

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, November 17, 2010, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Ron Case, Gary, Bates, Carl Leatham, and Jackie D. Orton. 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 November 12, 2010. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Landon Brenchley	Dalan Speth
	Max Larsen	Ethan Jeppson	Aaron Selvage
	Troy Law	Scott Thatcher	Dale Cooper
	Mark Anderson	Satenik Sargsyan	Zakk Christensen
	Colton Hunter	Conner Moser	Carson May
	Mike Vest	Zac Skinner	Dallen Hemsley
	Danalin Dent	Michael Dent	

Opening Ceremony: Ethan Jeppson

Councilman Colin Harrison was excused from this meeting due to illness.

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

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Carl Leatham	
Jackie D. Orton	

The Council reviewed the minutes of the November 3, 2010 City Council meeting. There were word changes on lines 132, 133, and 173. Jackie D. Orton made a motion, seconded by Gary Bates, to approve the minutes of the November 3, 2010 meeting with the changes.

<u>YEA 4</u>	<u>NAY 0</u>
Gary Bates	
Ron Case	
Carl Leatham	
Jackie D. Orton	

Mark Anderson asked if there is a list of Eagle Scout projects that Wellsville City needs completed. Gary Bates stated that a list is given to each bishop and young Men's president of each LDS ward. The person to contact for the project is listed on the paper. Any project for Wellsville City has to be approved by the City Council.

Dale Cooper met with the City Council to discuss his water overage. Mr. Cooper stated that during the summer, his sprinkling system developed a leak. Mr. Cooper stated that he has some large, decorative boulders on his property that he thinks must have settled. The boulders are on top of gravel, which the water leaked into, and then into the drain field of the septic tank. Mr. Cooper stated that he never knew there was a water leak. Mr. Cooper stated that Leesa Cooper contacted him about his water overage. Don Hartle stated that Mr. Cooper's water bill came to \$727.10. Jackie D. Orton asked if this water leak was any fault of Wellsville City. Mr. Cooper stated no. Ron Case stated that it has been Wellsville City's policy to split the water bill with the resident in half, since this is neither the resident's fault nor the City's fault, and this is fair to everyone. Mr. Case stated that he would hate to set precedence because this is what has been fair in the past. Mr. Hartle stated that \$29.50 is the normal bill, so the overage totals \$697.60, and a credit will be issued to Mr. Cooper in the amount of \$348.80. Carl Leatham asked if there has been a history of extreme overages on this account. Mr. Hartle stated no. After discussion, Ron Case made a motion, seconded by Carl Leatham, to credit the account of Dale Cooper in the amount of \$348.80 for water usage because of a leak.

YEA 4

NAY 0

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

Jeff Smith representing Cache Holdings, LLC met with the City Council for a business license. Mr. Smith stated that he owns the old train station building at 51 East Main where Dr. Hunt is currently renting 1/3 of the building. Mr. Smith stated that the other 2/3 of the building is vacant, and he owns an outdoor products business that he would like to occupy the east side of the building with. Mr. Smith stated that the business is heavily internet-based, but would like to add a small store front. Ron Case asked if the bulk of the business is done by mail. Mr. Smith stated that the bulk of the business is drop-shipped. Mr. Case asked if there would be any deliveries made to the building. Mr. Smith stated that there would be some UPS-size trucks making deliveries, but they would be fairly infrequent. Jackie D. Orton asked if Mr. Smith would have any signs associated with this business. Mr. Smith stated that there would be some, but it is not a huge issue for him and he will abide by the City's current sign code. Carl Leatham stated that the Planning Commission approved the conditional use permit for Mr. Smith. Mr. Leatham stated that the Planning Commission did have a concern with parking. Mr. Smith owns at least 12 parking spaces and has access to the street parking. After discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve the business license for Jeff Smith representing Cache Holdings, LLC.

