

**Mendon City Council Meeting**  
**January 11, 2018**  
**Mendon City Hall & Library**  
**15 N Main**  
**Meeting began at 7:00 PM**

**In Attendance:**

**Mayor:** Ed Buist

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

**Clerk:** Teena Young

**Treasurer:** Daphne Carlson

**Recorder:** Paul Cressall

**Public Works:** Kirk Taylor

**Attendance:** Heidi Hyatt, Eric Dursteler, Adam Buist, Joann Buist, Scott Jaggl, Aaron McClellan, Wayne Wheeler, Troy Teeples, Randy Kidman, Rachel Stacy, Ben Stacy, Ethan Poppleton, Rusty Myers, Dana Myers, Lexie Myers, Becki Taylor, Robert Tripp, Rodney Tripp, Jeremy Tripp, Sean Dolan, Jenna Pack

Mayor Buist called the meeting to order at 7PM. Kelly Barrett led the Pledge of Allegiance with Jon Hardman saying the prayer.

Council approved the November 2017 Minutes. Council reviewed November 2017 bills. Jon motioned to approve and Karole seconded. November bills were approved unanimously. Council reviewed December 2017 bills. Bob Jepsen motioned to approve the Dec 2017 bills. Kelly seconded the motion, and the December bills were approved unanimously.

**Youth Council**

Lexie Myers, youth council mayor, reported that the YC decorated the station with what decorations were left. There was some community interest in having more Christmas Decorations in town. Youth Council would be interested in helping fundraise some money for the city to have more Christmas Decorations, but believes that perhaps a committee could be in charge of organizing that effort. The Arts Council perhaps could help with that. The Youth Council will be doing the Easter Egg hunt coming up in March.

**Deputy Sutherland**

Deputy Sutherland stated that there had been an issue with turkey hunting in town. There was a single isolated incident where someone pulled off the road and shot at the turkey. An outside agency attempted to contact the person. DWR has not authorized the urban deer hunt. Jon stated that typically they allow urban deer hunting to the end of December, so Jon anticipates that it will be next year.

Deputy Sutherland stated that various justice courts in the county may be combined and some justice courts are closing down. Ed stated that there has been some discussion in the mayor's association. Presently, we go through Nibley, but there has been talk of them closing. Hyrum will take Mendon with Nibley when that happens. Ed stated that there had been discussions about one court system on the north and one in the south. Ed has had several citizens ask about why Mendon doesn't have a court. The state mandates what the judges and court employees are paid, and Mendon could not pay that.

Bob asked that the animal control officer come to council next month. Council thanked Deputy Sutherland for what he does.

### **Swearing in of Youth Council**

Lexie Myers was sworn in as the Youth Council Mayor and Jenna Pack as Youth Council Secretary by Mayor Buist.

### **Public Hearing – Temporary Land Use and Development Regulation (Moratorium)**

*Mayor Buist closed the council meeting at 7:20PM and opened the public hearing*

Mayor Buist stated for public information, we have been mostly under a building moratorium for the past 8 years due to water shortage. A few years ago, our city engineer worked with the state to do a study about how many hookups could allow on our system. The numbers came back that we were on the threshold of our limit. At that time, we put in place the moratorium while we searched for a well location. The Cobblestone pump station has helped some, but last year we located a good spot and did a test well which had very positive results. Since that time the engineer has worked with the state to get to the point where we are working to drill the well and get the water into the system. There has been some desire for building; some of those interested are here. Mayor Buist stated that until we drill the well and know the water is there, he is not comfortable lifting the moratorium as this is a stewardship for the community.

Eric Dursteler, City Engineer, stated that the preliminary report for the new well has been finished and design has begun. It should be out to bid the end of February or beginning March. After the well is in place, we then run a pipeline from the well to the city system. We are at least 6-9 months out before we have the water. Jon asked about the bid time. Eric stated that it is usually open for 3-weeks and then it is a process to award the bid and for the project to begin. Jon stated that there are still some hoops to fall into place such as the land-use agreements. Jon stated that he is optimistic. Mayor Buist stated that the moratorium can be extended by 6 months, however if things work out within the six months, the council has an option to allow a few hookups during that time, until the new water is completely into the system.

#### *Public Comments:*

Ethan Poppleton doesn't have a preference whether the moratorium is lifted or not, but he suggests that the city council adjust the moratorium to allow annexations. Annexations are time sensitive and approval wouldn't draw on the water supply.

*No further public comments.*

*Mayor Buist closed the public hearing at 7:31PM re-opening the council meeting.*

Jon stated that the only concern with allowing annexations is that it may create an expectation that the annexed lot is buildable immediately, which isn't accurate. Mayor Buist stated that he knows this has been an issue as the moratorium needs to be fully disclosed with a property for sell. Karole stated that there needs to be transparency. Kelly stated that it isn't the city's responsibility, we approve building permits, but it isn't our responsibility to make sure property sales have buyer beware. Jon understands that we are dealing that with similar issues with buyers who were not informed about secondary water and flooding issues. Kelly stated that annexations take time and his opinion is that they should be separate. Mayor Buist suggests a public hearing next month on changing that portion of the resolution. He asked council to brainstorm on what we would need to do to protect the city and those involved.

Mayor Buist stated that he is conservative and feels the moratorium should be extended. However, we are not anti-growth and we want people to come in when the time is right. Bob asked how many are looking to get a building permit that are in attendance, four groups raised their hands. Two others that we

know of. Bob stated that his feeling is that we want to have things in place before we open it up. His is pro-growth at the same time we have a responsibility to the citizens and he thinks we need to revisit it in July. Kelly understands that it takes time for a home to be built and come online, he thinks it should be lifted before the well completely is in place. Now isn't the time to do that, but probably July is the time to do that. He supports extending for another 6 months and then revisiting. Mayor Buist is willing to discuss further once we have the water. Bob added that the demand on the system in the fall is a lot less than the summer.

Planning and Zoning is working hard on deciding what kind of building will be allowed. Mayor Buist stated that the city will continue looking for more water; it has been difficult. We have been looking since 2009, he doesn't believe that it is in the city's best interest to have a lot of big developments. It doesn't serve the community correctly in his opinion. He would like to grow properly, this will be a discussion point. Building permits allowed per year will be discussed.

Karole agreed that it needs to be looked at again in 6 months. If things are better before that we can have a discussion because we are just guessing at this point.

Greg is comfortable with waiting until the water is available before doing anything.

Jon added that he is in support of what the mayor has said and should go another 6 months. We have been close to having a good well several times, but on the first well, the numbers dropped way down from what was expected, and it had arsenic. It is prudent for us to err on the side of caution. He realizes it is an inconvenience, six months will help us know what we have. We have gone to a lot of expense to find water and have accrued debt. It is in the city's interest to allow building at some point to pay off this debt. Jon added that we need to grow correctly so that we are not back in this situation within a few years. He is very optimistic, and it is looking very promising.

Mayor Buist reiterated that this is for the best interest for the city. There have been many worries over water and they want to do the best they can for the people who are here and those who want to come here.

Mayor Buist read Resolution 2018-01 Moratorium Extension. Jon motioned to adopt the resolution as read. Karole seconded and the council approved unanimously. Kelly questioned about the annexation being revisited next month even though it was included in the resolution. Mayor Buist stated that we could open a public hearing and let it be known that that the moratorium goes with a possibility to drop the annexation portion after a public hearing next month.

*Mayor Buist closed council meeting 7:51pm reopening public hearing.*

Mayor Buist stated that the proposal is that there will be a public hearing next month to discuss the possibility of allowing annexation even though there is no ability to build during the moratorium.

*No public comment given; public hearing re-opened at 7:53PM.*

Jon re-stated his motion is to adopt the resolution as read with the understanding that we will revisit the annexation portion next month. Karole seconded, and the council approved unanimously.

**Public Hearing – Adoption of Revised Mendon City council, technical changes and providing an effective date**

*Mayor Buist closed city council and opened public hearing at 7:55 PM.*

Teena Young explained that Mendon City Code hadn't been codified since 1985. We have been working with a company called Municipal Code Online to codify and update our code. It is now finished and linked on our website, mendoncity.org. Code can be keyword searched and can be updated immediately after an ordinance is passed. Jon asked if the water policy was available in the code, Teena will check on that.

*No Public Comment. Mayor Buist closed the public hearing in 7:59PM.*

Bob stated that this is a great tool for the planning commission who are working to update the zoning code. He is grateful for council for providing funding for the MCO, it has been a great tool.

Mayor Buist read Ordinance 2018-02 – Adoption of the Municipal Code

Bob motioned to accept the adoption of the municipal code. Kelly seconded. Council approved unanimously.

### **Disc Golf Course – Rodney Tripp**

Rodney Tripp, Cache Valley Disc Golf, previously addressed council about developing a disc golf course on city property above town. Mayor Buist stated that the concerns expressed previously were about the co-existence with the ski trail and bike trail. Wayne Wheeler stated that he doesn't know where they are proposing the course, but there are a lot of people on the trail. Bathrooms are an issue. Wayne understands that there would need to be fairways and asked about how much would be cleared. Rodney stated that they can set it up so that they are throwing away from trails and not into congestion. He stated that they would need to clear out some trees, but he mentioned that it is all overgrown. They would leave the vegetation in place. He hasn't seen a course that has been trodden down to dirt. Greg asked about the size of a fairway. Fairways would be 20ft wide. Parking is an issue also. Karole asked about whether they would consider renting a portable restroom. He stated that they would look into splitting that cost with the bike trail. Karole asked about liability coverage. Rodney stated that when people play the course they assume their own liability. When Cache Valley Disc Golf sponsors an event, their company is covered for that event.

