

Town Council Regular Meeting

July 14, 2021

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

Staff Present: Fire Chief William McMullin, City Recorder Lucinda Thomas, City Attorney Josh Nielsen, City Deputy Clerk Nicole Preston, Planning Commission Chairman John Rosenberger,

Public Present: Kylee McMullin, Ben Carson, Eric Jewell, Mrs. Eric Jewell

1. Call to Order - Mayor Larson called the meeting to order at 7:02pm

a. Opening Prayer

- i. The opening prayer was given by Kylee McMullin

b. Pledge of Allegiance

- i. The Pledge of Allegiance was led by Councilmember Hale Robison

2. Presentation of Certificates for the Town Celebration and Rodeo

- a. Chad Coburn – recognition for the work that he the roping club and other who help put together the bleachers and the rodeo for the Town Celebration.
- b. Kendall Boothe – recognition for the ordering of the bleachers and orchestrating the installation of the bleachers
- c. Mayor Larson mentioned that he received so many compliments on how well the Town Celebration and the Rodeo went and wanted to thank Councilmembers Lori Christensen and John Savage for all their hard work.

3. Approval of Minutes for June 9, 2021

- a. Councilmember Brown made a **Motion** to approve the minutes for June 9th. Councilmember Savage **Second** and the motion **Passed** all in favor.

4. Approval of Expenditures

- a. Councilmember Brown made a **Motion** to approve the expenditures in the amount of eighty-five thousand three hundred five dollars and sixty cents. (\$85,305.60). Councilmember Christensen **Second** and the Motion **Passed** all in favor

5. Approval of Work Orders

- a. Fire Department would like \$2200 for personal protective equipment (PPE) and \$3500 for a Fol-da-tank water storage tank
 - i. Mayor Larson asked Chief McMullin to explain the requests. He explained that the department needed a new set of PPE equipment and the departments current Fol-Da-Tank currently has several holes in it and it just needs to be replaced. This tank is used mostly during wildfire season for drafting with the tender truck. Mayor Larson asked if this would fit within their current budget, and as it is the beginning of the fiscal year it does.
 - ii. Councilmember Brown made a **Motion** to approve a \$2200 for Personal Protective Equipment and \$3500 for a new Fol-da-tank. Councilmember Savage **Second** and the motion **Passed** all in favor.

6. Commission & Staff Reports

- a. Code Enforcement Report – Manny Escota – Mr. Escota was not in attendance to deliver a report.
- b. Fire Chief Report – Chief William McMullin
 - i. 7 calls = 2 medical, 2 structures – in Santaquin, 1 brush fire – broad canyon fire out west which has been billed to the state for \$3678, and Salvage Yard Fire – rekindle and a second fire at this site. All the apparatuses were inspected by the state.

- 55 c. Planning Commission Report – Chairman John Rosenberger – Chairman Rosenberger went over
56 the site plans that were approved and the discussions that were held about the development's
57 standards amendment as well as discussion on a subdivision amendment in regards specifically
58 to block length. Councilmember Brown added that he would encourage language that would also
59 include the plan for future roads. Mr. Rosenberger made mention that the commission was pretty
60 much all in favor of extending the maximum length of roads so that the town didn't have quite as
61 many roads to maintain.

62
63 **Public Forum:** There was no one signed up to speak
64

65 **7. Discussion and possible action with Planning Commission Chairman John Rosenberger**
66 **Regarding a moratorium on building.**

- 67 a. Chairman Rosenberger stated that he was here as he and others on the Commission are worried
68 about our current drought, the fact that our other well is not up and running, and not wanting to
69 hurt those residents that are already here about the possibility of institution a moratorium on new
70 building. It was mentioned that the drought would fit the requirements for a moratorium that could
71 only last 6 months. Councilmember Brown asked Councilmember Robison where the water table
72 is at right now and how that compares to last year. Councilmember Robison reported that we
73 were down another 12 feet from last month, and 25 feet from last year. Mayor Larson had a
74 report that was sent to him from Christ Steele the public works department. The report says there
75 is a possibility that they might need to move the pump down in the well which would cause the
76 pressure to go down slightly but we would have more water to use. Currently we have 43 feet
77 before the water table would be to low and it would require the pump to be lower into the smaller
78 casing. To lower the pump, it would cost around \$25,000 maybe more if there is lots of buildup in
79 the casing. Chris will continue to monitor the well and is hopeful that the well can make it through
80 the fall. Mayor Larson stated he felt like it would be a big mistake to put a moratorium on
81 because as we are asking the state for a water right for the new well, we need to show that we
82 are using our water. He stated that the state engineer feels like there is adequate water supply in
83 our aquifer. He proposed that in the fall or early winter when water usage is already down that
84 we move our pump down. He feels where they are continuing to allow applications for new wells
85 that there adequate water in the aquifer. He is confident that we will have to lower the pump but
86 that there is still plenty of space in the current aquifer to supply our needs. Councilmember
87 Robison stated that Chris Steele is watching the water levels in the well closely, and that he
88 would like to see that we spend the money to really clean the casing to help create more space.
89 Councilmember Brown stated that he felt the summarization of the conversation is that we do
90 have adequate water at this time, but we should be monitoring it closely.
91 Chairman Rosenberger then asked where the town was at regarding building the new tank and
92 well. Mayor went on to explain that they are working on the application to drill and working on the
93 application for water rights. It should take around 6 months to approve the application and
94 change the water rights. He felt like next year they should see drilling and construction begin. He
95 was hopeful that this project would be completed within the next year or two. Mayor Larson went
96 over a document title Application for Permanent Change of Water and discussed in great detail (a
97 copy of this document will be included at the end of these minutes titled Exhibit A). He was
98 hopeful that the extended water right would be approved as we are a municipality and deliver to
99 lots of residents. Mayor Larson continued that we are already on the drillers radar, and we will be
100 on the schedule when the application is approved.

101
102 **8. Discussion and Possible action regarding a developmental standards amendment for road**
103 **cleanliness during construction.**

- 104 a. Mayor Larson mentioned that he was glad that this was meant only for construction and didn't
105 want it to apply to the agricultural community and he would hate to get to a point where we are
106 being nit picky and possibly hurt the way of life that we have in our community. He didn't feel
107 super excited about it but understood where the Planning Commission was coming from. He felt
108 like the distance of the cleaning requirements was a little long, and he also was wondering about
109 how they define mud. He is worried about putting an ordinance enforcement officer in a situation
110 where he had to decide what was dirt or mud. Councilmember Brown brought up that he had

111 learned years ago that there was a difference between dirt and soil, and dirt was when soil was
112 somewhere that it wasn't supposed to be like a road versus a field. Mayor Larson stated that he's
113 hopeful that this amendment is used in the right context. Councilmember Brown stated that he felt
114 like the Commission's thoughts was to stop the really bad behavior of those who may not care
115 and have no intention of cleaning up their mess. Planning Commission Chair mentioned that this
116 was brought up due to an issue that they have seen already within the community.

- 117 b. Mayor brought up asking why the distance is for the cleaning of the road. Councilmember
118 Robison also expressed concern about the distance. Councilmember Brown stated that he was
119 inclined to keep it at the ¼ mile length due to the fact that if the developer didn't make the mess
120 at 500 feet it didn't matter; it would only matter how long they had to keep the road cleaned up to
121 if it clearly came from them. The Council asked Mr. Nielsen to qualified the term "dirt".
- 122 c. Councilmember Christensen brought up if there was supposed to be changes made to culinary
123 water as she had noticed some changes to the secondary water. Mr. Nielsen stated that this was
124 an interesting discussion as JUB one of the cities' engineering firm has recommended changes to
125 the developmental standards to comply with state law. He wasn't sure where to fit those changes
126 into the ordinance as the changes were needed to be added to the Genola Standard drawings
127 and specifications, however these have never been adopted to a specific ordinance and Mr.
128 Nielsen feels like they need to be added into an ordinance not just be a document that is given to
129 the developers. Mr. Brown stated that he would like to have this addressed correctly now, Mr.
130 Nielsen asked the Council if they would like to pass the amendment as it was written tonight or if
131 they would like him to add the updates and the council pass the whole thing at the next
132 meeting. He recommended that they take the revised ordinance back to the planning
133 commission let them approve those changes and then bring them back to the council later. The
134 council decided that they would rather come back and pass a complete amendment at a later
135 meeting.
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137 **9. Discussion and possible action on an amendment to the zoning Ordinance Title 20 Chapter 10**
138 **Section 10 a nonconforming use of land. Ordinance 2021-07**

- 139 a. Councilmember Brown made a **Motion** that they approve ordinance number 2021-07 an
140 amendment to the zoning Ordinance Title 20 Chapter 10. Mayor Larson **Second** the motion and
141 the motion **Passed** all in favor.
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143 **10. Discussion and possible action on recommendation from the planning commission to**
144 **approve ordinance #2021-05 Mining Ordinance**

- 145 a. Mr. Nielsen addressed the council and stated that he went ahead and made the changes that the
146 council had recommended from the last discussion two months ago; then went through all the
147 substantial changes that Councilmember Brown proposed. Mr. Nielsen stated that he was
148 comfortable with the changes that Councilmember Brown proposed. He felt like a couple
149 changes were substantial but there were also some that would be considered just clean up
150 changes. Councilmember Brown then went on to explain some of the substantial changes that
151 he recommended.
 - 152 i. Made changes to be consistent in the use of defined terms throughout the document,
 - 153 ii. Made a clear exclusion for road construction, agricultural activities, and
154 landscaping. This was to make sure that this was clearly excluded for normal activities
155 like someone going in to landscape their yard.
 - 156 iii. Clarification for the reclamation requirements.
 - 157 iv. Create consistency in the penalties and loss of permits for violations
- 158 b. Mr. Ben Carson a resident then asked permission to address the council, Mr. Carson then asked
159 a question concerning the exemptions for landscaping and wanting to know if this was only for
160 large projects or if it would also apply to a smaller scaled job. Councilmember Brown then asked
161 for some clarifications regarding his questions. Mr. Carson presented a possible situation where
162 in development a lot of times they must remove a lot of material and they typically would process
163 that material on site, this could include crushing, and is wondering if this ordinance would then
164 apply to them. Councilmember Brown stated that he felt that the situation that Mr. Carson
165 described would not be excluded from the Mining Ordinance and that he felt like this is a valid
166 concern. The Council's intent wasn't to require a mining permit for areas that need to be

developed. Mr. Carson stated that he deals with this type of developments all the time, and he feels like this ordinance could prohibit some development in the future especially in the hills of Genola. Mayor Larson did have a concern that a property that has an old function like a dairy operation with a lot of cement and now that function has closed. In his scenario the property owner is wanting to remove it, crush the cement, and he's wondering if this ordinance would prohibit the owner from bringing in the crusher, keeping the crushed product on site until they either sell it or use it for other purposes on the property itself. Mayor Larson wasn't sure that this ordinance was flexible enough to fit different types of situations. Chairman Rosenberger did bring up that this ordinance was designed for the I-3 zoning and that for a residential zone this wouldn't necessarily apply. But this ordinance states that there is no crushing allowed at all. It was brought up that they might need to have some accommodations but still be able to hold them accountable to some standards like dust, noise, etc. Mayor Larson said that he would like some exemptions to look at for those that are just looking to clean up a property or do a short term to develop land verses something that is planning on "mining" year after year. It was brought up that timing, location, and future use of the property might need to be taken into consideration. They asked Chairman Rosenberger to bring this back to the Planning Commission and look at the changes the council has made and look at these concerns that were brought up tonight.

11. Discussion and possible action with Kylee McMullin and Ashley Shepherd about doing the concessions for the fall soccer season

- a. Clarification was given that this would be for Kylee and Ashley individually not as Miss Genola. It was brought up that they were planning on using the equipment that is already owned by Miss Genola, including the popcorn machine, hotdog roller, and snow cone machine. Mayor stated that his biggest concern was making sure that the costs were covered including power. Councilmember Savage mentioned that he liked the idea of having it as it looks good for the town, but they want to make sure that someone responsible is always there making sure that things are taken care of properly. It was clarified that Kylee McMullin does have a current food handlers permit. There was a question, as to if they needed to come into a contract including a flat fee and then a percentage of the profits. Mr. Nielsen recommended that they have a separate contract for them for a period to rent the concession booth to them. Councilmember Brown recommended that Ms. McMullin and Ms. Shepherd meet with Councilmember Savage to negotiate the fee, and then have Mr. Nielsen draft a simple contract for it. He also asked them to keep detailed records of what they sold; so that the Town can know if this is something that is beneficial.

