

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, December 18, 2024**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Kaylene Ames and Denise Lindsay; Councilmen Carl Leatham and Bob Lindley. Also present were City Engineer Chris Breinholt, City Planner Jay Nielson and City Manager/Recorder Scott E. 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 December 13, 2024. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Councilman Austin Wood was excused from this meeting.

Others Present:	Bryce Benson	Richie Benson	Tracy Bodrero
	Fred Brasfield	Diana Cannell	David Cook
	Ron Christensen	Tawnya Franckowiak	Debra Haas
	Mike Haynie	Penny Haynie	Clay Isom
	Jerilyn Isom	C.S. Lauritzen	Kristy Lauritzen
	Stephanie Lindley	Cassie McBride	TJ McBride
	Laurel Maughan	John Morrey	Megan Petersen
	Greg Schulz	Gina Thompson	Mark Thompson
	Anthony Wagoner	Linda Wursten	Dan Youse
	Susan Youse		

Opening Ceremony: Councilman Bob Lindley

The Council reviewed the amended agenda. Item 11, *'Discuss options of allowing City Water and City Sewer to supply utilities to 21 lots outside Wellsville City limits'* was removed from the agenda. The discussion will be presented when a full council is present. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to approve the amended agenda with the correction.**

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 0</u>	<u>ABSENT 1</u>
Kaylene Ames			Austin Wood
Carl Leatham			
Bob Lindley			
Denise Lindsay			

The Council reviewed the minutes of the November 20, 2024, regular City Council meeting. **Councilman Carl Leatham made a motion, seconded by Councilwoman Kaylene Ames, to approve the minutes of the November 20, 2024, regular City Council meeting.**

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 0</u>	<u>ABSENT 1</u>
Kaylene Ames			Austin Wood
Carl Leatham			
Bob Lindley			
Denise Lindsay			

The Council reviewed the minutes of the December 04, 2024, regular City Council meeting. **Councilwoman Denise Lindsay made a motion, seconded by Councilman Carl Leatham, to approve the minutes of the December 04, 2024, regular City Council meeting.**

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>	<u>ABSENT 1</u>
Kaylene Ames		Bob Lindley	Austin Wood
Carl Leatham			
Denise Lindsay			

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. Hydro Resources- Rocky Mountain, Inc. received the first of

three installment payments for drilling Well #4. Councilwoman Kaylene Ames noted how fortunate Wellsville City is to have successfully located a productive well site on its first attempt. City Engineer Chris Breinholt reported that the well drilling project has come in under budget. Additionally, payment was made to Farnsworth Johnson PLLC for attorney services related to the new well. Glenn Excavation was paid for new park benches. Payment Approval Report is dated 12/18/2024. After review and discussion, **Councilman Carl Leatham made a motion, seconded by Councilman Bob Lindley, to approve the city's accounts payable bills for payment, represented by check number 30308 through 30353.**

YEA 4

NAY 0

ABSTAIN 0

ABSENT 1

Kaylene Ames

Austin Wood

Carl Leatham

Bob Lindley

Denise Lindsay

At 6:09 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input.

Tracy Bodrero inquired about the process for citizens to request additional documents related to Wellsville City's 2023/2024 Audit Report. City Manager/Recorder Scott Wells responded that citizens can submit a request for the full report. Mr. Bodrero questioned the accuracy of the zoning map published on Wellsville City's website. Specifically, he asked whether properties located along 400 North, from the Highway 89/91 intersection to the Little Bear River, are correctly designated according to the city's zoning ordinances. According to the city's website, the properties in question are currently zoned as Open Space Conservation (OSC). Mayor Bailey assured that city staff will examine and verify the accuracy of the zoning map published on the city's website.

Mark Thompson addressed Item #10 *'Review for possible acceptance or rejection the annexation petition from Tony and Karen Nielson that 62.86 acres located on the south end of Wellsville be annexed into the corporate limits of Wellsville City.'* Mr. Thompson expressed concern that the proposed annexation would create a non-contiguous "island" of Wellsville City. He emphasized his role as an advocate for wildlife, highlighting the significant efforts made by Sportsmen for Fish and Wildlife to protect crucial corridors, including the one in question. Mr. Thompson noted that the proposed annexation area serves as a primary winter range and corridor for approximately 185 elk, which migrate from the south and converge with other herds from the east and through the Lindley Basin. This corridor has been vital for wildlife for an extended period. Wildlife protection is a shared goal, enshrined in county, state, and local plans, including the Wellsville City **General Plan**. Mr. Thompson strongly opposes the annexation of this "island" area, as it non-contiguous and would inhibit wildlife movement and habitat preservation.

Trent McBride posed a question to the Council, inquiring whether they were aware of any other potential annexation areas being considered in this end of the valley. Mayor Bailey responded that, to his knowledge, there were no other annexation proposals currently under consideration in this area.

Dan Youse raised safety concerns regarding the natural gas station located just south of the Nielson's proposed annexation area. Mayor Bailey acknowledged these concerns but noted that natural gas infrastructure is widespread in the area, making it unlikely to be a reason for denial. Councilman Carl Leatham added that federal and state regulations govern the approval process for such infrastructure. Mr. Youse also emphasized the importance of preserving the natural beauty and wildlife habitats in the area. He expressed concern that allowing the proposed annexation could set a precedent for further development, eroding natural resources and conservation efforts. Mr. Youse opposed the proposed annexation.

At 6:22 p.m., citizen input was closed.

Diana Cannell, representing Jackson Allred, P.C., presented Wellsville City's 2023/2024 Audit Report. Ms. Cannell thanked City Manager/Recorder Scott Wells and city office staff for another great year. The office staff was very efficient and did an excellent job she stated. Ms. Cannell reviewed the report's financial highlights, noting that Wellsville City's total governmental and business assets increased by approximately \$1.8 million over the last year. This growth was primarily attributed to fixed assets and restricted cash.

Liabilities increased slightly by \$30,000. The total net position of Wellsville City increased by approximately eight percent to \$23,102,089.00. The total net position of Wellsville City was made up of \$16,424,106.00 in capital assets net of related debt and \$6,677,983.00 in other net position. Total long-term debt of the City decreased by \$5,000.00 due to the payment of principal. Business-type activities total net position increased by \$120,448.00 and Governmental-type activities total net position increased by \$1,637,529.00. Governmental Funds revenues rose by \$850,000, mainly due to "Charges for Services" and "Investment Income." Expenses increased by \$371,000, primarily in streets and parks. In Proprietary Funds (Water, Sewer, and Stormwater), revenues decreased slightly, but expenses also declined, resulting in a net income of \$120,000. Non-operating revenues contributed to the increase in assets held. Ms. Cannell noted that the Sewer fund experienced a slight loss for the year. While Wellsville City can absorb this loss, she recommended evaluating the wastewater fund during next year's budgeting process to determine if adjustments are necessary. Is the loss an anomaly where more repairs and maintenance were required than average? Or is the loss a common trend taking place year after year? Losses year after year would indicate that city water fees should be increased to support the current services provided by the city. Councilman Bob Lindley requested Ms. Cannell's overall professional opinion on Wellsville City's financial condition. She replied, "You're in a solid position." As part of their services, Jackson Allred, P.C. inspected over 30 areas for compliance with State and Federal guidelines (such as open and public meeting acts, fund balance, budgetary and fraud risk assessment, treasurer bond coverage, etc.). No noncompliance findings were reported this year, prompting Ms. Cannell to congratulate the city staff. She noted how tricky budget adjustments can be at the end of the year since estimated project expenses may not be billed for several months. Ms. Cannell shared that citizens can access a full digital copy of the 2023/2024 Audit at the Utah State Auditor's website. Mayor Bailey and the Council expressed gratitude to Ms. Cannell, City Manager/Recorder Scott Wells, City Treasurer Leesa Cooper, and Assistant Treasurer Denise Lindsay for their efforts.

Beginning at 6:30 p.m., the Council shall receive public input, then along with a recommendation from the Planning Commission, consider for approval for **Code Amendment 2024-07**, an ordinance repealing **Title 11** in its entirety and replace with an amended **Title 11 "Subdivision Regulations"**. City Engineer Chris Breinholt displayed a slideshow on the overhead screens and explained the proposed amendment. Recent changes to **State Code Title 10, Chapter 9a, Part 6 Subdivisions** necessitate this update before the end of 2024. This amendment establishes the new requirements that the City must follow when approving new subdivisions. City Engineer Breinholt emphasized that the new requirements *only* apply to Subdivision Ordinances for *single family, two-family dwellings, and townhomes*. Notwithstanding the proposed changes, City Engineer Breinholt emphasized that the City Council still has the final decision-making authority regarding the proposed code and ultimately sets the city's rules and regulations. The city council holds ultimate authority in enacting and amending the city's laws, rules, and regulations, as it deems necessary and in the best interest of the community. He outlined the significant changes. Prior to the Review Cycle, a prospective Applicant may request a meeting with city staff to obtain initial feedback and information for a Concept Plan. This meeting shall be *optional*, non-binding, and considered separate from and independent of the required Subdivision approval review cycles. The City Council must establish an Administrative Land Use Authority (ALUA). The board, appointed by the City Council, may consist of the City Manager, City Planner, Public Works Designee, City Engineer, Fire Chief, and others as assigned, are responsible for reviewing applications and land use decisions arising from subdivision applications. Notably, the City Council or a Councilmember may *not* be part of the ALUA. The Planning Commission will serve as the ALUA for Preliminary Plat approvals *only*. The ALUA will provide written comments for each review cycle. The Review Cycle shall be considered complete when:

1. Complete Application is submitted to the Administrative Land Use Authority;
2. The Administrative Land Use Authority Review is complete;
3. The Applicant Response to Review is complete;
4. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.

State law tasks staff to create and publish a checklist of required items for applicants. The ALUA shall have thirty (30) business days to complete its Initial Review and provide written comments to the Applicant. Following the Initial Review, the Applicant will be placed on the agenda for the next regularly scheduled Planning Commission meeting. The Planning Commission holds public hearings for the

General Plan amendments, zoning map changes, and any other **Land Use Ordinances** and applications that require a public hearing by statute. City Engineer Breinholt pointed out that the Planning Commission will hold *one* public hearing for the Preliminary plat. *No additional public hearing will be held* for administrative decisions, except for conditional use applications. City Engineer Breinholt emphasized that the review of the Preliminary Plat is the most critical review point, as the Final Plat is essentially a reflection of the Preliminary Plat with minor revisions. If the Final Plat deviates from the Preliminary Plat, the applicant must submit a new application. Approval from the Planning Commission completes the Review Cycle. He added that the most critical time for public input is during the City Council's adoption of codes and regulations.

City Engineer Breinholt stressed that city reviews must be specific, referencing relevant ordinances, standards, or specifications. He recommended including construction drawings in the Final review. If an Applicant fails to submit a revised plan within forty (40) business days of the ALUA requesting modifications or corrections, the ALUA has an additional twenty (20) business days to respond. The ALUA has forty (40) business days to respond to an Improvement Plans Review, and the applicant has forty (40) business days to respond to the Improvement Plans Review. He pointed out that if, on the fourth or final review, the ALUA fails to respond within the time frame, the Applicant may make a formal request for a decision to approve or deny the final revised set of plans. The Appeal process is outlined in **State Code 10-9a-508(5)(d)**. Therefore, final approval may not require Planning Commission or City Council approval. City Engineer Breinholt expressed confidence that four Review Cycles are more than sufficient. The Review Cycle, as defined in this **Title**, applies *only* to single-family, townhome, and twin-home land-use applications. Review times and cycle may vary for multifamily, commercial, industrial, institutional, and other non-residential land use applications.

City Engineer Breinholt continued, at any time after receiving final approval, the Applicant may post an improvement completion assurance as outlined in **11.09.02** for completion of one hundred percent (100%) of the required public improvements or infrastructure; or if the City has inspected and accepted a portion of the public improvements, one hundred percent (100%) of the incomplete or unacceptable public improvements or infrastructure. To assure the completion of required improvements and infrastructure as required by the approved plans, Public Works Standards, and all applicable ordinances, the Subdivider shall establish a Cash Escrow account with a federally insured financial institution or deposit the cash directly with the City. This completion assurance shall be established prior to recording the **Subdivision** plat. The provisions of this section do not supersede the terms of a valid Development Agreement, an adopted phasing plan, or the **State Construction Code**. The Subdivider shall submit an Engineer's Cost Estimate for all improvements and infrastructure required within the Subdivision. The City Engineer shall review and approve the cost estimate and may adjust the costs to meet current industry standards. The guarantee shall be equal to one hundred ten percent (110%) of the cost estimated and approved by the City Engineer. One hundred percent (100%) shall be for the cost of those improvements and infrastructure not yet installed; and ten percent (10%) shall be for a required one-year (1) warranty period. The warranty amount calculated shall be based upon the total cost of all required improvements and infrastructure.

~~Vacating, altering, or amending a final plat shall be done in accordance with **Utah Code Annotated 10-9a-608**, or its successor statute. This includes changing a Subdivision boundary, dedicated right of way, the number or layout of lots, easement, the Subdivision name, and any other aspect of a recorded Final Plat. If an amendment proposes significant changes to the existing Subdivision, then the ALUA may require the changes to be made through the vacation of the existing final plat and/or approval of the changes being done through the process required for new Subdivisions; this should be done to ensure that significant changes receive proper review and adequate fees are obtained to cover costs to the City. The ALUA for vacating, altering, or amending a final plat shall be the same as that for the final plat application.~~

Vacating a street, right of way, or easement shall be done in accordance with **Utah Code Annotated 10-9a-609.5** or its successor statute. The ALUA shall be the City Council. Adjusting or modifying an existing street, right of way, or easement while not eliminating the street, right of way, or easement, and while still maintaining access, does not constitute a vacation.

