

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, June 5, 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 and City Planner Jay Nielson were 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 May 31, 2013. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Kevin Maughan	Kody Maughan
Gary Hansen	Ryan Rigby	William Everitt
Jan Anderson	Jonathan Marchant	Blaine Anderson
Luella Anderson	Jerry Cokely	Barbara Cokely
Peter Milligan	Richard Stephens	Marcene Parker
Ruth P. Maughan	Chris Breinholt	Dale Smith
Ralph Parker	Wes Wright	Kamee Summers
McCoy Summers	Shaun Smith	Kris Line
Garity Line	Aaron Walker	Melanie Walker
David Olsen	Angie Olsen	Steve Kimball
Chris Gibbs	Jodi Gibbs	Tony Nielson
Karen Higley	Larry Mortensen	Cara Mortensen
Kevin Tingey	Rachel Fry	

Opening Ceremony: Glenna Petersen

The Council reviewed the agenda. Carl Leatham made a motion, seconded by Ron Case, to approve the agenda as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Ron Case	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

The Council reviewed the minutes of the May 15, 2013 regular City Council meeting. There were word changes on lines 157, 234, and 279. After discussion, Colin Harrison made a motion, seconded by Glenna Petersen, to approve the minutes of the May 15, 2013 regular City Council meeting with the changes.

<u>YEA 4</u>	<u>NAY 0</u>
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, Ron Case made a motion, seconded by Colin Harrison, to approve the City's bills for payment, represented by check number 15656 through 15710.

<u>YEA 4</u>	<u>NAY 0</u>
Ron Case	
Colin Harrison	
Carl Leatham	
Glenna Petersen	

No one was in attendance for citizen input.

The City Council reviewed for approval the "Protective Strip Agreement" associated with the Kody Maughan Subdivision. Mayor Thomas G. Bailey stated that a copy of the agreement was mailed out to

the City Council. Don Hartle stated that Kevin and Brenda Maughan have signed the original agreement. Mayor Bailey asked if there were any questions. Glenna Petersen asked if Jan Hall had been contacted about the agreement. Kody Maughan stated no. Mr. Hartle stated that Jan Maughan was sent a copy of the public hearing. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the “Protective Strip Agreement” associated with the Kody Maughan Subdivision.

YEA 4

Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Councilman Gary Bates arrived at the meeting at 6:09 p.m.

The City Council reviewed for approval the Final Plat for the Kody Maughan Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South. Kody Maughan stated that he is trying to build a house. Don Hartle handed out a copy of the memorandum dated June 15, 2013 from City Engineer Chris Breinholt. Kody Maughan asked if the creek could be part of the open space instead of everything west of the creek being open space. Chris Breinholt stated that there is open space around the creek. Ron Case stated that the space around the creek is non-buildable space, but it still belongs to Kevin Maughan. Mr. Breinholt stated correct. Mr. Breinholt stated that because there is no requirement to build the road or sidewalk, and sewer and water are already to the property, construction drawings were not submitted. There is no requirement to submit construction drawings. Mr. Breinholt stated that the City Council can decide what they want protected concerning the issue of the creek. Kody Maughan suggested that 5 feet on both sides of the creek be protected. Mayor Thomas Bailey stated that there will be 10 feet of open space from the center of the creek on each side. City Planner Jay Nielson stated that there is no specific open space requirement in the town center, but there is around sensitive lands. Carl Leatham stated that the 10 feet of open space will accomplish what the City Council wants and it will be out of the flood plain. Gary Bates stated that if Kody Maughan ever wants to dam up or reroute the creek, he would need approval from the Core of Engineers, as well as the State of Utah. Mr. Bates stated that he doesn't feel comfortable with requiring open space when it is not required. Mr. Hartle stated that the name should change from open space to sensitive lands. Wellsville City code explains and deals with sensitive lands. Open space is not required in the R-1-12 zone. Mr. Leatham stated that the Planning Commission approved the Final Plat with the conditions that the letter from City Attorney Bruce Jorgensen is signed and the lot line adjustment is completed. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the Final Plat for the Kody Maughan Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South with the conditions that the open space be revised to sensitive lands, and the memorandum dated June 15, 2013 from City Engineer Chris Breinholt be completed.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

The City Council will hear and consider the appeal of Gary Hansen regarding the planning Commission's decision of May 22, 2013 relating to his request for a conditional use to allow 52 townhomes at 169 East 300 North. The City Council may or may not take action. Mayor Thomas G. Bailey stated that this is new territory for Wellsville City. Mayor Bailey stated that Carl Leatham will explain what the Planning Commission approved. Gary Hansen will then present his appeal. There will be 5 to 10 minutes that the public will be allowed to express their opinion if they have not already done so or have any new information. The City Council will then decide to act or discuss the issue and act at a later date. Carl Leatham stated that the Planning Commission approved City Planner Jay Nielson's recommendation. Mr. Nielson's recommendation follows:

CONDITIONS OF APPROVAL FOR AN AMENDED PLAN WHICH MEETS THE REQUIREMENTS OF THE WELLSVILLE CODE AND THE GENERAL PLAN

This project is subject to the proponent or property owner agreeing to submit an amended plan and comply with the following conditions as written, or as may be amended by the Planning Commission.

1. The proposed project has been revised and amended by the conditions of project approval to conform to the requirements of Title 10 and Title 11 of the Wellsville City Code.
2. The allowed density and dwellings would be subject to requirements for sensitive lands and open space.
3. The proposed project will be amended to allow a reduced number of dwelling units consistent with approvals for residential development specified in the Wellsville City Code. The final density and allowed dwelling units would be based on Code requirements for residential land adjacent to the property and the net acreage of the property when sensitive lands have been reduced.
4. The streets providing access and other infrastructure to the subject property have adequate capacity, or suitable levels of service, for the proposed use.
5. The approval of the amended project, if it includes multifamily dwellings, must meet all requirements for multifamily dwellings.
6. The proponent is put on notice that all standard conditions of approval will be recorded with the Conditional Use Permit and are available in the Wellsville City Office.

Colin Harrison stated that it is asking that Mr. Hansen meet the existing code that is already in place and amend his plan. Mayor Bailey stated that in order to build on the property, it has to meet the existing zoning, which is R-1-12. Mr. Leatham stated that the Planning Commission recommended that if Mr. Hansen is allowed to develop, the property should be rezoned residential instead of manufacturing. The project would then conform to the residential zone and meet residential requirements. Mayor Bailey stated that Mr. Hansen would be allowed to build 1 4-plex with this project. Mr. Leatham stated that Mr. Hansen could also choose to rezone the property to RA-1. Gary Hansen stated that he wrote a letter to each of the City Council members and sent it to their email addresses. Wellsville City code 10-10-3 states that all uses would be considered. He feels that this use hasn't been considered. There are no standards in this code to abide by. He believes that reasonable conditions have been proposed. There is no evidence to support any detrimental effects. He believes that he is in compliance with Title 10 of the Wellsville City code. He feels that his own conditions are more than reasonable. He believes that the conditions imposed by the Planning Commission on the project are illegal. There has been public clamor, but no facts. Mr. Hansen stated that he can comply with some of the conditions, but not all of them. Wellsville City code 11-5-4 exempts the project from open space, but he is willing to add open space to the project. The road will be privately held by the HOA. Mr. Hansen included with his appeal an appeal authority checklist. Mr. Hansen stated that he highly recommends that the City Council review it and abide by it. He understands that the proposed project is not liked by everyone, but he is doing his very best. Mr. Hansen requested that the City Council approve the project as written and presented. Mayor Bailey asked if there was any comment from the public. William Everitt stated that he is concerned with the rodents living in the cheese plant. They will go back into the environment. Mr. Everitt stated that Mr. Hansen has given no thought for the community, just his project. Mr. Everitt asked how the environment outside of the cheese plant not be impacted. The public clamor is that people are not happy with the project. The cheese plant is a public nuisance. Responsible owners of the property should maintain the property, lock the building up, and take care of it. They haven't been a very good neighbor. Barbara Cokely stated that her concern is the traffic. The cars speed along the road so fast, and to add more homes would just make the problem worse. Peter Milligan stated that traffic is a huge problem and concern. The private road will empty into a neighbor's driveway. Mr. Milligan stated that Mr. Hansen has proposed a pond, which will include stopping water. Water laws can be very tricky. Richard Stevens stated that he lives on 400 North. He moved to Wellsville City to get away from what is being proposed. Problems with this project include traffic, noise, and pollution. Wellsville City is a more rural community. Mr. Stevens stated that Mr. Hansen wants to bring the city to the country. Mr. Stevens stated that he is opposed to the project. Ron Case asked if City Attorney Bruce Jorgensen has reviewed the letters and responses. Mayor Bailey stated no because Wellsville City received the letter and response on Monday. Mr. Case suggested that Mr. Jorgensen review the letter and response before a decision is made. Gary Bates stated that the public that is affected by this should be allowed to present evidence. The City Council could direct what it is they need to present and then step back and let it evolve. Colin Harrison stated that the committee spent 5 to 6 months working on a code for this project. Mr.

