

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 21, 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, and Austin Wood. City Manager Scott Wells 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 16, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Art Smith	Tracy Bodrero
	Aleisha Wood	Mike Cowley	Jeff Nielsen
	Mark Thompson	Gina Thompson	Mike Nichols
	Jan Nichols	Kay Ballif	Mike Bartchi
	Chad Jensen	Michael Hepworth	Gary Stokes

Opening Ceremony: Austin Wood

The Council reviewed the agenda. City Manager Scott Wells stated that item 8b is postponed. Denise Lindsay made a motion, seconded by Bob Lindley, to approve the agenda with the correction.

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

The Council reviewed the minutes of the April 7, 2021 regular City Council meeting. Bob Lindley made a motion, seconded by Austin Wood, to approve the minutes of the April 7, 2021 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
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, Kaylene Ames made a motion, seconded by Austin Wood, to approve the City's account payables bills for payment, represented by check number 25707 through 25738.

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

Art Smith stated that in the past, the City Council has allowed a free fishing day for youth with disabilities. Mr. Smith stated that they would like to do it again this year on June 11, 2021. Denise Lindsay asked how Wellsville City advertises this activity. Mr. Smith stated that it is a group that he is associated with called Options for Independence. Mr. Smith stated that there are approximately 25 to 30 kids that participate. Bob Lindley stated that he is trying to contact the Fish & Game department to stock extra fish. That has neither been confirmed nor denied, but he is working on it. Mr. Smith stated that he has a contact at the Fish & Game department that he will try also. City Manager Scott Wells stated that he will add this item to the next agenda so that it can be voted on.

Art Smith stated that he would encourage the Cache County Sheriff's Office to police Center Street more often. Mr. Smith stated that between 4:00 p.m. and 7:00 p.m., there are cars going 50 to 60 MPH. Mr. Smith stated that he rarely sees a deputy patrolling Center Street.

Tracy Bodrero stated that he put together a booklet as well as media that contains pictures of headstones at the Wellsville City cemetery. The booklet also contains possible solution for the cemetery issues. Mr. Bodrero handed out a booklet to the City Council, City Manager, and Minute Taker.

Beginning at 6:10 p.m., conduct public hearings in the following order:

First, the City Council shall receive public input, then along with the recommendation from the Planning Commission, consider for possible approval the Concept Plan for the Laree Brown Subdivision consisting of 3 lots located at approximately 290 East 300 South, Tax ID #10-016-0010. Austin Wood stated that he lives in the home located at 290 East 300 South. Mr. Wood stated that he and his wife would like to build a home in the adjacent field to the south. Mr. Wood stated that approximately five months ago, he confirmed the zoning against the General Plan. Mr. Wood stated that at that time, they were going to subdivide and have just one additional lot. Mr. Wood stated that they would like to straighten the road and pipe the drainage ditch, as well as install sidewalk. Mr. Wood stated that to do this, they are asking for two additional lots to help pay for it. Mr. Wood reviewed the comments from City Engineer Chris Breinholt with the City Council. Mr. Wood stated that he has been in contact with Brad Murray about moving the power pole. Mr. Wood stated that City Planner Jay Nielson stated that the garage is a non-conforming legally existing structure. The garage is located right next to the property line. Mr. Wood stated that Mr. Nielson gave them three different options concerning the garage. They are: 1) move the garage, 2) move the property line, or 3) remove the garage. Mr. Wood stated that he is willing to remove the garage but is asking that he be allowed to keep the garage until the new home is built. Mr. Wood stated that the concerns from the neighbors include the history of the irrigation water, which Mr. Wood is willing to build a new ditch and obstructing the view of the neighbor which Mr. Wood is willing to work with the neighbor. Mayor Thomas G. Bailey stated that this is a public hearing and asked if there were any comments. Mike Cowley stated that he farms the ground to the east and if the road is torn up, there is no other access, and he will be unable to cut the field. Mayor Bailey stated that Wellsville City will make sure that Mr. Cowley has access to the field.

At 6:21 p.m., the public hearing was closed.

Bob Lindley asked how far up the street does Mr. Cowley need to go to gain access to the field. City Manager Scott Wells stated that the reality is the Mr. Cowley needs to ability to always access his field. Mr. Wells stated that the Planning Commission had concerns about the garage being taken care of. Mr. Wells stated that Mr. Wood pay earnest money for the price to demolish the garage. After discussion, Bob Lindley made a motion, seconded by Denise Lindsay, to approve the Concept Plan for the Laree Brown Subdivision consisting of 3 lots located at approximately 290 East 300 South, Tax ID #10-016-0010, with the condition that the garage be removed once the new home is built, and that Mr. Cowley has access to the field from the road.

YEA 3

Kaylene Ames
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 1

Austin Wood

Second, the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for approval the Concept Plan for the Pallets of Utah consisting of 4 lots total, located at approximately 4300 South 3000 West, Tax ID #11-091-0010. Mark Thompson stated that this project has been a long time coming. Mr. Thompson stated that they constructed a better access onto Highway 89/91. This property will house the production site of Pallet of Utah, as well as the antler chandelier business. Mayor Thomas G. Bailey stated that this is a public hearing and asked if there were any comments. There were none.

At 6:27 p.m., the public hearing was closed.

Mayor Thomas G. Bailey asked if there were any questions from the City Council. Denise Lindsay stated that Wellsville City does not allow cul-de-sacs. City Manager Scott Wells stated correct. Ms. Lindsay asked if this was approved by the Planning Commission. Mr. Wells stated yes. Mr. Wells stated that he hopes this is phase one of many phases and hopes to continue this road in the future. After discussion, Denise Lindsay made a motion, seconded by Bob Lindley, to approve the Concept Plan for the Pallets of Utah consisting of 4 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

Third, 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 Section 17 & 20, Township 10 North, Tax ID #10-050-0006. Mike Nichols stated that his mother-in-law, Kay Baliff, owns 204 acres that makes up three parcels formerly known as Sherwood Hills Golf Course. Mr. Nichols stated that the family would like to retain the property that the cell towers are located on. Mr. Nichols stated that parcel 10-050-0006 is 128 acres and they would like to split it into two parcels; one parcel is 125 acres and the other parcel being 3 acres. Mr. Nichols stated that the cell towers are two small buildings located on these 3 acres. They are antennas mounted on the side of the buildings. Mr. Nichols stated that they are very well hidden and have been there for decades. Mr. Nichols stated that the easements and the utilities have been in place for decades. Mayor Thomas G. Bailey stated that this is a public hearing and asked if there was any public comment. There was none.

At 6:33 p.m., the public hearing was closed.

Mayor Thomas G. Bailey asked if the City Council had any questions. Austin Wood asked if the access to the buildings is shared. City Manager Scott Wells stated that yes, the access is shared. Mr. Wells stated that the buildings are visually hidden, and that you have to look hard to see it. Denise Lindsay asked about sidewalks. Mr. Wells stated that this is a unique subdivision. There is no infrastructure and no utilities. Bob Lindley asked how many lots. Mr. Wells stated that they are splitting a 3-acre parcel off of the 128-acre parcel. This is the reason they are going through the subdivision process. Mr. Wood asked if the Planning Commission approved the Concept Plan. Mr. Wells stated that there is not much to approve. Mr. Wells stated that City Engineer Chris Breinholt has given it his stamp of approval. Mr. Lindley asked if splitting this 3-acre parcel allows Ms. Baliff to improve the infrastructure and add more buildings/cell towers. Mr. Wells asked if Mr. Lindley meant changing the footprint. Mr. Lindley stated yes. Mr. Wells stated yes, it does give Ms. Baliff to the ability to change it if she would like to. Mr. Lindley asked about the zoning. Mr. Wells stated that the property is zoned RCA, which is very restrictive. It is a non-buildable lot other than the commercial property that they have. After discussion, Bob Lindley made a motion, seconded by Austin Wood, to approve the Concept Plan for the Baliff Subdivision consisting of 2 lots total, located at approximately West half of Section 17 & 20, Township 10 North, Tax ID #10-050-0006.

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Austin Wood

NAY 0

Fourth, the City Council shall receive public input, then along with the recommendation from the Planning Commission, consider for possible approval a code amendment in Chapter 10.18.010 title Site Development Standards Established, and repeal open space requirements for commercial and industrial development.

At 6:40 p.m., Councilman Chad Poulsen arrived at the meeting.

City Manager Scott Wells stated that open space is required in all zones, including commercial and industrial. Mr. Wells stated that the concept of open space is good. In the commercial and industrial zones, because Wellsville City is restricted to how much commercial and industrial space there is, Wellsville City needs to capitalize on every bit they have. Mr. Wells stated that this code amendment is asking for 0% open space in the commercial and industrial areas in order to use the space as affectively as possible. Mayor Thomas G. Bailey stated that this is a public hearing and asked if there was any public input. Tracy Bodrero asked if Wellsville City is reducing the open space for the commercial and industrial areas; why not reduce the open space in the residential areas by 5%. Denise Lindsay asked what the percentage of open space in the residential areas is. Mr. Wells referred the City Council to the table that was provided in the packet. Bob Lindley thought that Wellsville City reduced the open space on the ½-acre lots. Mr. Wells stated that the home and outbuildings could not be more than 35% of the total lot. Mr. Wells stated that Wellsville City did modify that.

At 6:44 p.m., the public hearing closed.

Kaylene Ames asked if the commercial area could pay into a trails fund. City Manager Scott Wells stated that he would like to have a trail in open space. Wellsville City can encourage trails but cannot mandate trails. Denise Lindsay stated that open space is to preserve the rural atmosphere. Ms. Lindsay suggested a pay in lieu fund. Chad Poulsen asked what other regulations in the commercial and industrial area are there. Mr. Wells stated that there are landscape setbacks. Mr. Wells stated that the commercial and industrial areas give revenue to Wellsville City. The residential open space is for trails and parks. Ms. Lindsay stated that she is not willing to give up the open space. Mr. Poulsen stated that he agrees with Ms. Lindsay. Mr. Wells stated that if someone develops three acres in the commercial or industrial area, 40% of the property is required for open space. Mr. Wells asked how that open space in the commercial or industrial areas benefits Wellsville City. Mr. Wells stated that a parcel that is mixed-use with business in the front and residential in the back, may consider paying into a pay in lieu fund. Mr. Poulsen asked if commercial and industrial developments could help by obtaining open space that would benefit Wellsville City somewhere else. Mr. Wells stated that Wellsville City would have to be careful that it is not a taking. Austin Wood stated that he agrees with City Planner Jay Nielson on this issue requiring 0% open space in the commercial and industrial areas. Mr. Poulsen stated that the Planning Commission did not have much discussion and no problem with it. Mr. Poulsen stated that City Planner Jay Nielson thought it was a good idea and so the Planning Commission approved it. Mayor Thomas G. Bailey stated that commercial property is 100's of thousands of dollars per area and residential property is considerably cheaper. Mr. Wells stated that there are two properties in the commercial and industrial areas that are looking to develop. Other than that, the commercial area is tapped out for now. Mr. Wells stated that if the setbacks are reduced, the landscape is doubled which means double the trees and shrubs. Mr. Poulsen asked what the percentage for green space in the commercial and industrial areas is. Mr. Wells stated that he did not know. Mr. Wells stated that he would study it and come back with an answer to the next City Council meeting. Mayor Bailey stated that in the discussions with Mark Thompson, Wellsville City is requiring curb, gutter, and sidewalks, as well as shrubs and trees around the building. Mr. Wells stated that commercial and industrial areas must also deal with stormwater. Stormwater must go into a detention pond, which is considered open space. After discussion, Bob Lindley made a motion, seconded by Austin Wood, to adopt **CODE AMENDMENT 2020-02 AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, CHAPTER 10-35-030, OPEN SPACE, DEVELOPMENTS REQUIRING LAND SET ASIDES.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Sheriff Chad Jensen met with the City Council to discuss the 2020-2021 Law Enforcement Contract. Lt. Mike Bartchi gave a comparison by population of different cities in Cache Valley. Most full-time workers work 2,080 hours per year. Cache County Sheriff's Office removes training and vacation time, so they

calculate their full-time worker at 1,880 hours per year. In 2019, Logan City Police Department averaged one full-time officer (2,080 hours) to every 862 citizens. Smithfield City averaged one full-time officer (2,080 hours) to every 1,421 citizens. North Park averaged one full-time officer (2,080 hours) to every 1,911 citizens. Of the 1,145 hours contracted to Wellsville City by Cache County Sheriff's Office, they averaged .61 full-time officer (1,880 hours) to every 3,757 citizens. Sheriff Chad Jensen reviewed the contracts historically with Wellsville City. Sheriff Jensen stated that the Cache County Sheriff's Office provides more services than what is contracted for. Sheriff Jensen stated that they are trying to square up the hours contracted to the hours provided. Sheriff Jensen stated that there is a 20% increase in hours, from 1,145 hours to 1,374 hours, and a 20% increase in cost, \$59,941 to \$71,929. Mayor Thomas G. Bailey asked if there were any questions. Chad Poulsen stated that it is concerning looking at the graphs and charts that have been provided. Mr. Poulsen stated that the costs are going up and the revenues are going down. Mr. Poulsen stated that he is not in favor of quotas to help with costs at any time. Mr. Poulsen stated that he is constantly receiving complaints about people speeding in Wellsville City. Denise Lindsay stated that the numbers that she received from the courts are very different from Sheriff Jensen's numbers. Sheriff Jensen stated that he cannot verify the court side because he does not see the revenues. Mr. Poulsen asked what other cities are paying. Sheriff Jensen stated that every city's contract is different. Sheriff Jensen stated that he is not asking for the contract to be signed tonight. Sheriff Jensen stated that he came to answer any questions that Wellsville City may have. Mayor Bailey thanked Sheriff Jensen and the Cache County Sheriff's Office for all they do for Wellsville City.

Denise Lindsay asked if the contract could be negotiated. City Manager Scott Wells stated that he did not know if Wellsville City had a choice. Mr. Wells stated that tickets versus domestic disturbances or other calls for service does not help with revenues. Bob Lindley stated that if the amount of the contract is reduced, the contracted hours of service is reduced also. Mayor Thomas G. Bailey stated that this is for the safety of the citizens of Wellsville City. Mr. Lindley stated that becoming independent of the Cache County Sheriff's Office is very far out of reach at this point. After discussion, Bob Lindley made a motion, seconded by Kaylene Ames, to approve and sign the 2020-2021 Law Enforcement Contract.

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Trent Bailey met with the City Council to discuss and review the Wellsville City Sanitary Sewer Management Plan. Trent Bailey gave a brief overview of the Wellsville City Sanitary Sewer Management Plan. Mr. Bailey stated that the plan is in place for any major events at the sewer ponds. A grease trap is to prevent oil and grease from getting into the sewer. Businesses would pay either a contractor or Wellsville City from their sewer line to the trunk line. A quarterly report is given to the State of Utah. There is an inspection fee and a testing fee. Depending on how dirty the line is would depend on the fine. Mr. Bailey stated that as a city, Wellsville needs to come up with the dollar amount for fees and fines. Mr. Bailey stated that he has contacted Hyrum City, Nibley City, and Rural Water. Hyrum City charges \$30 for an inspection fee. City Manager Scott Wells asked if there is a testing fee or just a fine. Mr. Bailey stated that Hyrum City does a case-by-case basis. McDonald's is a national chain, so Hyrum City does not inspect them. Maverik and Burger King would be the same as McDonald's. Mr. Bailey stated that Wellsville City would need to meet with each business and review the plan. Mr. Wells asked if Wellsville City should not have a testing fee. Mr. Bailey suggested rolling the inspection fee and testing fee together. It would benefit Wellsville City to do that. A inspection fee and testing fee would help find the money to pay for the equipment. A camera would be needed. Mr. Bailey stated that if Wellsville City is going to test a business, there will most likely be a fine. Austin Wood asked what the cost is for a camera. Mr. Bailey stated that they start at \$500 and go up from there. Bob Lindley asked when national chains do their own testing, would Wellsville City have access to the records. Mr. Bailey stated yes because the report is due quarterly. Wellsville City can call on those records whenever they need them. Mr. Lindley asked if the state would agree to that. Mr. Bailey stated that he would have to check with rural water on that. Kaylene Ames asked if Wellsville City would be testing Sharp Transportation. Mr. Bailey stated that yes because they have a

grease trap. Other businesses would be Rockin' X Repair and Tom's Service Station. Mr. Wells asked if the fines are based on per pound. Mr. Bailey stated that it is not very specific. Mr. Wells stated that Wellsville City could mimic Hyrum City on the amount for fines. Mr. Bailey stated that Hyrum City is a little bigger than Wellsville City, but businesses are pretty much the same across the board. Mr. Wells asked that the City Council review the Wellsville City Sanitary Sewer Management Plan and a public hearing will be held at the next City Council meeting. Chad Poulsen suggested no fine, but pay for the incurred costs to Wellsville City. After discussion, Chad Poulsen made a motion, seconded by Bob Lindley, 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 continued to discuss updating or modifying the cemetery rules and regulations. Bob Lindley stated that he is still behind. Mr. Lindley stated that he has read a lot of information, and has now received more information from Tracy Bodrero. Mr. Lindley stated that he believes from the pictures in Mr. Bodrero's report, it is exactly what has been discussed at past City Council meetings. Mr. Lindley stated that shepherd hooks and decorations have become a problem and safety hazard. Austin Wood stated that he has done some research on cities in Utah. Mr. Wood stated that most cities require the shepherd hooks to touch the foundation cement or stone. Mr. Wood stated that a hole could be drilled in the foundation with individual permission from the sexton. Kaylene Ames stated that her concern is with dogs remaining the car and it already being part of the code. Ms. Ames asked if citizens could be fined. Mr. Lindley stated that the signs have been made and it was addressed in a code dated 1991. Ms. Ames asked if the code could be posted under the sign. City Manager Scott Wells stated that he can do whatever the City Council wants him to do. It was discussed having Kirt Lindley write the tickets. Mr. Wells stated that Kirt Lindley is very good at correcting behavior. Mr. Lindley stated that animals are not the issue. Mr. Lindley stated that a decision needs to be made concerning the shepherd hooks and decorations. Mr. Lindley stated that the code addresses some decorations, but not shepherd hooks. Ms. Ames asked if the pamphlet could address what is acceptable. Mr. Lindley stated that the cemetery maintenance workers and the budget person are against shepherd hooks because they are a safety hazard and mower repairs. Denise Lindsay stated that the City Council needs to understand that when the rules are made, people will be upset because this is a highly emotional issue. Mr. Wells stated that when the decision is made, and the city employees remove the shepherd hooks and decorations, the City Council needs to support the city employee's decision. Chad Poulsen stated that the code amendment needs to address holidays. After discussion, Bob Lindley made a motion, seconded by Chad Poulsen, to continue the discussion on this issue 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) Two different people have contacted her about individuals living in camp trailers next to a home – against code. Suggested reminder in the city newsletter and send a letter to those involved.

Kaylene Ames – 1) Tomorrow – drive-thru drop off for cans – Wellsville City Youth Council – 3:00 p.m. to 7:00 p.m. – donation to Wellsville EMS.

2) Miss Wellsville City pageant – May 1, 2021 – held in front of the Wellsville City Community Center – keeping a low profile.

- Bob Lindley – 1) Water has been turned off at the Wellsville Dam – major leaks.
2) Port-a-potty – believes it belongs to competitive soccer – put where Wellsville City wants it located or it will be removed from City property.
3) Speaker for Memorial Day – suggestions – Richard Maughan.

Austin Wood – 1) 200 West – citizen contacted him concerned about asphalt cracking – need to seal it – City Manager Scott Wells stated that 200 West needs to be removed from being a one-way street – need to pipe a section of the canal and a sidewalk installed.

City Manager/Recorder's Report:

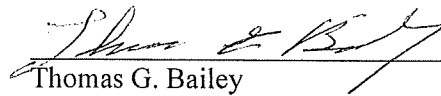
- Scott Wells – 1) Roads being evaluated by slurry company.
2) Trees at Wellsville Dam – Jeff Anderson will be here tomorrow – one dead tree north of the pavilion – use Mr. Anderson's suggestion for a replacement.
3) Voting will be by mail-in ballot only – contracted with Cache County.
4) Cameras – run a transmission system from the fire department to basin hill with a tower to transmit - also a run a transmission system from the basin hill to the cemetery (north side of the hay field).
5) Well study on the south end of Wellsville City.

At 9:13 p.m., Chad Poulsen made a motion, seconded by Bob Lindley, 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