

MINUTES of the regular **City Council** meeting of Wellsville City held **November 02, 2022**, at the Wellsville City Offices at 75 East Main. City officials present were Councilwomen Kaylene Ames and Denise Lindsay; and Councilmen Bob Lindley, Chad Poulsen, and Austin Wood. Also present were 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 28, 2022. The meeting was called to order at 6:00 p.m. by Mayor pro tempore Chad Poulsen.

Mayor Thomas G. Bailey was excused from this meeting.

Others Present: Steve Earl Megan Petersen Gina Thompson
 Mark Thompson Linda Wursten

Opening Ceremony: Councilman Bob Lindley

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

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

The Council reviewed the minutes of the October 19, 2022 regular City Council meeting. **Councilman Bob Lindley made a motion, seconded by Councilwoman Kaylene Ames, to approve the minutes of the October 19, 2022 regular City Council meeting.**

<u>YEA</u> <u>3</u>	<u>NAY</u> <u>0</u>	<u>ABSTAIN</u> <u>1</u>
Kaylene Ames		Denise Lindsay
Bob Lindley		
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. Bright Stripes & Sweeping LLC swept the city's curbs and gutters in the Heritage Southwest Subdivision, Red Slide Subdivision, and along 400 North. Lines were repainted along 200 West from 100 South to 500 North. A utility refund was issued to Kasey Kaytso after he submitted multiple online payments in error. Four orders from SaltWorx typically provide the city with adequate road salt for the winter season. Chlorine use (ordered from Thatcher Company) is elevated during summer months. After review and discussion, **Councilwoman Kaylene Ames made a motion, seconded by Councilman Austin Wood, to approve the City's accounts payable bills for payment, represented by check number 27604 through 27640.**

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

At 6:10 p.m., Mayor pro tempore Chad Poulsen opened the meeting for citizen input. There was no citizen input. At 6:11 p.m., citizen input was closed.

At 6:12 p.m., the City Council shall receive public input, then consider for possible adoption of a resolution appointing a representative to the Cache Mosquito Abatement District. City Manager Scott Wells informed the Council that Kevin Tingey has been Wellsville City's representative for several four-year terms. Mr. Tingey has agreed to an additional term. Councilman Bob Lindley asked how much Wellsville City pays

for mosquito abatement. City Manager Wells and Councilwoman Denise Lindsay explained mosquito abatement is paid by residents through their county property taxes.

At 6:13 p.m., Mayor pro tempore Chad Poulsen opened the public hearing. There was no public input. At 6:14 p.m., **Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley to close the public hearing.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

The Council had no further questions. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Austin Wood, to adopt Resolution 2022-09 appointing Kevin Tingey as Wellsville City's representative for the Cache Mosquito Abatement District.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

Next, the Council shall continue the discuss regarding options for a sewer extension on 450 East located at approximately 450 East Main (Tax Id. #10-014-0049). Property owner Hailey Zollinger was not in attendance to present her proposal. The Council will revisit this agenda item at the end of the meeting to see if Ms. Zollinger arrives.

Along with the recommendation from the Planning Commission, the Council shall consider for possible approval the final plat for the Pallets of Utah Subdivision consisting of four lots total, located at approximately 4300 South 3000 West (Tax Id. #11-091-0010). Steve Earl, principal engineer at Cache Landmark Engineering, Inc., presented the final plat. Mr. Earl explained that each of City Engineer Chris Breinholt's notes are being addressed. The engineering team has been in contact with Utah State University regarding Mr. Breinholt's notes which read, *"The issues with the USU properties need to be finalized. This includes the corners located at the intersection and the use of the USU owned property that is being used for storm water detention. USU should approve the location and size of the relocated tailwater ditch at the intersection."* Mr. Earl told the Council that an email written today by USU said that USU will dedicate the triangle parcel of property to Wellsville City once the Caine Dairy sign is relocated north of the intersection. An access south of the Caine Dairy sign is dedicated to Utah Department of Transportation (UDOT). Which Mr. Earl believes is a historical error made in 1898 when the subdivision was divided. UDOT has no record of the 1898 recording. City Manager Scott Wells stated the access belongs to Wellsville City. Ownership of the access will be corrected with Cache County GIS. Property owner Mark Thompson reminded the Council these concerns were also addressed at previous Council meetings concerning the intersection. Councilman Austin Wood addressed Mr. Breinholt's note which reads, *"The sewer lift station detail shown is a generic City Standard pump station. While some detail is included in the standard, a site-specific detail needs to be prepared."* Mr. Earl indicated the site-specific detail is still being designed. City Manager Wells repeated that USU agreed via email today to deed over easements to Wellsville City with the understanding that the city will move a fiber-line running to Caine Dairy's robotic milking barn and relocate the Caine Dairy sign. City Manager Wells asked Mr. Earl who will be responsible to adjust the triangle parcel's legal description. Mr. Earl answered Cache Landmark Engineering, Inc. or Foresight Land Surveying, Inc. will adjust the parcel's legal description. Mayor pro tempore Chad Poulsen reported that the Planning Commission recommended approval of the final plat with the understanding that improved fire flow is necessary, and a new waterline will eventually be installed for the Pallets of Utah commercial building. Exterior lighting plans also must be provided for each individual project. After discussion, **Councilman Austin Wood made a motion, seconded by Councilwoman Denise Lindsay, along with the recommendation from the Planning Commission to approve the final**

plat for the Pallets of Utah Subdivision consisting of four lots total, located at approximately 4300 South 3000 West (Tax Id. #11-091-0010).

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

NAY 0

Next, the Council shall continue the discussion regarding options for purchasing property in Wellsville with open space contributions. City Manager Scott Wells presented the Council with the **Wellsville City Parks and Trails Master Plan 2007**. He asked the Council to become familiar with the **Master Plan** and offer suggestions for how to update and fine-tune the **Master Plan**. He asked the Council what criteria they would like to use to pursue open space properties. Would they like to prioritize certain areas or merely evaluate properties currently on the market? Councilwoman Kaylene Ames reminded the Council how beneficial Carly Lansche and Tayli Hillyard's 'South Cache Trails Survey Results and Analysis' and 'Trails and Active Transportation Master Plan' were (presented in the August 18, 2021 City Council meeting). Councilwoman Ames asked if those documents will be integrated into the **Master Plan**. City Manager Wells and City Planner Nielson agreed each should be incorporated in the updated **Wellsville City Parks and Trails Master Plan**. City Planner Nielson proposed adding two sections to the **Master Plan**: a trails map along with narrative, and a space acquisition map with criterion and narrative. Councilman Bob Lindley reported that the city has approximately two-blocks worth of RAPZ tax money for trails. He would like the Council's recommendations on where they prefer to see additional trails constructed. Councilman Lindley mentioned the Council should also consider adding trails to properties which could be purchased with open space contributions. He stated he would like to see a trail connecting Wellsville Reservoir to Narrow Canyon/Murray Trailhead. Councilwoman Ames agreed and reported that connection was one of South Cache Trail's key recommendations. The Council noted sidewalk constructed along Brock and Alyssa Bradshaw's north frontage, located at approximately 160 West 600 South (Tax Id. # 10-038-0002) will contribute to that connection. City Planner Nielson advised using sidewalks to make trail connections wherever possible. City Manager Wells also suggested extending the Wellsville Reservoir trail from 700 South to 800 South. **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to continue the discussion regarding options for purchasing property in Wellsville with open space contributions.**

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

NAY 0

The Council returned to the discussion regarding options for a sewer extension at approximately 450 East Main (Tax Id. #10-014-0049). Property owner Hailey Zollinger was still not in attendance to present her proposal. City Manager Scott Wells explained Ms. Zollinger has not provided a digital copy of the property's elevations. He noted that the existing sewer line ends at the north end of Regan and Shanna Burningham's property (Tax Id. #10-014-0079). Troy and Brenda Hawker's (Tax Id. #10-014-0082) neighboring home is currently on a septic tank. Due to elevation, the Hawker home nor Ms. Zollinger's property will gravity feed into the existing sewer along 450 East. Requiring sewer would mean that a home built on Ms. Zollinger's property must be raised, without a basement, in order to connect. Ms. Zollinger would prefer the Council grant this property use of a septic system despite being within city limits. City Manager Wells told the Council he would like to have city sewer codes amended to place additional provisions and guidelines for such circumstances. Does the Council consider this estimated 287-feet of sewer, given the elevation difficulties, for a *single new home* a hardship? City Manager Wells stated that interpretation is up to the City Council. Does the **8-3-2: 'Use of Public Sewers Required'** 300-foot rule regarding sewer determine if a property owner is expected to hook on to the existing mainline *with a lateral line* if the sewer mainline comes within 300-feet; or is the property owner expected to *extend the mainline across their frontage* if the sewer mainline comes within 300-feet? City Manager Wells asked the Council

how they value gravity fed sewer versus the use of grinder pumps. Should the city require backup generators for grinder pumps in case of power outages? He expounded that septic systems are not allowed between 100 West and 100 East since that is the location of the city's culinary wells aquifer. City Manager Wells added the end of 450 East's sewer mainline is in the middle of the roadway rather than in the borrow pit which will double the cost of extension. The mainlines position in the middle of the road means that there is no manhole at the end of the line and its location is not exactly known. Therefore, the mainline is estimated to be 287 feet from the Zollinger's property. Councilman Austin Wood read aloud **11-5-7: SEWER FACILITIES: C. 2. C.** which reads, *"When sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen (15) years, the applicant may install individual disposal systems, or central sewerage systems shall be used as approved by the planning commission, the city council and Bear River Health Department."* He pointed out the Zollinger property is in a low density residential district and that elevation obstacles may deem a sewer connection "not reasonably accessible." Councilman Wood stated he believes the code gives the Council the authority to grant use of septic systems within city limits give existential circumstances. Future development north of Ms. Zollinger's property may allow them to drill under Highway 101 and gravity feed sewer to the north which is the most ideal option for sewer he stated. Councilman Bob Lindley read aloud **11-5-7: SEWER FACILITIES: C. 2. D.** which reads, *"Mandatory Connection To Public Sewer System: 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 waste. And it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system."* He stated **C. 2. D.** contradicts **C. 2. C.** since Ms. Zollinger's property is within 300-feet. Councilman Chad Poulsen expounded that the 300-foot rule is mandated by the State. City Manager Wells asked the Council to determine an interpretation of the 300-foot rule for a *single new home*. He informed the Council that Hyrum City does not force homeowners to connect to sewer until the sewer line runs past their home. City Manager Wells stated that City Engineer Chris Breinholt interprets the 300-foot rule as the homeowner paying for their *lateral line* not for the extension of the *mainline*. City Planner Jay Nielson advised the Council to include findings within their motion to establish a precedence and validate that the motion was based on code. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Austin Wood, to continue the discussion regarding options to extend sewer along 450 East to Hailey Zollinger's property located at approximately 450 East Main (Tax Id. #10-014-0049).**

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

NAY 0

City Manager Scott Wells discussed the fourth quarter financial report for May 2022. He reported that many city revenues are up, and that the city has budgeted conservatively. Revenues including *General Property Tax, Fee in Lieu, Redemptions, Sales Tax, Franchise Cable TV, Electricity Energy & Use Tax, Natural Gas Energy & Use Tax, Business Licenses & Permits, Building Permits, Animal Licenses, First Responder Income, County Highway Transit Tax, Class C Road Funds, RAPZ/Restaurant Tax Allocation, and County Fire Contract* are all up. Charges for services including *Sidewalk Fee in Lieu, Fire & EMS Impact Fee, Parks & Rec Impact Fee, Zoning & Subdivision Fees, Cemetery Lots & Burials, Cemetery Capital Improve Fund, and Recreational Registrations* are all up. City Manager Wells will reevaluate *The Emergency Response Contract* fund and determine if it should be reallocated. *Court Supply* expenses are up to ensure the City was compliant prior to being audited. *Fines to State* are up which parallel increased *Court Revenue*. Planning & Zoning fees including *Public Notices, Attorney Fees, Engineering, and Professional/Technical- Other* are up due to subdivision reviews. Planning & Zoning expenses are offset by developer's impact fees. *First Responder* and *Fire Department Supplies* are up but will be reimbursed via grant money. *Parks and Recreation Supplies* are up due to \$30,000 worth of playground repairs which the city could not avoid due to liability concerns. City Manager Wells hopes yearly inspections will help moderate those playground repair expenses in the future. The Council reviewed budget intricacies and allocations into Capital Projects Funds, State Savings Plans, Restricted Funds, Bonds, and Public Treasurer's Investment Funds (PTIF). City Manager Wells reported to the Mayor and Council that Wellsville City is in good financial standing. After discussion, **Councilman Austin Wood made a**

motion, seconded by Councilman Bob Lindley, to approve the fourth quarter financial report for June 2022.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

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) Miss Wellsville's Outstanding Teen, Ryann Buttars, will be competing in February 2023 for Miss Utah's Outstanding Teen. She is the youngest of 43 contestants.

2) Councilwoman Ames asked if Wellsville City has any codes with specific regulations for independent living/senior living communities. City Manager Scott Wells stated that the Council has authority to approve Specific Plans to allow mixed-use development. The Council also has the authority to allow zoning changes for Specific Plans. The Council unanimously agreed they would like senior residents to have better options to continue living in Wellsville City in senior living communities.

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) The Cache Summit will be held at the Riverwoods Conference Center on November 9, 2022 from 9:00 a.m. to 5:00 p.m.

2) Wellsville City code allows escrow payments with a 25 percent warranty period held for one-year following infrastructure completion. Industry standard is a 10 percent warranty period held for one-year following infrastructure completion. City Manager Scott Wells suggested amending city code to follow industry standards. The Council agreed.

3) Wellsville City code does not allow water or sewer hook ups between November 1st and April 1st (due to freezing temperatures). City Manager Scott Wells reported no other municipalities in Cache Valley have such a rule. He recommended allowing water and sewer hook ups within that time period *excluding* hook ups involving *thin wall pipe*. The Council agreed.

4) The State of Utah has mandated that mother-in-law apartments be allowed in 75 percent of Wellsville City. Mother-in-law apartments were interpreted by the State as being attached to the home by a common wall. City Manager Scott Wells suggested allowing mother-in-law apartments anywhere within the city that has water and sewer infrastructure. Code requires mother-in-law apartment residents use off-street parking, have a separate entrance, and pay double utilities fees (if the occupant is not a family member).

5) Jonny Cox is the new website designer for wellsvillecity.com.

6) PRV repairs will be made tomorrow along 200 West.

7) Wellsville City and Bridle Path Estate developers are discussing metering above and below Leatham Springs to determine the level of water loss down Wellsville Canyon. Jones & Associates Consulting Engineers have determined six to seven valves/meter lids/lines down the canyon which may be losing water. City Manager Scott Wells reported that Wellsville City's municipal system has an unexplained 30 percent loss from its water system. The State average water loss from a municipal system is 10 percent or less. The Council asserted water is too precious of a resource to lose. For the best interest of the citizens

and city those leaks must be found and repaired regardless of a third party. City Manager Wells informed the Council of the option to hire a leak detection group to evaluate the five miles of waterline from Leatham Springs. The Council approved hiring a leak detection group to evaluate the five miles of waterline from Leatham Springs.

At 7:54 p.m., Councilman Bob Lindley made a motion, seconded by Councilwoman Denise Lindsay, to adjourn the meeting.

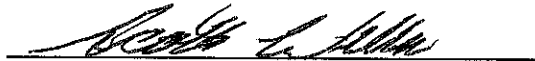
YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

NAY 0



Chad Poulsen
Mayor pro tempore



Scott Wells
City Manager