

MINUTES of the regular **City Council** meeting of Wellsville City held **September 20, 2023**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey; Councilwoman Kaylene Ames; Councilmen Chad Poulsen 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 September 15, 2023. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilwoman Denise Lindsay and Councilman Bob Lindley were excused from this meeting.

Others Present:	Glenn Ames	Jon Beesley	Pat Burns
	Jack Draxler	Mike Haynie	Penny Haynie
	Miles Jensen	Carl Leatham	Ruth P. Maughan
	Marcene Parker	Kurt Petersen	Megan Petersen
	Patti Petersen	Michael Porter	Nate Reeve
	Diane Roundy	Scott Thompson	Linda Wursten
	Mike Zurn		

Opening Ceremony: Councilman Austin Wood

The Council reviewed the amended agenda. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to approve the amended agenda as presented.**

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the August 02, 2023, special Truth in Taxation meeting. **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to approve the minutes of the August 02, 2023, special Truth in Taxation meeting.**

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the August 16, 2023, regular City Council meeting. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to approve the minutes of the August 16, 2023, regular City Council meeting.**

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Chad Poulsen	
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, **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to approve the city's accounts payable bills for payment, represented by check number 28649 through 28691.**

<u>YEA 3</u>	<u>NAY 0</u>
Kaylene Ames	
Chad Poulsen	
Austin Wood	

At 6:07 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Michael Porter stated that the mature street trees along Main Street and Center Street are beautiful and asked if the city has plans to plant new trees amongst the aging trees as they near the end of their lifespan. Councilwoman Kaylene Ames, who is Chairperson of the Wellsville Tree City USA Committee, affirmed that the Committee has plans to replant street trees. She noted that replacement trees are depended on the Committee's limited funding and trees available. Green Ash Trees will be avoided in the future. Councilwoman Ames reported that the Tree City USA Committee collaborated with the Church of Jesus Christ of Latter-day Saints Wellsville Utah Stake for the September 9, 2023 Day of Service and planted 44 trees around the Tabernacle, City Square, and Wellsville Dam. Mr. Porter thanked the Council and stated that he would love to see Wellsville City's spectacular street tree canopies maintained. At 6:09 p.m., citizen input was closed.

Beginning at 6:10 p.m., the Council shall receive public input, then consider for approval **Resolution 2023-08** adopting provisions for the collection of waste within city limits. Mayor Thomas G. Bailey explained that in response to Logan City's abrupt termination of waste collection services to cities in Cache Valley, Wellsville City in concert with several other municipalities and Cache County formed an interlocal entity called the Cache Waste Consortium to procure waste collection services for Cache County and the participating municipalities. The Consortium entered into the Solid Waste Services Agreement with Waste Management of Utah, Inc. ("Waste Management") for waste collection services for all cities in the Consortium. Mayor Bailey reported that Waste Management will mail corrected postcards to participating municipalities within the next week assigning collection days.

At 6:11 p.m., Mayor Thomas G. Bailey opened the public hearing and asked if there were any comments. Penny Haynie told those in attendance that the cost of garbage collection will be rising although it is still unclear by how much. Mayor Bailey said the exact prices are still unclear however the latest estimate he heard was that individual fees for waste collection will decrease from current prices.

At 6:12 p.m., **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to close the public hearing.**

YEA 3

NAY 0

Kaylene Ames
Chad Poulsen
Austin Wood

Mayor Bailey asked the Council if they had any comments or questions. Councilman Austin Wood mentioned the previously mailed postcard from Waste Management has stringent guidelines for disposal methods. He asked how Waste Management plans to enforce those guidelines. Mayor Bailey explained that Waste Management has a GPS system with which to record unauthorized uses. City Manager Scott Wells added that Logan City previously mailed notices of violation to users and assumed Waste Management will address violations similarly. Councilwoman Kaylene Ames asked if Waste Management has sent a schedule and guidelines to businesses and apartment complexes with large dumpsters. Mayor Bailey answered that Waste Management still needs to iron out details with Logan City concerning large business dumpsters. **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to approve Resolution 2023-08 adopting provisions for the collection of waste within city limits and awarding Wellsville City's contract to Waste Management of Utah, Inc.**

