

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, August 04, 2021**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Kaylene Ames and Denise Lindsay; Councilmen Chad Poulsen and Austin Wood. Also present was City Engineer Chris Breinholt, City Planner Jay Nielson, and City Manager Scott Wells. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on July 30, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:	Lynne Allen	Kehler Ames	Richie Benson
	Tracy Bodrero	Margaret Bosworth	Charles Erickson
	Whisper Erickson	Clay Isom	Jerilyn Isom
	Carl Leatham	Karma Leatham	Ruth P. Maughan
	Marcene Parker	Kurt Petersen	Megan Petersen
	Patti Petersen	Nate Reeve	Clark Rigby
	William Rouse	Susan Saltzman	Art Smith
	Jason Spahr	Kadie Stokes	Linda Wursten

Opening Ceremony: Mayor Thomas G. Bailey

Councilman Bob Lindley was excused from this meeting.

The Council reviewed the agenda. City Manager Scott Wells stated that agenda item 10, 'Tayli Hillyard-Discuss the trails survey results and trails transportation master plan,' will be discussed at a future City Council meeting. **Denise Lindsay made a motion, seconded by Austin Wood, to approve the agenda with the correction.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

The Council reviewed the minutes of the July 21, 2021 regular City Council meeting. **Austin Wood made a motion, seconded by Chad Poulsen, to approve the minutes of the July 21, 2021 regular City Council meeting as presented.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
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, **Chad Poulsen made a motion, seconded by Austin Wood, to approve the City's account payables bills for payment, represented by check number 26026 through 26062.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Thomas G. Bailey opened the meeting for citizen input. There was no citizen input.

Beginning at 6:10 p.m., Nate Reeve presented for possible approval the concept plan for the Bridle Path Estates Subdivision consisting of 134 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. Mr. Reeve noted the City Council's motion at the last meeting was to continue the discussion of the concept plan for possible approval after the August 3, 2021 UDOT meeting (in order to see if Bridle Path Estates is compliant with access onto Highway 89/91). Mr. Reeve stated that progression with UDOT will be a step-by-step process. Preapplication was submitted on March 23, 2021. The Traffic Impact Study was submitted at the end of April 2021. Mr. Reeve, City Engineer Chris Breinholt, City Planner Jay Nielson, and City Manager Scott Wells participated in a Zoom meeting with UDOT on August 3, 2021. Mr. Reeve referred to this Zoom meeting as the unofficial discussion of the Traffic Impact Study. The official review of the Traffic Impact Study will be available next week. Trip distribution, peak hour trips, and the estimated direction of travel of residents were discussed. ITE manuals have been used to forecast traffic projections. Mr. Reeve said they are now moving towards approvals of Traffic Impact Study, construction plan, acceleration and deceleration lane construction, utility permits, etc. Mr. Reeve said they know they will need acceleration and deceleration lanes on the east and west sides of the highway at access points. Limited Access Locations, which are determined by UDOT, will be used as emergency responder/crash gate locations. Denise Lindsay asked for planned street widths within the subdivision. Mr. Reeve answered 26-feet of asphalt with two-foot gravel shoulders, and ten-foot swales on either side of the roadway. He pointed out that 26-feet complies with the international fire code and said that more information will be available at the preliminary level.

Mayor Thomas G. Bailey read from the City Code 11-3-2: Concept Plan: F. Public Meeting Of City Council: *"Upon approval of the concept plan by the planning commission, the city manager shall set a public meeting by the city council in the manner prescribed by Utah Code Annotated. The city council will not take formal action on the application, but will make its recommendations to the planning commission for the further processing of the application by the planning commission. (Ord. 2007-05, 5-16-2007)."* Mayor Bailey said that the City Council's objective tonight was to make recommendations for the Planning Commission. Mayor Bailey's first recommendation was to make sure there is an adequate water supply for this subdivision which has been verified by the city engineer. His next recommendation is that the sewer system is the appropriate system recommended by the State. City Manager Scott Wells will provide the Planning Commission and Mr. Reeve with the proper code reference. Mayor Bailey's third recommendation is that the seventy percent (70%) open space be recorded in open space perpetuity. He listed three options for management of open space; HOA maintains control of open space, an easement (Forest Service, Pheasants Forever, etc.) manages open space, or Wellsville City manages open space. Mayor Bailey's last recommendation was ensuring Wellsville City's sewer system can handle the possible increased volume from Bridle Path Estates Subdivision. Kaylene Ames asked if it is possible for the City Council to make suggestions on landscaping and aesthetics of the homes. City Planner Jay Nielson stated that the Planning Commission will process the Design Review Permit which will cover aesthetics and irrigation issues. Austin Wood would like to see an updated study on the aquifer recharge area as well as an environmental impact study. City Engineer Chris Breinholt stated the city does have a code in place for the source protection zone. He stated that everything west of the highway falls within the source protection zone. He said he doesn't believe a new study on the source protection zone will alter any of the existing results. Mr. Breinholt did recommend reviewing the City Code 8-2 Drinking Water Source Protection for residential homes with a fine-toothed comb to ensure it is stringent enough for this area. He directly referenced fuel and fertilizer storage. Denise Lindsay stressed that the entire subdivision west of the highway is within the aquifer recharge zone. Ms. Lindsay then read City Code 8-2-2: Purpose and Intent and asked that the Planning Commission refer back to it, *"A. The purpose of this chapter is to protect, preserve and maintain existing and potential public drinking water sources in order to safeguard the public health, safety and welfare of city residents and visitors. The intent of this chapter is to establish and designate drinking water source protection zones and ground water recharge areas for all sources of public drinking water within city boundaries and jurisdiction, which affect the aquifers as shown on exhibit 1, attached to ordinance 2000-02 and on file in the city recorder's office. This chapter establishes criteria for regulating the storage, handling, use or production of hazardous or toxic substances within identified areas where ground water is, or could be, affected by the potential contamination source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this chapter apply to new*

development and/or improvements to existing facilities, and/or handling, movement and storage of potentially hazardous materials." Ms. Lindsay also read City Code 8-2-4: Definitions: Pollution Source: "A. Animal Feeding Operation: A lot or facility where the following conditions are met: Animals have been or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes." She stated that the HOA can make as many requirements as they like, but she does not like the permanent implications of having this development in Wellsville City's aquifer recharge area. Mr. Breinholt said that Single Family Residential is permitted by code in the source protection zone. He stated that it is very concerning to have housing within the recharge area, but is manageable with careful review of the code, regulations and monitoring. He mentioned that an animal feeding operation is very different than pasturing animals. Mr. Breinholt has a copy of the Leatham Springs aquifer study and will provide copies to the City Council. **Denise Lindsay made a motion, seconded by Austin Wood, to continue this discussion for the Bridle Path Estates Subdivision consisting of 134 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

Mayor Thomas G. Bailey
Denise Lindsay
Austin Wood

NAY 2

Kaylene Ames
Chad Poulsen

Mayor Thomas G. Bailey opened the discussion regarding the preliminary plan for the 10 West Subdivision consisting of two lots total, located at approximately 10 West 400 North, Tax Id. #11-079-0017. Developer Clark Rigby presented the preliminary plan. He stated all of City Engineer Chris Breinholt's notes have been met except the sidewalk. He said he would prefer to pay a fee in lieu to the sidewalk fund. He said the road is not centered in the right-of-way, the sidewalk would only be fifteen-feet from the front of the home on Lot 2 (and even closer to another existing home just west of this subdivision), and would run two-feet inside of Rod Archibald's corral. He also said running the sidewalk closer to the roadway rather than right on the property line would be beneficial to avoid existing power poles. Chad Poulsen pointed out that a sidewalk at this location would be very beneficial since it is within three blocks of Wellsville Elementary. City Manager Scott Wells is hesitant to place the sidewalk closer to the roadway than the existing property line due to road adjustments that will be necessary in the years ahead. Mr. Rigby then suggested running the sidewalk along the north side of 400 North. Denise Lindsay said that sidewalk is traditionally ran on the north side of the street. Kaylene Ames noted sidewalk is already existing on the north side of the street on the next block west. Mr. Wells said that according to city code homeowners are responsible to clear any sidewalk along their frontage. The city must pay a city employee to clear sidewalks which are not along home frontages. **Denise Lindsay made a motion, seconded by Chad Poulsen, to allow Clark Rigby to pay a fee in lieu for sidewalk along the 10 West Subdivision consisting of two lots total, located at approximately 10 West 400 North, Tax Id. #11-079-0017. No recommendations were made for the Planning Commission.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

The Council then discussed options for a speed limit sign of 20-mph on 200 South 200 West. Resident Susan Saltzman provided a PowerPoint presentation in support of another speed limit sign. She stated this street carries heavy speeding traffic from three gravel pits; Wellsville City, Legrand Johnson, and Kerr pits. She detailed the distance necessary for a gravel truck to come to a complete stop based on its weight and speed. Ms. Saltzman said that the Basin Hill is also used as an off-road recreation area for four-wheelers, dirt bikes, side-by-sides, jeeps, trucks, etc. She emphasized the excessive noise and speed of these vehicles. She said city gates are regularly left open which recreationalists see as an open invitation despite the

