

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

In Attendance:

Mayor: Ed Buist

Council Members: Greg Taylor, Bob Jepsen, Karole Sorenson (*excused at 6:56pm*), Kelly Barrett, Jon Hardman

Clerk: Teena Young

Treasurer: Daphne Carlson

Recorder: Paul Cressall

Public Works: Kirk Taylor

Attendance: Deputy Travis Clark, John Hardman, Kevin Wright, Kirk Taylor, Brian Myers, Phil Zobell, Debra Plagmann, Randy Plagmann, Sean Dolan, Sara Lemon, Paul Taylor, Katelyn Buist, Diane Buist, Joni Endicott, Paul Cressall, Gail Taylor

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

Council reviewed and approved the minutes. Council reviewed the September bills. Bob motioned to approve the bills. Karole seconded, and the bills were approved unanimously.

Deputy Travis Clark

Council expressed condolences to the Sheriff's Department for the loss of Deputy Locke. Deputy Clark stated that he has missed the previous meetings because of training. He asked about the engine brake signage. Karole stated that the request has gone into UDOT yesterday, so we should be hearing back. Bob stated that the evenings along Hwy 23 and along 100 E are trouble times with heavier traffic. ATV traffic has slowed down. Mayor Buist thanked the Deputy Clark for his service.

Youth Council Report – Mariah Harris

They have 35 council members. The leadership is Lindi Robins– Mayor, Mariah Harris – Pro-Tem, Jenna Pack – Secretary, Lexi Myers – Council Member, Sabrina Swasey – Counsel Member. Zombie Wars are coming up and the community Sing-along is December 3rd. YC officers would like to be sworn in next month.

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

Council meeting closed at 7:12 PM, opening the public hearing.

City Engineer, Eric Dursteler, reported that the well has been drilled to 400 ft. The well screen was delivered, it will be installed on Monday. A pump test will then be done after that. Mayor Buist asked if the quantity looks similar to what the test well produced. Eric stated that they found more gravel, so it looks as optimistic or a little bit more so. Jon asked about whether we will go a bit deeper. We do have the option to go down further but Eric suggests that we will do the pump test. If we don't have an amount we want, we have the option to go deeper

Jon stated that he has shared with the Mayor that he thinks it is time we consider lifting the moratorium for a limited amount of homes. The spring is flowing at a good amount. We are encouraged about what we have seen in the new well. It is important to have sufficient funds to bring the water into the city. His thought is that we open up a limited amount of building. He is not in favor of doing large subdivisions.

With the impact fees from those new connections, we could use those funds for the current infrastructure. This would free up funds to bring the water into the city. Jon stated that council may look at a water rate increase in the future, but he is confident that we could keep the current rates at this point. Jon asked about a rough estimate to bring the water to the system. Eric remembers the cost of \$112,000 for a 10" line.

Brian Myers asked if there is a suggested number of hookups. Jon stated that council has talked about 15, that is a council decision. Fifteen culinary impact fees would free up \$75,000 to help with these costs.

No further public comment given.

Public hearing closed at 7:22pm; council meeting reopened.

Mayor Buist stated that he is very conservative and had full intentions to extend the moratorium. He understands the wisdom behind considering a lift. We went through a pretty dry summer, and we did alright. The state study gave us the numbers for a worst-case scenario. The indications on the new well are good, and he does have confidence in lifting it to a point to allow some financial help. His suggestion is to vote tonight on how many hookups to allow and pass a resolution next month. Then reconsider next year. This has been 10 years of worry and concern. We are going to continue looking, but it wouldn't be wise to open unlimited building.

Kelly is a little less conservative, and he thinks it is wise to allow some homes. By the time the homes are online, we may already be hooked into the system. He is glad we are going this route. He is not in favor of opening flood gates for development, but he is in favor of controlled growth.

Bob stated that he agrees that once we get the numbers from the well, it will give use an idea of how to extend that water. With increased funds, we can also look into developing the spring. He realizes the amount of money the city has spent to develop water is significant. Bob asked about when the last time it was that the water rates were increased. He understands that there are people with limited incomes, but we provide a service and should cover the costs.

Jon stated that the base water rate is at \$45 per month. It has been long enough since a study was done that we should do another study. Paul stated that the last increase was Feb 2013.

Karole stated that we need to continue to have discussions and keep development controlled. For now we need to be cautious. Karole is in favor.

Mayor Buist stated that the city has acquired another water source, a spring. But there is some development that is needed to bring the water into the system.

Greg asked about whether we did a quality sample on the test well. Eric stated that we did do a nitrate test on the test well water. We are feeling that it is the same water. Greg's concern is that it just happens we get a bad sample. He is in favor of opening the moratorium to a limited number of building permits.

Mayor Buist would suggest a 1-year time frame to allow 15-homes with the potential for 1 minor subdivision pending standard approval of the subdivision. This would limit major development. Public workshops for the council will be held to put together short-term and long-term plans once we have the test results. Council will work closely with P&Z to make changes as needed for subdivision and building requirements. Karole asked about when we expect to have the water in town and ready. Eric estimated 6-9 months. By next summer we should have the water in.

Mayor Buist stated that the worst-case scenario given by the state was scary. We haven't gotten anywhere near that point. Kelly added that we did have a buffer and we are under that buffer. Realistically we are sitting ok. If we need to make an adjustment based on the tests, we can do that. The results of the test well, were good quality and quantity.

Mayor Buist would ask that P&Z hold a meeting within a week or two to let people get started with building. Jon stated that we have a resolution that is set to expire. We can just let it expire or we can vote at anytime to lift the moratorium. He would suggest a resolution next month with formal wording.

Building permits must start within 6mo of purchase and can be extended. Bob wouldn't like to see someone getting a permit and holding onto it for years.

Mayor Buist proposed a suggested motion to lift the temporary land use regulation or building moratorium as it now sits and to allow until passing a resolution next meeting a one-year time limit of no more than 15 building permits issued and no more than one minor subdivision within those 15 permits. During that one year, the council will work on short-term and long-term plans, once water amounts are determined, and will look at or discuss possible rate increases during that time. Jon motioned to approve of the motion as stated. Greg seconded. No further discussion. Council agreed unanimously.

Kelly suggested that the year end December 31st, 2019. Council agreed.

Mayor Buist asked that P&Z hold a meeting as soon as possible to allow for people to get approval for building.

Subdivision Property – Sara Lemon

Sara is working with the county to subdivide her lot into three lots. The lot is on county property outside of Mendon City limits. The county requests a letter from surrounding cities stating that the city has no intention to annex. The property is the north-west of the 2000 S 5400 W. Jon stated that the city doesn't intent to annex the property at this time. The property will need to be rezoned in the county, and the county doesn't want to disrupt the city general plan. This is the purpose of requesting a letter stating that the city has no intent to annex at this time. Mayor Buist stated that the city is not intending to annex at this time, but he would limit that to within the next two years as that may change in the future. Council has no problem with providing the letter needed.

RV use at the Rrailer Court – Debbie Plagmann

Debbie owns the trailer court. She is requesting that they be allowed to have an RV allowed at the trailer court. They have proposed this to P&Z. Paul Taylor, building inspector, stated that the Mendon Trailer Park is a mobile home park. Factory built homes were built prior to 1976 and they were built under a certain code. After that date manufactured homes were built to a HUD code standard. What they are proposal is to bring in RVs or recreational vehicles. The issue is that he has seen is that it has always been a mobile home or manufactured home park, not for RVs. In Logan they have mobile home and manufactured homes, then they have a couple separate RV parks where they allow RVs for a limited amount of time. Some have been there quite a while. RV aren't designed to house families for long periods of time. The hookups are different. Manufactured homes have direct utility hookup. They are designed with more insulation. Based on the ordinances, Paul Taylor stated that the mobile home park is a nonconforming use. If we allow RVs there would need to be a conditional use permit to allow those, because they are different than what has been allowed in the past.

Mayor Buist stated that there needs to be an ordinance adjustment. Mayor Buist asked about a liability for the city with RVs. Paul T stated that the biggest reason is you have people coming and going with RV parks. Propane takes are used with RVs not natural gas hookups. They are harder to protect for winter as

they are not as insulated. As a building inspector, his concern is that they have some guidelines that they have to follow.

Another issue is a tiny home that is being built on the property. Paul stated tiny homes need to be inspected if they are allowed in there. He would say that a tiny home would be better than an RV. They are generally on an axle and can be skirted. Right now, the state doesn't have regulations for tiny homes. In the appendix for next year's code there will be some exceptions for tiny homes. In the 2021, they will adopt regulations for tiny homes.

Debbie stated that they have come to city council before and have stated that they have no intention of renting anything less than one year. They had an associate that wanted to build a tiny home, but to keep them there we need to inspect them. One is ready to be inspected. Another person asked that they requested a spot for their RV for 2-3 years. The moving in and out is not an issue, the inspection is an issue for the tiny home. Bob asked about the anchoring. Bob stated that tiny homes are anchored, and RVs are not. Paul Cressall asked about a building permit for a tiny home. Paul Taylor stated that the electrical would need to be inspected. He does have those standards.

Jon asked about the existing site. We are not increasing the number of sites, it is allowing something different. Phil Zobell stated that it is changing occupancy. Paul Taylor stated that the difference is that mobile homes are considered residential and RVs are not. Kevin stated that P&Z looked at this and found nothing in the P&Z ordinance to prohibit this, therefore they did not prohibit it. Kevin stated that there are pros and cons to this use; these are two more affordable housing units. Paul Taylor disagreed about allowing something that isn't directly prohibited in the code and stated that if the ordinance doesn't state what you can have, you can not allow it. There is nothing other than definitions in the ordinance, because there is nothing in the ordinance it is non-conforming. If the city adopts an ordinance for a zone for manufactured homes; the problem is they are changing the use. We would need some type of Conditional Use Permit or change the ordinance.