Jones & Associates Consulting Engineers drafted the proposed code. City Engineer Breinholt emphasized

that the City Council has the final decision-making authority regarding the proposed code, granting them the power to establish and amend the city's rules and regulations as necessary. During the discussion, Councilwoman Denise Lindsay inquired about the reasoning behind the state's decision to no longer allow City Councils to hold public hearings for subdivision approvals. City Engineer Breinholt explained that the state-mandated changes aim to streamline the subdivision process for *single-family, two-family dwellings, and townhomes* throughout the state. He noted that the State's amended **Title 10** is a response to development being hindered by city councils and planning commissions acquiescing to public pressure. This change aims to facilitate more efficient development processes. Councilman Bob Lindley pointed out that even the one and only allowed public hearing held by the Planning Commission is *optional*. City Engineer Breinholt added that the Planning Commission is obligated to approve subdivisions if they meet the City Council's codes and standards. He further clarified that once the Preliminary Plat is approved, the Final Plat is essentially a reflection of the Preliminary Plat. Councilman Carl Leatham expressed support for the Planning Commission overseeing the Preliminary Plat. City Planner Nielson assured that the Planning Commission will continue to receive staff reports from himself and City Engineer Breinholt. These reports will include findings from the fire chief and other members of the ALUA. Councilwoman Kaylene Ames asked how many individuals will compose the ALUA board. City Engineer Breinholt replied that according to State Code, the *appointed* ALUA can be "an individual or commission." Councilman Leatham was in favor of the appointed ALUA board consisting of the City Manager, City Planner, Public Works Designee, City Engineer, Fire Chief, and others as assigned, rather than an individual. Councilwoman Lindsay questioned whether notice letters would still be sent to neighboring property owners within 300 feet of a new subdivision. City Engineer Breinholt answered that notices would still be sent for public hearings. Councilwoman Lindsay countered that *no* public hearings are required for the subdivision process for *single-family, two-family, or townhome* subdivision processes. City Planner Nielson clarified that, as proposed, one public hearing will be held per subdivision process, unless the City Council determines to eliminate the non-mandatory public hearing. Councilwomen Ames and Lindsay voiced strong support for continuing to hold public hearings, despite the State no longer requiring them.

City Planner Nielson highlighted that Wellsville City's unique **Land Use Regulations** remain applicable to the proposed **Subdivision Code**. The amendments specifically target the subdivision *process*. The proposed code change does not apply to commercial subdivisions or apartments. City Engineer Breinholt stated that the forthcoming checklists for Preliminary and Final Plats will make the subdivision process more clear-cut for both the city and developers. These checklists will ensure applicants submit thorough and complete applications. The review process timeline will only commence once the developer completes the checklist. City Planner Nielson and City Manager/Recorder Scott Wells agreed that the proposed code is Wellsville City's best option and can be revised as experience deems necessary. Councilwoman Ames and City Planner Nielson added that if Wellsville City fails to adopt the proposed **Title 11 Subdivision Regulations** by the end of the year, the State Code will become the default, applying its more general provisions to the city.

At 7:05 p.m., Mayor Thomas G. Bailey opened the public hearing.

Dan Youse stated as a citizen of Wellsville City he finds the notion of the State not allowing public hearings alarming. He said the idea of not allowing public feedback, especially with emotional responses, goes against the fundamental principles of democracy and freedom. Mr. Youse said in the United States, citizens have the constitutional right to protest and express their opinions, even if it elicits an emotional response from those who disagree. He concluded that the City Council has a duty to exercise its rights and options, ensuring that the voices of Wellsville City's citizens are heard.

Tracy Bodrero expressed agreement with the previous speaker and stated freedom manifests in various forms and levels. Referencing page 11, paragraph 21, of **Title 11 Subdivision Regulations**, Mr. Bodrero highlighted the last sentence, "Farming, mowing, landscaping, and passive recreational uses, excluding any of the above prohibitions, are allowed." He requested clarification on what constitutes passive recreational uses. City Planner Nielson provided examples, such as walking through a field or natural landscape, or riding a horse in a field. City Planner Nielson further explained that submission requirements include a detailed description of proposed critical lands and the criteria for their designation. This ensures applicants understand the definitions and implications of open space and critical lands for their submissions.

Mike Hayne strongly recommended the City Council carefully consider the requirements imposed by the State Legislature, and stressed that the City Council's true authority lies within the city's code. He encouraged the Council to develop and tailor this code to meet the unique needs and concerns of Wellsville City's citizens. Mr. Hayne also stressed the importance of environmental stewardship, recommending that the Council consider the ecological impacts of any proposed development. To mitigate potential harm, he suggested requiring developers to conduct thorough environmental studies and implement measures to minimize their footprint. By doing so, the Council can ensure that growth and development align with the city's values and priorities.

C.S. Lauritzen, citing Thomas Jefferson, emphasized the importance of decentralized power in local government. He expressed concern that federal and state authorities are increasingly controlling local decisions, which isn't well-received by the community. Mr. Lauritzen suggested that the City Council and citizens should demand more control and independence. He recommended reaching out to state senators and legislators to advocate for modifications that would give local governments more autonomy. Mayor Bailey also encouraged citizens to contact their legislators, as they hold the power to effect change. Mr. Lauritzen concluded by urging citizens to challenge their representatives in the next election, seeking to reclaim power and representation for the community.