12. Discussion and possible action regarding the bid made for the old slide and swing set.

- a. The council went through the bids and awarded the bids to the highest bidder
- b. Councilmember Savage made a motion to accept the bid for the slide at \$1550 from Cade Peterson and \$157 from Chase Steele for the swing set, Councilmember Brown Second Mayor Larson then made an amendment to the **Motion** that if the bid isn't paid for within 2 weeks that it then goes to the next highest bidder. Councilmember Brown **Second** the amendment and the motion **Passed** all in favor.

13. Discussion and possible action on an amended plat for property owned by Mark Davis and Donna Davis Trust

- a. Mr. Davis did not show to the meeting, so this agenda item was tabled until a future date when Mr. Davis is available to attend.
- b. The council then discussed if these lot line adjustments needed to come before the Town Council or if they need to be only presented to the Planning Commission, it was determined that amended plats/subdivisions need to come before Town Council. Councilmember Brown wanted to clarify his position which is if they were simply fixing errors then that should classify as a lot line adjustments, if the changes adjust the lot sizes for different purposes including maximizing a the number of lots for future development, the change should be classified as an amendment to the plat and should be reviewed and approved by the Town Council. Mr. Nielsen went on to explain that this view doesn't match with state code which is that if you are simply moving property lines

between adjoining plats that it would consider a lot line adjustment. He explained a new law that was passed this year 2021 that says that cities don't have a say in lot line adjustments unless there is a residence on the property, and if then they would have to give a decision within two weeks. There is a caveat that the town can deny a building permit if the city doesn't like what was done. He summarized that if a property owner is not creating new lots or parcels the property owner can move his lot lines however they want, and the city has no say as to what is being done. Mr. Nielsen says that now that they need to balance the city code with the updated state code. The council agreed that they would like to have boundary line agreements come before the planning commission and any others including amended plats need to come before the town council as well as the planning commission.

14. Discussion and possible and possible action for Resolution #2021-05 a resolution approving the Mayoral Appointment of Eric S Jewell as the Justice County Judge of the Genola Justice Court.

- a. This item was done out of order to allow Mr. Jewell to not have to sit through an entire meeting.
- b. Mayor Larson began by saying that several months ago the Judge that we share with Santaquin, and Goshen passed away and the vacancy opened for a new judge. There were nine residents with three from Genola and the remainder from Goshen and Santaquin. These residents narrowed down the candidates to three and then the mayor's interviewed the final three candidates and Mr. Eric Jewell was their final decision. Tonight, the council will need to pass a resolution to approve the Mayoral Appointment for the Genola Justice Court. He gave Mr. Jewell a minute to introduce himself to the council.
- c. Councilmember Brown made a **Motion** to approve Resolution #2021-05 to approving Eric S. Jewell as the Genola Justice Court Judge. Councilmember Savage **Second** and the motion **Passed** all in favor.

15. Discussion and possible action regarding a Resolution for an updated Fee Schedule.

- a. Mr. Nielsen stated that he met with the office staff regarding some substantial changes to the fee schedule to have the fees match the costs particularly in the subdivision section. Because there is now a proposal to make amendments to the subdivision ordinance, he would like to wait a bit to see what changes might be forthcoming. He did want to take a minute to discuss the rodeo event fee (spectators and for profit), he encouraged the Council to start with a minimum amount and then if a higher fee is needed that can be addressed.
- b. Councilmember Christensen mentioned that the Genola Roping Club is planning on putting on a moneymaker event, but that it is only open to the Genola Residents. She wondered how they determine a fee for these types of events and who determines the fee.
- c. It was determined that Councilmember Christensen should come up with some of the fees including, lights, concession stand, grooming equipment, etc. The council would like Councilmember Christensen and Councilmember Savage and base some of the fees on amount of people coming, and if police, EMS, Fire, clean up required, and how much alcohol might be allowed. Our new arena rental agreement requires insurance etc., but City Attorney Nielsen would like the council to come up with a plan so that each rental application doesn't have to come before town council to determine a fee. Councilmember Christensen said that she will investigate how other cities have approached this as well.
- d. Councilmember Christensen made a **Motion** to charge the Roping Club \$50 plus proof of insurance for the team roping jackpot on July 27th. Councilmember Savage **Second** and the motion **Passed** all in favor.

16. Discussion and possible action on hiring a company to create a web page for Genola.org.

- a. There was much discussion on which TownWeb package to purchase. The Council debated between the deluxe vs and the Super. One of the fees that the office staff requested was for the ability to run credit cards on the website. This is a \$299 onetime fee to include it and the resident would then pay the convenience fees. The Super package would include a webpage redesign every three years. There is a \$300 difference in cost during the design fee (one time) and an additional \$120 each year. There were significant differences between the two packages with search options, calendars, and number of pages. Councilmember Christensen wanted to make

278 sure that this was done right the first time, and make sure that we look to the future. The Search
279 option will require that our PDF pages are OCR PDF pages, Mr. Nielsen stated that everything
280 that he has been a part of doing is already done in an OCR format. There was intense discussion
281 over the differences between the super deluxe versus deluxe package. Several of the
282 councilmember voiced that as they foresee that we would need to move to the higher package it
283 would be more beneficial to have the more inclusive package to begin with.

- 284 b. Councilmember Savage made a **Motion** that we contract with TownWeb with the Super Deluxe
285 package with the Credit Card option. Lori Christensen **Second** and the motion **Passed** all in
286 favor.

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288
289 **17. Discussion and possible action for Resolution #2021-06 adopting a final property tax rate.**

- 290 a. The town didn't do a truth in taxation public hearing which meant that the tax rate went down a
291 bit, but the town will receive the same amount of money that it did before. There was some
292 discussion about whether the town should keep there tax rate at the same amount so that the
293 town receives small increases, and a larger tax increase wouldn't be necessary in the future.
294 Mayor Larson brought up several points where he sees the town growing and that we will need
295 more staff in different areas including office staff etc. He would rather see that we maintain a
296 slow steady increase instead of having to do a larger increase to cover bigger expenses later on.
297 It was brought up that we would need more staff in other areas like public works and more funds
298 would need to be used on things like maintenance. Councilmember Brown felt like we have extra
299 funds and that it would be a good idea to allow the tax rate to reduce yearly as it naturally does.
300 City Recorder Lucinda Thomas mentioned that it isn't that we have extra funds, but that we are
301 not allowed to keep more than 25% of our funds in our general account which is down fifty
302 percent from what we were permitted to keep on hand as a town. These changes were required
303 as we were no longer allowed to be classified as a town and must be classified as a city. Mayor
304 wanted to make sure that we are budgeting for the future.
- 305 b. Councilmember Brown made a **Motion** to approve Resolution 2021-06 adopting a final certified
306 tax rate. Councilmember Savage **Second** and the motion **Passed** all in favor.
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308 **18. Discussion and possible action on Resolution #2021-04 approving the disbursement for the**
309 **American Rescue Plan Act.**

- 310 a. It was determined as there wasn't a contract available yet, and last time these funds became
311 available there was one required, to wait until more information could be obtained on what
312 requirements are needed. The Council determined to wait until they got all the information and
313 then vote on the resolution and possible contract together.
314

315 **19. Discussion and possible action on an updated rise broadband contract.**

- 316 a. Rise Broadband still hasn't returned their portion of the contract so there was no discussion held.
317

318 **20. Council Comments**

319 Mayor Marty Larson – Mayor stated that he had already brought the planned topics he had in mind to
320 speak about including the Tank and Well. He brought to the Council's attention that Cedar Gambling
321 no longer works for the Town Office as she has moved on to other employment.
322

323 Councilman John Savage - He had no comments
324

325 Councilwoman Lori Christensen – She had no comments
326

327 Councilman Neil Brown – He brought up that former Councilman John Roberts has passed away. He
328 mentioned that the parking lot project at the Firehouse has been completed. They discussed the
329 council did discuss the location of where the Firehouse mailbox will be relocated too.
330

331 Councilman Hale Robison – He mentioned that they need to do some asphalt work on the road out by
332 the lake, they received a bid from Staker Parson. They will also help fix some of the roads where we
333 put down some of the millings with a big roller to help it last longer. Another road needs to be chipped

334 sealed from five points down to 600 west. It was determined that as this item was not on the agenda
335 a special meeting would need to be held to so that we can get everything on the company calendars.
336 The meeting was scheduled for Wednesday July 21, 2021 at 10:00am via Zoom.
337

338 **21. Motion to Adjourn**

- 339 a. Councilmember Brown made a Motion to Adjourn. Councilmember Savage **Second** and the
340 motion **Passed** all in favor. The meeting was then adjourned at 10:04pm.
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343 Minutes prepared by Deputy Clerk Nicole Preston
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345 Minutes Approved on _____
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Lucinda Thomas City Recorder