

MINUTES of the regular **City Council** meeting of Wellsville City held **January 18, 2023**, 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. City Manager Scott Wells was also present. A copy of the Notice and Agenda were mailed to the Mayor and Councilmembers and emailed and faxed to the Herald Journal on January 13, 2023. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

City Planner Jay Nielson was excused from this meeting.

Others Present:	Megan Petersen	Dalin Price	Jeremy Price
	Diane Roundy	Gary Saxton	Art Smith
	Linda Wursten		

Opening Ceremony: Councilwoman Kaylene Ames

The Council reviewed the agenda. *Item 10, "Terry White- Discuss waiving or reducing Ruth Ann Roberts' utility bill for the time she has been in a nursing home and not residing in Wellsville."* will be discussed at a future council meeting. **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to approve the agenda with the change.**

<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 December 21, 2022, regular City Council meeting. **Councilwoman Kaylene Ames made a motion, seconded by Councilwoman Denise Lindsay, to approve the minutes of the December 21, 2022, regular City Council meeting.**

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
Kaylene Ames		Chad Poulsen
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, **Councilwoman Denise Lindsay made a motion, seconded by Councilman Chad Poulsen, to approve the City's accounts payable bills for payment, represented by check number 27581 through 27861.**

<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, **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to approve the City's accounts payable bills for payment, represented by check number 27898 through 27935.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

At 6:10 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Diane Roundy asked the Council to consider changing the public hearing format. She suggested citizen input be moved to towards the end of a public hearing rather than the beginning. Ms. Roundy said she would like the opportunity to comment and ask questions after the Planning Commission and City Council have detailed the proposals. Mayor Bailey thanked Ms. Roundy for her input. At 6:12 p.m., citizen input was closed.

Next, the Commission shall receive public input, then consider recommending approval of **Resolution 2023-01** to the City Council, an amendment to **Title 11 "Subdivision Regulations," Chapter 5 "Requirements for Improvements, Reservations & Design," Section 9 "Utilities;"** to only require public utility easements (PUE) on the front of properties. Mayor Thomas G. Bailey presented the proposed ordinance amendment. Current Wellsville City regulations require utility easements along all property lines of a lot. The city has found that easements along the side and rear property lines are no longer practical nor useful in most circumstances. He explained that PUE's require a ten-foot-wide utility access easement. Building is restricted within those easements. Mayor Bailey explained that those restrictions are particularly frustrating to property owners if those PUE's are unused. City Manager Scott Wells pointed out that the *city engineer* will deem when utility easements are required along the side and rear property lines. Councilwoman Denise Lindsay clarified that *"1. A ten (10) foot wide utility access easement shall be required for municipal and private utilities, within the front yard setback, running along the entire length of the front property line,"* applies to both frontages of a corner lot. Councilman Chad Poulsen stated that 'front yard setback' is defined as the street frontages of a corner lot within city code. City Manager Wells gave an example of a property owner unable to build a shed in a certain location on their property due to the ten-foot utility access easement for unused PUE's. He noted residents are generally understanding regarding easement restrictions for PUE's which are in use. Their frustration manifests when there are restricted easements for PUE's not in use. City Manager Wells reminded the Commission that PUE's are recorded on plats. Councilman Bob Lindley noted yard fencing within PUE's have caused complications in the past.

At 6:16 p.m., Mayor Bailey opened the public hearing. Diane Roundy voiced support for the proposed ordinance amendment. She stated she strongly believes in reinstating property rights for homeowners.

Art Smith asked the Council if the proposed ordinance amendment will allow established PUE's to be relieved in the future. Councilwoman Lindsay stated that established PUE's will be grandfathered into city code. City Manager Wells stated that the city will not reverse PUE's which are already recorded on plats.

At 6:18 p.m., **Councilman Bob Lindley made a motion, seconded by Councilwoman Denise Lindsay, to close the public hearing.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Councilman Lindley verified that the proposed amendment only alters Subdivision Regulations and applies to new building only. City Manager Wells affirmed. Councilman Poulsen asked how the proposal will affect Wellsville City's secondary irrigation system. City Manager Wells replied that the existing irrigation system already has dedicated easements which will remain dedicated. The proposed pressurized irrigation system is designed to run through Wellsville City rights-of-ways and will be stubbed along frontages.