Harrison stated that 9 out of the 10 votes were against the code. Now, the same project is being presented in the M-1 zone and Mr. Hansen thinks that it will fit. Mr. Harrison asked how it would the project would fit if using the proper way didn't work. Mr. Harrison stated that definition of the manufacturing zone. Mr. Harrison stated he doesn't see how housing is allowed in the M-1 zone. Mr. Hansen stated that it isn't prohibited either. Mr. Harrison stated that when the M-1 zone was established, the founder's of the code didn't think that housed would ever be allowed. Mr. Hansen stated that the code says that all uses would be considered. This is an administrative action, not a legislative action. Evidence is required. There is no traffic study required until there are 1,000 trips per day. Mr. Harrison stated that the code could allow homes by conditional use, but it doesn't address 52 townhomes. The maximum that is allowed is a 4-plex. Mr. Harrison stated that he has concerns with this project. Mr. Harrison asked how 52 units is allowed in a zone when a maximum of a 4-plex is allowed in all other zones. Mr. Hansen stated that his time has been wasted. Mr. Harrison stated that he knows that Mr. Hansen stands to lose or gain a great deal of money. Mr. Harrison believes that the letter written to the City Council by Mr. Hansen is harsh. Mr. Harrison stated that citizens have given their opinion, and doesn't know how that has turned into public clamor. Mr. Hansen stated that it is address on the State Ombudsmen website as well as the Utah Land Use Handbook. Mr. Harrison stated that doesn't see how the land use allows for this request. The M-1 zone is for manufacturing, industry, and business. Mr. Hansen stated that the committee handed out the proposed code for this project and the ball was dropped. Mr. Harrison stated that would like to see public surveys concerning this project, but it didn't happen. Mr. Case stated that he remember when Mr. Hansen came in to discuss his plan with the City Council. Mr. Case stated that the City Council didn't encourage Mr. Hansen, but told him they would consider his proposal. The proposed code was considered, but Mr. Hansen was ready to have the code approved. As for wasting time, Mr. Hansen came to the City Council, the City Council didn't approach him. This project doesn't fit in the M-1 zone. The concerns that have been raised are traffic, safety of kids, and density of housing. This project has been given consideration. The letter and the response need to be reviewed by City Attorney Bruce Jorgensen. Mr. Case stated that even though Mr. Hansen has not said he will seek further legal action, Mr. Case believes that he will if this project is not approved. Mr. Leatham stated that he agrees with the comments made by Colin Harrison. Nothing has been wasted. There were members of the committee that were for and against the proposed code. Rejecting the proposed ordinance speaks volumes. Wellsville City has made their decision. The community is not ready for multi-family dwellings. The cheese plant is a problem area. There is a concern for citizens in the community. The conditions that have been presented are to comply with the neighboring zone. The M-1 zone allows for all manufacturing uses. The project may be allowed, but construction will not begin without a rezone. Zones evolve into what is needed. Gary Bates stated that the checklist presented by Mr. Hansen is a law or code in plain language. It is straightforward and clear in conditional approval. To appeal a previous decision, the burden of proof lies with the complainant. Mr. Hansen has to show the burden of proof. Mr. Hansen has to show that there is no detrimental effect in the area. Mr. Bates stated that he has seen no evidence of it. Mr. Hansen stated that he is providing trails, sidewalks, trees, all evidence of good things. Mr. Hansen stated that he will present his project to the City Council again if needs be. Mr. Case stated that the information is not part of the appeal. Mr. Bates stated that it is part of the checklist. Mayor Bailey read from the Utah Citizens Guide. City Planner Jay Nielson stated that he feels compelled to answer. It has been repeated that there are no detrimental effects that have been identified. Mr. Nielson read from the minutes of the Planning Commission meeting dated April 24, 2013 when the initial project was denied. Mr. Nielson reviewed the detrimental effects of the project that the Planning Commission chose to identify. Mr. Hansen stated that this project is to allow growth at a percentage lower than what the General Plan calls for. It is to allow people and to allow diversity of buildings. Mr. Bates asked about taking the decision out of a public meeting and have deliberations conducted in private. Mayor Bailey stated that there are 3 options: 1) overturn the approval of the Planning Commission, 2) uphold the approval of the Planning Commission, or 3) continue the discussion. Mr. Bates stated that opinions have been expressed, but the citizens have not had the opportunity to gather data. Mr. Harrison asked if City Attorney Bruce Jorgensen would have anything more to say other than what has already been discussed. After discussion, Ron Case made a motion, seconded by Colin Harrison, to continue this issue until City Attorney Bruce Jorgensen has reviewed the appeal reasons and documentation associated with it.

YEA 3
Ron Case

NAY 2
Gary Bates

Colin Harrison
Carl Leatham

Glenna Petersen

Kris Line met with the City Council to discuss required sewer connection. Mr. Line thanked the City Council for the opportunity to speak concerning this issue. Mr. Line gave some background concerning this issue. Mr. Line moved to Wellsville in April 2010, which is after the installation of the sewer mainline on Center Street. The title search on the property showed open space use and utility easements, but nothing about impending sewer. Wellsville City ordinance 8-3-4E requires connecting to the public sewer system. As a resident, it is required to be connected to the public sewer system in order to be in compliance. Mr. Line stated that he became aware of the requirement on May 17, 2013 after receiving a letter from Wellsville City. Mr. Line stated that it should have been required of the previous owner. Connecting to the public sewer system is costly. Mr. Line stated that he has had to cancel family vacations and borrow money to make the connection. Receiving the letter and giving a resident 1 month's notice is very little time to connect to the public sewer system. Mr. Line stated that if this issue had been listed in the closing documents, he would have altered the contract. Mr. Line stated that the EPA has no regulations regarding septic tanks. The EPA doesn't regulate sewer system, and therefore, it falls on State and local governments. Mr. Line stated that the Wellsville City ordinance is very clear. The requirement lies with the municipality, not the EPA or State. Mr. Line stated that his request is that given the short notice to residents, they not be required to connect to the public sewer system, a longer period of time to connect to the public sewer system, or grant a variance to remain on septic system.

Aaron Walker met with the City Council to discuss required sewer connection. Mr. Walker stated that he built his home in 1997. He hauled in gravel and top soil to compact the slope around his home. Mr. Walker fears that installing the public sewer system line from his home to the mainline will affect the structural integrity of his home. Mr. Walker is also concerned that his septic tank is too deep and he would have to pump. Mr. Walker suggested that he connect to the public sewer system at which time when the mainline is installed along 200 East. Mr. Walker stated that he had his septic tank pumped last year for the first time in 15 years. Colin Harrison asked if he was given any notice to connect to the public sewer system. Mr. Walker stated that he wasn't sent any notice of connecting to the public sewer system.

David and Angie Olsen met with the City Council to discuss required sewer connection. Angie Olsen stated that Wellsville City code 11-5-7C pertains to sewer in subdivisions and in low density residential districts. Ms. Olsen read from the code. It states that a reasonable time to connect, but not to exceed 15 years. Ms. Olsen stated that they built their home in 1995. It exceeds 15 years. Colin Harrison asked if Ms. Olsen will have to pump the sewer. Ms. Olsen stated yes. Mr. Harrison asked if Ms. Olsen received a notice concerning connecting to the sewer. Ms. Olsen stated yes, she thought she received it in 2010. Mayor Thomas G. Bailey stated that the City Council is unable to issue a variance. Ms. Olsen read from the minutes of the City Council meeting dated April 1, 2009 concerning the depth of the sewer. Ms. Olsen stated that Wellsville City is asking a lot of the residents living on South Center Street to connect to the public sewer system.

Shaun Smith met with the City Council to discuss required sewer connection. Mr. Smith stated that the cost to connect to the public sewer system will be between \$5,000 and \$6,000 if he complies before June 15, 2013, and \$10,000 to \$15,000 if he waits until June 15, 2014. Mr. Smith stated that the existing septic tank works and is functioning. A septic tank can be maintained for an extended period of time. Mr. Smith stated that there is more benefit to maintaining the septic tank than connecting to the public sewer system. Gary Bates asked if Mr. Smith built or purchased his home. Mr. Smith stated that the home was built in 1999 and he purchased it in 2006. He owns 1 acre of property. Mr. Smith stated that the deadline to dig through the road is June 15, 2013, which is 10 days from today. Mr. Smith stated that he would like some guidance from the City Council before connecting to the public sewer system. Mayor Thomas G. Bailey stated that the ordinance states that if a resident is within 300 feet of the public sewer system, they must connect. Colin Harrison stated that it is an inconvenience for anyone to connect to the public sewer system. Mr. Harrison asked why Wellsville City didn't require residents to connect to the public sewer system when it was installed. Ruth P. Maughan stated that Wellsville City did it as a courtesy to the home owners to not connect to the public sewer system because they would be required to bore under the road. The time has

