

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 17, 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 August 12, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

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| Jennifer Leishman | Russ Elder | Joey Elder |
| Jeremie Poppleton | Cristy Poppleton | Blake Brenchley |
| Nate Briggs | Jeff Thorpe | Chris Poppleton |
| Reed Bailey | Elden Pierce | Gary Hansen |
| Margaret Bosworth | Glenda Tripp | Barry Tripp |
| Leesa Cooper | Perry Maughan | Garity Line |
| Chris Gibbs | Angie Olsen | Jonathan Cook |
| Officer Groves | | |

Opening Ceremony: Jackie D. Orton

The Council reviewed the agenda. Don Hartle stated that item #11 Kendall Hutchinson – Eagle Scout project should be removed from the agenda. Colin Harrison made a motion, seconded by Jackie D. Orton, to approve the agenda with the deletion.

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| <u>YEA 5</u> | <u>NAY 0</u> |
| Gary Bates | |
| Ron Case | |
| Colin Harrison | |
| Carl Leatham | |
| Jackie D. Orton | |

The Council reviewed the minutes of the August 3, 2011 City Council meeting. There was a word change on line 270. Gary Bates made a motion, seconded by Ron Case, to approve the minutes of the August 3, 2011 City Council meeting with the correction.

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| <u>YEA 4</u> | <u>NAY 0</u> | <u>OBSTAIN 1</u> |
| Gary Bates | | Colin Harrison |
| Ron Case | | |
| 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 13333 through 13405.

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|---------------------|---------------------|
| <u>YEA 5</u> | <u>NAY 0</u> |
| Gary Bates | |
| Ron Case | |
| Colin Harrison | |
| Carl Leatham | |
| Jackie D. Orton | |

Margaret Bosworth reported that there are teenagers on motorcycles and 4-wheelers driving fast with no lights on 200 East going north. She fills this is a very dangerous situation. Carl Leatham will report this to Officer Groves.

Jonathan Cook asked if there was any news about the tabernacle. The Wellsville Foundation is working on applying for grants to fix the roof.

Elden Pierce asked if Wellsville City has lowered the speed limit on the state road. No, Wellsville City lowered the speed limit on 200 South coming off of Highway 89/91.

Joey Elder met with the City Council concerning his Eagle Scout project. The project had been approved at a previous City Council meeting, but the funds had not been approved. Joey Elder stated that that he received a discount for the supplies, and the total cost of the project is \$147.77. Mayor Thomas G. Bailey asked if Mr. Elder would like Wellsville City to contribute half of the funds for this project. Mr. Elder stated yes. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve of the Eagle Scout project for Joey Elder.

YEA 5

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

NAY 0

Officer Groves met with the City Council to discuss the monthly County Sheriff report. Officer Groves stated that syringes had been found at the park by the Wellsville Dam. Officer Groves suggested closing the park at night with a gate, but leaving the dam opened for fishing. Officer Groves asked if Wellsville City had a monthly newsletter. Don Hartle stated that the information for the newsletter needs to be received by the 20th of each month. Officer Groves stated that he would submit his information via email. Officer Groves stated that anonymous tips can now be given by email or text. Officer Groves asked about coverage for Founder's Day. Colin Harrison stated that they would like the same coverage as they had last year. Officer Groves gave his cell number and email address to the City Council. Officer Groves stated that his shift is Wednesday through Saturday, 8:00 p.m. to 6:00 a.m. Mayor Thomas G. Bailey thanked Officer Groves for the report.

At 6:30 p.m., Jackie D. Orton made a motion, seconded by Ron Case, to go into a public hearing.

