

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 4, 2016, at the temporary Wellsville City Offices at 25 North 100 East. City officials present were Mayor Thomas G. Bailey, Councilwoman Mary Ann Degn, 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 April 29, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Chad Jensen	Wade Campbell
	Glenna Petersen	Savanna Petersen	David Griffin
	Chantell Griffin	Jaxton Griffin	Tanya Leavitt
	Hayden Leavitt	Ethen Leavitt	Jenica Burgan
	Shelley Wallis	Sean Wallis	Eli Hess
	Kaden Patten	Shayne Nielsen	Jay Davis
	Cody Dobson	Chris Breinholt	Paul Egbert
	Tom Maughan		

Opening Ceremony: Gary Bates

Councilwoman Karen Higley and Councilman Carl Leatham were excused from this meeting.

The Council reviewed the agenda. Mary Ann Degn added the SNAP Committee, discussion on entrance to the elementary school. Mary Ann Degn made a motion, seconded by Perry Maughan, to approve the agenda with the addition. This motion died for lack of votes.

The Council reviewed the agenda. Gary Bates made a motion, seconded by Perry Maughan, to approve the agenda as presented. This motion died for lack of votes.

The Council reviewed the agenda. Mary Ann Degn added the SNAP Committee, discussion on entrance to the elementary school. Gary Bates asked that there be a time limit on this discussion. Mary Ann Degn made a motion, seconded by Perry Maughan, to approve the agenda with the addition.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

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, Perry Maughan made a motion, seconded by Mary Ann Degn, to approve the City's account payables bills for payment, represented by check number 19368 through 19407.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

There was no one in attendance for citizen input.

Sheriff Chad Jensen met with the City Council to discuss the 2016/2017 annual contract. Sheriff Jensen presented the call report to Mayor Thomas G. Bailey. Sheriff Jensen thanked the City Council for taking the time out of their agenda to meet with him. Sheriff Jensen stated that he believes that the communication has improved. The Sheriff's Office has gone to 8-hour shifts for the patrol schedule, which has had a huge impact on the number of deputies per shift. Sheriff Jensen stated that they have focused their efforts on the needs of the communities. They have also restructured the administration part of the Sheriff's Office. They have added a K-9 unit to the patrol division. Sheriff Jensen stated that he believes overall, the Sheriff's

Office has a great relationship with the communities in Cache Valley. During 2015, Cache County Sheriff's Office spent 2,159 hours in Wellsville, received 546 calls for service, and wrote 413 citations. During the past 8 months, Cache County Sheriff's Office has spent approximately 2,500 hours in Wellsville, received 665 calls for service, and wrote 576 citations. Gary Bates asked if the increase in the number of houses is typical in other cities. Sheriff Jensen stated that it is pretty consistent across the board. Perry Maughan asked what types of calls are on the rise in the community. Sheriff Jensen stated that drug offenses that used to be felonies are now misdemeanors. There is no probation or parole. Sheriff Jensen stated that property crimes are almost double what they have been in the past. Mayor Bailey thanked Sheriff Jensen for attending this meeting. Mayor Bailey stated that communication and presence has improved greatly over the last couple of years.

