

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, September 21, 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 September 16, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Trisdan Foreman Russell Glenn
Eric Seeholzer Arlyn Brenchley Allie Jeppson
Jonathan Cook

Opening Ceremony: Ron Case

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 September 7, 2011 regular City Council meeting. There was a word change on line 240. Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the September 7, 2011 regular City Council meeting with the correction.

YEA 4 NAY 0 OBSTAIN 1
Gary Bates Jackie D. Orton
Ron Case
Colin Harrison
Carl Leatham

The Council reviewed the minutes of the September 7, 2011 executive City Council meeting. Ron Case made a motion, seconded by Gary Bates, to approve the minutes of the September 7, 2011 executive City Council meeting as presented.

YEA 4 NAY 0 OBSTAIN 1
Gary Bates Jackie D. Orton
Ron Case
Colin Harrison
Carl Leatham

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the City's bills for payment, represented by check number 13516 through 13580.

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

No one was in attendance for citizen input.

Trisdan Foreman met with the City Council to discuss his Eagle Scout project. Mr. Foreman's project is to repaint the entrance gate and fences at the Wellsville Arena. Mr. Foreman will need 3 gallons of John Deere green paint. The cost of the paint from Bennett's Paint is \$146.97. Bennett's Paint is giving a discount on the paint of \$33.00. The final cost will be \$113.97. Mr. Foreman and his scout troop will be providing the labor. Mr. Foreman asked if Wellsville City would be willing to cover the cost of the paint. Gary Bates stated that the posts will need to be wire brushed down to the bare metal. Mr. Bates asked about a primer for the fences posts. Mr. Foreman stated that Bennett's Paint stated that it doesn't need a primer. Don Hartle stated that Wellsville City has wire brushes available for use on this project. Mr. Foreman stated that Bennett's Paint is donating the wire brushes. Mayor Thomas G. Bailey asked if Mr. Foreman will be painting the overhead entrance sign also. Mr. Foreman stated yes. Jackie D. Orton asked if the paint will be sprayed on or brushed on. Mr. Foreman stated that it will be brushed on. Ron Case asked when Mr. Foreman plans to do this project. Mr. Foreman stated this year. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve the Eagle Scout project of Trisdan Foreman, and that Wellsville City will cover the paint cost of \$113.97.

YEA 5

NAY 0

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

Officer Groves was to meet with the City Council to give the Cache County Sheriff's Office monthly report. Officer Groves was not in attendance to this meeting.

Wellsville City Fire Department was to hand out the service awards. Don Hartle stated that this has been rescheduled for a later date.

At 6:30 p.m., Mayor Thomas G. Bailey conducted a public hearing to receive public input and consider for adoption a code amendment amending 4-3-15 of the City code "failure to comply" with the nuisance code. Mayor Thomas G. Bailey stated that this change came about because the code used to say that if Wellsville City cleaned up a nuisance, it was at the expense of Wellsville City. The code now states that if Wellsville City cleans up a nuisance, it is at the property owner's expense. Russell Glenn stated that this is a great idea. Mr. Glenn asked if there is adequate notification to the property owner in order for him to do it himself. The question was asked how Wellsville City enforces the nuisance ordinance. Mayor Bailey stated that Wellsville City sends a letter to the property owner. If there is no response, the City Attorney sends a letter to the property owner. Mayor Bailey stated that it takes about 2 to 3 months for the process to be completed. Mayor Bailey stated that the property owner has ample notification to do something about the property. The question was asked if there is a time limit given to the property owner. Mayor Bailey stated that there is a completion date or a number of days limit in the letter. Jackie D. Orton asked how Wellsville City looks for individuals who are not in compliance with the nuisance ordinance. Carl Leatham stated that Wellsville City doesn't have a compliance officer. Don Hartle stated that according to the City Code, the City Manager is the compliance officer.

At 6:40 p.m., Mayor Thomas G. Bailey closed the public hearing.

After discussion, Jackie D. Orton made a motion, seconded by Gary Bates to **ADOPT CODE AMENDMENT 2011-05** adopting **AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 4, HEALTH AND SANITATION, CHAPTER 3, NUISANCES, TO REQUIRE PROPERTY OWNERS, OCCUPANTS OR OTHERS HAVING AN INTEREST IN THE LAND TO PAY FOR ENFORCEMENT BY THE CITY.**

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison

Carl Leatham
Jackie D. Orton

The City Council discussed sidewalks on 400 South and 500 South. Gary Bates stated that the sidewalk on these 2 streets were to get young people in and out of the Wellsville Dam park safely. Wellsville City has applied for multiple grants for the trail extension. Wellsville City has been awarded 2011 RAPZ tax grant and will soon be awarded a grant from the State Trails agency. Mr. Bates stated that 500 South from Center Street to 100 East is a good wide street. Mr. Bates stated that 400 South from Center Street to 100 East doesn't exist. Mr. Bates stated that based on the grant requests for trail extension, he suggested that Wellsville City postpone action on a sidewalk along these 2 streets until spring before any action is taken on it. Ron Case stated that if a sidewalk is needed in the future, the residents of 400 South and 500 South shouldn't be assessed for it. Russell Glenn asked if a sidewalk is installed between 400 South and 500 South, which side of the road it would be installed on. Colin Harrison stated that it would be installed on the east side of the Center Street. Mr. Glenn stated that it would not be a safe place for a sidewalk. Carl Leatham stated that Wellsville City would be inviting more foot traffic with the trail. Jonathan Cook asked if signs stating "Caution: Pedestrians" could be installed along Center Street. Don Hartle stated that Center Street is a state highway, and Wellsville City doesn't have any say in it. Mr. Leatham stated that the signs aren't a bad idea. Jackie D. Orton stated that he has talked with the individual that is over sidewalks at UDOT concerning a sidewalk at 400 South and Center Street. Mr. Orton stated that now Wellsville City is adding more emphasis to the area, maybe UDOT would be will to take another look at it. Mayor Thomas G. Bailey stated that the trail would tie into a sidewalk at the north of 400 South on the east side of Center Street. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to table this issue for further discussion concerning sidewalks on 400 South and 500 South from Center Street to 100 East, and that no action will be taken by Wellsville City towards construction of a sidewalk until the first City Council meeting in May 2012.

YEA 5

NAY 0

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

The City Council discussed connecting on to a secondary water line. Mayor Thomas G. Bailey stated that when 400 North was built, Nolan Maughan didn't want a culvert under the road, but wanted to connect onto the City's secondary water line on 400 North. Nolan Maughan was killed last year. There is a secondary water line that runs from the Wellsville/Mendon canal to 200 East along 400 North. Nolan Maughan's estate would like to know if they can hook into that water line. Don Hartle stated that there has to be fees for use of the water and line. Mayor Bailey stated that the question is what are the water rights of the water that is in the water line, and can they be charged more than the yearly fee. Gary Bates asked if there is an agreement with Mr. Maughan's estate to connect to the water line. Carl Leatham stated that the advantage to using the water in the pipe is that there is a lot less wasted water. Mr. Bates stated that it seems that Mr. Maughan's estate is owed the water, but not out of the city secondary water line. Mr. Hartle asked if there is a problem with people connecting to the water line for a fee. Mr. Bates suggested that Mr. Hartle come back to the City Council with a proposal including hookup fees and capital costs. Mr. Hartle stated that he will work with Arlyn Brenchley concerning this issue. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to continue this discussion at such time as the City Manager is ready to discuss it.

YEA 5

NAY 0

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

Department Reports:

Jackie D. Orton – 1) Attended Utah League of Cities & Towns – didn't feel that it was up to standard compared to last year's event.

Colin Harrison – 1) Sham Battle – something needs to be done concerning letter from Laurie Archibald – will talk to Laurie Archibald, and will get Clair Cooper involved.

Ron Case – 1) Youth Council funds – on Gary Bates' to do list.

2) Appreciation Dinner – BATC – Leesa is trying to get a date scheduled in October.

3) Asked who does 9-11 tribute in front of the firehouse – Wellsville City Fire Department – appreciates that, and should be told when they come in for their service awards.

4) Arrest shown in the arrest records of the Cache County Sheriff's Office on the internet as Yogi Bear.

5) May not be in attendance to the October 5, 2011 City Council meeting.

Gary Bates – 1) Parks & Recreation Committee is having a Neighborhood Watch Picnic & training on September 26, 2011 – City Council is invited to attend.

2) Had to postpone bike rally because of the rain – will reschedule for sometime in the spring.

3) Thanked Steve Kyriopoulos of Great Western Recreation for repairs to the playground equipment at no charge.

4) Utah Trust – Parks & Recreation Safety – free walk around and give assessment on safety hazards of the parks – Don Hartle may have a copy of one from a couple of years ago. Will start with that.

5) Have been asked if Wellsville City will install a wet pad – reviewed it and there are a lot of safety issues.

Carl Leatham – 1) Utah League of Cities & Towns – thought it was very informative.

City Manager/Recorder Report:

Don Hartle – 1) Christmas Dinner – December 9, 2011 – 6:00 p.m.

2) Lee Brandt – discussed using the rock home on 50 South 100 East as a possible home for the DUP museum and asked if the City has any interest in it. Need more information – ask her to attend a future City Council meeting.

3) Planning Commission – September 14, 2011 – had a public hearing scheduled and only 2 Commission members showed up, so they couldn't hold the meeting.

4) Early voting – because Wellsville City is a 5th class community, they are not required by law to have early voting. Asked if Wellsville City would like to have early voting. Decided it is a good service if it can be done for not much cost.

5) Have had problems at a pressure reducing station – under control know, but a few people on the south end of Wellsville City may have some minor damages.

At 7:30 p.m., Jackie D. Orton made a motion, seconded by Gary Bates, to go out of regular City Council meeting and into an executive session.

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Jackie D. Orton

NAY 0

At 8:30p.m., Ron Case made a motion, seconded by Gary Bates, to go out of executive session.

YEA 5

NAY 0

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

At 8:30p.m., Jackie D. Orton made a motion, seconded by Colin Harrison to go into regular session.

YEA 5

NAY 0

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

After discussion, Gary Bates made a motion, seconded by Ron Case, that the City Council is in favor in principal to continue with Tom Maughan concerning the purchase of his property of approximately 15 acres on east Main Street, and allow Don Hartle and Tom Maughan to work through the process of determining the exact price, exact acreage, then bring back to the City Council to review and determine the next step. The property is to remain in open space in perpetuity.

YEA 5

NAY 0

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

At 8:43p.m, Gary Bates made a motion, seconded by Ron Case to adjourn the meeting.

YEA 5

NAY 0

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

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder