



MINUTES

January 25, 2023

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, Tom Smart, Steve Wilmoth

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

Other City Administration: Planning Commissioners Cliff Goldthorpe, Richard Bliss, Jan Manning, Lane Livingston.

Members of the Public: Howard Sorensen, Sherrie Keilor, Kent Woolstenhulme, Deb Sheldon, John Keller, Steve Maynes, Pat Cone.

1. Mayor Woolstenhulme opened the meeting.

- Pledge of Allegiance: Councilmember Kelly Kimber
- Invocation: Councilmember David Neff

2. PUBLIC COMMENT: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL. COMMENTS LIMITED TO 3 MINUTES.

No comments received.

42 **3. APPROVAL OF THE CONSENT CALENDAR.**

- 43 a. Newsletter Approval
44 b. Invoice Register
45 c. Minutes
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47 **Councilmember Smart** motioned to approve the consent calendar. **Councilmember Wilmoth**
48 seconded the motion.
49 No Further Discussion.
50 **All voted in favor. Consent Calendar Items were approved.**
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53 **4. In Accordance with the Utah State Code Annotated: The Oakley City Council may elect to**
54 **enter a closed session to discuss the professional competence or physical or mental health of**
55 **an individual UCA 52-4-205 (a).**
56

57 **Mayor Woolstenhulme** informed the public that the Council will be holding interviews with
58 candidates that have submitted statements of interest for openings on the Oakley City Planning
59 Commission. These interviews will be held in closed session.
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61 **Councilmember Smart** motioned to enter closed session. **Councilmember Wilmoth** seconded
62 the motion. No further discussion. All voted in favor.
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64 **7:05 PM The City Council entered a closed session subject to the requirements of State Code 52-4-205**
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66 **7:47 PM The City Council convened the closed session and re-entered an Open Session of the City**
67 **Council meeting.**
68

69 **5. APPOINTMENT OF PLANNING COMMISSIONER(S)**

70 **Mayor Woolstenhulme** upon reconvening the Open Session of the meeting informed the public
71 in attendance that the Council held interviews to fill the open vacancies on the planning
72 commission.
73

74 **Councilmember Frazier** motioned to appoint Kent Woolstenhulme and Steve Maynes to the
75 Oakley City Planning Commission as Commissioners. **Councilmember Wilmoth** seconded the
76 motion. **All voted in favor. Motion Carried. Commissioners Woolstenhulme and Maynes** are
77 **appointed to the Oakley City Planning Commission.**
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80 **6. DISPOSAL OF CITY PROPERTY ORDINANCE 2023-01 (POSSIBLE ACTION)**

81 **Mayor Woolstenhulme** summarized the City's progress on updating the City Ordinance for the
82 Disposal of City Property. He stated that there had been two readings and a Public Hearing
83 regarding the current draft of the ordinance 2023-01. He informed the council and public

84 present that the proposed alternative ordinance presented by Pat Cone at the last meeting
85 during the Public Hearing was sent to city legal counsel for review. The mayor then read in the
86 final paragraphs of the City Legal Counsel's opinion regarding the ordinance proposed by Mr.
87 Cone.

88
89 "Fundamentally, the Council needs the discretion to determine the process and to negotiate and
90 consider offers, deals, and terms that the Council determines will best protect and provide
91 adequate consideration and benefit to Oakley City. The only hard restriction on the Council is
92 that it must follow state law, which requires fair market value in money/nonmoney
93 consideration and at least one public hearing with 14 days' notice. "

94
95 "As this ordinance shows, it is difficult to write an ordinance that (a) accounts for all different
96 situations the Council will deal with, (b) gives the necessary flexibility to the City Council to pick
97 the transaction and terms that best meet the City's needs and Council's desires, and (c) also
98 provides a process beyond that required by State Law with strict procedures and regulations on
99 how the City Council conducts a sale. I do not believe this ordinance strikes the right balance,
100 and the problematic provisions means I cannot recommend that it be adopted."