YEA 5

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

NAY 0

Receive resident input concerning the possibility of adding a monthly fee to the City utility bill to pay for capital needs of the fire department. Mayor Thomas G. Bailey stated that the City Council has discussed for some time the possibility of raising money for the fire department to purchase a new fire engine. The City Attorney has suggested adding a fee to the utility billing instead of raising taxes. Jeremie Poppleton stated that the fire department is in the 6th year of their 10-year master plan. The current fire engines consist of the 1996 engine that Cache County owns, and a 1975 fire engine that the fire department would like to replace. Elden Pierce stated that he is against a fee on the utility billing because there is no definite amount and no time limit. Mr. Pierce stated that people are already struggling to make ends meet. Mr. Pierce stated that Cache County School increased their taxes, as well as the State of Utah. Mr. Pierce explained that garbage pick-up used to cost \$.25 per week, and is now at \$13.25 per month. Sewer rates have been raised. Mr. Pierce would like the City Council to look at people that are low-income or have lost their jobs. People are taxed to the maximum. Margaret Bosworth stated that she pays 4times the utility bill because of the 4-plex that she owns, but only has 1 yard. Ms. Bosworth stated that she doesn't want to pay 4 times what everyone else pays. Jackie D. Orton stated that the fire department is running on dilapidated equipment, and now the roof on the fire station is leaking. Mayor Bailey stated that the amount added to the utility billing would be \$3.00 per month. Perry Maughan stated that the Public Works department has shut off a lot of residents' water because people couldn't make their payment. Mr. Maughan stated that they have been doing road work with 3 trucks that Wellsville City purchased used from the State of Utah. Mr. Maughan suggested going through the bonding process for the new fire engine. Jeff Thorpe stated that a

fire will not wait for the economy to turn around. Ruth Maughan asked about rotation of vehicles through Cache County. Mr. Poppleton stated that it will be 7 years before the 1975 fire engine will be replaced through Cache County. Mr. Poppleton stated that Cache County wants a water tender truck. Ms. Maughan asked if Wellsville City purchased a fire engine, would they still be on the rotation list. Mr. Poppleton stated yes. Ms. Maughan stated that she agrees with Elden Pierce. Ms. Maughan stated that \$3.00 per month is a lot to ask of citizens who are on a fixed income. Ms. Maughan stated that Perry Maughan has a good idea. Ms. Maughan stated that it is a bad time to ask people for money. Mayor Bailey stated that by charging \$3.00 per month per hook-up, the fire truck would be paid off in 7 years. Gary Hansen asked where the fire department's budget comes from now. Mr. Hansen asked if the 1975 fire engine has been maintained. Mr. Hansen stated that Wellsville needs to be friendlier to businesses. Mayor Bailey stated that the fire department used to be funded by Cache County, and that fire trucks were provided on a rotation schedule. The 1975 fire engine is an original fire engine from the first rotation. Mayor Bailey stated that the fire department receives \$4,200.00 from Cache County each year for responding to areas out in the County. Reed Bailey stated that when the fire department is audited, and the equipment is not adequate, the home owner's insurance will rise. Mayor Bailey stated that the fire department has enough money to make a \$75,000.00 down payment. Ron Case stated that the \$3.00 fee would continue after 7 years in order to build a fund for the fire department. Reed Bailey asked when the impact fees were going to be more balanced. Mr. Hartle stated that independent consultants recommend the amount of impact fees; they are not determined by Wellsville City. Mr. Case stated that the impact fee charged can't be a random number. Mr. Poppleton stated that this is a volunteer fire department. Firemen are paid \$7.00 per call. Wellsville City still needs to provide a service. Mr. Hansen asked the cost of the new fire engine. Mayor Bailey stated \$304,000.00. Mr. Hansen asked if that is the total cost. Mr. Poppleton stated that it will cost approximately another \$40,000.00 to outfit the new fire engine. Mr. Hansen asked who maintains the fire engine. Mr. Poppleton stated that the volunteer fire members do. Mr. Hansen asked if the fire department received quotes from more than 1 vendor. Mr. Poppleton stated yes, they did shop around and check prices. Mr. Orton stated that he has toured the fire department and there is no question that they are operating on sub-standard equipment. Mr. Hansen asked if there were used fire trucks. Mr. Poppleton stated yes, but it is more of a Class A pumper instead of a fire engine. Mr. Hansen asked what the annual amount would be from the citizens contributing \$3.00 per month. Mr. Hartle stated that it is around \$41,000.00 per year. Mr. Hansen argued that Wellsville City needs to be more business friendly. If Wellsville City has no commercial base, they are dead in the water. Mr. Hartle stated that he has been employed by Wellsville City for the past 26 years, and that property taxes have never been increased in that time. Mr. Hartle stated that in 1985, Wellsville City had the highest certified tax rate. Mr. Hartle stated that in 2010, Wellsville City is in the top of the lower half when it comes to certified tax rate. Mr. Case stated that Wellsville City doesn't have the population here to support big businesses. Glenda Tripp stated that she thinks the fire department is wonderful. Ms. Tripp agrees with Elden Pierce. It is hard times, but she sees the necessity. Ms. Tripp wonders if Wellsville City could approach Cache County and they could work together. Ms. Tripp asked what other options Wellsville City has. Garity Line stated that as a community, it needs to be decided if this is a need of a want. Ms. Line stated that the fire department services everyone. Ms. Line suggested starting the fee at a lower rate, and doing fundraisers. Ms. Line stated that the issue should be reevaluated after 1 year. Mayor Bailey stated that the fee has to be enough to cover the payment, or not at all. Cristy Poppleton stated that she hears 2 words at this meeting, and they are economy and county. Ms. Poppleton stated that hopefully Wellsville City will be coming up in line for rotation, but we also need to be thinking of our own City and take care of it. Mr. Poppleton stated that he is hearing baby steps. The fire department has been taking them. The fire department does a fireman's breakfast as a fundraiser on Founder's Day. Every year since September 11, 2001, they have applied for grants, and have only received a few. Mr. Poppleton stated that the fire department can't do this by themselves, and is now asking for help. Ms. Tripp asked about how the County disburses money to the different towns. Mayor Bailey stated that the Wellsville City Fire Department is responsible for the City and the outlying area of the County. Mayor Bailey stated that there are not any problems with the County because most of the equipment that the fire department has comes from the County. Chris Gibbs asked about the forecasted population growth, and wondered if it would affect the \$3.00 fee and impact fees. Mr. Gibbs stated that his opinion is that \$3.00 per month is not much to sacrifice for the fire department. Mayor Bailey stated that the projected population growth may change. Mayor Bailey stated 3 years ago, there were 55 building permits issued. Mayor Bailey stated that in the last 3 years, only 7 building permits have been issued for each year. Mr. Gibbs stated that Wellsville City needs to educate citizens as to why the fire department equipment needs

to be replaced in the next 7 years. Mayor Bailey stated that this public hearing has been advertised in the newspaper and the newsletter. Mr. Case stated that Wellsville City is trying to educate citizens as to why there is a fee. Mr. Gibbs stated that the fire department has done everything they can do. Angie Olsen stated that she has seen what the fire department volunteers can do, and \$3.00 per month is minimal. Ms. Tripp stated that she agrees with Mr. Gibbs. Mr. Hartle stated that there are 9 people in attendance to discuss this issue that are not on the agenda for another reason. Mr. Hartle stated that he doesn't know how to get citizens involved. Mr. Pierce stated that he doesn't have a problem with \$3.00 per month, but there are some citizens in the community that just can't pay \$3.00 more per month. Mr. Hansen asked if there could be an exemption for low/fixed income families or senior citizens. Mr. Hansen suggested having a dinner as a fundraiser. Mr. Case stated that if someone's home burns down, it will be the most expensive \$3.00 ever saved. Carl Leatham stated that this is not the first, nor the fourth, nor the fifth time this issue has been discussed. The agenda to each meeting is posted. Mr. Leatham invited citizens to look at the agenda and attend City meetings. Mr. Hansen stated that he has a concern with the assessment completed by the City Attorney and is wondering if \$3.00 per month is the right amount or if it is too high. An argument persisted among the attendees of this meeting. Mayor Bailey had to use his gavel to call the meeting to order. Mr. Leatham stated that every household needs to pay the same amount.

At 7:36 p.m., Colin Harrison made a motion, seconded by Gary Bates, to close the public hearing.

YEA 5

NAY 0

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

After discussion, Ron Case made a motion, seconded by Gary Bates, to continue this discussion at the City Council meeting scheduled for September 7, 2011.

