

MINUTES of the regular **City Council** meeting of Wellsville City held **February 21, 2024**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey; Councilmen Carl Leatham, Bob Lindley, and Austin Wood. City Manager/Recorder Scott Wells was 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 February 15, 2024. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilwoman Kaylene Ames arrived at 6:13 p.m. Councilwoman Denise Lindsay was excused from this meeting.

Others Present:	Tracy Bodrero	Troy Detwiler	Emily Fletcher
	Megan Petersen	Landis Wenger	Linda Wursten

Opening Ceremony: Mayor Thomas G. Bailey

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

YEA 3
Bob Lindley
Carl Leatham
Austin Wood

NAY 0

ABSENT 2
Kaylene Ames
Denise Lindsay

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 Austin Wood made a motion, seconded by Councilman Bob Lindley, to approve the city's accounts payable bills for payment, represented by check number 29296 through 29313.**

YEA 3
Bob Lindley
Carl Leatham
Austin Wood

NAY 0

ABSENT 2
Kaylene Ames
Denise Lindsay

At 6:07 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Tracy Bodrero addressed the proposed the proposed **Wellsville Trails and Active Transportation Plan**. The plan outlines a 'American Heritage Connector' trail which may someday connect 400 North 500 East to the American West Heritage Center. Mr. Bodrero pointed out 500 East is a narrow gravel road bordered by a ditch and fence line. He estimated the cost to enclose the ditch and construct the trail over the piped ditch versus the estimated cost of purchasing a wider right-of-way from neighboring property owners. Mr. Bodrero projected purchasing a wider right-of-way would be the least expensive option for Wellsville City. He read aloud from the **Wellsville Trails and Active Transportation Plan's** disclaimer,

"Any new trails or amenities proposed in this document will not be developed on private property unless there are voluntary agreements or easements with the property owner, or the land for the trail is purchased by a willing buyer from a willing seller. Utah State Code does not allow for eminent domain to be used for trails. Trails will only be developed with the explicitly permission of the local landowners and/or land management agencies."

Mr. Bodrero expressed concern that if Utah State Code allows eminent domain for trails in the future, Wellsville City will in turn use eminent domain for trails or rezone property to allow trails. He recommended that the **Plan's** disclaimer include, "Wellsville City shall not invoke eminent domain." Mr. Bodrero said the statement would clearly demonstrate how important private property rights are to the city.

Mayor Thomas G. Bailey pointed out that the irrigation company must grant permission to enclose irrigation ditches. He also clarified that Wellsville City has no intention to acquire property for trails by

eminent domain. As development occurs, Slaughterhouse Lane must be widened and at that time could be widened enough for a trail.

At 6:12 p.m., citizen input was closed.

Councilwoman Kaylene Ames arrived at 6:13 p.m.

Troy Detwiler met with the City Council to request a **Business License** to operate 'Detwiler Foods,' a philly cheesesteak restaurant, out of the storefront located at 255 South Main (Tax Id. #10-022-0006). Mr. Detwiler shared that he currently manages a mobile food truck out of the IFA Country Store parking lot in North Logan. He shared that he plans to expand his menu from philly cheesesteaks and soft drinks to include donuts, coffee, and breakfast burritos. The restaurant will be open from 8:00 a.m. to 8:00 p.m., six days a week (closed on Sunday). Mr. Detwiler added that the restaurant will function as commissary for his food truck which will be used for event catering. Mayor Thomas G. Bailey asked if Mr. Detwiler intends to apply for a Beer License. Mr. Detwiler stated no alcohol will be sold on the premises. Mr. Detwiler also plans to sell grocery items such as milk, eggs, bacon, and cheese. He added those grocery items will not have a heavy price markup. Councilmen Carl Leatham and Austin Wood expressed enthusiasm for the restaurant and wished Mr. Detwiler the best of luck. Mr. Detwiler stated he hopes to open for business on March 1, 2024. **Councilman Bob Lindley made a motion, seconded by Councilman Carl Leatham, to approve Troy Detwiler's request for a Business License to operate 'Detwiler Foods,' a philly cheesesteak restaurant, out of the storefront located at 255 South Main (Tax Id. #10-022-0006).**

