

MINUTES of the regular **City Council** meeting of Wellsville City held **April 19, 2023**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey; Councilwoman Kaylene Ames; Councilmen Bob Lindley, Chad Poulsen and Austin Wood. City Planner Jay Nielson and City Manager Scott Wells were 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 April 17, 2023. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilwoman Denise Lindsay arrived at 6:55 p.m.

Others Present:	Glenn Ames	Margaret Bosworth	Fred Brasfield
	Jane Brasfield	Jed Clark	Mike Haynie
	Penny Haynie	Darwin Hill	Cindy Maughan
	Deb McBride	Megan Petersen	Gary Saxton
	Scott Tew	Gina Thompson	Mark Thompson
	Deborah Van Noy	Jon Wright	Merilyn Wright
	Linda Wursten		

Opening Ceremony: Councilwoman Kaylene Ames

The Council reviewed the agenda. Item 11, "*Deborah Van Noy- Present Utah Ag Land Trust,*" was added. **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to approve the agenda with the addition.**

YEA 3

NAY 0

Kaylene Ames
Chad Poulsen
Austin Wood

The Council reviewed the minutes of the March 15, 2023, regular City Council meeting. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Austin Wood, to approve the minutes of the March 15, 2023, regular City Council meeting.**

YEA 3

NAY 0

Kaylene Ames
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 Chad Poulsen, to approve the city's accounts payable bills for payment, represented by check number 28116 through 28148.**

YEA 3

NAY 0

Kaylene Ames
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 Chad Poulsen made a motion, seconded by Councilman Austin Wood, to approve the city's accounts payable bills for payment, represented by check number 28165 through 28203.**

At 6:09 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Marilyn Wright asked if Wellsville City has an organized plan for dealing with snowmelt which will soon flow down the canyons. Ms. Wright shared she lives at the mouth of Shumway Canyon where past runoffs have torn up the Brush Pile Road. She is concerned redirecting runoff from the road through the fields will cause flooding for the thirty homes below them. Mayor Bailey explained that Shumway Canyon is outside Wellsville City limits and recommended Ms. Wright contact Will Lusk, the Cache County Emergency Manager. Mayor Bailey reported Wellsville City has been working in conjunction with Mr. Lusk to prepare for the upcoming runoff. City Manager Scott Wells stated that the City has provided residents with nearly 5,000 sandbags. Cement barricades and 500 sandbags are filled and ready to divert water. An additional 7,000 empty sandbags remain in the public works building which can be loaded in the event of an emergency. He recognized it is difficult to predict the location and volume of runoff given the exceptional snowpack. Since the ground is no longer frozen, City Manager Wells explained runoff is likely to be debris filled and muddy. Councilman Austin Wood provided Mr. Lusk's contact information.

Mark Thompson addressed the fluorescent dye testing (approved by the Council at the March 15, 2023 meeting) which will be utilized to determine ground water movement and potential contamination of the aquifer at Leatham Springs. Leatham Springs, much of which is used for the public water supply, is located on the east flank of the Wellsville Mountains at the head of Wellsville Canyon, about four miles southwest of the community of Wellsville. Mr. Thompson explained that his three wells at the mouth of the canyon are the nearest in proximity to Leatham Springs. He volunteered to allow placement of charcoal detectors in each well to monitor fluorescein levels. Mayor Thomas G. Bailey agreed and reported that USGS researcher Larry Spangler expects Mr. Thompson's wells will be valuable additional detection sites. Mayor Bailey estimated dye testing will begin in June.

At 6:18 p.m., citizen input was closed.

Beginning at 6:19 p.m., the Council shall receive public input, then along with the recommendation from the Planning Commission, consider approval of **Resolution 2023-02**, an ordinance amending **Title 9 Building Regulations, Chapter 3 Flood Damage Prevention**, updating **Flood Damage Prevention** with the new Federal Emergency Management Agency (FEMA) floodplain maps. City Manager Scott Wells explained staff has taken this opportunity to review current City Code in light of the more recent FEMA information and guidelines. He stated floodplains in the updated maps have generally reduced in size or have been adjusted to better contour to the topography. City Manager Wells noted that FEMA and the State Department of Emergency Management have reviewed and recommend the proposed changes to City Code. He read aloud from **Chapter 3 Flood Damage Prevention, 9-3-4: Methods of Reducing Flood Losses:**

- "C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;*
- D. Control filling, grading, dredging and other development which may increase flood damage;*
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands."*

City Manager Wells stressed the importance of understanding where floodwaters have flowed historically and to guard those areas from construction of flood barriers which would unnaturally divert floodwaters and cause additional problems. He stressed disallowing new construction in floodplains. Owners of existing infrastructure within floodplains need to individually insure their properties with flood insurance. City Manager Wells shared that most cities had FEMA evaluate two or three drainages. Wellsville City had FEMA evaluate all six drainage areas. Wellsville City mailed approximately two hundred notices to citizens with properties within the adjusted FEMA floodplains. Updated FEMA maps are available online. City Manager Wells specified that the redrawn FEMA maps for Pine Canyon no longer incorporate the

Wellsville-Mendon Canal.

At 6:23 p.m., Mayor Thomas G. Bailey opened the public hearing.

Jed Clark informed the Council that FEMA has upgraded a large portion of his property from a floodplain to a floodway. He said that FEMA has overgeneralized his property's elevations and have not documented drainages which he utilizes to flood irrigate with every summer. Mr. Clark doesn't believe FEMA properly evaluated the property's elevations since an area they have designated as *floodway* is three feet higher in elevation than property designated as *floodplain*. Mr. Clark is concerned that the floodway designation will change regulations for infrastructure on his property. He recognized homes could not be built within a floodway and asked what regulations floodway zoning has for agricultural buildings. Mr. Clark asked who would enforce floodway regulations for his property. City Planner Jay Nielson answered that Wellsville City will enforce and follow Federal ordinances for floodways. Councilman Austin Wood pointed out that **Chapter 3 Flood Damage Prevention, 9-3-7: Administration: D. Variance Procedures** outlines ten steps for a property owner to request a variance from an Appeal Board. City Planner Nielson explained that FEMA bases their mapping off a 100-year flood event. Mr. Clark asked for more details on what ordinances Wellsville City has in place from farmland. City Manager Scott Wells replied that the City is currently working on a farmland ordinance. Mr. Clark stated he would like to contribute public input for the upcoming ordinance as a floodplain farmer.

At 6:31 p.m., **Councilman Chad Poulsen made a motion, seconded by Councilwoman Kaylene Ames, to close the public hearing.**

YEA 3

NAY 0

Kaylene Ames
Chad Poulsen
Austin Wood

Councilman Chad Poulsen reported that the Planning Commission recommended approval of the proposed amendment. Councilwoman Kaylene Ames read aloud from the FEMA document titled 'Regulating Within a Floodway, Frequently Asked Questions,'

"Can I build in a floodway? Communities should limit any and all development in a floodway whenever possible. If you think of the floodway as a highway for floodwaters to travel, it helps visualize the inherent risk of building in that space. Building in a floodway alters that pathway and can increase the flood risk in a community, which is why such activity must be regulated."

City Planner Nielson and City Manager Wells informed Mr. Clark that Wellsville City requires building permits for all agricultural buildings. Councilman Chad Poulsen discussed further defining "... uses that are dangerous to health..." in **9-3-4: Methods of Reducing Flood Losses: A**. City Planner Nielson stated that the Mayor and City Council determines when a scenario is *dangerous* and strongly discouraged narrowing the definition of "...uses that are dangerous to health..." since the Council simply cannot anticipate every dangerous situation. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Austin Wood, along with the recommendation from the Planning Commission to approve Resolution 2023-02, an ordinance amending Title 9 Building Regulations, Chapter 3 Flood Damage Prevention, updating the Flood Damage Prevention with the new Federal Emergency Management Agency (FEMA) floodplain maps.**

YEA 3

NAY 0

Kaylene Ames
Chad Poulsen
Austin Wood

The Council shall receive public input, then along with the recommendation from the Planning Commission, consider approval of **Resolution 2023-03, an ordinance amending Title 10 Land Use Regulations, Chapter 41 Section 6 Accessory Dwelling Units (ADUs) and Section 7 Conversion of**

Existing Dwellings to 3 or 4 Dwelling Units. City Planner Jay Nielson presented the proposed code amendment. He explained that the amendment is in response to the Utah State Legislature's 2022 mandate that residential zoning districts allow any single-family residential property owners the right to create one rental dwelling unit within their existing single-family residence. The **Title 10 Utah Municipal Code, Chapter 9a Municipal Land Use, Development, and Management Act, Part 5 Land Use Regulations, Section 530 Internal accessory dwelling units** reads,

- "(4) A municipality may:*
- (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;*
 - (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;*
 - (c) require a primary dwelling:*
 - (i) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and*
 - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;*
 - (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;*
 - (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;*
 - (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:*
 - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use; or*
 - (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;*
 - (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;*
 - (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;*
 - (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;*
 - (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;*
 - (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and*
 - (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6)."*

The proposed amendment's eligibility requirements: **10-41-6 Accessory Dwelling Units (ADU) Internal to an Existing Single-Family Dwelling** read,

"A. Eligibility

- 1. The purpose of these requirements is to permit accessory dwelling units internal to a primary dwelling in certain areas while minimizing adverse impacts to surrounding properties.*
- 2. Primary ADUs are permitted in all residential zoning dA2. ADUs are permitted in all residential zoning districts."*

City Planner Nielson expounded that the State dictates that only seventy-five to eighty percent (75-80%) of residentially zoned properties must allow ADUs. Twenty to twenty-five percent (20-25%) of residentially zoned properties could be excluded from having ADUs. City Planner Nielson stated he could not make sense of how a municipality would

discriminate which twenty to twenty-five percent (20-25%) of their residents were not allowed to have ADUs. Therefore, the proposed amendment allows all residential zoned properties to have an ADU.

3. *"An accessory dwelling unit shall only be established in conjunction with a detached, owner occupied, single-family residential dwelling. The residence shall be the owner's primary place of residence (primary dwelling). Non-owner occupied single-family dwellings are not eligible for an ADU.*
4. *A primary single-family residential unit is only eligible for one ADU.*
5. *An accessory dwelling unit shall only be established within the footprint (internal) of the primary dwelling at the time the accessory dwelling unit is created. No accessory buildings or detached structures can be used as an ADU.*
6. *An accessory dwelling unit is prohibited in any other housing type (townhome, duplex, apartment, etc.).*
7. *In addition to meeting the minimum parking off street parking requirement of 2 parking spaces for a single-family dwelling, an additional off-street parking space shall be provided for an ADU. The additional parking stall comply with Wellsville Land Use Regulations, and shall not be located within the front setback.*
8. *ADU Design - ADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family residence. Entrances for an ADU cannot be placed on the street facing façade.*
9. *The minimum lot size for the creation of an ADU is 6,000 sq.ft..*
10. *A property owner is prohibited from installing a separate utility meter for an ADU.*
11. *A building permit is required for ADU which shall conform to all building, health, and fire codes.*
12. *An ADU Landlord License is required prior to creating an accessory dwelling unit. An ADU Landlord License is not transferable. Following a change in ownership, a new ADU Landlord License is required.*
13. *Accessory dwelling units in mobile or manufactured homes are prohibited.*
14. *An accessory dwelling unit shall not be rented or offered for rent for a period of less than 30 consecutive days. An accessory dwelling unit shall not be used as a vacation rental or for short term occupancy.*
15. *An ADU becomes abandoned under any of the following conditions:*
 - a. *If an ADU Landlord License lapses for twelve (12) months,*
 - b. *If the ADU is not occupied for twelve (12) months,*
 - c. *Or if the property is no longer owner-occupied."*

City Planner Nielson noted the proposed ordinance amendment also outlines ADU Building Requirements, Application Requirements, and Application Processing. An ADU Landlord License Application and a Declaration of Owner Occupancy form were also presented to the Council. He stressed that the residence must be the owner's primary place of residence (primary dwelling) and that non-owner occupied single-family dwellings are not eligible for an ADU. *Owner occupation* of a single-family dwelling is a built-in control measure to help insure that the ADU will have neighborhood friendly management. City Planner Nielson explained that **10-41-7 Conversion of Existing Dwellings to 3 or 4 Dwelling Units** also requires a site plan, an application for a **Conditional Use Permit**, and additional parking requirements. He pointed out that crowded parking is typically what causes rental units to distract from the quality of the neighborhood.

At 6:47 p.m., Mayor Thomas G. Bailey opened the public hearing.

Cindy Maughan told the Council that she lives in a multigenerational home. She stated her concern with the proposed amendment is that non-owner occupied single-family dwellings are not eligible for an ADU. Ms. Maughan shared that while on a future mission she plans to allow her children to live in on the main floor of her manufactured home and rent out the basement foundation as an ADU. In that scenario, although her children would still be living in the home, the home would not be deemed owner occupied. The public pointed out that the amendment also prohibits accessory dwelling units in mobile or

manufactured homes. It also prohibits the installation of a separate utility meter for an internal accessory dwelling unit.

Deb McBride shared that a housing shortage was the determining factor for the Utah State Legislature's 2022 mandate that residential zoning districts allow any single-family residential property owners the right to create one rental dwelling unit within their existing single-family residence. The intention was that an internal mother-in-law apartment would create additional student housing she said. "If the owner doesn't live there, then it turns into an Airbnb, and the State doesn't want that," she pointed out. City Planner Jay Nielson shared that another motivation for the Legislature to create this new law is that cities have dug their feet on allowing multifamily homes. Ms. McBride asked if Wellsville City has any water retention ponds. City Planner Nielson answered yes and explained that every subdivision is required to hold its own water. Retention ponds are designed to retain stormwater which the city releases at a controlled rate added City Manager Scott Wells. Ms. McBride brought up the overflow of the Sugar House Park retention pond in Salt Lake City.

Councilwoman Denise Lindsay arrived at 6:54 p.m.

Gary Saxton asked if the proposed City ordinance matches the State lawmaker's intention. "Precisely. Word for word in most cases," answered City Planner Jay Nielson.

Margaret Bosworth asked how the City intends to determine which living circumstances should be incurring double City utility fees. She brought up scenarios such as friends moving in, adult children moving back into their parent's home, or friends or family parking next to and plugging in their RV to the house. In those situations, shouldn't households be they required to pay for an additional utility service she asked. Ms. Bosworth pointed out she is required to pay a utility fee for each of her individual fourplex units. City Manager Scott Wells replied that children moving back home is a different circumstance than a rental unit in the basement. "We do not consider family moving home as an accessory dwelling unit. If a portion of your home is being rented out for financial gain that makes it an accessory dwelling unit," he declared. City Manager Wells acknowledged such scenarios within the city are difficult to police and stated that *any home with an ADU should be paying for double utilities*. City staff must be notified to remove the additional utility fee if a primary resident determines to no longer rent their ADU. City Manager Wells emphasized that double utilities need to be better enforced to ensure fairness to those abiding by the rules.

At 6:31 p.m., **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, to close the public hearing.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Councilman Chad Poulsen reported that the Planning Commission recommended approval of the amendment. The Planning Commission asked if ADUs could be limited to single-family homes with full water and sewer city utilities (excluding homes on septic systems). Despite additional examination, City Planner Jay Nielson replied he was unable to find specifications for ADUs in homes with septic systems within the State Legislature (besides the **Title 10 Utah Municipal Code, Chapter 9a Municipal Land Use, Development, and Management Act, Part 5 Land Use Regulations, Section 530 Internal accessory dwelling units** which prohibit the creation of an internal accessory dwelling unit *if* the primary dwelling is served by a *failing* septic tank). Councilman Poulsen stated that the City can make such a restriction since the State has not specified it.

Councilman Austin Wood asked how the City will mitigate building inspections, especially in remodeled homes. He noted that there are very specific minimum building requirements for an ADU such as a 20-minute fire-rated, self-closing, common wall door. City Planner Jay Nielson answered that ADUs will be subject to building inspections by the County building inspector just like any other structure in the City.

Councilman Wood asked if the City has the necessary staff to take on ADU applications. Councilwoman Denise Lindsay, who is employed as the City's Assistant Treasurer, stated that the ADU application process will likely be similar to applications for daycare or preschool **Business Licenses** which are also required to pass fire inspections. City Planner Nielson explained that the provided ADU Landlord License Application and a Declaration of Owner Occupancy forms are not part of the ordinance and can be modified over time as City staff determines necessary.

Cindy Maughan interrupted Council deliberation questioning how the proposed ordinance will affect her personal plan to rent a portion of her "manufactured home craned on to a basement foundation... for an extra 2,000-square feet... specifically for this" (to create a rental unit in the basement). Councilman Austin Wood asked if the prohibition of ADUs in mobile or manufactured homes is a State mandate. City Planner Nielson answered that the State gives the City the ability to prohibit ADUs in mobile or manufactured homes. City Planner Nielson said that the prohibition of ADUs in mobile or manufactured homes applies only to new construction. Ms. Maughan proceeded to tell the Council that it is in her children's plan to buy a five-acre property and place manufactured homes on a basement foundations and rent out units. City Planner Nielson asserted that would not be allowed in Wellsville City. Deb McBride stated that a manufactured home placed on a foundation becomes a permanent structure. Councilwoman Denise Lindsay defined a manufactured home as having a slab-on-grade foundation. Mayor Thomas G. Bailey pointed out the current Code does not allow *any* ADUs in *any* type of housing.

Councilman Wood asked if the Council should consider a phased allowance of ADUs in Wellsville City. City Manager Wells and City Planner Nielson pointed out that City Code is already one year behind the Utah State Legislature's 2022 mandate that residential zoning districts allow any single-family residential property owners the right to create one rental dwelling unit within their existing single-family residence. City Manager Wells mentioned that fourplexes are still limited to one per city block. Councilman Poulsen asked if impact fees should be imposed for ADUs. He said ADUs will have a burden on EMS and Fire Departments which are real costs to the City and citizens. City Manager Wells was doubtful that the City could create a burden of proof to legally impose impact fees on ADUs. City Planner Nielson said that impact fees would run counter to the intent of the State Code to create affordable housing. City Planner Nielson dictated five grammatical changes to **10-41-7 Conversion of Existing Dwellings to 3 or 4 Dwelling Units**. Following the corrections the document reads,

A. A site plan and an application for a Conditional Use Permit shall be submitted for consideration by the Planning Commission. Site plan shall show the entire lot with accurate location of existing dwelling, other structures, driveways, doorways, walks, trees, fences, buildings on adjoining properties, property lines, building setbacks and other site features. Plans must be drawn to engineer's scale by a licensed surveyor or engineer.

B. Required parking for the additional dwelling units may not be located in the front yard, on existing driveway to garage, or where other parking is required for the existing dwelling.

C. New parking spaces required for the proposed multi-family dwelling must be designated on the plan. Parking must be easily accessible based on standard parking conventions (nine foot (9') by twenty foot (20') stalls and twenty four foot (24') wide drive lane adjacent to parking). The access driveway to new parking shall be a minimum of ten feet (10') wide.

D. Two (2) parking spaces must be provided for each dwelling unit, plus one additional space is required for each unrelated person who occupies each dwelling unit. Parking shall include the required parking for existing dwelling(s).

E. Drawings of exterior modifications to the existing dwelling shall be submitted with the application. Architectural elevation drawing shall be drawn to scale and show proposed colors and material.

F. The building inspector must issue a certificate of occupancy prior to occupancy of the dwelling units.

G. Other conditions such as landscaping, screening, fencing, etc., as deemed necessary by the Planning Commission, particularly the multifamily use must be allowed in the zone in which the existing residence is located. Emphasis for additional requirements shall be to protect the adjacent single-family residences, and the public image from the public way.

H. Any violation of the requirements of the Conditional Use Permit may result in revocation of the permit and loss of the use as a multiple family dwelling.

