

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, June 3, 2020, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Kaylene Ames and Denise Lindsay, and Councilmen Bob Lindley. 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 29, 2020. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Joshua Young	Leah Young
	Zan Murray	Pam Stokes	Carl Stokes
	Stephanie Stokes	Darlene Petersen	Loren Anderson
	Logan Anderson	Kolby Rowser	Russ Piggott
	Paul Freed	Jerald Leishman	

Opening Ceremony: Kaylene Ames

The Council reviewed the agenda. Bob Lindley made a motion, seconded by Denise Lindsay, to approve the agenda as presented.

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	

The Council reviewed the minutes of the May 20, 2020 regular City Council meeting. Kaylene Ames made a motion, seconded by Bob Lindley, to approve the minutes of the May 20, 2020 regular City Council as presented.

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	

City Councilman Chad Poulsen arrived at the meeting at 6:04 p.m.

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes are not 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, Denise Lindsay made a motion, seconded by Bob Lindley, to approve the City's account payables bills for payment, represented by check number 24593 through 24621.

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes are not 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, Chad Poulsen made a motion, seconded by Denise Lindsay, to approve the City's account payables bills for payment, represented by check number 24648 through 24675.

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	

There was no one in attendance for citizen input.

Beginning at 6:10 p.m., conduct the public hearings in the following order:

First, the City Council shall receive public input, then along with a recommendation from the Planning Commission to consider for possible approval a request from Joshua and Leah Young for a conditional use for a basketball court and playground in the designated open space on their property located at 106 West 1400 South, Tax ID #10-080-0003. Joshua Young stated that he would like to build a 25' by 50' basketball court, which is smaller than a half court. Mr. Young stated that they would build a playground next to the basketball court. Mr. Young stated that during last week's Planning Commission meeting, it was determined that recreation use is allowed in open space. Mr. Young stated that the open space located on his property is landlocked and can only be accessed through private property. Mr. Young stated that the subdivision in which he lived in is completely built out. Mr. Young stated that in the spirit of open space and keeping Wellsville City looking more rural, at no point from Highway 89/91 can you see Mr. Young's home, lot, or open space. Bob Lindley asked if this would foul up any drainage. Mr. Young stated no.

At 6:17 p.m., the public hearing was closed.

Denise Lindsay asked what the Planning Commission had to say. Chad Poulsen stated that the Planning Commission approved the conditional use permit. Mr. Poulsen stated that the conversation was difficult and drawn out. Mr. Poulsen stated that as the code reads now, recreation use is allowed in open space. Mr. Poulsen stated that the spirit of open space is green space. Mr. Poulsen stated that cement is not green space. Mr. Poulsen stated that recreation use is for the community. This property is landlocked, and the community is unable to use it. City Manager Scott Wells stated that the code allows for recreation use, such as a recreation community facility, but not privately owned. Mr. Wells stated that in the future, Wellsville City needs to look at what they are trying to accomplish with open space and how it affects Wellsville City. Mr. Young asked if the Planning Commission amended the code, would he be grandfathered in. Mr. Wells stated that as of today, the code states that a basketball court is allowed.

After discussion, Denise Lindsay made a motion, seconded by Bob Lindley, to approve a request from Joshua and Leah Young for a conditional use for a basketball court and playground in the designated open space on their property located at 106 West 1400 South, Tax ID #10-080-0003.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Second, the City Council shall receive public input, then along with a recommendation from the Planning Commission to consider for approval a resolution 2020-05, to set a green waste fee for all households in Wellsville City to cover the cost of the green waste bin from May through September. City Manager Scott Wells stated that he has updated the numbers. There are 246 yes's and 105 no's. Mayor Thomas G. Bailey stated that this is a public hearing and asked if there was any public input. Stephanie Stokes stated that she is against the green waste bins. Ms. Stokes stated that she does not use it and she does not use curbside green waste. Ms. Stokes stated that she should not be forced to pay for a service that she does not use. Ms. Stokes stated that the green waste bins are a convenience, not a need. Ms. Stokes stated that citizens can take their green waste to the landfill for free. Ms. Stokes stated that the \$1.00 per month fee could be an introductory price, and the price could go up. Pam Stokes stated that she is against the green waste bins. Ms. Stokes stated that Wellsville City should not force people to pay for this. Ms. Stokes stated that this service fee should not be added to the utility billing because Wellsville City has no control over the fee. Ms. Stokes stated that the City Council should do what is best for the community. Darlene Petersen asked if the green waste bins are a liability for Wellsville City. Ms. Petersen stated that there is a lot of abuse of the green waste bins. Ms. Petersen asked if residents will have to pay the fee if they do not use the green waste bins. Ms. Petersen asked if the \$1.00 per month fee is billed all year or just the months that the green waste bins are available. City Manager Scott Wells stated that Wellsville City's insurance company

covers the liability. The \$1.00 per month fee will be added to every utility billing. The fee will be billed every month. Zan Murray stated that he learned of this issue in his office lunchroom one day. Mr. Murray stated that each city receives green waste bins in April and October free of charge. If the cities want the green waste bins from May to September, the city has to pay for this service. Mr. Murray stated that he has lived in Wellsville for over 20 years and owns a ½-acre lot. Mr. Murray feels that the green waste bins are a great convenience. Mr. Murray stated that it is one less trip he has to make to Logan to dump his green waste. Mr. Murray stated that if the green waste bins are removed, green waste will be dumped and spread all over Wellsville City. Mr. Murray feels that this is a community benefit to help keep the community clean. Mr. Murray stated that he posted about the green waste bins on his Facebook page, which may have stirred the pot. Mr. Murray appreciates Wellsville City for being pro-active concerning this issue.

At 6:41 p.m., the public hearing was closed.

Chad Poulsen stated that the Planning Commission is concerned that Logan City will take advantage of Wellsville and will raise the rates. Mr. Poulsen asked if it is possible to see where the money is going and how much Logan City is making off the green waste bins. Mayor Thomas G. Bailey stated that he understands what is being said about raising the rates. Mayor Bailey stated that solid waste is governed by a Board of Directors. Mayor Bailey stated that this Board of Directors is meeting on June 8, 2020 at 2:00 p.m. to discuss this issue countywide. Mayor Bailey stated that there is no guarantee that the rates will not go up. Mayor Bailey stated that if the rates do go up, Wellsville City will hold another public hearing. Denise Lindsay asked what the total bill for this service is per year. City Manager Scott Wells stated that it is \$100 per day, 5 days per week. There is 115 days from April to October, which calculates out to \$11,500 per year. Mr. Wells stated that during the free months of March, April, and October, the green waste bins were being emptied 3 times a week and Logan City was not doing a good job at emptying them. Mr. Wells stated that he discussed this issue with Logan City and said that if Wellsville City started paying for this service, the green waste bins will be emptied every day. Mr. Wells stated that he checks the green waste bins every morning on his way to work, and they are always empty. Bob Lindley asked about the county residents that live in the fire district, but not in Wellsville City limits. Mr. Wells stated that there are approximately 264 residents, which equals roughly \$3,100. Mr. Wells stated that some county residents may use the green waste bins and some may not. Mr. Wells stated that the green waste bins are not policed. Mr. Lindley asked if the county participates, would it affect the monthly charge. Mr. Wells stated it is a possibility. Mr. Lindley asked if it was possible to do something to keep the county residents from using the green waste bins. Mr. Wells stated that a sign could be posted stating that the green waste bins were for Wellsville City residents only. Mayor Bailey asked if the yellow postcards concerning the survey for the green waste bins were mailed to those with water hookups. Mr. Wells stated yes. Kaylene Ames asked about apartment complexes and if they will be billed \$1.00 per month for green waste bins for each water hookup, but a commercial mowing company mows the lawn. Mr. Wells stated that those issues will need to be discussed and decided on. Mr. Wells stated that commercial mowing companies should not dump in the green waste bins. Mr. Lindley stated that based on the comments that he received, he is surprised that the outcome was as close as it was. Mr. Lindley stated that he did not hear any negative comments. Denise Lindsay stated that she only heard negative comments about the green waste bins. Ms. Ames stated that she heard only negative comments as well. Ms. Ames stated that people told her that the green waste bins are always full and there is no room to dump. Mr. Poulsen stated that he heard positive comments and only one person stated that they do not use the green waste bins. Mr. Poulsen asked if the green waste bins are available and someone dumps shingles in there, fined \$1,000, can the fee be turned off until the offender pays the fine. Mr. Wells stated that the fee cannot be turned on and off because there has to be revenues and expenses. Mr. Poulsen stated that by having the green waste bins, he has seen less grass and limbs on the sides of the roads. Ms. Lindsay stated that she thinks it is ridiculous to pay to have Logan City haul the green waste away. Mr. Wells stated that Logan City has declared it a service; therefore, it is a service fee. Mayor Bailey asked to keep in mind that the meeting that will be held on Monday, June 8, 2020 may change things. Ms. Ames stated that she saw Mr. Murray's post on Facebook and asked if Wellsville City could bill those who want it and not bill those who do not want it. Mr. Wells stated no because there is no way to police the green waste bins. After discussion, Bob Lindley made a motion to approve **RESOLUTION 2020-05 A RESOLUTION ESTABLISHING A FEE FOR GREEN WASTE SERVICES PROVIDED BY THE CITY**. That motion died for a lack of a second. Mr. Poulsen stated that he is concerned about passing the fee, the fee being raised, and the elderly and single citizens that

are on a fixed income being able to pay their utility bill. Mr. Lindley stated that there are two options. The first option is that the green waste bins are emptied and hauled away tomorrow, or Wellsville City pays for another month out of the budget with money that Wellsville City does not have. Ms. Lindsay asked if other options have been reviewed, such as Waste Management. Mayor Bailey stated that Waste Management is still being reviewed. Mr. Lindley stated that moving to Waste Management is at least one year away. Ms. Lindsay asked if it is approved tonight, can it be reapproved every year. Mr. Wells stated that if the price begins to rise and the \$1.00 per month fee does not cover the cost, then another public hearing will take place. Mr. Wells stated that the majority of the feedback was positive. There are more yes's than no's. After discussion, Chad Poulsen made a motion, seconded by Bob Lindley, to approve **RESOLUTION 2020-05 A RESOLUTION ESTABLISHING A FEE FOR GREEN WASTE SERVICES PROVIDED BY THE CITY.**

YEA 2

Bob Lindley
Chad Poulsen

NAY 2

Kaylene Ames
Denise Lindsay

Mayor Thomas G. Bailey stated that because there is a tie in the voting, the Mayor votes to break the tie. Mayor Bailey stated that he is in favor of approving **RESOLUTION 2020-05 A RESOLUTION ESTABLISHING A FEE FOR GREEN WASTE SERVICES PROVIDED BY THE CITY.**

Loren Anderson met with the City Council for a business license. Loren Anderson stated that he has a decorative curbing business that he and his children own and operate. Mr. Anderson stated that he has one truck and one trailer that holds the equipment. Mayor Thomas G. Bailey asked if Mr. Anderson had parking places for the truck and trailer. Mr. Anderson stated yes. Chad Poulsen stated that the Planning Commission approved the conditional use permit. City Manager Scott Wells stated that the Planning Commission was concerned about parking as well and Mr. Anderson does have space on the side of the home. After discussion, Chad Poulsen made a motion, seconded by Bob Lindley, to approve the business license for Loren Anderson.

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 0

Kolby Rowser met with the City Council to discuss the sewer on 200 East 350 North. Kolby Rowser stated that he sent an email to the City Council along with two options that he would like to discuss concerning the sewer to his property. The email states the following:

5/26/2020

Wellsville City Council,

Heather and I have been working with Phil Williams, a Civil Engineer, over the last month planning the sewer main line to our property at approximately 350 N 200 E. While performing our due diligence, we have come to the conclusion that the original proposal discussed at the City Council meeting I attended in March is not possible. In the meeting, we discussed running the line from 300 S to the north end of our property using 8" main line. I met Phil onsite and he drew up a plan according to the latest topographic survey. We have run into a couple of snags. Running an 8" main line to the north end of our property, we will have less than 2 feet of cover. This means that the pipe would "daylight" at the middle of the Brown property making the requirement to run the main line to the furthest north end of the property useless since it would not have adequate cover to maintain the required slope to be used on the Brown property. We had a discussion around the "Cheese Plant" tying into our main line at some future state, but this would not work since the "Cheese Plant" sits significantly lower than our property or road on 200 E. According to the state requirements, the furthest the line could go would be to our property, (unless a significant amount of fill was brought in) essentially making this a main sewer line to our property only.

Further research shows we could not maintain the proper slope with an 8" main line to any part of our property north or south end (without a significant amount of fill in front of our property and Sparky & Jan's). If we ran the main line to 400 N, it would require going under the railroad tracks or boring under the road twice and avoiding the water lines on the west side of the road. The option to the north would require us to run the main line twice as far to the south end of our property. The rough distance from 400 N to the north end of our property is 415 linear feet (about 600' with two boreholes).

We would like to discuss two options that offer solutions keeping within the state requirements.

1. Allowing a "conditional use" for a septic tank with a clause that if there is a sewer line put in on 200 E at any time due to development that we, or the owners of the property, would pay our portion of the main line and connect.
2. Allowing a 10" main line to the south end of our property and tie into our house.

Please find the attached plans from Phil Williams that substantiate the two options provided. Thank you for your consideration.

Kolby & Heather Rowser

Mayor Thomas G. Bailey asked if a sewer line that is 4 feet deep is deep enough for a basement. Kolby Rower stated that he would have to install a grinder pump and housing on the property. Bob Lindley stated that he assumes the sewer line is deep enough to go to the north end of the property. City Manager Scott Wells stated that is correct. Mr. Rowser stated that if the "Cheese Plant" is ever developed, the elevation of the "Cheese Plant" is lower than the road. Mr. Rowser stated that there is a 4-foot drop at the "Cheese Plant". Mr. Lindley stated that personally, he does not like a deed restriction. It complicates too many things. Kaylene Ames stated that a year ago, the City Council gave approval for a septic tank, and 6 months later, there is another issue with the same property concerning sewer. Ms. Ames asked what Mr. Rowser would prefer. Mr. Rowser stated that he would prefer the deed restriction and septic tank. Chad Poulsen asked what the drop is. Mr. Rowser stated that it is 0.25. Mr. Poulsen stated that he does not like that shallow of a sewer line. Mayor Bailey stated that a 10-inch line with only one household is concerning because he does not know if enough water will go through the line. Mr. Poulsen stated that he does not like the minimum fall or the minimum slope. Mr. Lindley asked what the code allows. Mayor Bailey stated that if a resident is within 300 feet of the sewer, they must run the sewer line. Mr. Lindley stated that running the sewer from the south, Wellsville City cannot make Mr. Rowser run the sewer line to the north end of his property because it would be out of the ground. Denise Lindsay stated that that her concern is based on the grade, the sewer line will be out of the ground. Mayor Bailey asked what the cost is to go to a 10-inch line. Mr. Rowser stated that it is a couple dollars more to go from 8-inch to 10-inch. Mr. Poulsen stated that he is opposed to septic tanks, but not opposed to them in this instance. Mr. Wells stated that the City Council must determine that it is a hardship. After discussion, Kaylene Ames made a motion, seconded by Bob Lindley, to determine that running the sewer line to the property on Kolby and Heather Rowser is a hardship due to elevation.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

After discussion, Kaylene Ames made a motion, seconded by Bob Lindley, to allow Kolby and Heather Rowser to have a septic tank and issue a deed restriction on their property, and if the sewer line is ran along 200 East, Kolby and Heather Rowser will pay a portion to connect to the main line.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay

Chad Poulsen

The City Council reviewed the certification of the annexation petition for the Paul L. and Kindra J. Freed property. City Manager Scott Wells stated that the Wellsville City Council received the required notice of certification from him certifying that the petition meets the requirements of State law. Mr. Wells stated that he will send this certification to City Attorney Miles Jensen stated that Wellsville City Council feels it meets all the requirements. After discussion, Denise Lindsay made a motion, seconded by Bob Lindley to accept the certification of the annexation petition for the Paul L. and Kindra J. Freed property.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

City Scott Wells met with the City Council to discuss and identify those areas in Wellsville that are within 300 feet of sewer and need to be connected. Mayor Thomas G. Bailey asked City Manager Scott Wells for the information concerning this issue. Mr. Wells stated that he was asked to add this item to the agenda. The City Council stated that City Councilman Perry Maughan asked that this item be added to the agenda. After discussion, Denise Lindsay made a motion, seconded by Chad Poulsen, to continue this discussion at the future City Council meeting.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Fire Chief Jerald Leishman met with the City Council to discuss firework restrictions for the year 2020. The restricted areas are west of 200 West and south of 900 South in Wellsville City. Fire Chief Jerald Leishman stated that over the last few years, Wellsville City has implemented firework restrictions. Mr. Leishman stated that he would like to see this restriction become a legal city ordinance. Denise Lindsay stated that she lives on 200 West and is unable to light fireworks in her backyard. Mr. Leishman stated that they picked 200 West because they did not know where to draw the line. Chad Poulsen asked how this is enforced and what the penalties are. Mr. Leishman stated that last year he drove around and informed people of the restrictions. Mr. Leishman stated that if there is an ordinance, the Cache County Sheriff's Office can enforce it and write tickets. After discussion, Bob Lindley made a motion, seconded by Denise Lindsay, to approve the firework restrictions for the year 2020. The restricted areas are west of 200 West and south of 900 South in Wellsville City.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

City Manager Scott Wells met with the City Council to discuss the right-of-way access to the Josh Gunnell property at 200 East 100 South. City Manager Scott Wells stated that Josh Gunnell asked his to remove this item from the agenda.

Department Reports:

Denise Lindsay – 1) Has received a lot of input concerning Founder's Day – need to make a decision soon.

Chad Poulsen – 1) Asked about purchasing triangle piece of property south of the tennis courts – have inquired about it before – was told no.

2) Thanked Bob Lindley for a great Memorial Day program

Mayor Thomas G. Bailey – 1) Thanked Bob Lindley for a great Memorial Day program.

Kaylene Ames – 1) Wellsville Foundation met – they are not prepared to host Founder's Day breakfast.

2) June 15, 2020 – hosting the Miss Wellsville pageant – 5 contestants – only parents are invited.

3) Shade Tree & Beautification Committee – 2 trees on the City Square that need to be removed – City Council agreed.

Bob Lindley – 1) Fishing Derby has been cancelled, but Wellsville Dam has been stocked with fish.

2) Baseball is on and will begin the week of June 15, 2020.

3) Softball is on and will begin the week of June 15, 2020.

City Manager/Recorder's Report:

Scott Wells – 1) Educate the City Council as to why Josh Gunnell was on the agenda and then removed – building a shop behind his home and needs access, could use the north side of his home and go straight back. If he needs a wider access, he will use Jared Gunnell's driveway.

2) Planning Commission – discussing heights and size of accessory buildings. Public hearing on a resolution for the City Council on June 17, 2020.

3) Budget public hearings on June 17, 2020 – need receipts as soon as possible.

4) Holding our tax rate again this year – public hearing in August.

5) Cleaned cemetery today – sign said they would remove items 7 days after Memorial Day.

6) Opening office – drag feet as long as possible – call and make an appointment or knock on the door – will review again on June 17, 2020.

7) Not opening the splash pad yet.

8) Parks are looking dry because Wellsville City is pumping water, so Wellsville City is cutting back. The grass will be green, but not the greenest. Wellsville City wants residents to slow the flow.

9) Asked the City Council how they feel about even/odd water schedule – will add to the newsletter. Again, wants residents to slow the flow.

10) Replaced sidewalk in front of Suzy Kleinsmith's home – it was replaced because of a water leak, so the sidewalk came out of the water fund.

11) Replace sidewalk in front of the old Public Works – wants to maintain the two access points.

At 8:55 p.m., Denise Lindsay made a motion, seconded by Bob Lindley, to adjourn the meeting.

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 0


Thomas G. Bailey
Mayor


Scott E. Wells
City Manager/Recorder