

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, November 16, 2016, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Mary Ann Degn, Councilmen Colin Harrison, and Carl Leatham. City Manager/Recorder Scott Wells 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 November 11, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Byron Anderson Cody Anderson
Lacy Anderson Alesha Kofoed Blain Hamp
Dustin Richards Rod Hammer Clint Kerr
Randy Wall Fred Woodward Riley Sorensen
Art Smith Jonathan Cook

Opening Ceremony: Colin Harrison

Councilman Perry Maughan was excused from this meeting.

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

YEA 3 NAY 0
Mary Ann Degn
Colin Harrison
Carl Leatham

The Council reviewed the minutes of the November 2, 2016 regular City Council meeting. Colin Harrison made a motion, seconded by Mary Ann Degn, to approve the minutes of the November 2, 2016 regular City Council meeting as presented.

YEA 3 NAY 0
Mary Ann Degn
Colin Harrison
Carl Leatham

Councilman Gary Bates arrived at the meeting at 6:05 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, Colin Harrison made a motion, seconded by Carl Leatham, to approve the City's account payables bills for payment, represented by check number 20187 through 20220.

YEA 4 NAY 0
Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

No one was in attendance for citizen input.

At 6:05 p.m., conduct a public hearing to receive public input, then consider for possible approval the concept plan for the Byron Anderson Subdivision consisting of a total of 2 lots (1 additional building lot) on the property at 68 North 200 West. Byron Anderson stated that his son would like to build a home next door to him. Carl Leatham stated that the lot is a non-conforming lot. The Board of Adjustments granted Mr. Anderson a waiver. Mr. Leatham stated that the Planning Commission had some corrections to the plat map. Scott Wells stated that the preliminary plat shows the corrections. There was no public comment.

At 6:09 p.m., the public hearing was closed.

Gary Bates stated that the current lot is 95 feet, and the non-conforming lot is 80 feet. Mr. Bates asked why the difference isn't split. Carl Leatham stated that it is because of the PUE on the north side of the existing home. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the concept plan for the Byron Anderson Subdivision consisting of a total of 2 lots (1 additional building lot) on the property at 68 North 200 West.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

Kris Kofoed was to meet with the City Council to discuss annexation and future growth of 400 East. Kris Kofoed was not in attendance, but his wife, Alesha Kofoed attended the meeting. Ms. Kofoed stated that they would like to build a home on her parents' property. Carl Leatham stated that he suggested that while the property is still in the county, to subdivide the lot, and then annex the lot into Wellsville City. Ms. Kofoed asked if she would need to extend the 66-foot road to the end of her property, and if she gives 66 feet, would the other side give 33 feet. Mr. Leatham stated that after the 66-foot road extends past Jan Hall's property, it would need to open up to a 99-foot right-of-way. Mr. Leatham stated that the feeling of the Planning Commission is that this 99-foot right-of-way would open up all of Kevin Maughan's property, as there are no other property owners in the area. Colin Harrison asked if this road will need to be paved from 200 South. Mr. Leatham stated that the original agreement, the road would not be paved until Jan Hall annexes into Wellsville City to make up the other 33 feet because only half of the road would be paved. Mr. Harrison asked what the holdup is on the Hall property. Mr. Leatham stated that if Mr. Maughan paves the road, it opens up one or two lots for Jan Hall at Mr. Maughan's expense. Scott Wells stated that the agreement states that when a third lot is developed, the road will be paved. Gary Bates stated that this property is coming in piece mill and not the entire 9 acres at once. Mr. Harrison asked that if the property will be annexed one lot at a time, at what point and when will the road be paved. Mr. Leatham stated that he didn't know. Mr. Bates stated that this is not a driveway anymore, but a road. This road doesn't just access homes; it is also for fire control. Mr. Bates stated that the Maughan family has maintained the road, but feels that now is a good time to finish the road. Mayor Thomas G. Bailey stated that his concern is if paving the road is put off again, who is going to pay for paving it. Mr. Bates stated that if Mr. Maughan sells his home, it would be tough to enforce an agreement with new owners. Mr. Bates stated that he is leaning towards having the road paved, or a timeframe as to when it will be paved. Mr. Leatham stated that he agrees with Mr. Bates. Ms. Kofoed asked if she has to install utilities across her lot, or her entire acreage. Mr. Leatham stated that it depends on the tax identification numbers. Mr. Bates is concerned that if Ms. Kofoed works through the county, Wellsville City Council is pre-approving something they haven't seen a plan for yet. Mayor Bailey asked if Ms. Kofoed is building the home in the county, and then annexing into Wellsville City. Mr. Leatham stated no. Ms. Kofoed has to annex into Wellsville City and then build the home, or there would be no utilities. Ms. Kofoed asked if Wellsville City helps pay for paving the road in a subdivision. Mayor Bailey stated no. Ms. Kofoed asked about bonding for paving the road. Mr. Wells stated that Wellsville City asks for 1 ½ times the cost of the project, and holds it until it is completed. Ms. Kofoed thanked the City Council for their time.

Blain Hamp met with the City Council to discuss participation in wildfire prevention/preparedness and mitigation. Mr. Hamp handed out a copy of his presentation. That presentation packet is part of these minutes. Mayor Thomas G. Bailey asked that the City Council review the cooperative agreement, and add this issue to the next City Council agenda.

The City Council discussed with possible action the Crown Castle cell phone lease. Mayor Thomas G. Bailey stated that a copy of the agreement was mailed to the City Council. Mayor Bailey asked if the City council had a chance to review the agreement. Gary Bates stated that these agreements are normally reviewed by the City Attorney, and asked if there is a reason why the City Attorney doesn't want to review this agreement. Mayor Bailey stated that the City Attorney has reviewed this agreement. Scott Wells stated

that there is 10 years left in the current contract and this agreement is adding another 30 years. Mr. Bates asked if this bothers anyone. Colin Harrison stated that the cell phone tower is located on property that otherwise would not make Wellsville City any other money. The offer may be low, but it could be negotiated. Mr. Harrison asked what makes Mr. Bates nervous about this agreement. Mr. Bates stated that he is concerned for locking in for 30 years. Mr. Harrison stated that the current contract is still good for 10 years. Mr. Bates suggested putting the area out for bid in 8 years. After discussion, Gary Bates made a motion, seconded by Mary Ann Degn, to forgo the contract extension with Crown Castle at this time.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

The City Council discussed the bill for the Aspen Fire 2015. Mayor Thomas G. Bailey stated that he and Scott Wells spoke with the City Attorney concerning this bill. Mayor Bailey stated that Mr. Wells will write a letter to the individual that started the fire, and proceed from there. Mayor Bailey stated that because the individual launched the rocket off his deck, his homeowner's insurance should pay the bill. Scott Wells stated that the individual did enter into a plea and abidance agreement. The charges would be dropped if the individual didn't light any more fires for one year. However, there is no time limit on restitution. Colin Harrison asked why this bill hasn't been paid before now. Rod Hammer stated that the State of Utah preformed their annual closeout of expenses about six weeks ago. After discussion, Gary Bates made a motion, seconded by Colin Harrison, that Scott Wells write a letter to the individual, and proceed with the City Attorney, City Judge, and court system to recover the \$23,089.23, the cost of the Aspen Fire 2015.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

The City Council discussed the Wellsville City disposition of surplus real property. Mayor Thomas G. Bailey stated that the City Council received a copy of the letter prepared by Olson & Hogan. Gary Bates apologized, and stated that he didn't read the letter as he should have. Mr. Bates stated that Wellsville City isn't under any type of time restraint to approve this issue. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to continue the discussion concerning this issue at the next City Council meeting.

YEA 4

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

NAY 0

Department Reports:

Carl Leatham – 1) Asked if it was possible to send out the City Council packets one day earlier – will try to. 2) Proposed road plan for Eastfield area – piece of property between Jerald Leishman and Reed Bailey for sale – Wellsville City purchase it to help square up intersection of 900 East. Asked that Scott Wells contact real estate agent for price.

Gary Bates – 1) Veteran's Day program at the elementary school – people were parking 4 blocks away. Discussed bringing Larry Jeppesen on board when negotiating the land swap.

Mayor Thomas G. Bailey – 1) Thanked Mary Ann Degn for filling in as Mayor Pro-tem at the last City Council meeting.

Mary Ann Degn – 1) Asked if cars parked along the side of the road at the elementary school will be ticketed because they are parked there during the winter – parking on the road is not allowed during the overnight hours.

2) CVTD – why was it not on the ballot – not ready.

3) Website – recommend purchasing a template online for \$60 – one-time fee. After discussion, Gary Bates made a motion, seconded by Mary Ann Degn, to spend \$60 to purchase an online template for the website.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

Colin Harrison – 1) Submitted paperwork for 29 years of Tree City USA.

City Manager/Recorder’s Report:

Scott Wells – 1) Sterling Ridge Subdivision – sidewalk along 150 West goes into the right-of-way. The homeowner has installed a culvert and gravel, but would like to know the possibility of installing a sidewalk out to the Mt. Sterling road. Asked that Mary Ann Degn review it and contact the homeowner.

2) Anonymous donor has donated blinds for the front windows – asked that blinds be installed in the Council Chambers and the back room so that they match. Gary Bates made a motion, seconded by Colin Harrison to spend \$250 for blinds.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

3) Handed out a copy of a contract for renting out the building – very generic.

4) Mount Pisgah agreement is ready for the review – asked that it be added to the next City Council agenda.

At 8:09 p.m., Mary Ann Degn made a motion, seconded by Colin Harrison, to adjourn the meeting.

YEA 4

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

Thomas G. Bailey
Mayor

Scott E. Wells
City Manager/Recorder