



PLANNING & ZONING MEETING

Public Meeting of Thursday June 20, 2024 6:30 PM
Mendon City Hall, 15 North Main Street, Mendon, UT 84325

MINUTES

Commission members present: Keilani Ludlow, Valarie Theurer, Todd Theurer, Melissa Porter, Megan Brown

Commission members excused: Li Gasu

City Council members present: Ian Nemelka, Brian Myers, Amy Garbe, Mayor Buist
Also present from Mendon City: Holly Gordon, City Clerk

Public members present: Paul Taylor

Presiding: Keilani Ludlow, Chair

Minutes prepared by Holly Gordon, City Clerk

6:35 PM: Keilani calls meeting to order.

Acceptance of Minutes: April 2024

Motion to accept minutes: Todd Theurer

Second: Valarie Theurer

All in favor.

Agenda:

Top Job- Business License Evaluation

Melissa expresses a concern as to what the intent of the meeting is. Keilani says there are two parts. One, there were a lot of specific agreements and conditions when Top Job was issued a permit that have not been completed. Second, regarding the business license. There have been complaints submitted to the city as well as the Cache County Sheriff's office regarding noise. Keilani has requested a copy of the complaints from the sheriff's office and has yet to receive them. Top Job has a responsibility to the community to uphold ordinances and be a good neighbor. It's noted that they brought in a generator as backup but have used it through the night disrupting residents with noise and vibrations. It is also noted that they have solar panels up that may also be an alternative for electricity. There is some concern that flammable materials may be being used. Ray Olsen told them they are to have no flammable material on premises due to the fact that there is no water hydrant nearby. Keilani reminds all that this is a public meeting with no public comment as she just wants the committee aware of the situation and ideas on how to address it. Most of the committee is new to the situation surrounding Top Job.



Top Job has agreed to a steel nine-foot non-permeable wall instead of concrete. It is noted that there are storage containers in place of a wall, however, they have not obtained a permit for the storage containers.

Paul Taylor said an inspection has been conducted for the footing, the foundation and the rough-in underground plumbing, but have not had an inspection for the warehouse building or the electrical. They have not had a final inspection. It is unknown if the building is in use but should not be, haven't had any final inspection. Paul said they want to put in bathrooms, but where they weren't on the blueprint they would need to get plans for the bathroom addition. It is mentioned that it was agreed that they could use a third-party inspector for the final inspection. It is unknown whether that inspection took place. Clarification is made that they may use the grounds, just not the building.

Part of the agreement was to put a fence up and enclose the dumpster. There is used asphalt that is in piles but not contained. There are supposed to be containers for the used asphalt. It is mentioned that otherwise the yard is orderly.

Paul Taylor comes to the microphone to clarify that a building permit can be used indefinitely as long as work is being done on the building. If work stops on the building for six months, the permit becomes void. They would have to reapply for a new permit to finish. There is concern that as long as they are working on the building, they don't need to have the fence up until they get a final inspection. If they are in financial difficulty, they can apply for an extension. Without knowing if inspections are being done, we don't know if work is still being done on the building. Paul clarifies that the Planning and Zoning chair (Jake Anderson) at the time Top Job received a permit was the one who suggested a third-party inspector as he felt Paul had a conflict of interest. Paul does not feel that way. All he was doing was helping them get a building permit.

Keilani starts a list of things to approach Top Job about. Plans for bathrooms, fencing, septic permit update specifically for the warehouse. If there is no office, parking spaces are not needed. Updated inspections are key. Top Job committed to a nine-foot steel fence and an annual fire inspection in front of Planning and Zoning as well as City Council. The wall and building must be completed and inspected before occupation.

There is question whether or not they need a business license in Mendon if they have one in Logan. It is determined that if they have premises in Mendon that they are working out of they need a business license in Mendon as well.

List continues. Solar needs to be inspected. Generator to be used as backup only. It was never intended to be used regularly as specified in the permit. Storage units removed. Dumpster needs to be behind the building and enclosed. Broken up asphalt contained is some type of container.

It is asked what is going to motivate Top Job to complete the requirements. It is suggested that Planning and Zoning get city council involved to help enforce the requirements. Ask for regular communication with Paul Taylor so we know where they are in the development. It is noted that the codes need to reflect better the intent of the city.

To clarify, the land Top Job is on was zoned industrial for future. Then the residential came in. When Top Job applied to build on the land, they had every right to because it was already zoned industrial.



It is suggested that a letter be written up with the requirements that Paul can relate to Top Job. There needs to be evidence that Top Job is actively working on the requirements to keep their permit.

Valarie Theurer motions to approve that the following list be presented to Top Job.

1. Solar panels will be inspected, and the generator will serve as backup only.
2. The bathrooms will be added to the warehouse plans and will get an updated septic for the warehouse.
3. A nine-foot steel fence will be installed.
4. The storage units need to be removed.
5. The dumpster needs to be enclosed.
6. All inspections completed as evidence of continued work.
7. The broken asphalt needs to be contained.

Todd Theurer seconds the motion. All in favor.

Business license. Two formal complaints were sent to the city, both regarding noise. (Complaints from the county will be submitted once received.) One has offensive business mentioned. Has talked to Phil Rawlinson, one of the complainants, and he said since they have enclosed the generator and put up the storage units, it has been less loud. There is some noise when the trucks are started. It is noted that the ordinance times for noise is not found in code but has been there in the past. It is also noted that Top Job has been fined by the county for breaking the noise ordinance. The generator has been known to run through the night. Vibrations of homes are also an issue due to the running of the generator. It is noted that Top Job has denied the use of a generator.

Planning and zoning to not intend to cancel the business license. They want Top Job to understand that to keep their business license, they need to comply with noise ordinances.

There is a question of whether the solar will handle the power needed that the generator has been supplying. Would also like a legitimate decibel test on the noise of the generator.

There is still some concern on how to enforce what is expected from Top Job. The mayor suggests if the committee is looking for teeth to backup their requests and force Top Job to comply, get the deputy officer over the city involved as well as the prosecuting attorney if necessary.

It is decided that the committee will meet with Top Job to go over expectations of keeping their license and issue a business license.

A discussion about what needs to change in the noise ordinance pertaining to basic business noise, animal noise, constant noise, noise in general. There are permits available for graduation parties, the 24th celebration, etc. There is concern that those permits may hurt the city in the long run. Just mentioning this for future consideration. There are other codes that will need to be addressed for future discussion as well.

Citizen participation: None

Other business: None



Motion to adjourn: Keilani Ludlow
Second: Megan Brown
All in favor.

7:43 PM Mendon City Planning & Zoning Commission stands adjourned.

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