

Town Council Meeting

October 16, 2024

Elected Officials Present: Mayor Marty Larson, Councilmembers: Hale Robison, Neil Brown, Curtis Thomas, Absent: Grant Lundberg

Staff Present: City Recorder Lucinda Thomas, Deputy Clerk Nicole Preston, City Attorney Josh Nielsen, Planning Commissioner John Rosenberger, Police Chief Rod Hurst,

Public Present: Eric Hazelet, Chad Coburn, Lori Christensen

1. Call to Order – Mayor Larson called the meeting to order at 7:00pm

- a. Councilman Neil Brown gave the opening prayer.
- b. Chief Hurst led the pledge of allegiance.

2. Approval of Minutes for September 18, 2024

- a. Councilman Neil Brown made a **Motion** to approve the minutes for the meetings held on September 18, 2024. Councilman Hale Robison **Second** and the motion **Passed** all in favor.
 - i. Mayor Marty Larson – YES
 - ii. Councilman Hale Robison – YES
 - iii. Councilman Grant Lundberg – ABSENT
 - iv. Councilman Curtis Thomas – YES
 - v. Councilman Neil Brown - YES

3. Approval of Expenditures

- a. Councilman Neil Brown made a **Motion** to approve the expenditures in the amount fifty-nine thousand five hundred twenty-one dollars and twenty-four cents (\$59,521.24). Councilman Hale Robison **Second** and the motion **Passed** all in favor.
 - i. Mayor Marty Larson – YES
 - ii. Councilman Hale Robison – YES
 - iii. Councilman Grant Lundberg – ABSENT
 - iv. Councilman Curtis Thomas – YES
 - v. Councilman Neil Brown - YES

4. Approval of Work Orders

- a. There were no work orders to approve

5. Commission & Staff Reports

- a. **Police Chief Report – Chief Rod Hurst** – He reviewed the Cad Stats for the month of September. Chief Hurst stated that he would bring the data from the speed trailer that was set out during the past couple of weeks to the next meeting.
- b. **Fire Chief Report – Chief McMullin** – Was excused from the meeting
- c. **Planning Commission Report – Chairman John Rosenberger** – he reviewed the agenda items from their last month. He asked the council for their opinions on their feelings for exemptions put into the ordinance that would allow people to build accessory buildings in the public utility easement (PUE). They discussed how the PUE's can affect the usefulness of a particular lot. City Attorney Josh Nielsen stated that this had been discussed at a recent city attorneys meeting. At this meeting they didn't have a solid recommendation, but they consciences was that municipalities shouldn't allow residents to build in them to protect the town from possibly having to tell a resident that their building would have to come down. They talked about when would an exception be acceptable, such as if there are no utilities in it, or if it is a certain type of building like a pole barn. They discussed a hesitancy to allow accessory buildings in PUE's that already have utilities in them, including secondary water lines. They discussed the option of approving some who have spot footings etc., and then having an agreement with the

property owner that would be recorded. Mr. Nielsen stated that he would be cautious about those as they could then become not enforceable with future property owners.

PUBLIC FORUM – There was no one signed up for the public Forum.

6. Discussion and possible action on Ordinance 2024-11 a recommendation from Planning Commission on a zone change petition from A-1 Agricultural to R-1 Residential for the property owned by Eric Hazelet located at 1520 N Hillside Drive in Genola Parcel #29.018.0102.

- a. Mr. Nielsen explained that he would be looking for an exception to the water requirements for a subdivision and with this zone change he would no longer qualify. He then noted that how the ordinance is written would also make it where he is not a candidate for the exemption regardless of his zoning because of the size of the lot. Mr. Hazelet stated that he didn't want the council to pass this zone change because
- b. Mayor Larson talked about an option of adding CC&R's to the lots where these exemptions would be made where the landscaping could only be limited to the land directly around the home not the whole 2 ½ acres. He would have the stick to the ground so that future owners would have to abide by it as well. The question was then brought up of as to whether the Town would want to be the ones to enforce it.
- c. The council would like to have the planning commission to really look at this exemption and possible modify it to allow for it to apply within a R-1 zone, they could consider the CC&R's as with new state water laws this might be enforceable, and also look at how many parcels could be affected. If this could apply to many lots then it might not be viable option when needing to protect the towns water rights.
- d. Mayor Larson told Mr. Hazelet that the council will take no action on this item and it will not come back on the agenda until such time as the applicant desires to be on the agenda.

7. Discussion and possible action on a proposed Washburn Subdivision Plat B located at approximately 962 N Main Street Parcel #55.871.0006

- a. Mayor Larson summarized the history of this subdivision and noted that the planning commission made a recommendation that they deny this subdivision. Back in 2002 there was a subdivision that was given preliminary approval, and years later Mr. Washburn went and sold the lot without the Final subdivision ever being done or plat being recorded with no signatures etc. They later came before the town with this lot that was not an approved building lot because it had not gone through the subdivision process. In 2017 some of the subdivision rules had changed including the addition of some proposed roads, one of these proposed roads now intersected this lots. The 2017 Town Council made an exemption for that original 2002 subdivision to be recorded if they dedicated the road but they didn't require the road to be paved, which is 1000 North. Now in 2024 Mr. Washburn is requesting a new subdivision while being able to count the unpaved road as frontage. He believes that he was told this at some time, but this is not what is clarified through the audio recordings of the meeting back in 2017. Mr. Nielsen clarified that on that plat there is a lot that does have 1000 North (the unpaved road) being used as the frontage. They are now Submitting a new subdivision application where they are requesting to use 1000 north (the unpaved road) to create a new lot. Mr. Nielsen stated that this issue does this count as frontage. The planning commission didn't think that it counted as frontage, the access to the new lot was given through an easement that crossed another lot. All of these reasons were the reasons for the planning commission's recommendation to deny the preliminary plat. The preliminary plat is not showing that the developer will be paving the dedicated road which is what is required by the subdivision ordinance.
- b. Mayor Larson stated that he is declaring a conflict of interest because his property does touch this property and the installation of this road could be a benefit to him, because of this he will abstain from this vote.
- c. Councilman Thomas discussed that one of the lots is smaller than the required 2 ½ acres. Councilman Thomas questioned on whether it counted towards their acreage because of the road dedication. It was clarified that it only counts during the subdivision in which you are dedicating the road. Which would also make this subdivision not valid as one of the proposed lots wouldn't have enough acreage.

- 111 d. Councilman Brown made a **Motion** to DENY the preliminary plat for the proposed Washburn
112 Subdivision Plat B on the basis that it does not meet the development requirement of subdivision.
113 Councilman Hale Robison **Second** and the motion **Passed**.
114 i. Mayor Marty Larson – ABSTAIN
115 ii. Councilman Hale Robison – YES
116 iii. Councilman Grant Lundberg – ABSENT
117 iv. Councilman Curtis Thomas – YES
118 v. Councilman Neil Brown - YES
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120 **8. Discussion with Chad Coburn on plans for the Rodeo Budget**

- 121 a. Mr. Chad Coburn came to speak about the money that the Rodeo had brought in from tickets and
122 sponsors but didn't spend. He would like to have that overage money rolled into their next years
123 budget. He recognizes that they are needing to increase the seating capacity but they don't want
124 to look too much into that without knowing what their actual budget would be. A town's Profit and
125 loss statement wasn't available for the council to review, there was a spreadsheet 1:19

126 **9. Discussion and possible action on RHP's for legal counsel and a building inspector.**

127 **10. Discussion and possible action on an amendment to the fee schedule**
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129 **11. Council Comments**

- 130 a. Mayor Marty Larson –
131 b. Councilmember Hale Robison –
132 c. Councilmember Grant Lundberg –
133 d. Councilman Curtis Thomas –
134 e. Councilman Neil Brown –
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137 **12. Motion to Adjourn**

- 138 a. Councilman Neil Brown made a **Motion** to adjourn the meeting. Councilman Hale Robison
139 **Second** and the motion **Passed** all in favor.
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- 141 b. **The meeting was then adjourned at 9:06pm.**
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143 Minutes prepared by Deputy Clerk Nicole Preston
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146 Minutes Approved on: November 20, 2024
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Lucinda Thomas

Lucinda Thomas City Recorder