now come to follow the ordinance and connect to the public sewer system. Don Hartle stated that when the discussion took place about reconstructing Center Street from Highway 89/91 to 1600 South, the comment was made that there was cement under the asphalt. As the road crew began digging, they found that there was no cement under the asphalt. A letter was mailed out dated May 17, 2013 stating that the residents were allowed to dig through the road to connect to the public sewer system until June 15, 2013. After that time, the resident would have to bore under the road and the due date to connect to the public sewer system is June 15, 2014. Mr. Hartle stated that if the resident chose not to dig now, they would have to bore late. Mr. Hartle stated that in 28 years, there have been 3 times where a citizen was unable to bore under the road and they were allowed to cut the road. The citizen has to attempt to bore under the road 3 times before they are allowed to cut the road. Mr. Harrison asked if it is normal practice to give a courtesy to the residents of Wellsville City. Ms. Maughan stated that in this case, the courtesy was given because all of the residents would have to bore under the road. Ron Case stated that the condition was that the sewer would be in the ground 12 feet so that no resident would have to pump. Ms. Olsen read from the minutes of the April 1, 2009 City Council meeting. It states that the developer would install the sewer and that Wellsville City would be responsible to pay the extra cost of having the sewer deeper in the ground. Kris Line stated that the public sewer system was never recorded with Cache County Recorder's Office. Carl Leatham stated that if a grace period or courtesy was granted, it should be in writing. Mr. Leatham asked if it was in writing. Mr. Hartle stated that he didn't know. Mr. Case asked if the ordinance gives the City Council the ability to waive connecting to the public sewer system. Mr. Line stated that Wellsville City has been in violation of the city's code. Mr. Case stated that the residents have been in violation for the past 6 to 7 years. Mr. Line stated that he was never notified. Mr. Case stated that he has been notified now. Mayor Bailey stated that buyer beware even when purchasing a home. Mr. Leatham asked if there is adequate room to connect to the public sewer system if it is dug on an angle. Ms. Olsen stated no. Mr. Leatham stated that his former home had a similar situation. The public sewer system was buried in the ground 2 feet. The upstairs sewer could run fine; the downstairs sewer had to be pumped. Mr. Bates stated that there is a lot of confusion concerning this issue. The residents have been notified that they have 12 months to connect to the public sewer system. They can save some money by digging through the road now instead of boring under the road later. The City Council tries its best to enact policies and procedures that benefit everyone. Mr. Leatham stated that the ordinances are to be enforced. There are residents that don't want to connect to the public sewer system, but they are required to anyway. The ordinances need to be enforced in the whole community. Mr. Bates stated that he has nothing against septic tanks. Mr. Bates suggested that all of the homes in Wellsville City be reviewed to see if they come within 300 feet of a public sewer line and be given notice that they have 1 year to connect to the public sewer system. Mr. Case stated that going before the variance committee is going to be a matter of time because they meet on an as-needed basis. Mr. Case stated that June 15, 2013 is going to come and go before the variance committee meets. Glenna Petersen asked what the advantage is to connecting to the public sewer system. Mayor Bailey stated that Wellsville City provides a public sewer system and everyone that is connected pays for it. Chris Gibbs stated that when the Sterling Ridge Subdivision was built, Center Street was in poor condition and the residents were told that there were no plans to reconstruct the road because of the cement that was under the asphalt. Mr. Gibbs stated that there was a lack of notice on the city's part to the residents on Center Street when it was decided to reconstruct Center Street. Mayor Bailey asked that if there is a conflict in the ordinance, the more restrictive ordinance takes precedence. City Planner Jay Nielson stated that is correct. Mayor Bailey stated that being within 300 feet of the public sewer system is more restrictive. Mr. Nielson stated absolutely. David Olsen asked what benefit Wellsville City receives from his monthly sewer fee. Mayor Bailey stated that the monthly sewer fee helps to maintain the sewer system. Mr. Case stated that there are 4 individual cases and that each of them needed to weigh their options and take the chance that they may have to bore under the road. Ms. Olsen stated that they paid their impact fee in 2007. Mr. Gibbs asked why Wellsville City tore up Center Street before notifying residents of connecting to the public sewer system. Mr. Hartle stated that the final decision to reconstruct Center Street was not made until March or April of 2013. Aaron Walker stated that Center Street will not be ready for asphalt by June 15, 2013 and asked if there is any wiggle room concerning the deadline. Mr. Hartle stated that the road needs to be compacted and would like to have asphalt completed by Founder's Day in September. Mayor Bailey stated that kicking the deadline back a couple of weeks would be a possibility. Mr. Line stated that he respects the fairness and government duty, but feels that this issue was handled incorrectly. Mr. Hartle stated that after reviewing Wellsville City code 2-2-1, he doesn't know if the Board of Adjustments has the authority to grant a variance. Mayor Bailey asked if 2 weeks will make a difference in compaction of the road.

Mr. Hartle stated that there could be problems with compaction 1 year after the road is completed. Mr. Hartle gave 800 South as an example. Mayor Bailey asked if the deadline of July 1, 2013 would be sufficient. Mr. Nielson stated that the responsibility of this issue is in the lap of the City Council. The Board of Adjustments typically never overturns an ordinance. Mr. Bates is concerned with Wellsville City committing to the sewer being a certain depth. Mayor Bailey stated that the date to dig through the road will be extended to July 1, 2013. A resident needs to have proof from a professional that their home would require a pump to the City Council before June 19, 2013. If the City Council doesn't hear from any resident, the ordinance will stand as is and the resident will be required to connect to the public sewer system as stated. Mr. Line stated that when he called Mr. Hartle concerning this issue, Mr. Hartle gave him the name of a contractor to contact. Mr. Hartle stated that for the record, he gave Mr. Line the name of 2 contractors to contact. Mr. Hartle never gives just one name. Mayor Bailey stated that there have been many concerns discussed concerning this issue. Absolutely nothing is final until a motion has been made. After discussion, Ron Case made a motion extending the date to dig through the road to July 1, 2013. If a resident is unable to connect to the public sewer system without pumping, proof from a professional will need to be brought to the City Office before June 19, 2103. It doesn't matter if the resident decides to dig through the road or bore under the road, the resident will be connected to the public sewer system no later than July 1, 2014. After discussion, Carl Leatham amended the motion, seconded by Glenna Petersen, that those residents located on 200 East will not have to connect to the sewer until such time as the sewer is installed along 200 East.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Glenna Petersen

NAY 1

Colin Harrison

The City Council discussed Mt. Sterling Estates Subdivision open space. Don Hartle stated that he has been working on this open space for some time now. The open space came up for sale and Mr. Hartle was authorized to pay up to a certain amount for the open space. The open space is in Sherwin Seamons' name and Steve Brandley has been working on it in court. The day before the sale, Sherwin Seamons signed a quick claim deed, and the open space is now in Steve Brandley's name. Mr. Hartle stated that Steve Brandley called him and stated that if Wellsville City would pay the taxes and redeeming fees, he would transfer the open space to Wellsville City. Mr. Hartle asked that the City Council allow him to pay \$500 more than what was previously approved. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to allow Don Hartle to pay the taxes and redeeming fees for the open space in the Mt. Sterling Estates Subdivision in order to transfer the open space into Wellsville City's name.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Glenna Petersen

NAY 0

Department Reports:

Glenna Petersen – 1) Asked if Don Hartle has received any applications for the sidewalk cement jobs. Don Hartle stated no. Told Ms. Petersen that she would do the interviewing and he will give the applicant her information.

2) Thanked Gary Bates for the Memorial Day program.

3) Thanked Colin Harrison for cleaning of the cemetery.

4) Elementary School Tour – next Thursday. Don Hartle handed out a copy of the map of the school and a breakdown of the cost to operate the school.

5) USU – cost of \$3,400 to assess Wellsville City's roads – feels that what the City is doing and how the City is doing it is much better than the majority of the communities in Cache Valley. Would like to finish what has been started.

- Ron Case – 1) Violation of ordinance – have a large trailer parked on the property that someone’s children is living in. Don Hartle asked that Mr. Case give him the name and address and he will inspect it.
2) Date when starting on the trail – waiting on 1 more approval.
3) Maughan property update – waiting on City Attorney Bruce Jorgensen.
4) Article in newspaper about snow shacks – forgot Wellsville City.

- Mayor Thomas G. Bailey – 1) Thanked Colin Harrison for the cemetery clean-up.
2) Thanked Gary Bates for the Memorial Day program.

- Carl Leatham – 1) Kody Maughan Subdivision – took 5 months – anything Wellsville City can do to streamline the process. Don Hartle stated that the subdivision was a rezone and a subdivision. Kody Maughan still doesn’t have a building permit. Mr. Hartle feels that the hang up is engineering. Discussed attorney fees. Colin Harrison asked about parts of the process being done together.
2) Appreciated Memorial Day program – suggested when reading names to gives those killed in active duty special recognition.

At 9:22 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