

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, May 4, 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 29, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Melissa Webster	Nicole Rozanski
	Tracy Rozanski	Amberlee Taylor	Jake Harrison
	Ben Harrison	Travis Taylor	Clint Kerr
	Jeremie Poppleton	Christian Leishman	

Opening Ceremony: Ron Case

The Council reviewed the agenda. Gary Bates added an Eagle Scout project. Jackie D. Orton made a motion, seconded by Colin Harrison, to approve the agenda with the additional item.

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

The Council reviewed the minutes of the April 6, 2011 City Council meeting. There was a word change on line 259. Colin Harrison made a motion, seconded by Ron Case, to approve the minutes of the April 6, 2011 City Council meeting with the change.

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

The Council reviewed the minutes of the April 20, 2011 City Council meeting. There were word changes on lines 101, 109, and 110. Jackie D. Orton made a motion, seconded by Gary Bates, to approve the minutes of the April 20, 2011 City Council meeting with the changes.

<u>YEA 5</u>	<u>NAY 0</u>
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, Ron Case made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 12952 through 12994.

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

Melissa Webster met with the City Council for a business license. Ms. Webster is a licensed CPA in the State of Utah, and works from home, which she is building a new home in the Sterling Ridge subdivision. A majority of her clients are businesses. During tax season, approximately 1 client per week will come to her home. Carl Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. After discussion Carl Leatham made a motion, seconded by Jackie D. Orton, to approve the business license for Melissa Webster.

**YEA 5**

**NAY 0**

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

Nicole Rozanski met with the City Council for a business license. Ms. Rozanski is a licensed massage therapist in the State of Utah. She currently works for a business in Logan, and would also like to do massages in her home. She lives at 270 East 200 South. Carl Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. After discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the business license for Nicole Rozanski.

**YEA 5**

**NAY 0**

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

Amberlee Taylor met with the City Council for a business license. Ms. Taylor would like to open a salon in her home, which is at 295 North 100 West. Ms. Taylor will have a sink and a chair. Carl Leatham stated that the Planning Commission approved the conditional use permit with no restrictions. Colin Harrison asked about traffic. Mr. Leatham stated that it will not be a problem because she will only be opened until 7:00 p.m. After discussion, Carl Leatham made a motion, seconded by Jackie D. Orton, to approve the business license for Amberlee Taylor.

**YEA 5**

**NAY 0**

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

At 6:30 p.m., Gary Bates made a motion, seconded by Carl Leatham, to go into public hearing:

**YEA 5**

**NAY 0**

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

Receive public input and consider a code amendment to amend Title 9, Chapter 3, "Flood Damage Prevention" to repeal the existing code and adopt an entire new code to comply with new regulation. Mayor Thomas G. Bailey asked if the City Council had received the accompanying FEMA letter. Don Hartle stated that there is nothing to do but adopt the code. The code had to be sent to the State of Utah for approval, and then sent to FEMA for approval. The new code has to be adopted by May 12, 2011,

At 6:32 p.m., Ron Case made a motion, seconded by Colin Harrison, to close the public hearing.

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

After discussion, Jackie D. Orton made a motion, seconded by Colin Harrison, to approve **CODE AMENDMENT 2011-02, AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 9 BUILDING REGULATIONS, CHAPTER 13 FLOOD DAMAGE PREVENTION.**

