

Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784

Wednesday August 29, 2018

Present:

Mayor: Donia Jessop

Council Members: Stacy Seay, JVar Dutson, Jared Nicol, Maha Layton, Lawrence Barlow

City Recorder: Vincen Barlow

City Manager: John Barlow

Staff: Harrison Johnson, Vincen Barlow, Mariah La Corti

Court Monitor: Roger Carter

Public: Vance Barlow, Charles Hammon, Jeff Barlow, Joan Barlow, Eric Velander, Jethro Barlow, Lee Barlow, Willie Jessop, Elisa Wall

#1 Call to Order and Pledge of Allegiance

Mayor Jessop called the meeting to order at 6:30 p.m. Jared led the group in the Pledge of Allegiance. Maha Layton came into the meeting at 6:55 p.m.

#2. Public Comment

JVar mentioned his sadness about the death of Senator John McCain.

Jeff Barlow addressed the Board to talk specifically about a few things that happened at the Utility Board meeting. As a citizen and the Director of the UEP Trust he wanted to remind the City Council that it is their duty to assign members to the Utility Board that have the best interest of the community in mind. He feels that the Utility Board should have acted in the best interest of the community last night, and that did not happen. He feels that the job of the Utility Board is to reduce water rates and make water quality better. He brought up the issue of the impact fee and gave his feelings that it should go away.

Elisa Wall, resident of Hildale, expressed her disappointment about the outcome of the Utility Board meeting. She spoke about how the Moratorium on Development will affect her. She feels that growth is essential, but that growth with planning is more important. She is asking the council to seriously consider the Moratorium so that the Planning Commission can be allowed to do their job of planning use of the land. She further requested suspension of the water impact fees.

#3. Consideration and Possible Action on Moratorium on Development

John Barlow presented. The State of Utah requires municipalities to have a land use ordinance. The Planning and Zoning Commission has been meeting 3-4 times a week in an effort to get ordinances in place. This has come to the attention of the public, which is causing individuals to seek approval of land use applications prior to the ordinances being put in place. The proposed solution is to not allow any more development until the Planning and Zoning Ordinances have

passed by adopting this moratorium. If this is adopted it will expire three months after adoption, so the ordinances must be in place by that time.

Maha asked if this affects building permits. In response Christian read the proposed ordinance aloud. John explained that this may adversely affect some individuals until the land use ordinances are in place. She further questioned if there are any current projects or developments that this will prohibit or silence. John explained that each individual he has spoken with has put in a land use application which will be processed, per section 4.

Jeff Barlow was invited to share how this will affect the UEP. One concern is that a moratorium will send the wrong message to the public. Another is that this will halt some of their projects, but they are willing to wait the 90 days. Lastly he expressed his doubts that with public input the ordinances will be in place within the timeframe allotted. The UEP will have a lot of input on the ordinances. However, they will support the decision made by the council.

Charles Hammon was asked to share where the Planning Commission is on their draft. He is anticipating at least 30 days for a very rough draft. As a Planning Commission they are not setting out to resolve every problem, they are trying to formulate information so that they can have the needed discussions with the public. He understands that this will be such an enormous step for the citizens of Hildale because of the fear of change, and he knows that this will be an extensive public hearing process. The amount of time that this takes will be determined by the amount of public input.

John explained that the Planning Commission is just that, and once Mission Band-Aid is completed, they will begin taking the public's input to create a general plan for the future. This is just a first step. John clarified that as an administrator he is there to facilitate the process, not to form and make the rules.

Willie Jessop was invited to address the council. He commented about his disappointment in hearing the word moratorium because of his current projects. He feels that restricting the movements is stupid. He asked the city not to shut down their work in progress. He stated that he is willing to listen to input from the Planning and Zoning while they work on getting the ordinances in place. The word moratorium creates a panic because he does not know what it means. He asked if he will be allowed to put in an application prior to this going into place, and he was informed that land use applications are accepted during business hours. Maha requested that the public be made aware that their input is welcomed at the public planning and zoning hearings. Lawrence pointed out that focus needs to be placed on communication with the public to take the fear and drama out of this.

