



MINUTES

Oakley City Council

Regular Meeting 6:00 PM

May 12, 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

Meeting ID: 258 4629

Passcode: 777869

In Attendance:

City Administration: Mayor Wade Woolstenhulme; Councilmembers Joe Frazier, Kelly Kimber, Tom Smart, Steve Wilmoth and Dave Neff; Planning Commission Chair, Zane Woolstenhulme; Planning Commissioner Doug Evans

City Staff: City Recorder, Amy Rydalch; Water Operator, Dallas Hansen; City Planner, Stephanie Woolstenhulme; City Attorney, Rob Patterson (Via Phone).

Others/Public in Attendance: Jerri Frohm

1. **Mayor Woolstenhulme** opened the meeting. The invocation was offered by **Councilmember Neff and Mayor Woolstenhulme** led the Pledge of Allegiance.

2. **Public Comment for Items not listed on the agenda:**

Jerri Frohm petitioned the council for an exception to the water restrictions and moratorium to thoroughly water a freshly grass seeded area of her property.

Several council members proceeded to ask questions regarding the size of the area and time of day that the watering would take place. **Mayor Woolstenhulme** then opened discussion up for councilmembers to give their thoughts on the matter.

Based upon the result of the discussion, **Mayor Woolstenhulme** addressed Ms. Frohm stating that while they understood her plight, they would not be granting her request for an exemption from the water restrictions due to the uncertainty with the water supply and setting precedent.

Mayor Woolstenhulme asked for any other public comment for items not listed on the agenda. None.

3. Public Hearing for the Oakley City Land Management & Development Code – Possible Action that includes potential adoption of the General Plan revision and all related maps including zoning and sensitive overlay.

Planning Commissioners Zane Woolstenhulme and Doug Evans along with City Planner Stephanie Woolstenhulme presented the Council with the final draft of the Land Use and Development Code update. They reviewed specific areas of the new code language along with maps and informed Council of the Public Hearings that had previously been held.

Councilmember Smart stated that he has been working with the planning commission and would like to commend them for their work. He went on to ask questions regarding affordable housing and subdivisions as it applies to the city in terms of developers and the determination of what deems housing affordable.

Councilmember Neff asked about impact fees and whether we have them in place in the current code.

Recorder Rydalch stated that yes impact fees are in place but suggested that there needs to be an impact fee study done and that the city needs to update their impact fees. She further explained that this study can help measure the impact on city utility systems but also measures the impact on our roads, school districts, etc.

Mayor Woolstenhulme opened the Public Hearing for comment.

No Public Comment was received.

Mayor Woolstenhulme closed the Public Hearing.

Councilmember Wilmoth made a motion to approve the adoption of the General Plan revision and related maps as presented. **Councilmember Smart** seconded the motion. All voted in favor. **General Plan revision adoption approved.**

Councilmember Frazier made a motion to formally adopt the official zoning map and sensitive lands overlay map dated this date May 12th, 2021. **Councilmember Neff** seconded the motion. All voted in favor. **Zoning map and sensitive lands overlay map adoption approved.**

Councilmember Wilmoth made a motion to formally adopt the 2021-05 Oakley City Land Management & Development Code. **Councilmember Neff** seconded the motion.

Roll Call Vote:

Councilmember Frazier	Aye
Councilmember Kimber	Aye
Councilmember Smart	Aye
Councilmember Wilmoth	Aye
Councilmember Neff	Aye

Oakley City Land Management & Development Code adoption approved.

Mayor Woolstenhulme wanted it noted how grateful the council is for the planning commission's efforts to take on this project. It is a significant contribution to the City.

4. Utah Beverage Company Proposal

Recorder Rydalch stated Harold Jahn approached members of the city office to review terms of the contract that is currently in place with the Oakley Artesian bottling company. Mr. Jahn and his business associates are interested in approaching the city with a joint business venture using city water, similar to Oakley Artesian but for a slightly different product.

Harold Jahn proposed that he and his business partner, Dexter Baker, obtain a license with the city to bottle and distribute city water as well as fruit juices. He stated that they have been attempting to work with Oakley Artesian in this business venture but have not had much success and therefore have brought the proposal to the city instead. Mr. Jahn and his business partner believe that Oakley water could be distributed across the United States. He went on to state that the Oakley water is currently limited in its availability and distribution to other regions. Mr. Jahn addressed the drought issue that currently faces the city by stating that they would get around that by producing product in the offseason when the city does not need the water i.e.: September – March building enough inventory to not be a burden on the community's need for water during the warmer months. He proposed a three percent royalty for the city on their products to focus on the community and making sure that the city is well-represented in their business dealings.

Mayor Woolstenhulme asked for specifications on the building development that would have to take place for the venture. Mr. Jahn stated that they would need the 30 acres to build the bottling plant, green-housing and room for expansion. The plan is to grow elements of the juicing component onsite. His hope is by doing so they would be less reliant on imports from other regions of the world.

Councilmember Wilmoth wanted it noted, that while he recognizes the terms of the agreement Mr. Jahn was able to review with Oakley Artesian, that the city does have the right to shut off

123 their water when the community needs it the most. He also noted that the council denied a
124 community member from watering grass seed earlier in the meeting and his inclination is a
125 denial of this proposal. **Mr. Jahn** reiterates that they would only be taking city water during the
126 winter months and build up storage so that they would not be a burden on the community
127 water needs. He noted his qualifications in his previous business ventures that deal with the
128 same issues.

129
130 **Councilmember Smart** was concerned about the current emergency of building a new well as
131 soon as possible to support community needs and asked Mr. Jahn what their plan is regarding a
132 new well to support their business venture. Mr. Jahn responded that the timeline of the
133 business plan would be that they wouldn't start using city water until the following spring and
134 that they have included in the proposal the possibility of drilling their own well in the event that
135 the city wants to allocate 100 percent of the city wells to the community needs, the business
136 could put one in themselves at their own expense.

137
138 **Mayor Woolstenhulme** asked Mr. Jahn if they would be interested in partnering with the city in
139 constructing a new well. Mr. Jahn responded that they would be interested in that opportunity.
140 He asked further what the timeline is on the agenda. Mr. Jahn responded that they are willing to
141 meet with the city and come up with an agenda together in person. He also states that the
142 bottling plant would create jobs in the community as well.

143
144 **Councilmembers** thanked Mr. Jahn for his time and stated they will get back to him in the
145 future.

146 147 5. Possible Adoption of Temporary Land Use Regulation

148
149 **Councilmembers** discussed the impacts of new landscaping and residential developments on
150 the current taxation of the City's water supply. **Councilmembers** stated their concern regarding
151 the new homes being developed before there is a more water sourcing from a new well.

152
153 **Councilmember Smart** suggested that the city put a moratorium on new outside landscaping
154 and new home construction without foregoing any current landscaping or development that is
155 already in progress.

156
157 **City Attorney** confirmed that the city can limit the number of building permits given to the
158 public given the event of a moratorium based on the current infrastructure in place as long as it
159 is in the greater public interest.

160
161 **Mayor Woolstenhulme** suggested that the city put a moratorium on outdoor landscaping and
162 outdoor watering while allowing new home construction to continue. After further discussion
163 with input from Water Operator Hansen the Mayor changed his recommendation to include a

164 moratorium on all new building and outdoor landscaping other than all building permits that
165 have been issued or applied for.

166
167 **Councilmember Frazier** made a motion to place an immediate moratorium on all building that requires
168 a water hook up and a moratorium on all new outside landscaping related to new construction, due to
169 the current drought conditions, city water supply concerns, and impending water projects for a period of
170 six months or until the city determines that the city water supply concerns have been resolved.

171 **Councilmember Smart** seconded the motion.

172 **Roll Call Vote:**

173	Councilmember Frazier	Aye
174	Councilmember Kimber	Aye
175	Councilmember Smart	Aye
176	Councilmember Wilmoth	Aye
177	Councilmember Neff	Aye

178 **Motion Approved.**

179
180 **Mayor Woolstenhulme** discussed the Water Rate resolution that was drafted with the help of Curtis
181 Ludvigsen of Rural Water. The Mayor mentioned that while the resolution addressed water rates and
182 fees associated with connection, the City needs to consider an impact fee study.

183
184 General discussion with input from Commissioners Evans, Woolstenhulme, and Water Operator Dallas
185 Hansen regarding impact fees and the best way to address the issue of fee studies, drafting a capital
186 facilities plan, etc.

187
188 **In Accordance with Utah State Statute Sections 52-4-205(11)(a) and 63G-7-707(9) may vote to hold a**
189 **closed session.**

190
191 **Councilmember Wilmoth** made a motion to enter closed session. **Councilmember Neff** seconded the
192 motion.

193
194 **Roll Call Vote:**

195	Councilmember Frazier	Aye
196	Councilmember Kimber	Aye
197	Councilmember Neff	Aye
198	Councilmember Smart	Aye
199	Councilmember Wilmoth	Aye

200
201 **Council went into closed session at 7:23 PM**

202
203 **Council re-convened the open session at 8:36 PM**
204

Councilmember Wilmoth made a motion to sever all ties with Oakley Artesian Water Bottling Company for breach of contract. **Councilmember Neff** seconded the motion. **All voted in favor. Motion Carries.**

6. Regular Business:

- a. **Councilmember Wilmoth** reported that he and **Councilmember Neff** were working with Kendell Staples, Public Works Director to get bids on landscaping for water conservation changes and turf quotes for the playing fields.

Councilmember Frazier reminded the Council that they needed to be considering whether to participate in the community renewable energy program as a deadline for possible participation is looming. A decision needs to be made at the next Council meeting.

Recorder Rydalch relayed information from Public Works Director, Kendell Staples regarding information on speed bump pricing for North Bench.

- b. **Mayor Woolstenhulme** and **Councilmembers** reported on their areas of responsibility for the 4th Celebration. Bailee & Jena Woolstenhulme will be hosting the horse show. There is little interest in a softball tournament and will not be held this year. Sheep for the Jr. Rodeo have been secured as well as the chutes from Wasatch County. **Councilmember Smart** is still working on obtaining the chickens for the foot races. Discussion regarding food trucks and which vendors had been secured. Discussion to use Lush's BBQ for the City BBQ and possibly hospitality on the 5th. **Mayor Woolstenhulme** has been in touch with High Star Ranch, and they are donating the use of their new stagecoach and team for the City Council in the parade as well as a carriage for the Grand Marshall in the Grand Entry.

c. **Approval of the Payables 4-28-2021 thru 5-1-2021**

Councilmember Wilmoth made a motion to approve the payables. **Councilmember Frazier** seconded the motion. **All voted in favor. Payables approved.**

Approval is to form this 23 day of March, 2022


Zane Woolstenhulme, Mayor


Amy Rydalch, City Recorder