

MINUTES
Oakley City Council
Wednesday, September 9, 2020
Oakley City – Electronic Meeting
Zoom Platform
6:00 pm

In Attendance:

City Administration: Mayor Wade Woolstenhulme, Councilmembers: Steve Wilmoth, Dave Neff, Tom Smart, and Joe Frazier. Councilmember Ron Bowen (Absent)

City Staff: City Planner, Amy Rydalch; Public Works Director, Kendell Staples

Others in Attendance: Justin Harding, Jack Walkenhorst, Aaron Nieman (via zoom)

Mayor Woolstenhulme opened the meeting.

1. **Public Entity Resolution:** Need a resolution appointing Amy Rydalch and Tristin Leavitt as City Recorder and City Treasurer as authorized users for all PTIF and financial accounts for Oakley City.

Councilmember Tom Smart made a motion to adopt a resolution appointing Amy Rydalch and Tristin Leavitt as City Recorder and City Treasurer and as authorized users for all PTIF and financial accounts for Oakley City. **Councilmember Steve Wilmoth** seconded the motion. **All voted in favor. Resolution adopted.**

2. **Leavitt/Nieman** property dispute.

Mayor Woolstenhulme asked **City Recorder A. Rydalch** to provide a summary of her findings since the last city council meeting. Ms. Rydalch stated that the opinion of the city legal counsel and of Paul Ferry, surveyor, was that the legal description from the current easement agreement with the Leavitts would suffice for a quit claim deed. However, Mr. Ferry did indicate that it would be better to include further language in the description to match the intent of the easement. Mr. Ferry stated that it would be beneficial to include language that has a point of reference i.e. the south point of the Leavitts gate. The reason being that if surveyed it's quite possible that as the language reads currently the 18' could be farther north of the Leavitts access and therefore not useful to Leavitts. Both the attorney and Mr. Ferry are willing to help draft a clarifying statement to be included in the legal description. The other option is to have a surveyed performed to prepare the exact legal description and drawing of the 18' to be conveyed. The price of the survey is approximately \$1200. 00.

41 **Mayor Woolstenhulme** provided a summary of the history of the dispute and the city's
42 involvement and culpability. A general discussion took place regarding the possible creation of a
43 non-conforming lot and adding a plat note or other recorded instrument that states it is not
44 recognized as a developable lot. **Councilmember Wilmoth** asked which process will get this
45 resolved completely so this does not come back for further debate and resolution.
46 Councilmember Wilmoth proposed that the city pay for the survey, get the specific legal
47 language and documents, and facilitate the transfer and recording of the legal documents
48 necessary to resolve the conflict. **City Recorder A. Rydalch** discussed the difference between a
49 warranty deed and a quit claim deed. A warranty deed protects a property owner and offers
50 recourse whereas a quit claim deed stakes a claim but does not ensure protection. Further
51 discussion regarding how best to resolve the issue and the city's obligation.

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53 **Aaron Nieman** addressed the council. Mr. Nieman appreciates the council trying to get this
54 resolved. However, Mr. Nieman feels that there are several points that are not being brought to
55 the council's attention. Mr. Nieman has passed his inspection, he received his permits, and
56 received permission from the current mayor. Mr. Nieman stated that his only infraction was the
57 metal roofing over the deck that infringes on the Leavitt property. Mr. Nieman stated that he
58 has never prevented the Leavitts from accessing their property. Mr. Nieman believes that he
59 went through the correct process and has tried to be neighborly and does not understand why
60 they have received so much pushback. Mr. Nieman stated that at the time of the meeting with
61 the Mayor, City Attorney, and the Leavitts, he agreed to give them an easement because of the
62 expense of the survey. It was agreed to verbally and the memorandum did not get updated to
63 reflect an easement instead of a deed. **Mayor Woolstenhulme** stated that Mr. Nieman is
64 correct and that he did have all the proper city permitting and paperwork. Further discussion
65 among councilmembers that the issuance of permitting and successful inspections is the reason
66 for city culpability. **Mr. Nieman** stated that he will work with the city but is tired and wants this
67 resolved.

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69 **Councilmember Steven Wilmoth** made a motion that the city retain the services of a surveyor, has the
70 related properties surveyed, prepares the language and documents necessary for the transfer of the 18'
71 of property from Nieman to Leavitts for access to the Leavitt barn, and facilitates the recording of such
72 documents. The amount to be contributed by the city is an amount not to exceed \$1200.00.