Wayne stated he has concerns about the amount of people using the area. When he pursued the installation of the bike trail, he had to do a water study and other studies because the city wanted to protect the watershed and provide recreation for Mendon City residents. Wayne stated that it would be appropriate for people to pay for permits to use the course. His worry is about the discs being thrown off course and injuring people. He wants to make sure it is all considered. Rodney stated that the club is fronting a cost of about \$10,000 to develop the course, so he would suggest that his club not be required to pay for a permit. Other events could be required to obtain a permit.

Wayne added that some of the boundaries with the Forest Service were off from where they thought they were. He has been working with them to address this. As far as cross-country skiing, Jason Wooden, is farther down to the east. Jon stated that he isn't ready for a decision today. He is not opposed, but it needs to be done right. We could try to work together with Forest Service. They could expand the parking lot. Someone has to be responsible for the garbage. Jon suggests getting a committee together to get this put in place with the Forest Service. Mayor Buist stated that he wants to do what's best for the community, he is a sportsman, he would like the disc golf to co-exist with the bike trail. He is supportive of the formation a committee. Karole mentioned that it would be beneficial to have a map of the area. Wayne stated that he does have a map, but they are going off the GPS coordinates. Jon stated that this

could open some Eagle Scout projects for the parking lot. Mayor Buist, Karole, Kirk, and Rodney, will get with a committee and set up an initial meeting.

### **RAPZ Grant**

Jon mentioned that perhaps a parking lot at Deep Canyon could be an option for a RAPZ Grant. Applications are due in March. Cameron Jensen is the Cache County contact for RAPZ; Teena will contact them to tell them that any RAPZ applications from Mendon must be approved by Mendon City Council. Kelly mentioned Christmas decorations for Youth Council. Wayne Wheeler will put together a proposal for bike trail maintenance and present to the city council.

### **Eric Dursteler, City Engineer**

The electrical design for the well has begun. The Booster station well was surveyed, and it was lower in elevation. It passed, so the proof has been filed. Mayor Buist asked that since the state had the concern, who is paying for the survey. Jon stated that if we didn't provide proper documentation, we have to prove it. Eric said we had to validate and established an elevation.

Eric stated there has been a question about who regulates private wells, it is the State Engineer. He provided a draft ordinance to Mayor Buist about how to regulate private wells within the city. Some policies require a certain distance from town or he has seen that no wells are allowed. Jon stated that is what we have operated on. Jon would prefer to have P&Z study this and recommend a policy to city council. Eric appreciates the online code also.

Eric has the agreement with the property owners on 250 S. They have had trouble with flooding behind their homes. Mayor Buist was approached by one of them asking if they piped the water from behind their homes, could they take the water to the city right-of-way. The home owners would pay for the project. Mayor Buist asked that the city engineer come up with a plan. Mendon city would pay for the engineer and the agreement written by the lawyer. A group got together and demanded changes including that the city pay for the piping. The council has decided to make a few changes, he will sign the agreement and give to the property owners to take it or leave it. Bob asked if we assume any liability. Eric stated that we don't assume any liability. Eric stated that the attorney has looked through it and it is a good document now. The cost to the city is about \$5000 if the property owners agree. Mayor Buist signed the agreement.

Eric stated that he has a work release for design part of the road project. He has already talked to the surveyor. There is an agreement being mailed back for the CCOGG money, we are watching for that agreement.

### **Kirk Taylor, Public Works**

We have heat tape on this building which is working great. Eric has equipment to detect moisture through walls; Kirk wants to try to use it at the Mendon Station. They fixed the blinds at the station. They had some trees trimmed on the city streets. There was a service line leak that was resolved.

As far as turkey traps, we have considered spending money to build 3 more. The cost would be \$300 in materials to do that. Greg said the weather has been bad for trapping turkeys; we have trapped 41 so far. DWR is trying to help Wellsville, Avon, and Paradise. We thought if we had 3 we could start earlier and then coordinate for pickup. Bob stated that we aren't getting on top of it. He feels like it is a futile attempt, and he is tired of it. He feels like we need to talk to our State Rep, citizens are fed up. Karole

agreed that it is frustrating especially when our hands are tied. Bob stated that maybe we need to open it up to a hunt. Greg stated that there isn't a hunt in place yet. Bob is asking to have the state rep come to a council meeting. Mayor Buist stated that some are calling for an extermination and some want them to be left alone. Karole stated that next year there are going to be many more. Jon stated that DWR will be releasing more permits. DWR has provided seed to plant up on the city property, the seed could be taken to some feeders above town to try to keep them up on the mountain. Jon stated that we ought to give these measures a chance. One thing we find with the trapping, we catch the juveniles and the older ones are getting out. They are working on a solution, Jon doesn't know any other solutions. He is not opposed to have the state representative here to discuss the issue. Bob stated that Mendon is not the only community having these problems, it is a county wide problem. Wayne asked if we could request depredation tags. Jon stated that we have requested tags, and we are wanting them to be dispersed to Mendon City. Mayor Buist stated that to pay for the additional traps we will take \$175 from administration, \$125 from roads.

Mayor Buist stated that the sink at the food stand needs to be put in. Greg stated that Wayne Myers was checking with Bear River Health about what they wanted specifically. That needs to be in before April.

#### **Council Reports:**

##### **Bob Jepsen**

Bob Jepsen stated that he is meeting with May Day Committee next week. Greg will be over the Animal control and Bob over the cemetery.

##### **Greg Taylor**

There is a little bit of water coming into the station basement.

##### **Karole Sorensen**

Speaking of RAPZ tax the library wants to apply for RAPZ and several other grants. Ed stated that they needs to come through council and we need to prioritize, so we aren't battling each other. Karole will call Katie to make sure it is coming through council. The library wants to the piano concert again. The circulation was 1,600 books last year. The majority are parents bringing kids. They are trying to get more activities for teens. The board is meeting every 3 months now. They have some history to proceed forward. Mayor Buist stated that we are doing library payroll through Mendon City. The agreement with a donor was that Mendon City would contribute \$10,000 per year with a match from the donor. Estimation now is that their payroll will be \$3000 short this year estimated. He needs to know how they want to cover that. We need to take care of that before June whether it is from Fiends of the Library or more donations.

Emergency Preparedness meeting for council and staff will be Jan 20, 8-11am. NIMS Compliance training. Karole stated that the Mendon Emergency Preparedness classes will be next Wednesday.

##### **Kelly Barrett**

We have talked about the road grant and the storm water issues. Fire Department calls are down a bit which is good. Mayor Buist stated to inform those present that there is county tax money is set aside for road projects. We worked to develop a plan to replace several blocks of street with a \$20,000 commitment, the county awarded Mendon \$180,000, which is a great thing. Kelly stated that is 2 ½ times of our annual street budget.

**Jon Hardman**

There are several on the delinquent water list. They will work through those. Mayor asked that he attend a South Cache Water Users meeting on the Hyrum Spillway. At this point there is no final design, no bids, so there isn't an overall cost. But we as people who have water under that system are responsible for 15% of the estimated cost of 45 million dollars. In addition, there is an area between the spillways, so the road will be shut down for 3½ years. Worst case scenario would be a \$285 increase our cost would increase Mendon's cost from about \$7,000 per year to over \$40,000. Wellsville and Hyrum being far worse. They don't think it will be that bad, but they won't know until they have final cost. At the meeting, they explained is that the dam was initially developed for agricultural purposes. A lot of that water is M&I (municipal and industrial) water. They were told by their directors that they could assess more for M&I water versus agricultural. Gardens are not considered agricultural. Their definition sits around 10 acres in size as being agricultural, so potentially parcels less than 10 acres could be assessed at the M&I rate. Within this there are Wellsville-Mendon and other systems. The Wellsville-Mendon had raised the assessment to make some repairs. They are currently proposing to raise it \$2 now in preparation for the cost that would come. Over the period of time save up some of that money. The other critical thing is that they are hopeful that they will except a bid in Fall 2018. Construction beginning in 2019 and the construction will be 3 ½ years. The bill won't come due until after the construction is completed and it can be stretched over 50 years. When we talk about our culinary water system, some may say that it isn't worth it to pay the rental of the city water shares at \$285 each and they would want to just use culinary water. We have to be careful how we move forward, there will be another public hearing when they have some of these numbers finalized.

Mayor Buist stated that this information has to be in the discussions going forward. Bob mentioned that we may need to increase rental in increments to maintain our system; we have to pay it somehow. Paul stated a lot of the shares are rented. Jon stated that they will look at not renting the water, would it be cheaper to pay the overage cost than pay for the water shares.

*Karole was excused at 9:20PM.*

Jon mentioned that we are working with the title company for the new well site. We now need to work with the land owners to get the land-owner agreements for the zone of protection. Council has said is that we would either provide them cash or allow one hookup for their parcels within that zone. There hasn't been a decision yet, but they seem to be in agreement with the proposal. As soon as that is agreed to, we send it to the state, and they hopefully give their permission to move forward.

**Mayor Buist**

Mayor Buist thanked everyone for what they do. Nothing further discussed.

Jon motioned to adjourn. Greg seconded, and the council meeting adjourned at 9:25PM.