



MINUTES

December 14, 2022

**Oakley City Council
Regular Session 7:00 PM
Public Hearing
Oakley City Hall**

**Zoom Meeting Platform
Meeting ID 820 258 4629
Passcode 777869**

Anchor Location: 960 West Center Street, Oakley UT 84055

In Attendance:

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

City Staff: City Recorder, Amy Rydalch; City Planner, Stephanie Woolstenhulme; Public Works Director, Kendell Staples; City Attorney, Rob Patterson (Zoom);

Other City Contracted Personnel in Attendance: Nick Graue, Aqua Engineering (Zoom)

Members of the Public: Chandler Smith, Dan Smith, Paula Trater, Bonnie Wilde, Jan Perkins, Lane Livingston, Kristy Atkinson, Tricia Cone, Tom Schulz, **Via Zoom:** Jason Boal, Marchants, Mrs. Smyth's, Jack Walkenhorst, Pat Cone, Amy Reagan, Sherrie Keller, Alex LaCouture

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

2. Approval of the Consent Calendar.

- a. Invoice Register 11/9/2022 thru 12/13/2022.
- b. City Council Minutes 11/9/2022, 11/23/2022
- c. Rodeo Contracts
- d. Monthly Financial Report

42 e. Calendar of City Council Meetings for 2023

43
44 **Councilmember Frazier** made a motion to approve the consent calendar. **Councilmember**
45 **Smart** seconded the motion.

46 **No Further Discussion.**

47 **Mayor Woolstenhulme** called for a vote. All voted in favor. Consent Calendar Items were
48 approved.

49
50 **3. Franchise Agreement – Utah Broadband**

51 **Recorder Rydalch** briefed the Council on the efforts of Utah Broadband to expand into the
52 Kamas Valley market area. The franchise agreement in front of them does not specify a fee or
53 tax rate. They believe that they are exempt from the video and franchise fee as they are an
54 internet provider and internet service is supposed to be exempt from said tax. **City Attorney**
55 **Patterson** stated the same franchise agreement has been proposed to both Kamas City and
56 Francis. He would like to work with the other cities for a work around and consensus on a
57 reasonable fee before proceeding further. **Council agreed to table for further discussion at**
58 **another upcoming City Council meeting.**

59
60 **4. Public Hearing – Zoning Change application Parcel OT-117 (4685 N. Millrace Road) Dan &**
61 **Chandler Smith – Applicants**

62
63 **Planner Woolstenhulme** summarized the application for the zoning change and presented the
64 Planning Commission's positive recommendation. Context for the zoning change is the recent
65 update to the City's land use regulations and zoning maps in 2021. The City attempted to
66 correct parcels on the previous map that had split zoning by upzoning those parcels. The parcel
67 in question is the only known parcel where the split zoning was inadvertently downzoned. This
68 zoning change is, in part, an attempt to correct the City's downzoning and willingly concedes
69 there should be 3 units of density. The additional density request is from the applicant who
70 desires 4 units including the existing home. At four lots it requires a master planned
71 development plan which gives the city more control vs. the 3 units of density and a simple
72 subdivision.

73
74 **Mayor Woolstenhulme** opened the Public Hearing.

75
76 **Chandler Smith, Property Owner:** Grateful for the opportunity to have the zoning corrected.
77 Spoke to the number of parcels that were upzoned and theirs being the only parcel downzoned
78 during the Land Use updated and amended map that was adopted in 2021. She would like the
79 same opportunity that the other split-zoned parcels were bestowed with upon the adoption of
80 the 2021 map.

81
82 **Dan Smith, Property Owner:** Spoke to the formality of the process and that he believes it is
83 unnecessary because of the oversight of their split zoning in the process of updating the zoning

84 map in 2021. Believes that this zoning change restores their development rights and that the
85 granting of the zoning change is what is right and fair.

86
87 **Paula Trater:** Concerned about the riparian area and asked Council to consider buffer zones, not
88 only for this property but from streams etc. as other applications come before Council. She has
89 studied a species of frogs for years in this area and they are diminishing.