Clay Isom inquired whether the City Council had reviewed a redlined version of the previous **Title 11** compared to the current proposal. City Engineer Breinholt explained that the proposed change significantly alters the subdivision process and procedure within the large **Title 11 Subdivision Regulations**. However, the **Land Use Regulations** remain unchanged. City Planner Nielson expounded that he wrote the current version of **Title 11** and those **Land Use Regulations** unique to Wellsville City remain unchanged in the proposed update. He noted that a redlined version is not feasible due to the extensive scope of changes. Jones & Associates Consulting Engineers has prepared the new proposed code. Mr. Isom emphasized his support for public hearings, emphasizing that citizens value and need to feel heard. He suggested including informed citizens in the proposed Administrative Land Use Agency (ALUA) to provide an external voice. The mayor noted that appointing citizens to the board is an option, but cautioned that the ALUA's job to ensure subdivisions meet the code. The ALUA board will not amend code. He brought up establishing an additional committee to facilitate citizen participation. Mr. Isom recognized that the City Council's power lies in developing and refining a robust code that reflects the community's vision for Wellsville City. Isom expressed interest in getting involved in the process of updating the **General Plan**. Councilman Leatham detailed that the **General Plan** is being updated, a requirement that occurs every 10 years. During the last update, the Planning Commission went through the code book page by monotonous page, none of the public showed up to endure that. Mr. Isom acknowledged the importance of this process and believes now that the public recognizes that their voice is more limited that it will act as an incentive to have a voice in the **General Plan** update.

City Engineer Breinholt noted that the final section, the **Public Works Standard**, is currently undergoing revisions and the updated version is expected to be included in the proposed code by January.

Ron Christensen, a resident living outside of city limits, expressed concern about the proposed Master Plan's zoning density for the south end. He noted that the plan's density is significantly higher than the existing zoning, which he feels could impact the community's character. Christensen urged those involved in the Master Plan to re-examine the zoning density, considering the potential effects on residents living outside of city limits.

At 7:30 p.m., Councilman Carl Leatham made a motion, seconded by Councilman Bob Lindley, to close the public hearing.

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1
Austin Wood

City Planner Jay Nielson presented and reviewed flow charts for Preliminary and Final Plat subdivision review cycles titled '*Wellsville Subdivision Approval and Processing 2025*' (see Attachment #1). The process begins with an *optional* pre-application meeting between the subdivider and staff, where suggestions are provided, and a checklist of required documents is given. A formal Preliminary Plat submission follows, where staff reviews the application to ensure completeness. If incomplete, the application is returned to the applicant. Once deemed complete, a 30-day review period commences, during which staff prepares written comments for the Planning Commission. After the review period, the Planning Commission holds a public hearing, providing a 10-day notice. The Planning Commission then reviews the application, staff reports, and ensures code compliance. If approved, the application proceeds to the Final Plat submission. The Final Plat review could include up to four cycles. The applicant has 40 days to respond to staff comments, and if the response is incomplete or insufficient, the review cycle begins anew. Denials require a comprehensive list of findings of fact. City Planner Nielson highlighted the importance of this processes, as it ensures that applications are thoroughly reviewed and compliant with city codes. The flow chart helps illustrate the process, making it more understandable. Mayor Bailey expressed gratitude for the flow chart and explanation, stating that it helps considerably in understanding the subdivision process.

Mayor Bailey asked if there were any additional questions from the City Council. Councilman Bob asked what process would happen if problems arose between the Preliminary Plat approval and the Final Plat, assuming the preliminary plat was approved and in compliance with the code. City Engineer Breinholt explained that the Final Plat should be a complete reflection of the Preliminary Plat, with more detailed information and legal documentation for the recorder's office. He emphasized that anything finalized must align with the Preliminary Plat, without deviations or modifications during the process. Mayor Bailey acknowledged that this is a new process and that action needs to be taken by the beginning of the year to comply with the new regulation. Councilman Leatham stated that proposed code is based on sound principles and provide a solid foundation for the new process. By incorporating these changes, the city will ensure that developers meet the necessary subdivision requirements. Councilman Leatham proposed making the public hearing during the Preliminary phase a requirement in city code, even though state regulations don't require it. The Council agreed. City Planner Breinholt clarified that the public hearing is already included in the proposed version, which is optional for the Council. If the Council determines to have the Planning Commission hold a public hearing, the developer is required to participate in a public hearing. **Councilman Carl Leatham made a motion, seconded by Councilman Bob Lindley, along with a recommendation from the Planning Commission, to approval for Code Amendment 2024-07, an ordinance repealing Title 11 in its entirety and replace with an amended Title 11 "Subdivision Regulations."**

YEA 4

Kaylene Ames

Carl Leatham

Bob Lindley

Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood

The Council shall receive public input, then along with a recommendation from the Planning Commission, consider **Code Amendment 2024-08**, a request from Joseph Stucki to amend the **General Plan** and change the zoning, from Residential-Critical Area 2 Acres (RCA) to Residential Open Space 1 Acre (ROS-1), at property located at approximately 4245 West 6800 South (Tax Id. #10-048-0035 & #10-048-0028). City Planner Jay Nielson explained that the proposed amendment is a refinement to the **General Plan** map, which was displayed on the overhead screens. the Stucki property does not share the same steep slope topography with limited development potential that characterizes the Residential-Critical Area (RCA) located across Highway 89/91 to the west. When the RCA area was initially defined geographically, these two parcels were inadvertently included. The original RCA mapping was done at a time when detailed elevation data was not readily available. As a result, the mapping was based on limited information. In recent years, advances in technology have provided us with highly accurate elevation data, including LiDAR (Light Detection and Ranging) imagery. This new data has revealed more nuanced information about the topography of our area, including slope angles and elevations. With this new information, we can now refine our mapping and zoning designations to better reflect the actual characteristics of the land.

The two parcels in question exhibit gentle slopes, similar to the adjacent areas to the east and north. These parcels are perfectly capable of development. To correct this inconsistency, the proposal seeks to reclassify these two parcels as Residential Open Space 1 Acre (ROS-1), allowing for a density of one acre. As defined in **Section 10-13-4**, the purpose of the Residential Critical Area (RCA) is:

10-13-4:

'A. Purpose. RCA, Residential-Critical Area district is intended to promote the health, safety and the public welfare of the city and the inhabitants thereof, by establishing standards for the critical areas within the city. Since the critical areas of the city possess different characteristics than the city's flatland, it is necessary to impose special regulations to minimize soil and slope instability, erosion, sedimentation and water runoff, and to protect the water and visual quality and natural character of these important lands. The purpose of the district shall be to promote the following city standards by which all development in this district shall be measured:

- 1. Planning of development shall fit the topography, soils, geology, hydrology and other conditions existing on the proposed site;*
- 2. Orientation of all development to site specific details so that grading and other site preparation shall be kept to an absolute minimum;*
- 3. Concentration of dwellings and other structures by clustering or planned development in such a manner as to preserve large areas of open space and the natural characteristics of the terrain;*
- 4. A safe means of ingress and egress for vehicular and pedestrian traffic shall be provided to and within areas suitable for development while at the same time minimizing the scarring effects of critical area street construction;*
- 5. Development shall be allowed only in those areas well suited for development and construction as evidenced by competent soils, geology, and hydrology investigations and reports. All other areas shall be reserved for open space and recreation areas;*
- 6. Preservation and enhancement of the natural beauty; and*
- 7. The prevention of flooding and deterioration of water quality by protection of streams, drainage channels, absorption areas and floodplains from substantial alteration of their natural functions.'*

City Planner Jay Nielson deemed the rezoning of "Exhibit A," identified by county property tax numbers 10-048-0035 and 10-048-0028, to Residential Open Space 1 Acre a reasonable request. He noted the property's only topographic anomaly is a ravine.

At 7:51 p.m., Mayor Thomas G. Bailey opened the public hearing.

Mark Thompson stated that he owns 170 acres of relatively flat land directly south of the property, across 6800 South. He inquired about the possibility of making a similar request for rezoning. City Planner Jay Nielsen responded affirmatively, noting that the original RCA mapping was conducted prior to the availability of accurate slope information from the county. City Manager/Recorder Scott Wells clarified that, in order to pursue rezoning, Mr. Thompson's 170 acres would first need to be annexed into the city as RCA. Once annexed, Mr. Thompson could request a rezoning to change the designation to ROS-1.

Debra Haas expressed concern that the proposed development would significantly increase population density, thereby exacerbating traffic congestion on the already narrow Highway 89/91 corridor. She noted that this would necessitate a thorough evaluation of alternative traffic patterns and potentially incur excessive costs to the public. City Planner Jay Nielsen explained that the proposed rezone parcels would not have direct access to Highway 89/91. Instead, residents would need to access the highway via secondary roads, eliminating the possibility of driveways opening directly onto the highway.

Tracy Bodrero expressed his support for the proposed rezone. Additionally, he stated that he is also in favor of a future request from Mark Thompson to rezone his property.

Clay Isom inquired about the purposes of the proposed rezone. Mayor Bailey clarified that Joseph Stucki is currently only requesting a zoning change, and may choose to address subdivision plans at a later time. City Planner Nielsen explained that the Residential-Critical Area designation excludes *critical* lands. To illustrate this, he provided an example: if an RCA parcel comprises 100 acres, with 60 acres consisting of

critical slopes, the remaining 40 acres would be considered developable. Under the RCA designation, this would allow for approximately 20 dwelling units. Mr. Isom verified that the proposed density change would shift from a two-acre density to a one-acre density.

At 8:01 p.m., Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to close the public hearing.

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood

The Council had no further questions. Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, along with a recommendation from the Planning Commission, to approve Code Amendment 2024-08, a request from Joseph Stucki to amend the General Plan and change the zoning, from Residential-Critical Area 2 Acres (RCA) to Residential Open Space 1 Acre (ROS-1), at property located at approximately 4245 West 6800 South (Tax Id. #10-048-0035 & #10-048-0028).

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood

Next, the City Council reviewed an Annexation Petition from Tony and Karen Nielson, seeking to annex 62.86 acres located on the south end of Wellsville into the corporate limits of Wellsville City (Tax Id. #10-045-0017 & #10-055-0001). City Manager/Recorder Scott Wells presented a "Rejection of Annexation Petition" from City Attorney Seth Tait, citing three primary reasons for the rejection. First, **Utah Code 10-2-402(1)(b)** requires that the annexation area be "contiguous to the municipality," and prohibits an annexation if the annexation will result in the creation of a peninsula or island of unincorporated county stretching into the municipality's boundary. In this case, the proposed annexation area is not contiguous to the City's boundary. Second, **Utah Code 10-2-403(3)(b)** requires the signatures of the owners of 100 percent of the rural real property within the proposed annexation area. The annexation area is owned by T&K Nielson Investments, LLC. The Petition does not contain any signature from that entity. Third, **Utah Code 10-2-403(3)(b)(d)** requires the petition to contain specific language relating to the withdrawal of signatures to be included on the Petition. The Petition in this case does not contain the required language. Based on these findings, the City Attorney recommended that the City Council reject the annexation petition. Mayor Bailey noted that the Nielson's can still pursue development in Cache County, but the property cannot be annexed into and developed within Wellsville City. Councilwoman Kaylene Ames made a motion, seconded by Councilman Carl Leatham, to deny the Annexation Petition from Tony and Karen Nielson, seeking to annex 62.86 acres located on the south end of Wellsville (Tax Id. #10-045-0017 & #10-055-0001) into the corporate limits of Wellsville City, based on the City Attorney's findings that the area is not contiguous to the municipality and would create a peninsula, and lacks required signatures and language.

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood

Department Reports:

Councilwoman Denise Lindsay-

1) Expressed appreciation to Councilman Bob Lindley for his efforts and oversight of the National Wreaths

Across America Day, held on December 14, 2024. This event saw residents of Wellsville City pay tribute to over 360 veterans laid to rest in the Wellsville City Cemetery, honoring their memories by adorning each grave with a wreath during the Christmas season.

Councilman Carl Leatham-

- 1) Expressed gratitude to Councilwoman Kaylene Ames for covering the December 11, 2024 Planning Commission meeting.
- 2) Also thanked Councilman Bob Lindley for his efforts for the National Wreaths Across America Day.

Mayor Thomas G. Bailey-

- 1) Mayor Bailey extended his gratitude to Councilman Bob Lindley, Christine Lindley, and the remaining Historical Committee members for their exceptional organization efforts in observance of National Wreaths Across America Day.

Councilwoman Kaylene Ames-

- 1) Councilwoman Ames attended a UDOT Connect meeting, a statewide trail network organization initiative from the governor's office. The program aims to connect trails across Utah. Under legislation SV-185, \$45 million has been allocated statewide, with no municipal match required. However, projects must be shovel-ready. Wellsville City is encouraged to adopt a "Trail Towns" mindset, which the city has already demonstrated. The governor's office is collaborating with canal companies to connect rural towns to the statewide trail network. The initiative prioritizes micromobility, integrated land use, wayfinding amenities, paved trails, and accessibility for all ages and abilities. To access available funds, the city needs to identify potential projects, conduct feasibility studies, and add them to the state's list. Councilwoman Ames noted that the updated Trails Master Plan puts Wellsville City ahead of many other municipalities. Several attendees discussed the need for an overpass or underpass under Highway 89/91 to connect trails. Mayor Bailey detailed that the canal from Hyrum Dam to Petersboro is expected to be piped in two to three years.

Councilman Bob Lindley-

- 1) The Historical Committee, American Legion, and Sharps Trucking were thanked for their efforts in organizing a successful National Wreaths Across America Day event. The event drew a crowd of approximately 250 people. The event's military honors were performed by the VFW from Hyrum.

