

# Mendon City Council Minutes

*Convened: July 11, 2024 | Meeting location 15 North Main Street, Mendon City Office*

Meeting called by	Mayor Ed Buist	Attendees:	
Type of meeting	City Council	Amy Garbe	Daphne Carlson
	Public Hearing	Jon Hardman	
Note taker	Holly Gordon	Brian Myers	

## TIME: 6:00 PM

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

**Absent/Excused:** Bob Jepsen, Ian Nemelka, Jim Cannon, Kirk Taylor

**Others Present:** Ray Olsen, Lisa Watts Baskin, Gary Pence, Eric Dursteler, Jessie Eiman, Keilani Ludlow

**Pledge of Allegiance:** Council Member Garbe

**Invocation:** Council Member 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 June 2024 have been reviewed.

**Motion:** Council Member Garbe motions to accept June 2024 minutes. Council Member Myers seconds the motion.

**Action:** All in favor and June 2024 minutes are accepted.

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

**Motion:** Council Member Hardman motions to accept and pay the bills as submitted. Council Member Myers seconds the motion.

**Action:** All in favor and bills are submitted.

## Minutes:

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### Topic 1- Citizen Participation/Comment (6:04 PM)

Keilani Ludlow: Realized while working on the fencing code regarding gardens that a decision wasn't made on wording during the discussion with city council. She would like the council's approval of the following wording for fencing around gardens: Protective wire fencing around gardens, bushes or trees is allowed higher than the given limits. Council approves. It is also noted that a public hearing needs to take place in Planning and Zoning for the newly appointed pay schedule for Planning and Zoning Chair and Committee. Mayor Buist would like Keilani to talk to the city attorney about some concerns the attorney has about some of the code changes, one being that they are ordinances not resolutions. The question is asked if amendments can be made without public hearings. When you finalize with the planning commission, it's a public hearing. When you come before the city council, you can make the amendments.

Jessie Eiman: Noticed some large huts built out of deadfall while hiking above Mendon. Concerned about potential fire hazards. It is suggested by the council that the youth council help dismantle the huts and haul off the deadfall.

Gary Pence: As of June 1, 2024, Andy Bush was elected the new president of the Friends of the Library following Gary Pence, who is now treasurer. There is confirmation that the Friends of the Library need to come up with some funds for the new yearly budget and that the city will cover the fixed operating costs of the library.

**Topic 2- Smith Hardvigsen Presentation- Subdivision Ordinance Legal Services and Memorandum of Understanding (6:13 PM)** Lisa Baskin representing, maiden name Watts, Cache County born and raised. Lisa has been selected to be part of a consulting pool to help with technical support as it comes time to change subdivision application ordinances. Eric Dursteler reached out to her team asking that she come do a presentation. Mayor Buist signed the memorandum of understanding, contracting Lisa to assist. This is a free service. The cost is coming through the state and the Department of Workforce Services.

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Senate Bill 174 and House Bill 476 will require every city in the state to amend their ordinances to comply with state code. The bulk of it is dealing with how subdivision procedures are handled, and the amount of time involved to get those permits and approvals completed. She would like to explain the basic requirements of what these laws do, then present the council with a questionnaire so she can have policy direction on how the council would like the drafting to proceed. She will work closely with Eric Dursteler, Mike Morgan, Seth Tate and Keilani Ludlow, preparing a full draft. She will then present the full draft with their assistance to the planning commission at a public hearing. That version will be recommended to the city council for the final version approval. Amendments can be made at that time to comply with state code.

The bill was enacted because the subdivision review and approval process was complicated and those mostly in the development community felt that it was taking too long. It's also there to assist the city council when people complain about the city making decisions concerning subdivisions when the city hasn't. So, this is to reduce delay in both preliminary and the final subdivision applications. Decisions from here on are going to be administrative, not legislative. This takes city council out of the loop, however, city council will still have authority over the general plan and zoning. These are two important powers you have regarding land use that you have maintained, and the legislature has not taken away.

The new procedures apply to subdivisions for one- or two-family dwellings and townhomes, not commercial or larger projects. This is almost like a pilot program. You're trying to see how the process is going to be changed and if it will improve and if it will be productive and helpful to everyone involved. This will also eliminate the planning commission as the final plat approval body. That will become the administrative land use authority's responsibility.

When an applicant puts in an application for a subdivision, there's a preliminary application and a final application. And there are review cycles. The state legislature has limited the cycles to four. It also defines what is a complete application. The owner's affidavit is included, an electric copy of all the plans, preliminary subdivision drawings are submitted and there's a fee breakdown or cost upon approval. That is when it's considered complete. Once the application is considered complete, you have 20 more days on each of the cycles. It establishes that you don't have to have a concept plan now, all you need is a pre-application plan and a pre-application meeting that can be requested. That is when a lot of the work happens. There is a new appeals process the legislature has put in place with a 10-day time line.

Review cycle one must be done within 30 business days where the city staff and planning commission will review. Then 40 business days for the applicant to respond. Review cycle two is still with the preliminary which is another 30 business days, reviewed by the Planning and Zoning director and the staff. This is when there are changes that need to be discussed with the applicant and when the changes and expectations are agreed upon, the applicant has 40 business days to make changes to the preliminary. The final plan begins with cycle three. Development review will take place with staff and Planning and Zoning and will have 40 business days to complete. Then the applicant will have 40 business days to respond. Cycle four is the last time a 40-business day review can take place at which time the applicant rebuts or responds to what the city has said. This concludes the four-step process.

The questionnaire is as follows: (the council's answers in green.)

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### Completion of Subdivision Application

Do you want to implement a time limit for determining whether a subdivision application is complete? **One Week**

Who is responsible for determining whether an application is complete? **Mike Morgan**

### Subdivision Improvement Plans

Do you want to require the subdivision improvement plan to be submitted with a subdivision application? **Yes** If yes, is it required with preliminary or final application? **Final**

Do you want to have discretion to restart the application process for the portion substantially affected by a material change in the subdivision improvement plan? **Yes**

### Preliminary Approvals

Who is the administrative land use authority (ALUA) for preliminary approval? **Mike Morgan**

Do you want to consider the preliminary approval in a public meeting? (optional unless ALUA is PC) **Yes**

Do you want to hold (one) public hearing on preliminary approvals or keep preliminary approvals as an administrative function? **Keep in the same meeting.**

Do you want to permit concurrent review of the preliminary and final application? **No**

### Final Approvals

Who is responsible for final approval? **Mike Morgan and ALUA Committee**

### Applied to Subdivisions Specifically

What other subdivision types (besides the required single-family, duplex, and townhome subdivisions) do you want this new process to apply to? In other words, would you like it to apply to multiple unit housing or commercial projects? **Yes**

Do you want a different process for minor subdivisions? If so, determine the maximum number of lots (10 or fewer) and if you want a different land use authority. **No**

### **Additional Considerations**

#### Development Agreements

Do you want to permit a phasing sequence in a development agreement that will effectively allow you to address development issues across multiple phases at once instead of individually by phase? **Yes**

Do you want to expand the terms that may be included in a development agreement? **Yes**

If applicant applies for legislative or discretionary approval when developing land, do you want to require a development agreement as a condition for developing land? **Yes**

#### Technical Review and Subdivision Improvements

Do you want to withhold building permits for enforcement purposes? **Yes**

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Do you want to withhold certificates of occupancy for incomplete public sidewalks? **Yes**

Do you plan to, at least sometimes, require additional information beyond the published checklists (preliminary and final) to ensure compliance with your ordinances and standard for public improvements? **Yes**

#### Document Recording Against Property

Do you want to record any documents against the property so long as the documents do not impose development requirements, regulations, or controls on the property? **Yes**

#### Other

Do you need an overpressure (accidental explosion protection) zone ordinance? **No**

Do you want to require a seller of a newly constructed residence to inform the first buyer of the municipal ordinance that requires water wise landscaping? **Yes**

#### Drafting Preference

Do you want to update your terminology to mirror State definitions or just modify your terminology to comply? **To mirror State definitions**

Lisa asks to speak with Eric and Kailani about the public hearing concerning subdivision codes in the conference room. They are excused.