90
91 **Jan Perkins:** Values Paula's input. Spoke to protecting water and water quality. Concerned
92 about the river on this property and that it flows into the Weber River. Wanted to know if there
93 is a setback in city code that protects wetlands and waterways. In the City's code it speaks to
94 sensitive lands, and she believes that it is valuable to protect these areas, not only in regard to
95 this zoning change but for future considerations. Likes the point about the master planned
96 development requirement but worries about this setting a precedent with other properties. Is
97 the Council setting themselves up for more zoning considerations. Does this zoning change
98 benefit the community? Concerned about the old barn on the property and believes the City
99 should consider moving the barn, with permission of the property owners, to City-owned
100 property and preserving the structure.

101
102 **Bonnie Wilde:** One of the oldest residents of Oakley. She hates to see the historical things of
103 the City destroyed. Concerned that by putting 4 lots on this property the historic barn will be
104 destroyed. Concerned that the youth of the area do not know the history of the area. Believes
105 we need to do better preserving our landmarks.

106
107 **Chandler Smith:** Responded to the comment about setting a precedent for future zoning change
108 applicants. She stated that she has the same rights as anyone else. Anyone could file for a
109 zoning change at any time. This is not a special process for them. Expressed her love for the
110 historic barn.

111
112 **City Recorder addressed the Council and read in written comment, received prior to the City**
113 **Council meeting, from Kristy Atkinson, Millrace Road. The written comment is attached to**
114 **these minutes as part of the permanent record.**

115
116 **Mayor Woolstenhulme closed the public hearing and asked for comment/discussion from the**
117 **Councilmembers.**

118
119 **General discussion: Councilmember Wilmoth** asked for clarification regarding wetlands and
120 required setbacks. **Councilmember Smart** addressed lot sizes, the favorability of the MPD
121 process and the oversight of the planning commission during the redrawing of the zoning map.
122 **Councilmember Kimber** followed up with more questions regarding the fencing/property
123 boundary issue with the Atkinsons. **Planner Woolstenhulme** stated that the boundary issue
124 would most likely be resolved through the subdivision application as the applicant will have to
125 have the property surveyed. **Councilmember Frazier** is concerned about the access on the

126 corner and feels that it is not a good place for added density but likes the idea of being able to
127 preserve the historic barn.

128
129 **Mayor Woolstenhulme called for a motion.**

130
131 **Councilmember Smart** motioned to approve the zoning change as recommended by the Planning
132 Commission. **Councilmember Kimber** seconded the motion. **Roll Call Vote:**

133

134	Councilmember Kimber	Aye
135	Councilmember Frazier	Nay
136	Councilmember Smart	Aye
137	Councilmember Wilmoth	Aye
138	Councilmember Neff	(Absent)

139
140 **Vote is 3:1 in the affirmative. Ordinance 2022-03 is adopted.**

141
142

143 **5. Presentation of Bid and Possible Award of Contract for New Well Drilling Contractor;**
144 **Presented by Aqua Engineering.**

145
146 **Nick Graue, Project Engineer** presented the bid from Lang Drilling. Bid came in at \$2.9 million.
147 This is considerably more than what was anticipated when the application was submitted to the
148 USDA for funding. Originally budgeted \$1.5 million for drilling. However, as Aqua has been
149 reviewing bids with additional projects this bid from Lang appears to be reflective of the current
150 economic environment. Aqua Engineering is recommending that the City move forward and
151 award the contract for the drilling to Lang Resources. There is a possibility of cost saving that
152 could be employed. The depth of the well could be shortened “if” the well hits ample water
153 production before the estimated 2,000 foot depth. If the depth were to be reduced to 1,500
154 feet, it saves the city \$500,000. Aqua does not recommend drilling less than 1,000 feet,
155 however this cannot be determined until City is well into drilling and quality and production can
156 be assessed. The original intent was to drill to 2,000 feet and get anticipated production of
157 2,000 gallons per minute to ensure enough source for the next 30 years. With a shorter depth
158 the city runs the risk of having to drill again if production is not the anticipated 2,0000 gallons
159 per minute.