YEA 5

NAY 0

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

Garity Line met with the City Council to discuss traffic signs. Ms. Line stated that she lives at 1400 South Center Street. She moved in June 2010. She has one concern, and that is speeding. Ms. Line stated that she sent a letter out to her neighbors. This has become more of a problem since the speed limit along the Mount Sterling road was raised to 50 MPH. Ms. Line stated that she purchased a radar gun. A majority of people travel between 30 and 35 MPH. A few travel between 25 and 30 MPH. There are many drivers that travel 40 to 60 MPH. There are no sidewalks along the road. The worse times of day are early morning when going to work and evening when coming home from work. The current speed limit is 30 MPH. The current speed limit sign is hidden by tree limbs. Ms. Line is asking that the speed limit be lowered to 25 MPH and "Slow, Children At Play" signs be installed. Mayor Thomas G. Bailey stated that he spoke with John White, who is a member of the County Planning Commission. Mayor Bailey stated that a committee recommended that the speed limit be raised on the Mount Sterling road to 50 MPH. Colin Harrison asked if there are speed limit signs at the top and bottom of the road. Ms. Line stated yes. Jackie D. Orton asked about trimming the tree limbs. Ms. Line stated that the speed limit sign is not in a place of the driver's natural vision. Ms. Line stated that she has spoken with the Cache County Sheriff's Office, and they told her they would do what they could. Gary Bates asked about reserving the speed indicator sign from the Cache County Sheriff's Office. Ms. Line asked the cost of the signs. Don Hartle stated they are approximately \$100.00 each. Ms. Line stated that she would be willing to pay for the signs. Angie Olsen stated that she disagrees with lowering the speed limit to 25 MPH. Ms. Olsen stated that she was raised on Center Street, has raised 2 girls on Center Street, and runs along Center Street 3 times a week. Mr. Orton suggested taking a field trip to review the road before making a decision. After discussion, Ron Case made

a motion, seconded by Gary Bates, to continue the discussion of the issue at a later City Council meeting.

YEA 5

NAY 0

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

The City Council discussed the position of City Planner. Mayor Thomas G. Bailey stated that he received a letter from City Planner Jay Nielson dated August 2, 2011. Mr. Nielson and his wife have accepted a LDS mission call for 18 months. Mayor Bailey stated that he will present this information to the Planning Commission, and would like to know the feelings of the City Council. Jackie D. Orton asked if having Mr. Nielson on a mission will be a problem for Wellsville City. Don Hartle stated that Mr. Nielson will be missed. Mr. Nielson is about ½ done with the rewrite of the Land Use code. Mayor Bailey stated that with the economy, things have been slow. Carl Leatham stated that the City Council needs to review the commercial area along with the South Corridor project. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to support Mr. Nielson's request as written in his letter. If anything changes, this issue will be revisited.

YEA 5

NAY 0

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

The City Council discussed selection of Marshall of the Day for Founder's Day. Mayor Thomas G. Bailey suggested Richard Maughan. Richard Maughan has been very supportive of the City. He was very supportive of his wife for 20 years while she served as Mayor of Wellsville City. Ron Case suggested Marcene Parker, Clint Baugh, and Arlyn Murray. After discussion, Mayor Bailey will ask Richard Maughan to be Marshall of the Day, and Clint Baugh as an alternate.

The City Council discussed the City Engineer's drawings of storm water drainage line at Heritage SW Estates. Mayor Thomas G. Bailey reminded the City Council what happened in the early spring, and many homes were flooded. Don Hartle stated that holes would need to be cut into the curb and gutter, and a drain line would have to be installed behind the homes. As you enter the subdivision, the first road to the north would have an 8-inch line in the back of the homes that would tie into the existing storm water drain. Most of the rear yards are finished. Mr. Hartle stated that he does have some concerns with how to handle this situation. Mr. Hartle stated that City Attorney Bruce Jorgensen would need to get involved and give his legal opinion. Mr. Hartle stated that Wellsville City can't continue to get infiltration into the sewer lagoons. Mr. Hartle stated that if the City participates in this project, it will be never-ending. The estimate came in at slightly under \$80,000. Gary Bates stated that there would also be engineering costs, as well as attorney costs. Mr. Hartle stated that he doesn't think the City can participate in this project. Colin Harrison asked if there are other options for this subdivision, such as allowing pumping water into the gutter. Jackie D. Orton asked how deep the pipe would need to be in the ground. Mr. Hartle stated about 3 feet. Mr. Orton stated that a backhoe would have to get in there to dig it out. Mr. Hartle stated that is correct. Mr. Hartle stated that there is a 10-foot public utility easement around each lot. Mr. Bates stated that if someone's pump fails, it may push water into the neighbor's basement. Mr. Orton asked if they would be allowed to pump year-around. Mr. Hartle stated yes. Mr. Hartle will review this issue with City Attorney Bruce Jorgensen and get his legal opinion.

The City Council discussed the need to expand the City cemetery. Don Hartle stated that surveying the property and drawings have been created by JSH. Mr. Hartle stated that the City will open 1 section at a time. Mr. Hartle stated that 4 more trees will be added to what is shown on the drawing. Mr. Hartle stated that they will start by building the road, sprinkling system, and then trees. Mr. Hartle asked if there were any questions. There were none. City Council agreed to proceed as per the drawings of JSH.

The City Council discussed the nuisance code. Ron Case handed out copies of the nuisance code. Section 4-3-15 needs to be modified to say "expense of the property owner". Don Hartle stated that he will proceed to write the code amendment. Colin Harrison is concerned about no enforcement of the code. Mr. Case stated that Wellsville City has relied on the good nature of people, but a few think they are exempt from any rules.

Department Reports:

Carl Leatham – 1) Leonard Mackey passed away – concerned about property that he was renting in Wellsville.

2) Reviewed property at 400 North 100 West – looks a little better – Mayor Thomas G. Bailey asked Councilman Carl Leatham to discuss the issue with the individual that lives there.

Gary Bates – 1) Music on the Square – Saturday, August 20, 2011 – 7:00 p.m.

2) If anyone would like to volunteer at the bike rally on September 17, 2011, contact him or Scott Okelberry.

3) City Council is invited to a dinner hosted by the Rodeo Committee – Thursday, September 1, 2011.

4) Mosquito Abatement – no spray zones have been carried over in the past – next year no spray zones will have to reapply.

5) Syringes have been found in the garbage at the Wellsville Dam – Per Steve Larsen with Cache County Service Area, he can install 4 dumpster that have wheels and can be chained for \$13.25 per month, can also install 4 at the City Square for approximately \$25.00 per month for all 8 – discuss next spring, would be willing to meet with him and walk around the area.

6) Deputy Pierson told Mr. Bates that the Cache County Sheriff's Office hands are tied by not closing the park area. Allow fishing, but not in the park next to the dam. Told him he would bring the issue to City Council – think about it. Signs are all installed.

Mayor Thomas G. Bailey – 1) Talked with Kurt Mitton – rodeo is ready for Founder's Day – 5th Ward will clean up around the arena on August 27, 2011

2) John Anderson – will host tractor pull, but not in the arena. Will have it in a field between Wellsville City and Willow Valley Middle School on Monday, September 5, 2011 at 2:00 p.m.

Ron Case – 1) Sent a letter to someone concerning 8 horses on property – on August 1, 2011, it was down to 1.

2) Caught a child of a City employee on a 4-wheeler – told him to stay off of City and private property.

Colin Harrison – 1) Trail around dam – cut tall grass – City has mowed it.

2) Founder's Day – Tom & Perry put up tarp to cook food, table and chairs for music – paper supplies in shed – use or give away.

3) Young Men/Young Women – clean up City Square on Tuesday, September 6, 2011 in the evening – no thanks.

4) Discussed trees on City property in front of Dave and Ann Bell at 100 North 200 East. After discussion, Colin Harrison made a motion, seconded by Gary Bates, to trim all 4 trees, transplant 2 crabapple trees in the fall, and agrees to keep them trimmed as they are.

YEA 3

Gary Bates

Colin Harrison

Jackie D. Orton

NAY 2

Ron Case

Carl Leatham

Jackie D. Orton – 1) Saw the Community booth at the Cache County Fair – Wellsville City took 3rd place – did a great job – thanked them for their efforts.

2) the 2011 road have been completed.

At 9:07 p.m., Jackie D. Orton made a motion, seconded by Carl Leatham, 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