Wade Campbell met with the City Council to discuss fences and property located by the cemetery. Mr. Campbell stated that he approached City Councilman Carl Leatham in February concerning his property. Mr. Campbell thought that the last time he spoke with the City, the City was to purchase a gate with a lock that gave access to both parties. Mr. Campbell stated that he purchased this property from his grandfather. There is an easement with the sewer system that runs through the property. Mr. Campbell asked that he and the City Council discuss and address some of his concerns. Mr. Campbell stated that someone cut the gate lock, came onto his property to maintain the sewer system, and then put a lock on his gate. Mr. Campbell stated that he was locked out of his own property. Mr. Campbell stated that he has some insurance concerns. Mr. Campbell does have cows on the property. Mr. Campbell asked if a City employee comes onto his property to maintain the sewer system and is hurt, could the City employee sue him. Mr. Campbell stated that people have driven over the culverts. People have left ruts in his field. Mr. Campbell stated that he doesn't want to give his property away, but that there should be some give and take on both sides. Mayor Thomas G. Bailey stated that a gate was discussed approximately 1 ½ years ago. Mayor Bailey stated that he remembered that Mr. Campbell was to come back to the City concerning the dimensions of the gate. Mayor Bailey stated that Wellsville City is still willing to purchase a gate. Perry Maughan stated that his concern is truck loads of clay have been removed from the hill, and the fence has been moved back to the west approximately 200 feet. Wellsville City gave up burial lots because of this. Wellsville City also put up a berm. The northeast side is caving off, and the fence will soon be dangling. Mayor Bailey stated that on the north side of the clay bank, there are cattle 2/3 of the way up the hill. Mr. Campbell stated that he would be willing to install an electrical fence to keep the cattle off the clay bank. Mayor Bailey stated that Wellsville City can't keep moving the fence back. Gary Bates suggested using cement barricades to keep the cows off the clay bank. Mr. Maughan stated that Wellsville City could work out something on the gate. Mr. Maughan asked if Wellsville City could have an easement for the sewer line. Mr. Bates asked how often Wellsville City goes onto the property to maintain the sewer system. Mr. Campbell stated that it is about once a year. Tom Maughan stated that there have been times when they have needed to get on the property, the gate has been locked, so they have cut the lock. Perry Maughan asked of Mr. Campbell's cell phone number so that Wellsville City can contact him. Tom Maughan stated that Wellsville City needs to obtain an easement because the sewer line on the property is the main trunk line. City Engineer Chris Breinholt stated that Wellsville City has a perpetual easement because it is a sewer line, but a written easement would be the best. Mr. Bates asked that Wellsville City coordinate with the landowner to obtain a written easement concerning the main sewer trunk line on the property. Perry Maughan stated that he has no problem with a gate. Mr. Maughan asked that both Wellsville City and Mr. Campbell be good neighbors and have a common lock. Mr. Bates stated that will the amount of water that comes off the clay bank, it could cause some of the erosion. Mr. Bates suggested that Mr. Campbell put down some wildflower seed to start some vegetation on the clay bank. Perry Maughan stated that when building the roads, they have some pretty clean fill and suggested dumping it over the hill. Mr. Campbell stated that he will contact Wellsville City concerning a gate and will address the cattle on the clay bank. After discussion, Gary Bates made a motion, seconded by Mary Ann Degn, that based on the conversation, Wellsville City will purchase a gate for the top of the hill at the old City dump, Wellsville City will work with Mr. Campbell once the gate is installed to place additional barricades to stop traffic, Wellsville City will continue to have access to clean the stream and the sewer line, there will be better coordination with Mr. Campbell, Mr. Campbell will control the cattle on the hillside that is being eroded away with fencing or additional fill.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

Promontory School met with the City Council to discuss a sign located at the Wellsville Dam. Jaxton Griffin, who is the Mayor of his school class, explained a sign describing the different kinds of fish in the Wellsville Dam that the Promontory School has designed. They are asking Wellsville City to contribute \$500 to the completion of the sign. Gary Bates asked where the sign would be located. Glenna Petersen stated that it will be located on the west side of Wellsville Dam next to the pine trees. Mr. Bates stated that he believes that \$500 is a good allocation of the Eagle Scout money. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to support the request from Promontory School to pay up to \$500 to construct a sign describing the different kinds of fish in the Wellsville Dam.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

Shayne Nielson, representing Sharp Transportation, met with the City Council to discuss the possibility of a letter concerning annexation. Mr. Nielson stated that Zan Sharp spoke with Cache County, who sent him an application for annexation. Mr. Nielson stated that he is here to see if Wellsville City is interested in annexing the property, or if Wellsville City would be willing to write a letter to Cache County stating that Wellsville City is not interested in annexing the property. Don Hartle stated that by law, when property in the County is to be developed, the County has to contact the City concerning annexation before allowing any development. Mr. Hartle stated that he has discussed this issue with the Planning Commission, and the Planning Commission believes that Wellsville City is interested in annexing the property. Mr. Hartle stated that Mr. Sharp needs to make an application to annex the property, a format petition that is 4 to 5 pages long, and a plat that has a written legal description of the property that will be annexed. Mr. Hartle stated that he will then work through City Attorney Bruce Jorgensen to proceed through the process. After discussion, Gary Bates made a motion, seconded by Perry Maughan, that Wellsville City is interested in annexing the property that is east of Sharp Transportation that is owned by Zan Sharp.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

