



Hildale City Council Meeting

Wednesday, October 06, 2021 at 6:00 PM

320 East Newel Avenue, Hildale City, Utah 84784

Minutes

Welcome, Introduction and Preliminary Matters: Mayor Jessop called Meeting to order 6:00 pm

Roll Call of Council Attendees: City Recorder Cawley

PRESENT

Mayor Donia Jessop
Council Member Lawrence Barlow
Council Member JVar Dutson
Council Member Jared Nicol
Council Member Stacy Seay
Council Member Maha Layton - attended by Zoom during item #4

STAFF

Eric Duthie, Joseph Hood, Athena Cawley, Sirrene Johnson, Roger Carter, Robb Radley

PUBLIC

Cyndi W. Gilbert, D.R. Barlow, Elmer Johnson, William Shapley, Hunter Wixom, Mellissa Dadich, Jennifer Hardy, Allen Feller, Sheri Feller (this list may be incomplete)

Pledge of Allegiance: Councilmember Seay lead the pledge.

Conflict of Interest Disclosures: Council Member Dutson will disclose later.

Special Recognitions:

1. **Chief Radley presents new Police Officer for administration of Oath of Office by Mayor Jessop.**

Melissa Villarreal was sworn in under oath by Mayor Jessop.

2. **Recognition of former City Attorney Christian Kesselring for service to Hildale City.**

Mayor Jessop presented a service award to Christian thanking him for his service.

Christian expressed his thanks and gratitude to the council for entrusting him in so many roles with the city and that it has been an experience of a lifetime working for Hildale City.

The Council expressed their appreciation for his efforts and hard work for the city.

Information and Presentations:

3. **St. George Regional Hospital Administrator Mitch Cloward, and Cyndi Gilbert, Governing Board Chair will present information concerning hospital services, updates, and future.**

Mitch Cloward, administrator of St George Regional Hospital, presented a power point involving hospital covid census data involving vaccination rates and statistics. He explained that Intermountain Health's mission is to help community live the healthiest life possible. He introduced Cindy Gilbert the Board Chair of Trustees.

Cindy Gilbert gave a summary of different COVID related stories and taking cautionary measures. She expressed her appreciation for Hildale City and the community.

Mayor Jessop thanked Intermountain for their partnership with the city, nurses, and doctors.

Public Comments:

Christian Kesselring had concerns about glamping operation on north side of water canyon road. He reminded the council that a site plan was required at the time it first was started, but not approved for a commercial operation. The code requires this now with issues of storm water drainage, and no water is currently piped there. He suggested getting a site plan in place.

Council Comments:

Council Member Dutson recently attended Hurricane City Council meeting and explained they allow public comments for as long as the citizens desire. He would like to emphasize that being open, implementing patience, and letting citizens speak their peace should be the goal.

Approval of Minutes of Previous Meetings:

4. September 1, 2021, Meeting Minutes

Council Members discussed minutes to be approved. Council Member Nicol would like online attendance to be included in the minutes.

Motion made by Council Member Barlow, move to approve the meeting minutes for Wednesday, September 1, 2021. Seconded by Council Member Nicol.

Voting Yea: Council Member Barlow, Council Member Dutson, Council Member Nicol, Council Member Seay

Voting Abstaining: Council Member Layton

Motion Carried.

Oversight Items:

5. Financial Report and Invoice Register approval

City Manager Duthie presented financial report informing the council that reports are accurate up to August, but September is still being added.

Council Member Dutson asked about the payment for the current Utility Project.

Motion made by Council Member Barlow, to pay the bills as funds become available. Seconded by Council Member Seay.

Voting Yea: Council Member Barlow, Council Member Duston, Council Member Nicol, Council Member Seay

Voting Abstaining: Council Member Layton

Motion Carried

6. City Managers Report

City Manager Duthie updated the Council that the Accounts Payable Clerk position has moved to part-time, and Miranda Jeffs has accepted this change.

City Recorder Cawley introduced Sirrene Barlow as the new Deputy City Recorder.

Sirrene Barlow explained her background working the last 7 years in the medical field and the last 3 as a medical scribe. She expressed her thanks to be a part of Hildale City.

7. Mayors Report

No report currently.

Public Hearing:

Mayor Jessop opened the public hearing and welcomed public comments.

8. **Hildale City Council will receive public comment and consider, discuss, and possibly approve Hildale City Ordinance No. 2021-014, annexing Sections 30 and 31 of Township 43 South, Range 10 West, and Sections 25 and 36 of Township 45 South, Range 11 West pursuant to Utah Code Section 10-2-418.**

On September 1, 2021, Hildale City Council adopted Resolution No. 2021-09-01, indicating the City's intent to annex the same area described above. The areas described aggregates 2,206.32 acres.

City Manager Duthie gave a summary of the request that was given to annex west of the city.

Public Comments:

Allen Feller owns property under Esplin Cattle Company that is in the boundaries of the annexing area being discussed. He suggested to redraw the map and exclude those who don't want to be included in this annexing at this time.

Elmer Johnson has property in the upper corner of the area to possibly be annex. He is asking to not be annexed at this time. He appreciated Allen Feller for being workable with him. He's Glad for the improvements in the city but would like to be left out of the annexing. He gave a petition to the council in reference to not be annexed.

City Attorney Hood reminded the Council of the city code rules involving creating an island. He questioned why Mr. Johnson wouldn't like to be included. Mr. Johnson's response was that he doesn't have a trusting relationship with the city.

Council Member Seay touched on all the services the city provides to the community.

Council Member Duston asked if the property tax goes up if the annex happens.

Daniel R Barlow owns the top corner area by the highway of the land requesting to be annexed. He understands the services that are provided by the city but would like to encourage the council to listen to the voice of the owners. He doesn't want to be a part of annexation, and is concerned of the zoning, water, sewer, and road improvement future cost. He would like to know how the changeover would happen and how it would be discussed. He feels there has been a religious discrimination over land before and doesn't want to see it happen again.

William Shapley has interest in the parcels being annexed. He expressed desire to the council to not have the parcels annexed. He expressed his concern that government does things without notifying the landowners and inquired if possible is there a way to legally create an island.

Facebook comments: (Read by City Manager Duthie)

Jesse Barlow liked the idea of annexation to the west.

Karen Harris expressed her excitement for townhouses coming up in Hildale.

Continued Public Comments:

City Attorney Hood explained case law and statute about an island of peninsula within the city limits not being allowed or legal.

Elmer Johnson referenced the letter in the packet and expressed that it would be better off to go with Hildale City in the future not right now. He would like the part north of Esplin Cattle not to be annexed.

Daniel R. Barlow has power from Rocky Mountain Power and stated that it is cheaper than Garkane Energy. He would like to have more discussion and not make it an island. He would like to be given more time in the future to annex.

Jesse Barlow feels the idea of annexation is healthy and being it is the only place Hildale can annex. He feels that Hildale is more capable to annex than Apple Valley.

William Shapley explained what island means and possible requirements to make it possible. He appreciates his relationship with the county.

City Attorney Hood advise the council to research and comply with state law.

Jennifer Hardy voiced the benefits of being a part of a city. Those benefits include police, fire, and EMS. When there is an island then they want those benefits but are not contributing to those benefits if they aren't paying the taxes to the city. Thankful the people can voice their options.

Council Member Dutson addressed comments about discrimination and voiced concern to follow through on tax concerns.

Council Member Barlow thanked the public for voicing their concerns and wants them to be acknowledge. He explained that the 50-year vision starts today and that a course is being set right now to encourage good governance.

Mayor Jessop expressed taking care of the people and have their voice be heard. She closed the public hearing.

Council Members chose to table the item at this time.

Appointments to Boards or Commissions: NONE

Unfinished Council Business:

- 9. Consideration, discussion, and possible approval of Canyon Street & Utah Ave. Road Improvements Project contract award to JNJ Engineering Construction Inc. in the amount of \$390,196. This project was re-bid with approval of the Community Development Block Grant (CDBG) process and will be funded by CDBG funds previously allocated.**

Councilmember Dutson disclosed his conflict of interest on the item and will not be voting.

City Manager Duthie gave a quick rundown of the project and the reasoning for the re-bidding.

Motion made by Council Member Barlow, motion made to authorize the Mayor and administration to sign contract and award bid to J&J Engineering for Canyon Street and Road improvement project. Seconded by Council Member Nicol.

Voting Yea: Council Member Barlow, Council Member Nicol, Council Member Seay

Voting Abstaining: Council Member Dutson

Motion Carried.

New Council Business:

- 10. Consideration, discussion, and possible ratification of Professional Service Agreement for City Attorney services.**

City Attorney Kesselring will be relocating and taking a new position. With inquiring and receiving recommendations, court monitor Joseph Hood will be filling this vacancy. His work and salary contractor \$3,750 per month for 25 hrs.

Joseph Hood addressed the council introducing his history as a persecutor for 12 years, practiced in New Zealand and Australia in litigation. He moved to St. George and has added the government sphere to his practices. He is excited to be joining Hildale City.

The council welcomed him and asked a few questions about his background and commuting.

Motion made by Council Member Duston, to ratify contractor agreement with Joseph Hood and the City of Hildale as agreed in the engagement and compensation for the 25 hours as in the registered agreement. Seconded by Council Member Seay.

Voting Yea: Council Member Barlow, Council Member Dutson, Council Member Nicol, Council Member Seay

Motion Carried.

11. Consideration, discussion, and possible ratification of Professional Service Agreement for Zoning Administrator.

City Manager Duthie gave a summary of the agreement for the professional service for a zoning administrator.

Motion made by Council Member Barlow to ratify the professional service agreement for zoning administrator with Rural Community Consultants. Seconded by Council Member Dutson.

Voting Yea: Council Member Barlow, Council Member Dutson, Council Member Nicol, Council Member Seay

Motion Carried.

12. Consideration, discussion, and possible approval of ceremonial renaming of Carling Street from Uzona Avenue to Newell Avenue, as "Wildcat Way", in recognition of Water Canyon School, students, alumni, and for community building and educational encouragement.

Hunter Wixom, faculty member at Water Canyon Highschool, presented the schools intent to increase school spirit by ceremonially naming Carling Street from Uzona up to Newell Ave to be Wildcat Way. The school will pay for street signs at the corners along these streets.

Council Members expressed their gratitude to the high school and had a few questions about including the grade school street on Jessop Ave.

City Manager Duthie informed council this has been run through utilities and public works. He also clarified this doesn't change the actual street name or anything along those lines. It is an add on to the streets identification that has been done already in other Washington County Schools.

Motion made by Council Member Barlow, to approve the ceremonial renaming of Carling Street between Uzona Avenue all the way up to Jessop Ave as "Wild Cat Way" contingent on the school district approval. Seconded by Council Member Dutson.

Voting Yea: Council Member Barlow, Council Member Dutson, Council Member Nicol, Council Member Seay

Motion Carried

13. Consideration, discussion, and possible approval to establish a Hildale City Fraud Tip Hotline, in compliance with Utah State Auditor recommendations.

City Manager Duthie informed Council the recommendation from the state auditor to add a tab to the web site with a way to report fraud. This tab will then be directed to the emails of City Manager, Mayor, and Chair of Hildale Audit Committee. It is all a part of being compliant with the state auditors.

Motion made by Council Member Nicol, to approve to establish a Hildale City Fraud Tip Hotline, compliance with Utah State Auditor recommendations and emails will be sent to Manger and Mayor email. Seconded by Council Member Barlow.

Voting Yea: Council Member Barlow, Council Member Dutson, Council Member Nicol, Council Member Seay

Motion Carried

- 14. Consideration, discussion, and possible action concerning adjusting the meeting dates for the November and December 2021 Council Regular meetings.**

City Manager Duthie presented the reason for moving the next council Meetings, being the election and financial reports will not be ready in time.

Motion made by Council Member Seay, to approve rescheduling the November 2021 regular City Council meeting to November 17, 2021, at 6pm; and to reschedule the December 2021 regular City Council meeting to December 8, 2021, at 6pm. Seconded by Council Member Barlow.

Voting Yea: Council Member Barlow, Council Member Dutson, Council Member Nicol, Council Member Seay

Motion Carried.

Calendar of Upcoming Events:

- 15. October 12, 2021 - Vote by Mail Ballots to be mailed no sooner than 21 days before election day. (UCA 20A-3a-202(2)(a))**
- 16. October 19, 2021 - Mail reminder about Campaign Finance Statements deadline to candidates. UCA 10-3-208**
- 17. October 22, 2021 - Voter registration must be received by the County Clerk no later than 5 p.m., 11 calendar days before the date of election. UCA 20A-2-102.5(2)**

Trunk or Treat on October 30th at Cottonwood Park.
- 18. October 26, 2021 - Each candidate for the municipal general election shall file a campaign finance statement with the recorder no later than 7 days before the general election. UCA 10-3-208(3)**
- 19. November 1, 2021 - If a vote by mail ballot is delivered in the mail, it must be postmarked or otherwise marked as "received" by the post office on or before this date.**

Executive Session:

None

Scheduling:

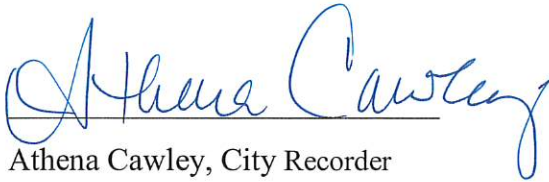
None

Adjournment:

Mayor Jessop adjourned the meeting at 8:57 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 12-08-2021.


Athena Cawley, City Recorder



PETITION

September 6, 2021

To the Hildale City Town Council

We the people owning property in the North East corner of Section 30, do not want to be annexed into Hildale at this time.

We fail to see the advantage, where in we are so far away from utilities.

We have been evicted from Hildale through fraud and conspiracy, and fill our Constitutional Rights have been violated, and do not believe they would be protected at this time.

We ask you, are you willing and able to defend all people including FLDS, In their constitutional rights, their religion, in the safety of their homes and lands.

If you can't, we ask to not be annexed into Hildale at this time.

Thank you

Elmer L. Johnson
Diana Johnson
Lillie Johnson
Lucia
Eloy Johnson
Stan Johnson
Kristine Johnson

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Kristine Johnson