

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 6, 2015, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Karen Higley, Glenna Petersen, Councilmen Carl Leatham, 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 May 1, 2015. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	George Humbert	Kevin Boydsvn
	Bo Sharp	Josh King	Bob Fotheringham
	Val Potter	BJ Sparrow	Todd Horman
	Diana Cowley	Darrell Cowley	Mike Cowley
	Neil Hawkins	Susan Hawkins	Gary Hawkins
	Gary Saxton	Jolene Mitton	Jill Osterguard
	Randy Hawkes	Jeff Nielsen	Monte Williams
	Stephanie Williams	John Collier	Brian Burbank
	Eileen Burbank	David Owen	Brenda Duncan
	Eric Lee	Phillip Bury	Cameren Roth
	Janie Isaacson	Kendall Leishman	Quinn Murray
	Scott Gary	Kaylene Ames	Kehler Ames
	Art Smith	Chris Slater	Carson Slater
	Jonathan Cook	Chris Breinholt	Bob Lindley
	Christine Lindley		

Opening Ceremony: Glenna Petersen

Councilman Gary Bates was excused from this meeting.

The Council reviewed the agenda. Item #11 was removed from the agenda. Karen Higley made a motion, seconded by Carl Leatham, to approve the agenda as with the correction.

<u>YEA 4</u>	<u>NAY 0</u>
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

The City Council reviewed the regular City Council meeting minutes of April 15, 2015. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, to approve the minutes of the April 15, 2015 meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Karen Higley	
Carl Leatham	
Perry Maughan	
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, Karen Higley made a motion, seconded by Glenna Petersen, to approve the City's account payables bills for payment, represented by check number 18110 through 18139.

<u>YEA 4</u>	<u>NAY 0</u>
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

Art Smith stated that along the 400 South trail, there is some dyer's wood. He is wondering if it could be sprayed. Perry Maughan stated that it is on the list of things to complete.

The City Council reviewed for approval the proposed franchise ordinance with Rocky Mountain Power. Don Hartle stated that he has been working on this issue with George Humbert from Rocky Mountain Power for the past 2 to 3 months. Mr. Hartle stated that the agreement was reviewed by City Attorney Bruce Jorgensen, who had some recommendations that were implemented into the contract. George Humbert stated that Rocky Mountain Power works with each community to establish a franchise agreement to use the road right-of-way. The last agreement just expired, which was for 50 years. This new agreement is for 25 years. Mr. Humbert stated that he would answer any questions that the City Council may have. Perry Maughan asked if Rocky Mountain Power had any grants or programs to help cutting of trees. Mr. Humbert stated that Rocky Mountain Power has tree coupons to help replace trees. There are companies that Rocky Mountain Power works with. Mr. Humbert stated that he would put together a list and send it to Wellsville City. Karen Higley asked if section 10 was new or in previous agreements. Mr. Humbert stated that it is newer, but not in the past agreement with Wellsville City. Mr. Humber stated that section 10 has been included in the agreements for the last 10 to 12 years. Mr. Hartle stated that all utilities signatures are on the mylar for the subdivision. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, to approved **SPECIAL ORDINANCE #SO-2015 "AN ORDINANCE GRANTING AN ELETRIC UTILITY FRANCHISE AND GNEREAL UTLITY EASEMENT TO ROCKY MOUNTAIN POWER"**.

YEA 4

NAY 0

Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Steven Bo Sharp met with the City Council for a business license. Mr. Sharp stated that he will be hauling cars part-time from Las Vegas to Logan with a pickup and goose-neck trailer. Carl Leatham stated that the Planning Commission stated that this is a continuation of Sharp's Transportation. The Planning Commission recommended approval with no restrictions. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the business license for Steven Bo Sharp.