'No Trespassing' signs. Ms. Saltzman proposed possible solutions; a second 15-mph speed limit sign visible to uphill traffic, the existing partially obscured 15-mph speed limit sign be moved to a more visible location at the top of the hill for downhill traffic, 'slow children at play' signs, speed bumps, and cameras. Ms. Saltzman offered to pay for the second 15-mph speed limit sign personally. Resident Kadie Stokes also addressed the City Council. She suggested the city regularly shut the gates to the Basin Hill to reduce traffic speed. Denise Lindsay also said gravel trucks drive too quickly down that hill. City Manager Scott Wells stressed calling the police in such situations, stating that is the only enforcement option available. Chad Poulsen noted that 200 South 300 West street has the same issue, and he would appreciate an additional speed limit sign there as well. Austin Wood mentioned that speeding tickets have much more severe consequences for CDL drivers. Mr. Wells said the city has committed to closing the Basin Hill gates on the weekends. Mr. Poulsen doesn't want to restrict truck and horse trailer access to the arena by locking the Basin Hill gates. He also suggested a portable radar speed sign. Mr. Wells agreed a portable radar speed sign would give law enforcement additional data and help them know what times of day speeding is most severe and when to patrol. **Denise Lindsay made a recommendation, seconded by Chad Poulsen, for the city to purchase and place two new 15-mph speed limit signs, one on 200 South and one on 300 South near the Basin Hill. She also recommended encouraging law enforcement to improve policing of this area.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council then continued the discussion regarding water restrictions with culinary and secondary water for Wellsville City and the resident notification process. City Manager Scott Wells reported that the city wells are still rebounding despite the increased pumping. Leatham Spring is flowing at 500,000-600,000 gallons per day which has remained consistent since springtime. This level is only fifty percent (50%) of last years flow level. Water lines from the spring have been checked and are clear from brush and debris. Mr. Wells stated his concerns regarding secondary water being taken out of the small and large canals within the next several weeks. Those irrigating with secondary water will begin irrigating with culinary water. He stressed that the city may need to be more strict with even and odd watering days, perhaps even cut back watering two days a week. Mr. Wells also said they are exploring options for another well on the south end of town. Engineers and a specialist are determining the best well locations available. Denise Lindsay expressed her concern regarding providing water for the proposed Bridle Path Estates subdivision when Wellsville City is already in need of another well. City Engineer Chris Breinholt restated his written recommendation that *"no development be given final approval in any area served by the springs until the city has a second source to provide culinary water to the upper pressure zones."* Austin Wood asked if there was an option for financial participation of the developer on an additional well. City Planner Jay Nielson stated that would depend on impact fees. He declared that the city is obligated to provide water to the upper pressure zone regardless of any new homes. Mayor Thomas G. Bailey stated that the city has been looking at options for additional water in the upper pressure zone long before this drought, although the drought has exacerbated its timeline. He also mentioned that a well in the upper pressure zone will allow the improved pressurization of that zone. Former Mayor Ruth P. Maughan explained that if the city doesn't prove up on its unused water shares the State can take them away. **Chad Poulsen made a motion, seconded by Austin Wood, to continue the discussion regarding water restrictions with culinary and secondary water for Wellsville City and the resident notification process.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells discussed the fourth quarter financial statement for April, and assured the Mayor and Council that Wellsville City is in good financial standing. After discussion, **Kaylene Ames made a motion, seconded by Chad Poulsen, to approve the fourth quarter financial statement for April.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Department Reports:

Denise Lindsay-

- 1) Event pamphlets have been mailed out for Founders' Day.

Chad Poulsen-

- 1) Will organize and email out the City Council's recommendations for the Planning Commission.
- 2) Has heard a lot of public concern regarding the proposed Bridle Path Estates subdivision.

Kaylene Ames-

- 1) No business or concerns at this time.

Mayor Thomas G. Bailey-

- 1) A food truck may begin selling food one night a week in the tabernacle parking lot.

Austin Wood-

- 1) Church of Jesus Christ of Latter-day Saints has been tasked for a day of service with the Urban Forest Management to clear the first 150-feet of tree line along the foothills of dead debris. Liability questions arise on private properties, and volunteers need to remain respectful of private land. Chain saws must be certified by the Forest Service. Participation permission slips are also required. Other groups of individuals may participate in cemetery headstone cleaning.
- 2) Sham Battle wagon repairs are needed before the celebration.

City Manager/Recorder's Report:

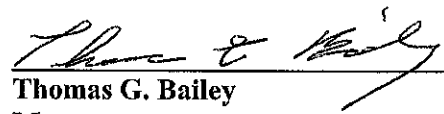
- 1) New annexation policy. Corrects five-acre inconsistency.
- 2) Update on the 600 North 150 East road project.
- 3) Update on the 400 North road project.
- 4) Purchasing a duck weed sifter for the sewer ponds. Duck weed reproduces every six hours and is affecting the suspended solids. Brad Murray uses heavy equipment to remove islands of solids.
- 5) AllTech security system still needs to complete set up for camera security.
- 6) Trees trimmed at intersections from 400 North to Main Street.
- 7) Large tree split at 100 North 350 East. Daily Tree Care will remove it.
- 8) Tree limb fell across road at 200 North bridge. City employees cleared road. Tree removal is resident John Fuller's responsibility.
- 9) Tree trimming at Wellsville Reservoir this coming week. Wellsville Reservoir Campground has had less issues this year. Campground will be mowed again. Campground picnic table is irreparable and will be thrown away.

At 8:12 p.m., Denise Lindsay made a motion, seconded by Chad Poulsen, to adjourn the meeting.

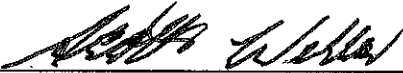
YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

A handwritten signature in cursive script, appearing to read "Thomas G. Bailey", positioned above a horizontal line.

Thomas G. Bailey
Mayor

A handwritten signature in cursive script, appearing to read "Scott Wells", positioned above a horizontal line.

Scott Wells
City Manager