160
161 With these considerations in mind, Aqua Engineering is recommending that the Council proceed
162 and award the drilling contract to Lang Resources for the full \$2.9 million.

163
164 **General Discussion** regarding the increased amount needed for drilling and how that impacts
165 the overall cost of the project. The other ancillary costs were budgeted for \$1.3 million which
166 now puts the project at approximately \$4.2 million. These ancillary costs were done with
167 considerable “wobble room” and Aqua feels confident with the Phase 2 ancillary building costs.

168 The USDA financing is approved for \$3.2 million. **Council views the well as a high priority need**
169 **and advises staff to move forward with Aqua Engineering and the USDA for the cost overrun.**

170
171 **Mayor Woolstenhulme recognized Tricia Cone:** Ms. Cone asked about extending the timeline
172 for bids and the deadline for work since the city only received the one bid from Lang.

173 **Councilmember Smart and the Mayor** responded that there are very few companies in the
174 region that are qualified to do this drilling with the technicalities of the site and the depth of the
175 proposed well. The other vetted drilling company is booked through 2024 and would delay the
176 project considerably.

177
178 **Mayor Woolstenhulme recognized Tom Schultze:** Mr. Schultze asked how the flow and quality
179 of the water from the new well will be assessed. **Nick Graue, project engineer** stated that the
180 Loughlin Group, geologists and hydrologists, will be making that assessment in the field. **Mr.**
181 **Schultze** asked if the above ground structures would have to be improved when the time comes
182 for a larger pump to be employed to get more production out of the well. **Mr. Graue** stated that
183 the above ground structures are designed and constructed with maximum production in mind –
184 only the pump will have to be replaced to produce additional supply.

185
186 **Mayor Woolstenhulme called for a motion:**

187
188 **Councilmember Smart** motioned to approve the bid and award the drilling contract to Lang Resources.
189 **Councilmember Wilmoth** seconded the motion. **All voted in favor. Motion carried and bid awarded to**
190 **Lang Resources for the drilling of the new well.**

191
192
193 **6. Event Discussion – Monster Truck Event Sumer of 2023**

194
195 **Mayor Woolstenhulme** informed the Council that the City has been approached about hosting a
196 Monster Truck event at the arena complex this summer. Nothing has been decided. Pricing is
197 yet to be determined. Wanted to get feedback from Council as to whether there was an
198 interest in booking this type of event.

199
200 **Public Works Director Staples** stated that his primary concern is the access to the arena through
201 the overhead gate by the announcer booth. Access is very tight. He provided the example of the
202 benefit concert held Summer of 2022 and the amount of staff time it took to excavate arena fill
203 to gain enough clearance for the stage delivery crew. In addition, he is concerned about the
204 impact on the arena fill and the rodeo. The proposed dates are between the PRCA Rodeo and
205 the High School Rodeo. Staff has worked hard to get the arena blend to where it is and the
206 impact of an event like this is unknown on the quality of the arena blend. The event persons are
207 proposing to remove the arena blend and bring in their own fill if needed. **Director Staples** is
208 inclined to accept that offer should the Council decide to move forward with this event.

209 **General discussion** regarding possible dates and conflicts with the currently proposed dates in
210 July. Looking to September as alternative dates to avoid soccer tournaments and horse events at
211 the facility. Further discussion about arena accommodations i.e., removing the arena blend etc.
212

213 **Councilmember Kimber** likes the idea of utilizing our facility but not at the cost of impacting the
214 rodeos and other booked events adversely.
215

216 **Councilmember Frazier** agrees with Councilmember Kimber and would like to work with the
217 event vendor to find better dates. Cautioned to avoid conflicting dates with Francis and Kamas
218 Celebrations.
219

220 **Councilmember Wilmoth** is not in favor of this type of event. Horse events and Monster trucks
221 are incompatible. The PRCA is the money-maker at the complex, and he does not want to
222 adversely impact the facility in any way. He believes the facility is intended for sporting and
223 horse events.
224

225 **Mayor Woolstenhulme** summarized the scheduling concerns, impact on facility, need for
226 liability insurance coverage from the vendor, access issues, and concerns around the arena
227 blend. He stated that if these concerns can be addressed, he would be in favor of giving this
228 event a try. He suggested a site walk through with public works to address these issues and
229 then circle back to City Council.
230