I. Conversion of a single-family dwelling shall comply with requirements for a multifamily dwelling 10-4-1. (Ord. 2019-04, 10-16- 2019)

Councilman Poulsen asked again if ADUs could be limited to single-family homes with full water and sewer city utilities (excluding homes with septic systems). City Manager Wells responded that relatively few homes within the residential zone have septic systems. The Council did not determine to prohibit ADUs in single-family homes with septic systems. **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, along with the recommendation from the Planning Commission, to approve Resolution 2023-03, an ordinance amending Title 10 Land Use Regulations, Chapter 41 Section 6 Accessory Dwelling Units (ADUs) and Section 7 Conversion of Existing Dwellings to 3 or 4 Dwelling Units; with the edits to 10-41-7 Conversion of Existing Dwellings to 3 or 4 Dwelling Units.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

The Council shall receive public input, then along with the recommendation from the Planning Commission, consider approval of **Resolution 2023-04, an ordinance amending Title 10 Land Use Regulations, Chapter 39 Landscape Requirements, Section 4 Landscaping and Section 6 Landscaping in Public Rights-of-Way.** City Planner Jay Nielson presented the proposed amendment which is intended to encourage citizens to conserve water resources. He shared that the State of Utah is providing financial incentives to citizens who install *new landscapes* or *convert existing landscapes* that demand less water to maintain. The State requires changes to City Landscape Ordinances for citizens to take advantage of these financial incentives. The State rebate program allows Utahns to receive up to \$1.50 per square foot of grass removed and replaced with water efficient landscaping. City Planner Nielson detailed that landscaping in public rights-of-way should be designed to conserve water, and use drip irrigation systems to water plants. Lawn areas in new commercial, industrial, institutional, and multi-family development common area landscapes shall not exceed twenty percent (20%) of the total landscaped area, except for lawn areas required for active recreation. Artificial turf can be used however fifty percent (50%) of the landscaping must be live plants. City Planner Nielson read aloud **10-39-6 Landscaping in Public Rights-of-way:**

“B. Landscaping in park strips shall be installed and maintained as follows:

1. In all park strips, street trees are required as 10-39-6-A.

2. Plants, including trees, shall be irrigated with water conserving irrigation systems.

3. Parks strips shall be planted with live plantings of shrubs and ground cover which will grow to cover at least fifty (50) percent of the total area of the park strip when the plants mature. Shrubs and other plant material located within all park strips shall not exceed three feet (3') in height at maturity. Potential hazardous plant material containing thorns or spikes shall be prohibited in the park strip. When calculating park strip coverage percentage areas, plants may be measured at mature spread excluding street trees. City Planner Nielson said that park strip visibility should not be hindered given the requirement that shrubs and other plant materials shall not exceed three feet (3') in height at maturity.

4. In new residential development the follow is required:

a. No lawn shall be planted in park strips less than eight (8) feet in width.

City Planner Nielson pointed out that the space between the pavement and sidewalk throughout Wellsville City is greater than eight feet (8') in width.

b. No more than fifty (50) percent of the front and side yard landscaping may be lawn. Lawn limitations do not apply to small residential lots with less than two hundred- fifty (250) square feet of landscaped area in the front yard.”

City Planner Nielson emphasized this will be a big change for new developments in Wellsville City.

Stone, gravel, mulch, or other decorative hardscape materials should exceed fifty percent (50%) of the park strip area ground cover City Planner Nielson said. No existing home is required convert existing landscapes. It is necessary to amend **10-39-4** and **10-39-6** to accommodate State incentives for water-wise landscaping City Planner Nielson concluded.

At 7:30 p.m., Mayor Thomas G. Bailey opened the public hearing.

Jed Clark told the Council he believes that 99-foot City roadways create rights-of-ways that are too large to reasonably expect homeowners to finance and maintain, especially given that homeowners do not own the property. He said 99-foot roadways work contrary to the intention of proposed amendment. City Planner Jay Nielson explained that stormwater is now mitigated through wide rights-of-ways rather than curb and gutter. Councilwoman Denise Lindsay and City Manager Scott Wells said they do not hear complaints from residents about 99-foot roadways being too wide. Wide roadways are especially beneficial when dealing with buses or emergency vehicles. Jed Clark said wide rights-of-ways end up as weed patches. Mayor Thomas G. Bailey disagreed saying the majority of the Wellsville residents maintain rights-of-ways very nicely. He also pointed out the narrower the roadway the more likely the pavement will have to be torn up to repair utilities. City Manager Scott Wells explained that another advantage of 99-foot roadways is that they allow swales to have a gradual 8-to-1 slope.

Mark Thompson asked if the proposed amendment will affect landscaping requirements for his commercial Pallets of Utah Subdivision consisting of four lots total, located 102 at approximately 4300 South 3000 West (Tax Id. #11-091-0010). City Planner Nelson answered yes and read aloud **10-39-4: Landscaping, A. Required Landscaping:**

"2. Lawn areas in new commercial, industrial, institutional, and multifamily development common area landscapes shall not exceed twenty percent (20%) of the total landscaped area, except for lawn areas required for active recreation."

At 7:39 p.m., **Councilman Austin Wood made a motion, seconded by Councilman Chad Poulsen, to close the public hearing.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Councilwoman Kaylene Ames informed the Council and public that water saving incentives can be further explored at utahwatersavers.com. The Council discussed how the City can lead as an example with water conservative landscaping. Councilman Austin Wood shared that in an email to the Council resident Lee Gray has volunteered to assist the City with grant applications and workshops for xeriscaping. Mayor Bailey mentioned that new varieties of grass have highly improved water efficiency. Councilman Chad Poulsen reported that the Planning Commission recommended approval of the proposed amendment. **Councilman Chad Poulsen made a motion, seconded by Councilman Austin Wood, along with the recommendation from the Planning Commission, to approve Resolution 2023-04, an ordinance amending Title 10 Land Use Regulations, Chapter 39 Landscape Requirements, Section 4 Landscaping and Section 6 Landscaping in Public Rights-of-Way.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Next, the Council shall consider for approval **Temporary Land Use Regulation 2023-01**, an ordinance establishing a *moratorium* on residential and commercial building permits and subdivision applications

within certain areas of Wellsville City. City Manager Scott Well stated the City does not have sufficient ability to push water uphill to meet the requirements of the City's water system in those parts of the City located above 4,650 feet in elevation (the "Upper Pressure Zone"). The City currently has ample water however the present difficulty is pushing the water up to residents above 4,650-feet. He detailed Wellsville City's progress towards State approvals and land acquisition of the proposed new culinary well site (Tax Id. #10-039-0004) which will hopefully service those in the City living above 4,650-feet of elevation. City Manager Wells explained that the flow from Leatham Springs, much of which is used for the public water supply, has decreased over the years. Until a new culinary well is proved, the Upper Pressure Zone is reliant on the declining flow from Leatham Springs. Councilman Austin Wells asked if results from the test well will be presented to the City Council. City Manager Wells answered yes. **After discussion, Councilwoman Denise Lindsay made a motion, seconded by Councilman Austin Wood, to approve Temporary Land Use Regulation 2023-01, which is an ordinance establishing a moratorium on residential and commercial building permits and subdivision applications within certain areas of Wellsville City above 4,650-feet of elevation.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Cindy Maughan met with the Council to discuss grant options along with other funding opportunities for Wellsville City going forward. Ms. Maughan shared that she works with Navajo Nation planning. She said she regularly reviews grant opportunities for the Navajo Nation and would like to be part of a planning group for Wellsville City to submit additional grant applications. Ms. Maughan, who has attended the two previous City Council meetings, stated she doesn't think Wellsville City is planning ahead appropriately for future jobs, industries, and infrastructure. She asked the Council to create committees for citizen input which she believes would allow the Council to better understand exactly how the citizens want their city planned out and avoid instances like "the backlash above 4,650-feet." Ms. Maughan told the Council there is millions of dollars' worth of grant money just waiting to be applied for. She said that City responses are reactionary and infrastructure planning would prevent problems from occurring. Ms. Maughan said better planning could have prevented the Bridle Path Subdivision consisting of 130 lots total, located at approximately 7625 South Highway 89/91 (Tax Id. #10-053-0006, #10-053-0010, #10-050-0006, #10-062-0007, #10-053-0013), from being proposed. She asked the Council to create workshops to give citizens a more productive voice. Ms. Maughan said Park City and the Navajo Nation planning is outrunning Wellsville City. Referring to tonight's Council agenda, she said "With all these big changes... people are starting to feel disenchanting with the (City) system." Ms. Maughan brought up the need for statewide water conservation. Councilwoman Kaylene Ames asked how the Council could become more aware of grant opportunities. Ms. Maughan recommended the Council research the grants.gov website. She suggested the City have a paid individual dedicated specifically to grant applications. Ms. Maughan said the citizens' vision shouldn't be dependent only tax dollars alone but should be realized with the "trillions of dollars sitting in grants." Councilwoman Ames stated she would like to explore grants.gov to increase funding for existing citizen committees actively aiding our City. The Council agreed to research grants.gov. Ms. Maughan referenced the State Envision Utah program whose goal is to engage people to create and sustain communities. She recognized City Planner Nielson has contributed to the Envision Utah program. Councilwoman Denise Lindsay thanked Ms. Maughan for her enthusiasm and willingness to help. City Planner Nielson described the community survey and public participation involved in the current version of the **General Plan**. City Planner Nielson recommended Ms. Maughan start by reading and reviewing the **General Plan**. He emphasized that Wellsville City has not been sitting idle and declared that the **General Plan** is a clear vision of what Wellsville City wants to become. He continued informing that Wellsville City has dedicated a considerable amount of funding towards planning over the years. City Planner Nielson asserted that Wellsville City leads most other cities in the Valley. Ms. Maughan said citizens are unhappy with and opposed to the proposed Bridle Path Estates subdivision. Mayor Thomas G. Bailey comprised the history of the Sherwood Hills property. Sherwood Hills was purchased in 1973. At that time, Mayor Bailey was on a committee to request that the Federal Government buy the property to protect Wellsville City's Leatham Springs. The legislative bill was prepared and ready to be introduced to the Senate. The

