

MINUTES of the regular City Council meeting of Wellsville City held August 03, 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 and Chad Poulsen. Also present were 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 July 29, 2022. 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:	Lynne Allen	Glen Ames	Zach Andrus
	Chris Brady	Fred Brasfield	Shanna Burningham
	Justin Campbell	Tiffany Carlson	Chris Clark
	Jamie Clark	Jed Clark	David Cook
	Liz Davis	Bryce Fenton	Mike Haynie
	Karen Higbee	Adam Howes	Clay Isom
	Karen Johnson	Tanner Jones	Tyler Jorgensen
	C.S. Lauritzen	Carl Leatham	Karma Leatham
	Laurel Maughan	Ruth Maughan	Deb McBride
	Travis McBride	Thomas McMurtry	Kay Mitton
	Renea Mitton	Sheryl Murray	Quinn Murray
	Karen Nicholes	Carol Nyman	Kayla Nyman
	Angie Olsen	David Olsen	Marcene Parker
	Jon Parker	Brad Parkinson	Marcia Parkinson
	Kurt Petersen	Megan Petersen	Jeff Pierce
	Margo Pierce	John Powell	Diane Roundy
	Erika Siler	Steve Sluder	Jason Spahr
	Monica Thompson	Amy Wells	Teri White
	Brady Woolf	Linda Wursten	

Opening Ceremony: Councilman Chad Poulsen

The Council reviewed the agenda. Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to approve the agenda as presented.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

The Council reviewed the minutes of the July 20, 2022 regular City Council meeting. Councilwoman Kaylene Ames pointed out an error on line 129. "Councilwoman Kaylene Ames asked who owns the small acreage directly south of the Baldwin's property." should read, "Councilwoman Denise Lindsay asked who owns the small acreage directly south of the Baldwin's property." The Council will review the corrected July 20, 2022 minutes with a full quorum at the next City Council meeting.

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes are not in numerical order from City Council meeting to City Council meeting as the city uses the same checking account for payroll and accounts payable. After review and discussion, Councilman Bob Lindley made a motion, seconded by Councilwoman Kaylene Ames, to approve the City's accounts payable bills for payment, represented by check number 27261 through 27296.

Kaylene Ames
 Bob Lindley
 Denise Lindsay
 Chad Poulsen

At 6:07 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Teri White shared that the Church of Jesus Christ of Latter-day Saints Wellsville Stake is planning a conference for November 5, 2022. All Wellsville residents are invited to "The Connection" conference which aims unite the community. Ms. White said six workshops will be presented. Workshops presented will include identifying youth with problems and how to help them, how to extend ourselves to one another, and one religious workshop. The Bonner family will provide entertainment. Ms. White asked if a member of the City Council would be willing to assist with their conference efforts. Councilwoman Denise Lindsay volunteered.

Laurel Maughan posed a question regarding Wellsville City's garbage collection fee of \$29,110.58. She asked if that was an expense paid by the residents or the City. Mayor Bailey answered that it is paid through the resident's utility bills. Ms. Maughan stated it would be interesting to know what excesses relate to garbage and if there is a better way to address them. Ms. White asked if that fee also includes recycle and green waste. Mayor Bailey answered recycling and green waste are included in that fee. Mayor Bailey shared with the audience that Cache County municipalities have been asked to leave Logan City's collection system. County mayors are meeting with private enterprises to explore alternatives. At 6:14 p.m., citizen input was closed.

Beginning at 6:10 p.m., the City Council shall receive public input, then along with input from the Planning Commission, consider for possible approval the concept plan for the Cooper Subdivision consisting of five lots total, located at approximately 600 South 200 West (Tax Id. #10-037-0010). City Planner Jay Nielson read his Staff Report aloud (see Attachment #1);

"This application is seeking a concept plan review for a subdivision and a design review. The property contains 5.0 acres. No additional roads or rights-of-way are required. The following code requirements shall be resolved:

- A. *The maximum density allowed for the ROSI zone is .86 multiplied by the total land area, less critical lands.*
https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-6101-JD_10-15-1

Accordingly, 4 lots are allowed on this property. The only way to allow 5 lots, as proposed, is to recommend that the City Council approves a code amendment to allow a density multiplier of 1.0, less critical lands, whenever interior roads or additional rights-of-way are not required.

Mr. Nielson explained the fourteen-percent difference would account for interior roads and rights-of-way, which is not a feature of the proposed subdivision. He added a code amendment to the density multiplier would be a legislative decision for the Council. Mr. Nielson called this a reasonable amendment.

- B. *A 40% open space set-aside, less critical lands, is required for all subdivisions in the ROSI zone. Two acres of land shall be set-side as permanent open space.*
https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-9510
Lot sizes can be reduced to compensate for the open space. The configuration of open space should be designed to be accessible and beneficial to residents of the subdivision. A list of uses allowed in open space is included in 10-35 Open Space
https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-9526
An in-lieu fee for required open space may be proposed by the developer, but nothing was mentioned in the application and no open space is shown on the concept plan. Open space shall be required on the plan until an in-lieu fee is accepted. Processing this project without provision for open space will cause serious redraw and revisions to the plats if the in-lieu fees are not acceptable to the developer or the city. A conceptual

plan to provide for on-site open space must be submitted at this level of approval in the event that in-lieu fees are not workable. Requirements for in-lieu substitution of open space can be found at this link:

https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-9622

Mr. Nielson stressed the preliminary plan must show open space as part of the development in case an in lieu fee is not found acceptable unless the appraisal and in lieu fee have been agreed upon with the City Council prior to the preliminary stage.

