

Genola Town Council Meeting
Minutes – March 26th 2008

1
2
3 Meeting called to order at 7:01 PM. Council present: Mayor Eric Hazelet, Councilman Draper,
4 Councilman Greenwood and Councilman Vail. Prayer was offered by Mr. Marc Halliday.
5 Mayor Hazelet led the pledge. Mayor Hazelet conducted the meeting and welcomed those
6 present: Marc Halliday, Marty Larson, Delos and Cleo Carter, Nikki Anderson, Mark and
7 Renae Gheen, James Bertschi, Beth Coleman, Greg Smith, Steve and Sandra Greenwood,
8 Wayne Penrod, Brian and Carolee Ewell, Joe Stubbs, Dale Draper, Kira Calloway, Riley Davis,
9 Bowdey Renzello, and Becky Chapman.

10
11 Mayor Hazelet opened the bids that were received for the sale of the town lots. Mayor
12 Hazelet explained to the council and residents that were present that the bids were sent into
13 the town in a sealed envelope and also by fax.

14 The bids were then read aloud.

15
16 Mayor Hazelet discussed with council the bid process, proof of publication, and that the bid
17 documents were passed through Mr. Brett Rich as it was discussed at a prior meeting. It was
18 Mr. Rich that suggested that "the Town has right to reject any or all bids" and this was put
19 into the bid documents. Councilman Greenwood asked how the town came up with the
20 amount that the lots were put being sold for. Mayor Hazelet stated that they looked up other
21 appraisals on lots of the same size and what lots in the neighboring area were sold for.
22 Councilman Greenwood asked if the town is obligated to accept the bids on the lots.
23 Mr. Brett Rich gave a variety of options that the town could do. Councilman Greenwood
24 asked Mr. Rich what impact the public comment had on the Town Council selling these lots.
25 Mr. Rich stated it had no impact; it was only to hear the resident's comments.

26
27 Councilman Greenwood asked Brett Rich the legal way to sell the fourth lot owned by the
28 town which did not receive a bid tonight. Mr. Rich told the council they must establish fair
29 market value for the lot. Mr. Rich stated he does not have an issue of the sales price of the
30 lot being in the range of the values established by the bids on the other lots, but the town
31 may want to get an appraisal, or do the process again to get a better result. Mr. Rich stated
32 his advice was to make sure it a fair process, i.e. that the town gets the word out, the town
33 appropriately advertised it, gives notice, takes public comment, including how the public feels
34 about the sale and the pricing.

35 Councilman Vail made a motion to take the bids under advisement. Motion seconded by
36 Councilman Draper. Councilman Greenwood abstained. Mayor Hazelet, Councilman Draper
37 and Councilman Vail voted aye, motion carried.

38
39 Mayor Hazelet opened the meeting to public comment.

40
41 Discussion from Councilman Greenwood if someone could challenge the sale of the lots. Mr.
42 Rich stated that the Town has done what was needed to sell the lots. Councilman
43 Greenwood asked if we had not gone through the proper channels and had not posted this
44 could the Town be challenged.

45
46 Mr. Steve Greenwood came forth with questions for the Council on the size of the lot and the

47cost of a lot in another subdivision at 350 E and 800 N. Mr. Greenwood asked if the lots
48receiving bids tonight were at least 2.5 acres at the price of \$160,000, for a 1/2 acre less. He
49was concerned about fair market value. The address is 834 N 350 E. Mayor Hazelet stated
50that the lot he was asking for is listed for 140,000, as was the minimum bid required on the
51lot. This is not what they are asking for comment on; this will come up later in this
52meeting. Councilman Greenwood asked what the paper Mr. Steve Greenwood was looking at
53was. Mr. Greenwood stated that it was taken off the internet listed on the A Team Realty and
54Affiliated Realty. Councilman Greenwood asked Mr. Rich if someone were to offer \$160,000
55to the realtor today, could they enter a legal real estate purchase contract. Mr. Rich stated,
56no, the town needed to complete the bidding process, and then the council will decide what
57is in the best interest of the town. Councilman Greenwood asked Mr. Rich if the town were
58liable for a real estate commission on the lots. Mr. Rich said he thought so but needed to
59review the documentation. Councilman Greenwood asked the Council about the contract
60with A Team Realty. Mayor Hazelet stated the contract was not with him but probably at his
61house. Councilman Greenwood asked Mr. Rich if it was typical for towns to engage realtor.
62Mr. Rich stated yes. Councilman Greenwood asked if there were standardized agreements
63used. Mr. Rich stated there is a wide variety used, his interest is to see the appropriate
64process is followed, designed to give the public notice these lots are for sale the process
65required by statute. Discussion on rejecting these bids and putting them back out to bid
66again. Discussion on the commission that will possibly be paid to A Team Realty.

67

68Mr. Gheen asked the Mayor what was meant by Net acres or Gross acres. Mr. Gheen asked if
69this is how his lot is. Mayor Hazelet stated that he was not sure and that his lot would need
70to be looked at to see how it is.

71

72Mrs. Calloway wanted to comment to Councilman Greenwood's statements. She stated that
73they are not associated with Affiliated Realty. Mrs. Calloway stated all four lots were
74originally listed on the MLS for \$159,000. Councilman Greenwood asked when A Team and
75the Town entered into the contract. Mrs. Calloway stated that she believed it was in January.
76Councilman Greenwood questioned Mrs. Calloway about what amounts they received bids
77for. Mrs. Calloway stated that before the contract, they had received bids below what the
78town was asking for. Mr. Davis and Mr. Renzello were the two people who had put in the
79offers.

80

81Mr. Davis stated that they did put in an offer, they were told that they were not looked at
82because of the amount of the offer, waited a month and went through the bid process and
83that is why they are here at tonight's meeting.

84

85Mrs. Emily Clinger commented that she never saw the bids in the legal and only saw it 1 day
86in the classifieds. She believes that the time it was published was not sufficient. Mayor
87Hazelet stated when where and how much it cost to put these notices. He also stated that
88we have the proof of publications. She also had questions on the contract with A Team
89Realty. Mrs. Calloway stated that the town signed the contract for 9 months and she only
90gets a commission if she brings the buyer to the sale.

91Mrs. Clinger asked what the town has invested into these lots. Mayor Hazelet stated that is
92was around 100,000.00.

93

94 Mayor Hazelet thanked everyone for their comment and stated that the council will move on
95 with the agenda.

96

97 Councilman Greenwood questioned Mr. Rich if the public comment was the last time anyone
98 had a chance to say anything about the sale of the town lots. Mr. Rich stated that in his
99 opinion is the public hearing that is required by the statute.

100

101 Mayor Hazelet asked if the council didn't mind he would change the order of the agenda from
102 the discussion on the subdivision ordinance to the disposal of property ordinance. This
103 ordinance was taken from Payson City's ordinance with changes made to suit the Town of
104 Genola better.

105 Councilman Greenwood asked if there would be public comment on this. Mayor Hazelet and
106 Mr. Rich stated that public comment was not necessary. Discussion on the posting and when
107 the ordinance will take place. Council all agreed that the ordinance looked okay.

108

109 Mayor Hazelet asked if there were comments on how the ordinance is written.

110

111 Motion by Councilman Vail to adopt the ordinance as written, ordinance 2008-01 Seconded
112 by Councilman Draper. All voted aye.

113

114 Roll call was asked for by Mr. Rich.

115 Mayor Hazelet aye, Councilman Vail aye, Councilman Draper aye, Councilman Greenwood
116 aye.

117

118 Discussion on the fees for the realtor. Mrs. Calloway stated that brokerage fee is \$400. for
119 any and all services provided and then a 3% realtor commission if she brings the buyer.
120 Councilman Greenwood had concerns on acting without reviewing the contract.

121 Motion by Councilman Greenwood that we take under advisement what occurred tonight,
122 review the real estate agreement that was entered in to by the town back in January with
123 Mrs. Calloway.

124

125 Councilman Draper asked questions on the bid amounts on the lots, and to possibly make a
126 motion later on accepting the highest 3 bids, and if they didn't want to do that they could be
127 put back out for bid.

128

129 Discussion on the bid amounts and the best offer for the town. Mayor Hazelet stated that we
130 can not take another bid because the gentlemen what was asked and had the information to
131 the town on time. Councilman Greenwood doesn't believe that the town is compelled to rush
132 into this. Councilman Greenwood still wants to review the contract.

133

134 There was no second on Councilman Greenwood's motion. Motion died.

135

136 Mayor Hazelet stated that the Town did as advised, we have offers on the lots and we need
137 to decide if we think that this is the most we can get for the lots. Councilman Vail stated that
138 the town has obligations to meet and these funds are a big part of it.

139

140Motion by Councilman Vail to accept the highest bids for the lots.

141Councilman Greenwood asked if this included paying for a commission. Councilman Vail

142stated that the Town entered into a contract and we are obligated to pay commission.

143Councilman Greenwood asked that the town get advisement by Mr. Rich.

144

145Councilman Greenwood amended motion that prior to accepting highest bid, that we review

146the listing agreement, give it to Mr. Rich and see if we are obligated to pay a commission.

147

148Mayor asked for discussion on the amended motion. Mayor Hazelet stated that the real-

149estate purchase agreement and the bidding process can be handled in parallel, they can be

150two separate items, Because the bid process did not mention the real-estate. We can

151separate the process.

152

153Councilman Draper seconded Councilman Vail's motion. Councilman Greenwood, nay,

154Councilman Vail aye, councilman Draper aye, Mayor Hazelet aye. Motion Carried. The bids

155were accepted.

156

157Motion by Councilman Vail to give Mayor Hazelet the authority to discuss and finalize the

158bids. Councilman Vail stated that he trusts the Mayor and that the bids have been accepted.

159Councilman Greenwood questioned Councilman Vail if in his motion it was to allow the Mayor

160to receive the money and pay a real estate commission.

161

162Councilman Greenwood amended Councilman Vail's motion to say he is entitled to give them

163the title that money is held in escrow until Mr. Rich reviews the real-estate purchase contract

164and advise the council whether of not we have any way to realize more money for the town.

165

166Councilman Vail stated his motion again to make it clear for Councilman Greenwood.

167Councilman Greenwood stated that this motion doesn't mean that the Mayor can go out and

168list the other lots with an agent; Mayor Hazelet explained that there is only 1 more lot that

169the town owns. That lot is in Genola Meadows and the town has not received any bids at this

170meeting. Councilman Vail stated that this motion is only on the lots bid on tonight.

171

172Mayor asked for a second on Councilman Greenwoods motion.

173No second on Councilman Greenwoods motion. Motion died.

174

175Councilman Draper seconded Councilman Vail's motion. Mayor Hazelet voted aye, Councilman

176Draper voted aye, Councilman Draper voted aye and Councilman Greenwood abstained.

177Motion carried.

178

179Discussion on the Subdivision Ordinance. Mayor Hazelet stated that he had comments

180prepared for Mrs. Clinger at the last meeting but due to some legal issues he did not do that

181at that time.

182

183Mayor Hazelet had information for the Planning Commission.

184The first item is the building permit process, according to state code, the planning

185commission is entitled to make recommendations on land use, and the Planning Commission
186had been designated as the land use authority last year. Building permit process is not under
187the purview under the planning commission, so make sure that the building inspector is the
188only one to review the building permits. However he would not be aware of the proposed
189roads so please stay in contact with the building inspector.

190

191The next item for the Planning Commission was to look at the R-1 zone, as far as the live
192stock was concerned, originally one of the reasons for the change was that there was
193concern ahead of time that a dairy could be located on a R- 1 Zone. So because of that
194concern, it was intended that live stock issues would be in a conditional way. However the
195particular land use was removed entirely instead of just a sub section. Mayor Hazelet asked
196that the Planning Commission to review and make it conform more to what the town would
197expect, also review any state codes that are relative to subdivisions and make sure they get
198in the subdivision packet.

199

200Mayor Hazelet stated that we need to create an ordinance for public facilities. He
201recommended that the Planning Commission look at Santaquins' ordinance for ideas.
202Discussion on why the town would benefit from an ordinance like this and if we had to have
203one. Mr. Rich stated that you don't have to have one, you may have one if you wish. Mayor
204Hazelet asked the Planning Commission to create an ordinance.

205

206Another item that the mayor would like the Planning Commission to work on is to review and
207clarify the Subdivision Ordinance. A group of residents believe that it is unclear and so Mayor
208Hazelet wants it so it is clear. When the dedication or taking of roads, what does this mean?
209This is what seems to be the part that is unclear. Mayor Hazelet recommended that the
210Planning Commission have 1 if not more work session and to have Mr. Brett Rich present. It
211was made clear that Mayor Hazelet, not the council is requesting the Planning Commission to
212make it clear, use the legal help and have the necessary hearings according to the state
213code. Councilman Greenwood asked for a recommendation to the council. Mr. Rich stated
214he has no recommendation at this time.

215

216Mr. Marty Larson stated that they have a vacancy on the Planning Commission, should they
217wait until it is a full quorum to start this? Mayor Hazelet asked if they would get the
218recommendations to the Council and the Town Council will vote on this at the next Town
219Council meeting.

220

221Discussion on minutes for Planning Commission.

222Councilman Greenwood asked that Mr. Ray Zeeman get to help in approving minutes. Mayor
223Hazelet asked if Mr. Larson ask Mr. Zeeman to come to one more meeting to approve
224minutes.

225

226Mr. Steve Greenwood asked for clarification on lot sizes. Councilman Greenwood asked Mr.
227Rich if he was going to give any legal privileged communications at this meeting. Mr. Rich
228stated he would not unless it was going to be a closed executive meeting. Mr. Greenwood
229asked if we were in trouble as a town. Mr. Rich stated to Mayor Hazelet he should indicate
230that legal issues have been raised concerning subdivision ordinances, it has been submitted

231to the legal council and that when all the documents have been received the legal council will
232make a recommendation. Mr. Rich prefers that the council does not get involved in
233discussion on this.

234
235Motion by Councilman Greenwood to receive public comment. Mayor Hazelet explained to
236Councilman Greenwood that this would need to be on the agenda for public comment.
237Councilman Vail stated that public comment on this issue would be premature, and he would
238like to take the attorneys advice on this item. Councilman Greenwood stated that he is out of
239the loop and excluded from meetings. The town has had closed meetings that he was not in.
240Councilman Vail stated that we have had executive session of which yourself left because you
241had a conflict of interest, there was no design on part of this council to exclude you or put
242out of the loop in any way, you have been included in every thing that we have done and you
243yourself have excluded yourself in your own volition. We are not trying to hide anything, you
244have everything we have. Councilman Greenwood stated that people have come to me, they
245have pointed out issues that are of serious concern, they have gone to a lawyer, I actually
246know that lawyer, I trust that lawyers advice, that lawyer has made communications to the
247town and then I disclosed that and told Mr. Rich I don't want to be involved if you are going
248to give litigation in any sort of private communications, and I left. So I am out of the loop.
249You have a packet of information you are trying to give him that I don't know anything
250about. Councilman Greenwood stated that he respects the conflict of interest; he does not
251want to play both sides.

252
253Mrs. Clinger stated that her concern is the Mayor told the Planning Commission Chair to
254review the subdivision ordinance and to clarify it. It seems too broad. She feels that the
255Mayor is playing both sides of the fence. Mayor Hazelet stated that he brought her issues to
256the council tonight to show her that he is interested and concerned on these issues.

257
258Mr. Brian Ewell stated that when he came in to start his development he had to uphold to
259certain standards, and feels the Town should the same ordinances and codes have to be
260followed by the town.

261
262Mr. Stubbs commented on the proposed road at 350 E. He wants the Council to realize how
263it affects the Stubb family and how many acres they loose. It also affects the large land
264owners. There should be some compensation. Mayor Hazelet thanked him for coming.

265
266Councilman Greenwood made a motion that the subdivision ordinance be put on the next
267agenda and that the council takes action on it. Mayor Hazelet stated that this does not
268require a motion.

269
270Mayor Hazelet stated that he will work with the attorney and encourages the Planning
271Commission to have work sessions on this.

272
273Discussion on Cemetery
274Update on survey. Potential offer on free trees for the cemetery, mayor Hazelet will follow
275up on this. Mayor Hazelet stated that we will move as quickly as we can.

276

277 Councilman Vail stated that he has a Utah Lake Commission document on the master plan
278 that he will give to the Town Clerk. He also stated that he wanted to remind everyone that
279 they are just a recommending body and that they give information to the authorities.

280

281

282 Discussion on earnest money for Mr. Brian Ewell.

283 There is a formal bid on the 3rd lot and that Mr. Ewell has 3 days to act on this. Mr. Ewell
284 stated that he is aware of this. He would have until end of day Monday, March 31. The bid
285 was \$142,000.

286

287 Mayor Hazelet stated that he was not prepared to discuss the earnest money for Brian Ewell.

288 Brian stated that he understood and had sent out an email out to the council. Councilman

289 Greenwood stated he did not receive the email. Mr. Ewell had concerns that Councilman

290 Greenwood was not very informed of things that have occurred.

291

292 Mayor Hazelet requested that this item be tabled. He thanked Mr. Ewell for coming and

293 reassured Mr. Ewell that he would be notified when he is on the agenda. (1:51)

294

295 Motion by Councilman Vail to table the earnest money discussion. Motion seconded by

296 Councilman Draper. All voted aye, Councilman Greenwood abstained. Motion carried.

297

298 Discussion on water rates.

299 There was no resolution for the water rate at this time. Mayor Hazelet will work on getting

300 one done. This resolution will be voted on at the next meeting. Councilman Greenwood

301 stated that he would like to see the resolution before it is voted on.

302

303 Discussion on Burn Permits.

304 Chief Greg Smith brought information to the Council on the way that he would like the burn

305 permits to be handled. Residents will need to get a burn permit from the fire department to

306 burn this year. The permit gives information on what can and cannot be burned. The burn

307 season runs from April 1 through April 30. There are no fees to burn, but the permit does

308 need to be filled out. (Exhibit 1) 2:02

309

310 Mayor Hazelet reported that at the South County Mayors meeting there was discussion on the

311 rising cost of dispatch fees. The County is trying to offload these fees on municipalities.

312 Mayor Hazelet reported on the discussion on using the basement of the Genola Public Safety

313 Building for a south Utah County dispatch center. Mayor Hazelet will come back to the

314 Council to get recommendations and guidance. This is a ways out and cost, grants, and

315 savings will all be looked at.

316

317 Mayor Hazelet asked for the opinion of the council. Utah Valley University wants to have a

318 day to recognize the community which would be UVU Day. This is a one time thing. Motion

319 by Councilman Vail to put a letter together saying July 1st is UVU Day. Motion seconded by

320 Councilman Greenwood. All voted aye. Motion carried.

321

322 Discussion on the Commuter Rail. Mayor Hazelet explained the difference between

323Commuter and Trax. Discussion on I15 construction and the completion date.

324

325Discussion and update for Council on embezzlement trial. Mayor Hazelet informed the Council
326that the trial has been moved until June 4th and that he will be subpoena to testify.

327

328Parks

329Mayor Hazelet stated that Mrs. Renae Gheen will be doing soccer again this year and that we
330need to make sure that Councilman Ewell knows.

331

332Water

333Councilman Draper stated that Mr. Phil Harold informed him that there was reason to take
334water samples that evening because of a call Mr. Harold had received by a resident. The
335samples will be back in the morning and he will know more at that time.

336

337Roads

338Councilman Vail reported that they are prioritizing the road repairs. No news on the chip and
339seal project prices.

340

341Approval of minutes

342March 12th 2008

343Line 131 "up to the town to set policies"

344Line 118 Councilman Vail requested Penny Thompson to listen to his motion again and make
345sure it was correct.

346Line 140 "rate"

347Line 13 "Stuart"

348Line 54, 94, 140, 186, 240, 300, 345 minor spelling changes.

349

350Motion by Councilman Draper to approve minutes as amended. Motion seconded by

351Councilman Greenwood, all voted aye. Motion carried.

352

353Expenditures

354Pelorus \$750.00

355Mountainland \$1146.95

356Genola Justice \$568.29

357Brook Voran \$759.98

358

359Motion to approve expenditures by Councilman Vail. Motion seconded by Councilman Draper,

360all voted aye, motion carried.

361

362Motion to adjourn meeting by Councilman Vail, seconded by Councilman Draper, all voted

363aye. Motion carried. Meeting ended at 10:28

364

365Minutes were recorded and written by Penny Thompson

366

367Minutes were approved by_____.