



MINUTES

September 28, 2022

**Oakley City Council
Field Trip – Oakley Artesian Water Bottling Co.
6:00 PM**

Regular Session

7:00 PM

Oakley City Hall

Zoom Meeting Platform

Meeting ID 820 258 4629

Passcode 777869

Anchor Location: 960 West Center Street, Oakley UT

In Attendance at Oakley Artesian Field Trip:

City Administration: Mayor Zane Woolstenhulme, Councilmembers: Joe Frazier, Kelly Kimber; Planning Commissioner, Doug Evans

City Staff: City Recorder, Amy Rydalch; Public Works Director, Kendell Staples; Arena Manager, Roman Collins

Administration and Staff toured the newly acquired Oakley Artesian Bottling Building.

In Attendance for the Regular Session-

City Administration: Mayor Zane Woolstenhulme, Councilmembers: Joe Frazier, Kelly Kimber, Dave Neff, Steve Wilmoth; Councilmember Tom Smart (Absent)

Planning Commissioners: Cliff Goldthorpe, Doug Evans, Richard Bliss, Lane Livingston

City Staff: City Recorder, Amy Rydalch; Public Works Director, Kendell Staples; Event Specialist, Karylyn Bliss

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Others in Attendance: Kerbee Atkinson, KaeLynn Pendleton, Steve Smith, Jana Smith, Alyssa Woolstenhulme, Scott Bates, Justin Wallis, Trevor Norris, Susie Petrizzio
Via Zoom: Deb Sheldon, Jenina Rose

1. **Mayor Woolstenhulme** Opened the meeting. **City Recorder Rydalch** led the Pledge of Allegiance. **Councilmember Kimber** offered the invocation.

Mayor's Report:

- MAG is coming out with a new grant program called TAG (Technical Assistance Grant). **City Recorder Rydalch** explained how the new grant program is designed to help municipalities acquire studies or other technical assistance regarding development, infrastructure, and transportation. City Planner Woolstenhulme and Recorder Rydalch have attended pre-application meetings and believe that Oakley could benefit from this type of grant. A letter of Intent giving a summary of potential projects for Oakley is due on September 29th. Councilmembers have a copy of the draft letter at their place settings for their review. It is the staff's intent to submit the Letter of Intent and if accepted make application for the technical grant.
- The Mayor updated the Council that all the necessary draft bond documents have been sent to the USDA and we are ready to go to bid for the drilling company. Expects to have a calendar of events for Council to look at soon that will give expected dates for landmarks on the Well development.
- Mayor has been in conversation with Recorder Rydalch regarding Public Works staff and believes that it would be helpful to have a report presented at each Council meeting that keeps the Council abreast of current areas of focus and progress on more long-term projects.
- Mayor briefed Council on happenings with EMS with the County and the change of responsibility of financial obligations to municipalities. State law changed recently, and municipalities will need to share in the financial obligation. Currently working on a study at the County level on how best to organize these services and the financial burden. Mayor wants the Council to be aware that this will become a pressing budget issue soon.
- Reported on the walk-thru of the Oakley Artesian Building and the progress on the clean-up of the area. Decisions regarding the use of the building will be coming soon.

2. **Approval of the Consent Calendar.**

- a. Invoice Register 8/3/22-9/26/22
- b. City Council Minutes
- c. Purchase of Arena Stock Panels
- d. Monthly Financial Report

82 **Councilmember Frazier** asked to remove item “c” from the consent calendar for further
83 discussion.

84 **Councilmember Frazier** made a motion to approve items a, b, d from the consent calendar.

85 **Councilmember Neff** seconded the motion. Items approved.

86
87 **Mayor Woolstenhulme** asked **Councilmember Frazier** to address item “c” that was pulled from
88 the consent calendar. **Councilmember Frazier** stated that he believed it is the wrong time to be
89 making a purchase like this. It does not serve an immediate need. **Councilmember Wilmoth**
90 respectfully disagrees with this position and argued that the Rodeo may not have access to
91 Gerald Young’s property for stock overflow soon and these panels would allow for all stock to be
92 kept at the complex during the rodeo. He suggested that the panels be paid for from the Rodeo
93 Fund instead of the General Fund. **Councilmember Neff** asked **Public Works Director Staples**
94 whether he believed the City had a need for the panels. **Director Staples** stated that the City is
95 at it’s limit with what the City currently has for setting up for the Oakley Rodeo and the South
96 Summit High School Rodeo. Some City panels need replacement. Believes there is a use for the
97 panels, but they would not all be used immediately. **Councilmember Kimber** understands the
98 future need but questions needing to buy all the panels. And asked the Council to consider half
99 of the panels.

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101 **Mayor Woolstenhulme** would like to table this item and take it to the Rodeo Committee to get
102 their input. **Item tabled.**

103 104 3. **Property Lease for Oakley Diner**

105 **Recorder Rydalch** referred the Council to the Planning Commissions recommendation that was
106 included in their supplemental materials. **Councilmember Kimber** asked to have a
107 representative from the Planning Commission present their findings. **Commissioner Doug Evans**
108 addressed the Council with a recommendation for two separate lease agreements. They believe
109 this is the quickest path to getting the diner redevelopment moving forward. The Planning
110 Commission is unanimous in their intent to facilitate the opening of the diner. They believe the
111 two-lease option is the best path to accomplish. A site plan was displayed for the Council to
112 view that indicated the area currently owned by the diner, the property to be considered in
113 Lease 1 and the property to be included in Lease 2. Lease 1 could be a lease with a sale interest
114 which sale is handled by a simple lot line adjustment. This does not require a development
115 agreement because the additional ground becomes part of the existing “diner” zoning (opinion
116 of City legal counsel). The second lease is for 1.16 acres and is all City Property North of the City
117 Hall. What is needed to improve the access to the lower part (drive through) of the diner is an
118 access road. The Planning Commission is recommending a temporary lease that will allow the
119 City and Lessee to work out an agreeable development plan through the MPD process. During
120 the time of the lease the lessee is responsible for all improvements including a temporary
121 drainage pond. The Planning Commission is concerned about the main access from Weber
122 Canyon Road. They are recommending that the City Engineer look at this access and ensure that
123 any utilities that may need to be extended from/to Weber Canyon road get stubbed before

124 further development. Their intent is that this access from Weber Canyon Road will become a
125 public road and will connect to Center Street. Planning Commission recommends the dual leases
126 to accomplish the expeditious opening of the diner while allowing for more dialogue and
127 planning of the larger section of City property.
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129 **Steve Smith** addressed the Council that he concurred with the general recommendation of the
130 Planning Commission. He indicated on the site plan that the 0.16 acres to be leased immediately
131 for the diner is considered unusable ground. His plans are to bring in fill and build retaining
132 walls for the additional parking area. He referred to additional design details regarding access
133 to the building from the rear, stairway, and diner from the north.
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135 **Mayor Woolstenhulme** clarified for the Council that current City Code does not allow for the
136 sale of property as currently written. The Council can lease the property to the Smith party until
137 such time that the code is more in line with current state standards. The lease allows the Diner
138 to move forward with their redevelopment.
139

140 **Councilmember Neff** asked if language was to be included in the leases with an option to
141 purchase. **Mayor Woolstenhulme** stated that this was not currently allowable under City Code
142 statutes. **Councilmember Neff** asked for clarification regarding the temporary nature of the
143 lease. Would it be month to month?
144

