

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 7, 2021, 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 Treasurer Leesa Cooper was also present. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on April 2, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Tracy Bodrero	Chase Griffin
	Kaleb Thomas	Daniel Coleman	Jodie Coleman
	Paul Freed	Monica Gowens	Tim Gowens
	Mark Anderson	Kathy Anderson	Carl Leatham
	Sandy Jorgensen		

Opening Ceremony: Denise Lindsay

City Manager Scott Wells was excused from this meeting.

The Council reviewed the agenda. Austin Wood made a motion, seconded by Bob Lindley, 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 March 17, 2021 regular City Council meeting. Chad Poulsen made a motion, seconded by Denise Lindsay, to approve the minutes of the March 17, 2021 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 1</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, Bob Lindley made a motion, seconded by Chad Poulsen, to approve the City's account payables bills for payment, represented by check number 25672 through 25706.

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

Tracy Bodrero stated that he reviewed the minutes from March 3, 2021 concerning the cemetery regulations. Mr. Bodrero stated that he attempted to email the Mayor and City Council. Mr. Bodrero stated that Kaylene Ames had made a statement on the website concerning the heritage of Wellsville City. Mr. Bodrero stated that he received a response from City Councilman Chad Poulsen. Mr. Bodrero stated that he sent a letter to Mayor Thomas G. Bailey and City Councilman Chad Poulsen. Mr. Bodrero handed out a copy of the letter to all councilmembers. Mr. Bodrero stated that the councilmembers can read the letter on

their own time. Mr. Bodrero reviewed a few points from his letter with the councilmembers. Mr. Bodrero stated that those that are alive desire to share their love with those that have passed on. Many people create and build decorations to be placed on the graves. Some decorations are placed close to the graves. Mr. Bodrero stated that he believes Wellsville City should perform a cost benefit analysis before any decisions are made. Mr. Bodrero asked if Wellsville City are making these changes so that it is easier for the cemetery workers. Mr. Bodrero stated that some people have lost children long before they reached their elderly years. Denise Lindsay asked if she could respond. Ms. Lindsay did read what was posted under cemetery from the website. It does state that items will be removed on Thursdays and 10 days after Memorial Day for cleaning the cemetery. Bob Lindley stated that cemetery workers weed around the graves and mow. With the number of decorations that are left on the graves, the cemetery workers cannot get around. The cemetery workers have been injured and mowers have been broken because of shepherd hooks and decorations left in the grass. Mr. Lindley stated that either decorations need to be eliminated or left on the cement, but not in the grass. Mr. Bodrero believes that the ordinance should allow decorations can be one inch off the cement. Mr. Lindley asked what distant Wellsville City should allow. Mr. Lindley stated that one inch becomes two inches, and then four inches, and they right back to the current problem. Ms. Lindsay stated that the City Council is reviewing other cities' cemetery ordinances for suggestions for the ordinance for Wellsville City.

At 6:20 p.m., the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval of the Concept Plan for the Von Mitton Subdivision consisting of 2 lots total located at approximately 287 South 100 East, Tax ID #10-028-0001. Chase Griffin stated that the City Council should have a copy of the plat showing the Concept Plan and a copy of City Engineer Chris Breinholt's comments. Mr. Griffin stated that it is one lot that he is splitting into two building lots. Mr. Griffin stated that there is an old home and a few existing structures that will be demolished. Mayor Thomas G. Bailey stated that the plat shows three lots. Mr. Griffin stated that the lot on the west side is a separate lot, but not involved in this subdivision. Mayor Bailey stated that this is a public hearing and asked if there was any comment. There was none.

At 6:23 p.m., the public hearing was closed.

Mayor Thomas G. Bailey asked if the City Council had any questions. Bob Lindley asked about sidewalks. Chase Griffin stated that there are existing sidewalks on both sides of the street, and they are leaving them as is. Mayor Bailey stated that there is an irrigation ditch that must stay in place. Mr. Griffin stated he is aware of that. Mr. Lindley asked about a bridge over the irrigation ditch to access a lot. Mr. Griffin stated that they are looking at options and waiting to hear from the engineer. Chad Poulsen stated that the Planning Commission approved the Concept Plan with the condition that the comments from City Engineer Chris Breinholt are met. Mr. Poulsen stated that City Planner Jay Nielson stated that the old home must be removed for this to be a legal subdivision. After discussion, Bob Lindley made a motion, seconded by Chad Poulsen, to approve the Concept Plan for the Von Mitton Subdivision consisting of 2 lots total located at approximately 287 South 100 East, Tax ID #10-028-0001 with the condition that the comments from City Engineer Chris Breinholt be met.

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Daniel and Jodie Coleman met with the with City Council to discuss sidewalk located at 370 South 100 East, Tax ID #10-028-0039. Daniel Coleman handed out a packet of information concerning this issue. Mr. Coleman stated that they are planning to build a single-family home to finish raising their family. This property is adjacent to the Wellsville Dam and City park. Mr. Coleman stated that they are positive that Wellsville City will be good neighbors them and they want to be good neighbors to Wellsville City. Mr. Coleman stated that it is topographically unfeasible to install sidewalks along their property. Mr. Coleman stated that in lieu of sidewalks, they would like to plant trees along 100 East. Denise Lindsay asked if they

owned Tax ID #10-016-0032 as well. Mr. Coleman stated yes. Ms. Lindsay stated that they have two frontages. Mr. Coleman stated that is correct. Ms. Lindsay asked if they are requesting to plant trees instead of paying into the sidewalk fund. Mr. Coleman stated yes. Mr. Coleman stated that would like to make their property more desirable and keep the money there to use on that project. Jodie Coleman stated that if the line of trees is not enough, there are other shared areas that they could improve. Ms. Lindsay asked about adding onto the existing asphalt trail. Mr. Coleman stated that he was not sure where to add on to the existing trail. Mr. Coleman stated that in the southwest corner, there is a barbed-wire fence that is an eyesore, and they could spend some money there. Ms. Lindsay stated that she is hesitant to agree because the sidewalk fund is for sidewalks. Ms. Lindsay stated that if Wellsville City allows them to plant trees instead of paying into the sidewalk fund, everyone will want to plant trees. Ms. Lindsay stated that she agrees the area needs to be beautified, but she is not willing to agree to anything just yet. Ms. Lindsay stated that she cannot say what the possibilities are. Ms. Lindsay stated that City Manager Scott Wells approached her about no sidewalk and extending the asphalt trail, he may have meant connecting it to the road. Ms. Lindsay stated that she may be willing to negotiate the frontage along 100 East and the frontage along 200 East. Mayor Thomas G. Bailey stated that the streams that run through this property comes from the Wellsville Dam and Murray Dam. Mayor Bailey stated that there is a road right-of-way that goes all the way through the property, which is 99-feet wide. Mayor Bailey stated that he believes the fence is on the easement property. Ms. Lindsay stated that she would like to discuss this with City Manager Scott Wells before anything is agreed to. The sidewalk fund is for sidewalks. Trees in lieu of sidewalks are not what the sidewalk fund is for. Mr. Coleman stated that there is room to interpret the spirit of the law instead of the letter of the law. Mayor Bailey suggested that the City Council take a field trip to review the area and then make a decision. Kaylene Ames suggested that there is a trails committee and Mr. Coleman may want to discuss this issue with them. Austin Wood stated that the road is settling a few inches every year, and it would be nice to clean up the area. After discussion, Denise Lindsay made a motion, seconded by Chad Poulsen, to continue this discussion at a future City Council meeting.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council discussed for approval Code Amendment 2021-01 amending the General Plan and change the Zoning for RAC-5 to ROS 1 Residential at property located at 1100 South 200 East, Tax ID #10-043-0007. Chad Poulsen stated that the Planning Commission discussed this issue at length. Mr. Poulsen stated that it is pass with a vote of 3 to 2. Mr. Poulsen stated that there were a few concerned that were discussed. They are as follows: appropriate or not to change the zoning after the project has already been approved, several residents are concerned and do not want the code amended, 5-acre lots are too big for upkeep, how far will this issue continue to snowball and fundamentally change Wellsville City, and does Wellsville City have the infrastructure to support it. Mayor Thomas G. Bailey asked if the City Council had any questions. Austin Wood asked if anyone from the public came to the Planning Commission meeting to discuss the sewer. Mr. Poulsen stated that Planning Commission member Clair Cooper wanted to discuss it, but City Manager Scott Wells stopped him. Mr. Wood stated that the intent of this code amendment is not about the sewer. Mr. Poulsen stated that he disagreed. The sewer is a point of discussion. Mr. Wood stated that he has been contacted by residents about the sewer. Mr. Poulsen stated that Planning Commission member Ed Rigby discussed about this issue continuing to snowball and change Wellsville City. Mr. Poulsen stated that the public input concerning this issue has been negative. Kaylene Ames stated that the only responses she has heard has been negative. Denise Lindsay stated that when this project was originally proposed, there was not one complaint. Ms. Lindsay stated that it is not preposterous to change the zoning from 5-acre lots to 1-acre lots. As for the sewer issue, some residents are happy about it and some are not. Ms. Lindsay stated that some residents are realizing that they are going to have to start paying for sewer. Ms. Lindsay stated that if this is not approved, Wellsville City will have to pay for the infrastructure, which will then be placed back on the citizens. Ms. Lindsay stated that this project has already been approved. Mr. Poulsen stated that disagrees. Mr. Poulsen stated that he knows of people that will pay to farm those two 5-acre lots. Mr. Wood stated that he appreciated the comment, and that they should continue the discussion

concerning the sewer issue. Bob Lindley stated that the sewer issue is out of the City Council's hands. Once the sewer is ran to the four lots along 200 East, every resident will be required to connect to the sewer. This approval is to rezone the 5-acre lots to 1-acre lots. Mr. Poulsen stated that the General Plan shows 1-acre lots along 200 East and the General Plan shows 5-acre lots in the back. Mr. Poulsen stated that in a way, this could change a lot of acreage in Wellsville City. Mr. Poulsen agrees that the sewer is a separate issue. There is also a lot changing in Wellsville City fundamentally. The rural area is 5-acre lots and this issue wants to change that rural to 1-acre lots. Mr. Lindley asked if Wellsville City has ever deviated from the General Plan. Ms. Lindsay stated yes, a lot. Mr. Lindley stated that the General Plan is the General Plan. Mayor Bailey stated that the General Plan was put together as an idea for the areas around Wellsville City to fit in different zones. The General Plan is a living document. It was never meant to stay that way forever. Ms. Lindsay asked if Mr. Freed will build the road if the 5-acre lots are rezoned to 1-acre lots. Paul Freed stated that is correct. There is no way to build a road going toward the east without more lots to pay for it. Mr. Freed stated that with running the sewer, water, and utilities, it would be unfeasible. Mr. Freed stated that by rezoning the 5-acre lots to 1-acre lots, he would be able to spread the cost out among more lots. Mr. Freed stated that if the 4 lots along 200 East were allowed septic tanks, he would continue to farm the rest of the property. Mr. Lindley stated that issue had already been discussed and in order to connect to Wellsville City's water, Mr. Freed must connect to the sewer. Ms. Lindsay stated that the sewer was part of the annexation agreement and Wellsville City is not moving backwards. Mayor Bailey stated that there are three 5-acre lots. There is an existing home on one 5-acre lot. Mr. Lindley stated that costs of a subdivision are the developer's problem, not Wellsville City's problem. Mr. Poulsen stated that he has no problem with Mr. Freed making a profit, but it is not the job of the Wellsville City Council to ensure that you make a profit. If the subdivision is not profitable, it is not Wellsville City's problem. Mr. Lindley stated that he has no problem with 1-acre lots. Ms. Lindsay agrees with Mr. Lindley. Mr. Poulsen stated that with the General Plan was created, that area was designated for 5-acre lots. Keeping in the interest of Wellsville City and remaining rural, Mr. Poulsen would like to see the lots remain as 5-acre lots. Mr. Poulsen stated that it is some of the best farmland in Wellsville City. Mayor Bailey stated that every parcel along 200 East is zoned 1-acre lots. Mayor Bailey stated that this is the first time 5-acre lots have been annexed into Wellsville City. Mayor Bailey stated that Wellsville City has never taken this step before. Ms. Ames asked if Cache County would allow 1-acre density in the 5-acre and 10-acre lots. Mr. Lindley stated probably not, but Cache Council does not have the water. Mr. Lindley stated that Cache Council does not care and are not too concerned. Ms. Lindsay stated that this is an opportunity for growth and to do it right. Mayor Bailey stated that some years ago, Wellsville City raised the sewer connection fee and impact fees to \$6,248. Before that amount was approved, each homeowner along 200 East was contacted and given the opportunity to purchase the connect fee and impact fees at the lower rate. Many residents along 200 East paid for a sewer connection and impact fees. Now, some of those same residents are acting like this is a new idea. It is not a new idea. The residents knew some day the sewer line would come up 200 East. Mayor Bailey stated that if this code amendment is approved, Wellsville City will need to make some decisions concerning the sewer line. Mr. Wood asked if this discussion was open for public comment. Mayor Bailey stated no. Mr. Wood stated that he wanted to acknowledge that he received an email from Aaron Walker concerning the sewer along 200 East. Mr. Poulsen stated that the City Council does not have to make a decision tonight. Mr. Freed can develop the four 1-acre lots along 200 East and run the sewer. Mr. Poulsen stated that Wellsville City is setting a precedence, and it could go on for a long time. When changes are made to the General Plan, the City Council needs to make those changes with the residents in mind. Mr. Poulsen stated that he has thought about this issue and cannot come up with a reason that it would be a benefit to Wellsville City. Mr. Poulsen stated that Wellsville City does not need to do this in order to bring development to Wellsville City. Mayor Bailey stated that development will slow down because of Wellsville City being able to supply water. Mr. Poulsen stated that Wellsville City may have the infrastructure to support this project, but not much more after this, and Wellsville City does not have the money to put the infrastructure in. After discussion, Denise Lindsay made a motion, seconded by Kaylene Ames, to adopt **CODE AMENDMENT 2021-01 AN AMENDMENT TO THE GENERAL PLAN AND AN AMENDMENT TO THE WELLSVILLE CITY CODE, TITLE 10, LAND USE REGULATIONS, WHICH INCUDES AMENDING THE GENERAL PLAN MAP AND THE ZONING MAP TO REZONE CERTAIN PROPERTY FROM RAC-5 RESIDENTIAL AGRICULTURE CLUSTER ZONE TO ROS 1 RESIDENTAL OPEN SPACE 1 ACRE.**

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

NAY 1

Chad Poulsen

The City Council discussed for approval Resolution 2021-05 an Interlocal Agreement between Cache County and Wellsville City for the Administration of 2021 Municipal Elections. Mayor Thomas G. Bailey stated that this resolution was part of the City Council packet and asked if there were any questions. Denise Lindsay stated that Cache County manages the elections, so it is a done deal. After discussion, Bob Lindley made a motion, seconded by Austin Wood, to approve **RESOLUTION 2021-05 INTERLOCAL AGREEMENT BETWEEN CACHE COUNTY AND WELLSVILLE CITY FOR THE ADMINISTRATION OF 2021 MUNICIPAL ELECTIONS.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

The City Council continued discussing updating and modifying the cemetery rules and regulations. Bob Lindley stated that he is reviewing cemetery codes from different cities such as Richmond, Smithfield, and Logan. Mr. Lindley stated that he will get it into letter form for approval at the next City Council meeting. Mr. Lindley stated that people are getting carried away with ornaments and for maintenance reasons, Wellsville City needs to control the decorations to be on the concrete only. Denise Lindsay stated that she did pull up the website and asked when the last time it was updated. Ms. Lindsay stated that it does state that decorations will be removed every Thursday. Mr. Lindley stated that may have been when there was more of a mowing schedule and they only mowed the cemetery on Fridays. Mr. Lindley stated that it is not feasible to have that in the code now because John Spence mows different sections different days. Leesa Cooper stated that information listed on the website under cemetery has been mistakenly copied over from some other city. Ms. Lindsay stated that she respects that comments that have been made about the cemetery. Ms. Lindsay stated that she did not understand or realize the safety issues. Ms. Lindsay stated that it does state that dogs are not allowed in the cemetery and shepherd hooks are not allowed during the summer months. Mr. Lindley stated that City Manager Scott Wells has the signs concerning animals in the cemetery and needs to get them installed. Mayor Thomas G. Bailey stated that the graves at the cemetery are very well decorated and most decorations are on the headstone and cement with nothing on the grass. Mayor Bailey stated that John Spence has been hurt by shepherd hooks. Ms. Cooper stated that if a shepherd hook tips over, then leaves covers it, the mower runs over the shepherd hood and then there is a mower repair bill. Chad Poulsen stated that for 20 years he heard from Stan Poulsen and he talked about the families that did a good job decorating graves. Mr. Poulsen stated that Stan Poulsen hated shepherd hooks and decorations out in the grass where they could not be seen. Kaylene Ames stated that she had a copy of the Wellsville City cemetery code and read from it. Mayor Bailey stated that he understands families wanting to decorate the graves. Mayor Bailey stated that they must be maintained in some way and they cannot expect the maintenance people to rearrange the decorations. Austin Wood asked if the City Council was opposed to allowing decorations on the north and south sides of each monument. Mr. Poulsen stated that shepherd hooks are not an issue if they are installed in the potholders to the side of the headstone and the plant is hung over the top of the headstone. Mr. Lindley stated that Wellsville City is an old cemetery and there is not a straight line in the cemetery. Mr. Lindley stated that another concern is the cost of plots. Mr. Lindley discussed having a radius around Wellsville City and stay away from being a place people flock to because they are the cheapest. Mr. Poulsen stated that the plots left in the cemetery should be for Wellsville City residents. Ms. Cooper stated that she was approached by a gentleman and asked if Wellsville City has considered giving a discount to veterans on the opening and closing fees. Ms. Cooper stated that it is something to consider. After discussion, Denise Lindsay made a motion, seconded by Chad Poulsen, to continue this discussion at a future City Council meeting.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Department Reports:

Denise Lindsay – 1) Mayor Sharidean Flint, the mayor of Hyde Park, passed away today – would like to send something from Wellsville City.

Chad Poulsen – 1) Questions for Bob Lindley – when will the nets be installed in the batting cages, is it possible to get more L-screens from the ballfields and is there a calendar for the baseball field at the Wellsville Dam to schedule practices. Answers: nets for batting cages will be up this weekend, will look into more L-screens, and will work on the calendar.

Mayor Thomas G. Bailey – 1) Asked Kaylene Ames how the tabernacle is coming – working inside of it now. Kirk Farmer would love to be able to have choir practice in there for Founder's Day – Mr. Farmer has talked to Ms. Ames about it.

Kaylene Ames – 1) Thanked Tracy Bodrero for coming in and expressing his concerns, and thanked Chad Poulsen for his nice response to Mr. Bodrero.

Bob Lindley – 1) Apologized to Tracy Bodrero – read email but did not notice a spot to respond.

2) Baseball and softball registration is complete.

2) Spring soccer is underway.

3) Have a couple of suggestions for speakers for Memorial Day – will discuss in a couple of weeks.

4) Free Fishing Day coming up – will be closing Wellsville Dam for a few days to have it stocked with fish.

Austin Wood – 1) Finalized emergency plan.

2) Have a hand radio station at Wellsville City – Mark & De Ann Jensen have expressed an interest in learning how to run them.

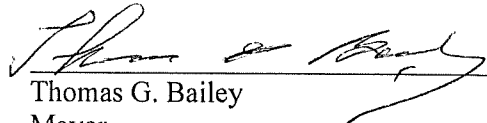
3) Citizen called about 200 West – newer pavement has started to crack, and gravity is pushing it down – will talk to Scott Wells about it.

At 7:58 p.m., Denise Lindsay made a motion, seconded by Bob Lindley, to adjourn the meeting.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood


Thomas G. Bailey
Mayor


Leesa Cooper
City Treasurer