- C. As shown on the concept plan, lot sizes can vary in area as long as there is compliance with the allowed density.*
- D. Frontages for lots exceed required distances.*
- E. No sensitive or critical lands appear to be involved with this property*

Proposed conditions to recommend approval to the City Council of the conceptual subdivision plan and conceptual design review as follows:

- 1. The next subdivision submittal, preliminary plat, must show 4 lots, unless the City Council adopts an amendment to the existing code to allow another density multiplier for land which does not require dedication of any public right-of-way.*
- 2. A 40% open space set-aside (2 acres) shall be shown on the preliminary plat until such time that any proposed in-lieu fees for open space are accepted by both parties."*

Brad Parkinson introduced himself as Philip Cooper's representative and presented the concept plan. Mr. Parkinson shared he plans to live within the proposed subdivision. He pointed out this property falls within the **City Center Zone** and stated he has been unable to find open space requirements for the **Center Zone** within the code. Mr. Parkinson read aloud **11-5-4: OPEN SPACE**: "A. *Required; Exception: Applicants for the development of any land within the city shall be required to set aside sensitive lands or potentially sensitive lands as "open space", as defined in section 11-2-1 of this title, except that, set asides for common open space shall not be required within the town center area (as shown in the official general plan) in that the area lacks the ability to have contiguous open space and many building lots occupy small development parcels in a built up area.*" Mr. Nielson said this property is zoned **Residential Open Space (ROS-1)** rather than **Residential Single Family (RSF)**.

Mr. Parkinson declared they plan to pursue an appraisal and purchase the open space rather than having dead space within the subdivision. As recommended by City Engineer Chris Breinholt, Mr. Parkinson stated they plan to extend their portion of 600 South between 200 West and 300 West, extend the water line from the Clark home (Tax Id. #10-026-0032) to 200 West; install necessary fire hydrants; extend sewer across all frontages; and construct road shoulders and drainage swales. Mr. Parkinson stated they plan to ask the City Council to approve a code amendment to allow a density multiplier of 1.0.

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

Carl Leatham read **Implementation Guidelines, Land Use Plan, 5. Residential – Town Center** from the **General Plan**, "This use zone is the central housing area of the existing city. Primarily, the older residential areas of the city that are mixed with original housing and newer infill residences. The area is served by all public utilities and infrastructure. Residential Town Center should remain at a density of 4 dwellings per acre and multifamily infill should continue." Mr. Leatham noted there was no mention of open space conservation within **Town Center**. He then pointed out the Jones & Associates Consulting Engineers General Plan Map on the City webpage shows **Town Center** extending from 300 West to 1000 South. The proposed subdivision falls within that zone. Mr. Leatham then read aloud from **Code 11-5-4: Open Space: A**. "Required; Exception: Applicants for the development of any land within the city shall be required to set aside sensitive lands or potentially sensitive lands as "open space", as defined in section 11-2-1 of this title, except that, set asides for common open space shall not be required within the town center area (as shown in the official general plan) in that the area lacks the ability to have contiguous open space and many building lots occupy small development parcels in a built up area." Mr. Leatham stated there are no sensitive lands within the proposed subdivision and that as he understands the Code no open space is required within **Town Center**.

At 6:26 p.m., Councilwoman Kaylene Ames made a motion, seconded by Councilman Chad Poulsen, to close the public hearing.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Mr. Nielson shared there is a discrepancy between the official **General Plan map** (which was prepared by former City Manager Don Hartle), and the Jones & Associates Consulting Engineers General Plan map shown on the City webpage. He stated he will do further research to determine and resolve the error. Mr. Nielson added that **Town Center** is equivalent to the **Residential Single Family (RSF)** zone on the zoning map. One-acre zoning cannot be considered **Town Center**. He asserted open space is required in the proposed subdivision's **ROS-1** zone. Mayor Thomas G. Bailey recommended that the City Council should approve a code amendment to allow a density multiplier of 1.0, less critical lands, whenever interior roads or additional rights-of-way are not required. The collective Council agreed. Councilman Chad Poulsen shared that the Planning Commission recommended approval of the concept plan for the Cooper Subdivision; with the conditions that the next subdivision submittal (preliminary plat) must show 4 lots. The Council had no further questions. Councilman Chad Poulsen made a motion, seconded by Councilman Bob Lindley, with the recommendation from the Planning Commission, to approve the concept plan for the Cooper Subdivision consisting of five lots total, located at approximately 600 South 200 West (Tax Id. #10-037-0010); with the conditions that the next subdivision submittal (preliminary plat) must show 4 lots, unless the City Council adopts an amendment to the existing code to allow another density multiplier for land which does not require dedication of any public right-of-way; any uncertainty regarding open space must be resolved, if determined necessary a 40% open space set-aside (2 acres) shall be shown on the preliminary plat until such time that any proposed in-lieu fees for open space are accepted by both parties; as well as granting the Cooper Subdivision permission to pursue an appraisal for open space.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

The Council shall receive public input, then along with the recommendation from Planning Commission consider for possible approval the US 89/91 & Center Street (SR-23) Intersection Study, located at the intersection of US 89/91 and Highway 23 or Wellsville's Center Street. UDOT representatives Glen Ames (project manager) and Darin Frstrup (district engineer) presented the study. Mr. Ames and Mr. Frstrup participated in an open house earlier to gain citizen input and educate Wellsville residents on the proposed design. Mr. Ames shared that after reviewing various types of intersections UDOT is proposing a Restricted Crossing U-Turn Intersection (RCUT). An RCUT intersection places a barrier in the median which restricts straight crossings and left turns at an intersection but allows left turn movement downstream via a U-turn. The basic RCUT restricts the incoming and outgoing side streets to right turn movements only. Vehicles that want to turn left, or cross to the opposite side street, must do so indirectly by first turning right onto the mainline, weaving across to the left most lane to complete a U-turn, and then traveling back to the intersection in question to complete their desired movement. Mr. Ames emphasized that a huge benefit is that RCUT intersections allow you to only consider one direction of travel at a time, rather than worrying about both directions of travel and attempting to shoot gaps.

At 6:41 p.m., Mayor Thomas G. Bailey opened the public hearing.

Steve Sluder stated he can see the value of the RCUT design for north and southbound traffic. He said there will be no benefit for cross traffic and dislikes barriers which force traffic in a certain direction. Mr. Sluder added he believes drivers will try to avoid the unusual U-Turn design and increasingly shoot the gap at the

US-91 and 200 East intersection. He said 200 East is not as well equipped for traffic as Center Street. Mr. Sluder suggested a signalized intersection at the proposed intersection to slow traffic down.

Laurel Maughan stated an overpass would be the best option for the US-91 & Center intersection as Cache Valley's population continues to increase. She recognized an overpass would be very expensive but pointed out an overpass will be even more expensive in ten years. She seconded that 200 East is not equipped to take on additional traffic. She recommended UDOT "bite the bullet" and construct an overpass.

Jon Parker shared that he regularly crosses the US-91 & Center intersection with farm equipment. He gave an example of 16-foot wide swather (with a maximum speed of 15 mph) attempting to maneuver a U-Turn with 80 mph traffic swiftly overtaking the swather. Mr. Parker stated he does not support the RCUT design and would prefer an overpass. He believes an overpass would be less expensive than UDOT is currently anticipating. Mr. Parker stressed that a signalized light would not be sufficient to stop an 18-wheeler traveling 80 mph down the canyon.

Mr. Ames said that UDOT has considered farm equipment. He explained the RCUT design has a 12-foot inside lane along the barrier plus a six to eight foot wide shoulder which would result in 18 to 20-feet for farm equipment to maneuver. An RCUT would allow farm equipment to focus on one direction of traffic, travel to the barrier, wait for the other direction of traffic, and move to the far outside lane. Rather than attempting to shoot the gap at such low speeds.

Karen Nicholes stated the intersection needs improvement and an overpass is the best long-term solution. She recommended factoring noise pollution into consideration. Ms. Nicholes believes a signalized intersection would cause many more accidents. She was not in favor of the RCUT design given the difficulties it would present for farm equipment and maneuverability during winter conditions.

Bryce Fenton worries that drivers would avoid the unusual RCUT design at US-91 & Center and reroute to shoot the gap at the US-91 & 200 West intersection. He is concerned that 200 West is a narrow road and cannot accommodate additional traffic. He explained turning south (uphill) from the Ranches Subdivision is already not possible during winter due to poor road conditions.

Shanna Burningham asked if the RCUT design would delay medical or fire truck access. She also expressed concern for farm equipment and pedestrians to be able to navigate the RCUT.

Sheryl Murray stated she is also concerned farm equipment will not be able to travel through an RCUT intersection. She referred to an intersection in Nibley in which farm equipment was unable to navigate. Ms. Murray discouraged a signalized intersection at the US-91 & Center Street intersection. She noted how difficult it is to cross the highway currently and recognized traffic will only get heavier. Ms. Murray stated an overpass or underpass would be the best solution for this intersection.

Carol Nyman stated she is concerned an RCUT intersection will divert traffic to neighborhood roads which Wellsville City is responsible to maintain rather than the State. She expects people will follow the path of least resistance. Ms. Nyman also recommended taking time to examine other alternatives.

Carl Leatham shared he is employed as a semi-truck driver. He reported he drives a semi up and down the canyon several times a day. If the US-91 & Center Street intersection is designed as an RCUT, Mr. Leatham explained a semi traveling southbound, up the canyon, would have to come to a complete stop at the U-Turn. He expounded that an 80,000-lb semi-truck would have difficulty taking off on that steep uphill grade. The truck would need to be geared down so low that the semi would perform the uphill U-Turn at four to five miles per hour. He stated the 80-mph downhill traffic would overtake the semi before it could complete the U-Turn. He noted semi-trucks, farm equipment, RVs, campers, and boats will all have the same problem navigating the U-Turn on the steep uphill grade. Mr. Leatham pointed out his company does not allow their truck drivers to perform U-Turns. He told the Council he would prefer to maintain the existing intersection rather than an RCUT design. Mr. Leatham said an overpass would be the best option. He added that Wellsville has the only eight miles in Utah with a 200-foot setback along the highway which

is less land Wellsville would have to buy for an overpass. Mr. Leatham pointed out how dangerous the signal light is at the bottom of the canyon in Brigham City and discouraged use of a signal at the given intersection. He said few semis stop at the brake check station in Brigham and how easy it is to travel over the speed limit down the canyon.

Angie Olsen believes drivers will avoid the proposed RCUT intersection and bog up 200 East. She does not believe an RCUT design is conducive to winter conditions. She described hugging the barrier traveling uphill on slick roads with limited visibility and trying to flip a U-Turn. She asked if UDOT determines to place a center barrier, would they allow pedestrian access through the center. She suggested Wellsville City builds a park and playground in Mt. Sterling to prevent Mt. Sterling children from crossing the highway. Ms. Olsen worries that a school bus would have trouble navigating the RCUT design.

Karen Johnson stated EMT vehicles would have trouble navigating an RCUT intersection. She said semi-trucks would not be able to stop for a signalized intersection. Fire trucks and emergency vehicles would have difficulty climbing up the canyon if brought to a stop at US-91 & Center Street intersection, especially in winter. Ms. Johnson recommended reducing the speed limit. She said she would prefer an overpass at the US-91 & Center Street intersection. She added there should have been an overpass constructed at the US-91 & SR-101 intersection where there are many accidents.

Jed Clark lives near the US-91 & SR-101 intersection. He described the noise pollution caused by the rumble strips and jake brakes at the intersection. Mr. Clark recommended considering the noise pollution a signalized intersection would cause at US-91 & Center. He also pointed out all four Wellsville intersections along US-91 have similar traffic problems.

Erika Siler is concerned that an RCUT intersection at US-91 & Center would spread the traffic problem to other intersections. She said completing a U-Turn from a complete stop into 65-mph traffic is frightening. Ms. Siler lives in the Ranches Subdivision and noted visibility is especially limited in that area in the dark or during the winter inversion. She asked what happens when the inside turn lane backs up because northbound traffic is congested coming out of the canyon. Ms. Siler said 200 West is a narrow winding road which is not currently capable of taking on additional traffic. She recommended an overpass despite the poor aesthetics for her neighborhood. Ms. Siler pointed out drivers are more vigilant at intersections, the U-Turns for an RCUT intersection take place at a distance from the intersection where drivers will be less observant.

Monica Thompson is concerned that an RCUT intersection is so unfamiliar to Utah drivers it will pose a bigger danger. She concurred that winter weather and inversion at this steep grade complicates this intersection. Ms. Thompson recommended reducing the speed limit through the canyon. She stated she hopes UDOT will take the concerns presented into consideration.

Karma Leatham stated this highway is the only way into Cache Valley and recommended reconstructing this intersection right. She said the only answer that makes sense is an overpass.

Erika Siler addressed the Council again and stated putting off an overpass will only make it more expensive. Open space around US-91 will also decrease over time.

Mr. Fristrup explained UDOT must evaluate risks presented and have evaluated roundabouts, signalized intersections, Restricted Crossing U-Turn Intersections (RCUT), and grade separation intersections for this location. They also must weigh the risk of not doing anything. UDOT believes a RCUT intersection poses the least risk with available funding (adequate funding is not yet available for a grade separation intersection). Mr. Fristrup told the Council UDOT will do additional research on RCUT intersections to determine if they are acceptable given the steep grade of this location. He also pointed out that RCUT intersections allow vehicles to cross straight across two lanes into their own lane (not a travel lane) which they are able to accelerate in. He noted Mr. Leatham had a valid concern regarding semi-trucks, farm equipment, emergency vehicles, and school buses traveling up the grade which UDOT will study further. Mr. Fristrup stated an RCUT design will not eliminate crashes. However, an RCUT design is a lower risk than not doing anything at all. Mr. Fristrup acknowledged an overpass is the ultimate solution for this

intersection. Unfortunately, an overpass interchange cost \$150 million to \$200 million. He continued explaining that an overpass interchange must be on the Cache MPO's long range plan which begins the process. He stated he will advocate for an overpass once it is a possibility. Mr. Fristrup repeated an RCUT design is a lower risk than not doing anything at all. UDOT would also attempt to fund a pedestrian underpass along with the RCUT intersection. Mr. Fristrup said UDOT appreciates citizen input, he added UDOT owns the road and will make the final decision.

Mayor Bailey stated Wellsville City has needed an overpass at this location for 20-years and UDOT has always come up with reasons why they cannot have it. He asked why money has not been dedicated to an overpass at this location over all these years. Mayor Bailey stated this intersection *is* on the Cache MPO's long range plan.

Jon Parker addressed the Council again and noted there is a crest that will affect visibility of oncoming traffic at the southernmost U-Turn. He stated if the grade must be changed to account for the crest UDOT might as well construct an overpass.

Councilwoman Denise Lindsay asked for a raise of hands for any residents (besides UDOT representatives) who approve of the RCUT design. A single person, Kurt Petersen, approved of the RCUT design.

At 7:33 p.m., Councilwoman Kaylene Ames made a motion, seconded by Councilman Bob Lindley, to close the public hearing.

YEA 4

NAY 0

Kaylene Ames

Bob Lindley

Denise Lindsay

Chad Poulsen

Councilwoman Ames asked Mr. Leatham if other trucking companies also do not allow U-Turns. Mr. Leatham was uncertain but expounded that his company monitors his driving with dashcams and satellite tracking. U-Turning would terminate his employment. Councilman Chad Poulsen asked for statistics on semi-trucks turning onto Center from US-91. Mr. Ames stated he could research that statistic. Councilwoman Ames asked if an overpass is being considered at the canyon's summit on the Cache/Box Elder border. Mr. Fristrup affirmed. Councilwoman Ames how long that overpass has been under consideration. He answered the last couple of years. Councilwoman Ames stated she found it interesting that Wellsville City has needed an overpass for 20-years, yet it has only taken the summit a few years of discussion to begin the process. Mr. Fristrup elaborated that the owner of the mine plans to financially contribute to the summit overpass. Councilman Poulsen asked for real footage of an RCUT intersection.

Resident Brady Woolf asked for a second open house to see what is being proposed.

Mr. Ames offered to link RCUT information to the City's website. He told the Council he will reach out to other states for additional information on established RCUT intersections. City Manager Scott Wells presented a RCUT video clip on the overhead screens. Mr. Fristrup will address the six percent grade in further study. Councilwoman Lindsay is concerned the unfamiliarity of the proposed RCUT will pose a bigger danger and will negatively affect Wellsville's agricultural base.

After discussion, Councilman Bob Lindley made a motion, seconded by Councilman Chad Poulsen, to continue the discussion of the US 89/91 & Center Street (SR-23) Intersection Study, located at the intersection of US 89/91 and Highway 23 or Wellsville's Center Street.

YEA 3

NAY 1

Kaylene Ames

Denise Lindsay

Bob Lindley

Chad Poulsen

Along with the recommendation from the Planning Commission, the Council shall consider for possible approval a business license for Tyler Jorgensen to operate "Tyler Jorgensen Construction LLC," a construction business out of property located at approximately 270 South 200 West (Tax Id. #10-027-0008). Mr. Jorgensen stated he plans to park two trucks and a concrete form trailer north of the home on his 0.63-acre lot. He stated his employees will meet him directly at the jobsite. Mayor Thomas G. Bailey asked if any of Mr. Jorgensen's equipment will be street parked. Mr. Jorgensen replied that no equipment will be street parked. Commissioner Chad Poulsen shared the Planning Commission approved the conditional use permit and recommended approval of a business license. **Councilman Chad Poulsen made a motion, seconded by Councilman Bob Lindley, to approve a business license for Tyler Jorgensen to operate "Tyler Jorgensen Construction LLC," a construction business out of property located at approximately 270 South 200 West (Tax Id. #10-027-0008).**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Jason Spahr met with the Council a second time to request a building permit for property located at 1050 South 200 West (Tax Id. #10-039-0003). Mr. Spahr stated he is requesting a building permit for a 20-foot expansion of an existing garage/shop. If approved, the 20-foot addition would include a bathroom which must connect to the City's culinary system. Mr. Spahr informed the Council that the addition would span eight-feet past 4,650-feet of elevation. **Temporary Land Use Regulation 2022-02** is a *moratorium* which currently prohibits residential and commercial building permits and subdivision applications in those parts of Wellsville City located above 4,650-feet in elevation. Mr. Spahr read aloud from the **Wellsville City Corporation Resolution 2022-02**,

"WHEREAS Jones and Associates determined on or about November 29, 2021 that the City does not have sufficient water to meet the requirements of the City's water system in those parts of the City located above 4,650 feet in elevation (the "Upper Pressure Zone"); and

WHEREAS, based upon the findings of Jones & Associates, the City Council and the Mayor have determined that the ongoing drought poses a significant risk to the health, safety, and general welfare of the citizens of the City if some action is not taken to limit the use of water in the Upper Pressure Zone; and

WHEREAS, pursuant to Utah Code Ann. § 10-9a-504, the City Council has determined and found there is a compelling countervailing public interest that warrants an immediate cessation of subdivision and building applications requiring a water hook-up in the Upper Pressure Zone until such time as the City can adequately evaluate its water system; and

WHEREAS, pursuant to City Code § 8-1E-17 and Utah Code Ann. § 10-7-14(5), the Mayor and City Council have judged it necessary to limit the use of water from the City's water system in the Upper Pressure Zone and integrates a proclamation to that effect within the body of this Ordinance;"

Mr. Spahr presented three reasons he does not believe the proposed garage addition conflicts with the moratorium. First, he is not requesting a new water hook up. He would be attaching the proposed line to his home's existing water connection. Second, Mr. Spahr's house and existing water connection is not within the Upper Pressure Zone. He emphasized he is the last house to access water on that water line *from the Lower Pressure Zone*. Third, the majority of Mr. Spahr's property is below 4,650-feet of elevation. He informed the Council the proposed garage addition would sit at 4,658-feet of elevation. Eight-feet above the moratorium line. For these three reasons, Mr. Spahr asked the Council to grant an exception and give him a building permit. He repeated he is not asking for a new water hook up, and his existing water connection is sourced from the Lower Pressure Zone. Mr. Spahr suggested "dry plumbing" the bathroom, and not connecting to water until the moratorium expires at the end of the year. Councilman Bob Lindley stressed that the moratorium will not be lifted until another water source is developed in the Upper Pressure Zone which may be years away. Mr. Spahr emphasized the majority of his property is below 4,650-feet of

elevation. He recognized the moratorium complicates his request. Councilwoman Kaylene Ames agreed the moratorium complicates his request. Mr. Spahr reported City Engineer Chris Breinholt told the Council at the July 20, 2022 City Council meeting that he feels allowing Mr. Spahr to build his addition and connect to water will not violate the intent of the moratorium which is *not* intended to limit water to those in the Lower Pressure Zone.

City Manager Scott Wells reported that the City's legal counsel has stated an interpretation made by the Council in this circumstance is defensible. He stressed the Council needs to make findings for the record which justify the Council's interpretation. Whatever the Council determines will be the City's policy moving forward. City Planner Jay Nielson said the Council could use the lines read aloud from the **Wellsville City Corporation Resolution 2022-02** as their interpretation. Mr. Spahr said his request is no different than if he was asking to build an additional bathroom onto his house since he has an existing water connection to the Lower Pressure Zone. Councilwoman Ames disagreed and underscored that the moratorium explicitly prohibits issuing building permits for *any* property of the City located above 4,650-feet in elevation. She added the Council's decision will be thoroughly scrutinized.

Mr. Wells read aloud from the moratorium, *"1. The subdivision, issuing building permits, approving water connections, and development of any real property located in those parts of the City located above 4,650 feet in elevation as depicted on Exhibit A attached to this Ordinance and incorporated herein (the "Upper Pressure Zone"), is hereby temporarily prohibited, and a temporary land use regulation (moratorium) on the filing and approving of any application for a subdivision, building permit, or water connection, requiring a water hook-up of any kind is hereby imposed on all areas within the Upper Pressure Zone."* He told the Council they would need to make an interpretation for a water hook-up and a building permit.

Councilman Bob Lindley made a motion, seconded by Councilman Chad Poulsen, to grant Jason Spahr's request for a building permit at property located at 1050 South 200 West (Tax Id. #10-039-0003) with the following findings; with the interpretation that this building permit is related to an existing structure and the majority of the Spahr's property is within the Lower Pressure Zone; the granting of this building permit allows for construction of the proposed addition only; no water will be hooked up or used at this addition until further review of the next moratorium if extended.

YEA 2
Bob Lindley
Chad Poulsen

NAY 2
Kaylene Ames
Denise Lindsay

It was then up to Mayor Bailey to cast the deciding vote. Mayor Thomas G. Bailey stated he is not comfortable with a building permit being issued for property above 4,650-feet or an existing water line being extended above 4,650-feet until the moratorium is lifted. He interprets the moratorium as the City will not provide *any* new water above 4,650-feet of elevation regardless of the water's source. "To avoid anyone misjudging the intent of Wellsville City regarding the moratorium I vote in denial of the building permit." he concluded. **Mayor Thomas G. Bailey, Councilwoman Kaylene Ames, and Councilwoman Denise Lindsay denied Jason Spahr's request for a building permit at property located 1050 South 200 West (Tax Id. #10-039-0003)**

YEA 2
Bob Lindley
Chad Poulsen

NAY 3
Kaylene Ames
Mayor Thomas G. Bailey
Denise Lindsay

Mr. Spahr asked to appeal. Mr. Nielson told Mr. Spahr that was his right as a citizen to appeal the decision with the district court.

Planning Commission Chairman Chris Clark met with the Council, *in a nonofficial capacity*, to discuss a proposed pioneering agreement for property located at 261 West 600 South (Tax Id. #10-026-0032). Mr. Clark extended 330-feet of water line to his new home. He hopes a pioneering agreement will allow him to recoup half of that expense (which he estimated would be \$16,000.00) from a future developer. He told the

Council he installed 330-feet of 8-inch waterline, a fire hydrant, and a tee. Councilwoman Denise Lindsay referenced the City Council minutes from the April 17, 2019 meeting and stated that Council had agreed to grant Mr. Clark a pioneering agreement. Mr. Clark said his idea for the pioneering agreement came from Wellsville City's pioneering agreement with the Maverik gas station and convenience store. Councilwoman Denise Lindsay made a motion, seconded by Councilwoman Kaylene Ames, to allow a pioneering agreement for Chris Clark in the amount of \$16,000.00 for the 330-feet of 8-inch water line installed at 261 West 600 South (Tax Id. #10-026-0032).

YEA 3

Kaylene Ames
Bob Lindley
Denise Lindsay

NAY 1

Chad Poulsen

Along with the recommendation of denial from the Planning Commission, the Council shall continue the discussion regarding Mark Baldwin's request to amend the **General Plan** and change the zoning, from **ROS-1 (Residential Open Space- 1-Acre)** to **RSF (Residential Single Family- 12,000-Square Feet)**, at property located at approximately 15 South 450 East (Tax Id. #10-014-0052). City Planner Jay Nielson read his Staff Report aloud (see Attachment #2, which includes images);

"The Baldwin application proposes to change the zoning of the property from one acre lots (ROS1) to 12,000 square feet (RSF). However, in presentations in the public hearings they propose to split the existing lot into two lots. The Baldwin home is on a lot containing 1.43 acres. The proposed subdivision of the lot would leave two lots of approximately .71 acres each. The new lot would allow one more home in the neighborhood.

Background information:

This property and it's neighborhood has been designated for one acre density since the creation of the first General Plan Map in the year 2000. Prior to that time, the zoning map regulated the size of legal lots. The subject property and it's neighborhood has been one acre density since zoning was first established in 1976. This neighborhood is a well-established lower density neighborhood.

Staff Recommendation:

It is recommended that this request is denied based on the following findings of fact:

- 1. It is questionable that there is the required continuity of this parcel and with the adjacent RSF zone across the highway. Without continuity this proposal would be considered a "spot zone" since the proposed changes are not supported by the General Plan.*
- 2. The proposal does not include any other property in the rezone which would ensure that there is the required adjacency to the RSF zone across the highway. Including other properties would make this proposal a more logical than just one parcel of land intruding into this low density neighborhood.*
- 3. The proposed rezone to RFS would allow, by code, a .75 acre lot to the north and two additional .33 acre lots with 82.5 feet of frontage, each. Once zoned to allow lots sizes of .28 acre, there is no way to ensure that current or future owners would be willing to be satisfied with just 2 lots. The integrity of the Baldwins is unquestionable. But, if the property was sold to another owner it is almost certain that they would want to maximize profitability. Another possibility would be for a developer to buy the entire property, demolish the home and subdivide with 4 lots. These possibilities are realistic if the property is rezoned for 12,000 sq.ft. lots. These potential outcomes would result in an incompatibility of density in the neighborhood, and would certainly be a great disappointment to neighbors.*
- 4. The rezone of this single parcel to RSF is incompatible with the long established purposes of the General Plan to ensure that this area of the city remains at a low density.*
- 5. The established zoning of this property as Residential Open Space 1 (ROS1) is inconsistent with higher densities, smaller lots, and narrower frontage as proposed.*

ADDITIONAL INFORMATION:

Another Alternative that was explored but found to be inappropriate.

Since the Baldwins want to produce two lots that are larger than .5 acre, a rezoning of the property to ROS 1/2 could appear to be feasible. However, there is no existing ROS 1/2 zone adjacent to the property. Such a move would be inconsistent with the General Plan and would amount to a "spot zone" which is not allowed by state code.

Suggested Solution for the Baldwins that will meet the intent of the code and the desires of their neighborhood.

Land could be added from the parcel to the west that would create two complying 1 acre lots allowing the Baldwins to proceed immediately with subdivision processing without rezoning and additional delays. An open space set-aside of 40% is required for this zone. The parcel of land to the west has steep slopes and a floodplain that significantly reduces its development potential. Adding some or all of this land as open space to the proposed lots would allow the Baldwins to proceed with a subdivision."

Mr. Nielson added that another reason an ROS ½ rezone would be inappropriate is that it would also be considered a "spot zone." Mr. Nielson clarified Reed and Mark Baldwin own 50% of the parcel to the west equally. Mark Baldwin quickly claimed his portion to his family trust. Mr. Nielson concluded he is recommending denial of the rezone request based upon the five findings of fact. The Planning Commission also recommended denial of the rezone request. **Commissioner Chad Poulsen made a motion, seconded by Councilwoman Denise Lindsay, to deny Mark Baldwin's request to amend the General Plan and change the zoning, from ROS-1 (Residential Open Space- 1-Acre) to RSF (Residential Single Family- 12,000-Square Feet), at property located at approximately 15 South 450 East (Tax Id. #10-014-0052), based upon the recommendation of denial from the Planning Commission, and the five findings of fact stated by City Planner Jay Nielson.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Next, The Council shall continue the discussion and consider for possible approval a resolution adopting an amendment to the Wellsville City "Employee Handbook and Guideline." City Manager Scott Wells explained the proposed amendment includes adding Juneteenth as a paid holiday for all permanent full-time employees and adding Labor Day as a floating holiday. Concerning retirement, Wellsville City will match 2.5 percent of monies that are invested in the Utah State Retirement System by both "Tier 1" and "Tier 2" employees. Medical and dental insurance premiums will be paid by the City on certain employee positions to be set at a maximum of 95 percent of the monthly insurance premium. Employees hired on or after September 1, 2022 will have 2.5% of their gross salary automatically deferred into the employee's URS 401(k) Plan. **Councilwoman Kaylene Ames made a motion, seconded by Councilman Bob Lindley, to approve the Wellsville City Corporation Resolution 2022-07 adopting an amendment to the Wellsville City Employee Handbook and Guideline as outlined by City Manager Scott Wells.**

YEA 3

NAY 0

ABSTAIN 1

Kaylene Ames
Bob Lindley
Chad Poulsen

Denise Lindsay

The Council reviewed the 2022 Founders' Day assignments and schedule of events. Councilman Bob Lindley shared fewer softball games will be included in the tournament due to a lack of umpires. The tennis tournament has been canceled due to the poor condition of the city tennis courts. Fire and EMS departments incorporating a turkey shoot into the Founder's Day activities was considered. Suggestions were made for the Citizen of the Year and Marshal of the Day. A fireworks display will be held September 3, 2022.

The City Council discussed culinary and secondary water restrictions and notification processes for

Wellsville City. City Manager Scott Wells reported 400,000 gallons a day are flowing from Leatham Springs. The City is currently using 2.2 million gallons a day. Therefore, 1.8 million gallons a day are being pumped from the City's culinary wells. A resident south of 900 South, where water conservation is most critical in Wellsville, has suggested the City has been too lenient concerning water violation penalties. **Councilman Chad Poulsen made a motion, seconded by Councilman Bob Lindley, to continue the discussion about water restrictions for culinary and secondary water for Wellsville City and the notification process.**

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen

Department Reports:

Denise Lindsay-

- 1) Presented the quilt made by Paula Murray for the quilt raffle.
- 2) Utah League of Cities and Towns Convention will be held October 5, 2022 through October 7, 2022.

Kaylene Ames-

- 1) The Wellsville Tabernacle will have areas of deconstruction exposed over Founder's Day weekend due to the recent removal of a boiler.

Chad Poulsen-

- 1) No business or concerns at this time.

Bob Lindley-

- 1) No business or concerns at this time.

City Manager/Recorder's Report:

- 1) The City is moving forward with purchasing property from the Bankhead family and drilling a test well for a new culinary well.

At 8:55 p.m., Councilwoman Denise Lindsay made a motion, seconded by Councilman Bob Lindley, to adjourn the meeting.

YEA 4

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen



Thomas G. Bailey
Mayor



Scott Wells
City Manager

Staff Report**Cooper Property Subdivision****Parcel 10-037-0010**

Wellsville City Planning Commission

27 Jul 2022

This application is seeking a concept plan review for a subdivision and a design review. The property contains 5.0 acres. No additional roads or rights-of way are required. The following code requirements shall be resolved:

- A. The maximum density allowed for the ROS1 zone is .86 multiplied by the total land area, less critical lands.

https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-6101-JD_10-15-1

Accordingly, 4 lots are allowed on this property. The only way to allow 5 lots, as proposed, is to recommend that the City Council approves a code amendment to allow a density multiplier of 1.0, less critical lands, whenever interior roads or additional rights-of-way are not required.

- B. A 40% open space set-aside, less critical lands, is required for all subdivisions in the ROS1 zone. Two acres of land shall be set-side as permanent open space.

https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-9510

Lot sizes can be reduced to compensate for the open space. The configuration of open space should be designed to be accessible and beneficial to residents of the subdivision.

A list of uses allowed in open space is included in 10-35 Open Space

https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-9526

An in-lieu fee for required open space may be proposed by the developer, but nothing was mentioned in the application and no open space is shown on the concept plan.

Open space shall be required on the plan until an in-lieu fee is accepted. Processing this project without provision for open space will cause serious redraw and revisions to the plats if the in-lieu fees are not acceptable to the developer or the city. A conceptual plan to provide for on-site open space must be submitted at this level of approval in the event that in-lieu fees are not workable. Requirements for in-lieu substitution of open space can be found at this link:

https://codelibrary.amlegal.com/codes/wellsvilleut/latest/wellsville_ut/0-0-0-9622

- C. As shown on the concept plan, lot sizes can vary in area as long as there is compliance with the allowed density.
- D. Frontages for lots exceed required distances.
- E. No sensitive or critical lands appear to be involved with this property

Proposed conditions to recommend approval to the City Council of the conceptual subdivision plan and conceptual design review as follows:

1. The next subdivision submittal, preliminary plat, must show 4 lots, unless the City Council adopts an amendment to the existing code to allow another density multiplier for land which does not require dedication of any public right-of-way.
2. A 40% open space set-aside (2 acres) shall be shown on the preliminary plat until such time that any proposed in-lieu fees for open space are accepted by both parties.

Staff Report

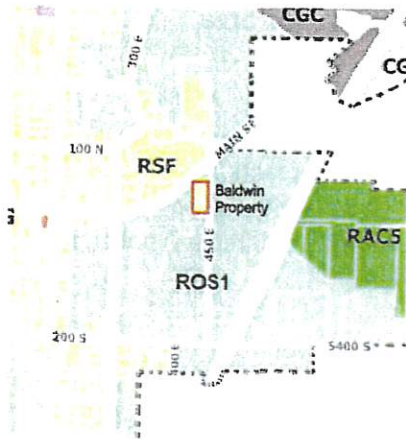
Mark and Judy Baldwin Request to Rezone from ROS1 to RSF

Parcel 10-014-0052

Wellsville City Planning Commission

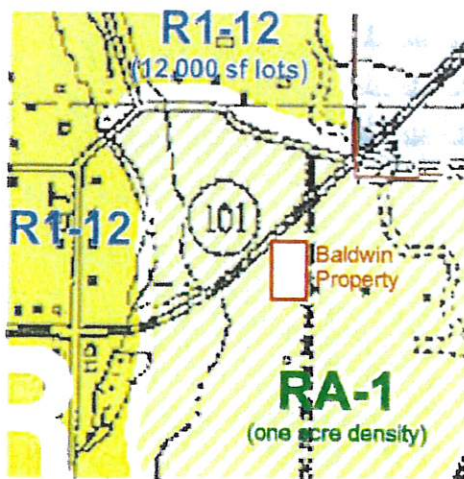
27 Jul 2022

The Baldwin application proposes to change the zoning of the property from one acre lots (ROS1) to 12,000 lots (RSF). However, in presentations in the public hearings they propose to split the existing lot into two lots. The Baldwin home is on a lot containing 1.43 acres. The proposed subdivision of the lot would leave two lots of approximately .71 acres each. The new lot would allow one more home in the neighborhood.



Background information

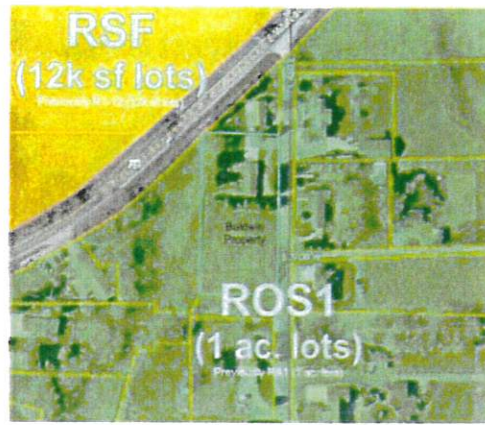
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General Plan Map 2004



Current General Plan Map for area

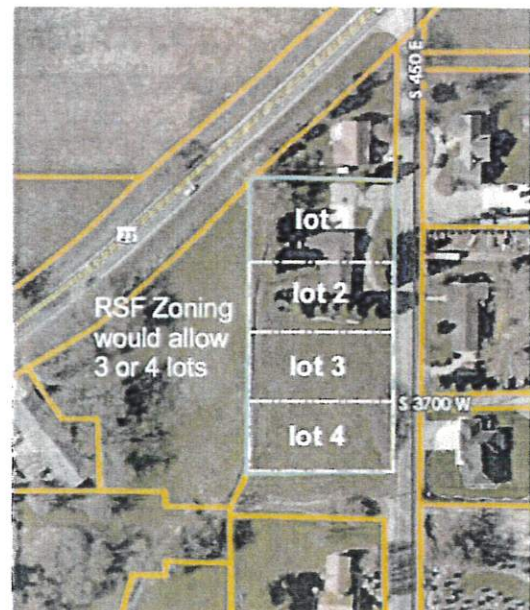


Current Zoning Map for the area

Staff Recommendation:

It is recommended that this request is denied based on the following findings of fact:

1. It is questionable that there is the required continuity of this parcel and with the adjacent RSF zone across the highway. Without continuity this proposal would be considered a "spot zone" since the proposed changes are not supported by the General Plan.
2. The proposal does not include any other property in the rezone which would ensure that there is the required adjacency to the RSF zone across the highway. Including other properties would make this proposal a more logical than just one parcel of land intruding into this low density neighborhood.
3. The proposed rezone to RFS would allow, by code, a .75 acre lot to the north and two additional .33 acre lots with 82.5 feet of frontage, each. Once zoned to allow lots sizes of .28 acre, there is no way to ensure that current or future owners would be willing to be satisfied with just 2 lots. The integrity of the Baldwins is unquestionable. But, if the property was sold to another owner it is almost certain that they would want to maximize profitability. Another possibility would be for a developer to buy the entire property, demolish the home and subdivide with 4 lots. These possibilities are realistic if the property is rezoned for 12,000 sq.ft. lots. These potential outcomes would result in an incompatibility of density in the neighborhood, and would certainly be a great disappointment to neighbors.



4. The rezone of this single parcel to RSF is incompatible with the long established purposes of the General Plan to ensure that this area of the city remains at a low density.
5. The established zoning of this property as Residential Open Space 1 (ROS1) is inconsistent with higher densities, smaller lots, and narrower frontage as proposed.

ADDITIONAL INFORMATION

Another Alternative that was explored but found to be inappropriate

Since the Baldwins want to produce two lots that are larger than .5 acre, a rezoning of the property to ROS ½ could appear to be feasible. However, there is no existing ROS ½ zone adjacent to the property. Such a move would be inconsistent with the General Plan and would amount to a “spot zone” which is not allowed by state code.

Suggested Solution for the Baldwins that will meet the intent of the code and the desires of their neighborhood.

Land could be added from the parcel to the west that would create two complying 1 acre lots allowing the Baldwins to proceed immediately with subdivision processing without rezoning and additional delays. An open space set-aside of 40% is required for this zone. The parcel of land to the west has steep slopes and a floodplain that significantly reduces its development potential. Adding some or all of this land as open space to the proposed lots would allow the Baldwins to proceed with a subdivision.

