

MINUTES of the regular **City Council** meeting of Wellsville City held **April 06, 2022**, 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. Also present was 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 April 01, 2022. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

City Planner Jay Nielson was excused from this meeting.

Others Present:	Daniel Coleman	Jodie Coleman	David Cook
	James Huppi	Jason Lundahl	Lindsey Lundholm
	Jeff Nielsen	Megan Petersen	Art Smith
	Gina Thompson	Mark Thompson	Brandon Tremelling
	Linda Wursten		

Opening Ceremony: Councilman Austin Wood

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

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the March 02, 2022 *regular* City Council meeting. Minutes for the March 02, 2022 *executive* City Council meeting will be reviewed at the next meeting. **Councilman Chad Poulsen made a motion, seconded by Councilman Bob Lindley, to approve the minutes of the March 02, 2022 regular City Council meeting.**

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
Kaylene Ames		Austin Wood
Bob Lindley		
Denise Lindsay		
Chad Poulsen		

The Council reviewed the minutes of the March 16, 2022 regular City Council meeting. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to approve the minutes of the March 16, 2022 regular City Council meeting.**

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

At 6:06 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. There was no citizen input. At 6:07 p.m., citizen input was closed.

Citizens Against Physical and Sexual Abuse (CAPSA) representative Lindley Lundholm met with the City Council to introduce CAPSA's Start by Believing Campaign. April is Sexual Assault Awareness Month. Ms. Lundholm told the Council that CAPSA received 750 crisis calls in 2021 where sexual assault or rape was the primary issue. CAPSA has already helped 100 sexual assault victims in 2022. Start by Believing is

a national campaign intended to help create a culture where survivors feel safe to come forward and receive the support they need to heal. Ms. Lundholm said that Start by Believing means shifting the response from blame to support when survivors disclose incidents of sexual violence. She invited the Council to take the Start by Believing pledge. The Mayor, Council, City Manager Scott Wells, and Minute Recorder Megan Petersen signed the Start by Believing pledge. Councilman Chad Poulsen asked if the presented statistics were for Cache Valley alone. Ms. Lundholm answered the statistics encompassed Cache and Rich Counties. Councilman Austin Wood asked if CAPSA has seen a decline in abuse since COVID restrictions and isolation have lessened. She replied abuse cases are still on the rise. Ms. Lundholm concluded by expressing gratitude for the community's support and the hope that the Start by Believing effort can make a difference in the lives of sexual assault survivors.

Beginning at 6:15 p.m., the Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval the preliminary plan for the Pallets of Utah Subdivision consisting of three lots total, located at approximately 4300 South 3000 West; Tax Id. #11-091-0010. Jeff Nielsen of Foresight Land Surveying presented the preliminary plan. Mr. Nielsen clarified the subdivision is only proposing three lots along with a road dedication. He stated the road design will allow for facility access as well as future developments to the south. Mr. Nielsen asked the Council for additional consideration regarding sidewalks at the 4300 South intersection. The 1200 East typical roadway section calls for sidewalk on both sides of the roadway which is not possible without approaching the adjacent landowner, Utah State University, to see if they will sell a approximately 0.42-acre parcel or help mitigate the constraints of the 4300 South intersection. A sewer lift station will be designed by City Engineer Chris Breinholt and will be located in the northeast corner of the property. Easements must be acquired across property to the south.

At 6:20 p.m., Mayor Thomas G. Bailey opened the public hearing. James Huppi introduced himself as a Utah State University Landscape Architect. He stated USU is not concerned about the proposed pallet company, however they are concerned about the company's access point onto 4300 South through USU property. Mr. Huppi recommended City Manager Scott Wells contact Joseph Jenkins, USU's Director of Real Property Administration. Mr. Jenkins can assess the value of the property. If Wellsville City finds that value acceptable, the property can then be deeded over.

Art Smith encouraged the Council, City Manager, and City Engineer to expedite the process for the proposed subdivision. He noted the Planning Commission discussed requiring Lot 2 of the subdivision to plant 151 trees and 315 shrubs at the 6.37-acre manufacturing facility. Mr. Smith stated that amount of landscaping was not reasonable and recommended reevaluating the landscaping requirement. At 6:25 p.m., **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to close the public hearing.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Mr. Wells stated East Field Irrigation Company is not concerned about the proposed subdivision as long as they are able to flow water where it is currently flowing. Mr. Lindley is worried about the close proximity between the stormwater retention pond and sewer lift station. Mr. Wells replied infiltration is a concern the engineers need to address. Councilwoman Denise Lindsay noted the cart came before the horse building 4300 South prior to determining the outcome of the USU parcel. Mr. Nielsen responded that road sections for industrial areas had yet to be determined by the City when 4300 South was reangled with acceleration and deceleration lanes added. Mr. Wells pointed out USU's only public comment at the concept plan was how dangerous the intersection was. He stated squaring-off the intersection was the right thing to do. Mr. Poulsen asked how many more feet are necessary for the proposed road section with sidewalk on both sides. Mr. Nielson answered 271-square feet. Property owner Mark Thompson clarified sidewalk on the east side of the roadway is what encroaches on USU property. If USU is not interested in selling the parcel, the

roadway section will still fit if the Council allows them to eliminate the east sidewalk. Mr. Wells stated he is optimistic USU will sell the property. After discussion, **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to approval the preliminary plan for the Pallets of Utah Subdivision consisting of three lots total, located at approximately 4300 South 3000 West; Tax Id. #11-091-0010.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Daniel and Jodie Coleman met with the Council to discuss a sewer line extension along 200 East. City Engineer Chris Breinholt previously met with the City Council, May 19, 2021, to discuss the sewer along 200 East between 300 and 400 South. At that meeting, Mr. Breinholt stated that area of 200 East has had a history of settling over time. He had no reason to believe that settling will stop in the near future, and if the sewer line was installed it might need to be reconstructed at a future date. Mr. Breinholt stated, and noted on the plat map, that *"Section 8-3-8 C2 of the Wellsville City Code requires that "Any extension ('extension' means when an individual or entity requests to connect onto the existing sewer mainline, and continue to add additional footage to the sewer system), such individual or entity shall be required to extend the sewer mainline the entire frontage of the lot or the entire frontage of the subdivision."* Mr. Breinholt's note continued *"Since the sewer line must be extended for the lateral to be properly connected, the code requires that it be extended all the way across the frontage of the lot. In this case, however, I do not believe that it would be advantageous for the City to extend the sewer all the way to the other side of the lot due to potential settling issues in the roadway. The sewer line should be moved as far as possible away from the edge of the hill to within 10' from the waterline. I suggest allowing an exception to the code and only running the sewer line to the point shown on this drawing in red. This will allow the two homes on the north to connect while minimizing the City's potential exposure to settlement of the sewer line."* Mr. Breinholt stated it wasn't possible to secure the base of the road. He will recommend future developments to the south go east to connect to a sewer mainline, rather than extend this sewer line. The risk was too high to extend the sewer line all the way across the frontage lot. At that time, Mr. Coleman stated he had gone over the options extensively and felt that the optimal solution would be use of septic tanks. He realized that was not an option for the City. The alternative, to only run a small segment of the sewer line (placed as close to the waterline as possible), was the next best option. The Council agreed and determined to allow an exception to Section 8-3-8 C2 of the Wellsville City Code requiring *"Any extension, such individual or entity shall be required to extend the sewer mainline the entire frontage of the lot or the entire frontage of the subdivision."*

Last year, Mr. Coleman had been told the sewer line ended just short of his property. He informed the Council that his builder and excavator had found the sewer runs a full 16-foot segment along the Coleman's property. Mr. Coleman said this is good news. He noted the agenda indicates considering extension of sewer along 200 East. He stated his property does *not* meet the code criteria of a property that requires an extension of utilities. He would simply like permission to tie a lateral sewer line into the 16-feet of mainline that runs along their frontage. He has no issues with adding a manhole. He read from an email in which Mr. Breinholt wrote, *"Since you can make a physical connection to the existing sewer you can continue to construct your sewer lateral connection while you wait to petition the Council."* Mr. Coleman reported Mr. Breinholt does not have a problem with the Coleman's connecting to the existing sewer along their frontage. Mr. Coleman indicated he is confused why they need to petition the Council for a simple sewer lateral connection. Councilwoman Denise Lindsay concurred and asked why they needed to petition the Council for a sewer connection. Mr. Wells said this proposal deviates from Code. Therefore, the Council needs to approve the new proposal. Mr. Wells stated neighboring property owner Charles Howard, 380 South 200 East, met with the City before building his home and was told the sewer would attach to his property from the south. Consequently, his sewer stub is on the south side of his home anticipating a sewer line running from the south. The Howard's will remain on septic until a sewer line runs from the south as Previously determined. Councilman Bob Lindley asked if there are similar instances where the City has not

required a property owner to extend utilities the entire length of their frontage. Mayor Thomas G. Bailey answered utilities at the Perkes property located at 42 West 600 South does not run the entire frontage. Mr. Lindley noted the Council needs to consistently enforce the Code. Mr. Wells stated the historic settling of this hillside and roadway on 200 East gives the Council a significant finding in which to deviate from Code. Councilwoman Kaylene Ames pointed out a Code deviation is a much better alternative than a broken sewer line on this unstable roadway. Councilman Chad Poulsen read Mr. Breinholt's note indicating the sewer line should be moved as far as possible away from the edge of the hill to within 10-feet of the water line. He asked where in the roadway the sewer line was found. Mr. Wells answered just over halfway across the road. Following the discussion, **Councilwoman Kaylene Ames made a motion, seconded by Councilwoman Denise Lindsay, to allow the Coleman's to hook a lateral line to the existing sewer mainline and put in a manhole.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Next, Brandon Tremelling of Jones & Associates Consulting Engineers presented chip and seal options for the 400 North road project. Mr. Tremelling reviewed City Engineer Chris Breinholt's memorandum which reads, *"A chip and seal is the final step in completing the asphalt pavement structure and it will add years to the life of the surface of the asphalt. 90% of the cost for chip and seal will be paid for using grant money that was awarded for this project from the COG and the City will be responsible for 10% of the cost... The bid included two options with the difference being the type of chip used... The Schedule "A" porous aggregate has proven to perform very well, and it is an upgrade to the standard aggregate. The cost difference between the two schedules is \$4,455. The City's portion to use Schedule "A" would be an additional \$445.50. I believe the extra cost for this upgraded chip is well worth it."* Mr. Tremelling added that porous aggregate is a lighter aggregate that is less likely to chip windshields. Mr. Tremelling recommended that the project be awarded to Consolidated Paving (the lowest bid), using Schedule "A". Mayor Thomas G. Bailey said he and City Manager Scott Wells have examined the two aggregates and that there was a substantial difference between the two and believes Schedule "A" will be well worth the extra cost. Mr. Wells agreed. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to award the 400 North chip and seal project to Consolidated Paving using Schedule "A".**

