

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 17, 2013, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Gary Bates, Ron Case, 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 April 12, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Matt Pearce Marci Larsen
Tim Parkinson Kody Maughan Kevin Maughan
Brenda Maughan Gary Hansen Jonathan Cook
Lauren Adamson

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the agenda. Colin Harrison made a motion, seconded by Glenna Petersen, to approve the agenda as presented.

YEA 5 NAY 0
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The Council reviewed the minutes of the April 3, 2013 regular City Council meeting. There were word changes on lines 212 and 213. After discussion, Ron Case made a motion, seconded by Gary Bates, to approve the minutes of the April 3, 2013 regular City Council meeting with the changes.

YEA 3 NAY 0 ABSTAIN 2
Gary Bates Colin Harrison
Ron Case Carl Leatham
Glenna Petersen

Kevin Maughan stated that he asked 2 weeks ago about Wellsville City purchasing canal water. He was told to find out what it is worth. Mr. Maughan stated that his share is worth \$4,000 and is wondering if Wellsville City is interested in purchasing it from him. Don Hartle stated that his recommendation is to suspend all purchases of water until they see how things end up. Mayor Thomas G. Bailey stated that the Canal Company is having some financial difficulties, and are charging all share owners a 1-time assessment of \$20 per acre foot of water. This 1-time assessment will cost Wellsville City and Wellsville City Irrigation Company approximately \$34,000. This is on top of the \$29 assessment that will come due this fall. Mayor Bailey stated that Wellsville City is interested, but is unable to purchase it at this time.

Kevin Maughan stated that there are some deeded streets in Wellsville City that are not paved. Mr. Maughan stated that there is a pasture at 300 South 300 East that Wellsville City rents to individuals. Mr. Maughan would like to inquire about renting this property. Don Hartle stated that Leesa Cooper has the papers concerning this issue, and he would have to check with her. Mr. Maughan asked how to go about getting on the list to rent pasture ground. Mr. Hartle stated that he will check with Leesa Cooper. Mr. Maughan asked how much the rent was. Mr. Hartle stated he didn't know. Mr. Maughan asked who was responsible for the ditch that runs through this property. Mayor Thomas G. Bailey stated that he didn't know if it was Wellsville City or Wellsville City Irrigation Company.

Kody Maughan asked about getting a copy of the recording of the April 3, 2013 meeting. Don Hartle stated that it didn't record. After the minutes are approved, Kody Maughan can have a copy of the minutes. These are the minutes that were just approved in this meeting. Mr. Hartle stated that the State law says that the written minutes are the official minutes.

Marci Larsen met with the City Council concerning a business license. Ms. Larsen sews for people in her neighborhood, and she is looking for more sewing jobs. She feels that if she is going to pursue this course, she needs a business license. Ms. Larsen stated that she sews in her basement, 2 to 3 hours per week. She does do some alterations, and people may come to her home for those. For the most part, she delivers the projects. Carl Leatham stated that the Planning Commission approved the conditional use with no restrictions. After discussion, Carl Leatham made a motion, seconded by Ron Case, to approve the business license for Marci Larsen.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council reviewed for possible acceptance a resolution accepting an Annexation Petition for further consideration from Timothy C Parkinson, agent and contact sponsor for Millicent Parkinson, Trustee that 2.45 acres identified by Cache County Tax I.D. #11-084-0005 be annexed into Wellsville City. Said property is located at 620 North 200 East in Wellsville. Mr. Parkinson stated that this is a follow-up from the meeting that was held in November when they connected to city water on an emergency basis. Mr. Parkinson stated that the paperwork is correct, and he hopes that the City Council approves the application and petition. Don Hartle stated that tonight the City Council will be adopting a resolution to accept the petition. There will be a meeting with City Attorney Bruce Jorgensen and several City Council meetings after that. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to approve **RESOLUTION 2013-03 A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTIONS 10-2-401 THROUGH 10-2-428, UTAH CODE ANNOTATED, 1953, AS AMENDED.**

