

Mendon City Council Meeting
Aug 11th, 2016
Mendon Station - 95 N Main
Meeting began at 7:00 PM

In Attendance:

Mayor: Ed Buist

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

Clerk: Teena Young

Recorder: Paul Cressall

Treasurer: Daphne Carlson

Public Works Director: Kirk Taylor

City Engineer: Eric Dursteler

Public Attendance: Mike Carlson, Katie Child

Mayor Ed Buist called the meeting to order at 7:01 PM. Bob Jepsen lead the Pledge of Allegiance with Greg Taylor giving the prayer.

Council reviewed and approved the July 2016 minutes.

Council reviewed the July 2016 Bills. Kelly asked about a fire department bill to Thomas Petroleum that Ray doesn't think is the fire department's. Daphne stated that they are working through the Thomas Petroleum bills with the company. Jon Hardman motioned to approve. Karole seconded, and the bills were approved unanimously.

Youth Council – Becki Taylor

Becki stated that the Youth Council had an outdoor movie as a closing social. The Youth Council also helped with the 24th; they put in 117 hours during the celebrations. For every event they helped with they had some type of incentive.

Currently they are accepting new applications until Aug 31st. The officers will be sworn in during the October City Council meeting. They have had 20 youth that have come consistently. The Emily Wright service award will be taken over by the Wright family. Becki asked about having Youth Council meetings in the new building when it is done; they usually meet on the second Monday of the month. Mayor Buist stated that we will work through the schedules once the building is complete and added that no food or drink will be allowed in the library.

Becki stated that Dana Myers and Amber Myers have helped a bit. Mayor Buist stated that they would like to get a strong second adult leader. Becki stated that would great.

Christmas events will be the same. The youth thought that the sing-a-long was more enjoyable than the nativity, so she will see what they want to do this year. Mayor Buist asked that we put off the swearing in of the officers until November so it can be done in the new building. The council thanked Becki for her work.

Hiring of Library Director and Library Programs Coordinator – Katie Child

Katie distributed resumes for the recommended employees, Maren Bensen as the Director with Angie Peterson as the assistant. Maren has the knowledge base with cataloging and Angie is retired from dispatch. Maren would be \$11 per hour, with \$10 per hour for Angie, both with 15 hours per week. The library can be open for 30 hours per week with a paid city employee. Katie has extended the offers to them. Mayor Buist stated that he is very comfortable with the names. Jon motioned to accept the names presented and the wages associated. Karole seconded the motion and the council approved unanimously.

PUBLIC HEARING – Current Water Situation, Building Restrictions, and Consideration of Resolution 2016-05 – Temporary Land Use Regulation (Moratorium)

Mayor Buist closed the council meeting at 7:23PM and opened the Public Hearing.

Eric Dursteler reported on the data that examines a culinary water system and how many hookups the system can supply. Eric stated that the state provides this data in a Source Capacity Evaluation. They don't do it voluntarily, as it has to be requested. Eric noted that there are several variables which affect the data. There are two tables in order to show how much is needed to run a connection with the indoor use being 800 gal/day per connection. This is not an average but a maximum. We estimate that we are pretty close to that for a maximum reading.

Eric stated that we have plenty of water in storage, our problem is the source. We calculated 421 plus other connections which are equivalent to 12 connections. So it comes to 433 total connections. 65 of those connections use indoor water for outdoor use. 87% of connections use secondary water for outdoor use. After all the calculations, the data shows we have surplus for 3 more residential connections for a total of 436 total connections that the system could supply.

Eric emphasized that there are several variables that can affect these calculations. One of the variables is the blending ratio. They have to blend at a level which is dependent on the nitrate level. The Booster Station well is based on "safe yield" of capacity which is 2/3 of total capacity. The Cobblestone can do a lot more but the variable is the nitrates.

Jon stated that the other variable is the deep canyon spring flow, it appears that we are going into a dry cycle which would minimize the flow. Mike Carlson asked about vacant homes with current connections. Eric stated that those connections are counted in the total. Mike asked about the vacant Pheasant Hollow lots as they are developed lots. Eric stated that if they don't have a meter they aren't considered in the total number of hookups. Mike asked about why they aren't counted because the subdivision was approved. Eric stated that it isn't a connection until someone pays to get the meter placed.

Mayor Buist stated that we are making some progress on some water that has been secured. We are jumping through hoops to get that source online. Kirk stated that as he was speaking with Nathan Hall from the state, their concern is whether the new well will be affected by the nitrates also. We just need to keep an eye on that. Kirk distributed a well-nitrate history to the council out of the Cobblestone well. Kirk is concerned about a jump in nitrates which has happened in the past. This is a variable. With the new well, we are just back to the point before the loss of the Cobblestone well. Jon stated that it depends a bit on how often the well is pumped during the peak demand times.

Kirk stated that we do have 3 sources. Two wells and the springs. The springs are a variable. The Cobblestone well's variable is the nitrate level. The Deep Canyon Well's variable is its recovery rate: the static level goes lower every year and slowly recovers.

