

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, November 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 November 10, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Jeremie Poppleton Blake Brenchley
Clint Kerr Kent Graham Randy Wall
Sam Winward Jim McCaugley Glenna Petersen
Allie Jeppson Jonathan Cook

Opening Ceremony: Jackie D. Orton

The Council reviewed the agenda. Colin Harrison made a motion, seconded by Ron Case, 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 November 2, 2011 regular City Council meeting. Ron Case made a motion, seconded by Gary Bates, to approve the minutes of the November 2, 2011 regular City Council meeting as presented.

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 13682 through 13751.

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

No one was in attendance for citizen input.

The Wellsville City Volunteer Fire Department met with the City Council to request final approval of the fire truck to purchase. Jeremie Poppleton stated that they have reviewed the specifications as a department. They have also met with Rosenbauer. They added a ladder rack to the fire truck, but it didn't change the price of the truck. The total price of the fire truck is \$304,230. Carl Leatham asked if the fire department followed up with North Logan Fire Department concerning the same type of truck. Mr. Poppleton stated yes. Chief Keller of the North Logan Fire Department brought the fire truck to Wellsville. He explained what they liked and disliked about the fire truck. They did drive the fire truck up Wellsville Canyon to test it out. Don Hartle asked if the financial documents are ready. Kent Graham, representing Fire Trucks

West, who Wellsville City is purchasing the truck through, stated that the financing is through Rosenbauer, which they don't get involved in. Mr. Graham stated that he has helped Mr. Poppleton go through the financing steps. There is some flexibility in the financing. The down payment is due at contract signing, and Wellsville City can decide when the first payment is due. Mayor Thomas G. Bailey asked when Wellsville City signs the contract, does the interest on the remaining balance begin then or when the truck arrives in Wellsville City. Mr. Graham explained that the payment goes into an escrow account and the payment to the financing company is taken from the escrow account. Mr. Hartle suggested that the down payment be made and the first payment due January 15, 2013. Mayor Bailey asked if there was a penalty to pay off the loan early. Mr. Graham stated no. Mr. Hartle stated that last year, North Logan Fire Department took their engine to fires in other states. Mr. Hartle asked if the City Council is going to allow Wellsville City Fire Department to do the same. Mayor Bailey stated that the fire truck is being purchased for Wellsville City, and that it should include the area in Cache County that Wellsville City Fire Department is responsible for. Mr. Hartle stated that there should be an agreement or understanding up front. Gary Bates stated that this issue has been approved in a previous City Council meeting, and asked if a motion is needed to write the contract. Mr. Hartle stated that he would have City Attorney Bruce Jorgensen review the contract. Jackie D. Orton asked why the attorney needs to review the contract. Mr. Hartle stated that the City Attorney reviews all the legal documents of Wellsville City. Mr. Hartle stated that the current City Council doesn't have the authority to bind a future City Council to a contract. Mr. Hartle stated that it is the law. Mr. Hartle stated that if the money is not in the budget, the financing company will come and take the fire truck. After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, to approve the financing contract on the condition that the City Attorney gives his final approval, and that Mayor Thomas G. Bailey and City Manager Don Hartle has the approval to sign the agreements for an 8-year loan term.

YEA 4

Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 1

Gary Bates

The City Council reviewed, approved, and authorized the signatures of all documents associate with the Red Slide subdivision including the Red Slide subdivision West Park and open space agreement, lot owners' assessment reimbursement agreements, and special warranty deeds. Sam Winward, secretary of the Red Slide subdivision HOA, stated that he had 19 of the 23 agreements signed and in hand. Mr. Winward stated that 3 other agreements are coming, and the 1 resident would like more information before he signs the agreement. This individual lives next door to the park, and he is concerned about signing the agreement because he doesn't know what he will be getting next door. Mr. Winward submitted some pictures that he took of the area. Mr. Winward asked if the slope of the land would be covered in grass. Mayor Thomas G. Bailey stated that Wellsville City will reduce the burm to a smaller burm which would run the full length of the lot. Mayor Bailey stated that Wellsville City will also fix the bottom of the park so that the water runs into the drain and flows to the retention pond at the entry park. Mr. Winward asked about the drain. Don Hartle stated that the drain will remain the same. Gary Bates stated that there are problems with motorcycles around the park. By putting ground cover down, it will be harder to keep the motorcycles off then if it was a nicely mowed grassy area. Mr. Hartle stated that City Attorney Bruce Jorgensen has corrected 2 minor issues on the agreement. The wrong tax identification number was listed and the acreage was incorrect. Mayor Bailey stated that the Red Slide subdivision HOA will return in 3 weeks with all of the agreements signed, and they will proceed from there.

The City Council approved the "Rules of Procedure & Order" for City Council meetings. Carl Leatham suggested that a sentence be added to this document to limit the time for public comments. Ron Case stated that there are sentences that are part of the document that already cover this issue. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the "Rules of Procedure & Order" for City Council meetings.

YEA 5

Gary Bates

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

The City Council discussed a decision on how and when to proceed on a garage that is in violation of city code at 39 East 300 South. Mayor Thomas G. Bailey stated that the City Council gave him an assignment to talk with Joe Reynolds concerning the garage. Mayor Bailey stated that he discussed the issue with Mr. Reynolds. Mr. Reynolds has received a bid of \$4,400 to build a foundation and move the garage. Mr. Reynolds stated that the bid is too high. Mr. Reynolds asked for an extension of July 1, 2012 to move the garage. Mayor Bailey asked if the City Council would grant the extension, and if the garage is not moved, the City will proceed to move the garage at Mr. Reynolds' expense. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to extend the date of removal of the garage to July 1, 2012, and if Mr. Reynolds doesn't conform, the garage will be removed by Wellsville City at Mr. Reynolds' expense.

YEA 5

NAY 0

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

The Mayor, Council members and the City Recorder conducted the official canvass of the 2011 Wellsville City General Municipal Election. At the conclusion of the canvass, Ron Case made a motion, seconded by Colin Harrison, that the City Council approves the 2011 General Election Canvass as per the attached Exhibit "A", consisting of a total of 4 pages and made a part of these minutes.

YEA 5

NAY 0

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

Mayor Thomas G. Bailey thanked Councilman Jackie D. Orton since this would be his last City Council meeting. Mayor Bailey appreciates Mr. Orton serving, and his time and effort for all that he has done for Wellsville City. Mayor Bailey and the City Council wish Mr. Orton nothing but the best, and that our prayers will be with him.

Department Reports:

Colin Harrison – 1) Working on Tree City USA – 24 years.

Gary Bates – 1) Asked Sam Winward to be part of the Parks & Recreation Committee, and he accepted.

Carl Leatham – 1) Now that the election is over, he will move forward with the Commercial Development Committee.

City Manager/Recorder Report:

Don Hartle – 1) Utah League of Cities and Towns hosts a seminar for newly-elected officials. The cost is \$40 to attend, which Wellsville City will pay for. It will be held on December 3, 2011. This is for Glenna Peterson.

2) There was a request for a street light at 200West and Highway 89/91. The cost of the light is \$4,272. Wellsville City would be responsible for digging a trench, 2-inch conduit, and burying it. The total price would be over \$10,000. It is not in the budget this year.

3) Alenae Mackey called and spoke with Don on the telephone. She stated that Ted Ricks, owner of the building, has changed the locks. Don contacted Ted Ricks, and he promised to meet Don and he never showed up. Mrs. Mackey is requesting additional time. She will move the trucks and trailers that belong to her. Anything that belonged inside of the building, she is at the mercy of Ted Ricks. Don will speak with Ted Ricks tomorrow and explain the situation. The bill is in Ted's name, and he will be responsible for it if the backyard of the building is not cleaned up.

At 7:30p.m., Jackie D. Orton made a motion, seconded by Colin Harrison to go in to executive session.

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

At 8:25 p.m., Colin Harrison made a motion, seconded by Gary Bates to go out of executive session.

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

At 8:26 p.m., Carl Leatham made a motion, seconded by Colin Harrison to go into regular Council meeting.

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

After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, that Wellsville City move to proceed to purchase the 15.85 acres (per attached exhibit "B" consisting of 2 pages and made a part of these minutes) from Thomas G. Maughan. The water associate with the property will be transferred to Wellsville City and in exchange for the water, Mr. Maughan will use the property on the east side of Main Street for 10 years or as long as he is alive, and the property on the west side of Main Street he is allowed to use until he dies. Both parcels will continue to be used for agriculture farming and pasture. Price being paid for the property is \$18,666.67 per acre (based on the appraisal by Nielson and Company from Orem) for a total cost of \$295,867.00 for 15.85 acres, with a down payment between \$145,000.00 to \$172,000.00 with Mr. Maughan to carry a contract on the balance at 3.5% for 5 to 10 years, with no penalty if Wellsville City pays the contract off early. Inasmuch as Mr. Maughan is a city employee, we will hold a public hearing on the matter, by publishing a legal notice in the Herald Journal and in the Wellsville City newsletter to be mailed to all residents on November 30, 2011.

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

At 8:35 p.m., Jackie D. Orton made a motion, seconded by Gary Bates, 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