

MENDON CITY COUNCIL MEETING MINUTES

THURSDAY, January 9, 2020 at MENDON CITY HALL at 6:00PM

In Attendance:

Mayor: *Ed Buist*

Council Members: *Jon Hardman, Greg Taylor, Bob Jepsen, Ian Nemelka*

Clerk: *Camille Randall*

Recorder: *Paul Cressall*

Treasurer: *Daphne Carlson*

Public Works: *Kirk Taylor*

Engineer: *Eric Dursteler*

City Attorney: *Seth Tait*

Excused:

Public Attendance: *Mariah Harris, Ashlyn Harris, Becki Taylor, Kacie Taylor, Ali Myers, Amber Myers, Keilani Ludlow, Katelyn Buist, Cassidy Nemelka, Diane Buist, Kirk Taylor, Gary Pence, Ron Campbell, Teena Young, Jonathon Young, Lydia Young, Jake Anderson, Melissa Anderson, Gail Taylor, Paul Cressall, Nathan Dougs, Kirt Lindley, Travis Clark*

Mayor opened the meeting at 6:02 PM. Bob Jepsen led in the pledge. Mayor gave prayer.

Council reviewed and approved November 2019 minutes. Council reviewed and approved November and December bills. Jon Hardman motioned to approve. Ian Nemelka seconded. Bills were approved unanimously.

Mayor Buist brought up Mendon City Youth Council to swear them in. YC Mayor, Mariah Harris, was sworn in individually. Remaining YC Officers were sworn in as a group.

Interviews for City Council Position. There are two applicants that put in for a 2 year appointment for City Council. There were 3 people running originally and there were 3 positions open. However, Shara Swan had to resign her position because of changes in her career. There were 3 who applied for the empty seat (one person withdrew application). Ron Campbell and Keilani Ludlow both applied. Council has read their applications but not talked with each other yet. Mayor would like the applicants to talk about what qualities they bring to the table and why they are interested in serving on the City Council.

Judith Keilani Ludlow. She moved here 3 ½ years ago. Her husband grew up here. She and her family call this town Mayberry. She loves the town of Mendon. She doesn't see the need for tons of change. She is an advocate of managed growth. In Mendon she feels that she has something to contribute to Mendon. The last several meetings have made her aware of the steep learning curve. She has read the Master Plan a couple of times. She has been a real estate broker and a banking broker. So she knows some of the vernacular. She is a stay at home mom, but is excited for the opportunity to serve.

Ron Campbell wrote out his answers. Paul Willie suggested that he throw his hat in the ring. He is interested in championing the library and the arts. He'd like to see the walking trails of Mendon filled out. He currently serves on the Planning and Zoning committee. He's happy to serve either there or on city council. He has lived here for 46 years. He helped facilitate the building of the new fire station. He played a part in renovating the Mendon station. He facilitated in the fundraising for the City building. He has served on P&Z for several years. He is an entrepreneur with Juniper Systems and Campbell Scientific. He is semi-retired.

Mayor Buist closed city council meeting and the council was excused for an executive session to choose the new council member.

At 6:40 Mayor Buist re-opened City Council Meeting. He said the process was difficult. Mayor Buist called for a motion and a second and then an individual vote. Bob Jepsen motioned to appoint Ron Campbell as a council member for a 2 year term. Jon Hardman seconded. Council approved unanimously. Council would like to appoint Keilani Ludlow immediately on to the Planning and Zoning Commission. Keilani Ludlow agreed. Council was unanimous as to her appointment. Ron Campbell was sworn in as City Council Member. Paul Cressall swore in Ron Campbell in the position of Council member for a 2 year term.

Bob Jepsen thanked Keilani Ludlow and expressed their need on P&Z for her help.

Mayor Buist asked Ron Campbell if he could meet with him after the meeting.

Mayor Buist invited Kirt Lindley to the mic. Kirt Lindley is the water master over canal and Wellsville city irrigation. For the last few years they've been talking about doing a pressurized water system. About the last 8-9 months they've been talking to Frandsen Engineering to do preliminary design system. They decided to apply for a loan through the NRCS (a PL566). Instead of a water smart grant it allow them to put their a system for about 25% of the cost. They've applied for another grant, but that is about 50/50. They came up with a brain storm to move Wellsville irrigation up the ladder on the loan in terms of priority. Wellsville/Mendon irrigation is in the process of getting free title to the canal. Right now it is owned by the US Government. Certain things need to happen in order for them to do major work on the canal. The Bureau owns the ground, but Wellsville/Mendon co is in charge of operation and maintenance of the canal. The Bureau demanded that we piped the canal or they will only put in ¼ of the water the canal can hold. At that time \$850,000 to pipe 2500 feet of the canal. If they can get free title then they can qualify for loans through the NRCS in order to pipe the canal. In the near future they are looking to pipe the canal (estimate it \$25-30 million cost to do that). If they can get clear title then they can get loans through the NRCS. As it sits now one government agency can't pay another government agency to pipe the canal. There are two things that are going to happen. First, we have to do something with the run-off water. In talking with Frandsens they have been talking about this. The county is on board. They'd like Mendon and Wellsville to be involved in the project. The board last night approved \$5000 to begin this process (toward this first project). They would like Mendon to be a player. If

Mendon and Wellsville has to build retention ponds, note that other communities have build soccer fields have been built in these retention ponds (75% of the year there is no water in it). Once the canal is piped he'd like to see a trail from Petersboro to Wellsville (a recreational benefit). If the water is piped then this is a possibility. Kirt would like to see if Mendon is willing to participate in funding to write the grant and how much Mendon would like to participate. The County Road dept. committed \$4000. The Cache Water district committed \$5000, Wellsville/Mendon Co committed to \$5000. Wellsville Irrigation committed \$5000. Wellsville City has committed to \$3000. Jon said Mendon may be willing to commit \$3000. Kirt said this money allows them to write the grant and do a preliminary deal on the design and a cost analysis so they can apply for the grant. If the cities participate there is a possibility that the pledge money may be covered by the grant money up to 100%

Jon said that flood control measures are covered at 100%. That's why it would be a benefit to Mendon City. Frandsens would look at our original storm water plan to help get it up to date.

Mayor Buist noted that this could help us do what we've always needed to do. The canal has always saved us, but this project would help us address flood issues.

Bob Jepsen was wondering about costs going up. Kirt said the grant proposal will be in by the 15th of Feb. We will know by this year if this is going to go through.

Jon Hardman noted that on the 16th there is another meeting. Note that there is a recreation component. Could this help with the irrigation for the cemetery?

Kirt said yes it could. Mendon only has a pressurized system through the center of town. Different groups could come in with a pressurized system. Some irrigation companies may want to enlarge their systems.

Jon noted that the time frame is short. There are portions of Mendon that are not on irrigation and it would be good to get irrigation down 300 North into this project. It would be nice to have everyone in the city limits to have access to a pressurized system.

Nathan Dougs said this is a water shed program. We are all involved in the water shed from Hyrum Dam down to everything east of the Litter Bear River heading north up to the Valley View highway is part of that watershed. So that's where the water district came in because they are the only one that could apply for the grant. This will be the first of 3 or 4 grant proposals that will fulfill this whole project. It may take 10-15 years to get them all funded. The first phase will be a 2 year environmental study and a 75% design. That will flush out environmental costs.

Bob said he understands the preliminary requirements, but every year it seems costs go up over time.

Jon said cost are hoops we must jump through. However, the first proposal does not have to be repeated.

Nathan said that perhaps we could include a secondary component for Mendon in the first proposal, whether it is get the other 15% or whether it is to update some of these older systems. Nathan said we don't have to have other systems 100% on board until we get to part way through the environmental.

Bob noted the goal is to get the canal piped.

Ian Nemelka asked about ownership of land. The first grant is due Feb. 18 and that grant is for the 75% design part?

Nathan Doug said the initial phase will include secondary irrigation water system for all of Wellsville, a recreational component, improvements to Wellsville dam and flood control measures. For Mendon the proposal could address flood control issues. Irrigation is covered at 75% (the actual installation of it). Flood control measure are 100%. Recreational is 50%. Environmental and Design are 100%. Tiered coverage.

Nathan said they'd like Mendon to commit \$3000. But Mendon can walk away before it is done.

Ian asked about NRCS and piping. Do they have to own the land in order to pipe the water.

Nathan said that piping would be in the second phase and, yes, they do need to own the ground in order to pipe it.

Bob noted that the bureau could not require access after they purchased the land.

Jon noted that to try to help with potential costs coming Wellsville Mendon Co. have been increasing the assessment. It's up to 33 and will ultimately go up to 39. The hope is to help them have the funding on the back side.

Mendon City has 215 acre feet of water.

Jon Hardman made a motion that we approve \$3000 out of storm water budget to cover this cost. Bob Jepsen seconded. Council was all in favor.

Mayor Buist noted that Seth Tait, Mendon's lawyer, in looking over the Master plan and Mendon City ordinances, noted that they don't totally align. When that happens, there are loop holes that can cause issues for the city. Mayor and Council's job is to look out for community and members. Having loopholes doesn't look out for our community. Council is proposing a short-term moratorium on all subdivisions. Our attorney has told us we need compelling, countervailing public interest in mind to warrant the moratorium.

Mayor Buist read Jon, Kirk, and Eric's document to attendees.

Compelling, Countervailing Public Interest Concerns

There are multiple sections in the ordinances that need immediate attention as they are outdated or conflict with the general plan. The floodplain ordinance is woefully inadequate and needs addressed. Clear guidance as to how to establish the "Base Flow Elevation" or BFE is critical to ensuring that any new development(s) are not impacted by flooding or contribute to flooding in other areas of the city.

Subdivision Ordinance:

A large portion of the subdivision ordinance describes requirements relating to conservation subdivisions. It is felt that the majority of the descriptions and details prescribed relate to subdivisions in general and should be included in the overall subdivision ordinances and not just specifically to the conservation subdivision requirements.

The subdivision ordinance calls out frontage requirements for half acre lots that are not included in zoning lot size specifications or identified in the overall general plan block/grid description.

Time of construction requirements do not adequately identify the need and responsibility for all construction improvements to completed prior to finalizing subdivision approval and issuing of building permits for development of lots.

Language in the Bond Performance section needs to be updated and may conflict with language in the zoning ordinance.

Required improvements under the subdivision ordinance are left to the discretion of the P&Z. City needs to review this responsibility to ensure that critical roads and infrastructure are clearly identified and required as part of the subdivision approval. The new map of the city block/grid system identifies important roads but may lack other infrastructure needs (storm water flow, future sewer lines needed to be considered as city grows.

It is our opinion that a concept plan map as required for major subdivisions should be expanded to include any subdivision regardless of size.

Water Policy:

As directed by legal counsel the City Water Policy as referenced in the subdivision ordinance should be included with and be part of the ordinance rather than a stand-alone policy.

Also needs updated to consider situations where secondary water may not be available and who and how will secondary water be monitored and/or metered.

Zoning Ordinance:

The zoning ordinance does not specifically spell out the general plans block/grid lot orientation as specifically referred to in the general plan.

Our zoning map needs to include a FEMA floodplain overlay.

Section three dealing with non-conforming buildings needs updated in light of current challenges facing the city.

Section Five deals with design standards and specifications and needs to be updated to current state and engineering design and construction requirements.

Section six needs updated.

Section Seven is outdated as it pertains to annexation and is not in alignment with our new annexation plan policy.

Summary:

The need for clear agreement and consistency between our general plan, annexation policy, water policy, zoning ordinance and subdivision ordinance is clear and compelling. Based on our brief and preliminary review it is clear that our current documents are not in agreement and are not consistent. To proceed under the present conditions will invite confusion and create problems that the city may not be able to resolve without extended delays and costly fixes and repairs. It is recommended that the city put on hold any further approval of subdivisions until our plans, policies and ordinances can be properly aligned and ensure consistency throughout every aspect of our planning/approval processes. This will provide a clearer, smoother approach to our future development.

Mayor thanked Eric, Jon, and Kirk for their insight. Some may wonder why these things don't correspond at present. Things happen over time. We have a part time government. P&Z is volunteer. What happened in small communities is we are often more reactive rather than proactive. This helps Mendon to be pro-active. Ed said that this is the compelling, countervailing public interest.

Seth Tait said that this is very well put together. This is not just a Mendon City problem. This is a Cache Valley problem. Communities are outgrowing city code as we transition to a new time. It is good planning to align policies in a wise and prudent way. This is not an affront to development. It aides it because things can be clear and concise, even though there is a delay. It facilitates the process in the long term. Overall it will be a good maneuver for the city.

Mayor Buist has formulated a plan to address this.

Seth Tait noted that this is a legal burden of property rights and the state caps the process to 6 months. In three to 4 months we should have proposed drafts. It must be done at a brisk pace.

Mayor Buist said that with this in mind that he would like to have Jon Hardman, Ian Nemelka, and Ron Campbell work with some P&Z members and get things lined up and put this together. Ian and Ron agreed to be up to this task.

Seth Tait said larger communities with larger budgets would turn this over to legal staff. This is not feasible for Mendon. It is more economic for Legal counsel to review.

Seth said that involving the city engineer is very valuable periodically and legal counsel periodically through the process.

Mayor requested assigned council members to use Eric when they need. They also should involve Kirk Taylor, our public works director.

Bob Jepsen noted that this is not going to just be a band aid. We are going to make a good foundation for P&Z

Seth there is reactive and proactive legislation. Proactive is so important to do as it saves grief through the process to make sure all things work together. It is reasonable to expect some revisions in the future as it is part of growth.

Mayor Buist asked for any further discussion. Ian Nemelka noted that he is glad that there are members of P&Z willing to contribute.

Mayor read Ordinance 2020-01:

MENDON CITY

ORDINANCE NO. 2020-01

AN ORDINANCE ESTABLISHING A MORATORIUM ON SUBDIVISION APPLICATIONS WITHIN THE LIMITS OF MENDON CITY.

WHEREAS, the City Council has found that the existing ordinances that govern subdivisions and development within the City are antiquated and inadequate to protect the health, safety, and welfare of the City's residents;

WHEREAS, the City Council has determined and found that there is a compelling countervailing public interest in updating and revising the antiquated and inadequate subdivision and zoning ordinances that warrants an immediate cessation of subdivision applications until such time as the City can update its subdivision and zoning codes; and

WHEREAS, the City Council wishes to impose a six-month moratorium on subdivision applications and any land use applications related to subdivisions to allow time for adequate master planning and a comprehensive review and revision of the applicable ordinances.

NOW, THEREFORE, BE IT ORDAINED, by the Council of Mendon City, Cache County, State of Utah, as follows:

1. The subdivision and development of any real property located within the limits of Mendon City is hereby temporarily prohibited, and a moratorium on the filing and approving of any application for a subdivision of any kind is hereby imposed.
2. The moratorium established by this Ordinance shall apply to all applications for a subdivision filed before or after the date of adoption of this Ordinance.
3. The moratorium shall be in effect for a period of six months from the date this Ordinance is adopted by the City Council.
4. This Ordinance shall become effective immediately upon publication or posting as set forth by State law.

ADOPTED AND PASSED, by the MENDON CITY COUNCIL this 9th day of January, 2020 on the following vote:

Ian asked about whether we will run into trouble with the 6-month deadline. Seth said it is best to try to have a draft at 3 to 4 months in order to meet that deadline. Jon Hardman moved to adopt Ordinance 2020-01. Ian Nemelka seconded. All council was in favor.

Mayor Buist asked Jon Hardman to lead this with Ian Nemelka and Ron Campbell. He asked Bob Jepsen and Greg Taylor if they are ok with it. Bob said it is a daunting task and he hopes that P&Z will be involved to make sure things are on the same page.

Mayor Buist addressed the council member assignments. He has had good councilmembers to work with. With some issues he will assign two council members to certain tasks. The CCEMS that was established in 2004 will dissolve. Logan city is pulling out of CCEMS and doing their own thing. They have given a 1-year notice. The county needs to figure out a plan going forward. There are licenses that allow you to do certain things. All licenses collapse because Logan has pulled out. These licenses must be re-applied for. Logan is taking care of providence. He thinks North Logan and Hyde Park will be a part of Logan. The cost analysis will be made available in a public hearing and allow people to have a say. It could mean things stay the same and just cost more. It could also go to Mendon not having a fire department and relying on someone else. There will be fire people who are very interested in this topic. Mayor Buist hears everything. He can tell you that our fire department does a lot and we are very lucky to have them. They can be at a Mendon residence in less than 5 minutes to help.

Library staff and board has done a great job. Mayor Buist feels that he has done them a disservice by not being more involved. There is a board meeting on the 21st that they will attend. There are things that they've got to get on top of and make sure they are done effectively.

Mayor Buist's favorite response regarding citizen concerns on animal control is to let them call in their concerns in directly.

Mayor Ed Buist

- Administration
- School Liaison
- Law Enforcement
- July 24th Celebration
- Fire Department (C.C.E.M.S.)
- Library Liaison

Jon Hardman

- Culinary Water
- Secondary Water System Liaison
- Storm Water Management
- Fire Department (C.C.E.M.S.)

Greg Taylor

- Youth Council Liaison
- Buildings
- Mosquito Abatement
- Deer and Turkey Management

Bob Jepsen

- Easter Egg Hunt
- Cemetery (expansion)
- Fire Department (C.C.E.M.S.)
- May Day

Ian Nemelka

- Planning and Zoning Liaison
- Streets (use Kelly Barrett and Eric)
- Animal control (talk with Kelly about that)
- Grant Writing

Ron Campbell

- Parks and Recreation (working with Kirk Taylor)
- Emergency Preparedness (training)
- Trails
- Library Liaison
- Planning and Zoning Liaison

Mayor Buist asked if there were any questions. He needs the eyes, ears, and work of two council members on these big projects.

Paul Cressall addressed Mendon City charges for re-issuing checks. Paul Cressall stated that sometimes checks are lost. It takes effort by the city to re-issue the

check. Sometimes months go by before they are asked to re-issue. First of all, problems with lost checks need to be addressed in a timely manner.

Mendon City
Check Re-issue Policy

Replacement Checks:

A replacement check may be reissued in the event that a paper check has been lost, destroyed, or has not been cashed within two (2) months. Checks will not be replaced if notification is made after the (2) months the check has been issued.

- A. A written request must be submitted along with a payment equal to the stop payment fee plus ten dollars (\$10) to Mendon City before a stop payment can be placed on the original check. The City Treasurer will confirm that a stop payment has been made before a new check is requested from the City Recorder.
- B. Once a stop payment has been made on the original check, and the associated fees collected, a new check shall be reissued. All checks will be issued at the earliest city issued dates of the last day of the month or the 14th of the month. Please allow up to five days for the check to be processed and mailed.
- C. In the event that the City Council, at a regular City Council meeting, determines that the lost check was never received, the council may waive the above fees and reissue a new check during the city's regular issue dates listed above.

Daphne Carlson noted that the stop payment fee would not be needed if they were able show evidence that the check was never cashed.

Mayor Buist asked Council's opinion. Ron Campbell asked if this isn't already covered under common law practice. Ron Campbell would like to do a little research on this. Paul Cressall said that is fine. The reissue check policy was tabled and put on February's agenda.

Bob Jepsen asked if Ian and Ron would like an ipad for council needs. Ron and Ian said they have their own computers.

Zoning Code and Private Lane were put on the February agenda. Ron Campbell said that they were looking for feedback from city council. Mayor noted that this will be part of the big project of correlating city policies with city ordinances.

Eric Dursteler said that the Coldwater well pipeline will be bid out it in February. Mayor Buist noted that Jon Hardman really needs to know what money he has monthly. Because as we go to bid we need to know what the account balance is so they know what bids to accept. Bob Jepsen asked if it is possible that the cemetery could be part of this. Eric said if we bring streets in too then we could possibly combine. Bob would like to see if it is possible to bid on both to bring costs down. Jon Hardman found that it didn't help bring costs down. Mayor Buist noted that the

second portion of this requires that Daphne talk with Matt. Mayor would like to have a balance of our general fund reserve. We are breaking this into three phases. Jon Hardman would also like our tally of impact fees which could go towards to project. Eric Dursteler noted that some items could be altered. Eric asked about cemetery expansion. Should they start with the roads first? Bob Jepsen said he'd like to address roads in light of where irrigation lines will be. Bob is willing to donate time. This needs to go in phases. Bob asked if we have a conceptual plan regarding irrigation. Mayor Buist would like the new council members to see a picture of what the cemetery expansion will be. Jon Hardman asked Nate if the irrigation plan could be included to address this. The reflection area may be able to be covered under the recreational grants available through the water companies. They showed the plan. There may be interments before the sprinkler system goes in.

