

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, May 19, 2021**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Kaylene Ames and Denise Lindsay, Councilmen Chad Poulsen and Austin Wood. Also present were City Manager Scott Wells, City Planner Jay Nielson, and City Engineer Chris Breinholt. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on May 14, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Tracy Bodrero Jennifer Leishman Deb McBride
 Mason McBride Travis McBride Megan Petersen
 Aaron Walker

Opening Ceremony: Kaylene Ames

City Councilman Bob Lindley was excused from this meeting.

The Council reviewed the agenda. City Manager Scott Wells stated that agenda item 9, options for a radio tower on Basin Hill; and agenda item 13, updating cemetery rules and regulation, will be discussed at a future City Council meeting. **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the agenda with the correction.**

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the May 5, 2021 regular City Council meeting. **Austin Wood made a motion, seconded by Chad Poulsen, to approve the minutes of the May 5, 2021 regular City Council meeting as presented.**

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
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, **Chad Poulsen made a motion, seconded by Denise Lindsay, to approve the City's account payables bills for payment, represented by check number 25788 through 25820.**

<u>YEA 4</u>	<u>NAY 0</u>
Kaylene Ames	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

Mayor Thomas G. Bailey opened the meeting for citizen input. Aaron Walker met with the City Council to discuss agenda item 10, options for the sewer along 200 East. Tax Id. #10-028-0039. Mr. Walker hopes that the cost of infrastructure (other than an impact fee, hookup fee, and monthly payments) will not fall upon the citizens living on 200 East.

Beginning at 6:10 p.m., a public hearing was held for the City Council to receive public input, then along with the recommendation from Planning Commission consider for possible approval a code amendment

2021-03, in chapter 10-35-040 titled "Open Space Standards", and repeal ownership of open space 4. Type 4 "Individual Private Ownership within a Subdivision". Currently Type 4 open space allows open space to be held and maintained by individual property owners within the subdivision or development of land. Each property owner is required to maintain the open space as required by other types of ownership and shall be subject to enforcement action if the City finds that designated open space land has not been maintained and used as required by Chapter 10-34 and 10-35. Wellsville City's experience has been that Type 4 "Individual Private Ownership within a Subdivision" does not work. City Planner Jay Nielson stated that open space set asides at the back of homeowner lots have become problematic. Buyers, particularly second buyers, think they are buying the entire lot unencumbered. They often don't realize the open space set aside is restricted and cannot be developed. Attempts by the City to force owners to maintain open space has been very difficult. Mr. Nielson pointed out that another problem is that it fragments open space within the subdivision, often resulting in meaningless space, whereas it could be consolidated into a common area where the integrity of the open space remains, such as a park. Mayor Bailey stated that this was a public hearing and asked if there was any comment. Tracy Bodrero proposed holding off eliminating Type 4 open space. Mr. Bodrero said it would be helpful to know how many subdivisions, and how many lots within those subdivisions, are having trouble with open space easements. At 6:14 p.m., the public hearing was closed. **Chad Poulsen made a motion, seconded by Kaylene Ames, to close the public hearing.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Thomas G. Bailey then asked the City Council if they had any questions or comments. City Manager Scott Wells answered Mr. Bodrero's question, stating that the only subdivision that has Type 4 open space is Cooper Ridge. Out of nine total lots, two lots want to have the Type 4 open space ordinance repealed. Austin Wood ask if repealing Type 4 open space code helps property owners of Cooper Ridge. Mr. Wells answered that it does not change existing open space but the amendment will help avoid difficulties in future subdivisions. Cooper Ridge is only four to five years old and property owners are already trying to change the open space ordinance. Mr. Nielson stated that if Type 4 open space ownership is not repealed, developers will continue to choose that option because it allows them to sell larger lots. Chad Poulsen noted that the Planning Commission had passed the amendment and that existing properties within Type 4 open space ownership would then fall under the "legally existing non-conforming" provision of the city code. Denise Lindsay ask what open space options future subdivisions will have. Mr. Nielson answered that this amendment will leave three different types of ownership of open space: Type 1- "Offer of Dedication", Type 2- "Homeowners' Association (HOA)", and Type 3- "Transfer of Easements to Private Conservation Organization". Mr. Wood ask what size of developments require open space. Mr. Nielsen answered anything outside of the Residential Single Family area with 0.5 acre requires open space. Mr. Poulsen stated repealing Type 4 open space ownership will prevent problems down the road for the City and the property owners. Mr. Nielson gave the example of a resident building extensive landscaping such as a pool on the open space easement, and what an enforcement nightmare the city would then have on their hands. After discussion, **Chad Poulsen made a motion, seconded by Denise Lindsay, to approve Code Amendment 2021-03, in chapter 10-35-040 titled "Open Space Standards", and repeal ownership of open space, 4. Type 4 "Individual Private Ownership within a Subdivision".**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

The discussion moved on to agenda item 8b, in which the council would receive public input, then along with recommendation from Planning Commission consider for possible approval a code amendment 2021-04, in chapter 10-34 titled "Critical Lands" and repeal all reference of thirty percent (30%) slopes and replace with twenty percent (20%) slopes to stay consistent the Wellsville City code and

correct an error in the text. The current text disallows building and development on slopes greater than thirty percent (30%). The correct percentage of slope that disallows building and development are slopes greater than twenty percent (20%). City Planner Jay Nielson stated that thirty percent (30%) slopes have not been developed in the time that this error has been in the text.

Mayor Thomas G. Bailey stated that this is a public hearing and asked if there was any comment. There was none. At 6:29 p.m., the public hearing was closed. **Austin Wood made a motion, seconded by Chad Poulsen, to close the public hearing.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Mr. Nielson stated that the primary reason to disallow development on slopes greater than twenty percent (20%) is to preserve our foothills and the backdrop of Wellsville. After discussion, **Denise Lindsay made a motion, seconded by Austin Wood, to approve Code Amendment 2021-04, in chapter 10-34 titled "Critical Lands" and repeal all reference of thirty percent (30%) slopes and replace with twenty percent (20%) slopes to stay consistent the Wellsville City code and correct an error in the text.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

City Engineer Chris Breinholt met with the City Council to discuss the options for the sewer along 200 East, Tax ID #10-028-0039. City Manager Scott Wells handed out a plat map showing the area of 200 East 300 South. Mr. Breinholt acknowledged that a consensus was not reached at the last meeting. He stated he was there to address the City Council's concerns. He stated the area of 200 East has historically settled over time. He has no reason to believe that settling will stop in the near future. If the sewer line is installed, it may need to be reconstructed at a future date. Mr. Breinholt stated, and noted in the plat map, that "Section 8-3-8 C2 of the Wellsville City Code requires that "On any extension ('extension' means when an individual or entity requests to connect onto the existing sewer mainline, and continue to add additional footage to the sewer system), such individual or entity shall be required to extend the sewer mainline the entire frontage of the lot or the entire frontage of the subdivision" Mr. Breinholt's note continues "Since the sewer line must be extended for the lateral to be properly connected, the code requires that it be extended all the way across the frontage of the lot. In this case, however, I do not believe that it would be advantageous for the City to extend the sewer all the way to the other side of the lot due to potential settling issues in the roadway. The sewer line should be moved as far as possible away from the edge of the hill to within 10' from the waterline. I suggest allowing an exception to the code and only running the sewer line to the point shown on this drawing in red. This will allow the two homes on the north to connect while minimizing the City's potential exposure to settlement of the sewer line." Mr. Breinholt stated it wasn't possible to secure the base of the road. He will recommend future developments to the south go east to connect to a sewer mainline, rather than extend this sewer line. The risk is too high to extend the sewer line all the way across the frontage lot. No terrain survey has been performed on this area; this recommendation is made solely based on the historical evidence of settlement. Sewer cannot go on the opposite side of the waterline. Mayor Bailey stated it was unreasonable to ask residents to have the sewer line two feet from their front porch. Denise Lindsay asked for the thoughts of the residents along 200 East. 200 East resident Daniel Coleman was present at the meeting. Mr. Coleman stated he has gone over the options extensively for the last year and feels that the optimal solution would be use of septic tanks. He realizes that is not an option for the City. This alternative, to only run a small segment of the sewer line (placed as close to the waterline as possible), is the next best option. Mayor Bailey stated the City cannot eliminate all the risk, but this will eliminate as much risk as possible. Mr. Wells stated Mr. Breinholt will review Daniel Coleman's owner engineered plans. After discussion, **Denise Lindsay made**

a motion, seconded by Austin Wood, to allow an exception to Section 8-3-8 C2 of the Wellsville City Code requiring "Any extension, such individual or entity shall be required to extend the sewer mainline the entire frontage of the lot or the entire frontage of the subdivision." as per engineer reviewed plans by Daniel Coleman. Kaylene Ames and Chad Poulsen abstained.

YEA 3

Mayor Thomas G. Bailey
Denise Lindsay
Austin Wood

NAY 0

ABSTAIN 2

Kaylene Ames
Chad Poulsen

City Manager Scott Wells opened for discussion the proposed changes to City Code chapter 10-36-10 titled "Exterior Lighting." Individual property owners have a right to light their own properties. Property owners do not have the right to adversely illuminate other properties. Mr. Wells presented multiple images of invasive exterior residential lighting on behalf of Cortney Gittens, a property owner in Heritage Southwest Subdivision. Images were just one example of how exterior lighting by one property owner can adversely affect the right of privacy and enjoyment of another property owner. City Planner Jay Nielson pointed out that these proposed amendments to exterior lighting meet the needs of the whole community, not just the property shown as an example. LED lighting has already enhanced illumination, and lighting will continue to brighten as technology improves. Therefore, adversely lit neighboring properties will likely be an increasing problem. Complaints will be accepted from property owners adversely affected by lights from other properties. If the lights do not comply with the proposed amendments, enforcement action will be initiated. Mr. Nielson also stated these standards will apply to all existing and future property lighting. The property owner who is adversely illuminating another's property is not protected by the "legally existing non-conforming" provision because compliance can be achieved by simple economical methods. Tracy Bodrero asked if the proposed amendments applied to mobile lighting such as farm equipment. Mayor Thomas G. Bailey answered the amendment would apply to stationary lighting only. After discussion, **Chad Poulsen made a motion, seconded by Kaylene Ames, to continue this discussion at a future City Council meeting.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

The City Council discussed Resolution 2021-07, a resolution authorizing the appointment of temporary justice court judges. Justice Court Judge Terry Moore gave Wellsville City notice of resignation May 11, 2021 and resigned May 15, 2021. City Manager Scott Wells stated he has been in contact with Utah's Administrative Office of the Courts (AOC). Mr. Wells reported that in order for Wellsville City to appoint a new judge the position will need to be advertised, resumes collected, then applicants will go through selection process with the Mayor and City Council. Once the Mayor and City Council have selected an applicant, they send a recommendation to the AOC. It is then up to the AOC office to approve the new judge. The AOC process of hiring a judge can take anywhere from six weeks to six months. Wellsville Justice Court needs a temporary judge in the interim. This resolution authorizes the City to appoint a temporary judge. Mr. Wells stated that the resolution was drafted with help from the AOC, and enables the City to be as compliant as possible with the AOC under the given circumstances. Item number one under Resolution 2021-07 will read "1. The Wellsville City Council hereby appoints each individual to the position of temporary Wellsville City Justice Court Judge as of May 17, 2021 going forward." Mr. Wells noted it will be an open-ended resolution due to the uncertainty of date of hire. Utah Code Ann. 78A-7-208 allows for the appointment of any senior justice court judge or a justice court judge currently holding office within the judicial district or in an adjacent county. Wellsville City's prosecuting attorney Kelly Smith recommended Justice Court Judge Kevin L. Nelson as a temporary judge. Judge Nelson is the senior court judge for Mantua, Utah. After discussion, **Chad Poulsen made a motion, seconded by Denise Lindsay, to approve RESOLUTION 2021-07 authorizing the appointment of temporary justice court judges.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Before moving into the budget portion of the meeting, Mayor Thomas G. Bailey asked those in attendance if they had any questions or comments. Travis McBride, a property owner along 200 East, stated he is concerned that property owners will be billed for a possible sewer line extension. Mr. McBride stated he paid his hookup fees twenty years ago and the sewer has yet to reach his property. Meanwhile he has financed a new septic tank. Mr. McBride doesn't think it's fair to pass the expense onto the property owners. Mayor Bailey stated multiple options are being examined, none of which are definitive enough to mention. Unless an exception is made to the Code, property owners would be billed for the expense of extending the sewer line. The City is also exploring options for federal money for this extension. There were no other questions or comments.

City Manager Scott Wells discussed for possible approval the 2021/2022 tentative budgets for the General Fund, Capital Project Fund, Water Fund, Sewer Fund, and Storm Water Fund for all operating and capital budgets. Mayor Thomas G. Bailey pointed out that Mr. Wells sought input from each organization included in the budget, in addition to those on the City Council. Mr. Wells reviewed the full budget worksheet. Each fund balanced. Mr. Wells stated how blessed Wellsville has been during the COVID-19 pandemic. Many municipalities fared much worse than Wellsville. Following the review, Denise Lindsay asked if Founders' Day had been included in the budget. Mr. Wells affirmed it had. He added that the City is seeking grant money to continue displaying fireworks for the celebration. After discussion, **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the 2021/2022 tentative budget for the General Fund, Capital Projects Fund, Water Fund, Sewer Fund, and Storm Water Fund for all operating and capital budgets.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells opened the discussion regarding Wellsville City working with related parties. Mr. Well's brothers-in-law, Adam and Jordan Maughan would like the opportunity to bid on cement work and similar projects being done by Wellsville City. Mr. Wells stated he would separate himself from the bidding process, and make sure a member of the City Council or the Mayor steps in to ensure there is no conflict of interest. Wellsville City will provide proof of three bids and disclose whether or not Adam or Jordan Maughan won the bid. After discussion, **Chad Poulsen made a motion, seconded by Denise Lindsay, to approve Adam and Jordan Maughan bidding and working on Wellsville City projects.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells discussed the third quarter financial statement for February. After discussion, **Austin Wood made a motion, seconded by Chad Poulsen, to approve the third quarter financial statement for February.**

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Department Reports:

City Manager Scott Wells-

- 1) Educate citizens on water conservation measures. Wellsville City spring is flowing at 39% of what it was this time last year. Mr. Wells will compare this year to historical data for spring flow and will give residents strategies and directions on water conservation via newsletter, website, and social media.
- 2) The City will do its part to conserve water and set an example by reducing water to parks, ball fields, cemetery, etc. He plans to only operate the splash pad a few days a week and will work on a schedule for splash pad, list schedule in newsletter, and post a sign at the splash pad. Splash pad operation will also be conditional based on COVID-19 infection rates.
- 3) Potential water shortages were discussed, and concerns were raised about the feasibility of supplying addition water to the proposed Sherwood Hills development.

Denise Lindsay-

- 1) Has had inquiries regarding cemetery beautification prior to Memorial Day. New graves are scheduled to have sod planted 5/22/2021.
- 2) Cemetery cleanup will be help seven days after Memorial Day. This will be posted on the City website and City Facebook page, in addition to the signs at the cemetery.
- 3) Has had inquiries about the Founders' Day fireworks.
- 4) Two movies in the park have been planned by the Youth Council. First is scheduled for June 10, 2021.

Chad Poulsen-

- 1) Has had inquiries about the Founders' Day fireworks.
- 2) Expressed appreciation for the Arbor Day tree ceremony.

Mayor Thomas G. Bailey-

- 1) Expressed appreciation for the Wellsville City Princess Pageant.

Kaylene Ames-

- 1) Founders' Day will officially be held.
- 2) Founders' Day vendor booth prices:

Concession/food booth-	\$40.00
Merchandise booth-	\$30.00
Fundraiser booth-	\$20.00
Additional fee for booths requiring electricity-	\$10.00
- 3) Thanked those in attendance at Wellsville City Princess Pageant.
- 4) Expressed appreciation for the Arbor Day tree ceremony.
- 5) Wellsville City float parade participation begins June 5, 2021.
- 6) Application submitted for \$7,500.00 grant for Founders' Day fireworks. Application stressed having a specified date for event.
- 7) Declaration for City Council candidacy due June 1, 2021 through June 7, 2021.

Austin Wood-

- 1) LDS Stake cemetery cleanup scheduled for May 25, 2021, 7-9PM.
- 2) Explore use of JustServe app for service projects. May be difficult when facilitating large projects requiring tractors and other equipment.
- 3) Mr. Wood will get the new narration for the Sham Battle from Carl Leatham. Mr. Wood will also contact Kirt Lindley regarding the covered wagons and Rod Archibald for renegades

City Manager/Recorder's Report:

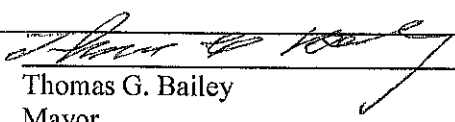
- 1) Jeff Young will present a proposal to construct a radio tower on the Basin Hill. Tower will ping internet and allow Wellsville to have a security system at a relatively inexpensive cost. Installation cost of \$30,000 will be paid by All Tech. After a certain number of years company will pay royalty fees to the City and will benefit as a revenue source. More information on this from Jeff Young in the future.
- 2) Green Waste – recycling information currently listed on five different signs will be combined onto one large 4'x4' sign. Green waste is picked up five days a week. Wellsville's green waste contamination is reported to be very minimal. Hopefully new signage and surveillance will continue to improve clean recycling.
- 3) Declaration for City Council candidacy will be June 1, 2021 through June 7, 2021, 9-5PM at the City Office.
- 4) Mr. Wells questioned the planned location of Founders' Day Sunday night Patriotic Meeting. Kaylene Ames reported plumbing to toilets and sinks are the Tabernacles next issue, but there is no way to know at this time if the Tabernacle will be ready. Austin Wood will find out when LDS church houses within the City will be open for public events as an alternative. City Manager Scott Wells also suggested the softball field as an alternative with rented bleachers seated under the outdoor lighting.

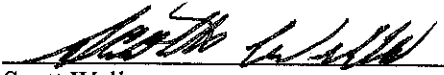
At 8:42 p.m., **Denise Lindsay made a motion, seconded by Austin Wood, to adjourn the meeting.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0


Thomas G. Bailey
Mayor


Scott Wells
City Manager