

# Mendon City Council Minutes

*Convened: March 14, 2024 | Meeting location 15 North Main Street, Mendon City Office*

Meeting called by Mayor Ed Buist

Type of meeting City Council

Note taker Holly Gordon

**Attendees:**

Amy Garbe Kirk Taylor

Jon Hardman Jim Cannon

Michael Morgan Daphne Carlson

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:** Blaine Taylor, Melanie Willie, David Willie, Seth Tait, Paul Willie, Jeff Young, Millie Smith, Jeff Nielson, Kristy Nielson

**Pledge of Allegiance:** Mike Morgan

**Invocation:** Jon Hardman

**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 February 8, 2024 have been reviewed.

**Motion:** Councilmember Mike Morgan motions to accept February minutes. Councilmember Jon Hardman seconds the motion.

**Action:** All are in favor and February minutes are accepted.

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

**Motion:** Councilmember Brian Myers motions to accept and pay the bills as submitted. Councilmember Amy Garbe seconds the motion.

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

## Minutes:

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

### Topic 2- Jeff Young with All Tech- .gov explanation (6:05 PM)

All cities and towns are to be considered .gov, regardless of the size of the city by January 2025. All communication through email or website needs to come from a .gov account.

The application for Mendon City for a .gov domain has been submitted. Minimum of 30 days for government to approve. We have to take all the set up gmail accounts and website and move from .org to .gov manually. Anyone that represents the city for anything needs their own .gov email account. Volunteers will be raising money, especially during community days, etc. They cannot solicit directly with anyone through personal email. It must go through an official account of the councilmember over that group. For example, they could say on behalf of Mendon, I've CC'd such and such council member who is over activities for this scenario. This is what we'd like to have you donate to or represent. The state is looking at it to say that basically they don't want anyone just randomly out there representing your city or your town. This will help to keep accounts secure.

Breaching is a problem for .gov accounts, especially small towns. There will be extra security procedures in play to work with this. Because it is a .gov and there is more security involved, the new invoice for Mendon City will be \$1400 per month. Once the city has ownership of the new .gov domain, All Tech will switch everything over to .gov. The .org will be active for a time, so the city doesn't miss out on communications.

### Topic 3- Blueberry Springs (6:30 PM)

Paul Willie takes the council through the following summary.

**(start summary)** Location: 900 North 100 West, Mendon, Utah

Size: 68 acres with 74 lots ranging from .63 acre to 1.3 acre. Each lot has 110' frontage.

Submittal includes full construction drawings, final subdivision plat, and development agreement.

Modified Grid layout consistent with preliminary plan approved by P & Z and City Council in October 2023.

Density is in compliance with city code.

Public roads, curb, gutter and sidewalk in front of each lot. 24' required by code, construction drawings call out 35' and 24' for the road north of 950 North 100 East.

5' sidewalk/trail to connect with existing asphalt trail on 100 East to 600 South. 4' sidewalk all other streets

Park: \$35,000 contribution to Mendon City in lieu of a land dedication. To be used in conjunction with the park planned for area west of Mountainside School.

Storm Water Detention system. See construction drawings for engineering.

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Geotechnical report was submitted to the city in 2022.

Bear River Health Department report was submitted to the city in 2023.

UDOT highway access will require final approval from them when final plat is approved by the city. Traffic study was completed and submitted to UDOT and Mendon City in 2022.

Development Agreement is currently being reviewed by Mendon City Attorney.

Secondary Water will be stubbed into the front of each lot. Secondary Water is addressed in Development Agreement, see exhibit schedule of irrigation water to be deeded to each lot and dedicated to the Blueberry Springs Homeowner's Association. Developer will deed  $\frac{3}{4}$  acre ft. of water in Wellsville Mendon Canal to each lot upon sale of lot. Developer will dedicate 148-acre ft of Mendon North Irrigation water to the Blueberry Homeowners association. See construction plans.

CCR's and HOA to be set up prior to recordation of final plat. HOA to administer secondary water.

Postal Service will deliver mail to the homes, either in a clustered mailbox system or in rented mailboxes in the Mendon City Post Office.

Mendon City Fire Department will provide fire protection. See letter from them.

Cache County School District has been notified of the intent to develop this area. See letter.

Downstream storm water drainage landowners will be notified that the existing drainage ditch must be kept open and cannot be obstructed or blocked.

Full Construction drawings have been reviewed by Eric Dursteler, City Engineer and Kirk Taylor, Mendon City Public Works.

Preliminary Evaluation and Impact Report was submitted and approved by City Engineer (**end summary**)

Eric goes through the changes made to the draft. There is a change to density from 74 lots to 72 lots. Paul says the adjustment will be made.

Contribution of \$35,000 is an arbitrary number. Clarifies that the ordinance reads 5% of land is dedicated for a future park, but they do not have to build a park. There is no provision in the ordinance for a cash contribution, that is a gift and we are willing to give it.

Paul talks about Udot's dismissal of a second exit onto Highway 23. There is some controversy in what Udot is asking and what needs to happen as far as entrances and exits to the subdivision and turn lanes.

Every lot will come with  $\frac{3}{4}$  of an acre canal water and the HOA will get 148-acre feet of spring water. No cash contribution. As homes sell or change owners, the water shares stay with the property.

Mail will be delivered to two pedestal postal delivery sites. In addition, they'll still rent boxes in post offices. If they run out of room, they add on to the post office. That's what he told me. He said that is the post office's problem... the size of post office to handle the community.

Paul clarifies downstream storm drainage is an established drain and does not need consent from downstream landowners to use it.

Mendon City code does not allow phasing. Mike Morgan confirms that Planning and Zoning is working on a code to allow phasing. Paul will cooperate with that decision. Mike clarifies that the code simply doesn't have

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phasing mentioned in it, not that it's not allowed. Paul is willing to work with the city. When the code is in place, they will comply with phasing... the drawings are done in phasing.

David Willie explains a few items that will be in the drawings. Start with the subdivision. Premier Plats the middle. They submitted back in October. We gave a review of that to Platt, and then a review to begin with the new revised Platt submission. That's the entire document. I had two comments about it. The applicant must find a floodplain development permit and strike the primary stormwater pond and appendage conveyance systems which lie in flood zone A. That permit's required before construction. They can submit that any time prior to construction. And that goes to you, mayors, and it's through the floodplain administrative committee. And then, number two, the Premier Platt must be configured to show no more than 14 buildings per 10 contiguous acres, less roads.

Streetlights will be installed by the developer. The developer will also install the street signs coordinating with Kirk Taylor on placement and configuration.

An easement for the irrigation line will be in place so someone doesn't accidentally dig it up.

Mike asks Paul and Eric if there are any provisions for channeling surface water that the pipe they put around the perimeter doesn't handle. Paul answers with curb and gutter will carry it to a storm drain. Mike is still concerned about run off behind homes and flooding issues that will become the city's problem. Just wants to make sure this issue is addressed.

Seth Tait addresses a few concerns. Normally in a subdivision a preliminary and final plat shouldn't overlap. What has been discussed should have been taken care of a long time ago when the preliminary was approved. When we come to the final plat phase there are two things to look at... the final plat and the mylar plat. Just want to make sure we aren't approving the subdivision all over again with the discussions taking place. From a legal perspective, at some point the final plat needs to be approved, which has nothing to do with the conversation thus far.

What Seth wants to determine is if the mylar meets the requirements of city and state code and does it mirror what is approved on the preliminary plat phase? In this case, there will be some adjustments, which is not unusual. The mylar has been done very well, considering Mendon City doesn't have stringent requirements. Just a few comments... flagged the issue of ditch easement. State law requires easements that are in existence for any ditch. If there is one within the subdivision boundary, state code says it must show on the final plat. That has been addressed tonight. Also, the addresses need to show, however, Seth looked at a previous draft. The current draft shows addresses. Is aware that Paul will remedy in the final version that the record title owner matches the owner on the dedication on the plaque.

There's some confusion on whether or not Mendon City requires a development agreement. It would be a good idea in every development to have a development agreement. Paul thinks it's good for the city as well as the developer. It provides clarity and understanding.

Blueberry Springs will be put on April's agenda for a final vote. A development agreement in final draft form, the final plat and the final version of the mylar plat. Two separate votes, but the same meeting.

#### **Topic 5- Appointment of Mendon City Land Use Authority (7:31 PM)**

Mayor Buist states the Mendon City Land Use Authority will be in effect on May 1, 2024. It will be a committee of 3 individuals, the city engineer, the city attorney and the land use authority. Seth clarifies the legislature has mandated that city councils can no longer be the approving authority on a plaque. Mayor Buist, having

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worked with Jon Hardman to appoint a land use authority has named Mike Morgan as Mendon City Land Use Authority. This will be a paid position. A public hearing will take place in April to vote on an appropriate fee. Brian Myers motions to close the meeting and open the public hearing for the City Impact Study. Amy seconds the motion. All in favor.

#### **Topic 6- PUBLIC HEARING- City Impact Study – Eric Dursteler (7:38 PM)**

The impact fee is a one-time fee imposed on new development activities to mitigate the impact of new development on a capital facility. The city will be required to use revenue and sources other than the impact fees to fund repairs, replacement, existing deficiencies, or increase level of service to existing users. Draft review only. Not to be motioned or decided on. Maximum fee per ERC for 2024 is \$7,466.35. This is just for new development. A public hearing for the Impact Study Final will be on April's agenda. (For the full review, see attachment.)

Councilmember Mike Morgan motions to close the Impact Study public hearing and reopen the meeting. Councilmember Brian Myers seconds the motion. All in favor.

Mayor Buist briefly goes through the Land Use Authority fees to be perused for next month's public hearing. (See attachment for fee proposal.)

Councilmember Amy Garbe motions to close the meeting and open the public hearing for the Animal Control City Code Change. Councilmember Brian Myers seconds the motion. All in favor.

#### **Topic 7- PUBLIC HEARING- Animal Control City Code Change (7:54 PM)**

Fees have been changed to reflect the current charges. Impound fees are \$40 for the first offense in a year. Second offence in a year is \$75. There is a \$150 sterilization deposit if the dog is not fixed. This deposit will be refunded if the dog is fixed within 30 days of impound.

Rabies contact quarantine is for a period of 10 days, or the animal is euthanized and send for a rabies test. Cats are more likely to come in contact with rabid animals, so it is recommended that cats and dogs be vaccinated over the age of six months. Boosters in a year. Most vaccines are good for three years, some are only a year. Self-vaccinations are against the law.

Impounded dogs will be held for 5 days. If not claimed, they are put up for adoption with the adoptee paying impound and boarding fees. They are trying to move away from the euthanization of dogs, unless they are a problem or diseased.

Dates were also changed to reflect the year 20\_\_.

Councilmember Mike Morgan motions to close the Animal Control City Code Public Hearing and reopen the meeting. Councilmember Jon Hardman seconds the motion. All in favor.

Councilmember Mike Morgan motions to accept the Animal Control City Code. Councilmember Brian Myers seconds the motion. All in favor.

#### **Topic 8- Youth Council Report- Mayor Norris (8:02 PM)**

Excused

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**Topic 9- Library Report- Jessie Eiman (8:03 PM)**

Asks that the patio area at the back of the city building be reserved for the library fundraiser for the 24<sup>th</sup> celebration on Saturday, July 27. Mayor Buist asks that she contact Juliene Robins.

Housekeeping concerns are mentioned. Councilmember Brian Myers will talk with Shelby in more detail about what is expected during cleanings. The city clerk will change the calendar to reflect what sort of event is taking place at the Station so Shelby can clean accordingly.

Received a grant for \$3,000 for books. Also received a grant for new Wi-Fi equipment.

Jessie asks for a rollover of unused salary. Mayor Buist explains that payroll and salaries don't work that way. Jessie is concerned about having enough money to pay workers during peak season at the library. It is mentioned that Mendon Library does not charge a fee to own a library card. Mayor Buist insists that change to give the library some much needed funds.

**Topic 10- Law Enforcement Liaison- Deputy Wursten (8:16 PM)**

Excused

**Topic 11- Eric Dursteler- City Engineer (8:16 PM)**

Mentions he and Seth will need to bump budgets. Mayor Buist points out that the ordinances are being revised by Planning and Zoning.

**Topic 12- Kirk Taylor- Public Works Director (8:18 PM)**

Needs to draw up a resolution to address substantial price increase for water hookup fees. Materials have nearly doubled in price. Needs a public hearing for the resolution, preferably in April.

The new plow truck has arrived. Kirk talks about the lighting that needs to be added to it. Considering a light bar that goes inside the windshield, just under the visors.

**Councilmembers Reports:****Brian Myers- (8:26 PM)**

Concerns of who is actually responsible for the mosquito abatement in the new subdivision. Will clarify with Seth and Paul. Inflation of mosquito abatement taxes and equipment. Mosquitos are building up a resistance to current spray. Will be using more malathion this year.

Fish and Game are understaffed so the turkey and deer problem will not be addressed for now.

May Day sign-ups are active. As of now, there are 20 young ladies sign up for the court. Need to recruit some more young men. Queen's Court is this Saturday at 5:00 in the library.

Asked Shelby who cleans when she is unavailable. She gets her friends to clean then pays them cash out of her payroll. Shows concern about how this is handled. Mayor Buist says he can handle it how he sees fit. There is some discussion about hiring a professional cleaning service.

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**Amy Garbe- (8:32 PM)**

The library is working with the state library to set up a new website that won't cost the city anything. Meets the .gov requirements.

Red chairs are down to \$5 per chair and we have sold some. Will save 10 for meetings. Working on finding appropriate replacement chairs.

Library is working on getting substitute librarians to fill in when existing staff can't cover for each other. Paid as a substitute, no set hours.

Youth Council money situation from July 24<sup>th</sup> may need to be discussed further in an executive meeting. Jim feels like he is on the edge of getting the amount. Mayor Buist says if Jim isn't, he is. Will talk with Amy about it.

**Mike Morgan- (8:40 PM)**

Planning and Zoning hard at work on updating ordinances. Objective is to have drafts ready for the next meeting. We will need another public hearing for the changes to the code.

Will meet with Landis and his group on Tuesday to review bids for contracts for the Trailhead project.

Asks for a new member of the Planning and Zoning to be approved by the council. Li Gasu, son-in-law of Gail and Jerry Miller, has lived in Mendon since 2022. Councilmembers are all in favor of Li Gasu serving on the Planning and Zoning Committee. Still need one more person to serve on Planning and Zoning.

**Jon Hardman- (8:46 PM)**

Doesn't have anything urgent to discuss.

**Bob Jepsen- (8:47 PM)**

Excused

**Mayor Buist- (8:47 PM)**

Any legitimate concerns about the new subdivision need to be addressed to our engineer and our attorney.

**Councilmember Jon Hardman motions to close the meeting.**

**Councilmember Brian Myers seconds the motion.**

**Adjourned (8:50 PM)**