

Mendon City Council Meeting
September 8th, 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: Nick LeFevre, Evan LeFevre, Karen LeFevre, Michael Kenning, Brandon Parish, John Davidson, Steven Stokes, Bailey Stokes, Sidne Lemon, Carlo Lemon

Mayor Ed Buist called the meeting to order at 7:00 PM. Boy Scout, Nick LeFevre, lead the Pledge of Allegiance with Kelly Barrett giving the Prayer.

Council reviewed the August 2016 Minutes. Jon specified on page 3 that the 40/60 split should read 42/8/50. The 8% is currently leased to the city by private owners with the city actually owning only 42%. Council approved the corrected minutes.

Council reviewed the August 2016 Bills. Kelly Barrett motioned to approve the bills. Greg Taylor seconded the motion, and the bills were approved unanimously.

Youth Council was not present. Greg updated the council that the Youth Council applications were due by the end of August. Many new kids are participating. We are still looking for adult help. Officers will be sworn in November.

Eagle Scout Project Proposal – Nick LeFevre

Nick presented his proposed project to help with the new Mendon Library. He is working with Library Board President, Katie Child, and his scout leaders. He will help with the cataloging of the books. His troop will transport the books to the new library. The eagle scout project will help Mendon residents. Karole stated that there is a lot of labor involved and the board is excited that Nick is willing to do this service. Mayor Buist asked if Nick would be willing to help with the moving of Mendon City office files from storage at the fire station to the new building. Nick will work with Daphne to make these arrangements. The council appreciates Nick's work and service.

380 W Swale Discussion

Carlo Lemon addressed council about the 380 W Swale. The city sent a letter to property owners requesting that the swales be restored. Carlo stated that his property is flat. He would like to put the swale in at his property after the people to the south restore their swales. This way the water wouldn't just pool on his property. He hasn't started because they haven't started. Carlo is asking for more time and added that the other neighbors don't want to restore the swale. Carlo stated that there isn't enough flow from the new subdivision to the ditch on 250 S. Mayor Buist stated that the swale is not for normal flow but for flooding. When flooding does happen the water has to go somewhere. Carlo said that when the flooding has happened in the past the water has pooled in front

of his house until it goes over the road. Carlo suggested that the subdivision have a shallow swale and then work toward a deeper swale on the way down the street. He added that another problem is that people park on the swale and drive on it, so it has a tendency to fill itself in. Carlo stated that the neighbors are asking for more time from the city council.

They have talked to the city engineer about the driveways. The engineer wants an 8in pipe under the driveways which should be ok.

Michael Kenning stated that he has question as to who has legal responsibility for the swale. It appears that the swale is actually owned by the city. Michael asked: Are there any ordinances that transfer the responsibility from the city to the home owner? Who is financially responsible?

Mayor Buist stated that the swale was a requirement from the original agreement for the subdivision that there be swales. The property owner is responsible to be maintain the swale. Michael Kenning stated that he couldn't find anything in the ordinances that require the homeowners to maintain the swale. Daphne stated that since Michael is not the original owner some information may not have been passed on. She stated that these requirements should be tied to the property somehow so it can be passed from property owner to property owner.

Brandon Parrish is also a new owner. Brandon asked: Why did the city not enforce the swale to be maintained by the person who actually filled in the swale? Mayor Buist stated that this isn't noticed until there are issues, and it becomes reactive action. Mayor Buist added that the issue that happened is the flood at which time it was noticed that the swales had been filled. Brandon asked why that wasn't enforced after the flooding. Mayor Buist stated that discussion had begun after the flooding.

John Davidson stated that he had a nice driveway which the contractor for the Powell subdivision hasn't restored to the agreed specifications. The drawings show that the culvert should have been fixed and wanted the city to enforce the drawings and make the contractor fix the driveway.

Sidne Lemon stated that they are diligently trying to do what we need to do on their side of the road. She would say it is reasonable for both sides of the road to have to do the same thing.

Eric Dursteller addressed the flat slope. The slope is .4%; it is not flat and does flow. With the comment about starting with a 6" shallow swale and progressively getting deeper, and it wouldn't be feasible for people on the bottom. Eric added that there is a state statute stating that property owners are responsible for maintaining the right of way in front of your property. Jon stated that it applies to snow removal and other maintenance. Eric will get that information to Michael Kenning. Eric added that there was a drain idea instead of a culvert under the driveway where there would be a grate over a pipe on the driveway. Eric is in favor of this option as it would then be cleanable.

Bob stated that he lives on a state highway. He has had to get an encroachment permit, abide by what the state is requiring. He has to maintain it even though it is on state property. He agrees with Jon to the street is the responsibility of the home owner.

Eric addressed the problem with John Davidson's approach. Eric stated that the contractor is not done yet but will be required to install to the specifications on the drawings. The Lemons asked about the east side of the road. Eric stated that on the east, the water goes to a retention pond in the

new subdivision. The west side gets all the runoff, and the swale takes it down to 250 S where it can go east. Carlo stated that the swale won't matter in a major event. Jon Davidson stated that 13 yrs ago he had a river going down the west side of his property and had to make a swale with a tractor to alleviate the flooding.

Carlo asked for an extension of time to allow for him to install his swale. Mayor Buist asked what time is needed. The neighbors thought that mid next summer would be helpful. Bob stated that we have seen flooding in the middle of winter. Bob thinks the city has been fair on time and a backhoe is an option. Michael Kenning stated that he still doesn't feel legally obligated to do any work. Eric will get information about property owner responsibility. Eric stated that it could have been done in the time given and it hasn't. Mayor suggested that we give to the end of July. Bob proposed that we first get the legal statute and then set a date. Bob proposes that they come back next month and then a decision be made. It will not be this year.

Steve Stokes – Horse Arena

Bailee Stokes stated that she would like a horse arena in Mendon so she can ride her horse. Steve, her father, mentioned that they moved to Mendon last year, and wondered if anything has been ever been discussed as far as a horse arena. Mayor Buist stated that there has been a history of active horse rides up near Pioneer Park, but there hasn't been an organized group.

Steve stated that the city owns property west of the cemetery. If citizens made an effort to put something in would the city be supportive? Steven would be willing to head up a project and he says that there are a lot of people who would use a facility. Karole stated that there was a horse racetrack in Mendon at one time. Mayor Buist stated that he is supportive of anything that brings the public together. The placement is very important though. Directly west of the cemetery is where the cemetery will expand to Mayor Buist asked that Steve and some citizens draw something up and make a proposal with maintenance, parking location, and a proposed way to support it.

Jon stated that the city also owns property up deep canyon. The mountain bike trail is halfway done. Steve stated that closer the city would be better. What size of arena would be needed? Steve stated that a 110'x100' with additional parking would be sufficient. Some water would be good to be run there. Karole asked if it would be used for other events. Steve stated that it could be used for dog training, archery, and roping, but to start out it would be a basic arena. It would not need lighting. The fence panels would be about \$5000. Jon stated that the city doesn't have resources to keep the arena clean and maintain it. Daphne stated that she will need to check with the insurance about increased liabilities. Steve stated that there are signs at other locations that pass the risk onto the user. Steve will prepare a proposal for council.

Continuing the discussion on the 380 E Swale, Mayor Buist stated that we can involve the city attorney, if needed. Kelly stated that the state may not have statutes. It may be the installer's job to install, and then it's the city's responsibility to maintain. Jon stated that there has to be something to protect the city on requirements from an approved subdivision. Eric stated that he will look at statutes about maintaining the swale as a safety measure for the community.

Easement Compensation for Property owners and new Spring discussion

Eric had prepared layout options for a pipeline bringing water from the new spring to the Cobblestone well. Jon wanted to discuss what council feels would be reasonable to negotiate with

private land owners as far as compensation for easement rights. Depending on the route, it could potentially impact Karole, Greg, or Kelly's property. No matter which layout is chosen, in order to put it into the cobblestone tank, we will have to go through Doug Larsens property. Jon is interested in knowing what the council is comfortable with before he begins negotiations. Eric has cautioned about hookups coming off the line, the intent is to bring the line to the cobblestone well without lines coming off prior.

As an example of a past compensations, in order to put the booster station in, we had to control a 100ft zone around the well and had to get permission from a property owner for that easement. They were agreeable to the easement if they were allowed one hookup. (Limits on the placement of a septic system were also agreed to).

Mayor Buist stated that he has heard of hookups being the compensation, but asked if a monetary compensation is an option? Jon stated that it is absolutely. Things that impact the price of compensation would be the location of the water line in the property. If the line is on the edge of the property, it is not a big deal. If the line is going through the middle of the property, it could impact future uses and therefore would cost more for compensation. Jon stated that Doug Larsen would probably be more interested in a hookup than a monetary option. Mayor Buist stated that both options should be on the table. Kelly stated that we ought to offer both to the property owner and let them decide.

Council asked Eric what the size of the easement would be. Eric stated that if it is an 8" line it would be a 10ft easement width. Karole asked about the time frame. Jon stated that we need to go as quickly as we possibility can but don't know how long the discussions with the forest service will take. The other potential source is a new well. The city will look at doing a test well also. If we go both approaches than we can do either source depending on holdups. We still have money available from the loan that can be used for these purposes.

Kelly stated that a water hookup may be a lot more valuable for the city in the future and we may need to just pay for the easement at this time and be done. Jon stated that at one point on Cobblestone a house was approved with a 5 yr limit to use the hookup. 7 yrs later they wanted to build. So the city could include a time limit on the hookup.

Eric presented the council a check list of preliminary processes for the development of the spring and the test well. The test well is much easier as there are fewer processes. Eric estimates the cost to do a test well is \$30K fee to drill down, pump test it and close it. We will post the bid and accept bids in the next few weeks. Mayor Buist asked if it could be done for below \$25K which wouldn't require it to have to go out to bid. Jon and Eric stated that they estimate it as being \$30K. Eric can take some time to make some calls to get some estimates from similar projects. Eric estimated that we couldn't develop the spring until next fall with all the process and may be the best case scenario.

Jon stated that his family owns a parcel of ground across from the Jensen's at about 2400 S Hwy 23. His family is willing to allow a test hole to be drilled on the property with no commitment. If there is water there, then there would be discussions. The council is supportive of that. Jon stated that the main test is the quantity of water and then quality would be tested. They want to get to the third layer of water to get the clean water. Jon's thinking is that the further south we go the more cost it

will be to bring the water into the system, but he feels like we need to get away from the houses and the feed yard.

Council will discuss either monitory or hookups as compensation for the easements. Jon stated that for monitory it will be out of the city's budget because we can't use anything else.

COUNCIL REPORTS

Karole Sorensen

The trails committee is looking to doing some maintenance. Kirk has gotten quotes to do sealing. Karole will talk to Kirk about those. Karole asked about brake signs for the highways as the semi's use their air brakes to slow down which are very noisy. Daphne will look into the cost of the benches which has come in. Karole has asked about Jay Apedaile property, she has had some complaints about equipment. Jon stated that Stuart Maughan has his salt business located there. Bob will look into to see if there is a business license. The library meeting was well attended. The opening date will be moved back because of finishing date. Books are getting cataloged, and they are looking for a bell for the tower.

Karole was excused from the meeting at 8:30PM.

Eric added that FEMA will be doing a study on the suggested flood zone area revisions. They will have aerial photography of Mendon with this study, so the city will get a copy of those shots.

Kelly Barrett

The final invoice for the 100 E road project was \$31,881. Which was much less than what was bid; the on-site meeting really helped. Kelly asked if Mayor Buist could talk to Mayor Bailey of Wellsville about the Fire Department fee that was added to the water bills to provide money for new fire department vehicles. Mayor Buist stated that he will talk with Mayor Bailey. Bob stated that a lot of the fire department responses are outside of the city. Kelly stated that the county does help quite a bit. Kelly stated that Kirk is also interested in this for city vehicles.

Mayor Buist asked Kelly about doing the front parking area at the new building out of the roads budget. Kelly asked for a rough estimate on that cost.

Jon Hardman

Jon stated that there are new delinquent accounts. Three shutoffs will be given. Daphne will get Paul the contract payment amounts for those who have set up contracts with the city.

Bob Jepsen

Shawn will be setting up two tablets for P&Z chairpersons. Daphne is going to order those, and Shawn will set them up. Bob stated that the plan is to add two tablets each year as city property. Shawn will train Jay and Joni also. There is a citizen concerned about animal control as a neighbor is over the animal allowances. The property owner says she knows others who are over their requirement. Paul stated that some properties are grandfathered in. The city will send out a letter to residents about these allowances.

Bob added that there are many abandoned vehicles on city property. Bob is wondering about what to do to get owners to remove the vehicles. Bob asked about putting a notice in a newsletter. Jon suggested the ordinance cited with a letter. Teena will draft a letter and forward to council.

Greg Taylor

At the previous meeting he mentioned the issue with the mosquito abatement. This encounter was between a county resident and mosquito abatement, so it will not be a Mendon City issue.

Mayor Buist

Mayor Buist reiterated that we need to get details on the swale issue to the property owners.

The Archibald's are wanting to build a home, and he will let them know that it is at least 1 year or 1½ years before they can. They will be at P&Z next week.

There was a discrepancy with the finish work in the new building. We are looking at the 3rd week in October to get into the building. The furniture is 4 weeks out. November Council Meeting will be held in the new building. Mayor Buist asked if Amber is interested in keeping up the new building. Greg will talk to her. An open house will be held, with a tentative date as Nov 5th.

Daphne met with a rep from the USDA who is the rep for the fire department loan. Daphne stated that she is looking into refinancing the current loan which has a 4.75% interest rate. She is working with Cache Valley Bank to shorten the time frame on the loan and lower the rate to 2 7/8%. Mayor Buist stated that we would like the payment about the same and shorten the time. Daphne stated that the letterhead will need to also be revamped to state that Mendon City is an equal opportunity employer.

Motion to adjourn was made by Jon and seconded by Bob. The Meeting adjourned at 9:01PM