

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, February 16, 2011, 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 February 11, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Noelle Johansen Jeff Pierce
Tyler Pierce James Swink Laurie Christensen
Terry Moore Leesa Cooper Cheryl Zesiger
Bruce Miller Jim Parker Steve Simmons
Shawn Gooch

Opening Ceremony: Jackie D. Orton

The Council reviewed the agenda. Gary Bates stated that he would like to add an Eagle Project approval to the agenda. Jackie D. Orton made a motion, seconded by Ron Case, 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 February 2, 2011 City Council meeting. There were word changes on lines 129 and 135. Gary Bates made a motion, seconded by Colin Harrison, to approve the minutes of the February 2, 2011 City Council 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, Ron Case made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 12703 through 12764.

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

Tyler Pierce met with the City Council to discuss approval of his Eagle Scout project. His project is to fix the batting cages. He gave a list of supplies that he would need to purchase, which totaled approximately \$325.00. Gary Bates stated that he didn't think that fixing the batting cages would give Mr. Pierce enough hours for his project, so he asked that Mr. Pierce install a new net as well. Ron Case asked when he planned to have the project completed. Mr. Pierce stated before the baseball season begins. Mr. Bates stated it should be completed within the next few weeks. Mayor Thomas G. Bailey asked how much of the total bill the City need to pay would. Mr. Bates stated that he would like to use the money for this project out of the baseball account. After discussion, Gary Bates made a motion, seconded by Colin Harrison,

to approve the Eagle Project of Tyler Pierce, and that Wellsville City would pay for the entire project.

YEA 5

NAY 0

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

Cache County Attorney James Swink met with the City Council to discuss the proposed County Justice Court. Mr. Swink handed out a paper with different slides on it as his presentation. The slides read as follows: Cache County is the only County without a Justice Court. There are 28 counties in Utah that have a Justice Court. The 1988 ADHOC County Justice Court Study Committee stated that the advantages to having a County Justice Court are as follows: 1) increase in revenue would be sufficient to pay court operation costs; 2) surplus could be used to defray the costs of law enforcement; 3) shift in revenue to the country from the state; 4) various municipal justice courts throughout the county could be strengthened by the resources of a full-time justice court; 5) municipalities would have the option, but not be required, to contract with the county court for service in their community; 6) Circuit Court relieved of a good share of minor cases and could alleviate the over-crowded calendar. The disadvantages to having a County Justice Court are as follows: 1) up-front setup costs; 2) perception that government is expanding; 3) County Attorney expressed opposition to the court (because of political pressures): a) viewed the court as a revenue court; b) additional burden on Cache County Attorney's Office; c) trial de novo right is burdensome; d) competence of justice court judges; e) attorneys and law enforcement less comfortable in justice courts. The committee's observations were as follows: 1) creation of the court would not increase the number of citations being written, but would change the beneficiary of the revenue; 2) County Attorney's Office would be prosecuting the same persons in the Justice Court as in the Circuit Court; 3) more likely to obtain a highly qualified judge. The main advantage of a Unified Justice Court are as follows: 1) Share the resources and costs of running a court; 2) Increase the level of service for citizens; 3) More uniform administration of justice. The County Justice Court would be sharing the costs for judge, clerks, bailiff, court space, defense expenses. The County Justice Court would increase the level of service for citizens. There would be more convenient court hours and locations. There would be more uniform administration of justice. Each court varies in the imposition of fines, use of probation, jail, work hours, and acceptance of pleas. Unified court levels the playing field for citizens. The last slide was a table of the Utah Justice Courts Cases filed and disposed between July 1, 2008 and June 30, 2009. After Mr. Swink finished his presentation, Mayor Thomas G. Bailey opened the meeting for questions from the City Council. Jackie D. Orton asked if Wellsville City joined the County Justice Court, would their revenues increase or decrease. Don Hartle stated that it would depend on how the judge rules. Mr. Orton asked if the fine was \$90, what does Wellsville City keep. Mr. Hartle stated that Wellsville City gets about \$35 of a \$90 fine. Mr. Swink stated that the expenses would be shared between the members of the County Justice Court, but each individual city would keep their own revenues. Mr. Swink stated that everything has to be equal. Mr. Swink stated that Hyrum and North Logan have buildings that will be able to accommodate courts. Ron Case stated that he has several concerns. Mr. Case asked what would happen to Wellsville City's existing clerk and judge. Mr. Swink stated that it would have to be an issue that is discussed when the County Justice court gets there. Mr. Swink stated that there is a selection process for the judge, and the clerk may or may not be hired on. Mr. Case asked if Logan City is part of the County Justice court. Mr. Swink stated no, not at this time. Logan City would like the County to take over their court. Mr. Case stated that this is a revenue generation station for Wellsville City, but it seems that the expenses and revenues have not been finalized. Mr. Swink stated that there will be no expenses, and Wellsville City will receive 50% of the revenues. Mr. Case asked if the 50% is not covering the costs of the court, would there be an adjustment. Mr. Swink stated that it would be altered by agreement. Mr. Case asked what happens if this County Justice court doesn't work. Mr. Swink stated that he believes it will work, and that it depends on the size of the court. Mr. Case asked if Wellsville City joins and they can't work things out, can Wellsville City drop out? Mr. Swink stated that Wellsville City would have to submit an application to the court to the State Administration office of the Courts and drop out. Mr. Swink stated that Wellsville City would have to provide their own defense. Gary Bates stated that Judge Moore has just been re-elected to a 6-year term. Mr. Swink stated that it may be in Wellsville City's best interest to wait. Mr. Swink thanked Wellsville

City Council for their time and for letting him come in and make his presentation. Mayor Bailey thanked Mr. Swink for his time. Mayor Bailey asked if Laurie Christensen or Judge Terry Moore had any comments. Judge Moore stated that he attended this meeting as a resource if the City Council had any questions. Laurie Christensen stated that she believes that cities will lose control over what is going on. Ms. Christensen is a full-time employee for Wellsville City, and works full-time for the Justice Court. Mayor Bailey stated that his concern is that Wellsville City Justice Court does make money, Wellsville City does have control over it, and the argument would have to be very persuasive to give it up. Ms. Christensen stated that there are too many unknown answers to questions right now.

At 7:00 p.m., Carl Leatham made a motion, seconded by Jackie D. Orton, 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 possible approval a request from Wellcome Mart that the City code 3-2A-14 be amended to allow for the sale of beer on Sundays. Cheryl Zesiger stated that Wellcome Mart is located out next to the highway and they are opened on Sundays. Ms. Zesiger stated that she has to turn a lot of people away because they can't sell beer on Sundays. Ms. Zesiger would like to keep the money in Wellsville City. Ms. Zesiger stated that beer is approximately 35 to 40 percent of sales at the Wellcome Mart, not including gas. Bruce Miller stated that not selling beer on Sunday doesn't prevent people from drinking. They will drive to another town to purchase it. Mr. Miller stated that Wellcome Mart is losing out on sales and Wellsville City is losing out on tax dollars. Gary Bates asked about Sherwood Hills, and how this would affect them. Judge Terry Moore stated that Sherwood Hills is allowed to sell beer on the golf course, the restaurant has a liquor license, but they are not allowed to sell any type of liquor to go. Colin Harrison asked about the history of not being able to sell beer on Sunday. Ron Case stated that Wellsville City has never sold beer on Sunday. Every city in the county, except for Wellsville City, has adopted a code to be able to sell beer on Sunday. Mr. Case stated that Nibley City adopted the state ordinance, which permitted beer sales on Sunday. Ms. Zesiger asked a question about the time that Wellcome Mart can begin to sell beer. Right now, Wellcome Mart can't sell beer before 11:00 a.m. Ms. Zesiger asked Mayor Thomas G. Bailey what the City code says, and he can't find anything as to what time an establishment can begin selling beer. Don Hartle stated that he didn't know, and would have to review the code. Ms. Zesiger stated that Wellcome Mart is not a 24-hour store.

At 7:13 p.m., Ron Case made a motion, seconded by Gary Bates, to close the public hearing.

After discussion, Ron Case made a motion, seconded by Jackie D. Orton, to proceed to amend the code to allow beer sales on Sunday and eliminate restrictions on the time of beer sales to change the hours of sale to conform to state law.

YEA 5

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

NAY 0

Steve Simmons and Shaun Gooch met with the City Council to discuss potential "Midevil Living History Site". Jackie D. Orton stated that at the request of the City Council at the last City Council meeting, he contacted Mr. Simmons and he answered some questions that Mr. Orton had about this project. Mr. Orton asked Mr. Simmons to attend tonight's City Council meeting to answer any questions that the rest of the City Council may have. Mr. Simmons stated that he is a retired educator. Mr. Simmons explained that they would have a village ale house, which would only serve non-alcoholic beverages. Mr. Simmons stated

that he would like this site to be family-friendly. Mr. Simmons stated that they base this site on the 7 nightly virtues. Mr. Simmons stated that he would begin with the purchase of the land and build 10 cottages. Mr. Simmons stated that he would add additional buildings as business grew. Mr. Simmons stated that he would eventually like to have 27 buildings. Colin Harrison asked how Mr. Simmons came to choose this site. Mr. Simmons stated that he has driven past the site for years and has seen the 'for sale' sign. Mr. Simmons stated that this spot is in the top running of sites that they would like to build this village. Mr. Simmons stated that he believes this is a viable business. Mr. Simmons stated that he hosted many LDS Girls Camps, LDS Youth Conferences, and many elementary schools visited his site in Idaho. Ron Case asked if Mr. Simmons was affiliated with the group from Arkansas. Mr. Simmons stated no, he is independent, but focuses on the same programs that the site in Arkansas does. Mayor Thomas G. Bailey asked if there would be over-night lodging on the premises. Mr. Simmons stated that he hosts 3- and 5-day long camps, and would like to have a Bed & Breakfast Inn with up to 5 rooms for rent. Mr. Harrison asked if there would be a stone wall around the premises. Mr. Simmons stated no. Mr. Case asked if his business is seasonal. Mr. Simmons stated that he tries to open the site year-around, but business is slow in the winter months. Mr. Simmons stated that the field trips for the elementary schools run from April into November. Mr. Case asked how he would anticipate traffic on and off of the highway. Mr. Simmons stated that he has written letters twice to UDOT with no response received yet. Mr. Case asked how many vehicles per day he anticipates. Mr. Simmons stated that the site can handle 1,000 people per day, and the parking lot would handle approximately 400 vehicles. Mr. Case asked about water requirements. Mr. Simmons stated that this property comes with more irrigation water than what he had in Idaho. Mr. Simmons stated that the pasture land is left as pasture land for animals that they have such as sheep, goats, cows, and horses. Mayor Bailey stated that the property has an irrigation well, and asked if he would have rights to the irrigation well. Mr. Simmons stated that the sale of the property comes with the water rights. Mayor Bailey asked if they plan to purchase all 727 acres. Mr. Simmons stated that he needs about 520 acres, but if they can't work something out, he will purchase all of the property and then sell off the 200 acres that he doesn't need. Mr. Simmons stated that Cache County has approved 16 parcels for the 200 access acres. Mr. Simmons asked how the City Council felt about this site, and if they would support a project like this to be part of Wellsville City. Mayor Bailey stated that the options are to stay in the County, or to annex the property and become part of Wellsville City. Mayor Bailey feels that this is a lot better situation than having subdivisions on the property. After reviewing the site plan, Carl Leatham suggested a different road than what was shown. Mr. Simmons is concerned about the cost of the road. Mr. Orton asked how long it would be before the project is started. Mr. Simmons stated that if the financing comes through, he hopes to start on the project in the spring, and be opened by 2012. Mr. Orton stated that he hopes Wellsville City can be friendly to work with, and thinks it would be good for Wellsville City and Cache Valley. Mr. Orton asked where the site in Idaho was. Mr. Simmons stated Lava Hot Springs. Mr. Orton asked why he got out of the business in Idaho. Mr. Simmons explained that he had opposed a gentleman on the Chamber of Commerce, which offended him, and Mr. Simmons was told that he and his business was no longer welcomed in Lava Hot Springs. Mr. Simmons stated that they sold the site to someone from Utah who was going to make it bigger and better, but it has never reopened. Mayor Bailey stated that there is a process to go through in order to annex the property into Wellsville City. Mr. Simmons understands. Mayor Bailey stated that from what he has seen, he believes Wellsville City would be interested in being part of this project. Mr. Leatham stated that this project would maintain open space and be a boom to Sherwood Hills and the AWHC. Mr. Leatham encouraged Mr. Simmons to become familiar with the zoning and an alternative access for the property. Mayor Bailey thanked Mr. Simmons and Mr. Gooch for taking the time to come to the City Council and make their presentation.

The City Council had a discussion and selection of a project for which to apply for 2011 Restaurant/RAPZ tax grant. Don Hartle stated that as far as Wellsville City stands on funds, when making the application, there is nothing to use as a contribution. Gary Bates stated that the group of individuals that work at the state for trails stated that they all but guarantee matching funds to expand the trail system. Mr. Bates stated that he would contact them to make sure that statement is still true. Mr. Bates stated that some of the projects that were discussed at the Park & Recreation Committee meeting were improving the parking and access at the Murray Farm, improvements at Center Street and 400 South, which would give access to individuals on foot coming to the ball diamond from the north, and a fish cleaning station. Mr. Bates stated that the parking at the Murray Farm would be a project for federal monies. Mr. Bates stated that Wellsville City should push harder on UDOT to fix the project at Center Street and 400 South. Mr. Hartle stated that he has ordered the pipe for the creek at 100 East and 350 South, and instead of installing a sidewalk, a trail could be installed instead. Mayor Thomas G. Bailey asked what project the City Council would like to use to apply for the RAPZ tax. Mr. Hartle stated that the application calls for a fairly close estimate, so they would need to get accurate costs. Mr. Bates stated that he would discuss the issues at Center Street and 400 South with Paul Egbert, and go walk the area with him.

Department Reports:

Jackie D. Orton – 1) Spoke with Jeff & Michele Andrews – will take care of the County Booth for 2011.
2) Wellsville City boundary signs – still waiting to hear from UDOT for approval, and then will order the signs.

Colin Harrison – 1) Shade Tree & Beautification Committee – meet on March 1, 2011 to discuss tree trimming and the Arbor Day program. Asked for suggestions of names to plant a tree in recognition of service to Wellsville City – asked if a tree had been planted for the Cokely's – will look into it.
2) Founder's Day committee – works with no less than 30 people, and each of those people have a committee.
3) Will ask President Evans if it would be possible to use the Stake Center for the Sunday evening patriotic program.
4) Called Ruth Maughan about not having a theme for Founder's Day and she said that was great.

Ron Case – 1) Carol Nyman will be the Dairy Princess Coordinator.
2) Asked that the City Council review the criteria for what has been done in Wellsville City in order to apply for the Healthy City award at the Utah League of Cities and Towns – need information back by the next City Council meeting.

Gary Bates – 1) Adding Eagle Scout projects to the agenda – Don Hartle stated that the City Council couldn't approve funds unless the item was on the agenda. The action of the City Council is that the scout needs to be on the agenda in order to approve funds and part of organization of the Eagle Scout project.
2) Fishing Derby – June 4, 2011 – Brett Jorgensen will be over this project – for ages 11 and under.
3) Cowboy Day – June 18, 2011 – horse parade at 10:00 a.m., concert at 6:00 p.m.
4) Music in the Park – planning for a Monday evening – will discuss this issue with President Evans.
5) Bike Rally – Scott & Janet Okelberry – will be getting some dates in the next couple of weeks.
6) Discussed having some type of spring clean-up in the Wellsville City parks.
7) Damaged tree – to replace will be about \$150.00 – Shade Tree & Beautification Committee will be responsible for this.
8) Discussed spraying program at the Wellsville Dam – areas are overgrown with weeds & thistles. Cache County will spray for \$75.00 each time, and they will do it twice during the year.
9) Dave Baker at 371 South Center Street is suspected of cutting meat in a truck in his backyard –Bear River Health Department has been contacted, but have had no response.
10) Discussed having a Wellsville City Constable who would patrol Wellsville City, Wellsville Dam, deal with dog issues, tree issues, and spend 4 to 5 hours out on the road – idea to think about.

- Carl Leatham – 1) No parking signs on the north side of 760 South need to be installed.
 2) Yield sign at 900 South and 200 East at Dave Bankhead’s – Eagle Scout project.
 3) Fishing off of the new bridge – liability issues for Wellsville City.
 4) Maintenance on trail around the dam – people to work off time – sweeping the trail.
 5) Discussed with the Planning Commission about hedge and fence requirements at 42 inches – saw the wisdom and safety – think it is a good idea.
 6) Discussed with the Planning Commission the property frontage requirement – explained that in a cul-de-sac, the property would be pie-shaped. Didn’t like that idea, wants 82 ½ feet of frontage from the curb and gutter or the road all the way back.
 7) Discussed having a street light where 200 West meets Highway 89/91 – would be expensive to get electricity to there.
 8) Does Wellsville City have a rough roads master plan? Yes, it is part of the General Master plan.

City Manager/Recorder’s Report:

- Don Hartle – 1) Budget worksheets are due tonight.
 2) Called 8 difference cities about bereavement time – 4 cites have some type of it and 4 cities do not.
 3) Gave a history as requested by the City Council of days off for the last year for Perry Maughan and Tom Maughan

| | <u>Perry</u> | <u>Tom</u> |
|----------|-------------------------------------|-------------------------------------|
| Comp | 171.5 hours | 154 hours |
| Vacation | 195 hours | 120.5 hours |
| Sick | <u>32 hours</u> | <u>149 hours</u> |
| | 398.5 hours = 50 days + 10 holidays | 428 hours = 53.5 days + 10 holidays |

- 4) Gave each City Councilmember a copy of the personnel policy and all of the amendments to it. Ron Case asked for a breakdown of each employee’s salary, insurance, and FICA contributions.

At 9:03 p.m., Colin Harrison 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