Roger Carter was asked for his input. He explained that this would be a proper use for the moratorium. There is a lack of applicable code which is concerning in the ability to make consistent non-arbitrary rulings, which has laid the groundwork for this recommendation. He will be looking to make sure that the codes and the application of such are as non-discriminatory as possible. Exceptions are a problem. This decision is up to the council; it is a difficult situation.

Lengthy discussion on this matter continued with every council member giving input. Jared expressed his opposition, he would like to give 2 days notice.

Don Barlow addressed the council, he works with a lot of different zoning departments. He suggested that rather than a pause, a lax zoning evolving document be put into place.

**Stacy Seay moved to adopt Ordinance 2018-003.
Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson		X	
Maha Layton	X		
Jared Nicol		X	

Motion carried.

#4. Consideration and Possible Action on Resolution Stating Definition of Development

This item had to be tabled. Because it would affect the development ordinance it must go through the planning and zoning commission first.

#5. Consideration and Possible Action on Suspension of Water Impact Fees

John Barlow presented. He presented minutes from the Utility Board Meeting for the Council to refer to. He pointed out that the city has received payment of a singular impact fee in the last 4 years. The State of Utah has given municipalities the ability to collect impact fees so that new customers bear the cost of the impact that they will make on the system. Hildale City has a unique situation because of the reduction in household size, the infrastructure is only at 60-70 percent capacity. Hildale City needs customers. He recommended that the council suspend the collection of the impact fee. A proposed ordinance was provided.

Harrison read the code that outlines what impact fees can be used for, which is only to pay for the cost of expanding the infrastructure for going above capacity. According to the Court Order, an impact fee study has to be done every 5 years by an engineer. These studies are not cheap.

JVar does not understand why they are requesting complete repeal of the fee. He is pro-growth but feels that there should still be a small fee. Harrison gave a brief history of how this came about. He reiterated the need for Utility customers. The impact fee is not useful for its purpose.

Roger expressed concerns with separating the two communities on the chance that Hildale suspends the fees and Colorado City does not because it is not a bifurcated system. He also had concerns with the term “suspension”, he feels that if there are no capital needs then the fee should be eliminated, but it should be based on a study. A retroactive suspension would cause problems for those customers. He pointed out that any change to the impact fee notice must be

given to the monitor 30 days before the modification. Christian explained that the term “suspend” was used for this reason. He recommended basing the decision upon good data.

Jared felt that this decision does not need to be made tonight because of the last motion, there will be three months before this will be needed. He would like more time to review the information.

Jeff Barlow made a comment regarding the Trusts involvement in the impact fee. They requested input during the time the fee was put in place. His view is that the impact fee was put into place to stop growth. The UEP has water resources available, the City does not need the impact fee at this time. He recommended that the Council get rid of the impact fee and do a water study to justify if an impact fee is necessary.

Vance Barlow clarified that he supports reducing the impact fee to the lowest needed number, whether it be reduced or zero. He requested that the process be slowed down and supportive data for the request be provided for justification.

Lawrence asked if we could get a professional opinion from Sunrise Engineering. Roger pointed out that a lot of the work can be done in house, and we are nearing the 5 year mark anyway.

Maha Layton moved to instruct administration to move forward with looking into reducing or eliminating the water impact fees.

Stacy Seay seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#6. Consideration and Possible Action on Paying Sunrise Engineering to Apply for Grant

John Barlow presented. This grant would pay for a large majority of the required study. The Utility Board has agreed to this.

JVar Dutson moved to allow the City Administration and Utility Staff to spend up to \$3,000.00 to apply for water master plan grant.

Stacy Seay seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		

Jared Nicol	X		
-------------	---	--	--

Motion carried.

#7. Closed Executive Session

JVar Dutson moved to go into executive session to discuss the character, professional competence, or physical or mental health of an individual. Maha Layton seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#8. Work Session

Staff was not prepared. This item will be discussed at a future date.

#9. Adjournment

Meeting called back to order. With no other business, meeting was adjourned at 9:52 P.M.

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 December 5, 2018.

Vincen Barlow

Vincen Barlow, City Recorder

