. Mr. Dent stated that with the agreement they have, they have to close by the end of the year. Mayor Bailey stated that some more work needs to be completed with this, such as measuring the road, so he suggested that Danalin Dent contact Don Hartle and himself at the first of next week to discuss this matter further. After discussion, Gary Bates made a motion seconded by Carl Leatham, that the City Council supports this annexation request in principal, and the moving power poles, other utilities, irrigation lines, donation of the road, and the amount of asphalt be decided by the Dent family, Mayor Bailey, and Don Hartle.

YEA 5

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

NAY 0

David Bankhead met with the City Council to continue the discussion of the intersection of 900 South 200 West. Mayor Thomas G. Bailey stated that everyone should have had a chance to look at this intersection, and asked what recommendations the City Council has. Carl Leatham stated that he understands what Mr. Bankhead is talking about because he caught himself doing the exact same thing by swinging wide into Mr. Bankhead's frontage to turn left onto 200 West. Mr. Leatham stated that is what people do. Mr. Leatham believes that the cheapest solution is a yield or stop sign which will force people to slow down and stay on the road. Ron Case stated that he is concerned that the sign will get hit if it is installed in the middle of the road. Mr. Leatham stated that it will look like it is being installed in the middle of the road, but it will also define the road and the frontage. Gary Bates stated that he worries about the snowplows. David Bankhead asked about installing linear posts. Mr. Leatham stated that the sign will also serve another purpose which is to help traffic. Mr. Leatham stated that it will cause people to slow down to make the turn, and help with the blind spot that is there. Colin Harrison asked how far back does the sign have to be installed. Don Hartle stated that he thinks that it is at the property line, but there are sign regulations that Wellsville City is required to meet. Mr. Leatham thinks that the sign should be in-line with the guide wires from the power pole. Mr. Hartle stated that the guide wires are the responsibility of the power company. After discussion, Carl Leatham made a motion, seconded by Ron Case, to install a yield sign at the corner of 900 South 200 West for westbound traffic.

**YEA 5**

**NAY 0**

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

The City Council discussed a representative for the Mosquito Abatement Board. Gary Bates stated that he would take Ed Rigby's place on the Mosquito Abatement Board.

The City Council discussed the West Park in the Red Slide subdivision. Mayor Thomas G. Bailey stated that the City Council was handed a copy of an agreement between the Red Slide subdivision and Wellsville City, and was to have their input into Don Hartle by last Wednesday. Don Hartle stated that he didn't hear from anyone on the City Council, so he has made copies of the packet, asked Randy Wall to attend tonight's meeting, and will give the stack to Mr. Wall to distribute to each lot owner. Mayor Bailey stated that as he read the agreement, he thinks City Attorney Bruce Jorgensen has done a good job. Randy Wall asked that the park not be planted entirely in grass. If a design of the park completed upfront, Wellsville City will not be tearing up a sprinkling system down the road. Gary Bates stated that if Wellsville City spent a couple of hundred dollars and asked Lindsey Bankhead to draw up a long-term design of the park, it will help with future plans and donations to the park and Wellsville City will follow the park plan. Mr. Wall stated that his concern is with the sprinkling system, and not watering the grass all the time. Mayor Bailey stated that his concern is waiting for shrubs; there will be dead spots in the park. Mr. Bates stated that in the future, a sprinkling system can be capped off. Mr. Hartle stated that it makes a difference with the size of pipes that are needed. Jackie D. Orton stated to plan as if the entire park is in grass, and it can be changed at a later date. Mr. Hartle stated that he made copies of the agreement for phase 3 lot owners. After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, to approve the agreement between Wellsville City and the Red Slide Subdivision West Park.

