

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 6, 2011, at the Wellsville City Offices at 75 East Main. City officials present were 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 April 1, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Noelle Johansen	Ray Bankhead
	John Jenkins	Justin Topik	Tyler Erickson
	Brad White	Teri White	Mary Ann Degn
	Leesa Cooper	Jennifer Hendricks	Tom Maughan
	Perry Maughan	Sheriff Lynn Nelson	Lt. Brian Locke
	Paula Thatcher	Don Ewing	Alison Ewing

Opening Ceremony: Jackie D. Orton

The Council reviewed the agenda. Jackie D. Orton made a motion, seconded by Carl Leatham, to approve the agenda as presented.

<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 March 16, 2011 City Council meeting. There were word changes on lines 86, 87, 88, 89, 91, 101, 110, and 201. Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the March 16, 2011 City Council meeting with the changes.

<u>YEA 5</u>	<u>NAY 0</u>
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 12815 through 12891.

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

At 6:15 p.m., Ron Case made a motion, seconded by Jackie D. Orton, to go into public hearing:

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

Receive public input and consider the recommendation of the Planning Commission, then consider for possible approval a code amendment to amend 10-11-8-A of the code to allow fences, hedges, shrubs, and walls in the front yard setback requirement, not to exceed 42 inches in height. Carl Leatham stated that the Planning Commission had no concerns and felt that the change was needed for safety purposes. Tyler Erickson stated that he has a 6-foot fence around his yard, which is a corner lot, to keep his dogs in and the neighbor dogs out. The fence is for safety and security for his children and dogs. Colin Harrison stated that he thought the change was for more solid fences. Mr. Erickson's fence is a chain-link fence. Carl Leatham stated that the hedge was described in the code, but building materials for the fence is not. The code is concerning front yards only. Mr. Erickson's fence should be grandfathered in. Gary Bates stated that the City Council needs to be careful about the code being retroactive, and look at each situation on a case by case basis. Mr. Harrison doesn't see a problem with the chain-link fence as long as it is kept clear and can be seen through. Jackie D. Orton stated that the code needs to be as clear as possible. Ron Case agrees that even though the code may change, Mr. Erickson's fence should be grandfathered in. Mr. Leatham stated that if the fence is allowed to exist, and something does happen on the corner because of the fence, Wellsville City will be held responsible. Don Hartle read the existing code. Mr. Bates stated that opened and closed fences need to be more defined. Mr. Orton stated that the City Council has the right to deem a fence unsafe. Mr. Hartle suggested that the City Council continues this issue and have City Attorney Bruce Jorgensen review the code. Mr. Case asked if City Planner Jay Nielson had reviewed the code. Mr. Hartle stated yes.

At 6:33 p.m., Carl Leatham made a motion, seconded by Gary Bates, to close the public hearing.

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

After discussion, Gary Bates made a motion, seconded by Ron Case, to table this issue until City Attorney Bruce Jorgensen has reviewed the code and responded to Wellsville City.

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

Sheriff Lynn Nelson representing Cache County Sheriff's Office met with the City Council to discuss services provided to Wellsville City included in the annual contract. Sheriff Nelson stated that Wellsville City contracts with the Cache County Sheriff's Office for 1800 hours annually. In the last 12 months, Wellsville City was provided with 2700 hours of patrol service, and 3100 hours of service from the entire Cache County Sheriff's Office. Sheriff Nelson stated that a patrol is counted as a deputy driving around the community, being visible and looking for any problems. Sheriff Nelson stated that in the last 12 months, Cache County Sheriff's Office has responded to 593 calls for service from Wellsville City, and has written 591 citations and 192 warnings within Wellsville City limits. Sheriff Nelson stated that the law incidents for Wellsville City are pretty consistent. Sheriff Nelson stated that he has no worries or concerns. Sheriff Nelson stated that Highway 89/91 is not a priority for them because Utah Highway Patrol is the priority agency for Highway 89/91. Sheriff Nelson stated that some changes have taken place within the Sheriff's Office, and introduced Lt. Brian Locke who is over the patrol division. Mayor Thomas G. Bailey stated that Wellsville City has a problem with 4-wheelers and motorcycles on the gravel pit, and asked if that was a high priority for the deputy. Sheriff Nelson stated that a deputy should respond within 10 to 15 minutes of any report. Gary Bates asked if the Sheriff's Office tracks response time. Sheriff Nelson stated that his office doesn't because dispatch deals with it. Sheriff Nelson stated that there is not a demand for that type of information. Mr. Bates stated that it sometimes takes longer than 10 minutes for a deputy to respond and

a deputy has been in Hyrum. Sheriff Nelson stated that Hyrum City contracts for 1 car to patrol Hyrum for each shift. Mr. Bates introduced Mary Ann Degn as the Parks and Recreation Committee chairperson. Mr. Bates informed Sheriff Nelson of Wellsville City's "Healthy City" award and the vandalism issues at the different parks. Mr. Bates asked if it was possible for deputies to be on foot or bike patrol around the parks. Mr. Bates gave to Sheriff Nelson copies of the resolution that Wellsville City passed concerning the parks, and stated that the parks are closed after dark. Sheriff Nelson asked if a star deputy was attending the City Council meetings. Ron Case stated no. Sheriff Nelson thanked the City Council for their feedback. Mr. Case asked if the information given to them in report form can be made public. Sheriff Nelson stated yes. Don Hartle warned the City Council to use caution with the report. Sheriff Nelson stated that the information is sensitive, but not confidential. Ms. Degn asked if an incident is reported, does it affect the number of hours that Wellsville City has contracted for. Sheriff Nelson stated that never hesitate to call the Sheriff's Office to report a problem. Ms. Degn asked about vandalism. Sheriff Nelson stated that vandalism does rise in the summer months. Mr. Bates asked about the neighborhood watch program. Sheriff Nelson stated that it is extremely affective if the citizens are excited and follow through. Mr. Bates asked about someone attending the Parks and Recreation Committee meeting. Lt. Brian Locke responded that he would attend. Jackie D. Orton stated that Wellsville City has had neighborhood watches, but they don't seem to be organized. Sheriff Nelson stated that is a fact, but the Sheriff's Office can't do their job without the citizens of the different communities. Mr. Case asked if the Sheriff's Office was still offering the Citizens Training. Sheriff Nelson stated yes. Mr. Case stated that he and his wife took the class, and that it was very informative. Mayor Bailey thanked Sheriff Nelson and Lt. Locke for attending the City Council meeting.

Brad White met with the City Council to discuss subdivision requirements. Mr. White handed out a picture from google earth of the property that is being discussed at approximately 450 North and 150 East. Mr. White stated that the lot is 100 feet x 142 feet. The Wellsville City code requires an 8" sewer line, which is excessive for 1 home. There is no possibility for anymore homes to be built. Mr. White stated that the home could get by with a 3" service line, but he would definitely install a 4" service line. Carl Leatham asked what the property was zoned. Don Hartle stated that it is zoned R-1-12. Colin Harrison asked if the State of Utah requires an 8" sewer line. Tom Maughan stated that an 8" sewer line is required between manholes. Mr. White stated that there is a water line on 500 North that would bring the water down to the property, and a sewer line on 400 North that would bring the sewer up to the property. Mayor Thomas G. Bailey stated that the code requires that the sewer line is to run the full frontage of the property. Mr. White asked even if there is no other development. Don Hartle stated correct. Perry Maughan stated that the City Council makes exceptions, and they made an exception last year for Mike Perks to build his home. Mr. White stated that he would run a 1 1/2" water line and a 4" sewer line. Gary Bates asked where the fire hydrants were located. Mr. White stated that there is a fire hydrant on 400 North and 150 East. Mayor Bailey stated that Mike Perks ran an 8" sewer line to the corner of his property and installed a manhole. Ron Case stated that Mr. White says there could never be another house built on the property, but there is a possibility if Mr. White's shop is removed and the property is subdivided. Mr. Bates stated that the City Council can't leave a situation for someone else to pay for in the future. Mr. Bates stated that Mr. White can't guarantee that the lot will never be built on. Mr. White didn't think you could make a subdivision out of a subdivision. Mr. Hartle stated that Mr. White has enough property with his home and shop that it could be subdivided again. Tom Maughan stated that a 4" sewer line is a service line. For servicing purposes, a 6" or 8" sewer line with a manhole would be required. Mayor Bailey asked if the 4" sewer line plugs up, who is responsible for it. Tom Maughan stated that the property owner is responsible for the sewer line from the house to the main line. A 4" sewer line is a service line, not a main line no matter where it is placed. Mr. Bates recommended that the City Council stay with the current code and treat this as a normal subdivision. Mr. White stated that he is proposing 1 house with a 4" sewer line, and if his property is ever subdivided again, the 4" line would be dug up and replaced with an 8" sewer line. Mr. Hartle stated that the code says that Mr. White can't do what he is proposing. Mr. Hartle suggested that the issue be discussed with City Attorney Bruce Jorgensen to see if a regulation can be added to the property to bind something in the future. Perry Maughan stated that the water line should be an 8" line to add fire protection, and that the water line should be looped, or there will be stale water issues. Jackie D. Orton stated that if the 4" sewer line plugs, the home owner is responsible to unplug it. Mr. Case stated that when the City Council makes exceptions to the rules, then it comes back to bite them. Mr. Orton stated that the new property owner would have to understand that they would be responsible to unplug the 4" sewer line. After discussion,

Jackie D. Orton made a motion, seconded by Ron Case, to follow the existing code and require the 8" sewer line to be installed.

YEA 5

NAY 0

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

The City Council discussed the appointment to the Planning Commission to replace Commission member Jaye Colling. Mayor Thomas G. Bailey stated that he has discussed this issue with Carl Leatham and Loyal Green. The person that he would like to appoint to the Planning Commission is Paul Egbert. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to approve Paul Egbert as a Planning Commission member.

YEA 5

NAY 0

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

The City Council continued the discussion of the possibility of planting additional trees in the cemetery. Colin Harrison stated that this issue was discussed at a previous City Council meeting and it was decided that no more trees would be planted in the cemetery. Don Hartle stated that he received a request to plant additional trees at the cemetery. Jackie D. Orton stated that some trees could be planted along the roadway. Mayor Thomas G. Bailey stated that he reviewed the cemetery plat today and there are a few lots on the bottom road and a few in the northwest corner. A full lot is 16' x 16'. Mr. Harrison stated that if trees can't be kept in a line, they shouldn't be planted. Gary Bates suggested that smaller, hearty trees that look nice and are not much problem be planted in the cemetery, especially in the new area. Mr. Hartle stated that Wellsville City will be opening a section to the east that is 5 lots wide with a paved road. When another section is opened, plant trees then. Jackie D. Orton suggested taking a field trip to the cemetery to review it. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to continue this discuss after a time has been selected to take a field trip to the cemetery and review this issue.

YEA 5

NAY 0

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

The City Council considered for adoption a resolution setting a cap on the amount the City will pay in the future for current city employees' medical and dental premiums at the current rates now being paid by the City. Don Hartle stated that as of July 1, 2011, the monthly medical premiums will increase as follows: single - \$14.58, double - \$30.16, and family - \$40.82. Mr. Hartle stated that the dental premiums remained the same. Mr. Hartle stated that a meeting of the employees has been scheduled for April 19, 2011 with the insurance carrier to discuss other plans. Mr. Hartle stated that he has been asked by an employee that if they choose to go with a cheaper plan, can the extra money that would have been spent on the original insurance plan be put into a slush fund to cover premiums at a later date. Jackie D. Orton stated that he believes that Wellsville City should treat the employees as well as they can, and doesn't feel right about having an employee choose a cheaper plan so that Wellsville city can make money off of the employee. Gary Bates stated that Wellsville City wouldn't make money off of the employee. If the employee chooses a lesser coverage, and as the premium increases, the slush fund can be used to pay for premium costs or offset co-pays. Tom Maughan stated that he would like to stay with the current coverage and pay the

difference as opposed to choosing a cheaper plan. Mr. Bates stated that health care costs are rising. Carl Leatham asked if it was possible to revisit this issue every year. Mayor Thomas G. Bailey stated that it is reviewed every year at budget time. Mr. Orton proposed that Wellsville City cover the increase to insurance premiums this year, and revisit the issue again next year. Mr. Bates stated that the insurance package is a good package, and this option would be the least painful instead of choosing to go with a lesser package. Mr. Orton stated that the employees of Wellsville City are above average and they do a lot of extra things for the City. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to set the cap of medical and dental insurance premiums at the 2011-2012 rates.

YEA 5

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

NAY 0

The City Council discussed the continued infiltration into the sewer system due to the amount of moisture received since December 19, 2010. Don Hartle handed out a packet of information concerning this issue. There were two graphs included in the packet. The first graph shows the sewer station in the Southwest Heritage Estates on December 17, 2010. The second graph shows the sewer station in the Southwest Heritage Estates on December 21, 2010. Mr. Hartle stated that residents in the Southwest Heritage Estates have had water in their basements. The residents have pumped water to the curb and gutter, and Wellsville City cannot continue to absorb the excess water in the lagoons. Mr. Hartle suggested that a program be developed to help these residents run a line from their home to the storm water pond and Wellsville City pay a portion of the cost. Don Ewing stated that he is a disabled veteran who is on a fixed income and has spent \$10,000 already on repairs and pumps for his basement. Mr. Ewing stated that on the west side of the subdivision, the ground slopes toward the subdivision and that is where the extra water is coming from. Mayor Thomas G. Bailey stated that the developer of the subdivision was told that it was recommended that none of the homes in the subdivision have basement. Mr. Ewing stated that he feels that there is a problem in the subdivision and Wellsville City is blaming the residents of the subdivision. Mayor Bailey stated that Wellsville City is not blaming anyone for anything. The property was zoned so that a subdivision could be built on it. The property was never designated as a flood plain or wetland. Mayor Bailey stated that everyone needs to work together to come up with a solution to the problem. Gary Bates stated that a professional engineer signed off on the subdivision, and wondered if Wellsville City could go back to the engineer. Paula Thatcher stated that she feels that there has been a lack of communication between Wellsville City and the residents of Southwest Heritage Estates. Ms. Thatcher stated that she is guilty of running water from the sump pump installed in her basement into the sewer. Ms. Thatcher stated that she felt like she was being spied on by the Public Works department. Tom Maughan stated that they were looking for ideas and trying to help the residents, not spying on them. Mayor Bailey stated that he attended a meeting and was told that the soil in Cache Valley is 97% saturated. Mr. Hartle stated that 3 Wellsville City employees live in town and every one of them has had water in their basement. Mr. Hartle recommends that the City pays a portion of the cost to have each home owner dig a trench next to the home with a 1" standup pipe and sump pump would send the water to the curb and gutter and dumps it into the storm water pond. Ron Case asked about the timing of the project. Mr. Hartle suggested that one contractor does all of the work so that it is done right. Mayor Bailey stated that an engineer and/or a contractor would need to review the plan. Mayor Bailey stated that Wellsville City will keep the residents of the Southwest Heritage Estates subdivision involved in the discussion and resolution of this issue.

The City Council discussed potential hydroelectric projects. Don Hartle stated that the company, Applied Hydropower, asked Wellsville City back in 1988 to perform some research projects on the flow of water into the Lindley reservoir. Mr. Hartle stated that the projects never happened because there wasn't a constant flow of water. Applied Hydropower has now developed a project that can work without a constant flow of water. Mr. Hartle handed out a copy of the proposal. Mr. Hartle stated that City Attorney Bruce Jorgensen has reviewed the proposal and submitted a letter expressing his concerns. Mayor Thomas G. Bailey asked that the City Council read the letter by Mr. Jorgensen and be prepared to discuss this issue at a later meeting.

Department Reports:

Jackie D. Orton – 1) Nathan Peterson representing UDOT is over the sidewalk grants. A sidewalk on 400 South has been reviewed by UDOT. Mr. Peterson has approximately \$125,000 per year to spend on sidewalks, and thinks this would be a good place for a sidewalk.

2) Don Hartle is still working on the signs for Wellsville City to be installed at the city boundaries.

3) Caught some kids building a track and riding motorbikes at the Red Slide Park. Asked them not to use the park for that. The kids were heart-broken, but they promised not to use the park again.

4) Has not been able to contact Stacie Gomm concerning the sidewalks to Willow Valley Middle School.

5) Midevil Park – will have complete funding before anything is done.

Colin Harrison -1) Tree City USA – Wellsville City is now a 23-year recipient of the award.

Mayor Thomas G. Bailey – A meeting will be held on April 7, 2011 at 5:30 p.m. at the County Courthouse by the County Planning Commission to discuss subdivisions in the Lindley Basin.

Ron Case – 1) Still has garbage bags from the Glad website that people can use for spring cleanup.

Gary Bates – 1) Coach background checks – if there is an unsuitable coach, the program will contact Leesa Cooper. Leesa Cooper will then inform Gary Bates, and he will inform the person directly.

2) Will have the trail grant information to Don Hartle within the week.

Carl Leatham – 1) Planning & Zoning training – April 13, 2011 – 6:00 p.m. – Land Uses

2) Received phone calls from the float chairperson concerning the color of the princess dresses

3) Letter to James Wakefield concerning house at 60 West 300 North – owned by Randy Wall and James Wakefield – has given them until April 25, 2011 to have the items removed – Randy Wall is coming to talk to the Planning Commission concerning the letter.

4) Street light at 200 West and Highway 89/91 – needs to submit a work order for a bid, doesn't feel authorized to submit a work order.

5) Southwest Heritage Estates – irrigation water rights – Don Hartle is working on them.

At 9:33 p.m., Ron Case 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