

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 3, 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 July 29, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Melissa Simmons	Kelsey Harris
	Chris Breinholt	Brett LaMont	Derrick Hendry
	Tony Nielson	Larry McDougal	Brian Smith
	Tori Smith	Dawson Smith	David Bankhead
	Stephen Bankhead	Scott Gary	Jonathan Cook

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the agenda. Don Hartle stated that #8 canceled. Karen Higley made a motion, seconded by Mary Ann Degn, to approve the agenda with the change.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Karen Higley	
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, Carl Leatham made a motion, seconded by Mary Ann Degn, to approve the City's account payables bills for payment, represented by check number 19717 through 19761.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Karen Higley	
Carl Leatham	
Perry Maughan	

There was no one in attendance for citizen input.

Melissa Simmons met with the City Council to discuss an October charity 5k run. Ms. Simmons stated that she would like to host a charity on October 22, 2016. Ms. Simmons handed out a packet of information to the City Council. Ms. Simmons stated that she would like to start and end the race at the Wellsville Reservoir. Ms. Simmons also handed out a copy of the route for the race, and also a copy of an alternate route for the race. Gary Bates asked if Ms. Simmons has any liability insurance. Ms. Simmons stated no. Mr. Bates stated that liability insurance is the first requirement. Mr. Bates stated that most races make enough money to cover the cost of the liability insurance. Ms. Simmons stated that she included a liability waiver to the registration form. Mr. Bates stated that Ms. Simmons would need to pay for the City Attorney to review the liability waiver. Perry Maughan stated that he would suggest using the alternate race route because of the sidewalk that is shown to be used in the primary race route. Carl Leatham asked if the restrooms would be available. Don Hartle stated no. Karen Higley stated that Ms. Simmons would need to rent some port-a-potties for the race. Mr. Bates stated that liability insurance is required. Mr. Bates stated that it is a great activity for a good cause. Mr. Bates suggested that Ms. Simmons return in 2 weeks to discuss this issue further in depth. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to continue this discussion in 2 weeks.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

Kelsey Harris, representing Mountain Crest High School Executive Council, met with the City Council. Ms. Harris stated that the Mountain Crest High School Executive Council would like to host a 'Stang Start' activity on August 17, 2016 beginning at 6:00 p.m. Ms. Harris stated that they will have food for sale, different clubs to join, rock-climbing wall, and bounce houses. Ms. Harris stated that it will be an activity for the entire family. Ms. Harris stated that they would like to show a movie, and would like to ask Wellsville City to borrow the screen and projector. Gary Bates stated that Wellsville City should do whatever it is that they can to support this activity. After discussion, Karen Higley made a motion, seconded by Mary Ann Degn, to approve Mountain Crest High School Executive Council borrowing the projector, screen, and sound system.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

The City Council discussed requests for proposals for Public Works buildings, Engineers estimate on site work, then determine course of action with possible approvals. City Engineer Chris Breinholt stated that total cost of the site work at the Public Works buildings is \$342,880. Mayor Thomas G. Bailey asked what the lowest cost of the buildings was. Don Hartle stated that the lowest cost was \$924,400. Gary Bates asked what the budget was for the Public Works buildings. Mr. Hartle stated that the budget was \$1,000,000. It was then lowered to \$900,000 because of the new City Office. Mr. Hartle stated that in July, he was able to move another \$100,000 into the fund, so it is back to \$1,000,000. Mr. Bates stated that there were extra expense associated with the new City Office building, and the new City Office building wasn't cheap. Mr. Bates asked if anything had been coordinated with the Planning Commission, and what their expectations were. Mr. Breinholt stated that the Planning Commission has received a site plan for the project. Mr. Bates suggested a joint meeting with the Planning Commission to plan and do what is smart. Mayor Thomas G. Bailey stated that the building could be built smaller. Mr. Hartle stated that Bruce Hall is interested in a land swap. It would be for his piece of property behind the gravel pit for the property where the current Public Works building is located. Perry Maughan believes that Wellsville City can come up with the money for this project, even if Wellsville City has to sell some of the property that it owns. Mr. Bates stated that he worries about the capability of getting all of the site work completed. Mr. Maughan stated that the asphalt for 600 South will not be ready until September, so they have pulled the employees off that project and they are now working to move gravel at the sewer ponds. Mayor Bailey stated that there were three companies that bid this project. Karen Higley suggested looking at the bids seriously and moving forward. Mr. Maughan stated that he would like to move forward with the salt/sand building. Mayor Bailey will have Leesa Cooper set up a meeting for the building committee next Thursday, August 11, 2016 at 6:00 p.m. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to continue this discussion at a future City Council meeting.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

At 7:00 p.m., conduct a public hearing to receive public input regarding a multi-year lease for the open space in the Mount Sterling Estates Subdivision between Aspen Way and Highway 89/91. Possible action by the City Council may take place on the matter. Don Hartle stated that he has had several people call concerning this matter, and would like the opportunity to submit a bid. Perry Maughan stated that he has discussed this matter with people, and they would like the same opportunity. Mr. Maughan stated that he liked the idea of a longer lease. Mr. Maughan recommended that the property be put out for bid. Mayor Thomas G. Bailey explained the rules of a public hearing. Brett LaMont stated that he has leased the property in the past. Mr. LaMont stated that his concern is the use. Mr. LaMont proposed planting grass hay. Mr. LaMont asked that no one be on the crop while it is being planted or growing, but after it is harvested, people could walk or ride 4-wheelers on it. Mayor Bailey asked how many acres there were. Mr. LaMont stated that there are 13 to 14 acres, but only about 10 acres of farm ground. Mayor Bailey asked about the length of the lease. Mr. LaMont stated that a minimum of 5 years, but it would be better to have a 7-year lease. Larry McDougal stated that he lives in the subdivision. Mr. McDougal stated that he agrees that something more needs to be in the open space besides weeds. Mr. McDougal suggested letting the neighbors use the area for trails or 4-wheelers. Mr. McDougal asked if a section of the open space could be fenced off for the children to play and ride bikes. Mr. McDougal stated that there is a lot of work that needs to be done. Mr. McDougal suggested getting the neighbors involved to clean up the area. Derrick Hendry suggested that the property is sprayed, cleaned up, and planted in wheat. Mr. Hendry stated that no one could use the property. Mr. Hendry stated that he would like to lease the property for longer than 7 years.

At 7:11 p.m., the public hearing was closed.

Mary Ann Degn asked if the property could be planted with a trail around it. Perry Maughan stated that in his experience, farming and trails do not mix. Mr. Maughan suggested putting the property out for bid, with clear rules and regulations. Mr. Maughan stated that his concern is that Wellsville City becomes the cop and asked how the City would enforce the rules and regulations. Mr. Maughan suggested a 5- to 7-year lease, with no access. Gary Bates stated that there are two trailheads in the subdivision that are designed for walking. Karen Higley stated that there is nowhere in the subdivision for the children to play. This property is where kids ride and jump their bikes. Ms. Higley stated that the kids have limited space to play in the subdivision. Gary Bates asked if there were many 4-wheelers in the subdivision. Ms. Higley stated that it is mostly pedal bikes with some motorcycles and 4-wheelers. Mr. Maughan stated that there are two retention ponds and asked if a trail from one retention pond to the other be built. Mr. Bates stated that is something the homeowners could do. Mr. Bates stated that there is no HOA in the subdivision. Mr. Bates agrees with Mr. Maughan. Mr. Bates stated that this would provide a place for the children to ride their bikes, very simple, and keep off the farm ground. Mr. Maughan suggested putting the property out to bid. Mr. Bates stated that Wellsville City has the right to refuse any and all bids. Carl Leatham stated that a decision should be made concerning the terms of the lease. Mayor Thomas G. Bailey suggested a long-term lease. Don Hartle stated that he will run an advertisement in the Herald Journal stating that bids are due August 17, 2016 at 1:00 p.m., and will be opened that evening at the City Council meeting, a flat dollar amount to rent the property per year, with a 7-year lease. Wellsville City reserves the right to use 30 feet from the back of the curb to the gutter. The north and south retention ponds are not included. Wellsville City reserves the right to refuse any and all bids. Mr. Maughan likes this advertisement. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, that an advertisement will run in the Herald Journal to lease the front open space in the Mount Sterling Estates Subdivision, 7-year lease, Wellsville City will maintain a 30-foot easement behind the existing curb, Wellsville City will maintain the north and south retention ponds, the renter will post signs to stay off the property, the renter will maintain the property in a proper and clean manner, and Wellsville City has the right to take the property away.