Kirk Taylor noted that he's been getting after the snow. He's had the trucks in the shop a lot. He wants to talk about creating a line item for vehicles going forward, setting money aside for future replacement. Mayor Buist said the best way to do that is to put a certain amount in the general reserve fund from which Kirk could pull to address vehicle replacement. Mayor Buist noted that the reserve is also in place for any other areas that go over budget. Bob Jepsen noted that these replacements costs are significant. Mayor Buist said we need to try to stay within individual budgets. Bob Jepsen said that there are some other communities that put money away to grow it in reserve. Kirk's computer is not working well. Mayor suggested Ian Nemelka look at it. The computer is maxed out. Ian agreed to take a look at his computer. Bob Jepsen noted that the road clearing is good.

Bob Jepsen told Gail that there are some people are already on board. Karen Shelton has accepted to come on board. Jake Anderson has accepted to come on board. Keilani Ludlow will be a new member of P & Z. Burke Neilson is one that is on deck to possibly come on board. Bob has a meeting Tuesday with the May Day committee. He will report on that meeting in February. Mayor Buist asked Bob Jepsen to reach out to Ray Olsen to let him know that he is over fire department. Mayor Buist and Jon Hardman are also on fire dept.

Greg said that youth council is having a party on the 24th with games and dinner. It is at the station. City Council is invited. It is from 5-7. March 21st they will load Easter Eggs (for the Easter Egg Hunt) at 9 AM at station. Becky will be asking about budget. Bob Jepsen said he'd have to look and find out. April 11 is the Easter egg hunt. There is not much going on with buildings. He'd like to get the station floor re-done. He might need to go somewhere else for this help. Mosquito abatement. In the last meeting they said they are trying to get a building built. They are working on a design. It will be done in phases. Regarding turkeys, we have caught between 60 and 80 turkeys. Traps are set up by Barry's. They capture male and female turkeys. Greg has noticed that there are not as many turkeys this year. We had one deer in the early deer hunt get shot.

Mayor Buist said that Ian Nemelka will oversee grant writing and Greg will oversee wildlife management. Greg tries to get to the traps at night, but he may need to

ask for help. Greg Taylor can talk to DWR to place traps elsewhere. Mayor Buist ran into some people at lunch. They said that they felt the turkey trapping was really helping. Mayor Buist hunts Norbest Turkeys.

Ian Nemelka said that he wanted to become more familiar with his new responsibilities so he will yield his time.

Ron Campbell echoed Ian's statement.

Mayor Buist said that they will probably have a lot to offer next time.

Jon Hardman said DWR is interested in helping us. They will purchase the seed to plant the 21 acres at deep canyon. Pinder will operate at no cost. The two outside lanes will be allotted to grass. One goal is to get Dyer's Woad under control. They want to do new bushes and trees. On January 16 we will get more information on the water grant.

Mayor Buist asked if the new council members are comfortable with their new assignments. The council has iPad. Council members get an iPad for doing this assignment with the city. Daphne will take care of the order.

Ron Campbell and Ian Nemelka will get with Camille to get on the cloud and to get emails set up. Ron said he has an iPad that he'd be willing to use. He said he would put the iPad money toward Kirks truck fund. It is Ron's choice. He can decline if he wants. Others who follow may need it.

Mayor said council members need to be aware RAPZ grants are coming. These applications need to be seen by council. There have been times that they were notified later that there were multiple applications. There needs to be communication and council approval. Grants can help with buildings, trails, etc. They do not buy books. RAPZ likes to see community involvement and community benefit. RAPZ applications need to come through city council. Daphne has record of all past RAPZ grants.

Mayor Buist is already thinking of next year's budget. He hopes to meet with individual council members to see where they are with their budgets.

Mayor Buist thanked Ron and Keilani for their interest in serving the community. Mayor Buist said the last 10 years have been very fulfilling.

Jon Hardman motioned to adjourn. Bob Jepsen seconded. All in favor.