

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, November 6, 2019, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Kaylene Ames, Councilmen Gary Bates, Carl Leatham, and Perry Maughan. City Manager 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 November 1, 2019. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Mamie Hammer	Hallie Heiner
	AJ Thornock	Kalvin Kunzler	Ty Wells
	Dax Hartvigsen	Trev Hartvigsen	Andrew Nielson
	Melissa Nielson	Chris Clark	Kirt Lindley
	Clint Kerr	M. Kent Larsen	Chad Poulsen
	Bob Lindley		

Opening Ceremony: Andrew Nielson

The Council reviewed the agenda. City Manager Scott Wells stated that item #8 is dismissed because they will not need any funding from Wellsville City. Carl Leatham made a motion, seconded by Gary Bates, to approve the agenda with the change.

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Gary Bates	
Carl Leatham	
Perry Maughan	

The Council reviewed the minutes of the October 16, 2019 regular City Council meeting. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to approve the minutes of the October 16, 2019 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Gary Bates	
Carl Leatham	
Perry Maughan	

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, Gary Bates made a motion, seconded by Carl Leatham, to approve the City's account payables bills for payment, represented by check number 23952 through 24000.

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Gary Bates	
Carl Leatham	
Perry Maughan	

Mayor Thomas G. Bailey stated that yesterday was election day. Wellsville City had 3 seats opened on the City Council and 3 people applied. The 3 people that applied are Denise Lindsay, Bob Lindley, and Chad Poulsen. Mayor Bailey stated that he appreciated Gary Bates and Carl Leatham for their willingness to serve. Gary Bates and Carl Leatham will serve until the first meeting in January. Mayor Bailey stated that he also appreciated the 3 people that applied and their willingness to serve Wellsville City.

Mamie Hammer stated that the Wellsville City Youth Council conducted elections last night and 4 of the 6 that were elected were in attendance to introduce themselves to the Wellsville City Council. Those elected

were AJ Thornock, Calvin Kunzler, Hallie Heiner, Abby Bates, Hyrum Hammer, and Sadie Coleman. AJ Thornock will serve as Mayor. Ms. Hammer stated that the Wellsville City Youth Council will be sworn in during the first City Council meeting in January.

Andrew Nielson met with the City Council to discuss for approval an Eagle Scout project to paint the Santa Sleigh for the town square. Andrew Nielson stated that will be preparing and painting the Santa Sleigh. Mr. Nielson would like to start as soon as possible to have it completed by Thanksgiving. He needs 7 to 10 people for the project. Mr. Nielson stated that he will need plywood, 1 to 2 gallons of paint, a new wreath, and new Christmas lights.

Councilwoman Denise Lindsay arrived at the meeting at 6:14 p.m.

Mr. Nielson stated that the cost of the project is approximately \$345. Mr. Nielson plans to raise the funds for the project. Mr. Nielson explained the different phases of the project. Gary Bates stated that this is a good project. Mr. Bates stated that they would like to have the sleigh in place on the Friday after Thanksgiving. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve an Eagle Scout project to paint the Santa Sleigh for the town square and authorize up to half of \$345 if necessary.

YEA 5

NAY 0

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay
Perry Maughan

Chris Clark met with the City Council to present for possible approval the Final Plat for the Clark Subdivision consisting of 2 lots (1 additional building lot) from 598 South 300 West to 600 South 250 West, Tax ID #10-026-0014. Chris Clark stated that everything is the same and that nothing has changed. Carl Leatham asked Mr. Clark if he realized that once sewer comes within range of his parcel that he will be required to connect. Mr. Clark stated yes. City Manager Scott Wells stated that concerning the sewer, there is a clause in the letter that Mr. Clark would share in the cost of the sewer and connect to the sewer. Mr. Leatham stated that he thinks it is only fair to have Mr. Clark share in the cost. Mr. Wells stated that according to the code, Mr. Clark was supposed to connect to the sewer. However, the City Council voted to have Mr. Clark not connect to the sewer. Once the sewer comes within 300 feet of the home, Mr. Clark must connect to the sewer. Gary Bates stated that he hates to push off this issue onto another City Council. Mr. Bates suggested writing a letter with the wording that states 'participation in the sewer project to be determined by a future City Council'. Mr. Bates stated that the City Council needs to know more information before a decision can be made. A suggestion was made to have a pioneering agreement. Mr. Wells stated that he doesn't know much about pioneering agreements. The pioneering agreement can state that if someone connects within the next 10 years, they will help with the cost. Mayor Thomas G. Bailey stated that this is something that Maverik did when they built their new building in Wellsville. Mr. Wells asked if the pioneering agreement is something Mr. Clark sets up or the City Council. Mayor Bailey stated that Mr. Clark sets it up, but it is approved by the City Council. Mr. Leatham stated that conditions exist that he doesn't think 10 years is unreasonable. Mr. Bates stated that it is Mr. Clark's decision if he wants to pursue the pioneering agreement. After discussion, Carl Leatham made a motion, seconded by Denise Lindsay, to approve the Final Plat for the Clark Subdivision consisting of 2 lots (1 additional building lot) from 598 South 300 West to 600 South 250 West, Tax ID #10-026-0014 with the conditions placed because of the sewer and if possible, pursuing a pioneering agreement.

YEA 5

NAY 0

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay
Perry Maughan

Wellsville City Irrigation Company met with the City Council to discuss options for the use and liability of the Wellsville City Dam. City Manager Scott Wells handed out a letter from the Wellsville City Irrigation Company insurance company. Mayor Thomas G. Bailey stated that a few weeks ago, an Eagle Scout project was proposed to build a kayak dock at the Wellsville Dam. Mayor Bailey stated that the City Council approved the project and asked the young men to check with the Wellsville City Irrigation Company. Mayor Bailey stated that the Wellsville City Irrigation Company turned the young men down. Mayor Bailey stated that the City Council should have a letter in front of them from the Wellsville City Irrigation Company insurance company. Mayor Bailey stated that there was an event that happened in Paradise 10 to 12 years ago on an irrigation ditch. Clint Kerr stated that he spoke with the Wellsville City Irrigation Company insurance company yesterday and was told that they would be absolutely nuts to put anything on that body of water. Mr. Kerr stated that Wellsville Dam safety is completed yearly. Mr. Kerr stated that Arlyn Brenchly wrote a letter to get out of adding a spillway to Wellsville Dam. Mr. Kerr stated that he asked the Wellsville City Irrigation Company insurance company if the dam was turned over to Wellsville City, would the Wellsville City Irrigation Company still be liable, and they said yes. Mr. Kerr stated that the Wellsville City Irrigation Company insurance company asked if Wellsville City charges a fee to use the dam. Mr. Kerr told them that they don't. Mr. Kerr stated that another reason is that Wellsville City has no equipment to rescue someone from Wellsville Dam. Mr. Kerr stated that the only way it would work is if Wellsville City took over the Wellsville City Irrigation Company. Kirt Lindley stated that when the Irrigation Company was started, Wellsville City was the irrigation company. Mr. Lindley stated that in the late 1980's, Wellsville City decided to get rid of the irrigation company, so they made an irrigation board of directors. Mr. Lindley believes that this is where all the confusion is coming from. Perry Maughan asked what a state park does, such as Hyrum City. Mr. Lindley stated that there is absolutely no insurance on the water. Mr. Lindley stated that since he has taken over as dam master, there have been 6 cars go over the wall, 2 people drown, and 3 boat accidents. Mayor Bailey stated that Hyrum Dam is completely difference because it is owned by the Bureau of Reclamation. Carl Leatham asked if Wellsville City can take ownership of the dam and still have a Board of Directors. Mr. Wells stated that he doesn't know if Wellsville City wants to get involved. Mr. Wells suggested transferring Wellsville Dam to Wellsville City and leasing the water back to the Wellsville City Irrigation Company once it gets in the pipe. Denise Lindsay stated that Wellsville City doesn't police what goes on at Wellsville Dam. Ms. Lindsay stated that you can't stop people from canoeing on the dam. If something happens, the person will sue Wellsville City and the Wellsville City Irrigation Company. Ms. Lindsay stated that the bottom line is that Wellsville City owns the property around the dam. There can be signs at the dam that people enter at their own risk, but Wellsville City can't keep kids from getting in and on the water. Mr. Maughan stated that it is just like the cement ditch around the Wellsville City Square. There are kids that play in that also. Gary Bates stated that the Wellsville City insurance company thinks that it is responsible for anything that happens at the dam. Mr. Wells stated that Wellsville City pays \$500 per year for insurance at Wellsville Dam for liability of a breach. Mayor Bailey stated that when Mr. Wells spoke with the Wellsville City insurance company concerning the kayak dock, they didn't see any problem with it. Ms. Lindsay stated that Wellsville City needs to be proactive and install signs. Mr. Kerr stated that insurance is very limited on irrigation companies. Mr. Kerr stated that the Wellsville City Irrigation Company insurance company suggested installing a sign that says no water activity. Mr. Wells stated that there is always a risk with water. Once obstructions are installed, then there is a liability. Mr. Bates stated that he is reluctant to install signs. Mr. Bates stated that he does agree with no swimming signs. Mr. Bates would like to see Wellsville City talk more with the insurance company and the City Attorney. Mr. Bates feels that the Wellsville Dam is a real attribute to the citizens. M. Kent Larsen stated that the Wellsville Dam is too small to have watercraft on it. Mr. Larsen stated that there is not one sign that says what you can do on the dam. Mr. Larsen stated that he is against having anything on the dam. There is no saving equipment and no enforcement. Mr. Maughan stated that he disagrees. Mr. Maughan stated that Wellsville City has the dam, let's use it. Mr. Maughan stated that the kayak dock would help those get on and off the dam safely. There are not that many recreation activities in Wellsville City. Mr. Maughan would like to see the Wellsville Dam used for recreation. Mr. Maughan stated that the responsibility lies with who owns the property. Mayor Bailey stated that when Wellsville City was building the trail around Wellsville Dam, Wellsville City did a lot of research to know where the property lines are. Mayor Bailey stated that Wellsville City owns the land, Wellsville City Irrigation Company owns the water Wellsville City Irrigation Company insurance company. Mr. Leatham stated that there is so much use of the reservoir that goes beyond fishing. Mr. Leatham stated that he agrees with installing sign that state enter at your own risk. Mr. Leatham stated

that he sees many people enjoy the body of water. Mr. Leatham stated that people enjoy the trail, float tubes, fishing, and kayaks. Mr. Maughan stated that he agrees with Mr. Leatham. Mr. Maughan would like more discussion with the insurance company. Mr. Maughan would like to find out who owns the property under the water. Mr. Kerr stated that the signs installed by Wellsville City and signs installed by Wellsville City Irrigation Company may say the complete opposite. Mr. Lindley stated that in order to get the Wellsville City Irrigation Company out of the responsibility of water, it could be transferred from the Wellsville City Irrigation Company to Wellsville City and then back to the Wellsville City Irrigation Company. Mayor Bailey stated that Wellsville City could transfer ownership of the water when it comes out of the dam. Mr. Kerr stated that the Wellsville City Irrigation Company owns the water right. Mr. Bates suggested having a water attorney review this issue. Mr. Maughan stated that he would like to see Wellsville City have more discussion with the City Attorney. Mr. Leatham stated that if the Wellsville City Irrigation Company spun off Wellsville City, then Wellsville City should own the water right. Mayor Bailey stated that in the articles of the Wellsville City Irrigation Company, it states that the water belongs to the Wellsville City Irrigation Company. Mayor Bailey stated that he doesn't think Wellsville City ever owned the water right. Mr. Kerr stated that he is concerned that the Wellsville City Irrigation Company insurance company will tell them to find insurance some place else. Mayor Bailey asked that Mr. Wells have more discussion with Wellsville City insurance company and the City Attorney. After discussion, Carl Leatham made a motion, seconded by Gary Bates to continue this discussion at a future City Council meeting.

YEA 5

NAY 0

Kaylene Ames
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Department Reports:

Carl Leatham – 1) Asked if there had been any resolution for Weeks Berries. City Manager Scott Wells stated that the County Building Department will need to send the bill to Mr. Weeks after the fact or Mr. Weeks will need to come into Wellsville City. Mr. Leatham would like to see Wellsville City act immediately or we have already lost control.

2) Sent City Manager Scott Wells an email – need to understand what he is talking about – asked City Planner Jay Nielson to review parcel owned by Loyal Green.

Mayor Thomas G. Bailey – 1) Attended a meeting with Logan City concerning ambulance service in Cache Valley – Cache Valley runs under SIMS. Logan City is looking to pull out of SIMS and go on their own. Discussed a North District ran out of Smithfield and a South District ran out of Hyrum. SIMS has a surplus of \$3 million and the equipment would be bought out of surplus. The Fire Service wouldn't change.

Kaylene Ames – 1) Old float that is not being used – take wood off and sell as excess property

Denise Lindsay – 1) Amazing Wellsville City Youth Council elections – took pictures – would like to add to website – contact Jennifer Hendricks.

City Manager/Recorder's Report:

Scott Wells – 1) Auditors are here – going very well – be here Thursday & Friday – Handed out a letter to the City Council that he is required to do – Scheduled for December 14, 2019 to report to the City Council.

2) Christmas Dinner – December 10, 2019 – Legacy Loft.

At 7:52 p.m., Carl Leatham made a motion, seconded by Denise Lindsay, to adjourn the meeting.

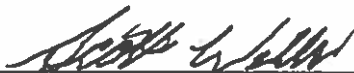
YEA 5

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NAY 0



Thomas G. Bailey
Mayor



Scot Wells
City Manager