

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, November 03, 2021**, at the Wellsville City Offices at 75 East Main. City officials present were Councilwoman Kaylene Ames; Councilmen Bob Lindley, Chad Poulsen, and Austin Wood. Also present was 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 November 01, 2021. Councilwoman Kaylene Ames was the acting pro tempore in Mayor Thomas G. Bailey's absence. The meeting was called to order at 6:00 p.m. by Mayor pro tempore Kaylene Ames.

Others Present:	Chris Clark	Paul Clark	Traeton Clark
	Russell Glenn	Deb McBride	Megan Petersen
	Clark Rigby	Taggart Rigby	Kamee Summers
	Kassi Summers	McCoy Summers	Rob Summers
	Linda Wursten		

Opening Ceremony: Kaylene Ames

Mayor Thomas G. Bailey, Councilwoman Denise Lindsay, and City Planner Jay Nielson were excused from this meeting.

The Council reviewed the agenda. **Bob Lindley made a motion, seconded by Chad Poulsen, to approve the agenda as presented.**

<u>YEA 3</u>	<u>NAY 0</u>
Bob Lindley	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the October 20, 2021 regular City Council meeting. Chad Poulsen requested additional time to review the minutes. **Chad Poulsen made a motion, seconded by Austin Wood, to continue the discussion regarding approving the minutes of the October 20, 2021 regular City Council meeting.**

<u>YEA 3</u>	<u>NAY 0</u>
Bob Lindley	
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 26338 through 26369.**

<u>YEA 3</u>	<u>NAY 0</u>
Bob Lindley	
Chad Poulsen	
Austin Wood	

At 6:08 p.m., Mayor pro tempore Kaylene Ames opened the meeting for citizen input. Chairman Chris Clark addressed the City Council (in a nonofficial capacity) regarding side yard and backyard setbacks for accessory buildings taller than twelve-feet. City Manager Scott Wells stated current City Code requires buildings with heights taller than twelve-feet to have side yard setbacks equal to the building's wall height plus half the gable height. Mr. Clark intends to build a shed behind his home with a fourteen-foot shed door and a twelve-foot lean to large enough to house a camper trailer. Mr. Clark stated that according to City Code his planned shed would require a fourteen and a half-foot two-sided setback from his property line. Given the two setbacks, Mr. Clark's shed would sit on top of his septic system and leach field. The shed

would also sit so far in the middle of his property that shed access would be limited by his house. Mr. Clark stated he plans to abide by the City Code but hopes to have the setback code amended. Chad Poulsen reminded the Council these side yard stipulations were decided upon earlier this year. He pointed out backyard sheds have grown over time from time from Tuff style storage sheds to huge sheds built to house large camper trailers and RVs. He stated setbacks were determined to provide safeguards to properties adjoining large accessory buildings. Mr. Wells noted that twenty five-foot accessory buildings are the largest allowed accessory building within city limits, and even twenty five-feet is becoming a tighter fit as camper trailers and RV's increase in size. Mr. Wells will add this discussion to the agenda for future Planning Commission and City Council meetings.

At 6:15 p.m., citizen input was closed.

Beginning at 6:16 p.m., the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval an ordinance amending **Title 11: Subdivision Regulations; 11-3-2: Concept Plan, 11-3-3: Preliminary Plan, and 11-3-5: Final Subdivision Plat** to change the process for reviewing subdivisions in Planning Commission and City Council meetings for Wellsville City. City Manager Scott Wells reminded the Council this topic has been evaluated in detail at prior meetings. He reviewed the **concept plan** consists of a recommendation made to the City Council by the Planning Commission, and a public hearing along with an approval or denial made by the City Council. Amendments for the **preliminary plan** consist of a recommendation made to the City Council by the Planning Commission, and a public hearing along with an approval or denial made by the City Council. The **final plan** consists of a recommendation made to the City Council by the Planning Commission, with an approval or denial made by the City Council *without* a public hearing.

At 6:17 p.m., Mayor pro tempore Kaylene Ames opened the public hearing.

Deb McBride asked what the process for reviewing subdivisions currently is and what this proposed amendment is changing. Mr. Wells answered that there are six meetings required for approval of a subdivision. A concept plan review, first held by the Planning Commission then forwarded to the City Council. Then a preliminary plan review, first held by the Commission then forwarded to the Council. Then a final plan review, first held by the Commission then forwarded to the Council. Currently public hearings are held at the first and second meeting, the concept plan reviews by the Commission and the Council. Mr. Wells explained concept level does not address infrastructure concerns which compose the majority of resident's concerns. The proposed amendment moves the public hearings to the second and fourth meetings; concept level review with the Council, and preliminary review with the Council. Resident's questions are most likely to be answered at the fourth meeting; the preliminary review with the Council. Mr. Wells pointed out that State Code doesn't require any public hearings for subdivision approval. He stated the Wellsville City Council and Commission values public hearings and want the residents to have a voice. **At 6:22 p.m., Chad Poulsen made a motion, seconded by Austin Wood to close the public hearing.**