231 **Director Staples** asked Council for input on general events and specifically when events of this
232 size are booked at the complex what responsibilities are included from City staff? i.e., bathroom
233 cleaning, garbage maintenance etc.
234

235 **Mayor Woolstenhulme** stated that these events need to be evaluated on a case-by-case basis
236 and worked into the event pricing. If an event demands more labor than we can supply the
237 event needs to be billed for this additional staff.
238

239 **Further discussion** regarding the noise generated by this type of event and how that relates to
240 the impending noise ordinance.
241

242 **Recorder Rydalch** asked for input from the Council on the broader question of whether Council
243 wants staff to pursue booking large events at the complex. This has implications for staffing
244 needs and policy changes.
245

246 **General discussion** amongst Councilmembers that the complex is well suited toward equine
247 events. Discussion regarding the benefit concert and the need to cover city cost on these types
248 of events. Much more labor intensive than anticipated. Discussion that these events will bring
249 in additional revenue to the city through sales tax etc. General sentiment to allow events to

250 approach the city, to prioritize events that are in harmony with the rural heritage of Oakley, and
251 to be sensitive to the demands on staff when evaluating booking an event.

252

253 **Mayor Woolstenhulme** directed staff to move forward with the Monster Truck persons to see if
254 there were accommodations that could be made to facilitate their event and report back to City
255 Council.

256

257 **7. Disposal of City Property – 2nd Reading**

258 **Mayor Woolstenhulme** summarized the previous discussions regarding the proposed ordinance.
259 He reviewed the State Law regarding Cities right to dispose of real property. The State statute
260 was displayed for the Council and for members of the public to view. He asked for City Legal
261 Counsel, Rob Patterson to comment on the state statute.

262 **City Attorney Patterson** gave the legal background. The city must satisfy two legal
263 requirements. The city cannot give away property that has value. They must get fair market,
264 not necessarily cash but it must reflect a value commensurate with the market. The second
265 requirement is that a City must provide 14 days-notice and allow the public to comment on the
266 sale of a significant parcel of real property. Cities must define what it means for a parcel to be
267 considered a “significant parcel” of real property.

268 **Mayor Woolstenhulme** stated that he favors an ordinance that adopts the state statute because
269 it shows that the City is following State Law.

270 **General discussion** regarding definition of a significant parcel of real property. Possibilities
271 discussed were 0.5 acres, 0.25 acres, or defining by an established dollar value i.e., \$10,000.

272 **Questions asked of City Legal Counsel:**

273 ***Councilmember Wilmoth: significant parcel defined by dollar amount? – Answer – Yes.***
274 ***Can an RFP requirement be added to the language of the state statute? – Answer – Yes.***

275 ***Councilmember Kimber: Does the bidding process require us to go with the highest bid?***
276 ***Answer – the City’s current ordinance does require the city to go with the highest bid. And is***
277 ***problematic if the appraisal is higher than the highest bid and the City can’t meet the***
278 ***statutory requirement of fair market value. As the draft ordinance is written, using the State***
279 ***Statute, there is nothing that prevents the Council from undertaking a bidding process or an***
280 ***RFP.***

281 ***Councilmember Kimber: If the City decided to add language requiring an RFP or bidding***
282 ***process could language be added that did not require awarding to highest bid but that allowed***
283 ***for what Council determined was in the best interest of the City. Answer – Yes. The language***
284 ***would have to be worked out but essentially that would be handled through RFP and not***
285 ***through a bidding process.***

286 **Councilmember Smart:** *In Counsel's experience do most Cities adopt the state code or do they*
287 *draft their own ordinance for the disposal of real property? – Answer – All cities must adopt*
288 *their own to some degree because a significant parcel must be defined. Generally, most cities*
289 *will have some version of the state code but some add details specifying process for when it is*
290 *not a significant parcel, or defining possible options for the disposal. He has not seen one as*
291 *restrictive as the City's current ordinance.*

292 **Councilmember Kimber** stated that he is looking for language that provides accountability for
293 the City Council.

294 **Mayor Woolstenhulme** summarized that the State Statute and stated that the State recognizes
295 that Cities need to have flexibility in the disposal of significant real property. The only imposed
296 regulation has to do with fair market value and noticing. The state wants to allow cities various
297 means to dispose of said real property. He is recommending that the Council approve the
298 second reading of the ordinance that adopts the state statute and that Council define a
299 significant parcel as part of the ordinance language. If approved the ordinance would be
300 noticed and prepared for a public hearing at a future city council meeting.

301 **Councilmember Wilmoth** asked for clarification. As written, he wants it reiterated that the
302 language in the proposed ordinance allows for the Council to employ a bid process, but it also
303 allows for the Council to not use a bidding process. It is at the discretion of the City Council. His
304 statement was confirmed by the City Attorney and Mayor.

305 **City Attorney Patterson** stated that under the state statute a Council could employ two
306 different methods for disposal of two separate parcels of property. He gave an example where
307 a city acquired a lot, hired a real estate agent and sold it through traditional real estate
308 brokerage. They had additional property that they deemed to be more consequential and
309 elected to go through an RFP process. They were able to employ two different methods
310 because their ordinance allowed them the ability to use various methods for disposal of real
311 property.

312 **Councilmember Wilmoth** stated that in every circumstance why would the city not want to go
313 through the bidding process.

314 **City Attorney Patterson** gave the example of a city selling to a school district. If the property is
315 put out to bid, then awarding the bid to the highest bidder becomes problematic if the school
316 district is not the highest bidder. By being required to go to bid it curtails the city's ability to
317 negotiate a sale for fair market value with the school district even though they are the desired
318 buyer the city would have to award to highest bid and could not negotiate.

319 **Councilmember Kimber** asked if the council does elect to add a bidding process to the
320 ordinance where does the language come in that would still allow for flexibility in awarding the
321 bid.

322 **City Attorney Patterson** stated that it could be on an ad hoc basis to include language in the bid
323 solicitation documents.

324 **Mayor Woolstenhulme called for a motion.**

325 **Councilmember Frazier** motioned to approve the second reading of the ordinance as written and define
326 a significant parcel as 0.25 acres. **Councilmember Smart** seconded the motion.

327 **Vote was 3:1.**

328 **Councilmembers Frazier, Kimber, and Smart** voted in the affirmative.

329 **Councilmember Wilmoth** opposed.

330 **Public Hearing set for second meeting in January 2023.**

331

332 **8. Noise Ordinance – Continuation of 2nd Reading**

333 **City Attorney Patterson** stated that language defining weekend hours and other exceptions
334 have been added to the draft ordinance since the Council's last discussion.

335

336 **City Attorney Patterson** directed the council to the exceptions and specifically item #6.

337 (Exceptions for City, school, or governmental approved events.) The City will need to
338 implement, in their rental policy contracts, parameters for specific events. i.e. are they exempt
339 from the noise ordinance requirements or not. Large parties at Cattlemen's Hall vs. Baby
340 Shower. If not defined in the rental contract then any event approved at City facilities is exempt
341 by this ordinance.

342

343 **Mayor Woolstenhulme** was reviewing Moab City's efforts to regulate noise and noticed that
344 they had involved their planning commission in the drafting of the ordinance. He is proposing
345 that before Council approve the second reading of the draft ordinance that the Oakley City
346 Planning Commission review and make recommendations regarding the ordinance.

347

348 **General Discussion** regarding how and where to measure decibel levels. It was clarified that
349 violations are generally complaint driven and the measurement is taken at the point of receiving
350 the nuisance noise – not at the source.

351

352 **Council Concurred – Planning Commission will review the draft noise ordinance and make**
353 **recommendations.**

354

355 **9. Mayors Report**

356 **a. Go EXL Academy** – withdrawn their request for the time being. May hear from them
357 this spring/summer.

