

MINUTES of the regular **City Council** meeting of Wellsville City held **December 06, 2023**, at the Wellsville City Offices at 75 East Main. City officials present were Councilwomen Kaylene Ames and Denise Lindsay; Councilmen Bob Lindley and Chad Poulsen. City Treasurer Leesa Cooper 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 December 01, 2023. The meeting was called to order at 6:00 p.m. by Mayor pro tempore Bob Lindley.

Mayor Thomas G. Bailey and Councilman Austin Wood were excused from this meeting.

Others Present:	Glenn Ames	Tracy Bodrero	Margaret Bosworth
	Jeremy Burbank	Kurt Finlayson	Emily Fletcher
	Sam Gubler	Carl Leatham	Joseph McKibben
	Scott Mershon	Megan Petersen	Jeremy Price
	Erika Siler	Tori Smith	Nate Stireman
	Scot Weaver	Landis Wenger	Linda Wursten

Opening Ceremony: Councilman Chad Poulsen

The Council reviewed the agenda. **Councilwoman Kaylene Ames 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 November 15, 2023, regular City Council meeting. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Chad Poulsen, to approve the minutes of the November 15, 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 28957 through 28988.**

<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. Margaret Bosworth addressed heavy traffic traveling at excessive speeds along 200 East. She requested 200 East be patrolled from 3:00 p.m. to 5:00 p.m. and that the city place an additional speed limit sign. City Manager Scott Wells agreed and will discuss conducting a traffic study of 200 East with Councilman Austin Wood.

At 6:10 p.m., citizen input was closed.

Beginning at 6:10 p.m., the Council shall receive public input, then consider for possible approval **Resolution 2023-09** authorizing Wellsville City to provide retirement payments for city employees with over 28 years of service. City Manager Scott Wells reminded the Council that a City Treasurer Leesa Cooper became eligible to begin accruing retirement benefit in 1995, but did not begin receiving those benefits until petitioning for them in 2001. The proposed resolution would authorize Wellsville City to purchase up to two years of retirement based upon service, past compensation, and other criteria deemed important by the city for retiring city employee with more than with more than 28 years of fulltime service to Wellsville City.

At 6:12 p.m., Mayor pro tempore Bob Lindley opened the public hearing and asked if there were any comments. There was no public input. At 6:13 p.m., **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to close the public hearing.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Mayor pro tempore Lindley asked the Council if they had any comments or questions. Councilwoman Kaylene Ames and Mayor pro tempore Lindley esteemed City Treasurer Cooper's performance over the last 33-years and expressed appreciation for her hard work. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Kaylene Ames, to approval Resolution 2023-09 authorizing Wellsville City to provide retirement payments for city employees with over 28 years of service.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Next, the Council shall receive public input, then consider for possible approval **Resolution 2023-10**, the adoption of the **Wellsville Active Transportation Plan**. Mayor pro tempore Bob Lindley noted that the proposed plan was previously presented to the Council at the October 18, 2023 and November 15, 2023 meetings.

At 6:15 p.m. Mayor pro tempore Lindly opened the public hearing and asked if there were any comment.

Scot Weaver thanked the individuals on the Wellsville Trails Committee, Landis Wenger, Tayli Hillyard, and Dayton Price for their efforts. He stated that the proposed plan offers Wellsville City an opportunity to pursue paved paths and single-track trails. Mr. Weaver encouraged the Council to adopt the proposed **Wellsville Active Transportation Plan**.

Glenn Ames expressed support for the proposed **Wellsville Active Transportation Plan**. He thanked the Wellsville Trails Committee for the progress they have made over the last 30-year period. Mr. Ames stated that the proposed plan is a great start and encouraged the Council to keep the momentum going.

Tracy Bodrero expressed concern that Cache County will not make representation or guarantee as to the correctness or suitability of the information in the proposed plan. He questioned how much information is inaccurate in the presented plan. Mr. Bodrero mentioned he would prefer bar graphs rather than line graphs. He stated that the plan should be denied since the plan's financial estimates were made in 2007, and adjustments for inflation over that period have not been made. Mr. Bodrero emphasized that the city should advise trail users on trail etiquette and respect of private property. He read aloud from the plan's Disclaimer,

"Any new trails or amenities proposed in this document will not be developed on private property

unless there are voluntary agreements or easements with the property owner, or the land for the trail is purchased by a willing buyer from a willing seller. Utah State Code does not allow for eminent domain to be used for trails. Trails will only be developed with the explicitly permission of the local landowners and/or land management agencies."

Mr. Bodrero expressed concern that if Utah State Code allows eminent domain for trails in the future, Wellsville City will in turn use eminent domain for trails or rezone property to allow trails.

Kurt Finlayson asked that citizens with property adjoining proposed future trails be granted input in the plan prior to the **Wellsville Active Transportation Plan** being adopted.

At 6:27 p.m., **Councilman Chad Poulsen made a motion, seconded by Councilwoman Denise Lindsay, to close the public hearing.**

Mayor pro tempore Lindley explained that the Planning Commission will consider recommendation of the **Wellsville Active Transportation Plan** prior to the Council's decision. Councilwoman Denise Lindsay clarified that Wellsville City has no plans to acquire property by eminent domain for trails, nor does the city have a fraction of the budget to construct the proposed plan. It is a long-term plan with which to set smaller goals to help the city connect new and existing trails to meet the ultimate goal. City Manager Scott Wells reemphasized that Wellsville City is at a starting point and that the proposed plan gives the city a target to pursue. He added that the vast majority of hikers in Wellsville City use appropriate trail etiquette and do respect private property. Mayor pro tempore Lindley stated that the proposed plan would help give the city direction on where to connect sidewalks/trails to create a better flow throughout the community. Councilwoman Lindsay and Councilwoman Kaylene Ames detailed that the presented plan includes valuable public insight gathered from a community survey, multiple public open houses, and trail counter data. Councilwoman Ames expounded that the previously Active Transportation Plan was written in 2007. She invited those in attendance reach out to Landis Wenger, Cache County's Regional Trails and Active Transportation Coordinator, and attend weekly Cache County trails meetings. Councilwoman Ames asserted that the primary goal of the proposed plan is to enable safe active transportation for residents. She added that safe trails will help Wellsville City's attain its goal of being designated as a Healthy Utah Community. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Chad Poulsen, to continue the discussion regarding Resolution 2023-10, the possible adoption of the Wellsville Active Transportation Plan.**

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 0

The Council shall receive public input, then consider for possible adoption **Resolution 2023-11**, which requests the recertification of the Wellsville City Justice Court. City Manager Scott Wells explained that provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term. Wellsville City has received an opinion letter from Miles P. Jensen, Olson & Hoggan, P.C., City Attorney which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the court. City Manager Wells and Councilwoman Denise Lindsay explained that the rising number of speeding tickets issued along Highway 89/91 may result in Wellsville City moving from a Level 3 to Level 2 Justice Court.

At 6:38 p.m., Mayor pro tempore Bob Lindley opened the public hearing and asked if there were any comments. There was no public input. At 6:39 p.m., **Councilman Chad Poulsen made a motion, seconded by Councilwoman Kaylene Ames, to close the public hearing.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

The Council had no further questions. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Denise Lindsay, to adopt Resolution 2023-11, requesting the recertification of the Wellsville City Justice Court.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Next, City Manager Scott Wells presented the Official Canvass of the 2023 General Election Results. Wellsville City had 1014 persons vote. 36 votes were not counted; 19 votes were unsigned or had a signature which did not match, 17 ballots were post marked late. Carl Leatham, Bob Lindley, and Denise N. Lindsay were elected to the three available seats with four-year terms. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to accept the Official Canvass of the 2023 General Election Results.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Jeremy Price met with the Council to request a septic tank for a future accessory building, located at approximately 6621 South Hwy 89 (Tax Id. # 10-048-0005). City Manager Scott Wells displayed Mr. Price's parcel on the overhead screen. Councilwoman Denise Lindsay explained that **Ordinance 2023-07** (approved October 18, 2023), established a temporary land use regulation (moratorium) on residential and commercial building permits and subdivision applications within certain areas of Wellsville City. Wellsville City does not have sufficient ability to push culinary well water uphill to meet the requirements of the City's water system in those parts of the city located above 4,650 feet in elevation (the "Upper Pressure Zone"). Councilwoman Lindsay confirmed that Mr. Price's parcel is above 4,650 feet in elevation. Therefore, Wellsville City cannot issue a building permit until after the moratorium is lifted. City Manager Wells reported that the proposed new culinary well site (Tax Id. #10-039-0004), will hopefully service those in the city living above 4,650-feet of elevation this spring. **Councilwoman Kaylene Ames made a motion, seconded by Councilwoman Denise Lindsay, to deny the building clearance for Jeremy Price, located at approximately 6621 South Hwy 89 (Tax Id. # 10-048-0005), until Wellsville City lifts Ordinance 2023-07.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

City Manager Scott Wells was excused from the meeting at 6:52 p.m.

Glenn Ames presented the Council with an update of 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. Leatham Springs, much of which is used for the public water supply, is located on the east flank of the Wellsville Mountains at the head of Wellsville Canyon,

about four miles southwest of the community of Wellsville. One of the City Council's chief concerns regarding 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) is the potential contamination of the City's adjoining water source protection zone and subsequently Leatham Springs. Mr. Ames and geologist Larry Spangler (USGS retired) were unable to conduct the study this year due extraordinary water flows from heavy snowpack. The Council was given Mr. Spangler's written summary of monitoring results to date along with a geologic report. Mr. Ames recommended that the Council provide Mr. Spangler with a partial payment for his services and conduct the dye study next year once flow rates subside. The Council agreed and thanked Mr. Ames and Mr. Spangler for their efforts. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Denise Lindsay, to continue the dye study discussion and proceed with the study when the water flows have sufficiently diminished.**

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 0

City Treasurer Leesa Cooper presented Wellsville City's 2023 Fraud Risk Assessment. She detailed the city's basic separation of duties. Wellsville City Corporation earned 355 points of 395 which is assessed as a 'Low' level of fraud risk. The Council commended the city office staff for their efforts.

City Treasurer Leesa Cooper conducted Open & Public Meeting Training 2023. City Council meeting recording must be a complete and unedited record of all open portions of the meeting from beginning to end; and be labeled with the meeting date, time, and place. Public meeting pending minutes, approved minutes, and recordings are public records GRAMA (Government Records Access and Management Act). A governing body is required to provide citizens a reasonable opportunity to speak during a public hearing. Regular open and public meetings require 24 hours' notice. The public notice includes the meeting: agenda, date, time, and place. Within three business days after approving written minutes of an open meeting, approved minutes and any public materials are made public at: the Utah Public Notice Website (pmn.utah.gov); the entity's primary office; and the entity's website.

Department Reports:

Councilwoman Denise Lindsay-

- 1) The Wellsville City Christmas Party will be held Monday, December 18, 2023 at 6:00 p.m.

Councilman Chad Poulsen-

- 1) No business or concerns at this time.

Councilwoman Kaylene Ames-

- 1) No business or concerns at this time.

Mayor pro tempore Bob Lindley

- 1) Expressed appreciation to Councilwoman Kaylene Ames and those who helped with the 'Meet and Greet' the City Council candidates night.

City Treasurer Report:

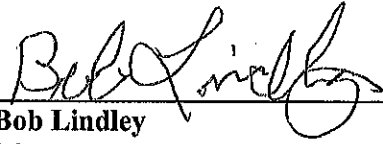
- 1) City Treasurer Leesa Cooper expressed appreciation to the Bates family for the beautiful Christmas display on the city square. The Council concurred.

At 7:23 p.m., Councilwoman Denise Lindsay made a motion, seconded by Councilman Chad Poulsen, to adjourn the meeting.

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 0



Bob Lindley
Mayor pro tempore



Scott Wells
City Manager