

MINUTES of the regular **City Council** meeting of Wellsville City held **August 21, 2024**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey; Councilwomen Kaylene Ames and Denise Lindsay; Councilmen Carl Leatham and Bob Lindley. City Planner Jay Nielson and City Manager/Recorder Scott E. 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 August 19, 2024. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilman Austin Wood was excused from this meeting.

Others Present:	Tracy Bodrero	Bill Bowen	Melanie Bowen
	Scott Danley	Karen Higbee	Ryan Higbee
	Scott Tew	Fred Woodward	Linda Wursten

Opening Ceremony: Councilman Bob Lindley

The Council reviewed the amended agenda. **Councilman Carl Leatham made a motion, seconded by Councilwoman Denise Lindsay, to approve the amended agenda as presented.**

<u>YEA</u> <u>4</u>	<u>NAY</u> <u>0</u>	<u>ABSTAIN</u> <u>0</u>	<u>ABSENT</u> <u>1</u>
Kaylene Ames			Austin Wood
Carl Leatham			
Bob Lindley			
Denise Lindsay			

The Council reviewed the minutes of the July 17, 2024, regular City Council meeting. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Bob Lindley, to approve the minutes of the July 17, 2024, regular City Council meeting.**

<u>YEA</u> <u>4</u>	<u>NAY</u> <u>0</u>	<u>ABSTAIN</u> <u>0</u>	<u>ABSENT</u> <u>1</u>
Kaylene Ames			Austin Wood
Carl Leatham			
Bob Lindley			
Denise Lindsay			

The Council reviewed the minutes of the August 07, 2024, special Truth in Taxation meeting. **Councilman Carl Leatham made a motion, seconded by Councilwoman Denise Lindsay, to approve the minutes of the August 07, 2024, regular City Council meeting.**

<u>YEA</u> <u>3</u>	<u>NAY</u> <u>0</u>	<u>ABSTAIN</u> <u>1</u>	<u>ABSENT</u> <u>1</u>
Kaylene Ames		Bob Lindley	Austin Wood
Carl Leatham			
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. The Payment Approval Report is dated 08/13/2024. Anderson Asphalt was paid to apply road slurry to increase the longevity of multiple roads throughout town. Drive By Sign Co. was paid to replace the rotted sign on city square. After review and discussion, **Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to approve the city's accounts payable bills for payment, represented by check number 29798 through 29852.**

<u>YEA</u> <u>4</u>	<u>NAY</u> <u>0</u>	<u>ABSTAIN</u> <u>0</u>	<u>ABSENT</u> <u>1</u>
Kaylene Ames			Austin Wood
Carl Leatham			
Bob Lindley			
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. The Payment Approval Report is dated 08/21/2024. Kyler Archibald was reimbursed for a large gate which allows city staff to access the Bear River Flood Gate with a track hoe. Broken Heart Rodeo was paid a stock contract for the Wellsville Stampede Semi-Pro Rodeo. After review and discussion, **Councilman Carl Leatham made a motion, seconded by Councilwoman Kaylene Ames, to approve the city's accounts payable bills for payment, represented by check number 29872 through 29902.**

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1
Austin Wood

At 6:10 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input.

Fred Woodward asked if burial plots can be left to children in living trusts. Councilwoman Denise Lindsay affirmed. Mayor Bailey recommended Mr. Woodward meet with Registrar Leesa Cooper to have his children's names assigned to plot cards.

Ryan Higbee mentioned that Wellsville City is currently constructing a walking trail around his home located at 125 East 700 South (Tax Id #10-038-0084). Mr. Higbee requested a variance to allow a six-foot privacy barrier in his front yard. City Manager/Recorder Scott Wells explained that Mr. Higbee needs to meet five criteria for a variance application. The application would then be presented to the appointed Board of Adjustments. City Planner Jay Nielson explained that according to State law, variance requests should not be discussed with the City Council. Mr. Higbee stated he will complete an application and pursue a variance.

At 6:14 p.m., citizen input was closed.

Beginning at 6:15 p.m., the City Council shall receive public input, then with a recommendation from the Planning Commission, consider for approval **Code Amendment 2024-05**, an ordinance amending **Title 10 Land Use Regulations, Chapter 39 Landscape Requirements, Section 4 Landscaping; and Section 6 Landscaping in Public Rights-Of-Way**. City Planner Jay Nielson presented the proposed amendment. He recounted that changes were made to this code to meet legislative requirements last year. City Planner Nielson explained that the State now requires additional changes to city landscape ordinances to allow citizens to take advantage of financial incentives. Those financial incentives are provided by the State of Utah to those citizens who install new landscapes or convert existing landscapes that demand less water to maintain. It is also advantageous for the City to promote conservation of its water resources. He noted that a city resident is currently pursuing the State's financial incentives. City Planner Nielson read aloud,

"10-39-4: Landscaping:

A. Required Landscaping:

- 2. In new residential development lawn areas shall not exceed fifty (50) percent of the front and side yard. Lawn limitations do not apply to small residential lots with less than two hundred-fifty (250) square feet of landscaped area in the front yard.***
- 3. Lawn areas in new commercial, industrial, institutional, and multi-family development common area landscapes shall not exceed twenty percent (20%) of the total landscaped area, except for lawn areas required for active recreation.***
- 4. No lawn areas less than eight (8) feet in width."***

City Planner Nielson stressed the importance of minimizing culinary water used for irrigation. He proceeded to the proposed modification for public rights-of-way. Previously no lawn was permitted in park strips less than eight (8) feet in width. The amendment does not permit lawn in *any* park strips. City Planner Nielson mentioned how beautifully landscaped park strips maintained by homeowners contribute

to the City's character and worried that the State's constraints will reduce homeowner maintenance of park strips. Homeowners can continue to have lawn in parks strips, however those who wish to attain the States financial incentives must remove lawn from park strips. Mayor Bailey reported that Mark Anderson, owner of Anderson's Seed & Garden, says that many new lawn species require less water than water-wise landscaping. Councilwoman Ames agreed. City Planner Nielson added that a cutting grass with a lawn mower is much easier than weeding water-wise landscaping by hand. Councilman Carl Leatham asked if Wellsville City will be responsible to convert park strips if the proposed amendment is approved. If so, that would be excessive overreach by the State answered City Planner Nielson.

At 6:25 p.m., Mayor Bailey opened the meeting for citizen input.

Tracy Bodrero asked if all new development will be required to meet the proposed changes to accommodate State incentives for water-wise landscaping or only those pursuing the incentives. City Planner Nielson answered only those pursuing the incentives. City Manager/Recorder Wells explained that the proposed amendment simply allows Wellsville residents to qualify for the State's incentives. Councilwoman Denise Lindsay asked the value of the incentive. City Manager/Recorder Wells answered \$1.65 per square foot.

Scott Tew asked if residents must convert existing landscapes to demand less water as the amendment proposes. City Planner Nielson stated that the city administration will *not* issue violation notices to those not abiding by the modifications.

At 6:29 p.m., **Councilman Carl Leatham made a motion, seconded by Councilman Bob Lindley, to close the public hearing.**

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood

Councilwoman Kaylene Ames stated the proposal is confusticating, yet advantageous for Wellsville residents meeting the incentive's qualifications. City Planner Nielson detailed that he has submitted four iterations of the proposed amendment to the State. Councilman Bob Lindley asked if the proposed amendment would change the building code. City Planner Nielson answered no. The Council discussed state legislature concerns regarding water restrictions and the affordable housing crisis. Councilwoman Denise Lindsay asked if the proposed water conservation changes will be required of new commercial developments. City Planner Nielson stated that new commercial and industrial developments should be required create to water-wise landscaping. Councilwoman Lindsay mentioned that lawn park strips have litter cleaned up regularly in order for the mower to run across them. Mayor Bailey and City Planner Nielson added that windblown dirt creates seedbeds in landscaped rock which then requires weeding or spraying. Councilman Leatham stated that overtime it becomes very evident when a landscaped rock park strip is not maintained. **Councilman Carl Leatham made a motion, seconded by Councilman Bob Lindley, along with the recommendation from the Planning Commission, to approve Code Amendment 2024-05, an ordinance amending Title 10 Land Use Regulations, Chapter 39 Landscape Requirements, Section 4 Landscaping; and Section 6 Landscaping in Public Rights-Of-Way.**

YEA 3

Kaylene Ames
Carl Leatham
Bob Lindley

NAY 1

Denise Lindsay

ABSTAIN 0

ABSENT 1

Austin Wood

The Council then continued the July 17, 2024 discussion concerning the **Noise Control Ordinance** and rooster chickens in Wellsville City. Mayor Thomas G. Bailey allowed resident Bill Bowen to address the **Noise Control** ordinance. Mr. Bowen shared that the decibel level of a rooster crowing can reach 140 decibels (averages 130 decibels). As a comparison he stated 140 decibels is about the same as a jet or rocket taking off. A police siren is 120 decibels. A dog barking is only 90 decibels. He said any noise over

