

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 18, 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 and City Planner Jay Nielson were also present. A copy of the Amended Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on May 13, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Jake Harrison Clark Poppleton
Don Davis John Anderson Allison Anderson
Sharen Thompson Curtis Thompson Wayne Crow

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the amended agenda. Don Hartle stated that item #10 Fire Department discussion of capital needs should be removed from the agenda. Jackie D. Orton made a motion, seconded by Colin Harrison, to approve the agenda with the removal of #10.

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

The Council reviewed the minutes of the May 4, 2011 City Council meeting. There were a word changes on lines 235 and 289. Ron Case made a motion, seconded by Carl Leatham, to approve the minutes of the May 4, 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, Gary Bates made a motion, seconded by Colin Harrison, to approve the City's bills for payment, represented by check number 12995 through 13072.

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

Don Davis representing the County Building Inspection Department met with the City Council to give the annual building report. Mr. Davis stated that he handles 9 incorporated cities and the unincorporated area of Cache County. Mr. Davis stated that 90% of his work is residential. There were 17 homes built in Wellsville City in 2010. Gary Bates asked what the commercial building on the report was. Mr. Davis stated that it was the LDS Church. Jackie D. Orton asked about the trend for home building in the current year. Mr. Davis stated that it is about the same. Mr. Bates asked when a building permit is issued, does Mr. Davis review the plat map to look for any limitations on the property. Mr. Davis stated that he goes strictly by what is given to him by the city on the zoning clearance. Mayor Thomas G. Bailey thanked Mr. Davis for his report. Mayor Bailey appreciates working with Mr. Davis. Mr. Davis complimented Wellsville City on the new reservoir that is being built.

John Anderson met with the City Council to discuss the possible use of the arena for an antique tractor pull. Mr. Anderson stated that he is a member of the Utah Antique Tractor Association. Several individuals have antique tractors in Wellsville, but don't know what to do with them. An antique tractor pull will give them a use for the tractors. Mr. Anderson would like to hold this event around Founder's Day, but doesn't want to inhibit any of the other activities that are already established. Mr. Anderson stated that he does know of an older individual that has all of the supplies to host this event. Mr. Anderson stated that most of the antique tractor pulls are in the Spanish Fork area, but would like to bring one closer to home. Mr. Anderson stated that machinery can be dangerous and there is a liability. Mr. Anderson stated that the Utah Antique Tractor Association does have insurance coverage. Mayor Thomas G. Bailey stated that Wellsville City would have to have some type of coverage. Mayor Bailey asked about the cost of the City's part of the insurance. Mr. Anderson stated that he didn't know how much it is. Ron Case stated that Wellsville City would have to cover participants and spectators. Gary Bates asked if the insurance covered the Stampede Rodeo. Don Hartle stated yes. Mr. Hartle stated that he would check with the insurance company to see if this type of activity would be covered and how much the premium would be. Colin Harrison asked about having UATA signing a hold harmless agreement. Mr. Hartle stated that it would do no good. Mr. Bates asked if Mr. Anderson had contacted Rex Bailey or Kurt Mitton about using the arena. Mr. Anderson stated no. Mr. Bates asked if Mr. Anderson would have to scrape the arena. Mr. Anderson stated that a path is made down the center of the arena, and then pushed to the side. Mr. Bates stated that he liked this idea. Mr. Case stated that Mr. Anderson would need to pick a day that would tie in with Founder's Day. Mr. Bates stated that Mr. Anderson would need to discuss this idea with Rex Bailey because it would be impolite of the City Council to approve of this activity without checking with them first. Mr. Case asked about setting time aside for people to get up close and look at the tractors. Mr. Anderson stated that the tractors would be parked before the pull, and then would like to have the tractors parked on the front lawn of the tabernacle during Founder's Day. Mr. Bates asked about the rodeo club managing the concessions stand. Mr. Anderson stated that he has asked the Wellsville Foundation to manage the concessions stand. Mayor Bailey stated that there would have to be a fee charged to cover the cost of the insurance. Mr. Bates stated that the City Council set a fee to use the arena for horse events, and asked if that fee should be waived for home grown events. Carl Leatham stated that that he doesn't think that the fee should be waived because the money goes to repair the area. Mayor Bailey stated that the City Council would need a commitment from Mr. Anderson stated he would put the arena back as he found it. Jackie D. Orton asked about participation. Mr. Anderson stated that he has no idea how many people would participate. Mr. Orton asked if this event could be held after the rodeo. Mr. Anderson stated that he is at the mercy of the City Council as far as a date is concerned. Mr. Case asked about informing other communities. Mr. Anderson stated that he would advertize in all of the Agriculture stores in Cache Valley. Mayor Bailey stated that Mr. Anderson should check with the rodeo club to get their feelings and input about the event. Mayor Bailey stated that the City Council is in support of this event.

The City Council discussed water requirements on annexation/development. Jay Nielson stated that in the past, as land was annexed into Wellsville, water rights had to be worked out at the time of annexation. Mr. Nielson stated that with the new code, the water rights are not required until development occurs. Mayor Thomas G. Bailey stated that the Lindley Basin property is owned by the Webb family. The Webb family requested a rezone through Cache County. The public hearing was held last week, and it should be approved by the Cache County Planning Commission next week. The Webb family would like to annex the property into Wellsville City, but it can't happen without the Thomas Lindley property being annexed. Mayor Bailey stated that in the past, water rights have been an issue with the Thomas Lindley property not being annexed into Wellsville City. Don Hartle handed out a copy of the new code, Chapter 6, Dedication of Water Shares. Mr. Hartle stated that everyone has to live by the code, and the first sentence of this code states the way that it is. Mayor Bailey asked if there were any questions or concerns. Wayne Crow, representing the Webb family, stated that he has spoke with Curt and Sharen Thompson concerning the Thomas Lindley property, and they are not interested in annexing at this time. Sharen Thompson stated that she is the trustee of the Thomas Lindley property. Ms. Thompson stated that she has spoke with her siblings, and they are not interested in annexing into Wellsville City at this time. Ms. Thompson stated that the individual that purchases the property should have the right to annex into Wellsville City or not. Mayor Bailey stated that the City Council wanted to make everyone aware of the new code concerning annexation and water rights. Ms. Thompson stated that she wants to be a good neighbor, but is not the only vote when it comes to the Thomas Lindley property. Mr. Crow stated that the Webb family will pursue development

within Cache County. Mayor Bailey appreciated everyone's willingness to attend this meeting.

Clark Poppleton met with the City Council to discuss for possible approval a "special event" approval for Sherwood Hills/Old Ephraim Mountain Man Club for a rendezvous at Sherwood Hills. Mr. Poppleton stated that the rendezvous is held in Blacksmith Fork Canyon up left-hand fork. The area is currently under water, and the forest service states that there is no access to it. Mr. Poppleton stated that the club has discussed this issue and feels that the best location is on the east side of Highway 89/91 across from Sherwood Hills. Mr. Poppleton stated that it is a very favorable location. Mr. Poppleton is seeking approval from Wellsville City to hold the rendezvous at this location. Mr. Poppleton stated that he has contacted Lt. Perry with Utah Highway Patrol and UDOT, and is in the process of obtaining permits from both of these agencies. Mr. Poppleton stated that the club does have a contract with Cache County Sheriff's Office, and the club will pay for the deputies that patrol the rendezvous. The contract with the Cache County Sheriff's Office hasn't changed because the location may change. Mr. Poppleton stated that the dates of the rendezvous are May 27 through May 30. The event is opened to the public. There are items for sale, food vendors, and several activities. Mr. Poppleton stated that in 1997, the rendezvous was held at Sherwood Hills in this same location. Ron Case stated that the neighbors to the north of the property are in attendance, and asked if there were any problems back in 1997. Sharen Thompson stated that she couldn't recall any problems. Mr. Case asked about the issue of the stabbing that took place at last year's rendezvous. Mr. Poppleton stated that it was ruled as an accidental death. Mayor Thomas G. Bailey asked about parking. Mr. Poppleton stated that there is only so many parking spaces and has promised that he will turn people away if they try to park along Highway 89/91. Gary Bates asked if Mr. Poppleton was going through the proper steps for obtaining all of his permits. Jay Nielson stated that Cache County Planning Commission has no jurisdiction over this area because it is in Wellsville City limits. Mr. Nielson suggested that since there is no official permit process, that the City Council require Mr. Poppleton to obtain a Wellsville City business license so that if something does happen, and the individual tries to come after Wellsville City, there is documentation of a permit. Mr. Bates stated that a new ordinance has been put in place for special events and it is administered by Cache County. Mr. Nielson asked if Wellsville City has adopted the ordinance. Mr. Bates stated no. Mr. Nielson stated that the ordinance is then no good. Mr. Bates stated that Mr. Poppleton should ask for a refund of his fee from Cache County and a similar fee is imposed by Wellsville City. Mayor Bailey asked Mr. Nielson to contact Jay Baker, Cache County Planner, and then follow-up with Don Hartle. Mr. Bates stated that this is not a Cache County event, so why is the event being insured for Cache County. The insurance should be moved to Wellsville City. Mr. Poppleton stated that it is because they are accessing the event on county roads. Mr. Bates stated that people are accessing the event by a state highway. Mr. Bates stated that the insurance could be important because if anything does happen, the liability will be against Wellsville City. Mr. Case stated that the City Council should approve a special event business license contingent upon approval from the other agencies. Mr. Bates stated that a list of requirements should be given to Mr. Poppleton. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to accept the proposal from Clark Poppleton representing the Old Ephraim Mountain Man Club for a special events permit/business license to hold a rendezvous on the east side of Highway 89/91 across from the entrance of Sherwood Hills and that the requirements by Cache County permit #02-11 be imposed. In addition, Mr. Poppleton is to have signed permission forms from UDOT, Jay Nielson will follow-up with Jay Baker, Cache County Planner and make a recommendation to Mayor Thomas G. Bailey and City Manager Don Hartle, and Don Hartle will contact the insurance company to see if Wellsville City is covered for liability for this event. The event will be held on May 27 through May 30, with time for pre-setup of camps.

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Jackie D. Orton

NAY 0

The City Council discussed the 2011 road work. Jackie D. Orton stated that it was agreed that in 2011, 200 West between 300 North and 100 South would be the road that is worked on. Mr. Orton stated that the asphalt roads are 22 feet wide, but because 200 West is so narrow, it will be 18 feet wide. Therefore, there is a little more money to use on roads this year. The 3 roads that he proposes that be completed are as follows: 1) 400 South between 200 West and 300 West, 2) 400 South between Center Street and 100 West, and 3) Center Street from 500 North to 600 North. Mr. Orton stated that this would depend on the cost of asphalt. Don Hartle stated that all of these roads are built to Wellsville City specifications, they just need asphalt. Mayor Thomas G. Bailey stated that one of these roads is close to some property that he owns, and wants the City Council to know he had nothing to do with this decision. Mr. Orton confirmed this statement saying that the Mayor had nothing to do with this decision. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to proceed with available funding to paving the roads that have been discussed.

YEA 5

NAY 0

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

Department Reports:

Jackie D. Orton – 1) He would like to use his sidewalk funds to finish the sidewalk on the north side of the Wellsville City square. He has a bid from Steve Kerr for \$8,700 from last year, and asked if it was necessary to advertise for more bids. Don Hartle stated that Mr. Kerr would be responsible for fixing all sprinklers and restoration of the ground. Wellsville City will remove the old sidewalk. An Eagle Scout will replace the sod. There are 2 pieces on the west side of Wellsville City square that would need grinding down about 1 inch. After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, to approve Steve Kerr replacing the sidewalk on the north side of Wellsville City square for \$8,700. Mr. Kerr will be responsible for any damaged sprinklers and an Eagle Scout will replace the sod. This will take place after July 1, 2011.

YEA 5

NAY 0

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

Colin Harrison – 1) Memorial Day Clean-up – May 24, 2011 – 6:00 p.m. – family activity – food. Discussed having a small devotional.
2) Memorial Day program – May 30, 2011 – 10:00 a.m. – Mayor Bailey will say a few words. Ray Bankhead would like some help with the flags (Ray Bankhead, Thomas Bailey, Vern Gunnell, Paul Bailey, Boyd Cooper, & Jeff Cooper) Friday, May 27, 2011 – 9:00 a.m.

Ron Case – 1) Stake Emergency Preparedness Representative is Ron Johnson. The LDS Church has purchased 20 800 MHz radios. There is a license fee to use them. The license fee is \$170 per radio. There is an exemption for municipalities, and the \$170 fee is waived. Ron Johnson asked if Wellsville City would make the application for the licenses. Stated that this would need to be passed by the City Attorney. Discussed signing a hold harmless agreement. Discuss with Stake President before a decision is made.
2) Heard on the radio that Smithfield canceled their horse parade because of a virus. The all-horse parade scheduled for June 18, 2011 in Wellsville City has been canceled.
3) Was asked if on Free Fishing Day, motorized boats would be allowed on Wellsville Dam – No. Would recommend against any boats or float tubes on that day.
4) Healthy City Award – discussed qualifying level.
5) Garbage cans along the east side of the trail around Wellsville Dam.

Mayor Thomas G. Bailey – 1) Attended a Mayor’s meeting and asked to sign a Community Covenant. Asked if there were any objections – none.

Gary Bates – 1) Appreciate what Ron Case has done with the Wellsville City webpage.
2) Dave & Ann Bell – trees – still working on it.
3) RAPZ tax – was awarded \$20,000.

Carl Leatham – 1) Discussed that many people are in non-compliance with the City codes. There is no enforcement of the City code. Discussed at what point to replace Jerry Cokely. Discussed inviting Sheriff Lynn Nelson back to City Council.

City Managers/Recorders Report:

Don Hartle – 1) First week of June – will install the rest of the poo-gloos.
2) First week of June – will finish the new gravel pit reservoir.
3) Pay \$220 to be a member of the Cache Chamber of Commerce – no.
4) June 15 – adopt the budget – will need any changes by next City Council meeting on June 1, 2011.
5) Fire Department didn’t have information – will be on the agenda in 2 weeks.

At 8:35 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