101
102 **Mayor Woolstenhulme** directed **City Recorder Rydalch** to include, as part of the official record,
103 City legal counsel's full written opinion, despite it being attorney-client privileged. All members
104 of the Counsel received a copy of the opinion as part of their meeting materials.

105
106 **Mayor Woolstenhulme** stated that because of the recommendation from City legal counsel the
107 ordinance proposed by Mr. Cone be removed from consideration. He directed the Council back
108 to Ordinance 2023-01. He then asked for comments from Councilmembers.

109
110 **Councilmember Neff** expressed appreciation for the mayor making the legal response to Mr.
111 Cone's ordinance public. He believes it important for Mr. Cone to understand why the proposed
112 ordinance he brought to Council is problematic. He stated that he would have preferred to have
113 the City Attorney in attendance to further explain his points but appreciates the summary. He
114 expressed that he still has some reservations regarding the ordinance still under consideration
115 and would like to have more discussion amongst the councilmembers.

116
117 **Mayor Woolstenhulme** directed Council back to ordinance 2023-01. He reviewed the language
118 and the reference to the state code that is included in the ordinance. He summarized that by
119 keeping the language as proposed it makes it clear that the City is following the State Code
120 which allows the City more flexibility to decide if an RFP or a negotiated sale is in the City's best
121 interest. The State Code requires that the city receives at minimum fair market value.

122
123 **Councilmember Kimber** stated that he would like to go back to the City legal counsel's opinion
124 regarding Mr. Cone's proposed ordinance. He would like to get feedback from other

125 Councilmembers on some of the points made by Rob (City Attorney) to make sure everyone has
126 the same understanding.

127 **Councilmember Neff** said that he understands the need for flexibility and trusts this council, but
128 he is concerned about a City Council in the future that does not have the best of intentions
129 having too much flexibility. He wants there to be more checks and balances. He believes that
130 RFPs would be employed 90% of the time. He likes the idea of requiring RFPs as a check and
131 balance. However, he likes the idea of multiple bids but having the flexibility to not be required
132 to take the highest bid but what is the best proposal for the city.

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134 **Mayor Woolstenhulme** responded that the state code requirements are the check and balance.
135 The requirement to receive at least fair market value protects the best interest of the City. The
136 Mayor also pointed out that this Council cannot be concerned about future Councils as they will
137 still be required to adhere to State Law. The wording in ordinance 2023-01 allows this Council
138 and future Councils to address each situation as needed and not as required. It allows for RFP's
139 if appropriate. It also allows for negotiated sales. He believes this is why most municipalities
140 have adopted an ordinance that is so closely tied to the State Code.

141
142 **Councilmember Kimber** voiced that he sees the benefit of the flexibility in the ordinance but
143 would like to see specific language included that indicates the City Council may elect to employ
144 RFPs at their discretion. He would like to see the RFP language spelled out and not just implied
145 in the ordinance.

146
147 **Councilmember Frazier** stated that he understands flexibility and believes that the checks and
148 balances are in place. It is the election. If a council or mayor is not acting in the best interest of
149 the city the community can vote them out of office. A council can change code at any time,
150 there are no assurances for Councils in the future. He believes that if the City is aligned with the
151 state code, then there is not anymore the Council can do to ensure the best process.

152
153 **Councilmember Wilmoth** expressed his opinion has not changed. He agrees that RFP's can be
154 complicated and not always expeditious but, in his experience, often the hard things are the
155 right things. He appreciates the flexibility but believes that the Council should still do RFP's. He
156 gave the example of selling a home and the better outcome if there are multiple offers.

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158 **Mayor Woolstenhulme** pointed out that when selling a home multiple offers are not necessary
159 if the first offer has enough value and favorable terms. He then used City Center North as an
160 example stating that the reason the City granted the lease interest to the Diner party is because
161 they as the developer own all the property surrounding the city property on the North side. It is
162 highly unlikely that another developer would want to commit resources toward an RFP for city
163 property that is primarily supportive in nature (black top, drainage areas) to the commercial
164 services of the diner developer.

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166 **Councilmember Kimber** disagreed with the Mayor's assessment.

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Mayor Woolstenhulme stated that the council is not considering the specific sale of city property at this time. They are to be looking at language for that process when the time arises. He then referred them back to the proposed language in ordinance 2023-01. He reiterated that he is not saying the Council cannot utilize an RFP process, he is stating that RFP specific language does not need to be included in the ordinance since it is already covered by the flexibility in the ordinance itself.

General discussion amongst councilmembers regarding including language that gives the council discretion to use the RFP, or bidding process should they choose to do so. **Councilmember Smart** indicated that he does not have an issue including language that specifically mentions the option of an RFP or bidding process, he just believes it is redundant. He also expressed that he has no discomfort in the language proposed in ordinance 2023-01 as the city attorney has reviewed it.

Councilmember Neff reiterated his understanding for the need for flexibility but still believes an RFP process helps maintain trust from the community.

Mayor Woolstenhulme asked councilmembers for suggestions on changes to the language in ordinance 2023-01.

Councilmembers suggested and discussed additional language that allowed for an RFP process but uses language that does not obligate the city to do so.

Councilmember Smart motioned to approve Ordinance 2023-01 with the addition of language that states that the council has the flexibility to dispose of city property as deemed in the best interest of the city using such means as request for proposals to negotiated land sales land trades or other means as advised," and that addition new language is approved by City Legal counsel. **Councilmember Frazier** seconded the motion.

No Further Discussion.

Councilmember Frazier	Yay
Councilmember Kimber	Yay
Councilmember Neff	Yay
Councilmember Smart	Yay
Councilmember Wilmoth	Nay

Motion Carried. Vote 4-1. Ordinance 2023-01 passes with the conditions of the motion.

COUNCIL TOOK A FIVE-MINUTE RECESS.

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7. COMMITTEE AND CITY ACTIVITY DISCUSSION.

Mayor Woolstenhulme introduced the current City’s version of the Committee and Activity ordinance and directed the Council’s attention to the specific lists of responsibilities for the Rodeo Committee and the Celebration Committee. The Rodeo Committee reviewed the ordinance and is proposing some changes to the current list of responsibilities. The Mayor asked Councilmembers Wilmoth and Neff to report on the Rodeo Committee findings.

Councilmember Wilmoth indicated that Bolt Ranch Store would like to be a bigger sponsor. He stated that this sponsorship is a bit complicated as they are also tied to our merchandise for the rodeo. After conferring with Rodeo Chair Wade Woolstenhulme, they would like to separate the merchandise from the sponsorship. He reviewed their recent contract. Andy Woolstenhulme will be the rep for the sponsorship and **Councilmember Wilmoth** will be the representative with Bolt for the merchandising. His understanding is that Bolt will take on all the responsibility for the apparel, sales, storage, and procurement. The Rodeo Committee and City Council still have design input.

Councilmember Wilmoth reminded Council about the situation with the City and Rodeo logo and the need to secure usage rights from Brandon Bates now that he is no longer affiliated with the rodeo. Mr. Bates was very generous in his donation of the logo but since his departure was not on the best of terms it is in the City’s interest to secure those rights from Mr. Bates.

Recorder Rydalch mentioned that she as well as **Councilmember Smart** have a good rapport with Mr. Bates and will reach out about securing the logo usage rights for both the City and the rodeo.

Councilmember Smart asked about the responsibilities of negotiating contracts and whether the Rodeo Committee has the authority to enter into those contracts without City Council approval.

General Discussion regarding the Council delegating this ability to enter contracts for services and sponsorships and that Council is approving an annual budget for these various line items annually. It is through the budget approval process that the Council is approving the Rodeo Committee’s ability to enter into contracts for production services.

Further Discussion regarding possible new sponsorships that have already reached out to members of the Rodeo Committee and City Council.

8. NOISE ORDINANCE – 2ND READING

Mayor Woolstenhulme introduced the Noise Ordinance with the Planning Commission recommendations for changes. He asked **Commissioner Bliss** to address the proposed changes.

250 **Commissioner Bliss** stated that most of the recommendations were focused on the timing of
251 the noise regulations, weekdays vs. weekends, the impact of daylight savings time.
252 **Mayor Woolstenhulme** asked about regulations concerning construction activities and their
253 impact on neighboring properties.

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255 **General Discussion** on enforcement provisions, the role of law enforcement offices and adding
256 exceptions for livestock and agriculture.

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258 **Councilmember Smart** motioned to approve the ordinance for 2nd reading and to schedule the
259 ordinance for a public hearing at the next regular City Council meeting. **Councilmember**
260 **Wilmoth** seconded the motion. **All voted in favor. Motion Carried. 2nd Reading approved.**

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262 **9. MAYORS REPORT**

- 263 a. Reminder of Public Hearing for BANS on Monday January 30, 2024, for the Bond
264 Anticipation Notes for the New well financing.
- 265 b. Development Agreement Discussion – **Mayor Woolstenhulme** reiterated that on
266 multiple occasions he has said that the city will not be selling property until a
267 development agreement is in hand, however he acknowledges that the authority rests
268 with the council. He is wondering if the Council would like to take action to make a
269 formal statement. **Council was in favor of such statement.**
- 270 **City Recorder Rydalch** suggested that legal counsel assist in preparing the language of
271 the statement and she will bring it back for Council's approval.
- 272 c. **Mayor Woolstenhulme** reminded Council that locals only ticket sales start on February
273 6th followed by all ticket sales going on sale February 15th.

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275 **10. COUNCILMEMBER REPORTS**

- 276 a. **PUBLIC SURVEY - Councilmember Kimber** discussed the idea of doing a city-wide survey
277 to get a better feeling of the community's interest and concerns. He has performed
278 some research on various firms to assist with a survey project. He would like to present
279 this possibility to the Council at a future meeting. It was scheduled for the work session
280 in February.
- 281 b. **TRAILS EASMENT/GRANTS – Councilmember Smart** gave a brief overview of the
282 RiverBend/Trail to Franson Park update. Easements from the Victors and Bergers are in
283 legal review and will be coming to Council for approval shortly. He presented estimated
284 costs for the river alteration, bridges, and trail work. Grant money from the RAP Tax
285 was discussed as well as the possibility to pursue a grant through UORG Grant that
286 requires a city match of which volunteer time can be used. He wants to know if Council
287 is ok with him pursuing the UORG grant knowing that there is a match of 50%.
288 Councilmembers expressed general support but are wary of committing more than the
289 \$20,000 out of pocket match that was proposed.

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291 **Mayor Woolstenhulme** recognized member of the public **Howard Sorensen** who offered praise
292 and appreciation to **Councilmember Smart** for all the grant money and value he has added to
293 the City because of his efforts to preserve open space and develop trails.

294 **11. Adjournment**

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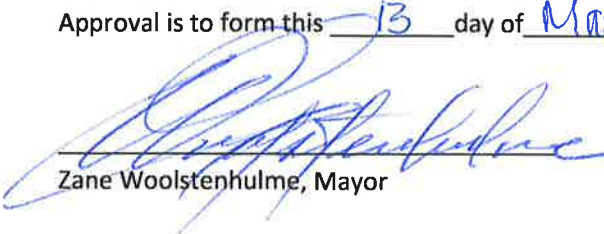
Approval is to form this 13 day of March, 2024.


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Zane Woolstenhulme, Mayor


Amy Rydalch, City Recorder