A conditional use could be used until the ordinance is changed. P&Z has recommended approval of the Plagmann application. City Council may deny their application and recommend to P&Z of what changes they'd like to see. Paul Cressall stated that it would be easier to do the CUP because it's the only location with this use in the city. Debbie asked if they are required to an inspection. Mayor Buist stated that yes, that would be a requirement. Bob stated that to be careful that we cannot allow additional buildings. Kevin stated that nonconforming use is null and void on change of ownership. Daphne asked about liability. Debbie stated that she would have to change her insurance. Karole stated that a concern is the building of the tiny homes without a building permit and business license.

Recommendation is to refer them back to P&Z for a conditional use permit and for P&Z to make changes to the ordinances to account for these types of uses. Jon states that he would like to hear from neighbors to see how they feel about it. A conditional use permit requires a public hearing and need to be renewed every two years. The goal would be to change the ordinance. Jon also asked that we talk to the fire department also for concerns and recommendations.

Bob motioned to deny the request, that it goes back to P&Z for discussion for a Conditional Use Permit, and charge P&Z to look into changing the ordinance. Karole seconded. Further discussion: Jon stated that he is concerned with this going forward. Sometimes the ordinance doesn't prohibit things and some assumptions are made. Bob stated that the trailer park has been vastly improved under this ownership, and we have clarification from Paul about his role as the inspector. Mayor Buist stated that we are working with them, but he would rather go over the ordinances get it right. A Conditional Use Permit gives Paul Taylor some guidelines. All voted in favor of Bob's motion.

Eric Dursteler, City Engineer

The 500 E Gateway project is complete, there are some areas that need attention. We will work on the repurpose request to maximize the grant money. The storm drain along 100 E looks really good.

Mayor Buist stated that the funding has been approved for the 100 E project from the LDS Stake Center to 100 S. A \$200,000 grant was awarded. Kelly asked if we could bid it with alternate bids, which allows us to maximize the money without having to repurpose. Kelly stated that if bids come in low, we could extend the project. Eric agreed on this process

Eric presented a new cemetery expansion map; the consensus was not to put any graves below the water tank. Kelly asked about a berm around the tank. The new draft has 1030 sites in Phase I and 3596 total sites. Bob stated that he has talked to Kirk about demolishing the old cemetery building and improve that area for parking. Eric asked if there was enough access with the narrow road. Mayor Buist stated that it is fine as a one-way road. Jon asked about how to water it the cemetery. Bob asked about drilling a new well for watering purposing only. Eric stated that hopefully we can find an irrigation well we could use. This is a preliminary plan. Bob would like to get the roads cut in and start moving in that direction. Discussion will continue next month.

Kirk Taylor, Public Works Director

Kirk had a roofer come look at the station roof. He recommended to take shingles off all the way up. Homer roofing will do that work, and they will be putting metal roofing on the booster station well also. The water lines at the parks are drained. They will also winterize the restrooms. The transmission went out on the truck, so it was fixed. Some repairs are needed on the plow truck which will be taken care of next week.

Time Change for City Council Meeting

Mayor Buist stated that some communities have an earlier meeting time and asked council if a 6 PM start time would work. Karole said it is fine if we don't expand the meeting later. Kelly said it is challenging but he prefers being done earlier. Council agreed to start at 6PM beginning in November.

Council Reports:**Bob Jepsen**

P&Z and cemetery has already been discussed.

Greg Taylor

Youth Council appreciates Council support. Buildings has been discussed. Greg's term in mosquito abatement ends in December. He is fine to extend or to change assignments.

Karole Sorensen

Karole has talked to Greg Schroeder who said the food stand went well. They are interested in doing it next year, or they know others who have been interested. The eagle project for the musical structure at the playground is complete.

Kelly Barrett

Paul stated that the fire department needs to submit a new hire report. Kelly will get with Ray to discuss the requirements and get the information to Paul.

Jon Hardman

Bruce Leishman provided some previous paperwork from a 1994 agreement where the city would allow a water hookup to his property. When they approved the cobblestone subdivision there were hookups for 34 hookups, to Jon's understanding the fire standards required that only 34 hookups are allowed. The city

had been approached in approximately 2007 by Bruce again, and they denied the request as it had been 10 yrs.

Natalie Lundahl has approached Jon about taking the overflow from the spring as their family has a winter water right to store the water from November to March. We need to look at that and see what it would take, his guess is that it would involve the Edlund's property as it is outside of the irrigation company's right away. Jon stated that there is some overflow at times, but as the city grows larger there may not be overflow. In the winter there may be days that there is overflow. We need to discuss this on how to move forward.

Mayor Buist

Eric and Kirk will continue the building audit on things that need to be touched up. The electrical is working in the common office, we will still have an electrician look at an issue. He will begin one on one interviews at the end of the year and discuss council assignments. Next year is an election year. He is hesitant on changing assignments. Staff Christmas party will be December 14th.

Bob motioned to adjourn with Jon seconding, and the meeting adjourned at 9:26pm.