

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, September 21, 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 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 September 16, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Kaylene Ames	Glenn Ames
	Colin Harrison	Bonnie Harrison	Jami Van Huss
	Katie Christensen	Alison Ewing	Marcie Suchow
	Mike Suchow	Sally Shill Linford	Nancy Shill
	Lyle Riggs	Mike Leishman	Marcene Parker
	Ron Case	Clayton Gefie	Rick Stedmitz
	Cindy Stedmitz	Scott Gary	Jonathan Cook
	Karma Leatham	Art Smith	

Opening Ceremony: Mary Ann Degn

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

<u>YEA 4</u>	<u>NAY 0</u>
Mary Ann Degn	
Karen Higley	
Carl Leatham	
Perry Maughan	

The Council reviewed the minutes of the September 7, 2016 regular City Council meeting. Carl Leatham made a motion, seconded by Karen Higley, to approve the minutes of the September 7, 2016 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Mary Ann Degn	
Karen Higley	
Carl Leatham	
Perry Maughan	

Councilman Gary Bates arrived at the meeting at 6:06 p.m.

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, Mary Ann Degn made a motion, seconded by Carl Leatham, to approve the City's account payables bills for payment, represented by check number 19932 through 19980.

<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.

Mayor Thomas G. Bailey stated that because Councilwoman Karen Higley has moved out of Wellsville City, it has become necessary to fill her position. Mayor Bailey stated that the person voted in tonight would serve the remainder of Councilwoman Higley's term, which is approximately one and a half years. Mayor Bailey thanked Councilwoman Higley for her dedication to Wellsville City, for the many hours she spent serving Wellsville City, and for her expertise in building the new City Office. Karen Higley thanked the City Council members for their support while she served on the City Council. Mayor Bailey stated that four citizens of Wellsville City have expressed an interest in serving on the City Council. Mayor Bailey stated that each individual will be interviewed by the City Council. Mayor Bailey stated that the order listed on the agenda is the order that will be followed. Don Hartle stated that the deadline to submit applications for the seat on the City Council was September 15, 2016 at 12:00 p.m. Mr. Hartle stated that he parked his truck at his home in the evening. When he went out to his truck at 5:00 a.m. on September 16, 2016, there was an application submitted by Arrin Brunson. Mr. Hartle stated that because Ms. Brunson didn't meet the deadline, she was not added to the agenda. Mayor Bailey stated that the City Council meets on the first and third Wednesday's of each month beginning at 6:00 p.m. There may be special City Council meetings held as necessary that the City Council member will be required to attend. Mayor Bailey handed out copies to each applicant of the City Council member assignments.

The City Council interviewed Kaylene Ames.

The City Council interviewed Jami Van Huss.

The City Council interviewed Colin Harrison.

Aaron Francese was also listed on the agenda, but was not in attendance to this meeting.

After interviews, the City Council reviewed the list of candidates.

After the first round of voting, the results were as follows:

Colin Harrison – 2

Jami Van Huss – 2

Kaylene Ames – 1

Because there was a tie, another vote between the two candidates was necessary. After the second round of voting, the results were as follows:

Colin Harrison – 3

Jami Van Huss – 2

After discussion, Perry Maughan made a motion, seconded by Mary Ann Degn, that after voting, the City Council approves Colin Harrison to replace Karen Higley on the City Council until January 2018.

**YEA 5**

**NAY 0**

Gary Bates

Mary Ann Degn

Karen Higley

Carl Leatham

Perry Maughan

City Manager Don Hartle swore in Councilman Colin Harrison.

Katie Christensen met with the City Council for a business license. Ms. Christensen stated that she has a bookkeeping business. Ms. Christensen stated that no one comes to her home. The business is conducted on the computer. Carl Leatham stated that the Planning Commission determined that this business will have low impact on the neighborhood, and it meets the code. Mr. Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. After discussion, Mary Ann Degn made a motion, seconded by Perry Maughan, to approve the business license for Katie Christensen.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

Marcie Suchow met with the City Council for a business license. Ms. Suchow stated that she would like to operate a salon out of her home. Ms. Suchow stated that there are a total of three employees, with only two working at a time. There is plenty of space in her driveway for customers. Carl Leatham stated that the Planning Commission determined that this business will have low impact on the neighborhood, and adequate parking. Mr. Leatham stated that the Planning Commission approved the conditional use permit with no restriction. Perry Maughan asked if there are any chemicals that will be going down the drain. Ms. Suchow stated that it will be basic shampoos and conditioners. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, to approve the business license for Marcie Suchow.

YEA 4

NAY 1

Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

Gary Bates

Sally Linford met with the City Council to discuss planting of trees in the cemetery. Ms. Linford handed out a packet of information to each City Council member. Ms. Linford stated that her father is buried in the northwest corner of the cemetery. Ms. Linford stated that her family owns 3 full lots, which is 8 burial lots each, and would like to devote one full lot to plant a tree. Ms. Linford stated that there are no trees in the northwest corner. Mayor Thomas G. Bailey asked what kind of tree Ms. Linford would like to plant. Ms. Linford stated that she would like to plant a sycamore tree. Carl Leatham asked about the root system of a sycamore tree. Ms. Linford stated that she didn't know much about the root system, but that sycamore trees are planted in many cemeteries. Colin Harrison stated that sycamore trees can grow very big. Mr. Harrison stated that most trees in the cemetery are in lines. Perry Maughan asked if Ms. Linford was devoting the entire lot, 8 burial lots, for the tree. Ms. Linford stated yes. Mr. Maughan asked about water and the sprinkler system. Ms. Linford stated that the grass in this area looks healthy and believes that what is installed in the cemetery would be adequate. Ms. Linford stated that Leesa Cooper told her that someone from Wellsville City would mark the sprinklers. Mr. Maughan stated that his concern is keeping the tree watered and maintenance of the tree. Ms. Linford stated that she and her family are prepared to take care of the tree. Gary Bates stated that this is a tough issue. The City Council receives these requests periodically. Mr. Bates stated that the City Council needs to look at the long-term decisions of the cemetery. Mr. Maughan asked if Ms. Linford wanted anything other than the tree. Nancy Shill stated that she would love a bench under the tree, but the bench has already been vetoed. Mayor Bailey stated that the entire lot, 8 burial lots, will be dedicated solely for the purpose of planting this tree. Mr. Maughan stated that if Ms. Linford is willing to give up the entire lot, he is all for it. Mr. Maughan stated that he would like to see different trees in the cemetery. Mr. Harrison stated that this could cause some potential problems. Mr. Bates stated that the City Council will definitely see this request again. Mr. Bates stated that if the tree causes any damage to the sprinkling system, it is the responsibility of the family to repair the sprinkling system. After discussion, Perry Maughan made a motion, seconded by Carl Leatham, that Ms. Linford can plant a sycamore tree on the dedicated lot, 8 burial plots, that the family will maintain the tree for 10 years, no one can be buried on the lot, and if the tree impedes the sprinkling system, it is the responsibility of the family to fix the sprinkling system. The lot is block 17 lot 11.

YEA 5

NAY 0

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

Lyle Riggs met with the City Council to discuss damage done while plowing snow. Lyle Riggs stated that this is the home that he owns, but rents out. It is located at 908 East Main. Mr. Riggs stated that the mailbox is located at the front of the lawn. Mr. Riggs stated that four years ago in December, the snowplow pushed snow around the back of the mailbox. There have been ruts in the lawn since then. Mr. Riggs stated that this spring, he had his renter, who is in the construction business, get a grade roller and transport to improve the situation of the ruts. Mr. Riggs stated that he asked Staker Parson for a quote for a grade roller and transport. Mr. Riggs stated that the bid came back at \$500, which Mr. Riggs believes is a fair price. Mr. Riggs is asking Wellsville City to pay his renter \$500 for the repairs that have been made and labor. Perry Maughan asked where the mailbox is from the water meter. Mr. Maughan stated that Wellsville City installs the water meter 8 feet from the property line. Mr. Maughan asked where the property line is. Mr. Riggs stated that it is outside of the row of pine trees. Mr. Maughan asked if the snowplow ran over the water meter. Mr. Riggs stated that it ran over the sidewalk, and it doesn't matter to him if it ran over the water meter. Mr. Maughan suggested that the property be surveyed. Colin Harrison asked if the mailbox is in front of his lawn, why the snowplow would go on the inside. Mr. Maughan stated that he didn't know. Mr. Riggs stated that he had Don Hartle review the ruts. Don Hartle stated that there looked to be ruts, and that they were definitely on lawn. Mr. Riggs stated that he would take this issue to small claims court. Mr. Riggs thanked the City Council for their time. Carl Leatham stated that he would like to review the property, and then make a decision. Mr. Maughan stated that he would like the property surveyed to know if the property is state right-of-way, city right-of-way, or Mr. Riggs' property. After discussion, Carl Leatham made a motion, seconded by Perry Maughan, to continue the discussion on this issue.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

**NAY 0**

Mike Leishman met with the City Council to discuss his property at 350 East Main and 390 East Main. Mike Leishman stated that he would like to request a rezone of the property that his shop is located on at 390 East Main. Mr. Leishman stated that he is trying to sell the property. The property is currently in the RA-1 zone, and he would like to rezone it to a commercial property. Don Hartle stated that when he and Mr. Leishman were discussing acreage, Mr. Hartle stated that Mr. Leishman owns 2.72 acres. Carl Leatham stated that a discussion concerning this issue was held in the Planning Commission meeting last week. Mr. Leishman stated that the person who is interested in purchasing the business is in the catering business. Mr. Leatham stated that all of these home occupation businesses in residential zones are all by conditional use. Mr. Leatham stated that the Planning Commission is in the process of spot zoning these buildings to allow commercial use. Mayor Thomas Bailey stated that Mr. Leishman needs to contact Jeff Gilbert with CMPO to see if he still owns the right-of-way to the building. Mr. Leatham suggested checking with Cache County, UDOT, reviewing the landscape ordinance, and adjusting the lot lines so that there is adequate space. After discussion, Perry Maughan made a motion, seconded by Colin Harrison, to authorize the Planning Commission to move forward with the code change for spot zoning on an individual basis with the City Council's full support.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

**NAY 0**

The City Council discussed culinary water being used by Wellsville City. Perry Maughan stated that he is concerned with the culinary water being used at the cemetery and parks, and the pumping costs associated with it. Mr. Maughan stated that he has received bids from several people. The cost for pipe is \$5,000. Mr. Maughan stated that Wellsville City could cut off the culinary water and hook into the irrigation pipe

that is there. The cost to bore the road with a 1-inch pipe is \$1,500, and hooking to the irrigation pipe would be approximately \$10,000. Mr. Maughan stated that he understands that there is not any money in the budget this year for this project, but would like to move forward and add this into the budget for next year. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to add this project to the budget for next year.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

**NAY 0**

The City Council discussed, with possible action, on hiring a third crossing guard. Mary Ann Degn stated that the intersection of 500 North and 200 West is impossible for one crossing guard to handle. Ms. Degn stated that a meeting was held, and she told the Cache County School District that the money is not in the City's budget to hire another crossing guard. Ms. Degn stated that the Cache County School District is willing to pay for the third crossing guard for this year, as long as it is in the City's budget for next year. Perry Maughan asked what the cost of a crossing guard is. Don Hartle stated that Wellsville City pays the crossing guards \$2,900 per year. Mr. Hartle stated that he can't guarantee that a third crossing guard will be in the budget until the budget is adopted. Mr. Maughan suggested a more competent person at the intersection of 500 North and 200 West. Ms. Degn stated that she has switched crossing guards, and it hasn't made a difference. Mr. Maughan asked why the Cache County School District will not continue to pay for the third crossing guard. Ms. Degn stated that because the school district doesn't pay for crossing guards at all. After discussion, Perry Maughan made a motion, seconded by Colin Harrison, to accept Cache County School District's offer of paying for the third crossing guard, and that the school district meet with Wellsville City to discuss splitting the cost of a third crossing guard for the next several years. This motion died for a lack of vote. After further discussion, Perry Maughan made a motion, seconded by Colin Harrison, to accept Cache County School District's offer of paying for the third crossing guard, and that Ms. Degn invite the school district to the City Council meeting in two weeks to discuss helping Wellsville City and participate further with hiring a third crossing guard.

**YEA 4**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Perry Maughan

**NAY 1**

Carl Leatham

After discussion, Perry Maughan made a motion, seconded by Gary Bates, that Mayor Thomas G. Bailey contact Cache County School District concerning a land swap.

**YEA 5**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

**NAY 0**

The City Council reviewed the transition process to new City Manager/City Recorder. Don Hartle stated that he would like some guidance concerning the transition of the new City Manager/City Recorder. Mr. Hartle stated that Scott Wells will be sworn in as the City Manager/City Recorder on October 5, 2016 at the City Council meeting. Mr. Hartle stated that his concerns are signing checks, credit card, cell phone, emergency number to call, laptop with water system, etc. Mr. Hartle asked when the City Council wants all of these items and more transferred to Mr. Wells. Gary Bates stated that Mr. Hartle and Mr. Wells should come up with a plan. Mr. Hartle stated that it is the decision of the City Council when to transfer these items and others. Mr. Hartle stated that he is willing to stay on, and have Wellsville City continue to pay

him, and his vacation/sick and insurance premium. Mr. Hartle stated that he is will to work full time, and then go to hourly as needed. Perry Maughan suggested that everything be transferred to Mr. Wells on October 5, 2016, and that Wellsville City will continue to pay Mr. Hartle until Mr. Wells feels comfortable with the job. Mr. Hartle asked if he should continue attending the Planning Commission and City Council meetings. Mr. Maughan stated that decision is up to Mayor Thomas G. Bailey, Mr. Hartle, and Mr. Wells. Mayor Bailey asked if Mr. Hartle would extend his retirement for one month so that he and Mr. Wells can work together. The City Council will reevaluate at the first City Council meeting in November, which is November 2, 2016. Mr. Hartle stated that he would like to be paid just like every other employee concerning vacation/sick pay and insurance premiums. The City Council agreed. Mayor Bailey stated that Mr. Hartle and Mr. Wells could work out the cell phone and attending Planning Commission and City Council meetings.

#### Department Reports:

Perry Maughan – 1) Update on sand building – within one week, construction will be ready to begin. Asked that Raymond Construction contact and work through Don Hartle.  
2) Discussed conserving water.  
3) Discussed using website for notice of water shutoffs. Will work with Jonathan Cook.

Mary Ann Degen – 1) Would like to reduce the traffic speed around the bend on Center Street and 500 North. Will have to work with UDOT since it is a state road. Perry Maughan stated that he would contact Rick Johnson.  
2) Bench that Rose Branch paid for at the park – Eagle Scout project – Braydan Speth.

#### City Manager/Recorder's Report:

Don Hartle – 1) Discussed renting City office and an amount to charge - \$100 for a resident of Wellsville, \$200 for non-resident of Wellsville, and \$200 refundable cleaning deposit.  
2) Craig Rupp – would like to purchase a strip of property from the Woodward property that Wellsville City purchased. Asked if Wellsville City is interested in meeting and selling a strip of property. The City stated that they are not interested in meeting with or selling a strip of property to Craig Rupp.  
3) Playground at old Wellsville Elementary – written agreement between Wellsville City and Cache County School District – provide the insurance company with a copy of the agreement – no additional cost.  
4) Handed out copy of City Attorney bill for one month.  
5) Cooper Ridge Subdivision – 9 buildable acres – 3 acre-feet of water per developable acre. Dale Cooper would like to transfer water from the Wellsville Mendon Conservation District to Wellsville City. Mr. Hartle stated that both Kirt Lindley and Quinn Murray stated no. According to sources, Mr. Cooper is trying to sell this water because he doesn't want to pay the assessment. The City Council will not accept this water. Wellsville City doesn't want canal water. Mr. Cooper will purchase water shares or pay cash in lieu of water.

Scott Wells – 1) His health insurance from his current job runs out on September 29, 2016. He begins work for Wellsville City on October 3, 2016. He is wondering if his insurance could start on September 30, 2016. Don Hartle will look into it.  
2) Purchased dinner for himself and other City Council members at the League of Cities and Towns. The bill came to \$58.09. Asked if Wellsville City would reimburse him. Don Hartle will cut him a check.

At 9:40 p.m., Mary Ann Degn made a motion, seconded by Colin Harrison, to adjourn the meeting.

YEA 5

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

NAY 0

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Thomas G. Bailey  
Mayor

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Don Hartle  
City Manager/Recorder