

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 1, 2013, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen 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 26, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Ray Bankhead Chandler Drieseen
Mike O'Reilly Ron Jensen Avis Richards
Cody Anhder Dustin Westmoreland Kevin Maughan
Kody Maughan Matt McBride Jonathan Cook

Opening Ceremony: Carl Leatham

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

YEA 4 NAY 0
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

The Council reviewed the minutes of the April 17, 2013 regular City Council meeting. There were word changes on lines 41, 115, 116, 119, 124, 141, 142, 149, and 154. After discussion, Ron Case made a motion, seconded by Carl Leatham, to approve the minutes of the April 17, 2013 regular City Council meeting with the changes.

YEA 4 NAY 0
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Colin Harrison made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 15504 through 15598.

YEA 4 NAY 0
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

Councilman Gary Bates arrived at the meeting at 6:15 p.m.

Ray Bankhead stated that Memorial Day will be on May 27. He asked if it would be possible to put out the flags on May 24 and 25. Mr. Bankhead asked for some help as there are 252 graves that need flags. Mr. Bankhead stated that he will begin on Friday morning at about 9:30 and would need 6 to 10 people to help. Mayor Thomas G. Bailey stated that there will be people at the cemetery ready to help Mr. Bankhead.

Chandler Drieseen met with the City Council for a business license. Mr. Drieseen stated that his father is a barber and would like to open up the barber shop where Larry Pitcher used to have his barber shop at 15 North 100 East. Mr. Drieseen stated that his father does men's and boy's haircuts. There is 1 chair and 1 barber. The hours are Tuesday through Friday from 9:30 a.m. until 5:30 p.m., and Saturday from 9:30 a.m. to 3:30 p.m. Mr. Drieseen stated that his father would like to open the business on May 7. Mayor Thomas

G. Bailey asked if there were any conditions from the Planning Commission. Carl Leatham stated that Mr. Drieseen didn't come to the Planning Commission for a conditional use permit. Mayor Bailey stated that the conditional use permit goes with the building, which the building has already been approved for this type of business. Glenna Petersen asked if Mr. Drieseen's father has cut hair before. Mr. Drieseen stated yes. Mr. Drieseen's father has a barber shop out of their home in Mendon. Ron Case asked if Mr. Drieseen's father is licensed. Mr. Drieseen stated yes. Don Hartle asked if Mr. Drieseen will be putting out a sign for the barber shop. Mr. Drieseen stated yes. Mr. Hartle stated that he will have to fill out an application for a sign. After discussion, Colin Harrison made a motion, seconded by Glenna Petersen, to approve the business license for Chandler Drieseen.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Sherwood Hills Recovery Resort met with the City Council for a business license. Mike O'Reilly stated that he is in attendance seeking business license for the treatment facility. Carl Leatham stated that the Planning Commission approved the conditional use and recommended 65 beds. Mr. Leatham stated the following were conditions of the approval: 1) fire inspection, 2) UDOT approval, 3) building inspection, and 4) review with the Planning Commission every 6 months. Mr. O'Reilly stated that they received UDOT approval today. Last Monday, they had a fire inspection. There has been some miscommunication. The State Fire Marshall can't decide what inspection form to use because he doesn't know if the facility is residential or institutional. The Department of Human Resources, which licenses this type of facility, is meeting with the State Fire Marshall. All issues regarding a residential fire inspection are completed. If it is decided that this would be an institutional fire inspection, there are a few issues that would need to be completed before the inspection could go forth. They have scheduled May 8, 2013 for the final fire inspection. Don Hartle stated that Paul Burnstein with Cache County Building Inspection stated that there are 3 or 4 items that need to be completed. Cody Anhder stated that all of the items that Mr. Burnstein listed have been completed. Mr. O'Reilly stated that if they needed, they are approved right now for 16 beds. They could open with 16 beds and work up to 65 beds. Mr. Hartle stated that Wellsville City needs copies of all inspections that have taken place up there. Mr. O'Reilly stated that the issue is money flow and they are hoping for a business license tonight. Mr. O'Reilly stated that the State will not issue their license until Wellsville City issues the business license. Mr. Hartle stated that the business license can be issued, but the facility can't open until all of the documents are at Wellsville City. Mr. O'Reilly stated that before they open their doors, Wellsville City will have copies of all paperwork. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the business license for the Sherwood Hills Recovery Resort with the conditions that they do not open their doors until all of the required paperwork is at Wellsville City and that this business be reviewed by the Planning Commission every 6 months.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Recorder presented a "Certification of Annexation Petition" of the proposed Millicent Parkinson annexation, then possible acceptance by the City Council. Don Hartle stated that he has worked with Cache County Clerk, Cache County Surveyor, Cache County Executive, and City Attorney Bruce Jorgensen concerning this issue. All agree that it meets the requirements for an annexation petition. Mr. Hartle suggested that he proceeds to advertize this annexation and following the required steps. Mr. Hartle stated that Cache County requests that the road be made into a city road and not remain as a county road. Mr. Hartle stated that he spoke with Cache County Executive Lynn Lemon concerning this issue. Mr. Lemon stated that if the road is part of the annexation, it could stall it for 60 to 90 days. The road will not affect

the annexation. Mr. Hartle stated that Wellsville City will survey the existing road. Wellsville City will have each property owner sign over whatever part of the road that is in their name and deed it to Wellsville City. Gary Bates stated that the issue shouldn't be confused. A center line of the road should be established. Mr. Bates stated that in his opinion, City Planner Jay Nielson should review the annexation. Mr. Hartle stated that if there is a problem, City Attorney Bruce Jorgensen should review it because it is a legal matter. Mr. Bates stated that the width of the road should be maintained. Mayor Thomas G. Bailey stated that Mr. Lemon stated that Cache County maintains a 66-foot easement. Carl Leatham stated that Cache County requires 66 feet. Once the property is annexed, Wellsville City requires 99 feet. Mr. Bates suggested that Cache County prove up on the road. Mayor Bailey stated that the only way the road can be proved up is when the property is subdivided. Mr. Hartle stated that his job is to present the certification and that it meets the requirements of the petition. There is no vote. Mr. Bates stated that Wellsville City should go back and work on the road. Mr. Hartle stated that Wellsville City will hire JSH Surveying to survey the property. There will be a legal description for the road as it exists. Mr. Hartle stated that he will research who owns what property and what signatures he will need. Mr. Bates stated that Wellsville City should explore options of making a new road. Mr. Leatham stated that there is a 49 ½ foot right-of-way. Others will be pursued as they annex into Wellsville City. Mayor Bailey believes the only leverage Wellsville City has is when a subdivision is proposed. Mr. Bates thinks that the road should be tied to the annexation. Mayor Bailey asked if it can be. Mr. Hartle doesn't believe that it can. Mr. Bates stated that City Attorney Bruce Jorgensen should review this annexation petition again. Mr. Hartle will proceed.

The City Council continued review for approval of 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. Don Hartle stated that Wellsville City has not received the contract from the attorney, so there is nothing to discuss. Kody Maughan stated that he had some questions. Kody Maughan stated that the agreement hasn't been started yet. The attorney suggested that there is a 1-foot strip along the east side of the property. It is a protective strip. Part of the agreement is that Kevin Maughan will give 66 feet for the road. If Jan Hall wants to develop, they will have to give 32 feet as well as purchase the 1-foot protective strip from Kevin Maughan. Carl Leatham stated that the 66 feet is binding. Jan Hall will have to give 32 feet as well as purchase the 1-foot protective strip from Kevin Maughan to make it a 99-foot road. Kody Maughan asked about building a home in the County. Mayor Thomas G. Bailey stated that if he builds in the County, it is up to the County. Right now, the County requires a 66-foot easement. Kody Maughan suggested that he faces his home to the east. The road will not be paved until the county property is developed. IF Jan Hall decided to develop their property, the road will be paved. It will be finished to Kevin Maughan's south property line. Gary Bates drew a map of what was being proposed. The City Council was all in agreement.

Department Reports:

Colin Harrison – 1) Received a phone call from Matt Biladeau, who is the President of the HOA in the Wellsville Ranches. Chip and seal for the road was completed the day before it snowed. Doesn't feel that the gravel adhered to the tar on the road. Sweeper did a great job is collecting the loose gravel. Asked if Cache County could come back and redo it. Glenna Petersen will call Darrell Erickson from Cache County. 2) Mr. Biladeau stated that the snow plow driver knocked over the garbage cans. Some of the residents stopped him. A heated conversation took place with yelling and cursing. The snow plow driver stated that he will come through the subdivision once and that is it. Don Hartle has addressed the matter with Perry Maughan and Tom Maughan.

Glenna Petersen – 1) The Wellsville City Youth Council has agreed to sing for Memorial Day. Gary Bates asked that they sing a patriotic song.

2) Spoke with Kaylene Ames about selling snacks at the movie nights on the square. The Tabernacle Foundation has raised about \$20,000. Their goal is to open the tabernacle on Founder's Day of 2014.

3) Asked if Wellsville City has ever had a sidewalk committee before. Used the Shade Tree and Beautification Committee as the sidewalk committee in the past.

Ron Case - 1) Thanked Don Hartle for replacing the lights at the tennis courts.

- Gary Bates – 1) Recognized Don Hartle concerning the article in the newspaper about him.
2) Mayor Bailey, Mr. Hartle, and himself interviewed 2 interns – selected Diane Beeton – will start around June 1, 2013.
3) Handed out a map concerning the different phases of the trail. Has applied for additional funding of approximately \$13,500 to finish the trail.
4) Discussed a lot of nice pasture that Wellsville City owns and is renting it cheap. Asked that the City Council think about a fair and reasonable price to discuss at a future City Council meeting.
5) Reviewed the Memorial Day program with the City Council. According to Norman Walker, the colors need to be left up until noon.

Carl Leatham – 1) Discussed Gary Hansen’s proposal for the cheese plant that took place at the Planning Commission meeting last Wednesday. 16 people spoke, all were against the project. Jay Nielson did his homework as to why this is not allowed per Wellsville City code. Thanked Don Hartle for his work.

City Manager’s/Recorder’s Report:

- Don Hartle – 1) Handed out an email from Holly Dixon asking for a reduction on a utility bill for the JD Williamson family, who has been deployed. Wellsville City has never done anything like this before. Think about it for 2 weeks. Discussed a request form.
2) Handed out an email from Gary Hansen expressing his concerns with the procurement methods of Wellsville City.

At 8:34 p.m., Colin Harrison made a motion, seconded by Glenna Petersen, 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