

Town Council Regular Meeting

June 21, 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:

1. Call to Order - Mayor Larson called the meeting to order at 7:04pm

- a. Eric Hazelet gave the opening prayer
- b. Rex Barney led the Pledge of Allegiance

2. Approval of Minutes for May 17, 2023

- a. Councilman Neil Brown made a **Motion** to approve the minutes for June 21, 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 Stan Judd made a **Motion** to approve the expenditures in the amount of Two Hundred and thirteen thousand, five hundred sixty-four dollars and sixty-nine cents (\$213,564.69). 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

4. Approval of Work Orders

- a. Approval of a Work Order to purchase a Super Vac Fan for the fire department with a grant from the Firefighter License Plate of \$5000.
- b. The Council discussed the fact that the fire department had secured a grant for the super vac and now the town could afford it.
- c. Councilman Neil Brown made a **Motion** to approve the work order for the purchase of Super Vac Fan with the grant money received. Councilman Stan Judd **Second** and 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 – Chief Rod Hurst** – He reviewed the statical report for the month of June. He also brought a letter that he is asking the town to sign with him asking the Bureau of Land Management and the Utah County Commissioners to close the shooting range on the south end of West Mountain. He has tried multiple times but has been unsuccessful in his efforts. He knows of at least 20 bullets that has come onto Genola property owners striking homes, barns, etc. The council and Chief spoke at length at how they thought they had this fixed several

months ago and then the commissioners backed off. Mayor Larson spoke to the audience about the need to write and make lots of noise and gave the email addresses out of all the Utah County commissioners and asked everyone in attendance to let them know that they need to protect our community. Mayor Larson expressed concern that the shooting range is not actually in Genola but so he doesn't have any jurisdiction nor does the police chief but it does directly affect our residents. There is a letter that was drafted by Chief Hurst that he would like permission to send on behalf of the town. The council all agreed that they would like it to be sent.

- b. **Fire Chief Report- Chief William McMullin** – Chief reported on the bid that they received from Rosenbauer for the new engine and reported that there would be a discount given if they could pay for the cab and chassis upfront. He reported that the department would like the Rosenbauer because the parts are easier to come by and this is something that the department members would be able to fix on their own without having to spend the money to take it to a repair shop if they went with the competing company Pierce. The council all seemed supportive of this decision. Chief McMullin reported that it would take about 20 months for the truck to be built. The council discussed if it would be important to sign the contract now to lock in the pricing of if they can wait as the truck doesn't have to be in service until 2026. There was no definite decision on this topic. He reported that they still haven't received an answer for their 2022 grant application.
- c. **Planning Commission Chairman** – Chairman Rosenberger reviewed the action items that the planning commission went through during their last meeting. Chairman Rosenberger asked the commission if there was anything that they wanted the commission to work on via flooding concerns or for storm drain. The council responded that they didn't feel that it was a planning commission issue. Mayor Larson responded that in response to the flooding issues; over 10 years ago there was a group that was formed to help deal with the flooding issues and potential in the area. The area included the county, Santaquin, summit creek irrigation, Highline Canal. Genola was invited to participate, however the leadership at that time turned down the request to be on the committee. They discussed it further and the council encouraged Mayor Larson to go back to that group and ask if Genola can be part of that group now, so that Genola has more of a say as to what will happen in the case of a flood. Mayor Larson stated that if they do join this group we have to be willing to spend some money when the time comes.

PUBLIC FORUM –

1. Dan Taylor – showed images and pictures of the bullet holes that had showed up in his home and buildings on his property within the last couple of years. He also showed pictures of other bullets that had landed in his yard, and is worried about all the other bullets that are just landing in his fields and aren't being tracked. He would like the council to push hard and do something about it. He feels that not enough has been done. He has called the local news and they have done reporting on it, but there still isn't enough traction. He feels that this is a severe liability and he doesn't want it to resort to somebody has to be either hit or killed before something gets done. He is not against guns but he is against being irresponsible with them. He asked the Mayor and Council who says have been elected to be the voice of the people and fight to protect them. He feels that without their help that the BLM won't do anything about it. He stated that he has hired an attorney, because he feels like this is a severe liability.
2. Bridget Black – Spoke that she hasn't had any bullets in her yard that she knows about but now she doesn't ride her horse in those mountains because she is afraid of what will happen. She states that she no longer feels safe riding in that area and she doesn't love that these people are ruining her feeling of safety in their community.
3. Brenda and Tom Turner - they have found bullets on their property and in their home. They feel that this is serious issue, they have had bullets actually gone over their head in their own barn because of these target shooters. She is nervous for their animals, their neighbors, their property and themselves. Tom stated that his animals get pretty jittery because of the amount of bullets.

- 111 4. Rex Barney – He was happy to hear that they have started to do something. He
112 worries that something won't really get done until somebody gets killed. He gets
113 nervous checking his property and his pond. He wants to feel free to walk his
114 property.
- 115 5. Jule Albretsen – He just received a bullet hole in his awning that he just put up a
116 month ago. He lives on 800 East which is farther away than Mr. Taylor, which he
117 wants the council to know that this is not just affecting lake road but that these
118 bullets are affecting a wider group of people. He used to go hiking and running
119 on the mountain but they've had too many times where bullets were buzzing their
120 heads. He knows that in the hunter safety course they discuss being safe and
121 not affecting those around you, but feels like these target shooters don't care.
122 He is an avid shooter but he doesn't shoot there because there isn't safe
123 backdrops there.
- 124 6. Councilman Brown – then spoke to the residents who voiced their opinions. He
125 stated that the council does here them, and this is something that they have been
126 trying to work on for over 3 years. He noted that there is a Utah County
127 Commissioner that keeps dragging her feet, and they will continue to do all they
128 can, but they are limited as they don't have any control over the area but that
129 they will try to influence those who do.
- 130 7. Councilman Judd asked Mr. Taylor if he had spoken with the BLM. He stated
131 that he has called and they have come and taken reports of their bullets. But that
132 he hasn't received much response back.
- 133 8. Mayor Larson asked those residents who were here and expressed their
134 concerns to please write their testimonials and turn them in at the office, so that
135 during the next county mayors meetings, and county commission meetings, etc.
136 He can use those statements during the discussions. They all responded that
137 they would be happy to do so. There was a signature page that they would like
138 to go out and obtain signatures of those in the community who support the
139 closing of the shooting range. They will also send this letter and the local
140 congressman and senators to see if they can help get some movement with the
141 BLM. He has gone to meetings in the past where this was on the agenda, and
142 honestly thought they had were starting to make progress but then it seemed like
143 the issue died.

144
145 **6. Discussion and possible action on a proposed Sidney Arden Flats 1 lot subdivision located at**
146 **164 East Center Street Parcel #29.035.0141**

- 147 a. Councilman Brown was very worried about the future development lot and requested that the
148 property owner add an easement to the map so that the piece which would remain land locked
149 wouldn't become inaccessible if there ever became another property owner. The Property owner
150 agreed.
- 151 b. Councilman Neil Brown made a Motion to approve the preliminary Sidney Arden Flats subdivision
152 contingent on there being a 20 ft wide easement put in place for access to the future development
153 lot. Mayor Marty Larson Second and the motion Passed all in favor.
- 154 i. Mayor Marty Larson - Yes
155 ii. Councilman Neil Brown – Yes
156 iii. Councilman Grant Lundberg – Yes
157 iv. Councilman Stan Judd – Yes
158 v. Councilman Hale Robison – absent
159

160 **7. Discussion and possible action on Resolution 2023-07 an amendment to the Utah**
161 **Governments Trust Interlocal Agreement**

- 162 a. This was discussed last month and Councilman Brown requested another month to review it. He
163 reviewed and found it to be acceptable.
- 164 b. Councilman Brown made a motion to approve Resolution 2023-07 to approve the amendment to
165 the Utah Governments Trust Interlocal Agreement. Councilman Stan Judd Second and the
166 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
- 8. Discussion and possible action on Resolution 2023-08 adoption of the amended Budget for Fiscal Year 2023**
- a. Councilman Neil Brown made a motion to approve Resolution 2023-08 the amended budget for fiscal year 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
- 9. Discussion and possible action on Resolution 2023-09 adopting the Annual Budget for Fiscal Year 2024**
- a. Councilman Neil Brown made a motion to approve Resolution 2023-09 adoption the annual budget for Fiscal Year 2024. 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
 - vi.
- 10. Discussion and possible action Resolution 2023-10 a franchise agreement with Dominion Energy**
- a. There were questions, as the draft that was sent over from Dominion Energy called it an ordinance and Councilman Brown questioned if it should be called an ordinance or if it should simply be a resolution. City Attorney Josh Nielsen stated that he felt that it should be a resolution and not an ordinance.
 - b. There was a lot of discussion on whether there should be a franchise tax in place with this agreement. It was discussed that they already have a franchise tax in place with Rocky Mountain Power. They didn't believe that that franchise tax applied to Dominion Energy already Mr. Nielsen stated that he is not an expert on that tax, he's willing to look into it, and they can discuss it again next month. Councilman Brown felt that they should add the tax into the agreement. There were concerns that trying to add this in might cause Dominion Energy's willingness to come to Genola. Councilman Brown is a little worried about timing, and they want to have the everything in place before they go before the state energy commission. Which they were hoping to do so in late July. He's worried that putting off this franchise agreement might stall that. They discussed possibly approve it with a contingent and then having somebody review it before the it is signed. Councilman Lundberg suggested that if they passed it with a contingency that both Mayor and Councilman Brown look at it. They both agreed.
 - c. Councilman Brown made a Motion to approve Resolution 2023-10 a franchise agreement with Dominion Energy with the contingency that a provision that the Town of Genola may establish a franchise tax and that Dominion Energy will administer collecting and disperse that tax to the Town. The contingency is also contingent that the changes are approved by the Mayor and Councilman Brown. 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

222 **11. Discussion and possible action on Resolution 2023-11 a cooperative Agreement with the Utah**
223 **Division of Forestry.**

- 224 a. The council asked Chief McMullin if he agreed with what was in the document and be stated that
225 he was. He says that this is pretty much the same agreement as what they have done in the
226 past. Mr. Nielsen had questions about the dates but Chief felt that this is ok.
227 b. Councilman Brown made a motion to approve Resolution 2023-011 a cooperative agreement with
228 the Utah Division of Forestry. Councilman Grant Lundberg Second and the motion Passed all in
229 favor.
230 i. Mayor Marty Larson - Yes
231 ii. Councilman Neil Brown – Yes
232 iii. Councilman Grant Lundberg – Yes
233 iv. Councilman Stan Judd – Yes
234 v. Councilman Hale Robison – absent
235

236 **12. Discussion and possible action on signing a statement of ethical behavior.**

- 237 a. Mr. Nielsen stated that this is a part of our insurance with the Utah Local Governments Trust as a
238 section of the Fraud Risk Assessment. We need to have everyone who is an employee of the
239 town as well as those elected and appointed officials sign a statement of ethical behavior pledge
240 yearly. It was explained that tonight they are asking the council to ask everyone to sign it. They
241 discussed the document. The council would like to have a line referencing state code about
242 accepting gifts in the excess of a certain dollar amount.
243 b. Councilman Neil Brown made a Motion to approve then statement of ethical behavior with the
244 added statement of following state statute and ask all the town employees to sign it. Councilman
245 Grant Lundberg Second and the motion Passed all in favor.
246 i. Mayor Marty Larson - Yes
247 ii. Councilman Neil Brown – Yes
248 iii. Councilman Grant Lundberg – Yes
249 iv. Councilman Stan Judd – Yes
250 v. Councilman Hale Robison – absent
251

252 **13. Council Comments**

- 253 a. **Mayor Marty Larson** – Mt. Nebo water agency wants to add some software to their system to
254 monitor aquifer levels to help them make more informed decisions. He reported that all the
255 community's members would be asked to split the cost of the software \$2500. He doesn't feel
256 that it would be a significant cost but that it would be very beneficial to know not only how our
257 wells are doing but also our surrounding communities. He updated that the road up to the tank
258 and well has been fixed and they are now down to getting the generator and the wellhouse built.
259 b. **Councilmember Hale Robison** – he was excused from the meeting.
260 c. **Councilmember Grant Lundberg** – Felt that the town celebration went well, and he plans on
261 doing some thank-you cards for those committee members. He would like to do a larger gift card
262 to Mark Robbins and his crew as they did it for free. He would like to give them a \$200 gift card
263 so that Mark Robbins could take his crew out to dinner.
264 d. **Councilmember Stan Judd** – He felt that the Rodeo went well and that they had a great turnout.
265 They discussed the revenues and expenditures and how they stayed within budget this year. He
266 spoke with the council about giving Chris Steele a small bonus for all the extra work that was
267 done during the town celebration. They all agreed that it should be done, but that as Mayor is his
268 boss Mayor can determine the amount.
269 e. **Councilmember Neil Brown** – After the open houses they have 167 responses to the natural
270 gas surveys they are needing a 60-70% response rate. They are going to be sending out
271 postcards to the community and maybe doing some door to door to help educate the public. He
272 feels that we might be pushed back to August.
273

274 **14. The council then voted to go into a closed session to discuss ongoing litigation.**

- 275 a. Councilman Neil Brown made a **Motion** to go into closed session to discuss possible litigation.
276 Councilman Stan Judd **Second** and the motion **Passed** all in favor.
277 i. Mayor Marty Larson - Yes

- 278 ii. Councilman Neil Brown – Yes
279 iii. Councilman Grant Lundberg – Yes
280 iv. Councilman Stan Judd – Yes
281 v. Councilman Hale Robison – absent
282 b. The Council went into closed session at 9:20pm
283

284 **15.** The council voted to close the closed session.

- 285 a. Councilman Neil Brown made a **Motion** to close the closed session. Councilman Stan Judd
286 **Second** and the motion **Passed** all in favor.
287 i. Mayor Marty Larson - Yes
288 ii. Councilman Neil Brown – Yes
289 iii. Councilman Grant Lundberg – Yes
290 iv. Councilman Stan Judd – Yes
291 v. Councilman Hale Robison – absent
292

293 The closed session ended at 9:56pm
294

295 **16. Motion to Adjourn**

- 296 a. Councilman Neil Brown made a **Motion** to adjourn the meeting. Mayor Marty Larson **Second**
297 and the motion **Passed** all in Favor.
298 i. Mayor Marty Larson - Yes
299 ii. Councilman Neil Brown – Yes
300 iii. Councilman Grant Lundberg – Yes
301 iv. Councilman Stan Judd – Yes
302 v. Councilman Hale Robison - Absent
303 b. The meeting was then adjourned at 9:57 pm.
304

305 Minutes prepared by Deputy Clerk Nicole Preston
306

307 Minutes Approved on: July 19, 2023
308

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