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

Jake Harrison met with the City Council to discuss his Eagle Scout project. His Eagle Scout project is taking place at Darley Field. He will be painting the metal staircase leading up to the announcer booth, staining the wood stalls next to the restrooms, and cleaning out the area where the softball field sand is located. Before he paints the staircase, he will wire brush all of the rust and old paint off, as his picture indicates. He will apply primer to all of the rusted areas. He will coat the entire staircase with black paint. He plans to cover the wood stalls to the restrooms with stain. It will be light brown in color to match the announcer booth and surrounding environment. There is a lot of graffiti that he will be covering up. He will cleaning out the softball sand area because the sand there is very old and cannot be used anymore. There are rocks, cement, metal poles, trash, leaves, and weeds as shown in the picture. He will dig out all of the sand and haul it away. When the project is completed, there will be a nice space for Wellsville City to install cement barriers similar to the cement barriers at Christensen Field next to Wellsville Dam. Throughout the course of the project, he will be having his family, friends, and Scout Troop 22 help with the project. He has spoke with Greg, the owner of Bennett's Paint. They discussed all of the supplies that will be needed for the project. Greg gave Jake Harrison a special Eagle Scout discount on all of the supplies. All of the discounts equal up to about 40%. He will get donations for the other 10%. The total cost of the project should not exceed \$275.00. Greg told Jake Harrison that all of the supplies are the very highest quality. It will stay for a very long time compared to cheap products. Greg has offered to lend Jake Harrison some wire brushes and paint brushes for the job free of charge so he will not need to purchase them. Gary Bates asked if Wellsville City had any of the concrete barriers available. Don Hartle stated yes. Mr. Hartle stated that he may also have some wire brushes that could be used for this project. Mr. Bates asked about soil sterilent for the sand. Mr. Hartle stated that Wellsville City does have some, and he will ask Tom Maughan to look at it to see if it can be used or not. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve of the Eagle Scout project for Jake Harrison.

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

The City Council reviewed for approval the final plat for phase 2 of the Sterling Ridge subdivision. Carl Leatham stated that the Planning Commission approved the final plat subject to the City Council and the City Engineer approving it. Travis Taylor stated that he received the memo from the City Engineer. Mr. Taylor stated that they will not pave the new turnaround because it is a waste of money. Mr. Leatham stated that there is a question as to how to proceed with lot 10. Mr. Taylor stated that lot 10 has a

turnaround in front of it, which is paved. Mr. Taylor stated that they would like to build a home on lot 10 to enter into the parade of homes this fall. All of the utilities are installed in front of lot 10, as well as the improvements and infrastructure. Mr. Taylor stated that it doesn't have to be considered as a lot, but the entire piece of property. Don Hartle stated that before Mr. Taylor constructs a home on the lot, a security bond of 150% of the projected home will have to be established for Wellsville City. Mr. Hartle stated that the code requires that all of the improvements are to be installed before the plat is filed, but the City Council can make an exception. Gary Bates asked about how the cash in lieu of open space will be handled in future phases. Mr. Hartle stated that before the plat is filed, a check will be written out to Wellsville City. Mayor Thomas G. Bailey asked if the City Council will allow Mr. Taylor to build on lot 10 before the rest of the infrastructure is installed in the rest of the phase. Mr. Hartle stated that he has a meeting scheduled with City Attorney Bruce Jorgensen, and will discuss this issue with him. Mr. Leatham reminded Mr. Taylor that lot 13 has a no build zone because of the slope of the ground. Mayor Bailey asked about construction garbage container, and asked if he could ask the contractor to keep them covered and emptied more often. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve the final plat for phase 2 of the Sterling Ridge subdivision with the stipulation that the City Engineer and City Attorney sign off on the plat, and that developing lot 10 complies with the City Attorney's opinion.

YEA 5

NAY 0

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Jackie D. Orton

Jeremie Poppleton, Fire Chief of the Wellsville Fire Department, met with the City Council to update them on his findings of a new pumper truck. Mr. Poppleton stated that he met with 2 different companies. A Class A pumper truck is about \$376,000. There are lease-to-own options of 5 or 7 years, and there is financing available for 5, 7, and 10 years. Mr. Poppleton stated that they also reviewed the Urban Interface Pumper, which runs about \$324,000. Mr. Poppleton explained different financing options and payment plans with the City Council. Gary Bates asked if there are any grants available. Mr. Poppleton stated that from FEMA, they have submitted applications for the AFG grant for the past 6 years, and haven't received any money. Colin Harrison asked if the backup truck that has a hole in it can be repaired. Mr. Poppleton stated that it can be if they can find parts for it. Mr. Poppleton discussed the pumper truck that North Logan Fire Department is putting up for sale, and the financing and payment plans for that truck. The downfall for that truck is that it is a 2005, and there are no warranties with the truck. Mr. Poppleton stated that he would recommend the Urban Interface Pumper, which he believes will cost between \$275,000 and \$300,000, and with equipment, Wellsville City would be into it approximately \$315,000. Mr. Poppleton stated that he is coming before the City Council to ask for the funding. Don Hartle stated that an Urban Interface Pumper truck is not in the tentative 2011/2012 budget. Mr. Harrison asked what kind of equipment would be needed for the new truck. Mr. Poppleton stated that it would need hose, nozzles, fittings, and tools. Mr. Poppleton explained that when the truck is ordered, it takes about 9 months to build, and that a payment would not be due until a year from delivery. Jackie D. Orton asked who would need to decide if a year from now, they could start making payments on a new pumper truck for 10 years. Mr. Hartle stated that it is a decision for the City Council. Mr. Harrison asked what Mr. Poppleton's outlook is as far as the Fire Department goes. Mr. Poppleton stated that it is pretty grim, and that Wellsville City is rolling the dice with fire protection. Mr. Bates asked about a fire impact fee. Mr. Hartle stated that the fire impact fee is \$119. Mr. Harrison asked about Cache County building a new fire station. Mr. Poppleton stated that it was proposed to be built in Providence, but it was denied. It is not being built on Golf Course Road next to the golf course maintenance sheds. Mr. Orton asked when the City Council should make the decision on this issue. Mayor Thomas G. Bailey stated that it needs to be soon. Mr. Orton stated that he would like to take a field trip over to the fire station again, and that it would help him to make the decision. Mayor Bailey stated that the problem that Wellsville City is facing is that Cache Council used to supply the engines, and that fund dried up. Mr. Hartle stated that there is roughly \$100,000 as a down payment. When the fire department purchased squad 61, they used \$6,500 in impact fees, and the deal was that the next \$6,500 belonged to the first responders. Mr. Hartle asked if Mr. Poppleton has approached the first responder about using the \$6,500. Mr. Poppleton has not. Mr. Bates stated that he has seen the equipment that

the fire department has, and it is old. Wellsville City is growing, and there is a significant value of new homes in Wellsville City. Mr. Orton recommended that Mr. Poppleton discuss the \$6,500 with the first responder, get a total cost of the new truck and equipment, a monthly payment, and give the City Council an update at the next City Council meeting.

The City Council discussed adopting a code amendment to allow fences, hedges, shrubs, or walls to be erected in any required front yard to a height not to exceed forty two inches (42"). Jackie D. Orton asked about Tyler Erickson's fence. Colin Harrison stated that he has no problem with the fence because you are able to see through the fence. Carl Leatham stated that the fence was illegal when it was built. Mayor Thomas G. Bailey stated that the City Council will have to look at each issue on a case by case basis. Mr. Harrison asked about grandfathering in general concerning other fences or hedges that were in compliance before this code amendment. Don Hartle stated that in this case, there is no such thing as grandfathered in because it was illegal when it was built. After discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve **CODE AMENDMENT 2011-03, AN AMENDMENT AMENDING THE WELLSVILLE CITY CODE, TITLE 10, LAND USE REGULATIONS, CHAPTER 11, SUPPLEMENTARY REGULATIONS, TO ALLOW FENCES, HEDGES, SHRUBS, OR WALLS TO BE ERECTED IN ANY REQUIRED FRONT YARD TO A HEIGHT NOT TO EXCEED FORTY TWO INCHES (42").**

YEA 5

NAY 0

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

Christian Leishman met with the City Council to discuss his Eagle Scout project. Mr. Leishman stated that for his Eagle Scout project, he would like to build a railing around the fishing dock. Mr. Leishman stated that he will use the same materials that the dock is built out of. He will provide a sketch at the next City Council meeting. Mr. Leishman stated that he has calculated that his supplies will cost about \$800. Colin Harrison asked what materials the fish dock was made out of. Mr. Leishman stated that it is made from trex materials. Gary Bates stated that when the fishing dock was built, it was intended for wheelchairs, small children, and senior citizens. Mr. Bates stated that he would like to have the railing and ramp built, and they he would install the sign about what the fishing dock is for. Mr. Bates stated that the code requires a railing with the slats being 4 inches apart. Mayor Thomas G. Bailey stated that the City Council can't approve funds unless the project is on the agenda. Mr. Bates stated that he would like this project completed before June 4, and that is why he is trying to push it through. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to approve the Eagle Scout project of Christian Leishman, and that Wellsville City will fund up to \$400 of this project. If the project exceeds \$800, Mr. Leishman will return to Wellsville City Council for further approval.

YEA 5

NAY 0

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

The City Council reviewed for approval the tentative budget which was presented at the April 20, 2011 City Council meeting. Colin Harrison suggested that his priority may be different than the rest of the City Council. Mr. Harrison referred to page 25 of the tentative budget, and thinks that the \$42,000 from the general fund be spent on something else other than open space. Ron Case stated that sometimes Wellsville City has 1 chance to purchase open space. Mayor Thomas G. Bailey agreed with Mr. Case and stated that Wellsville City can't expect an owner to sit on open space property until they are ready to purchase it. Jackie D. Orton stated that he was not interested in the open space when it was proposed to the City Council because they were purchasing the development rights only. Now that they have taken it a step further, and

purchased the entire property, he agrees with the decision. Gary Bates stated that a public hearing can be held to reallocate the money. Carl Leatham stated that the money is earmarked for the project, but it doesn't mean that it can't be changed. Mr. Orton stated that the budget should stay as it is because the City Council is not obligated to spend the money on that project. Don Hartle stated that the City Council has to approve of the tentative budget so that he can prepare the final budget. Mr. Hartle stated that he needs to know what the City Council would like to do before it gets to this point so that changes can be made before the public hearings are scheduled. Mr. Bates stated that the purchase of open space has been a hushed subject, and he hasn't been able to talk openly about the purchase of open space and ask how his neighbors feel about it. Mr. Hartle stated that citizens in Wellsville City elect the members of the City Council to represent them. Mr. Hartle stated that the City Council has asked him to look into options concerning the possible purchase of the open space parcel. The owner of the property is willing to change the payment over 5 years. Mr. Orton asked what could be done so that more people are interested in what is happening in Wellsville City and attend the public hearings. Mayor Bailey stated that the tentative budget can be approved, and when the public hearings are held, if it is not supported, the funds will stay uncommitted. Mr. Orton asked if the funds could be committed to some other project. Mr. Hartle stated yes, in June 2012. Mr. Hartle stated that Wellsville City adjusts the budget once a year, which is in June. After discussion, Jackie D. Orton made a motion, seconded by Ron Case, to approve the tentative budget which was presented at the April 20, 2011 City Council meeting.

YEA 5

Gary Bates  
Ron Case  
Carl Leatham  
Jackie D. Orton

NAY 1

Colin Harrison

Department Reports:

Carl Leatham – 1) Last Wednesday, the Planning Commission meeting got a little heated, and Wellsville City may have lost a strong supporter. Discussed the issue with the property and home owned by Randy Wall at 60 East 300 North. Randy has met with Don Hartle twice since the meeting and is trying to clean up the property.

Gary Bates – 1) Bike Rally – September 16, 2011 – Scott & Janet Okelberry and Chris and Tressa Breinholt.

2) Cowboy Days – June 18, 2011 – Wellsville City committed to \$500 donation.

3) Concert in the Park – July 18, 2011 – 4 Hims

4) Youth Fishing Derby – June 4, 2011

5) Had Sgt. Paul Todd come and discuss neighborhood watch with the Parks & Recreation Committee – have talked to a few residents that live down next to the dam and around the city square.

6) Gave a copy of the grant application concerning the trail on 400 South heading east to Don Hartle.

7) Paul Egbert would like to stay on the Parks & Recreation Committee – also added Jerilyn Isom and Dan Erickson to the Parks & Recreation Committee.

Mayor Thomas G. Bailey – 1) Thanked Colin Harrison for the Arbor Day program.

Ron Case – 1) Asked about adding a clean-up portion to the subdivision code.

2) Adding approved trees to website – may state “Before planting trees in the City right-of-way, contact John or Carol Kerr at” and give their phone number.

3) Thanked Don Hartle for the budget booklet – asked if he could get a breakdown as to where the sales tax dollars come from. Don Hartle will look into it.

Colin Harrison – 1) Asked Mayor Bailey to sign a proclamation declaring April 30, 2011 as Arbor Day. After discussion, Colin Harrison made a motion, seconded by Carl Leatham, to declare April 30, 2011 as Arbor Day.

YEA 5

NAY 0

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

- 2) Shade Tree & Beautification Committee – problem with a bush that is overgrown onto the sidewalk next to Kay Anderson’s old home. Asked if he should bring this issue to City Council, or discuss it with the home owner. Mayor Bailey stated that he should discuss the issue with the home owner, and then add it to his department report so that the City Council is informed of what the Shade Tree & Beautification Committee is doing.
- 3) Asked if Don Hartle had contacted Logan City about the green waste dumpster. It is for residential use only, but doesn’t know how to patrol it.
- 4) Memorial Day program – May 30, 2011 – 10:00 a.m.
- 5) Cemetery clean-up will be held May 24, 2011

Jackie D. Orton – 1) Would like to use his sidewalk fund to finish the north end of the city square. It is about 400 feet of sidewalk, and the last estimate came in at \$8,700. Mr. Orton will open the project up for bids, and Wellsville City residents will have first priority. After discussion, Jackie D. Orton made a motion, seconded by Ron Case, to allow Mr. Orton to use the sidewalk fund to finish the north end of the city square.

YEA 5

NAY 0

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

- 2) Met with Stacie Gomm representing Willow Valley Middle School – would like Wellsville City to paint crosswalks along Center Street. Don Hartle stated that Center Street is a State Highway. They would also like a crosswalk painted at 200 West 400 North. Ron Case asked if any more thought had went into turning 200 West into a one-way street. Mr. Hartle stated that by doing that, it will mess up snow removal routes. Gary Bates stated that Mr. Orton should contact Paul Egbert about the crosswalks on Center Street.
- 3) Rebuilding roads this year – 200 West from 300 North to 100 South.
- 4) Wellsville City signs – still working with the State of Utah.

City Managers/Recorders Report:

- Don Hartle – 1) Wellsville City will purchase yield signs, and they are to be installed at 200 West 900 South (1), 200 West, 700 South (2), and 200 West 400 South (2) all to direct traffic going east and west by an Eagle Scout.
- 2) The State of Utah was here on April 26, 2011 to inspect the sewer system.
  - 3) Handed out a copy of the letter from City Attorney Bruce Jorgensen concerning Southwest Heritage Estates. It has written on it “Client Attorney Privilege”, so the information goes no further than this meeting.
  - 4) Handed out a copy of the monthly Sheriff’s report – it is emailed to each member of the City Council.
  - 5) Applied Hydro Power – handed out a copy of the letter from City Attorney Bruce Jorgensen and a response letter – there is a unit operating in Logan City.
  - 6) Still working on trying to obtain property for land application from the sewer lagoons.

At 8:45 p.m., Jackie D. Orton made a motion, seconded by Gary Bates, to adjourn the meeting.

YEA 5

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

NAY 0

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Thomas G. Bailey  
Mayor

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Don Hartle  
City Manager/Recorder