

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, July 6, 2016, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Mary Ann Degn, Karen Higley, 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 June 30, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Kirt Lindley David Bankhead  
Stephan Bankhead Jeremy Burbank Steve Norton  
Dale Hansen Katie Cobia Jordan Cobia  
Ryan Lamdreux

Opening Ceremony: Karen Higley

The Council reviewed the agenda. Don Hartle stated that #8 canceled. Carl Leatham made a motion, seconded by Gary Bates, to approve the agenda with the change.

YEA 5 NAY 0  
Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

The Council reviewed the minutes of the June 1, 2016 regular City Council meeting. Mary Ann Degn made a motion, seconded by Carl Leatham, to approve the minutes of the June 1, 2016 regular City Council meeting as presented.

YEA 4 NAY 0 ABSTAIN 1  
Gary Bates Karen Higley  
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, Perry Maughan made a motion, seconded by Mary Ann Degn, to approve the City's account payables bills for payment, represented by check number 19613 through 19654, with the exception of the check made payable to Raymond Construction. This check will be held until all construction is complete on the new City Office building.

YEA 5 NAY 0  
Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

There was no one in attendance for citizen input.

The City Council discussed information about using the elementary school as storage. Mayor Thomas G. Bailey stated that there have been many discussions concerning the elementary school. Mayor Bailey sent a letter to Superintendent Steve Norton dated January 12, 2016 that Wellsville City was not interested in the elementary school and that Cache County School District should live up to their commitment of tearing down the building and restoring the property to grass. Gary Bates then discussed with Don Hartle about using the property that is located southeast of Sarah Lindley that is owned by the Cache County School

District for horseshoe pits. Some telephone calls were made and it was discovered that the Cache County School District believed that the Utah Festival Opera was going to lease the building. Mayor Bailey stated that representatives from the Utah Festival Opera met with Wellsville City to discuss the issue, but approval was never given to the Utah Festival Opera. Wellsville City would still like the building torn down. Mr. Bates spoke with Mayor Bailey and Don Hartle. Both were surprised that the Utah Festival Opera was still pursuing leasing the elementary school. Mayor Bailey stated that it is not the intent of Wellsville City to approve this type of usage of the elementary school. There would need to be a zoning allowance made for a storage facility. Mayor Bailey stated that the bottom line is that Superintendent Norton was surprised that this hasn't been approved by Wellsville City. Carl Leatham stated that when the Utah Festival Opera approached Wellsville City, it was at a time when Wellsville City was considering obtaining the building from the Cache County School District. The Utah Festival Opera would lease the building from Wellsville City, not Cache County School District. Steve Norton stated that he appreciated being given the opportunity to come and speak with the Wellsville City Council tonight. Mr. Norton stated that the idea was that the Utah Festival Opera would discuss the issue with Wellsville City. Mr. Norton stated that he was under the impression that it was approved and entered into an agreement with Utah Festival Opera. Mr. Norton assured Wellsville City that all is on hold. The agreement was to be completed by July 1, 2016, but has been pushed off until September 1, 2016. Mr. Norton handed out copies of a letter he received from Gary Griffin representing the Utah Festival Opera dated July 6, 2016. Mr. Norton read the letter to the City Council. Mr. Norton stated that the best example of this issue is in River Heights. The Utah Festival Opera leased the old River Heights Elementary school. It was a wonderful thing for the Utah Festival Opera and not a bad thing for River Heights. Mr. Norton handed a copy of the lease agreement from River Heights City to Mayor Bailey and Mr. Hartle. Mr. Norton stated so that there is no misunderstanding that the Utah Festival Opera will not use the Wellsville Elementary school unless approval is given by the Wellsville City Council. Mr. Norton stated that there is \$750,000.00 in an account to tear down the elementary school if it has no value to anyone else in the community. Mr. Norton stated that the Cache Council School District is in need right now because there is not enough storage for all of the changes taking place on the south end of the valley concerning the school district. Gary Bates asked if Wellsville City requests that the elementary school be torn down without the Utah Festival Opera involved, what the timetable would be. Mr. Norton stated that he doesn't know, but believed it would be within a year. Mr. Bates asked if the funding for the demolition is earmarked for demolition. Mr. Norton stated that the money is in a designated reserve account for demolition. Mr. Leatham asked if it is possible to try out the lease agreement between the Cache County School District and the Utah Festival Opera for 2 or 3 years to see the behavior and how the building is maintained, and still come back to the Cache County School District and have the building torn down. Mr. Norton stated yes, that anything is possible. Mr. Norton stated that Cache County School District doesn't want to do anything that is not suitable for Wellsville City. Mary Ann Degn stated that in the letter, it says that the Utah Festival Opera would allow Wellsville City as a community to use the building. Mr. Norton stated yes. Perry Maughan asked about insurance on the elementary school. Mr. Norton stated that the Utah Festival Opera would be required to carry full coverage insurance on the building. Mr. Norton suggested that Wellsville City review the lease agreement. Ms. Degn asked where the Utah Festival Opera would park. Mr. Norton stated that he doesn't know. Mr. Norton stated that there is nothing magical about the September 1, 2016 date. It could be pushed back if needed. Mayor Bailey stated that his concern is that Wellsville City needs to be careful about collecting every building that comes along. Mayor Bailey stated that the Wellsville City Council will discuss the issue and return to the Cache County School District with their answer. Don Hartle stated that his feeling is that it is a residential zone. Wellsville City would need to amend the code to allow storage in a residential zone because the building now serves a different purpose besides a school. Mayor Bailey thanked Mr. Norton and Mr. Hansen for attending this meeting.

At 6:30 p.m., conduct a public hearing to receive public input, consider the recommendation of the Planning Commission, then consider for possible approval a request from David Bankhead, agent for Bankhead Properties, LLC, that the code and the zoning map be amended to rezone the south half of the block between 800 South and 900 South and from Center Street to 100 East from RA-1 to R-1-12. David Bankhead stated that he wants to build a subdivision on this property. The south half of the property is RA-1, and the north half is R-1-12. Mr. Bankhead stated that he would like the property to be all in the same zone. Mr. Bankhead stated that he has no plot plan finalized yet, but is looking at 14 to 15 lots. There was no comment from the public.

At 6:35 p.m., the public hearing was closed.

Carl Leatham stated that the Planning Commission stated that rezoning this property fits the General Plan. The property is adjacent to other property that is zoned R-1-12. Mr. Leatham stated that the Planning Commission recommended that the zoning be changed. After discussion, Carl Leatham made a motion, seconded by Karen Higley, to **ADOPT CODE AMENDMENT 2016-04** adopting **AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 10, LAND USE REGULATIONS, WHICH INCLUDES AMENDING THE ZONING MAP TO REZONE CERTAIN PROPERTY FROM RA-1 RESIDENTIAL AGRICULTURE ZONE TO R-1-12 SINGLE FAMILY RESIDENTAIL.**

YEA 5

Gary Bates

Mary Ann Degn

Karen Higley

Carl Leatham

Perry Maughan

NAY 0

Kirt Lindley met with the City Council to discuss a possible ordinance dealing with roosters. Kirt Lindley stated that he has received some complaints on the north end of Wellsville City concerning three roosters. Mr. Lindley stated that he was told that the roosters start crowing at about 1:00 a.m. until noon. Mr. Lindley stated that his suggestion was to get rid of the roosters, which is what happened. Mr. Lindley stated that the problem is there is no code that supports getting rid of the roosters. Mr. Lindley stated that should the owners of the roosters come back to the city and ask, Mr. Lindley has no authority to tell them to get rid of the roosters. Perry Maughan asked if the roosters come in under the nuisance code. Mr. Lindley stated that he read the nuisance code, and he isn't sure that it does. Mr. Lindley stated that Hyrum City has no ordinance because they deal with roosters on a case-by-case basis. Gary Bates suggested that the City Council review the ordinance and see if there are other issues that need to be dealt with at the same time. Mr. Lindley suggested giving the City Council one month to review the code and offer suggestions. Mr. Maughan stated that he likes what Hyrum City does, and suggested that Wellsville City do the same. The City Council agreed.

