

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, December 16, 2015, at the temporary Wellsville City Offices at 25 North 100 East. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Gary Bates, and Perry Maughan. 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 December 11, 2015. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Robyn Bankhead Sandy Jorgensen
Mark Thompson Gina Thompson Todd Meyers
Chris Breinholt Scott Leishman

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the agenda. Glenna Petersen made a motion, seconded by Gary Bates, to approve the agenda as presented.

YEA 3 NAY 0
Gary Bates
Perry Maughan
Glenna Petersen

Councilwoman Karen Higley arrived at the meeting at 6:04 p.m.

Councilman Carl Leatham arrived at the meeting at 6:05 p.m.

The Council reviewed the minutes of the December 2, 2015 regular City Council meeting. Carl Leatham made a motion, seconded by Perry Maughan, to approve the minutes of the December 2, 2015 regular City Council meeting as presented.

YEA 3 NAY 0 ABSTAIN 2
Carl Leatham Gary Bates
Perry Maughan Karen Higley
Glenna Petersen

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes aren't in numerical order from City Council meeting to City Council meeting as the City uses the same checking account for payroll and accounts payable. After review and discussion, Glenna Petersen made a motion, seconded by Karen Higley, to approve the City's account payables bills for payment, represented by check number 18965 through 19004.

YEA 4 NAY 0 ABSTAIN 1
Karen Higley Gary Bates
Carl Leatham
Perry Maughan
Glenna Petersen

Robyn Bankhead stated that on January 30, 2016, the Wellsville LDS Stake Relief Society is hosting a community service project that will benefit Cache Valley and the State of Utah. Ms. Bankhead handed out a flyer explaining the event. Ms. Bankhead is wondering about the possibility of adding the flyer to the City billing. After reviewing the flyer, Glenna Petersen stated that she thought it was a great idea. Perry Maughan stated that he doesn't see any problem with it. Don Hartle stated that it would need to be its own piece of paper, 1,100 copies to the City Office by December 20, 2015, and that Ms. Bankhead would need to stuff the flyer into the envelop. Ms. Bankhead stated that she would have 1,100 copies and would be willing to help stuff envelopes.

Mark Thompson met with the City Council to discuss water. Mark Thompson stated that he owns the Lindley Basin property. He has cleaned up the property, farmed the property, which production is up 35%, and is installing a new pivot on the east piece of property. Mr. Thompson stated that they plan to build a home on the property, and have cut the driveway in up the hill. Mr. Thompson stated that he needs to secure water, and has two options of doing this. His first option is to drill a well, and the second option is to purchase water from Wellsville City. Mr. Thompson stated that Don Hartle told him that he would need to discuss this issue with the City Council. Mr. Thompson stated that his property borders 2 3/4 miles of Wellsville City. Mr. Thompson stated that at some point in time, he does plan to annex the property into Wellsville City. Gary Bates asked if Mr. Thompson would need to install a boost pump to get the water up the hill. Mr. Thompson stated that he would have to install a boost pump. Perry Maughan stated that where the old shed used to be, there is a water meter there. The water is for stock watering. Mr. Maughan stated that Wellsville City turns the water on in the spring, and turns it off in the fall. Mr. Thompson asked if Wellsville City sells water outside of the city limits. Carl Leatham stated that Wellsville City is restricted to selling water outside of the city limits unless it is surplus. Don Hartle stated that the Wellsville City code would need to be amended to allow the selling of water outside of city limits because the current code doesn't allow it. Mr. Bates stated that before Wellsville City establishes a precedence, it was discussed in a previous meeting that no additional homes be added to the water system in the south part of Wellsville City until the problem could be resolved. Mr. Bates asked about the stock water meter, and asked if there could be a change of use of that water. Mr. Maughan stated that he is in favor of a change of use. Mayor Thomas G. Bailey stated that a monthly fee needs to be set. Mr. Maughan stated that some leg work would need to be done to see if the stock water meter is seasonal or not, and then decide rates at a later time. Mayor Bailey asked if there would be enough pressure to push the water up the hill. Mr. Thompson stated that he would install a boost pump at the bottom or the top of the hill. Mr. Maughan stated that Wellsville City is responsible to get the water to the meter, and then Mr. Thompson would be responsible to get the water from the meter to his home. Mr. Thompson stated that he has a stack of paperwork that would explain about the stock water meter. Mr. Maughan suggested reading through that paperwork and starting there. Mr. Thompson stated that he will apply for a well permit, and abandon the well if something can be worked out with Wellsville City. Mr. Thompson stated that if he remembers right, the well at the bottom of the canyon is a municipal well. Mr. Hartle stated that Wellsville City wasn't involved when that well was established because the previous owner was not speaking to the City. City Engineer asked how much water is coming from the stock water meter. Mr. Thompson stated that he is getting 270 gallons per minute for irrigation. Mayor Bailey stated that Wellsville City is willing to work with Mr. Thompson to come up with a solution. Mr. Thompson stated that he will begin to research his records. Wellsville City would be interested in participating in a well. Mayor Bailey thanked Mr. Thompson for attending this meeting.

At 6:30 p.m., conduct a public hearing to receive public input, then consider for approval the Concept Plan, the Preliminary Plat, and the Final Plat for the Wellsville Maverik Subdivision, consisting of a total of 3 lots on property on the southeast corner of the intersection of Highway 89/91 and Highway 101 (Main Street). Todd Meyers stated that he is seeking approval of the Final Plat for the Wellsville Maverik Subdivision. Don Hartle asked if Maverik, Inc. owns lots 1 and 2. Mr. Meyers stated that is correct. Mr. Meyers stated that Maverik, Inc. incurred a cost to run the sewer line to the property, and would like to be allowed to recoup some of the cost. Mr. Meyers stated that he understands that Wellcome Mart was not reimburse for running the sewer line, but they also didn't have to purchase an easement. Mr. Meyers suggested that a document be recorded that if another business/subdivision wants to connect to the sewer, that they negotiate with Maverik, Inc. or Wellsville City. Mr. Meyers stated that he understands the likelihood to be reimbursed is slim, but they would like the option. Mayor Thomas G. Bailey stated that this issue was discussed a couple of weeks ago. Maverik, Inc. paid Wellcome Mart for an easement to connect to the sewer. Mayor Bailey asked if Mr. Meyers would tell the City Council how much Maverik, Inc. paid Wellcome Mart for the easement. Mr. Meyers stated that Maverik, Inc. paid Wellcome Mark \$75,000 for the easement. Mayor Bailey asked if the City Council would like to give Maverik, Inc. the option to recoup some of the cost of the easement for the sewer. Mr. Meyers stated that the document could be controlled by Wellsville City, and have it in affect for 10 to 12 years. Carl Leatham asked about a 20-foot easement that is shown on the Final Plat. City Engineer Chris Breinholt stated that the easement of 20 feet is for the development of the sewer line. Karen Higley asked if Maverik, Inc. would recoup the cost if another business developed the property, or would it be for residential development also. Mr. Breinholt stated that the sewer line is located in the P.U.E., which is a public utility easement. The sewer is normally located in

the right-of-way. A P.U.E. is normally 10 feet. Mr. Breinholt stated that because of the sewer line, he asked for a 20-foot P.U.E. Ms. Higley asked how much money Maverik, Inc. is looking to recoup. Mr. Meyers stated \$75,000. Ms. Higley asked if Wellsville City is committed to repaying Maverik, Inc. \$75,000, or will Wellsville City charge future developments. Mr. Meyers stated that Maverik, Inc. will come up with a formula for commercial development and residential development with a maximum of \$75,000 for a 10-year period. Gary Bates stated that he doesn't know if there is any benefit to either party to have Wellsville City involved. Mayor Bailey stated that Maverik, Inc. and the developer could negotiate, or Maverik, Inc., the developer, and Wellsville City could negotiate. Mayor Bailey stated that Maverik, Inc. negotiated with Wellcome Mart without Wellsville City being involved. Mr. Breinholt stated that the main goal of the 20-foot easement is so that in the future, another developer isn't in a similar situation like Maverik, Inc. was in. Mr. Breinholt stated that it is a City-owned sewer system, and Wellsville City should have some control over how it is expanded. Mr. Bates asked if the homes in the area are on sewer. Mr. Hartle stated that all of the homes but one is on sewer. Mr. Bates stated that Wellsville City doesn't want to create a situation that forces someone to connect to the sewer. Ms. Higley stated that Wellsville City should be careful so that it doesn't fall on one home to pay the \$75,000 to connect to the sewer. Mr. Meyers stated that as soon as Maverik, Inc. dedicates the easement to Wellsville City, they have lost control. Mayor Bailey asked if Maverik, Inc. would dedicate the easement to Wellsville City if an agreement is in place. Mr. Meyers stated yes. Perry Maughan stated that the sewer main is 13 feet deep, and Wellsville City is responsible for the sewer main. Mr. Maughan stated that a 10-foot easement for the sewer line will not work. Mr. Leatham stated that he is in favor of giving Maverik, Inc. the option to recoup the cost of the easement in exchange for the 20-foot easement and dedication of the easement to Wellsville City. Mr. Bates asked that the feeling is to have Wellsville City involved in future negotiations with developers. Mayor Bailey stated that Wellsville City doesn't have to be involved. Maverik, Inc. made a deal with Wellcome Mart, and Wellsville City wasn't involved. Mayor Bailey stated that Wellsville City would need to be aware if Maverik, Inc. reaches an agreement. Mr. Maughan stated that he doesn't see a need to have Wellsville City involved. Mr. Meyers stated that Maverik, Inc. would have an agreement with Wellsville City that the fee for residential versus commercial will be negotiated as part of the contract. Mayor Bailey stated that a 10-year agreement seems reasonable. Scott Leishman stated that Maverik, Inc. has completely destroyed the irrigation easement. Mr. Leishman stated that Utah State Code 298-2010 states that development can't be permitted within 100 feet of a water system development. The purpose of the irrigation company is to take care of the water users and watch over their rights. Mr. Leishman stated that he has been working with the irrigation company's attorney, Brent Rose. Mr. Leishman stated that the irrigation company needs an agreement in place before construction takes place. Mr. Meyers stated that he is aware of the state requirements. Mr. Meyers stated that he sees no problem with it. Mr. Meyers stated that he misunderstood what was wanted. Mayor Bailey asked if the irrigation company would like a screen on the irrigation ditch on the north side of the highway. Mr. Leishman stated yes, but the irrigation company will install it. Mr. Breinholt asked if Mr. Meyers was aware of the reduced fire flow in the area and the building requirements for it. Mr. Meyers stated yes.

At 7:08 p.m., the public hearing was closed.

Perry Maughan asked if Wellsville City will receive the 20-foot easement with the pioneering agreement. Gary Bates asked that the attorney for Maverik, Inc. submit a proposal to Wellsville City. Mr. Maughan stated that he agrees, and asked that City Engineer Chris Breinholt, City Attorney Bruce Jorgensen, and City Manager Don Hartle review it. Mayor Thomas G. Bailey stated that the total amount would be \$75,000. Todd Meyers stated yes. Carl Leatham stated that it should not exceed \$75,000. Karen Higley stated that she is struggling with this issue because it depends on future development. Ms. Higley stated that she feels it is a band-aid fix and that Maverik, Inc. is passing the buck. Mr. Maughan suggested that Wellsville City review the figures and then go from there. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to approve the Concept Plan, the Preliminary Plat, and the Final Plat for the Wellsville Maverik Subdivision, consisting of a total of 3 lots on property on the southeast corner of the intersection of Highway 89/91 and Highway 101 (Main Street) with the following conditions: 1) a 20-foot easement that Wellsville City is open to the idea of a pioneer agreement so that Maverik, Inc. can recoup some of the cost of the sewer, 2) the irrigation company contract, 3) 10 feet on each side of the pipe for the irrigation easement, 4) a letter regarding the fire flow, 5) a cross easement across the gas line on both ends of the property, and 5) a hold-harmless agreement for the storm drain.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Department Reports:

Glenna Petersen – 1) Sidewalk on 200 West – would like to develop the property in the future. Ms. Petersen stated that the property owner has no problem with the road dedication, but is worried about losing access. Asked if the property is in the city or the county – the property above the canal is in the county. If the property owner subdivides the property, they will have to go through the county. The property owner will need to annex into the city if they would like services. Don Hartle stated that the property owner will not be giving up any access by signing the road dedication.

2) Thanked the Mayor and City Council for the past 4 years – have learned a lot from everyone.

3) Beehive Drive – still no funds (\$6,000) for the other scholarships. Karen Higley stated that she will follow up on this issue.

Karen Higley – 1) Pageant will be held on the last Saturday in February.

Perry Maughan – 1) Trees around Art Smith's home have been cut down and hauled away.

2) Tree around Ron Case's home has been cut down and hauled away.

3) Asked that another reminder be added to the newsletter about not parking on the side of the streets because of snow removal.

Gary Bates – 1) Baseball specialist is retiring – looking for a new baseball coordinator. Asked that this item be added to the newsletter.

Carl Leatham – 1) Lost Kendall Leishman and Janie Isaacson as float builders – looking for suggestions for new float builders.

2) FYI - Lyle Hoffman – lives in the Mt. Sterling Estates subdivision – has dug into the slope of the hill. The Planning Commission has asked him to attend a Planning Commission meeting for the past month, and he has not shown up. At the last Planning Commission meeting, it was decided to involve City Attorney Bruce Jorgensen.

City Manager/Recorder's Report:

Don Hartle – 1) Received a telephone call from the recycling center concerning Christmas trees. Because of the construction of the new City Office, a new location needs to be decided. After discussion, the City Council decided that the location will be north of where the green waste bin was located.

2) Received a flyer from Cherry Peak Ski Resort about a ski night and asked that it be added to the City billing. The City Council decided that because it was commercial and promoting a business, it would not be added to the City billing.

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

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder