

Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784

Tuesday, November 20, 2018 6:00 p.m.

Present:

Mayor: Donia Jessop

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

City Recorder: Vincen Barlow

City Manager: John Barlow

Staff: Christian Kesselring, Mariah La Corti

Court Monitor: Roger Carter

Public: Marc Fletcher, Kyle Layton, Joan Barlow, Fred Zitting, Brigham Holm, John Linton, Mary Ann Harker, Nelda Johnson, Shem Fischer, Marion Timpson, Shem Fischer, Lisa Fischer, Charles Hammon, Byron Stubbs, Jennifer Kesselring, Lorin Zitting

#1 Call to Order

Meeting called to order at 6:00 p.m.

#2. Roll Call

Roll was taken, quorum present.

#3. Pledge of Allegiance

The crowd all joined in the pledge of allegiance.

#4. Public Comment

Marc Fletcher approached the council to contest the development near the Maxwell Canyon stone house. He gave a brief history of the property. He would like to see the city council determine any conflict of the current owner disclosed and wait until an approved general plan is in place before making a decision on this. He stated his feeling that corruption is taking place.

Fred Zitting approached the council about the Canaan Lodge. He believes it qualifies to be zoned commercial. He spoke with the neighbors today and they love the idea, according to Fred. He provided the council with a mission statement and site plan. Fred has other business projects and encouraged the council to come and experience what the tourists are experiencing. Mayor Jessop disclosed that she went for a ride with Fred today and viewed the Lodge

John Linton congratulated the new members of the council. He is in town visiting family and is excited to be able to sit in and watch this.

#5. Public Hearing

Maha Layton moved to Close Public Comment and Open Public Hearing.

Jared Nicol seconded. Roll call vote:

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

Motion carried.

JVar Dutson, speaking as a member of the public, expressed concerns regarding whether or not all of the requests received were taken care of. John confirmed that he took care of anything brought to him. JVar asked why Hildale is in the middle of the property dispute. Mayor Jessop explained that Hildale City is not a court of law.

Mary Ann Harker articulated her opinion that although you cannot make everybody happy, the public should be heard and their feelings are not being taken into account. She expressed concern about land owners not being aware of meetings unless they are continuously checking the website. Maha and Jared both responded to her concern. Mayor Jessop asked if Mary Ann is inquiring about a specific piece of property. She does not, she is just standing up for the town citizens that have an opinion that should be considered. Joan Barlow responded to Mary Ann's concerns by explaining that the Planning and Zoning and Council can both come back and update the regulation as needed.

Jared Nicol, speaking as a member of the public, talked about his concerns about off-road vehicles. He wanted to make sure that these and multi-family were carefully thought through.

Lawrence Barlow moved to Close the Public Hearing and reconvene the regular session.

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.

#6. Consideration and Possible Action on Adopting Land Use Ordinance

John Barlow presented. The State gave cities a lot of power to regulate land use, but it has to be in writing. It has been an enormous project getting an ordinance in front of the council. John reviewed the minutes of the last meeting to assure the council that their decisions from that hearing have been reflected in version 2 of the land use regulations and the zoning map provided to them today.

John pointed out an oversight regarding the number of recreational rental vehicles allowed for Airbnb owners. This was amended and replaced in the regulation proposed to the council. He and Christian are still working on the amnesty process.

John brought another zoning policy before the council for consideration:

In situations where someone has made a substantial investment into a residential structure to turn it into a legal commercial use, they have followed all legal requirements (e.g. building permits, business licenses, etc.), the business would provide an economic advantage to Hildale, it is on what could be a main thoroughfare (i.e. Utah Avenue, Central, or Uzona), the land owner has requested to the planning and zoning administrator or requested in a public meeting that the lot be zoned commercial, the Planning Commission has recommended the lot NOT be zoned commercial, then the City Council will ...

Shem Fischer explained that he is requesting to be zoned commercial because of the receptions and weddings that his business provides. Each councilmember took turns discussing this matter. Maha, Stacy, Lawrence, JVar and Jared an agreed that anyone that meets the criterion above will have their property zoned as general commercial. The change for the specific property that this affects was made and an updated map was provided to the council.

Jared felt strongly that he was being limited on what he could discuss at this meeting. John explained that anything can be up for consideration, but any change must be either approved on another day or the change must be made immediately and put in front of the council. Jared asked for further discussion on off-road vehicles. Councilmembers discussed both sides of the issue briefly.

Jared Nicol moved to eliminate the off-road vehicle verbiage from the policy that was implemented last week.

JVar Dutson seconded. Roll call vote:

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

Motion fails.

Councilmembers discussed the Maxwell Canyon property and why this parcel fits into the recreational resort zone when no other property presently does. The criteria were explained. Maha requested a description of the vision for this property to help her determine if the criteria was met. Marion Timpson walked the council through the land use process that they went through, and their vision for the property. They want to provide a facility and event center to bring families back together to enjoy the area. Stacy explained that Hildale does not want to get in the middle of a civil suit, they just want to adopt a policy that is best for the community. Marc

Fletcher feels that Marion is out of touch with what the community needs; his intent is to protect the property for Hildale citizens to enjoy.

Christian clarified that the policies that were voted on during the work session were purely for having an analytical tool to make decisions on the map for approval, not for future decisions. Christian read through the proposed Ordinance.

JVar asked for the proposed ordinance to be amended to make sure citizens know their requested, approved changes have been reflected on the zoning map. John pointed out that this ordinance removes certain burdensome development standard requirements. There was brief discussion on this.

Jared asked to hear from Roger Carter on this matter. Roger continues to go through the wording of the ordinance. He explained that he is looking to make sure that the ordinance is written non-discriminatory. This zoning ordinance begins the foundational elements of due process and fair treatment. We will need to continue to work on being non-discriminatory in the application of the ordinance.

**Lawrence Barlow moved to adopt Hildale City Ordinance 2018-005.
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 carries.

#7. Consideration and Possible Action on Adopting Development Ordinance

This was included in the previous ordinance.

#8. Consideration and Possible Action on Adopting Amnesty Ordinance

Skipped. Still in progress.

#9. Consideration and Possible Action on Adopting Fee Schedule Resolution

JVar asked where the fees came from. John explained that he put an estimate together logically based on a rate of \$20.00/hr. He proposed it to the commission and they agreed to it. He did not compare it to any other cities. The Municipal tax table was updated to reflect what it actually is. The only modifications being made to the fee schedule are in land use, with the exception of animal control fees. John walked councilmembers through each proposed fee amount. A few clerical errors were noted and corrected.

**Maha Layton moved to adopt Hildale City Resolution 2018-11-03.
Lawrence Barlow seconded. Roll call vote:**

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

Motion carries.

#10. Executive Session

Lawrence Barlow moved to go into executive session for the acquisition of real property.

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 carries.

Lawrence Barlow moved to close the executive session and reconvene the regular meeting.

JVar Dutson seconded. Roll call vote:

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

Motion carries.

#11. Resolution to Authorize Sale of Industrial Park Property HD-HDIP-33

John Barlow presented. The owner of Canaan Mountain Holdings has offered a trade of a warehouse building for an office building near the highway.

JVar Dutson moved to adopt Hildale City Resolution No. 2018-11-01

Lawrence Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		

Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carries.

The next resolution that is proposed is to expedite improvements around the warehouse to get it into business, in exchange the owner will be bringing business into Hildale and employment to Hildale residents. JVar mentioned that the Industrial Park budget has already been used up this year. John explained that the deadline is in the next budget year.

Lorin Zitting, president of Production Assembly Corporation and Manager of Canaan Mountain Holdings, addressed the Board regarding the reasoning behind the urgency. This is important to him because he would like to be in production within 3 months and does not want his customers to have to drive in on muddy roads.

**Lawrence Barlow moved to adopt Hildale City Resolution No. 2018-11-02
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 carries.

#12. Consideration and Possible Action on Lifting Moratorium

No discussion needed.

**Jared Nicol moved to lift the moratorium, Hildale City Ordinance No. 2018-006
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 carries.

#13. Consideration and Possible Action on Paying Councilmember Stacy Seay to Write Police Department Building Grant

John Barlow presented. Councilmembers are allowed to do a task and be reimbursed for such. The city cannot afford to hire a grant writer. Councilmember Seay would do the research to find the grant and follow-through until the task has been completed, \$4,000.00 was proposed as a base rate. JVar questioned if this needs to be prioritized at this time. John explained the long-term objective is: if we have a facility, we will have better negotiation terms.

Jared would like to see more planning and police involvement in this discussion. John explained that he is simply seeking direction. Lawrence has offered his help along with an officer experienced in grant writing. Stacy has already begun researching and located a grant that she feels will be successful. With the Officers experience, councilmember Nicol questioned if this is the right way to go about this. Lawrence explained why it is important to have a headquarters on the Utah side and how it aligns with the vision for the future of Hildale. He pointed out that the IGA has already been adjusted to make a headquarters in Hildale. Discussion continued regarding strategic vs. operations.

JVar Dutson moved to pay Councilmember Seay to write Police Department Building Grant with a cap of \$4,000.00. seconded. Roll call vote:

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

Motion carries.

#13. Adjournment

Meeting adjourned at 9:48 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

