

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, October 20, 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 Bob Lindley, Chad Poulsen, and Austin Wood. Planning Commission members present were Chairman Chris Clark, Jeff Bailey, Clair Cooper, Chad Lindley, Ed Rigby, and Cody Schenk. Also present were 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 October 19, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:	Glenn Ames	Tracy Bodrero	Alyssa Bradshaw
	Brock Bradshaw	Gary Bradshaw	Shane Branz
	Jamie Clark	Kami Clark	Hannah Cook
	Carolyn Cooper	Jessica Corbran	Matthew D'Alessandro
	Logan Fisher	Mikaela Fisher	Christian Hardy
	Holly Hardy	Kate Hardy	M. Hepworth
	Clay Isom	Jerilyn Isom	Jerald Leishman
	Mason McBride	Kurt Petersen	Megan Petersen
	Margo Pierce	Nate Reeve	Shelby Rouse
	William Rouse	Keven Rowe	Art Smith
	Allie Wells	Amy Wells	Nathan Wells
	Linda Wursten		

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the agenda. City Manager Scott Wells stated that agenda item 14, '*Chris Clark – Setbacks for larger than 200 sq. ft. shed in backyards*' will first need to be addressed by the Planning Commission. **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the agenda with the correction.**

<u>YEA 4</u>	<u>NAY 0</u>
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the October 06, 2021 regular City Council meeting. **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the minutes of the October 06, 2021 regular City Council meeting as presented.**

<u>YEA 3</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
Bob Lindley		Austin Wood
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, **Bob Lindley made a motion, seconded by Austin Wood, to approve the City's account payables bills for payment, represented by check number 26229 through 26275.**

<u>YEA 4</u>	<u>NAY 0</u>
Bob Lindley	
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, **Austin Wood made a motion, seconded by Bob Lindley, to approve the City's account payables bills for payment, represented by check number 26297 through 26331.**

YEA 4

Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

At 6:06 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Kami Clark addressed the City Council regarding the Wellsville 4H Club. Ms. Clark said the bucking chutes at the Wellsville Rodeo Arena need repainted. Ms. Clark offered to repaint the chutes with the 4H Club if Wellsville City is willing to purchase the paint. She also mentioned a needed sprinkler repair. City Manager Scott Wells stated he will add paint for the rodeo chutes to next year's budget.

Kurt Petersen asked for a synopsis of the proposed **Code Amendment 10-54-8 Specific Plans for Small Projects**. Chad Poulsen stated the proposed code amendment is to allow mixed-use property projects smaller than 20-acres. Mixed-use projects are a combination of residential and commercial (retail) development. He added initiation of a Specific Plan must be authorized by the City Council, which allows the city to collaborate with the developer in planning the development. City Planner Jay Nielson said that there is no way to proceed with mixed-use projects under 20-acres within the current city code. Mr. Nielson stated mixed-use properties are very valuable to communities, and the city will have legislative authority over these properties.

Tracy Bodrero asked for information regarding **Chapter 59: Legally Existing Nonconformities**. Mr. Bodrero read aloud **10-59-1: Purpose; 10-59-4: Authority to Continue, B. Determination of Nonconformity Status**. He continued to read **10-59-10: Procedure to Grant Certification of Legally Existing Nonconforming Status and Issuance of Grandfather Certificate, A. Property Owners Right to Apply** which reads, *"Considering requirements of Chapter 10-59, a property owner may apply for a determination by the City that an existing nonconformity was established lawfully and that a Grandfather Certificate may be granted. Application may be made on forms available to determine if a nonconforming use, structure, lot, and/or sign was established legally and justifies granting a Grandfather Certificate."* Mr. Bodrero asked the City Council if the Grandfather Certificate exists to allow him to apply for the legal rezoning of the properties along 400 North. City Planner Jay Nielson stated that the Grandfather Certificate does not apply to rezoning. He added the certificate has yet to be created due to the fact there has yet to be an application for grandfathering in Wellsville City. Mr. Nielson said he is working on the highly complex zoning map and will have an answer in the future.

At 6:19 p.m., citizen input was closed.

City Councilwoman Kaylene Ames arrived.

Beginning at 6:20 p.m., the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval an ordinance amending the **Land Use Regulations Title 10 Chapter 54 of the Wellsville Municipal Code**, to include **10-54-8: Specific Plans for Small Projects**, to allow for Specific Plans for projects on less than 20-acre parcels in Wellsville City. City Planner Jay Nielson stated that approval requirements are not as extensive as those for large acreage Specific Plans, in order to streamline these projects which are beneficial to the city. The City Council authorizes the plan to be created and approves the plan upfront. It is a legislative decision for the Council as they make the code for that particular project. Mr. Nielson pointed out there is a proposed 16-acre mixed-use project west of Wellcome Mart which may be a good tax base project for Wellsville City. At 6:22 p.m., Mayor Thomas G. Bailey opened the public hearing.

Clay Isom asked for further clarification regarding the difference between large and small Specific Plan projects. Mr. Isom is concerned that large Specific Plan projects will be broken into small Specific Plans by developers to avoid the required stringencies of large Specific Plan projects. Mr. Nielson stated numerous studies with complex engineering are required for large Specific Plans, which are simply too expensive for small Specific Plan projects. This amendment allows use of existing data on GIS systems for small Specific Plan projects to generate reports. He added that the City Council has complete authority to authorize initiating a plan, and later approve it *if* it meets their standards. Mr. Isom asked if other local municipalities have similar policies for small Specific Plans. Mr. Nielson affirmed Logan City does. **Denise Lindsay made a motion, seconded by Chad Poulsen, to close the public hearing.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Mayor Bailey asked Chad Poulsen for the Planning Commission's thoughts regarding the code amendment. Mr. Poulsen answered that the Planning Commission found the amendment straightforward and recommended its approval to the City Council. The Council had no further questions. **Bob Lindley made a motion, seconded by Austin Wood, to approve amending the Land Use Regulations Title 10 Chapter 54 of the Wellsville Municipal Code, to include 10-54-8: Specific Plans for Small Projects, to allow for Specific Plans for projects on less than 20-acre parcels in Wellsville City.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Mayor Thomas G. Bailey opened the discussion regarding a request from Wellsville Recovery LLC for a business license to operate a residential drug and alcohol treatment center at the former Sherwood Hills property located at 7877 South Highway 89/91; Tax Id. #10-071-0112 & Id. #10-053-0014. Matthew D'Alessandro acted as spokesperson. Mr. D'Alessandro introduced himself as owner Jason Cowdin's business partner. He noted the Planning Commission approved a Conditional Use Permit last week, and stated he was meeting with the City Council seeking a business license. Mayor Bailey asked Chad Poulsen what the Planning Commission's thoughts were. Mr. Poulsen affirmed a Conditional Use Permit was granted for Wellsville Recovery LLC. The partitioner told the Commission he had met with the fire marshal regarding fire suppression. Denise Lindsay asked if this proposed facility is designed as a lockdown facility. Mr. D'Alessandro answered it will be an in-and-out facility. Ms. Lindsay pointed out the facility's previous ownership consistently had issues having enough water to meet their needs. Mr. D'Alessandro reported a substantial water leak had been discovered and resealed in the facility's water tank. Austin Wood questioned the facility's occupancy size. Mr. D'Alessandro said the total available occupancy is 120 persons. However, he believes occupancy will remain within a range of 60 to 70 persons. There is additional available occupancy in the facility's condos, but Mr. D'Alessandro stated there are currently no plans for use of the condos. He stated they plan to implement a ASAM 3.5 level of residential care. They will also offer PHP and IOP outpatient services. Wellsville Recovery LLC will require medical detox and drug screening to take place at a hospital. Mr. Poulsen mentioned the last rehabilitation center was not well run. He asked what will be different at this facility. Mr. D'Alessandro stated the biggest difference will be that none of Wellsville Recovery LLC's owners are licensed professionals. Therefore, they will be unable to take on the personal liabilities and risks for personal profit that the previous nefarious owners were willing to take the risk of. He stated no licensed accomplices would be willing to take on personal risk for Wellsville Recovery LLC's illegal gain. He also pointed out Wellsville Recovery LLC will be subject to third-party compliance audits four times per year. Last week Jason Cowdin reported to the Planning Commission that ambulance service has been discussed with the fire marshal and they have

agreed Wellsville Recovery LLC will pay for any ambulance services exceeding five per year. Mr. Poulsen addressed more concerns regarding ambulance services. Mr. D'Alessandro hopes that proper use of ethics will reduce the need of ambulance services. He also stated the facility would be willing to discuss supporting additional ambulance or personnel if necessary. Kaylene Ames noted city residents were denied access to the recreational trails adjoining the previous facility. She asked if Wellsville Recovery LLC will allow resident access to trail systems. Mr. D'Alessandro doubted that would be possible due to the risk of outsiders attempting to bring illegal substances onto the property. **Kaylene Ames made a motion, seconded by Bob Lindley, to approve the Business License for Wellsville Recovery LLC to operate a residential drug and alcohol treatment center at the former Sherwood Hills Property located at 7877 South Highway 89/91; Tax Id. #10-071-0112 & Id. #10-053-0014.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Planning Commissioner Cody Schenk arrived.