YEA 4

Kaylene Ames

Bob Lindley

Carl Leatham

Austin Wood

NAY 0

ABSENT 1

Denise Lindsay

Next, along with a recommendation from the Planning Commission, the Council shall consider for possible approval **Resolution 2024-01**, the adoption of the **Wellsville Active Transportation Plan**. City Manager/Recorder Scott Wells reminded the Council that a public hearing was held December 06, 2023. Planning Commission recommended approval of the **Active Transportation Plan** on February 14, 2024. He noted the Planning Commissioners had brought up combining the **Active Transportation Plan** with the **General Plan** (which is scheduled to be updated later this year). City Manager/Recorder Wells explained that the two plans should remain separate entities since the **General Plan** pertains to permitted **Land Use Regulations**. He added that the updated **General Plan** should incorporate elements of the **Active Transportation Plan** where possible. Councilman Carl Leatham expounded that the Planning Commission was asked to recommend whether the City Council should implement the **Active Transportation Plan**. The Commission could then utilize the **Plan** by incorporating elements in the future **General Plan**. With that understanding, the Commission did recommend approval of the **Active Transportation Plan** to the Council. Councilman Leatham added he is not opposed to resident Tracy Bodrero's suggestion that the **Plan's** disclaimer include, "Wellsville City shall not invoke eminent domain." Wellsville City has no intention of using eminent domain to acquire trails Councilman Leatham stated. Councilman Austin Wood agreed. Councilwoman Kaylene Ames asked Landis Wenger, Cache County's Regional Trails and Active Transportation Coordinator, if adding '*Wellsville City shall not invoke eminent domain.*' to the **Plan's** disclaimer is amendable to Cache County. Mr. Wenger answered, "Yes." Mayor Thomas G. Bailey noted that the Council has discussed the proposed plan in depth for the last four months and thanked all those who have contributed to the years of effort on the presented **Wellsville Active Transportation Plan**. Mayor Bailey stated how beneficial the **Active Transportation Plan** will be as Wellsville City grows and can invite developers to participate in the proposed trail programs. Councilman Bob Lindley stated that the **Active Transportation Plan** will be great to incorporate into new subdivisions as is frequently done in St. George, Utah. Councilwoman Kaylene Ames expressed enthusiasm for the proposed plan and thanked all those who have contributed to the **Active Transportation Plan**.

Councilwoman Kaylene Ames made a motion, seconded by Councilman Bob Lindley, to approve Resolution 2024-01, adopting the Wellsville Active Transportation Plan (Wellsville Trails and Active Transportation Plan); with the addition of 'Wellsville City shall not allow eminent domain to be used to acquire property for trails' to the Plan's disclaimer.

YEA 4

Kaylene Ames
Bob Lindley
Carl Leatham
Austin Wood

NAY 0

ABSENT 1

Denise Lindsay

City Manager/Recorder Scott Wells discussed the second quarter financial report for November 2023. He reported to the Mayor and Council that Wellsville City is in good financial standing. After discussion, Councilwoman Kaylene Ames made a motion, seconded by Councilman Bob Lindley, to approve the second quarter financial report for November 2023.

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Austin Wood

NAY 0

ABSENT 1

Denise Lindsay

Department Reports:

Councilman Carl Leatham-

1) Councilman Leatham thanked City Manager/Recorder Scott Wells for compiling the City Council minutes regarding open space exemptions within **Town Center** and open space decisions for the Cooper Subdivision consisting of five lots total, located at approximately 600 South 200 West (Tax Id. #10-037-0010). He underscored the importance to understanding City Code and abiding by it consistently. In City Planner Jay Nielson's 'Commentary to the Mayor and City Council, February 09, 2024' he wrote,

'In the Phil Cooper Subdivision the owner requested a rezone of the property to match the General Plan Map. That is, change the zoning designation from Residential Open Space (ROS1) to RSF (Town Center). The Cooper request followed the General Plan. The City Council denied the request and the property remains ROS1. That action nullified the future designation of his property a RSF as shown on the General Plan. If the Council would have rezoned, as he requested, no open space could have been required. Phil Cooper processed his application under the ROS1 requirements of the Land Use Regulations. The ROS1 zone requires a set-as-side for open space... Compliance with permit requirements is always based on zoning. Never on general plan designations.'

2) Councilman Leatham informed the Council that the Planning Commission is reviewing a request from Bob Strong for a **Design Review Permit** to operate 'Commercial Tire Inc.' business out of the property located at approximately 400 East 400 North (Tax Id. #11-086-0047). The majority of Commercial Tire's servicing will be done at client's truck yards (Sharp Transportation, Waste Management, and Super T Transport). The property's existing building would be used mainly as a storage warehouse however, some inhouse commercial service would be provided within the building and on the exterior cement pad. A weight limit is imposed along 400 North along with the majority city owned roadways to confine heavy commercial equipment, such as gravel trucks, to state thoroughfare highways. Commercial Tire has a crane truck that would exceed the posted weight limit. Councilman Leatham proposed continuing to restrict heavy truck traffic past the Wellsville Cemetery in order to keep gravel trucks on state thoroughfare highways.

3) City Engineer Chris Breinholt will attend the March 6, 2024 City Council meeting to provide professional expertise regarding Brad White's utility options at property located at approximately 450 North 150 East (Tax Id. #11-080-0053). City Manager/Recorder Scott Wells and the Council discussed options for the 'infill' development of the city.

Councilwoman Kaylene Ames-

1) Councilwoman Ames shared that she spent the day lobbying for public transportation funding at the

Utah House of Representatives.

2) Councilwoman Ames thanked her fellow councilmembers for advocating for public transport by voting to approve the **Wellsville Active Transportation Plan**.

Councilman Bob Lindley-

1) Baseball and softball sign ups will begin March 01, 2024.

Councilman Austin Wood-

1) Councilman Wood asked if efforts have been made in the past to combat moss growth on Wellsville Reservoir. Mayor Bailey and Councilman Leatham detailed that stocking the reservoir with grass carp, for pond weed management, has been a step in the right direction.

The Council reviewed the minutes of the February 07, 2024, regular City Council meeting. **Councilman Austin Wood made a motion, seconded by Councilman Carl Leatham, to approve the minutes of the February 07, 2024, regular City Council meeting.**

YEA 3

Kaylene Ames
Carl Leatham
Austin Wood

NAY 0

ABSENT 1

Denise Lindsay

ABSTAIN 1

Bob Lindley

City Manager/Recorder's Report:

1) RAPZ Tax Program applications are due on March 05, 2023.

2) On March 05, 2024, Wellsville City will apply for a low-interest loan to fund a future culinary well (Tax Id. #10-039-0004), which will hopefully service those in the city living above 4,650-feet of elevation. Mayor Thomas G. Bailey explained that the Drinking Water State Revolving Fund (DWSRF) provides low-interest loans and grants for drinking infrastructure and associated engineering and planning to public and non-profit water systems in Utah. Disadvantaged communities that meet hardship criteria can apply for a grant or principal forgiveness. Wellsville City does *not* qualify as a disadvantaged community.

3) The Pallets of Utah Subdivision, which consists of four lots total, located at approximately 4300 South 3000 West (Tax Id. #11-091-0010, #11-091-0011, #11-091-0012, #11-091-0013) is working on their escrow funding and mylar recording. Sewer construction is complete. Waterline construction is underway.

4) The proposed Sam Patch Grocery and Sundries, located at approximately 825 East Main (Tax Id. #11-112-0001), will soon meet with the Planning Commission for a **Design Review Permit**. The developer has agreed to donate property if Wellsville City will square the intersection at 900 East and Hwy 101 to provide a safer access. Council of Governments (COG) funding for the project is under consideration.

At 7:03 p.m., **Councilman Bob Lindley made a motion, seconded by Councilman Carl Leatham, to adjourn the meeting.**

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Austin Wood

NAY 0

ABSENT 1

Denise Lindsay


Thomas G. Bailey
Mayor


Scott E. Wells
City Manager/Recorder