

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, September 3, 2015, 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 28, 2015. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Kelly Parkinson Adam Christensen
Annalise Christensen Tyler Nielson Tony Nielson
Todd Horman Craig Winder MaryAnn Degn
Jonathan Cook

Opening Ceremony: Perry Maughan

The Council reviewed the agenda. Gary Bates stated that he would like to add a discussion concerning Utah State Code 52-4-504, holding of closed meetings. Carl Leatham made a motion, seconded by Karen Higley, to approve the agenda with the addition.

YEA 5 NAY 0
Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The Council reviewed the minutes of the August 19, 2015 regular City Council meeting. There was a word change on line 20. Karen Higley made a motion, seconded by Glenna Petersen, to approve the minutes of the August 19, 2015 regular City Council meeting with the change.

YEA 5 NAY 0
Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

The Council reviewed the minutes of the August 19, 2015 executive City Council meeting. Gary Bates stated that the minutes reflect a very abbreviated discussion that was held. There is also no mention of the arguments expressed by himself and Perry Maughan. Mr. Bates suggested that the audio CD be reviewed and the minutes be completed. Gary Bates made a motion, seconded by Carl Leatham, to reject the minutes of the August 19, 2015 executive City Council meeting until the audio CD can be reviewed and the minutes are more complete.

YEA 5 NAY 0
Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes aren't in numerical order from City Council meeting to City Council meeting as the City uses the same checking account for payroll and accounts payable. After review and discussion, Perry Maughan made a motion, seconded by Carl Leatham, to approve the City's account payables bills for payment, represented by check number 18525 through 18574.

YEA 4

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan

NAY 1

Glenna Petersen

There was no one in attendance for citizen input.

Kelly Parkinson met with the City Council for a business license. Mr. Parkinson would like to start a graphic design business. It will be an internet business. Mr. Parkinson is the only employee. Carl Leatham stated that the Planning Commission had a concern that this would be an in-home business for now, and as the business grows, Mr. Parkinson would find a better location. Mr. Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. Mayor Thomas G. Bailey asked if Mr. Parkinson had room in his shed to wrap a snowmobile inside. Mr. Parkinson stated yes. Mr. Parkinson stated that the intent of the business is to sell kits over the internet. Mr. Leatham asked if Mr. Parkinson would have an install service at his home. Mr. Parkinson stated yes. After discussion, Carl Leatham made a motion, seconded by Glenna Petersen, to approve the business license for Kelly Parkinson.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

Adam Christensen met with the City Council to discuss the removal of a tree at his home at 460 South Center. Mr. Christensen stated that approval from UDOT for his driveway is a lengthy process. Mr. Christensen stated that the feedback from UDOT has been all positive. Mr. Christensen stated that UDOT stated that the new driveway is safer. Carl Leatham stated that he has reviewed the area. The tree is a nice tree, but it is a tree. Mr. Leatham stated that Mr. Christensen has offered to plant another tree. Mr. Leatham stated that Mr. Christensen should be allowed to use the driveway on that is located on the south side of his home with the entrance to his home on the south side. Glenna Petersen asked how long before Mr. Christensen would have approval from UDOT. Mr. Christensen stated that he was told it would take 1 to 2 weeks. Gary Bates stated that he agrees with Mr. Leatham. Perry Maughan stated that he and the Shade Tree and Beautification Committee are against the removal of the tree because Wellsville City has spent a lot of money on trees. After discussion, Karen Higley made a motion, seconded by Glenna Petersen, to allow Adam Christensen to remove the tree in front of his driveway with the promise to replant a tree.

YEA 4

Gary Bates
Karen Higley
Carl Leatham
Glenna Petersen

NAY 1

Perry Maughan

Tyler Nielson met with the City Council to discuss an Eagle Scout project. Mr. Nielson would like to build a display case for the new City Office building. Mr. Nielson handed out a packet of cost breakdowns. Gary Bates asked how deep the display case would be. Mr. Nielson stated that it is 12 inches deep. Perry Maughan asked what the display case would be used for. Mr. Nielson stated that it could be used for anything that Wellsville City would want to display. Karen Higley stated that a few months ago, she ran this idea by the City Council before Mr. Nielson went to work on the project. The City Council was interested in it. Ms. Higley stated that she has met with Raymond Construction for suggestions on this project and has passed that information onto Mr. Nielson. Mayor Thomas G. Bailey stated that the display case would be great to display historical artifacts. Mr. Bates asked if the display case would be built into the wall or if a gap would be left for the display case. Ms. Higley stated that Mr. Nielson will be installing the display case. Mr. Bates stated that it would be nice to have the display case flush mounted against the

face of the wall. Mr. Bates stated that it will take some coordination with Raymond Construction. Mayor Bailey stated that he hopes Mr. Nielson isn't in a rush because the new City Office building will not be ready until early next spring. After discussion, Glenna Petersen made a motion, seconded by Karen Higley, to approve the Eagle Scout project for Tyler Nielson, and that Mr. Nielson coordinate with Raymond Construction and the front office.