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council reviewed for approval the Preliminary Plat for the Kody Maughan Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South. Mayor Thomas G. Bailey asked if Kody Maughan had seen a copy of City Engineer Chris Breinholt's comment dated April 12, 2013 concerning the Preliminary Plat. Kody Maughan stated that he had a concern with #2 about the readdress. Carl Leatham asked which direction the house would face. Kody Maughan stated he was undecided. Mr. Leatham stated that if 400 East is used as the frontage, the address is correct. If 200 South is used as the frontage, it would be a different address. Gary Bates stated that he believes #2 is referring to his father's home. Mayor Bailey asked about the discussion concerning lot 2B. Don Hartle stated that it hasn't been discussed yet because City Attorney Bruce Jorgensen is out of town. Kody Maughan stated that they will more than likely pursue a lot line adjustment. Mayor Bailey asked if the home would be facing the east. Kody Maughan stated that it is undecided. Kody Maughan stated that he would like to face the house to the east, but if it means that he has to pave the road, he will gladly face the house to the north. Mr. Leatham stated that he had a question concerning paving the road. Mr. Leatham stated that 2 weeks ago, the City Council voted that Kody Maughan be required to pave the road. Mr. Leatham asked what the change of mind was. It was discussed that paving the road would not be required until the property behind Kevin Maughan was developed. Ron Case stated that the City Council talked about this issue in great detail. It was discussed that if the property was ever sold, it would not be right that the new owner would have to pave the road. Mr. Leatham stated that the same person owns both parcels of property. Mr. Leatham stated that he discussed this issue with City Planner Jay Nielson on Saturday. An agreement could be made that the road would be paved if the property was ever sold or developed. Mr. Leatham stated that Kevin Maughan has given a right-of-way to Wellsville City, improvements have been made, and water and sewer

have already been installed. This is a 1-lot subdivision. Mr. Case stated that is the way the City Council felt and the decision went the other direction. Kody Maughan stated that Mayor Bailey stated that paving the road would not be required until the property behind Kevin Maughan was developed. Kevin Maughan stated that he has already spent a lot of money on this subdivision. Kevin Maughan stated that an agreement could be made with the City that if the property is sold, the road would be paved. Kody Maughan stated that he didn't come prepared 2 weeks ago, and would like the City Council to reconsider. Mayor Bailey read from the minutes of the January 16, 2013 City Council meeting. Gary Bates stated that it is a way to hold paving of the road hostage pending on the sale of other property. Glenna Petersen stated that it was discussed in the last City Council meeting, and that is why the decision swayed. Ms. Petersen read from the minutes of the April 3, 2013 City Council meeting. Mr. Bates suggested putting the money in escrow so that the road is paved. Mr. Bates stated that his only concern is if the property is sold and the new owner is surprised by having to pave the road. Mr. Bates stated that he doesn't want to set a precedence. Mr. Leatham stated that the same situation is all over town. He doesn't know when it happened, but it has happened. Ms. Petersen stated that all of the issues were discussed 2 weeks ago. Citizens can turn to the City Council and say that they let Kody Maughan build without paving the road, and ask why the City Council will not let them build a home without paving the road. Mr. Leatham stated that 450 East is a through street, but 400 East is 300 feet to nowhere. Mr. Case stated that it was also discussed who will maintain the road. Mr. Leatham stated that Wellsville City has created a dead end, or a stub street. Kevin Maughan and Kody Maughan will own both parcels of property. Mr. Leatham suggested waiving paving the road until the property behind Kevin Maughan is developed. Mr. Bates asked about the agreement between Wellsville City and Kevin Maughan. Mr. Case stated that the agreement could be attached to the deed of the property behind Kevin Maughan's home. Brenda Maughan believed that it would be reasonable. Mr. Case asked if anyone objected. Mr. Leatham stated that when he discussed this issue with City Planner Jay Nielson, Mr. Nielson stated that it is not that unusual and it is done all the time. Mr. Bates asked where the snow would go, and who would be responsible for snow removal. Mayor Bailey stated that Kevin Maughan has volunteered to plow the road instead of Wellsville City. Kevin Maughan stated that right now, the road is a private driveway to his home. When this issue was discussed during the first meeting, it was agreed that the road would be paved when the property in the back was developed. Kevin Maughan stated that the road would need to continue for another ½ block and then tie into 300 South. Mr. Bates stated that the road borders Jan Hall's property, and that there could be some sharing of the cost. Mayor Bailey stated that if Hall's decide to build a home, they would have to give land to widen the road. Don Hartle stated that the current code requires 99 feet, not 66 feet. Mr. Leatham stated that Mayor Bailey is correct. Mr. Bates asked if the water line would be moved. Kody Maughan asked if the center of the road would be moved. Mr. Leatham stated no. Kody Maughan stated that he has talked to other cities about deeding the road. He was told that they could keep 1 foot of the road and have other property owners buy into the road. Mr. Bates stated that it gets messy because Wellsville City is forcing the Hall's to give up 33 feet and Kevin Maughan to give up 66 feet. Mr. Bates asked what Kevin Maughan's incentive is. Ms. Petersen stated that both lots are in Kevin Maughan's name. Kevin Maughan stated that he is deeding the lot to his son, Kody Maughan. Mr. Case stated that there is not a good solution. Colin Harrison asked how to go about resolving the issue. Kevin Maughan stated that the subdivision was approved with an unpaved ½ acre of road, 8-inch water line, and 8-inch sewer line. Now, Wellsville City is asking for the road to be paved. Kevin Maughan asked why 300 East in the LaRee Brown subdivision had not been required to be paved. Ms. Petersen stated that she doesn't think it is the same situation. Mr. Bates suggested continuing this discussion for 2 weeks to check with the title company. Mayor Bailey stated that Wellsville City needs City Planner Jay Nielson's input concerning this issue. Mr. Bates stated that should the Hall's subdivide, the Maughan's would have to pay ½ of the asphalt. Mr. Case stated that Wellsville City needs a direct answer. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to table this discussion until Wellsville City can work with City Planner Jay Nielson and a title company concerning the option of tying the property in the County to development of the road. Should the Hall's decide to develop their property; the Maughan's agree to pay for ½ of the asphalt.

YEA 5

NAY 0

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Glenna Petersen

The City Council discussed the cemetery. Gary Bates stated that every spring, Wellsville City receives complaints about the cemetery. Mr. Bates asked if there were any ideas how to improve things and to impose additional requirements. Mayor Thomas G. Bailey stated that if a headstone is a certain size or bigger, Wellsville City calls the monument company to move the headstone. Don Hartle stated that this hasn't been implemented yet, it has only been discussed. Mayor Bailey asked the City Council if it is something they would like to do. Mr. Bates stated that he thought it was a good recommendation. Mr. Bates stated that anything that is fragile or subject to damage should be moved by the monument company. Mr. Hartle stated that during the winter months, there is a risk of damage to anything that is moved. Colin Harrison asked who would be charged for this service. Mr. Hartle stated that the opening and closing fee would increase. Mr. Bates suggested creating some type of checklist. Mr. Harrison stated that there has been damage to headstone caused by the monument company due to not using the mats that Wellsville City provides. Mr. Hartle stated that during the winter, the mats do no good on the hillside of the cemetery. Mayor Bailey stated that a letter has been written to the monument company concerning the headstone that they damaged, but nothing has happened. Mr. Bates suggested a retired individual to work a couple of hours a week and when a funeral takes place. Glenna Petersen asked if Mr. Bates was suggesting a sexton. Mr. Bates stated yes. Ms. Petersen asked if this person would be hourly or salary. Mr. Bates stated that it could be discussed. Mr. Harrison asked if the fees for the cemetery are due for an increase. Mr. Hartle stated that compared to other cities in the valley, Wellsville City is in the middle. Mr. Bates suggested sending out a letter stating that the cemetery is not assessable unless the sexton is contacted. If the cemetery is accessed without the sexton, there is a \$100 fine and it is enforced. Mr. Bates stated that he will research the issue more and come back with a proposal in 2 to 4 weeks.