70 decibels can cause hearing loss in a human. Mr. Bowen read aloud **5-4-5: Prohibited Acts, B. 4.** which addresses noisy birds,

"4. Animals And Birds: Owning, possessing, or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone. Because of the agricultural and rural heritage, tradition and source of family income established in the city for many decades and the desire to preserve the same, this provision shall not apply to cattle, horse, donkeys, mules, sheep, or goats."

Mr. Bowen shared he is awakened at 4:45 a.m. every morning by a neighbor's roosters. The crowing noise disturbance continues throughout the day. Mr. Bowen asked the Council to review and enforce the code. Mayor Thomas G. Bailey reported that he visited with Mr. Bowen's neighbor earlier today and the neighbor has agreed to relocate four roosters to a bird sanctuary.

Mayor Bailey agreed to allow resident Scott Danley to address the **Noise Control** ordinance. Mr. Danley shared that his next-door neighbor has three roosters and there are numerous other roosters several houses away. He expressed annoyance that he cannot hear conversations on his back patio during the middle of the day due to incessant rooster crowing. He suggested Wellsville City's code allow chickens but prohibit roosters like Heber City's code. City Manager/Recorder Scott Wells recounted that when the ordinance was written 'squawk' related to peacocks and guinea hen. He pointed out the vast of number of roosters throughout Wellsville City. City Manager/Recorder Wells presented his research on rooster ordinances in two neighboring cities. Providence City addresses roosters in their noise ordinance. Hyrum City allows roosters until crowing causes disturbance and complaints. Hyrum City first asks neighbors to work the issue out amongst themselves. If animal control must get involved, the roosters are removed from the property.

Mayor Bailey agreed to allow resident Fred Woodward to address the **Noise Control** ordinance. Mr. Woodward pointed out the appeal which draws many individuals to Wellsville City is its rural nature. He stated continual dog barking is more of a nuisance than roosters crowing. Mr. Woodward declared that Wellsville City is a farming community and encouraged the Council to preserve the farm animals within it.

Mayor Bailey agreed to allow resident Melanie Bowen to address the **Noise Control** ordinance. Ms. Bowen shared that Mr. Bowen served in Vietnam and said the incessant rooster crowing triggers his post-traumatic stress disorder. Mayor Bailey asked the Bowens to permit a window of several weeks to see if removal of the four roosters eliminates the noise disturbance prior to pursuing a code change. Ms. Bowen agreed.

Councilman Carl Leatham illustrated that a group of roosters will crow to establish dominance within a flock also known as a "pecking order." He has also visited with the Bowen's neighbor and recommended several roosters be removed from the flock to reduce the hierarchal competition. Councilman Leatham cautioned against changing the entire code to prohibit roosters in our rural community based on one or two complaints. Councilwoman Lindsay agreed and clarified that the Council is not presently considering changing the ordinance, they have been asked to give their interpretation of the ordinance. The Bowens agreed to report back to the Council if the crowing has or has not been minimized. **Councilman Bob Lindley made a motion, seconded by Councilwoman Denise Lindsay, to continue the discussion concerning the Noise Control Ordinance and rooster chickens in Wellsville City.**

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1
Austin Wood

Next, the Council shall discuss Wellsville City participation in a waterline upgrade and sewer lift station in the business development located at 4300 South. The Pallets of Utah Subdivision 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). City Manager/Recorder Scott Wells recommended the city participates in some of the development's infrastructure using American Rescue Plan Act (ARPA) funds since Wellsville City will benefit as the business district and tax base grow. The waterline has been upgraded from 8 inch to 12 inches. The sewer lift station is one size larger than the required State minimum which will allow growth in the business district. Consideration with Lundahl Buildings has proposed Wellsville City cost share 50 percent of the sewer lift station and the cost differential to upsize waterline to a 12-inch line. City Manager/Recorder Wells shared there is substantial discrepancy between the amount requested in Lundahl Building's Summary of Work and the original Escrow Agreement which was reviewed by the city engineer. Lundahl Building must justify the \$144,274.82 bid discrepancy. City Manager/Recorder Wells explained that Wellsville City never agreed to fund any of the subdivision's influent or effluent sewer lines. City Manager/Recorder Wells will meet with Lundahl Buildings next week to learn more about the discrepancy. The City's ARPA funds must be utilized or contractually obligated by December 2024 otherwise they must be paid back to the federal government. According to the escrow agreement, Wellsville City would cost share 50 percent of the sewer lift station which equaled \$102,933.80. According to the escrow agreement, the cost differential to upsize the 8-inch State minimum waterline to a 12-inch water line equaled \$208,584.38. Added together those two figures total \$311,518.18.

City Manager/Recorder Wells suggested utilizing any remaining ARPA infrastructure funds by financing a return waterline from Lindley Tank to Garretts. Councilman Bob Lindley brought up utilizing the remaining ARPA funds to extend the 200 East sewer line. Councilman Leatham seconded. Groundwater infiltration in the sewer system is another issue that could be addressed by ARPA funds stated City Manager/Recorder Wells. 30 documented sewer locations need repaired. Each location will cost \$3,000.00 to repair. Councilman Carl Leatham also suggested utilizing ARPA funds to bore underneath Highway 89/91 on the south end of town. Councilwoman Denise Lindsay reminded the Council that the City's ARPA funds must be spent or contractually obligated by December 2024. The Council agreed to continue the discussion regarding the remaining balance of ARPA funds. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Bob Lindley, to allow City Manager/Recorder Scott Wells to disburse \$311,518.18 of ARPA funds to participate in the cost differential to upsize the waterline to a 12-inch line and to 50/50 cost share the sewer lift station in the business development located at 4300 South.**

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood

Department Reports:

Councilwoman Denise Lindsay-

- 1) Fireworks and Movie in the Park will be held on Saturday, August 31st at Wellsville Dam. Food trucks and music start at 7:00 p.m. The EMS Department is holding a 'Touch the Truck' event with emergency vehicles and a life flight helicopter from 6:00 to 8:00 p.m. Movie in the Park begins at 8:00 p.m. Fireworks begin at 10:00 p.m.
- 2) The 2024 Utah League of Cities and Towns Annual Convention will be held in Salt Lake City on September 4th and 5th.

Councilman Carl Leatham-

- 1) Discussed options to prohibit motor vehicle use on the new trail system connecting to Wellsville Dam.
- 2) UDOT will soon be extending the no parking paint on the curb at the Center and Main intersection. No parking signage will also be posted.

Mayor Thomas G. Bailey-

- 1) The Patriotic Program will be held Sunday, September 1st at 7:30 p.m. at the Wellsville LDS Stake Center.

- 2) Aging bleachers have been removed at the Wellsville Arena. Bleachers will be rented for the Wellsville Stampede Semi-Pro Rodeo and Mt. Sterling Stampede. The new bleachers will be delivered in October.
- 3) The mayor and council discussed Founders' Day event progress.

Councilwoman Kaylene Ames-

- 1) Newly added to the 2024 Founders' Day schedule of events is the Pickleball Tournament, held August 29th and 30th at 5:00 p.m.

Councilman Bob Lindley-

- 1) The Softball Tournament will be held August 30th and 31st at Darley Park.
- 2) The Golf Tournament will be held August 31st at the Logan River Golf Course.

City Manager/Recorder's Report:

- 1) Porta potties and dumpsters have been ordered for the Founders' Day festivities.
- 2) Road construction is complete on 200 East from 300 South to 400 South.
- 3) Road construction is in progress on 200 South.
- 4) Construction of the new gravel roads in the cemetery has begun.
- 5) The Council considered increasing the burial density in a cremation only zone.
- 6) Eight dog waste stations have been placed in city parks.
- 7) The Church of Jesus Christ of Latter-day Saints Wellsville Utah Stake is holding a Day of Service on September 7th.

At 8:00 p.m., **Councilman Bob Leatham** made a motion, seconded by **Councilwoman Denise Lindsay**, to adjourn the meeting.

YEA 4

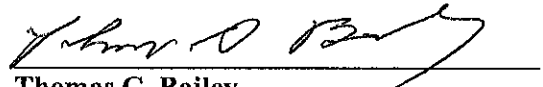
Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

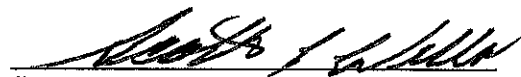
NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood


Thomas G. Bailey
Mayor


Scott E. Wells
City Manager/Recorder