73 **Councilmember Dave Neff** seconded the motion. All voted in favor. Motion passes.

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75 **3. Budget Considerations.**

76 **Mayor Woolstenhulme** addressed the council regarding Public Works Director, Kendell Staples'
77 proposal for a new truck. Mayor Woolstenhulme discussed the inventory of vehicles the city
78 currently owns and the state of repair or disrepair of each vehicle. The Mayor asked Director
79 Staples to address the council. **Director Staples** stated that purchase of the new truck could also
80 allow the city to potentially defer the purchase of a new snowplow truck this fiscal year. The
81 current situation with the County for snow removal is contracted for this year but unknown for
82 2021 going forward. Discussion amongst councilmembers regarding usage of existing trucks and

83 other equipment including the mini excavator, skid steer, and possible backhoe. Further
84 discussion that purchasing a truck from Ken Garff would be a good will gesture since they are a
85 sponsor of significance of the Oakley Rodeo. **Councilmember Smart** stated that Ken Garff West
86 Valley is on the Utah State Procurement approved dealer list.

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88 **Councilmember Wilmoth** made a motion to approve the purchase of a new truck for the
89 Public Works department. **Councilmember Frazier** seconded the motion. All voted in favor.
90 Motion passes.

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92 **Mayor Woolstenhulme** initiated a general discussion regarding the Oakley City budget and
93 specifically the city's RAP Tax grant that facilitated improvements to the city campground and
94 the process for reimbursement. **Councilmember Smart** stated that he would get the
95 documentation to city staff for the campground and related grant monies. Further discussion
96 that there would be upcoming budget amendments in late October and that it would include
97 the planned sewer rate increase discussed at the end of fiscal year 2019. The budget
98 amendment and related hearings will be held October 28, 2020.

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100 **4. Councilmember Wilmoth – Report on Parks and Complex**

101 **Councilmember Wilmoth** informed the councilmembers of a discussion with Director Staples
102 regarding winter projects for the public works staff. Director Staples provided Councilor
103 Wilmoth a list of potential projects for the winter months. Director Staples is revising the list
104 and prioritizing projects for council's information. **Councilor Wilmoth** stated that the
105 concessions kitchens need maintenance, repair, and cleaning. **Councilmember Wilmoth** is going
106 to ask the council to review his list and prioritize those projects once he receives the revised list
107 from Director Staples. **Councilmember Frazier** addressed some of the issues regarding the
108 ledger accounts under Public Works and the need to simplify the accounting by combining some
109 of these ledger accounts. **Councilmember Wilmoth** asked if staff could provide what is available
110 for the building/ground and park and recreation complex budget to assist council in prioritizing
111 the projects.

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113 **5. Regular Business**

114 **Minutes for Approval - City Recorder Rydalch** to verify with former recorder, Abigail Morrison
115 that all minutes are approved and up to date.

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117 **Councilmember Smart** updated the council on the Summit Conservancy and the Leavitt ground
118 purchase. The grant for the conservancy did not come through. They have raised
119 approximately 75% of the money they need for the completion of the conservation easement.
120 They would like to host a fundraiser at the Oakley Campground featuring a concert with Josh
121 Kelly. Councilmember Smart will work the office staff to make sure that there is space available
122 on October 3rd at the campground.

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124 **Mayor Woolstenhulme** asked the council if they had reviewed the payables for this period.

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Councilmember Wilmoth made a motion to approve the payables for the current period.

Councilmember Frazier seconded the motion. All voted in favor. Motion passes.

Mayor Woolstenhulme introduced a proposal considering the significant financial support that the city received for the 2020 modified rodeo, that the city now pay the original contracted amounts for services specifically for the specialty act, bullfighters, and announcer.

Councilmember Wilmoth expressed concern regarding the MBA bond payment due this year and that the city looks to the revenues from the rodeo for repayment of this bond.

Councilmember Smart stated that without the rodeo the city would have absorbed the entire bond payment. **Councilmember Wilmoth** stated that his concern was that there are sufficient funds available in the general fund to cover the bond payment. **Mayor Woolstenhulme** stated that with the receipt of CARES Act aid to reimburse the city for Covid-19 expenses, there should be funds available to make up any shortfall in the MBA bond payment from rodeo revenues.

City Recorder Rydalch stated that she would work with rodeo committee members Gerald and Rustin Young to get the originally contracted amounts on the specific contracts and report back to council. In addition, Recorder Rydalch noted that the city has already received a significant portion of the rodeo ticket revenues for 2021 as they were sold in fiscal 2020. General discussion amongst councilmembers that if this is reasonable it would be a goodwill gesture.

Councilmember Neff introduced the Weber Wild/Pinion Corner improvement area and the possible need to add this as an upcoming agenda item. He is concerned about deadlines for funding and moving forward with the improvements there. There was discussion that there is not a deadline for using the funds for improvements on the corner. **Councilmember Smart** stated that essentially the city needs to decide if we are moving forward with improvement to the corner this fall or not. General discussion regarding possible engineering requirements.

Councilmember Smart discussed that Mr. Wheelwright held is old fence back from his property line because of the snow removal issue and snow being pushed into his fence. Councilmember Smart also discussed that a trail along there insulates Mr. Wheelwright from the snow removal pushover. He further discussed that if there was a way to financially incentivize the residents along Weber Wild to organize into an HOA, include a trail easement for public safety and snow removal purposes, the city could then deed the property over to the HOA. **Councilmember Wilmoth** is concerned about not only the elevation difference between Wheelwrights property and the road for snow removal but also fronting money to the residents without an HOA disincentivizes formal organization. **Councilmember Smart** indicated that we have funds available to us in conjunction with the RAP tax and South Summit Trails Foundation to make those improvements along Weber Wild right now. A 5' trail easement could be paid for with these funds and insulate Mr. Wheelwrights fence. The funds available to the city through these grants do have a time constraint. Without the trail the funds from this grant is no longer available. **Mayor Woolstenhulme** stated that the residents along Weber Wild do not want a trail. **Councilmember Wilmoth** stated that there is a need for an easement along Weber Wild for snow removal push-over but most important is the organization of an HOA. He is of the

167 opinion that a meeting with representatives of Weber Wild to discuss the need for a snow
168 removal easement and HOA organization would be helpful in reaching an understanding.
169 **Councilmember Smart** understands that the residents do not want a trail but that it is an
170 inherent part of our City's general plan and that it is the city leadership that makes those type of
171 decisions. **Mayor Woolstenhulme** suggested communicating with the residents of Weber Wild
172 that the city has funds available through the Trails Foundation that can assist in now in
173 improving the area that would be required for a snow removal easement and improvement of
174 the Pinion Lane corner area. **Mayor Woolstenhulme** feels that it is important the residents of
175 Weber Wild have input in the discussion regarding the city property along Weber Wild road.
176 **Councilmember Neff** stated that the use of trail grant money for the installation of a trail/snow
177 removal easement also could facilitate improvement of the Pinion Corner and that this seemed
178 to be of import to the residents of Weber Wild Road. **Councilmember Wilmoth** stated that in his
179 opinion the property lines regarding the 23' was misrepresented in the re-zoning discussions.
180 Councilmember Wilmoth stated that it was represented that the property line was from the
181 fence line. **Councilmember Smart** stated that was incorrect and that Mr. Wheelwright stated
182 multiple times that his fence was set back from the property line due to the pushover from
183 snow removal. **Councilmember Wilmoth** stated that there must exist an easement or setback
184 requirement for a fence from a road. **Recorder Rydalch** stated that the county snow removal
185 easement is 60' and that there is no requirement for objects to be setback from that easement
186 however, any damage or destruction of objects within that easement are not the responsibility
187 of the governing authority to repair or replace. **Councilmember Wilmoth** wants there to be
188 clear communication with the residents of Weber Wild as to property lines, fence lines, and
189 possible snow-removal/trail easements. General discussion regarding meeting with residents of
190 Weber Wild. It was decided that Councilmember Wilmoth will arrange a meeting with
191 representatives of Weber Wild. Councilmember Neff will attend with Councilmember Wilmoth
192 to discuss the areas of concern.

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195 **Councilmember J. Frazier** moved to close the regular meeting.

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198 Approval is to form 23 day of September, 2020

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203 **Wade Woolstenhulme, Mayor**

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203 **Amy Rydalch, City Recorder**

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