The City Council reviewed for possible approval the Final Plat for the Pioneer Divide Subdivision at approximately 160 East 400 North. Jay Davis stated that he is providing a 12-foot driveway along the west side of the property to access the head gate for the irrigation company. Mr. Davis stated that he has contacted an attorney, and that he has the right to do this as long as it doesn't inhibit the use of the irrigation ditch. Mayor Thomas G. Bailey stated that Wellsville City doesn't approve an easement. A letter from the irrigation company stating that they are in agreement is what is needed. Mr. Davis stated that he has tried multiple times to contact the irrigation company with no luck. Mr. Davis stated that because he was unable to contact the irrigation company, he received advice from an attorney. Mayor Bailey stated that Wellsville City has nothing to do with the easement. Mr. Davis stated that he completely agrees, but is unable to get the plat signed without it. Mr. Davis stated that he is willing to grant an easement to do what the irrigation company has already be doing. Mr. Davis stated that he will make it easy to get to the head gate. City Engineer Chris Breinholt stated that the job of the city is to use what is being provided on the plat without trespassing on the owner's property. Mayor Bailey asked if there is room between the pipe and the fence to get back to the head gate. Mr. Davis stated yes, there is plenty of room. Don Hartle stated that because this is a plat change, the Final Plat will have to go back to the Planning Commission, to the City Council, and approved by City Engineer Chris Breinholt. Mr. Hartle asked if Mr. Davis will have his engineer email the plat to City Engineer Chris Breinholt and Mr. Hartle will add this item to the agenda next week. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to continue this discussion at a future

City Council meeting.

YEA 3

Gary Bates
Mary Ann Degn
Perry Maughan

NAY 0

The SNAP Committee met with the City Council to discuss the entrance to the new elementary school. Principal Cody Dobson stated that he assumed the City Council was familiar with the plan, but he must have been mistaken. Mr. Dobson reviewed the packet with the City Council. Mr. Dobson stated that he sees two problems. The first problem is that there is not a good route from the Red Slide Subdivision. Mr. Dobson stated that vehicle traffic should take an alternate route. Mr. Dobson stated that the SNAP Committee had to develop a plan with the existing conditions. Mr. Dobson stated that the SNAP Committee recommends painting a pedestrian lane along 200 West, or convert 200 West to a one-way road. Mr. Dobson stated that the second problem that the SNAP Committee sees is those children that live around the cemetery area. Mr. Dobson stated that crossing Center Street at the corner of 500 North and Center Street is very dangerous. Mr. Dobson suggested constructing a sidewalk beginning at 500 North and Center Street on the north side for one block to the west. Mr. Dobson suggested a reduced speed zone and a crossing guard on 500 North and 100 West. Mayor Bailey stated that the sidewalk, reduced speed zone, and crossing guard have been approved. Mayor Bailey asked if there has been any thought about traffic coming off Highway 23. Mr. Dobson stated that there will be flashing lights. Mayor Bailey stated that traffic coming off Highway 23 along 200 West is a concern of Wellsville City. City Engineer Chris Breinholt stated that Planning Commission member Paul Egbert sketched a configuration of an intersection that gets rid of the triangle in the middle of Highway 23, 500 North, and 200 West, but it will cost some money. Perry Maughan stated that he likes the concept, but would like to have a full quorum for further discussion. Mayor Bailey thanked Mr. Dobson for attending this meeting.

The City Council discussed for input on the property on the west side of Wellsville moving into a proposed zone of Mineral Extraction & Excavation overlay. Don Hartle stated that this has begun, and would like the City's official position concerning it. Gary Bates asked what street the company will be accessing. Mayor Thomas G. Bailey stated that they will be using the same street as Kilgore is using. Mr. Hartle stated that people can object, but this does meet the city code. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to approve the proposed zone of Mineral Extraction & Excavation overlay.

YEA 3

Gary Bates
Mary Ann Degn
Perry Maughan

NAY 0

The City Council discussed for possible approval on proceeding on a sewer influent screen, engineering, and building. Tom Maughan stated that he has been to Brazil and seen this screen in action. Mr. Maughan stated that he hasn't seen a better screen. Mr. Maughan stated that Wellsville City will not be disappointed. Mr. Maughan stated that this screen will preserve the sewer lagoons. Don Hartle stated that Dr. Johnson will be in Wellsville tomorrow to review the present building in hopes that it will accommodate this new sewer influent screen. Mr. Hartle stated that everything that is needed for this new sewer influent screen exists in the present building. Gary Bates asked how big the present building is. Mr. Hartle stated that it is 18 feet by 30 feet. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to move forward with the influent screen from the preliminary budget, and authorize Mayor Thomas G. Bailey, City Manager Don Hartle, and the Public Works department to spend up to \$50,000 for modifications to the present building.

YEA 3

Gary Bates
Mary Ann Degn
Perry Maughan

NAY 0

The City Council reviewed for possible approval a reimbursement agreement with Maverik, Inc. A copy of the agreement was mailed to the City Council. Mayor Thomas G. Bailey asked if there were any questions. There were no questions. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to approve the reimbursement agreement with Maverik, Inc.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

Department Reports:

Mayor Thomas G. Bailey – 1) Thanked Perry Maughan and the Shade Tree & Beautification Committee for hosting the Arbor Day celebration.

2) Thanked Karen Higley and her committee for hosting the Miss Wellsville Scholarship Pageant.

Perry Maughan – 1) Arbor Day – Colin Harrison did a fantastic job – 28 years Tree City USA.

Mary Ann Degn – 1) Webpage – Jonathan Cook will be in England for the summer – don't know what to do about the webpage.

City Manager/Recorder's Report:

Don Hartle – 1) Kathy Turner – kids urinating on the bushes by the current elementary school – think about it.

2) Rocky Mountain Power – pole on 100 West 500 North for flashing lights - \$5,113.

3) Bear River Celebration – free fishing day – June 11, 2016 – Willow Park – add to the newsletter – no.

4) Thomas Edison Charter School information – add to the newsletter – no.

5) Met with City Attorney Bruce Jorgensen and Attorney Gary Anderson, who is the attorney for Mike Chugg. They are mining 1,800,000 pounds of limestone. They would like to lease water rights from Wellsville City. Leasing this water will put the water right to beneficial use. It is a long process, and will take some time to put a contract together. The company will pay the attorney fees. Mr. Jorgensen stated that he needs the support of the City Council. The company would like to lease the water for 7 to 10 years. They are currently using the springs on the Young Sheep farm. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to approve the leasing of water for 7 to 10 years.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

At 8:25 p.m., Gary Bates made a motion, seconded by Perry Maughan, to go out of regular City Council meeting.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

At 8:25 p.m., Gary Bates made a motion, seconded by Perry Maughan, to go into an executive session.

YEA 3

NAY 0

Gary Bates
Mary Ann Degn
Perry Maughan

At 8:50 p.m., Perry Maughan made a motion, seconded by Gary Bates, to leave executive session and return to regular City Council meeting.

YEA 3
Gary Bates
Mary Ann Degn
Perry Maughan

NAY 0

After discussion, Gary Bates made a motion, seconded by Perry Maughan, to authorize City Manager Don Hartle to proceed on the matter that was discussed in executive session as instructed.

YEA 3
Gary Bates
Mary Ann Degn
Perry Maughan

NAY 0

At 8:50 p.m., Mary Ann Degn made a motion, seconded by Gary Bates, to adjourn the meeting.

YEA 3
Gary Bates
Mary Ann Degn
Perry Maughan

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder