

Genola Town Council Meeting
Minutes – April 9th, 2008

1
2
3
4
5
6
7
8

9 There was no report from Chief Howard.

10

11 Marty Larson was present but explained that Mr. Mark Davis was supposed to be present to
12 give the planning Commission report. Mr. Larson stated that at the last Planning Commission
13 meeting they discussed names for the open seat on the planning Commission. He also stated
14 that they discussed a work session that will be on May 1st at 6 p.m. Councilman Vail asked
15 for a report from the planning commission to review before the next Town Council meeting.

16

17 Mayor Hazelet requested that the order of the agenda be changed to discuss the town
18 cemetery first.

19

20 The status of the cemetery was discussed and then Mayor Hazelet explained that the town is
21 moving forward as quickly as possible because of a terminally ill resident. A resolution was
22 brought forth by Mayor Hazelet for a fee schedule. (Exhibit 1)

23

24 Discussion on the resolution.

25 Mayor Hazelet explained that there most likely would be a burial before the landscaping is
26 complete, and that there has been an out pouring for volunteer assistance.

27

28 Councilman Vail made a motion to adopt the resolution for the fees for burial in the Genola
29 Town Cemetery as stated in resolution 2008-01. Motion seconded by Councilman Draper.

30

31 Mayor Hazelet asked for discussion. Councilman Greenwood questioned what documents
32 would be needed for someone to be interred in the cemetery, who would be the sexton and if
33 there would be applications and procedures in place before lots were sold. Councilman
34 Greenwood asked if there should be restrictions so that someone from out of town couldn't
35 come in and buy plots. Mayor Hazelet stated that non residents would be able to purchase
36 plots at a higher price. Discussion on liability for town employees who will be assisting in
37 burials and issues on making sure that those who have already been buried will not be
38 disturbed. Councilman Greenwood stated that he would recommend that the Council look at
39 the general plan and make sure that the cemetery does not go against that.

40

41 Councilman Greenwood amended Councilman Vail's motion that the fees that are approved
42 are subject to a provisional agreement by those who enter these initial rights to burial open
43 and closing fees; that it is subject to rules and regulations which the town may promulgate in
44 the first period of its opening.

45

46 Councilman Vail seconds Councilman Greenwood's amendment.

47

48Council discussed taking this slowly, so the town can get procedures in place. Councilman
49Greenwood discussed the wording on the resolution to word as " where as all applicants shall
50take subject to town policy on the cemetery promulgated here after". Mayor Hazelet agreed
51and will make changes.

52

53All in favor on the first motion.

54All in favor for the amended motion. Both motions carried.

55

56Mayor Hazelet stated that he would like to enable Councilman Ewell to be able to do some
57landscaping when he returns. In order to do that we need an approval of expenditures.
58-10 trees will be needed to do the border on the public works building side.

59

60Councilman Vail made a motion to authorize Councilman Ewell up to \$1200.00 for
61landscaping the cemetery. Motion seconded by Councilman Draper. All voted aye, motion
62carried.

63

64Mr. Brian Ewell was present to discuss the earnest money agreement.

65Mayor Hazelet wanted to give his opinion on the matter; he would like to see a compromise.

66Mr. Ewell stated that he was still concerned that Councilman Greenwood was not very
67informed on the issues that he thought were big concerns. A work journal was brought forth
68by Mr. Ewell for the council to view. (Exhibit 2) Mr. Ewell stated that he is also in favor of a
69resolution to this problem.

70Discussion on splitting the earnest money different ways to make both parties happy. Mr.
71Ewell stated that he would offer 3,000.00 to keep and 2,000.00 go to the town, and asked
72Councilman Greenwood for his opinion. Councilman Greenwood asked Councilman Draper
73who had prepared the agreement and where the agreement was signed. Councilman Draper
74stated that he recalled going to Old Republic Title Co. to sign a document, whether or not it
75was this document, he couldn't recall. Councilman Greenwood questioned Councilman
76Draper why money was held out. Councilman Draper stated it was so money changed hands,
77to make it a contractual agreement. Councilman Draper then asked Councilman
78Greenwoods opinion. Councilman Greenwood stated that he felt we are bound by our roll as
79officials to maximize all of the funds, monies that we have for the benefit of the citizens of
80the town regardless of personal feelings. He further stated that the question is are we going
81to maximize and get this money back if there is a legitimate dispute over the money or is this
82illegitimate dispute. Councilman Greenwood stated that he had a document from Dale
83Draper stating that there is no concrete on the property. Mayor Hazelet stated that after
84speaking with Mr. Brett Rich his opinion was that there was a date that the town had
85committed to have clean up done.

86

87Councilman Greenwood stated the options; 1 the town refuses to accept the factual basis
88that has been brought forward and ask for the money back. Or the 2nd option, the town
89wants to avoid the delay in the costs and the necessary procedures to do that and are willing
90to accept a return of portion of the money, but would want a release of further liability,
91known or unknown, specific to the property. Mr. Ewell read aloud to the Council the
92contract and explained what he believed the retainer was for. He stated he wants to come to

93an agreement; he does not want any hard feelings. Mr. Ewell stated that he is willing to pay
94back 2,000.00 and the town would not be responsible for any more concrete that is found.
95Mr. Ewell stated that he feels that he has been taken advantage of.

96
97Motion by Councilman Vail to accept the agreement between Mr. Ewell and the Town to bring
98a resolution of this agreement to an end by a \$3,000.00 forfeiture of the earnest money to
99Mr. Ewell and a \$2,000.00 payment to the town. Motion seconded by Councilman Draper.

100
101Councilman Greenwood wanted discussion and wanted to amend the motion that we will
102accept this only upon Mr. Ewell signing a release of all claims against the town for any future
103liability. Councilman Vail seconded Councilman Greenwood's amended motion.

104
105Councilman wanted to add to the motion that the money would need to be received and the
106agreement to be signed within 14 days or the offer would expire.

107
108Mayor Hazelet asked for a vote on the Councilman Greenwoods amended motion. All voted
109aye. Motion carried. Mayor Hazelet then asked for a vote on the first motion. All voted aye,
110motion carried.

111
112Discussion on the electrical issues on Mr. Ewells lot.

113Mayor Hazelet wanted to make it clear to everyone. He explained that because of the
114contract that the town signed with Mr. Ewell, and that Mr. Ewell asked for a special
115consideration to go 300 feet, the town on that lot, has done a contract with Rocky Mountain
116to get the bigger transformer on that lot so Mr. Ewell can go the 300 feet. This is the only lot
117on that street that would have that provision. Rocky Mountain is saying that this will be done
118on Friday April 11th.

119
120Mr. Ewell also had concerns about the secondary water. Meters for the secondary water lines
121were discussed and what type of meter would be used. Mayor Hazelet stated that the town
122is obligated to put the meters in. Mr. Ewell stated that he had received a letter from the pond
123Co. stating that the water will be in the ponds on April 15th. Mayor Hazelet stated that he will
124pass this information on to Mr. Phil Harold so he can make sure the meters are installed by
125the 15th. Water pressure was discussed between council and Mr. Ewell.

126
127Motion by Councilman Vail to give Councilman Draper the authorization to get the issue with
128the water meter/secondary water taken care of since he has the resources.

129
130Discussion if this needs to be a resolution. Mayor Hazelet stated that he was going to work
131on this item, that it didn't need a motion. Councilman Vail stated that Mayor Hazelet could
132do it, and that was fine with him. Mayor Hazelet stated that he will take an action item to
133contact Mr. Phil Harold to get a commitment to see if the water meter can be installed before
134the 15th.

135
136Discussion on Subdivision Ordinances

137Mayor Hazelet spoke to the Council about a meeting that he was invited to from a few
138residents in town. Mayor Hazelet informed the council he had not had time to write it up for

139the Council to view but he had the issues to speak about. Mayor Hazelet stated that he is
140committing to have information at the next council meeting. He requested that the Council
141modify or make more specific the moratorium on the building permits. Mayor Hazelet stated
142that he believes that the moratorium is not doing what it should, and that there are people
143being affected that should not be. Mayor Hazelet would like to see it changed to a
144moratorium that would affect the town lot and or subdivisions that may have net of less than
1452.5 acres in the future. He would like the moratorium to be one of those, opposed to the
146building permits, because it is affecting a gentleman, Mr. Adam Losee, who owns a lot in that
147subdivision and in Mayor Hazelet's opinion Mr. Losee is an innocent party.

148
149Councilman Greenwood stated that the more opportunities that we allow people to move
150forward like business as usual and build on those lots, the greater the damage claim they will
151have on us. Their damage claim now is that there is just a delay. It is a greater liability to
152this town then to have them go in and build and move forward. Councilman Greenwood also
153stated that this has not stopped Santaquin City from issuing a building permit for the lot that
154the Milner's have for 2.5 acres, because the moratorium was meant to prevent building on
155lots that were clearly in question under the zoning ordinance. The town owes no obligation
156to individuals who buy land. It is poor policy for the council to say we want to make it easy
157for people who have these hardships. That exposes us to drastic liability and Councilman
158Greenwood believes that reversing the moratorium would be a poor decision on the towns'
159part.

160
161Councilman Vail stated that what stimulated this, was that there were individuals that had
1622.25 acres but when they subdivided to go to 2.5 acres after the road dedication, they did
163not meet what was currently the lot size, and so what the town did was change the
164ordinance so that the road dedication comes out after the subdivision. Numerous people
165have gone along with that. Councilman Vail's view is also that the town had people come to
166them in good faith, the town granted these, and we should follow through. Those who are
167in, we let them go, the Council reworks the ordinance, get it in the books, so the road
168dedication is taken out afterwards and then go from there. It is not fair to hold these people
169hostage because of someone else's view.

170
171Councilman Greenwood stated that no one has the right to build on their property if it
172violates the ordinance. He stated that Councilman Vail said "that the town felt compelled to
173find a solution for persons who wanted to develop, subdivide their land, who didn't have
174enough area after the road was dedicated as the ordinance was written, those were a limited
175amount of people". Those people had a remedy, but by allowing them to go around the
176ordinance, we are setting policy that is poor policy. They could ask for an exception, we
177could create an ordinance that allows that. But we are setting policy now, creating issues that
178will destroy this town's ability to regulate and follow the law. Councilman Greenwood
179believes that the moratorium should apply to that subdivision and all of the lots in it.

180
181Councilman Vail stated that "the Town council amended the ordinance to let the road
182dedication to be taken out after the subdivision and that was followed by the fact that the
183town does have lots that are gross 2.5 net 2.0. The ordinance was changed, it didn't make it
184in the book, but by virtue of people being granted subdivisions, building permits and homes

185that have been built, and that no one came and said that there was a problem, gives it some
186traction that this was the accepted mode of practice and that that was what was in the
187ordinance. If people want to bring suit, fine, but they will need to show cause. It was
188intended by the Council, we believed that it had been put in ordinance that the dedication be
189taken out after the subdivision was made. If other individuals feel different they can bring it
190to the council or bring suit".

191
192Councilman Vail stated that he doesn't believe that we should amend policy under duress, the
193threat of lawsuit.

194
195Councilman Vail made a motion that we rescind the building moratorium and proceeded as
196planned, so that individuals who have gone ahead and taken this as the ordinance meant to
197intend, that they be allowed to pursue their course.

198
199Councilman Greenwood stated that we should stick by the decision that we made and
200shouldn't reverse, we have made a decision with the full council present, that we should issue
201a moratorium so there will not be damage claims against us. The moratorium can't last for
202more than 6 months and in fact this will be resolved once the mayor has spoken to Council
203and gotten opinions on it. If we allow people to go out and begin building, then we are
204falling back into taking it out of our control. Councilman Greenwood stated that he believes
205that the proper procedure is not for us to vacillate, we owe no obligation to anyone and there
206is no evidence before us today that Mr. Losee has any claims against us.

207
208Councilman Vail stated that Councilman Greenwood said that there was a full council, but
209reminded the council that he (Councilman Vail) was not present at this meeting.

210
211Mayor Hazelet stated that Mr. Losee has contacted the town and that he feels that his
212building permit was already in process when the moratorium came in. So that is Mr. Losee's
213contention.

214
215Mayor Hazelet stated that he didn't mean to cause contention; it was to change the
216moratorium, not remove it. The Mayor stated that he intended to ask for a moratorium that
217would be against the town, which would be the towns' lot, so it could not be sold.

218
219Discussion between Council on subdivision.

220
221Motion by Councilman Vail to end the meeting. Motion seconded by Councilman Greenwood.

222
223Councilman Vail stated that if he can't speak without interruption, there is no point to
224continue.

225
226Mayor Hazelet stated that he would like to amend Councilman Vail's motion. We close
227discussion on this issue opposed to closing the meeting; the Planning Commission needs a
228new member. Mayor Hazelet stated that we could close this meeting and call for another
229meeting. Mayor Hazelet withdrew his amendment.

230

231 Mayor Hazelet asked for a vote. Councilman Draper, Vail and Mayor Hazelet voted aye.

232 Councilman Greenwood abstained. Mayor Hazelet stated that Councilman Greenwood could
233 not abstain because he seconded Councilman Vail's motion.

234

235

236 Meeting adjourned at 8:37 pm.

237 Minutes were written and recorded by Penny Thompson.

238