

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, December 2, 2009, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Ruth P. Maughan, Councilwoman Marcene Parker, Councilmen Jackie D. Orton, Ron Case, Thomas G. Bailey, and Gary Bates. 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 November 27, 2009. The meeting was called to order at 6:00 p.m. by Mayor Ruth P. Maughan.

Others Present: Jennifer Leishman Colin Harrison  
Kim V. Shurtleff Shawn McArthur  
Dave Fell Justin Miner  
Leesa Cooper

Opening Ceremony: Ron Case

The Council reviewed the agenda. Thomas G. Bailey made a motion, seconded by Jackie D. Orton, to approve the agenda as presented.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

The Council reviewed the minutes of the November 18, 2009 regular Council meeting. There were word changes on lines 166, 170, and 172. After discussion, Marcene Parker made a motion, seconded by Gary Bates, to approve the minutes of the November 18, 2009 regular Council meeting with the correction.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

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 Thomas G. Bailey, to approve the City's bills for payment, represented by check number 11063 through 11165.

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

At 6:05 p.m., Ron Case made a motion, seconded by Jackie D. Orton, to go into public hearings:

YEA 5 NAY 0  
Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

Mayor Ruth P. Maughan conducted a public hearing to receive public input and consider for adoption a resolution “Rules and Regulations Governing City Parks, Playgrounds, Recreational Facilities, and Other City Owned Facilities. Gary Bates stated that he looked over the resolution, and everything has been captured. Thomas G. Bailey asked about boats on Wellsville Dam. Mr. Bates stated that paddle boats, canoes, and float tubes are allowed. No motorized flotation devices are allowed on Wellsville Dam. Mr. Bailey asked if the smoking ban includes ballgames. Mr. Bates stated that it does. Mayor Ruth P. Maughan stated that the rules and regulation need to be posted. Mr. Bates stated that the Recreation Committee is meeting tomorrow, and will decide on the size of signs to be made and posted. Mr. Bates stated that this will help with getting the healthy city award. After discussion, Jackie D. Orton made a motion, seconded by Marcene Parker, to approve **RESOLUTION 2009-07 A RESOLUTION ESTABLISHING RULES AND REGULATIONS GOVERNING CITY PARKS, PLAYGROUNDS, RECREATIONAL FACILITIES AND OTHER CITY OWNED FACILITIES.**

<u><b>YEA 5</b></u>	<u><b>NAY 0</b></u>
Thomas G. Bailey	
Gary Bates	
Ron Case	
Jackie D. Orton	
Marcene Parker	

At 6:15 p.m., Gary Bates made a motion, seconded by Thomas G. Bailey, to leave the public hearing.

<u><b>YEA 5</b></u>	<u><b>NAY 0</b></u>
Thomas G. Bailey	
Gary Bates	
Ron Case	
Jackie D. Orton	
Marcene Parker	

The City Council met with representatives of the Red Slide subdivision to discuss the development of the park at the west side of the subdivision. Don Hartle stated that this is the proposal that he recommends for the Red Slide West Park:

1. All open space transferred to Wellsville City
2. Park will be owned and maintained by Wellsville City
3. All lot owners required to participate
4. Detention pond modified so that it can never have more than 1 foot of water, then will overflow into storm water system and go into the detention pond at the entry park
5. Reduce slope on east side of detention pond so that it can be mowed and maintained
6. Construct small berm from 235 North to detention pond to reduce runoff to the east
7. Entire west park to have sprinkler system
8. Entire west park planted to Kentucky Blue Grass
9. No playground equipment installed
10. Enlarge entry park detention pond
11. All lot owners pay a monthly fee on utility bill

Mr. Hartle estimated the capital costs of the Red Slide subdivision West Park to be:

West Park:	
Expenses paid through 11/30/2009	\$ 7,464
Sprinklers & Seeding	\$40,000
Berming & Reducing Slope	\$ 5,000
Revise pond overflow to 1 foot	\$ 4,000
Repair existing sprinklers	\$ 5,000
Engineering	<u>\$ 3,000</u>
TOTAL	\$64,464

Entry Park:	
Enlarge existing pond	\$ 6,000
Repair sprinklers	<u>\$ 5,000</u>
TOTAL	\$11,000
Estimated Grand Total:	\$75,464

Mr. Hartle estimated the annual operation costs of the Red Slide subdivision West Park to be:

54 lots in the subdivision

Mowing: April through September = 6 months = 26 weeks  
26 weeks at 5 hours per week = 130 hours

Maintenance: 26 weeks at 1 hour per week = 26 hours

TOTAL Annual Hours 156 hours

156 hours at \$25 per hour = \$ 3,900

54 lots times 12 months = 648

\$ 3,900/648 = \$6.02 per lot per month for monthly operating costs

There are no inflation costs or increase in operating costs included.

SUMMARY:

\$75,464/54 = \$ 1,397.50 capital cost per lot

\$ 1,397.50 @ 5% interest = \$69.87 per year = \$5.82 per month for interest only

If the monthly rate per lot is set at \$8.00 per month, it would take approximately 58 years to pay back the principal only.

If the monthly rate per lot is set at \$9.00 per month, it would take approximately 40 years to pay back the principal only.

Mr. Hartle recommends the monthly fee on the utility bill for all lot owners in the Red Slide subdivision for the West Park to be \$9.00, which is \$6.02 for operating costs and \$2.98 for capital costs.

Thomas G. Bailey asked if the \$9.00 monthly fee would be enough to cover costs in 5 years. Mr. Hartle stated that in his opinion, he is not trying to recuperate the cost. Mr. Hartle stated that he is trying to solve a problem and be reasonable. Mr. Hartle stated that the subdivision code Wellsville City has today is nothing like the subdivision code Wellsville City had 5 or 25 years ago. Mr. Hartle stated that Cache Valley has started a project named Envision Cache Valley, which is to plan for Cache Valley for future years, which he feels is 30 years to late. In 1988, the Wellsville City Council had 2 billboards along Highway 89/91, and decided then that is all there will ever be. Wellsville City has a master street plan. Cache Valley is just now trying to accomplish these things. Mr. Hartle stated that people have no idea how much time is spent on the behalf of the citizens of Wellsville City, and gets very upset when he hears that the Mayor or City Council haven't done a good job. Mr. Hartle stated that an HOA will work, but the HOA is no better then the people that are involved in the HOA, and the effort they want to put into the HOA. Mr. Hartle stated that in this situation, there is no one at fault. Mr. Hartle would like to see that problem resolved, and move on. Mr. Hartle asked if people felt that \$9.00 was too much. Jackie D. Orton stated that the Wellsville Ranches subdivision pays \$25 per month for HOA membership. Mr. Bailey asked if the entry pond could be enlarged and still left looking nice. Mr. Hartle stated that he anticipate that the pond will take up most of

the entry park. Mayor Ruth P. Maughan asked if the depth of the detention pond would be dangerous. Mr. Hartle stated that is why engineering is needed on this project. Jackie D. Orton asked if the \$9.00 monthly fee is ongoing forever. Mr. Hartle stated yes. Ron Case asked if Wellsville City has the money to do this project. Mr. Hartle stated that there are some surplus funds in the General Fund, and Wellsville City could use Parks & Recreation impact fees to cover some of the costs. Gary Bates stated that if he lived in the Red Slide subdivision, he would be willing to pay a couple more dollars for some playground equipment instead of just having green lawn. Mr. Hartle stated that down the road, he anticipates having a few pieces of playground equipment. Mr. Bates stated that impact fees could be used for playground equipment also. Mr. Orton asked if 5 lot owners do not want to participate, what the consequences would be. Mr. Hartle stated that in his opinion, Wellsville City would withdraw their proposal and the property would stay how it is now. Kim Shurtleff stated that in the CC&R's, it states that 75% of the lot owners of phase 3 rules. Mr. Shurtleff asked why Wellsville City is doing something about this now, and why would Red Slide subdivision deed both parcels of open space to Wellsville City. Mr. Hartle stated that if the City owns all of the open space, the large piece of open space would be farmed forever. Mr. Hartle stated that he doesn't like loose ends and disorganization. Mayor Maughan stated that Mr. Hartle has not done this on his own. The City Council has known that there has been a problem and asked Mr. Hartle to come up with a proposal that both sides could participate in. Shawn McArthur stated that he purchased his lot because it said on the plat map that it was next to a park. Mr. McArthur stated that he is not interested in playground equipment because most of the residents in the Red Slide subdivision have playground sets in their backyards. Mr. McArthur asked if the open space is deeded over to Wellsville City, what can and can't be done in the open space. Mr. Hartle stated that it is based on how the wording is filed with the Cache County Recorder. Mr. Shurtleff stated that grass is very high maintenance, and asked about a walking path with rocks and a few trees and shrubs. Dave Fell expressed appreciation for all that the City Council and Don Hartle have done. Mr. Fell stated that phase 3 have CC&R's that have been filed. Nothing was recorded for phase 2. There is some indication that CC&R's were filed for phase 1, but that the focus was on the entry park. Mr. Fell stated that if an HOA was developed, phase 3 would develop it with residents in phases 1 and 2 having the opportunity to participate. Mr. Fell asked if the slope on the east side of the retaining pond is reduced, what will happen to the north side. Mr. Hartle stated that the north side can be mowed. Mr. Fell asked about the entry park sprinklers. Mr. Hartle stated that there would have to be repairs made to them. Mr. Fell asked if the entry park is expanded to cover run off from the entire subdivision, could the open space be converted to dry farming. Mr. Hartle stated that in some cities, there are soccer fields in the bottom of their retaining ponds. Mr. Hartle stated that he doesn't know if the residents of the Red Slide subdivision would buy into dry farming the west park. Mr. Fell thanked Mr. Hartle for all of his work and the estimates. Mr. Hartle stated that he would like this project completed within a year. Mr. McArthur asked how to present this plan as a package to the residents so that 1 person can't shut it down. Mr. Hartle stated that all they can do is try. Mr. Fell asked if the City Council has the ability to move forward on this proposal. Mr. Hartle stated that he would have to check with City Attorney Bruce Jorgensen. Mr. McArthur stated that phase 3 specifies a park, but that the intent was to have the park be used by all of the residents. Mr. Case asked about taking a poll about adding the monthly fee to the utility bill, and that majority rules. Mr. Hartle stated that he would have to check with Mr. Jorgensen. Mayor Maughan asked if all of the lots are sold. Mr. Fell stated that all of the lots are sold, just not developed yet. Mayor Maughan stated that the Red Slide Committee needs to digest all of this information, and come up with some ideas on how to sell the rest of the residents of Red Slide. Mayor Maughan stated that this is a good proposal, and the Wellsville City is doing more than their obligation. Mr. Hartle stated that he has seen places where they have tried water-wise landscaping, and he is not impressed. Mr. Shurtleff stated that it is easier to handle. Mr. Fell stated that there was to be a surcharge added to their utility bill for the entry park. Mr. Hartle stated that is correct. Mr. Shurtleff stated that it was for electricity for the pump. Mr. Hartle stated that there was supposed to be a surcharge for the electricity for the pump at the entry park, but it has never been implemented. Mr. McArthur asked what would happen to the water pressure when the sprinklers for the parks turn on. Mr. Hartle explained that Wellsville City is in the process of building a new million-gallon reservoir, and asked about running a line from the reservoir to Red Slide. All that they would gain from this new line is 23 pounds of water pressure, which is less than they currently have. Mr. Hartle stated that a resident of Red Slide turned Wellsville City into the Department of Water Resources last fall. The DWR came to Wellsville with a meter and read the house that turned Wellsville City in and the house next to them. They metered and read each house for 3 days. It was determined that the house that reported Wellsville City to the DWR has a problem between the house and the meter. The other home registered an average of 40 pounds of pressure at all times. After