bill was stopped by a former mayor who felt that that property should instead be used to generate tax dollars. Later the Sherwood Hills Resort was constructed. The resort was built with an agreement that Wellsville City would provide excess water to the Resort. The decision was then made to annex the land into Wellsville City to be able to better regulate the property and protect the aquifer. The annexation has proved integral to protecting our aquifer Mayor Bailey reported. After the Weston family purchased the Resort, Wellsville City downzoned the property which reduced the potential building units from 600 to 375. Current zoning would allow 375 units to be built. The Bridle Path Estates Subdivision is proposing 130 homes. The Council discussed the intent of the word "units." Mayor Bailey continued detailing the work dedicated by staff and Council who have scrutinized the proposed subdivision for the last three years. Mayor Bailey declared that Wellsville City has the best ordinances in the Valley. He expressed discontent that Ms. Maughan would imply that Wellsville City has never planned. He informed her that the Wellsville City Ordinance book is 40-pages and City Code is 350-pages. Ms. Maughan told the Council that the citizens should be better informed on the proposed development. Councilwoman Lindsay explained that the City has held public hearings for the last two years on the Bridle Path Estates Subdivision and that the meeting minutes are available on the City's website. Ms. Maughan told the Council that the planning she sees in "this room" is not equivalent to planning she sees in "other rooms." City Planner Jay Nielson asked if Ms. Maughan is mistaking a *decision-making City Council meeting* for a *planning meeting* a setting where all ideas are brought to the table. Ms. Maughan repeated her request that the Council create committees for citizen input and assistance. Councilwoman Lindsay noted that the Planning Commission meets every second and fourth Wednesdays. Mayor Bailey explained the Planning Commission's role is to interpret the Code and ensure developments meet the Code. The Council discussed the Planning Commission organizing a committee of citizens to help update the City's General Plan. Ms. Maughan volunteered to help on such a committee. Councilman Chad Poulsen shared he is presently working on a survey to mail out to gather supplementary citizen input to be utilized when updating the General Plan. **Councilwoman Kaylene Ames made a motion, seconded by Councilwoman Denise Lindsay, to continue the discussion regarding grant options along with other funding opportunities for Wellsville City going forward.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Deborah Van Noy met with the City Council to present the Utah Agricultural Land Trust. She informed the Council that the Utah Ag Land Trust is placing a strong focus on Cache, Rich, and Box Elder Counties. The Trust aims to help landowners preserve their agricultural properties if that is their choice. Ms. Van Noy recognized that developers offer top dollar for agricultural properties. Conservation easements or land trusts are a way that property owners can protect their ag property for generations to come. She listed the qualifications a property must have for a conservation easement. Cache Valley typically has smaller parcels, such as 50 to 300-acre lots which still qualify for conservation easements. Smaller properties provide scenic vistas. Ms. Van Noy listed greenbelts along roadways, waterway properties, and those with historic value as great candidates for conservation easements. Land trusts help to combat wildlife habitat loss, increase aquifer recharge, and sequester carbons. Ms. Van Noy has been training with the Texas Agricultural Land Trust, an industry leader with 35-40 conservation easement properties in operation. Land trusts recognize development pressures and have helped develop tools for agricultural landowners to retain ownership of their property. She repeated when a landowner enters into a conservation easement, they retain ownership of their property. What a landowner sells or donates to a land trust is the property's development rights. Once dedicated to a land trust, a property owner can only sell that property for agricultural uses. Some conservation easements have terms however most are dedicated in perpetuity. Ms. Van Noy presented a financial model as an example. The fictitious property has a developable value of \$1.7 million. After an appraiser assesses the property, the ag value is appraised at \$750,000.00. The value of the easement is the difference of those two values- \$950,000.00. The Land Trust would pay the landowner \$950,000.00 for the conservation easement. The Utah Ag Land Trust is a 501(c)(3) organization that finances purchases through private foundations and public grant donations. Ms. Van Noy then detailed donated easement federal tax benefits. For ag lands, up to 50% of the adjusted gross income can be

deducted from federal taxes and be carried forward for 15-years. She shared she had originally expected purchased easements to be more appealing to landowners. However, she has found that many landowners are donating because the federal tax benefits are so attractive. If farming/ranching is the primary business, a 50 to 300-acre ag property they can deduct 100% of their adjusted gross income in federal taxes, carried forward for 15-years. Another financial model showed a conservation easement valued at \$1.2 million, with the rancher's adjusted gross income of \$150,000.00, with a \$75,000.00 deduction in year one, at 50%, which carries forward for 15-years or until the \$1.2 million conservation value is reached. Ms. Van Noy shared the steps to initiate an evaluation. The costs associated with entering a conservation easement range from \$20,000.00 to \$30,000.00. The average appraisal costs \$7,500.00. The Federal Government has made a commitment to keep open space, ranching, and farming viable by providing incentives for donating conservation easement Ms. Van Noy stated. Benefits include keeping agricultural land productive, supporting the environment, maintaining space open for the enjoyment of all community members, historical and cultural preservation, and federal tax benefits. The Council listed multiple land trusts throughout the Valley. Ms. Van Noy noted that the Bear River Land Conservation's primary focus is upon water and believes the Utah Ag Land Trust's focus on land will be very beneficial. City Planner Jay Nielson stated that Wellsville City has ten critical land categories which must be set aside from development, one of which is prime agricultural land. He described how difficult it is to bridge the equity gap and said that conservation easements buying the development rights is a successful route to do so. City Planner Nielson told Ms. Van Noy that they would be most appreciative if she would help the City finetune its requirements. Ms. Van Noy replied that she would be happy to do so. Ms. Van Noy encouraged the Council to watch the Texas Agricultural Land Trust video titled "For the Love of the Land." She thanked the Council for her opportunity to meet with them. The Council expressed appreciation to Ms. Van Noy for her informative presentation.

Next, the Council shall discuss the cemetery expansion and consider approval to move forward with the expansion project. City Manager Scott Wells presented a concept layout for the proposed expansion. The concept layout's roads match existing roads and has trees in every other bay. He stated that \$70,000.00 has been budgeted towards the cemetery expansion this year. City Manager Wells hopes to have the project out for bid this summer. He emphasized that the existing cemetery is quickly filling and the necessity for expansion grows each day. An estimated 75-85% of the newest section, which is 10-15 years old, is sold. Markers (the measurements that determine burial placements) also need to be standardized throughout the cemetery. The Council discussed the sheer complexity of attempting to reclaim unused plots, which the City's legal team has advised them to steer clear of. Options to sell smaller plots for cremains, selling fewer spots at a time, and only selling plots for imminent burials were discussed. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Austin Wood, to approve and move forward with the cemetery expansion project.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells opened the discussion regarding the Wellsville City 2023-2024 COLA and Merit Increases. In 2022-2023, to fulltime employees Wellsville City gave 20% increases, Cache County gave 13-15% increases, and Logan City gave 17% raises. Last week, at an HR meeting, City Manager Wells discussed increases with the other city leaders. He presented the exact COLA and annual raises which Cache County, Hurricane, Ephraim, Herriman, North Logan, Providence, Smithfield, Tooele, Nibley, Hyrum, and Perry cities have allocated to their fulltime employees for the 2023-2024 year. The average overall increase of those eleven cities came to 10%. City Manager Wells proposed following that average with a 7% COLA and 3% Merit Increase for fulltime City employees for the 2023-2024 year. City Manager Wells suggested part time employees receive a 3% increase in salary. Councilman Chad Poulsen stated he would like to see wage analysis for each fulltime position. Councilwoman Kaylene Ames informed that at today's Cache Valley Chamber of Commerce's Greater Cache Valley Economic and Business Summit they educated that retaining employees is of the utmost importance. Councilwoman Ames and Councilman Austin Wood concurred that if Wellsville City will not pay employees a competitive

wage, someone else will. Especially since Wellsville City employees have a wealth of training and skills. Councilwoman Ames pointed out that this year's inflation rate was 9%. Finding employees to hire and the employee generational differences were other focuses of the Summit. At the HR meeting, City Manager Wells was taught that increases based solely on merit are not recommended in small towns where everyone knows each other's increases. Councilwoman Denise Lindsay added that another complexity with wage analyze in small municipalities is that the seven fulltime employees have many additional responsibilities not accounted for by their job titles. Councilman Austin Wood seconded that. Councilwoman Ames stressed the value of and need to retain fulltime Wellsville City employees. A wage analysis will be conducted for each fulltime position. **Councilman Austin Wood made a motion, seconded by Councilwoman Kaylene Ames, based upon the average COLA and Merit Increases of surrounding cities and other Utah cities, to approve a total ten percent (10%) increase for fulltime Wellsville City employees for the 2023-2024 year.**

YEA 3

Kaylene Ames
Chad Poulsen
Austin Wood

NAY 0

ABSTAIN 1

Denise Lindsay

City Manager Scott Wells discussed the third quarter financial report for January 2023. 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 Austin Wood, to approve the third quarter financial report for January 2023.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Department Reports:

Denise Lindsay-

- 1) Lynne Allen and Michael Bingham are painting incredible murals for the City Float.
- 2) The Easter Egg Hunt will be held on Saturday, April 29, at 9:00 a.m. on the City Square.

Chad Poulsen

- 1) No business or concerns at this time.

Kaylene Ames-

- 1) Presented the Council and staff with several Ground Rule Books, a Journal of Comparative Urban Law and Policy, and additional informational pamphlets from a Land Use Conference.
- 2) Councilwoman Ames requested to add a Zoom call with Jonathan Cook on the next City Council agenda to present his Harvard University final project which focused on the historical Wellsville Tabernacle.
- 3) Councilwoman Ames attended today's Cache Valley Chamber of Commerce's Greater Cache Valley Economic and Business Summit.

Austin Wood-

- 1) The Council discussed possible solutions for the City website's Safari browser problems.

City Manager/Recorder's Report:

- 1) The City sewer system is being overwhelmed because of households whose sump pump(s) are sending the ground/floor/storm water into their flood drains or have plumbed the pump(s) directly into their sewer line. The City sewer system is not designed for, or capable of, handling storm run-off. The City called for households pumping illegally into the sewer system to stop immediately, then channel the water outside to barrow pits or ditches.

At 9:58 p.m., Councilwoman Denise Lindsay made a motion, seconded by Councilman Chad Poulsen, to adjourn the meeting.

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0



Thomas G. Bailey
Mayor



Scott Wells
City Manager