

**MINUTES OF THE
City Council Meeting for the City of Menan held April 13, 2017.**

Presiding: Chauncey T. Haight, Mayor

Present: Chauncey T. Haight, Ron Jones, Noel Raymond, Brian Storms, Keith Nelson, Allyson Pettingill, Kris Meek, Matt Walker, Lt Allen Fullmer, Jeff Geisler, Rhett Watson, Greg & Becky Nelson, Kevin Thompson, Victor Cammans, Jason Watson, Val Kasper, Don Bennett, Ben Briggs, and Tim Hale.

INCOME April 14, 2017 to May 11, 2017:

Sewer Payroll	5070.74
Garbage Payroll	124.76
Building Permit Application Fees	75.00
February Property Taxes	426.87
Town Hall Rental	150.00
Beer & Wine License Fee-Teton House	125.00
General Fund Money Market Interest	6.80
General Fund Collateralized Money Market Interest	10.45
Sewer Fund Money Market Interest	3.95
Sewer Fund Collateralized Money Market Interest	1.08
Garbage Fund Money Market Interest	.38
LGIP State Pool (Sewer)-	
	TOTAL
	5995.03

Income from Sewer Account April:	\$ 21,678.53
Income from Garbage Account April:	\$ 2612.20

Meeting called to order at 7:05 pm.

Pledge of Allegiance

Public Hearing-Annexation of Land: Kris starts by explaining that the piece of land annexed in last year had the wrong legal description due to an incorrect survey. Because of that, the City annexed in a portion of property not intended to be part of the original annexation. The issue has been resolved and the land now has the correct boundaries and legal description. Kris further states that after speaking with the Assessor's office and other attorney's he knows, going forward with another Hearing for Annexation is the best way to proceed. The Hearing proceeds with the Mayor explaining the land to be annexed. Kevin Thompson of Thompson Engineering further explains that this is also needed to all affected will pay the proper property taxes associated with their property. There is discussion of the process used to correct the issue.

The Mayor then asks if anyone in attendance **in Favor of** the annexation wishes to speak. There are 4 residents for the annexation, but they do not wish to comment. They are Greg & Becky Nelson, Victor Cammans, and Jason Watson.

The Mayor then asks if anyone in attendance that is **Neutral** of the annexation would like to speak. There are 3 in attendance that are neutral to the annexation, but they do not wish to speak. They are Ben Briggs, Tim Hale, and Don Bennet.

The Mayor then asks if anyone in attendance is **Against** the proposed annexation. No one in attendance is against.

Kris states he will have the Ordinance ready at the next Council meeting on May 11th.

Keith Nelson moved to approve the Annexation and create the Ordinance associated therewith. Ron Jones seconded the motion. Roll call vote: Keith Nelson-aye, Ron Jones-aye, Brian Storms-aye, Noel Raymond-aye. Motion carried.

Mayor Haight closes the Public Hearing at 7:17 pm.

Police Report: Lt. Allen Fullmer presents the Police Report to the Council. He states the report is from 2/11/2017-3/10/2017. In that period of time the deputy's logged 75 hours. There were 12 complaints, no arrests, 6 citations and 17 traffic stops. He does report that there were reports of speeders on 630 N, this lead to extra patrols. There is then discussion of the traffic sign. There were technical problems programming it to 35 mph, he moved it to 3600 E but it flashes if anyone goes over 25mph. There is then some discussion of the activity at the City Park during the lunch hour for the alternative high school. The Council thanks Lt Fullmer and the JCSO for all they do.

Rhett Watson- Farm Contract- Rhett Watson addresses the Council regarding his contract with the City for the lease of farm ground. He states he would like to discuss his contract and look at lowering the contracted price due to the market pricing for commodities. He discusses the low prices at crops across the board. He further states that his contracts with his buyers are low. There is discussion of the market and the pricing for crops. He would like to lower the contract to \$115-\$130 per acre, the contract currently reads \$162 per acre. There is discussion. Rhett states he doesn't need a decision tonight, he just wanted to present the issue to the Council for them to discuss it. There is discussion of a modified rent agreement. It is decided that Rhett will come back in September when the actual amounts and numbers are known and the Council will then work with him to decide what the best course of action will be and what an appropriate price will be for the yields.

***Preliminary Subdivision Application- Greg & Becky Nelson:** Jason Watson reads the recommendation letter from the Planning and Zoning Commission. The recommendation reads that the P&Z approves of the application with the following concerns addressed by the Council. The concerns read: 1. The proposal suggests a bike/walk path in front of the proposed subdivision running along 3600 E. This would run in front of the Hale's property with an undesirable effect for the Hale's. If pursued further, it is suggested no path in front of the Hale's per their request. 2. There is concern with the high water table throughout the property. Especially the southwest corner. There would be concern of flooding homes and basements. The developers have agreed to work to rectify the problem with testing water depths, a possible water feature to funnel water through, and maybe regulating building with CCR's on certain lots with high water table. 3. The Commission would recommend no curb/gutter to conform with the look of the rest of the City. 4. Designate the canal/ditch easement as the green space required. The Commission also feels that if the subdivision requires street trees then no sidewalks and vice versa. 6. As for the street layout as a loop street, the Council should review 8-2-7 (D) regarding loop streets in the City Code. This piece of property has no way of adapting to a grid system and this section of the code would allow a loop street up to 1200 sq. ft. The length would have to be amended in the code to accommodate a loop street as long as the one proposed for the subdivision. This would also provide 2 accesses for emergency vehicles. The Commission then states that these concerns had been shared with Greg and Becky Nelson and they are willing to look into finding ways to address all of the issues. The Council discusses the recommendation. The Council discusses the Comprehensive Plan and what is required from the Nelson's to comply. There is discussion of the water issue. There is then discussion of greenspace and open space. Kevin Thompson from Thompson Engineering addresses the Council with the proposed plans for the subdivision. He expresses his desire and the desire of Greg and Becky to work with the Council in creating a final plat. After looking at a section of the property in the southwest section it was noticed that there are cattails growing, this would indicate wetlands. So they would propose leaving one lot and a partial of an adjoining lot to be an open/greenspace. This would provide a natural water feature for the subdivision and help to designate the greenspace needed. There is discussion of this. The Council discusses the Ordinances and Comprehensive Plan. After much discussion, the Council decides to make a list and address all of the inconsistencies and issues all at once. It is decided that the Council will address the specific issues at the Council Work Meeting on April 20th and the P& Z Commission will be invited to make it a joint work meeting as the issues deal with are within the P&Z purview. Kevin Thompson and the Nelson's will attend said meeting to address their questions with the inconsistencies. Greg and Becky Nelson state they are concerned about what their next step should be as they would like to bring a final plat to the P&Z and Council. They are encouraged to attend the work meeting and bring their concerns as the Ordinances will be addressed.

***Planning and Zoning Update:** Jason Watson states the previous discussion was the update from P&Z.

***City Building Permits-How to enforce having permit before construct.:** Noel states he would like to figure a way to stop the building within the City before a permit is issued. Allyson and Matt state there has only been one to their knowledge and that would be the garage at 3503 E 665 N. There is discussion of this issue and how to prevent something similar from happening in the future. It is determined the best way is for everyone to just be aware and watch for permits to be posted. If there is a question, call Allyson and she can notify Jeff if it is needed. There is also a determination that there needs to be permits posted or at least the permit number posted for verification purposes.

***Determination of Legal Property Lines:** Mayor Haight address the Council and asks what the number would be before it is requested that a survey take place to determine where the legal property line is. The decision is made that if the setbacks are within 5 ft. on the site map, then a property line survey will be required. This will be added to the Building Permit checklist packet.

Upcoming Activities Update- Easter and 4th of July: Allyson explains that Alice Wilcox has everything under control and ready for the Easter Egg Hunt. There is discussion of the Easter activity. The discussion turns to the 4th of July. The Mayor asks about the power being set up. Matt says it is in the works. Mayor Haight then states he has found a trumpeter for the closing ceremony to retire the flag. There is discussion of a crane to hoist the flag from. Noel suggests Ryan Bingham to help with a crane. The Council agrees that a closing ceremony is needed this year.

Eclipse 2017: Ron states that he has spoken with Matt about having RV's around the City Park. He further states he is not sure about tents in the park. He is going to measure around the park to determine how many spaces will be available for the RV's. There is discussion of where to have the RV's and whether to have any by the Town Hall. There is then discussion of a sewer dump for the RV's. The discussion then turns to how much to charge for camping/RV spots. It is decided to rent RV spaces for \$75 a night and if tents are allowed \$25 a night for tents. There is then discussion of volunteers to help with enforcement of rules and regulations. Volunteers will need vests with City of Menan printed to identify them. Ron then discusses the vendors for the Eclipse. He has 10 food vendors committed and 7-8 nonfood vendors committed. He is charging the same for vendor booths as is charged on the 4th. There is discussion of the cost of the garbage dumpsters and the portapotties. There is then discussion of parking for tent campers if allowed and where the parking would be. Possibly by the Maintenance shop. The next Eclipse meeting will be held on April 27th. Ron will bring more information to the Council next month.

There is a short recess for bathroom break.

Keith Nelson made a motion to amend the Agenda to move the Public Discussion item up on the agenda. Ron Jones seconded the motion. Noel Raymond moves to add to that motion to include discussion of an emergent item.

Keith Nelson and Ron Jones withdraw the motion made.

Noel Raymond moves to amend the Agenda to move the Public Discussion item up on the agenda and add an emergent item to discuss. Keith Nelson seconded the motion. Motion carries.

Public Discussion: Ben Briggs addresses the Council. He states that he owns and farms the land around the proposed Settlers Grove subdivision owned by Greg and Becky Nelson. He addresses his concerns with the water problem on said subdivision. He further states he wants to work with the City and the Nelson's, but has great concerns with possible water problems for the future homeowners. There is discussion of the property and what water issues may arise. The Council will keep M. Briggs informed and try to work with all parties involved as much as possible. The Council thanks Mr. Briggs for taking the time to attend the meeting and share his concerns.

***Emergent Item:** Noel asked that this item be placed on the agenda to discuss the passing of a member of the Planning and Zoning Commission, Ronnie Merrill. He states that as a resident Menan for many years, serving on the City Council and also as the Mayor of Menan as well as on the P&Z, He thinks it would fitting for the Mayor, Council, and employees to send a floral arraignment and a letter to the Merrill family. There is discussion of this.

The Mayor and Council decide that Noel will draft a letter and Mayor Haight will order the flowers. The letter will be ready for everyone to sign at the City office in the morning.

City Clean up Day: Mayor Haight states he is not in favor of having a City Cleanup day this year as last year there were problems with people putting things in the dumpsters that had to be taken out and he ended up driving the unwanted items to another dump himself. There is discussion of this. The Mayor and Council decide not to have a City Cleanup Day this year.

Changes to Outdated Ordinances: Mayor Haight passes out the packets with the corrections and amended roles and responsibilities for the Mayor, City Clerk, Treasurer, and City Council as discussed at the work meeting. He states that he has found most of the information from the City officials training by the AIC. He then discusses the changes made to the Ordinance dealing with poll hours. It is discussed that the County controls the elections, so this may be not needed. There is discussion with Kris on how he can implement the outdated ordinances to read as in the suggested packet. The discussion then turns to the firearms ordinance and how it may be amended to read that protecting life or property is legal when in defense. There is discussion of this. There is then discussion on carrying a firearm in public places in the City.

Noel Raymond made a motion to strike Ordinance 4-6-3 and allow carrying weapons in a publically owned building or park in Menan. Ron Jones seconded the motion. Motion void as there needs to be a public meeting to make the changes after Kris drafts the changes.

Questions for attorney: Allyson asks Kris about the contact with PSI. She explains about the issue between PSI and Teton House. PSI has informed Leo that he can't have a dumpster from another garbage company. Leo is not happy and wondering if that is legal for PSI to tell him he has to go through them. Kris states that he thinks it is true. He will look through the contract and make sure what is actually legal.

Contract with Civilize-Sewer: Matt states this is for the seepage test required by the DEQ. This is for the company to conduct the test. Kris will look over it and be ready to discuss it next month.

Maintenance Update: Matt brings up the possible sale of a vacuum tank from him to the City. He states that it will help the city not have to pay Roto Rooter to vacuum out problems with sewer lines anymore. Kris will look into whether or not it is legal for Matt to sell something to the City.

Work Meetings: The invitation will go out to the P&Z to join the Council for the Work Meeting on the 20th. The meeting will be on the 20th at 7:00pm.

Keith Nelson made a motion to table the Review of Budgets of the General Accts. until next month. Noel Raymond seconded the motion. Motion passed.

Treasurers Report: Allyson explains she really doesn't have anything, she was waiting on any questions after the review of the budgets. No one has any questions.

Noel Raymond made a motion to accept the Treasurers Report. Brian Storms seconded the motion. Motion carried.

Purchasing Additional Ditch Water if available: Noel states that there is a notice that Long Island is possibly selling water rights in an auction. There is discussion of budget and ceiling of cost. This item will be added to the agenda for the work meeting so Noel can gather more information.

Noel Raymond made a motion to table 30 ft wide strip of City Property on the North side of town. Ron Jones seconded the motion. Motion passed.

Jeff Geisler made the suggestion to possibly take the water rights in exchange for a monetary pay out in the Settlers Grove Subdivision from Greg and Becky Nelson. The Council likes the idea and will look into possibly adding some kind of wording to support transactions like that into the ordinances.

Bills: Ron Jones made a motion to pay the Bills for the City of Menan. Keith Nelson seconded the motion. Motion passes.

Minutes: Noel Raymond made a motion to accept the minutes as written from the March 9, 2017 City Council Meeting. Brian Storms seconded the motion. Motion passes.

Brian Storms made a motion to accept the minutes as written from the March 23, 2017 Work Meeting. Ron Jones seconded the motion. Motion passed.

Ron Jones made a motion to adjourn the meeting. Noel Raymond seconded the motion. Motion carried.

Council Meeting ended at 11:44 pm.

Allyson Pettingill, City Clerk/Treasurer