City Manager/Recorder Report:

- 1) City Manager/Recorder Wells discussed winter parking regulations, emphasizing that enforcement would be more aggressive once snow starts falling. Residents are reminded that parking is prohibited on streets with curbs from midnight to 8 AM. The sheriff's department will have conversations with violators, and the city will support them if tickets are issued or vehicles are damaged for obstructing snow removal.
- 2) Expressed gratitude to Councilwoman Lindsay for organizing the city's Christmas party.
- 3) Expressed gratitude to all those who contributed to the success of the first annual Tree Lighting Ceremony. Public feedback has been overwhelmingly positive. The City plans to continue the tradition.
- 4) City Manager/Recorder Wells provided a progress update on the Sam Patch Co. Grocer and Sundries development, located at 825 East Main (Tax Id. #11-088-0023 & #11-112-0001). The 900 East roadway will be replaced from Highway 101 to the railroad crossing. A new railroad crossing will be installed concurrently, pending the railroad's timeline.
- 5) The waterline from the Main Street mainline to 400 N will be upsized as soon as the snow melts, extending to Pallets of Utah subdivision, located at approximately 4300 South 3000 West (Tax Id. #11-091-0010, #11-091-0011, #11-091-0012, & #11-091-0013).
- 6) A diversion ditch has been cleared out to ensure proper drainage around Leatham Springs.
- 7) The city will distribute over 30 door hangers to residents, asking them to trim trees that extend past the curb. This maintenance is necessary to prevent damage to city snowplows. Residents have the opportunity to use their own expertise to trim the trees within a 30-day period. If the trees remain untrimmed, Wellsville City will take care of the trimming.

At 8:23 p.m., Councilman Bob Lindley made a motion, seconded by Councilman Carl Leatham, to adjourn the meeting.

YEA 4

Kaylene Ames
Carl Leatham
Bob Lindley
Denise Lindsay

NAY 0

ABSTAIN 0

ABSENT 1

Austin Wood



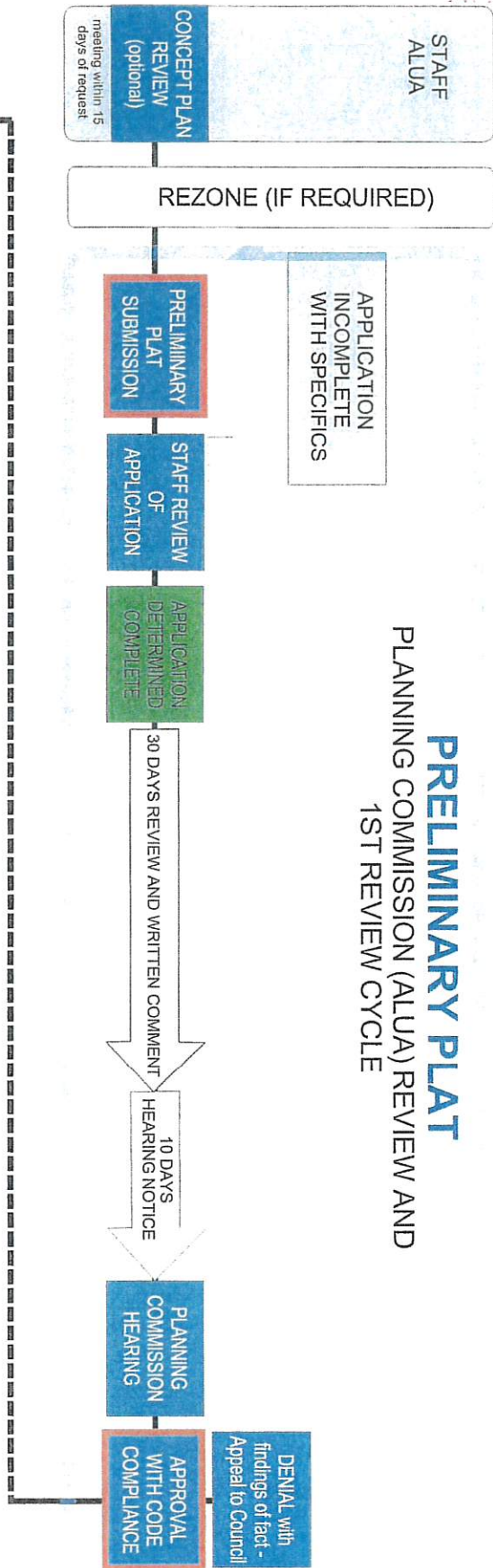
Thomas G. Bailey
Mayor



Scott E. Wells
City Manager/Recorder

WELLSVILLE SUBDIVISION APPROVAL AND PROCESSING 2025

PRELIMINARY PLAT PLANNING COMMISSION (ALUA) REVIEW AND 1ST REVIEW CYCLE



FINAL PLAT STAFF (ALUA) REVIEW 2ND, 3RD, AND 4TH REVIEW CYCLE