YEA 5

NAY 0

Kaylene Ames
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, **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to approve the City's account payables bills for payment, represented by check number 26857 through 26890.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Thomas G. Bailey opened the discussion regarding future garbage collection contracts. Logan City has told the Cache County Council that Logan City will be opting out of trash collection for contracted services and will only provide service within Logan City starting in 2023. Logan will continue to provide service for the next two years, until the end of 2023, to allow everyone to develop a smooth transition to alternative collection services. David Zook, Cache County Executive/Surveyor, is putting together a Cache County solid waste committee. Mayor Bailey needs the City Council to give him approval to negotiate with collection services for the City's best rate. Councilman Austin Wood asked what has led to these changes. City Manager Scott Wells told the Council about the 2021 controversy between City and County officials over plans by Logan to create a compost site in rural Benson to process solid wastes from the Valley's regional water treatment plant. When local residents objected to the plan, members of the County Council denied needed permission for that compost site to be created on land already owned by Logan in Benson. That decision cost the city of Logan \$1.5 million. Mayor Bailey brought up another controversy between Logan and County officials regarding the road leading to the new landfill north of Clarkston. He stated the garbage cans in Cache County are worth \$4,000,000.00. A single garbage truck is worth \$280,000.00. Mr. Wells referred to new state legislation which deems profits go to the county if dump sites are further than ten miles away from the collection city. After discussion, **Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to allow Mayor Thomas G. Bailey to continue to negotiate with collection companies for the best rate for Wellsville City.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

City Manager Scott Wells then presented the proposed Dan R. McClendon and Cherilyn N. McClendon annexation agreement. Mr. McClendon owns two parcels of property in Cache County. One 3.25-acre parcel (Tax Id. #10-017-0015) is currently within Wellsville City limits. The other parcel (Tax Id. #10-017-0001), 21.99-acres, neighbors the first parcel but is in unincorporated Cache County. In a letter to the City Council, Mr. McClendon writes he wishes to *"build a home on the larger parcel and farm the ground indefinitely."* He would like to connect the new home to City utilities. He also wrote, *"I would like to reconfigure my existing 3 acre Wellsville lot into (2) one acre lots and build a house and barn on the remainder parcel and farm the rest of the ground... after I annexed all my property, I would then apply to subdivide my existing Wellsville 3 acres back into 2 one acre lots and have one large remainder parcel."* Mr. McClendon was surprised following his annexation application when City Engineer Chris Breinholt issued a recommendation that a new 10-inch water line be installed to comply with fire protection requirements since it is a 26-acre annexation. Mr. Breinholt's recommendation for the larger water line is based on the engineering assumption that all the property will be subdivided in the future and increased fire flow will be necessary. Mr. McClendon wrote *"That is not my intent. I talked to Chris (Breinholt) and he agreed that if the full 26 acres is not developed now, he is okay with me utilizing the existing 6" water line as long as my annexation agreement with Wellsville includes language protecting the city. The enforcement of a larger line could come later when and if more property is proposed to be developed. He has said that currently, there is sufficient water volume for my two proposed one acre lots and a third house and barn to be built on the remainder parcel if construction on each did not exceed 3,600 sq. ft."* Mr. McClendon asked the Council to allow him to utilize the existing six-inch water line for his proposed subdivision until additional development is proposed at which time the developer would be responsible to upsize the line.

Mr. Wells stated that like all new subdivisions, Mr. McClendon should be responsible to contribute to the infrastructure of the neighborhood. He added the City has more leverage with an annexation agreement than with a development agreement. It is up to the City Council to determine what Mr. McClendon would be responsible to contribute to Wellsville City. Mr. Wells suggested requiring a minimum of upsizing the water line along his frontage. Councilman Chad Poulsen asked how many homes could be built on 21.99-acres in that zone. Mr. Wells answered City zoning allows one-acre density. County allows five-acre density. Mr. Poulsen stated Mr. McClendon should be required to size the water line for whatever density

his property *could* allow. Mr. Wells reported that Mr. Breinholt felt requiring Mr. McClendon to upsize the line clear to 450 East would be excessive. Mr. McClendon agreed. He indicated if he must upsize the line to 450 East he will only annex as much property as necessary for his desired three homes. Mr. Wells and Mr. Breinholt felt requiring Mr. McClendon to upsize the line along his frontage would be fair and contribute to the neighborhood. Mayor Thomas G. Bailey noted the water line underneath Highway 89/91 is only six-inches. Mr. Wells acknowledged the sleeve size under the highway is limited, but Mr. Breinholt still feels a ten-inch line along Mr. McClendon's property will allow for improved fire flow.

Annexations are also required to provide three-acre feet of water per acre of land proposed for subdivision and/or development. This equates to 62.22-acre feet of water for the proposed annexation, or \$279,990.00 in lieu of water shares. Another option would be to create a secondary water system. Mr. Wells proposed that water be turned over to the City upon development rather than annexation. The conversation turned to water share transfers of other developments upon development versus annexation. Mr. Wells noted the annexation agreement will also require 33-feet from the center of the road be deeded to the City. County road 5400 South has already been established with 66-foot road right-of-ways. The Council concurred that Mr. McClendon should be responsible to contribute to the infrastructure of the neighborhood; if not with a ten-inch water line along his 480-foot frontage at least an eight-inch water line. Following the discussion, **Councilman Bob Lindley made a motion, seconded by Councilwoman Denise Lindsay, to approve the annexation contingent upon requiring the McClendon's to upsize the water line to a ten-inch line along their frontage; with water rights to be transferred to the City upon development; and 33-feet from the center of the road deeded to the City.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells discussed the third quarter financial report for January 2022. Mr. Wells reviewed revenues and expenses. After discussion, **Councilwoman Denise Lindsay made a motion, seconded by Councilman Austin Wood, to approve the third quarter financial report for January 2022.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells conducted the "Why Risk Assessment?" for Municipal Officials Open Meeting Training 2022. Components of commitment to ethical behavior include a policy that defines inappropriate behavior with an annual written commitment to follow the policy; a reminder to officials and employees that they are responsible for the public good, and not their own personal interest; and a "Tone at the Top" is established, where all understand that no one is above following the policy. At a minimum, every government should have access, either full or part-time, to someone with a bachelor's degree in accounting. The Internal Audit Function can be implemented at no cost, by annually exchanging a staff member for a few days with a peer organization's staff member. The Audit Committee ensures an independent audit is performed by a competent CPA firm; ensures the internal audit function is functioning with proper resources, assessing risk areas, and submitting reports to the Audit Committee; and should receive all reports from the hotline.

Department Reports:

Denise Lindsay-

1) No business or concerns at this time.

Chad Poulsen-

1) No business or concerns at this time.

Mayor Thomas G. Bailey-

1) No business or concerns at this time.

Kaylene Ames-

1) April 30th is the Arbor Day Celebration. A new tree will be planted in honor of Wilma Hall.

2) The Beautification Committee would like to be added to the next City Council meeting's agenda to present a concept plan for the City Square.

Bob Lindley-

1) No business or concerns at this time.

Austin Wood-

1) No business or concerns at this time.

City Manager/Recorder's Report:

1) Wellsville City is evaluating a new location for a culinary well, possibly purchasing property from the Callister Family to allow easier access to the well site during winter months. Year-round access is required to replace chlorine cylinders.

2) At this time last year Leatham Spring was flowing 700,000-gallons per day. Currently the Spring is flowing at 400,000-gallons per day, requiring an additional 280,000-gallons to be supplemented from the wells. Therefore, watering restrictions will be implemented in May this year. Splash pad hours will be limited. Mr. Wells suggested possibly installing a water recycling system on the splash pad.

3) The six-month moratorium disallowing building above 4,650-feet elevation will need to be renewed by the end of May. Once property is acquired for a new well, studies and reports must be conducted, a test well must be drilled, then the actual well drilled, then water must be flowed for a specific amount of time, then a pump house must be built. Mr. Wells stressed for \$1.8 million dollars the City needs an appropriate amount of time to make sure things are done right.

4) Mr. Wells is working with AllTech to set up temporary Wi-Fi at the Cemetery for proper surveillance.

At 8:33 p.m., **Councilman Chad Poulsen made a motion, seconded by Councilman Bob Lindley, 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