

Mendon City Council Meeting
July 9th, 2015
Mendon Station – 95 North Main
Meeting began at 7:05pm

In Attendance:

Mayor Pro Tem: Shawn Osborne

Council Members: Greg Taylor, Jon Hardman, Kelly Barrett, Bob Jepsen

Clerk: Teena Young

Recorder: Paul Cressall

Public Works Director: Kirk Taylor

City Engineer: Eric Dursteler

Treasurer: Daphne Carlson

Excused: Mayor Ed Buist

Other Attendees: Rod Roundy, Wayne Andersen, Ryan Bishop, Jerry McFarland, Thurman Locke, Lance Braegger, Melanie Hatch, Amber Francis, Justin Francis, Laverna Taylor, Rae Leishman, Marsha Shelton, Tiffany Maughan, D. Spencer Maughan, John Taylor, Pam Taylor, Becky Shelton, Becki Taylor, David Jarrett, Jerilyn Hansen, Zak Obroy, Kirk Obroy, Teri Miles, Duane Miles, Amy Carpenter, Heidi Taylor, D. D. Pollock, Wayne Wheeler

Mayor Pro Tem, Shawn Osborne, called the meeting to order at 7:00 pm.

The Pledge of Allegiance was led by Kelly Barrett with the prayer being given by Greg Taylor.

Minutes: The June 2015 minutes were reviewed. Bob Jepsen motioned to accept the minutes as written. Kelly Barrett seconded the motion. Minutes were approved unanimously.

Bills: The June 2015 bills were reviewed. Motion to approve the bills was made by Kelly Barrett and seconded by Greg Taylor. June 2015 bills were approved unanimously.

Youth Council Report – Becki Taylor

Youth Council Advisor, Becki Taylor, provided the Youth Council report. Youth Council member, Emily Wright, was killed in a tragic accident last night. The Youth Council would like to do something to honor her and her service to the community. They will discuss ideas at a future meeting. The Youth Council will help with the 24th celebration and be in the parade. In August, applications will be accepted for the new Youth Council year.

Shawn Osborne closed the public meeting and opened a Public Hearing for the Kotter Lot-split Preliminary Plat at 7:07pm.

Dave Kotter was not able to attend. Dave's son, Kirk Kotter, acted as representative. Kirk stated that Dave would like to split the lot and P&Z has recommended approval. City Engineer, Eric Dursteler reviewed the plat and listed 5 things that needed to be added to the plat. A letter signed by Dave Kotter stated that he would make the changes listed by the city engineer. Kelly Barrett stated that the letter was sufficient during this preliminary process.

Jon Hardman asked if P&Z had addressed the required transfer of water shares, as 2 acre feet for each lot will be required. Dave Kotter owns shares from Mendon Central Irrigation Company which he plans to use to provide water to the properties. Jon also asked about the delivery method. Kirk Kotter mentioned that the water runs through each property so it would be deliverable in that sense. Jon also asked about whether Dave is aware of that the number of building permits is limited. Kirk confirmed that he is aware of that. Bob asked if there is culinary water access and if there would need to be improvements. Kirk Kotter stated that there is access to one of the lots. Jon stated that the water line was not put into the required standard, adding that he and Kirk Taylor would need to discuss the waterline. Kirk stated they will examine the line. Shawn asked if the secondary water which runs through the property is considered deliverable. Jon stated that this topic would be discussed by council after the public hearing. No public comment was given.

Public hearing closed at 7:20pm.

Shawn Osborne opened a Public Hearing for the Sorenson Annexation at 7:20pm.

Teri and Duane Miles, owners of Top Job Asphalt, presented the annexation petition for a parcel owned by David and Sandra Sorenson. P&Z had given a Recommendation of Approval for the annexation. Bob Jepsen asked if there would be expectation for Mendon City to service the property once annexed, adding that fire protection would also be needed. The council agreed that the developer is required to bring the amenities and the city would have to decide if they would be willing to allow the extension. Jon Hardman asked if there was a plan to have retail sales at the location. Teri Miles said occasionally customers have come into previous locations to talk about services, but there is no onsite sale of the product. Eric Dursteler stated that he has no comment on the annexation. No public comment was given.

Public hearing was closed at 7:25pm.

Paul Cressall expressed concerns that proper annexation procedures were not followed; stating that the city council must accept the petition before it goes to P&Z for review, adding that the city can't just approve an annexation without following proper procedures and waiting periods. Teena Young stated that the procedures had been followed as to her knowledge. Paul stated that he didn't have the procedures in front of him but that there needs to be a waiting period and proper notification. Paul stated that the council can accept the petition for annexation and then it would need to go back to P&Z with the proper waiting periods. Jon Hardman motioned to accept the petition for annexation. Kelly Barrett seconded the motion. The motion was approved.

Mountain Bike Trail - Wayne Wheeler

Wayne proposed plans to construct a mountain bike trail above Mendon on city property. There would be a loop system that would be family friendly. The Forest Service would hopefully help build the trail, and volunteers would maintain the trail. They would like to start as soon as possible. The total length would be approximately 3 miles on city property with additional length on Forest Service property. Greg Taylor expressed concern about liability issues. Bob asked about restricting the use for mountain bikes and not allowing motorcycles. Wayne stated that the users could police the trail, explaining the proper use of the trail to other users.

Wayne stated that there would be a couple of phases for the construction of the trail. Bob stated that he would like to see the schedule of the development. Jon stated that he is not ready to move fast on this proposal, advising the council to take time to study the impact of the trail, adding that the city wants to avoid having public near the water shed areas. Wayne mentioned that they won't advertise the trail but let word spread so that it doesn't get busy. Shawn stated that the next step for the city would be to look at the liability issues by speaking with the city attorney, hold a meeting with the forest service, and then publicize a public hearing on the issue.

Hwy 23 Speed Limit – Becky Shelton

Becky addressed the city council concerning the increased speed limit on Hwy 23 and the moving of the speed limit signs. Becky stated that House Bill 80 allows UDOT to do a speed study and set speed limits based on the speed study. Last fall UDOT conducted a speed study on Hwy 23 and the city council requested a second speed study to be done. Once the second speed study was done, UDOT recommended a change in the speed limits. Kelly Barrett notified Mayor Buist, who is aware of state law, and the changes were made.

Becky's concern is for kids who cross the street to get to school and expressed frustration that UDOT comes into small communities and increases the speed limit. Kelly stated that the department regularly looks at speed studies throughout the state. Becky contacted Curt Webb, the State Representative for Cache County, who stated that a unified action from the city council and community might influence UDOT to let the city decide the appropriate speed limits per location.

Bob stated that he understands the frustration and sees potential problems with the blind hill on HWY. Bob added that the change of speed limit may not constrain people to slow down. Kelly stated that the limit was changed based on the speed study because UDOT is following state law. The way forward would be to request a follow-up study.

Ruth Morgan commented that the speed study is flawed because the majority of people drive 5mph over the posted limit, so speed limits would repeatedly be increased. Ruth also expressed the need for crosswalks for

children crossing to school. Steven Bevan stated that if there are sidewalks on both sides of the road it is a legal crosswalk. Shawn suggested that Becky write a letter to UDOT listing the concerns. The Council will look into whether they can give their support.

Eagle Scout Project – Zak Obray

Zak proposed an Eagle Scout Project to paint 40 fire hydrants. Zak has gone to Bennett's Paint and received an estimated cost of \$191. The first \$50 would be provided by Zak with the remainder provided by the city. Kirk Taylor stated that he is supportive of the project. The council gave support and approval for the project.

Discussion on the City Center Block Irrigation line

Thurman Locke expressed concerns about the unauthorized use of the City Center Block Irrigation line. Thurman stated that there is no water available on the upper end of the line, because of people tying on at the bottom.

Jon informed the council of the line's history. In the 70's the city brought the line down to the city square and the people above were able to tie onto the line at that time. Typically these systems were engineered for the people using at that given time, but now more want to tie in below the system. Adding more hookups below impacts those higher on the line. At some point those below were given permission to tie on. With the city holding the majority of the shares a canal company was not formed because it has always been the city's decision. In the 90's Pollocks were given permission to take a line to their home, but the line was extended further to water the parcel below. Sometime during the 2000's, Craig Rasmussen engineered the system again. The city allowed the school and Barry Fonnesbeck to tie on because the ditch was eliminated. The current situation is that the Wheeler and Despain properties have been using the water without permission.

Jon stated that there are two issues: First, the city shouldn't go back and try to change anything that has been previously agreed to; what has been done up to this point has been done. Second, if additional land owners want to tie into the system, they need to contact Craig Rasmussen to obtain a study on the impact their access would make on the system and then petition for access. Jon added that the current allowed users need to organize a company within the 12-18 months so that when the city pulls off the line, the company is ready to oversee the line.

There is ditch water available for the Despain and Wheeler properties. Jon's opinion is that the Despain's and Wheeler's need to cease and desist the use of the pressurized line until they obtain the impact study and obtain permission to use the line.

Wayne Wheeler stated that they can't find the water master for the ditch. The ditch doesn't have an organized company. Jon stated that Doug Larsen is the other user and Wheeler's need to work with him. Gary Despain stated that no one has ever explained it to him in the past, adding that the only way forward is for them to get a water study and request access. Shawn stated that once the city pulls off, then it changes the engineering.

D.D. Pollock stated that when their system was put in Richard Watkins took a petition around to get signatures. They paid him approximately \$200 to have access, they did do what they were told and they went through the process. There were no restrictions put on them at that time.

John Taylor commented that he is one of the first at the top of the line, when they first did their landscaping they used a pump and had water available. Users down the line do affect the amount of water he has available. He doesn't run the pump now because he doesn't want to run it dry. Thurman stated that the users will work together to create a company and make it fair.

Kirk Taylor gave an update on the status of bringing the city off the line. The city is working to get an automated system on the square. Kirk anticipated longer than 18 months as the time frame is based on available budget money.

Council Discussion – Preliminary Plat – Kotter Lot-split

Shawn mentioned the spring that runs through the property and asked if this is a reasonable secondary water source. Jon stated that Dave Kotter needs to confer with Mendon Central to work out the access. Kelly Barrett

asked if the city should involve itself in how a property owner gets the water shares that they own and have access to. Jon agreed but the issue repeats itself continually as with the Wheeler's/Despain's. Greg suggested a letter from the canal company president stating that the topic of access was discussed and approved. Jon added that this will impact city shares that could potentially be developed and used as a culinary water source.

Eric Dursteler stated that the approval of the preliminary plat could be conditional. Conditions may include the approval of the delivery method of the secondary water and the extension of the city culinary line being brought into city standards. At the time the home to the east was built, a 4" culinary line was installed. Jon feels strongly that the line was not installed correctly and should not be extended until it is done correctly.

The Council listed three conditions in addition to the requirements set by the City Engineer to be met.

- 1) approval of the use of the water shares by Mendon Central
- 2) delivery mechanism approved from Mendon Central
- 3) extension of culinary water line according to city standards.

Greg McClaughlin, who owns the home to the east, asked if the water line that feeds his home is safe. Jon stated that it was acceptable at that time. Eric stated that the standards change. Code now requires a 6" line unless there is a need for fire flow and then an 8" line is required.

Motion to approve the preliminary plat for the Kotter lot-split with the previously stated conditions was given by Jon Hardman. Kelly Barrett seconded the motion. Motion was approved unanimously.

Jon asked about the setback requirements for the waterways. Eric stated that it would be addressed in the building permit process. Jon stated that we should look at that before a building permit is issued.

Kirk Taylor – Public Works

Trees were planted at the parks, and two street overlay projects were finished. The Powell's are waiting for contractors to flush the line for the extension of the culinary line. The temporary turnaround has been changed to a hammerhead.

Bob stated that the swale extending south needs to be restored, he will put together a letter regarding the requirement and deliver it to the residents before winter. Council agreed. Eric stated that he would be willing to knock on doors. Jon stated that we need to have it defined first. Daphne will look up the date of the approval of the subdivision and the date of the standards and specs, in order for council to know what specifications were required at the time the subdivision was approved.

Eric Dursteler – City Engineer

Eric will be in contact with Mayor Buist to get the grant application turned back into the state.

Council Reports:

Kelly Barrett

A replacement stormwater pipe will be put in at 100 S Main. The Fire Department is going through an ISO audit which they do regularly. The assessment determines the insurance rate. Paul Cressall stated that new hire reports for the fire department have to be filed within 30 days. Fire Fighters only get paid once per year, so Paul needs a new hire roster for everyone paid in Dec by Nov 1st.

Jon Hardman

There are several people in Mendon who are active duty military. Some cities reduce or eliminate water bills while they are active duty. Jon will draft something for the next city council meeting. Paul stated that he would need to know a period of time. Shut off notices went out Monday. Jon stated that there are some with medical situations and as long as they are paying more than their monthly amount, the city is willing to work with them.

Bob Jepsen

He wasn't able to attend the July P&Z meeting. Teena Young stated that the Maggie and Abram Felsch's home was approved. Bob stated that those with P&Z approval have 6mo to show progress. Shawn stated those on the

waiting list who are not ready when a permit becomes available should be moved to the end of the list. The City Council recommends this change to the Planning Commission. Paul suggested an application fee; if they are not ready to proceed when the permit becomes available, then the fee is forfeited and they must resubmit.

Greg Taylor

The freezer at the food stand went out. They are trying to find one and the cost will come from the buildings budget. The cemetery shed needs a new roof; Lowe's was looking for a service project, but it wasn't approved. Daphne stated that the city could contact the United Way and get people to come on their day of caring. Greg mentioned that abatement spraying will take place the week of the celebration.

Shawn Osborne

Shawn suggested that city policies and flow charts be made available on the cloud for procedures such as annexations and developments. Mendon City email addresses will not be working for the next 3-4 weeks. The person working on the website has had several weeks of cleanup.

Motion to adjourn was made by Greg Taylor and seconded by Kelly Barrett. The motion passed and the meeting was adjourned at 9:46pm.