

MINUTES of the regular **City Council** meeting of Wellsville City held **July 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 June 30, 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:	Darwin Call	Jed Clark	Paul Clark
	Shelayne Clark	Sam Holm	Dan McClendon
	Brett Nilsson	Megan Petersen	Annette Rigby
	Bret Rigby	Art Smith	Linda Wursten

Opening Ceremony: Councilman Bob Lindley

The Council reviewed the agenda. **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, 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 May 18, 2022 regular City Council meeting. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to approve the minutes of the May 18, 2022 regular City Council meeting.**

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

The Council reviewed the minutes of the June 15, 2022 regular City Council meeting. **Councilman Bob Lindley made a motion, seconded by Councilman Austin Wood, to approve the minutes of the June 15, 2022 regular City Council meeting.**

<u>YEA 5</u>	<u>NAY 0</u>
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 Bob Lindley, to approve the City's account payables bills for payment, represented by check number 27148 through 27195.**

Kaylene Ames
Bob Lindley
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 City Council shall receive public input, then along with a recommendation from the Planning Commission consider for approval the concept plan for the McClendon Subdivision consisting of 3 lots total, located at approximately 570 East 200 South, Tax Id. #10-017-0001 & Tax Id. #10-017-0015. Dan McClendon explained 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, borders the first parcel but is in unincorporated Cache County. He stated he would like to reconfigure the existing three-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. 1.33-acres would be dedicated as open space.

Mr. McClendon noted the annexation agreement will also require 33-feet from the center of the road be deeded to the City. City Engineer Chris Breinholt's memorandum recommended 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. However, he felt requiring Mr. McClendon to upsize the line all the way from 450 East would be excessive. At the April 06, 2022 City Council meeting the Council determined that like all new subdivisions, Mr. McClendon should be responsible to contribute to the infrastructure of the neighborhood. City Manager Scott Wells and Mr. Breinholt felt requiring Mr. McClendon to upsize the waterline along his frontage would be fair and contribute to the neighborhood. The Council agreed and approved the annexation contingent upon Mr. McClendon upsizing the waterline to a ten-inch line along his 480-foot frontage. The waterline underneath Highway 89/91 is only six-inches. Although the sleeve size under the highway is limited, Mr. Breinholt still feels a ten-inch line along Mr. McClendon's property will allow for improved fire flow. Mr. McClendon reported that Brad Murray discovered the existing line is actually six-inches. The six-inch line travels east from Hwy 89/91 along the south side of 200 South. It is believed that the waterline crosses to the north side of 200 South at the edge of Larry Stewart's property.

An ingress/egress easement should be recorded for access to the remainder parcel. Mr. McClendon referred to the frontage sidewalk requirement as "the sidewalk to nowhere." In Mr. Breinholt's memorandum he has also directed grading drainage swales along street frontages per the City's public works standards. *"Some adjustments may be allowed to the location of the swale based on the existing improvements and drainages."* Mr. McClendon said that his neighbors have reported that those swales fill within a few hours and hopes if the City chooses to grade the swales, they will do so in a manner that still permits drainage. He pointed out the 100-foot access for Lot 3 allows compliant access to the remainder parcel for any future development. A fire hydrant must be added on the east side of the subdivision. The 1.33-acres of open space has been determined based on buildable acreage; (3) one-acre lots. Additional open space will be required if subdivided further. Mr. McClendon stated he would prefer a cash in lieu open space substitution. He would have the 1.33-acres of open space appraised at his own expense. Based on that appraisal, Mr. McClendon could then purchase the allotted open space from the City. The City could then use that revenue to acquire equal to, or greater, open space at a location of their choosing. According to **Section 10-35-6 C. 1.** *"The City may, at its sole discretion, accept cash in lieu of open space requirements where such funds can be more effectively used to acquire land at a more appropriate or significant location... Cash in lieu payments shall not be accepted until a qualified appraisal, authorized by the City at the cost of the applicant, identifying the value of the original land for which the in-lieu substitution is proposed, based on the use that will be permitted if the open space requirement is removed, and for which cash in lieu shall be offered. The City shall be obligated to use in lieu funds for uses identified in Section 10-35-5... and shall diligently pursue purchase of the land for this purpose to prevent erosion of purchasing*

power." A cash in lieu open space substitution would help Mr. McClendon avoid establishing the required third-party HOA.

At 6:14 p.m., Mayor Thomas G. Bailey opened the public hearing. Darwin Call owns property north of the proposed subdivision. He expressed concern regarding stormwater drainage. He explained that a previous neighbor had plugged a culvert (approximately 15 years ago) which altered the stormwater's natural drainage route. Mr. Call asked if the ten-inch waterline will drop back down to a six-inch waterline east of Mr. McClendon's property. He is concerned about stagnant water sitting in the ten-inch line. He asked if the City is planning to install a flush hydrant to ensure water quality. Mr. Call stressed that the storm drain issues need to be fixed before any additional housing is developed or the road is rebuilt. Mr. Wells agreed and stated the water damage to the road is clearly evident. Mr. Call added a "sidewalk to nowhere" would be very unsightly. Mr. Call questioned where the six-inch line actually crosses 200 South. He also pointed out the existing fire hydrant on the six-inch waterline does not meet City Code requirements. Eight-inch is the State minimum. Mr. Wells noted additional infrastructure details will not be available until the preliminary plat. Councilwoman Denise Lindsay acknowledged these questions would be better suited for the City Engineer. Mr. Call expressed his support for McClendon Subdivision.

Brett Nilsson introduced himself as a neighboring property owner to the south. He stated he is not opposed to the McClendon Subdivision. Mr. Nilsson asked if the remainder parcel (Tax Id. #10-017-0001) will be rezoned. Mr. Wells explained the one 3.25-acre parcel (Tax Id. #10-017-0015) is already zoned for one-acre density. The other parcel (Tax Id. #10-017-0001), 21.99-acres, is currently zoned at A10 (five-acre density). It will remain five-acre density unless Mr. McClendon elects to request a zone change. Mr. Nilsson asked if the road entering the remainder parcel may become a Road Public Utility District (PUD) with its own covenants, restrictions, and bylaws. Mr. Wells clarified the 100-foot road could be used as a public road in the future. However, at this time the 100-foot road will be used as a private driveway rather than a public road.

Bret Rigby owns property northeast of the proposed McClendon Subdivision. He noted his property sits at the end of the waterline and is concerned about stagnant water. He asked if the new line would have a looped system to improve water quality. He emphasized it is the City's responsibility to provide clean culinary water. Mr. Rigby pointed out the existing fire hydrant is far past the 250-foot Code requirement for hydrants. He also expressed concern regarding stormwater drainage. Mr. Wells stated the City plans to continue the ten-inch waterline from Mr. McClendon's property to the east end of the line. A flushing system can be added at the end of the line to ensure water quality. Mr. Rigby said a sidewalk does not make sense at this location. Councilman Chad Poulsen explained that the equivalent value of the sidewalk may be paid in lieu to the City's sidewalk fund. At 6:41 p.m., **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to close the public hearing.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Mr. Wells reported that the Planning Commission recommended approval of the concept plan for the McClendon Subdivision contingent upon approval by the city engineer. The Commission raised concern regarding the open space calculation. The 1.33-acres of open space was determined based on buildable acreage; (3) one-acre lots. Additional open space will be required if the remainder parcel is subdivided further. Mr. Wells emphasized careful documentation of the open space calculation must be recorded. The final open space calculation will also vary based upon exactly where Mr. McClendon places his home and barn on the remainder parcel. Mayor Thomas G. Bailey expressed worry that unplugging the blocked culvert will simply direct the storm water onto another homeowner and will not be a viable stormwater solution. Mr. McClendon asked if he will be fiscally responsible for the engineering fees associated with 200 South. Mayor Bailey answered the only roadway engineering he will be fiscally responsible for is his 100-foot driveway. After discussion, **Councilwoman Denise Lindsay made a motion, seconded by**

Councilman Chad Poulsen, along with a recommendation from the Planning Commission to approve the concept plan for the McClendon Subdivision consisting of 3 lots total, located at approximately 570 East 200 South, Tax Id. #10-017-0001 & Tax Id. #10-017-0015; and to allow Mr. McClendon to explore options for having a cash in lieu substitution for open space in the McClendon Subdivision.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council discussed culinary and secondary water restrictions and notification processes for Wellsville City. City Manager Scott Wells reported 400,000 gallons a day are flowing from Leatham Springs. The City is currently using 2.2 million gallons a day. Therefore, 1.8 million gallons a day are being pumped from the City's culinary wells. Mr. Wells explained a power outage July 2, 2022 led to a water valve which directs water into Lindley Reservoir not closing tightly. Consequently, the Leatham Spring tank (the water source) is exceptionally low, and Lindley Reservoir has too much water. Rocky Mountain Power will be working on the valve and solenoid tomorrow, July 7, 2022. Mr. Wells pointed out Lindley Reservoir needs to be functioning properly to preserve water in this critical drought period. Mr. Wells believes 50-60 percent of residents are abiding by the three-day watering restrictions. He plans to have the public works employees police the water restrictions by leaving a flyer on home doors noting water use violations. Three bids have been received to refurbish Leatham Springs. The State mandates that any trees within 50-feet of the collection system must be removed to eliminate competition for water. The bid for tree removal is \$60,000.00. Mr. Wells hopes the tree removal will be a good starting point which will allow the public works employees to better maintain the property. The Council discussed areas within the City which have poor water pressure and the intricacies of pressure reducing valves. Councilwoman Kaylene Ames recommended adjusting watering times for Wellsville City property rather than watering during the middle of the day which the City has routinely done in an attempt to balance the pumping demands on the wells. The Council agreed to allow public works employees to police water restrictions by leaving a flyer on the doors of those violating water restrictions. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Kaylene Ames, to continue the discussion about water restrictions for culinary and secondary water for Wellsville City and the notification process.**

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 March 2022. Mr. Wells reviewed revenues and expenses. After discussion, **Councilman Bob Lindley made a motion, seconded by Councilman Chad Poulsen, to approve the third quarter financial report for March 2022.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Department Reports:

Denise Lindsay-

1) Asked the Council if the hours for the City splash pad should be reduced due to drought conditions. The

Council discussed options for a recycling system, chlorinating system, or metering system. The Council determined to maintain the splash pad's hours of operation and reevaluate as summer progresses.

Chad Poulsen-

1) Has received requests from residents for a firework display as part of the Founders' Day celebration.

Mayor Thomas G. Bailey-

1) Asked the Council to review the Cache Conglomerate of Cities request for proposal regarding residential and commercial solid waste and recycling collection services.

Kaylene Ames-

1) Asked the Council if multiple vendors selling the same food should be allowed to participate in the Founders' Day booths and concessions. Councilwoman Ames suggested accepting the vendor whose application is received first. Councilman Poulsen discouraged limiting free enterprise. Councilman Lindley recommended allowing duplicate vendors. Councilwoman Lindsay suggested limiting duplicate vendors to two. Councilman Wood preferred accepting the vendor whose application is received first. The Council elected to leave the decision to Councilwoman Ames' discretion.

Bob Lindley-

1) No business or concerns at this time.

Austin Wood-

1) Requested widening the northeast entrance to the Wellsville Reservoir Park to meet ADA standards (36-inch minimum).

City Manager/Recorder's Report:

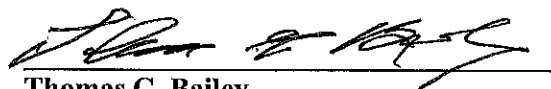
1) The 200 North road project, from Center to 300 East, has begun. Waterlines will be replaced concurrently.

At 8:00 p.m., Councilwoman Denise Lindsay made a motion, seconded by Councilman 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