

Town Council Regular Meeting

April 19, 2023

Elected Officials Present: Mayor Marty Larson, Councilmembers Neil Brown, Stan Judd, Grant Lundberg absent: Hale Robison

Staff Present: City Clerk Lucinda Thomas, Deputy Clerk Nicole Preston, Fire Chief William McMullin, Police Chief Rod Hurst, City Attorney Josh Nielsen

Public Present: Linda Fullmer, Gaylyn Beckstrom, Curtis Thomas, Roweena Rymer, Terry Rymer,

1. Call to Order - Mayor Larson called the meeting to order at 7:01pm

- a. Terry Rymer gave the opening prayer
- b. Chief William McMullin led the Pledge of Allegiance

2. Approval of Minutes for March 15, 2023

- a. Councilman Neil Brown made a **Motion** to approve the minutes for March 15, 2023. Councilman Stan Judd **Second** and the motion **Passed** all in favor.
 - i. Mayor Marty Larson - Yes
 - ii. Councilman Neil Brown – Yes
 - iii. Councilman Grant Lundberg – Yes
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison – absent

3. Approval of Expenditures

- a. Councilman Neil Brown made a **Motion** to approve the expenditures in the amount of Seven Hundred and twenty thousand, two hundred and forty-two dollars and forty cents (\$720,242.40). Councilman Grant Lundberg **Second** and the motion **Passed** all in favor.
 - i. Mayor Marty Larson - Yes
 - ii. Councilman Neil Brown – Yes
 - iii. Councilman Grant Lundberg – Yes
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison - absent

4. Approval of Work Orders

- a. Councilman Neil Brown made a **Motion** to approve the three work orders for \$3200 the purchase of wood chips to refill the north park playground, work order for \$1006 for repairs to the overhead bay doors at the public safety building, and \$1200 for the maintenance and service on the fire departments SCBA's. Councilman Stan Judd **Second** and the motion **Passed** all in favor.
 - i. Mayor Marty Larson - Yes
 - ii. Councilman Neil Brown – Yes
 - iii. Councilman Grant Lundberg – Yes
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison – absent

5. Commission and Staff Reports

- a. **Police Report – Sargent Mike Wall** - 24 Citations – 38 total offenses – 20 public generated and 66 officer generated 86 total offenses. He reported that there have been animal complaints in the area that happen more often when the weather warms up.
- b. **Fire Chief Report- Chief William McMullin** – He received a bid from Rosenbauer and they are working on getting a bid from Pierce. Still waiting to hear back for the AFG grant, this grant is typically awarded from April – September, but Chief McMullin stated that they are still working through the 2022 applications so we may not know for some time if we received the grant. They talked about how the neighboring community of Goshen applied for a CDBG grant and they didn't receive it and now the plan for the town is that they will have to raise taxes to pay for their new

56 engine. He reported that Marcie is taking the advanced EMT course and the Fire 1 and Fire 2
57 course. Corey Carter was made assistant chief to replace Vance Baxter, Chief McMullin stated
58 that he needed that because of all the duties with the Grant etc. He noticed an issue at a
59 property 588 N 800 E as he drove around town. He feels that this property has too many trailers
60 that are possibly being lived in. He is worried if this continues and if there is a fire issue they
61 won't be able to put the fire out because of fire flow issues. He stated that they have moved in
62 several trailers within the last month. The fire flow barely meets standards and when a pump is
63 running it tends to collapse the line. Mayor Larson asked City Recorder Lucinda Thomas to put
64 that as an action item on his to do list. Mayor then asked if the Fire Hydrant had been put in by
65 the scrap yard. Chief McMullin reported that it hadn't been done yet, he knew it was originally
66 planned for fall if the public works department had time.

- 67 c. **Planning Commission Chairman – Vice-Chair Tami Balzly** – she reviewed the agenda items
68 that were addressed during their last meeting. Including the recommendation to pass the
69 subdivision ordinance amendment. They discussed the proposed Kenison subdivision and
70 requested a little more information concerning the water line. Chief McMullin interjected and
71 stated that he had been approached by the public works on this and did some research and the
72 fire standards were well above standard and felt that the water line could stay where it was. They
73 talked about the F. Mecham subdivision and the requirement to 400 west. Ms. Balzly reported
74 that the commission didn't feel that it was in their authority to grant any type of waiver for that as
75 400 west is on the road map and on the master plan and been so for many years. The
76 commission felt that this exception would have to be granted by the Town Council. She stated
77 that the commission didn't feel comfortable telling one subdivision that they didn't have to put in
78 the road when they have told other subdivision that they had to put in the road. She is aware that
79 some residents don't want to see the road, but the commission felt that they have to stick to the
80 plan and set of rules that the council has given them. They also spoke at length about the
81 proposed Andrus site plan. The commission recommended that Mr. Andrus go through the
82 subdivision process, as this is a non-conforming lot. Mr. Andrus claims that his agricultural
83 exemption relieves him of the requirement to have a subdivision, but the city attorney Mr. Nielsen
84 states that he disagrees with that assumption. When it comes to the commercial zones they
85 wanted to know how and what the council wanted the commission to work on. The council would
86 like them to work on it. The commission doesn't want to be under prepared when the next
87 request for commercial comes.

88
89 **PUBLIC FORUM –**

- 90 1. Justin Remkes- He has earned money down on Lot 12 in the Mecham Meadows
91 Subdivision he referred to the minutes from a planning commission meeting in
92 December concerning a subdivision F. Mecham plat F subdivision. He would like
93 to know if there was already subdivision why would it be required in this part of
94 the subdivision.
95 2. Terry and Roweena Rymer – She doesn't feel that there would be not enough
96 room between the two homes for the road. She states that she plans to live well
97 into her 90's and she has no intentions of developing and she has no plans of
98 "building that damn road." She says that she planned her home according to the
99 laws and she doesn't feel that this is fair. She feels that the road would have to
100 be built up so much higher than their property. She feels that it will cause water
101 drainage issues and could be an eye sore to the community. She states that
102 when she built her home twenty years ago, she was told that 400 west wasn't on
103 the master plan, so she is wondering why it is there now. Mr. Rymer said that
104 he agrees with his wife and says that when he worked for Lehi City he saw how
105 "poor planning" affected the city and the residents.
106 3. Andy Rymer – he has put money down on Lot 10 in the Meacham Meadows
107 property, he's not sure he would want to live there anymore if 400 west gets put
108 in and would also like to know if the council will require secondary power in
109 phase 2?
110 4. Councilman Brown answered the question regarding the secondary power and
111 stated that it would be determined on if an application already came in. Those

112 applications are subject to the rules that were in place when the subdivision
113 application came into the town. Councilman Lundberg stated that he remembers
114 when last summer they had talked about the changes that could happen as
115 people did have concerns about 400 West. He remembers them talking about
116 350 west or possibly 600 west. Mayor Larson then addressed the questions, he
117 stated that he wasn't sure legal it was to put up lots for sale that hasn't been
118 recorded. Mr. Nielsen stated that taking earnest money isn't illegal on the lots
119 but that they can't be sold until the lots are recorded. Mayor also clarified that
120 each plat is a separate and the reason why Lot 6 of the Plat F was approved was
121 because the plat that had been approved by the council. This plat would be
122 subject to the road as it sits now. He addresses Mr. and Mrs. Rymer's concern
123 about their home being to close to the road. He clarified that the Town has no
124 intention of putting the road in anytime soon and then when something happens
125 after they die and the land is developed, then the road would be put in, but that
126 the town has no intention of buying land to put in the road. It will wait until such
127 time as the land is developed by whomever develops it. Mayor felt that this was
128 a non-issue as it wouldn't happen until such time that the Rymers property is
129 developed. Ms. Rymer asked, "If the town was still considering if the Town was
130 considering buying their properties?" Mayor Larson responded that he wasn't
131 aware that the town ever was considering it. Councilman Brown clarified that the
132 purpose of the proposed road map is mainly for when the population density
133 increases the traffic patterns are in place. Nobody knows when that will occur,
134 but they have to plan for the future instead of trying to fix problems later. He
135 says that to say this would never happen would be accurate but to say that it will
136 happen in her lifetime is probably unlikely. He clarified that the Town
137 understands that if the growth is dramatic then the roads will be needed. He
138 clarified that a year ago they discussed whether the 400 west road was needed
139 or if it should be removed from the map. The process for this discussion hasn't
140 occurred yet, and it is not a quick process.

- 141 5. Mayor Larson – clarified that issues that were brought up concerning drop-offs,
142 irrigation lines being in the way, safety concerns etc. This will all be addressed
143 by the developer and the engineers. It would be to the cost of the future
144 developer to address these issues.

145 **6. Discussion and possible action on awarding a bid to rent the surplus irrigation water owned**
146 **by the Town for the 2023 season.**

- 147 a. There was only one bid that was received. It was opened and Kent Pyne made a bid for 360
148 inches of Strawberry Water at \$2.50 per inch. The council discussed that this bid is below cost.
149 The council determined where there is no other bids that they would accept this bid.
150 b. Councilman Grant Lundberg made a **motion** to accept the bid from Kent Pyne. Council Stan
151 Judd **Second** and the motion **Passed** all in favor.
152 i. Mayor Marty Larson - Yes
153 ii. Councilman Neil Brown – Yes
154 iii. Councilman Grant Lundberg – Yes
155 iv. Councilman Stan Judd – Yes
156 v. Councilman Hale Robison – absent
157

158 **7. Discussion and possible action with F. Mecham regarding the Mecham Meadows subdivision**
159 **and the requirement to put in 400 West.**

- 160 a. There was a long discussion on the future of the proposed 400 west and the feeling that the
161 Mecham Meadows Developers have that the road shouldn't be required to be put in. 400 West is
162 a part of the future road map that is part of the General Plan. They stated that if the town
163 required them to put in the 400 west road, then one of their designed lots would be considered
164 illegal as the subdivision ordinance states that no lot can have more than two side touching a
165 road. Their current plan has a lot that would then have 3 sides touching a road because of the
166 requirement to put in 400 west. Ms. Fullmer and Ms. Beckstrom made points that they feel that
167 the future costs to the town requiring to put in 400 west would be too high for the town to put in.

The Developers repeatedly made claims that if 400 west stayed on the future road map that the town would have to buy whole properties because they would be taking out homes. The council stated again that they would not plan on taking out anyones home and that even if it came down to that it would be many years in the future before they would have to look at that and the towns stance is to have developers put in the roads.

- b. The town has not moved forward with looking at the future road map as they were waiting to see if the town could get a grant to help with engineering requirements for the roads and for future planning of roads. The Town recently found out that they did not get the grant and now they are having to start to figure out where to go from here. Councilman Brown asked Vice Chair Balzly what the Commission understood the grant to be for. She explained that she understood it to be for road planning. Councilman Brown clarified that the grant was for engineering and what should requirements be for the roads especially in water table problem areas etc. He then asked if there was anything else that she felt was holding up the discussion for the planning commission? She responded that she didn't feel there was, and they could start discussing the issues. Councilman Brown stated that he feels that 400 west could be problematic, but he doesn't want to make a partial decision just based on this subdivision but knows that it will take time. They asked the Mecham Meadows Developers about their time plan. They responded that they can't move forward on their subdivision until this decision is made because it does affect every other part of their plan and they have people who are waiting for these lots to be completed. Councilman Brown stated that he understands that they have thought about different options, including 350 west and 600 west. Vice-Chair Balzly spoke up and stated the commission does have some serious concerns about 600 West because it is in wetlands, and it does boundary a federal bird reserve and the work to get it out to Highway 6 and working with UDOT to get that access granted. Sher understands that there are issues with 400 west but there are also issues with other options as well and no matter what the final decision is she feels that someone will have problems with it.
- c. Councilman Stan Judd then asked that they look at the bigger map and what the proposed road would look like. They had a lengthy discussion about which parts of the road had already been put in and where some of those who were present and voiced concerns over this proposed road were in relation to this proposed subdivision. Mr. Nielsen clarified that tonight the council doesn't have to decide whether the 400 is part of the master road plan, but what they do need to decide is if they are willing to grant the Mecham Meadows subdivision an exception to putting in their porton road. The council expressed concern about giving them an exception to put in the road and then the road gets left on the map they felt that it would be a larger problem. The council collectively felt that they could not give that exception. As it would also weaken the towns authority in the future to require that roads get put in. Mayor Larson stated that he had spoken with Chris Steele the public work director and that Mr. Steele feels that it is important to keep 400 west and that it should remain on the master plan.
- d. Mayor Larson asked Curtis Thomas who was present how he would feel if council changed the road map to the required road of 400 west to 350 west. He stated that he would feel that the town could have a lawsuit on their hands as all they would be doing was moving an already proposed road on to somebody elses property to please a subdivision. He doesn't feel that it would be a good solution as parts of 350 west haven't even been put in yet. He doesn't like the 400 west road option either because it would close to his home.
- e. Councilman Brown reminded the council that the issue at hand is to grant the exemption. Mayor Larson stated that he is not comfortable granting an exemption because it needs to follow the future road map, and if they don't want to put in 400 west then they would need to wait until the future road map is looked at again and see if it is still on. They explained with process it will take time and could be at minimum of 6 six months as there has to be public hearings to allow for public input, working with UDOT, etc. The Mecham's brought up that they felt that the planning commission had already approved their plan years ago, but it was clarified that the planning commission are only approving the proposed lots at the time, but any future subdivisions. Councilman Brown stated that if the Mechams are wanting the council to grant an exception with the 3-sided lot and they still plan on putting in 400 west then he would be find granting that exception, but he is not comfortable with them asking for an exception to putting in 400 west. Councilman Brown asked Vice-Chair Balzly if they approved this exception for the three-sided lot

would the commission be ready to start looking at the road map. Vice-Chair Balzly stated that the commission will look at it, but she clarified that the commission feels that it is important that whatever is on the map needs to be put in no matter what. She stated that it is not ok to grant exceptions for some developers and then tell others no.

- f. Mayor Larson made a **motion** to allow a road on three sides of lot 12 of the F. Mecham proposed subdivision. Councilman Neil Brown **Second** and the motion **Passed** all in favor.

- i. Mayor Marty Larson - Yes
 - ii. Councilman Neil Brown – Yes
 - iii. Councilman Grant Lundberg – Yes
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison – absent
- g. Vice-Chair Balzly would like the council to provide some council as to how they should be looking at the roads where they can look to for expert advice. Mayor Larson stated that he feels strongly that the commission are smart and that they have lived here a long time and that they know how to do it, and that they intelligent people and he has faith that they will be able to do this together.

8. Discussion and possible action on Ordinance 2023-01 an amendment to the subdivision ordinance. The amendments will be a replacement of Paragraph 2 of section 20.08.03 of the subdivision ordinance which will state that Primary Power will be brought to the subdivision and secondary power will be available at each lot in the subdivision.

- a. The council discussed the wording of the amendment and decided that clarification also needed to be added to the infrastructure section to include that primary and secondary power must be provided to every lot in the subdivision. And that Rocky Mountain Power must provide a letter that is consistent with the requirements in the section.
- b. Councilman Neil Brown made a **Motion** to approve Ordinance 2023-01 as discussed tonight. Councilman Stan Judd **Second** and the motion **Passed** all in favor.
- i. Mayor Marty Larson - Yes
 - ii. Councilman Neil Brown – Yes
 - iii. Councilman Grant Lundberg – Yes
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison – absent

9. Discussion and possible action on Resolution 2023-05 the Mass Notification interlocal Agreement.

- a. The council discussed the payment of \$286 and recognized that this was just a renewal for the mass notification system. This resolution allows the mayor to sign this agreement 2023-03.
- b. Councilman Neil Brown made a **motion** to approve Resolution 2023-05 which approves Agreement 2023-03 the Mass Notification Interlocal Agreement. Councilman Stan Judd **Second** and the motion **Passed** all in favor.
- i. Mayor Marty Larson - Yes
 - ii. Councilman Neil Brown – Yes
 - iii. Councilman Grant Lundberg – Yes
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison – absent

10. Discussion about the amended budget for FY2023 and proposed budget for the upcoming FY2024

- a. City Clerk asked the councilman to review their budget numbers to be prepared for the public Hearing. She asked them to look not only at this year's budget but also the next fiscal year budget. Ms. Thomas was asked about tax information from the County. She reported that she hasn't heard from them yet but expects to hear from them soon.

11. Discussion and possible action on Resolution 2023-06 which will add a fee to the fee schedule for a concept plan review for subdivisions.

- a. Mr Nielsen had questions regarding if the proposed concept review fee is a vicinity review. It was explained that it was not and that this would be a more in-depth look at the plans than the vicinity plan. The current ordinance reads that before a developer can come before the planning

commission with their preliminary plat they need to have all their other approvals in order such as, Irrigation company, rocky mountain power, public works etc. this review wouldn't require all of that but that the planning commission could review the plans only to make sure that they have all requirements met before they take their proposed plans to the county etc. It was discussed how developers have monopolized the planning commissions time and tried to use them as their engineers. They have felt that often these developers have overstepped their bounds and have monopolized the time of the planning commission and sometimes the town council. They are hoping that having a review fee, and application will help encourage the developers to follow through with the guidance that the planning commission has given them. The council discussed the need to make sure that whoever is conducting the meeting make sure that proper decorum is followed. Mayor Larson stated that he does not want to make money off them but he wants also doesn't want them to take advantage of the planning commissions good will and volunteerism. Police Chief Hurst stated that he has been in several of the development meetings in Santaquin and the developers are not allowed to speak during the meetings unless they are specifically spoken to and that they are only to answer the specific questions that they are asked. If they are seeking specific questions those needed to be submitted before the meeting and all plans etc. were submitted before the meeting and that they weren't to bring extra documentation to the meeting expecting it to be reviewed. The council does agree that there needs to be a mechanism for the developers to come and get legitimate questions answered but doesn't want to have the planning commission's time wasn't either. The council asked Vice-Chair Tami Balzly how she felt, and she stated that she felt that it was good to have a way for them to come but also require some accountability to and responsibility in asking for this option. Councilman Brown stated that they need to clarify what they are really wanting to accomplish, and he felt that they are trying to create a gate where they are not wasting the planning commissions time but are willing to come and pay the fee and hopefully the fee would discourage the coming multiple times over and over.

- b. They discussed the proposed fee and what it should cost the planning commission recommended that \$100 would be ok, but the council felt that was too much. Mayor Larson thought that \$50 was adequate, Councilman Lundberg and Councilman Brown felt that it was too much and that it needed to be nominal because the planning commission are serving the community and suggested that the fee be \$25. Vice-Chair Balzly stated that she didn't fee that \$25 gives them enough skin in the game but the \$50 would probably be an appropriate fee.
- c. Mayor Larson made a **Motion** to charge \$50 for a concept review to be added to the Fee Schedule. Commission Stan Judd **Second** the vote was 2-2 and the motion **Died**.
 - i. Mayor Marty Larson - Yes
 - ii. Councilman Neil Brown – No
 - iii. Councilman Grant Lundberg – No
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison – absent
- d. Commissioner Stan Judd made a **Motion** that they add a concept review fee of \$25 to be added to the Fee Schedule. Councilman Neil Brown **Second** and the motion **Passed** 3-1.
 - i. Mayor Marty Larson - No
 - ii. Councilman Neil Brown – Yes
 - iii. Councilman Grant Lundberg – Yes
 - iv. Councilman Stan Judd – Yes
 - v. Councilman Hale Robison – absent

12. Council Comments

- a. **Mayor Marty Larson** – He took a tour with Phil Rowley and saw where the water would go during high water runoff. He feels confident that they should be able to mitigate possible flooding. He is hopeful that there shouldn't be problems on 800 south. He reported that to be cautious, he has asked Chris Steele to order more sandbags and ordered more sand from Geneva Rock, to just be prepared just in case, or if they needed, they could go to another community. He would also like the council to encourage those who come directly to them about specific issues that they come to the council and address the problem to the body of elected officials rather than just one. He also wants to make sure that those who come for a decision and not to grandstand. He also wants to

335 make sure that those don't express how a problem should be solved until it is discussed in a
336 meeting so that there can be no future problems.

337 b. **Councilmember Hale Robison** – he was excused from the meeting.

338 c. **Councilmember Grant Lundberg** – he reported that he is working with Staker for the donation
339 for fireworks. He is still working on the Town Celebration, and they are getting things set up.
340 They have another meeting at the beginning of May to finalize plans. He hasn't been able to find
341 anybody to do the run and the softball tournament, if the council has ideas on people who could
342 head those up he would really appreciate it.

343 d. **Councilmember Stan Judd** – He would like to take a trip with Manny Escoto from Ordinance
344 Enforcement to talk about a couple of problem areas. They informed him that he is currently out
345 of the country, but Lucinda will let him know to talk to him when he gets back. He also spoke to
346 Chief Hurst and stated that he has been receiving complaints of people speeding on 400 north
347 and he is giving permission to the police department to park in his driveway if needed. He states
348 that especially in the morning the speed on that road is high.

349 e. **Councilmember Neil Brown** – He is still working with Dominion Energy and is anticipating a
350 decision on the next communities that they would go to in April. He stated that his contact stated
351 that Dominion Energy is asking cities to submit applications, which makes him disappointed as it
352 would mean more competition for the spots.

353 13. The council then voted to go into a closed session to discuss ongoing litigation.

354 a. Mayor Larson made a Motion to go into closed session to discuss possible litigation. Councilman
355 Neil Brown Second and the motion Passed all in favor.

356 i. Mayor Marty Larson - Yes

357 ii. Councilman Neil Brown – Yes

358 iii. Councilman Grant Lundberg – Yes

359 iv. Councilman Stan Judd – Yes

360 v. Councilman Hale Robison – absent

361
362 14. The council voted to close the closed session.

363 a. Mayor Larson made a motion to close the closed session. Councilman Stan Judd Second and
364 the motion Passed all in favor.

365 i. Mayor Marty Larson - Yes

366 ii. Councilman Neil Brown – Yes

367 iii. Councilman Grant Lundberg – Yes

368 iv. Councilman Stan Judd – Yes

369 v. Councilman Hale Robison – absent

370
371 15. **Motion to Adjourn**

372 a. Mayor Larson made a **Motion** to adjourn the meeting. Councilman Neil Brown **Second** and the
373 motion **Passed** all in Favor.

374 i. Mayor Marty Larson - Yes

375 ii. Councilman Neil Brown – Yes

376 iii. Councilman Grant Lundberg – Yes

377 iv. Councilman Stan Judd – Yes

378 v. Councilman Hale Robison - Absent

379 b. The meeting was then adjourned at 9:49 pm.

380
381 Minutes prepared by Deputy Clerk Nicole Preston

382
383 Minutes Approved on: May 17, 2023

To see signed copy please visit the town office
Lucinda Thomas City Recorder

384