

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 6, 2014, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Karen Higley and Glenna Petersen, Councilmen Gary Bates, Carl Leatham, and Perry Maughan. 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 August 1, 2014. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Ron Case	Tony Nielson
	Bart LaMont	Jennifer Christensen	Doug Johnston
	Jeremy Higley	Sadee Higley	Alexis Higley
	Brian Smith	Tori Smith	Gary Hansen
	Patrick Dailey	Larry Mortensen	Audrey Andrus
	Dalton Andrus	Arlyn Brenchley	Allyson Jeppson
	Karma Leatham	Jonathan Cook	David Swanson
	Barbara Swanson	Kendall Leishman	Janie Isaacson

Opening Ceremony: Glenna Petersen

The Council reviewed the agenda. Don Hartle stated that an executive session needed to be added. Perry Maughan made a motion, seconded by Glenna Petersen, to approve the agenda with the addition.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

The Council reviewed the minutes of the July 16, 2014 regular City Council meeting. Gary Bates made a motion, seconded by Karen Higley, to approve the minutes of the July 16, 2014 regular City Council meeting as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Karen Higley	
Carl Leatham	
Perry Maughan	
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, Karen Higley made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 17226 through 17277.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Karen Higley	
Carl Leatham	
Perry Maughan	
Glenna Petersen	

Patrick Dailey addressed the City Council concerning the open space in the Mt. Sterling Estates Subdivision. He would like the trail saved and kept opened. Mr. Dailey stated that he created a petition, and most of the neighbors signed it. Mr. Dailey read the petition. He handed out copies of the petition to the City Council.

Jennifer Christensen addressed the City Council concerning the open space in the Mt. Sterling Estates Subdivision. Ms. Christensen stated that when she purchased her home, she was told that the trails would be developed. There were to be no homes built on the open space. Ms. Christensen stated that she believes an HOA would be a great benefit to the Mt. Sterling Estates Subdivision. There are some great ideas concerning how the land could be used and bring in revenue to Wellsville City. Ms. Christensen stated that she would like the City Council in a fair way to hear and consider the opinions of the residents of the subdivision. Mayor Thomas G. Bailey stated that the property in the subdivision that was designed for open space is still there and is still open space. This open space is now owned by Wellsville City. Ms. Christensen asked if there would be easements to the trails. Mayor Bailey stated yes. Don Hartle stated that it is not an easement. Ms. Christensen asked what Wellsville City's intent for the property is. Mayor Bailey stated that Wellsville City's intent is to keep the trails opened. Ms. Christensen asked about the property that is landscaped. Mayor Bailey stated that it will still be used as a trail. This item is on the agenda to be discussed tonight.

Ron Case met with the City Council to discuss the use of the City website for advertising or providing links to outside commercial sites. Mr. Case stated that he sent emails to the City Council about 1 ½ weeks ago. The City's website was developed approximately 7 years ago. The policy then was that the City didn't want advertisements or links to commercial property. Mr. Case stated that he is approached several times a year to reference a business or link. He has always stuck with the policy. Mr. Case wondered if the policy needed to be updated, leave as is, or expand it. Mr. Case stated that his last 2 requests have been 1) the revitalization committee, and 2) organizers for the Founder's Day race would like online registration. Mr. Case stated that there is an advantage to the City to have online registration for the Founder's Day race. Mr. Case is seeking approval or denial for the Founder's Day race. Karen Higley stated that online registration for the Founder's Day race was discussed and approved. Mr. Case stated that he was never informed of the decision. Glenna Petersen stated that baseball and softball registration was online this year. Ms. Petersen stated that she doesn't see the difference between baseball and the race. Ms. Petersen has no problem with online registration. Mr. Case stated that Wellsville City sponsors baseball and softball. Wellsville City doesn't sponsor the Founder's Day race. Gary Bates stated that the Founder's Day race has been discussed in previous years and that the residents think that Wellsville City sponsors it. The website currently doesn't say that Wellsville City is not a sponsor. Mr. Bates stated that he thinks this issue is worthy of further discussion. Mayor Thomas G. Bailey stated that the city needs to be very careful not to open the website to advertise anything and everything. Ms. Higley suggested that people come to City Council to be pre-approved to submit information to be published on the website. Businesses could pay a small fee to advertise on the website. Don Hartle stated that if the race is not sponsored by Wellsville City, the sponsor needs to get their own liability insurance. Mr. Bates stated that they would also need to arrange for their own support from the Cache County Sheriff's Office and pay them separate. Mr. Bates stated that he likes Councilwoman Higley's suggestion. Mayor Bailey asked Mr. Case if he approved of a request coming from a member of the City Council. Mr. Case stated that would be great. Carl Leatham stated that Founder's Day is a different animal, and the more information put on the website to promote it, the better it would be. After discussion, Karen Higley made a motion, seconded by Carl Leatham, to allow advertising on the website if it is approved by the City Council, and a member of the City Council will notify Ron Case if the advertising is approved.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Ron Case stated that the website is approximately 7 years old and has never had an overhaul. The software that he is using is very difficult to work with. He would like to ask the City Council to allow him to explore other possibilities and look at the costs associated with it. Perry Maughan stated that he would like to move forward and upgrade the website if possible. Gary Bates asked if Wellsville City paid a monthly fee. Mr. Case stated that they pay a hosting service to host the website. After discussion, Perry Maughan made a motion, seconded by Karen Higley, to allow Ron Case to explore other possibilities to update the website,

and to work with Glenna Petersen.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The City Council discussed the abandoned trail in the Mt. Sterling Estates Subdivision. Don Hartle gave some history of this issue. Mr. Hartle stated that approximately 6 weeks ago, a young couple was looking at purchasing a lot in the south cul-de-sac. They didn't want a strip of weeds on their property, so they inquired about purchasing the property. Mr. Hartle stated that he discussed the issue with Mayor Thomas G. Bailey and City Attorney Bruce Jorgensen. The property is open space. Mr. Jorgensen didn't see anything wrong with allowing this couple to lease the property and use it. Mr. Hartle stated that last winter, a home was purchased in the north cul-de-sac. Mr. Hartle stated that he told them Wellsville City doesn't get involved in fences or setting property lines. Mr. Hartle stated that he received a telephone call for the owner of a home whose daughter and son-in-law are living in. A fence was torn down. The neighbors called law enforcement and they got involved. Mr. Hartle stated that this issue needs to be discussed with the City Council as to where Wellsville City stands. Mr. Hartle stated that he has received several emails and there is a lot going on. Carl Leatham stated that in this case, Wellsville City does get involved with fences and setting property lines because it is city-owned property. Glenna Petersen stated that she discussed this issue with Mr. and Mrs. Dailey. They did remove the fence because it was on their property. The next morning, the fence was back up, so they removed it again. The property is landscaped, but it is owned by Wellsville City. Karen Higley stated that the property is landscaped. The developer of the subdivision, Sherwin Seamons, gave Mr. and Mrs. Higley the authorization to landscape the property. The property has remained as open space. The intent of the property has never changed. The fence is not the issue. The fence has been stolen and Mr. and Mrs. Higley can press charges if they would like. Ms. Higley stated that someone from the subdivision called Wellsville City and presented a proposal for the trail in the open space. The property is not owned by the parents of the lady living there. They are leasing the home. Ms. Higley stated that she has contacted someone who is willing to give service, time, and product to enhance the trail in the south cul-de-sac. He is willing to dig 340 feet from the trailhead back, 4 inches deep. Mr. Leatham stated that both trails end at the bottom of a canyon and a drain system, which creates a problem. Perry Maughan stated that natural soil will hold the water back. Mr. Leatham stated that he likes improving the trail with signage, but if it creates a flood pattern, he is not in favor of it. Mayor Bailey stated that leaving the natural trail, the rain will follow it. Gary Bates stated that an engineer would need to review the proposal. Mayor Bailey stated that Wellsville City is not closing either access. Mr. Bates asked how wide the Wellsville City property is in the cul-de-sac. Mr. Hartle stated that it is 10.17 feet wide. Mr. Bates asked if the easement is wider. Ms. Higley stated that she didn't know. Mr. Hartle stated that he doesn't believe it is an easement. Both openings are 20 feet wide, and both widen as the property goes up the mountainside. Ms. Higley stated that the fence was used as a weed barrier. Mr. Bates asked if there is a lease in place with Mr. and Mrs. Higley. There is no lease currently. Mayor Bailey stated that the lease would remain with the property. Mr. Bates stated that he doesn't like the wording of the lease. Ms. Higley stated that when Wellsville City purchased the open space, they purchased it as is. Mr. Hartle stated that Wellsville City didn't purchase the property. That property has always been open space. Open space can be owned by 3 types of groups: 1) an HOA, 2) the City, and 3) a conservation group. After 9 years, Mr. Seamons deeded the open space to Wellsville City. Mr. Bates stated that it would have been convenient if an HOA would have been established. Ms. Petersen stated that the north access is a great access, but doesn't look like an access. Mr. Leatham stated that he knows the Higley's have no malice or ill intent regarding the open space, but it needs to remain open space. Mayor Bailey stated that the City's stance on open space is that it will remain open space forever. Open space can't be sold. Wellsville City is not selling or giving away any open space. People have a right to use the accesses to go into the Forest Service property. Again, Wellsville City is not selling, auctioning off, or giving away any open space. Wellsville City will make sure that people have access to the open space. In conversations with the Higley's, the access can never be restricted. Jennifer Christensen stated that she is glad that Wellsville City feels that way. Mayor Bailey stated that Wellsville City owns the open space, and will see that the property is taken

care of, and the use of the property is maintained. Mayor Bailey stated that he doesn't know if the City Council will accept the proposal given to them by Mr. Higley. Ms. Higley stated the individual that she contacted is willing to provide the excavation, gravel, a 4" deep trench, 4' wide, and extends 340' to meet the Forest Service ground. Mr. Hartle stated that to the back of the lots is 338.72 feet. Mayor Bailey stated that before the City Council entertains a motion on this issue, an engineer needs to review the proposal. Mr. Maughan stated that he thinks it is a great idea and is all for a trail. Mr. Leatham stated that Wellsville City should establish the open space and the property lines need to stay the same. The fence needs to stay inside of the property lines. Mr. Leatham stated that a trail system is a great idea. After discussion, Carl Leatham made a motion, that Wellsville City install some type of signage for public access points for both trailheads and to continue this discussion at a later date. This motion died for a lack of a second. Bart LaMont stated that he is concerned with the lease agreement. Unless a trail is established, the property will be landscaped and there will never be a trail. The trail should be maintained by the property owners on both sides of the trail. A lease gives someone the ability to exclude people. Mr. LaMont stated that building a trail like what has been mentioned in this meeting would be complicated because of the significant grade and erosion. Ms. Christensen stated that her concern is access to the trail and engineering. Ms. Christensen asked if this issue could be forwarded to the Parks & Recreation committee. A lease will give the opportunity for more politics in this neighborhood, which is not needed. It may not be too late to form an HOA. Ms. Christensen believes that more discussion is needed before a decision can be made. Ms. Higley asked how this lease is any different than a lease on other open space or a lease on the Wellsville Dam Campground. Mr. Leatham stated that Mr. and Mrs. Higley is not leasing the entire parcel of open space, just a strip of it. Granting a lease gives the individual control. Mr. Leatham doesn't think a lease is necessary. If improvements were made to the property, Wellsville City should require everyone to make improvements. Mr. Bates stated that the property isn't owned by Mr. and Mrs. Higley. The improvements have been made to city property. Mr. Bates believes that the property should be cleared out and restored to its natural state prior to landscaping. Ms. Petersen asked about surveying the property. Mr. Bates stated that there are no markers left. Ms. Petersen stated that she saw red paint. Patrick Dailey stated that the markers are there. They are painted red. After discussion, Gary Bates made a motion, seconded by Glenna Petersen, to continue this discussion until the Parks & Recreation committee has a change to review the property.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council discussed formation of "temporary committees". Mayor Thomas G. Bailey stated that there is a petition going around that citizens are signing so that the Wellsville City logo remains the as is. People are concerned about changing the logo. The revitalization committee was to work on economic development for Wellsville City. Wellsville City has had a bad experience with a temporary committee before. Mayor Bailey stated that in his opinion, the revitalization committee needs to stay within the bounds of economic development. Carl Leatham stated that a committee is formed for suggestions, but the ultimate decision is up to the City Council. Glenna Petersen believed that the revitalization committee was formed to create some excitement. Wellsville City has died in the last 20 years. Mayor Bailey stated that the revitalization committee wanted the City Council to vote to accept everything that they proposed. Gary Bates stated that when a committee is formed, the City Council should discuss who runs the committee and the members of the committee. Mayor Bailey stated that a committee should have specific guidelines to follow. The City Council will listen to their input, but the final decision is up to the City Council. Mr. Leatham stated that Sam Winwards' heart is in the right place, but it is a broad area and he is grasping at straws. Mayor Bailey stated that he thought that the revitalization committee would go out and find people who are willing to invest in businesses in Wellsville City. Perry Maughan stated that people have tried businesses in Wellsville City. Some examples are the tabernacle and the horse parade. Mr. Maughan agrees with Mayor Bailey. Mr. Maughan believes that downtown stores in Wellsville City are a thing of the past. Mayor Bailey stated that he agrees with Councilman Bates concerning committees. Mr. Maughan stated that there should be a limit to the number of people on a committee. Mr. Leatham stated that committees are saturated with neighborhoods. Ms. Petersen asked if there would be a logo contest for

Founder's Day. Mayor Bailey stated that his personal opinion is no. Mr. Leatham stated that people can vote for their favorite logo, but it doesn't mean that it has to be adopted. Mr. Maughan stated that the final decision is that of the City Council. Ms. Petersen asked how many logo submissions there were. Mr. Leatham stated that he didn't know. Ms. Petersen asked about the direction of the revitalization committee. Mayor Bailey stated that he will meet with them.

The City Council discussed for possible approval an increase in cemetery lots and fees associate with the cemetery. Don Hartle handed out copies of the proposed increases in cemetery lots and fees. Mr. Hartle stated that it is not in ordinance form, but can be approved in put into ordinance at a later date. Mr. Hartle proposed raising a burial plot from \$800 to \$1,200 for 8 lots. Mr. Hartle discussed examples with the City Council concerning the ethics of people. Mr. Hartle stated that he recommends adopting this ordinance. If someone would like to exchange lots, Wellsville City will purchase their lot at the price that they paid for the lot. There will be no exchanging of one lot for another. If a headstone is larger in size than that of Mr. Dean Murray, there will be an additional \$200 for opening and closing the grave. Arlyn Brenchley asked about baby-sized lots. Ron Case stated that other cemeteries call it "Baby Land". Carl Leatham asked about burying babies on top of another grave. Mr. Hartle stated that burying a baby on top of another makes recordkeeping a nightmare. Gary Bates asked about the different type of vault. Mr. Hartle stated that it would take some time and research for a difference type of vault. After discussion, Perry Maughan made a motion, seconded by Glenna Petersen, to approve the cemetery rates set by Don Hartle, which are as follows:

Resident:

Full Lot - \$1,200

Single Lot - \$150

Open & Close Full Lot - \$300, with additional \$250 on Saturdays & Holidays

Open & Close Infant Lot - \$150, with additional \$250 on Saturdays & Holidays

Non-Resident:

Full Lot - \$2,400

Single Lot - \$300

Open & Close Full Lot - \$600, with additional \$250 on Saturdays & Holidays

Open & Close Infant Lot - \$300, with additional \$250 on Saturdays & Holidays

Any headstone that is larger than 30" high, 55" wide, and 16" deep, will be charges additional whatever Wellsville City is charged by the contracting company.

YEA 5

Gary Bates

Karen Higley

Carl Leatham

Perry Maughan

Glenna Petersen

NAY 0

The City Council considered the possible purchase of water rights. Don Hartle stated that he received an email from a gentleman that his family has 33 acre feet of water out of the Little Bear River. They are interested in selling it for \$2,500 per acre foot. Mr. Hartle stated that he received a telephone call today from someone that he and his 2 sisters own 33 acre feet of water out of the Little Bear River. They are interested in selling it for \$2,000 per acre foot. Mr. Hartle asked if the City Council is interested in purchasing the water, and if Wellsville City should invest the money for City Attorney Bruce Jorgensen to research it. There is no annual assessment for water out of the Little Bear River. Mayor Thomas G. Bailey stated that his concern is that there is proof that these 2 individuals own the water before Wellsville City contacts Mr. Jorgensen. Gary Bates stated that Wellsville City has to show utilization of the water, and how does Mr. Hartle propose that Wellsville City is going to do that. Mr. Hartle stated that Wellsville City will lease the water back to the property owners to use on the property. Mr. Bates asked about dropping it back into the aquifer. Mr. Hartle stated that there is a risk of polluting the source. Mr. Bates asked what the cost is to research the water shares. Mr. Hartle stated between \$2,000 and \$3,000. Carl Leatham stated that he

likes the suggestion given by Mayor Bailey. Mr. Hartle stated that he can go to the State Water Engineer and ask about ownership of the water shares. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to authorize Don Hartle to research the ownership of the water shares, and the funding necessary to complete it.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Dalton Andrus met with the City Council concerning his Eagle Scout project. He will be clearing part of the trail and around the picnic area. There are 2 newly active springs in the area that will need some perforated drain pipe and gravel. Mr. Andrus stated that he will supply all of the tools and labor. Gary Bates stated that he has reviewed this project with Mr. Andrus. He has a good handle on the project. Mr. Bates asked what the cost of 50 feet of 4-inch perforated pipe. Glenna Petersen asked if Wellsville City is supplying the pipe and gravel. Mr. Andrus stated yes. Mr. Bates stated that the City Council asks that the scout get some donations and Wellsville City pays 50% of the cost of the project. After discussion, Gary Bates made a motion, seconded by Karen Higley, to approve the Eagle Scout project for Dalton Andrus.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Department Reports:

Karen Higley – 1) Marshall of the Day for Founder’s Day Parade – will discuss in executive session.

Glenna Petersen – 1) Plaques at the park when a family donates a tree or bench. A family donated a tree for their deceased mother. Now their father has passed on and would like both names on the plaque. Contact Browns Monument.

2) Concerned that there wasn’t a vote to move the mountain man carving from the corner of Main and 100 East to the east Entry Park. Perry Maughan stated that it was discussed and a decision was made to move it. Ms. Petersen stated that not voting on an issue should not keep happening. After discussion, Perry Maughan made a motion, seconded by Karen Higley, to move the mountain man carving from Main and 100 East to the east Entry Park at approximately 450 East and Main.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

3) Bids for sidewalks – contacted 3 contractors, only received 1 bid. Discussed contacting Jayden Maughan and Eddie Christensen.

4) Fence next to the trail on 400 South – concerned that scouts removed it and the survey stakes. It was a property line. There was another fence inside of this fence. The property line changed by a couple of feet. Asked what the feelings of the City Council are. Can remake the fence – Wellsville City will locate the 2 corners. It appears that Wellsville City is encroaching on personal property. After discussion, Gary Bates made a motion, seconded by Carl Leatham, that Wellsville City recognizes that there was a fence running east and west at 400 South that was removed, and that Wellsville City will locate the survey markers if the

home owners wants.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Perry Maughan – 1) Hull’s Tree Trimming – trimming along Main Street and at the cemetery.
2) Road rebuilt – should be completed by the end of next week.

Mayor Thomas G. Bailey – 1) Gary Bates to find flag bearers for Founder’s Day Sunday evening program – will do.

Gary Bates – 1) Rumor is that Lindley Basin is going to be developed. Asked where they get water and whose services they use. Discussed charging more for children who live outside of the city boundaries for activities. Asked that the City Council think about it. Will discuss this issue with the Parks & Recreation Committee tomorrow.

Carl Leatham – 1) Maughancrete Construction – using both sides of the street to park equipment. Major safety hazard. New Land Use code has some teeth in it. Asked that Cindy Maughan attend Planning Commission meeting.

2) Closing Wellsville Elementary – give Wellsville City building, or demolish building and retain ownership. Asked if Wellsville City donated the land to the school district – don’t know, will look into it.

City Managers/Recorder’s Report:

Don Hartle – 1) In future budgets, Parks & Recreation and Cemetery will need to start paying for water use. There are 10 locations, and the cost for meters will be between \$50,000 and \$100,000. Will be written up in the audit because Wellsville City didn’t charge these departments for water this year.

2) Dale & Linda Cooper – sewer along Center Street is installed. Wrote a letter dated June 15, 2013 that they had 1 year to connect. Asked if he should invite them to City Council. Perry Maughan stated writing a letter giving the Cooper’s 30 days to connect to the sewer or their water will be shut off. Don Hartle read the letter that was written on June 15, 2013. Glenna Petersen thinks that they should be given the option to attend a City Council meeting. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to have Mr. Hartle send a letter by registered mail stating that they are in violation of the code, that they have 60 days to connect to the sewer, or their water will be terminated.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

3) Handed out copies of the business license application that is sent to businesses during the month of December so that the City Council is aware of what it contains.

4) Need to know the sleeping conditions for Glenna, Gary, and Perry concerning the League of Cities and Towns.

5) FYI...working on deal concerning cell phone tower leases. It has been a long process. Would like to proceed on the issue and collect a lump sum to buy out the facilities. The contracted price is \$179,231.62. Mr. Hartle handed out documents concerning this issue.

6) FYI...Revised Affordable Housing code will be addressed by the Planning Commission on September 10, 2014, and by the City Council on November 5, 2014.

After discussion, Gary Bates made a motion, seconded by Carl Leatham, to authorize Don Hartle to proceed with property owners and an environmental study.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

At 9:42 p.m., Glenna Petersen made a motion, seconded by Perry Maughan, to adjourn the meeting.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder