

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 4, 2012, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Gary Bates, Colin Harrison, and Carl Leatham. 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 March 30, 2012. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Rex Egbert	Diane Egbert
	George Tupuloa	Don Davis	Don Summit
	Janet Summit	Sarah Summit	Zackery Summit
	Joshua Summit	Lauren Summit	Daniel Summit
	Katie Summit	Jonathan Cook	Jake Harrison
	Jimera Hemen	Ashley Coleman	

Opening Ceremony: Colin Harrison

Councilwoman Glenna Petersen and Councilman Ron Case were excused from this meeting.

The Council reviewed the agenda. Carl Leatham made a motion, seconded by Colin Harrison, to approve the agenda as presented.

<u>YEA 3</u>	<u>NAY 0</u>
Gary Bates	
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, Gary Bates made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 14188 through 14233.

<u>YEA 3</u>	<u>NAY 0</u>
Gary Bates	
Colin Harrison	
Carl Leatham	

No one was in attendance for citizen input.

At 6:15 p.m., conduct a public hearing to receive public input, then consider for adoption a code amendment amending 8-3-2, Sewer System Service Requirements, clarifying that property owners are responsible for sewage and sewage service lines until the sewage is in the City sewer mainline. Don Hartle stated that the policy has always been since the sewer system was installed that the property owner was responsible for sewage and sewage service lines until the sewage is in the City's sewer mainline. Mr. Hartle stated that it has operated that way since he was hired on in 1985. Mr. Hartle stated that Blue Stakes is now requiring the marking of sewer lines. There is currently nothing in the Wellsville City code that states this, so this code amendment is making it formal. Rex Egbert stated that he has a concern. He understands what Wellsville City is dealing with and has no disagreements. Mr. Egbert stated that Wellsville City has 2 employees that work in the Public Works department. Mr. Egbert stated that there is a conflict of interest. The same 2 employees also own their own business. They are not taking responsibility of the work that they have done for citizens as private contractors in Wellsville City, and are hiding behind Wellsville City. Mr. Egbert stated that his sewer has been emptying into the earth under the road. Mr. Egbert stated that there was a 4- to 6-foot section of pipe that was missing from his property to the City's sewer mainline under the road. Mr. Egbert stated that the 2 individuals both said that it is not the City's problem, which it isn't, but it may be the company that the 2 individuals own problem. Colin Harrison asked if the problem has been fixed. Mr. Egbert stated yes. Carl Leatham stated that the missing pipe was on city property. Mr. Egbert stated that he had to bore the road twice, once to connect to the sewer system, and once to fix the pipe that was missing. Mayor Thomas G. Bailey stated that Wellsville City has the same

concern, and the issue has been discussed with City Attorney Bruce Jorgensen. Mayor Bailey stated that this company has to write a letter every year and disclose to Wellsville City that the business is operating. Mayor Bailey stated that the city can't stop the 2 individuals from working after hours. Mr. Egbert stated that he is not blaming Wellsville City. Mr. Harrison asked if the 2 individuals know that the repairs were made on city property. Mr. Egbert stated yes. Mr. Egbert stated that the 2 individuals are hiding behind Wellsville City, but it is not Wellsville City's problem. Mr. Hartle stated that when a new home is built and the owner has to connect to the sewer system, the owner hires someone who is licensed to install sewer. When the pipes are installed, the owner calls Wellsville City, and Wellsville City makes an inspection as the pipe is connected to the sewer mainline. Mr. Egbert stated that the installation of the pipe was done during the daytime, and it was 2 or 3 boys that did the work. Mr. Egbert stated that they installed the wrong pipe. Mr. Harrison asked if the 2 individuals were aware of the problems that they have had. Mr. Egbert stated that he hasn't spoke to them as contractors because they are hiding behind Wellsville City. Gary Bates stated that he is confused as to why Mr. Egbert hasn't spoken to the 2 individuals about this issue. Mr. Egbert stated that Wellsville City is responsible for their employees, and he is asking for some type of compensation for this problem. Mr. Harrison stated that Mr. Egbert has a responsibility to go to the 2 individuals as contractors concerning this issue. Mr. Egbert stated that he has, but they refuse to admit any fault. Mr. Egbert stated that he doesn't feel that going to them as a business is viable. Mr. Harrison stated that Mr. Egbert has a right to go to the contractor and have them make it right with the customer. Mr. Bates asked who checks to make sure the sewer system is installed per code. Mr. Hartle stated that it is the job of the general contractor. Mr. Egbert stated that he has no problem with the code, but there is no recourse. Mr. Hartle stated that he will discuss this issue with City Attorney Bruce Jorgensen. Mr. Hartle stated that he sympathizes with Mr. Egbert, but he doesn't think that Wellsville City is liable. Mr. Egbert stated that he will pursue this issue on his part. Mr. Egbert stated that this happen to him and he fixed his. Mr. Egbert stated that the same thing happened to his neighbor, but he hasn't fixed his yet. Mr. Egbert stated that there could be more problems out there concerning the sewer system lines. Mayor Bailey stated that if a contractor doesn't do a good job, the citizen has a right to go after the contractor. Mayor Bailey stated that he could care less if the contractor works for Wellsville City or not. Mr. Egbert stated that he agrees. Mr. Egbert stated that Wellsville City has a conflict of interest. Mr. Bates asked if the general contractor arranged for the installation of the sewer system lines. Mr. Egbert stated yes. Mr. Egbert stated that the contractor didn't feel that he had much choice as to which contractor to use for sewer. Mayor Bailey stated that any time something like that happens, Wellsville City needs to know about it. Mayor Bailey stated that no one has an obligation to hire the 2 individuals that own a company and also work for Wellsville City.

At 6:38 p.m., the City Council left the public hearing.

After discussion, Colin Harrison made a motion, seconded by Gary Bates, to **ADOPT CODE AMENDMENT 2012-03** adopting **AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 8, PUBLIC UTILITIES, CHAPTER 3, SEWER SYSTEM SERVICE REQUIREMENTS, BY AMENDING 8-3-2 TO CLARIFY THAT PROPERTY OWNERS ARE RESPONSIBLE FOR THEIR SEWAGE UNTIL IT IS IN THE CITY SEWER MAINLINE.**

YEA 3

NAY 0

Gary Bates  
Colin Harrison  
Carl Leatham

Gary Bates stated that he has a concern that when Wellsville City does road work and disturbs a sewer service line, is Wellsville City responsible for fixing the sewer service line. Mr. Bates stated that there is nothing in the code concerning this issue. Mr. Bates used the example of 200 West 400 North where the City Council has discussed installing a larger culvert and asked if a disclaimer needs to be added for damage that Wellsville City causes. Don Hartle stated that they have already dug test holes. Mr. Bates stated that his concern is not limited to the sewer system, and it may not be an issue for the current administration. Mr. Hartle stated that it is similar to water overage. Wellsville City is not responsible for leaks on the owner's property, but the city will work with the owner and give them a 50% credit on their water bill. If the city breaks a sewer service line, the city will take care of the problem. This issue would be a different amendment. Mayor Thomas G. Bailey stated that it is only fair that if Wellsville City

damages a sewer service line, Wellsville City repairs the sewer service line.

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 12 homes built in Wellsville City in 2011. Colin Harrison stated that there were 3 home additions, and asked if Mr. Davis was seeing a lot of home additions. Mr. Davis stated yes. Mr. Davis stated that he appreciates Wellsville City. Mayor Thomas G. Bailey thanked Mr. Davis for his report. Mayor Bailey appreciates working with Mr. Davis.

Don Summit met with the City Council to discuss the use of City property. Mr. Summit stated that he and his family live at 220 East 200 North. They are looking to purchase the snow cone shack. Mr. Summit asked if they could use the location next to the City Office where the snow cone shack current resides from Wellsville City. Mayor Thomas G. Bailey asked if the City owns the property and the current owners rent it from the City. Don Hartle stated that the current owners of the snow cone business leases the property from year to year. Gary Bates asked what the fee is to lease the property. Mr. Hartle stated that he thinks it is \$25.00 per year. Mr. Summit stated that he understands that he will need a business license and a tax identification number. Mr. Summit stated that they will keep the property up and looking presentable. Mr. Summit asked if they could use the dumpster behind the City office to dispose of garbage. Mayor Bailey stated yes. Mr. Summit stated that they would like to sell candy from the snow cone shack also. Mr. Bates asked if the candy would be wrapped. Mr. Summit stated yes. Mr. Summit stated that all of the workers would have a food handler's permit. Mayor Bailey stated that when Mr. Summit applies for the business license, he can add candy to the license at that time. Mayor Bailey stated that wrapped candy shouldn't be a problem, but if the candy is homemade, they could run into a problem. Mr. Bates suggested that with all of the fees involved to start up a business, the City may waive the first year's rent. After discussion, Gary Bates made a motion, seconded by Colin Harrison, that Don Summit could lease the City property where the snow cone shack currently resides, and that the City will waive the first year's rent, and that future rent fees will be determined by the City office to allow the business to get established.

YEA 3

NAY 0

Gary Bates  
Colin Harrison  
Carl Leatham

#### Department Reports:

Colin Harrison – 1) Arbor Day – April 21, 2012 – 10:00 a.m. – planting a tree at the Wellsville Tabernacle in memory of Clarke Maughan

2) Shade Tree & Beautification Committee – trimmed trees today – need some younger people on the committee – Ted Hall & Dee Stoddard have mentioned that they would like to be replaced.

3) Eagle Scout projects – replacing sections of sidewalk as a project. Gary Bates hasn't thought of it, but it could work if the boy could show leadership. Don Hartle has no problem with it.

4) Thought about the meeting that took place 2 weeks ago – question & answer section – doesn't feel comfortable making decisions concerning city business. Chris Gibbs should have been on the agenda. Sent the issue on to the variance committee, doesn't know if they can do anything about it.

5) Proposed truck stop – apologized – felt like city was being attacked and it wasn't appropriate – Don Hartle stated that the Planning Commission has a workshop scheduled for next week.

6) Asked if it was possible to have more information about the items that are on the agenda – not sure what people are coming in to discuss and what the City Council is getting in to. If you have questions, call Don Hartle. Don Hartle will try to include more information.

Gary Bates – 1) Contacted from the Utah National Guard – would like to do a patriotic program in Wellsville City – City Square – July 22, 2012 – 7:00 p.m. – will use the Stake Center as a backup – will send posters and announcements.

2) Softball field – working with Diane Roundy – concerned about the infield – there is standing water because it doesn't drain correctly and the sand packs down and becomes hard – Eagle Scout project to scrap

off the sand and replace with new sand – softball hasn't asked for much, minimal repairs – look at Recreation budget to find the dollars for the new sand.

3) Parks & Recreation Meeting – April 12, 2012 – 6:30 p.m.

Carl Leatham – 1) Has some real concerns about the discussion concerning the truck stop – feels that there is a conflict of interest with the Planning Commission Chairman. Some concerned that the workshop scheduled for next week will turn into a public hearing. Asked if he, as the Councilperson over the Planning Commission, has the responsibility or the authorization to stop input. City Council and Mayor believes he does.

2) Commercial Development Committee has been meeting – have a proposal for a road plan in the commercial area – needs the definition of what a true highway commercial business is. Highway commercial, mixed use, and industrial use zones.

City Manager/Recorder Report:

Don Hartle – 1) Asked if it would be possible to combined the Christmas Party for City Council, Planning Commission, and Board of Adjustments – no problem, will pursue it.

2) Updated Design Standards & Specifications – what the contractors have to live by – City Council look through them and approve them.

3) Handed out a worksheet concerning RAPZ tax – Wellsville City has received \$455,379.00 from 1993 through 2011.

4) Working on renewing the sewer discharge permit – own 18 acres, working on purchasing other property. Checked on a well that is 15 to 20 feet from the property line – reviewed well log – IGES determined the soil around the well is clay – was approved last summer to land apply. There is a 300-foot parameter around the well – requested a variance. Based on analysis, it will take 3,000 years to penetrate 70 feet of clay. Completed application for sewer discharge renewal. Completed application for land application of sewer water. Delivered to State today.

At 7:40 p.m., Gary Bates made a motion, seconded by Colin Harrison, to go into an executive session.

**YEA 3**

**NAY 0**

Gary Bates  
Colin Harrison  
Carl Leatham

At 8:30 p.m., Colin Harrison made a motion, seconded by Gary Bates, to leave executive session.

**YEA 3**

**NAY 0**

Gary Bates  
Colin Harrison  
Carl Leatham

At 8:30 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn the meeting.

**YEA 3**

**NAY 0**

Gary Bates  
Colin Harrison  
Carl Leatham

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Thomas G. Bailey  
Mayor

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Don Hartle  
City Manager/Recorder