Don Hartle presented to the City Council the 2013/2014 tentative budget. Mr. Hartle stated that in his opinion, Wellsville City is in good financial shape. Mr. Hartle stated that he doesn't have any major concerns. Because of changes in allocations, Mr. Hartle stated that salaries are different. Mr. Hartle stated that the computer software allocates retirement and insurance base on the salaries of the departments. The only changes made to salaries were those that the City Council authorized to change. Mr. Hartle stated that this year's budget is very similar to last year's budget. Mr. Hartle reviewed the capital projects for each department. Mr. Hartle stated that he has given the City Council a balanced budget, which he is required by law to do. Mr. Hartle stated that in the past, the State of Utah has only allowed 18% of revenues in reserve. Mr. Hartle stated that the State Legislature has increased the percentage from 18 to 25. Mr. Hartle stated that as a formality, at some point, the tentative budget needs to be approved. After discussion, Ron Case made a motion, seconded by Colin Harrison to approve the tentative budget as presented.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Department Reports:

Colin Harrison – 1) Arbor Day – April 27, 2013 – 10:00 a.m. – south side of the tabernacle. They will be planting a tree in honor of Lowell Richman. Ron Case believes that Lowell Richman has been honored before. Mr. Case suggested checking with Wilma Hall concerning this issue.

2) Will be done with trimming the trees in the cemetery in the next couple of weeks.

Glenna Petersen – 1) Met with the sidewalk committee. Asked how to improve the sidewalks without any money. Discussed an increase in the water bill. Discussed hiring 3 individuals to build sidewalks during the summer months instead of using a contractor. Discussed using the sweeper that is owned by Wellsville City. Discussed developing the sidewalk master plan. Gary Bates suggested hiring Cindy Gooch from JUB to write a grant for sidewalks. Mayor Bailey stated that Ms. Petersen should spend the money on sidewalks every year to add where they can. It is a slow process.

Ron Case – 1) Status of Watkin’s reprinting the Windows of Wellsville – have one in the office as a reference. When asked, the front office staff refers the citizens to Watkin’s. Suggested adding it to the newsletter.

Gary Bates – 1) Reviewed the job description for the intern that will be reviewing the benefits and compensation for Wellsville City employee. Sent to Pam Gunnell for review. Handed out copies to the City Council. It was reviewed by the City Council. After discussion, Colin Harrison made a motion, seconded by Glenna Petersen, to approve the job description and compensation up to \$3,000.

YEA 5
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

- 2) Asked Corbin Evans if the Youth Council will sing for the Memorial Day program on May 27.
- 3) UV System – spending an additional \$75,000 for power. Suggested having a standard checklist for capital improvements.
- 4) Tabernacle – still working on collecting money. Did put in a request for RAPZ funds.

Carl Leatham – 1) Discussed 10-foot public utility easement around property. Deciding if it is necessary. Feels it is excessive. Discussed having 10 feet across the backyard and 1 side yard. Make it consistent.
2) Economic Development Committee – last fall discussed pursuing a third zone as a buffer zone. Would like to move forward. Asking what the next step should be. The City Council stated to discuss the issue with City Planner Jay Nielson and mention it to the Planning Commission. Mr. Leatham asked that he be put on the agenda for the Planning Commission next week.
3) Asked if Johnson’s will be using the road for the gravel pit. Mayor Bailey stated that the County will not allow it because of the zoning.

At 8:30 p.m., Glenna Petersen made a motion, seconded by Colin Harrison, to adjourn the meeting.

YEA 5
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Mayor Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder