

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, June 1, 2016, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Mary Ann Degn, Councilmen Gary Bates, 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 27, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Audrey Andrus	Josh Breinholt
	Chris Breinholt	Teressa Breinholt	Natalie Bates
	Zack Bates	David Uchtyl	Jon White
	Chris Slater	Bob Fotheringham	Ruth P. Maughan
	Roy Parkinson	Blaine Anderson	Kirt Lindley
	Mike Talbot	Sue Myose	M. Kent Larsen
	Dale Smith	Joanna Endter-Wada	Debra Haas
	Laurel Maughan	Fred Woodward	Art Smith
	Zac Lyon		

Opening Ceremony: Josh Breinholt & Zack Bates

Councilwoman Karen Higley was excused from this meeting.

The Council reviewed the agenda. Mary Ann Degn made a motion, seconded by Gary Bates, to approve the agenda as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Carl Leatham	
Perry Maughan	

The Council reviewed the minutes of the May 4, 2016 regular City Council meeting. Gary Bates made a motion, seconded by Mary Ann Degn, to approve the minutes of the May 4, 2016 regular City Council meeting as presented.

<u>YEA 3</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
Gary Bates		Carl Leatham
Mary Ann Degn		
Perry Maughan		

The Council reviewed the minutes of the May 18, 2016 regular City Council meeting. There was a word change on line 256. Carl Leatham made a motion, seconded by Gary Bates, to approve the minutes of the May 18, 2016 regular City Council meeting with the correction.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Carl Leatham	
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, Gary Bates made a motion, seconded by Carl Leatham, to approve the City's account payables bills for payment, represented by check number 19479 through 19512.

<u>YEA 4</u>	<u>NAY 0</u>
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Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

There was no one in attendance for citizen input.

Audrey Andrus met with the City Council to discuss a mobile concession stand. Ms. Andrus stated that she and her children are interested in setting up a concession stand at Darley Field, Christensen Field, and the Farmers Market. Ms. Andrus stated that she would like to have a canopy, table, and pre-packaged treats and soda pop for sale. Mayor Thomas G. Bailey stated that if Ms. Andrus would like to set up the mobile concession stand at the Farmers Market, she would need to contact Kaylene Ames. Gary Bates asked that if the concession stand were open at Darley Field, that Ms. Andrus would not compete. Mayor Bailey stated that it is a great idea. Mr. Bates asked about a business license. Perry Maughan stated that he believes Ms. Andrus should obtain a business license. Carl Leatham stated that all business licenses are issued by conditional use. Don Hartle stated that the Planning Commission issues the conditional use, and the City Council issues the business license. Mr. Leatham suggested approved the business license without a conditional use. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve a business license for Audrey Andrus for a mobile concession stand limited to Darley Field, Christensen Field, and the field adjacent to Wellsville Elementary, and that if Ms. Andrus would like to set up the mobile concession stand at the Farmers Market, she would need to contact Kaylene Ames.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

Josh Breinholt met with the City Council to discuss an Eagle Scout project. Josh Breinholt stated that he would like to install a bench and sod around the Wellsville City Splash Pad. Mr. Breinholt stated that he would like to begin this project as soon as possible. The bench and gravel will be provided by Wellsville City. Mr. Breinholt has contacted Burton Lumber, and received a discount on the concrete. Mr. Breinholt has contacted Clark Sod Farm, and received a discount on the sod. Mr. Breinholt estimates the cost of his project to be \$100. Mr. Breinholt asked if Wellsville City would be willing to donate up to \$100 for this project. Gary Bates stated that Mr. Breinholt has contacted businesses and received discounts on the materials needed. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to approve the Eagle Scout project for Josh Breinholt, and that Wellsville City will pay up to \$100 for materials for this project.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

Zack Bates met with the City Council to discuss an Eagle Scout project. Zack Bates stated that he would like to install a picnic table and sod at the Wellsville City Splash Pad. Zack Bates stated that the picnic table is a steel table 5'6" by 8'. The concrete pad that the picnic table will sit on is 6'6" by 9' and 4" thick. Zack Bates stated that he has contacted businesses about donations for the concrete and sod. Zack Bates stated that the cost of the picnic table is approximately \$1,000, and not included in the price of the project. Mayor Thomas G. Bailey asked if the table would be anchored to the cement. Zack Bates stated yes. Zack Bates estimates the cost of his project to be \$206. Zack Bates asked if Wellsville City would be willing to donate up to \$206 for this project. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to approve the Eagle Scout project for Zack Bates, and that Wellsville City will pay up to \$206 for materials for this project. Gary Bates encouraged Zack Bates to ask for discounts from different businesses.

YEA 4

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

NAY 0

David Uchytel met with the City Council to discuss an Eagle Scout project. David Uchytel stated that he would like to install an ADA sidewalk connect the street sidewalk to the Wellsville City Splash Pad. Mr. Uchytel gave the measurements of the sidewalk, and stated that the sidewalk would be 6 inches thick. Gary Bates stated that Wellsville City Standards and Specifications require sidewalk to be only 4 inches thick. Mr. Bates stated that 6 inches seems heavy to him, and recommended that Mr. Uchytel pour a 4-inch thick sidewalk. Mr. Uchytel stated that he estimates the cost of his project to be \$210 for cement. Mr. Uchytel stated that Geneva Rock has given him a 20% discount on the cement. Mr. Uchytel explained that there would be an additional \$100 for a 'small load fee' if the delivery is not over 5 cubic yards. Mr. Uchytel recommended that all three Eagle Scout projects proposed involving cement delivery coordinate and consolidate deliveries. Mr. Bates stated that all three Eagle Scout project involving cement may not add up to 5 cubic yards. Mr. Bates suggested using a cement mixer and bags of cement, or paying the small load fee. Mr. Uchytel stated that he plans to finish this project no later than June 22, 2016. After discussion, Gary Bates made a motion, seconded by Mary Ann Degn, to approve the Eagle Scout project for David Uchytel, and that Wellsville City will pay up to \$250 for materials for this project, to reassess the thickness of the sidewalk from 6 inches to 4 inches, and to look for ways to save on the delivery fee of the cement.

YEA 4

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

NAY 0

At 6:30 p.m., conduct a public hearing to receive public comment on a proposal from Cache County and municipalities proposing the creation of a Water Conservation District, Utah Code Ann. 178-2a-1001 et seq. Mayor Thomas G. Bailey read the following statement: "The public hearing of the Wellsville City Council is called to order for the purpose of allowing the public to ask questions and obtain further information regarding issues contained in or raised by a Resolution adopted by the Council that will place before the voters the question of whether a water conservancy district to be known as the Cache Water District should be created is declared to be open at 6:30 p.m. on June 1, 2016 at Wellsville, Utah. The proposal for the voters to vote on the creation of the Cache Water District is the subject of a series of public hearings to be held by the Cache County Council and by the legislative body of each participating municipality within Cache County. Following the public hearings, the question of whether the Cache Water District will be created will be placed before the voters during the November 2016 general election. Owners of private land or registered voters residing within a participating municipality who do not want the proposition to be placed before the voters may file a protest with the clerk or recorder of that municipality and owners of private land or registered voters residing within unincorporated portions of Cache County may file a protest with the Cache County Clerk. All protests must be filed by no later than September 12, 2016, which is 60 days after the last public hearing. If sufficient protests are timely filed, either the election will not be held or the municipality or unincorporated Cache County, for which adequate protests have been timely filed, will be removed from the proposal to create the Cache Water District and from the election. Protests are adequate if filed by the owners of at least 25% of the total private land area and at least 15% of the private land value within the subject municipality or unincorporated Cache County (each of which is an "applicable area") or by registered voters residing within the applicable area equal in number to at least 25% of the number of votes cast in the area for the office of President of the United States at the most recent election prior to the adoption of the Resolution. If adequate protests are not filed, the election will be held and the voters will decide whether the Cache Water District will be created." Mayor Thomas G. Bailey reminded those individuals in attendance the rules of a public hearing. Jon White read from a handout the purpose of the Cache Water District. Mr. White stated that they are here to answer any questions. Kirt Lindley stated that he is in no way against forming a water district. Mr. Lindley stated that it is his understanding that if a district is formed, the water that will be managed is coming from the Bear River, which impacts the south

end of Cache Valley. Mr. Lindley asked what benefit would the water district have to water users. Mr. Lindley asked if the water users would be allocated more water. Mr. White stated that there is 60,000-acre feet, and the Cache Water District will not be getting any more water. Mr. Lindley stated the water out of Hyrum Dam is being metered. Wellsville City and Mendon City takes their water, and there is 4,000 to 5,000 acre feet of water left. Mr. Lindley asked if there is any chance that Wellsville City or Mendon City will be allocated more water out of Hyrum Dam. Mr. White stated that Wellsville City and Mendon City could apply for the water, and the Cache Water District would help to determine the best way to utilize that water. M. Kent Larsen stated that he is not against a Cache Water District. Mr. Larsen asked what happens to his water shares. Mr. White stated that they stay as they are. Mr. Larsen stated that in the proposal, it states that everyone will have to pay into a fund via an increase in taxes. Mr. White stated that for the first four years of operation of the Cache Water District, there would be no raise in taxes. Mr. White stated that after the 4 years, the Cache Water District would operate on a tax. Mr. Larsen asked if the staff of the Cache Water District would be paid. Mr. White stated that he didn't know. Mr. Larsen asked who would audit the Cache Water District. Mr. White stated that it would be a public audit, similar to the way a city is audited. Mr. Larsen stated that he is concerned about taxation without representation. Bob Fotheringham stated that the Cache Water District would be the first with an elected board in the State of Utah. Mr. Larsen cautioned those representing the Cache Water District a utility versus a conservative district. It is a very thin line. Mr. White stated that the Cache Water District would be organized according to State law. Fred Woodward asked if the Cache Water District would have any control of drilling wells. Mr. White stated that the State Water Engineer regulates drilling of wells. Mr. Woodward stated that there are two springs coming into Wellsville City. Over the years, the flow from these springs has declined. Mr. Woodward believes it is from all of the homes drilling wells. Mr. Fotheringham stated that the State Water Engineer determines the drilling of wells. Sue Myose stated that without the Cache Water District, other water districts will make the decisions for Cache Valley. Blaine Anderson stated that all taxes grow. Mr. Fotheringham stated that there would be a 2 mil tax for the Cache Water District, a 3 mil tax if it was voted, but it can't go to a 4 mil tax. LeRoy Parkinson stated that he owns 96 acres up Blacksmith Fork Canyon. Mr. Parkinson asked to drill a well, and was told there is no water. Mr. Parkinson stated that there are three water organizations in Utah, and asked why there should be another water organization. Mr. Parkinson stated that it is another government control. Mr. Parkinson stated that he is concerned about the tax that comes along with establishing the Cache Water District. Mr. White stated that with Mr. Fotheringham's help, this is the best idea and best plan for Cache County. Mr. White stated that if the Cache Water District is not established, Cache Valley would not have a seat at the table. Debra Haas stated that there are laws already in place as to how water will be allocated. Ms. Haas asked how water allocation can be decreased. Ms. Haas stated that it has been said that the water district will provide a service that is beneficial, and projects that can't be done without a district. Ms. Haas asked what the cost is of other districts, and what projects have been completed because of a water district. Mr. White stated that Beaver County now has drinking water, and they wouldn't without a water district. Mr. Fotheringham stated that there are water rights, but they aren't being managed and this is the best vehicle to manage them. Mr. Fotheringham stated that there is water that has been allocated, but if it is not used, it will be lost. The allocated water can then be taken away. Chris Slater stated that he is very much in favor of the Cache Water District. The Cache Water District will help Cache Valley become more united in order to make regional decisions. Perry Maughan asked what projects the Cache Water District are going to do, and how much it is going to cost. Mr. Maughan believes that it is another form of government. Mr. White stated that water flows to money. Mr. Maughan stated that taxes are going to rise because of the Cache Water District. Mr. Maughan again asked what projects are going to be completed with the Cache Water District. Blaine Anderson stated that the Cache Water District has been turned down twice before. Mr. Fotheringham stated that on their website, cachecounty.org, under water and water master plan, there are 45 projects and all of the information concerning those projects. Mayor Thomas G. Bailey thanked those individuals who commented during this public hearing. Mayor Bailey read the following statement: "As stated at the beginning of this public hearing, any owner of private land and any registered voter who desires that the election on the question of the creation of the Cache Water District not take place may file a protest with the Cache County Clerk, if the land is located or the registered voter resides in the unincorporated portion of Cache County, or with the municipal clerk or recorder if the land is located within a participating municipality or the registered voter resides within the municipality. The protest must be filed on or before September 12, 2016, which is 60 days after the date of the last of the series of public hearings dealing with the proposed creation of the Cache Water District.

At 7:23 p.m., the public hearing was closed.

The City Council continued the discussion on safe access for students to the relocated Wellsville Elementary. Perry Maughan stated that a new power pole and light has been installed at 500 North 100 West. Mary Ann Degn asked if the flashing lights had been installed yet. Mr. Maughan stated no, just the street light. Ms. Degn asked if the trench for the lights has been dug on the west side yet. Mr. Maughan stated no. Mr. Maughan stated that when Ms. Degn is ready, to let Don Hartle know, and the Public Works department would go from there.

The City Council continued discussion on access onto Highway 23 near the intersection of 200 West and 500 North. Mary Ann Degn stated that she has spoken with the homeowners and UDOT. Ms. Degn stated that some of the homeowners are concerned about the cost of a private road. Mr. Degn stated that the entrance to the highway be widened. Mayor Thomas G. Bailey stated that after Councilwoman Karen Higley's proposal at the previous City Council meeting, Mayor Bailey suggested leaving it as it is, and discuss this issue at a later date. Gary Bates stated that the City Council should leave the motion as is, and try it out for this year. Ms. Degn stated that there is the expense of signs. Perry Maughan stated that the expense of signs is minimal compared to the expense of Planning Commissioner Paul Egbert's proposal. Ms. Degn asked if the motion that Councilwoman Higley made at the previous meeting included from 500 North to Highway 23. Carl Leatham suggested that both accesses onto Highway 23 from 500 North be left opened. There will be dump trucks coming out of the gravel pit, and having to make a 120-degree turn. Mr. Maughan suggested a 4-way stop at 500 North 200 West. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to continue this discussion at a future City Council meeting.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

The City Council adopted a resolution that Wellsville City purchase from the John L and Barbara Woodward Family Trust, parcels number 11-064-0007, 0009, and 0011 and parcel number 11-084-0003 in the records of Cache County, Utah Recorder, consisting of approximately 57.8 acres, together with 28 shares in the Wellsville North Field Irrigation Company for the sum of \$500,000.00 plus closing costs. Thomas G. Bailey, the Mayor of Wellsville City, is authorized in behalf of Wellsville City to enter into the Real Estate Purchase Contract with Seller, a copy of which has been presented to and reviewed by the Wellsville City Council, and to execute, acknowledge as required, and to deliver all documents necessary to complete the purchase of said property on the terms and conditions provided in said Contract. The City Treasurer is authorized to pay the purchase price and other costs and fees related to the purchase of said property. Don Hartle stated that the documents for the purchase of this property were mailed to the City Council as part of their packet for this meeting. Mr. Hartle stated that Wellsville City is purchasing this property for land application from the sewer lagoons. Mr. Hartle suggested that the two documents adopting this resolution be made part of these minutes.

Exhibit "A" states: Resolved that Wellsville City purchase from the John L and Barbara Woodward Family Trust, parcels number 11-064-0007, 0009, and 0011 and parcel number 11-084-0003 in the records of Cache County, Utah Recorder, consisting of approximately 57.8 acres, together with 28 shares in the Wellsville North Field Irrigation Company for the sum of \$500,000.00 plus closing costs. Thomas G. Bailey, the Mayor of Wellsville City, is authorized in behalf of Wellsville City to enter into the Real Estate Purchase Contract with Seller, a copy of which has been presented to and reviewed by the Wellsville City Council, and to execute, acknowledge as required, and to deliver all documents necessary to complete the purchase of said property on the terms and conditions provided in said Contract. The City Treasurer is authorized to pay the purchase price and other costs and fees related to the purchase of said property from the Wellsville City account. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to approve Exhibit "A".

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

Exhibit “B” states: Resolved that Wellsville City purchase from the John L and Barbara Woodward Family Trust, parcels number 11-064-0007, 0009, and 0011 and parcel number 11-084-0003 in the records of Cache County, Utah Recorder, consisting of approximately 57.8 acres, together with 28 shares in the Wellsville North Field Irrigation Company for the sum of \$500,000.00 plus closing costs. Thomas G. Bailey, the Mayor of Wellsville City, is authorized in behalf of Wellsville City to enter into the Real Estate Purchase Contract with Seller, a copy of which has been presented to and reviewed by the Wellsville City Council, and to execute, acknowledge as required, and to deliver all documents necessary to complete the purchase of said property on the terms and conditions provided in said Contract. The City Treasurer is authorized to pay the purchase price and other costs and fees related to the purchase of said property from the Wellsville City account. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve Exhibit “B”.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

Department Reports:

Carl Leatham – 1) Asked about a drop-off box for utility payments – working on it.

2) Drinking fountain at cemetery – remove it – will do.

3) Park, trail around the dam, and Wellsville Dam – can’t believe how much it was used over the Memorial Day weekend – nice asset to the community – compliments to the Parks & Recreation Committee.

Gary Bates – 1) Sent out an email about the horseshoe pits – discussed different areas for the horseshoe pits – decided on east side of dam next to camping area.

Perry Maughan – 1) Have started tearing up 600 South from Center Street to 200 West to rebuild.

Thomas G. Bailey – 1) Thanked Gary Bates for the wonderful Memorial Day program.

Mary Ann Degn – 1) Thanked Glenna Petersen for the fish sign at the Wellsville Dam.

2) Having hip replacement surgery June 8 – don’t know when she will return.

City Manager/Recorder Report:

Don Hartle – 1) Maylin Glenn – this is his third week working – was making \$11.90 per hour, with the percentage increase, now making \$12.27 per hour – wants more money. Out of those working on the road crew, he earns the most money. After discussion, the City Council will leave him where he is for this year, and after the first of the year, will discuss for next year.

2) APEX – looking into replacing the sewer line at the same time.

3) Asphalt – 4 inches is approximately \$2.00 per square foot.

4) Individual camping at the Wellsville Dam over Memorial Day weekend paid the fee to camp, but asked for a receipt. Wellsville City can’t issue a receipt because they didn’t accept the money. Gary Bates will discuss the issue with Jerilyn Isom.

5) In the last 6 weeks, several people have had major water overages. Mr. Hartle is concerned about being consistent. There are 12 water users that have had above normal water overages during the winter months. Mr. Hartle reviewed each bill with the City Council. Mr. Hartle stated that Wellsville City now has the technology in the water meter so that the water meters can be read every month. Mr. Hartle recommended

reading the water meter monthly. A credit of 50% will be issued the first month. After that, no credit will be given. A citizen discussed a water bill overage at the last meeting with the City Council. The City Council approved writing off the overage. After discussion, Perry Maughan made a motion, seconded by Gary Bates, that the water meters will be read monthly. If a water leak is detected, a 50% credit will be issued for the first month only, then full payment after that will be expected.

YEA 4

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

NAY 0

A discussion was held concerning writing off the water overage of those water users that had overage during the winter months. After discussion, Perry Maughan made a motion, seconded by Mary Ann Degn, to write off 50% of the water overage of those water users that have overage during the winter months.

YEA 3

Mary Ann Degn
Carl Leatham
Perry Maughan

NAY 1

Gary Bates

At 8:42 p.m., Carl Leatham made a motion, seconded by Perry Maughan, to adjourn the meeting.

YEA 4

Gary Bates
Mary Ann Degn
Carl Leatham
Perry Maughan

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder