

Town Council Regular Meeting

September 8, 2021

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

Staff Present: City Recorder Lucinda Thomas, City Deputy Clerk Nicole Preston, City Attorney Josh Nielsen

Public Present: Linda Fullmer, Chris Wilson, Sara E Bouley, Jun Khaysavang, Scott Argyle, Melissa Argyle, Norma York, Allen York, Tracie York, Dick York, Jake Thompson, Gaylyn Beckstrom, Daniel Parker, Wayne Parker, Jeanette Parker, Rose Draper, Luke Bates, Steven Staheli

1. **Call to Order** - Mayor Larson called the meeting to order at 7:03pm
 - a. The opening prayer was given by Councilman Hale Robison
 - b. The Pledge of Allegiance was led by Luke Bates
 2. **Approval of Minutes for August 11, 2021**
 - a. Councilman Brown made a **Motion** to approve the minutes from August 11, 2021. Councilman Robison **Second** and the motion **Passed** all in favor.
 3. **Approval of Expenditures**
 - a. Councilman Brown made a **Motion** to approve the expenditures in the amount of Twenty-Five Thousand five hundred nineteen dollars and seventy-seven cents (\$25,519.77). Councilman Savage **Second** and the motion **Passed** all in favor.
 4. There were no work orders to approve
 5. **Commission and Staff Reports**
 - a. Fire Chief Report – Chief William McMullin was not in attendance
 - b. Code Enforcement Authority – Mr. Manny Escoto was not in attendance
 - c. Planning Commission Chairman – Chairman Rosenberger reported on the two meetings that they have held since the council last met. He reported the site plans that had been approved during their last meetings. He spoke that they were working on the development standards and the mining ordinance that the council sent back for them to reconsider. He mentioned that there were a couple of residents at the meeting who had some strong feelings regarding the mining ordinance.
- Public Forum -**
- Jeannette Parker addressed the council, and she would like to know if the council all received a letter from their Lawyer Mark Morley. The council responded that they had received it. She mentioned that this lot has been an illegal lot since 1983. She asked how long they are going to let the lot stay as an illegal lot. She asked if the council has even read their own ordinances and if they understand what the town ordinances say. She stated that herself and their attorney believe that the rezone application for the TKW development is illegal. Mayor Larson addressed the council and asked if any of the members would like to respond. Councilman Brown stated that in regard to the question of how long the council is going to allow this lot to go on being illegal, it will continue on until the landowners can figure it out themselves. The Town didn't have anything to do with creating the lot and it has no power to undo it either, hence this will go on as long as the two parties involved are able to work together. The second question regarding the rezone and if it was illegal, he stated that he didn't believe it was illegal. Councilmember Christensen stated that she would reserve her comments until this topic came up later in the agenda.
6. **Discussion and possible action regarding an Eagle Project with Luke Bates to put in a GaGa Ball pit at the park.**

- a. Councilmember Savage met with Luke about a month ago. He wanted Luke to come and show the council what he is proposing. Luke showed an explanation video of how the game is played. He mentioned that he had been introduced to the game at a scout jamboree and that this game had a long wait time. He stated that he had worked with Mark Davis and that they would be creating a hexagon shaped board and they would put in open space that is in the wood chip area. This way it wouldn't be an obstruction for the parks dept to mow around. They had discussed creating it out of two different kinds of wood one being Accoya which would have a higher price tag however, they haven't been able to get a set price from the distributor. The other would be a pressure treated douglas fir it would around \$700. This cost would include the resin to treat it but it didn't include any concrete or other materials that might be needed to complete the project. Councilmember Savage stated that they would pressure treat the wood with a resin and that they would post it into the ground but as it is not a weight bearing structure, they didn't feel that it would need to be posted in with concrete. Councilmember Brown asked how hard it would be to print a nice sign to post the rules. As this would be a new game that most people would not know the rules, Councilman Savage mentioned the idea of putting a QR code that could be scanned to see the rules as well. They were looking at trying to get a metal plate with the rules on it that could be attached. Chris Wilson who is a representative of TKW which has an agenda item later stood up and stated that he has a laser cutter for metal that he would be willing to donate and create the metal plate that would be needed. He asked that the office staff give his information to Luke. They planned on putting the gravel in the middle of the hexagon area. Mayor Larson asked what he would like from the Town Council. He stated that it is mainly for the permission to put it in, but obviously wouldn't mind having a little bit of money to help put it in. The remaining money would be raised by the scout troop. Councilmember Savage asked the council how they felt about committing up to \$500 with the troop fundraising the rest of the money.
- b. Councilmember Savage made a **Motion** to approve the installation of the GaGa Ball pit at the town park and earmark \$500 for this project if it is completed within this fiscal year. Mayor Larson **Second** and the motion **Passed** all in favor.

7. **Discussion and possible action on a Preliminary Plat Map for the F. Mecham Subdivision Plat F**

- a. The council discussed the Plat and it was brought up that Chris Steele had a couple of contingencies that he would like to have put in including three valves to be able to shut off water if needed. He would like to make sure that the road base is the 12" minimum.
- b. Councilman Brown made a **Motion** to approve the Preliminary Plat map for the F. Mecham Subdivision Plat F with the following contingencies:
- The addition of 3 valves for the culinary lines
 - The addition of the communication conduit
 - Twelve inch minimum of important granular fill for the road base
- Councilman Savage **Second** and the motion **Passed** all in favor.

8. **Discussion and possible action on proposed preliminary plat for the York Farm Estates Subdivision**

- a. Mr. Nielsen, the town's legal counsel, stated that because the town council has not addressed the rezone yet, they are unable to act on this preliminary plat. They are able to discuss the plat and the rezone, but they are unable to act. Councilmember Brown asked questions, regarding the abbreviations on the plats and ensure that some of the contingencies that were on the last plat they reviewed weren't going to appear on this one as well. Councilwoman Christensen asked how the rezone got missed from being put on the agenda. Mr. Nielsen stated that it was tabled back in March because the council felt like they had to have the preliminary approved from the planning commission first. He was pretty sure that nobody brought it back up to the office staff that the rezone needed to be added onto the agenda. The Mayor said that they would go ahead and look at it and ask some questions. Chris Wilson stated that these are new drawings and that the easements for a leach field and new septic system are no longer on the drawings. He continued on by stating that they had epic engineering go through and dig and they found the septic system for the Parker Property, and it is to the south of the property and it does not go under the proposed road or on property owned by TKW at all.

Mr. Nielsen then clarified that since the planning commission approved the preliminary plat they have since changed the plat. Mr. Wilson stated that yes, they have changed the plat. Mr. Nielsen stated that they are still going to have to go back to the planning commission to approval again for this new set of plans. They stated that they didn't have a problem with that. After some discussion they decided that they will just revert to the older set of plans and leave the cloud which was the proposed leach field in question on there. TKW still didn't have their health department approval and the preliminary approval was contingent on the Health Department giving approval. Councilman Brown questioned the easement that is marked between two of the lots. He wondered if the town is going to own the land or if it will just be marked as an easement. Mr. Wilson stated that it will be a road dedication. Mr. Wilson continued stating that they are still working with the county to get the county approval, but the person in charge has been out of town and they weren't able to reach him since they received the new report from epic engineering.

9. Discussion and possible action on Resolution 2021-10 an agreement with Utah County to provide the bookmobile service to the Town

- a. Mr Nielsen stated that he prepared a Resolution, and he has reviewed the agreement and didn't have any concerns regarding it. Now it is just up to the council to decide if this is something that they want to do. Councilwoman Christensen gave some background regarding this agenda item. She spoke with the Sherry Bunt who is from the State Library. The Bookmobile would come to the town office every other week for 1 ½ hours. The cost would be just under \$3000 and that would be the same price next year, as they don't do a prorated. She brought up that she did put a poll up for the Bookmobile on Facebook. She had 32 for it and only 3 against it. There were a couple of people who really wanted it. Councilman Brown stated that he is not ready to approve it, because years ago the council discontinued it because it wasn't used. He would like to get to a point where he felt like it would get used enough to justify the cost. They asked if there was the ability to put something in the newsletter. The office staff said that this could be done. They asked if the new website would have the ability to put up a poll. Deputy Clerk Nikki Preston stated that she didn't know but would email TownWeb immediately and ask them, she would report back to Councilwoman Christensen what she finds out. Councilwoman Christensen stated that this is something that she would use because she currently must pay another town a fee to use their library. She reminded the council that children learn better when they read tactile books verses learning just from the tablet. The council would like to see poll where the residents were informed of the yearly cost and see how many really respond that they would come and use the Bookmobile. They would like to have the Town Office put a reverse 911 text out there to direct people to the new website to be able to complete a poll.
- b. Councilwoman Christensen made a motion that they approve Resolution 2021-10 an agreement with Utah County to provide a bookmobile service to the town of Genola. No one Second to the motion - there was no action taken.

10. Discussion and possible action on the American Rescue Plan Act (ARPA) funds and a possible grant match from the state.

- a. It was suggested that Councilman Brown investigate the possible uses of the funds as the City Clerk hasn't had the time to be able to dig into the possibilities too deeply due to other pressing matters that the town office has had to get completed. Councilman Brown agreed to take over this project. There is a September 15, 2021, deadline to apply for a grant match from the State of Utah if they approve your proposal. Councilman Brown asked the questions of what these ARPA funds could even be used for. Ms. Thomas brought up what Santaquin is going to use the funds for a Booster pump. She brought up that she felt that many of the purposes that we could use the money for would be tied to water. Councilmember Savage pointed out that Mayor Staheli from Goshen was present, and he felt like he might have some information that could be very beneficial for the council to hear. Mayor Staheli stated that he spoke with the person in charge at the state and the following were options for use of the funds:
 - i. Tourism that is affected by Covid
 - ii. Individual/Businesses suffering from Covid
 - iii. To make necessary improvements in water, sewer, or broadband infrastructure

He continued and stated that Goshen is planning to use it towards a water project that is currently already over budget. Ms. Thomas clarified that you cannot use this money for something that you already have grant money and loans for. Mayor Larson stated that the water levels in our current well continue to go down but not as rapidly as it was earlier in the summer. Mayor Larson feels like next year could be worse than this year even with a good snowpack. He continued on by stating the Chris Steele the Public Work Director told him that if we lower our pump we could run into a problem because the casing gets smaller the lower we go. Which could mean that we would have to buy a smaller pump and run it 24 hours a day which could be costly. Currently we have only one well in town so to do a Major repair like making the casing bigger would almost have to wait until after the new tank and well was completed. He felt that the new well is still over a year away before it is completed. To make the casing bigger it would require to drill a whole new hole to make that work. Mayor Larson still feels like our new tank and well will happen and he feels that the state will still approve our application. The matching grant money deadline is September 16th, but they still have some time to figure out how they plan to spend the money. Mayor Staheli spoke up and said that when he spoke with the State he was actually encouraged to not hurry and spend the money because he felt that there was a strong possibility that the rules might change on how the funds could be used. There was no action on this agenda item.

11. Discussion and possible action regarding a lot line adjustment and amended plat for the Elmwood Subdivision owned by the Donna Davis Trust for the property located at approximately 400 S and 600 W parcel numbers 29.034.0045, 38.540.0001, 38.540.0006, 29.034.0102

- a. Mr. Mark Davis was there to represent the families and was available for questions. They are amended the lines that are already within the current subdivision that already existed. Mr. Nielsen stated that because our own code is mostly silent on amending a current plat, they have treated it like a new plat, making sure that it meets all current codes. This has a new Boundary Line Agreement and an amended plat. Mr. Mark Davis clarified that they are doing this to clean up the lines and prepare for a future development. It was clarified that the space between lots 2 and 3 will be a future road and there is still enough space for another lot. All existing utilities are on this plat. Mr. Davis explained that they adjusted the boundaries of the lots, but the lots are all still staying the size.
- b. Councilman Brown made a **Motion** to approve the lot line adjustment and amended plat for the Elmwood Subdivision owned by the Donna Davis Trust for property located at approximately 400 S and 600 W. Councilman Robison **Second** and the motion **Passed** all in favor.

Chris Wilson from TKW then asked to make a comment and asked the council to reconsider taking up the rezone and preliminary plat for a motion tonight, since all affected parties were already present. He felt that the publication of the agenda with only 24 hours' notice wasn't enough time for them to catch the error of them not being on the agenda. Mayor Larson stated that they would not as this could present a legal problem for both the Town and them in the future. He reminded them that legally they are not allowed to act on anything that is not on the agenda. Clerk Thomas reminded the council and public that it was as soon as they were able to do it as applicants don't turn their documents in time. Mayor Larson felt that a month to wait would be better than risking a possible lawsuit. Mayor stated that he understands their position but that they must follow the law.

12. Council Comments

- a. **Mayor Marty Larson** – he stated that he would recommend that the developmental standards amendment would be ready to discuss next month. He reported that the 2nd well is moving forward slowly, but is in a good position. He summarized an email received September 1st that he received from the engineer that is working on the tank and well project.
 - i. The application was submitted in July and that the protest period ended in August. No one filed a protest which is good news, we still have to go through Division of Water Rights review process which is expected to take several months to be approved before they can drill the new well.
 - ii. BLM and reclamation are working on the categorical exclusion. They have determined that an Air Quality analysis may be required

- iii. The Hydrologist is working on the preliminary evaluation report for drinking water source protection requirements. This report alienates the protection zone around the well.
- iv. They have requested the geo-technical investigation of the tank site from GeoStrata. The BLM is requiring a biological survey of sensitive species prior to the GeoStrata work. When they went up to the test well there was an animal that is only seen every few years, but they are going to check again. The Biologist is available in the next week to do this again, he is concerned and wants to approval to access private property. The map that was handed out to the council shows the adjacent private property owners. Mayor Larson has contacted the private property owners when they did the test well, but all said that when they do drilling then they would need to have a written agreement.
- v. Clerk Thomas and Lauren from our engineering firm are working together to get all the necessary information related to the Grant.

b. Councilman John Savage – he didn't have any updates

- c. Councilwoman Lori Christensen** – The Senior lunches do have a committee now with Mellissa Scott, Ashley Shepherd and Lea Mitchell. They would like to start up on September 29th and would like to do a catered brunch. Councilwoman Christensen informed them that these lunches were normally held on the second Tuesday of each month, and they said that they would follow that schedule going forward. They are going to take on this program. Mayor Larson would like them to at least be able to advertise this in the town newsletter. They did have an email list from before covid and it would be good to get that list and use it to help advertise. Mayor Larson said that he has attended a few but he doesn't see any reason to try to limit attendance based on age. He would encourage instead to invite everyone. He does understand the need for RSVP to make sure that they had enough food. He also reminded that the town originally provided the meat and that the residents brought all the side dishes. He felt like it was a good experience. She spoke with the County and found out that anyone who cooks whether it is done via potluck or someone prepares it will need to have a food handlers permit. It was mentioned that maybe they needed to change the format to every other month, possibly still meeting every month but only provided treats and entertainment. But the council feels like it is important to have a gathering for these residents who need to have the time to socialize. Mayor Staheli from Goshen spoke up and stated that in Goshen they have meals on wheels bring in meals every week. He stated that he knows that the food isn't always the best but that it is already prepared and would meet the health department requirements. This was brought up as a possibility that they should investigate. He stated that it was really just important for the people to get together and socialize. Councilmember Christensen stated that she would bring that to the committee's attention and let them decide.

- d. Councilman Neil Brown** – Councilmember Brown stated that they are still struggling with Staker Parson for the CDBG grant for the parking lot. We've already paid Staker but they are struggling to get those documents needed. We are starting to get some documents but still need more. Mayor Larson wanted to make sure that we got this all done soon so that it doesn't affect our rating and affect our ability to get grants in the future.

- e. Councilman Hale Robison** – He is hoping that within the next two weeks all the oil projects on our streets will be completed for the year.

13. Motion to Adjourn

- a. Councilman Brown made a **Motion** to Adjourn. Councilman Robison **Second** and the motion **Passed** all in favor. The meeting was then adjourned at 8:34pm.

Minutes prepared by Deputy Clerk Nicole Preston

Minutes Approved on **October 13, 2021**

To View the Signed Copy please visit the Town Office
Lucinda Thomas City Recorder