

MINUTES of the regular City Council meeting of Wellsville City held **Wednesday, January 05, 2022**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey; Councilwomen Kaylene Ames and Denise Lindsay; Councilmen Bob Lindley, Chad Poulsen, and Austin Wood. Also present were City Engineer Chris Breinholt, City Planner Jay Nielson, and City Manager Scott Wells. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on January 03, 2022. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:	Glenn Ames	Kylie Bartholomew	Landon Bartholomew
	Todd Black	Bob Boshme	Ruth Boehme
	Margaret Bosworth	Pat Burns	Chris Clark
	Jamie Clark	Carolyn Cooper	Clair Cooper
	Cort Cooper	Tad Hansen	Dale Hatch
	Joni Hatch	Jessie Hathaway	Ryan Higbee
	Clay Isom	Jonathan Marchant	Kyla Marchant
	Laurel S. Maughan	Devin Neves	John Newhall
	Jared Nielson	Kevin Norman	Kurt Petersen
	Megan Petersen	Patti Petersen	Margo Pierce
	Dominic Poll	Michael W. Porter	Nate Reeve
	Art Smith	Steve Sorensen	Carl Stokes
	Stephanie Stokes	Mark Thompson	Rebekah Wakefield
	Linda Wursten		

Opening Ceremony: Bob Lindley

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

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the December 15, 2021 regular City Council meeting. **Kaylene Ames made a motion, seconded by Austin Wood, to approve the minutes of the December 15, 2021 regular City Council meeting.**

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes are not in numerical order from City Council meeting to City Council meeting as the city uses the same checking account for payroll and accounts payable. After review and discussion, **Bob Lindley made a motion, seconded by Chad Poulsen, to approve the City's account payables bills for payment, represented by check number 26567 through 26608.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

At 6:07 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Art Smith addressed the City Council regarding housing within Wellsville City. He stated there are few options for housing for young families and senior citizens. He believes there are virtually no entry level homes available for young families wanting to live in Wellsville. Mr. Smith stated that he and other Wellsville senior citizens are looking for options to downsize from their current homes into homes they can better manage, none of which can be found in Wellsville. Mr. Smith said he and other seniors would love to be able to stay in Wellsville. He stated he has purchased property at the cemetery but there's not much room to build. He hopes Wellsville can someday have a 55 and older community development similar to Champlin Homes in Logan. Mr. Smith encouraged the City Council to look for opportunities to create better development options for entry level families and senior citizens.

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

Mayor Thomas G. Bailey accepted the Oath of Mayor and Council Members and was sworn in as Wellsville City's Mayor to serve a four-year term commencing January 2022.

Kaylene Ames accepted the Oath of Mayor and Council Members and was sworn in as a Wellsville City Councilwoman to serve a four-year term commencing January 2022.

Austin V. Wood accepted the Oath of Mayor and Council Members and was sworn in as a Wellsville City Councilman to serve a four-year term commencing January 2022.

Beginning at 6:14 p.m., the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval the preliminary plan for the Wild Plum Estates Subdivision consisting of four lots total, located at 91 West 300 North, Tax Id. #11-079-0015. The only issue that has not been addressed is the required ADA bumps on the sidewalk. She told the Council this is a four lot subdivision with two lots running east to west, and two lots running north to south. At 6:15 p.m., Mayor Thomas G. Bailey opened the public hearing. Carl Stokes told the Council he has spoken with surveyors who say there is too little frontage on Lot 4 which borders Mr. Stokes' property. Ms. Hatch replied that Lot 4 has enough frontage, and the subdivision has been legally surveyed and has a Surveyor's Certificate from Clinton G. Hanson, a Registered Land Surveyor of Advanced Land Surveying Inc. Mr. Stokes stated surveyors have told him there is a seven-foot discrepancy on satellite images. Mayor Bailey asked City Engineer Chris Breinholt for his expertise on this matter. Mr. Breinholt recognized Clinton G. Hanson as a very capable and able surveyor whom he has confidence in, and Mr. Hanson has reported there is adequate frontage. Mr. Breinholt declared this a private property dispute which cities typically do not get involved in. Mayor Bailey asked City Manager Scott Wells if he knows of a problem with Mr. Hanson's survey. Mr. Wells answered he does not. **At 6:18 p.m., Austin Wood made a motion, seconded by Bob Lindley, to close the public hearing.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Denise Lindsay asked who would be required to pay for a second survey if an adjoining property owner disputed the original survey. Mr. Breinholt answered the adjoining property owner would be financially responsible. Mr. Breinholt stated he doesn't find it likely that the original survey is seven-feet off. Chad