Jon added that the split with the irrigation company at the spring is at 50/50. The actual shares owned by the city is a 42 with 8 shares being leased from private individuals. There are some share owners that will be using their shares and are no longer wanting to lease them. Eric added that it wouldn't take much change in any one of the variables to make the plus 3 connections to a negative 3 connections.

Mayor Buist stated that it is all the more reason to press forward pursuing other sources. Kirk stated that the peak is during the summer, we get by with the springs through the summer.

No further public comment was given.

Mayor Buist closed the public hearing at 7:52pm reopening the council meeting.

Mayor Buist commented that their stewardship is to the people who are hooked up now, not for those who want to hook up in the future. Mayor Buist asked Eric how the state would back us if a moratorium was imposed; how would they support the city if someone takes the city to court over the issue. Jon stated that they would be a key witness and defend their system of calculations. Kelly asked about how we do impose a moratorium if the calculation states there are 3 available connections, is there a buffer? Someone can look at the study and say there are 3 there, I want one. Jon stated that a moratorium could be imposed based on the facts that have been talked about such as the spring split and the other variables. Those are things that can be stated for the record. Jon added that the evaluation is a snapshot in time today, but it could change at any other time. Eric stated that we could over investigate and over-study, but if we change any numbers we could potentially be at a negative number. Eric considers the 3 available connections as more of a buffer. Jon stated that in a legal situation a judge should allow a margin of safety for a city. Mayor asked if it would be fair to give out the three hookups, while risking what is available to those who already have hookups. It is more important to provide for those who are hooked up. Kelly stated that we should look at a buffer that would be more than three. Eric stated that the council can decide on the buffer, Eric considers 3 a shallow buffer.

Mayor Buist suggested that council set a buffer, consider a moratorium, and continue to work toward other sources. Kelly suggested that 10 be the buffer for the city. Jon stated that the buffer should be based off the lowest recorded spring reading, because it would potentially be what we could get down to. Jon would be more comfortable with 15 as the buffer. Karole asked if any other cities have set up similar buffers. Eric stated that there is so much variability between the systems that it would be a difficult comparison.

Kelly was comfortable with taking a little bit of a risk, because every year isn't a low year. There may be times, when restrictions come into place. Greg stated that he agrees with the lowest reading to be more conservative. Greg stated that the people who have concerns are not here tonight, and they need to know what these discussions are. Karole stated that our responsibility is to the citizens who are here, why are we so worried about people who want to build. She also likes to be conservative.

Jon stated that when the new source comes on, we may allow all the water to be taken at once or spread out the approvals over time. Bob's feeling is that until the spring is developed there is no more building.

He continued that the city has been very generous, allowing the eight and that could have already put the city at risk. Mike stated that if we figure in what the city actually has as far as the spring shares which the city actually owns, we don't even have the 3 extra hookups. Bob sees the buffer limit as possibly changing yearly. Kirk would like a percentage because it can stay the same depending on the yearly data, 3% of 433 hookups is a 13 hookup buffer.

Jon motioned that when the ERCs (Equivalent Residential Connections) come within 3% of the water source capacity as determined by the Utah Department of Drinking Water's *Water System Capacity Calculation Sheet*, Mendon City will not allow additional connections until additional water sources are brought online. Motion seconded by Kelly Barrett. The council approved of the motion unanimously.

Note: currently 3% of the 433 total connections is 13 connections.

Mayor Buist stated that two resolutions were drafted for a Temporary Land Use Regulation (Moratorium). One prohibits annexations. The moratorium would be effective for 6 months. Council discussed whether to prohibit annexations. Kelly stated that if they have their own water source when they come, there wouldn't be any reason to prohibit annexation. Paul stated that people could annex with anticipation of developing in the future. Council agreed that annexations could be considered.

Mayor Buist read Resolution 2016-05. Establishing a Temporary Land Use Moratorium which expires on Feb 11, 2017 unless extended by resolution. "Other planned unit development" means any commercial or residential building with a hookup. A change was made to say Utah Division of Drinking Water's office, instead of the State Water Engineer's office. Motion to approve Resolution 2016-05 was made by Bob Jepsen, seconded by Jon Hardman, and approved unanimously by the council.

Kirk Taylor, Public Works Dir

Staker Parsons is working on the section of road on 100 E. They will be paving soon. Kirk stated that the special events power panel installation came in at much more money than estimated. Rocky Mountain required them to do more than expected. Mayor Buist stated that the celebrations went well and thanked Kirk and his staff.

Council Reports:

Bob Jepsen

Bob discussed the wait limit for additional subdivision of a property with P&Z. The waiting period that was suggested is 3yrs after initial approval of a subdivision, prior to applying for another subdivision of the same property. Paul stated that it was so that developers will be honest as to their intent for development. Council would prefer to see a 5-yr waiting period.

Two accessory buildings were approved. Rhyand Lund is building a home where another was demolished on 100 E. Mike and Lisa Helms are seeking a boundary adjustment, but they need to make adjustments for leach field setback requirements. Bob asked Eric about height limit on commercial property fencing. Eric stated that there are no limitations on fence height.

Top Job was present to P&Z to renew their business license. Complaints have come through from the noise at night from putting product in the trucks. Bob will get the noise ordinance so that it can be enforced. Top Job will provide a 5-yr timeline as to improvement plans. Bob would like to see the south side of the property fenced right away. They are focusing on a well and stated that they are looking to

solar power. Bob advised that they bring power from the subdivision to the north or use natural gas. Karole stated that the property looks like a junk yard. Paul stated that there are nuisance ordinances that would apply. Bob added that there isn't a containment plan of the product. Ray Olsen may need to be involved. Bob will try to get these things in place.

Bob wants to see a containment plan. Jon stated that the containment plan would be through the state to show they are in compliance. There also is a requirement for disturbing over a half acre of land and there are containment permits required by the state. Bob suggested that they come to city council for further discussion in September.

Mayor Buist called a recess at 8:50PM.

Meeting resumed at 8:58PM

Greg Taylor

Greg reported that mosquito abatement has been notified that mosquitos are bad. Greg stated that as an abatement worker was spraying north of town, a person followed close behind with car lights off. The person then called the person over the mosquito abatement complaining that they got too close to his bees. They were 900ft away from the bees, and they can actually spray up to 300ft to the bees. Greg gave them Officer Sutherlands phone number in case of further harassment issues. Greg stated that if there is a West Nile Virus outbreak, bee zones will be smaller. Jon asked if there is anyway if we can get a map of their spray route. Then they can put up the map so bee owners can move their bees to a further distance. Greg will ask about the map at the next meeting.

Karole Sorensen

Glenna Markey had a well that kept filling with sand, so the city allowed a hookup several years ago. At the time the water rights from the well should have been transferred to the city. There should be a contract signed with the city. Jon stated that we need to find the contract and submit a request to the water rights office to have that transferred.

The Library Board already addressed the hiring of the employees. There will be some display units at the new building which will be filled with histories, local art, photography, quilts, ect. and changing every few months. Karole asked if the city should coordinate the displays. Mayor Buist stated that a committee could be put together coordinate with council approval, but cautioned that there is a liability with it being in a public building. Mayor Buist suggested Debbie Eskelson. Kelly Barrett mentioned that Richard Watkins should be involved. Karole stated that the more people are involved in the community, the better.

Kelly Barrett

Kelly asked Eric if he could look at the pavement design for city streets, it seems excessive to Kelly. Eric will look into it and get it to Parsons. Kelly asked about excess money in the Fire Department budget from last year. Daphne stated that once the budget is closed than the money is no longer available, unless he comes to council before the end of the budget year. Kelly appreciates the Youth Council and the work they did with the celebrations. Mayor Buist invited Ray to the new building to discuss the EOC area in the new building.

Jon Hardman

Jon mentioned that there is a delinquent water list and we need to put up shutoff notices. There are new delinquent accounts, others are already on contracts. Paul will print the notices which will be posted on Monday and given a 5 day pay period. Eric asked about whether we could start focusing on the spring development. Eric stated that he talked to Nathan Hall about the loan funds, we need to send a letter to the state telling about where the money will be used. Jon stated that he believes that some of the money should be used to do a test hole near the Cobblestone Well. If we use the loan money for developing the spring, we have to put the work out for bids. In the past the city has acted as the contractor and subbed out the work. Mayor Buist stated that we might as well bid it out because the council has set a number as when the city has to do a bid. Eric stated that he will check with the state. Eric stated that we could break it up and do under \$25K. Bob stated that we would have to delay the project. Jon stated that they will get underway this way. Jon stated that he isn't aware of when the canal water will be done, but it may be soon.

Jon spoke with Doug Larsen to explain the interest in meeting with him, He would like to meet with him. Council needs to discuss what we feel is fair as compensation for having an easement on his property. It will be discussed in September.

Mayor Ed Buist

Mayor Buist stated that we are at the point of expansion for the cemetery. Mayor Buist would like to visit with property owners to the south and Eric Bowen, Greg Taylor to see if there is any option. If not then the cemetery needs to head west. Karole stated that there a lot of things piled on the west side of the cemetery. Kirk stated that it gets leveled out every year.

Karole will touch base with Daphne about the trails with possible direction of where to go. Kirk stated that there was some possible funding through UDOT that should be taken to the trails committee.

Mayor Buist stated that the CCOG meeting is coming up. If the city wants to apply for grant money to a road project, we would need to commit 10% of the project cost. The 10% would be \$20,000. Kelly stated that he has understood that there isn't a time frame in which we have to spend the money, so we shouldn't miss an opportunity to apply. Mayor Buist stated that some of these large projects have large engineering costs. We may have to have it engineered and ready to go, so we may not be able to apply this year. Kelly stated that big cities have the resources to do get the engineering done, but small cities have a burden to pay for engineering before getting approval. Eric asked if it is an overlay. Kirk stated that they had talked about not doing an overlay. Mayor Buist stated that they may not demand engineering for the smaller cities. Kelly suggested a conceptual plan so that it is minimal cost upfront, in order to apply.

The City Building is progressing. The Brick Builder fundraiser is at \$63,550. It is being extended for those who may want to participate. There is a training available for recorders and clerks.

Bob Jepson motioned to adjourn. Jon Hardman seconded, and the meeting adjourned at 9:40PM.