

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, June 02, 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. Also present were City Manager Scott Wells and City Planner Jay Nielson. 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 31, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Tracy Bodrero Paul Freed Cortney Gittens
 Taylor Gittens Taylor Mayer Megan Petersen

Opening Ceremony: Mayor Thomas G. Bailey

The Council reviewed the agenda. City Manager Scott Wells stated that agenda item 9, 'Options for a Wellsville City and All Tech radio tower on Basin Hill to control internet connections for security systems,' will be discussed at a future City Council meeting. **Bob Lindley made a motion, seconded by Austin Wood, to approve the agenda with the correction.**

<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 May 19, 2021 regular City Council meeting. There were word changes on line 109. **Kaylene Ames made a motion, seconded by Chad Poulsen, to approve the minutes of the May 19, 2021 regular City Council meeting with the correction.**

<u>YEA 5</u>	<u>NAY 0</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, **Austin Wood made a motion, seconded by Bob Lindley, to approve the City's account payables bills for payment, represented by check number 25827 through 25864.**

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

Mayor Thomas G. Bailey opened the meeting for citizen input. There was no citizen input.

Beginning at 6:10 p.m., a public hearing was held for the City Council to receive public input, along with the recommendation from Planning Commission to consider adopting the new City Code 2021-05, Title 10, "Land Use Regulations," Chapter 36, "Development Standards" Section 10, "Exterior Lighting." City Planner Jay Nielson noted several changes made to Code Amendment 2021-05, Title 10.36.100 paragraph E. Existing lighting on all properties. This previously read "Complaints will be accepted from property

owners adversely affected by lights from other properties.” Mr. Nielson added the word ‘written,’ which will alleviate a city employee acting as the recorder. Chad Poulsen recommended including property renters. This line will now read “*Written* complaints will be accepted from the property owners *and/or occupants* adversely affected by lights from other properties.” “Photographs depicting the detrimental lighting shall be included with the complaint. Complaints shall not be anonymous.” was also added to paragraph E. To determine an enforcement standard, Mr. Nielson also included “A complaint shall be determined valid if an unshielded source of the light can be seen from adjacent properties and if it is determined that it is reasonable to take enforcement action.” Mayor Bailey then asked for public comments. Cortney Gittens expressed gratitude for this ordinance and stated that this code amendment will be a protection and a great addition to the city of Wellsville. Taylor Mayer appreciates this ordinance and states that it will benefit many Wellsville City residents. Tracy Bodrero asked the Council if preexisting exterior lighting will be grandfathered into the Code or cast aside. Mr. Nielson answered that it will be cast aside and quoted paragraph E., “Properties that have installed exterior lighting prior to the adoption date of this code shall be considered non-conforming with lighting requirements of this title.” A property owner who is adversely illuminating another’s property is not protected by the “legally existing non-conforming” provision of this title. Simple, economical methods to achieve lighting compliance will be listed in the compliance letter sent to violators. **Bob Lindley made a motion, seconded by Chad Poulsen, to close the public hearing.** At 6:19 p.m., the public hearing was closed.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Thomas G. Bailey then asked the City Council if they had any questions or comments. Bob Lindley asked who determines if a complaint is valid. Mr. Nielson answered that he or a member of the City staff will draft the compliance letter. Denise Lindsay expressed concern regarding neighbors with unwarranted complaints. Mr. Nielson read this line from paragraph E. “A complaint shall be determined valid if an unshielded source of the light can be seen from adjacent properties and if it is *determined that it is reasonable to take enforcement action.*” He stated reasonableness is something the Council should help determine. Mayor Bailey expressed concern over complaints against lighting at the rodeo arena, ball diamonds and tennis courts. Mr. Nielson said that ‘rodeo arena’ should be added to paragraph C. 4. “Lights used only to light athletic courts when all reasonable measures have been taken to minimize lighting of surrounding properties. Such lighting shall not operate later than 10 PM. All other luminaires surrounding an athletic complex are not exempt.” After discussion, **Bob Lindley made a motion, seconded by Chad Poulsen, to adopt Code Amendment 2021-05, Title 10, “Land Use Regulations,” Chapter 36, “Development Standards,” Section 10, “Exterior Lighting,” with the changes discussed on record to improve it.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Paul Freed met with the City Council to discuss having a “cash in lieu” option for open space within the Creekside Meadows subdivision. The proposed subdivision has 18 one-acre lots with a total of 23 acres. According to the City Code, forty percent of the total acreage must remain open space. Mr. Freed noted recent Code Amendment 2021-03, in chapter 10-35-040 titled “Open Space Standards”, a repeal of ownership of open space, 4. Type 4 “Individual Private Ownership within a Subdivision”. Mr. Freed instead proposed an in lieu open space substitution, particularly a cash in lieu substitution. He proposed

having the open space appraised by Kim Probst (who was suggested by City Manager Scott Wells) at Mr. Freed's expense. Based on that appraisal, Mr. Freed would then purchase the allotted open space from the City. The City would then use that revenue to acquire equal to, or greater, open space at a location of their choosing. According to Section 10-35-6 C. 1. "The City may, at its sole discretion, accept cash in lieu of open space requirements where such funds can be more effectively used to acquire land at a more appropriate or significant location... Cash in lieu payments shall not be accepted until a qualified appraisal, authorized by the City at the cost of the applicant, identifying the value of the original land for which the in-lieu substitution is proposed, based on the use that will be permitted if the open space requirement is removed, and for which cash in lieu shall be offered. The City shall be obligated to use in lieu funds for uses identified in Section 10-35-5... and shall diligently pursue purchase of the land for this purpose to prevent erosion of purchasing power." A cash in lieu open space substitution would allow Mr. Freed to increase his profits by selling one acre lots entirely unencumbered. Mayor Thomas G. Bailey stated that the City has allowed cash in lieu open space substitutions before, specifically in the Sterling Ridge subdivision. Chad Poulsen emphasized it may be difficult to find open space equal to, or greater than, Creekside Meadows in a highly competitive real-estate market. Denise Lindsay questioned if Creekside Meadows was a viable place for an open space recreation area according to the Parks and Recreation Master Plan. City Planner Jay Nielson mentioned that Mr. Freed had the option to proceed with Type 4 "Individual Private Ownership within a Subdivision" under the "legally existing non-conforming" provision of the Code and that an incentive should be made to proceed with a cash in lieu substitution. After discussion, **Denise Lindsay made a motion, seconded by Austin Wood, to allow Mr. Freed to explore options for having a cash in lieu substitution for open space in the Creekside Meadow subdivision.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council then discussed for approval Resolution 2021-08, an interlocal agreement between Cache County and Wellsville City for the administration of 2021 Municipal Elections. This is an updated version. Cache County provided a cost breakdown table and election cost estimate for Wellsville City. City Manager Scott Wells stated the City budgeted \$12,000 for the election, but Cache County's estimate is \$9,465.30. The City's final invoice amount will be based on actual costs regardless of the County's estimate. The projected cost estimate assumes a 30% voter turnout for Wellsville City. Denise Lindsay expressed hope that mail-in voting will improve voter participation. After discussion, **Chad Poulsen made a motion, seconded by Bob Lindley, to approve Resolution 2021-08, an interlocal agreement between Cache County and Wellsville City for the administration of 2021 Municipal Elections.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells discussed the third quarter financial statement for March. Mr. Wells stated the City is in good shape and is headed in the right direction. After discussion, **Denise Lindsay made a motion, seconded by Chad Poulsen, to accept the third quarter financial statement for March.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Department Reports:

Mayor Thomas G. Bailey-

- 1) Expressed appreciation for all those who worked hard to make the Memorial Day program a great event.

Denise Lindsay-

- 1) Residents have expressed concerns regarding the 400 North street project. Residents are worried construction will not be completed before winter due to starting so late in the year. The City is still in the process of obtaining permits. The construction crew has a 60-90 day window to complete construction once it has begun.
- 2) The City Office has received many complements from residents on how beautiful the cemetery was for Memorial Day.
- 3) Wellsville City webpage verifies that the Founders' Day celebration is being held this year. Founders' Day vendor application is available on the webpage.

Chad Poulsen-

- 1) Expressed appreciation for the great Memorial Day program.
- 2) Expressed appreciation for all those who contributed to the cemetery clean up night.
- 3) Has had many inquiries regarding water restrictions. Discussion amongst the Council answered that the City Newsletter will ask all utilities customers watering their lawns to do so on designated days of the week based on house number. The Newsletter also suggests how to prioritize watering during the drought. The splash pad will operate under limited hours- 10:30 a.m. to 3:30 p.m., Monday through Saturday. Hours may be reduced as drought persists.
- 4) Voiced concern that City well pumps may be overworked throughout the summer. Is the City prepared in the event a pump breaks down? City Manager Scott Wells answered that two wells are maintained at all times. Due to elevation gain, wells cannot pump past 900 South. Zone 1 (900 South to the mouth of Sardine Canyon) relies on water from the spring. Greatest restrictions will be on Zone 1 due to well water inaccessibility. Wellsville City spring is flowing at 39% of what it was this time last year. City wells are recovering appropriately at this time.

Kaylene Ames-

- 1) Ash tree bark is shedding due to lack of water. Needs additional watering.
- 2) Inquired about projectile shooting within city limits. Projectile shooting is restricted to police and animal control officers only.
- 3) Expressed appreciation for how beautiful the cemetery looked over Memorial Day.
- 4) 'No dogs allowed' signs to be placed at the cemetery this week.

Bob Lindley-

- 1) 'No dogs allowed' signs to be placed at the cemetery this week.
- 2) Expressed appreciation to all those who helped beautify the cemetery and those who participated in the Memorial Day program.
- 3) Maintenance of park restrooms needs improvement.
- 4) Youth fishing derby to be held June 12, 2021 from 8:00 a.m. to 10:15 a.m.
- 5) Working on an updated policy for shepherd hooks at the cemetery.

Austin Wood-

- 1) Verified LDS Stake Center will be available to accommodate city residents for the Founders' Day patriotic program.
- 2) Has had inquiries regarding water consumption and the splash pad.
- 3) Questions regarding citizen use of City properties. Much of the City's property is rented and cultivated by local farmers and is not available for public use. Wellsville City acquires additional land as needed.

City Manager/Recorder's Report:

- 1) Wellsville City Youth Council will be removing all Memorial Day flowers and decorations June 9, 2021 at 9:00 a.m. Shepherds hooks will not be removed. A dumpster will be brought in for disposal of flowers and other items.

2) Asked the City Council to consider changing the Wellsville Dam campground limit from 10 days to 4-5 days, to be followed by a 30-day restriction to discourage squatting. He would also like to implement a QR code campsite sign-in and payment system. This will give the city a better way to verify payments and enforce camping regulations.

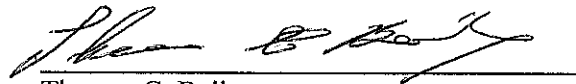
3) Water restrictions will be reevaluated throughout the summer.

At 7:44 p.m., **Bob Lindley made a motion, seconded by Chad Poulsen, to adjourn the meeting.**

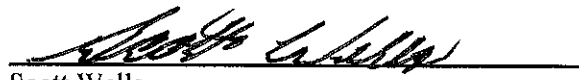
YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood



Thomas G. Bailey
Mayor



Scott Wells
City Manager