YEA 5

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 0

The City Council met with representatives from Wellsville Landing Subdivision to request the City Council approve some type of security to be provided to the City and have the Final Plat filed at the County Recorder before the required infrastructure is completed. Todd Horman stated that they would like to sell the existing home that is located on lot 10 of the Wellsville Landing Subdivision. Mr. Horman stated that they separated lot 10 from the rest of the subdivision and recorded the plat, but the bank wouldn't recognize lot 10 until the subdivision is complete. Mr. Horman stated that he discussed the issue with City Manager Don Hartle, who referred him to City Attorney Bruce Jorgensen. Mr. Horman stated that they will bond for 150% of the amount of the improvements so that the Final Plat can be recorded and the sale of lot 10 can be finalized. Carl Leatham stated that the Planning Commission recommended approval from the City Council with the condition that there is no expiration date on the bond. Mr. Horman stated that there are 3 different type of security; 1) bond, 2) letter of credit, and 3) cash escrow account. Mr. Horman asked if they could meet the 150% with a combination of the 3 securities. Mr. Horman stated that they have secured a contract today, and the contractor can begin work next week. Mr. Horman stated that his goal is 45 days, but home to have all of the improvements completed it the next 2 months. Don Hartle stated that he has never been involved in something like this, and that is why he referred Mr. Horman to Mr. Jorgensen. Perry Maughan stated that Wellsville City has been bit too many times, and that lots begin selling without the infrastructure completed. Mr. Horman stated that is not what they want to do at all. They want to be able to close on the sale of the existing home on lot 10. They will not sell lots 1 through 9 until all of the infrastructure is completed. Gary Bates asked who is paying for the attorney fees for this issue. Mr. Hartle stated that the developer is. Mr. Horman stated that the infrastructure bid came in at \$127,000. Mr. Horman stated that there were 6 construction companies that bid the project. Mr. Leatham stated that he does have some reservations about this, and understands Mr. Maughan's concerns. After discussion, Carl Leatham made a motion, seconded by Karen Higley, to approve some type of security to be provided to Wellsville City and have the Final Plat filed at the County Recorder before the required infrastructure is completed with the condition that there is no expiration date on the security.

YEA 3

Karen Higley
Carl Leatham
Glenna Petersen

NAY 2

Gary Bates
Perry Maughan

The City Council reviewed for possible approval the Preliminary Plat for the Cooper Ridge Subdivision on the west side of Center Street at approximately 1335 South to 1419 South. Craig Winder stated that he attended the Planning Commission meeting last week. City Engineer Chris Breinholt was also in attendance. The memo issued by Mr. Breinholt dated August 20, 2015 was reviewed. Mr. Winder stated that there were several items that were recommended, and that the Planning Commission recommended approval of the Preliminary Plat. Mr. Winder stated that the Planning Commission was hesitant to mess with the creek. The impression that Mr. Winder received was nervousness from the Planning Commission. Mr. Winder stated that Mr. Breinholt recommended straightening the creek or strengthen the banks. Mr. Winder stated that in researching this issue, there is significant expense to straightening the creek or strengthening the banks. Mr. Winder asked the basis of Wellsville City's authority concerning the creek, and what the City Council's thoughts are concerning straightening the creek. Carl Leatham stated that Wellsville City has the authority to protect present and future citizens. The creek is not a creek, it is a dry

