

**Mendon City Council Meeting**  
**May 10<sup>th</sup>, 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:** Sam Foncesbeck, Taysen Andersen, Caden Bradshaw, Rhyand and Taya Lund, Todd Ludlow, Ryan Yonk (library board), Brock Streeper, Kirk Taylor, Ray Olsen, Lance Bohm, Jami and Jon Bywater, Jeremy Martin, Roger Conrad,

Mayor Buist called the meeting to order at 7:00PM. Boy Scout, Taysen Andersen, led the Pledge of Allegiance with Greg Taylor giving the prayer.

Council reviewed and approved the April Minutes.

Council reviewed the April Bills. Jon motioned to approve the bills. Bob seconded, and the bills were approved unanimously.

**Deputy Sutherland**

Not present to the meeting. Mayor Buist is in correspondence with him regularly. He is a great liaison, and Mayor Buist will have an opportunity to recognize him at an awards banquet. Jon suggested a letter of appreciation to go along with that.

**Youth Council Report**

Not present

**Cache Mosquito District – Richard Rigby**

Greg asked Richard to talk about abatement, address West Nile virus, and answer any questions. Richard stated that the West Nile virus was detected last year in Mendon, Benson, Nibley and Amalga. In Cache County, we had four human cases with one death. The person who died had other health issues contributing. The virus is also detrimental to horses. We want to be proactive not reactive. It is good to get horses vaccinated. We have a lot of standing water east of Mendon. Most of Cache Abatement's efforts are in larva sighting to kill them before they become adults. Fogging is used one day per week in Mendon. If citizens have ornamental ponds there are products available for mosquito abatement. Citizens can call to get this product. Fogging will begin in the next two weeks. Citizens can contact the Cache Mosquito abatement at 764-6839.

**Flood Water Mitigation Project – Lance Bohm, Jon and Jami Bywater, Paul Keller, Jeremy Martin**

Lance Bohm presented video footage of flooding in his back yard last year. He stated that the water is coming from an area behind their properties (along 250 S). The property owners want to restore the natural flow of the water to allow it to flow to the east. They don't own the water and are in trouble with

recurrent flooding. Property owners have discussed putting in a culvert to take the water down to the city lot and then down the road. An agreement went through the city attorney and it states that the property owners are liable for the water and must defend themselves and the city if anyone down the road has issues. Also, the agreement states that property owners could be assessed a storm water fee. He asks if that is fair.

Mayor Buist asked what they are asking to take out of the agreement. They want the liability and the assessment changed. Eric stated that the assessment is written as a recital that the city may at a future time impose a storm water fee which would apply to the entire city.

Lance read the liability section of the agreement. Kelly stated that the intent is that if property owners change the system from what was engineered and designed, causing problems for other property owners, it protects the city from these liabilities. It's not the city water either and we are allowing you to put it into our system. Mayor Buist stated that we need to protect the city and others. The statement is that we indemnify each other, one homeowner can't sue another homeowner or the city. It's there to protect everybody. Mayor Buist stated that we have two attorney's disagreeing. If we are at an impasse, we better decide what kind of agreement we can make. The city doesn't want to be liable. Between the engineering and the attorney fees we have spent enough. Mayor Buist stated that the reason we had it engineered was because we want it to be done correctly. As for the agreement we felt we needed to get an attorney to protect the city. We don't want the water to affect someone else and they require the city to fix it. Kelly stated that the purpose of the pipe is to pass water. The issue is we don't want property owners making changes to the system that cause problems for other property owners. Jeremy Martin stated that it is the liability after the water enters the ditch that concerns them.

Kelly stated that we typically design systems for a 25-year event. The pipe is sized to handle that storm. If there is a storm bigger than that, then there are problems. And no body is liable for that unless somebody has changed the system. That's all we are trying to protect ourselves from.

Jeremy stated that he began this process because he has seen his neighbors flood regularly. The concern is that we are placing ourselves in front of the city as being liable. Jeremy would like to see the ditch expanded and the other neighbors involved downstream.

Kelly stated that the city is supportive and willing partners in this project, but we aren't going to do it without an agreement and protection. Kelly stated if it's designed correctly and no changes take place, we could show the designs and the capacity of the system in the event of another flood. Jami Bywater is also concerned that if they sign the agreement, they would have to pay for damages in the future. Mayor Buist stated that when it was originally done, the developers should have been done correctly. Jami asked about the easement requirements as they wouldn't be able to build onto the back of their home. Mayor Buist stated that you need the ability to fix the system and with no easement people don't have permission to do what is needed to the line. We need to have a protected area. Kelly stated that you can put the pipe anywhere you want on the property, it needs an easement. It would most likely be a neighboring property owner that would need to access it to unclog it or make repairs in the future.

Eric stated that the wording can be changed on the assessment; the assessment would go community wide, so we can strike it out. Last years event hit 85% of the community and many areas were affected. Eric will make those wording changes.

Jon Hardman stated that he does not have to accept their water on his property to the east. The ditch is an irrigation ditch and all this water causes damage to his property. There needs to be a storm water fee, the water has to go somewhere, and it is affecting other properties. Mayor Buist agreed that there are others that are being impacted and affected, so to assume that the problem stops after it's off your property is not correct. Paul Keller agrees but he can say the same thing about other areas affecting his property. Jon stated that it is partially correct, but part of the water comes down onto Paul's property directly. Kelly stated that the problem is that we collect it all and put it into one place and that person gets it all. Kelly stated that developments now have to contain water on their property before release, that's why there are retention basins.

Daphne stated that there are shallow springs that contribute to flooding also, there is more than just the storm water. Citizens have got hit hard in the community because a lot of water has to move west to east. Mayor Buist stated that we will get the agreement done and do it right. He is supportive of a storm water assessment.

#### **Water Meter at 98 E Center – Rhyand Lund**

Rhyand Lund owns a lot which has an inactive meter. He is selling the lot and wanted to make sure that building was approved. He heard there was a moratorium and asked if it included his lot. Jon stated that the last time the water was used, and payment made was August 2016. It has not been in use. Mayor Buist stated that the moratorium is in effect for all meters that are inactive. The moratorium has been in place for two years. The state put a study in place on how many hookups are allowed based on how much water we have, so allowing another one is not in the best interest right now. We have found water with a test well and we are due to drill shortly. The public hearing will be in June, the moratorium will either be extended or lifted. Rhyand Lund stated that he came to Planning and Zoning and got approval to build in August 2016. If he had gotten a bill, he would have paid it. He didn't know it was inactive. Mayor Buist stated that it signed off before the conditions were in place, this was two years ago.

Jon stated that this is not the first one, there are others we have had to turned down. Mayor Buist stated that we are hoping to have good news next month. Rhyand asked if his meter was counted in the study. Jon stated that we are over the allowed amount already. The state makes us stick with that number.

#### **Preliminary Budget Discussions – (FY 2018-2019)**

Council discussed the general fund revenues from 2017 provided by the accountant. Generally, revenues are \$533,000 per year. We have a few things we need to attack this year, but we have the possibility to put between \$40,000-\$50,000 back into the general fund.

#### *See attached Preliminary Budget Table*

Administration \$65,000; Buildings \$12,500, Mendon Station \$12,500; Cemetery \$12,500; Streets \$250,000 which is as a result from the \$200,000 CCOGG grant for the Gateway road project. We would use \$20,000 from the budget with the \$180,000 grant. Fire Department \$43,000; Sheriff and Animal Control same; Surface Water \$5,000; Library \$20,000, which includes \$10,000 from the city and \$10,000 from a private donor. The library board will cover any overage. Court System, \$4,800. We use the Nibley Court system. Softball league is a pass through. Youth Council \$1,200.

Sanitation is raising garbage rates, Paul stated that it needs to be increased to \$101,000. May Day, Easter Egg Hunt budgets remain the same; Pioneer Day to \$10,100. P&Z \$2,500. Building Permits \$20,000 this is in optimism that we may be issuing building permits this year. Fire Hall Payment standard. Water

Conservancy District \$7,330 which has been increased to match their fee increase; Engineering fees, same; Attorney Fees increased to \$3,000. Backhoe payment will continue for 4 years. Total \$645,569. Water Fund \$400,000 in hopes of developing a well. Capital Projects \$24,000. Out of that \$24,000, \$16,500 will be used for a project between 4<sup>th</sup> North and 3<sup>rd</sup> North and \$7500 for a fire department expense that Kelly will go over.

Total Budget \$669,569 with a reminder that \$180,000 is coming from the county grant for the road project. This leaves \$40,000 in hopes to move to the general fund reserve. Daphne will look into the perpetual fund for the cemetery as some work will need to be done for expansion.

Bob asked about tax increases. A tax increase was approved last year. Mayor stated that sentiments from other mayors favor small increases every other year. Bob worked to get the landscaping of the city building installed. Figures on the cost will be put together. Mayor Buist is asking all council members to work together cover those costs in the current year's budget.

Kelly stated that Ray has requested that council look at replacing old Fire Department vehicles. Kelly talked to Rod Hammer, Cache County Fire Chief, about the county fire protection and how it works. Most departments are volunteer fire departments. There are structure fires, wildland fires, and medical calls. Structure fires require an engine and a tender. Wildland fires are fought with brush trucks. What the fire department is needing is a medical squad truck for medical calls. 80% of all calls are medical calls. This vehicle is a need as it allows us to carry on with the responsibilities we have for the citizens in this area. Ray has found a used piece of an equipment that has been inspected. The vehicle is in Michigan. The purchase price is \$42,500. We would need to have a \$7,500 down payment which needs to come out of the current budget. The Fire Department will use \$4,000 from their current budget. Kelly stated that we could take some out of roads to help cover the down payment. We have enough to take care of our needs with streets, and we have the big project coming in next year. The payments are for 5 yrs. The truck is a 2006 with 29,000 miles replacing a 1972 vehicle.

Jon stated that he is ok with what has been proposed, but it is a symptom of a bigger issue. We ought to look at the life span of a vehicle and set aside money every year so that we are ready. Mayor Buist agreed and asked Daphne to find out the gap between the revenue and expenditures to put one-fourth of that amount into the capital projects reserve for vehicle replacement. Kelly motioned to accept the proposal to buy the medical squad truck. Jon seconded, and council approved unanimously.

*Two-minute recess at 9:05PM. Meeting resumed at 9:07PM*

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

Eric has talked to Marcus about the well and he is in the process of getting bonds together. Marcus will begin drilling as soon as the paperwork and approval is completed. Will Atkin asked that we do a draw down analysis of influence of the wells in the area. Eric did that, the new well will contribute 30% of the ground water wells not entire contribution source. The analysis based on the well run at 50 gal/min all day every day is that the draw down would be much less than what originally thought.

The Mendon Gateway project plans are almost ready. The documents will be published, and June 14 is the bid opening. Mayor Buist stated that generally these projects are paid for up front then reimbursed, but Executive Buttars stated that he would work with us on the grant money.

There are potential developers and annexes knocking on our door, we need to make a pressure zone map. Eric's thought is to get a surveyor and make a no development zone, no annexations outside that area. Minimum pressure is 40gal/min. Eric will get the surveyor to develop that map. The pump is in the well, but the transducer is unfunctional. They are working on getting that working.

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

The cemetery shed roof needs some attention. Bob wonders if it is worth fixing; they will assess it. One interment at the cemetery this month, a previous mayor. He will compile the receipts for the landscaping of the building. A lot of volunteers made the landscaping possible. The engineered certified playground chips have been put in. It was the population grant from 2017. The building was wired with aluminum and you can't splice aluminum and cooper, so in progressing to have a generator Brent Linford suggested that we install a contactor switch. Mayor stated that the building is the EOC. Cache Gran Fondo donated \$350 which will be used for the ham radio antenna.

### **Council Reports:**

#### **Bob Jepsen**

Bob has asked the P&Z commissioners to put together an ordinance that addresses storage containers. Part of the concern is that they need to be anchored, and some of them are installing electricity. Paul Taylor needs to be involved to approve of that as the building inspector. Joni stated that P&Z is working on a draft ordinance. Joni stated that they may be allowed temporarily.

Bob stated that they are also reviewing mother-in-law apartments. Apparently, they need to be reviewed every 2 years. There may be a need for a fire inspection. We need to track those properties. There is some concern about a property that needs to be cleaned up. Kirk stated that it is a fire hazard also. Bob stated that he is willing to write a letter to the property owner. Jon added that we need P&Z to discuss the wells within city limits. P&Z will address that next month.

Bob stated that May Day was great, and we have a lot of people working to make it a great experience.

#### **Greg Taylor**

Youth Council set up the speakers for May Day. The Mendon Station roof is being looked into. Greg missed the mosquito abatement, but we got a report from Richard Rigby.

#### **Karole Sorensen**

Karole stated that Ryan Yonk is here representing the library. Mayor and council fully support the library. Ryan stated that it is moving well, they have adequate funds to keep the collection up for several years. Karole stated that the library puts on wonderful activities that are well advertised. The librarians are both well qualified and devoted.

Emergency preparedness class will be next week. The topic is emergency medical response training. Ray will be teaching. Mayor Buist stated that the majority of council and staff are NIMS compliant.

Karole is looking into the engine brake restrictions. She asked about the cost for three signs to present to the council. Kelly stated that the state won't do the sign on the east side, because it's not a state hwy. We need a letter from the sheriff's department stating that they will enforce the restrictions.

Karole asked Kirk about equipment needs. Kirk stated that everything is working well at this point. Jon asked about how to cover costs for tools. Kirk stated that sometimes when we need tools we have put it off, but it would come out of the budget. Jon stated that you can get into emergencies and need certain tools.

**Kelly Barrett**

Jon stated that JUB is working with drainage along the highway; Jon asked if the city would know about the work. Kelly stated that they have had a meeting about those changes. Jon stated that Mendon needs to be part of that discussion. Kelly will have them get ahold of Kirk. Jon stated that water comes off the county, hits the city, the highway and causes the problems. We need to see what we can do to fix that situation.

**Jon Hardman**

The canal may be in next week, no official date yet. Kirk talked to Kurt Lindley to ask if we could take a tree out of the canal with the backhoe. Jon has concern with the liability. Either Kurt needs to be there directing it or give us something to release us from the liability. We don't want to be held accountable.

Jon stated that we are still trying to get the title cleared for the city to purchase the property for the well. If we get that in place and the approval from the division of water rights, then we are close to beginning the well.

**Mayor Ed Buist**

Mayor asked council to contact him if there is more discussion on the budget. Paul will get things ready. We will need to open up the current budget to make adjustments. Mayor Buist stated that he will be in D.C. for the July council meeting. Karole will be the mayor Pro-tem.

Jon motioned to adjourn. Kelly seconded and the meeting adjourned at 9:56pm.