YEA 3

NAY 0

Kaylene Ames
Chad Poulsen
Austin Wood

Maddie Soto, a prevention educator at CAPSA, met with the City Council to discuss CAPSA Domestic Violence Awareness month. She stated that domestic violence is a pervasive issue that affects individuals across all walks of life regardless of age, gender, or socioeconomic background. She shared statistics from CAPSA's July 2022-2023 fiscal year: 1558 individuals served; 7062 crisis calls (or an average of 19 calls per day); and 327 clients provided emergency shelter. These numbers highlight the urgency of

addressing this issue and supporting those affected Ms. Soto stated. CAPSA's mission is to provide comprehensive services to survivors of domestic violence and sexual assault as well as education and prevention efforts to the greater community. CAPSA firmly believes in the power of collective action and community support in creating a safe and nurturing environment for all. Ms. Soto highlighted CAPSA's emergency shelter which has 34 beds for individuals fleeing domestic and sexual violence. While in shelter individuals can work with a team of case workers to help remove barriers and connect them to therapy for crisis intervention. Sheltered children are provided with activities and lessons by the Youth Advocacy Team. Ms. Soto challenged those in attendance to discuss the impacts of domestic violence with those in their social circles and support survivors. The Mayor and Council applauded CAPSA's efforts.

Bridle Path Estates met with the Council to discuss options of moving forward with the proposed Bridle Path Subdivision consisting of 130 lots total, located at approximately 7625 South Highway 89/91 (Tax Id. #10-053-0006, #10-053-0010, #10-050-0006, #10-062-0007, #10-053-0013). Pat Burns introduced himself as an owner of the property. Mr. Burns stated, "Jay Simmons was the original applicant (we bought the property from Jay Simmons) and finished purchasing it from the individuals who sold it. We entered into an agreement with Jay for him to carry a second on the note. Long, long, long story short, lots and lots of details, Jay ended up dying. His family pursued the note and entered us into a notice of default on the property even though the note clearly says he cannot be initiated until after we have all the documents. So again, there are a whole lot of small details that go with that. That's kind of the basics of it. So, we've come in and we've filed a Subchapter 5 in Chapter 11 Bankruptcy which is called a Debtor in Possession and that allows us to continue to operate as business as usual. We are just doing a reorganization, so we are just figuring out with that note coming due we have to either buy it out or work a deal out with the note holder, so we are working on both of those options. If we can't work a deal out, then we just have to buy the note. I know there's been a lot of talk, so I just want to make that clear. I just want to bring up a couple points. On July 2021, Bridle Path turned into a preliminary application to the city of Wellsville. That's two years and two months ago. Five months later in 2021, Wellsville enacted a building moratorium due to water issues. That was after we had submitted a preliminary application. It was extended on June 1st, December 17th, and finally May 3rd. Which we'll let the attorneys figure that out. Which isn't even allowed to continue to happen, but again I'm not an attorney, but I've heard what the attorney has said. We firmly believe we have a way to solve the water issues which Nate will get up and explain. But two years and two months to have a preliminary application in with a subdivision that has a development agreement on it... that's not good. A lot of damages caused by extending this out. And we want to come to the conclusion and be able to finish the development of the subdivision and we are very ready to do that. I have a few other things here from the attorney but I'm not going to bring them up yet. But I'd like to ask that you guys really listen and understand what Nate is going to present. And if we could work and get this to move forward staff has put in many, many, many hours to try to get this over the goal line. [sic]"

Nate Reeve, Principle Engineer of Reeve & Associates, Inc. stated, "We are here to have a discussion, that's what we're on there for right, the discussion about the ability to move forward. We are officially requesting to be able to move forward. We understand that by moving forward it's not something that means we are shovel read tomorrow but what it means is that we can continue to move through the process with the city for final approvals. We have three different permits, three different actions that we have to move forward with Planning Commission and with Council, you guys are very aware of that. We do understand that there has been a water moratorium in place for a considerable amount of time. As Mr. Burns mentioned we have worked with staff and many of you have come to some of those work meetings to discuss where the project is and how to move forward. We are focusing the majority of our energy or our discussion tonight on water since we feel that is the main item that is stalling us. So, one of the options or one of the ideas that we have been working with staff on... from what we understand about the water system of the city, I've spent lots of hours with staff, is that Leatham Springs up on the hill serves the old Sherwood Hills project, users as it comes down, and the majority user is 156 existing residential connections in the Lower Pressure Zone." City Engineer Chris Breinholt corrected Mr. Reeve clarifying that Leatham Springs services the 156 existing residential connections in the Upper Pressure Zone. Mr. Reeve continued, "We understand there is a need for a redundant source for this Upper Pressure Zone. Hence, the well that has been ongoing with the city for some time. Which we appreciate those efforts. So, one of the options that we have been working with staff on, while that well is in process, is providing a redundant source for the Upper Pressure Zone, the 156 connections. So again, in review of the water model with Mr. Breinholt it

