

MINUTES of the regular **City Council** meeting of Wellsville City held **July 05, 2023**, 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. City Planner Jay Nielson and City Manager Scott Wells were also present. A copy of the Notice and Agenda were mailed to the Mayor and Councilmembers and emailed and faxed to the Herald Journal on June 30, 2023. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Ty Harrison Megan Petersen 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.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Minutes of the June 07, 2023, regular City Council meeting will be reviewed at the next City Council meeting.

The Council reviewed the minutes of the June 21, 2023, regular City Council meeting. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to approve the minutes of the June 21, 2023, regular City Council meeting.**

YEA 4

NAY 0

ABSTAIN 1

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Bob Lindley

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 Bob Lindley made a motion, seconded by Councilman Chad Poulsen, to approve the city's accounts payable bills for payment, represented by check number 28436 through 28458.**

YEA 5

NAY 0

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. Linda Wursten has attended City Council and Planning Commission meetings for the last several years, she told the Council she has agreed with the majority of the Council's decisions over that time period. Ms. Wursten told the Council she is happy to know each of them and expressed appreciation for their efforts. Mayor Bailey thanked Ms. Wursten for her diligent presence at city meetings. At 6:08 p.m., citizen input was closed.

Beginning at 6:10 p.m., the City Council shall receive public input, then consider an ordinance amending **Title 10 Land Use Regulations, Chapter 44 Additional Requirements, adding Section 9 Ag-Tourism** which will define the rules and regulations for operating Ag-Tourism in Wellsville City. City Planner Jay

Nielson presented the proposed amendment which would allow Ag-Tourism to be conducted on agricultural properties. He made the Council aware that the Planning Commission has not yet made a recommendation. At the June 28, 2023 meeting, the Commission motioned to continue discussing the proposed ordinance. Consequently, City Planner Nielson suggested the Council continue the discussion until they receive the Planning Commission's recommendation. He summarized the Planning Commission's June 14, 2023 workshop and June 28, 2023 public hearing. City Planner Nielson informed the Council that the amendment has been created to support agriculture and enable farmers to diversify to keep their farms more viable. City Planner Nielson has evaluated multiple rounds of public input provided by Scott Tew (son-in-law of Jed and Sharma Clark, owners of Little Bear River Bottoms) and has incorporated valuable insights into the proposed amendment. He mentioned that not all of Mr. Tew's suggestions have been included since the ordinance must be written for the whole community, not the Clark's farm alone. City Planner Nielson is still awaiting Mr. Tew's final set of suggestions for the next Planning Commission meeting. City Planner Nielson emphasized that primary reason cities have codes and ordinances is to protect the health, safety, and welfare of its citizens.

At 6:14 p.m., Mayor Thomas G. Bailey opened the public hearing and asked if there were any comments.

Linda Wursten stated she is surprised to see so few members of the public in attendance this evening given the strong opinions shared at last week's public hearing. She added that the proposed ordinance must protect and be beneficial for the entire community rather than a single family farm. She added that municipal and state laws apply to and all members of the community.

At 6:15 p.m., **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to close the public hearing.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Bailey pointed out that the revisions first presented at the June 28, 2023 Planning Commission consisted of five paragraphs. Councilman Austin Wood suggested that a line within the proposed ordinance be corrected to include a gender-neutral pronoun. City Planner Nielson agreed. Councilwoman Denise Lindsay read aloud,

"10-44-9-010: PURPOSE:

- B. Wellsville seeks, primarily, to promote the preservation of agriculture by aiding operation in generating supplementary farm income through innovations and entrepreneurship. However, keeping agriculture viable is a high priority. Agricultural production shall be the primary use of the land and shall not become secondary to Ag-Tourism."*

Councilwoman Lindsay stressed that *'agricultural production shall be the primary use of the land and shall not become secondary to Ag-Tourism.'* Councilman Chad Poulsen asked how *'primary use'* will be determined. By the percentage of acreage or income? City Planner Nielson explained that to prescribe primary versus secondary productivity in city code would be voluminous and difficult to include in city code. He added that the Planning Commission and City Council members are reasonable decisionmakers. Mayor Bailey pointed out that complaints are often the driving factors for properties losing greenbelt designations and will help signal that the City Council should take a closer look at a particular Ag-Tourism property. The Council discussed the Ag-Tourism uses at Little Bear River Bottoms which include a corn maze, hay fort, redneck waterslides and a pumpkin patch. City Manager Scott Wells emphasized that the proposed ordinance only applies to agricultural properties which are actively producing and selling farm products as traditionally practiced by growing, harvesting, taking the product to market, feeding what is

produced, or storing the product for future use or sale. He recommended the Council does not compare apples to oranges such as comparing actively producing farms with agriculturally modeled parks where no produce is cultivated. Councilman Wood referenced **10-44-9-040: REQUIRED STANDARDS:**

"F. Production. An Ag-tourism use shall, with exception of the winter season, actively produce an agricultural product for sale or use by the farmer. In the event, that the Ag-tourism use and facilities become unsafe or unsightly, the right to operate an Ag-tourism use under this Chapter may be revoked, by the Planning Commission."

Councilman Wood asked how the ordinance can define 'unsightly.' City Planner Nielson answered that 'unsightly' is being removed from the ordinance as suggested by the Planning Commission. Councilman Bob Lindley and Councilwoman Kaylene asked if the proposed ordinance applies to the American West Heritage Center. City Planner Nielson answered no, the American West Heritage Center is separately zoned as historic tourism. Councilwoman Lindsay noted that the American West Heritage Center has a Wellsville City Business License for the corn maze. City Planner Nielson pointed out the American West Heritage Center has posted occupancy limits in every building, each of which have met building code requirements. City Manager Wells stated that the American West Heritage Center must continue to comply with Wellsville City regulations. Councilman Poulsen asked how the ordinance could better redefine 'unsightly.' City Planner Nielson suggested classifying the ordinance by safety rather than sightliness. The Council discussed the necessity for Ag-Tourism properties to obtain fire inspections, food handler's permits, and pay sales taxes. **10-44-9-030: APPLICABILITY** reads,

D. Any Ag-Tourism business selling admission, products, or services that are defined by the Utah Tax Commission, as taxable for sale or use tax, shall collect and pay sales taxes or use taxes, unless the business obtains a Sales Tax Exception Certificate from the Utah Tax Commission."

Mayor Bailey shared a conversation he had with Casey Snider, who owns and operates The Barn in Old Paradise, an Ag-Tourism property and event center in Paradise, Utah. Mr. Snider did not originally agree with all the conditions of the Paradise Ag-Tourism Code. He chose to abide by those requirements regardless in order to obtain valid permitting. Following the process, Mr. Snider said he now recognizes that Paradise City's conditions have worked in his benefit. Mayor Bailey suggested that the proposed ordinance disallow tunnels in hay/straw forts. He drew attention to the dangers presented if a child begins cutting strings on bales while children are playing in the tunnels and cubbies underneath. City Planner Nielson agreed that would be a good compromise. Councilman Poulsen recommended that Vendor Permitting is required for outside vendors for every Wellsville City business. Councilwomen Lindsay and Ames noted that food trucks must provide proof of a valid business license and food handlers permit to join Wellsville City events. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Chad Poulsen, to continue the discussion until the Council receives a recommendation from the Planning Commission concerning an ordinance amending Title 10 Land Use Regulations, Chapter 44 Additional Requirements, adding Section 9 Ag-Tourism which will define the rules and regulations for operating Ag-Tourism in Wellsville City.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Next, the Council shall receive public input, then along with a recommendation from the Planning Commission, consider a repeal of **Title 10 Chapter 48** in its entirety and replace with an amended **Title 10 Chapter 48** of the **Wellsville Land Use Regulations** to include updates that comply with the local **Land Use Development Management Act of the State of Utah**. City Planner Jay Nielson presented the proposal. He explained that several properties have recently created boundary line adjustments which

remain legal lots in Cache County but creates lots which are not permissible in Wellsville City. Upon a search of the annals of the Utah Code, City Planner Nielson found additional criterion which could be added to the Title 10. Upon further scrutiny ensuing the Planning Commission's recommendation, City Planner Nielson discovered that proposed changes would, upon application of a boundary line adjustment, begin a 14-day ticking clock within which the adjustment is automatically approved unless the City can interject within that time frame. City Planner Nielson stated that 14-days is an unreasonably short amount of time for Wellsville City to detect the application and have it added to an upcoming Planning Commission meeting. City Planner Nielson recommended the Council deny the proposed repeal and amendment.

At 6:36 p.m., Mayor Thomas G. Bailey opened the public hearing and asked if there were any comments. There was no public input.

At 6:37 p.m., **Councilwoman Kaylene Ames made a motion, seconded by Councilman Austin Wood, to close the public hearing.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Councilman Austin Wood declared the proposal should be denied. Councilman Chad Poulsen asked if the Cache County Recorder's Office notifies Wellsville City of lot line adjustments. "Yes, as of July 1, 2023," answered City Manager Scott Wells. He expounded that the notifications offer very little information and only provide the original and updated property tax identification numbers. City Planner Nielson stated that State Code allows municipalities to have individual boundary adjustments codes. Municipal codes obligate property owners to bring boundary line adjustments to the Planning Commission. Councilman Bob Lindley asked if an illegally recorded property can be 'unrecorded.' City Manager Wells answered no, the property is labeled as unbuildable until the property owner goes through the proper subdivision process. At that time, the property owner is held responsible for the public improvements which everyone else has had to contribute to City Planner Nielson added. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to deny a repeal of Title 10 Chapter 48 in its entirety and a replacement with an amended Title 10 Chapter 48 of the Wellsville Land Use Regulations to include updates that comply with the local Land Use Development Management Act of the State of Utah.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council then discussed for approval City firework restrictions for 2023. Fireworks have been restricted outside of 200 West and 900 South for several years. Mr. Wells suggested maintaining those restrictions. Residents outside of 200 West and 900 South are allowed to bring fireworks to the City Square. In the future, Councilman Bob Lindley would like to address creating a perpetual restriction rather than revisiting this discussion from year to year. Councilman Lindley also suggested disallowing fireworks north of Wellsville Elementary. The Council agreed. **Councilman Bob Lindley made a motion, seconded by Councilman Chad Poulsen, to restrict fireworks outside of 200 West, 900 South, and Wellsville Elementary for the remainder of 2023.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Department Reports:

Councilwoman Denise Lindsay-

1) Wellsville City is hosting a food truck event and car show on July 13, 2023 from 6:00 p.m. to 9:00 p.m. at the City Square.

Councilman Chad Poulsen-

1) Councilman Poulsen shared that the Planning Commission *denied* proposed boundary line adjustments located at approximately 745 East 200 South (Tax ID #10-015-0006, Tax ID #10-015-0015, Tax ID #10-015-0005). Wellsville City's legal counsel provided clear direction, *'Parcel #10-015-0039 and Parcel #10-015-0014 are both illegal nonconforming Lots... Section 10 Chapter 48 of the Wellsville Code prohibits the changing of lot lines (Boundary Line Adjustments) on illegal nonconforming Lot. Parcel #10-015-0039 is now known as #10-015-0015 but this does not change the status of the Lot. Until the Wellsville Subdivision Ordinance is complied with, neither Parcel #10-015-0014 nor #10-015-0039 or reconfiguration of them, as now or previously existing, should be approved for a Boundary Line Adjustment.'*

Mayor Thomas G. Bailey-

1) Mayor Bailey thanked Councilwoman Kaylene Ames for representing Wellsville City with the city float at the Hyrum City Parade.

Councilwoman Kaylene Ames-

1) No business or concerns at this time.

Councilman Bob Lindley-

- 1) Baseball season has concluded.
- 2) Councilman Lindley asked the Council for their thoughts on charging a fee for *competitive* baseball teams to reserve the city ball diamond for weekend tournaments. The Council agreed a \$50.00 weekend tournament reservation fee is reasonable to help maintain/protect the ball diamond and restrooms.
- 3) Signups for flag football will soon begin.

Councilman Austin Wood-

- 1) Councilman Wood asked the status of the City employing a leak detection group to inspect Wellsville City's pipeline from Leatham Springs. Wellsville City owns a water system, the water for much of which is supplied by the Leatham Springs in Sardine Canyon. Water from the Springs is collected in a reservoir and piped east in the Canyon for the use of its citizens. City Manager Scott Wells shared that a leak detection group has quoted \$1,000.00 per mile for the nearly three-mile pipeline. Ultrasonic technology is well suited for leak detection because differences in the speed of sound in a water pipe can give enough resolution to detect small leaks. To minimize interference, the ultrasonic testing will be conducted from midnight to 4:00a.m. UDOT estimates that time period will have the least amount of traffic with 150-cars per hour in each direction.
- 2) Councilman Wood asked the status of the new culinary well site (Tax Id. #10-039-0004) which will hopefully service those in the City living above 4,650-feet of elevation. City Manager Scott Wells replied that the bid for the new well opens on July 14, 2023.

City Manager/Recorder's Report:

- 1) Wellsville City will have ultrasonic leak detection performed on Wellsville City's nearly three-mile pipeline from Leatham Springs. City Manager Scott Wells also plans to have ultrasonic leak detection performed at the Garrett Subdivision.

2) City Manager Wells brought up the **Supplier Agreement** for installation of water flow meters in the Leatham Springs area of the Wellsville City water system. Wellsville City owns a water system, the water for much of which is supplied by the Leatham Springs in Sardine Canyon. Water from the Springs is collected in a reservoir and piped east in the Canyon for the use of its citizens. Bridle Path Partners, LLC (hereinafter referred to as "Supplier") has applied for subdivision approval for Bridle Path Estates Subdivision in the Sherwood Hills vicinity, whose sole water source would be Leatham Springs; and it is in the interest of Wellsville City and Supplier to determine the amount of water loss from the pipeline from Leatham Springs until it reaches the City's Distribution System. Wellsville City is willing to allow the Supplier to obtain and install at Supplier's cost two measuring devices in the pipeline. The measuring devices are ultrasonic flowmeters with clamp-on detectors and portable transmitters which will not perforate the pipeline. Braegger and Sons, Inc. will be installing the measuring devices.

3) City Manager Wells discussed options to increase food vendors at Wellsville Reservoir for the Founders' Day fireworks display. The Council contemplated requiring vendors to provide their own generators.

4) The July Wellsville City Newsletter will request donations for the Founders' Day firework display.

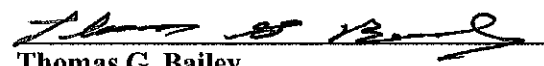
5) City Manager Wells proposed options to increase cemetery fees, particularly weekend burial fees. He explained that despite additional weekend burial fees (charged for burials Friday evenings through Sundays) the city's public works employees are amassing weekend overtime. Public works employees spend an average of three hours at the cemetery per burial. City Manager Wells noted that Wellsville City does not want to have the most expensive cemetery fees, but it also does want to have the least expensive cemetery fees. He stressed that the existing cemetery is quickly filling and the necessity for expansion grows each day. Councilwoman Denise Lindsay reported an influx of nonresident burials due to the affordability of the Wellsville Cemetery. The Council considered increasing nonresident burial fees. The Council discussed the sheer complexity of attempting to reclaim unused plots, which the City's legal team has advised them to steer clear of. Options to sell smaller plots for cremains, selling fewer spots at a time, and only selling plots for imminent burials were discussed. Resident Ty Harrison discouraged the Council from raising weekend burial fees and suggested increasing nonresident burial fees instead. Mayor Bailey mentioned that Wellsville City owns the cemetery and is solely responsible for its care and upkeep. He added that Wellsville City needs to begin exploring locations for a second cemetery. City Manager Wells concluded that across the board the Cemetery Code needs revisited.

At 7:29 p.m., **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, 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