Mayor Bailey said pressurized secondary water lines will follow existing ditches where possible. City Manager Wells noted that pressurized systems are less dependent on gravity and will be able to flow through city rights-of-ways more easily than the current system. **Councilman Austin Wood made a motion, seconded by Councilman Bob Lindley, to approve Resolution 2023-01, an amendment to Title 11 "Subdivision Regulations," Chapter 5 "Requirements for Improvements, Reservations & Design," Section 9 "Utilities;" to only require public utility easements (PUE) on the front of properties.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Dalin Price met with the Council to request a **Business License** to operate "Big D's BBQ," out of the property located at approximately 6621 South Hwy 89/91 (Tax Id. #10-048-0005). Mr. Price shared that "Big D's BBQ" is a mobile food service. No food will be sold from this property. The proposed home occupation will entail parking of his mobile food trailer along with food preparation. Mr. Price shared that employees of "Big D's BBQ" will meet the trailer at events and will not be traveling to or from this property. The property will have no signage. Councilman Bob Lindley asked what the Bear River Health Department requires of the proposed mobile food service. Mr. Price answered that the Health Department requires him to have a commercial kitchen despite all of his food preparation taking place in the trailer. The trailer is currently parked along the east side of the home. Commissioner Chad Poulsen shared City Planner Jay Nielson's comment from the previous Planning Commission meeting that the east side of the home is considered the property's frontage due to its visibility and access from Highway 89/91. City code disallows trailer parking in front yards. Highway 89/91's 150-foot setback begins at the property line. Parking of the trailer and construction of a proposed shed should be outside of the 150-foot setback. Mayor Thomas G. Bailey asked if Mr. Price understands that the trailer needs to be moved. Mr. Price answered yes and stated he will move snow to relocate the trailer. Councilwoman Denise Lindsay invited Mr. Price to attend Wellsville City's Food Truck Friday events. **Councilman Chad Poulsen made a motion, seconded by Councilwoman Denise Lindsay, to approve a request from Dalin Price for a Business License to operate "Big D's BBQ," out of the property located at approximately 6621 South Hwy 89/91 (Tax Id. #10-048-0005).**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council discussed assignments for the Mayor and City Council for 2023. The following are the proposed 2023 assignments:

Mayor Thomas G. Bailey: Fire Department, Irrigation, Sewer, Sunday Night Meeting, Parade.

Kaylene Ames: Founders' Day Chairperson, Wellsville Scholarship Pageant, Beautification Committee, City Float.

Bob Lindley: Parks & Recreation, Cemetery, Environmental, Storm Water.

Denise Lindsay: Sidewalks, Webpage, Cache County City Booth, Youth Council.

Chad Poulsen: Planning & Zoning, Law Enforcement, Animal Control.

Austin Wood: Emergency Plan & CERT Training, Culinary Water, First Responders, Roads.

The following are the proposed 2023 Founders' Day assignments:

Mayor Thomas G. Bailey: Parade, Rodeo, Patriotic Program, Draft Horse Pull/Team Roping, Rodeo Flag Ceremony, Mt. Sterling Stampede.

Kaylene Ames: Chairperson, Community Breakfast, Amusement Rides, Music in the Park.
Bob Lindley: Tennis Tournament, Golf Tournament, Softball Games.
Denise Lindsay: Quilt Drawing, Dutch Oven Meal, Family Dance.
Chad Poulsen: Founders' Day Flag Ceremony, Watermelon Bust, Fun Run.
Austin Wood: Sham Battle, Vendor Booths, The Cannon.
History Committee: Cemetery Tour, Historical Speaker.

Councilwoman Kaylene Ames reminded the Council that the Family Dance is no longer a Founders' Day event. She suggested Councilwoman Denise Lindsay oversee the Founders' Day Fireworks Display in place of the Family Dance. Councilwoman Lindsay and the remaining Council agreed. **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to accept the City Council and Founders' Day assignments for 2023.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council discussed who should serve as Mayor Pro Tempore 2023 for Wellsville City. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Chad Poulsen, that Councilman Bob Lindley serve as the Mayor Pro Tempore 2023 for Wellsville City.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells discussed the first quarter financial report for October 2022. He reported to the Mayor and Council that Wellsville City is in good financial standing. After discussion, **Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to approve the first quarter financial report for October 2022.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Department Reports:

Denise Lindsay-

1) Councilwoman Denise Lindsay referenced a letter emailed to the Mayor and City Council from a concerned citizen regarding a city newsletter which included a notice for the "First Annual Wellsville Community Connections Conference." The notice reads, *"Wellsville Utah Stake of The Church of Jesus Christ of Latter-Day Saints Presents the First Annual Wellsville Community Connections Conference; Featured Guests: Harry & Debra Bonner; Workshops – Dinner – Entertainment; When: Saturday, February 25th, 2023, 4:00 – 9:00 pm; Where: 30 South Center, Wellsville (Stake Center); For: Individuals and couples, ages 18 and up; Why: To Improve Connections to Family, Friends, and Christ; Watch for more information on our service project for CAPSA; For More Information and to Register, Visit: WellsvilleStake.org."* The resident wrote that the "Connections Conference" notice in the city newsletter had an inappropriate lack of separation of church and state. As stated in the newsletter the "Connections

Conference" is for all members of the community ages 18-years and older. The Council noted the driving force of the "Connections Conference" is the Church of Jesus Christ of Latter-day Saints. The community event will be located at the largest venue in Wellsville City, the Stake Center owned by the Church of Jesus Christ of Latter-day Saints. The Council considered creating space on the backside of the newsletter for community announcements. The Council discussed the joint Wellsville City and Church of Jesus Christ of Latter-day Saint LDS Church Emergency Preparedness Plan for the Wellsville City Fire District. Councilwoman Lindsay and Councilman Chad Poulsen agreed they would have approved establishment of an emergency preparedness plan headed by a religious denomination regardless of the religion. Councilwoman Lindsay stated that she never intended to cause offense by including the "Connections Conference" notice in the newsletter nor show preference to any particular religious institution. She told the Council she will personally respond to the concerned citizen. Councilman Austin Wood and Councilwoman Kaylene Ames expressed support for dedicated space in the newsletter for community announcements. Councilwoman Ames shared that multiple citizens were concerned about the lack of separation of church and state in the "Connections Conference" notice and that the author had acted as a spokesperson. Councilman Wood stated he believes the author was singularly upset with the lack of separation of church and state, not the service project as a whole. He said he doubts the author would object to the many hours of service that members of The Church of Jesus Christ of Latter-day Saints donate to Wellsville City through the Memorial Day cemetery cleanup, the September 11th Day of Service, or the upcoming "Connections Conference". City Manager Scott Wells and Mayor Thomas G. Bailey stressed that the proposed community announcement section must be reserved for charitable causes and be beneficial for the citizens of Wellsville City. The Mayor, City Manager Wells, and Council agreed their goal is to be sensitive to the necessary separation of church and state and be inclusive to all members of the community.

Chad Poulsen-

1) City attorneys are reviewing Bridle Path Estate developer's offer to finance water metering above and below Leatham Springs in order to determine the level of water loss down the four-mile stretch of Wellsville Canyon. Jones & Associates Consulting Engineers have determined six to seven valves/meter lids/lines down the canyon which may be losing water. City Manager Scott Wells reported that Wellsville City's municipal system has an unexplained 30 percent loss from its water system. The State average water loss from a municipal system is 10 percent or less. Councilman Chad Poulsen pointed out the Natural Resources Conservation Service (NRCS) provides grant money for water metering. Mayor Thomas G. Bailey informed the Council of new technology which allows a meter to sit outside the line and sensor flow through a hole drilled into the pipe, rather than cutting the line. Mayor Bailey also noted that meter funding approval through the NRCS would take several years. City Manager Wells emphasized that the city attorneys are reviewing the offer to ensure Bridle Path Estates would be donating the meters to Wellsville City of their own free will and without expectation of received any advantages from the city. The attorneys are also working to ensure that the meters' data will belong solely to Wellsville City. The Council asserted water is too precious of a resource to lose.

Kaylene Ames-

1) A concerned citizen has asked to have the city newsletter remind residents to clean up after their dogs. Councilwoman Kaylene Ames stated she would like to pursue placing several dog waste stations throughout the city.

2) Councilwoman Kaylene Ames asked to be included on the next City Council meeting agenda to propose changes to the Miss Wellsville Pageant and city float.

3) The Council discussed Wellsville City RAPZ tax requests for a basketball court and additional trails.