was concluded that a section of 20-inch pipe needed to be enlarged, or installed, for the city anyways. In addition, a 400 gallon per minute pump with a new conveyance line could also be installed providing a redundant source for this upper portion of the pressure zone. So, what does that mean? That sounds great but what does that actually mean? For us what that does is it provides a redundant source for the 156 connections thus allowing Leatham Springs and 156 connections, which translates to about 500,000 gallons per peak day, to be able to be utilized with the Bridle Path project. We understand the moratorium was put into place off of a horrible drought year where lots of wells and springs dropped. You also have the published data that shows how Leatham Springs goes up and down historically which is in line with our experience with springs and wells everywhere. We're not saying disregard that. We're not saying that shouldn't be reviewed. But we went to the drawing board and feel that this is a very viable option to be able to. We understand that we are at the top. We are Wellsville City residents, I am not, the property owners are, but they are Wellsville City residents they deserve the opportunity and the rights to be able to have water and utilize water. At the same time, we know that we cannot starve out water from the lower residents in the Upper Pressure Zone. So again, this is a viable option that we feel that we would want to move forward with. As we have discussed with Mr. Breinholt, Mr. Breinholt would be the one that would design this system since this is a city infrastructure project. One that you guys could feel comfortable with that he's handling the design. But while this is being designed and viable, again we are officially requesting that we be able to move forward through the approval process. Again the 156 connections, which translates to 500,000 gallons per peak day, is at an incredibly high 3,200 gallons per day or 3,200 gallons per ERU which per our conversations with the State's Engineer's Office is the highest per ERU door water allocation in the State of Utah is Wellsville. So I'm not sure where... there is a lot of assumptions out there where all of that water is going but again as that water is transferred to that Upper Pressure Zone the Bridle Path system which will be a dedicated city system will not have water losses that maybe the city is experiencing in other parts of the system, it'd be able to bring down what Wellsville residents within Bridle Path are utilizing. For reference its way under a 1,000 gallons per day instead of 3,200 which is what Wellsville is currently having. So, we feel confident that the transfer of those 156 to the Upper Pressure Zone that we would be able to have sufficient water even in dramatic drought years like we had last year and also looking into the historical data up there that would be able to satisfy Bridle Path concerns and needs, fire storage, and the other users downstream as the well is coming online. We are in full support of the well, we've always worked with staff on that, there's been many discussions with staff on the Bridle Path project coming in and assisting with that in any way, that is still on the table. But based off of our research with staff that is our recommendation. In addition is the ability to move forward and not to be stalled. Final construction plans for Phase 1 and Phase 2 have been in to the city for over 18 months. So, we do request to move forward. [sic]"

Councilwoman Kaylene Ames asked when the most recent extension of the moratorium is scheduled to expire. City Manager Scott Wells replied that the most recent extension was approved May 3, 2023. Councilman Austin Wood asked when the results from the fluorescent dye testing (approved by the Council on March 15, 2023), which will be utilized to determine ground water movement and potential contamination of the aquifer at Leatham Springs, will be presented. Councilwoman Ames and City Manager Scott Wells reported that researchers are still waiting for the water's flow rate to sufficiently slow down enough for accurate testing. Councilman Wood asked City Engineer Chris Breinholt if the ERU data shared tonight is accurate. City Engineer Breinholt said he examined the water model and stated that pressure is up on 900 South, especially during peak times. He added that the two lines coming from the reservoirs at 200 West are both undersized. City Engineer Breinholt clarified that a 20-inch line does not need to be replaced, a 20-inch line needs to be installed along with a pumping facility and piping up to Lindley Reservoir past the PRVs. Mayor Thomas G. Bailey thanked Mr. Burns and Mr. Reeve for their attendance and for the information provided for further consideration. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to continue the discussion regarding options of moving forward with the proposed Bridle Path Subdivision consisting of 130 lots total, located at approximately 7625 South Highway 89/91 (Tax Id. #10-053-0006, #10-053-0010, #10-050-0006, #10-062-0007, #10-053-0013).**

YEA 3

Kaylene Ames
Chad Poulsen
Austin Wood

NAY 0

Next, the Council shall discuss a Class 'A' Beer License with the current Business License for Sadie Lloyd's Maple Market, LLC. City Manager Scott Wells presented the discussion. He noted approval of Beer Licenses are typically considered in conjunction with a Business License application. City Manager Wells added that Ms. Lloyd also has a Cigarette/Tobacco Products License. Mayor Thomas G. Bailey reported that Maple Market is scheduled to open for business on September 25, 2023. Councilman Austin Wood stated upon the February 15, 2023 consideration of Ms. Lloyd's Business License approval he did not realize Maple Market intended to sell alcohol or tobacco. City Manager Wells replied that alcohol and tobacco will not be the primary goods sold by Maple Market which will chiefly operate as a market for everyday grocery essentials and a sandwich bar. Councilman Chad Poulsen said that most grocery stores sell beer. Councilwoman Kaylene Ames stated that the prior neighboring grocery store had a beer and tobacco license and did well. City Manager Wells added that Wellsville City's other two patrons both sell beer and tobacco. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to allow Sadie Lloyd of Maple Market, LLC to continue with her Business License with beer and tobacco added.**

YEA 2

Kaylene Ames
Chad Poulsen

NAY 1

Austin Wood

City Manager Scott Wells discussed the fourth quarter financial report for April 2023. He reported to the Mayor and Council that Wellsville City is in good financial standing. After discussion, **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to approve the fourth quarter financial report for April 2023.**

YEA 3

Kaylene Ames
Chad Poulsen
Austin Wood

NAY 0

Next, City Manager Scott Wells presented a discussion regarding options to share costs of a sewer lift station in the Business District using ARPA funds. The proposed lift station is for the Pallets of Utah Subdivision, which consists of four lots total, located at approximately 4300 South 3000 West (Tax Id. #11-091-0010, #11-091-0011, #11-091-0012, #11-091-0013). City Manager Wells recommended the city participates in some of the sewer lift station costs because Wellsville City will also benefit as the business district and tax base grows. ~~He has requested price estimates for the lift station and is still waiting for those figures, therefore he recommended the Council continue the discussion until those figures are available.~~ City Manager Wells roughly projected that half the cost of the lift station will be around \$250,000.00 to \$300,000.00. He suggested Wellsville City contribute fifty percent of the costs for the lift station. Wellsville City currently has enough American Rescue Plan Act (ARPA) money in savings to fund the project reported City Manager Wells. Councilman Austin Wood asked what capacity for new growth the proposed lift station will have. City Engineer Chris Breinholt detailed that the proposal is two, 140 gallon per minute pumps, and stated there will be quite a bit of capacity for growth in that area. He explained different types of commercial businesses widely vary in their waste volumes. City Manager Wells added that the proposed pump was originally designed to accommodate Castle Country RV (Tax Id. #11-091-0011), which would have a dump station for RVs in addition to the building's services. The fire marshal has determined that additional fire flow is required for the Pallets of Utah building (Tax Id. #11-091-0010). City Manager Wells said that the city also needs to consider financially contributing to upsizing that waterline. Mayor Thomas G. Bailey stated that Wellsville City has been awaiting commercial businesses for a long time and that the cost for Wellsville City to make these upgrades, without commercial business contribution, would be considerably more expensive. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to continue the discussion regarding options to share costs of**

a sewer lift station in the Business District using American Rescue Plan Act (ARPA) funds.

YEA 3

Kaylene Ames
Chad Poulsen
Austin Wood

NAY 0

Department Reports:

Mayor Thomas G. Bailey-

- 1) Expressed appreciation for everyone's Founders' Day efforts.
- 2) Expressed appreciation to those individuals and businesses who donated funds for the Founders' Day Firework Display
- 3) Expressed appreciation to the Church of Jesus Christ of Latter-day Saints Wellsville Utah Stake for the Day of Service held September 9, 2023.

Councilman Chad Poulsen-

- 1) Expressed appreciation for everyone's Founders' Day efforts.
- 2) Councilman Poulsen has heard many praises for the Wellsville Stampede Rodeo Flag Ceremony.

Councilwoman Kaylene Ames-

- 1) Expressed appreciation for everyone's Founders' Day efforts.
- 2) Councilwoman Ames stated that the Day of Service held September 9, 2023 by the Church of Jesus Christ of Latter-day Saints Wellsville Utah Stake and Tree City USA was phenomenal. 44 trees were donated and planted around the Tabernacle, City Square, and Wellsville Dam. The Mayor and Council added that the event was very well organized.
- 3) Councilwoman Ames presented Wellsville City a check from the Wellsville Foundation for the Founders' Day bounce houses.

Councilman Austin Wood-

- 1) Councilman Wood discussed financial reimbursement for horse teams used in the Founders' Day Parade and Sham Battle.
- 2) Safety concerns regarding gun and horse safety in the Parade and Sham Battle were presented.

City Manager/Recorder's Report:

- 1) Dirt is being brought in for shouldering new roads throughout the city.
- 2) Service line water leaks are being repaired throughout the city. City public works employees have the tools and skills necessary to replace PRVs and are doing so as efficiently as possible.
- 3) Maple Market LLC, located at 255 South Main (Tax Id. #10-022-0006), is opening for business September 25, 2023.
- 4) Green waste by D's Tree Service is being collected twice a week as summer winds down. Wellsville City plans to contract again with D's Tree Service next year. The Council agreed green waste collection is a valuable service the city provides for its residents.

At 7:05 p.m., Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to adjourn the meeting.

YEA 3

Kaylene Ames
Chad Poulsen
Austin Wood

NAY 0



Scott Wells
City Manager



Thomas G. Bailey
Mayor