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3 **Genola City Council Meeting**  
4 **April 11<sup>th</sup>, 2018**

5 Elected Officials Present: Mayor Marty Larson, Council Members Travis Pyne, Stan Judd, Neil  
6 Brown, Hale Robison was absent due to his work schedule.

7  
8 Staff Present: Legal Counselor Joshua Nielsen, Fire Chief William McMullin, Police Chief  
9 Rodney Hurst, Planning Commission Chairwoman Nancy Baird, Librarian & Senior Citizen  
10 Director Linda Arnold, City Recorder Lucinda Daley Deputy Recorder Meagan Robinson..

11  
12 Citizens Present: Bryan Draper, Brent Wetsel, Lonny & Erica Ward, Jeremy & Tausha Young,  
13 Sherryl Fowers, Steve Greenwood, Randall & Judy Ercanbrack, Rachel Ercanbrak, Sam &  
14 Amy, Henstra, Mike & Lisa Fowers.

15  
16 **WORK SESSION:**

17 Mayor Larson started the meeting at 6:20 with Councilman Neil Brown and Councilman Stan  
18 Judd. Councilman Travis Pyne arrived at approximately 6:30 p.m. Councilman Hale Robinson  
19 was excused because of his work schedule. Mayor and Council discussed the budget for fiscal  
20 year 2018 and made some amendments then reviewed the budget for the new fiscal year 2019 to  
21 be ready for a public hearing next month. The open and public meeting training was postponed  
22 until next month's meeting.

23 Councilman Stan Judd left the meeting.

24 *Discussion took place regarding the item(s) listed above; no formal actions are taken in a work*  
25 *session.*

26  
27 **7:00pm CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION:**

28 Mayor Larson called the meeting to order at 7:01 p.m.

29 The Prayer was given by Erika Ward.

30 Linda Arnold led in the pledge of allegiance.

31  
32 **CONSENT ITEMS:**

33 *Mayor Marty Larson gave a brief description of their item(s) listed below.*

34 a. **Minutes of 03-14-2018 Council Meeting –**

35 Councilman Neil Brown made a **Motion to approve** the minutes for March 14, 2018

36 Councilman Travis Pyne **Seconded** and the motion **Passed** all in favor.

37  
38 Councilman Neil Brown made a **Motion to approve** the expenditures in the amount of twenty  
39 nine thousand five hundred ninety seven dollars and forty cents (\$29,597.40).

40 Councilman Travis Pyne **Seconded** and the motion **Passed** all in favor.

41  
42 **REPORTS:**

43 Independent Auditors Report: Caleb Rees with Rees & Hughes, CPA's reported that the audit  
44 for the fiscal year 2017 was completed according to the state deadlines. He explained to the  
45 Council that there are three (3) reports that the financial statements cover. The first is their  
46 opinion on the financial statements, He said the highest opinion you can receive is an unqualified

47 opinion and that is what Genola received. The next report was internal controls. Mr. Rees  
48 reported that the segregation of duties was the only finding and with the staff Genola has it will  
49 always have that finding until there is more staff. The report on compliance with state law had  
50 no findings. The last report is the letter of recommendations which shows the summary and  
51 findings. Mr. Rees reported that the long term debt will be paid in 2024. The income statement  
52 for the general fund revealed the income exceeded the expenditures and, also the water fund  
53 statement had extra revenue. He commended the Council for their efforts in watching the budget  
54 and the funds. Mr. Rees asked the Council if they had any questions. There were none.  
55 Councilman Stan Judd returned to the meeting.

56  
57 Police Report: Chief Rodney Hurst gave the Police report he reported that there were 40 case  
58 numbers for March. Councilman Brown asked the difference between a burglary and a burglary  
59 IP. Chief explained that a burglary IP is a burglary that is in progress. Councilman Brown asked  
60 about burglaries that have been happening in our community, and if there is an ongoing concern.  
61 The Chief told the Council that they think they have the suspect in custody. Chief Hurst would  
62 like to get the word out that if neighbors see something out of the ordinary they should call the  
63 office immediately and not wait, so the person can be caught red handed. Officers issued 21  
64 citations with a total of forty (40) offenses. The CAD stats were sixty one (61) officer generated  
65 and twenty six (26) public generated.

66 The Fire Chief report was given by Chief William McMullin. He reported that March was quiet.  
67 He told the Council he responded to an incident today on the old Ekins property where the new  
68 owner was burning things that are not allowed to be burned. The Chief told the Council he had  
69 budgeted for a new handheld radio. The old radios are going to be phased out and they will need  
70 to be replaced. The Chief plans on buying one new one or maybe a couple of used  
71 radios. Councilman Travis Pyne asked if the four thousand three hundred that was spent this  
72 year had purchased a new radio. Chief McMullin said that was for some repairs for their pagers.  
73 There was some discussion that they would need to wait until closer to the end of the fiscal year  
74 to see if there will be enough money left to purchase the radio.

75 The Planning Commission report was given by Chairwoman Nancy Baird. She reported that the  
76 Commission held a public hearing for the Fred Mecham Trust to rezone parcel # 29.034.0043  
77 located at approximately 650 S. 600 W. from A-1 agriculture to R-1 residential. Chairwoman  
78 Baird said there were a lot of neighbors who were concerned with the irrigation system and they  
79 felt that it needed to be upgraded if more homes were going to be built, there was also a concern  
80 with the street corner where 600 W. turns to 800 S. being a safety issue and the possibility of a  
81 stop sign being placed there. Ms. Baird said that there was no one present from the trust to  
82 answer any of the concerns. The Commission voted not to recommend the rezone to the Council  
83 at this time. The Mayor asked if an answer was given at that meeting. Ms. Baird said that the  
84 Commission voted against it. The Mayor asked if the procedure would be for the petitioner to  
85 come before the Council and if the petitioner would need to ask to be on the Town Council  
86 agenda. The Council discussed and decided that the petitioner would need to ask to be on the  
87 Town Council agenda. Ms. Baird reported that the Commission had reviewed a building permit  
88 for a detached garage for James Stanley located at 533 E. 400 N. and it was approved. Shon  
89 Fullmer, the engineer for Stubbs Estates subdivision, reviewed the preliminary plan with the  
90 Commission and it was approved with some contingences. In the review there was a parcel in  
91 the subdivision that needed a zone change, and that would need to be completed before it can be  
92 approved. There was also a contingency for the cross roads to be engineered, the buildings

93 within two hundred feet (200') of the property needed to be put on the preliminary plat and the  
94 last a letter of approval from the pond company for the secondary water. There was some  
95 discussion that there would need to be approval of the culinary water lines plan from the  
96 Division of Drinking Water. Ms. Baird then told the Council that they had a discussion about the  
97 gravel pit on the north end of town. The Planning Commission listened to concerns from  
98 residents and the owners plan for the future of the gravel pit. The question is whether or not the  
99 use of the pit is grandfathered. The lessee is renting to own the land and is hauling gravel out  
100 now. He wants to eventually build some homes and would like to clear the land so homes can be  
101 built there. The Commission discussed the matter and decided that they need more information  
102 on the pit. Ms. Baird reported that the Planning Commission also discussed 20.05.09 in the  
103 development standards which talks about the use of recreational vehicles for use of human  
104 habitation. The Commission felt that human habitation needs to be defined more clearly. The  
105 concerns: were septic, water and electricity for the recreational vehicle. Ms. Baird told the  
106 Council they are having a work session on Wednesday the 18th of April to work on these issues  
107 and the allowed uses in the zones.

108

### 109 Public Forum

110 Randal Ercanbrack told his concern of the gravel pit on the north end of Genola being used as a  
111 commercial operation. Mr. Ercanbrack explained that he has been a part of Genola since 1972.  
112 He told the Council that RL Shepherd owned the pit and that it has since changed hands and  
113 gravel was taken from the pit but it was never as a commercial operation and it should not be  
114 grandfathered. Dust is a big concern with his fruit farm along with the air quality and the road  
115 issue of large trucks driving on the small town roads. The blasting would bring his property  
116 value down. Mr. Ercanbrack went onto say that the processing would require a lot of water to  
117 control the dust. He asked Clerk Daley to email the draft minutes to him as soon as they are  
118 done to send to his lawyer for review.

119

120 Rachel Ercanbrack then addressed the Council with her concerns. She felt that the big trucks are  
121 a danger to those who are riding bikes, motorcycle, runners and atv's because there are no  
122 sidewalks on the country roads. She would like things to stay country and not turn into big  
123 commercial operations. She told the Council she runs the roads of Genola at different times of  
124 the day and she feels there's a safety issue and the roads are not wide enough to pass the big  
125 trucks. She said that when she took her children to the bus stop the bus had to actually pull off  
126 the road to let a semi-truck pass. Mayor then asked if the Council had any questions for Ms.  
127 Ercanbrack. There were none.

128

### 129 NEW BUSINESS:

130 The first item of business was a discussion on setting the date of May 22- May 30th for the town  
131 spring cleanup. The Mayor asked Clerk Daley to explain what the Town cleanup is and what  
132 obligation the Town has for it. Clerk Daley explained that the Town brings in large dumpsters to  
133 the park for the residents to bring large items too. The Town pays for the dumpsters to be picked  
134 up and dumped.

135

136 Councilman Neil Brown made a **Motion** to **approve** the dates for the Town cleanup.

137 Councilman Stan Judd **Seconded** and the motion **Passed** all in favor.

138

139 Next on the agenda was a discussion with Brent Wetsel to allow a roping club to use the arena  
140 for two days a week. Mr. Wetsel passed out an outline of an agreement the club would like the  
141 Council to consider. He told the Council that the days to be reserved each week through October  
142 would be Monday and Wednesday or Tuesday and Thursday with Saturday being a first come  
143 first serve basis. Mr. Wetsel told the Council that the period for the reservation would be from  
144 April-October with the cost equal to a one thousand dollars (1,000.00). The payment for the  
145 Club will be to help with the Genola Days Rodeo and the Jr. Rodeo and donate their time and  
146 equipment to fix anything that is broken. Mr. Wetsel said that the Rodeo Committee paid for  
147 half the cost of the arena drag (groomer). He told the Council he would like to see the arena  
148 drug more than once a week and would like permission for a member of the roping committee to  
149 drag the arena. The club would like to keep their cattle at the arena and lock them up. They are  
150 willing to put the cattle on the south end during the baseball season. The roping club will be  
151 made up of Genola residents and some surrounding communities. The club will be responsible  
152 for themselves and anyone who is under eighteen (18) and will ride at their own risk. The club  
153 will not use the arena lights. The members of the club will help the rodeo committee get the  
154 arena ready for the rodeos. The Council then clarified that the club would like to reserve the  
155 arena for two nights a week and those nights would be Tuesday and Thursdays and the payment  
156 for the fee would be in-kind service. The Council then discussed that there needs to be a  
157 signature of release from each member of the roping club. Mr. Wetsel said that there would be  
158 approximately 20 paying members at three hundred dollars a person and the money would pay  
159 for the cattle and the feed. The Mayor said the majority of the members need to be residents that  
160 live here in town. There was also discussion that the arena is used for 4H clubs during the  
161 summer and they would need to work with those clubs. Mr. Wetsel said he would buy a board to  
162 post at the arena with a schedule. The Council discussed who would be designated to use the  
163 equipment to drag the arena and that it is limited to twice a week. It was decided to identify who  
164 will drag the arena and ask Chris what he requires and how he would like the tractor parked and  
165 or fueled. The Council also decided to have a renewal yearly for the agreement and the renewal  
166 will take place in the fall. The Council felt that there needs to be a contingency that the cattle be  
167 moved if needed. Jeremy Young a resident of Genola voiced his concern that the facility is not  
168 big enough to keep the cattle in for six months and if the gates are going to be locked who will  
169 have access to open them so others can have use the facility during the week? Mike  
170 Fowersresident expressed concernabout an an incident that happened between Mr. Wetsel and  
171 his wife who had gone to the arena to ride. He felt that Mr. Wetsel needs to remember that it's  
172 the Town's facility. Mr. Fowers was also expressed concern with allowing others to run the  
173 Town's equipment. It was decided to have Councilman Neil Brown write up the agreement.  
174 Councilman Travis Pyne made a **Motion to approve** on the contingency that a formal document  
175 be brought before the Council next month and that the days be Tuesday and Thursday for  
176 reservation and the responsibility to move the livestock if needed.  
177 Councilman Neil Brown **Seconded** and the motion **Passed** all in favor.

178  
179 There was then a discussion on a zoning issue using an A-1 agricultural zone for C-1 commercial  
180 use on parcel # 29.029.0084. The Council decided the business license will not be renewed until  
181 the issue is solved. Councilman Pyne was concerned with the broad uses in the different zones  
182 and the need for the uses to be very specific. He felt that there are specific zones for a reason  
183 and that our community is agricultural and not commercial. The Mayor would like letters sent

184 out to the owners of the property in advance stating that their business license will not be  
185 renewed until they are in compliance.

186 No **Motion** taken.

187  
188 Next the Council had a discussion with Mr. Fowers regarding the use of an agriculture building  
189 for commercial purposes on parcel # 29.035.0125. The Mayor was concerned that the building  
190 be built and a lot of money spent and the owners thought the use was different. Mike Fowers,  
191 the owner, addressed the Council. He said that he went to the Planning Commission and he told  
192 the Planning Commission what the use was intended to be and the Planning Commission was in  
193 agreement to leave it in A-1 Agriculture Zone. Councilman Brown explained that zoning is to  
194 identify what types of uses are going on at the property and the purpose should be the highest use  
195 not the lowest use. Mr. Fowers explained that he told the Commission what his intentions  
196 were. Councilman Pyne said that he was on the Planning Commission and had told Mr. Fowers  
197 that they needed to be clear on what it is, that it is a truck shop not a farm building. He went on  
198 to say that it needs to be taken care of now so that later on there will be no  
199 problems. Councilman Brown said it would be best to be zoned for the use and that the town  
200 would be liable for that zone not being in compliance. Councilman Pyne told Mr. Fowers that  
201 there needs to be a way for his neighbors to voice their concerns and with a zone change there  
202 will be a public hearing for them to do so. Lisa Fowers brought up the concern again that the  
203 Planning Commission agreed with the decision to leave it in the A-1 Agriculture Zone. Josh  
204 Nielsen said that the meeting with the Planning Commission was a discussion only and there was  
205 no application for a rezone. There was then a comment that the Planning Commission makes  
206 recommendations to the Town Council for zoning petitions and the Town Council was never  
207 involved in a formal decision because there was never an application for a rezone. The  
208 discussion then was that the Planning Commission meeting the Fowers came to for the building  
209 permit was for an agricultural building and that is what the use can be. It can only be agricultural  
210 use and not industrial or commercial. The problem will be in the future when the use becomes  
211 more than agricultural. It was decided that the zoning needs to match the use.

212 No **Action** taken.

213  
214 Next was a discussion on a gravel pit located on the north end of Genola parcel  
215 #29.005.0035. Mike Fowers, the operator and lessee, explained that he has a lease to own on the  
216 property and wants to put a subdivision in so he is moving material out. Randal Ercanbrack  
217 expressed his concern with the historic right and the need for it stay. Mr. Ercanbrack was also  
218 concerned with the dust, bedrock, blasting and the roads. The Mayor asked Mr. Fowers his  
219 intentions. Mr. Fowers told the Council that the material right now is very alluvial and he felt  
220 that there would be minimal dust and the blasting wouldn't start for a long time. He said two to  
221 three million tons need to be moved. There would be fifteen trucks a day. The Mayor said that  
222 the residents in our community are very against the dust and the possibility of a gravel pit. When  
223 the issue came up on a possible gravel pit on the south end of town, the residents showed up in  
224 big numbers. The Mayor said that this is a very hot topic with the residents in Genola. Mr.  
225 Fowers told the Council that the pit has been used and some material sold for a long time.  
226 Mayor Larson felt there are too many unanswered questions such as whether the use was  
227 grandfathered, restrictions that can be put in place, dust control, the number of trucks and that it  
228 is such a hot issue with the residents. He would like to have these questions answered by the  
229 Town's legal counselor. Josh told the Council that it will come down to whether the use has

230 been expanded, extended or abandoned. The burden of proof is on the owner. Mayor Larson  
231 told those present that he wants to rely on legal counsel and not public clamor. Mr. Fowers told  
232 the Council that he would be willing to pay five 5 cents a ton for road repair. Councilman  
233 Brown told Mr. Fowers that the Council needs some questions answered and then they can get  
234 together to discuss the options. Councilman Pyne told him that they are voted in by the residents  
235 and they have to take into consideration their opinions and concerns.

236  
237 Next on the agenda was a discussion on awarding the bid of the surplus irrigation water for  
238 Strawberry Highline and Summit Creek. Mayor Larson turned this item over the Mayor  
239 Protomore Neil Brown because Mayor Larson had a bid on the surplus water. Councilman  
240 Brown opened the bids, which were for the Strawberry Highline water: Marty Larson \$4.61 (four  
241 dollars sixty one cents) Sherryl Fowers four dollars and twenty five cents (\$4.25) and Mike  
242 Olsen \$3.05 (three dollars and five cents) per inch. Sheryl Fowers was the only bid of five  
243 hundred forty five dollars (\$545.00) for the Summit Creek water. The  
244 Councilman Stan Judd made a **Motion to award** the Strawberry Highline surplus water to Marty  
245 Larson at four dollars sixty one cents (\$4.61) an inch for four hundred eighty seven 487 inches  
246 and Sherryl Fowers the Summit Creek water for five hundred forty five dollars (\$545.00) for all  
247 seven (7) shares.  
248 Councilman Travis Pyne **Seconded** and the motion **Passed** all in favor.

249  
250 Mayor Larson then returned to the table and skipped the discussion on the purchase of a new  
251 handheld radio for the fire department in the amount of three thousand dollars (\$3,000.00). The  
252 item had been discussed in the Fire Department report and it was decided to wait till closer to the  
253 end of the fiscal year to see what funds are left, and if there will be enough to purchase the radio.  
254 No **Action** was taken.

255  
256 Next on the agenda was a discussion on who has the authority to approve business license  
257 applications. Josh Nielsen told the Council that the business license ordinance states that the  
258 Council is to appoint who has the authority by resolution. The question is what the requirements  
259 are and who will do the review. The Council decided they would review the ordinance and put it  
260 next month's agenda to discuss the procedure and who to appoint by resolution.  
261 No **Action** was taken.

### 262 263 **Council Comments:**

264 Mayor Marty Larson commented that he had discussed previously the water tank and the need  
265 for it to be drained and recoated so he had nothing further.

266 Councilman Stan Judd reported that the Genola Rose and the Grand Marshalls for the Town  
267 Celebration need to be contacted. He asked Sherryl Fowers to think about being the Genola  
268 Rose for the Town Celebration, and the Grand Marshal's that will be asked are Lloyd and  
269 Darlene Nelson.

270 Councilman Travis Pyne discussed with the Council the wording for a liability and a rule sign to  
271 be put up at the rodeo arena. Councilman Pyne said that the wording would be:

272 Town of Genola Arena USE AT YOUR OWN RISK

273 It shall be presumed that participants in equine or livestock activities are aware of and  
274 understand that there are inherent risks associated with these activities.

275 Town of Genola and the State of Utah are not responsible.

276 Utah Equine Activity Law: 78-27B-101, 78-27B-102

277 USE THE FACILITIES AT YOUR OWN RISK

278 There was also discussion about putting up a rule sign separately. It was decided to order the  
279 signs. Mayor Larson reminded Councilman Pyne he is in charge of the Town Dinner during the  
280 celebration, and asked if he needs any help to let the Council know.

281

282 Councilman Pyne explained that Councilman Robison wanted to let the Council know that the  
283 County is going to chip seal their portion of warm springs road and have offered to do our  
284 portion at the cost of six thousand dollars (\$6,000.00). He told Council that Mr. Robison felt  
285 that it was a good deal and they should do the repair. The Council decided that if Councilman  
286 Robison gives the o.k. Then we should do it. Clerk Daley told the Council that Chris Steele had  
287 met with the county and they are willing to do our road repairs but a inter local agreement would  
288 need to be signed. The Council felt that if Chris Steele and Councilman Robison think it's a deal  
289 then we should do it.

290 Councilman Neil Brown had no report.

291 Councilman Hale Robison was absent.

292

293 **ADJOURN:**

294 Mayor Marty Larson made a **Motion** to **adjourn**.

295 Councilman Stan Judd **Seconded** and the motion **Passed** all in favor at 9:22 p.m.

296

297 ADOPTED:

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Lucinda Daley, Recorder