discussion, it was determined that the Red Slide Committee would return with a report to the January 20, 2010 City Council meeting.

The City Council considered approving that no reservations will be made for any City owned facilities until after February 4, 2010 to allow the implementation of regulations to govern the use of the facilities. Gary Bates stated that the Parks & Recreation Committee is meeting tomorrow night and will work on this issue. After discussion, Gary Bates made a motion, seconded by Ron Case, to approve that no reservations will be made for any City owned facilities until after February 4, 2010 to allow the implementation of regulations to govern the use of the facilities.

**YEA 5**

**NAY 0**

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

#### Department Reports:

Thomas G. Bailey – 1) Sent in Tree City, USA application.

2) 50 W 200 N – new home and it looks like a shop is being built next to it. No shop, but Don Hartle will check it out.

Marcene Parker – 1) Large piece of cement in the gutter by the church house on Center Street and Main Street – will get it removed.

Gary Bates – 1) Chris Breinholt with Jones & Associates would like to start the design phase of the bridge project at Wellsville Dam – would like the City Council to allow Mr. Breinholt to proceed with the designing phase. Yes.

#### City Manager/Recorders Report:

Don Hartle – 1) Poo-gloos – cost of everything – approximately \$152,000.00

2) Pre-disaster plan – need to adopt a resolution – if you want to read it, it is about 300 pages and will be checked out to you.

3) Kenny Balls – 380 S 200 W – has taken out bankruptcy – needs a motion to write-off City utility bill of \$150.90. After discussion, Jackie D. Orton made a motion, seconded by Ron Case, to right off the balance of the City water bill that is owed by Kenny Balls at 380 S 200 W.

**YEA 5**

**NAY 0**

Thomas G. Bailey

Gary Bates

Ron Case

Jackie D. Orton

Marcene Parker

4) With the new State regulations, Mr. Hartle gave the City Council a time line as to when Mayor-Elect Thomas G. Bailey will resign from the City Council and be sworn in as Mayor of Wellsville City. Mr. Hartle will advertise the vacated City Council seat on January 10, 11, and 12, 2010. Applications will be due by January 28, 2010. On February 3, 2010, the City Council will interview and select the new City Council member.

At 7:40 p.m., Marcene Parker made a motion, seconded by Jackie D. Orton, to adjourn the meeting.

YEA 5

Thomas G. Bailey  
Gary Bates  
Ron Case  
Jackie D. Orton  
Marcene Parker

NAY 0

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Ruth P. Maughan  
Mayor

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Don Hartle  
City Manager/Recorder