

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, October 5, 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, Colin Harrison, and Carl Leatham. 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 30, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Scott Wells	Yolanda Melo
Lyle Riggs	Quinn Murray	Dustin Horlacher
Karl Christensen	Ron Case	Janie Isaacson
Kendall Leishman	Christine Lindley	Bob Lindley
Laurel Maughan	Kaylene Ames	Jonathan Cook
John M. Anderson	Paul Egbert	Bonnie Harrison
Karma Leatham	Fred Woodward	

Opening Ceremony: Mayor Thomas G. Bailey

Councilman Perry Maughan was excused from this meeting.

The Council reviewed the agenda. Carl Leatham 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	
Colin Harrison	
Carl Leatham	

The Council reviewed the minutes of the September 21, 2016 regular City Council meeting. There was a word change on line 208. Mary Ann Degn made a motion, seconded by Colin Harrison, to approve the minutes of the September 21, 2016 regular City Council meeting with the change.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Colin Harrison	
Carl Leatham	

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 Colin Harrison, to approve the City's account payables bills for payment, represented by check number 19987 through 20027, with the exception of check number 20026 until the amount is verified with former Councilwoman Karen Higley.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Colin Harrison	
Carl Leatham	

Fred Woodward would like to publically state that he appreciated working with Wellsville City and Don Hartle on the purchase of his property. Mr. Woodward stated that he appreciated Don Hartle for everything that he did to make the sale of property as smooth as possible.

Fred Woodward stated that he was very disappointed in the Sham Battle this year, and had never seen such

a mess in his life. Mr. Woodward stated that he is willing to help get the Sham Battle back on track and historically correct.

Lyle Riggs asked the City Council to consider possible ordinances. Mr. Riggs stated that when City employees started running for City Council, the comment was that there was no legality that says they couldn't. Mr. Riggs stated that a City employee is a member of the City Council, in his opinion, there should be an ordinance that forbids it. Mr. Riggs stated that he has been in management positions, and a City employee being a member of the City Council has trump power over the City Manager. Mr. Riggs stated that it doesn't make sense. Mr. Riggs stated that he believes the Mayor, the City Council, and the City Manager should have a discussion about this issue. Mayor Thomas G. Bailey stated that this issue was to be put on a future City Council agenda, and it was discussed to wait until after Founder's Day was over. Gary Bates stated that this is a concern for the City Council as well. Mr. Bates stated that Wellsville City needs to treat everyone fair. Mr. Bates stated that the City Council needs to look to future elections. Mayor Bailey thanked Mr. Riggs for his comments.

City Manager Don Hartle swore in City Manager/Recorder Scott Wells.

Mayor Thomas G. Bailey thanked Don Hartle for his 30-plus years of service to Wellsville City.

Mayor Thomas G. Bailey welcomed Scott Wells.

Yolanda Melo met with the City Council for a business license. Ms. Melo stated that she would like operate a cleaning business from her home. Carl Leatham stated that when Ms. Melo discussed this with the Planning Commission, Ms. Melo plans to go door-to-door to promote her business. Mr. Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the business license for Yolanda Melo.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

Brady Larsen was to the meet with the City Council for a business license. Mr. Larsen did not attend this meeting. Carl Leatham stated that Mr. Larsen would like a business license for an appliance repair and installation business. Mr. Leatham stated that the Planning Commission advised Mr. Larsen to not bring appliances to his home to be repaired. Mr. Leatham stated that the Planning Commission suggested that Mr. Larsen travel to the customer's home. Mr. Leatham stated that Mr. Larsen agreed. Mr. Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the business license for Brady Larsen, with the understanding that no appliances will be brought to his home waiting for repair or installation.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

The City Council met with Lyle Riggs to discuss damage done while plowing snow. Mayor Thomas G. Bailey stated that the City Council had the assignment to review the damage, and to decide if the snowplow drove on the inside of the mailbox. Lyle Riggs stated that when he left the last meeting, the direction from Mayor Bailey was to survey the property to find the property lines. Mr. Riggs stated that members of the City Council have discussed this issue with him. Mr. Riggs stated that he is here to answer any questions that the City Council may have for him. Mayor Bailey stated that he and Don Hartle found the property markers and the water meter. Mayor Bailey stated that it was hard to see the marks made by the snowplow

because they have been fixed. Mayor Bailey stated that in his opinion, he doesn't think the snowplow could go around the mailbox without driving on Mr. Riggs' property. Mr. Riggs stated that he doesn't know how the mailbox or the tree wasn't knocked over. Mayor Bailey asked if the cost was \$500 for the roller. Mr. Riggs stated that the cost was \$500 for transport and roller. There was no labor added to the bill. Mr. Riggs stated that he thought \$500 was a fair price. Carl Leatham stated that if the snowplow went behind the mailbox, it had to trespass. Mr. Leatham asked if Mr. Riggs had stated last time that this happened twice. Mr. Riggs stated yes. Mr. Riggs stated that the water meter is located east of the sidewalk, and it was moved from the center of the driveway. Mr. Riggs stated that Wellsville City moved the water meter to help keep it from freezing. Mr. Riggs stated that the water meter is located on his property. Gary Bates asked if the snowplow was from the State. Mr. Riggs stated that it was not a State snowplow. Mr. Riggs stated that he witnessed it twice, and his renter witnessed it once. Colin Harrison stated that there is no doubt that this happened on private property. Mr. Harrison stated that Mr. Riggs stated at the last meeting that he came to the City about this issue, and Mr. Harrison asked what the response from Wellsville City was. Mr. Riggs stated that Don Hartle reviewed the damage both times. Mr. Riggs stated that this spring, he decided to fix the damage himself. Don Hartle stated that there is no doubt that when plowing 900 East, it is easy to come across the intersection, flip a turn, and go back up the street. Mayor Bailey stated that the bill is \$500 for the rental of the equipment. Mayor Bailey asked the City Council what they wanted to do. After discussion, Carl Leatham made a motion, seconded by Gary Bates, that Wellsville City will pay \$500 for the property damage, and that when this type of thing happens, that Wellsville City will review the issue right away instead of 2 or 3 years later.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

The City Council was to meet with Dale Cooper to discuss water required for the Cooper Ridge Subdivision. Don Hartle stated that Dale Cooper called and cancelled. Mayor Thomas G. Bailey stated that because Quinn Murray was in attendance, they decided to hold a discussion. Mayor Bailey stated that he, Don Hartle, Scott Wells, Quinn Murray, and Kirt Lindley met with Craig Winder today. The code requires 3-acre-feet of water for every developable acre. There are nine developable acres, so 27-acre-feet of water is required. Mayor Bailey stated that Dale Cooper owns 58-acre-feet of water out of Hyrum Dam upper canal. Mr. Cooper would like to give Wellsville City 27 shares out of the Hyrum Dam upper canal. Quinn Murray stated that only certain parts of Mr. Cooper's property had water rights before, and the water out of the Hyrum Dam upper canal can only be used on those lots. The water from the Hyrum Dam upper canal is assigned by tax identification number. The water shares have to stay with the property. Mayor Bailey stated that a rough estimate could possibly mean that Wellsville City needs 15-acre-feet of water for the property that is there. Gary Bates asked who pays the fee for the water. Mayor Bailey stated that the homeowners pay the fee for the water. Colin Harrison asked how 15-acre-feet of water will benefit Wellsville City. Mayor Bailey stated that it would be the same as the Wellsville Ranches Subdivision, and brought the City Council and Scott Wells up to speed on what was accomplished with the water in the Wellsville Ranches Subdivision. Don Hartle stated that Mr. Cooper would still own the 15-acre-feet of water. Mr. Hartle stated that the code states that if the developer transfers water in lieu of providing water, the developer must also install a secondary water system in order for the homeowners to use it. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to continue this discussion at a future City Council meeting.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

Dustin Horlacher met with the City Council to make a presentation on possible improvements to Highway 23 between Wellsville and Mendon. Mr. Horlacher introduced Karl Christensen, who together, are working

their senior design project from Utah State University. Mr. Horlacher stated that they are looking to widen Highway 23 between Wellsville and Mendon for a bike path. Karl Christensen stated that they have been working with Paul Egbert, representing UDOT, to make Highway 23 safer for peddle bikes. The current road has 10-foot lanes. They would like to include in their project 12-foot lanes, bike paths, and a huge shoulder. Mr. Christensen asked for thoughts from the City Council. Mayor Thomas G. Bailey stated that he would love to see Highway 23 widened. Mayor Bailey stated that Highway 23 is a death trap for bicyclists. Mayor Bailey stated that the problem that Wellsville City has is that Highway 23 is a state road. The state would have to commit to a project like this. Mayor Bailey stated that Wellsville City would support a project like this. Paul Egbert asked what the challenges from the community would be, as well as the public perspective. Fred Woodward asked if this project would affect private property lines. Mr. Christensen stated that it would definitely affect private property lines. Colin Harrison asked if a traffic study along Highway 23 has been preformed. Mr. Christensen stated that they have completed a car-count study along Highway 23. Carl Leatham stated that the population of Cache Valley is projected to double, and Highway 23 will have to be improved. Kaylene Ames stated that more people would ride bikes if there were bike lanes provided. John Anderson stated that farm equipment is getting bigger, and it is hard to pass farm equipment along Highway 23. Mr. Harrison asked what the response from UDOT has been. Mr. Christensen stated that UDOT has been given concept reports of the project. Mr. Egbert stated that this project is not on UDOT's radar. It is just a concept plan. There is a push statewide to accommodate bicyclists. Mr. Egbert stated that the projected cost of this project from city line to city line is approximately \$4 million dollars. Mr. Anderson asked if crash reports along Highway 23 have been reviewed. Mr. Christensen stated that crashes along Highway 23 are very low. Mr. Egbert stated that from 2010 until present, the majority of crashes along Highway 23 have been with deer. Mayor Bailey stated that Wellsville City has no problem with supporting this project.

The City Council discussed electing a Mayor pro-tem. Mayor Thomas G. Bailey stated that former Councilwoman Karen Higley was the Mayor pro-tem for 2016. This assignment will continue until the end of the current calendar year. After discussion, Colin Harrison nominated Mary Ann Degn, seconded by Carl Leatham.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

The City Council discussed possible exchange of property with Cache County School District. Mayor Thomas G. Bailey stated that he spoke with Superintendent Steve Norton. Mr. Norton would like Wellsville City to write up a proposal. This proposal is for the 3-corner piece located east of the new elementary school for the property under the old elementary school. Mayor Bailey stated that if there is a difference in acreage, Wellsville City will have to pay the difference. Gary Bates stated that Wellsville City has the funding capability because of the money if lieu of open space. Mary Ann Degn stated that she attended the SNAP committee meeting, and that the new elementary school is having a problem finding enough property for parking for school events. Carl Leatham stated that the Cache County School District has a need, and Wellsville City has a want. Mr. Leatham stated that sometimes needs out way wants. Mr. Leatham then explained the proposal from Paul Egbert. Colin Harrison asked how many acres are under the old elementary school. Mayor Bailey stated 2.7 acres. Mr. Harrison asked how many acres is the 3-corner piece. Mayor Bailey stated that the 3-corner piece may be 1/3 of an acre. Mayor Bailey asked that Carl Leatham work with Scott Wells to write up a proposal, present the proposal to the City Council, and then present the proposal to Cache County School District. Mayor Bailey stated that Mr. Leatham and Mr. Wells could use Paul Egbert and City Engineer Chris Breinholt if needed. After discussion, Mary Ann Degn made a motion, seconded by Gary Bates, to allow Carl Leatham to head up this committee to write a proposal for the land swapping to be presented to the Wellsville City Council and Cache County School District.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

Department Reports:

Mary Ann Degn – 1) Believed that the City Council made a huge mistake at the last City Council meeting when discussing the traffic safety guards. Cache County School District committed to paying for the crossing guard this year, with Wellsville City paying for the crossing guard the following years. Ms. Degn stated that she does not know if a third crossing guard will be needed next year. Ms. Dean stated that she feels strongly about this issue, and that Wellsville City should pay for the third crossing guard if needed in the future. Colin Harrison agrees with Ms. Degn. Mayor Thomas G. Bailey thinks it is a great plan. Carl Leatham agrees with Ms. Degn, and believes that the relationship between Wellsville City and Cache County School District is more important. Gary Bates agrees with Ms. Degn. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to approve a third crossing guard to be paid for by Cache County School District this year, and Wellsville City to pay for following years. Mayor Bailey stated that Wellsville City and the City Council are committed to the safety of the elementary children in Wellsville City, and will do everything within their power to make sure they are safe.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

2) Councilman Perry Maughan spoke with Rick Johnson. Installing a flashing light before the curve with cost between \$5,000 and \$7,000. Ms. Degn asked if she had permission to set up orange cones around the curve. Mayor Thomas G. Bailey stated that he has no problem with the cones as long as it is consistent.

Gary Bates – 1) Received a call from a citizen who ran a stop sign and almost collided with another vehicle. The limbs around the stop sign needs to be trimmed. Mary Ann Degn trimmed the limbs. Mr. Bates thanked Ms. Degn for doing that.

2) 100 East between 300 South and 400 South has become the new raceway in Wellsville. Mr. Bates stated that the snowplow drivers are against stop signs and speed bumps, but something needs to be done. Mr. Bates asked that this issue be added to a future agenda to discuss speed control on this street.

3) Ward floats as part of the Founder's Day parade – paying \$75 for them to participate – need to address as some point.

Carl Leatham – 1) Suggested that the Planning Commission have two alternates who attend the Planning Commission meeting, are non-voting members, but also training individuals should something arise that a member of the Planning Commission can't fulfill their duties. This cannot be done with the current code. The code would need to be amended. Mayor Thomas G. Bailey thinks that it is a great idea, and asked that Mr. Leatham discuss this with the Planning Commission.

City Manager/Recorder's Report:

Scott Wells – 1) Stated that last month, he worked 25.5 hours for Wellsville City. He is wondering if he would be paid for these hours, or if it was part of his training. Mayor Thomas G. Bailey stated that the City Council would need to look into this. Gary Bates stated that there was a discussion about Mr. Wells being paid for training time. Mayor Bailey stated that there is no overtime pay with this job. Colin Harrison believes that Mr. Wells should be paid. Mary Ann Degn stated that Mr. Wells needs the training. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to pay Scott Wells for 25.5 hours during the month of September.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

At 7:48 p.m., Mary Ann Degn made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

Thomas G. Bailey
Mayor

Scott E. Wells
City Manager/Recorder