**YEA 3**  
Mary Ann Degn  
Carl Leatham  
Perry Maughan

**NAY 1**  
Gary Bates

**ABSTAIN 1**  
Karen Higley

David Bankhead, agent for Bankhead Properties, LLC, met with the City Council to discuss installation of a pressurized secondary water system in lieu of providing water shares. David Bankhead stated that he understands that he has to provide 3-acre feet of water for each building acre of property. Mr. Bankhead is wondering if he could use the water that is on the property presently to install a pressurized water system. Mayor Thomas G. Bailey asked if the water would be turned over to the homeowners. Mr. Bankhead stated correct. Perry Maughan asked about maintenance on the system. Mr. Bankhead stated that it would be the homeowners' responsibility. Mr. Maughan asked how much water is currently on the property. Mr. Bankhead stated that there are 15-acre feet of water currently on the property. Mr. Maughan stated that he thinks this project would be a great asset to Wellsville City. Mr. Maughan stated that this system would save a lot of culinary water. Mr. Maughan stated that Wellsville City is not responsible for the pressure or the system, and suggested installing a pump. Don Hartle suggested requiring an HOA for this subdivision for this reason only. City Engineer Chris Breinholt thinks that it is a great idea. Mr. Breinholt stated that Wellsville City should have some control on how the system will be installed. After discussion, Perry Maughan made a motion, seconded by Karen Higley, that Wellsville City accepts David Bankhead's offer, strongly encourage Mr. Bankhead to form an HOA for this subdivision, to meter the culinary water until the irrigation water is available, that the HOA be require to make the switch to irrigation water, that a backflow preventer be installed and tested on each lot each year with the results being submitted to Don Hartle, the developer is required to pay the connection fee, and Wellsville City will furnish the meter.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

The City Council reviewed for approval the exchange of real property at approximately 4270 South 3950 West. Don Hartle stated that Grant Parkinson met with himself and Mayor Thomas G. Bailey. This property is part of the Woodward property that was just purchased. Mr. Hartle stated that they are exchanging square foot for square foot. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the exchange of real property at approximately 4270 South 3950 West.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

The City Council discussed possible implementation of a fee in lieu of sidewalks policy. Mayor Thomas G. Bailey asked if any of the City Council members had any ideas concerning this issue. Don Hartle stated that his feeling is to discuss the parameters of the policy, and the give it to the attorney to work on the procedure. Mary Ann Degn suggested donating 75% of the cost of the sidewalk. Perry Maughan stated that he would like the developer to donate 100% of the cost of the sidewalk. Mr. Maughan asked if this policy would be similar to impact fees, and asked how long Wellsville City could hold the funds until they have to be used. Mr. Hartle stated that he didn't know, and would need to check with the attorney. Karen Higley stated that she hates the idea of paying 100% of the cost of the sidewalk. It is not to save money, but maybe a sidewalk is not feasible in the area. Carl Leatham stated that he has received complaints from citizens on the south end of Wellsville. Mr. Leatham is concerned with how this policy will be administered. Mr. Maughan stated that doing nothing is not helping Wellsville City. Mr. Maughan stated that this policy should go through the Planning Commission first, and then it would be up to the City Council to make the decision. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to write a fee in lieu of sidewalks policy.

**YEA 4**

Gary Bates  
Mary Ann Degn  
Carl Leatham  
Perry Maughan

**NAY 1**

Karen Higley

The City Council reviewed for approval an Interlocal Agreement for Library Services with Hyrum City. Mayor Thomas G. Bailey stated that a copy of the agreement was sent to City Council members in their packet. Gary Bates asked how many citizens of Wellsville City are using the Hyrum Library. Mr. Bates suggested that Hyrum City should verify yearly with Wellsville City if the member of the Hyrum Library is still a resident of Wellsville City. Don Hartle stated that there are 465 active members, 243 inactive members, and 12 restricted. Mr. Bates asked if Wellsville City is under a time restraint to approve this agreement. Mr. Hartle stated no. Mayor Bailey asked if Mary Ann Degn will discuss this issue with Hyrum Library, and return to the City Council to give a report. Mary Ann Degn stated yes. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to continue this discussion at a future City Council meeting.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

**NAY 0**

The City Council reviewed for approval a “Non-Resident Water Sale and Purchase Agreement” with Mt. Pisgah LLC. Mayor Thomas G. Bailey stated that a copy of the agreement was sent to City Council members in their packet. Mayor Bailey asked if there were any questions. There were no questions. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to approve a “Non-Resident Water Sale and Purchase Agreement” with Mt. Pisgah LLC.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

**NAY 0**

The City Council discussed ATV’s and motorcycles on City streets. Gary Bates stated that all of the City Council members have read the ATV ordinance from Mendon City. Mr. Bates stated that many people have complained about the ATV’s and motorcycles on City streets. Mr. Bates stated that the code should have the following points: 1) age 15 or under requires adult supervision, 2) helmet is required, 3) maintain 25 MPH or less, 4) no riding in the swales, and 5) noise limitations. Don Hartle stated that he doesn’t know how Wellsville City will enforce this code. Mr. Hartle contacted the Cache County Sheriff’s Office. They do not take their motorcycles off the pavement. Perry Maughan suggested more police presence. Mr. Hartle stated that he will send a new copy of the ordinance in the next City Council meeting packet. Chris Breinholt asked if this issue could be written up for the newsletter. Mr. Breinholt stated that his 4-wheeler is street legal, but he doesn’t know what the law is concerning 4-wheelers. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to continue this discussion at a future City Council meeting.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Karen Higley  
Carl Leatham  
Perry Maughan

**NAY 0**

Department Reports:

- Karen Higley – 1) Pick a Marshall of the Day for the Founder’s Day Parade – Jeff & Michelle Andrews.  
2) Mayor Thomas G. Bailey and Ruth Maughan have met and chosen a Citizen of the Year.  
3) Melissa Simmons – 5k – barley turn a profit or break even – consider first-time races on a trial basis and limit it to Wellsville citizen.  
4) Parade – what does the City Council want to ride in/on – wagon. Ask Leesa to reserve a wagon from the AWHC.

- Mary Ann Degn – 1) Sidewalk in front of Janice Darley at 400 North and Center Street – upset that the lilac tree was trimmed and/or pulled up.  
2) Water Conservancy – another public hearing to discuss it. No, the Water Conservancy District will decide if it is on the ballet in November or not.  
3) CVTD – public hearings before ballet/voting – probably not for at least another year.  
4) Federal grant – 100% - due first part of September – use for 200 West – go for it.

- Perry Maughan – 1) Handed out water sample kits – put on porch before 8:00 a.m. tomorrow morning.  
2) Trees – believes it is scorch – need to do something about it.  
3) M&M – start crack seal and slurry seal on August 11, 2016.

Gary Bates – 1) Spoke with Bruce Parker – coordinated with Superintendent Norton and Mr. Hansen – gave business people a tune-up. The Wellsville Elementary School will be torn down. Wellsville City can use the property. The sprinkler system will need to be fixed and grass planted. The Cache Council School District plans to give the playground equipment to Wellsville City. Mr. Bates suggested that someone meets with DelRoy Olsen concerning this property. Mr. Bates suggested that Wellsville City pick up a secondary liability insurance policy on the playground equipment. Don Hartle will check with the insurance company.

- 2) Asked if Wellsville City has a curfew – several young people are hanging out on the City Square – suggested calling Cache County Sheriff’s Office.  
3) Thought that when Jay Nielson returned, he was to finish the code and Wellsville City would hire another planning consultant. Don Hartle stated that Mr. Nielson is still working on the code. Mr. Nielson also reviews all submitted subdivisions. Mr. Nielson also issued the Low to Moderate Income Housing Plan, and the time has come to update the plan. Perry Maughan stated that Wellsville City should look at different avenues because he feels that the Planning Commission is getting out of line. Mr. Bates suggested letting Mr. Nielson finish the code and put out a bid for a City Planner.

- Carl Leatham – 1) Splash Pad/Playground – there are many thorns in the playground wood chips.  
2) People are using the side of the building as a bathroom, maybe look into a port-a-potty for next year.

City Manager/Recorder Report:

- Don Hartle – 1) Spoke with the Cache County Sheriff’s Office – not in favor of throwing candy at the Founder’s Day parade – City Council will be throwing candy.  
2) Handed out a letter – please read through it and decide how to answer it.  
3) Christmas Party – Maddox – Saturday, December 3, 2016 at 7:30 p.m.

At 9:32 p.m., Gary Bates made a motion, seconded by Perry Maughan, 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