

Mendon City Council Minutes

Convened: May 9, 2024 | Meeting location 15 North Main Street, Mendon City Office

Meeting called by Mayor Ed Buist

Type of meeting City Council
Public Hearing

Note taker Holly Gordon

Attendees:

- Amy Garbe
- Kirk Taylor
- Michael Morgan
- Daphne Carlson
- Jon Hardman
- Bob Jepsen
- Brian Myers

TIME: 6:00 PM

Call to Order: There being five members present and five members representing a quorum, Mayor Buist called the meeting to order.

Others Present: Angie McMurdie, Nicole Norris, Kassie Norris, Jessie Eiman, Eric Dursteler, Keilani Ludlow, Heather Malony

Pledge of Allegiance: Councilmember Amy Garbe

Invocation: Councilmember Brian Myers

Welcome: Mayor Buist welcomes everyone.

Agenda

Agenda Adoption: A copy of the notice and the agenda for this meeting was posted on the Utah Public Notice Website, Mendon City’s Website, posted at the City Office, the Post Office. It was also provided to each member of the governing body. All provided more than forty-eight hours before meeting time.

Approval of Minutes: Minutes for April 11, 2024 have been reviewed. Add names of abstaining. Change disk to ditch under Eric Dursteler.

Motion: Councilmember Amy Garbe motions to accept April 2024 minutes.
Councilmember Brian Myers seconds the motion.

Action: All in favor and April 2024 minutes are accepted.

Approval of Bills: Bills have been reviewed by all council members present.

Motion: Councilmember Mike Morgan motions to accept and pay the bills as submitted.
Councilmember Amy Garbe seconds the motion.

Action: All in favor and bills are submitted.

Minutes:

Topic 1- Citizen Participation/Comment (6:06 PM) Angie McMurdie talks about the controversy of the air raid siren. The fire department uses it as a secondary and backup alarm to pagers and phones.

Mayor Buist comments on classes he attended in St. George. Out of 4 classes, he attended 3 classes on public comments and public hearings. Realizes Mendon City needs to have a policy of conduct. Gives examples of several council meetings from other cities. Some respectful, some outlandish comments you wouldn't imagine anyone saying. 9 out of 10 of the outlandish comments were protected under the first amendment. However, with a policy, you can curb profanity and other things that make people uncomfortable. If you've got things like that in a policy, you can stop them and say, it is your First Amendment right to speak, but in this meeting, you cannot say this, etc. A policy can help us conduct a meeting properly and fairly. This can protect us from potential lawsuits.

Topic 2- Jon Hardman (Heather Malony) Annexation Notice of Intent (6:12 PM) Heather Malony (Jon's daughter) expresses her Notice of Intent to annex Parcel #11-038-0010 on Hwy 23 and 600 South from the county into Mendon City, with the intent to split the lot with a $\frac{3}{4}$ acre lot for Heather's family to build on. Council clarifies some boundaries concerning the city and county.

Councilmember Bob Jepsen motions to accept Jon Hardmans Notice of Intent to Annex.
Councilmember Amy Garbe seconds the motion. All in favor with Councilmember Jon Hardman abstaining.

Topic 3- Mendon Celebration Discussion (6:17 PM) Mayor Buist reads the following letter:

Dear City Council,

The community was very supportive and contributed many volunteer hours in 2023 to help raise funds for the Mendon City Sports Park and particularly future pickleball courts. We were able to raise just under \$10,000 last year. We employed one person, Daniella Nielsen, with a food handlers permit to be there every time the food stand was open to make sure all the volunteers were trained. That was a big job for her every night since most volunteers were new every night until Pioneer Celebration Week. We tried to get volunteers who had already been there to make the demand easier to fill. It was ideal to have six people to help every night. On Pioneer Day we paid another girl, Lydia Wright, to help so that Daniella could have a few breaks that day. I felt it best to pay them and especially on Pioneer Day because no one wants to be in the stand all day and it's overwhelming, as you all know. Otherwise, our donation would be more. I had the responsibility to keep the stand stocked with supplies and ready to go each night for Daniella and the volunteers. I made a record of all the receipts for all the supplies. Daphne has that in her hands and a record of the number of hamburgers hot dogs, tacos, and grilled cheese were sold each night with a total of cash sales and Venmo's for each night. It cost about \$2,600 just to start up and we didn't turn in a profit, and we weren't in the black until the first week in June. Because the start-up funds were so significant, I didn't turn in the funds in yet because I was planning to use it to start up again this year rather than my personal funds. I thought we would continue to raise funds for the Legacy Park since it was such a big project. I didn't know that the City Council had other plans for this year, so I apologize for not turning in the funds earlier. I'm still trying to get the \$100 deposit back from Coke for the CO2 canisters we returned at the end of the season. I was planning to use the credit as part of the start-up for this year. I will get that turned in as soon as I can get it.

Sincerely, Juliene Robins.

Note, I did publicly thank the community for their support last year and announced your plans for Courtney Larson to run the stand this year on Mendon 411. We wish him the best. (end letter)

Mayor Buist talked to this individual about their lack of communication. He takes responsibility for some of this individual's behavior, as he is over the 24th Celebration. A conversation within the council takes place about this individual's repeated offenses and solutions are suggested. Mayor Buist asks each council member if they agree to allow this individual to head the 24th Celebration for 2 more years. All council members agree.

Topic 4- PUBLIC HEARING- Tony Hardman Annexation Final (6:37 PM)

Councilmember Mike Morgan motions to close City Council Meeting and open Public Hearing- Tony Hardman Annexation Final. Councilmember Bob Jepsen seconds the motion.

Mayor Buist reads the following ordinance:

ORDINANCE 2024-01

ANNEXATION BY TONY AND JOANNE HARDMAN

WHEREAS, the owners of certain real property, described below, desire to annex such real property to the corporate limits of Mendon City, Utah; and

WHEREAS, said real property is located within the area proposed for annexation and covers a majority of the private land area within the area proposed for annexation; and

WHEREAS, said real property is equal in value to at least one-third (1/3) of the value of all private real property within the area proposed for annexation; and

WHEREAS, said real property is a contiguous, unincorporated area contiguous to the boundaries of Mendon City and the annexation thereof will not leave or create an unincorporated island or peninsula; and

WHEREAS, said property is undeveloped and covers an area that is equivalent to less than five percent (5%) of the total land mass of all private real property within Mendon City; and

WHEREAS, said owners have caused a Petition for Annexation to be filed with the city, together with an accurate plat of the real property which was made under the supervision of a competent, licensed surveyor; and

WHEREAS, on January 11th, 2024, the Mendon City Council received the required Notice of Certification from the City Recorder certifying that the annexation petition meets the requirements of State law; and

WHEREAS, the City Council published and mailed notice of the Certification, as required by law and no sufficient timely protest has been filed in accordance with the provisions of Section 10-2-407, Utah Code Annotated, 1953, as amended; and

WHEREAS, the City Council held the required public hearing after giving notice as required by law, and has determined the referenced annexation is desirable;

NOW THEREFORE, pursuant to Section 10-2-407, Utah Code Annotated 1953, as amended, the City Council of Mendon City, Utah, hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP, ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF MENDON CITY, UTAH. BE IT ORDAINED, by the City Council of Mendon City, Cache County, State of Utah, as follows:

1. The real property, more particularly described in Paragraph 2, below, is hereby annexed to Mendon City, Utah, and the corporate limits of the City are hereby extended accordingly.
2. The real property which is the subject of this Ordinance is described as follows: Cache County Parcel No. 12-036-0042 (13.55 agricultural acres)
3. The real property described in Paragraph 2, above, shall be classified as being in the Agricultural Zone A-10 in provision of Cache County 17.08 in accordance with the provisions of

Section 6.1 of the Mendon City Zoning Ordinance, and the Zoning Map of Mendon City shall be amended to include the real property described above.

4. A certified copy of this Ordinance and an original plat describing the property so annexed shall be filed with the Cache County Recorder within thirty (30) days after the date this Ordinance is adopted. 5. This ordinance shall be effective upon the posting of three (3) copies in each of three (3) public places within the corporate limits of Mendon City.

Councilmember Amy Garbe motions to close Public Hearing and open City Council Meeting. Councilmember Mike Morgan seconds the motion. All in favor.

A few comments are made on the inevitability of growth in Mendon.

Councilmember Mike Morgan motions to accept the ordinance for Tony and Joanne Hardman Annexation. Councilmember Bob Jepson seconds the motion. All are in favor with Councilmember Jon Hardman abstaining.

Topic 5- PUBLIC HEARING Subdivision and Zoning Code Updates (6:45 PM)

Councilmember Amy Garbe motions to close City Council meeting and open the Public Hearing for Subdivision and Zoning Code Updates. Councilmember Mike Morgan seconds the motion.

Councilmember Mike Morgan presents the Subdivision and Zoning Codes to the council and public. (Please refer to the attached PDF files named Subdivision or Zoning to read code changes in their entirety. A physical copy is also available at the city offices. Please refer to the MP3 recording or TurboScribe 05-09-2024 for entire council discussion.)

Suggested changes and discussion with council on Zoning:

- Strike the word 'temporary' in code 3.12, referencing wire fencing around gardens.
- Code 3.20, adding 'adequate enclosure must be provided to contain the proper animals and fowls.'
- Code 3.30 A. strike 'or as a separate structure' add 'must be attached to main home.'
- B. add 'failing or undersized septic.'
- Code 7.02 strike 5 in section B
- Code 11.10 section K, strike figure 2 lot-block layout

Suggested changes and discussion with council on Subdivision:

Go through codes and take out the word 'alley or alleyway' as they do not apply to Mendon City.

Code 3.06 change wording to 'no sooner than 14 calendar days.'

Code 7.18 section H, strike the last sentence.

Councilmember Jon Hardman motions to close the Public Hearing and open city council meeting. Councilmember Brian Myers seconds the motion.

Councilmember Mike Morgan motions to accept the Subdivision and Zoning code updates. Councilmember Jon Hardman seconds the motion. All in favor.

Topic 6- Youth Council Report- Mayor Norris (7:53 PM) Expresses gratitude for the money donated to the Legacy Park project. Money raised to date for the Legacy project is \$30,000.

Waiting to hear back about the RAPS grant.

March activity was the USU Leadership Conference at USU. 13 youth and two leaders attended. A thank you to Amy Garbe and Mayor Buist for attending.

Also attended a tour of the Cache County Prison over spring break, headed by Shelby Bevan. One takeaway from this experience was most of the prisoners were learning from their mistakes and wanted to give back to the community, specifically by trying to get kids off the streets.

The first Saturday in June will be the Dyer's Woad project. Ali Norris has been in contact with Jon Hardman about the details. Jon says last year the budget was set at \$2,000. Based on the number of youth that participated, \$1,000 of the budget was used.

This is Mayor Norris's last time reporting to the city as youth council mayor. She expresses thanks to the council and is grateful for the opportunity to work alongside her leaders and fellow youth to give back to the community.

Topic 7- Law Enforcement Liaison- Deputy Wursten 7:59 PM) Excused

Topic 8- Library Report- Jessie Eiman (7:59 PM) Summer theme is Adventure Begins at Your Library, given to us by the state each year.

Finishing out a big grant that the National Arts Council gave us. Over 230 brand new hardbound books. Going to try for another grant for new furniture.

Friends of the library made over \$1,000 at May Day fundraiser selling T-shirts and cupcakes.

Need new board members on the library board.

Summer reading begins June 1. This year will be offline to keep it simple. Open to everyone. Top readers might get to be on a poster for the library. Over three million titles in digital and audio books, which are acceptable if that is a preference. Will cancel many of the afterschool activities for summer. Read With the Librarian will be every day at 2:00 pm, Monday-Thursday. The librarian will read from a chapter book each day.

Mayor Buist asks Jessie to attend a meeting with All Tech to discuss the significant IT fee changes that are coming with .gov domains. His concern is the library will not be able to come to the city for money in future as the city will be dealing with the same outrageous increases. Jessie points out that when she took over the head librarian position, they were \$7,000 in debt. They now have well over \$14,000 in the bank. Jessie is commended by mayor, council and staff for her budgeting. Mayor Buist says the city will help the library with the one-time fee portion of the expenses.

Topic 9- City Engineer- Eric Dursteler (8:08 PM) Divers looked at cemetery tank. The tank design for the semi straight tank will be completed upon receipt of the divers' report. Will refer to the April report with ARPA to make sure the funds of \$165,000+ are secured. We have until the end of 2026 to spend it; Eric is hoping to take the date a little later. Must have it contracted by the end of 2024. It will get done.

Mayor Buist comments that at a COG meeting, funding for this year was discussed. COG has \$7 million for this year with 13% as rural, making it about \$910,000 for rural. He suggests we propose a project that costs \$200,000-\$250,000 this year. There is talk that COG funding will be \$15 million next year, with about \$1.95 million available to rural. There may be a good chance of Mendon getting \$450,000- \$500,000 of that next year. Mayor Buist suggests they figure out how they would like to use COG funding this year as soon as possible, as a Letter of Intent needs to be submitted. He suggests they figure out what they want for next year as well to be prepared.

Topic 10- Public Works Director- Kirk Taylor (8:14 PM) Tanks have been cleaned. Won't need done for another 5 or more years. The divers ran a camera in the tanks, more specifically the rectangle tank, running the camera up some of the inlets and outlets. Will need to watch the video to see what exactly is going on.

Completed some crack sealing on the subdivision. Looking to chip seal the lower subdivision the end of June. Looking at \$81,000 on that. Proposes the COG funds go to repairing Main Street. The holes that were repaired on Main Street have been patched and compacted but are still settling.

Councilmembers Reports:

Brian Myers- (8:17 PM) Mosquito abatement proposed tax increase public hearing will be November 21 at 7:00 followed by a regular Cache mosquito meeting. Going to propose 25% increase, roughly about \$4 a month increase in property taxes.

Publicly thanks the May Day committee for pulling off another successful May Day. Has encouraged the May Day committee to hand in receipts before the fiscal year ends. Brian believes they've come in under budget.

We may need to replace the burner under the grill. Try cleaning first. Bob will address that next Tuesday.

Stumbled into a resident who resides next to the fire department. Said resident wants to split a fence cost with the city between residents' property and fire department. Brian told the individual to continue their avenue of discussion with Bob Jepsen where the original idea of fencing with plants was presented.

Trails. Jon, Brian, Steven, Landis and Kirk met and came back with a plan for the Deep Canyon project. (Refer to Deep Canyon Trail Head Plan attachment.) There is quite a bit of money available for the project and a clear picture of who's in charge of what.

Amy Garbe- (8:26 PM) Nothing to report.

Mike Morgan- (8:26 PM) Nothing to report. Refers to letter of resignation from City Council. Effective May 10. Mayor Buist reads the following letter:

To Mayor Buist and Mendon City Council from Mike Morgan,

For the past two years it has been my privilege and pleasure to serve on the Mendon City Council. With the implementation of the updated subdivision and zoning approval processes, I've accepted Mendon City's offer to serve as the initial Administrative Land Use Authority. I'm unable to fill both roles at the same time. I hereby tender my resignation from the Mendon City Council effective May 10th 2024. I look forward to continuing my service to Mendon City through this new position doing all I can to maintain the beneficial qualities of our city while carefully applying these existing and future codes. Thank you for all the fun.

Sincerely, Mike Morgan

Mayor Buist thanks Mike for his service on Mendon City Council. He also encourages Mike to choose a staff assistant as soon as possible.

Mayor Buist charges the city clerk with posting a Letter of Interest to finish a term in the Mendon City Council from Monday May 13 through Monday May 27 at 5:00 pm; posting at the city building, the post office, the city website and Facebook Mendon 411. Any citizen declaring interest will need to make a statement at the June 13 Mendon City Council meeting.

Jon Hardman- (8:31 PM) Irrigation in the central canal will be available sometime after the 15th. Reservoirs are full. Should expect a standard year of water, barring anything unforeseen, until September.

Bureau of Reclamation is moving rapidly to fix the spillway in the Hyrum reservoir. The cost is well over \$100 million. Federal Government, if we work through their process, will cover 85%, if I'm not mistaken. We, as water users, will be responsible for 15% which will be significant depending on what the overall final price is. We're still waiting to hear on that. The Hyrum reservoir was put in for the benefit of agriculture. They now estimate, don't hold me to this number, 35% of the water coming out of the reservoir through the Wellsville/Mendon system is MNI water, not agricultural water. The engineering people are saying now is the time to separate MNI water from agricultural. Come August there will be a taxation hearing. At that point, we are supposed to have estimates and know what we're looking at. Multiple things are going to happen over a period of time. Environmental clearances will go out for public review late August, early September. Once the environmental process is done, then we move into the design phase. There will be a public comment period. Jon will let us know when that is so individuals and the community can make comments. We will be receiving a significant amount of funding for flood control as well as putting the entire city under a secondary system. Most of the secondary systems in town are over 50 years old and beyond their life span. If we don't take this opportunity, individual groups are going to be facing millions of dollars of fixes and improvements and they'll have to cover the cost. They're putting in what they call the upper canal which sits above the main canal. Has already received at least a million in funding from Alabama State. That is in the final design phases. The upper canal is going to be participating with everybody on the PL566 piping of the lower canal. So there are three major things that are coming that are going to require some significant adjustment in the water system, as farmers, MNI and so forth.

As for the moss in the canal, it was agreed last year that an herbicide treatment would be administered twice this year to help calm the vegetation growth.

Bob Jepsen- (8:38 PM) A scout service project will take place this Saturday at Taylor Park to fill in some of the trenches that have settled since the sprinkler system went in. Going to try and roll the ball diamond, but in the meantime let him know if there are any issues with the grounds when playing softball. A ward service project will address cleaning up the exterior of the ball field fence.

As far as complaints about the lighting on the fire department, Bob assessed the situation and it's his opinion that everything is fine. The light does not seem to bleed into the complainant's property. As for the complaints of the air raid siren alarm, Bob agrees with Angie McMurdie and the alarm will stay as is.

Bob asks the city clerk to resubmit the letter to Governor Cox regarding Chief Ray Olsen's 50 years of service.

Bob addresses the sprinkler improvements at the cemetery. Need a directional bore underneath the canal to the power pole down below to supply power to the pump that will eventually be put up. Received a rough estimate from a contractor on 350 feet of directional bore. \$12,000-\$15,000. That would include the 4" conduit. Asking the council if it's ok to proceed before the fiscal year.

Looking into some solar lighting for the monument at the cemetery. Also looking to enhance the letters on the monument by painting them black. Possibly a scout project to keep costs down.

Would like to use the backhoe to shape the channel below the tanks into a bowl shape and plant cabin grass so we aren't utilizing culinary to keep it going.

Mayor Buist- (8:46 PM) Jeff Young Tuesday May 14 at 4:00pm in the library conference room. Mayor Buist, Jessie Eiman, Daphne Carlson and Holly Gordon need to attend.

Add MCLUA to Mayor's assignments on the agenda and online.

Asks Eric Dursteler if there has been any more movement on the GIS situation regarding the cemetery/Hardman property line. As of now, it shows the Hardman's are still on one-third of the cemetery property. Eric explains the process of a boundary description which is in the negotiation phase. Once that's complete, it's sent to the staff to be presented for review before it goes to the court office. If the boundary description is not accepted, we will have to do a full boundary line adjustment which is very expensive.

The public works building will be put on hold for a year until he finds out exactly how much money is in the general funds. Been working with the accountant to find out what that number is. The architect will continue with the preliminary stuff, working on the plan for next year.

Going back to what was discussed about having a policy of conduct. Some things that could be included would be no profanity, set time limits, limit comments to town residents only, anything that is threatening to anyone, etc. Mayor Buist will work on getting a Policy of Conduct in place for Mendon City.

We have over 30 years of documentation in the archives. Mayor Buist has requested a quote from Epic Shred. He's hoping this summer we can go through and take the archives down to maybe 10 years of paperwork, shredding what we don't need. Waiting on a quote for a truck to be sent out to shred.

Councilmember Jon Hardman motions to close city council meeting.

Councilmember Mike Morgan seconds the motion.

Adjourned (8:56 PM)