

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, August 3, 2011, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilmen Ron Case, 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 July 29, 2011. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present: Jennifer Leishman Jeremy Ellis Bryan Palmer
Aaron Walker Clint Kerr Blake Brenchley
Michelle Ferguson McKenzie Reeder Gay Leishman
Tanner Leishman Kate DuHadway Glenna Petersen
Bevan Higbee

Opening Ceremony: Carl Leatham

Councilman Colin Harrison was excused from this meeting due to vacation.

The Council reviewed the agenda. Don Hartle stated that item #9 Jonathan Cox – Eagle Scout project should be removed from the agenda. Ron Case made a motion, seconded by Carl Leatham, to approve the agenda with the deletion.

YEA 3 NAY 0
Ron Case
Carl Leatham
Jackie D. Orton

Councilman Gary Bates arrived at the meeting at 6:03 p.m.

The Council reviewed the minutes of the July 20, 2011 regular City Council meeting. Jackie D. Orton made a motion, seconded by Gary Bates, to approve the minutes of the July 20, 2011 regular City Council meeting as presented.

YEA 4 NAY 0
Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

The Council reviewed the minutes of the July 20, 2011 executive City Council meeting. Ron Case made a motion, seconded by Carl Leatham, to approve the minutes of the July 20, 2011 executive City Council meeting as presented.

YEA 4 NAY 0
Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

Jeremy Ellis met with the City Council to discuss the budget for the Wellsville City Youth Council. Mr. Ellis stated that they have 42 members of the youth Council. This past week, they had an opening social, and had 38 members attend. Mr. Ellis stated that their budget for this year is \$750.00. With the purchase of T-shirts, candy for the parade, and toys for the children's games for Founder's Day, they will be left with \$4.50 for the rest of the year. Mr. Ellis stated that they have reviewed previous budgets, and in the past, the budget for the Youth Council has been \$1,000.00. Mr. Ellis stated that he doesn't need a decision tonight, but is wondering if it would be possible to raise their budget to \$1,000.00. Don Hartle stated that the candy for the parade and toys for the games should come out of the Founder's Day budget. Ron Case stated that

taking the candy and toys out of the Founder's Day budget will add approximately \$250 back into the youth Council budget. Mr. Ellis stated that by doing that, it will solve his problem.

Bryan Palmer met with the City Council for a business license. Mr. Palmer stated that he let his business license lapse. Mr. Palmer stated that he had a business license for wreaths, and would like to add floral and produce to his business. Mr. Palmer stated that he received a federal grant to build 2 greenhouses in his backyard so that he can grow produce all year long. Carl Leatham stated that the Planning Commission approved a conditional use for the home occupation and for the greenhouses. Mr. Leatham reminded Mr. Palmer that his trailer is not to be parked in the street. After discussion, Gary Bates made a motion, seconded by Carl Leatham, to approve the business license for Bryan Palmer.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

Joey Elder met with the City Council to discuss an Eagle Scout project. Mr. Elder would like to repair and paint the bleachers at the baseball field across from Wellsville Elementary. Mr. Elder will replace some boards and repaint the bleachers the same color. Mr. Elder has contacted Bennett's Paint. They will sell the paint to Mr. Elder for \$24.50 per gallon, and Mr. Elder has estimated that he will need 3 gallons. Mr. Elder stated that he will need to replace the carriage bolts. Mr. Elder has contacted Sunrock. Sunrock will sell the materials to Mr. Elder at a 50% discount. Mr. Elder estimates that this project will cost approximately \$150.00. Gary Bates stated that this is a project that has been on the list, and that the bleachers are in bad shape. Mr. Bates stated that Mr. Elder would like to complete this project before school starts. Mr. Bates stated that he knows of an individual that will cover the cost of this project if Wellsville City is unable to. Mayor Thomas G. Bailey stated that Mr. Elder is allowed to begin working on this project, but will need to get on the agenda for the next City Council meeting and the project will be approved at that time.

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

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

Receive public input and consider the recommendation of the Planning Commission on a request from Michelle Ferguson that the code be amended to allow "pot belly pigs" in the R-1-12 zone. Ms. Ferguson stated that pot belly pigs are small, that they are no bigger than an English bulldog, they are indoor pets, clean, and are smarter than a dog. Jackie D. Orton asked what a person did with a pot belly pig. Ms. Ferguson stated that they are pets, and that you use a harness instead of a leash. The pot belly pig is considered an exotic pet. Ms. Ferguson stated that there are state laws that govern what an individual can have as an exotic pet. Ms. Ferguson stated that most towns consider pot belly pigs as livestock. Don Hartle stated that since last week, he has received 3 telephone calls about this issue and all were opposed to amending the code to allow pot belly pigs. Bevan Higbee asked if the dog catcher would pick up a pig like it would a dog, and how would the dog catcher pick it up if it is 300 pounds. Mr. Higbee stated that he is opposed to this issue because it is another cost to the City. Mr. Higbee stated that there is a limit to the number of dogs an individual can have, and asked if there would be a limit to the number of pigs an individual could have. Mayor Thomas G. Bailey stated that if this is approved, an ordinance would be written that would have several stipulations regarding pot belly pigs. Mayor Bailey stated the dog catcher would be responsible to impound the pig if needs be. Carl Leatham stated that he searched the internet and a pot belly pig can weigh between 100 and 250 pounds and not be considered overweight. Mr. Leatham stated the life span is 12 to 15 years. A pot belly pig can stay small if an individual doesn't over feed it.

Gary Bates stated that he also searched the internet and found that a pot belly pig can weigh up to 300 pounds. Mr. Bates stated that there is no approved rabies vaccine for pot belly pigs. Mr. Bates did find on the internet an organization that deals with pot belly pigs, and stated that pot belly pigs are being abandoned by their owners. The organization urges cities to not allow pot belly pigs as pets. Ron Case stated that he also searched the internet and pot belly pigs can become aggressive. Mr. Case stated that the City Council is not allowing one individual, but allowing the entire community to have a pot belly pig. Mr. Case stated that the dog pound facilities are not equipped to handle pigs. Mr. Case stated that he has sat on the City Council for 9 ½ years and has never had any calls concerning an issue and how to vote. Mr. Case stated that he has had several calls asking him to vote against this issue. Ms. Ferguson asked where those individuals are now, and stated that they are not willing to become educated on the issue. Mr. Leatham stated that the Planning Commission had a lengthy discussion concerning this issue, and they voted 3 to 1 to recommend approval. Mr. Bates asked if Wellsville City limits the size of the pig, does the City purchase a scale and what do they do if a pig exceeds the weight limit. Mr. Leatham stated that there is a formula that is used to find the approximate weight of a pig. Mr. Case stated that pigs do become attached to their owners, and then there would be more of a problem if the pig was to be turned loose. Glenna Petersen stated that she visited her parents in South Carolina where there are plenty of pot belly pigs. Ms. Petersen stated that a majority of the pigs were outside pets, not indoor pets. Ms. Petersen stated that the pigs do get very aggressive.

At 6:51 p.m., Ron Case made a motion, seconded by Gary Bates, to close the public hearing.

YEA 4

NAY 0

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

After discussion, Carl Leatham made a motion to approve a request from Michelle Ferguson that the code be amended to allow “pot belly pigs” in the R-1-12 zone. This motion dies for lack of a second.

After discussion, Gary Bates made a motion, seconded by Ron Case, to not approve a request from Michelle Ferguson that the code be amended to allow “pot belly pigs” in the R-1-12 zone.

YEA 3

NAY 1

Gary Bates
Ron Case
Jackie D. Orton

Carl Leatham

McKenzie Reeder met with the City Council to discuss a traffic sign. Ms. Reeder stated that she lives at 450 East 200 South, and would like a “Slow, Children At Play” sign installed as a reminder to vehicles traveling on that road. Ms. Reeder stated that there is a sign posted that states the speed limit is 25 MPH unless otherwise posted, and then a 30 MPH posted right behind it. Jackie D. Orton stated that he lives in the Red Slide subdivision, and watches vehicles fly by. Mr. Orton stated that he can think of several places where a “Slow, Children At Play” sign could be installed. Gary Bates stated that there are very few places in Wellsville City where vehicles are coming off of Highway 89/91 into a neighborhood. Ron Case stated that other residents have complained. There is a place where vehicles come off of Highway 89/91 onto Center Street, and are still going fast around the curve. There is also Green’s Corner that several residents have complained about. Mr. Orton stated that he sympathizes with Ms. Reeder. Mr. Orton suggested that this site and others be reviewed. Mr. Bates stated that this is the only area that he can think of that vehicles come off of Highway 89/91 right into a neighborhood. Mr. Bates supports the “Slow Children At Play” sign. Mr. Case stated that people see the signs, but then they forget. Mr. Case suggested that Ms. Reeder contact the Cache County Sheriff’s Office and ask them to sit in her driveway. Ms. Reeder stated that she has done that. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to install a “Slow Children At Play” sign at approximately 450 East 200 South.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

After discussion, Ron Case made a motion, seconded by Gary Bates, to remove the 30 MPH speed limit sign at approximately 450 East 200 South.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

Clint Kerr, representing Wellsville City Fire Department, met with the City Council to continue the discussion concerning the capital needs of the Fire Department. Clint Kerr handed out a copy of the information that he received from Fire Trucks West. The 7-year contract with Fire Trucks West would require a \$3.00 per month fee on the utility bill. Mayor Thomas G. Bailey stated that the public hearing concerning this issue is scheduled from August 17, 2011. Don Hartle asked that Mr. Kerr retrieve a blank copy of the lease from Fire Trucks West so that City Attorney Bruce Jorgensen can review it. Mr. Kerr stated that he has a bid of \$12,800 to replace the roof and insulation of the fire station. Gary Bates stated that with this estimate, the choice is between outfitting the truck versus a new roof. Jackie D. Orton asked if only 1 person has looked at it and submitted a bid. Mr. Kerr stated so far. Mr. Bates asked if there was any equipment from the old truck that could be used on the new truck or if they would need all new equipment. Mr. Kerr stated that there may be an ax that they could use off of the old truck. Mayor Bailey stated with the economy the way that it is, he doesn't know how Wellsville City could ask for more than \$3.00 per month. Mr. Hartle asked if the intent is for 7 years only, or if the fee would be perpetual. Mr. Orton stated that he believes that the \$3.00 should be on the utility all the time. Aaron Walker stated that the fire department has been limping along. They are now falling behind, it just hasn't surfaced yet. Mayor Bailey thanked Clint Kerr, Blake Brenchley, and Aaron Walker for attending this meeting.

The City Council discussed the approval of an easement on the sewer trunk line. Don Hartle stated that there is an agreement that needs to be finalized with Tim Parkinson concerning an easement on the sewer trunk line from the cemetery north. The easement allows Mr. Parkinson to cross the sewer trunk line since he owns property on both sides of the trunk line. Mr. Hartle stated that City Attorney Bruce Jorgensen wrote the agreement and Mr. Parkinson agreed to it. After discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve an easement on the sewer trunk line.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

The City Council discussed appointing election judges for the 2011 municipal election. Don Hartle stated that he never heard back from Cache County. Mr. Hartle read the names of individuals that have served before. They are: Darla Moore, LaVon Maughan, Leesa Gleason, Nancy Parker, Delila Sant, Coralee Maughan, and Margaret Bailey. Mr. Hartle suggested that Darla Moore serve as head election judge, 2 serve for the precinct west of Center Street, and that 2 serve for the precinct east of Center Street. After discussion, Gary Bates made a motion, seconded by Jackie D. Orton, to approve Darla Moore serve as head election judge, 2 serve for the precinct west of Center Street, and that 2 serve for the precinct east of Center Street from the above names.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

The City Council reviewed for approval the City property insurance coverage. Mayor Thomas G. Bailey stated that each member of the City Council was mailed a copy of the City property insurance coverage. Don Hartle asked if there were any changes. Jackie D. Orton asked if it was the same as in prior years. Mr. Hartle stated no, that some is higher and some is lower because of the appraisals. Mr. Hartle stated that the Wellsville City property insurance is through the Utah Local Governments Trust. Ron Case asked how they arrived at the value of the contents of each building. Mr. Hartle stated that he had no idea. Bevan Higbee asked if the tabernacle is owned by Wellsville City. Mayor Bailey stated yes. Mr. Orton asked when the City property was appraised last. Mr. Hartle stated that he didn't know. Mr. Hartle stated that he could call and have a representative come and meet with the City Council to answer their questions. After discussion, Jackie D. Orton made a motion, seconded by Ron Case, to continue this discussion at a later City Council meeting.

YEA 4

Gary Bates
Ron Case
Carl Leatham
Jackie D. Orton

NAY 0

Department Reports:

Jackie D. Orton – 1) Discussed nuisance ordinance and citizens parking property wherever they wanted. Discussed Johnson's on 400 North, has Don Hartle written a letter – no. Add to Sheriff's deputy mailbox – Mayor asked Carl Leatham to touch base with Officer Groves.

Ron Case – 1) Discussed placement of signs with election coming up – can't be placed on City-owned property. Fun Run signs are on City-owned property – it is a City-sponsored event. Banner on City Square advertising 5k and 10k Fun Run.

2) Letter from City Attorney concerning termination of rights on cemetery plots – still working on it.

3) Utah League of Cities & Towns – September 14 through September 16.

Mayor Thomas G. Bailey – 1) Laurie Christensen cleans the bathrooms at the different parks and asked if the bathroom next to the pavilion on the City Square could be locked during the week – Gary Bates will discuss this issue during the Parks & Recreation Committee meeting.

Gary Bates – 1) Report on mosquito traps in Wellsville City – will add something about it to the newsletter.

2) Mosquito Abatement is looking for a maintenance building with office space to rent.

3) Looking for an individual to serve as the chairperson on the Parks & Recreation Committee.

4) Sgt. Paul Todd – training for neighborhood watch – asked if Cache County made enough money off of tickets to get more patrol time for Wellsville City – 4:00 p.m. to 2:00 a.m. – 6 hours of traffic patrol and 4 hours of curfew, vandalism, and DUI's. Think about it.

Carl Leatham – 1) Status of the junk behind the old Wellsville Market – moved 2 trailers and truck – parked on property. Ted Ricks has several pieces of property around town and they all look like junk. The letter that was written to him states July 31, 2011 as the date to have the junk removed or Wellsville City will remove it. The sign in the window front is also in violation of the sign code. Make personal contact – Don Hartle did, and sent a copy of the letter to the property owner. What is the additional action? Mr. Hartle's intent was to meet with the City Attorney concerning this issue and proceed based on his comment. Mr. Hartle was upset with what took place concerning the apple trees on Dave & Ann Bell's property. Ron Case stated that the City Council should review the nuisance ordinance. Added to the agenda in 2 weeks.

2) Discussed South Corridor project – wanted the City Council to be aware of the discussions that are taking place. Will discuss this issue with the Planning Commission next week.

City Manager/Recorder Report:

Don Hartle – 1) Norman Walker called and asked how tall Wellsville City allows flag poles to be – not to exceed 35 feet.

2) Working on open space to be purchased – trying to obtain water rights. Has an appointment with an individual that may want to make a financial donation toward it.

3) Utah League of Cities & Towns – get registrations in.

At 8:25 p.m., Ron Case made a motion, seconded by Jackie D. Orton, to adjourn the meeting.

YEA 4

Gary Bates

Ron Case

Carl Leatham

Jackie D. Orton

NAY 0

Thomas G. Bailey
Mayor

Don Hartle
City Manager/Recorder