

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 20, 2020, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Kaylene Ames and Denise Lindsay, Councilmen Bob Lindley, Perry Maughan, and Chad Poulsen. 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 May 15, 2020. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman
Shane Roberts
Phil Cooper
Carl Leatham

Craig Smith
Angalee Roberts
James Cooper

Tim Brewington
Troy Thorton
Chris Clark

Opening Ceremony: Perry Maughan

The Council reviewed the agenda. City Manager Scott Wells stated that there were no accounts payable disbursements to approve. Perry Maughan made a motion, seconded by Bob Lindley, to approve the agenda with the change.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Perry Maughan
Chad Poulsen

The Council reviewed the minutes of the May 6, 2020 regular City Council meeting. Kaylene Ames made a motion, seconded by Denise Lindsay, to approve the minutes of the May 6, 2020 regular City Council as presented.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Perry Maughan
Chad Poulsen

There was no one in attendance for citizen input.

Angalee Roberts met with the City Council to discuss development of road and utilities on 600 South from 200 West to 300 West associated with property with Tax ID #10-037-0010. City Manager Scott Wells stated that he informed Ms. Roberts that she would have to run the infrastructure along 600 South, extend the water line from Chris Clark's home to 200 West and long 300 West, and extend the sewer. Ms. Roberts is wondering if she must run the sewer line and improve the road. Perry Maughan stated that when this discussion was held with Chris Clark, Mr. Clark was informed that he had to build the road to his home to city specifications. Then, whoever developed the property to the south of Mr. Clark would continue building the road to city specifications and connect the water line. The sewer line would run from 200 West to 300 West along 600 South. Mayor Thomas G. Bailey asked if there is any frontage along 600 South. Mr. Wells stated that there are 2 lots facing 200 West and 2 lots facing 300 West. Mr. Maughan asked if there are only 4 homes on this property. Mr. Wells stated that is his understanding. Phil Cooper stated that he currently owns the property and would be selling to Ms. Roberts. Mr. Cooper stated that Ms. Roberts does in fact plan to build 2 homes that face 200 West and 2 homes that face 300 West. Mr. Cooper stated that he just found out the situation concerning building the road and running the utilities. Mr. Maughan stated that Mr. Clark has already gone to the expense of building the road to his home to city specifications. Chris Clark stated that he also ran the power and gas lines, which may need to be extended. Mr. Maughan stated that as far as he is concerned, the road needs to be finished and the utilities needs to be ran. Mr. Cooper stated that the homes are not facing 600 South and asked if they still have to build the road and run

the utilities. Mr. Maughan stated yes. Chad Poulsen stated that soon, Ms. Roberts will find out that she can split off their backyards and sell them as building lots also. Mayor Bailey asked if they would need to build the road now, or when homes face 600 South, build the road then. Mr. Poulsen stated that if this property is developed, then the road needs to be built. Mr. Cooper stated that they will build 600 South from 200 West to 300 West that no one will use. Mr. Maughan stated that everyone will use 600 South from 200 West to 300 West. Mr. Cooper stated that if they must build the road, they may not purchase the property. Mr. Maughan stated that Ms. Roberts will rezone the property once they see how many lots they can get out of the property. Troy Thorton, who is looking at purchasing the property, stated that he is not a developer. He and Shane and Angalee Roberts are relatives who want to build a home and sell a lot. That is their intent. Mr. Maughan stated that the property can be rezoned to smaller lots and that is how they will make their money. Mr. Maughan stated that someone will develop all the property. Denise Lindsay stated that 1 parcel is being subdivided into 4 parcels, and whenever a parcel is subdivided, it must abide by the city standards. Ms. Lindsay stated that by making the decision to subdivide 1 parcel into 4, it because a development. Mr. Thorton stated that development is for 4 lots versus 10 lots. Ms. Lindsay stated that the parcel is zoned RA-1, but could be rezoned to R-1-12, which allows for 10 lots. Mr. Cooper asked what would happen if he kept his lot and built 1 home on the other lot. Ms. Lindsay stated that the parcels are not changing so there would be no subdivision. Mr. Cooper stated that Mr. Clark is on septic. Mr. Maughan stated that is correct. With a development, the developer must run the sewer line to the development. Mr. Maughan stated that the road would be required to have 24 feet of asphalt and Wellsville City would have a 99-foot right-of-way. Mr. Cooper asked what the likelihood of rezoning the property is. Ms. Lindsay stated that it would need to go through the Planning Commission. Mr. Wells stated that the General Plan does show that 1/2-acre lots are allowed on this property. Mayor Bailey stated that with 1/2-acre lots, there are open space requirements. Mr. Maughan stated that if they are really interested, go visit with the Planning Commission. Mr. Poulsen asked if Mr. Thorton and Mr. Roberts are building 2 homes and selling 2 lots. Mr. Thorton stated yes. Mr. Maughan suggested sending this issue to the Planning Commission. Mr. Maughan stated that the road will need to be built, the water line ran, and the sewer line ran. Carl Leatham stated that when a parcel is subdivided into another tax id number, it falls under the subdivision ordinance. There is some confusion with Chris Clark. Mr. Clark built the road base to city specifications. Mr. Leatham stated that this property is contiguous to property that is zone R-1-12. Mr. Leatham stated that this property is designated as town center, and open space is not required in the town center. Mayor Bailey stated that the frontage of the lots must be 82 ½ feet. Mayor Bailey thanked everyone for attending this meeting.

At 6:33 p.m., the City Council shall receive public input, then along with the recommendation from the Planning Commission, consider for possible approval the Concept, Preliminary, and Final Plat for the Leishman Estates Subdivision consisting of 3 total lots located at approximately 150 West 300 North, Tax ID # 11-081-0058. Craig Smith stated that he is looking for approval for all 3 plats. Mayor Thomas G. Bailey stated that Wellsville City has gone through this process once, but one year has lapsed, so the plats must go through the approval process again. City Manager Scott Wells stated that the Concept Plat requires a public hearing, but the Preliminary and Final Plats do not. Mr. Wells stated that the Planning Commission approved the Concept Plat. Mr. Wells stated that the Planning Commission approved the Preliminary and Final Plats with the condition that the setbacks need to be shown on the plat. Mayor Bailey stated that this is a public hearing. There was no public comment.

At 6:36 p.m., the public hearing was closed.

Perry Maughan stated that nothing should be approved until the setbacks are shown on the plats. Chad Poulsen stated that the Planning Commission discussed the setbacks being shown on the plats, as well as, the fire hydrant that is located across the street. City Manager Scott Wells stated that Daniel Coleman is aware that a fire hydrant will be placed on his side of the street. Mr. Wells stated that he will have a conversation with Mr. Coleman at a later time. Mr. Poulsen stated that the fire hydrant should not be in the way of any existing driveways. Mr. Maughan asked what the purpose was of running the fire hydrant across the street of the new development. Mayor Thomas G. Bailey asked if there were any questions concerning the Concept Plat. There were none. After discussion, Bob Lindley made a motion, seconded by Kaylene Ames, to approve the Concept Plat for the Leishman Estates Subdivision consisting of 3 total lots located at approximately 150 West 300 North, Tax ID # 11-081-0058.

YEA 4
Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 1
Perry Maughan

The City Council reviewed for approval the Preliminary Plat for the Leishman Estates Subdivision consisting of 3 total lots located at approximately 150 West 300 North, Tax ID # 11-081-0058. Mayor Thomas G. Bailey asked if there were any questions concerning the Preliminary Plat. Denise Lindsay asked if there were any changes to the Preliminary Plat. City Manager Scott Wells stated that the sidewalk is now required. Bob Lindley asked where the fire hydrant would be located. Mr. Wells stated that the fire hydrant is shown on the Concept Plat. Kaylene Ames asked about the comment 'existing ditch to be abandoned' along the east property line. Perry Maughan stated that ditch cannot be abandoned. Mr. Wells stated that Craig Smith has met with the Wellsville City Irrigation Company. Mr. Wells handed out a letter from the irrigation company. The letter states that 12-inch culverts will be required under each driveway. Mr. Wells stated that the irrigation company will ensure that all irrigation ditches are left open. Craig Smith stated that the reason for the note, 'existing ditch to be abandoned' was because no one was sure if the ditch was still being used. Mr. Maughan stated that he would like to see the fire hydrant moved across the street so that it is on the same side as the new development. Mr. Smith stated to install an 8-inch water line and bore the road for a 3-lot subdivision is very expensive. Mr. Smith stated that he is required to install a fire hydrant because of lot #2. Mr. Smith stated that he would like to leave the fire hydrant on the same side of the road as the main water line. Bob Lindley stated that his opinion is that it does not matter which side of the road the fire hydrant is located on, just that there is a fire hydrant there. After discussion, Bob Lindley made a motion, seconded by Kaylene Ames, to approve the Preliminary Plat with the conditions that the comments from City Engineer Chris Breinholt be met, the setbacks are shown on the plat, and the fire hydrant is shown on the plat.

YEA 2
Kaylene Ames
Bob Lindley

NAY 3
Denise Lindsay
Perry Maughan
Chad Poulsen

Mayor Thomas G. Bailey stated that this Preliminary Plat meets the code and asked what grounds it does not meet the code. Denise Lindsay stated that she is hesitant because of the placement of the fire hydrant. Mayor Bailey stated that in City Manager Scott Wells' opinion, this Preliminary Plat meets the code. Mayor Bailey stated that the City Council will vote again and then move on. After discussion, Denise Lindsay made a motion, seconded by Kaylene Ames, to approve the Preliminary Plat with the condition that the comment from City Engineer Chris Breinholt be completed.

YEA 4
Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 1
Perry Maughan

The City Council reviewed for approve the Final Plat for the Leishman Estates Subdivision consisting of 3 total lots located at approximately 150 West 300 North, Tax ID # 11-081-0058. Mayor Thomas G. Bailey asked if there is another Final Plat that shows the ditch. City Manager Scott Wells stated no. Chad Poulsen stated that the setbacks need to be shown, the final placement of the fire hydrant needs to be shown, and verification of the ditch. Craig Smith stated that he will obtain a letter from the Wellsville City Irrigation Company addressing the ditch. Mayor Bailey asked about the houses on the east side of 100 West, where do they get their water from. Perry Maughan stated they receive it from the big ditch on 200 West. Tim Brewington stated that the ditch on the east side of lot #3 is a collection ditch. Mayor Bailey stated that houses that have pasture and water rights, the Wellsville City Irrigation Company's stance is that the water is not supposed to leave the property. Chad Poulsen stated that he is uncomfortable approving the Final Plat until the items from the Preliminary Plat have been taken care of, and that the setbacks, the fire hydrant

location, and the irrigation ditch is resolved. After discussion, Chad Poulsen made a motion, seconded by Kaylene Ames, to continue this discussion at a future City Council meeting once the items from the Preliminary Plat have been taken care of, and that the setbacks, the fire hydrant location, and the irrigation ditch is resolved.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Perry Maughan
Chad Poulsen

Troy Hawker and Grant Crezee were to meet with the City Council to discuss sewer installation on 450 East. Neither of them showed up to the meeting. City Manager Scott Wells stated that he has not been able to contact Hailey Zollinger, but there is a chance that she will not be building on the property. Mr. Wells stated that the question is with the elevation of Hawker's and Crezee's, does Wellsville City still force them to connect to the sewer. Perry Maughan stated yes. Mr. Maughan asked how Wellsville City is going to make everyone within 300 feet of a sewer line connect if they do not start somewhere. Mr. Maughan stated that Wellsville City has an ordinance and they need to put some teeth in it or remove it. Mr. Wells stated that the code states that everything west of 100 East is required to connect to the sewer. Everything east of 100 East would be reviewed for gravity flow. Kaylene Ames asked if this would fall under a hardship. Mr. Maughan asked that hardship be defined. Chad Poulsen stated that people always want an exception and how does the exception benefit Wellsville City. Mr. Wells stated that it is in the budget for next year to connect the sewer in two locations due to elevation. Mr. Poulsen stated that he understands the elevation issue. Mr. Poulsen stated that there is a public utility easement around each lot and asked if the sewer line could be brought through the backyard. Mr. Maughan stated that they have tried to bring the sewer line through a backyard, and it does not work. Mr. Maughan stated that Wellsville City needs to start enforcing the ordinance or get rid of them. Mr. Maughan stated that Wellsville City needs to pursue everything. Mr. Wells stated that he will ask Mr. Hawker and Mr. Crezee to attend a future City Council meeting. Mr. Maughan stated that he would like to see a discussion added to a future City Council to identify residents within 300 feet of the sewer line. Denise Lindsay asked if Mr. Wells had discussed this issue with City Attorney Miles Jensen. Mr. Wells provided an email sent to Wellsville City from City Attorney Miles Jensen.

At 7:58 p.m., the City Council shall receive public input, then along with the recommendation from the Planning Commission, consider for possible approval Resolution 2020-04 Setting Application and Processing Fees for Annexation Services. City Manager Scott Wells stated that he has completed one annexation, and it was tough from the start. Mr. Wells stated that in the end, the person walked away from all fees associated with the annexation. This resolution outlines the fees associated with the annexation. Mr. Wells stated that he will provide a document to the person to sign outlining the fees. There is a \$1,000 deposit to cover legal, engineering, and recording fees. If there is any of the deposit left over, it will be refunded. There is a \$500 plus a \$15 per acre filing fee. Chad Poulsen stated that he agrees with the fees and asked if the fees were high enough. Mr. Wells stated that these fees are very similar to Hyrum City's fees. Denise Lindsay stated that it is a good starting point. Mayor Thomas G. Bailey stated that down the road, if the fees are not enough, it can be changed. There was no public comment.

At 8:12 p.m., the public hearing was closed.

After discussion, Bob Lindley made a motion, seconded by Denise Lindsay, to approve **RESOLUTION 2020-04 A RESOLUTION SETTING APPLICATION AND PROCESS FEES FOR ANNEXATION SERVICES.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay

City Manager Scott Wells met with the City Council to continue the discussion on Wellsville City's approach to corona virus with yellow status in Cache County. City Manager Scott Wells stated that yellow status allows for gatherings of 50 people or less. People will have to social distance and work remotely where it is possible. Mr. Wells stated that he would like the City Office to remain closed until something else changes. This allows him to keep the office staff safe and other citizens safe. Mr. Wells stated that Wellsville City has opened the parks, the softball/baseball fields, and the tennis courts. Mr. Wells stated that he would like to keep the splash pad closed. Perry Maughan asked about Memorial Day weekend at Wellsville Dam. Mr. Wells stated that he cannot open the restrooms and have them cleaned 5 times a day. Mr. Wells stated that he would visit with other communities and follow the protocol of other cities. Chad Poulsen stated that if Wellsville City starts to get complaints, then the City Council can revisit the issue. Mr. Wells stated that he is planning to open the restrooms at the cemetery for Memorial Day. Mr. Maughan suggested port-a-potties. Bob Lindley stated that it would be cheaper to clean the restrooms multiple times a day and to rent port-a-potties. Mr. Wells stated that the restrooms at the cemetery will be opened this weekend and cleaned three times a day. Mr. Wells stated that he will follow other cities protocol. Mr. Wells stated that the City Council will continue discussing this issue. Mayor Thomas G. Bailey asked about the rodeo arena. Mr. Wells stated that the rodeo committee needs to be made aware of the rules. Mr. Wells stated that the State dictates the rules.

City Manager Scott Wells discussed with the City Council the Wellsville City third quarter financial statements for the month of March 2020. Mr. Wells reviewed the revenues and expenses. Mr. Wells stated that March 2020 is looking better the February 2020. Mr. Wells stated that Wellsville City is headed in the right direction. After discussion, Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the Wellsville City third quarter financial statements for the month of March 2020.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Perry Maughan
Chad Poulsen

Department Reports:

Kaylene Ames – 1) Eagle Scout project was completed on Saturday at the Wellsville Dam park – not all water lines are to the trees yet – talk to Art Smith or Casey Leishman.
2) Construction on the Wellsville Community Center is nearly complete.

Bob Lindley – 1) Invited all to the Memorial Day program at the Wellsville City Cemetery.
2) Baseball is ready to get started.
3) Softball is still up in the air.

Perry Maughan – 1) Discussed making Wellsville City prettier – old elementary school property and old Wellsville City shed – get rid of weeds, paint/fix the fence, maybe tear down the shed – take some pride and beautify Wellsville City.

City Manager/Recorder's Report:

Scott Wells – 1) Paul Freed annexation – in the middle of the 30-day trial to see if it meets all the criteria.
2) Green Waste bins – public hearing is scheduled for June 3, 2020.
3) Sprinkler system for the old elementary school property is out for bid.

At 8:51p.m., Bob Lindley made a motion, seconded by Perry Maughan, to adjourn the meeting.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Perry Maughan
Chad Poulsen



Thomas G. Bailey
Mayor



Scott E. Wells
City Manager/Recorder