

MINUTES of the regular **City Council** meeting of Wellsville City held **April 20, 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 Chad Poulsen and Austin Wood. Also present were City Engineer Chris Breinholt 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 April 15, 2022. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilman Bob Lindley and City Planner Jay Nielson were excused from this meeting.

Others Present:	Kylie Bartholomew	Landon Bartholomew	David Bell
	Margaret Bosworth	Bonnie Case	Ron Case
	David Cook	Clair Cooper	Cort Cooper
	Kaden Cooper	Deputy M. Hepworth	Jami Van Huss
	Sheriff Chad Jensen	Kent Larsen	Penny Larsen
	Deputy E. Meza	Kurt Petersen	Megan Petersen
	Diane Roundy	Heather Rowser	Art Smith
	Linda Wursten		

Opening Ceremony: Councilwoman Kaylene Ames

The Council reviewed the agenda. City Manager Scott Wells added *Item 12, Certification of Annexation Petition & Notice to City Council for Steve Kyriopoulos, Tom Maughan and Wellsville City*. Minutes for the March 02, 2020 executive City Council meeting will be reviewed following *Item 14, Scott Wells-Discuss 3rd quarter financials for February 2022*. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to approve the agenda with the additions.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

The Council reviewed the minutes of the April 06, 2022 regular City Council meeting. **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to approve the minutes of the April 06, 2022 regular City Council meeting.**

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, **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to approve the City's account payables bills for payment, represented by check number 26909 through 26938.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

At 6:07 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. There was no citizen input. At 6:08 p.m., citizen input was closed.

Beginning at 6:10 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 Bartholomew Subdivision consisting of two lots total, located at approximately 590 South 200 East, Tax Id. #10-041-0037. Landon Bartholomew presented the preliminary plan. Mr. Bartholomew stated he hopes the Council will allow septic systems since the City's sewer system is 2,800-feet away from this location. He stated running sewer that distance will cost over \$150,000.00. Mr. Bartholomew read aloud *City Code 11-5-7: Sewer Facilities; C. 2. D. Mandatory Connection To Public Sewer System*, which reads, "*If a public sanitary sewer is within three hundred feet (300') of a lot or subdivision, the owner of the property shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.*" He emphasized Code only mandates connections to the public sewer system if the sewer is within 300-feet. He added he believes being required to run sewer 2,800-feet would be unreasonable. Mr. Bartholomew also hopes the City will split the road construction fees since the City owns the property on the west side of the street.

At 6:12 p.m., Mayor Thomas G. Bailey opened the public hearing. Cort Cooper, the adjacent property owner to the south of the proposed subdivision asked if the *Mandatory Connection To Public Sewer* requirement of 300-feet or less was a new or previously existing requirement. He asked if the 300-foot requirement only applies to a single home or a certain density of housing. He reported that his grandfather, Eldon Cooper, was told septic systems would not be permitted in that area when the property was originally subdivided. Mr. Cort Cooper added former City Manager Don Hartle told him later when he purchased lots that septic systems would not be allowed. He stated Mr. Hartle was concerned about the property's proximity to Wellsville Reservoir and spring. A swell also flows water from that area into the Little Bear River. He stated a single septic system does not concern him; however, a high volume of septic systems does concern him. He reminded the Commission of Millville City's drinking water contamination issues due to a high volume of septic systems. Mr. Cort Cooper noted there are 24-acres which could result in 24-homes. He asked the Council to level the playing field and determine what number of new homes would justify running the sewer that great of a distance. He mentioned Paul Freed and Austin Wood were required to run sewer to their subdivisions.

Commissioner Clair Cooper addressed the City Council (in a nonofficial capacity) as a concerned landowner and resident regarding the proposed subdivision. Mr. Clair Cooper owns the property north and east of the proposed subdivision. Mr. Cooper stated this is a subdivision and this subdivision should be required to abide by City Code and connect to the City sewer system. His concern is that if running the sewer is deemed unfeasible for these two lots, the same will be said for the next two lots, then the next two... soon there may be 30-septic tanks and the sewer line will never be extended. He believes it is better to extend the sewer now than delay the inevitable.

Property owner Kaden Cooper addressed the Council. He asked the Council if it was illegal to build a sprinkler system on an individual's property without the owner's permission. City Manager Scott Wells replied that scenario would be addressed under State law rather than City. Mr. Kaden Cooper asked the Council if they would rather have him sell his property to someone local or to someone from California. He stated he will not sell the property to his family which have made numerous low offers. He told the Council if they deny septic systems for the property, he will sell the property to someone from California. He stated the land is his property and he can sell it to whomever he chooses for however much he chooses.

City Engineer Chris Breinholt clarified past sewer line extensions within the City. Paul Freed's 1,500-foot sewer extension was a requirement and a condition of *annexation*. He confirmed that Code requires connection to the public sewer system if the lot or subdivision is within 300-feet of the sewer. He noted a line in the Code reads septic systems are not allowed west of 100 East. Mr. Breinholt is unsure why that line is part of the Code. City Manager Scott Wells stated the aquifer is located at 100 East. Mr. Breinholt pointed out an exception was made for Chris Clark who was allowed to install a septic tank because his property was 350-feet from the public sewer. He stated Austin Wood's subdivision abutted public sewer and was well within 300-feet. A septic system was allowed for Colby Rowser due to elevation.

Mr. Clair Cooper stated it is Mr. Kaden Cooper's and Mr. Bartholomew's choice to develop that location.

They must extend the gas and electric utilities and sewer is just another utility which developers are responsible for extending.

At 6:28 p.m., **Councilwoman Denise Lindsay made a motion, seconded by Councilwoman Kaylene Ames, to close the public hearing.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Ms. Lindsay asked if the proximity to Wellsville Reservoir is a valid concern for the proposed septic systems. Mr. Breinholt responded that is not an issue and reported the Bear River Health Department (BRHD) has already approved septic systems for this location. Councilman Chad Poulsen pointed out all the septic systems in Millville were once approved by BRHD too and Millville now has a serious nitrate contamination problem. He reported that the Planning Commission recommended requiring the proposed Bartholomew subdivision to extend and connect to the public sewer. Councilman Austin Wood asked where the proposed sewer system would extend from. Mr. Breinholt answered the manhole at Mr. Wood's property on 300 South is the best option to avoid the roadway settling issues along 200 East between 300 and 400 South. He added there is a much closer sewer line to the proposed subdivision; however, it is 24-feet higher in elevation. Mr. Wells explained the furthest the sewer has been extended was to the Sterling Ridge Subdivision. Mayor Thomas G. Bailey said the sewer was extended to that subdivision due to the high volume of homes (36 homes). Mr. Breinholt has directed Mr. Bartholomew to locate sewer laterals and septic tanks such that the connection to the future sewer line will be easy to accommodate.

Art Smith asked if the City should be responsible for some of the cost of the sewer line extension since the City owns the property along the west side of the street. Mr. Wells recognized development enables cities to further infrastructure. Mr. Bartholomew stated Mr. Cort Cooper has never met with the City Council to determine if his property will be allowed septic systems. Mr. Bartholomew and Mr. Kaden Cooper both stated Mr. Clair Cooper's motion to recommend sewer extension to the Council was a conflict of interest. Mayor Bailey declared the Council is here to determine whether to allow septic systems in this location, not to get involved in a family feud. Mr. Cort Cooper said that if the Council allows Mr. Kaden Cooper two septic systems, they should be ready to allow 22 more septic systems for the surrounding property which is also further than 300-feet from the public sewer. Mayor Bailey replied that the City has every right to determine whether future development must extend the sewer. Mr. Cort Cooper asked that the City adopt a standard to create consistency such as sewer extensions based on the number of homes per acreage. Ms. Lindsay noted that the mandate to connect to public sewer if within 300-feet is a State law as well as part of the City Code. Mr. Cort Cooper and Mr. Clair Cooper's property is also greater than 300-feet from the public sewer. Mr. Wells noted that elsewhere in City Code it states that property 1,500-feet upstream could be required to hook onto the public sewer system. Mr. Breinholt pointed out this property is still well past that 1,500-foot requirement (2,800-feet).

Mr. Wood asked if Code requires Wellsville City to contribute to the road project since the City owns the property on the west side of the street. Mr. Bartholomew would be required to install roadway 550-feet. Mr. Wells noted this property is unique because this is one of very few unpaved roads in Wellsville. Mr. Bartholomew said sidewalk would be out of place at this property and he would like to pay a fee-in-lieu of sidewalk. City Manager Scott Wells believes this location would be an excellent place for an asphalt walkway which could connect to the existing asphalt walkway around Wellsville Reservoir. Mr. Breinholt suggested the west side of the street, owned by the City, may be more suitable for an asphalt pathway.

Mr. Wood stated he does not feel comfortable making a motion until the historical comments regarding the property are studied. Mr. Poulsen stated he would not feel comfortable giving Mr. Clair Cooper or Mr. Cort Cooper a different sewer requirement than whatever is allowed for Mr. Kaden Cooper. He stressed maintaining consistency from property owner to property owner. Mr. Wood recommended examining minutes from the Council meeting in which Eldon Cooper originally subdivided the property. The Council

concurrent. Councilwoman Denise Lindsay made a motion, seconded by Councilman Austin Wood, to review relevant historical data and continue the discussion regarding the preliminary plan for the Bartholomew Subdivision consisting of two lots total, located at approximately 590 South 200 East, Tax Id. #10-041-0037.

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Sheriff Chad Jensen met with the City Council to discuss the 2022-2023 Cache County Sheriff Office (CCSO) contract renewal. First, he reported an aggravated burglary incident which took place in Wellsville the previous day. A man, currently on parole from prison after being convicted for several crimes, including drug possession, and sexually abusing a child, fled Box Elder County and dumped the car he was driving in the first subdivision he came to in Cache Valley, the Wellsville Ranches Subdivision. After attempting entry into several other homes, he barged into a home demanding keys to a white minivan. He was armed with an AR 15 rifle and left in the minivan. Deputies located the suspect vehicle minutes later. After attempting a routine traffic stop the vehicle began traveling erratically and at a high rate of speed. As deputies continued their pursuit, the vehicle ran a red light and was travelling at around 95 mph. The chase went from Wellsville, through Nibley and Hyrum. The individual took the first dirt road he came to in Paradise. However, the dirt road was actually a lane which dead ended at a home near 9300 South 300 East. The van stopped, and shots were fired. The man was hit and transported to the hospital by paramedics. Upon release he will be transported back to prison. No law enforcement officers or civilians were injured. Sheriff Jensen said two deputies involved in the shooting are on paid administrative leave while investigators are being completed. The Northern Utah Critical Incident team is working on the officer-involved shooting. Sheriff Jensen stated he was comfortable with all the actions taken by his officers. A resident asked what homeowners can do to stay safe. Sheriff Jensen reported most crimes in Cache Valley are still crimes of opportunity. He recommended not creating opportunities for criminals and suggested keeping home and car doors locked day and night; as well as not leaving purses, laptops, or cellphones in cars. Sheriff Jensen then reviewed a three-year budget for Cache County Sheriff services for Wellsville City. He stated he was comfortable with the number of hours allotted to Wellsville City and the contract hours were not increased. He stated Wellsville City averaged 2,589-hours over the last six-years. In 2021, Cache County Sheriff's Office received 596-calls for service from Wellsville. Directed patrol is the practice of focusing police resources to address specific crime problems and reporting to calls for service. Sixty-percent of CCSO's time spent in Wellsville is under directed patrol. Forty-percent of CCSO's time is spent on traffic and random patrol. Sheriff Jensen told the Council changes in State laws and guidelines have dramatically increased the number of hours officers spend on a single arrest. The CCSO complies with State laws and guidelines to ensure their work is done properly. Councilwoman Denise Lindsay expressed her appreciation to Sheriff Chad Jensen and the CCSO. She stated she is concerned that although Wellsville City is not increasing the CCSO's service hours the presented contract shows a sixteen-percent price increase from this year to next. Along with additional increases for 2023-2024 and 2024-2025. Ms. Lindsay stated Wellsville City cannot afford those increases and noted the recent three-percent tax increase only increased the City's budget by \$18,000.00. Upon closer examination Sheriff Jensen realized the presented contract was incorrect because Wellsville City's contract rate should remain the same as 2021 for the next three-years. Sheriff Jensen apologized for the mix up.

Ms. Lindsay is also concerned Wellsville City has too few traffic citations. She reported she receives daily complaints from residents regarding excessive speeding in town. Councilman Chad Poulsen agreed traffic speed complaints vastly outnumber any other complaints he hears from Wellsville residents. He expressed concern that he and the citizens rarely see patrol taking place in Wellsville. Mr. Poulsen voiced appreciation for the CCSO and stated he hopes to see more street patrol. Sheriff Jensen replied the CCSO will work to be more visible. He pointed out CCSO can write forty-tickets on a single street, and traffic will slow for two-weeks. Frustratingly, shortly after patrol ends so does following the speed limit. The CCSO cannot be present on every street in the Valley. Sheriff Jensen asked for directed times of day at directed locations. Sheriff Jensen expressed dissatisfaction with courts which issue plea in abeyances for

traffic citations and do not hold drivers accountable. He stated the justice system is creating more victims by no longer having consequences for actions. City Manager Scott Wells said has given CCSO deputies directions for patrol in certain areas at certain times. Mr. Wells asked the Council to send him any additional suggestions for patrol locations and times. Sheriff Jensen will present the corrected three-year CCSO contract at the next Council meeting. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Kaylene Ames, to continue the discussion regarding the 2022-2023 Cache County Sheriff Office (CCSO) contract renewal.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Heather Rowser and Jami Van Huss of the Wellsville Historical Committee shared a presentation with the City Council. Ms. Rowser stated the Historical Committee began in 1970 when a group of citizens gathered to write the award-winning *Windows of Wellsville* book published in 1985. In 2015 Mayor Thomas G. Bailey reorganized the Historical Committee. Current committee members are Kent Larsen, Ron Case, Wilma Hall, Heather Rowser, and Jami Van Huss. Members serve on an unpaid volunteer basis. Ms. Rowser read aloud the committee's mission statement, *"Increase awareness and knowledge of Wellsville's history. Discover, collect, and preserve material of historic value. Provide means and assistance for the public to study, appreciate, and view our history. Participate in activities to advocate public awareness of our local history. Research, write, and publish materials of historical significance. Maintain an accurate ongoing history of Wellsville. Gather current information and items of future interest and catalog and store items for the future."* Ms. Van Huss told the Council that the Historical Committee invites speakers to each Founders' Day celebration. She pointed out history is dynamic and should be examined from multiple perspectives. Founders' Day speakers have included Darren Parry, chairman of the Northwest Band of the Shoshone Nation; Dr. Ronald Coleman, professor of African American Studies; Karl Behling, mountain man storyteller; Dr. Fred Woods, scholar of UK immigration. In 2021, the Historical Committee dedicated the History of Schooling monument. In 2017, the Historical Committee dedicated a monument aimed at recognizing those African American settlers who are interred in the cemetery and do not have markers or locations of burial. Ms. Rowser and Ms. Van Huss are both professional historians. Ms. Rowser has expertise at recording oral histories. Ms. Van Huss has expertise in acquiring grant money for history preservation. Ms. Van Huss pointed out Wellsville City's funding of the Historical Committee preserves public trust and maintains the City's ethical duty to preserve historical collections. She thanked the Council for their support. Ms. Rowser shared information regarding the Cache County tax records which were donated to Wilma Hall and have been digitized by Mr. Case and Mr. Larsen. Ms. Rowser has made a goal to spotlight the stories of fifty Wellsville veterans in the new *Windows of Wellsville* book. Mr. Case shares historical memories on the Wellsville City Historical Committee Facebook page. Dee Stoddard has donated decades of obituaries. Ms. Van Huss declared the best care collections can receive is from an entity which will not dissolve such as Wellsville City. Wellsville City then gives stewardship of these collection to the Historical Committee. She stated together the City and the Historical Committee are a very sustainable model. Ms. Rowser shared some current history preserved by the committee including Wellsville Elementary school bricks and a Wolf Cub banner painted by Peggy Bankhead. Ms. Van Huss shared how important different perspectives of history are. She said there is no single perfect unbiased perspective of history. Ms. Rowser presented the Council with "A Brief History of Wellsville, Utah" pamphlet. Mr. Larsen encouraged the Council to increase the funding dedicated to the Historical Committee. Mayor Thomas G. Bailey thanked the committee for all their hard work and dedication.

David Bell, representing the Wellsville Foundation and City Beautification Committee presented a concept plan to redesign the property surrounding the Historic Tabernacle. He stated the Tabernacle is a phenomenal building and a great amenity to the City. He hopes to better tie the Tabernacle into the surrounding area. The Committee's planning and design principles include eliminating thru traffic; creating a grand entry into the Tabernacle; providing activity areas in front and on both sides of the Tabernacle; maximizing parking around the square with angled parking; reducing water use; and maximizing location by creating parkways. Mr. Bell listed issues that may result from the concept plan's implementation. Do

mature trees in front of the Tabernacle hinder visibility? Will vehicles be able to access the center of the block on Founders' Day? Should the large evergreen tree on the south side of the Tabernacle be saved? Can the entry level be renovated to accommodate an elevator? Can water use be lowered in the landscaped areas? Will ditches be a problem if angled parking is implemented? Mr. Bell presented the concept diagram. Different shading displayed where passive and active activities would take place. He hopes angled parking will slow traffic along with providing additional parking. He proposed eight-foot-wide walkways to connect different areas and allow vehicle access for festivals. Many walkways will provide additional play opportunities for children and act as spokes to point to the Tabernacle's main entrance. The concept plan showed the existing road between the Tabernacle and bowery replaced with special paving to create a large plaza. Trees are to be adequately spaced within the plaza to allow truck access. He compared the proposed large plaza to the existing plaza between the new and old Logan City courthouses. Mr. Bell pointed out that the soccer fields on the Square need to remain planted in Kentucky blue grass. Kentucky blue grass is the only grass which can tolerate the high volume of traffic the Square receives. However, areas of passive use could be replanted with dryland grass which conserves much more water. The Committee purposed three total plazas; the large plaza between the Tabernacle and bowery, an entry plaza, and a small plaza located on the southwest corner of the Tabernacle. Framing the southwest plaza will be three columnar oak trees which will be planted in honor of Wilma Hall at noon on April 30, 2022. An expert will be hired to examine the health of the large evergreen on the south side of the Tabernacle. Mr. Bell pointed out Wellsville City has huge amenities on the south end with the Wellsville Reservoir walkway and park. The north end of Wellsville could be improved and take advantage of the Duck Pond/Black Willow Park. Mr. Bell suggested 100 East could become a parkway with the Tabernacle and Square connecting the Reservoir and Duck Pond. He also proposed preserving and maintaining the irrigation ditch along 100 East as a reminder of the past after pressurized irrigation is implemented. Mr. Bell presented an image of a planting area separating a walkway from a street curb in Mt. Pleasant which is planted in perennials and requires no irrigation after established. Councilwoman Denise Lindsay hopes RAPZ tax money could help complete the concept.

City Manager Scott Wells presented the certification for annexation petition and notice for **Steve Kyriopoulos, Marshall Lindsay, Thomas Maughan, and Wellsville City requesting that 24.43 +/- acres located northeast of Wellsville City (at approximately 600 East Main) be annexed into the corporate limits of Wellsville City.** The petition has been accepted, and the City has had 30 days to review the petition to ensure it meets necessary annexation criteria. Mr. Wells pointed out the annexation has met all State requirements. City attorney Miles Jensen has also reviewed the annexation. Once the certification for annexation is deemed acceptable, the petition will be advertised to allow public protest for 30 days. Following the public protest period, the City can choose to accept or deny the annexation. **Councilman Austin Wood made a motion, seconded by Councilwoman Kaylene Ames, to accept the certification of annexation petition and notice for Steve Kyriopoulos, Marshall Lindsay, Thomas Maughan, and Wellsville City requesting that 24.43 +/- acres located northeast of Wellsville City (at approximately 600 East Main) be annexed into the corporate limits of Wellsville City.**

YEA 3

Kaylene Ames
Chad Poulsen
Austin Wood

NAY 0

ABSTAIN 1

Denise Lindsay

City Manager Scott Wells opened the discussion regarding the 2022-2023 Budget. He presented the Council with their assignments and printed copies of last year's budget. Mr. Wells stated he will follow last year's budget unless the Council members have justifiable needs for extra funds. The only budget which will change dramatically is roads. This year Councilman Austin Wood will have a budget of \$300,000-\$400,000 for roads rather than last year's budget of \$1,200,000.00 for the 400 North road project.

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

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

The Council reviewed the minutes of the March 02, 2022 *executive* City Council meeting. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Kaylene Ames, to approve the minutes of the March 02, 2022 *executive* City Council meeting.**

YEA 3

Kaylene Ames
Denise Lindsay
Chad Poulsen

NAY 0

ABSTAIN 1

Austin Wood

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) No business or concerns at this time.

Bob Lindley-

1) No business or concerns at this time.

Austin Wood-

1) Public works employees will transport the Founders' Day covered wagons to the new public works building for improved maneuverability to weld wagon tongues.

City Manager/Recorder's Report:

1) Wellsville City is evaluating a new location for a culinary well, possibly purchasing property from the Callister or Bankhead families to allow easier access to the well site during winter months. Year-round access is required to replace chlorine cylinders. The developers for the proposed Bridle Path Estates Subdivision met with the City to see if they could help with the well progress in anyway. Mr. Wells pointed out doing due diligence for City legalities takes time.

2) The City is planning to hire four to five teenagers to assist with summer upkeep projects.

3) The City Office parking lot (north of the building) will be paved this summer.

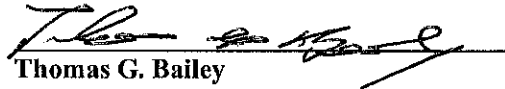
4) Citizens are requesting a stop sign be placed at 100 North 100 West due to excessive traffic speeds.

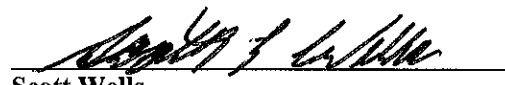
At 8:49 p.m., Councilman Chad Poulsen made a motion, seconded by Councilwoman Denise Lindsay, to adjourn the meeting.

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0


Thomas G. Bailey
Mayor


Scott Wells
City Manager