

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, April 20, 2011, at the Wellsville City Offices at 75 East Main. City officials present were Councilmen Gary Bates, Ron Case, Colin Harrison, Carl Leatham, and Jackie D. Orton. City Manager/Recorder Don Hartle was also present. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on April 15, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Jake Harrison
Ben Harrison Dave Bell
Hugo DuPont Alana DuPont
John Jenkins Justin Topik
Steve Kyriopoulos Jeremie Poppleton
Clint Kerr Perry Maughan
Tom Maughan

Opening Ceremony: Colin Harrison

The Council reviewed the agenda. Colin Harrison made a motion, seconded by Gary Bates, to approve the agenda as presented.

YEA 5 NAY 0
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

Don Hartle gave the Council a copy of the Warrant Register showing bills submitted to the Council for approval. After review and discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 12892 through 12951.

YEA 5 NAY 0
Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

Dave Bell met with the City Council to discuss the trees at 100 North 200 East. Mr. Bell stated that he planted trees in the city right-of-way without permission. The City Council believes that he has planted too many trees. Mr. Bell stated that he is here to remedy the situation. Mr. Bell stated that the 40-foot setback is pretty severe for any place. Mr. Bell stated that the language in the Wellsville City code is hard to understand, and asked that the City Council review the code and make it easier to understand. Mr. Bell stated that if the 40-foot setback is imposed all over Wellsville City, a lot of trees will have to be removed. The streets of Wellsville need to be safe for pedestrians, horses, and bicycles, as well as it is for cars. Mr. Bell stated that along 100 North, there are traffic, noise, and dust problems, which impacts his home more than it used to. Mr. Bell stated that he uses 100 North on a daily basis, and can't see a site problem. Mr. Bell gave a background as to when he planted the trees. Mr. Bell stated that he has not done a good job of keeping the trees pruned. Mr. Bell felt that if he planted trees closer to the roadway, the streets of Wellsville would look better and it would calm the traffic. Mr. Bell admitted that he planted the trees because he was being selfish. Mr. Bell stated that he didn't intend to break the law. Colin Harrison stated that the Shade Tree & Beautification Committee knows just about where every tree in the city is. Mr. Bell asked about planting new trees. Mr. Harrison stated that about 2 years ago, 40 trees were planted in the city right-of-way along Center Street. Mr. Bell stated that Wellsville City is without a tree plan or tree list. Mayor Thomas G. Bailey stated that the Shade Tree & Beautification Committee has a tree list. Mr. Bell stated that the tree list is neither on Wellsville City's website nor in the Wellsville City code. Gary Bates

stated that he just went through a process with the Shade Tree & Beautification Committee which helped him remove 4 pine trees from his yard and select 2 trees that would be a better fit. Mr. Bates stated that the Committee was very helpful. Mayor Bailey stated that 1 problem that Wellsville City had with Mr. Bell's trees was last fall when the trees were extremely full of fruit and it was hard to see when stopped at the stop sign. Mr. Bell stated that he has trimmed the fruit trees. Mayor Bailey stated that he has counted 17 younger trees in the city right-of-way. Mr. Bell stated that the only trees he has on his property are the trees that are shown on his drawing. The other are bushes that are drought-tolerant. Mayor Bailey stated that as the trees grow, the visibility decreases. Mr. Bates stated that the trees that Mr. Bell has planted will grow to be 20-feet tall and 20-feet in diameter. Mayor Bailey stated that the trees are planted to close to the stop sign. Jackie D. Orton stated that a letter was written to Mr. Bell from City Attorney Bruce Jorgensen awhile back, and Mr. Bell didn't respond to the letter. Wellsville City has received several complaints about the trees and not being able to see at the intersection. Mayor Bailey suggested that the Shade Tree & Beautification Committee meet with Mr. Bell and discuss the trees. Mayor Bailey asked if Mr. Bell had any objection to that suggestion. Mr. Bell stated that he did because he thinks that trees are good, and the Shade Tree & Beautification Committee does not. Mayor Bailey stated that Wellsville City has no problem with the trees that are planted in Mr. Bell's yard. Wellsville City is concerned with the visual and safety of the people at the intersection. Ron Case stated that Mr. Bell has mentioned the traffic problem and the increased speeding. When Wellsville City rebuilds a road, people do speed on the road. Mr. Case stated that if they allow Mr. Bell to keep the trees, than it can be done throughout Wellsville City. If Wellsville City should need access to the utilities, the trees will be removed at that time. If the ordinance prohibits the trees, then Wellsville City needs to enforce the ordinance. Mr. Bell stated that he is being forced to remove the trees because he didn't ask permission to plant the trees. Mayor Bailey asked if they are single trees. Mr. Bell stated that most of them are. Mr. Bell suggested that he remove the 5 trees by the stop sign and leave every other tree. Mr. Bell stated that the radius on the corners is huge. If the sidewalks could bulge out toward the street so the stop sign can be moved closer to the intersection, it would help the visibility. Carl Leatham stated that the law is that the stop sign has to be behind the sidewalk. Mr. Orton asked if Mr. Bell would work with the Shade Tree & Beautification Committee and propose his plan to them. Mr. Harrison stated that he agrees with Mr. Bell that it doesn't think meeting with the Committee will work. Mr. Harrison stated that Wellsville City is trying to clean up the corners of the streets including trees, shrubs, and fences. Mayor Bailey asked that they resolve the 40-foot street line. Don Hartle stated that the street line is where the street right-of-way meets the property line. Mr. Bell stated that a 40-foot street line should be on a 50-foot wide street, not a 99-foot street. Mr. Case stated that the apple trees that are planted on the city right-of-way, the fruit belongs to anyone. Mr. Bell agreed. Mr. Bates stated that Mr. Bell has a small orchard planted on the corner. Mr. Harrison stated that after talking with the Shade Tree & Beautification Committee, he reviewed with Mr. Bell what trees need to be removed. Mr. Bell stated that it would be a disaster, and is enough for him to pack up and move out of Wellsville City. Mr. Bell stated that he understands where the City Council is coming from, but feels that it is not necessary. Mr. Leatham stated that he completely disagrees with Mr. Bell. Mr. Leatham stated that he appreciates Mr. Bell's yard, but this is city property that the trees are planted on and there are major safety concerns. Mr. Leatham stated that he understands Mr. Bell doesn't like it, but there is a need for it. Mr. Bell asked if there was a plan to do street work on these two streets. Mr. Harrison stated that there is nothing in the near future planned on those two streets. Mr. Bates stated that Mr. Harrison could run the proposal by the Shade Tree & Beautification Committee because when a new home is built, they are allowed to plant 2 trees in the city right-of-way. On the other hand, this issue has gone on long enough with no response that Wellsville City could remove the trees. Mr. Bell stated that he was surprised by the letter from City Attorney Bruce Jorgensen. He didn't understand why someone from the City Council didn't sit down with him about this issue without getting the attorney involved. Mayor Bailey stated that numerous letters from the Wellsville City office were sent the Mr. Bell with no response. Mr. Orton stated that he agrees with Mr. Bell that he should have been contacted verbally before he received a letter from the attorney, but now is the time to put an end to this issue. Mr. Bell proposed that he remove the 2 big apple trees, spread out the crabapple trees, and draw up a plan that can be reviewed by the Shade Tree & Beautification Committee. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates that Mr. Bell draw up a plan, deliver it to Colin Harrison who will review it with the Shade Tree & Beautification Committee, and to come to a compromise on the tree issue at 100 North 200 East. The entire process is to be completed in 30 days.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

Hugo DuPont met with the City Council for an Eagle Scout project. Mr. DuPont stated that he would like to propose a project that would contribute to the beauty and color of Wellsville City. He would like to plant flowers and greenery that will cut down on the weeds. He would also like to trim the bushes at the Veteran's Memorial at the cemetery that have grown to cover the Wellsville City Cemetery and the settlement dates. Mr. DuPont has spoken with Carol Kerr, who is on the Shade Tree & Beautification Committee. She has approved of this Eagle Scout project. He plans to have his scout troop, Troop 22, work with him on this project. Mr. DuPont has raised a number of donations which include money donated by Julie Nielsen and Alana DuPont. He has spoken with Jerry Wuthrich of Rudy's Greenhouse and was told that he could meet with him in May to donate flowers. He has met with Paul Eastman of Ridley's Market and Mark Anderson of Anderson's Seed & Garden. Both have agreed to donate flowers, and Mr. Anderson is willing to look at the proposed plantings to determine the correct plants to use. The total projected costs are met through donations. Mr. DuPont stated that he plans to plant at Darley Park at the well building next to the tennis court. There are 3 locations in his plan; Veteran's Memorial at the cemetery, Darley Park, and the empty cement planters located in front of Main Street. Mr. DuPont plans to water, weed, and maintain the plants the entire summer. Colin Harrison stated that Dale Bankhead was taking care of the Veteran's Memorial. Carl Leatham stated that Mr. Bankhead was only spraying, not trimming. Jackie D. Orton asked if there are sprinklers in the cement planters along Main Street. Mayor Thomas G. Bailey stated that there are no sprinklers, but there is a faucet that Mr. DuPont could use. Gary Bates stated that Carol Kerr did have 1 concern, and that is fertilizer in the cement planters. Mr. Harrison stated that the Shade Tree & Beautification Committee would like trees planted in the cement planters, and that they would use the same type of tree that they planted along Center Street. Mayor Bailey stated that they would like the trees planted in the cement planters. Mr. Leatham stated that Mr. DuPont gave an excellent presentation and was very well prepared. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the Eagle Scout project for Hugo DuPont.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

John Jenkins met with the City Council for a business license. Mr. Jenkins stated that he would like to start a landscape construction and maintenance business. Mr. Jenkins stated that he has 1 trailer that he understands has to be parked to the side and behind the front of his home. Mr. Jenkins stated that he has no large equipment at this time. Mr. Jenkins stated that the business license is for office work inside the home and small equipment. Carl Leatham stated that the Planning Commission did have a concern with the equipment, and did tell Mr. Jenkins that the trailer would have to be parked to the side and behind the front of his home. After discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve a business license for John Jenkins.

YEA 5

NAY 0

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

Justin Topik met with the City Council for a business license. Mr. Topik does inspirational and motivational speaking. Mr. Topik has a website, and also a gift shop as part of the web site. Mr. Topik stated that he will package the gifts and ship them out. Mr. Topik stated that the business license is for the office work that would be done in his home. Carl Leatham stated that the Planning Commission had no concerns with this business. Gary Bates asked about traffic to the home. Mr. Topik stated that there would be none. Mr. Bates asked about shipping the packages. Mr. Topik stated that he would take the packages to the post office or UPS. After discussion, Colin Harrison made a motion, seconded by Ron Case, to approve the business license for Justin Topik.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 0

Steve Kyriopoulos met with the City Council for a business license. Mr. Kyriopoulos would like to sell local produce at the corner of 400 North and Highway 89/91. Mr. Kyriopoulos would like to have a hoop house, which is similar to a green house, and an opened tent. Mr. Kyriopoulos stated that they would be opened on Saturdays for 9:00 a.m. to about 2:00 p.m. Carl Leatham stated that the Planning Commission had concerns about the hoop house. Mr. Leatham stated that everyone has learned from the first time this business was proposed, and some adjustments have been made. Mr. Leatham stated that the plan that is presented tonight is not the same plan that was presented to the Planning Commission. After reviewing both plans, Mr. Leatham stated that he has some concern about the highway frontage. Mr. Kyriopoulos stated that he will put the hoop house and tent wherever the City Council would like them within reason. After much discussion, it was decided the hoop house would be located along 400 North toward the east of the property. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve the business license for Steve Kyriopoulos contingent upon further review from the Planning Commission, and acquiring a building permit if necessary.

YEA 5

Gary Bates
Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 0

Councilman Gary Bates left the meeting at 7:35 p.m.

Jeremie Poppleton, Fire Chief of the Wellsville Fire Department, met with the City Council to discuss the needs of the fire department. Mr. Poppleton explained to the City Council that the fire department is in need of a new pumper truck. He reviewed the 10-year plan that was presented to the City Council in 2007, Mr. Poppleton has added to the 2012/2013 budget a pumper truck. Mr. Poppleton stated that his budget has not increased. Mr. Poppleton stated that the fire department has applied for grants for the last 5 to 6 years and has been unsuccessful. Mr. Poppleton reviewed the current fleet with the City Council. Mr. Poppleton had added an interface pumper in the 2012/2018 budget, but would be willing to flip-flop these two pumper trucks. Mr. Poppleton stated that they have had a grant writer write the grants, but it is very competitive. Colin Harrison asked if there are used pumper trucks. Mr. Poppleton stated yes. There are options out there. Mr. Poppleton stated that they are meeting with a representative from Pierce who can get competitive rates on a 3-, 5-, 7-, and 10-year loan. There is also a lease-to-purchase option. Mr. Poppleton stated that he spoke with the Fire Chief from North Logan and they would like to sell in January 2012, a 2005 pumper truck that has 12,000 miles on it for \$150,000. Mayor Thomas G. Bailey asked that Jeremie Poppleton return to City Council and report on what he finds out after he meets with the representative. Mr. Harrison asked if the pumper truck is an immediate need, or a need for the 2012/2013 budget. Mr. Poppleton stated that it is an immediate need. Jackie D. Orton asked if there were other representatives other than Pierce. Mr. Poppleton stated that he has seen 2 others, but most everyone works with Pierce. Mr. Orton suggested

that Mr. Poppleton get 2 opinions. Mr. Poppleton thanked the City Council for their time. Mayor Bailey thanked Mr. Poppleton for attending the City Council meeting.

Don Hartle presented to the City Council the 2011/2012 tentative budget. Mr. Hartle stated that in his opinion, Wellsville City is in good financial shape. Mr. Hartle gave a history concerning the number of employees that have been added since he came to work for Wellsville City in 1985. In 1990, Wellsville City consisted of 650 dwelling units. Currently, Wellsville City consists of 1,114 dwelling units. There has been no increase of public works employees. There has been 1 additional full-time employee hired in the office. Mr. Hartle stated that the tentative budget usually consisted of the 46 pages of budget worksheets. Mr. Hartle put together a booklet for each City Council member containing the budget worksheets and all of the documentation that supports the budget. Mr. Hartle recommended that the City Council take the booklets and review them. The tentative budget will need to be adopted in 2 weeks. Mr. Hartle stated that he has given the City Council a balanced budget, which he is required by law to do. Mayor Thomas G. Bailey stated that he and the City Council appreciate the work that is put into this budget, and thanked Don Hartle for it.

The City Council considered for adoption a resolution setting a cap on the amount the City will pay in the future for current city employees medical and dental premiums at the 2011/2012 rates. After discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve **RESOLUTION 2011-02** adopting **AN AMENDMENT TO THE WELLSVILLE CITY EMPLOYEE HANDBOOK AND GUIDELINE SETTING A CAP ON THE AMOUNT THE CITY WILL PAY IN THE FUTURE FOR CURRENT CITY EMPLOYEES MEDICAL AND DETAL PREMIUMS AT THE 2011/2012 RATES.**

YEA 4

NAY 0

Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

Department Reports:

Colin Harrison – 1) Asked if Mayor Thomas G. Bailey would say a few words at Arbor Day – April 30, 2011 – 10:00 a.m. – Wellsville Dam Park – honoring Marcene Parker.

2) Asked if green waste dumpster should be used by landscaping contractors – Don Hartle will contact Logan City about control of the dumpster and ask if it would be possible for Wellsville City to have 2 green waste dumpsters.

Ron Case – 1) Linda Cooper called him to complain about the development that is going on around her house and the mess that it is making in their field.

Mayor Thomas G. Bailey – 1) Asked the City Council to think about giving a tax break to a business that would start a business in Wellsville City.

Carl Leatham – 1) Thanked everyone for attending the Planning Commission meeting last Wednesday that included training on land use by County Planner Jay Baker.

2) Youth Council Leadership – Mike & Kristine Jenkins would like to be replaced. They have suggested some names, and he will discuss this issue with Gary Bates.

City Manager/Recorder's Report:

Don Hartle – 1) Met with City Attorney Bruce Jorgensen – discussed code concerning fences and hedges – a variance can be granted by the Board of Adjustments if it is something beyond control. It will be up to the City Council to enforce the code.

2) An individual called to reserve the Wellsville Dam Bowery on June 11, 2011 from 9:00 a.m. to 8:00 p.m. for a motorcycle rally – will charge \$1.00 per person.

3) Received a call from Don Davis concerning portable car ports and asked if Wellsville City would like to require a building permit in order to have one – will think about it.

4) Meals on Wheels – will bring meals to a central location and have volunteers within the community to deliver the meals. Asked if they could deliver to the City Office – doesn't think it will work because the City Office is not opened on Fridays.

5) FEMA has distributed new flood maps – State of Utah has approved – FEMA has approved – has put together an ordinance – will adopt it at the next meeting.

6) Handed out letters from Don Ewing who lives in the Southwest Heritage Estates concerning the flooding in the subdivision.

7) Adding energy into the water line – City Attorney Bruce Jorgensen is reviewing the request.

At 9:12 p.m., Colin Harrison made a motion, seconded by Carl Leatham, to adjourn this meeting.

YEA 4

Ron Case
Colin Harrison
Carl Leatham
Jackie D. Orton

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder