



MINUTES
Oakley City Council
Regular Meeting 6:00 PM
March 24, 2021

DUE TO ONGOING COVID-19 PUBLIC HEALTH CONCERNS: PUBLIC IS INVITED TO ATTEND ELECTRONICALLY VIA THE ZOOM MEETING PLATFORM. THERE WILL BE NO PHYSICAL ANCHOR LOCATION AVAILABLE TO THE PUBLIC AT THIS TIME AS PER GOVERNOR HERBERT'S EXECUTIVE ORDER 2020-5

Anchor Location: 960 West Center Street, Oakley UT

In Attendance:

City Administration: Councilmembers Steve Wilmoth (Mayor Pro-tempore), Tom Smart, Joe Frazier, Dave Neff, Kelly Kimber. Planning Commission Vice Chair Cliff Goldthorpe, Commissioner Doug Evans.
Absent: Mayor Wade Woolstenhulme

City Staff: City Recorder, Amy Rydalch; City Planner, Stephanie Woolstenhulme

Others/Public in Attendance: Jeff Anderson, Gary Berosett, Justin Harding, Jack Walkenhorst

1. **Councilmember Wilmoth** Opened the meeting. The invocation was offered by **Councilmember Kimber**. **Councilmember Frazier** led the Pledge of Allegiance.
2. **Public Comment for Items not listed on the agenda:**
Doug Evans suggested that as the City is preparing for the 2022 budget, the City should consider turning the meeting room into a formal Council room, including a sound audio system, dais, etc.
3. **Planning Commission Presentation of General Plan Revision**
Cliff Goldthorpe addressed the Council and asked if there were any questions regarding the proposed General Plan revision.

Councilmember Frazier asked for clarification regarding density incentives related to open space. Is the City obligated to honor a density incentive if open space is included in a development plan? He is concerned because not all open space is equal, and he would like the city to have more discretion.

41 **Commissioner Evans** stated that the General Plan is broad in its description of the open space
42 incentives and that the regulations in the actual land use code are more specific. However,
43 through the proposed land use code revision, it does allow the city considerably more control in
44 the development process regarding density incentives, open space etc. The city will not have to
45 allow for an incentive if the design plan is not desirable to the City.

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47 **Councilmember Neff** mentioned that when Council reviewed the previous draft of the General
48 Plan there were some areas where there was possibly some over-reach in regulation. Were
49 those areas addressed in this version of the General Plan?

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51 Discussion that these items are more applicable to the actual Land Use Development regulations
52 that will be presented to Council in mid-April and could be discussed at that time.

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54 Further discussion that the proposed Master Planned Development process (MPD) will give the
55 City significantly more options and control regarding development within the City. Discussion
56 that the City is currently very limited as there is no Maser Planned Development process in
57 place. Discussion as to the number of units that will be required to follow the MPD process.

58
59 **Councilmember Smart** and **Councilmember Frazier** had small changes and additions to the
60 General Plan wording. It was decided that they would email **Commissioner Evans** with the
61 changes.

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63 **Commissioner Evans** suggested to the Council that educating the public on the regulations via
64 newsletters, website, social media is key to avoiding conflict and misuse in the future.

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66 **Councilmember Kimber** discussed supporting the language in the General Plan that refers to the
67 overall well-being and retention of city staff. He stated that the language is a starting point but
68 needs to be supported with policies etc.

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70 Discussion regarding the Waste-water facility and the imminent need to replace the collection
71 system. Infiltration is a significant problem.

72
73 **Commissioner Evans** reviewed the Maps associated with the General Plan revision.
74 They include:

- 75 • Oakley City Boundaries
- 76 • City Density
- 77 • Lots and Subdivision
- 78 • Water Issues – Rivers, Lakes, Wetlands, Flood Hazard area
- 79 • Water Demands – Infra Red aerial
- 80 • Flood Hazard
- 81 • Land Slope

- 82 • Geological Issues-fault lines, soils, landslide areas
- 83 • Soil Types
- 84 • Fire Hazard Zones
- 85 • Parks, Trails and Open Space
- 86 • Proposed Annexation Boundary Addition – Planning Commission is asking the Council to
- 87 consider increasing the current annexation boundary area to include a large section of
- 88 the North Hills. This is an area that is consistently being considered for development
- 89 within the County and has significant influential implications for the City.
- 90 • Sensitive Lands

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92 Discussion that the latest version of the Land Use regulations is posted on the City website for public
93 viewing. All revisions or changes are shown in red.

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95 **City Planner Woolstenhulme** reminded Council that on April 14th the Commission will be presenting
96 the full revision of the Land Use Code to the Council. They will be available for questions and
97 discussion that night. She recommended that the Council read and be familiar with the Code for this
98 discussion. The public hearing for the new Land Use Code will be April 28th and Council could
99 potentially adopt the ordinance that night.

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101 **4. Revised Culinary Water Conservation Plan Proposal for Oakley Recreation Complex**

102 **Councilmember Wilmoth** presented to Council the Emergency Order issued by Governor Cox
103 regarding Drought Conditions for this watering season. He then summarized a proposal
104 submitted to Council by Water Operator Hansen for the City Recreation Complex. The proposal
105 is to eliminate significant surface areas that require irrigation. Operator Hansen is proposing to
106 eliminate the lawn areas for all berm and bed areas between and surrounding all athletic fields.
107 These areas would be xeriscape but keep the existing trees. The proposal includes a phased
108 plan for replacing all lawn fields with artificial turf and other amenities such as additional
109 pickleball courts, a basketball court, Jr. skate park, and splashpad. Operator Hansen has been in
110 communication with Aqua Engineering regarding this proposal and the irrigation water
111 conservation for this project reduces the city usage by a significant amount. Grant monies may
112 be available for conservation projects of this nature. It is possible that the school district may
113 have an interest in assisting with the turf portion of the proposal. Operator Hansen is proposing
114 that the City consider this as an alternative to the secondary water system for the recreation
115 complex currently being pursued with South Bench Ditch Co.

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117 General discussion regarding the benefit of pursuing this option as opposed to pursuing the
118 secondary water option for the park with the Ditch Co. including possible future grant monies
119 being unavailable if the secondary water system is pursued at this time. Further discussion of
120 Aqua Engineering’s favorable opinion of the conservation proposal, that South Bench Ditch has
121 incurred costs related to the City connection, the urgency of needing to act regarding water
122 conservation.

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Additional discussion regarding the baseball and softball fields and location of possible initial turf areas and how this may benefit the high school baseball and softball teams. Discussion on approaching the school district.

Councilmember Frazier expressed concern that the xeriscaping needs to be aesthetic. He cited the example of St. George Utah. General agreement amongst councilmembers with this sentiment.

Discussion on keeping trees, increasing parking, and keeping access to the existing trail.

Councilmember Frazier asked how this project would be paid for.

Discussion that the City was planning to spend approximately \$100,00-\$150,000 for the installation of the New Lane lateral to the complex and that these monies could be made available for this conservation project.

Councilmember Wilmoth stated that the City should aggressively pursue grant monies but that the Council should be comfortable to move forward with the knowledge that these monies may not materialize.

General discussion that this plan not only conserves water but adds amenities that serve more members of the community.

Councilmember Wilmoth suggested that if the Council wants to move forward with this proposal that they consider appointing individuals to approach the School District about participating in this project. **Councilmember Neff** volunteered and **Mayor Woolstenhulme** was discussed as the other person of contact. Staff is to reach out to the Mayor for confirmation.

Discussion regarding South Bench Ditch negotiations. Discussion that there are still issues with the guarantee to deliver water.

Recorder Rydalch clarified that the last version of the contract did include terms for a guaranty of delivery of water to the City. The issue that is holding up the agreement is how the water is to be delivered. The City does not want to sign an agreement until there has been a determination on exactly how the water will be delivered and accounted for.

Discussion amongst Councilmembers that they want to be fair with the Ditch Co.

Councilmember Smart stated that he would like to get Aqua's thoughts on the Complex project.

164 **Recorder Rydalch** stated that she had spoken with Nick Graue, the project engineer that is
165 overseeing the City's various water projects and that he was very favorable of the Conservation
166 proposal. He stated that Aqua can assist from "cradle to grave" in seeking grant monies for a
167 project of this nature. He counseled that the secondary water from the Ditch Co. was a good
168 alternative but cautioned against entering into a formal agreement as this could impair potential
169 funding for the conservation project.

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171 **Councilmember Neff** recommended that a representative from the City reach out to South
172 Bench Ditch Co. to communicate the City's position and the reasoning for the decision. He is in
173 favor of moving forward in a different direction.

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175 **Councilmember Wilmoth** agreed with Councilmember Neff's statement and indicated that
176 Mayor Woolstenhulme would reach out to the Ditch Co. should the Council take formal action.

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178 **Councilmember Frazier** made a motion to move forward with all elements in the proposal for Water
179 Conservation and improvements to the Recreation Complex, to end negotiations with the South Bench
180 Ditch Co. for secondary water to the Complex, to reimburse the Ditch Co. up to \$10,000 for their
181 investment and thank them for their efforts to assist the City. **Councilmember Neff** seconded the
182 motion. All voted in favor. **Motion Passes.**

183 184 **5. Annexation Discussion**

185 **Councilmember Smart** presented to the Council a thought to pursue annexation for the 15 acres
186 that the Summit Land Conservancy has under contract for the green burial site. He believes that
187 there is a benefit to the city of a commercial tax base for this property and is a high value area
188 for the larger trail corridor project. This is a property that, in conjunction with the landowner to
189 the south (Clawson), petitioned in 2019 for annexation. The annexation was not certified
190 because it did not meet the legal requirements at the time. However, state law has changed,
191 and this property may now meet the requirements for city annexation. **Councilmember Smart**
192 proposed that the city reaches out to the landowners regarding possible annexation.

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194 **Councilmember Frazier** asked for clarification on the commercial tax value of the property.

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196 **Councilmember Smart** indicated that it would generate sales and use tax income from plot sales
197 as well as the significant property value of the parcel.

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199 **Commissioner Evans** indicated that most likely the parcel would require a zoning designation
200 change from Agricultural to Commercial which would change the property tax valuation as well.

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202 **Recorder Rydalch** stated that at a minimum they would have to have a conditional use permit if
203 it is a conditionally permitted use on the new land use table for the Agricultural zones.

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205 **Councilmember Neff** asked about continuing south and annexing the rest of the block.

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Recorder Rydalch summarized the former application and that property owners in the unincorporated peninsula have inquired regarding possible annexation but have not organized a formal application. She is unsure if the City can legally approach a property owner and solicit an annexation petition. She believes the City can initiate annexation proceedings if there are certain criteria that are met.

Councilmember Smart would like to recommend that the city investigate the possibility of annexation of the area.

Discussion among councilmembers to move forward with **Councilmember Smart's** recommendation to look at options for possible annexation. It was decided that **Recorder Rydalch** would look into the requirements and possibility of annexation.

6. Financial Report of Oakley City Current Year Accounts

Recorder Rydalch presented Council with a summary of the City's Cash accounts and balances, an outstanding bond summary including annual debt service payments, and a YTD budget summary. Items that were pointed out were the grant monies that have been received, the increase in rental revenue despite the Covid-19 closing of facilities during the year, the operational data for the rodeo, and the improvement in the sewer system net income. Discussion that a budget amendment will need to occur toward the end of the fiscal year.

7. Regular Business:

a. Approval of the Payables:

Councilmember Smart made a motion to approve the payables dated 3-9-2021 thru 3-23-2021. **Councilmember Frazier** seconded the motion. All voted in favor. Payables approved.

b. Councilmember Reports/Items:

- i. General discussion regarding concessions and the possible use of food trucks in combination with City concessions.
- ii. Moratorium on Water Features discussion. Fines need to be punitive. Council also wants to consider criminal charges for water theft. Fines to be determined. Council gave instruction to prepare and notice for public hearing and possible adoption at next City Council meeting.
- iii. **Councilmember Smart** reported on the meeting at the Complex for the Pickleball Courts. Materials will be purchased up front and stored to prevent further cost increases. Start date is later than anticipated and is expected to be complete by August 2021.
- iv. **Councilmembers Smart and Neff** suggested that Council meet to discuss the compensation and welfare of current staff and personnel.

248 **8. Adjournment.**

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250 **Councilmember Frazier** made a motion to adjourn the meeting.

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252 Approval is to form this 14 day of April, 2020


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Wade Woolstenhulme, Mayor



Amy Rydalch, City Recorder