Poulsen stated satellite images can be incorrect. Mr. Breinholt replied that ninety-nine percent of surveyors use GPS based surveys on location, which contain great detail and rarely have errors. Mr. Breinholt also stated Google Earth is not a legal survey. Stephanie Stokes brought up the seven-foot discrepancy again. Ms. Hatch stated the only discrepancy was at the top of Lot 1 and that it worked in the adjoining property owner's favor. Despite that discrepancy there is still plenty of room for the proposed subdivision. She pointed out Stokes' home is 3.32-feet from the existing fence line, and they purchased the home realizing how close the house was to the property line. Lot 4 has 82.60-feet of frontage which makes it a legal lot in a legally conforming subdivision. Austin Wood suggested reaching out to the surveyor, Mr. Hanson, for clarification. Mr. Poulsen recommended Mr. Stokes obtain a second survey based off how close the frontage is to being non-conforming. Mr. Stokes stated he didn't believe the property had yet been surveyed by land due to an absence of property line markers. Mr. Breinholt explained the property has been surveyed by land and that markers will not be placed until the survey has been recorded. Mr. Wells reminded the Council that the City does not typically get involved in property disputes with private landowners. Ms. Hatch asked what is acceptable if a legal licensed survey is not. Mayor Bailey agreed that a legal licensed survey is the standard. Mr. Breinholt recommended the Council approve the preliminary plan and compare a second survey prior to the final plan if Mr. Stokes acquires one. Bob Lindley asserted that Ms. Hatch has done her due diligence hiring a surveyor, having a licensed legal survey completed, and has met City requirements. Mr. Wood recognized Mr. Stokes will still have an opportunity to obtain a second survey prior to final approval. **Bob Lindley made a motion, seconded by Austin Wood, to approve the preliminary plan for the Wild Plum Estates Subdivision consisting of four lots total, located at 91 West 300 North, Tax Id. #11-079-0015.**

YEA 3

Kaylene Ames
Bob Lindley
Austin Wood

NAY 2

Denise Lindsay
Chad Poulsen

For the next agenda item, the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval the concept plan for the 300 North Subdivision consisting of five lots total, located at approximately 290 North 100 East, Tax Id. #11-083-0009. Jared Nielsen introduced the concept plan as a simple five lot subdivision meeting City requirements. At 6:35 p.m., Mayor Thomas G. Bailey opened the public hearing. There was no public input. At 6:36 p.m., **Chad Poulsen made a motion, seconded by Austin Wood, to close the public hearing.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Bob Lindley confirmed sewer and water are already present at this location. Austin Wood stated the subdivision has adequate frontage and sides. **Bob Lindley made a motion, seconded by Austin Wood, to approve the concept plan for the 300 North Subdivision consisting of five lots total, located at approximately 290 North 100 East, Tax Id. #11-083-0009.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

For the next agenda item, the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval the concept plan for the Bartholomew/Cooper Subdivision consisting of two lots total located at approximately 590 South 200 East,

Tax Id. #10-041-0037. Landon Bartholomew presented the concept plan. He stated the property is a two-acre parcel which they would like to split into two one-acre lots. At 6:39 p.m., Mayor Thomas G. Bailey opened the public hearing. Ryan Higbee asked what the developers plans were for the drainage area along the west side of the property. He also asked if the subdivision would have a septic tanks or be connected to the sewer system. Mr. Bartholomew answered septic with frontage for future sewer. He stated the cattail drainage area is 600-feet north of this property. Mr. Higbee asked if the homes would be built on the rise further to the east of the lots. Mr. Bartholomew affirmed. City Planner Scott Wells commented that a storm water culvert would likely be required across the swell. County plats do not show this area as wetlands. Cort Cooper said he had the same question on septic tanks. He stated when he purchased the two lots directly south of this subdivision the previous City Manager told him he would be required to hook onto the city sewer system due to the proximity to Wellsville Reservoir. If Mr. Bartholomew is allowed septic tanks Mr. Cooper plans to have septic tanks at his adjoining property in the future. Mr. Cooper informed the Council that prior to his installation of a perforated pipe land drain the entire area was cattail wetlands. He is concerned about his lots being flooded in once a culvert is placed at this subdivision. City Engineer Chris Breinholt asked Mr. Cooper for a sketch of the perforated pipe land drain. Mr. Cooper responded the drain is located at the bottom of the swell. Mr. Breinholt explained that the Bear River Health Department is responsible for approving all septic tanks. Mayor Bailey stated the City Council has not made a decision regarding the sewer system in that area, however that decision is not necessary for concept level approval. Planning Commissioner Clair Cooper addressed the Council (in a nonofficial capacity) and stated he has sunk his tractor farming in that location in the spring and that the ground water needs to be considered. Cort Cooper pointed out that septic tanks draining into ground water which then runs into the Little Bear River would be an issue. At 6:46 p.m., Austin Wood made a motion, seconded by Chad Poulsen, to close the public hearing.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Mr. Wells stated the concept plan meets the criteria for a two-lot subdivision. The ground water will need to be addressed in the preliminary plan. Kaylene Ames made a motion, seconded by Bob Lindley, to approve the concept plan for the Bartholomew/Cooper Subdivision consisting of two lots total located at approximately 590 South 200 East, Tax Id. #10-041-0037.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval the preliminary plan for the Bridle Path Estates Subdivision, consisting of 130 (131) 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. Nate Reeve, principle engineer, planner and owner of Reeve & Associates, Inc. presented the preliminary plan. Mr. Reeve clarified that the planned subdivision has always had 131 lots rather than the 130 listed on this and previous City Council and Planning Commission agendas. Mr. Reeve addressed several items brought up by the Planning Commission upon review of the preliminary plan. Mr. Reeve stated they concur with City Engineer Chris Breinholt's suggestion to keep fuel storage inside the source protection area to a minimum of ten to twenty gallons per residence. He also agreed to comply with all of Mr. Breinholt's special restrictions to protect the source protection area as outlined in his December 17, 2021 Preliminary Plan Review. Mr. Reeve said that they want to do everything they can as developers and residents to protect the source protection area. Mr. Reeve received the City Staff Report dated December 3, 2021 and stated they concur with the staff's statement

"The application substantially conforms to requirements for Preliminary Development Plan approval and Preliminary Subdivision Plat approval..." Mr. Reeve said City Planner Jay Nielson's follow-up letter on December 30, 2021 with additional concerns has also been addressed. Mr. Reeve hopes the Council can see that concerns are being addressed as the plan progresses. Covenants, Conditions & Restrictions (CC&Rs) were also heavily discussed with the Planning Commission. Mr. Reeve reported CC&Rs are being reviewed and integrated following Mr. Nielson's suggestions. One of the CC&R questions was the number of animals allowed per lot. Mr. Reeve asked if there was a City standard to be met or if the development should meet the County standard. City Manager Scott Wells asked for additional time to review the City Code. Mayor Thomas G. Bailey wants to have the date the open space is turned over to the HOA listed in the CC&Rs as well as the open space remaining in perpetuity. Mr. Reeve asked to be recorded on public record as agreeing that the open space will remain open in perpetuity. At 6:58 p.m., Mayor Bailey opened the public hearing.

Linda Wursten asked Mr. Reeve if a Cache Valley builder had been included on the development team as mentioned in the October 20, 2021 City Council meeting.

Todd Black, an Ecologist with Rangelands for Wildlife Foundation read a statement (see Attachment #1). Mr. Black referenced the December 3, 2021 Utah Division of Wildlife Resources (DWR) letter to Mayor Bailey from Redge B. Johnson, Executive Director of the Office of the Governor, Public Lands Policy Coordinating Office. Chad Poulsen stated he is unaware of the referenced letter. The other Council members were also unaware of this letter. Mr. Wells thought he had forwarded that email; he will send it ASAP. Mr. Black emphasized how critical this winter range area is for the mule deer population. He stressed that Redge B. Johnson should have included the State's crucial GPS migration initiative in his address.

Steve Sorensen stated the east side of the proposed development is crucial winter range for elk, deer, and other species. He believes wildlife always loses with developments such as this. He stated the only two animal highway underpasses would be surrounded by this community. Mr. Sorensen said developing in this critical migration corridor will be disastrous for wildlife. He notes that this proposed development is under private ownership; however, in such a critical area the developers have dropped the ball at being stewards to the wildlife.

Kevin Norman, representative of Sportsmen for Fish and Wildlife, a non-profit conservation organization for the state of Utah seconded Mr. Black and Mr. Sorensen's comments. Mr. Norman brought Hyde Park's problem with nuisance deer to the Council's attention. He stated it wasn't considered a depredation issue because it was not located within the Greenbelt. Instead, Hyde Park determined it was a nuisance problem. Mr. Norman stressed that human-wildlife conflict is inevitable with that many houses in wildlife's habitat. The Sportsmen for Fish and Wildlife urged the Council to create an ordinance which prohibits wildlife nuisance issues, to keep wildlife from being eliminated in their own habitat. Mr. Norman thanked the Council for doing everything they can to protect our game.

Devin Neves owns the neighboring property to the east and west sides of the proposed subdivision. Mr. Neves stated he appreciated the comments regarding wildlife preservation. Mr. Neves spoke for his mother who was unable to attend but loves to watch the wildlife in that area. Mr. Neves hopes the City can be proactive rather than reactive. He stated the previous owners of the golf course have been great neighbors and advocates for wildlife. Mr. Neves believes there is more wildlife dependent upon that area than the developer realizes.

Ryan Higbee asked if the proposed subdivision will be on individual septic systems or a sewer system which runs down the big curve. Mayor Bailey answered that a sewer system would run all the way down the canyon into the city. Mr. Higbee believes Wellsville has great water and is worried that many houses in that area will be detrimental.

Glenn Ames, Wellsville resident and director of Cache Trails Alliance, thanked the City Council for addressing the community's water concerns with the building moratorium. Mr. Ames stated conditions are only going to get dryer. Mr. Ames believes the proposed subdivision is not the best use of this property.

He described this area as a pristine location which needs to be saved for generations to come. Mr. Ames said there is a growing movement throughout Cache Valley and beyond to preserve this area. Mr. Ames stated this development is only about money, not about protecting a gem or creating anything beautiful for Cache Valley. He believes the proposed subdivision would be negative for everyone other than the 131 residents and the money to be made. Mr. Ames urged the Council to consider alternate plans for this property and do something great for generations to come.

Laurel S. Maughan concurred with water and sewer concerns listed by other concerned citizens. Ms. Maughan is also concerned regarding the already heavy traffic on Highway 89/91. Ms. Maughan suggested a wildlife impact study be conducted. She also asked the Council to consider the increased air pollution another 131 homes may cause Wellsville.

Planning Commission Chairman Chris Clark informed the Council (in a nonofficial capacity) that he has spoken with UDOT officials who have looked at the proposed development but have yet to sign or document plans. Chairman Clark's concern is that the plan has ingress and egress lanes from Highway 89/91 with roundabouts and a tunnel underneath the highway, but the proposed subdivision must also have means of access for emergency vehicles. Mr. Clark stated emergency vehicles would have to travel farther up the canyon and flip a U-turn to return to Wellsville. He is concerned this will result in more traffic accidents. Mr. Clark asked Mr. Reeve if any plans have been documented with UDOT. Mr. Clark does not want to see an overpass ruin the beauty of the area.

Art Smith asked if there is a sufficient amount of water flowing from Leatham Springs to service the proposed community. Mr. Smith is very concerned about the quantity and quality of water that will flow down the canyon with 131 additional homes to service.

Cort Cooper hopes the City is planning ahead for the impact of the additional sewer from 131 homes. He stated Wellsville's sewer is basically a pond at this time and pointed out the millions of dollars Logan City spent for a sewer treatment plant. Mr. Cooper asked who is responsible to pay to pump spring water up to the proposed subdivision. He also questioned if there is enough spring water to service that many additional homes.

Mark Thompson introduced himself as an adjacent landowner to the proposed development. Mr. Thompson's concern also regards water availability. He stated he owns a small percentage of the Leatham Spring water. Mr. Thompson informed the Council that the previous City Manager, Don Hartle, contacted him three different summers asking Mr. Thompson to scale back his farm water usage to allow additional flow to the City. Mr. Thompson noted current City Manager Scott Wells has contacted him two summers with the same request. Mr. Thompson stated he knows Leatham Springs does not have adequate water for existing homes, let alone an additional 131 homes.

Kurt Petersen stated he has been attending the City Council meetings for several months and nothing seems to ever be resolved. He said residents leave Council meetings with the same questions. Mr. Petersen recommended the Council not grant preliminary approval without some solid answers.

Clay Isom asked the City Council to consider the balance between landowner rights and the needs of citizens. He said he understands the incentives for a developer to rush plans to look in favorable interest rates. Mr. Isom implored the Council to ensure that concerns are being adequately met and documented. Mr. Isom asked if the Council feels that concerns are being addressed with the additional materials they have access to. Mr. Isom reemphasized that the citizens need assurances that concerns are being met and proper documentation is taking place. He urged the Council to pump the brakes if concerns are not being addressed.

Laurel S. Maughan asked how citizens can obtain information confirming addressed concerns.

Devin Neves informed the Council there is a right-of-way issue on the east side of the proposed development.

Mark Thompson stated he was disappointed the letter from Redge B. Johnson was not shared. Mr. Thompson noted the letter contains vital information. He stated the Sherwood Hills property has always been the crown jewel of Cache Valley. Mr. Thompson said he is also pro-development. He believes a fourth of the proposed 131 homes is appropriate for that area.

At 7:28 p.m., Austin Wood made a motion, seconded by Denise Lindsay, to close the public hearing.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Bailey addressed the resident's questions asking if the public's concerns are being met by the developer. Mayor Bailey answered his own, the Council, and the public's concerns have yet to be met. He stated that the developer is responsible to address all concerns prior to final approval, along with appropriate documentation. Mayor Bailey then responded to the public's questions regarding water availability. He reported the City has placed a six-month moratorium disallowing building above 4650-foot elevation. Wellsville City has engineers exploring options to drill an additional well to provide water for homes above 4650-foot elevation, mainly the Mount Sterling area. A final plan cannot be approved during the moratorium or until a new water system is in place to provide water. Mayor Bailey stated Wellsville's spring flow level is thirty-nine percent of what it was last year. Mayor Bailey assured the community that he and the City Council will do everything they can, legally and morally, to protect Leatham Springs. Kaylene Ames asked Mr. Reeve if Jay Simmons is still involved in this project. Mr. Reeve answered Mr. Simmons is 95 years old and is not present due to exercising COVID-19 caution. Ms. Ames asked Mr. Reeve to introduce his fellow development team members present at the meeting.

Dominic Poll, real estate broker and owner of Rocky Mountain Horse Properties, introduced himself. He lives in Honeyville and grew up in Mountain Green. He spent time in Cache Valley participating in 4-H and FFA. He stated Sherwood Hills is an enchanting place. Mr. Poll stated he dislikes development but recognizes he can't complain about development unless he is part of the solution. He prefers large parcels and horse property. He loves wildlife and horse riding in the woods. He agreed the wildlife in this area should be protected from nuisance ordinances.

Michael W. Porter introduced himself and stated he intends to live in the proposed subdivision. He said he has less of an agricultural background; he's never owned a cow or hunted. He grew up in Provo and completed the BYU Construction Management program. He went on to graduate school at NYU, then obtained a master's degree in Real Estate Investment and Development. He worked as a subdivision appraiser in Texas and worked for Bank of America in California. For twenty years, Mr. Porter worked as a specialist analyzing subdivisions and master plan communities. He currently works for a large builder in Utah County and handles the acquisitions and entitlement. He is a general contractor, a licensed appraiser, a broker, and a developer. Mr. Porter commented that he loves the beauty of the mountains and appreciates doing things well. He believes the development team has done a great job to minimize density and maximize open space along with corridors for wildlife.

Pat Burns introduced himself as a contractor, developer, owner of Lync Construction, and an owner of this property. He began construction in 1993 and lives in North Ogden. He agreed this is a beautiful area and stated the development team has the same concerns as the public; protecting the water supply, installing a safe sewer system, and protecting wildlife. He compared complaining about nuisance animals in that area to moving next to a dairy farm and then complaining it smells like a dairy farm. It doesn't make much sense. He believes this development is well designed and is top notch. He appreciates the open space and trail system. He noted the allowed density of homes is much higher than the proposed 131 homes.

Nate Reeve then addressed the public's questions. He pointed out Wellsville City zoned this area twenty-five years ago, which allows 300 units on this 900-acre property. City Planner Jay Nielson explained that

twenty-five years ago, when the zoning was changed, it decreased the allowed density from 600 to 300 units. Mr. Reeve noted 131 units is well below the maximum. He declared 760-acres of this 900-acre proposed development is open space. He noted a 300-foot buffer. Mr. Reeve said the development team is trying to create a development everyone can be proud of. He reminded the audience that this property is privately owned. He stated he received a letter from UDOT this morning. He did not provide any further detail about the UDOT letter. He reported UDOT has the same roadway plan that the Council has which shows acceleration and deceleration lanes along with a tunnel underneath the highway. Mr. Reeve commented that the development team does *not* want an overpass, mainly for aesthetics rather than the financial cost. Mr. Reeve again cited the statement from the City Staff Report dated December 3, 2021 which reads *"The application substantially conforms to requirements for Preliminary Development Plan approval and Preliminary Subdivision Plat approval..."* Mr. Reeve stated nothing is happening under the table. Mr. Reeve addressed Linda Wursten's question regarding a Cache Valley builder being included on their team. Jay Simmons did not partner with a Cache Valley builder in October. He noted this is not an exclusive one builder subdivision, homeowners can select their builder. Mr. Reeve stated that Bridle Path Estates residents will also be drinking water from Leatham Springs, and the team wants to do everything possible to safeguard the source protection area. The development team has conducted their own water quality study and will abide by additional restrictions set by City Engineer Chris Breinholt. Steve Sorensen approached the overhead screen and pointed out a wildlife crossing underpass. Mr. Sorensen said the underpass is almost completely surrounded by development and the animals cannot cross there. Todd Black asked where the developers claimed to have created wildlife corridors. Dominic Poll replied there are eight-foot trails throughout the development. Mr. Poll and Mr. Black agreed the existing animal crossing underpass is inadequately sized. Mr. Poll said the property north and east of the underpass will be untouched and the wildlife will travel where it is easiest to travel. Mr. Black disagreed and stated the wildlife will travel where they have learned to travel over years and years of migration.

Denise Lindsay read aloud the January 4, 2022 letter from UDOT (see Attachment #2). Ms. Lindsay repeated that UDOT has received and is reviewing a Conditional Access Permit for Bridal Path Estates. The concrete median barrier will also be extended to eliminate the existing gap in the barrier. Mr. Reeve confirmed UDOT already had short-term plans to extend the median barrier. He stated this will not affect the development which will be installing an underpass.

Kaylene Ames said the golf course was established over twenty-five years ago, prior to the former City Council members decision to allow a zoning density of 300 units. She proposed that the former City Council may have envisioned golf condominiums rather than 300 ranchettes, two completely different scenarios. Ms. Ames asked if Mr. Reeve had considered light pollution. Mr. Reeve stated he has reviewed the lighting and dark sky ordinance with City staff, and they will be compliant. Ms. Ames asked if fire protection had been discussed. Mr. Reeve confirmed he has met with City staff, fire marshal, and fire chief. Ms. Ames asked if there was documentation from that meeting. City Manager Scott Wells stated rules were reviewed but there was no documentation.

City Planner Jay Nielson included new information in his staff report regarding the CC&Rs. The CC&Rs need to address the wildland urban interface. He stated there are very specific requirements for construction within City code for fire protection. Mr. Reeve stated the fire chief directed them to the 2006 Utah Wildland-Urban Interface Code, which the development will comply with in construction of homes. Ms. Ames encouraged everyone to take a look at the BPA website and reports. She read *"Ground water pollution usually takes place very slowly... Ground water pollution arises both from natural phenomena and as a result of careless and deliberate acts of man... Ground water quality is an important public concern because of its effects on the health of man and animals... Your awareness and concern for ground water protection along with that of your colleagues, neighbors, fellow citizens, and elected officials is the essential first step in ground water protection."* Ms. Ames stated she is very concerned about ground water, the recharge area, and any development within the recharge area.

Mayor Bailey read from City Engineer Chris Breinholt's Preliminary Plat Review, *"1. Phases 1, 3, & 4 are in the city's spring recharge area as defined in the Drinking Water Source Protection Plan for the springs. This area will be identified on the plan and all lots inside this recharge area will have special restrictions imposed as outlined in Title 8 Chapter 2 of the City Code regulating the source protection"*

zones." Mayor Bailey noted fuel storage has already been discussed. "1.b. No use of chemical fertilizers, pesticides, and weed killers outside of the landscaped area for each lot. All use must comply with the City's Source Protection ordinance." Mr. Reeve agreed with this requirement and stated it will be included in the CC&Rs. Mr. Breinholt added that these requirements are in addition to and beyond those listed in the City Code. "1.c. Used oil must not be stored on site." Mr. Reeve concurred no used oil will be stored on site. "1.d. Require that all homeowners, including at change of ownership, sign an acknowledgement and agreement to follow the City's Source Protection Ordinance and any other restrictions placed on this development." Mr. Reeve agreed and stated this was a great recommendation and it has been added to the developments CC&Rs, a governing document which stays with the land. "2. Restrictions should be placed on irrigated landscaping for each lot." Mr. Reeve agreed this area is limited to ¼ acre per lot but added irrigation will also be needed for common areas and entry landscaping. "3. If pasture irrigation is allowed from the culinary system, I suggest that a separate service line and meter at each lot with irrigated pasture ground be required for that purpose." Mayor Bailey stated it is still up to the Council to decide if they will allow secondary watering out of the spring. Mr. Reeve agreed with Mr. Breinholt's recommendation that "The separate service lateral for pasture irrigation would allow for the city to shut off any irrigation connection that is exceeding the allowed water use. Abusers can have their water use restricted while still allowing the homes to have water service." One meter would run to the home and quarter-acre of landscaping. The other meter would run to the pasture. Mr. Reeve emphasized that the proposed development would follow any additional water restrictions set upon Wellsville residences during drought years. Mayor Bailey asked if a decision had been made regarding the City owning this water system or if it will be privately owned. Mr. Breinholt replied that a decision has yet to be made. He suggests the City own the water system in order to control it. Mr. Breinholt made it clear he is not recommending allowing pasture irrigation, he included this item as way to manage pasture irrigation if the Council chooses to allow it. Based on the volume of spring water the State requires the City to have for each home there was just enough water in the springs, with very little left over (with Mark Thompson's water taken out of it). No pasture irrigation would have been allowed this year. He reported flow from the springs has not been this low since 1991 or 1992. Mr. Reeve stated he likes the dual service meter recommendation. "4. A discussion should be had by the Council and Planning Commission regarding the numbers of livestock allowed in the pasture areas. The number should be limited so that proper grazing practices can be followed to avoid potential contamination of the springs..." Mayor Bailey agreed this topic needs further discussion. "5. As outlined in the building moratorium memo from December 6th, the city is required by the State of Utah to be able to provide 3,202 gallons on the peak use day for each home.

$3,202 \text{ gallons} \times 131 \text{ homes} = 419,462 \text{ gallons on the peak day for Bridle Path.}$

In August of this year, the springs were able to provide only 464,640 gallons on the peak day. This leaves 45,178 gallons for pasture irrigation.

$464,640 - 419,462 \text{ gallons} = 45,178 \text{ gallons}$

$45,178 \text{ gallons} = 0.139 \text{ acre}^* \text{ft}$

It was suggested by the developer that there would be 126 acres of pasture to be irrigated. This amount of excess water would not be enough for pasture irrigation.

Future water availability is never certain. The spring flow this August was last seen in the early 90's. The ability to restrict all pasture irrigation must be at the direction of the City based on spring flows from year to year."

Mayor Bailey pointed out sidewalks have yet to be discussed. He asked if trails will be located along the side of the road. Mr. Reeve reported the roadway section have 26-feet of asphalt with a swale on each side. An eight-foot pedestrian and equestrian gravel trail will be located on one side of the roadway. The overall private street section is 60-feet wide. Austin Wood asked if the specialized sewer system will be required to be inspected within a certain frequency. Mr. Breinholt answered after construction it does not. Mr. Wood pointed out the city currently has issues with ground water infiltration of the sewer system. Mr. Breinholt stated the City has a maintenance program which involves sending a camera through the system and cleaning out any build up. Mr. Wood stated his concern is that ground water was found at six-feet in multiple areas according to the geotechnical report. He asked how far the collection site is from the six-feet of ground water. Mr. Reeve recognized the ground water fluctuates highly throughout the property. He stated he has installed this sewer piping extensively over the years and although it is very expensive and difficult to install, it has a great success rate remaining sealed over time. The designed sewer system averages six to eight feet in depth. The existing Sherwood Hills facility currently has a very large sewer

drain field within the source protection area. Mr. Reeve reported his team is working with the existing facility owners who are responsible to connect onto Bridle Path's sewer system which will remove their sewer from the source protection area. Mr. Breinholt stated areas of ground water sewer infiltration are often in areas of old concrete or tile piping. New construction methods with PVC piping are much better. Restrained joint or fused joint piping will be required for the proposed development. Mr. Wood suggested inspecting the sewer system within the source protection area with a certain frequency to establish a confidence interval. Mr. Wood asked if existing Wellsville residents will be allowed access to Bridle Path's trail system. Mr. Reeve stated this is still under discussion. He stated public access to Rattlesnake Trailhead will not be limited. Mr. Reeve also has not seen the December 3, 2021 DWR letter from Redge B. Johnson regarding wildlife. Mr. Reeve stated the development's goal is to keep the area open and limit fencing. He said he understands this development is in the mountains and they want to be as good a neighbor as possible. City Planner Jay Nielson asked Ecologist Todd Black if he would be willing to meet with the development team to discuss how to make this project more wildlife friendly. Mr. Nielson stated wildlife is included in the City's sensitive land codes. He hopes the development team and wildlife advocates will work together for the common good of the wildlife. Chad Poulsen noted the Council has asked multiple times for a list of Jay Simmons' developments to review. Mr. Nielson pointed out the Code does not ask for specific lists of projects. It is Mr. Reeve's decision whether he will voluntarily share that information. Mr. Reeve stated he would have to consult with the developers. Mayor Bailey asked what the depth of the recharge area is for the springs. Mr. Breinholt replied that ground water is influenced by surface contaminants. He suggested a lack of contaminants in the spring water indicates a lack of surface water recharge. Denise Lindsay referenced an email from Mark Thompson detailing a similar development in Providence. A spring dried up after the subdivision was developed. She thanked the development team for their diligence making this proposed development aesthetically pleasing, however her concern remains with the water. Her concern isn't limited to this particular area, providing water for an additional 131 homes is concerning anywhere in Wellsville City. Ms. Lindsay noted Hyde Park is begging for water. She pointed out the shortage of water is valid enough to have imposed a building moratorium. Ms. Lindsay stated water concerns cannot be resolved until another well is drilled. Mr. Poulsen said his worry is that contamination happens over time. He wants to know the water source protection plan and CC&Rs will be enforced in perpetuity. He stated he is looking for a one hundred percent guarantee the springs will not be contaminated. Mr. Poulsen asked where the ground water is going. Mr. Breinholt replied that is a heavily involved and complex question. He stated his educated guess would be that the water enters the granular fills in the canyon and then enters the valley's aquifers. **Austin Wood made a motion, seconded by Bob Lindley, to continue the discussion on the preliminary plan for the Bridle Path Estates Subdivision, consisting of 130 (131) 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,**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells discussed the first quarter financial report for September 2021 and the second quarter financial report for October 2021. Mr. Wells reviewed the revenues and expenses. **After discussion, Denise Lindsay made a motion, seconded by Austin Wood, to approve the first quarter financial report for September 2021 and the second quarter financial report for October 2021.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells conducted the Introduction to GRAMA (Government Records Access and Management Act) Training for Municipal Officials 2022. GRAMA is a comprehensive law dealing with management of government records and access to those records. The training included record series, classification of public and private records, and retention of records. The training also discussed extraordinary circumstances, when to deny a request with written notice, and charging for GRAMA requests.

Department Reports:

Denise Lindsay-

- 1) Has received many compliments on the City's Christmas lights.
- 2) Has received praise for the City's snow removal and winter road maintenance.

Chad Poulsen-

- 1) Asked when the previously agreed upon 15 MPH road signs will be placed on 200 South and 300 South. Mr. Wells suggested raising that speed to 20 MPH. After discussion, the Council determined to maintain the 15 MPH speed. Mr. Wells will order the 15 MPH signs.

Mayor Thomas G. Bailey-

- 1) Distributed printed copies of the Wellsville City Council 2022 assignments.
- 2) Distributed printed copies of the Wellsville City Council 2022 Founders' Day assignments.
- 3) Mayor Pro tempore needs to be designated for 2022.
- 4) Thanked the Council for their dedicated time and research concerning the proposed Bridle Path Estates Subdivision.

Kaylene Ames-

- 1) Commended the completed 400 North road project.
- 2) The Wellsville Foundation has received a \$24,000 grant to remove the old boiler system from the Wellsville Community Center. The new system will be installed in the same location rather than the attic.
- 3) The water line connecting to the Wellsville Community Center needs replaced.

Bob Lindley-

- 1) Already receiving calls regarding soccer registration.
- 2) Working on design plans for a city skate park.
- 3) Has begun working towards applying for RAPZ tax funding which is due March 1, 2022.
- 4) Commended city employees' meticulous work at the cemetery.

Austin Wood-

- 1) Has received praise for the City's snow removal and winter road maintenance.
- 2) Complimented Mr. Wells on his hard work and dedicated over time.

City Manager/Recorder's Report:

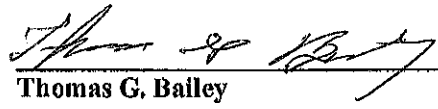
- 1) New lighting has been installed around the fire station for the surveillance system.
- 2) Received a \$5,000 bid from a tree service to remove the large pile of deadfall from the Wellsville Reservoir campground. He would like to have the pile removed before spring and before residents develop a habit of dumping deadfall there. The Council approved the deadfall removal bid.
- 3) Tree trimming on Main and Center Street was a one-time collaboration with UDOT.

At 9:21 p.m., Bob Lindley made a motion, seconded by Denise Lindsay, to adjourn the meeting.

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0



Thomas G. Bailey
Mayor



Scott Wells
City Manager

January 5, 2022

RE: Bridle Path Estates

Comments by Todd Black—Ecologist with Rangelands for Wildlife Foundation at the request of a couple landowners and redneck sportsmen...

Todd Black is a biologist with over 25 years of human wildlife conflict working with mule deer, sage grouse and research with private land public wildlife and range management issues. I have been a researcher at USU with the Jack H. Berryman Institute, a Resource manager for Deseret Ranches (AggReserve Inc.) and a wildlife/range consultant to municipalities, counties, private landowners throughout multiple western states.

Representing Rangelands for Wildlife Foundation and several landowners to the south and east of SR 89/91 who I have worked with for over 15 years mostly with big game and range issues.

My Statement---

First let me speak at the 60,000-foot level. I'm all for private landowner rights, a landowner ought to be able to do what they want with their property as long as it isn't at the cost or detriment of the overall greater good. Example—landfill in BEC.

Having said this, I have several concerns with the Bridal Path development BUT will only be speaking/voicing my concerns from a wildlife standpoint. I've listed these in no particular order of importance.

1. I'm concerned with the densities of homes overall and the impacts these homes, roads, trails, the added increase and presence of people in the area will have on wildlife particularly the big game. I am very concerned for the population of mule deer everywhere across their range and in this area and I don't want this to be another straw they are forced to adjust too, they will lose.

2. I echo the statements/letter given by the Governors office (Redge Johnson) which you all received in early December. I wish that letter would have been firmer in voicing their concerns, but I understand the state trying to stay 'neutral' on matters like this. I on the other hand am going to put a little more emphasis/sternness and maybe even raise my voice a bit on some of those statements/concerns.

a. There will be human wildlife conflicts no matter how many or where the houses, trails, roads will be established. This subdivision is in the wilds not the urban interface. Vehicle

collisions will increase, incidental wildlife mortalities will increase, wildlife complaints will increase, shrubs will be lost, maybe even a dog/cat or a horse or two and heaven forbid a kid being lost to a lion. Bottom line, wildlife will lose.

b. Wellsville city should not be the ones deciding if a wildlife underpass paid for by public tax dollars should be used for personal recreation activities by Bridal Path. This should only be considered by the UDOT/UDWR and is required to go through the public comment process. This is not the purpose of this underpass and any recreational uses of this will cause more human wildlife conflict and again wildlife will lose. I further believe this will open the door for a lawsuit and or legal matters the city may not be prepared to deal with.

c. While the Govs. Office didn't mention this, there will be issues with trespass and access as roads are put in place in these areas. Again, this area is a critical winter range for cache valley. Several hundred elk and deer winter on the foothills east and south of SR 89/91 in Sardine canyon each winter and resident herd numbers are increasing each year. Even given a gated subdivision there will be issues of trespass.

3. This will be direct loss of wildlife, wildlife habitat, wildlife migration corridors and displacement of wildlife, in addition to added stress to wildlife and wildlife will lose. The developer/landowner should have to provide several direct mitigation measures for this loss of wildlife habitat including a high fence (to keep all wildlife out) around the development. If you all decide to move forward, I'm happy to provide mitigation recommendations for you to consider.

4. Homes, trails, roads on the east side of SR 89/91 should not even be considered. I'm stunned that the Governors office didn't mention this, likely due to who reviewed and provided comments the proposal more than anything. However, the Mayor and council should become familiar with Utah's Migration Initiative, <https://wildlifemigration.utah.gov/> THIS area is in critical mule deer winter range (it's the end of the line for big game migrating south to north from as far away as Middle Mountain (Weber/Cache border). These animals are funneled even more with the placement of high fence along the highway it's a key migration corridor (hence the underpass) for these animals to get move and try and get out of the snow. ANY homes and roads in this area (EAST OF SR 89/91) will be at the loss of wildlife. Certainly, there are other options for the landowner to consider including a conservation easement or selling the property to interested buyers.

Respectfully Todd A. Black—435-770-9302



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

LISA J. WILSON, P.E.
Deputy Director of Engineering and Operations

Wellsville City
75 East Main
P.O. Box 6
Wellsville, Utah 84339

January 4, 2022

To Whom It May Concern

The Utah Department of Transportation (UDOT), Region One Permit Group is currently reviewing a Conditional Access Permit (application number 112818) for Bridal Path Estates located in Wellsville, Utah along US-91. The proposed accesses are anticipated to be located near mile post 12.69 where the existing Sherwood Hills access is located along with the existing access across the highway. Concrete median barrier will be placed on US-91 in the area of the proposed accesses to eliminate the existing gap in the barrier, but the final configuration of the access to US-91 is yet to be determined. To provide site circulation and to continue to allow snow plow turn around maneuvers, a box culvert will be required to be placed under US-91. The dimensions of the box are to be determined, but is to meet the minimum requirements of UDOT. The accesses mitigation requirements are still being determined.

If further information is required, you may contact the Permit Engineer, David Alger at (801) 620-1654 or dalger@utah.gov

Sincerely,

A handwritten signature in cursive script that reads "David F. Alger".

David Alger
Permit Engineer

CC:
Carrie Jacobson (UDOT Traffic Operations Engineer)
Todd Finlinson (UDOT Traffic Engineer)
David Jensen (UDOT Assistant Traffic Engineer)