**Topic 3- Ray Olsen- Proposal on Fire Department Addition (6:46 PM)** Matt Davidson is drawing up plans to show the building addition to scale. The preliminary numbers for the addition structure is around \$80,000. It will require the fire department to borrow about 50% of the cost over a five-year term. The mayor clarifies that this would be a loan the fire department would pay off through their budget over five years and the other half would be something the fire department could handle. Ray anticipates paying the loan off early as he has other loans to avoid interest, giving some examples of loans in the past that were paid off early and a loan he is now paying off in the next month. He's planning on borrowing from the same group as he has borrowed from before at a fixed interest rate of 6.99%. Ray is willing to look into borrowing from Cache Valley Bank if the rates are less. He will work with Daphne Carlson on this. Ray confirms that this is for the structure only, not the finishing details of the addition. Basically, the first phase in construction. Council Member Myers makes a motion to approve Chief Ray Olsen's proposal to pursue a loan for \$40,000 for the addition to the fire station. Council Member Hardman seconds. All in favor.

**Topic 4- Nate Allen- Executive Director of Utah Approves (6:56 PM):** Mr. Allen has a slide presentation prepared for the city council concerning approval voting. He is making cities in Utah aware of their ability to write a letter to the legislature requesting this approach to voting.

[Mendon Presentation.pdf](#)

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Mayor Buist asks who Mr. Allen a few follow up questions. Who do you represent? Is the state or legislature behind it? Where is this motivation coming from? Mr. Allen started this company after he got involved with a presidential race for someone he really liked and recognized that a lot of people weren't voting for their favorite candidate because they didn't think their vote would help him win. He started to analyze the reason why people weren't voting and it came down to the voting system. He started his company with others who were just as passionate about giving everyone a different view on voting as he is. Everyone in his organization is Utah-based, mostly small-dollar funded. There are no large organizations behind him. His motivation comes from wanting to see a better system that best represents the people and best reflects the values of the voters.

The mayor asks what the state of Utah thinks about this. Mr. Allen has not had a personal conversation with Governor Cox, but has had conversations with some legislatures who like the idea of approval voting. Currently working with the Interim Government Operations Committee to go across the state and get letters to show that there might be an interest in approval voting. He has approached the county clerks who say they like this method.

The mayor asks where it is at on a federal level. Any other cities in Cache Valley? No federal initiatives on approval voting right now, just on municipalities. Clarkston is the only city in Cache Valley he has talked to and the outcome was good. He's reached out to all the cities in Cache County, with Mendon and Clarkston agreeing to meet with him and Logan pushing off until the end of the year. Woodruff, North Ogden, South Ogden, Huntsville and Plain City have all written letters this year for approval voting.

Council Member Myers asks if there is bipartisan support for this. Mr. Allen says they've seen bipartisan support or even nonpartisan support. He thinks that representing each other accurately is an important mission, despite what party you are in. He notes that legislature has been addressing what they call the plurality issue for a long time and they don't like seeing people win with less than the majority. That's why they were initially interested in hearing about voting methods. Rank choice voting was the first one they heard about and it has not been going particularly well. So they're hoping that approval voting will be the one that they consider to solve the issue. We feel like on the bipartisan nature, we have good support from both sides here in the state.

Mayor Buist suggests he reach out to David Hare who is the president of Cache County Mayors Association and discuss his presentation with them.

Mr. Allen will follow up in a week with examples of some letters that have already been written.

**Topic 5- Youth Council- (7:18 PM):** Excused

**Topic 6- Law Enforcement Liaison- Deputy Wursten (7:18 PM):** Excused

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**Topic 7- Library Report- Jessie Eiman (7:19 PM):** A summer reading competition is taking place and the winner gets a ride on the fire engine.

Zootah bringing animals in on Tuesday.

Renewed a borrower support grant this year to cover all our postage, mailing, etc. About \$1,200 this year all used for postage.

As of July 1<sup>st</sup>, will be recertified with the Beehive Library Consortium which is Utah State Library. Lots of advantages for library card holders with the biggest one being Libby, the audio book server comparable to Audible.

Starting the state library. This lets us tie into their database called GALE. If you go to the Utah State Library website, put your library card number in and you have access to every newspaper in the state of Utah, scientific databases, mechanics stuff, test preparation, language programs, etc. Also comes with about \$5,000 a year in grants, just freebies that come with being certified.

Summer book sale starting up. Two estates donated entire libraries. Will be going on through the Pioneer Day celebration out on the back patio.

**Topic 8- City Engineer- Eric Dursteler (7:23 PM):** Two shop site plans for Kirk to choose from. Both allow access heading south.

Asks to be on the agenda next month (August 8<sup>th</sup>) for a Public Hearing for COG funding.

**Topic 9- Public Works Director- Kirk Taylor (7:25 PM):** Excused

#### **Councilmembers Reports:**

**Brian Myers- (7:25 PM)** Personally sprayed for bugs around the Mendon Station, windows and doors. Will keep an eye on that in case it needs to be done again. Waiting to hear back on a contact about refinishing the floors of the Mendon Station. Getting bids for painting the station inside and out. The drinking fountain has been repaired, however there is a delay with the water when the handle is turned. Plumber is trying to find new hardware for the fountain. May need to replace fountain entirely. Blinds need some repairing. Mayor Buist sends Brian Traci Hillyard's number for the contact for the blinds. Would like to raise the rates for non-resident weddings. Maybe double the current fee of \$700. Need a public hearing set for August 8 to change fee. Booking no further out than a year. Resident pricing per hour is \$10 and \$350 for wedding/receptions for all day. Pricing for non-residence per hour is \$30 and \$700 for wedding/receptions for all day. Brian will come up with final new pricing for non-resident weddings/receptions. City clerk will write up a new contract to be approved by the council.

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Assisted Kirk putting up new signs on the Wayne's Loop trail. Feedback from the community is a bit negative. Would like to put a statement on the website, at the post office and on Facebook with an update about the trail. The road may be started sooner than later.

**Amy Garbe- (7:37 PM)** The library board voted in May to have a fee for non-residents for a library card. It will be \$40 per year starting this fall.

New library website is ready to go. Training is done. Waiting on website manager to go live.

Wondering why the animal code has not been updated on the city website. City clerk will receive training on Municode and will get the animal code updated when training is complete.

**Ian Nemelka- (7:41 PM)** Excused

**Jon Hardman- (7:41 PM)** There will be a de-mossing of the canal as soon as the chemical comes through. Try to get it done this week.

Been to some water meetings with nothing critical to report.

**Bob Jepsen- (7:42 PM)** via the mayor. Bob would like everyone to take a look at the fees on burial plots. [Cemetery Fee Schedule July 2024.pdf](#) He is interested in an increase. Current rates are \$315 for residents, \$700 for non-residents. There are also other fees associated with the burial. Public hearing will need to be scheduled next month, August 8<sup>th</sup>.

**Mayor Buist- (7:43 PM)** Secured a \$2500 donation for fireworks for this year and next. The donation has already been sent and will not be going through the city. The budget for the 24<sup>th</sup> celebration was \$16,000, another \$1,000 was added. \$6,000 will be for fireworks. Council to plan on being in the parade. Multiple complaints about Fire Department spraying water on the crowd during the parade. Will talk to Ray about not spraying water during the parade.

In May, the food stand made about \$12,000 with \$1,200 of that going to the city. Made about the same in June. Would like to see some renovations done to the food stand so the Larsen's can continue to work the stand. Some concern about the upkeep with the crowd of the 24<sup>th</sup> celebration as the food tends to take a little longer to prepare. Mayor Buist is confident the Larsen's are aware of the increase.

A few citizens have voiced concern about light pollution in our community. We may be hearing from them soon in a city council meeting. Everyone deserves their own point of view and their own opinion. However, from a city standpoint and for security concerns, there is a reason the school, city buildings and the churches are lit up. I believe in light pollution, but I also believe precautions must be taken to protect our public buildings. Just making the council aware.

Mayor Buist entertains a motion to adjourn.

**Council Member Hardman motions to close city council meeting.**

**Council Member Myers seconds the motion.**

**Adjourned (7:57 PM)**