Hannah Cook, a prevention educator at CAPSA, met with the City Council to discuss CAPSA Domestic Violence Awareness month. She shared statistics from CAPSA's July 2020-2021 fiscal year: 1670 individuals served; 8392 crisis calls; 284 clients sheltered; 1465 individuals helped through casework and advocacy; 424 therapy clients; and 67 families housed. Ms. Cook noted these numbers saw a dramatic increase over the pandemic. Prevention education has been expanded with over 700 presentations given. Additional personnel have been hired. The Logan CAPSA building office space has been doubled. A ribbon cutting ceremony of the remodeled building will take place October 29, 2021 at 11:00 a.m. Ms. Cook asked for a representative from the Wellsville City Council to attend. Denise Lindsay volunteered and applauded CAPSA's efforts.

Christian Hardy, Logan Fisher, and Nathan Wells met with the City Council to discuss RAPZ Tax funding for a Wellsville City Skate Park. Mr. Hardy stated they have a dream for Wellsville to have a skate park. He listed multiple benefits of public skate parks: first, skate parks provide wholesome recreational opportunities and a good place for friends and family to have fun. Second, skate parks provide a safe environment for scooters and skateboards. Third, skate parks provide a gathering place for friends and family. Fourth, skateboarding and scooting have significant health benefits including agility, coordination, and endurance. Mr. Hardy stated the most important benefit of skateboarding and scooting is the fact that they keep you healthy and physically fit. Fifth, skateboarding and scooting have mental health benefits including building confidence and self-worth. Logan Fisher believes a skate park in Wellsville will be a fun place to go with friends and family for exercise. Nathan Wells stated he loves to skate at the Logan skate park. Mr. Wells has done research regarding skate park construction and realizes construction takes advanced cement work. Few contractors specialize in skate parks. Discussion with Hyrum City personnel regarding their proposed skatepark informed Mr. Wells that the Logan skate park cost roughly \$500,000. Smithfield City's smaller skate park cost \$300,000. Hyrum City's proposed skate park will cost roughly \$400,000. Mr. Wells stated they have the vision and hope Wellsville City will consider setting funding aside to dedicate to a future skate park in Wellsville. Mr. Hardy asked that Wellsville City make a Wellsville City skate park the next project priority. He proposed the site of the former Wellsville City Elementary School as the ideal location for the skate park. Bob Lindley confirmed the boy's figures are quite accurate. He stated there is a company in Salt Lake City which builds skate parks; their smallest skate park design costs \$180,000. Mr. Lindley will pursue RAPZ Tax funding in the spring. He noted there is no guarantee of the amount of RAPZ Tax funding the city will receive. The Council commended the boys on their presentation.

Fire Chief Jerald Leishman met with the City Council to discuss options for purchasing SCBA "Air Packs" for the Wellsville City Fire Department. Chief Leishman stated the city's current air packs are hand-me-downs from North Logan. An air pack typically has a lifespan of twelve years. Wellsville City has had