145 It was discussed by the Mayor and representatives from the Smith party that the leases would
146 need to be at least three years in nature to secure lending for the project.
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148 **Councilmember Neff** asked about location of overflow parking. It was indicated that the
149 overflow would be in the property designated by Lease number 2.
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151 **Mayor Woolstenhulme** stated that the Planning Commission recommendation for a month-to-
152 month lease was not actually included in the formal motion of the recommendation, and it has
153 since been clarified from "month to month" to "temporary."
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155 **Councilmember Kimber** is on board with the Planning Commission recommendation but wants
156 to ensure that the City is following the process as required in the City Code.
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158 **Councilmember Wilmoth** wanted to know why the Planning Commission wanted to consider
159 the month-to-month nature of the lease. **Commissioner Evans** stated that the intent was to
160 encourage a "temporary nature" of the lease until such time that the development agreement
161 can be agreed upon. **Steve Smith** reminded the Council that they are already in possession of a
162 lease for access from Weber Canyon Road that allows access to the rear of the diner. The intent
163 is to seek a long-term development interest with input from the community etc. In the
164 meantime, there is a need to get the infrastructure in to have the best shot at making the diner
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Councilmember Neff asked who would be deciding the terms of the lease.

Mayor Woolstenhulme asked the Council to consider a motion to approve entering into lease agreements with the Smith party. The terms of which will be drafted and brought back before Council for their approval.

Commissioner Goldthorpe stated that the Planning Commission feels that a shorter lease period kept more control with the City to allow more flexibility down the road. The Commission has significant concern regarding the road from Weber Canyon to Center street and feels strongly that this road stay in City control as it will affect future development of the City Center area.

Councilmember Neff motioned to authorize the Mayor and City Staff to draft and/or coordinate lease agreements with the Steve Smith party with terms subject to approval by City Council in a future City Council meeting. **Councilmember Frazier** seconded the motion. **All voted in favor. Motion Carried.**

4. Food Vendor Proposal – Roman Collins

Roman Collins addressed the Council with a proposal for a food trailer, operated by his wife, to be located on City Property, specifically the Complex. They believe that a food trailer would be a nice amenity for breakfast and coffee especially during the winter months. They feel that there is a market for this type of venture especially during the next several months when the Polar King closes for the season. **Mayor Woolstenhulme** asked what kind of services would need to be provided by the city i.e., water, power, restrooms, etc. **Mr. Collins** stated that the trailer was self-sufficient and would not require much from the city except some restroom support and power. He stated that they have all necessary permitting except for the County food handler permit which is has been applied for. **Mayor Woolstenhulme** asked how they planned on compensating the City. **Mr. Collins** expressed that they were hoping for a reduced fee as they get started but are open to further fee or revenue sharing as the business becomes more sustainable.

Councilmember Neff asked about the possible location on the corner by the Polar King as the visibility is better. **Mr. Collins** stated that he has reached out to Mr. Stembridge, but his first choice is the Recreation Complex. General discussion of City's past relationships with food trucks. **Recorder Rydalch** stated that the City historically charges 10% of net revenues from food truck vendors. She stated that the reason for the Complex being the preferred location is because of the proximity to the arena which becomes quite busy during the Winter season as weather brings more patrons to our arena facility during the day and evening for private rentals. **Mr. Collins** would like to provide food services for this patronage.

Councilmember Neff asked about whether the 10% net revenue fee is reasonable. He wants this to be successful and understands the pressure of a new business but feels that the City needs to be equitable and charge something.

208 **Councilmember Kimber** thinks this service would be appreciated at the arena but is concerned
209 about the costs to the City and how to quantify that and capture those costs.

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211 **Councilmember Frazier** asked about the self-sufficiency of the trailer.

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213 **Councilmember Wilmoth** thinks the general idea is good proposed not doing a revenue share
214 but a standard fee for location.

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216 **Mayor Woolstenhulme** believes the Polar King location is ideal but that the location across from
217 City Hall or the Complex would be fine.

218 **Councilmember Neff** motioned to approve Mr. Collins request to locate his food trailer on City Property
219 at the Complex or across from City Hall for \$50 a month to be reassessed after three months of
220 operation. **Amendment to motion:** All snow removal for the location of the trailer is Mr. Collins
221 responsibility. **Councilmember Wilmoth** seconded the motion. **All voted in favor. Motion Carried.**

222 **5. Appropriation for Public Safety Officer**

223 **Mayor Woolstenhulme** reminded Council of the discussion around the budget and Truth and
224 Taxation earlier this summer. He discussed the residual monies from the increase in revenues
225 that could be available for a public safety officer contracted from the County. He asked Council
226 to consider whether they would like to appropriate the residual funds or a specific dollar
227 amount toward this item. He stated that the amount available was approximately \$30,000.
228 Sherriff Martinez has agreed to provide an officer for as much or as little as Council decides they
229 would like to appropriate. The hourly rate to the city is approximately \$61. They will report to
230 the city logs of time and duties fulfilled while on duty. They are available for events and other
231 happenings within the city if requested.

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233 General discussion regarding terms of the contract. General sentiment to try this for a year and
234 review results. Further discussion that at \$30,000 the city would yield approximately 10 hours a
235 week from an officer. Discussion of advantages of contracted assistance vs. creating a municipal
236 public safety department.

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238 **Mayor Woolstenhulme** asked **Commissioner Bliss, former Public Safety Officer** to share his
239 thoughts on contracted assistance from the County. **Commissioner Bliss** expressed his approval
240 of the idea and provided examples of the financial advantages of contracting with the County.

241 **Councilmember Neff** motioned to appropriate \$30,000 in Fiscal 2023 to contract with Summit County
242 for a Public Safety Officer presence in Oakley City. **Councilmember Wilmoth** seconded the motion. **All**
243 **voted in favor. Motion carried.**

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245 **6. Go EXL Academy Proposal – Kaelynn Pendleton**

246 **Mayor Woolstenhulme** disclosed a conflict of interest and stated that Kaelynn Pendleton, the party
247 making the proposal, is his sister. He will direct the discussion but will not be making any
248 recommendations to the Council.

249 **Ms. Pendleton** introduced herself to the Council and gave a brief history of the Go EXL Academy
250 that is operational in Clark County Nevada. Go EXL Academy is a non-profit, non-denominational,
251 Christian School. She believes there is a need for this type of educational experience as not all
252 children thrive in a traditional school environment. She is proposing that they rent Cattlemen's Hall
253 Monday through Thursday to house the school. There are no modifications to the physical building
254 being requested. She would like to start as early as November 1st but can be as flexible as January
255 1st. The term of rental would be from Mid-August through the end of May each year with holiday
256 breaks as indicated in the proposal submitted to Council. The school would serve an enrollment of
257 approximately 15 students in grades K-8. They are proposing \$800/month for rent of the facility
258 leaving the facility available for rent Thursday evening through Sunday nights. Classroom supplies,
259 tables and chairs can be stored in a storage room located in Cattlemen's Hall during rental hours but
260 would need to be set-up for school to begin again Monday morning.

261 **General Discussion amongst Council** regarding rental amounts, hours of operation, licensing,
262 student to teacher ratio. Concerns expressed by Councilmembers were the impact on rental
263 accessibility and the proposed monthly rent amount. Questions were asked of staff regarding the
264 historical day usage of the facility. **Recorder Rydalch** indicated that it is difficult to distinguish
265 between historical day and evening usage as the building is rented by the full day (7:00 AM –
266 11:00PM). Staff recommends that if Council approves the leasing of Cattlemen's Hall they consider
267 no evening rentals M-W or removing the building from the rental pool during weeks when the
268 school is in session. This eliminates risk to school property located in Cattlemen's Hall during third
269 party rentals, as well as demand on city staff time after/before hours to clean and set-up the
270 building for Monday school hours. **Event Specialist Bliss** raised concerns regarding maintenance and
271 how to get staff into building during regular working hours. She also pointed out that the events that
272 are already on the calendar will have attendance between 30-250 people attending. There is third
273 party risk with school property and having rentals in the building.

274 **Director Staples** also expressed concern for city staff requirements particularly in the preparation
275 for weekly Monday morning readiness for the school after a weekend of rentals.

276 **General Discussion** regarding bookings that are already on the schedule and needing to be sensitive
277 to those rentals. Some discussion of Newport Academy being a better location if they have space.
278 General sentiment expressed by **Councilmembers Wilmoth, Frazier, and Neff** in favor of the school
279 if logistics can be worked out. **Councilmember Neff and Kimber** like the idea but would like to
280 investigate the details more before agreeing to a lease.

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282 **Mayor Woolstenhulme** directed Council back to the proposed starting date of the school of
283 November 1st and that there is a need to act so the school can plan accordingly. The Mayor called
284 for a motion.

285 **Councilmember Wilmoth** made a motion to accept the proposal with monthly rent of \$1,000 a month if
286 logistics can be worked out with current rental policy and staff scheduling. **Councilmember Frazier**
287 seconded the motion. **All voted in favor. Motion carried.**

288 **Councilmember Kimber and Neff** asked if the details would be coming back in front of Council.
289 **Recorder Rydalch** asked Council if the intent is for staff to alter rental policy to accommodate the
290 school. **Mayor Woolstenhulme** clarified that the lease is to work within current rental policy – this
291 is part of the logistics to be worked out with the school. The lease proposal details will not be
292 coming back to Council for approval as it was approved in the previous motion. If logistics can't be
293 worked out, then there will be no lease.

294 **Councilmember Kimber** expressed concern that the details are not coming back in front of Council
295 and had he understood that would not be happening he would not have voted in favor of the
296 motion.

297 **Councilmember Neff** also expressed concern over not being included in the follow-up agreement
298 and feels strongly that Council needs to have those decisions and logistics communicated to them
299 more regularly.

300 **Councilmember Kimber** stated his concern for load on staff and the kickback from local public who
301 may have their access to this building inhibited.

302 **Mayor Woolstenhulme** pointed out the previous decision to pull the City Hall off the rental
303 calendar and questioned whether that was a Council decision or a staff decision. He views this as
304 an administrative decision.

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306 **7. City Appreciation Dinner Discussion**

307 **Mayor Woolstenhulme** asked that this be placed on the annual calendar so that it does not get
308 overlooked. **Councilmember Wilmoth** gave a summary of the Town Appreciation dinner.
309 General discussion that it is too late in the year to do the traditional chicken dinner at the Red
310 Barn. Suggestions to build the appreciation event with the Christmas lighting ceremony.
311 Decision was made to make the Christmas lighting event larger and focus on that event this year
312 in place of the fall appreciation dinner. Discussion that the City co-sponsored the Christmas
313 event last year with the Christmas Boutique and attendance was significantly better. It was
314 decided to increase the event and incorporate the appreciation aspect into the Christmas
315 lighting ceremony. Discussion to bring in a food truck and provide dinner to residents that
316 evening. **Mayor Woolstenhulme** asked **Specialist Bliss and staff** to coordinate with

317 **Councilmember Frazier** who is over the Celebration & Activities Committee to get the Christmas
318 Celebration planned.

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8. Rodeo Committee Business

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Councilmember Wilmoth summarized the Rodeo Committee recommendations regarding the desire to increase the prize money for the 2023 rodeo. Feeling is that this will increase the quality of contestants, particularly in the rough stock events. Discussion that the increase will be for all events. Rodeo Committee also reviewed their financials and believe they can absorb this increase in prize money.

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The financial report from the consent calendar for the 2022 Rodeo Event was discussed that these were not the financial numbers discussed in the Rodeo Committee meeting. Confusion regarding what numbers were presented to the Rodeo Committee and the need to present the report from Council meeting to the Rodeo Committee for understanding and clarification.

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Specialist Bliss addressed the Council regarding the new ticketing program and how the city can incorporate sales tax, merchant bankcard fees, and the ticketing fee and pass on to the patron. These can be incorporated into the ticket price so that they are not itemized. She also believes that the Rodeo Committee was looking at the budget that had been provided by the City Recorder. **Recorder Rydalch** stated that a fiscal 2023 budget was provided to the Chair and discussed that as a municipality we are required to operate on a June 30th fiscal year and because of that requirement the financial reporting in the "Rodeo Fund" will look different than the "Event" reporting. General discussion that when operating on a fiscal year, historically the Rodeo Fund is operating in a net deficit when including the bond payment. Because of this the rodeo actually "owes" the General Fund monies. It is anticipated that with the success of the last rodeo the Rodeo Fund should be in the "black" this fiscal year. The city awaits the 2022 audit for official numbers.

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Councilmember Wilmoth reported on the recommendation from the Rodeo Committee to add new members: Ryan Fish, Jay Tinkler, Chablee Padgett, Jake Woolstenhulme, and Chris Dillman. The Rodeo Committee is forming subcommittees and feels they need these additional members to fill these positions.

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Councilmember Frazier is concerned about increasing prize money given the sponsorship banner year and sell-out crowds. If prize money is increased the rodeo only nets \$60k. General discussion amongst Council that increasing the prize money will increase the quality of the participants and hence the quality of the rodeo.

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It was discussed that at the next meeting the Committee needs to see the 2022 Rodeo Event Financial report. They Mayor stated that he and Recorder Rydalch would attend and present the report to the Committee.

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Councilmember Kimber stated that with the reorganization of the Rodeo Committee it is quite possible that they can bring in further sponsorship etc. **Mayor Woolstenhulme** expressed that

355 he believes that they can accomplish the improved quality in rough stock by increasing prize
356 money only in those events. Slack is not a money maker for the City nor the stock contractor.

357 **Councilmember Kimber** motioned to approve the recommendations from the Rodeo Committee to
358 increase the prize money from \$90,000 to \$180,000 in 2023 and to approve the new members to the
359 Rodeo Committee. **Councilmember Wilmoth** seconded the motion. **All voted in favor. Motion carried.**

360 **9. Amendment to Fee Schedule**

361 **Recorder Rydalch** asked Council to consider changing the Variance fee from \$150 to \$500. The
362 \$500 fee is to cover the City legal review and appeals authority fees incurred with a variance
363 application. In addition, the city has purchased stock this year for the Oakley Arena team roping
364 and break away roping nights. The arena manager would like to make the stock available to
365 patrons during private rental times for \$10/head.
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367 **Councilmember Frazier** made a motion to amend the fee schedule to include a variance fee of \$500 and
368 a \$10/head charge for cattle for rental at the arena. **Councilmember Wilmoth** seconded the motion.
369 **All voted in favor. Motion carried.**

370 **10. Water Conservation Plan Procurement**

371 **Recorder Rydalch** informed Council of the new requirement for municipal water system to
372 provide the State Department of Natural Resources with a Conservation Plan and ordinance.
373 These plans are quite comprehensive and involve data analysis etc. It has been difficult to find
374 technical services to help draft this plan. **Recorder Rydalch** was seeking Council's approval for a
375 single source provider with Aqua Engineering to draft the plan at a scope of \$17,000-\$20,000.
376 However, during the meeting, **Doug Evans**, has communicated a willingness to donate his time
377 and help prepare the plan for the City.

378 General Agreement to accept the offer by **Doug Evans** to draft the Water Conservation Plan.

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380 **Mayor Woolstenhulme** asked members of Council to read the book at their place settings. He believes
381 it may inform future conversations regarding zoning and land-use.

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383 **11. Meeting was Adjourned.**

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385 Approval is to form this 12 day of October, 2022

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389 **Zane Woolstenhulme, Mayor** **Amy Rydalch, City Recorder**