

MINUTES of the regular **City Council** meeting of Wellsville City held **November 01, 2023**, 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 and Chad Poulsen. 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 October 27, 2023. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilman Austin Wood was excused from this meeting.

Others Present:	Spencer Butterfield	Shelayne Clark	Paul Freed
	Megan Petersen	Diane Roundy	Scott Tew

Opening Ceremony: Councilwoman Kaylene Ames

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

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

The Council reviewed the minutes of the October 18, 2023, regular City Council meeting. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to approve the minutes of the October 18, 2023, regular City Council meeting.**

<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, **Councilwoman Kaylene Ames made a motion, seconded by Councilwoman Denise Lindsay, to approve the city's accounts payable bills for payment, represented by check number 28863 through 28890.**

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

At 6:10 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. There was no public input. At 6:11 p.m., citizen input was closed.

Paul Freed was not yet in attendance therefore, the Council proceeded to the next agenda item.

The Council shall discuss and sign **ORDINANCE 2023-08, TITLE 10 LAND USE REGULATIONS, CHAPTER 44 ADDITIONAL REQUIREMENTS, SECTION 9 AG-TOURISM** which will define the rules and regulations for operating Ag-Tourism in Wellsville City. City Manager Scott Wells reminded the Council that they approved this ordinance at the August 16, 2023 Council meeting. The ordinance was approved contingent upon modifications agreed upon at the August 16, 2023 meeting. Revisions have been made in an ordinance form and are ready to be signed. City Manager Wells highlighted that nothing in the

presented ordinance has changed beyond those modifications agreed upon following the August 16, 2023 public hearing. Councilwoman Denise Lindsay verified that the only revisions made to the ordinance were those agreed upon at the August 16, 2023 meeting. City Manager Wells explained that ordinances must be assigned in numeric order. This ordinance was originally titled **ORDINANCE 2023-07** however, that number was assigned to the ordinance establishing a temporary land use regulation (moratorium) on residential and commercial building permits and subdivision applications within certain areas of Wellsville City at the October 18, 2023 meeting. Consequently, this ordinance will be reassigned as **ORDINANCE 2023-08**. **Councilman Chad Poulsen made a motion, seconded by Councilman Bob Lindley, to renumber and adopt TITLE 10 LAND USE REGULATIONS, CHAPTER 44 ADDITIONAL REQUIREMENTS, SECTION 9 AG-TOURISM AS ORDINANCE 2023-08.**

YEA 4

NAY 0

Kaylene Ames  
Bob Lindley  
Denise Lindsay  
Chad Poulsen

The Council returned to *Agenda Item 8*. Paul Freed met with the Council to request an amendment to Creekside Meadows Subdivision to allow one or two lots to be sold ahead of final build out and construction. The Council approved the final plat of the Creekside Meadows Subdivision consisting of 18 lots total, located at approximately 1100 South 200 East (Tax Id. #10-043-0007), on May 04, 2022. Mr. Freed told the Council that attempts to get water and sewer to his subdivision have been done prematurely given inadequate water in the Upper Pressure Zone and being unable to find a particular sewer sleeve supposedly running underneath Highway 89/91. The new culinary well site (Tax Id. #10-039-0004) will hopefully service those in the city living above 4,650-feet of elevation and eliminate Mr. Freed's need for a booster pump to bring water up from the Lower Pressure Zone. Mr. Freed and Brad Murray have examined UDOT mapping and cannot find a particular sewer sleeve. Mr. Murray dug long deep trenches on each side of the highway, as close to the asphalt as possible, and then walked the trenches with a metal detector and could not find the iron sleeve. Mr. Freed also implemented ground penetrating radar which found several areas of disturbed soil. After digging, none of the disturbed soil locations held a sewer sleeve. Mr. Freed told the Council his theory is that UDOT never extended the sewer sleeve when the highway was widened from a two-lane to a four-lane road. He has also explored an alternate sewer route which would gravity feed to the city sewer mainline at approximately 570 East 200 South. For that route, Mr. Freed would need consent and participation from three additional property owners to run sewer to the proposed location along 200 East: C4 Group LLC (Tax Id. #10-043-0001), Nilsson 4 Properties LLC (Tax Id. #10-042-0020, #10-042-0001), and McClendon Family Trust (10-017-0001, #10-017-0015). This option would allow Mr. Freed to avoid a sewer lift station and boring under the highway. He indicated that neighboring property owners are unwilling to invest in the alternate sewer route at this time. Mr. Freed reported that his current bid for infrastructure with a sewer lift station, boring the highway, waterlines, and roadway is \$2,000,000.00. That amount is unfeasible at this time he stated. Mr. Freed added that shrinking lot sizes for additional lots would make the project more feasible. He then asked the Council to allow him a variance to build one or two homes at the Creekside Meadows Subdivision on wells and septic tanks.

City Manager Scott Wells asked how much boring under the highway will cost. Mr. Freed answered \$300,000.00, with an additional \$200,000.00 for the sewer lift station. He repeated this level of infrastructure is premature given the current 8.5% interest rate. Councilwoman Denise Lindsay asked if one of the lots already has a home on it. Mr. Freed answered yes, Parcel #10-043-0038 has a preexisting home which he sold to Greg and Cimberlee Foulger. Mr. Freed stated he did a lot line adjustment and carved the parcel out of the subdivision before selling it. City Manager Wells pointed out that Parcel #10-043-0038 is shown as Lot 1 on Mr. Freed's subdivision plat. Councilwoman Kaylene Ames verified that the preexisting home is on a septic system with a culinary well and an irrigation well. She asked if Mr. Freed is asking for one or two home and which lots he is proposing building on. Mr. Freed proposed one home along the frontage and another behind the hawbush. Councilwoman Lindsay asked if Mr. Freed is planning to abandon the approved plat of 18 lots all together. Mr. Freed answered that he hopes the proposed subdivision will proceed at some point. Councilwoman Lindsay pointed out that Mr. Freed agreed to construct water and sewer as part of his annexation agreement with Wellsville City. Wellsville City has

already accomplished the annexation of Mr. Freed's property. She stressed that Mr. Freed has already performed an illegal lot line adjustment, carving out Parcel #10-043-0038, creating an illegal subdivision. Councilwoman Lindsay declared she is very hesitant to give Mr. Freed anymore leeway until he meets the original terms of the annexation. Councilman Chad Poulsen stated that he finds it difficult to tell Mr. Freed he cannot have two septic tanks after the Bartholomew Subdivision consisting of two lots total, located at approximately 590 South 200 East, Tax Id. #10-041-0037 was allowed two septic tanks which Councilman Poulsen was not in favor of. Councilwoman Lindsay pointed out that the sewer requirement for the Creekside Meadow Subdivision was part of an annexation agreement which the Bartholomew Subdivision was not. Councilman Bob Lindley brought up that Mr. Freed was allowed annexation of his property into Wellsville City, has yet to meet the terms of that agreement, and is back asking for more. Mayor Thomas G. Bailey noted that Mr. Freed's proposed one or two homeowners will likely not be happy to hook onto culinary water shortly after paying \$10,000.00 for a well. City Manager Wells underscored that Mr. Freed's signed annexation agreement declares that sewer infrastructure will be constructed upon development. Councilman Lindley mentioned that the Council has nothing to substantiate where Mr. Freed would locate one or two homes, and if those homes will change the subdivision plat's original lots, roadways, and infrastructure. Mr. Freed said he could bring a plat before the Council with the location of a single home on the property.

City Planner Jay Nielson pointed out that if no progress is made on a subdivision, agreements expire after one year. Councilman Poulsen stated he is not in favor of allowing Mr. Freed a well. The majority of his property is below the moratorium elevation of 4,650-feet, city water pressure in that area is sufficient for a single home. City Manager Wells added that Mr. Freed must run culinary water if he has frontage; property above 4,650-feet could not be developed; and final approval could not be granted until after the moratorium. City Planner Nielson noted that the Creekside Meadow Subdivision has yet to be recorded and could be abandoned. He added Mr. Freed could build according to the existing plat and bring it back to the Council in the future. Councilwoman Kaylene Ames pointed out that the Creekside Meadow Subdivision was not approved with septic systems. Mr. Freed mentioned that the annexation agreements states that it can be amended if both parties agree.

City Manager Wells stated that it would be advantageous for Wellsville City to find the particular sewer sleeve and suggested cost sharing to find the sleeve. He believes that if the city water sleeve was extended when the highway was widened, the sewer sleeve was also most likely extended. The waterline has been pressure tested and is in good shape. City Manager Wells recommended searching for the water sleeve prior to abandoning the 18-lot project. Councilman Poulsen said that he doubts that the sewer sleeve exists given Mr. Murray's skillfulness. Mr. Freed agreed. He detailed that he believes connecting to the city sewer system at this time is insurmountable. City Planner Nielson asked when the sewer sleeve was constructed. City Manager Wells answered 1994. Mayor Bailey mentioned former City Manager Don Hartle has been contacted and believes the sleeve was widened with the road.

Councilman Lindley repeated that Creekside Meadows Subdivision's final plat has been approved with 18-lots attached to city water and sewer. The Council has nothing before them to negate that or verify what exactly Mr. Freed proposes to do otherwise. A single home must conform precisely to the infrastructure of the entire 18 lot subdivision. Councilman Lindley declared it would be against city code to allow a property owner to build a home without the mandatory infrastructure. City Manager Wells asserted that Mr. Freed has already progressed to a two-lot subdivision by adding a second parcel number when he illegally split off and sold the existing home to Greg and Kimberlee Foulger (Tax Id. #10-043-0038). Therefore, he has already started the subdivision and must get approvals. The Council discussed the illegal subdivision obligating Mr. Freed to construct the sewer system. City Planner Nielson stated roadway access provided by the final plat to land east, north, and south of this property is important to consider. He cautioned Mr. Freed not to plow lots around eliminating those accessways. Mr. Freed discussed selling the 18-acres for a single home versus retaining some ownership. City Planner Nielson addressed open space and critical lands. City Manager Wells stressed that this property is currently an illegal two lot subdivision and must be brought back through the city for approvals and the Council must determine how to address the annexation agreement which required sewer infrastructure upon subdivision. The Council discussed open space requirements for two-lot versus three-lot subdivisions. Mayor Bailey told Mr. Freed that his options are to continue with the 18-lot plat or abandon that plan and come back to the Council with a 2-lot subdivision.

City Manager Wells emphasized that a new plan with more than two lots will require sewer. A single home will also be required to hook onto city water. Mayor Bailey affirmed. Councilman Lindley stated if the 18-acre parcel remains a single parcel some of that parcel will be above 4,650-feet therefore the parcel is not buildable. Mr. Freed stated that his engineer says 90 percent of his property is below 4,650-feet. The Council considered elevation as well as the binding of the annexation agreement. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Kaylene Ames, to continue the discussion regarding amending Creekside Meadows Subdivision, located at approximately 1100 South 200 East, (Tax Id. #10-043-0007).**

YEA 4

NAY 0

Kaylene Ames  
Bob Lindley  
Denise Lindsay  
Chad Poulsen

Department Reports:

Councilwoman Denise Lindsay-

1) No business or concerns at this time.

Councilman Chad Poulsen-

1) No business or concerns at this time.

Councilwoman Kaylene Ames-

1) Councilwoman Ames is organizing a formal 'Meet and Greet' for citizens and the 2023 City Council candidates, located at the City Office, on November 13, 2023 at 6:00 p.m. The meeting will have a timed question-and-answer session in a panel format with a moderator. That will be followed by an opportunity for citizens to meet and mingle with the candidates.

Councilman Bob Lindley-

1) No business or concerns at this time.

City Manager/Recorder's Report:

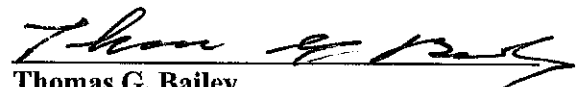
1) Wellsville City has six candidates running for three available city council seats. Ballots will be mailed to each registered voter. Early in person voting will be held at the Cache County Fairgrounds November 13, 2023 through November 17, 2023, 10 a.m. to 2 p.m. The deadline for submitting ballots is 8:00 p.m. on Tuesday, November 21, 2023. There is a ballot drop box on the west side of the city office or ballots can be mailed in the postage-paid envelope provided.


At 7:18 p.m., **Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to adjourn the meeting.**

YEA 4

NAY 0

Kaylene Ames  
Bob Lindley  
Denise Lindsay  
Chad Poulsen

  
Thomas G. Bailey  
Mayor

  
Scott Wells  
City Manager