

**Genola City Council Meeting
March 11, 2020**

Elected Officials Present: Mayor Marty Larson, Councilmembers Neil Brown, Lori Christensen, Hale Robison and John Savage.

Staff Present: Planning Commission Chair John Rosenberger, Chief Rodney Hurst, Chief William McMullin, City Recorder Lucinda Thomas, Legal Counsel Joshua Nielsen and Minutes Secretary Brittany Thornton.

Citizens Present: Bryan Draper, Deeann Thomas, Sherryl Fowers, Lynn Fowers, Dale Steele, Marsh Morford, Jamison Thornton, Todd Scott, Melissa Scott, Rich Dresden, Renae Gheen, Rodney Zohner, Leighann Zohner, Laura Scholl, Donny Mecham, Grant Lundberg, Danielle Lundberg, Michael Lange and Miles Davis

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

Mayor Larson called the meeting to order at 7:05 p.m.

Opening prayer was given by Renae Gheen.

Jamison Thornton led the pledge of allegiance.

CONSENT ITEMS:

- a. **Minutes of Council Meeting – February 12, 2020**
- b. **Expenditures in the amount of \$45,125.16**
- c. **Purchase order approval**

Councilmember Brown made a **Motion** to approve the minutes of February 12, 2020. Councilmember Christensen **Seconded** and the motion **Passed** all in favor.

Councilmember Brown made a **Motion** to approve the expenditures in the amount of forty five thousand, one hundred and twenty five dollars and sixteen cents (\$45,125.16). Councilmember Savage **Seconded** and the motion **Passed** all in favor.

Purchase order was presented for \$553.00 for belt buckles for the rodeo queen contest.

Councilman Brown made a **Motion** to approve the purchase order for Bob Berg Buckles in the amount of \$553.00. Councilmember Christensen **Seconded** and the motion **Passed** all in favor.

Reports:

Chief Rodney Hurst reported that 64 case numbers were pulled for the month of February. Chief Hurst reported that extra patrols were made and this resulted in a higher number of case numbers. Chief Hurst reported that of the reports, 42 were officer generated and 22 were public generated reports. Chief Hurst asked Mayor Larson to read and respond to an email he had sent earlier this afternoon.

Fire Chief McMullin reported that 2 medical calls were made in February. Chief McMullin reported that money came in from the state for the Goose Point Fire that the department assisted on this past summer. Chief McMullin reported on a Corona virus response plan that has been put in place for the fire department. Chief McMullin stated that if they get a call to help someone that may have the virus, they will first contact that person by telephone to assess the situation and then only one EMT personnel will enter the home, taking cautionary measures to protect themselves.

The Planning Commission Chairman John Rosenberger reported on action that had been taken by the Planning Commission in February. Chairman Rosenberger reported on a possible subdivision being proposed on the other side of Highway 6 and the Commission directed them to begin discussion with UDOT on access. Chairman Rosenberger commented on the recommendation for denial that was given on the proposed zone change for the Chaffin property.

Mayor Larson asked for a motion to hear Item 2 on the agenda next.

Councilman Brown made a **Motion** to hear Item 2 on the agenda out of order.
Councilman Savage **Seconded** the motion and the motion **Passed** all in favor.

2. Discussion and possible action on adopting the General Plan 2020-2025.

Elizabeth Brown with MAAG addressed the Council and reported on changes that had been made to the General Plan since they last met.

Councilman Brown made a **Motion** to accept the General Plan 2020-2025 with the addition of Brad Dinkel's name as a Planning Commission member.
Councilman Robison **Seconded** and the motion **Passed** all in favor.

PUBLIC FORUM:

Public Comment: Mayor Larson opened up the meeting to any of those that had signed up to speak.

Rich Dresden addressed the Council and voiced his concern regarding the proposed zone change to heavy industrial. Mr. Dresden stated he has concerns with the health and safety of the residents if this is allowed to move forward.

Jamison Thornton addressed the Council and stated that he is resigning as the Chairman of the Rodeo Committee. Mr. Thornton thanked the Council for the opportunity to serve the community over the past 15 years. Mr. Thornton stated that there has been some confusion as to why as he was resigning and he wanted to make it clear to the Council that it was due two separate committees being formed, one for the junior rodeo, and not due to the separation in budgets between the two. Mr. Thornton clarified that he never had a disagreement with separate budgets for the two committees. Mr. Thornton stated he believes this to be an inefficient effort, when there was already a committee in place willing to do the work. Mr. Thornton stated there was no willingness to work together to come up with a solution, and in that it was obvious that this was the right time for a change to be made. Mr. Thornton stated he has since come to find out that the roping club was asked to head up both rodeos, which contradicts the desire for two committees. Mr. Thornton concluded by stating he was frustrated with the lack of willingness to

work together and the lack of willingness to be open. Mr. Thornton stated that the planning of the rodeo has fallen behind due to these conflicts and that he has tried his hardest to continue to move the rodeo forward, and that he is frustrated that the Council was willing to let this happen. Mr. Thornton indicated he had conversations with all members of the Council and felt the Council was sincere in supporting the rodeo committee but then did not live up to those statements. Mr. Thornton concluded by stating he is frustrated by the way this was handled and by the way the Council is treating it's volunteers. Mr. Thornton stated he believes the roping club will do a good job with the rodeo and that he will be volunteering as a member of that club. Mr. Thornton stated the roping club will be doing this as a requirement to use the arena and not because they want to volunteer their time.

Renae Gheen addressed the Council and indicated she will be volunteering with both the rodeo committee and the parade this year. Ms. Gheen questioned who she will report to on these items. Ms. Gheen also questioned what is allowed when seeking financial support from others in the community. Councilmember Christensen stated that any questions will be answered after all public comment is heard, as is parliament procedure. Ms. Gheen indicated she has another engagement to attend so she will have to have her questions answered at another time.

Lynn Fowers addressed the Council and reported that he has an orchard near the Chaffin property and that he is opposed to a gravel pit being placed on this property due to the dust it will create. Mr. Fowers commented on a report in the news regarding pollution and its effects on life expectancy. Mr. Fowers urged the Council to read the letter submitted by Mr. Laker regarding the proposed zone change and also the water line on Lark Street. Mr. Fowers concluded by urging the council to deny the proposed zone change.

Sherryl Fowers commented on the water in this valley and where it originated from. Ms. Fowers reported that in Santaquin B.F. Johnson came and was exploring in 1851 and he found the headwaters of the Wasatch Mountains. Ms. Fowers reported that Mr. Johnson wrote to Brigham Young, indicating that the water he found was crystal clear but it was only enough water to sustain 30 to 40 families. Ms. Fowers indicated that at this time the Indians attacked and the settlers moved to Spring Lake, and then moved back 5 years later. Ms. Fowers went on to indicate that she learned about the history of the water in the area because of a lawsuit that happened in 1983, when they were flooded. Ms. Fowers indicated that the Lebaron family used to run water north of town that came through the Jordan Gap Reservoir, and that nobody else in Genola was able to get any water at that time. Ms. Fowers commented on the citizens of Genola going up Santaquin Canyon and helping to construct a sistern that brought the water all the way to 100 North and 600 West. Ms. Fowers stated that in order for residents at the time to get water, they would load up their wagon with barrels and go fill them with water. Ms. Fowers indicated that a problem began when the Mormon settlers put their cattle up in the Santaquin mountains and the vegetation was cleared away, and this is where the water issues began. Ms. Fowers reported that from 1851 to 1883, there was five 100 year floods that came down the canyon, washing the canyon out. Ms. Fowers reported that in 1876, Alexander Evans claimed Summit Creek and then he took that to court and the court denied it and said Summit Creek owns all the said water. Ms. Fowers indicated that at this time three reservoirs were built: one at Jordan Gap Reservoir, one at Spring Lake and one at the mouth of the canyon. Ms. Fowers commented that the water ran north and that residents of Payson and Lake Shore paid water assessments to Summit Creek and were the only ones that could get the water, in Genola there was no water. Ms. Fowers stated that in 1920 a big flood came and a farmer diverted the water into what once was a garbage dump to save his property from the flood. Ms. Fowers stated that at that time a water shed agreement was formed with Santaquin City, in 1934. Ms. Fowers stated that in 1983, 1984, and 1986 after flooding the county took over and water shed

agreement was dissolved. Ms. Fowers reported that Max Nielsen requested before he died that the city never lose the connection on 100 North and 600 West, due to what the citizens at the time went through to establish that connection. Ms. Fowers then commented on MRL tests and how they effect their fruit and how added dust in the area would impact these tests.

Dale Steele thanked the police department for the efforts they have made on 800 East and that it is helping. Mr. Steele reiterated his opposition to the gravel pit and stated he has family members that will be greatly affected by the added dust this would create. Mr. Steele commented on his grandson that lives in Genola and the detrimental effect this would have on his health. Mr. Steele commended the Bollinger family for the great job they do running other plants in the state but reiterated that this is not the place for another plant to be located.

Laura Scholl addressed the Council as a representative of the G H Chaffin Investment Company. Ms. Scholl reported that her grandfather acquired 23 properties as settlements from Provo banks in the midst of the Great Depression. Ms. Scholl reported that the 120 acres being discussed is the one property that he retained as the legacy gift for his children and their children. Ms. Scholl reported that over the years the property has been used for farming, ranching, a limestone quarry and the exploration of Grandpa's Cave. Ms. Scholl reported that since Genola was incorporated in 1935, 5 years after the property was acquired, it's ordinances around zoning have grown up around existing uses. Ms. Scholl stated that to the best of her knowledge, Chaffin Ranch Property has always been zoned A-1, despite the fact that there were historic mining operations on the site. Ms. Scholl reported that for many years the property provided high calcium limestone to U&I Sugar, which was needed to refine the locally grown sugar beets. Ms. Scholl reported that the property also provided scrubbers for the Columbia Steel Plant in Springville. Ms. Scholl stated that she has been working on the project for 9 years and she understands the concerns of the handful of people against their request. Ms. Scholl stated that those people represent less than 1% of the residents of Genola and that by denying the zoning the Council prohibits the process of obtaining a conditional use permit, where these types of concerns could be addressed and mitigated. Ms. Scholl indicated that by not approving this Genola is missing out on an opportunity for economic development, impact fees and increased tax base. Ms. Scholl stated that the Planning Commission was swayed by those opposed to the proposal and didn't review the facts presented to them.

Michael Lange addressed the Council and reported he is from Rocky Mountain Power and just wanted to introduce himself. Mr. Lange reported that it is his role to work with the community and businesses to help them access the resources of Rocky Mountain Power. Mr. Lange reported that they also have money put aside to sponsor community events and activities, such as the rodeo.

Councilmember Savage questioned whether there has been a theme in past years and residents in attendance indicated that there has always been a theme. Councilman Savage reported he is in charge of the celebration this year and stated he would love any help he can get in planning this year's celebration. Councilman Savage reported he is in charge of the parks and recreation and the town celebration, with the exception of the rodeo.

Councilmember Brown commented on the Lark Street water connection with Santaquin. Councilmember Brown stated the Council is aware of the importance of maintaining this water connection.

Councilmember Brown commented on economic development and reported that the value brought to Genola by changing a land use, such as the proposed change from A-1 to an

industrial zone, the tax revenue that comes from that is very minimal. Councilmember Brown reported the tax revenue that comes from Staker for Quigley Quarry is approximately \$660.00. Councilmember Brown stated that Staker does pay a base fee, as well as a tonnage fee for materials hauled, but this is not a tax revenue as this is wholesale and not retail income. Councilmember Brown reported that the income from Staker is close to \$50,000.00 per year but that it does not come from taxes, but comes from a contract the town has with Staker. Councilmember Brown reiterated that economic development is not generally a source of revenue for Genola, so it would not be an enticement to the town when making decisions of this nature.