4) The Wellsville City Foundation will be submitting RAPZ tax and Certified Local Government (CLG) applications for the tabernacle.

Bob Lindley-

1) Baseball signups will be included in the February city newsletter.

2) Councilman Bob Lindley asked the Council for Memorial Day speaker recommendations.

Austin Wood-

1) Councilman Austin Wood asked City Manager Scott Wells if Leatham Spring's flow has increased given

the current snowpack. City Manager Wells answered that Leatham Spring's flow rate hasn't increased and typically does not increase until March when the snowpack begins to melt.

2) Attorneys have finished the land contract for purchase of property (Tax Id. #10-039-0004) for the proposed new well site. The geologist will soon turn in his report to the State which will then allow the city to bid out the project.

City Manager/Recorder's Report:

1) City Manager Scott Wells continued the discussion regarding Diane Roundy's request to move citizen input toward the end of a public hearing rather than at the beginning. He explained how Wellsville City conducts public hearings. First, the applicant presents their request. Then the public hearing is held for citizen comment. Lastly, the Planning Commission or City Council discusses the proposal and votes. Ms. Roundy expressed frustration with the "absurd" questions asked by the City Planner and Planning Commission concerning the parking of Dalin Price's food trailer given the home's frontage along Highway 89/91 and the 150-foot highway setback (6621 South Hwy 89/91, Tax Id. #10-048-0005). Ms. Roundy stated she would have spoken in Mr. Price's favor had she been given the opportunity, but the public hearing had already been closed. She asked if she could make special requests to reserve her public input until after the Commission or Council have thoroughly discussed the proposal. City Manager Wells suggested the Planning Commission and City Council have deeper dialog with the applicant prior to the public hearing. Mayor Thomas G. Bailey explained that public hearings have been structured to give the Planning Commission and City Council as much information as possible to allow them to make educated decisions. City Manager Wells pointed out that law dictates that public comment should not be allowed outside of a public hearing. He repeated that the Planning Commission and City Council should have deeper dialog with the applicant prior to the public hearing to resolve or spur the public's questions. Mayor Bailey emphasized that the Commission and Council need to hear from the applicant and the public prior to determining their ruling. Ms. Roundy asked if the public hearing could be reopened. Mayor Bailey responded that if no new information is presented, it is not productive to rehash the same discussion a second time. The Council will give Ms. Roundy's suggestion further consideration.

2) City Manager Scott Wells met with Cache County today regarding Jed Clark's "redneck waterslides" (Tax Id. #10-015-0015) in an effort to bring the business into compliance with Wellsville City. The Clarks are pursuing categorizing the redneck waterslides as agritourism. City Manager Wells told the Council that agritourism is not included in city code and ask them to give it additional thought. Mr. Clark has operated without a business license for 18-years. The Council agreed a business license cannot be granted until Mr. Clark has a legal access to the corn maze and remainder of the property. City Manager Wells stated Mr. Clark has a viable business which people enjoy and hopes that the business will become compliant with Wellsville City code. Mayor Thomas G. Bailey mentioned the fire marshal's concern regarding the potential fire hazard the straw bale stacks create near the corn maze. Cache County made it clear that the property must become compliant prior to reopening the corn maze this fall.

3) City Manager Scott Wells shared that snowplows must push snow from curb to curb throughout Wellsville City. Street trees in Red Slide and Heritage Southwest Subdivisions have been trimmed back to prevent damage to snowplows. Residents have expressed unhappiness with the tree trimmings.

4) City snow removal has gone smoothly.

5) City Manager Scott Wells told the Council that the public works employees are repairing potholes. He asked the Council to make him aware of areas within the city where potholes need to be addressed.

6) Additional lighting and security surveillance have been installed inside and outside the city office as well as outside the fire department.

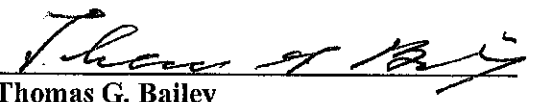
7) Snow will be shoveled around the Tabernacle for an individual's required community service hours.

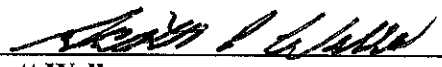
At 7:53 p.m., Councilman Bob Lindley made a motion, seconded by Councilman Chad Poulsen, to adjourn the meeting.

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0


Thomas G. Bailey
Mayor


Scott Wells
City Manager