

**MINUTES OF THE  
City Council Meeting for the City of Menan held August 11, 2016**

**Presiding:** Chauncey T. Haight, Mayor

**Present:** Chauncey T. Haight, Ron Jones, Noel Raymond, Brian Storms, Allyson Pettingill, Kris Meek, Matt Walker, Lynn Rushton, Dean Hancock, JoAnn Jones, Holly Jones, Tim Thueson, John Galazin, Norma Galazin, and Lt Fullmer.

INCOME August 11 thru September 8, 2016:

Sewer Payroll	4912.02
Garbage Payroll	124.76
State Liquor Dispensary	5930.00
Payroll Taxes reimbursement	30.48
Valley Wide Stock/Equity Payback	114.35
August Property Taxes	2267.91
Park Shelter Rentals	30.00
General Fund Money Market Interest	6.20
General Fund Collateralized Money Market Interest	15.96
Sewer Fund Money Market Interest	5.70
Sewer Fund Collateralized Money Market Interest	3.25
Garbage Fund Money Market Interest	.43
LGIP State Pool (Sewer)-	18.18
<b>TOTAL</b>	<b>13,459.24</b>

<b>Income from Sewer Account August:</b>	<b>\$8555.20</b>
<b>Income from Garbage Account August:</b>	<b>\$ 1641.00</b>

**Budget Hearing called to order at 7:02 pm.**

**Pledge of Allegiance**

The Mayor and Council look over the Budget sheets for each account. Allyson explains the only change made since the Budget work meeting was on the diesel fuel expense. Other than that, everything was as agreed on at the work meeting. There is discussion of Bill and Ordinance. The Mayor then opens the Meeting to testimony for the proposed Budget. There is no response. The Mayor then opens the Meeting for testimonies against the 2016-2017 proposed Budget. Again, there is no public input. The Mayor then opens the Meeting to testimony neutral to the proposed Budget. There is no public input.

**Noel Raymond made a motion to accept the 2016-2017 Appropriations Budget for the General, Sewer, and Garbage Accounts as written. Brain Storms seconds the motion. Roll call vote: Noel Raymond-aye; Ron Jones-aye; Brain Storms-aye. Motion passed.**

There is discussion of the Bill and Ordinance, Kris then explains that if the Council approves it and there are no changes to make, then the Ordinance can be passed at this meeting instead of waiting until next month. He then explains the reasoning he has behind submitting a bill and then once approved changing it to an Ordinance. He thinks this is a better way to number the Ordinances. There is discussion of passing Ordinance at this Hearing. Brian asks for a Council Cheat Sheet so the Council will know the correct way to word the passing of the Appropriations Ordinance.

**Brain Storms made a motion to waive the reading of the Ordinance on three separate occasions. Ron Jones seconded the motion. Roll call: Noel Raymond-aye, Ron Jones-aye, Brian Storms-aye. Motion carried.**

**Brian Storms made a motion to pass the Ordinance by having been read by Title only. Ron Jones seconds the motion. Roll call: Noel Raymond-aye, Ron Jones-aye, Brian Storms-aye. Motion passed.**

**Mayor Haight reads the title of the Fiscal year 2016-2017 Appropriations Budget.**

**Brian Storms made a motion to accept the 2016-2017 Appropriations Ordinance #412. Noel Raymond seconded the motion. Roll call: Noel Raymond-aye, Ron Jones-aye, Brain Storms-aye. Motion passed.**

**Budget Hearing ends at 7:15 pm.**

**Mayor Chauncey T. Haight calls the City Council Meeting to order.**

**Police Report:** The Mayor explains that Lt Fullmer is helping with a parade out in Mud Lake and will be at the Meeting as soon as he can, so we will move on to the next item on the Agenda until Lt Fullmer can present the Police Report.

**Rushton Trailer Park Laundromat Sewer:** Mayor discusses what is in the City code for a laundromat. He acknowledges this would be cost prohibitive for Mr. Rushton. The total for the month would run \$144.00. The Mayor asks if Lynn has anything to add. He replies no, the laundromat doesn't generate any profit, it is just there for the convenience of the residents. There is discussion of how many residents use the washers. The Council then asks how many washers are in the laundromat. Lynn replies there are 4 in operation. He also states that the washers are bringing in between \$20.00-\$30.00 per month. Mr. Rushton states he is willing to work with the City, he would like to find a reasonable solution. The Mayor asks Lynn if he would be willing to secure the laundromat for just the residents. He states again he is willing to work with the Council. There is more discussion of how to resolve the issue. There is a suggestion to give all the Trailer Park residents a key. Lynn is afraid of the loss of keys and the headache it would bring. Kris makes the suggestion to change the Code from 1 per washer to .4. There is discussion of how to change the Code and what the next step would be. More discussion of securing laundromat to residents. Discussion moves back to changing the Code and the definition of what a laundromat is. Kris states that as long as there is a notice posted in the window that there will be a change in the Code on the Agenda for next month, there is no need for a public hearing. Discussion of the cost of running a laundromat in the City as stated in the current Code. The point is made that it is important to do what is best for the City, not just the Trailer Park. It is discussed to change the Code to .4 per washer up to 10 then .3 after 10. Brian asks Matt if he has anything to add. Matt says it could be lowered to .3 and it would still be good. Kris says he will draft the change in the Code and have it ready for next month's meeting. Mr. Rushton expresses his desire to work with the Council and make it right. There is discussion of how to bill the laundromat separate from the sewer. The Council thanks Lynn for coming in and working the issue out with the Council.

**Market Street Road:** Ron recuses himself due to nepotism. The Mayor discusses the shortfalls of the situation. Mr. Hancock states that he contacted H&K Contractors for a bid, it was the same as was given to Matt. The bid amount is \$22,000.00 to finish the Market Street road to City spec. There is a discussion of the bid given and what is entailed in paving that section of road. There is then discussion of who paid to build the road originally. The City paid to pave up to the cul-de-sac, then the developer paved the cul-de-sac. There is then discussion of how to fund the project and what to do. This leads to discussion of the City Code and what is legal. The statement is made that the Council needs to be careful as to what precedent is set for the future. The Council continues to discuss the options involved. Brian brings up the past denial by the former City Council for Kent Clark's son to build a road back to a home he wanted to build. He offered to pay half and the Council still said no. Brian mentions that the Market Street road was the reasoning for asking the City to pay for the road and the Council assured the petitioner that the law had changed and that was the reasoning behind the denial. There is discussion of what the Code is in the book. Code being referenced is 8-2-7. More discussion ensues. The Mayor asks if the developer would be willing to split the cost of the road. Discussion of which way the house is facing and the requirement to face a paved road. The discussion turns to what the road requirements are in the City Code. Kris suggests the wording in 8-2-7 (1) states that the certificate of occupancy cannot be issued until that house comes out onto a completed road. The discussion turns to other roads in Menan that are not completely finished. It is mentioned that no other homes exit onto unfinished road. The point is made that if Market Street is paved by the City, developing on these other roads may ask to have the City finish those roads also. Discussion turns to the Council looking over some of the development paperwork from P&Z before it is approved. The point is made that the Council has to find a way to resolve this issue legally. Kris brings up the

point that the Code reads that the developer is responsible to pave the road. He does acknowledge that the Council admits some culpability. There is a discussion of looking at the Code that was in place when the plat for Market Street Estates was approved. The decision is made to look at the older Code and table the discussion until next month. The Council then asks how soon the house will be ready for occupancy. The decision is made to schedule a Special Meeting to discuss the issue after the Council is able to research the old Code and the original development plat. Mr. Hancock asks if there is a way to have the other land owner across the road pitch in on the price for future development. The Mayor states the City can ask, but there is no way to force him to pay for a third of the cost. There is discussion of when to schedule the Special Meeting.

**Noel Raymond made a motion to table the discussion until the Special Council Meeting on August, 23, 2016 to allow more time to research the previous subdivision ordinance and see if there is a way to have the other land owner split the cost. Brian Storms seconded the motion. Roll call: Noel Raymond-aye, Brian Storms-aye, Mayor Haight-aye. Motion passes.**

**Police Report:** Lt Fullmer arrived for the report. There is discussion of the Mud Lake Fair and Parade. The report is from June 4- July 1. Lt Fullmer reads through report. He states nothing out of the ordinary. There were a few fraud complaints. There is a discussion of the fraud complaints. He states there was a complaint of speeding around the City Park. Extra Patrol for that. Also complaints of speeding on 3600 E. Lt Fullmer asks if Matt will put some concrete on 3600 so the speed sign can be moved. He did state there were no accidents around the new Coop. Noel asks how he could go about signing up for a ride along. There is a discussion of the County Deputies. Lt Fullmer is thanked by the Council for all he and the Sheriff's office do for the City.

The Mayor notices the Galazins in attendance and asks if there is something the Council can do for them. John Galazin responds that they are at the meeting to discover the results of the survey to allow for the fence around the basketball court. The Mayor informs them that Keith is not in attendance at this meeting, so we don't know what the results are. Brian asks if it would be possible to add this item to the Special Meeting Agenda for the 23<sup>rd</sup>. The Galazins' will not be in town that evening, so Allyson says she will call them with the results the next day. John Galazin then asks if he might be allowed to have an item put on the Agenda for next month, a few events to add to the 4<sup>th</sup> of July next year. Maybe the Bar J Wranglers or another music group to perform in the evening. He would also like to have the winners of a "Grizzly Man" race announced at the evening activity. The Council states that Keith would be the one to talk to about that.

**Planning and Zoning Update:** Since there are no representative from the P&Z at the meeting, Ron gives the report. He informs that they discussed the screening fence that should be in place. This is for safety reasons, to cut down on the distracted drivers looking at what is for sale in the Valley Wide yard. He then reports that the Market Street Road was discussed and that the Commission elected a new Chairman. Victor Cammans was voted in as the new Commission Chair. There is a discussion of a new house being built in the City impact area and the fact that there has been no contact from the County P&Z regarding this. This brings up the topic of the Area of Impact training/meeting at the County on the 23<sup>rd</sup> at 6:00, the same evening as the Special Meeting just scheduled. It is decided to move the Special Meeting back to 8:00 pm to allow for the Council to attend the meeting at the County. The discussion turns to permits and how the permits being issued are not per the City Code in place. It is mentioned that the house being built by John Jardine is not in compliance with the City Code setbacks as this house is on a corner. There is discussion of the Codes and what needs to be done to fix some of the confusion in the Code. This leads back to building a bullet list for the P&Z to check off when there is a permit submitted. There is then discussion of setbacks and the survey markers that the setbacks should be measured from. Matt makes the point of better communication between the P&Z and the Council, this would have helped to catch the problems now facing the Council with the Market Street Road and the setbacks on the Jardine build. The Council will work with Victor and create a bullet list for the P&Z to check off when doing inspections. The Mayor asks to have this item put on the Agenda for next month and he asks the Council Members to bring suggestions of what they would like to see on the bullet list.

**Property Taxes:** The Mayor brings up the ability for the City to raise taxes. He states that the City seems to be doing ok. The discussion turns to how the City goes about raising the taxes, if a public hearing is required. Allyson explains that if the Mayor and Council want to ask for the forgone taxes, that requires a public hearing. She will have to look into what requires a public hearing and what doesn't in regards to raising taxes. Noel states that in his opinion there should be a public hearing either way if the City is asking to raise taxes. There is discussion of the City vs. the County taxes. It is discussed that unless there is a clear need and expense that is known, the taxes shouldn't be raised just because the City can raise taxes. The Council agrees that if there needs to be a reason that can be explained to the residents of Menan if the taxes are to go up. Matt suggests

maybe setting some kind of a schedule to raise, like every 3 years or 5 years. That way there would be a plan. There is more discussion of the needs of the City to justify raising taxes. It is decided to keep researching the subject before next year's budget.

**4<sup>th</sup> of July-Flag Ceremony:** The Mayor expresses his desire to see Taps played and retire the flag at dusk. He would like to find a way to bring the attention back to the reason for the holiday before the fireworks start. The discussion turns to the flag raising and how to bring the attention back to the purpose of the day. It is then discussed how and where to have a flag for everyone to be able to see the flag as it is retired. The Council then talks of who might donate the large or heavy equipment that would be big enough to raise and retire the flag. The Council loves the idea and would like to find a way to make it happen for next year's 4<sup>th</sup> of July activity. It is then discussed starting the planning now.

**SD Land Acquisition Update:** Kris reports that he spoke to the SD Attorney and that SD 251 has the title for the land. The Fremont SD became the Joint SD 251. The LDS Church deeded the property over to the Fremont SD so there is no need for a quiet title, the SD will just transfer the land over to the City. This will save the City in legal fees. Noel brings up finding a way to show to the public the good that the SD is doing donating the land to Menan. It is agreed to keep the paper informed so the SD is recognized for their generosity. There is discussion of a quiet title or stay with the title insurance. Kris suggests title insurance at a cost of \$250.00. He says there might be an issue if there wasn't a clear path of the title transferring from the LDS church to the Fremont SD. With title insurance it saves the City quite a bit in legal fees. There is discussion of what the legal fees would entail. Kris has the go ahead to proceed. He also reminds the Council that the City agreed to pay the attorney fees for SD251 to transfer the title. The Council agrees. It is discussed where the title will be kept, Allyson will scan the original into the computer to have a copy at the office and send a copy to Kris then the original will be kept in the safe deposit box at the bank. Kris says he will get the bill from the SD attorney and attach it to his bill and then his firm will pay it out.

**Old City Building Demolition Update:** Kris looks back to Aprils Minutes to find the motion made to put the demolition up for bid. There is discussion of whether the City should remediate the asbestos or have the winning bidder responsible to remediate it. Kris reads the motion stating the winning bidder will be responsible for remediation. Kris states he will start working on the contract of sale so that when the bidding is over, it will be ready. The next step is to start the bidding process. The Mayor asks how to go about publishing the bidding process. Kris tells Allyson to call him so they can figure out how to proceed. Brian then asks Kris how to proceed next because he is extremely interested in the property. Because Brian wasn't at the meeting to vote on the bidding process, Kris will look into it and decide if Brian can bid on the building. Matt makes mention of a silent auction in Dubois. Just have the City Clerk keep the paper and have them fill it out when they want to bid. This seems like a better idea to the Council. It is then discussed what type of bid.

**County Chip Seal Contract:** Kris informs the Council of Matt's conversation with him regarding contracting with the County to do the chip sealing for the City roads. The County would charge the City \$2.00 per yard compared to \$4.00 per yard the privately owned companies would charge. Kris researched the issue and found out it is a Direct Powers Agreement. That is when two governmental agencies contract with each other. The City needs to draw up a contract and send it to the County Road and Bridge, have them approve it then send it to the County Commissioners to approve. As soon as that agreement is signed, the City can pay the County to do the work. It is discussed what the agreement will be for, it should be specific to the need at hand. Kris explains that if other projects arise then the City could draw up another Direct Powers Agreement for that need. The discussion turns to getting all of the administrative/legal paper work during the winter months so the City can schedule the time with the County to have the work done next year. Kris will draw up the Agreement and have it ready for next month's Council Meeting so the Council can approve it and it can then be submitted to the County.

**History of Menan:** The Mayor decides in the interest of time to move on in the Agenda.

**Sewer Lagoon Capacity and Fees/monthly billing:** Noel starts by suggesting the Council look into the hookup fees for the sewer system. He would like to increase the fees from the \$2000.00 at present to \$5000.00-\$10,000.00. There is discussion of the fees and raising the hookup fees. The discussion turns to CAP fees (Capacity Fees) and the legal way to increase those fees without lawsuits. Noel then brings up the capacity of the sewer lagoons and his fears of running out of sewer capacity with the addition of multiple sewer hookups, possibly Lewisville in the future. There is discussion of capacity and hooking up large amounts of new sewer customers. Matt discusses the possibility of purchasing land around the current lagoon system. There is then discussion of the raising of the costs and why. Kris discusses a lawsuit in the State of Idaho that decided against the City

raising CAP fees because there wasn't enough data submitted to justify the increase. This starts a discussion of what the City would need to have documented to justify a significant increase. Kris informs the Council what the legal reasoning would have to be to justify the rate increase. It is then discussed that the City can estimate the hookup fee cost by dividing the estimated nest replacement value of the sewer system by the number of users that system can support. There is discussion of this information. Kris discusses finding out from engineering firms what the estimated net system replacement value of our system is so the City can determine a reasonable hookup fee. The Council agrees that it would be beneficial to raise the fees. The Council asks Allyson to contact three separate firms and ask what the estimated value would be. It is also asked to have this issue put on next month's Agenda after Allyson has contacted the engineering firms. It is discussed the reason for increasing the fee, it is to protect the sewer system and the residents of Menan.

**Canal Diversion:** Ron explains his reasoning for bringing the canal diversion to the attention of the Council. He brings up the sink holes on the east park ditch bank of the canal. Ron then expresses his concern that if that portion of the canal bank ever broke it would flood a significant portion of town on the lower end. He went out with Matt to see where the diversion point would be to divert the water. He then states that he thinks it would be a good idea for all of the Council members to know where these diversion points are in case of an emergency. There is then discussion of diversions and where to divert to. Ron suggests diverting to the City gravel pit. He then suggests putting in a new diversion to divert to the gravel pit. He then suggests approaching the Canal board to discuss the situation. There is then discussion of the canal and how to alleviate the problem of large quantities of water coming through the canal. Matt has mentioned building a new diversion to the canal company. There will be further communication with the Long Island Canal Company. Ron then mentions that he has brought this up for emergency situations so the Council will know what to do to if anything happens. It is then decided that Ron will take the rest of the Council to the diversion points.

**Discussion and update of Transportation Study/3500 E.:** Noel reports that after speaking with ITD and Jefferson County, the improvement to the corner at 3500 E. / HWY 48 is not on any future plan or agenda. He then asks if the City wants to pursue the issue and bring it to the attention of either entity. The State ITD does not have the project in their 5 year plan, it isn't even on their radar. This brings on discussion of who is responsible for the project financially and if the City wants to keep bringing it to the attention of the ITD. There is discussion of the Transportation plan. Noel states he would like to keep pursuing the issue with the State and ITD. The cost of the project is the responsibility of the ITD because of the way the roads will end up being State Highways. There is more discussion on the study and the safety of the corner. The Council gives Noel the go ahead to keep investigating and bringing attention to this issue.

**Discussion of Water Study:** The Mayor states that he has received an email from Keller & Assoc. about the testing of different water wells in the City as discussed at last month's meeting. The Mayor then reads the amount of the testing for each well and the number of tests recommended throughout the year. Allyson states that Keller was supposed to submit an estimate to her of the costs associated with the testing. There is discussion of the testing to be done. The Council then discusses having the City do its own testing. It is then discussed where to test in the City. Matt asks what Keller suggests testing for. He then states he will contact the company he tests through and find out the costs involved in doing the testing himself. The Council gives Matt the go ahead to look into the costs of handling the water testing by the City.

**Public Discussion:** Mayor Haight opens up the floor for any public discussion. There is no comment from the public.

**Maintenance Update:** Matt states everything is going well. He reports that one of the valves at the park stopped working, so Merrill came and fixed it. He then reports that he put in new manual sprinklers on the city walk path. The ground was so dry it wasn't growing anything but weeds, so he put in pipe and a manual sprinkler system. They just planted grass there the day before. Everything else is ok. Brian asks who dug up asphalt next to the bridge on 3600 E. Matt says he doesn't know. Brian states that anyone going under the pavement is supposed to bore under instead of dig it up. No one knows who dug up the pavement. Matt doesn't even know why it was dug up. Brian would like to know, Matt said he would look into it. There is discussion of the City Code regarding boring under instead of digging up.

**Bills:** Noel asks about the bill to A-1 Rentals for repair of the weed eater. Matt explains the cost of the repair. It was relatively new that is why it was fixed instead of replaced. There is discussion of the weed eaters. Allyson explains the first backhoe payment has been submitted. There is discussion of the payment and the division between the general account and the sewer account. As long as Matt keeps track of the hours spent on sewer

projects and City projects we can split the payment between both accounts. The issue is discussed of the lease on the backhoe and the paying off the pivots last year. The copier lease is discussed. The point is discussed whether it's worth it to stay on lease or buy one.

**Ron Jones made a motion to pay the July bills as submitted. Noel Raymond seconded the motion. Motion passes.**

**Treasurer's Report:** Allyson reports the only thing for the Treasurer is the budget, which we have already addressed.

**Ron Jones made a motion to accept the Treasurer's Report. Noel Raymond seconded the motion. Motion carries.**

**Noel Raymond made a motion to accept the minutes from July 14, 2016 and also the minutes from the Special Meeting held on July 21, 2016 as written. Ron Jones seconded the motion. Motion passes.**

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

Council Meeting ends at 11:19 pm.

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Allyson Pettingill, City Clerk/Treasurer