Mayor Larson asked Councilmember Brown to respond to Renaee Gheen's regarding contributions for the town celebration. Councilmember Brown stated he was unclear as to what exactly she was asking about. Councilmember Brown stated that sponsors are always welcome.

Mayor Larson acknowledged the concerns voiced regarding health created by dust.

Mayor Larson thanked Jamison Thornton for his 15 years of service on the rodeo committee.

Mayor Larson reported that lots of information has been submitted regarding the detrimental effects dust would have on the town.

Mayor Larson replied to the questions regarding the water source on Lark Lane. Mayor Larson stated that there was some confusion as to why this was on the agenda. Mayor Larson reported that the proposal would be for Santaquin to dig up and make any repairs, instead of Genola employees having to go into Santaquin to repair a Genola waterline. Mayor Larson clarified that Genola will be keeping all its rights and water, and the only change would be that Santaquin would pay us to have the ability to maintain this line through it's city.

Councilmember Christensen thanked Mr. Thornton for his work on the rodeo committee. Councilmember Christensen reported she was put in charge of the rodeo and the budget and in reviewing them she came to the conclusion that it might be best to split the town rodeo budget from the junior rodeo budget. Councilmember Christensen reported that her reason for doing so is that the rodeos are different circuits and the town rodeo is meant to be part of the town celebration, where the junior rodeo isn't attended by town citizens. Councilmember Christensen reported that as part of this process she thought it would be best to create two committees and Jamison Thornton was asked to stay on as the rodeo president. Councilmember Christensen reported that as of right now the Genola Roping Club will be in charge of the town rodeo and they are not obligated, and this will be done on a volunteer basis. Councilmember Christensen reported that at the current time there is not a committee for the junior rodeo. Councilmember Christensen stated that the roping club will also be operating as a committee and will include anyone in the town who wants to help with the rodeo. Councilmember Christensen stated there will be no president, and it will work as a committee with designated assignments. Councilmember Christensen thanked Mr. Thornton again for his work on the rodeo.

Councilmember Robison thanked Mr. Thornton for his dedication to the rodeo and he hopes this can get worked out. Councilmember Christensen stated that Mr. Thornton's expertise and knowledge will always be welcome.

Councilmember Robison voiced his concern about the proposed gravel pit.

AGENDA ITEMS:

1. Discussion and possible action on a proposal for the Boy Scouts to do the concession for the Town Celebration in June.

Marsh Morford addressed the Council about his proposal to provide concessions for the Town Celebration. Mr. Morford handed out a proposal to the Council with a plan of how they would meet the demand for concessions at the town celebration. Mr. Morford stated that their hope is to have 18-20 adults helping run these various concessions throughout the celebration.

Councilmember Savage questioned the requirements for food handlers permits. Mr. Morford replied that they are aware of this requirement and will abide by what is required by the state. Councilmember Brown stated that in the past inspections have been conducted at the town celebration to ensure that requirements are being met.

Councilmember Christensen on Corona virus and how this could effect purchasing and Mr. Morford replied that they wont make any purchases until a few weeks before the event.

Mayor Larson pointed out the \$300.00 vendor fee that has been received in past years, and Mr. Morford reported they would be okay with this. Mayor Larson then questioned whether they would be wanting exclusivity and Mr. Morford replied that their hope would be to be informed if any other vendors were being allowed at the event. Mayor Larson questioned if they were aware of the meal tickets that are handed out and Mr. Morford replied they would be fine with taking these tickets and then turning them in for reimbursement.

Mayor Larson requested that any motions be made address whether other vendors will be allowed to come to the celebration.

Councilmember Christensen reported that she has been approached by other vendors wanting to come.

Councilmember Robison suggested having one main vendor and not allowing any others, except for small snack type vendors.

Mr. Morford stated they're helping this goes well and can be done annually.

Councilmember Brown made a **Motion** that the Town grant exclusive rights to the Boy Scouts, except for candies and snow cones, to cater the Town Celebration for the Saturday celebration and the rodeo Friday and Saturday, with a vendor fee of \$300.00
Councilmember Robison **Seconded** and the motion **Passed** all in favor.

(Item 2 was heard out of order.)

3. Discussion and possible action on the \$250,000.00 amended recipient agreement with the State of Utah Drinking Water Board to correct the treasurer to be Councilman Neil Brown.

Councilmember Brown commented on the deadline in the agreement and Mayor Larson reported that it is supposed to be underway within 2 years. Legal counsel, Josh Nielsen pointed out that there is a spot in the agreement for a deadline. Councilmember Brown questioned on whether this is ready to approved and Mayor Larson replied that it is on the agenda for action.

Councilmember Brown made a **Motion** to approve the signature of the agreement with the State of Utah Drinking Water Board, Agreement 2020-01.

Councilmember Savage **Seconded** and the motion **Passed** all in favor.

4. Discussion and possible action on a proposed zone change from A-1 Agricultural to I-3 Heavy Industrial at approximately 225 S. 1000 E., for the remaining portion that is approximately 73.39 acres. Property is owned by Chaffin G H Investment Co., Parcel #29.036.0020.

Josh Nielsen stated that as part of the Planning Commission meeting the applicant withdrew their application. Mr. Nielsen reported that a written request was also received to withdraw the application for a zone change.

5. Discussion on the Subdivision Ordinance requiring proposed roads to be put in at time of development.

Discussion was held regarding the Mecham property and how it differs from the Davis property. Councilmember Brown pointed out that the Davis property is unique because they do own the adjoining property and it would be required for future development. Councilmember Brown stated this becomes a concern if the Davis's were to sell the property, as the new owner would have no legal obligation to construct the road.

Councilmember Christensen read from Section 20.08.06 of Genola ordinance, "improvements shall be installed in all subdivisions, in accordance with standards and requirements hereinafter set forth and in accordance with the standards adopted by the Town of Genola for infrastructure and utilities, provided however that actual construction of required improvements in the subdivision may be delayed up to 2 years, where a suitable bond or other assurance is furnished to the Town by the subdivider, as provided elsewhere in this ordinance."

Councilmember Christensen questioned if the road is not built at the time of development, what is considered an adequate bond. Councilmember Brown replied there would be a bond put in place to cover the cost of constructing the road. Councilmember Brown indicated the Town could collect on the bond if the property was sold and would then have to install the road themselves. Councilmember Christensen stated she is in favor of having the road built at the time of development. Councilmember Brown pointed out that this particular road would not be used until additional development occurs.

Mayor Larson drew a diagram on the board stating he would disagree in certain instances. Mayor Larson stated he does not support building a road that connects to nothing. Mayor Larson suggested having the Planning Commission look into how to solve this issue.

Chairman Rosenberger commented on cost inflation that could occur and how the Town could be responsible to cover increased costs at the time the road is constructed.

Miles Davis addressed the Council and questioned what would happen if the 56 feet required to the road remain was not deeded as part of the sale and Councilmember Brown clarified it would have to be deeded as part of the subdivision. Mr. Davis drew an example on the whiteboard, depicting various scenarios. Councilmember Brown pointed out that the ground gets deeded as part of the subdivision approval. Mr. Davis questioned the possibility of shifting the lot over so the future owner would have to buy the property with the proposed road. Councilmember Brown indicated this may work.

Mr. Davis stated the road is being required for future use and will be required by ordinance. Mr. Davis commented on larger developments being encouraged to offset the costs of the road.

Mayor Larson concurred with the statements made by Mr. Davis.

6. Discussion and possible action on how to spend the Recreation Grant of \$2,000.00.

Councilman Savage reported that a grant of \$1,000.00 is received from the state every year and that this money was not used last year so they have \$2,000.00 to use this year. Councilman Savage suggested using this money to bring more sand into the ball fields. Lucinda Thomas will contact the state tomorrow to see how reimbursement will be made.

Councilmember Christensen suggested using some money for repairs to be made to the arena in an amount of \$400.00.

Councilmember Savage reported on a removable pitching mound that they hope to purchase this year and that fees were increased to offset that price. Councilmember Savage stated he would be fine using any leftover funds to make repairs to the arena.

Mayor Larson indicated he would rather use the money in one spot if possible.

Councilmember Savage made a **Motion** to use the \$2,000.00 recreation grant to be used to purchase sand and a mound for the ball fields.

Councilmember Christensen **Seconded** and the motion **Passed** all in favor.

7. Discussion and possible action on bidding out 487 inches of surplus irrigation water owned by the Town for 2020 Season.

A clarification was made that there is also Summit Creek water to be bid out, in addition to the 487 inches of Strawberry Water.

8. Discussion and possible action on a proposal from American Towers to amend our agreement to a lower monthly payment, or agree to a lump sum payment.

Councilmember Brown reported on the Verizon tower being sold to American Towers, who then leases access back to Verizon. Councilmember Brown stated that American Towers subcontract with a company called MD7, whose task is to try and reduce expenditures. Councilmember Brown reported on a proposal being made by MD7 that the town reduces the amount received for their lease of the ground. Councilmember Brown stated he asked if they planned to shut down the tower and reduce it if the lease amount is not reduced, and the representative of MD7 was unable to answer that question. Councilmember Brown pointed out that he made them aware of the fact that AT&T is paying twice the amount for their tower right next to the Verizon tower. Councilmember Brown reported that the town receives approximately \$1,000.00 per month from American Towers. Councilmember Brown reported they are asking this amount be reduced to \$750.00. Councilmember Brown reported they have suggested two proposals; one being they give us a 5 year guarantee with a reduction to \$780.00 a month, with an annual increase of 5%, the current increase is 3%. Councilmember Brown stated the other alternative is they consider paying a lump sum for a perpetual lease, which is \$175,790.00. Councilmember Brown stated the town could accept one of these offers, counteroffer or reject all offers.

Ms. Thomas commented on recent work done to the Verizon tower.

Councilmember Christensen questioned the length of the lease and Councilmember Brown reported that there are 5 year lease terms that auto Renew, unless either party terminates. Councilmember Brown stated the annual Renewal is in June and they have a right to terminate at any time.

Councilmember Brown made a **Motion** that the Town of Genola reject the offer and rely upon the contract as it is currently drafted.

Councilmember Savage **Seconded** and the motion **Passed** all in favor.

COUNCIL COMMENTS:

Mayor Larson reported on the possibility of selling the water line on Lark Street to Santaquin City. Mayor Larson reported that Santaquin would like to maintain the easement but would not be taking over the water through the line. Councilmember Larson stated that they would only own to the meter before the well. Mayor Larson stated he will be taking a trip out with Santaquin and Chris Steele before making any recommendations on how to proceed. Councilmembers Savage and Brown indicated they would like to go visit the site with Mayor Larson.

Discussion on mapping the secondary water infrastructure. Mayor Larson reported on mapping that the Highline Canal Company is doing and suggested that Genola do something similar. The council was in support of moving forward with this and also with having developers supply this to them as part of their development process.

Discussion on Mt. Nebo Water Agencies water right protest and ground water monitoring. Mayor Larson reported on a meeting he attended regarding CUP monitoring water rights, as well as ground water monitoring.

Councilmember Savage asked for an update on the code enforcement officer. Mr. Nielsen replied that several notices have been given and he will be meeting with the code enforcement officer on next steps.

Councilmember Brown commented on the CDBG grant presentation on March 30 and whether the Mayor wanted him to make that presentation to the board. Mayor Larson reported he will be in attendance at that meeting and could make the presentation if needed.

Councilmember Robison stated he will be meeting with Chris Steele on road projects.

Councilmember Brown commented on road impact fee funds that need to be spent and recommended that the canal crossings on 400 North and 400 south be widened to accommodate traffic. Councilmember Robison will work with Chris Steele on identifying these roads.

ADJOURN:

Councilmember Brown made a **Motion** to adjourn.

Councilmember Robison **Seconded** and the motion **Passed** all in favor.

The meeting was adjourned at 9:35 pm

Minutes prepared by Minutes Secretary Brittany Thornton

Approved on: 4/8/2020


Lucinda Thomas, City Recorder