

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, December 4, 2019, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Kaylene Ames, Councilmen 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 27, 2019. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Diana Cannell Kirt Lindley
Chad Poulsen

Opening Ceremony: Carl Leatham

The Council reviewed the agenda. Perry Maughan made a motion, seconded by Kaylene Ames, to approve the agenda as presented.

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Carl Leatham	
Perry Maughan	

The Council reviewed the minutes of the November 20, 2019 regular City Council meeting. After discussion, Carl Leatham made a motion, seconded by Perry Maughan, to approve the minutes of the November 20, 2019 regular City Council meeting as presented.

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
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, Carl Leatham made a motion, seconded by Perry Maughan, to approve the City's account payables bills for payment, represented by check number 24091 through 24125.

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Carl Leatham	
Perry Maughan	

There was no one in attendance for citizen input.

Dontay Christenson was to meet with the City Council to discuss his Eagle Scout project of installing bay and helmet racks at the Wellsville Dam Baseball field. Dontay Christenson didn't attend this meeting. City Manager Scott Wells stated that he hadn't heard from Mr. Christenson. Mr. Wells stated that he will contact Mr. Christenson and tell him that he must meet with the City Council on December 18, 2019 if his project requires any monies from Wellsville City, or he can ask for donations on his own.

Diana Cannell, representing Allred Jackson P.C., met with the City Council to present the 2018/2019 Audit Report. Diana Cannell thanked City Manager Scott Wells and the front office staff for all their hard work. Ms. Cannell reviewed the financial highlights with the City Council. Ms. Cannell reviewed the Wellsville City Financial Statements Report with the City Council. Ms. Cannell stated that there were 4 findings. There were: 1) misstatements relating to accounts payable and fixed assets were identified, 2) general unreserved fund balance exceeds the maximum 25 percent of current general fund revenues as allowed by law, 3) management did not provide financial reports to the Council on a monthly basis. The Council was presented with only a detail of case disbursements, and 4) the City overpaid a court surcharge to the State.

City Councilwoman Denise Lindsay arrived at the meeting at 6:19 p.m.

Mayor Thomas G. Bailey asked how Wellsville City looks financially. Ms. Cannell stated that Wellsville City is in good financial shape and is doing good for another year. Mayor Bailey thanked Ms. Cannell for attending this meeting.

City Councilman Gary Bates arrived at the meeting at 6:21 p.m.

The City Council continued the discussion and made a decision on the setback from 150 feet to 20 feet on parcel #11-091-0013 due to the size of the parcel. Mayor Thomas G. Bailey stated that the City Council had a discussion with Brent Parker concerning this property. City Manager Scott Wells stated that minutes from the City Council meeting held on March 20, 2019 were included in the packet. Mr. Wells stated that if this is approved, the same verbiage would be needed in the motion. Mr. Wells stated that is why the minutes are included. Gary Bates stated that the Planning Commission needs to address the conditions. Mr. Bates stated that he doesn't want to see a Tuff Shed sales yard with no permanent building and port-a-potties. Mr. Bates stated that he could see this spinning out of control. Carl Leatham stated that City Planner Jay Nielson always told the Planning Commission and the City Council that they should never rezone or modify an ordinance based on a single project. Mr. Leatham stated that Wellsville City needs to be consistent. Mr. Leatham stated that he agrees with Mr. Bates. Mr. Bates stated that Brent Parker came to City Council with no plan and the City Council had to coerce him to find out what business would be on this property. Mr. Leatham stated that this property fits the criteria to reduce the setback. Mark Thompson already owns the adjacent properties. Mayor Thomas G. Bailey stated that Wellsville City needs to be careful because he would hate to see a building built 20 feet off the highway. Mr. Leatham stated that this can be approved for any number of businesses, but in 5 years it could be a used car lot. Mr. Bates stated that conditions could be placed, double landscaping required, and building placement as part of the motion. Mayor Bailey stated that certain businesses are allowed in the commercial zone. Denise Lindsay stated that she goes back to the original conversation. No permission should be given unless there is a plan. The City Council agreed to the trailer sales because there was a plan. Ms. Lindsay stated that she agrees that the zoning shouldn't be changed based on the project. Perry Maughan stated that he has no problem with the 20-foot setback. Mr. Bates stated that he wants to clarify because he remembers discussing the 150-foot setback and reducing it, but he doesn't remember approving the 20-foot setback. The minutes were reviewed, and the motion was discussed. Mr. Leatham stated that there was a requirement that no permanent structures are built within the 40-foot setback. Mayor Bailey stated that regardless of who owns the property, there must be stipulations that protect Wellsville City. Mr. Bates stated that another condition is that there will be no temporary structure as an office. After discussion, Gary Bates made a motion, seconded by Perry Maughan, that the City may decide to waive the 40-foot setback requirement to reduce the setback to 20 feet. This option is what is proposed in the application. The City would make a finding if it waived this setback requirement that in order to justify the reduction, the landscape requirement would be doubled wherever there was a 20-foot setback. The interior setback is to remain per current code. The lighting should be appropriate to the area of development. The permanent structures meet current building codes, including restroom facilities. No temporary structures would be allowed to conduct business. The 40-foot setback is from the property line to the nearest edge of any structures.

YEA 5

NAY 0

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay
Perry Maughan

Kirt Lindley met with the City Council to discuss placing signs on city property at Wellsville Dam. Kirt Lindley stated that he is representing the Wellsville City Irrigation Company. Mr. Lindley stated that the Wellsville Irrigation Company would like to install 3 to 4 signs concerning the water. Denise Lindsay asked what the signs would say. Mr. Lindley stated the signs would state whatever the insurance company thinks is best. City Manager Scott Wells stated that Layton City has 3 reservoirs. Layton City allows paddle boards and float tubes, but no swimming. Mr. Wells stated that 100% of the liability is off the

irrigation company and 100% of the liability is off the city. Mr. Wells stated that the DWR plants the reservoirs with fish, so the State assumes liability. Mr. Wells stated that he has a call into the attorney for Layton City concerning this issue. Mr. Wells stated that the DWR pays the irrigation company for allowing them to plant fish in the reservoirs. Mr. Lindley stated that so much water will have to be left in the Wellsville Dam no matter how dry the year is. Mayor Thomas G. Bailey stated that he has never seen the Wellsville Dam empty. Mr. Wells stated that Layton City allows boats and kayaks, but no swimming. Mr. Wells stated that Layton City and the Irrigation Company have written grants to help with boat docks on the water. Mr. Lindley asked if Wellsville City can sign an agreement with the DWR if the City doesn't own the water right or does the Irrigation Company have to sign the agreement, not Wellsville City. Mayor Bailey suggested all 3 entities sign the agreement. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to continue this discussion at the future City Council meeting.

YEA 5

NAY 0

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay
Perry Maughan

City Manager Scott Wells met with the City Council to discuss participation in funding grants for the canal and pressurized irrigation. City Manager Scott Wells met with the canal companies and 2 engineering firms. The plan is to pipe the canal, pressurize Wellsville City, storm water, and fund recreation activities. Mr. Wells stated that the application is to go after monies to help with these projects. Mr. Wells stated that if the storm water and swales are included in the project, it will be a win for all. Mr. Wells stated that by piping the canal, it will allow for a trail system along the canal. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to allow Wellsville City to contribute up to \$3,000 for participation in funding grants for the canal and pressurized irrigation.

YEA 5

NAY 0

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay
Perry Maughan

City Manager Scott Wells met with the City Council to discuss the cooperative agreement between Utah Division of Wildlife Resources and Wellsville City. City Manager Scott Wells stated that he mailed a copy of the agreement with the packet. Mr. Wells asked if there is anything that needs to be added or removed from the agreement. Mr. Wells stated that he received this agreement before he found out that the DWR pays irrigation companies. Mr. Wells stated that Councilman Gary Bates is listed as a contact. Mr. Wells wondered if he should be listed as the contact. Mayor Thomas G. Bailey stated that if a City Councilmember is wanted, this will have to wait until after the first of the year. Mr. Wells stated that the agreement is not needed. The Wellsville Dam will continue to be funded. Gary Bates stated that there is no liability statement, and maybe that should be rolled in. Mr. Wells stated that the liability statement should say that Wellsville Dam is covered by the State. Mayor Bailey stated that the liability statement should be listed if it is not a state statute. Mr. Wells asked if the City Council wants to wait until after the first of the year. Mayor Bailey suggested listed Mr. Wells as the contact. After discussion, Carl Leatham made a motion, seconded by Kaylene Ames, to continue this discussion at a future City Council meeting.

YEA 5

NAY 0

Kaylene Ames
Gary Bates
Carl Leatham
Denise Lindsay
Perry Maughan

Department Reports:

Mayor Thomas G. Bailey – 1) Wellsville City Christmas Party – December 10, 2019 at 7:00 p.m.
2) Thanked Gary Bates and committee for the Christmas decorations on the Wellsville City Square.

Perry Maughan – 1) Appreciates all the support concerning snow plowing – equipment held up as best it could.

Denise Lindsay – 1) Complimented Perry Maughan and the Public Works Department on the great job at snow plowing.

2) Bookmarks – picture of Wellsville Mountains – gave to each person for Christmas.

City Manager/Record's Report:

Scott Wells – 1) Complaints about mailboxes – rule has always been that Wellsville City doesn't pay for damaged mailboxes when snow plowing. If you hear people talk, remind them of this.

2) Public Works building – north doors – snow is damaging them when sliding off the roof – need to replace the bottom panels and then look into doing something about the roof.

3) Screening building – Rupp's need to change the bypass and flow through the building – hopefully completed in the next few weeks.

4) Light bar was stolen from the new sander

At 7:24 p.m., Perry Maughan made a motion, seconded by Gary Bates, to adjourn the meeting.

YEA 5

Kaylene Ames

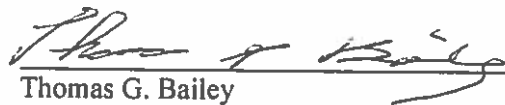
Gary Bates

Carl Leatham

Denise Lindsay

Perry Maughan

NAY 0



Thomas G. Bailey
Mayor



Scott Wells / Leesa Cooper
City Manager - City Treasurer