YEA 3

Bob Lindley
Chad Poulsen
Austin Wood

NAY 0

Chad Poulsen pointed out City Planner Jay Nielson's addition to **11-3-5: Final Subdivision Plat, A. 9. Critical lands and Open Space delineated boldly on the face of the Plat** which reads, "*Any sensitive or critical land, or open space that is required to be set-aside by any part of Title 10 Land Use Regulation or Title 11 Subdivision Regulations shall be represented on the plat map with bold graphic texture to ensure that lands set-aside can be clearly seen and read after multiple reproductions.*" Mr. Poulsen stated he believes this is a good addition. He reported the amendment was recommended by the Planning Commission. **Chad Poulsen made a motion, seconded by Bob Lindley, with the recommendation from the Planning Commission to approve the ordinance amending Title 11: Subdivision Regulations; 11-3-2: Concept Plan, 11-3-3: Preliminary Plan, and 11-3-5: Final Subdivision Plat to change the process for reviewing subdivisions in Planning Commission and City Council meetings for Wellsville City.**

YEA 3
Bob Lindley
Chad Poulsen
Austin Wood

NAY 0

For the next agenda item, the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval an ordinance amending **Title 10 Chapter 44-2: Fences and Walls** in the Wellsville City Code.

At 6:25 p.m., Mayor pro tempore Kaylene Ames opened the public hearing.

Linda Wursten expressed concerns regarding fencing along corner lots. Ms. Wursten has an eight-foot wood fence on the east side of her property abutting the sidewalk. She also has a six-foot wood fence on the north side of her property abutting the sidewalk. She stated these fences allow her property privacy and pet protection. According to this amendment side yard fencing which is six-feet tall must have a twelve-foot setback. Ms. Wursten stated a twelve-foot setback would require cutting down her apple orchard. She also disagreed with City Planner Jay Nielson statements from previous meetings that six-foot tall fencing along sidewalks creates a tunnel effect. She also believes chain link fencing in the front yard which is prohibited by City Code can look nice and can leave a yard feeling bigger and more open. Ms. Wursten also asked for further clarification on sight distance triangles. She stated she is very concerned regarding the lack of a sight distance triangle at Main and Center Street on Sundays when cars are parked along the roadway lining the LDS Stake Center. **At 6:31 p.m., Austin Wood made a motion, seconded by Bob Lindley to close the public hearing.**

YEA 3
Bob Lindley
Chad Poulsen
Austin Wood

NAY 0

Chad Poulsen reported the Planning Commission recommended approval of the proposed amendment. Mayor pro tempore Ames pointed out Main and Center Street are owned by the State rather than the City. City Manager Scott Wells stated he will be meeting with UDOT soon and will forward the Main and Center Street sight distance triangle matter to them. The Council agreed to continue prohibiting chain link fencing in front yards for aesthetics. Mr. Poulsen said he feels a twelve-foot setback for a six-foot side yard fence is too extreme and a loss of usable yard for residents. Mayor pro tempore Ames asked Ms. Wursten about her line of site pulling out of her driveway with the six-foot fence along the sidewalk. Ms. Wursten answered she proceeds slowly and says she has a good line of sight. Austin Wood stressed this amendment applies to the City as a whole, and that tall fences along sidewalks will obstruct visibility in other areas and endanger residents. Mr. Wells informed Ms. Wursten that her fences will be considered *legally existing non-conforming* since they were constructed long before this amendment was proposed. Ms. Wursten asked if the existing wood fence was replaced with new fencing if it would still be considered *legally existing non-conforming*. Mr. Wells replied it will remain *legally existing non-conforming* as long as the new fence remains in the same footprint. He explained this ordinance does not ask existing homeowners to change their fencing but will act as rules-to-live-by as the City moves forward. Mr. Poulsen repeated his opinion that twelve-foot side yard setbacks are too excessive. He stated he doesn't know what the distance of the setback should be but would like to further assess it. Mr. Lindley stated he approves of twelve-foot fencing setbacks and pointed out the lack of visibility when backing out a twenty-two-foot Suburban onto City streets. He also brought up the increasing trend of angling homes to face the corner, on corner lots, and asked how to determine frontage versus side yard. The Council agreed that was a valid question. Mr. Wood asked if a twelve-foot setback was unique to Wellsville City and would like to explore that further. Mayor pro tempore Ames stated large setbacks are often left unkept by homeowners. Mr. Lindley said the City can't control upkeep, only line of sight. **Bob Lindley made a motion, seconded by Austin Wood, to continue the discussion regarding an ordinance amending Title 10 Chapter 44-2: Fences and Walls in the Wellsville City Code.**

YEA 3
Bob Lindley
Chad Poulsen
Austin Wood

NAY 0

Clark Rigby presented the final plan for the 10 West Subdivision consisting of two lots total, located at approximately 10 West 400 North, Tax Id. #11-079-0017. Mr. Rigby stated City Engineer Chris Breinholt's notes have been met including: a callout as "Point of Beginning;" existing structures and distances to property lines; irrigation ditch with required statement; and "*Construction within utility easements shall be limited to utilities and wood, wire or removable section type fencing.*" Payment into the sidewalk fund will be met prior to the mylar plat. Clark Rigby declared the boundary line change between the two existing homes taken care of and complete. Chad Poulsen noted the utility easement needs to be shown around both lots on the final plat. Mr. Rigby will make that change. **Chad Poulsen made a motion, seconded by Austin Wood, to approve final plan for the 10 West Subdivision consisting of two lots total, located at approximately 10 West 400 North, Tax Id. #11-079-0017 with the correction of the utility easement.**

YEA 3
Bob Lindley
Chad Poulsen
Austin Wood

NAY 0

Rob Summers presented the preliminary plan for the Summers/Hall Subdivision consisting of two lots total located at approximately 309 North Center, Tax Id. #11-079-0013. City Engineer Chris Breinholt's notes on the preliminary plat address an incorrect coordinate callout; showing existing water and sewer service laterals for the existing home; and a necessary City Council discussion and decision for sidewalk that best fits the needs of the City. One hundred sixty-five feet of sidewalk would need to be funded by the City sidewalk fund in order to connect sidewalks from the Summer-Hall Subdivision to the Wild Plum Subdivision. This option would involve the interruption of a rock retaining wall at an adjoining property. Mr. Wells pointed out 165-feet is easier to fund rather than funding a full 660-feet on the south side of 300 North. Mr. Summers ask for the Council's opinion on sidewalk. He proposed placing sidewalk on Lot 2, and paying *in lieu* to the sidewalk fund for Lot 1. Sidewalk on Lot 1 would require removal of tree which Mr. Summers stated has sentimental value. Bob Lindley said he hates to see one section of sidewalk constructed that doesn't connect to any other sidewalk. City Manager Scott Wells agreed, sidewalk should be constructed on both lots or a *fee in lieu* paid for both lots. Chad Lindley noted the utility easement needs to be shown on the plan. Following the discussion, **Austin Wood made a motion, seconded by Chad Poulsen, to approve the preliminary plan for the Summers-Hall Subdivision consisting of two lots total located at approximately 309 North Center, Tax Id. #11-079-0013 with a fee paid *in lieu* to the sidewalk fund for both lots.**

YEA 3
Bob Lindley
Chad Poulsen
Austin Wood

NAY 0

Jerry Cokely was not present; therefore, City Manager Scott Wells relayed his request to allow the Marine Corp. League to use the Wellsville City Council room the third Thursday of each month for monthly meetings free of charge. Mr. Cokely understands that the Marine Corp. League will need to reschedule if that date conflicts with a scheduled paying rental. **Bob Lindley made a motion, seconded by Chad Poulsen, to approve allowing the Marine Corp. League to use the Wellsville City Council room the third Thursday of each month for monthly meetings free of charge.**

YEA 3
Bob Lindley
Chad Poulsen
Austin Wood

NAY 0

City Manager Scott Wells opened the discussion regarding options for purchasing two dump trucks and sanders to replace the current City dump trucks. Mr. Wells proposed purchasing two 2013 Mack Hook Lift trucks from South Salt Lake City with 90,000 miles each. Each truck comes with a sander and blade. Mr. Wells explained the Mac trucks have bobtail single axles which will allow much better maneuverability, which the public works employees are excited about. The hook lift allows the dump bed to be changed to the sander in ten minutes, which is a three-hour process with the current dump trucks. Mr. Wells has spoken with the auditor and stated the Class B&C road fund account has adequate funding to purchase the Mac trucks. Bob Lindley asked what Mr. Wells expects the longevity of the Mac trucks to be. Mr. Wells estimated ten to fifteen years. Chad Poulsen and Austin Wood suggested having the Mac trucks evaluated by a licensed mechanic. **Austin Wood made a motion, seconded by Bob Lindley, to approve purchasing two dump trucks and sanders with Class B&C road funds with the understanding that the trucks are to be evaluated by a professional.**

YEA 3

NAY 0

Bob Lindley
Chad Poulsen
Austin Wood

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

YEA 3

NAY 0

Bob Lindley
Chad Poulsen
Austin Wood

Department Reports:

Chad Poulsen-

1) No business or concerns at this time.

Kaylene Ames-

1) No business or concerns at this time.

Bob Lindley-

1) Has begun working towards applying for RAPZ tax funding.

Austin Wood-

1) No business or concerns at this time.

City Manager/Recorder's Report:

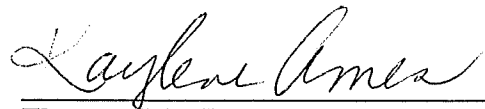
1) No business or concerns at this time.

At 7:51 p.m., **Bob Lindley made a motion, seconded by Chad Poulsen, to adjourn the meeting.**

YEA 3

NAY 0

Bob Lindley
Chad Poulsen
Austin Wood

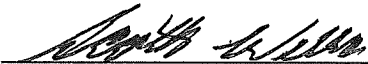


~~Thomas G. Bailey~~

Mayor

Kaylene Ames

Pro Tem



Scott Wells

City Manager