The City Council discussed the fence on the property owned by Wellsville City on 100 East between 400 South and 500 South. Carl Leatham stated that in the original agreement, a fence was to be built on the property. This was because of the Public Works building being built on the property. The Public Works building is now being built on a different piece of property. Mr. Leatham stated that the Parker family would like the fence issue to be resolved. Mr. Leatham suggested that once the Public Works building is complete, this issue be revisited to see if there is money to build a fence. Perry Maughan asked what type of fence was to be built. Don Hartle stated that it was to be a chain-link fence with slats. Mr. Maughan stated that he agrees with Mr. Leatham, but asked if a different type of fence would now be better than the chain-link fence with slats. Gary Bates suggested discussing the issue with Ron Case to see what type of fence is wanted. Mayor Thomas G. Bailey asked if Carl Leatham would discuss this issue with Ron Case. Mr. Leatham stated yes. Mr. Hartle stated that quotes would need to be obtained, and the fence could be added to next year's budget. After discussion, Carl Leatham made a motion, seconded by Karen Higley, that Wellsville City tentatively add to next year's budget that a fence be installed on the property owned by Wellsville City on 100 East between 400 South and 500 South.

YEA 5

Gary Bates

Mary Ann Degn

Karen Higley

Carl Leatham

Perry Maughan

NAY 0

Mayor Thomas G. Bailey asked if the City Council could revisit the information obtained by Wellsville City from Superintendent Steve Norton concerning using the elementary school as storage. Mayor Bailey stated that his concern is that if the elementary school is turned over to the Utah Festival Opera, they will make promises, but never live up to them. Wellsville City will still have an old elementary school in the middle of town. Mayor Bailey stated that the Cache County School District has always made the commitment to tear down the elementary school. Mayor Bailey stated that the Utah Festival Opera makes great promises, but the River Heights facility is not maintained, and Mayor Bailey would hate to see something like that in the middle of town. Mayor Bailey stated that if a 5-year contract was entered into, some of the current City Council members might not be here, and this City Council will be shifting the responsibility onto the next City Council. Mayor Bailey stated that he would like to see the Cache County School District tear down the elementary school. Gary Bates stated that his concern is that Superintendent Steve Norton says that the \$750,000.00 is earmarked for demolition, but the Cache Council School District is not going to let that money sit in an account and wait for Wellsville City to decide what it is they would like to do. Mr. Bates stated that he is also concerned about vandalism. Mr. Bates stated that the same reasons he was against using the elementary school before are still there. Karen Higley stated that she agrees with Mayor Bailey and Mr. Bates. Ms. Higley stated that shifting the responsibility onto the next City Council could become problematic. Carl Leatham stated that the Cache County School District needs the elementary school for their own storage for at least one year. Perry Maughan stated that Wellsville City give the Cache Council School District one year for storage of school property, and then tear down the elementary school. Don Hartle stated that this is a major decision, and would suggest adding this item to the next City Council agenda to specifically address concerns, discuss those concerns, and made a decision. Mayor Bailey stated that it can't see any reason for dragging this on any longer. Mr. Maughan stated that he agrees with Mayor Bailey. Carl Leatham stated that he doesn't think there needs to be any official action taken. Mayor Bailey stated that if there is a concern with the agenda, that the City Council supports their past decision of tearing down the elementary school. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to honor the letter that was sent to Superintendent Steve Norton dated January 12, 2016 to tear down the elementary school.

**YEA 3**

Gary Bates  
Carl Leatham  
Perry Maughan

**NAY 1**

Karen Higley

**ABSTAIN 1**

Mary Ann Degn

The City Council discussed awarding the contract on asphalt slurry seal. Don Hartle stated that he received two bids. They are as follows:

M & M	\$28,904.38
Morgan	\$33,742.60

Don Hartle stated that M & M completed the asphalt slurry seal last year. Mr. Hartle recommended that the City Council award the contract to M & M. After discussion, Karen Higley made a motion, seconded by Perry Maughan, to award the contract on asphalt slurry seal to M & M.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

**NAY 0**

The City Council discussed the possible problems with posted speed limit signs on 200 South going east and west. The City Council reviewed the speed limit signs. Karen Higley suggested that the speed limit be dropped to 25 so that the speed limit is consistent. After discussion, Perry Maughan made a motion, seconded by Mary Ann Degn, to change the speed limit sign from 30 MPH to 25 MPH on the east side of Center Street along 200 South.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

The City Council selected a committee to review proposals submitted for the new Public Works facility. Don Hartle stated that the advertisement will run in the Herald Journal on June 28, July 6, and July 13, 2016. Mr. Hartle stated that the bids are due July 19, 2016. The selected committee will review the RFP's between July 20, 2016 and August 2, 2016. A recommendation will be made to the City Council on August 3, 2016. Mr. Hartle stated that the conditional use permit will be discussed by the Planning Commission next Wednesday, with possible approval. Mayor Thomas G. Bailey stated that the last committee had a score sheet to score the different companies. Mayor Bailey stated that he would like to follow the same process for this project. Several names were discussed. Mayor Bailey will ask two individuals about serving on the committee. Other individuals that will serve on the committee are as follows: Mayor Thomas G. Bailey, City Engineer Chris Breinholt, Perry Maughan, Tom Maughan, and Karen Higley. Mayor Bailey will talk to Dave Leishman and Tracy Bailey.

Department Reports:

Mayor Thomas G. Bailey – 1) Thanked the City Council for all of their efforts at the open house for the new City Office building.

Carl Leatham – 1) 500 North road project – have discussed abandoning road – asked about inviting residents to a future City Council meeting to discuss the issue.

2) Discussed conditional use permits for business licenses, and how to flag if there have been complaints or the conditions haven't been met. Don Hartle stated that Wellsville City is receiving an update to the computer software in August, and will address this issue at that time.

Gary Bates – 1) Options for phone contact for weekends and evenings – floating cell phone. Asked that the Public Works department discuss this issue and return with a proposal.

2) Horseshoe Pits – look at RAPZ tax application for recreation facilities.

Perry Maughan – 1) Thanked Gary Bates for the fine job on the splash pad.

2) Discussed pipe that was located next to the splash pad – discovered it belongs to Wellsville City and it can be removed.

3) 600 South road project – extend water main to make a loop - \$2,600 for parts.

Mary Ann Degn – 1) Working on encroachment licenses.

2) Sidewalk contractor – will bring contract in to be approved.

3) Quote for one-way street signs and posts – Don Hartle is working on it.

Karen Higley – 1) Founder's Day – using Checketts Amusement for the bounce houses.

2) Will have Curtis Maughan attend a future City Council meeting to explain the electrical at the City Square.

City Manager/Recorder Report:

Don Hartle – 1) Gave the City Council an update on the driveway between the fire department building and the old post office building. The business in the old post office feels that 95% of the traffic on the driveway is city-related. A new water line and sewer line would be required. The business in the old post office stated that they would pay for the water line and sewer line from the post office 8 feet to the east. The asphalt will need to be cut, and the city can pay to repair the rest of the asphalt. Mr. Hartle stated that he doesn't like to scab projects together. Mr. Hartle stated that the business in the old post office doesn't have the money to complete everything at this time. The City Council met at the business in the old post office to discuss a decision.

At 8:21 p.m., Carl Leatham made a motion, seconded by Karen Higley, to adjourn the meeting.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

**NAY 0**

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Thomas G. Bailey  
Mayor

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Don Hartle  
City Manager/Recorder