YEA 4

NAY 0

Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Josh King with JUB Engineering met with the City Council to discuss the possible formation of a water conservancy district in the county. Josh King stated that he and Bob Fatheringham were attending this meeting to discuss the Cache Valley Water Master Plan. A slide show was presented for the proposed project. A discussion was held establishing a water district. Perry Maughan stated that the State of Utah doesn't know how much water they are using. Mr. Maughan feels that it is another layer of government. Mayor Thomas G. Bailey asked where the money would come from for the district. Mr. Fatheringham stated that a tax would be levied. Mayor Bailey asked if the district would have any power in the State's decision. Mr. Fatheringham stated that it would give Cache County a voice at the table. Carl Leatham stated that it is a necessary evil, but is still concerned about the cost and that it would be put back on the taxpayers. Mr. Fatheringham stated that the tax is not based on shares, but on property value. Mr. Fatheringham invited Wellsville City to attend a meeting that will be held in the future to continue this discussion.

At 7:00 p.m., conduct the following public hearings:

First, receive public input, then consider for approval the concept plan for the Wellsville Landing Subdivision (previously called the Wellsville Heights Subdivision) consisting of a total of 10 lots on

property on the north side of 300 South from 200 East to 300 East. Mayor Thomas G. Bailey reviewed the rules of public hearings with those in attendance. BJ Sparrow stated that he purchased the property from the Poppleton family. There is an existing home on lot #10. They had 12 lots, with 11 additional lots, but decided to drop a lot. There is enough property to have up to 12 lots on the property. Mr. Sparrow stated that he has talked with Perry Maughan concerning the water, and Tom Maughan concerning the sewer. Mr. Sparrow stated that he will do his best to make this project a win win for everyone. Carl Leatham asked if Mr. Sparrow had made contact with the irrigation company. Mr. Sparrow stated that he has had some conversations with Arlyn Brenchley concerning the irrigation ditch. Mr. Leatham stated that Mr. Brenchley is concerned with the elevation of the ditch. Mr. Sparrow stated that they have discussed grates over the ditch for cars to drive on. Mr. Sparrow stated that they have also discussed moving from a ditch turn system to a secondary pressurized system. Perry Maughan asked if there were be a pump on the secondary pressurized system. Mr. Sparrow stated yes. Karen Higley asked if 200 East would be improved or remain as a dirt road. Mr. Sparrow stated that they will follow the city code, but are willing to loop the water line if 200 East could remain unpaved. Mr. Maughan stated that he would love to see 200 East paved from 200 South to 300 South, but would like to see the water looped more. Jeff Nielsen stated that he is the surveyor on this project. There is an issue concerning the 99-foot right-of-way on 300 East. Depending on what survey is read, the 99-foot right-of-way shortens up from 99 feet to 94 feet. Mr. Maughan suggested leaving it as it is. Mr. Maughan stated that he is a firm believer in 99-foot right-of-ways, but the utilities are already in. Susan Hawkins asked who would be paying for the secondary pressurized system. Mayor Bailey stated that the home owners in the subdivision would be paying for the secondary pressurized system.

At 7:30 p.m., the public hearing was closed.

Carl Leatham stated that the Planning Commission reviewed the plans for the subdivision and recommended approval of the concept plan. After discussion, Carl Leatham made a motion, seconded by Perry Maughan, to approve the concept plan for the Wellsville Landing Subdivision (previously called the Wellsville Heights Subdivision) consisting of a total of 10 lots on property on the north side of 300 South from 200 East to 300 East.

YEA 4

Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Second, receive public input, then consider the recommendation of the Planning Commission, then consider making a decision on a request from Monte Williams, that the code be amended to allow auctions as a "Home Occupation" as a conditional use in an existing building in the RA-1 zone. Mayor Thomas G. Bailey reviewed the rules of public hearings with those in attendance. Monte Williams stated that he would like to conduct auctions in the barn located on his property. Mr. Williams stated that he will charge 25% commission. Mr. Williams stated that he has the parking issue handled with his neighbors. Mr. Williams stated that he has a petition signed by his neighbors in favor of this business. Karen Higley asked if Mr. Williams will keep the items on his property. Mr. Williams stated yes. The items will be kept in the barn that is approximately 60 by 100. David Owen stated that this business will be conducted a small portion of the time. The storage of items is out of site. Mr. Owen stated that he believes this business fits in the RA-1 zone as a home occupation. Eileen Burbank stated that Mr. Williams' auctions are fun. Mr. Williams has a head full of numbers. Ms. Burbank stated that this business will not be a bother to the neighborhood.

At 7:41 p.m., the public hearing was closed.

Carl Leatham stated that this public hearing is not for the business license, but to amend the code to allow auctions as a home occupation in the RA-1 zone. Mr. Leatham stated that the Planning Commission is willing to allow auctions in the RA-1 zone as a conditional use for a home occupation. Glenna Petersen asked if Mr. Williams will do any advertising. Mr. Williams stated that he will have a sign on a flatbed trailer that he can pull in and out on auction days. Mayor Thomas G. Bailey stated that signage will be up

to the Planning Commission as part of the conditional use. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the request from Monte Williams, that the code be amended to allow auctions as a “Home Occupation” as a conditional use in the RA-1 zone.

YEA 4

Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Wellsville Ranches HOA met with the City Council to discuss several concerns that they have. Brenda Duncan stated that the Wellsville Ranches HOA has 3 concerns. The first concern is that the street light is out. Don Hartle stated that he called Rocky Mountain Power the day that he was made aware of the concern, and that they told him they would have it taken care of within a week. Ms. Duncan stated that the second concern is the noise of engine brakes from the trucks coming down the canyon. Ms. Duncan stated that they would like permission to contact UDOT about installing a sign for restriction of engine brakes. Mr. Hartle stated that Wellsville City requested a sign several years ago, and that UDOT stated absolutely not. Mayor Thomas G. Bailey stated that the Wellsville Ranches HOA has permission to contact UDOT about the issue. Ms. Duncan stated that the third concern is that they are exploring the option to have some work done around their park. They would like to do this without raising the HOA fees. Ms. Duncan stated that they would like to sell a lot in the open space in order to pay for the improvements. Mayor Bailey stated that the open space is in perpetuity, which means it has to remain as open space forever. The open space can't be sold. It is a state law. Ms. Duncan thanked the City Council for their time.

The City Council discussed connecting onto the secondary water line on 400 North, including connection fee, installation, procedure, etc. Don Hartle stated that several years ago when the Elwood Subdivision was built, a secondary water line out of the canal was installed. Wellsville City up-sized the line and installed a new culinary water line on 400 North from Center Street to 200 East. Wellsville City also connected the line from the canal in order to put the cemetery on secondary water. The property owners along 400 North would like to connect to the secondary water line in order to water their yards. Wellsville City has incurred a cost of \$45,500 for this secondary water line. Mr. Hartle stated that Wellsville City needs to establish a policy if they are going to allow residents along 400 North to connect to the line, connection fees, and the procedure to connect. It is a city line, so the city does manage it. Mr. Hartle stated that his opinion is it should be similar to a culinary water connection. A ¾" culinary water connection is \$875. Karen Higley asked if secondary water will be available to all residents. Mr. Hartle stated that a study was completed about 20 years ago. The cost to connect and the monthly fee would exceed the culinary water charge. Carl Leatham stated that there are some pressurized systems throughout Wellsville City, and asked if they are private or is Wellsville City has taken them over. Mr. Hartle stated that they are private. The HOA owns them. Perry Maughan asked what size of line would be allowed, and if it should be limited to a certain size for a certain area. Mr. Maughan suggested a 3-inch line. Mayor Thomas G. Bailey asked what a fair fee would be. Mayor Bailey suggested \$1,000. Glenna Petersen stated that she was thinking the same amount. Mr. Maughan suggested \$2,500. Ms. Higley asked how the residents would pay for the water that they used. Mr. Maughan stated that it is not the city's water. Chris Breinholt stated that it is Wellsville City's line. Mr. Hartle stated that his concern is that the north side of 400 North would like to connect. They would have to bore the road, and asked who would pay for the bore, and who would be responsible for the line on the north side. Mr. Maughan stated that Wellsville City would be responsible from the main line to the meter. Mayor Bailey stated that the line out of the saddle would be the homeowner's responsibility. Mr. Maughan stated that the bore would need to be cased. Mr. Hartle stated that there are 2 homeowners that are very interested. A decision concerning hookups needs to be made for those two, and then a written policy for the rest. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, that for those 2 homeowners on the south side, the set price is \$2,500 to tap the secondary line, bring it within 4 feet of the property line, set a valve, and after the valve, the citizen is responsible for the line. A homeowner can't dig next to the tap without the City's permission. In order to connect, the homeowner will contact the City 24 hours before permission is granted.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council reviewed for approval the 2015/2016 tentative budget. Don Hartle reviewed some small, minor changes with the City Council. After discussion, Glenna Petersen made a motion, seconded by Karen Higley, to approve the 2015/2016 tentative budget.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council discussed a letter to Mayor Thomas G. Bailey from Ron Case as it relates to the Parker property Wellsville City purchased in 2007. Mayor Bailey stated that the letter refers to a chain-link fence be installed if a Public Works building is built on the property. The Parker family is requesting that a chain-link fence be installed now. Don Hartle stated that the property was purchased to build a Public Works building and a chain-link fence would be installed. Carl Leatham stated that the property was purchased with the intent to build a Public Works building there. Mr. Leatham stated that he has reviewed the contract. Wellsville City has lived up to every aspect of the contract, with the exception of a Public Works building and a fence. The property was purchased when a moratorium was issued. Once the moratorium was lifted, the property was subdivided and 4 lots were deeded back to the Parker family. The sewer line was also upgraded. Glenna Petersen stated that the contract says the property could remain as farm ground for 30 years. Mayor Bailey stated that the Parker family wants the time limit on the farm ground to be 15 years. Mr. Leatham stated that he suggests 10 years. Mayor Bailey stated that changes can be made to the contract, but both parties have to agree to the changes. Mr. Leatham stated that the Parker family agreed to 2 homes on the property, but that is not part of the letter. Mayor Bailey stated that there could be 2 homes with the rest of the property in open space. Perry Maughan stated that Wellsville City owns the property now, and to go to court if needs be. Mayor Bailey suggested leaving the property as is. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to disregard the proposal by the Parker family, and to leave the property as is.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council discussed for possible action a letter from Sherwood Hills golf course requesting a discount on their water bill. Carl Leatham stated that he asked for the opinion of the City Council at the last meeting. Official action is now needed. Glenna Petersen stated that if a discount is offered to Sherwood Hills golf course, it has to be offered to everyone. Karen Higley asked if the letter offers anything to Wellsville City. Mr. Leatham stated no. Mayor Thomas G. Bailey stated that his concern is that there are several people who struggle to pay their water bill. Mr. Leatham stated that the property purchased for the golf course was dry farm and forest land. Perry Maughan stated that it is not Wellsville City's job to make sure Sherwood Hills golf course makes money. Mayor Bailey stated that he is concerned that if a discount is given on the water, the usage will go up. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, that after reviewing the water billing process in regards to the request from Sherwood Hills golf course, there will not be change in the water rates.

YEA 4
Karen Higley
Carl Leatham

NAY 0

Perry Maughan
Glenna Petersen

The City Council discussed for possible action on the asbestos report on the City Office. Don Hartle stated that he sent the City Council a copy of the report. Asbestos was found in the City Office. The bid for testing and removal of the asbestos is \$4,290. After discussion, Carl Leatham made a motion, seconded by Karen Higley, to accept the bid of \$4,290 to test and remove the asbestos from the City Office building, and when the time come, Don Hartle has the authority to fulfill the contract.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Mayor Thomas G. Bailey stated that he spoke with the individual that will be tearing down and removing the City Office. The cost to tear down and remove the City Office will be between \$7,000 and \$10,000.

Don Hartle stated that Jeff Hansen, who owns JSH Surveying, lives in Wellsville. Mr. Hansen has offered to survey the property for Wellsville City as a donation to the city.

The City Council discussed with possible action on the issuance of a Request for Proposal (RFP) on a public works building and related facilities. Mayor Thomas G. Bailey stated that he, Don Hartle, and Carl Leatham attended last week's Planning Commission meeting. Carl Leatham stated that the Public Works building and related facilities were presented to the Planning Commission. It is an allowed use. The Planning Commission asked where the concept plan was. They also asked where the road plan was. Mr. Leatham stated that Wellsville City will be required to continue the grid system of roads through the gravel pit. There is an existing private road at approximately 275 South that jogs to the west behind the rodeo arena on a natural line. It is owned by the Kerr family. Wellsville City would create a new 200 South and a new 300 South. It would eliminate the private road and property lines would be affected. An option would be to create a superblock. There will be no road going through the gravel pit. It will be a protection for the gravel pit, the rodeo arena, and 3 reservoirs. The Planning Commission's concern is to continue the grid system. Mayor Bailey stated that there was a developer in attendance that stated Wellsville City should stick to their own code, or the next time that he is required to do something, he will sue the City. Perry Maughan stated that because of the location of the Public Works building, a road would not be feasible. Don Hartle stated that a City Office or Public Works facility is by conditional use. Mr. Hartle stated that in the neighborhood commercial zone, the setback is 0, but the code states 20 feet. Mr. Hartle stated that there needs to be a concept plan for the Public Works building, but it is all approved by conditional use. Mayor Bailey stated that when Wellsville City has a design, it will return to the Planning Commission. Mr. Hartle stated that Mr. Leatham can inform the Planning Commission next week that Wellsville City doesn't intend to build a road through the gravel pit, and can proceed from there. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, to continue this discussion at a future meeting with the Planning Commission.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council discussed with possible action on proceeding for the construction of a public works building and related facilities. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, to continue this discussion at a future meeting with the Planning Commission.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council discussed with possible approval of proceeding with the Request for Proposal (RFP) on the design/construction of the City Office. Perry Maughan stated that he is ready to approve the RFP. The setback will be discussed at the next Planning Commission meeting. Don Hartle stated that is correct. After discussion, Perry Maughan made a motion, seconded by Glenna Petersen, to approve proceeding with the Request for Proposal (RFP) on the design/construction of the City Office, and the amount is set at \$585,000.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council discussed with possible action on the issuance of a Request for Proposal (RFP) for a sand and salt building and other material containment facilities. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, to continue this discussion at a future City Council meeting.

YEA 4
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Department Reports:

Karen Higley – 1) Looking for opportunities for the royalty to serve and speak within the City – would like to get them more involved with City activities.

Glenna Petersen – 1) Handed in bids for the sidewalk to Don Hartle today. Needs a design and specifications packet and a contract as soon as possible.

Mayor Thomas G. Bailey – 1) Thanked Perry Maughan for his work on Arbor Day.
2) Will begin the sidewalk next to the 400 South trail on Monday, May 11, 2015.
3) Flags on cemetery – Ralph Parker.

Perry Maughan – 1) Arbor Day – wonderful event – good turnout.
2) Discussed Nibley City's water contamination – emergency contacts – program called cloud. Thinks it is a good idea, will pursue it and return with more information.

Carl Leatham – 1) Heard on the radio, Providence City will hold a public hearing concerning a new City Office building with a price tag of \$1.3 million.
2) Mantua Police Department was featured on the news, and that it is a speed trap. Believes that Wellsville City needs its own police force.

City Manager/Recorder's Report:

Don Hartle – 1) Law Enforcement contacted him. Last fall, some law enforcement cars were broken into. There is reason to believe that the items were thrown into the Wellsville Dam. Law Enforcement would like permission to use scuba gear to see if they can locate the items. Permission was granted.

2) Asked if there is any problem with kids riding their pedal bikes across City park lawn – no problem.

3) Christmas Party – decide a date by the next City Council meeting. Have no intension of having any entertainment.

At 9:37 p.m., Perry Maughan made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 4

Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder