

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, March 3, 2010, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, 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 February 26, 2010. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:

Jennifer Leishman	Leesa Cooper
Dianna J. White	Kayla Woodring
Kimberlee Foulger	Greg Foulger
Megan Bunker	Aaron Bunker
Dave Fell	Randy Wall
Shawn McArthur	Sam Winward
Kim V. Shurtleff	Bruce Jorgensen
John Powell	Jeremie Poppleton
Scott Wells	

Opening Ceremony: Gary Bates

The Council reviewed the agenda. Gary Bates made a motion, seconded by Jackie D. Orton, to approve the agenda as presented.

<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 February 17, 2010 meeting. There were word changes on lines 88, 90, and 275. Ron Case made a motion, seconded by Colin Harrison, to approve the minutes of the February 17, 2010 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, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve the City's bills for payment, represented by check number 11420 through 11459.

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

No one was in attendance for "open for public input".

Dianna White met with the City Council for a business license. Ms. White stated that she does marketing for a company that goes door-to-door selling pest control in other states. She conducts this business out of her parents' home where she lives. Ms. White stated that she has a home office to receive mail and complete paperwork. Carl Leatham stated that the Planning Commission approved the conditional use with no restrictions. Gary Bates asked why Ms. White needs a business license. Ms. White stated that it is for tax purposes. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to approve the business license for Dianna White.

YEA 5

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

NAY 0

Greg and Cimberlee Foulger met with the City Council to discuss a damaged mailbox that was hit by a City snow plow. Mrs. Foulger stated that the subdivision requires them to share a mailbox stand, and they share with Aaron and Megan Bunker. Mrs. Foulger asked if the City would pay to have their damaged mailbox fixed. She stated that she has called her home owner's insurance, and the Bunker's have called their home owner's insurance. Both home owners' insurances have a \$1,000.00 deductible. Mrs. Foulger stated that if they file a claim against their home owner's insurance, the insurance company still needs to know who is at fault. Ron Case asked for more details concerning the incident. Mrs. Foulger handed out pictures of the damage. Mrs. Foulger stated that they live at 621 North 800 East in the Heritage SW Estates. About 4 weeks ago, as the snow plows passed on the street, 1 snow plow hit their mailbox. She stated that she came in the next day to discuss it with Don Hartle, and he stated that the City does not replace mail boxes damaged during snow removal, but she has the right to meet with the City Council and discuss the matter. Mrs. Foulger stated that she has a bid to rebuild the mailbox structure for \$1,200.00 to \$1,400.00. Mr. Case asked if the snow plow actually hit the mailbox structure, or pushed snow up against it. Aaron Bunker stated that they called the Cache County Sheriff's Office. The deputy called the snow plow driver, and he admitted that he did hit the mailbox structure. Colin Harrison stated that he drove past the mailbox structure yesterday. The snow has melted around the base of the structure, and he was able to see the damage. Don Hartle stated that there are getting to be more and more mailbox structures out next to the edge of the road. Last year, a mailbox was hit in the Red Slide subdivision, and the City Council denied helping the resident with fixing his mailbox structure. These mailbox structures are on city property. Mr. Hartle stated that the city may need to require that the mailbox structure be 10 feet off the edge of the asphalt. Mr. Case stated that Wellsville City deals with this issue about once every year because the snow plows do knock mailboxes over. Mr. Case stated that it is the policy of Wellsville City is not to repair mailboxes that are damaged because of snow plows. The mailboxes are there for the citizen's convenience. Mrs. Foulger stated that they had their temporary mailbox up for a long time, and a code from the post office was given to them concerning the building of the mailbox structure. Mrs. Foulger stated that there was a spike in the cement of their lot as to where the mailbox structure should be built. Mr. Case stated that it is still on city property, and plowing snow is a very difficult job. Jackie D. Orton stated that he doesn't totally agree with the city's policy because he feels that they should at least participate in the cost of rebuilding mailboxes that are damaged because of snow plows. Mr. Orton stated that a snow plow passes about 1,000 or more mailboxes every time they plow. Mr. Orton stated that last year, a couple with the same issue was denied help because of this policy. Gary Bates stated that mailboxes are an issue, especially in the winter. If the snow plow doesn't come close enough to the mailbox, the post office will not deliver the mail, and if they come too close, there is a possibility that the mailbox is damaged. Mr. Hartle stated that he receives 6 to 10 calls per year concerning mailboxes being damaged. He stated that most mailboxes are not constructed with brick or rock. Mr. Harrison stated that he has a nice mailbox, and after it was damaged twice, he put his mailbox on a cheap pole that cost him about \$10.00 every time it is damaged now. Mrs. Foulger asked if her husband and Aaron Bunker rebuild the structure, would the city pay for the rock. Mr. Case stated that the City Council would be setting a bad precedence. Carl Leatham stated that he sympathizes with them because his mailbox has been damaged twice. The mailbox structure is a very pretty asset to the community, neighborhood, and their home. Mayor Thomas G. Bailey stated that the decision has been made that the city is unable to help with this issue.

The City Council met with representatives from the Red Slide subdivision to continue the discussion on completion for necessary improvements to the West Park in said subdivision. Mayor Thomas G. Bailey stated that a couple of months ago, Don Hartle presented a plan for the West Park in the Red Slide subdivision. The Red Slide subdivision committee returned with some questions that Wellsville City didn't have the answers for. The Red Slide subdivision committee asked that Mayor Bailey and Mr. Hartle meet with City Attorney Bruce Jorgensen to discuss this issue. Mayor Bailey and Mr. Hartle invited City Attorney Bruce Jorgensen to attend this meeting. Mayor Bailey stated that each side could discuss who is at fault and point fingers back and forth. Mayor Bailey stated that his plan is to move forward with a hope that a solution can be agreed upon. City Attorney Bruce Jorgensen stated that the last time he reviewed this subdivision was July 2009. Mr. Jorgensen stated that he reviewed the paperwork, and believes that the Red Slide subdivision needs to reorganize the HOA into corporation because the papers that matter concerning this subdivision were filed with the third phase. The next step would be to go back to John Panos and retrieve a correction deed from him. The name of the corporation would be listed as the limited liability company. Then, the Red Slide subdivision would need to establish a board, and then open space property can then be dealt with. This is for the third phase of the subdivision only, but members of phases one and two can join if they would like to. The CC&R's from the third phase states that only residents of the third phase would be involved in the park, but all 54 lot owners benefit from the park and open space. Jackie D. Orton stated that before the open space could be turned over to the city, the Red Slide subdivision would have to form the corporation. Mr. Jorgensen stated that the corporation could be set up with just the 23 lot owners from phase 3, or all 54 lot owners from the Red Slide subdivision. Mr. Jorgensen stated that all of these steps could be done hand-in-hand, and that it may take 10 days to 2 weeks to have it completed. Colin Harrison asked since this issue deals with phase 3 of the Red Slide subdivision, does phase 3 have the authority to deal for phase 1 and 2? If phase 3 agrees to pay the maintenance fee, do all lot owners have to pay the maintenance fee? Kim Shurtleff stated that the Red Slide subdivision committee would need to contact the lot owners of phases 1 and 2 to ask if they would like to participate. Mr. Jorgensen stated that this is the negotiated process to compromise. Randy Wall asked about the agreement with the City concerning the maintenance fee and the open space. Don Hartle stated that if the agreement is with all 54 lot owners, the monthly maintenance fee is \$9.00. If the agreement is with the 23 lots owners of phase 3, he would recommend the monthly maintenance fee of \$12.00. Gary Bates stated that Wellsville City is applying for a RAPZ tax grant to help with the cost of the park. Mr. Wall asked if the \$9.00 monthly maintenance fee is a deal breaker, meaning if the Red Slide subdivision doesn't accept the entire proposal; the park will stay the way that it is now. Mr. Hartle stated that is correct. Mayor Bailey stated that a new City Council could amend the monthly maintenance fee. Dave Fell stated that the monthly maintenance fee could go up or down. Mr. Hartle stated that is correct. Mr. Bates stated that the Red Slide subdivision wanted 'no maintenance' landscaping. Mr. Hartle stated that the west park will be a sprinkler system with grass. Mayor Bailey stated that the Red Slide committee asked if a representative from the Red Slide subdivision could be on the committee for improving the west park. Mayor Bailey stated that his concern with that is that the individual can't make demands from the city. Mr. Harrison stated that he was confused about the \$9.00 monthly maintenance fee. If things had worked out, and the Red Slide subdivision had an HOA, the monthly fee for the HOA would be between \$20 and \$30. Why are the residents of the Red Slide subdivision upset about a \$9.00 monthly maintenance fee? Sam Winward stated that his concern is giving away control of the open space to Wellsville City. Shawn McArthur stated that when he purchased his lot, he was told that the park would be a city park, not a private park. Mr. Bates asked if the open space could be tied to a specific activity so that is all that takes place on the open space. Mr. Jorgensen stated that it doesn't have to, but this is another reason to organize the corporation. Mayor Bailey stated that if the Red Slide subdivision chooses to deed the open space to Wellsville City, and Wellsville City changes the use of the open space, the agreement has been broken and control of the open space would return to the Red Slide subdivision. Mr. Jorgensen stated that these are legitimate concerns that can be prevented with the deed. Mr. Shurtleff stated that if the open space is deeded to Wellsville City, and the Red Slide subdivision has a private park, the Red Slide subdivision residents should pay a monthly maintenance fee. Mr. Wall stated that every lot owner of the Red Slide subdivision has already paid once for the park. Mr. Shurtleff asked if impact fees could be used for the monthly maintenance fee. Mr. Hartle stated that impact fees are for capital improvements, not maintenance. Mr. Jorgensen stated that he believes this is a much better use of resources. Mr. McArthur asked a time frame from Wellsville City as to completion of this project. Mr. Hartle stated that Wellsville City would need to rent a cat, slope off the berm, and enlarge the pond at the entry park. Mr. Hartle stated that he couldn't give a specific time, but he would like it completed before fall

of 2010. Mr. Bates stated that the Red Slide subdivision committee talked at one time about some walking trails and bushes in the west park. Mr. McArthur stated that all that is wanted is adequate drainage, grass, and a sprinkler system. Mr. Bates asked if the City Engineer would review the Red Slide west park plan. Mr. Hartle stated that he hopes not to have engineers involved. Mayor Bailey reviewed the key points of this discussion, which are: Red Slide subdivision form an HOA, retrieve a corrected deed from John Panos, just phase 3 of the subdivision, or include all 54 lot owners, transfer the open space to Wellsville with the stipulations that have been discussed, and the HOA can move ahead with 2/3 of the vote of the members of the HOA. Mr. Jorgensen suggested getting a written agreement from each lot owner because they are agreeing to an assessment upon themselves. Mr. Wall asked if Wellsville City has plans to pursue John Panos. Mr. Jorgensen stated that the case would be dismissed because there was no bond held for the park. Mayor Bailey stated that Wellsville City will wait to hear from the Red Slide subdivision committee.

Jeremie Poppleton met with the City Council for a quarterly Fire Department report. Mr. Poppleton reported on the following:

- 1) SCBA (self-contained breathing apparatus) – go through each pack to make sure that it is in correct working order.
- 2) 20 oxygen bottles that are required to be tested every 10 years
- 3) 21 masks that have to be maintained.
- 4) AFG grant – submitted for equipment, but backed out because they participated with Cache County for a regional grant. A big thanks goes out to Cache County Fire Chief Hammer because Wellsville City Fire Department was awarded almost \$88,000 for new radios. Wellsville City will have to pay a portion, which is about \$8,799, but it will go down a little because of another grant that they were awarded. Wellsville City Fire Department will be purchasing and installed these radios in the next 2 months. Maintenance costs of the radios for the next 5 years are covered by the grant.
- 5) In the process of recruiting 2 firefighters and 2 EMS personnel – will advertize in the Wellsville City newsletter. He has 8 applications on file and will start interviewing soon.
- 6) He has been contacted by Mrs. Duresch who teaches 1st grade at Wellsville Elementary. She has scheduled May 16, 2010 to have the first graders tour the fire department. He is working on getting the smoke trailer and hopefully opening it up during the weekend of May 16 & 17, 2010 for the community.
- 7) Discussed having a credit card for the Fire Department for emergency situations, such as the fire department is out on a structure fire and they need water and gatorade – can go purchase without putting any of the guys out by using their own money and then waiting for a check to be reimbursed. This also allows him to shop around for the best price on supplies that the fire department is in need of. He suggested a credit limit of \$500 - \$1,000. Don Hartle stated that he is opposed to this because the auditors have said no credit cards and misuse of the credit card. Mayor Thomas G. Bailey asked who would be responsible to collect the illegitimate charges. He said that he would be responsible for the credit card. After discussion, Jackie D. Orton made a motion to not provide a credit card to the fire department because it opens up too many doors. This motion died for lack of a second. Colin Harrison asked if the credit card issue has come up before or if there have been problems with credit cards in the past. Mr. Hartle stated that Jeff Thorpe asked for a credit card for the fire department and Mr. Hartle stated that he was opposed to it then. Mr. Hartle stated that he will discuss this issue with the auditors and get their opinion. After discussion, Ron Case made a motion, seconded by Carl Leatham, to have Mr. Hartle review this issue with the auditors and get some more information regarding this issue.

YEA 4

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

NAY 1

Jackie D. Orton

- 8) Invited the City Council for a tour of the fire department. Mayor Thomas G. Bailey scheduled April 7, 2010 at 6:30 p.m. for the tour.

The City Council discussed potential improvements to the East City Entry Park. Mayor Thomas G. Bailey stated that the boards at the South City Entry Park are beginning to rot and need to be replaced. Mayor Bailey proposed a rock sign that is 87 inches tall, 120 inches wide, and 1 ½ feet thick. Mayor Bailey handed out a picture of what could be engraved on the rock. Mayor Bailey suggested that the Youth Council might have a fundraiser to offset some of the cost. Mayor Bailey handed out a bid of \$6,700.00 for the rock sign. Mayor Bailey stated that approval is needed to attempt to put this amount into next years' budget. After discussion, Jackie D. Orton made a motion, seconded by Gary Bates, to approve \$6,700.00 into the 2010/2011 budget for a rock sign for the East City Entry Park.

YEA 5

NAY 0

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

The City Council discussed the "Utah National Guard Family Program". Leesa Cooper stated that she received a letter from a lady asking if Wellsville City would participate in waiving part of the utility bill for members of the National Guard that have been called up for duty. Ms. Cooper stated that she had some questions for this lady, so they have been emailing back and forth. Ms. Cooper stated that the individual would need to bring a copy of their orders to the City which shows when they will be leaving and sometimes, it shows when they will be returning. In order to qualify for this program, the person called up for duty has to be the property owner. Carl Leatham asked how many National Guard people have been called up that live in Wellsville. Ms. Cooper stated that she didn't know. Colin Harrison stated that there are other groups such as senior citizens, unemployed people, and single mothers that would like help with their utility bill also. Mr. Harrison stated that he spoke with a woman that said they get a salary, but the benefits that they receive are wonderful. Mr. Harrison stated that he also spoke with 2 veterans that said not to participate in this program. Ron Case stated that the offset is that these individuals are serving our country. Mr. Harrison stated that is correct, but they signed up for it. Mayor Thomas G. Bailey stated that he agrees with Mr. Harrison concerning this issue. After discussion, Colin Harrison made a motion, seconded by Jackie D. Orton, that Wellsville City not participate in this program.

YEA 5

NAY 0

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

The City Council discussed the proposed bad debt procedure. Don Hartle stated that when Wellsville City has accounts that need to be written off, about 80% of them terminate service and leave with a balance. Mr. Hartle stated that last year, the City Council write off some accounts. He did turn them over to a collection agency, but they haven't been able to recover any monies owed to Wellsville City. Mr. Hartle stated that he would like to establish a procedure for bad debt. When an account terminates that has a balance owing, the office will terminate charging interest on the account. The office will attempt to collect the amount owing for 90 days. After the 90 days, the account will be turned over to a collection agency for 90 days. If the collection agency has been unable to collect any monies after 90 days, Mr. Hartle will bring the account to the City Council for them to approve writing off the entire balance except for \$5.00. Should the individual move back into Wellsville City, the account will be there and they can collect the monies owed before a new service is connected for the individual. After discussion, Jackie D. Orton made a motion, seconded by Carl Leatham, to approve the proposed bad debt procedure.

YEA 5

NAY 0

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

Department Reports:

Ron Case – 1) Emergency Preparedness Plan – handed out a binder to Mayor Thomas G. Bailey, Don Hartle, and kept a copy for himself. Suggested assigning a member of the City Council to each LDS Ward building:

Jackie D. Orton – building on the corner of Center Street and Mail Street (Stake Center)

Colin Harrison – building on the corner of 200 South and Center Street (200 South building)

Gary Bates & Carl Leatham – building on the corner of 700 South and 100 West

When the building at the corner of Center Street and 1600 South is completed, a City Council member will be assigned to that building. Suggested purchasing some walkie-talkies and select a channel with a back up in order to communicate.

2) Mayor talked with Marcene Parker concerning code enforcement – not yet, but will.

Gary Bates – 1) Randy Wall, owner of Wall-to-Wall Painting has donated \$3,000.00 for a new scoreboard for the softball field.

2) Jeff Lowe's son will be installing the scoreboard as an Eagle Scout project.

3) Music in the Park Committee – concerned about the current sound system and good talent doesn't come cheap. Scheduled a Parks & Recreation Committee meeting for tomorrow night, so will have more in two weeks.

City Manager/Recorder Report:

Don Hartle – 1) Seen new church site plan today – Planning Commission will hold a public hearing concerning this issue on March 24, 2010.

2) Purchased property from Marlowe Archibald for new 1-million gallon reservoir – will close Monday on the sale.

At 8:40 p.m., Jackie D. Orton made a motion, seconded by Colin Harrison, to adjourn the meeting.

YEA 5

Gary Bates

Ron Case

Colin Harrison

Carl Leatham

Jackie D. Orton

NAY 0

Thomas G. Bailey

Mayor

Don Hartle

City Manager/Recorder