streambed. There is spring runoff and January thaw water that flows down this streambed. Mr. Leatham stated that 2 to 3 years ago, water came through and flooded this area. Mr. Leatham stated that Wellsville City has an obligation to those residents who live downstream. Mr. Leatham stated that when man messes with a natural stream bed, man becomes responsible. Mr. Leatham stated that the Planning Commission recommended not touching the streambed, City Engineer Chris Breinholt recommended straightening the streambed, and then both referred Mr. Winder to FEMA. Mr. Leatham asked what the thoughts are of City Manager Don Hartle and a member of the street department, Perry Maughan. Perry Maughan believes that the bend in the streambed should be left alone. Mr. Maughan stated that if it is straightened out, the water will flow faster. Mr. Maughan stated that he is concerning about how the developer will keep the streambed from flooding. Mr. Maughan suggested leaving the streambed as is and do a lot more cement work. Don Hartle stated that he agrees with Mr. Maughan. Mr. Hartle stated that his opinion is that FEMA controls everything, and that a decision could be made once the data is returned from FEMA. Mr. Winder asked if they are not required to touch the streambed, would FEMA still be involved. Mr. Maughan stated that he didn't know how FEMA couldn't be. Mr. Hartle stated that people sitting in Washington D.C. are making decision for Wellsville City. Mr. Winder asked if the conditions remain the same for item #3, would it satisfy the City Council. Mr. Maughan stated that he talked to a contractor this evening about item #12. Mr. Maughan stated that a 10-inch water main would need to be installed, along with a booster pump station to pump water about 2,000 feet. Mr. Maughan stated that until Wellsville City has supplied sufficient water to the area, there should be a moratorium on subdivision in this area. Gary Bates stated that Wellsville City has dealt with significant water complaints in the Red Slide Subdivision and flooding in the SW Heritage Estates Subdivision. Mr. Bates stated that it is foolish to allow a subdivision to be built in an area that is known to flood. There is a water pumping station in Red Slide Subdivision and a sewage pumping station is SW Heritage Estates Subdivision. Mr. Winder stated that the issue was discussed with the Planning Commission, and it was more of a heads up issue for Mr. Breinholt. Mr. Maughan stated that there is a 14-inch water line from the spring to the Lindley Reservoir, and a 10-inch line from the Lindley Reservoir to the subdivision. Mr. Maughan stated that Wellsville City has a problem maintaining fire flow. Mr. Bates stated that building more homes in the area is not the answer. Mr. Leatham asked if a moratorium could be declared after the application for the subdivision had been made. Mr. Maughan stated that approving the Preliminary Plat could open Wellsville City up to a lawsuit. Mr. Winder stated that a significant amount of expense has gone into this process, and if Wellsville City declares a moratorium, it is very frustrating on their part. Mr. Leatham asked if Wellsville City could declare a moratorium. Mr. Hartle stated that he would need to discuss the issue with City Attorney Bruce Jorgensen. Mr. Winder asked if the funds have been allocated to address the water issue in this area. Mr. Hartle stated no. Mr. Maughan stated that allowing a subdivision to be built doesn't help the situation. Mr. Maughan stated that running a water line from the gravel pit reservoir to the Lindley Reservoir, a pump station would still be required. Mr. Maughan stated that a well could be drilled about Mount Sterling, but some wells are producing less than 200 gallons of water per minute. Mr. Winder stated that this is the Preliminary Plat phase, and the concerns that are being raised are for the Final Plat. Mr. Maughan stated that because of pressure problems and fire flow, he couldn't in good conscience approve this subdivision. Mr. Bates stated that it could be approved and then shut down if there is justification. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to continue this discussion until Wellsville City receives the opinion of City Attorney Bruce Jorgensen and City Engineer Chris Breinholt can attend a meeting after the data is return from Mr. Jorgensen.

YEA 4

Gary Bates
Carl Leatham
Perry Maughan
Glenna Petersen

NAY 1

Karen Higley

The City Council discussed the Darley Field scoreboard. Mayor Thomas G. Bailey stated that Curtis Maughan has tried to fix the scoreboard, and can't get parts to fix it. Mayor Bailey stated that the other option is to find a similar used scoreboard to get parts. Mayor Bailey stated that Randy Wall has offered to donate some money for a new scoreboard. Mayor Bailey stated that Pepsi donated the original scoreboard, and doesn't know if they would be interested in donating again. Gary Bates stated that an individual has offered twice to replace the scoreboard, and when he has been given a price estimate, he has changed his

mind. Mr. Bates stated that he has worked with Yesco on an estimate. Mr. Bates stated that Darley Field does need a new scoreboard, but Wellsville City hasn't seen any money for anyone interested in donating. Mr. Bates stated that the estimate for a new scoreboard is approximately \$30,000. Glenna Petersen asked if Mr. Bates has contacted Utah State Corrections about a scoreboard. Don Hartle stated that Wellsville City has purchased traffic signs from Utah State Corrections. Mr. Bates asked if Utah State Corrections makes scoreboards. Mr. Hartle stated that he didn't know. Mayor Bailey stated that if Wellsville City is going to keep having softball tournaments at Darley Field, they need to have a scoreboard that works. Perry Maughan would like to see Wellsville City pursue a scoreboard for Darley Field. Mr. Bates agrees with Mr. Maughan. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to continue this discussion at a future City Council meeting.

YEA 5

NAY 0

Gary Bates
Karen Higley
Carl Leatham
Perry Maughan
Glenna Petersen

Don Hartle updated the City Council on the new City Office building. Mr. Hartle stated that they are moving ahead. They have run into some problems getting the utilities moved to the temporary offices. Mr. Hartle stated that the current office building is scheduled to have the asbestos removed on September 21. The demolition of the current office building is scheduled for September 28. The construction of the new City Office is scheduled for October 5.

Gary Bates discussed Utah State Code 52-4-204, holding of closed meetings. Mr. Bates reviewed the section of the Utah State Code 52-4-204 with the City Council. Mr. Bates stated that Wellsville City needs to be very careful when holding closed meetings. Don Hartle stated that he checks with City Attorney Bruce Jorgensen before he schedules an executive session. Mr. Bates suggested that the City Council review Utah State Code 52-4-204.

Department Reports:

Mayor Thomas G. Bailey – 1) Wilma Hall – suggested Ron Case and Kent Larsen to be members of the historical committee – City Council agreed.

2) Sunday Night Program – 7:30 p.m. – asked that the City Council arrive around 7:00 p.m. to hand out programs and shake hands – good public relations.

3) City Council meeting on August 16, 2015 – 3 members of the City Council will be out of town – meeting will be canceled.

4) Asked that number of vehicles that the City Council will have in the parade – 2.

Carl Leatham – 1) In the previous meeting, William Owens received a business license to sell trailers. Mr. Owens is using part of the Mtn. Valley Heating & Air Conditioning building as an office. Mr. Owens discussed with Brent Benson the condition of the fence. Don Hartle reviewed the minutes of the meeting in which Mr. Benson received his business license. The fence was part of the discussion, but was not a condition of the business license. Mr. Benson has lived up to his conditional use permit.

2) Not happy with the asphalt work on 900 South – believes there is some shady work. Gary Bates suggested that City Engineer Chris Breinholt assess the asphalt work on 900 South. Perry Maughan stated that he would discuss the asphalt work on 900 South with LeGrand Johnson.

Gary Bates – 1) Lighting the flag at the east entry park – was to be an Eagle Scout project. Mr. Bates suggested purchasing 3 solar lights and installing them on the flag pole. Perry Maughan stated that he will discuss the Eagle Scout project with Mr. Hawker, the individual who the Eagle Scout project was approved for.

- 2) Feedback for Recreation for Summer 2016:
 - Wednesdays in Wellsville – good thing – it will grow
 - Music in the Park – cost \$200 - \$400 – go back to Sunday evenings
 - Movies – cost \$300 - \$400 – great turnout
 - Fishing Derby – makes money on this project because of grants that Wellsville City receives
- 3) Tennis Courts – cracks – pressure washed the dirt out and he and his wife filled the cracks with 960 pounds of concrete. Not a professional looking job, but will salvage them for this year. Will apply for grants to replace the tennis courts.
- 4) Steve Kyriopoulos – meet with City Council to walk the river – will contact him to set something up.

Perry Maughan – 1) Told Gary Bates that he and his wife did a fantastic job on the tennis courts.

2) Roads – slurry seal – begin on Tuesday, September 8, 2015.

3) CERT program – headed by Robyn Bankhead – if there are more than 13 people that want to attend the training, the instructor will come to the City and teach the class.

Glenna Petersen – 1) Sidewalk Committee met – replace some sidewalk along Main Street – hoping for a grant because it is on a state road, and 200 West – straight south of Willow Valley, contacting individual who owns the property.

Karen Higley – 1) Announcers for parade – Chad & Cindy Lindley

2) Large sound system – flag ceremony and parade

3) Thank Perry Maughan for all of his work on Founder’s Day

4) Handed out a list of items that the activities vendor will provide for Founder’s Day – there will be 8.

City Manager/Recorder’s Report:

Don Hartle – 1) Backup generator – provided power for City Office, Fire Department, and EMS building. Asked what to do about it for the temporary office. Asked if Wellsville City should go to the expense of running a gas line. Perry Maughan stated that his opinion is that it would be a good investment. Carl Leatham asked about converting to propane. Mr. Maughan stated that Wellsville City has tried to convert to propane in the past and in the long run will save money by running the gas line. Karen Higley asked about renting a different backup generator. Mr. Maughan stated that Wellsville City could, but they should use what they have.

At 8:26 p.m., Glenna Petersen made a motion, seconded by Karen Higley, 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