Genola Town Council Meeting
Minutes – May 28th 2008

Meeting called to order at 7:01 PM. Council present: Mayor Eric Hazelet, Councilman Draper, Councilman Greenwood, Councilman Vail and Councilman Ewell. Prayer was offered by Mr. Marc Halliday. Mayor Hazelet led the pledge. Mayor Hazelet conducted the meeting and welcomed those present: Carolyn Greenwood, Mae Ewell, Steve and Sandra Greenwood, Marc Halliday, Marty Larson, Mr. and Mrs. Stewart, Mr. and Mrs. Merrill Chatwin, Rob Bryant, Stan Judd, Bridigit Black, Kathy Roberts and John Roberts.

Mr. Marty Larson was present to give the Planning Commission Report.
The vicinity plan for the Genola Heights Subdivision at approximately 1000 East Highway 6, was approved. The preliminary plan for this Subdivision was approved with contingencies. Mr. Larson stated that there was no motion on the final plat map.

Mr. Danny Lundell was elected as the Planning Commission Vice Chairman.

The alternative energy ordinance was addressed. Mr. James Bertschi has taken the assignment to write up the ordinance.
Mayor Hazelet recommended to Mr. Larson that he take a field trip to West Mountain to look at the height, noise, and possibly interview some of the neighbors for opinions. Councilman Draper stated that he recommends checking into the noise and may want to put that into the ordinance.

Mr. Rob Bryant was present at the Town Council meeting to give a brief presentation from Wheeler Machinery. He was approached by Mr. Phil Harold at a convention to come and present information to the Council. Councilman Draper worked up the numbers and compared it to what our current lease is. Mayor Hazelet stated to Mr. Bryant that the Council would discuss this and let him know what they decide.

Discussion on the Rules of Order.
Councilman Vail had not had a chance to review the documents and so Mayor Hazelet stated that this would be discussed at another meeting. No one on the Council had any comment.

Discussion on the proposed 2009 budget.
Mayor Hazelet and the Council discussed items on the proposed budget. Mayor Hazelet stated that the police budget will remain flat. 25 percent of our budget goes to Police Enforcement, this is comparable to other communities. Discussion then went on to the water budget, Mayor Hazelet stated that he has received this from Councilman Draper. Mayor Hazelet stated that if Councilman Ewell would like, the Parks budget can remain flat as well. Councilman Vail stated that he is working on the Roads budget and should have this to Mayor Hazelet in the next couple of days.

Councilman Greenwood stated that within 180 days of the fiscal year the Town Clerk should present the budget to the Town Council. Mayor Hazelet stated that he would check on this but was told we were in compliance. Mayor Hazelet stated that we will have a public hearing on the budget.

Mayor Hazelet stated that we are most in need of an Auditing Firm.

Citizen Mr. Steve Greenwood asked if the budget would be available to the public before the public hearing. Mayor Hazelet stated that it would be available in the Town Clerks office.

Discussion on the Planning Commission Term.
Mayor Hazelet explained that the reason for this item on the agenda was to re evaluate the term length. Mayor Hazelet would like to have the term shortened from 6 years to 4 years. He stated that the Planning Commission seats are staggered so that everyone would be leaving at different times. Mayor Hazelet also stated that he believes that members may run again if it were only for 4 years, and that not many members stay for their full term as it is. Councilman Greenwood stated that he thinks that changing the term length this is a bad idea. Councilman Vail stated that he would like to take some time on this item and discuss it next time.

Discussion on the Water Ordinance.
Mayor Hazelet stated that he will create a fee schedule for the new budget year.

Discussion on the Subdivision Ordinance.
Mayor Hazelet had prepared a statement that he read aloud to the council and attendees. Mayor Hazelet asked that this report be put with the minutes.

Motion by Mayor Hazelet to let the existing Genola Meadows Subdivision stand as platted and that the temporary ordinance regarding the building permit restrictions in that area be rescinded.

Motion seconded by Councilman Draper. Councilman Vail, Draper and Mayor Hazelet voted aye. Councilman Greenwood and Councilman Ewell voted nay. Motion Carried.

Councilman Greenwood asked Mayor Hazelet if the Planning Commission made recommendations to the Town Council, not the other way around. Councilman Greenwood stated that it was the law to his understanding. Mayor Hazelet stated that he felt the law was followed. Mayor Hazelet stated that the Planning Commission had spent much time researching this item and then communicated with the Town Council. Mayor Hazelet stated that the changes were noted and then a rough draft was created. Councilman Greenwood asked if it was the Mayor's position to sign an affidavit stating that he sent an ordinance as the head of the Planning Commission which was reviewed on December 13th 2006 to the Town Council. Mayor Hazelet stated that when the ordinance was received in 2006 he was the Mayor, when the ordinance was discussed; he was not the Planning Commission Chair. Mayor Hazelet stated that he would swear under oath as a member of the Town Council that the subdivision ordinance was approved. Councilman Greenwood asked if he would swear that the ordinance was created in front of him and that he sent it off to the Town Council to review. Mayor Hazelet stated that to the best of his knowledge the procedures were followed, there was an ordinance approved, it was drawn up, but it is not in the ordinance book.

Councilman Greenwood found the Subdivision Ordinance in the book and asked the Mayor if it was the correct ordinance. Councilman Greenwood showed the ordinance that had "road dedication" crossed out. Mayor Hazelet and Councilman Vail stated that the ordinance that Councilman Greenwood was holding was not the correct ordinance. Councilman Greenwood asked who had written up the ordinance that cannot be found now. Mayor Hazelet stated that when ordinances were received from the Planning Commission, they were usually written up by either Chairman Larson or Mr. Ray Zeeman.

Councilman Greenwood stated that he would like to amend the motion that the Council do a full investigation to find out what happened to the ordinance, and to find out what Mrs. Nikki Anderson knows about it.

Mr. Steve Greenwood stated that he had done research in the minutes that Mayor Hazelet spoke about and found that there were 3 items that were discussed and that were recommended by the Planning Commission, but only 2 of the items were voted on. Mr. Greenwood stated that the subdivision ordinance never got voted on according to the minutes he has. Mr. Greenwood stated that it shows that it was passed on to the Town Council from the Planning Commission.

Mayor Hazelet asked if there was a second for Councilman Greenwood's amendment. Councilman Ewell made the second. Mayor Hazelet then called for a vote. Councilman Greenwood and Councilman Ewell voted aye, Councilman Vail, Draper and Mayor Hazelet voted nay. Amendment died.

Mayor Hazelet re stated his motion to Councilman Greenwood. Councilman Greenwood asked if Mayor Hazelet had consulted with the project manager on this. Mayor Hazelet stated that yes, he had.

Councilman Ewell asked Mayor Hazelet why he felt so strongly about this. Councilman Ewell stated that he believed that the Planning Commission members were against this. Mayor Hazelet stated that he believed this was done in good faith and no, the Planning Commission was not against the ordinance; this is where it came from. Mayor Hazelet feels that it is the policy of the Town, based on what he saw, in talking to the Planning Commission members that existed in 2006 and 2005, other than Nikki Anderson, and also the Town Council with the unanimous vote with who was seated in 2006, Mayor Hazelet feels if the Council was to go backwards on what was done there, that would be wrong.

Councilman Greenwood state that there is only one subdivision in the entire town that have multiple units over 4 or 5 lots that will now have minimum lot areas below 2.5 areas, that is Genola Meadow Subdivision. Councilman Greenwood asked why this was not done on East Valley View Subdivision. Mayor Hazelet stated that the developer came to the Council and asked for it to be done differently.

Mayor Hazelet showed a petition that had been signed by 130 people that would like to have the subdivision the way that the Mayor has proposed it. Councilman Ewell stated he would be interested on how the other residents would like to have it.

Councilman Vail stated that he would like to finish the vote on this. Councilman Vail stated that it has already been discussed, and to look at the minutes and to recognize that there is a difference of opinion.

Councilman Greenwood would like to see the mistakes fixed by redrafting the ordinance, have the Planning Commission present it to the Town Council, and then vote on it. Councilman Greenwood stated that the books are how we resolve disputes.

Mr. Steve Greenwood asked why this can't get in the books. Mayor Hazelet explained that we are working on with it; the Planning Commission and the Attorney are trying to clarify the ordinance that is in the book so that it reflects what votes were taken. Councilman Greenwood asked what the rush is to lift the moratorium if we do not have the correct ordinance in the book. Councilman Vail stated that in his opinion it was legally and lawfully passed, the records did not get in the books, but if you look at the minutes the problem was taken care of, it just wasn't updated in the books. We have an illegal moratorium on people to do this with their subdivisions, because we have historical records that shows that it was the intent in order for that to go forward and to be done that way, and we have more than one subdivision that was handled that way. Councilman Vail doesn't believe that there is an issue. It was done correctly, it just didn't get in the books, and the moratorium is not serving the community in any way. Councilman Vail stated that he would like to vote on it and get in the books.

Mayor Hazelet stated that the Planning Commission and the Town Council over the years have done fair and equitable things.

Councilman Ewell stated that when he built his subdivision he knew what was required and he followed it. Councilman Ewell can't understand why other people can't do the same. Mayor Hazelet thanked him for his point of view. Mayor Hazelet stated that they felt they were following and operating under the law. The Council thought by fine tuning the ordinance it would be more equitable. Councilman Ewell stated that 5 years down the road, those who adhered to the 2.5 acres without the road as part of the acreage, and say someone starts applying pressure that the acreage be reduced even more to 1.25. This is possible, it is not something that I wouldn't favor personally, how do we handle that. Councilman Ewell stated that if we keep reducing the size we are setting a president. Mayor Hazelet stated that he is not in favor of smaller lot sizes and he was not in favor of R-1 either. Mayor Hazelet stated that it is not the intent of this council to go lower than 2.5 acres. It was more of an equity issue.

Councilman Greenwood asked Mayor Hazelet why it can't be fixed before the moratorium is lifted. Mayor Hazelet stated that he doesn't understand the difference. In order to come in compliance with the law we have to respect the other votes that were taken in 2006. Councilman Greenwood stated that the ordinance is not clear. How do we know what the lot size is?

Mayor Hazelet stated that they did it the most equitable way and that was with the road dedication. Councilman Greenwood stated that we have no criteria if we don't sit down and

figure it out.

Councilman Vail made a motion to limit debate and go to the vote.
Councilman Draper seconded the motion.

Councilman Greenwood asked Mayor Hazelet if he is aware of the ethics act in government that requires individuals to disclose conflicts. Mayor Hazelet stated yes, and that he had no conflict. Councilman Greenwood asked if he was aware that the Mayor is the one who controls the power to govern compliance regarding to it and to control how it is addressed. Mayor Hazelet asked what Councilman Greenwood was accusing him of. Councilman Greenwood stated that he is not accusing him of anything; he was just asking if he is aware of the law. Mayor Hazelet stated that he knows that state says you have to clarify if you have a conflict of interest, and he does not have one. Councilman Greenwood stated that if members of the board have conflicts they need to disclose them and not be involved in the vote. Mayor Hazelet stated that he cannot ask someone to recuise themselves. Councilman Greenwood stated no, but you can follow the law. Councilman Greenwood stated that they were going to be voting on lifting a moratorium on a piece of property that someone here is a controlling interest holder in. If the interest is not disclosed there is a law that requires you to take appropriate steps. Councilman Greenwood stated that each person will state right now their conflict. If it is omitted and not stated it is an affirmative omission. Mayor Hazelet stated that he is not sure where Councilman Greenwood is heading with this, but he has no conflict. Councilman Greenwood stood and stated that he had no conflict of interest and suggested that Councilman Ewell state the same. Councilman Ewell said he had no conflict of interest either.
Councilman Vail called for a question and Councilman Draper second the motion.
Mayor Hazelet called for a vote on the first motion. Councilman Vail, Draper and Mayor Hazelet voted aye. Councilman Ewell and Greenwood voted nay. Motion Carried.

Councilman Greenwood wanted a roll call. Councilman Draper voted yes, Councilman Vail voted yes Mayor Hazelet voted yes. Councilman Greenwood voted no, Councilman Ewell voted no.

Discussion on the development agreement between the town and Mr. Dale Draper.
Councilman Greenwood asked why we didn't not bid it out. Mayor Hazelet stated because the price was low enough we didn't bother. Mayor Hazelet stated that we did vote on it and anything over $500.00 requires council's approval. Councilman Greenwood asked Mayor Hazelet if he had intended to pay the contract. Mayor Hazelet stated that he did intend to when it was completed and the 4th lot is sold. Mayor Hazelet stated Mr. Dale Draper is the project manager that reports to me. Mayor Hazelet stated that they will not pay Mr. Draper until the power is in also. Mayor Hazelet stated that Mr. Dale Draper has met with him on many occasions to discuss items on this contract, and when the time comes to pay Mr. Draper, the Town Council will vote as a body. Councilman Greenwood asked who Mr. Draper's attorney is. Mayor Hazelet stated that Mr. Draper has consulted with the town attorney 2 times. Councilman Greenwood asked the Mayor if he was aware that Mr. Draper is not a licensed realtor. Mayor Hazelet stated that they worked through a realtor who was licensed for the sale of the lots. Councilman Greenwood went on to discuss the $3,000.00

that was released to Mr. Brian Ewell. Councilman Greenwood stated that he would like to pay Mr. Draper $3,000.00 less because of Mr. Draper. Councilman Vail stated that the 3,000.00 was a mutual agreement between the town and Mr. Brian Ewell. Councilman Greenwood disagreed and stated that the Town hired Mr. Dale Draper to be a project manager, and he feels that Mr. Dale Draper didn't follow through.

Councilman Greenwood inquired as to what solvency was done by Mr. Dale Draper when he entered into the contract. Mayor Hazelet stated probably none.

Motion by Councilman Vail to adjourn the meeting. Motion seconded by Councilman Draper. In favor were Councilman Vail, Draper and Mayor Hazelet. Councilman Greenwood and Councilman Ewell voted nay.

Meeting ended at 9:25

Minutes were written and recorded by Penny Thompson.

Minutes approved by_____ Dated_____

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