

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, January 16, 2019, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Kaylene Ames and Denise Lindsay, Councilmen Gary Bates, and Carl Leatham. City Manager/Recorder Scott Wells 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 January 11, 2019. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman  
Kevin Clark  
Conner Beardall

Casey Leishman  
Kaden Strawn

Jason Watterson  
Logan Beardall

Opening Ceremony: Kaden Strawn & Logan Beardall

City Councilman Perry Maughan was excused from this meeting.

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

YEA 3

NAY 0

Kaylene Ames  
Gary Bates  
Carl Leatham

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, Carl Leatham made a motion, seconded by Kaylene Ames, to approve the City's account payables bills for payment, represented by check number 22973 through 23003.

YEA 3

NAY 0

Kaylene Ames  
Gary Bates  
Carl Leatham

Councilwoman Denise Lindsay arrived at the meeting at 6:05 p.m.

The Council reviewed the minutes of the January 2, 2019 regular City Council meeting. After discussion, Kaylene Ames made a motion, seconded by Carl Leatham, to approve the minutes of the January 2, 2019 regular City Council meeting as presented.

YEA 4

NAY 0

Kaylene Ames  
Gary Bates  
Carl Leatham  
Denise Lindsay

There was no one in attendance for citizen input.

Casey Leishman met with the City Council for a business license. Casey Leishman stated that he would like to run a small general repair shop out of the building located behind his home. Carl Leatham stated that the Planning Commission approved the conditional use with the following conditions: there could be a maximum of 10 vehicles, 8 outside of the building and 2 inside the building, hours of operation is 8:00 a.m. to 5:00 p.m., and any signage would have to be applied for separately. After discussion, Carl Leatham made a motion, seconded by Denise Lindsey, to approve the business license for Casey Leishman with the conditions that there could be a maximum of 10 vehicles, 8 outside of the building and 2 inside the building, hours of operation is 8:00 a.m. to 5:00 p.m., and any signage would have to be applied for separately.

YEA 4  
Kaylene Ames  
Gary Bates  
Carl Leatham  
Denise Lindsay

NAY 0

Jason Watterson met with the City Council to discuss the need for signage at playgrounds, splash pad, and Wellsville Dam. Jason Watterson works for the trust. His job is to keep Wellsville City out of trouble. Mr. Watterson works as a risk manager. Mr. Watterson stated that Wellsville City should be worried about being sued at any time, anywhere, and for anything. Mr. Watterson stated that liability is "the state of being responsible for something, especially by law." Mr. Watterson stated that Wellsville City must be found negligent. Mr. Watterson stated "If you build it, they will sue!" Mr. Watterson asked what is a duty. It is a legal obligation to a standard of reasonable care. Mr. Watterson asked who Wellsville City has a duty to. Mr. Watterson stated that Wellsville City has a duty to invitees, licensees, and trespassers. If there is a hidden hazard, it is Wellsville City's obligation to let users know. Mr. Watterson asked what the standards are. They are legal requirements, consensus standards, and MUTCD. For the standards of care, Wellsville City must evaluate facilities/activities, write it down, communicate it, and act on it. Mr. Watterson asked how Wellsville City avoids liability. They should identify exposures, prioritize and identify controls, prioritize and identify controls, implement controls, verify controls, and document. Mr. Watterson stated that documentation is critical. If it isn't written down, it never happened...UNLESS it's bad! Mr. Watterson stated that Wellsville City can't cover everything with a sign. Mr. Watterson stated that liability waivers have limited effectiveness. They are not bullet proof. Wellsville City needs to communicate the rules of parks. Wellsville City needs to post signs at Wellsville Dam stating that there is no lifeguard on duty and no swimming. Gary Bates asked about the demographics of Wellsville City and if the signs should be in multiple languages. Mr. Watterson stated that pic-o-grams are a perfect solution to multiple language signs. Mr. Bates asked about a launch dock for kayaks. Mr. Watterson suggested a sign that states for launching watercraft only. Mr. Bates suggested that in the spring having Mr. Watterson do a walk-around of Wellsville City with the Parks & Recreation Committee. Mr. Watterson agreed. City Manager Scott Wells stated that it would be a good service. Mayor Thomas G. Bailey thanked Mr. Watterson for attending this meeting.

The City Council discussed the proposed amendment to the Subdivision Cod establishing a fee-in-lieu for all future sidewalks in Wellsville City. Mayor Thomas G. Bailey stated that the proposed wording was sent to the City Council in their packet. City Manager Scott Wells stated that this issue had been discussed previously. Mr. Wells asked what the City Council wanted to do for here. The City Council was in favor of issuing the wording as a code amendment and moving forward. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to continue this discussion as a future City Council meeting.

YEA 4  
Kaylene Ames  
Gary Bates  
Carl Leatham  
Denise Lindsay

NAY 0

#### Department Reports:

Mayor Thomas G. Bailey – 1) The Board of Education has approved the purchase of the property by Wellsville City. They are in the process of removing the asbestos.  
2) Humane Society approached him looking for property for an animal shelter.

Carl Leatham – 1) Wellsville City may be unable to replace the float trailer, but the float needs an overhaul. Discussed cutting 4 feet off the existing trailer. Asked about using the construction crew from the County Booth for the float trailer – sure, think they are geniuses.  
2) Last meeting, discussed non-compliant businesses. Discussed approaching them as a rezone and have a mix use – may be a possibility.

Kaylene Ames – 1) Shade Tree & Beautification Committee – Wellsville Dam park – asked if there were specific types of trees that Wellsville City wanted planted – trees that will grow. Use list for types of trees.

Denise Lindsay – 1) Sidewalk committee – can't get anyone to commit – may have better luck in the spring. City Manager Scott Wells will help with some names.

City Manager/Recorder's Report:

Scott Wells – 1) Mosquito Abatement – Kevin Tingey – term is up, any problem with him continuing if he so chooses – will come through as a resolution on the first meeting in February.

2) Snow removal – subdivisions with wide curbs, the snow will be pushed back to the curb as to help those that push snow into the road to stop.

3) There have been mailboxes and garbage cans taken out this year by the snowplow.

4) 7 tickets have been written for parking along the road.

At 7:25 p.m., Gary Bates made a motion, seconded by Carl Leatham, to adjourn the meeting.

YEA 4

Kaylene Ames

Gary Bates

Carl Leatham

Denise Lindsay

NAY 0



Thomas G. Bailey  
Mayor



Scott E. Wells  
City Manager/Recorder