

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, December 7, 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, Carl Leatham, and Perry Maughan. 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 December 2, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Miles Jensen Craig Winder  
Kirt Lindley Clint Kerr Paul Egbert  
Julie Ball John Powell Becky Hemsley  
Doug Price Jonathan Cook Ron Case  
Art Smith

Opening Ceremony: Mary Ann Degn

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

YEA 5 NAY 0  
Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

The Council reviewed the minutes of the November 16, 2016 regular City Council meeting. Colin Harrison made a motion, seconded by Carl Leatham, to approve the minutes of the November 16, 2016 regular City Council meeting as presented.

YEA 4 NAY 0 ABSTAIN 1  
Gary Bates Perry Maughan  
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, Perry Maughan made a motion, seconded by Gary Bates, to approve the City's account payables bills for payment, represented by check number 20264 through 20299.

YEA 5 NAY 0  
Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

No one was in attendance for citizen input.

Miles Jensen met with the City Council to discuss a resolution in formalizing the existing \$3.00 a month fee/tax for Fire Department capital needs. Miles Jensen stated that he has been working with Wellsville City's accountant concerning the \$3.00 a month fee/tax for Fire Department capital needs. Mr. Jensen stated that he has prepared a resolution that documents the charges. Colin Harrison asked if prior to this action, if the \$3.00 a month fee/tax was tied in forever. Mr. Jensen stated that the \$3.00 a month fee/tax could sunset at any time. Mr. Jensen stated that if Wellsville City decides to continue the \$3.00 a month

fee/tax, Wellsville City would need to further document it. Mr. Harrison asked if a public hearing would be held in two weeks. Mr. Jensen stated that the public hearing was held back in 2011, but a formal resolution was not signed. Mary Ann Degn asked if the \$3.00 a month fee/tax is for the fire truck. Gary Bates stated that the original purpose of the \$3.00 a month fee/tax was for the fire truck. It was suggested to continue the \$3.00 a month fee/tax for future equipment for the fire department. After discussion, Gary Bates made a motion, seconded by Mary Ann Degn, to continue this discussion at a future City Council meeting.

**YEA 5**

**NAY 0**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

Judge Terry Moore was to meet with the City Council to discuss the option of adjusting the Wellsville City Court hours. Judge Moore didn't attend this meeting. Scott Wells stated that he suggested gathering data before discussing adjusting the court hours. Mr. Wells stated that he plans to add this item to a future agenda. Mr. Wells stated that Judge Moore wants to shorten the court hours. Mayor Thomas G. Bailey asked if the court hours are shortened, is the pay shortened also. Mr. Wells stated that the state dictates what each city pays the judge of the court. Gary Bates suggested that when Judge Moore is present, to discuss the costs of the court. Perry Maughan stated that the revenues of the court depend on the tickets and the court cases. Carl Leatham stated that personally, he is against reducing the court hours. Mayor Bailey stated that a discussion of court hours and court costs would be held at a future date. Mr. Bates stated that Wellsville City has to share the fines with the County and the State. The annual fee for police coverage, \$50,515, is associated with court costs. Mayor Bailey stated that Mr. Leatham is emailed a monthly reports concerning Wellsville City from Cache County Sheriff's Office. Mr. Maughan stated that Wellsville City should discuss with Cache County Sheriff's Office the money that Wellsville City is paying for Cache County Sheriff's Office coverage. Mr. Maughan asked if there is a reason why Judge Moore didn't attend this meeting. Mr. Wells stated yes, that he suggested gathering data before discussing adjusting the court hours.

Craig Winder met with the City Council to discuss options of water use at Cooper Ridge Subdivision. Craig Winder stated that he is presenting Cooper Ridge Subdivision. Dale Cooper owns 54 acre feet of water located in the Wellsville-Mendon Canal. Mr. Winder stated that they would like to coordinate with Wellsville City and the Wellsville-Mendon Canal Company to dedicate the shares in the canal to Wellsville City. Mr. Winder stated that an alternative would be to allow Mr. Cooper to sell the shares in the canal company to another shareholder, and then pay Wellsville City what is owed to them. Mr. Winder stated that he was told that Mr. Cooper may not transfer the water shares to anyone, which leaves Mr. Cooper water rights that he is unable to use. Mr. Winder stated that he has had conversations with the Wellsville-Mendon Canal Company and the Bureau of Reclamation. Mr. Winder stated that there is more flexibility than what was assumed. Mr. Winder stated that he has copies of emails from the Bureau of Reclamation that lists different options for Mr. Cooper. Mr. Winder stated that both Don Hartle and Scott Wells recommended that Mr. Winder attend the City Council meeting to meet with the City Council and come up with some solution. Mr. Winder stated that bottom line is that Utah is a 'use it or lose it' state. Mr. Winder stated that he would like to engage in a solution and continue to obtain building permits. Mayor Thomas G. Bailey stated that Wellsville City needs to have some kind of guarantee. Mayor Bailey suggested giving Mr. Winder one year to clean up this mess, sell five or six lots, and have the money held in escrow. Carl Leatham stated that another option is to bond for the water. Mr. Leatham stated that it is not Wellsville City's responsibility to administer this problem. Perry Maughan asked if anyone has had a conversation with the City Attorney concerning this issue. Scott Wells stated that a conversation with the City Attorney has been held, but not in depth. Mayor Bailey stated that if Wellsville City accepts the water from the Wellsville-Mendon Canal Company, the assessment to Wellsville City on that water is approximately \$32,000. Mayor Bailey stated that he is not sure Wellsville City is interested in taking on more canal water. Mayor Bailey suggested installing a secondary water system in the subdivision and dividing the water between the homeowners. Mayor Bailey stated that this can be done, but the decision is up to the canal company as to if there can be a change to the project land. Gary Bates asked who would maintain the

pumping station. Mayor Bailey stated that the homeowners would have to maintain the pumping station. Mr. Bates asked if there is a HOA. Mr. Winder stated no. Mr. Winder stated that they would like to find other users on the system to sell the canal water to. Mr. Bates stated that the downside is selling the shares to another user, Mr. Cooper pays Wellsville City cash for the water, and the subdivision pays for the attorney costs. Mayor Bailey stated that personally, the best solution is to allow Mr. Cooper to sell the shares of canal water and pay Wellsville City. Mayor Bailey stated he doesn't understand why attorneys have to be involved. Mr. Winder stated that he is asking for an engagement from Wellsville City and the Wellsville-Mendon Canal Company. Mayor Bailey stated that Wellsville City has nothing to do with it, and that the decision is up to the Wellsville-Mendon Canal Company. Mr. Bates reviewed the options that Mr. Cooper has. Mr. Cooper can bond for the water, or write a contract that a percentage of each lot sold be deposited into an account until the water is paid for. Mr. Maughan stated that Mr. Cooper needs to pay Wellsville City the \$81,000 that is owed to them, and let this be Mr. Cooper's problem. Mr. Maughan stated that is the easiest solution. Mr. Maughan wondered why this discussion is taking place. Mr. Maughan stated that Mr. Cooper knew about the water when the subdivision began. Wellsville City is not interested in the canal water, so Mr. Cooper needs to pay the bill and move on. Mayor Bailey stated that the Wellsville City code states that the City Council has the option to accept the water that is offered or require cash. After discussion, Perry Maughan made a motion, seconded by Mary Ann Degn, that Wellsville City is not interested in the water from the Wellsville-Mendon Canal Company, that Wellsville City rejects the water that has been offered, and that Mr. Cooper owes Wellsville City \$81,000 in lieu of water.

**YEA 5**

**NAY 0**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

The City Council discussed participation in the Wildfire Prevention/Preparedness and Mitigation program. Gary Bates asked if this is something Wellsville City wants to participate in. Mr. Bates stated that the fire department supports it. This program has been presented to several cities, and only one city has signed up. Mr. Bates wonders if the agreement needs further adjustments. Mr. Bates wondered if Wellsville City should be the first in line to sign the agreement, or stand back and see how it evolves. Clint Kerr stated that the agreement needs to be signed before April. Colin Harrison stated that this agreement is like an insurance plan. Mary Ann Degn asked if there are many requirements to update. Mr. Kerr stated that 25% of it should be taken care of with refresher training. Scott Wells stated that Eagle Scout projects and service need to be documented throughout Wellsville City. Mr. Harrison asked if anyone thinks any changes will be made. Mr. Kerr stated no. Perry Maughan asked Mr. Kerr what his recommendation is. Mr. Kerr suggested that Wellsville City sign the agreement by April 2017. Mr. Bates suggested reviewing the program in March. Mr. Bates asked that Mr. Wells contact Blain Hemp to return in February for an update to the program. 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  
Colin Harrison  
Carl Leatham  
Perry Maughan

The City Council discussed Wellsville City's disposition of surplus real property. Mayor Thomas G. Bailey stated that a copy of the letter from the City Attorney was included in the packet. Gary Bates stated that Wellsville City needs to set what significant real property is. Carl Leatham suggested using the frontage size. Mr. Bates stated that if the property is significant, a public hearing would need to be held. Mr. Leatham stated that Wellsville City needs to deem what is significant. Mr. Bates stated that it should be handled upfront, and inform all neighbors. Scott Wells stated that code 7-7-1-D stated that Wellsville City has no insignificant property, and that Wellsville City considers all property significant. After discussion,

Gary Bates made a motion, seconded by Carl Leatham, to approve in principal, the proposed amendment concerning the disposition of surplus real property, and that all working relating to insignificant property be removed.

**YEA 5**

**NAY 0**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

The City Council discussed Mt. Pisgah water right use. Mayor Thomas G. Bailey stated that a copy of the purchase agreement was included in the packet for the City Council to review. Perry Maughan asked if there is a limit on the number of gallons of water that can be pumped. Colin Harrison stated that item #5 limits the amount of water. Mr. Maughan suggested that Pisgah Grazing LLC pay for a meter, and that Wellsville City monitors said meter. Mayor Bailey asked where the water would shut off at. Mr. Maughan stated at the meter. Mayor Bailey asked if said meter would be installed at the well. Mr. Maughan stated yes. Mr. Maughan stated that Wellsville City needs information concerning what size of line, and that it needs to be installed to Wellsville City's standards and specifications. After discussion, Perry Maughan made a motion, seconded by Gary Bates, that Pisgah Grazing LLC will pay for the cost of a meter, Wellsville City needs information concerning the size of pipe being installed, and authorize Mayor Thomas G. Bailey and Scott Wells to sign the agreement.

**YEA 5**

**NAY 0**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham  
Perry Maughan

The City Council discussed the completion of open space real estate. Mayor Thomas G. Bailey stated that this is concerning the Tom Maughan property as you come into Wellsville City. There are 1.2 acres that were attached to the home. Once the home was paid down enough, the property was to be divided and Wellsville City would purchase the 1.2 acres. Mayor Bailey asked that the City Council give permission to complete the purchase. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to complete purchase of open space real estate.

**YEA 4**

**NAY 0**

**ABSTAIN 1**

Gary Bates  
Mary Ann Degn  
Colin Harrison  
Carl Leatham

Perry Maughan

Paul Egbert met with the City Council to discuss options for 500 North/Highway 23 interchange. Paul Egbert handed out a quick fact sheet. It states the following: current triangle area ~ 0.65 acres, exchange ~ 0.53 acres to School District, current 2 parcels of old Elementary site ~ 3.12 acres, Estimated Wellsville Road Improvement \$60,000 (\$10k for asphalt), Estimated future SR-23 widening \$300,000 (CMPO/COG funding?), An additional 60 parking stalls for the elementary school (doubling current stalls). Perry Maughan stated that things to consider are snow removal and fire hydrants in the area. John Powell stated that there is an area for him in which to back out of his driveway, but he has no equipment for snow removal. Mr. Powell asked who would maintain the asphalt, and who has ownership of the roadway if it falls apart. Mr. Powell is also concerned about garbage pickup. Mr. Powell stated that Wellsville City should discuss this issue with the family who donated the triangle piece of property. Gary Bates stated that Wellsville City will maintain 500 North, turn the triangle piece of property over to the Cache County School District and let them decide what to do with it. Mayor Thomas G. Bailey stated that his concern is trading a piece of property, and then turn the entire green space into parking. Carl Leatham stated that the advantage is development of the north end of Wellsville City. Mr. Leatham stated that this would give

Wellsville City the ability to improve the road before the transfer is made. Mr. Bates stated that there are 3 homeowners along 500 North that will not be happy. Mr. Leatham stated that Wellsville City will need to make the changes, or there is nothing to offer the school. Perry Maughan stated that the area will always be a bottleneck. Colin Harrison asked why Wellsville City is trying to solve a problem that the Cache County School District created. Mr. Leatham stated that every student that goes to Wellsville Elementary is a Wellsville City resident. Mayor Bailey stated that Wellsville City and Cache County School District is looking to trade property. Mr. Maughan suggested talking to the Cache County School District. Mr. Leatham stated that Wellsville City needs to create a proposal for what is wanted before approaching the Cache County School District. Mr. Bates stated that it may not be the right time or feasible at this time to trade property with Cache County School District. Mayor Bailey stated that Wellsville City may have no property to trade to Cache County School District, and until there is property, there is no reason to approach the Cache County School District. Mayor Bailey thanked Mr. Egbert to his presentation.

#### Department Reports:

Colin Harrison – 1) Discuss Crown Castle Cell Tower again – waiting to see what happens because another cell company is asking about the tower.

Mary Ann Degn – 1) Sidewalk – 150 W 1600 S – homeowner added gravel, but interested in cement – 24 to 25 feet – will put out for bid in the spring. Discussed paving the sidewalk so that it runs into the road and better for plowing snow. Discussed pouring cement for the sidewalk and paving the last 4 to 5 feet. Review in the spring and possibly widen the sidewalk.

2) Sidewalk – 100 East to 200 East on Main Street – north side – bad shape – not sure UDOT will help with the cost.

3) Piece mill other sidewalks in Wellsville City.

Perry Maughan – 1) Sand shed – getting closer.

2) Problems with electrical system on the City Square – fixed.

3) Thanked Colin Harrison for submitting paperwork for Tree City USA – looking for another member for the Shade Tree and Beautification Committee.

4) Art Smith – a portion of the trail is becoming a weed patch – use excess gravel so that the weeds can be mowed.

5) Cemetery – Veterans have a brass plaque on headstone – don't know the cost – Gary Bates will check into it.

6) Pay by credit card – cost 3%, which is 3% of income that Wellsville City doesn't receive – willing to look into it, but not willing to install now.

7) Asphalt behind new City Office building for parking – look into it next year.

Mayor Thomas G. Bailey – 1) Thanked Gary Bates and committee for the Christmas decorations on the City Square.

Carl Leatham – 1) Asked Scott Wells to look into the building lot along Highway 101 – listed at \$44,900 – right now, Wellsville City doesn't have the money to purchase this property. Wellsville City has their eye on other properties.

2) New scoreboard at Darley Field – wiring is hanging.

3) 600 South – new culvert – shoulder improvements – not until spring.

4) Cemetery – items on graves being stolen – security cameras or trail cameras.

5) City employees having a City credit card – discussed in the past – not yet.

City Manager/Recorder's Report:

Scott Wells – 1) Individual was told that the City Council would discuss the \$500 fine at City Council meeting. This incident took place at 62 West 100 South. The setter meter was missing. The homeowner is months behind on their utility bill. One side of the meter was cut off, and then tried to reconnect it. The Public Works department replaced the meter and locked it. The ordinance states that if any person tampers with the water meter, there is a fine of \$500. Becky Hemsley stated that James Price, the homeowner was working on a water pipe and his yard. Ms. Hemsley stated that Mr. Price tried to contact Wellsville City, but received no response. Perry Maughan stated that he has the old meter, the part that was used to try to fix the meter, and the tool used. Ms. Hemsley feels that both sides were at fault. There could have been better communication on both sides. Mr. Maughan feels that the bill should be paid in full before the water is turned on. It was agreed to write off half of the overage, and leave the \$500 fine as is.

2) Hiring a crossing guard – paying her – Cache County School District to reimburse Wellsville City for the first year of a third crossing guard.

3) Handed out a copy of the final acceptance letter of the Wellsville Landing Subdivision

4) Storm Water Drainage with correction – code 8-5-20-B-1 – add to a future agenda.

5) Green waste bins – asked for 2 next year – have 1 that is a size bigger than the current green waste bin – arranged to have it for next year – will need to build up the berm – further discussion concerning the location – add to a future agenda.

6) Will begin to use both sides of the paper for packets.

At 8:57 p.m., Mary Ann Degn made a motion, seconded by Carl Leatham, 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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Scott E. Wells  
City Manager/Recorder