

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, September 15, 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 Planner Jay Nielson and City Manager Scott Wells. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on September 14, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:	Glenn Ames	Tracy Bodrero	Chris Hardy
	Christian Hardy	Emily Hardy	Holly Hardy
	Ryan Lamoreaux	Mason McBride	Kurt Petersen
	Megan Petersen	Art Smith	Jennifer Stuart
	Shelby Rouse	William Rouse	Linda Wursten

Opening Ceremony: Austin Wood

The Council reviewed the agenda. "11. Review & discuss the approval process for the RPD zone" was added. **Austin Wood made a motion, seconded by Bob Lindley, to approve the agenda with the corrections.**

<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 September 01, 2021 regular City Council meeting. **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the minutes of the September 01, 2021 regular City Council meeting as presented.**

<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. Kaylene Ames paid for The Flower Shoppe expense of \$167.31. Ms. Ames previously emailed City Manager Scott Wells an invoice. Mr. Wells will shred check number 26195 from Wellsville City to The Flower Shoppe. Denise Lindsay asked if any accounting documentation was received from Broken Heart Rodeo for the \$3,500.00 expense. Mayor Thomas G. Bailey stated Evan Bankhead includes it in the rodeo books. Ms. Lindsay recommended documenting and reconciling that expense. Mayor Bailey, Mr. Wells, Ms. Lindsay, and the Rodeo Club will meet to complete documentation. After review and discussion, **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the City's account payables bills for payment, represented by check number 26181 through 26221 with the modification for check number 26195 written to The Flower Shoppe.**

<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. At 6:10 p.m., citizen input was closed.

Austin Wood presented the final plan for the Laree Brown Subdivision consisting of three lots total, located at approximately 290 East 300 South, Tax Id. #10-016-0010. Mr. Wood addressed City Engineer Chris Breinholt's notes on the final plat regarding address allocation, setback details, and property markers. The notes also detailed that a vicinity map and existing fences should be displayed, as well as a utility company signature box that includes Rocky Mountain Power. Mr. Wood asked for approval to move forward and stated he will continue to meet the rules and regulations within the code as well as Mr. Breinholt's corrections. **Bob Lindley made a motion, seconded by Kaylene Ames, to approve the final plan for the Laree Brown Subdivision consisting of three lots total located at approximately 290 East 300 South, Tax Id. #10-016-0010.**

YEA 4

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

NAY 0

ABSTAIN 1

Austin Wood

Holly Hardy met with the City Council to discuss options for amending Wellsville City Ordinance 10-36-15: Fences and Walls, fencing in the front yard of homes specifically. The ordinance reads "*2. For all Residential zoning districts, fences, and walls shall be a maximum of three feet (3') tall within the front setback.*" Ms. Hardy stated she was not aware of the three-foot frontage height restriction prior to her recent four-foot frontage fence installation. She stated she did not intend to break city code and hopes to have the ordinance amended. She noted her fence is a three-rail fence rather than a privacy fence. Ms. Hardy has reviewed the fencing ordinances of our neighboring cities. She reported Hyrum City has no height restrictions. Providence City distinguishes fencing requirements into solid privacy fencing or vision-permitting fencing. Permits are not required for fencing shorter than six-feet. Paradise City's ordinance reads "*Fences within a front yard setback shall not exceed four-feet in height.*" Paradise does not distinguish between solid privacy fencing or vision-permitting fencing. However, lots larger than two-acres (with frontage longer than 200-feet) located in a residential district are excluded from the regulation. The Hardy's property is three-acres. Chris Hardy stated they did not want fencing which lacked visual appeal or looked unusual. He displayed images of several homes within Wellsville City with three-rail frontage fencing taller than the allowed three-feet. He stated he believes the fences are beautiful and do not obstruct vision or create safety issues. According to the Hardy's fencing contractor, the standard height of three-rail fences is four to five-feet. The Hardy's displayed images of their completed three-rail frontage fencing and stated they are very happy with the result and believe the fence adds great character to the city. Ms. Hardy proposed the Council consider increasing the minimum frontage fencing height requirement; if not for all frontage fencing, at least for vision-permitting fencing.

City Planner Jay Nielson stated that the Ordinance 10-36-15: Fences and Walls should be reviewed, possibly reevaluated, and improved. The Planning Commission would then recommend revisions to the City Council. He commended the Hardy's for their presentation. Mayor Bailey stated he prefers the aesthetics of three-rail fencing to two-rail fencing. Chad Poulsen stated he doesn't want to see privacy frontage fencing higher than three-feet due to safety concerns. Denise Lindsay agreed. Mr. Poulsen will present the proposed amendment to the Planning Commission. He suggested the Hardy's also give their presentation to the Planning Commission. **Chad Poulsen made a motion, seconded by Bob Lindley, to send Ordinance 10-36-15 to the Planning Commission for review and possible amendment.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Glenn Ames met with the Council to discuss options for the Sherwood Hills property. Mr. Ames said he is a resident of Wellsville as well as a member of the Cache Trails Alliance board. He stated concern regarding the protection of Wellsville's Leatham Springs. He also said he hopes to preserve the pristine mountain open space for generations to come. He listed existing benefits of the recreational area, including trails systems for hiking and biking, and as an additional access point to the Wellsville Mountain range. Mr. Ames then listed proposed benefits which included an expanded trail system, day sites for picnics and family gatherings, campsites, the existing amphitheater, and frisbee golf. Mr. Ames named committed and potential partners to Wellsville City including Cache Trails Alliance, Cache County, Bear River Land Conservancy, US Forest Service, Stokes Nature Center, and Common Ground. Mr. Ames hopes a private-public partnership can be formed to preserve the area. Denise Lindsay praised Mr. Ames' ideas; however, she stated the difficulty in implementing these ideas due to the fact that Wellsville City does not own this property, rather it is privately owned. If the proposed Bridle Path Estates development falls through, Mayor Thomas G. Bailey hopes these private groups can join together for federal funding to preserve this area as open space. He also suggested Mr. Ames send his ideas to the developer and property owner. City Planner Jay Nielson said the Bear River Land Conservancy would make great allies.

The Council then reviewed and discussed the approval process for the Recreational Planned Development (RPD) zone. City Planner Jay Nielson discussed the three administrative approvals; Subdivision, Design Review, and Recreational Planned Development (RPD) which run in parallel one with another. The concept plan for the proposed Bridle Path Estates Subdivision has been completed. The preliminary plan will require Subdivision permit approval by the Planning Commission. The preliminary Design Review also requires approval by the Planning Commission, which completes the Design Review. The preliminary RPD permit requires recommendation by the Planning Commission, and approval by the City Council. Mr. Nielson stressed that the Council has a say in preliminary plan approval. The final plan requires Subdivision and RPD permits to be recommended by the Planning Commission and approved by the City Council. Bob Lindley clarified that the RPD permit does not require a public hearing. Denise Lindsay said the more public input the better. Mr. Nielson noted that the state code does not require any public hearings for Subdivision permits due to Subdivision permits being an administrative decision based on city code. Mayor Bailey said Subdivision public hearings were a decision made years ago to help Wellsville City be as open and transparent as possible. Mr. Lindley asked for clarification regarding findings for denial. Mr. Nielson emphasized to deny an administrative decision the Commission must have a "finding," *'a compelling countervailing public interest.'* *"A compelling countervailing public interest is a serious problem that calls for immediate amendments to zoning ordinances."* Mr. Nielson suggested if the Council decides to deny a proposal, they vote to continue the discussion, then have their findings for denial written up by the city attorney. **Bob Lindley made a motion, seconded by Chad Poulsen, to continue the discussion about the approval process for the Recreational Planned Development (RPD) zone.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

City Planner Jay Nielson opened the discussion to review a new code to allow mixed use property projects smaller than 20-acres, allowing mixed residential and commercial uses in commercial development. Mixed-use projects are a combination of residential and commercial (retail) development. Mr. Nielson said that there is no way to proceed with mixed-use projects under 20-acres within the current city code. The proposal reads *"Specific Plan is required for small undeveloped areas of the City and areas proposed for redevelopment of land areas less than twenty (20) acres. The Specific Plan designation is an overlay zone that applies to any land determined to need a specific plan to ensure better planning of multiple property parcels and/or mixed-use projects."* Mr. Nielson stated that a Specific Plan for an area of the city is initiated and funded by the property owner(s). *"Initiation of a Specific Plan must be authorized by the City Council with a recommendation by the Planning Commission. Upon authorization by the city, through council action, the owner/developer may produce the Specific Plan as described in 10-54-8-4."* Mr. Nielson pointed out this allows the city to collaborate with the developer in planning the development. The

City Council authorizes the plan to be created and approves the plan upfront. It is a legislative decision for the Council as they make the code for that particular project. Denise Lindsay asked for an example of a mixed-use Specific Plan. Mr. Nielson gave an example of a large acreage project near the Logan-Cache Airport that has yet to be developed. The Specific Plan allows for amendments as revisions arise, rather than starting over with rezoning. Approval requirements are not as extensive as those for large acreage Specific Plans, in order to incentivize these projects which are beneficial to the city. Mr. Nielson also noted that small mixed-use projects are much more likely in Wellsville City than large mixed-use projects. Mayor Bailey stated concern regarding a mixed-use Specific Plan failing and its failure being blamed on the city. Mr. Nielson recommended annexing property with zoning as it is, then changing the zoning as the Specific Plan is approved. **Chad Poulsen made a motion, seconded by Denise Lindsay, to send the Specific Plan for twenty-acres or less to the Planning Commission for their approval.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Planner Jay Nielson then opened the discussion about authorizing South Cache Development to prepare a Specific Plan for their development, Tax Id. #11-087-0008. Mayor Thomas G. Bailey stated the Specific Plan for twenty-acres or less must first be approved by the Planning Commission. Bob Lindley agreed. **Bob Lindley made a motion, seconded by Chad Poulsen, to continue the discussion for South Cache Development to prepare a Specific Plan for their development, Tax Id #11-087-0008.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Chad Poulsen opened the discussion for concept, preliminary, and final subdivision approvals along with the public hearing process, Ordinance 11-3-2, 11-3-3 & 11-3-5. Mr. Poulsen listed the concerns of the Planning Commission. First, is a public hearing at the concept level adequate since very few details are presented at that level? Should public input be held for the preliminary level where more details are apparent? Next, should approvals for each level be given by the Planning Commission or City Council? Mr. Poulsen believes the Planning Commission is comfortable giving approvals for small subdivisions. However, they were not comfortable authorizing concept approval for a subdivision as vast as Bridle Path Estates. Mr. Poulsen also said the Commission believes matters of public controversy should be determined by elected officials. Mayor Thomas G. Bailey reminded the Council that the city had minor and major subdivisions written into the code in the past. Previous Council members chose to move away from that. Mr. Poulsen worries two sets of rules depending on the size of the subdivision would become too convoluted. City Manager Scott Wells noted that questions from the public regarding actual zoning requirements are rare. He stated most conversations within public hearings are about water, sewer, parking, sidewalks, and infrastructure that are associated with preliminary approval. He suggested combining concept and preliminary approvals at the same meeting along with a public hearing. City Planner Jay Nielson's concern is that developers would still want to discuss the concept level items with the Commission and Council prior to investing in a preliminary plan. Austin Wood asked Mr. Nielson how he has seen other cities most efficiently proceed with Subdivision approvals. Mr. Nielson said the most efficient subdivision permit approval procedures remain with the Planning Commission and do not involve the City Council. Mayor Bailey suggested the concept level public hearing be held with the Planning Commission and the preliminary level public hearing be held with the City Council. Denise Lindsay suggested returning to major and minor subdivision code requirements. Austin Wood asked what happens when there is public clamor with a minor subdivision. Ms. Lindsay suggesting sending a minor subdivision Request with public clamor to the City Council. Mr. Nielson emphasized the Planning Commission *cannot*

deny a subdivision request *if* it meets city code. Mayor Bailey stated it was his understanding that the Planning Commission was created to be experts on the ordinances and codes regarding subdivisions. Ms. Lindsay reminded the Council of Ms. Hardy's request to amend the code for frontage fencing height earlier that meeting. She said existing codes should be improved and amended as needed by elected officials. Mayor Bailey said the City Council can place additional terms on developers to safeguard against certain conditions in addition to strictly meeting code. He said public clamor should come to the City Council. Mr. Nielson said public clamor at Commission meetings should not be transferred to the Council. The Council can review public input in the meeting's minutes, and Mr. Poulsen can also share that input with the Council. The Commission should not allow public clamor or personal opinions to influence their decisions. Mr. Poulsen recommended changing approvals back to how they were, with concept level public hearings at Planning Commission, and preliminary level public hearings at City Council. Bob Lindley believes the city will be opening itself up for more problems with major and minor subdivision requirements. Mr. Poulsen summarized the Council's suggestion to take to the Planning Commission: a public meeting is held with the Planning Commission for the concept level, with a recommendation to the City Council. The City Council then holds a public hearing at concept level and makes an approval. A public meeting is held with the Planning Commission for the preliminary level, with a recommendation to the City Council. The City Council then holds a public hearing at preliminary level and makes an approval. **Mr. Poulsen made a motion, seconded by Bob Lindley, to take the potential changes to Ordinance 11-3-2, 11-3-3, and 11-3-5 and present them to the Planning Commission.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Thomas G. Bailey then opened the discussion to publicly change the Master Annexation Policy from Code Amendment 2021-15 to Code Amendment 2021-07. **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve and publicly change the Master Annexation Policy from Code Amendment 2021-15 to Code Amendment 2021-07.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The Council then continued the discussion about water restrictions with culinary and secondary water for Wellsville City and the resident notification process. City Manager Scott Wells announced water is being taken out of the canal this week. He is concerned about the amount of culinary water which will now be used as irrigation water. He hopes cooling temperatures will reduce water usage. Bob Lindley suggested leaving water restrictions in place until the end of October. Mr. Wells suggested flyers or text messages to be sent out to citizens if culinary water levels drop considerably or if they are watering outside of their scheduled watering period. **Bob Lindley made a motion, seconded by Austin Wood, to continue the discussion regarding water restrictions with culinary and secondary water for Wellsville City and the resident notification process.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells discussed the fourth quarter financial report for May 2021. He assured the Mayor and Council that Wellsville City is in good financial standing. After discussion, **Denise Lindsay made a motion, seconded by Bob Lindley, to approve the fourth quarter financial report for May 2021.**

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 helped with the Founders' Day celebration. He thought the Sham Battle was a great success. The Wellsville Stampede Rodeo had its largest ever attendance.
- 2) Mayor Bailey thanked all those who participated in the September 11th Day of Service.
- 3) Mayor Bailey thanked Kaylene Ames for all her efforts with the Historic Tabernacle and stated how clean and nice the building looked.

Denise Lindsay-

- 1) Mamie Hammer is stepping down as Youth Council Advisor at the end of the year. Ms. Lindsay will add a note to the City Newsletter announcing the need for a new Youth Council Advisor.
- 2) Paula Murray will continue to sew a quilt for the Founders' Day Quilt Drawing. However, she no longer wants to sit at the booth and sell raffle tickets on Founders' Day.
- 3) Ms. Lindsay suggested organizing another Float Committee. Wellsville City would then have a Royalty Float and a City Float. The old float trailer is no longer functional.
- 4) The Founders' Day Family Dance had poor attendance. She hopes they can reschedule the dance next year, so it isn't competing with the Stampede Rodeo.
- 5) Ms. Lindsay heard many requests for a Founders' Day fireworks show.

Chad Poulsen-

- 1) Expressed appreciation for all those who helped with the Founders' Day celebration.
- 2) Clarified the schedule for the Utah League of Cities and Towns seminar.
- 3) Followed up on the CARES Act Coronavirus Relief fund. Half of the fund has already been received. Mr. Poulsen recommended using future CARES Act funding for air packs for the fire department.
- 4) Mr. Poulsen heard many requests for a Founders' Day fireworks show.

Kaylene Ames-

- 1) A beetle infestation killed a tree on LDS church property near the Historic Tabernacle. Ms. Ames is meeting with a tree care expert to check another tree south of the Historic Tabernacle for beetles. City Manager Scott Wells asked Ms. Ames to also have the pine trees at the cemetery examined.
- 2) Expressed appreciation for all those who helped with the Founders' Day celebration.
- 3) Reported the expenses owed to the city by the Wellsville Foundation and presented a check for that amount.
- 4) Ms. Ames stated the members of the Wellsville Youth Council were very helpful at the Founders' Day carnival.
- 5) Food vendors had a great turnout on Founders' Day.
- 6) Ms. Ames was very pleased with the large attendance at the Historic Tabernacle for the Quilt Show.
- 7) The newest Founders' Day activity, Bingo, was a huge success and very fun.
- 8) The Miss Wellsville Pageant will be held October 23, 2021 for 18 to 24-year-olds. Miss Wellsville and Miss Outstanding Teen will compete again in February 2022. Participants do not have to be Wellsville City residents, nevertheless they agree to represent Wellsville City.

Bob Lindley-

1) A flag football league (in conjunction with Nibley City) is playing under the lights of the Wellsville ball diamond in the evenings. Mr. Lindley stated many kids from Wellsville are participating and he believes its great opportunity for kids to get out and enjoy themselves.

Austin Wood-

- 1) Expressed appreciation for all those who helped with the Founders' Day celebration.
- 2) Thanked all those who participated in the September 11th Day of Service. Rain the evening of September 10th prohibited refurbishing the Mountain Man Monument. Mr. Wood has the cleaning supplies and will clean the monument on a sunny day.
- 3) The Stake Center Pioneer Monument was determined to be too weather cracked to risk cleaning.

City Manager/Recorder's Report:

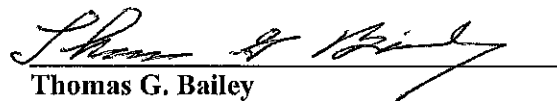
- 1) Would like to make Founders' Day a floating holiday for city employees.
- 2) A public works employee tested positive for COVID-19. The employee will be out of work for fourteen-days.
- 3) The Fire Department siren was sounded on September 11th to signify the first tower, second tower, Flight 93, and the 343 firefighters who lost their lives. Wellsville City will continue to commemorate days of remembrance or moments of silence for mourning periods. City residents will be notified in the future that the siren will be sounded and for what reason. Mr. Wells hopes it will be a way to bond Wellsville residents together and mourn with those who mourn.
- 4) Mr. Wells discussed options for leasing programs for city trucks and equipment. Bancorp leasing programs are available for vehicles to purchase under state contracts with municipal discounts. Cities sell leased vehicles the next year and break even or even earn money in accrued value. Bancorp told Mr. Wells resale values of vehicles generally accrue \$3000-\$6000 in a year. Mr. Wells stated many local municipalities use this leasing method. He also stated if no major repair bills were accrued with the old vehicles, that budgeted money could be used for yearly leasing payments. Bob Lindley recommended Mr. Wells giving the Council a printed copy of Bancorp's literature to review and pursue that avenue. Council members can then address any questions or concerns with Mr. Wells.
- 5) Discussed closing the City Office for three days to allow Denise Lindsay to attend the Utah League of Cities and Towns seminar. The City Manager and City Treasurer will be out of town on those days, leaving the office very short staffed.

At 8:51 p.m., **Bob Lindley made a motion, seconded by Chad Poulsen, 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