358 **b. Water Utility Items** – Transducer at the Humbug well appears to be failing. This is the
359 instrument that is in the well that measures depth of water and communicates to the

- 360 pump when to turn on or off. Public Works is working with Doug Evans to find a fix. Not
361 an issue currently because the city has redundancy during the winter but could become
362 problematic as we enter warmer months and the problem is unresolved.
- 363 c. **Pay by Text** – allows residents to pay their monthly water/sewer bill via text message.
364 Nominal per text charge to city (.64cents). Begins January 1st.
 - 365 d. **Training/Retreat** – Discussion on what the council prefers on scheduling, format, and
366 topics.
 - 367 e. **Other City Business** – Calendar for the issuance of the bonds for the new well. Need to
368 schedule the adoption of the parameter’s resolution and a public hearing. January 30,
369 2023, for the public hearing.

370

371 **10. Councilmember Reports:**

372 a. **Councilmember Smart**

- 373 i. **RAP Tax Grant 2023**- Reminded the council of the executed trail easement
374 agreements with Victors for the River Corridor Trail. Summarized the progress
375 on discussions with the Bureau of Reclamation, Popes, and Bergers. He stated
376 that he submitted an application for the 2023 RAP tax for monies for bridges,
377 trails, and fencing improvements for the RiverBend area and Victor Trail (River
378 corridor) areas. Asked the RAP Tax Council to include a positive
379 recommendation in favor of using awarded RAP tax monies as matching funds
380 for an additional application to the Utah Outdoor Recreation grant by the City.
381 (Displayed several photos of the RiverBend and River Corridor areas.) Discussion
382 of placement of bridges and possible improvements. City was awarded
383 \$112,000 for the 2023 RAP Tax Grant.
- 384 ii. **Utah Outdoor Recreation Grant and River Alteration Permit**– would like to
385 apply for monies to use in conjunction with the RAP tax money toward the trails
386 projects in the identified areas.

387 **Councilmember Smart** motioned to apply for Utah Outdoor Recreation Grant and related permits.

388 **Councilmember Kimber** seconded the motion. **All voted in favor. Motion passes.**

389 b. **Other Council Member Reports:**

- 390 i. **Councilmember Kimber** – Expressed his appreciation for the Town Hall and felt
391 that it was important for community members to get information about city
392 business. He also expressed his desire to be included in communications and
393 meetings in any of the areas that fall within his area of assigned stewardship.
- 394 ii. **Councilmember Wilmoth** – reported that the Rodeo Committee wants to
395 change the start time to 7:30 to facilitate the added time for breakaway and
396 facilitating patrons easier travel from the City after the performances.
- 397 c. **Staff Items: City Recorder Rydalch** – pointed out the number of submissions of contact
398 information from our solicitation for newsletter subscriptions. Data indicates the

399 website and social media pages are where most people are finding their information.
400 Reported that there has been a good start on collecting email and cell phone numbers.
401 **Planner Woolstenhulme** stated that the original newsletter was sent to approximately
402 800 residences. So far, the city has collected close to 200 subscriptions. Staff will
403 continue to encourage enrollment through social media etc.

404 i. Xmas Lunch – Staff has voted and would like a holiday lunch at the high
405 mountain drug on Tuesday. Council encouraged staff if they would prefer other
406 eating establishments.


407 **11. In accordance with the Utah State Code Annotated: The Oakley City Council may elect to enter**
408 **a closed session to discuss character, professional competence, or physical or mental health of**
409 **an individual UCA 52-4-205.**


410
411 **Councilmember Frazier** motioned that the City Council move into closed session for the purposes cited
412 on the agenda. **Councilmember Wilmoth** seconded the motion.

413
414 **Councilmember Frazier** **Aye**
415 **Councilmember Kimber** **Aye**
416 **Councilmember Neff** **Absent**
417 **Councilmember Smart** **Aye**
418 **Councilmember Wilmoth** **Aye**

419
420 **9:38 PM The Oakley City Council went into Closed Session**
421 **10:26 PM The Oakley City Council ended the Closed Session and meeting was Adjourned.**

422
423
424 Approval is to form this 22nd day of February, 2023.

425
426 
427 _____
428 **Joe Frazier, Mayor Pro-Tempore**



Amy Rydalch, City Recorder