YEA 4

NAY 0

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

Michael and Danalin Dent met with the City Council to discuss a possible annexation. Mr. Dent would like to purchase about 8 acres of the Elwood property at 500 North 200 West. Don Hartle stated that he, Perry Maughan, Tom Maughan, and Mayor Thomas G. Bailey reviewed the area. Both Perry Maughan and Tom Maughan felt that the existing road was wide enough, and that Mr. Dent would need to deed 35 feet to 40 feet to Wellsville City on the south side, and move the utilities. Mayor Thomas G. Bailey stated that there are 2 secondary water lines that go from the canal to 200 West. One of the secondary water lines is out in the field, and would probably not need to be moved. The other secondary water line belongs to Scott Hendry. Mr. Dent would need to discuss with Mr. Hendry what needs to be done with the secondary water line as it is a private water line. Mr. Dent asked who would make the decision to move the water line if he deeds 35 feet to 40 feet over to Wellsville City. Mayor Bailey stated that any utility line would need to be moved, along with the 3 power poles. Mayor Bailey stated that Mr. Dent's father, Curtis Dent, stated 2 weeks ago that it would be cheaper to bury the utility lines than to move the power poles. Mr. Dent asked if the power poles are in the easement, would he still be required to pay to move the power poles. Mayor Bailey stated that it is not fair 10 years down the road for the City to have to move the power poles. Mayor Bailey stated that moving the power poles is between Mr. Dent and Rocky Mountain Power. Mr. Hartle stated that all electrical utility lines are buried, and that it is part of the subdivision code. Mr. Dent asked if there was a decision made on the width that he would be required to deed over to Wellsville City. Mayor Bailey stated that Mr. Dent would be required to deed 49 1/2 feet from the center line of the road over to Wellsville City. Gary Bates stated that if further development is done to other parcels of property, the road would need to be widened. Mr. Hartle stated that Wellsville City didn't receive 49 1/2 feet from Willow Valley Middle School. Mr. Bates asked if the road meets all of the City's requirements. Mayor Bailey stated yes. Carl Leatham stated that 49 1/2 feet all the way to the west is fair. Mayor Bailey stated that Wellsville City doesn't know the exact number of feet that Mr. Dent would be required to deed to Wellsville City. Mr. Dent stated that he would have the property surveyed, and asked if they could rely on the surveyor. Mayor Bailey stated that the surveyor would need to understand where the center of the road is. Mr. Bates stated that this would be treated as a new subdivision. Mr. Hartle stated that from the existing north street boundary to the center of the road is 35 feet. Mr. Dent deeds 49 1/2 feet to Wellsville City, the road right-of-way would be 84 1/2 feet, which is all Wellsville City could have because of Willow Valley Middle School. Mr. Bates asked about asphalt. Mr. Hartle stated that Mr. Dent would be required to pour

about 8 feet of asphalt. Mayor Bailey asked if the City Council would require Mr. Dent to widen the road as part of the annexation, or wait until there is development on the property. Mr. Hartle stated that if Mr. Dent goes to Cache County to subdivide the property, Cache County will not require the road to be completed. Mr. Dent stated that part of the purchase agreement states that the property has to be annexed into Wellsville City first. Mr. Leatham stated that if Mr. Dent deeds the property, the road should be completed before any development starts. Mayor Bailey asked if the City Council would require Mr. Dent to move the utilities as part of the annexation, or wait until development starts. Mr. Hartle stated that it makes no difference because it has to be completed. Ron Case stated that if none of the improvements are completed, and the property is sold again, the agreement would have to carry forward. Mr. Bates read the motion that was made concerning this property 2 weeks ago. It stated: "that the City Council supports this annexation request in principal, and the moving power poles, other utilities, irrigation lines, donation of the road, and the amount of asphalt be decided by the Dent family, Mayor Bailey, and Don Hartle." Mayor Bailey stated that the road meets the city specifications, but it doesn't line up. Danalin Dent stated that if they don't purchase the property, it may take 5 years to improve the road, have the utilities moved, and the irrigation lines moved. Mayor Bailey stated that Wellsville City will never improve the road. If this property is developed in the County, the County goes along with the City ordinances because it is next to property that is already part of Wellsville City. Mr. Dent asked if they purchased the property and built 1 home on it. Mayor Bailey stated that if the property is annexed into Wellsville City, the road will be required. Mr. Dent asked if developed and subdivided means the same thing. Mayor Bailey stated that if the property is annexed into Wellsville City, it will come in as RA-1, which, if purchased, can build 1 home on the property. Mr. Hartle stated that there are 2 parcels of ground. One parcel is above the canal, and one parcel is below the canal. Mr. Dent would like to purchase the property that is below the canal. Mr. Hartle stated that when the property is divided, there is a new tax identification number issued. When this occurs, the code doesn't require Mr. Dent to build the road or move any utilities if there is just 1 home built and the property is being subdivided from property in the County. Mr. Hartle stated that the agreement between the City and the Elwood's was told to the Elwood's when Willow Valley Middle School was built. The Elwood's didn't accept the offer from the City, so they are now on their own. Mr. Case stated that it was a condition of the annexation. Mr. Hartle stated that it was a condition that was told to the Elwood's. Mr. Case stated that part of the annexation should include all of the requirements to be in writing. Mr. Dent is asking for the same agreement with Wellsville City as was told to the Elwood's by Wellsville City years ago. Mr. Case stated that if the Elwood's didn't accept the offer then, the City would not participate. Mr. Dent handed out some pictures of the property. Mr. Dent stated that he can move the power poles, bury the power lines, and move the water lines, but he can't move the head gate at the canal. Mayor Bailey stated that it is a head gate, and he will not be moving it. Mr. Bates stated that he understands that Perry Maughan and Tom Maughan looked at the road and felt fine with the width, but Mr. Bates is concerned that Wellsville City will be setting precedence. Mr. Leatham stated that center is center no matter the driving surface. Mr. Bates stated that if Wellsville City accepts the current width of the road, than Mr. Dent may not have to move the utilities. Mr. Hartle stated that the master road plan shows that road as a collection road, and the utilities will have to be moved then. Mr. Case stated that there have been 2 other families that Wellsville City has told no to building roads through their property. Mayor Bailey stated that the reality is that the road is there, and it will need to be widened now or at some point. Mayor Bailey stated that Wellsville City can't annex property into the City without a right-of-way. Mr. Dent asked about widening 200 West and burying utilities. Mayor Bailey stated that the problem with 200 West is that the canal is very close to the road in several locations. That road can't be widened anymore than it already is. Mr. Dent stated that he shouldn't be required to do anything more than anyone else in Wellsville City doesn't have to do. Mayor Bailey stated that with any new subdivision, the power lines have to be buried. Mrs. Dent stated 2 weeks ago, she came away from that meeting that they wouldn't be required to improve the road. Mrs. Dent asked if that requirement is changing. Mr. Hartle stated that Mr. and Mrs. Dent would be required to deed 49 1/2 feet on 500 North to Wellsville City, curb, gutter, and sidewalk will not be required, bury the power lines, and move the irrigation lines. Mr. Leatham stated that until something is built on the property, there is no rush to move anything. Mr. Bates stated that Wellsville City has no solid answers until the surveying of the property has been completed. Mrs. Dent stated that there is a possibility that more asphalt would be required. Mayor Bailey stated that if the property is subdivided into lots with a few homes, the asphalt would be a requirement. Mr. Dent stated that in order to build a home on this property, the following have to take place: 1) annex the property into Wellsville City with zoning as RA-1, 2) bury power lines along 200 West and 500 North, 3) move irrigation line along 500 North, 4) deed property to Wellsville

City, and 5) new asphalt along 500 North. Mr. Dent would be responsible to pay for the cost of these 5 things. Mayor Bailey stated that there may be a difference between 1 home built on the property, and 2 homes built on the property. Mr. Bates stated that if 1 home is built on the property, the requirements would be limbo. Should the Elwood's decide to sell the piece of property above the canal, would the City move the irrigation line, power lines, and asphalt the road? Mr. Case stated that could happen, or leave it until the Dent's are ready to make the improvements. Mr. Hartle stated that if the City does that, it will be in big trouble. All of the improvements have to be completed before any home is built on the property, or forget it. Mayor Bailey stated that the City Council needs to make a decision. Mr. Hartle stated that Mr. Dent will need to dedicate 49 ½ feet from the center line of the road. Mr. Dent asked if this could be left open if further discussion is needed. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, that the City Council support this annexation request in theory, and that up to 49 ½ feet of property will be deeded to Wellsville City bordering 500 North on the south side, moving the power poles, other utilities, irrigation lines, and amount of asphalt to be placed on 500 North is the responsibility of the property owner at the time of further development request.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

The City Council discussed adopting a resolution appointing a representative to the Cache Mosquito Abatement District. Ron Case stated that in the third paragraph, it states that the current representative has resigned. The current representative hasn't resigned. His term ends on December 31, 2010, and has declined reappointment for another term. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to table this issue for 2 weeks.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

The City Council discussed the City Justice Court. Don Hartle stated that Wellsville City signed a contract with Mendon City several years ago to have all of Mendon City's citations to go through the Wellsville City Justice Court. The contract stated that after Wellsville City pays the State of Utah, Wellsville City would pay Mendon City 50% of what is received. Mendon City would be responsible to pay all of the attorney fees and collection costs. Currently, Mendon City owns Wellsville City \$5,355.73. The expenses for Mendon City are exceeding the revenues. Mr. Hartle asked that the City Council think about writing a letter to Mendon City asking them to look elsewhere for court service because it is costing Wellsville City money to continue this service for Mendon City. Ron Case asked if Mendon City would pay what they owe Wellsville City. Mr. Hartle stated that he would have City Attorney Bruce Jorgensen review the contract to see if Wellsville City could bill Mendon City. Mayor Thomas G. Bailey stated that it is not fair that Wellsville City should have to carry Mendon City. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to continue this discussion, and have Mayor Bailey discuss the matter with the Mendon City Mayor.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

At 8:45 p.m., Gary Bates made a motion, seconded by Ron Case, that the City Council leave the executive session.

YEA 4
Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

After discussion, Gary Bates made a motion, seconded by Ron Case, to authorize Don Hartle to proceed to investigate and prepare funding options and a payment plan of the open space discussed in the executive session for both the purchase of the property and the purchase of development rights.

YEA 4
Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

At 8:50 p.m., Carl Leatham made a motion, seconded by Jackie D. Orton, to adjourn the meeting.

YEA 4
Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder