

MINUTES of the regular **City Council** meeting of Wellsville City held **June 07, 2023**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey; Councilwoman Kaylene Ames; Councilmen Bob Lindley and Austin Wood. City Engineer Chris Breinholt, City Planner Jay Nielson, and City Manager Scott Wells were also present. A copy of the Notice and Agenda were mailed to the Mayor and Councilmembers and emailed and faxed to the Herald Journal on June 02, 2023. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilwoman Denise Lindsay and Councilman Chad Poulsen were excused from this meeting.

Others Present:	Chad Braegger	Jayden Maughan	Megan Petersen
	Lacie Pratt	Kelsey Tew	Scott Tew
	Mike Zurn		

Opening Ceremony: Councilman Austin Wood

The Council reviewed the agenda. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Bob Lindley, to approve the agenda as presented.**

<u>YEA</u> <u>3</u>	<u>NAY</u> <u>0</u>
Kaylene Ames	
Bob Lindley	
Austin Wood	

The Council reviewed the minutes of the May 17, 2023, regular City Council meeting. **Councilman Bob Lindley made a motion, seconded by Councilman Austin Wood, to approve the minutes of the May 17, 2023, regular City Council meeting.**

<u>YEA</u> <u>3</u>	<u>NAY</u> <u>0</u>
Kaylene Ames	
Bob Lindley	
Austin Wood	

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, **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to approve the city's accounts payable bills for payment, represented by check number 28314 through 28365.**

<u>YEA</u> <u>3</u>	<u>NAY</u> <u>0</u>
Kaylene Ames	
Bob Lindley	
Austin Wood	

At 6:09 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Kelsey Tew introduced herself as daughter of Jed and Sharma Clark, owners of Little Bear River Bottoms. Ms. Tew explained that part of the farm is located within Wellsville City and the other in Cache County. She noted the difficulties the owners to face trying to meet differing regulations for the farm based upon which jurisdiction it lies within. Ms. Tew shared that they would like to have the whole farm located within a single jurisdiction and either annex entirely into Wellsville City or out into Cache County. She expressed dissatisfaction with the duration of time it has taken the City to create an Ag Tourism Code. Ms. Tew is also frustrated that the City will not grant her father permits for construction of a shed, or a boundary change, until they legally obtain a business license for their redneck waterslides. Ms. Tew concluded saying that she is unhappy with the lack of response from Wellsville City. City Manager Scott Wells replied that he has been waiting to hear from Mr. Clark's attorney as he promised. He detailed that he and City Planner Jay Nielson have finalized the proposed Ag Tourism Code and it will be presented to the Council at the following meeting. Councilman Austin Wood asked Ms. Tew if she recognizes that the Clarks are required by law to have a

Business License for operation. She affirmed. City Planner Nielson stated a solution is for the Council to adopt an Ag Tourism Code; determine if the Clark's property qualifies to be rezoned as an Ag Tourism zone; and then review a request for a Business License for the Clark's corn maze and redneck waterslides. City Planner Nielson pointed out that the Ag Tourism code has considerable rules and requirements in order to protect the City and adjacent property owners, which the Clarks will have to determine if they are willing to abide by. Under the Ag Tourism code and State code, commercial entities which collect fees for services are required to pay sales tax. He stated there is also a boundary line issue which needs to be resolved. City Manager Wells will email a copy of the proposed Ag Tourism code and set up a meeting with the Clarks.

At 6:18 p.m., citizen input was closed.

Beginning at 6:19 p.m., the Council shall receive public input, then consider approval of **Resolution 2023-01** for a 'Interlocal Agreement between Cache County and Wellsville City for the administration of the 2023 Municipal Elections.' City Manager Scott Wells presented the resolution. Ballots may be mailed or left in the county-owned ballot drop box. Public notices are required by law to be published. The City is responsible to keep candidates and the public up to date and informed on all legal requirements governing candidates and campaigns. Wellsville City will canvas the final election results.

At 6:20 p.m., Mayor Thomas G. Bailey opened the public hearing. There was no public input. At 6:21 p.m., **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to close the public hearing.**

YEA 3

Kaylene Ames
Bob Lindley
Austin Wood

NAY 0

Councilman Bob Lindley asked what the price of the 2023 Municipal Election is estimated to be. City Manager Wells answered a total of \$15,462.00, with each of the Primary and General Elections estimated to be \$7,731.00. He expounded that the projected cost estimate assumes a 100 percent (100%) voter turnout. The final invoice amount will be based on actual costs. He added the average voter participation for Wellsville City is 30-40 percent (30-40%). **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to approve Resolution 2023-01 for a 'Interlocal Agreement between Cache County and Wellsville City for the administration of the 2023 Municipal Elections.'**

YEA 3

Kaylene Ames
Bob Lindley
Austin Wood

NAY 0

Jayden Maughan met with the Council to request a **Business License** to operate "Maughan Concrete, LLC," a landscaping products storage yard out of the property located at approximately 530 East Main Street (Tax ID. #10-015-0001). He told the Council that existing wood piles would be removed, and the property would then be used as a storage yard for bark, mulch, and slag rock. He added that no clientele will be coming and going from the property. Mr. Maughan will store product on location and deliver the product directly to his clientele. He provided documentation of a Conditional Access Permit for the property granted by UDOT. City Manager Scott Wells reported that a **Temporary Use Permit** was approved by the Planning Commission. A request to amend the General Plan and change the property's zoning from Open Space Conservation (OSC) to Highway Commercial (HC) was *denied* by the Planning Commission. He explained that the OSC zone *only allows a use for twelve months with no provisions for extension*, consequently the Maughan family explored options to rezone. Mr. Maughan informed the Council that he hopes he and the City Council can come to a future agreement to allow the property to be used as a rock products storage yard for a longer duration. Mr. Maughan called attention to the property investments he must fund in order to establish his business. Those property investments will be lost if the City Council does not decide to allow an extension of the **Temporary Use Permit** a year from now. City Manager Wells pointed out there are substantial obstacles for the property to be rezoned to HC. City Planner Nielson

detailed that there are four pages of code describing why the property should *not* be rezoned from OSC to HC. First, the property is not contiguous with any other HC zone. Spot zoning is prohibited. The property is also adjacent to a residential zone. HC zoning would require full services which are not currently available at the property. City Planner Nielson continued, an HC zoning would not limit the parcel to the use the Maughan's are requesting (landscaping product storage). It would additionally allow office buildings, gas stations, convenience stores, etc. which is problematic since this property is located in the floodplain of the Little Bear River and is downstream of the Hyrum Dam and Reservoir. This area is to have limited residential uses and requires flood mitigation to obtain approval of any residential units. Development shall also be constrained by other local, state, and federal requirements. "In your **General Plan** you would never propose to have commercial uses in a complete floodplain. It makes no sense." City Planner Nielson stated. Therefore, the **Temporary Use Permit** has been offered as a compromise. City Planner Nielson recommended the Council does not commit to nor extend the **Temporary Use Permit** for a duration longer than twelve months. Otherwise, it would be a permanent use rather than a temporary use. He mentioned that if the lot is cleaned up and is an attractive business which functions well that would work in their favor when requesting a future amendment. Councilman Austin Wood made certain that Mr. Maughan understood that the **Temporary Use Permit** will not allow "Maughan Concrete, LLC" to continue operating at this location after twelve months. Mr. Maughan stated yes and repeated that he hopes that they can come to a future agreement, so he does not have to relocate his business in twelve months. City Manager Wells recommended that the **Temporary Use Permit** and **Business License** commence once Mr. Maughan opens for business rather than tonight. The Council agreed. **Councilman Bob Lindley made a motion, seconded by Councilman Austin Wood, to approve a Business License for Jayden Maughan to operate "Maughan Concrete, LLC," a landscaping products storage yard out of the property located at approximately 530 East Main Street (Tax ID. #10-015-0001) for twelve months beginning upon the business' first day of operation.**

YEA 3

NAY 0

Kaylene Ames

Bob Lindley

Austin Wood

Next, the Council shall discuss the **Supplier Agreement** for installation of water flow meters in the Leatham Springs area of the Wellsville City water system. City Manager Scott Wells led the discussion. Wellsville City owns a water system, the water for much of which is supplied by the Leatham Springs in Sardine Canyon. Water from the Springs is collected in a reservoir and piped east in the Canyon for the use of its citizens. Bridle Path Partners, LLC (hereinafter referred to as "Supplier") has applied for subdivision approval for Bridle Path Estates Subdivision in the Sherwood Hills vicinity, whose sole water source would be Leatham Springs; and it is in the interest of Wellsville City and Supplier to determine the amount of water loss from the pipeline from Leatham Springs until it reaches the City's Distribution System. Wellsville City is willing to allow the Supplier to obtain and install at Supplier's cost two measuring devices in the pipeline. The measuring devices are ultrasonic flowmeters with clamp-on detectors and portable transmitters which will not perforate the pipeline City Manager Wells stated. Engineered manhole drawings were provided. Councilman Bob Lindley asked where the devices will be placed within the pipeline. City Manager Wells answered that the top device will be below the reservoir but within the wildlife fence. The lower device will be above Mount Sterling Ridge's PRV. Councilwoman Kaylene Ames asked how long the measuring devices will collect data. City Engineer Chris Breinholt estimated two or three weeks. He stated there is likely some water loss occurring along the pipeline and that the measuring devices will be a valuable asset in determining the severity of the loss. Mike Zurn informed the Council that the ultrasonic meter's accuracy has been determined to be within plus-or-minus one percent (1%). City Manager Wells emphasized that the entry into this agreement does not change any of the approval requirements for the Subdivision and does not change any of the existing legal rights, duties, obligations, and responsibilities of the parties. The City has made no representation to Supplier that entry into this agreement will modify in any manner the subdivision submittal and approval progress. In any event, Supplier has no expectation of reimbursement from City. Supplier has determined it is in its best interest to obtain the information the devices will provide, regardless of whether or not the Subdivision is approved by the City. City Manager Wells added that the City shall have sole access to the devices and shall after installation be solely responsible for generating and calibrating the data. Wellsville City also has

sole discretion to determine how to best address any leakage/loss of water in the pipeline, subject to budget constraints and City priorities. City Engineer Breinholt detailed that the average municipal water system has a loss of 10 percent (10%), Wellsville City has a substantial 30 percent (30%) loss somewhere throughout its system. City Manager Wells asserted that Wellsville City has the responsibility to collect and use its water as efficiently as possible. Councilwoman Ames asked if the devices can be placed closer together to determine a more precise area of potential leakage. City Engineer Breinholt stated that if a substantial loss is found the City can rent the devices and reposition them to more accurately determine where the leak is located. Councilman Austin Wood asked if non-destructive testing (NDT) can be used in culinary waterlines (an inspection and analysis technique used by the oil and gas industry, among others, to evaluate the properties of pipelines without destroying the serviceability of the original system). City Engineer Breinholt answered that NDT testing cannot be used in waterlines. After discussion, **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to approve the Supplier Agreement for installation of water flow meters in the Leatham Springs area of the Wellsville City water system.**

YEA 3

NAY 0

Kaylene Ames
Bob Lindley
Austin Wood

The Council shall consider for approval **Resolution 2023-02**, a petition for annexation from Joseph Stucki requesting that 12.28-acres (Tax ID. #10-048-0035) located on the south end of Wellsville be annexed into the corporate limits of Wellsville City. City Manager Scott Wells pointed out that the property is located within the present moratorium area (**Ordinance 2023-05**) above 4,650-feet, which prohibits residential and commercial building permits and subdivision applications. Mr. Stucki plans to go through the annexation process now and to develop the property in the future once the moratorium is lifted. City Manager Wells added that the 150-foot setback from Hwy 89/91 must be part of the annexation agreement. **Councilman Bob Lindley made a motion, seconded by Councilwoman Kaylene Ames, to accept Resolution 2023-02, a petition for annexation from Joseph Stucki that 12.28-acres (Tax ID. #10-048-0035) located on the south end of Wellsville be annexed into the corporate limits of Wellsville City.**

YEA 3

NAY 0

Kaylene Ames
Bob Lindley
Austin Wood

Next, the Council shall discuss options to keep a green waste collection service operating in Wellsville City. City Manager Scott Wells reminded the Council that residents are billed \$1.00 each month for a green waste collection service which amounts to approximately \$13,000.00 a year. Logan City has discontinued green waste collection services for all other municipalities. City Manager Wells has found a private entity, D's Tree Service, LLC, who will collect Wellsville City's green waste, four days a week, for the remainder of the summer for \$20,000.00. City Manager Wells suggested that Wellsville City pay the remaining \$7,000.00 to D's Tree Service to bring green waste collection back to the City this year. The City will reassess the green waste collection service next year to determine if the monthly resident bill needs to increase to \$2.00. Wellsville City's future solid waste service will likely also provide green waste collection. Cameras have been installed to monitor the green waste dump area. The collective Council agreed green waste collection is a worthwhile service for residents. **Councilman Bob Lindley made a motion, seconded by Councilman Austin Wood, to approve green waste collection service by D's Tree Service, LLC for the remainder of the summer.**

YEA 3

NAY 0

Kaylene Ames
Bob Lindley
Austin Wood

City Manager Scott Wells discussed the third quarter financial report for February 2023. He reported to the

Mayor and Council that Wellsville City is in good financial standing. After discussion, **Councilman Bob Lindley made a motion, seconded by Councilman Austin Wood, to approve the third quarter financial report for February 2023.**

YEA 3

Kaylene Ames
Bob Lindley
Austin Wood

NAY 0

Department Reports:

Councilwoman Kaylene Ames-

1) The Wellsville Mountain Music & Arts Festival will be held on Friday, June 9, 2023 from 3:00 p.m. to 9:00 p.m. and Saturday, June 10, 2023 from 10:00 a.m. to 3:00 p.m. at the Wellsville Tabernacle grounds. There will be art exhibits, photograph displays, craft booths, children's activities, food trucks and more.

Councilman Bob Lindley-

1) Youth from 3 to 15 years of age are invited to participate in the 12th annual Youth Fishing Derby to be held on Saturday, June 10, 2023 (Utah's free fishing day) from 8:00 a.m. to 10:15 a.m. at the Wellsville Reservoir.

Councilman Austin Wood-

1) Expressed appreciation to everyone who participated in the Wellsville Cemetery cleanup activity on May 23, 2023.
2) Councilman Austin Wood recommended Sham Battle wagon wheels with loose spokes be sent to Montana to be repaired with an original wheel press for \$75.00 per tire. The Council agreed.

City Manager/Recorder's Report:

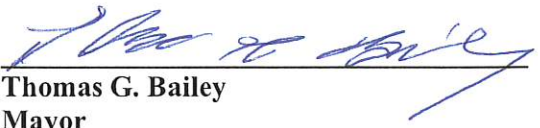
1) Six persons have declared for candidacy for the 2023 Wellsville City Municipal Elections: Carl P. Leatham, Bob Lindley, Denise N. Lindsay, Tom G. Maughan, Angie McBride Olsen, and Chad K. Poulsen.
2) City Manager Scott Wells detailed efforts to begin the city green waste collection service by D's Tree Service, LLC.
3) The Upper Pressure Zone has inadequate water pressure. A PRV group will examine the Upper Pressure Zone's PRVs tomorrow.

At 7:24 p.m., **Councilwoman Bob Lindley made a motion, seconded by Councilman Austin Wood, to adjourn the meeting.**

YEA 3

Kaylene Ames
Bob Lindley
Austin Wood

NAY 0


Thomas G. Bailey
Mayor


Scott Wells
City Manager