these air packs for four years and they are currently fifteen years old. When purchased, the fire department hoped new bottles could be purchased to increase their longevity. However, bottles are no longer manufactured for these aged air packs. The department has pursued a few different options. Chief Leishman asked the City Council to help the fire department find a means by which to purchase new air packs. A proposal for new Weidner air packs was presented to the Council. Chief Leishman noted this is the city's cheapest option because Wellsville City would receive a mass price discount by making the purchase with other local municipalities. City Manager Scott Wells emphasized this is the fire department's desired air pack, not just the cheapest option available. Chief Leishman said they currently have fourteen air packs; the department has reevaluated and believe they can get by with ten new air packs. He added that the new MSA air packs are guaranteed for fifteen years. Chad Poulsen asked if there was a savings plan in place for the next purchase in fifteen years. Chief Leishman stated they do have a savings plan; however, the new interface engine has just been paid for and the savings would start now. Mr. Wells proposed purchasing new air packs with CARES Act funding. He warned against depleting the fire departments savings accounts when they are in such a dire need for brush trucks. Chief Leishman pointed out that fire proximity suits are \$3000 per person and are currently backordered six months. Austin Wood verified that out of the high dollar items the fire department is in need of, air packs are their first priority. Chief Leishman stressed that the city is liable for any member of the fire crew injured with an expired air pack. He stressed this is a life safety issue. **Austin Wood made a motion, seconded by Chad Poulsen, to approve use of CARES Act funding for the purchase of ten new SCBA "Air Packs" for the Wellsville City Fire Department.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Brock and Alyssa Bradshaw met with the Council to discuss installation of sidewalk on a property located at approximately 600 South 200 West, Tax Id. #10-038-0002. Mr. Bradshaw stated the property is not being subdivided and that installing sidewalk on two sides of frontage for a four-acre parcel will be very expensive. The property will be kept as farm ground except for where he builds his home. He plans to build his home on the northwest quadrant of the property near an existing wash. He also asked if he would be required to maintain that length of sidewalk during the winter. Mr. Bradshaw is purposing to place sidewalk directly in front of his home, rather than the entire two-sided frontage of the four-acre parcel. Chad Poulsen stated that the Bradshaw's don't have to build any sidewalk at all if they would prefer to pay that amount as a *fee in lieu* to the sidewalk fund. Denise Lindsay said frontage sidewalk or paying into the sidewalk fund is required by City Code for any new residential development. Austin Wood acknowledged the burden of expense building sidewalk on his own property that doesn't connect to any other sidewalks but pointed out that he is paying for that sidewalk to abide by City Code. Mr. Wood wonders if the Code should have a capped quantity of sidewalk to be required of large acreage properties as to not overburden the citizens. He recognized new sidewalk helps neighborhoods and that City Code must be met. The Council discussed previous sidewalk decisions involving Daniel Coleman, Andrew Stokes, and Martee Parker. Denise Lindsay made the argument that larger acreages come with larger expenses and more ground to maintain. She pointed out that Wellsville City is a hodgepodge of random sidewalks and that the *fee in lieu* plan was designed to help rectify that problem. The Council agreed whatever decision be made should be consistent for all residents. Bob Lindley stated the Council has a responsibility to abide by current City Code. Mayor Bailey said the City Council has authority to require sidewalks where most beneficial. City Manager Scott Wells stated the Code has a subdivision rule and a given lot rule. The given lot rule reads that if you build a house on any legal lot, you build a sidewalk for the frontage of your property. The interpreted frontage of property on a corner lot is two-sided. Mr. Wells asked if the given lot rule should only apply to a certain acreage. City Engineer Chris Breinholt said a common way of dealing with large lots is using a portion for the home and leaving the rest as a remainder parcel or remainder pasture. In that case, municipalities typically have different sidewalk requirements for remainder parcels. The remainder parcel is not a subdivided lot and doesn't require infrastructure. Mr. Breinholt said the amount of remaining property determines if the property can be considered a remainder. A parcel only big

enough for a single lot cannot be declared a remainder parcel. City Planner Jay Nielson responded current City Code does not address remainder parcels, but he will follow up on that idea. Alyssa Bradshaw stated she would be in favor of labeling the property surrounding her home and yard as designated remainder pasture. **Bob Lindley made a motion, seconded by Austin Wood, to continue the discussion on sidewalks, building lots, and length of sidewalks.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Planner Jay Nielson introduced the discussion regarding the qualifications and overall project items moving forward with Bridle Path Estates Subdivision. The Planning Commission has been invited to join the City Council for a joint meeting. Nate Reeve, project manager of Bridle Path Estates Subdivision, will provide more information detailing the capability of the development team. Mr. Nielson stated that this is not a public hearing and that there are no decisions to be made at this meeting. Mr. Reeve stated that Reeve & Associates, Inc. recommends a work meeting with staff, Planning Commission, and City Council to avoid disconnect on large projects. Mr. Reeve stated this meeting is for open and honest communication on the project. Mr. Reeve said a lot of study and data has been collected since the conceptual process and prior to their preliminary submittal to the city. City Code requires, *"The evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan as submitted."* Jay Simmons, the developer, was unable to attend. Keven Rowe, Mr. Simmons' legal counsel is in attendance. Reeve & Associates, Inc. has been in business for 75 years and specializes in residential and commercial developments all over the western United States. Reeve & Associates, Inc. works to create developments cohesive with the environment, neighborhood, and design accordingly. They are currently working on another large development in Wasatch County which is 2,600-acres. Mr. Reeve stated this proposed development is 900-acres with 130 units. This style and scale of development is something Reeve & Associates, Inc. does often.

Mr. Reeve gave an introduction of Jay Simmons, the developer, as an awesome 95-year-old individual from Georgia. Mr. Reeve said Mr. Simmons is laser-sharp and very focused. He began developing in his teens. He was involved with the Sunbrook Golf Course in St. George, Utah which has 1800 units. Mr. Simmons also has projects in Fairfield and Park City, Utah. He has additional projects in Florida and Georgia. Mr. Simmons is very interactive with his projects. Mr. Rowe is as well. Mr. Simmons is currently looking to hire a builder partner. Mr. Reeve believes adding a builder partner early on will be very advantageous to help match custom homes to topography; as well as ensure views, sight triangles and sight distances in accordance with what Reeve & Associates, Inc. is designing. Mayor Thomas G. Bailey stated one of Wellsville City's biggest concerns is making sure there is enough money backing this project and that no expenses fall back on the city. Mr. Reeve stated an engineer's estimate has been generated for Mr. Simmons. Mr. Simmons is aware that Phase 1 is very heavily expense loaded with offsite sewer, water infrastructure, UDOT access, etc. Mr. Simmons is aware that in order to record a plat to sell lots he must construct the infrastructure or bond for the infrastructure. They estimate Phase 1 to cost \$12 million plus. Mr. Reeve recognized that sewer, water, and access must be constructed and operational prior to homes being built.

Chad Poulsen stated he does not often see projects of this scale. However, he noted a bike/pedestrian underpass announced by Logan City is estimated to cost \$4.1 million. He believes the estimated \$12 million for the initial infrastructure of a development of this size is grossly deficient. Kaylene Ames and Cody Schenk agreed. Mr. Reeve recognized that is a viable concern. He said that estimate is based on current projects and bid at a preliminary level by excavators. Mr. Reeve stated no developer or builder ever wants to start a project only to find out there is no money.

Mayor Bailey stated the city is in the process of the developing a new culinary well. Based on a sewer study, two or three blocks of sewer may need to be upsized. Mayor Bailey wants to be upfront with the

developers that water and sewer matters will take time to be resolved. Chad Lindley's concern is that all drainage from that area runs right to the city's Leatham Springs. The quality of our spring water is a direct result of the runoff water. Mr. Reeve stated it is very common for infrastructure to run through aquifer recharge areas. City and state statutes require different piping, testing, and materials to ensure there is no leakage within those aquifers. He said there are practices in place to be able to safely develop within aquifer recharge areas. Mayor Bailey confirmed that Mr. Reeve is aware of and anticipating the specific state required sewer system for that area. Mr. Reeve stated Sherwood Hills Resort was using 8.1 million gallons of water per month during peak summer use according to Wellsville City records. Reeve & Associates, Inc. estimates Bridle Path Estates Subdivision's peak summer water usage at 5.8 million gallons per month. He referenced a March 1994 agreement the city has with Sherwood Hills Resort agreeing to provide water to the resort and property. Mr. Reeve stated they are doing everything they can to reduce the amount of water used on the property from 8.1 to 5.8 million gallons. He said the estimated 5.8 million gallons is at build-out, not Phase 1, which will be years down the road. Mr. Reeve says he plans to continue through the preliminary and final level on Phase 1 with the understanding the overall Bridle Path Estates development will use significantly less water than the previous Sherwood Hills Resort. Mayor Bailey stated he is very concerned regarding providing culinary water to irrigate a proposed 125-acre pasture. Mr. Reeve said the proposed development truly is an equestrian style project and that irrigated pasture is important. Mr. Reeve said the estimated 5.8 million gallons does include the 125-acre pasture and it is still significantly less water than was used on the previous golf course. Chairman Chris Clark corrected that the water previously used on the golf course was not chlorinated culinary water. Chad Poulsen agreed irrigated pasture is not a good use of culinary water. Kaylene Ames agreed and noted that Wellsville City residents have already had irrigating restrictions over the last year. Mr. Reeves said he believes any water restrictions placed on Wellsville City residents will also apply to Bridle Path Estates residents. Cody Schenk asked for the names of equestrian developments previously constructed by the developers. Mr. Reeve answered they have equestrian developments in Arizona and California. He will send the development's names to City Planner Jay Nielson. Denise Lindsay stated that the 1994 Wellsville/Sherwood Hills agreement Mr. Reeve's keeps referring to is 27-years old. At that time, was 8.1 million gallons enough water for Sherwood Hills to operate on? Ms. Lindsay said she has been researching and asking questions, from what she's been able to gather, Sherwood Hills Resort was constantly struggling for water. Ms. Lindsay is also very concerned individual homeowners above the aquifer will not worry about the long-term ramifications of contaminating everyone's water downstream as long as their own lawns are fertilized and green. Ed Rigby read from a 1998 study titled **Drinking Water Source Protection Plan for Wellsville Canyon Upper Springs, Section 6.2** *"The best management practice for this area is to limit further development unless other means are utilized to dispose of wastewater and prevent any possible contamination of the spring's influx area."* Mr. Rigby stated this proposed development goes directly against that best management practice. Mr. Reeves stated this area has been zoned to allow residential development for 30-years. Mr. Reeve feels strongly that they can comply with the source protection standards for all the zones around the springs. He stated the springs are the proposed Bridle Path Estates residents water source as well. He brought up Sherwood Hill's onsite septic system in the middle of the aquifer and stated how much safer Bridle Path Estates specialized sewer line running down the canyon will be. City Planner Jay Nielson addressed Mr. Rigby's reading from the Drinking Water Source Protection Plan for Wellsville Canyon Upper Springs. He stated it was a preliminary study of the aquifer which then stimulated the city in conjunction with the state to create the Drinking Water Protection Zones in the Code. The proposed sanitary sewer lines are 400-feet from the wellhead. Mr. Nielson read the specific uses *not allowed* within that zone, sanitary sewer lines cannot be within 150-feet of the wellhead. Underground storage tanks, stormwater infiltration structures, geothermal wells, application of fertilizers, herbicides, and pesticides, sanitary landfills, and any pollution sources as defined in the Utah Administrative Code are *not allowed*. In all four zones, hazardous waste and material disposal sites, septic tanks, drain fields, thermal wells deeper than 30-feet, manure piles, uncontrolled salt piles, and underground injection wells are *prohibited*. Mr. Rigby stated horses produce manure piles. Mr. Nielson stated that is manageable. City Engineer Chris Breinholt agreed the code was referring to animal feeding operations rather than simple pasturing. Mr. Reeve noted the arena was placed on the east side of the highway to be outside the source protection zone. Chairman Clark stated it will be up to Bridle Path Estates to chlorinate their own water. He doesn't believe it should be up to Wellsville City to chlorinate that water. Mr. Reeve recognized all infrastructure needed to support this development is at the development's cost. Chairman Clark then addressed storm water, HOA snowplowing, road salt application and catch basins. Mr. Reeve answered roadway designs have

swells lining the roadways, they do not want water to collect on site. Mr. Reeve stated more research will be necessary regarding road salt. Mr. Breinholt recommended a covered salt storage location on the east side of the highway. He stated cities use salt on the roadways within their recharge areas. Mr. Nielson stated he is concerned about the management of stormwater. He mentioned the state has sophisticated new ways to manage stormwater and decrease pollution of heavy metals coming off roadways. Mr. Reeve referenced Best Management Practices (BMPs) to treat the water onsite adjacent to the roadways. They do not want to convey water into a large regional detention basin which could become unmanageable due to the amount of water they need to convey.

Cody Schenk asked for more details regarding Bridle Path Estates' plans for traffic and accessing Highway 89/91. Mr. Reeve stated following multiple meetings with UDOT, UDOT addressed the potential for extending the raised median through this access point. Therefore, the proposed pedestrian tunnel system will now be widened enough for semitruck and school bus access. Bridle Path Estates wanted to avoid an overpass due to aesthetics. Acceleration lanes, deceleration lanes, roundabouts, and the tunnel system will all be included in Phase 1.

Austin Wood questioned Bridle Path Estates plans for citizen access. Mr. Reeve stated due to the property's proximity to the highway both sides of the subdivision will be gated above the roundabouts. They feel with that much traffic the subdivision needs to be secure and protected with gates. Mr. Simmons has suggested charging a nominal fee for a gate card to allow Wellsville City residents access to the Bridle Path Estates facilities and trails. City Manager Scott Wells proposed a trail system that parallels the highway and hooks onto Rattlesnake trailhead. Mr. Breinholt stated a trail paralleling the highway would cross the aquifer region and warned against having people around it. In his review he is recommending fencing off the aquifer region, facilities, chlorinator, and pump house. Mr. Reeve stated their intention is to loop the trail system using two tunnel systems (the DNR tunnel and the subdivision's tunnel). Mayor Bailey asked when the proposed development's open space would be turned over to the HOA. Keven Rowe answered there is a certain threshold under the Covenants, Conditions & Restrictions (CC&Rs) in which the HOA will take over open space. Mayor Bailey stated the city needs to know that open space has been placed in perpetuity and is how the CC&R reads. Mr. Rowe replied that is not an issue. Mr. Wood and Matt Bailey asked how trail access can be insured for the future. Mr. Rowe stated protection of public trails is customarily written into the CC&Rs.

Mr. Reeve has spoken with Cache County School District. He stated facilities have been designed on both sides of the roadway for school bus pick up and drop off. Denise Lindsay asked if the school district was concerned regarding the volume of children. Mr. Reeve answered the school district was not concerned.

Mr. Breinholt stated that the proposed sewer system would have to be managed by Wellsville City under state guidelines. The sewer system will likely be run under the roadways. Mayor Bailey proposed an agreement to be made between the city and HOA, that if the city must dig up a roadway to service a sewer line, the city will fill the hole, and the HOA be responsible to pay to patch the road. Mr. Rowe replied that proposal is uncustomary in every way. Mr. Breinholt said that if that is not agreeable the sewer must be placed outside the pavement area within the right-of-way.

Mayor Bailey and Mr. Wells have discussed the project with the Forest Service who is concerned about the local wildlife, particularly the moose population and elk herds. The Forest Service recommends the development install eight-foot perimeter fencing to keep wildlife out and away from haystacks. Mr. Rowe commented that wildlife is not a unique CC&R issue.

Ms. Ames asked if circumstances would change if Mr. Simmons were to pass away prior to the development's completion. Mr. Rowe answered with bank financing and bonds posted nothing will come out of the ground without the proper funds in place to finance the project. He said this development could not get funding without protections in place.

Chairman Clark asked if fire suppression will be available in homes or if only fire hydrants will be available. Mr. Reeve responded that every home will have fire suppression sprinklers. Fire hydrants will be placed every 500-feet. Additional storage and tanks will also be placed for fire protection.

Mr. Nielson addressed manicured landscapes on individual lots. Mr. Reeve replied that landscaped area will be restricted in the subdivisions water report as well as CC&Rs, a certain area is indicated in which the homeowner cannot exceed. Mr. Rowe agreed that area will also be listed in the design guidelines for every home. Mr. Breinholt verified that landscaped area differs depending on quarter-acre lots versus half-acre lots. Mayor Bailey asked if there is an animal limit per lot. Mr. Rowe confirmed and stated that is listed in the CC&Rs.

Ed Rigby stated his biggest concern is whether this development will have a negative or positive impact on the existing community. He asked for firm answers regarding spring water quality and quantity as well as sewer capacity. Mayor Bailey replied that a culinary water study and sewer study were initiated two months ago. Written reports will be made available once completed.

Chad Poulsen is worried how Wellsville City will enforce policing animals, fertilizers, pollution, etc. if the Bridle Path Estates HOA is dysfunctional. Mr. Rowe indicated that CC&Rs are very strictly enforced by high end development HOAs. Violators face enforced penalties. He also emphasized that million-dollar estate homeowners will do all that's possible to safeguard their personal property investment. Ed Rigby suggested a Wellsville City Councilmember should be on the HOA board. Mr. Rowe indicated that would be very uncustomary. Mayor Bailey thanked Mr. Reeve and Mr. Rowe for their time and details on the proposed Bridle Path Estates Subdivision.

City Manager Scott Wells opened the discussion regarding concept, preliminary, and final subdivision approvals along with the public hearing process, concerning **Ordinance 11-3-2, 11-3-3, 11-3-5**. Mr. Wells suggested combining concept and preliminary plans. Chad Poulsen responded that eliminating a public hearing does not meet the desire of city residents. Mr. Wells said public hearings at the concept level are difficult since concept level approval is simply a matter of the concept meeting the code or not. Public hearing questions most often pertain to preliminary level infrastructure concerns. Jeff Bailey agreed the concept plan has too few details to answer specific infrastructure questions. City Engineer Chris Breinholt reminded the Council that the concept level purposely has very few details to ensure it meets City Code before much expense is invested into details. Denise Lindsay said that combining concept and preliminary plans would be tolerable with small subdivisions. However, it would be much more difficult with planned subdivisions on similar scale to the proposed Bridle Path Estates Subdivision. Mayor Thomas G. Bailey noted that the Planning Commission is bound by City Code regardless of comments made at public hearings. The City Council has the advantage to make stipulations on development. City Engineer Chris Breinholt pointed out that not all circumstances are explicitly listed in the City Code. In those circumstances the City Council has the opportunity to make decisions. Mr. Wells said State Code doesn't require any public hearings for subdivisions. He also noted each public hearing costs the developer \$150.00. Mr. Poulsen indicated he prefers public hearings at concept and preliminary levels. He stated the earlier the community has input the better. Bob Lindley said he wishes it was possible to determine public hearings based on small versus large subdivisions. Ultimately, Mr. Lindley prefers public hearings at the concept and preliminary levels. Austin Wood and Kaylene Ames prefer a single public hearing at the preliminary level. Resident Clay Isom stated his concern is that public input at the preliminary level may not have any weight due to the fact that "the train is already moving." Ed Rigby believes residents should have every opportunity to voice their opinions. Resident Mason McBride said developers need to know the citizen's concerns. **Bob Lindley made a motion, seconded by Chad Poulsen, to continue the discussion regarding combining the conceptual and preliminary plans, concerning Ordinance 11-3-2, 11-3-3, & 11-3-5.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

City Engineer Chris Breinholt opened the discussion regarding potential Wellsville City culinary well locations. Mr. Breinholt has been working with John Files, president of Cascade Water Resources Inc. to

locate a new culinary well for Wellsville City. They targeted Oquirrh group foundation bedrock looking for fractured limestone. Mr. Breinholt first presented the Mt. Sterling Ranches Well, which currently pumps at 440-gallons per minute. This well is privately owned. Mr. Breinholt indicated purchasing the ground, title, and deed for the existing well will be as expensive as drilling a new well. Another disadvantage is the well's distance from Lindley Reservoir (to which the water would need to be pumped). The biggest advantage is knowing what the well produces and eliminating drilling risk. The next potential well site Mr. Breinholt presented was at the Lindley Reservoir. The Lindley Reservoir site is advantageous since Wellsville City already owns the property and there would be no purchase cost, as well as minimal piping distance. Disadvantages include improving the access road and installing an electrical system. The last potential well site presented was in the High Priority Target Area. Mr. Breinholt listed the site being owned by the federal government as a disadvantage, stating gaining water rights would be a huge hurdle, as would be installing piping and an electrical system. Mr. Breinholt was asked if any locations were explored at the top of Wellsville Canyon. He answered the tightness of the rock formation does not allow for good culinary well options at the top of the canyon. Mr. Breinholt's top recommendation, along with Mayor Thomas G. Bailey, City Manager Scott Wells, and Public Works Director Brok Nelson was the Lindley Reservoir site. Mr. Breinholt stated the Lindley Reservoir site has the lowest potential cost with no additional property expenses and limited necessary infrastructure. He also said the Lindley Reservoir site is at a good location in the rock formation without impacting other water rights. Mr. Breinholt said he would be happy if this potential well can prove to pump 500-gallons per minute. He estimated the new well will cost \$1.6 million to \$1.7 million. Mayor Bailey suggested sending a water witch to the Lindley Reservoir site. Mr. Breinholt asked for the City Council's direction on pursuing the Lindley Reservoir site. Mr. Wells seconded that question and stated he needs to begin loan procurement for the new well. Austin Wood stated the geologist and city engineer have done their due diligence and agreed to follow the expert's opinions. **Austin Wood made a motion, seconded by Bob Lindley, to continue pursuing the Lindley Reservoir site as Wellsville City's new culinary well, including water witching and financing.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Department Reports:

Denise Lindsay-

1) No business or concerns at this time.

Chad Poulsen-

1) No business or concerns at this time.

Kaylene Ames-

1) No business or concerns at this time.

Austin Wood-

1) No business or concerns at this time.

Bob Lindley-

1) No business or concerns at this time.

Mayor Thomas G. Bailey-

1) No business or concerns at this time.

City Manager/Recorder's Report:

1) Due to recent inclement weather, Wellsville City allowed for green waste overflow dumping at the Wellsville Reservoir campsite, which Wellsville residents have greatly appreciated. Mr. Wells contacted Jared Parker for the grinding up and disposal of the overflow pile. Mr. Parker listed his availability as March 2022. Mr. Wells told the Council that in reality the overflow pile will be there until March. Citizens will then have free access to the processed tree chips.

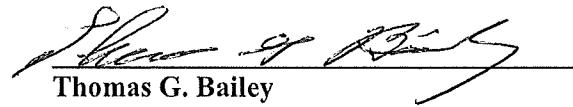
2) 'No dogs allowed' signs at Wellsville City Cemetery have had negative citizen feedback. That does not change the fact that citizens are not cleaning up after their dogs at the cemetery. Wellsville City will continue to enforce not allowing dogs at the cemetery.

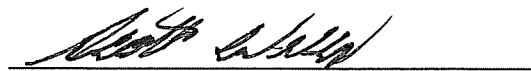
At 9:46 p.m., **Bob Lindley** made a motion, seconded by **Chad Poulsen**, to adjourn the meeting.

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0


Thomas G. Bailey
Mayor


Scott Wells
City Manager