**YEA 5**

**NAY 0**

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

The City Council discussed the possibility of adopting a code relating to Synthetic cannabinoids (Spice). Mayor Thomas G. Bailey stated 2 weeks ago, Hyrum City's Spice code was distributed to the City Council. Mayor Bailey asked if the City Council would like to use Hyrum City's code, author a new code for Wellsville City, or wait for Cache County or the State of Utah to approve their code. If the State of Utah approves a Spice code, it will cover Wellsville City. Gary Bates asked if Wellsville City is covered yet. Mayor Bailey stated no. Ron Case stated that it comes down to enforcement. Mr. Bates stated that if neighbors complain about traffic or teenagers hanging out at a certain house or place, then Wellsville City could consider an ordinance. Mr. Bates stated that Hyrum City's ordinance is very well written. Mayor Bailey asked if adopting a Spice code would be difficult. Don Hartle stated no. Mr. Hartle stated that he puts together code amendments all the time. Ron Case stated that his opinion is that the next legislature will author a new code, and to wait until that code is released. Mayor Bailey stated that if it is an easy change, what would it hurt now to add it to the existing code. Mr. Case asked if a public hearing is required. Mr. Hartle stated yes. Jackie D. Orton stated that Wellsville City should adopt the Spice code to get it on the books, and to be pro-active about this issue. After discussion, Ron Case made a motion, seconded by Carl Leatham, to table this discussion until after the 2011 legislative session.

**YEA 3**

Ron Case  
Colin Harrison  
Carl Leatham

**NAY 2**

Gary Bates  
Jackie D. Orton

Department Reports:

Mayor Thomas G. Bailey – 1) At Planning & Zoning meeting last Wednesday, they discussed a sign ordinance for subdivisions wanting a sign for their subdivision. It was discussed that the Wellsville City boundaries need to be posted. Don Hartle received a copy of UDOT's sign code, which Wellsville City will have to follow in order to post signs on Highway 89/91 and Highway 101. Mayor Bailey asked the City Council to read UDOT's sign code and be prepared to discuss it in 2 weeks.

2) The tree limbs at Clark Maughan's on 200 East and Main Street are hanging low and need to be cut. Colin Harrison will take care of this issue.

Ron Case – 1) Did Wellsville City ever find out what the guy is building, whether it is a road or what on the north end of the Wellsville Dam park. Don Hartle stated that he hasn't found out anything yet.

2) Halloween Eve night, a friend, who is also a Cache County deputy, was at Ron's home. A truck was parked at the Dam, so she ran it off. The deputy was not aware of the code that Wellsville City has adopted concerning parks, and the deputy assigned to Wellsville City has quit the department.

3) Any fires on Halloween? – 5 fires were set.

Gary Bates – 1) The CD's that record the meetings are only guaranteed for 3 years, and CD's that are guaranteed for 100 years are \$2.20 each. Don Hartle stated that Wellsville City is required to keep meeting minutes on CD for 1 year. The official minutes of the meeting are the written minutes.

Carl Leatham – 1) Residents that received a letter from the City concerning different violations have responded to the letters and have come into compliance.

2) Asked if Don Hartle had checked on Good Timber – no, not yet.

3) Property at 150 West 200 North had a 6-foot cedar fence installed in front and Wellsville City required them to remove it. Wellsville City needs to be consistent with all of the residents.

City Manager/Recorder's Report:

Don Hartle – 1) In 2 weeks, an individual will be attending City Council meeting to discuss a water overage. The City's policy has always been to give a 50% credit. Last time this happened, the City Council waived the entire bill. 6 weeks ago, a resident had their water turned off for not paying a \$22.40 overage. Mr. Hartle gave these details so that the City Council could be aware of the code and what has happened in the past. If the City Council waives all overage when the resident comes into a City Council meeting, we may get to the point of a base rate increase.

2) Plans to pour the cement wall of the new million-gallon reservoir next Tuesday.

3) The bridge across the Wellsville Dam looks great.

4) Christmas Party – December 10, 2010 – 6:00 p.m. – Copper Mill

At 8:24 p.m., Ron Case 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**

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Thomas G. Bailey

Mayor

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Don Hartle

City Manager/Recorder