

Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784

Wednesday, November 13, 2019 6:30 pm

Present:

Mayor: Mayor Donia Jessop

Council Members: Lawrence Barlow, JVar Dutson, Jared Nicol, Stacy Seay, Maha Layton (by phone)

City Recorder: Vincen Barlow

City Manager: Christian Kesselring

Staff: John Barlow (by phone), Harrison Johnson (by phone), Kyle Layton (by phone) (this list may be incomplete)

Court Monitor: Roger Carter

Public: Kim Hafen (spelling?), Travis Jessop, Art Jeffs, Jerusha Darger

#1 Call to Order

Meeting called to order at 6:37 pm. Roll was taken, quorum present.

#2. Pledge of Allegiance

Jared led the crowd in the Pledge of Allegiance.

#3. Conflict of Interest Disclosures

No new disclosure forms received this month. Maha wanted it noted that (her Father) Jethro Barlow was involved and in contact with the City concerning Preferred Parts. She said she doesn't believe it to be a conflict of interest but just wanted it stated for the record.

#4. Public Comment

No public comment.

#5. Council Comments

No Council comments

#6. Work Session

A. Revisions to Rules of Order and Procedure

There was a discussion from a previous meeting debating whether to put the topics below into the pipeline. Christian read informational summaries concerning the agenda. He stated that he would put a resolution together in order to bump some of the topics to be discussed in the next meeting. He added that work session items don't have motions, but as long as the Council feels a consensus that this process can move forward, a motion can take place. Councilmember Barlow suggested the staff putting together informational notes concerning work session action items on the agenda before the meeting so the Councilmembers can better understand and prepare to address the issues and concerns of the public.

B. Creation of Tourism and Recreation Committee

C. Options for Residential Mail Delivery

Councilmember Barlow asked for this action item to be tabled with the input that the Chamber will work on something to make this topic discussion more effective in the next discussion. All were in consensus to put items B. and C. into the pipeline.

#7. Executive Session: strategy session to discuss pending or reasonably imminent litigation (Utah Code 52-4-204)

Lawrence Barlow moved to go into Executive Session for the discussion of pending or reasonably imminent litigation.

Jared Nicol seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

JVar Dutson moved to close the Executive Session for the discussion of pending or reasonably imminent litigation.

Lawrence Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

#8. Action Items:

A. Settlement Agreement with Bryan Cave Leighton Paisner

Christian Kesselring presented the Mutual Release and Settlement Agreement and the minor changes that were made in the draft exchanged with Hildale City and Colorado City. He stated, "The effect of the agreement is that the lawsuit that had been threatened by Bryan Cave is being settled by this agreement subject to the approval of both Cities for a payment of \$60,000, and the asserted claim that they had made was about \$180,000 and growing because of interest." He said this would be a significant discount off the claim that was made.

Stacy Seay moved to approve the proposed Settlement Agreement with Bryan Cave Leighton Paisner and to authorize the Mayor to sign on the behalf of the City. Lawrence Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
JVar Dutson		X	
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

B. South Zion Estates Development Agreement

Christian goes over the South Zion Estate Development Agreement and noted that, it being the latest draft that had been exchanged, changes can be made to the draft in the meeting, but those changes would have to be agreed to by the developer in order for it to be approved. He added that most development agreements and traffic impact studies and the land use laws relating to these, once in effect and the agreement is done, they get frozen in time. That being said, he informed the Council and those present that if the agreements were approved in this meeting, later changes to the agreements may not fully apply, do to the rights to the ordinances that were frozen in time as of the date of that agreement. Travis Jessop discussed the development of Jessop Avenue and the surrounding street's association with South Zion Estates Development. There was discussion on impact fees (mostly for sewer and water) and storm water improvements. Each Councilmember had a chance to address their concerns on this discussion.

Stacy Seay moved to approve resolution 2019-11-2 approving the Development Agreement between South Zion Estates LLC and Hildale City to govern the Heights at South Zion Estates Development as revised in tonight's meeting. Jared Nicol seconded. Before votes were called for, a second motion was made.

Maha Layton moved that we amend the motion to exclude 3.1 or only apply it to phase one.

No one seconded. The Council went back to the original motion.

Stacy Seay moved to approve resolution 2019-11-2 approving the Development Agreement between South Zion Estates LLC and Hildale City to govern the Heights at South Zion Estates Development as revised in tonight's meeting.

Jared Nicol seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
JVar Dutson	X		
Maha Layton		X	

Jared Nicol	X		
Stacy Seay	X		

Motion carried.

C. Certification of 2019 Municipal Election

Kim Hafen(?) went over the results of the election and briefly talked about how those results were processed. He went over the votes for the Candidates. Councilmember Barlow read the statistics concerning the outcome of this election process.

Jared Nicol moved to declare Lawrence Barlow, JVar Dutson and Stacy Seay to the Office of Council Member for year term with 105 votes, 91 votes, 69 votes respectively and adopt Hildale Resolution 2019-11-03.

Maha Layton seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

D. Sale of Lot 31 in the Industrial Park

Christian discussed how he went through old minutes pertaining to Lot 31 and the case of Preferred Parts to come up with relevant information and tangible evidence needed to discuss and present to the Council. He pointed out important aspects to consider when asking questions about the selling of land and its association to Utah Laws. Jerusha Darger and Art Jeffs gave a public comment concerning Preferred Parts and Lot 31. The Councilmembers were advised by Christian to come together with the numbers (the dollar amount that was discussed) to make it clear for the record. Councilmember Seay stated a series of estimate figures for Preferred Parts, Lot 31. After the motion, the motion was open for discussion, which took place.

Stacy Seay moved to authorize staff to proceed with sale of Lot 31 on terms explained, come back with ordinance and purchase agreement of sale, with buyer paying closing costs, full release of liability to all claims to the City.

Lawrence Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

#9. Scheduling

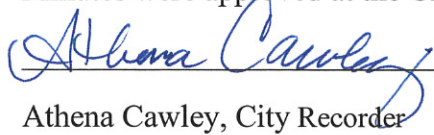
There was discussion about what day would be best for the next upcoming meeting, as the holidays were approaching. They discussed definite days that would not work and agreed that a scheduled meeting that could happen before the holidays would be better.

#10. Adjournment

With no other business, meeting adjourned at approximately 11:05 pm.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on August 5, 2020.


Athena Cawley, City Recorder

