

Bluff Town Council Public Meeting with Chris McAnany
Thursday, January 3, 2019
Bluff Community Center at 1:30 p.m.
190 N 3rd East
P. O. Box 324
Bluff UT 84512

Minutes

The meeting started at 1:33 p.m.

Roll Call Mayor Ann Leppanen, Luanne Hook, Brant Murray, Jim Sayers, and Linda Sosa

Audience Dudley Beck, Bill Lincoln, Jackie Warren, Wendy Smith, Vaughn Hadenfeldt, Liza Doran, Debbie Westfall, Kelly Davis, Lois Young, Zak Podmore, Britt Hornsby, Carol Shook

Leppanen explained the purpose of this meeting was to give the community the opportunity to ask questions of the Council's lawyer about the Lyman Family Farms request to disconnect from the town. Chris McAnany, Moab's City Attorney and land use lawyer, was hired using a generous donation from Ray Foushee for that purpose. We have until January 13th to decide to vote yes or no to the disconnect and are planning to vote on the 8th.

Hook described the trip to the town's boundary and the LFF parcel the Council took with McAnany and Dudley Beck that morning.

Leppanen explained that the public could ask questions and then the Council would go into a closed meeting with McAnany.

Dudley Beck asked if McAnany had read the Baird (opposing attorney) letters and was familiar with Baird's involvement in the of disconnection of Bluffdale. And based on Bluffdale what are our chances of success? McAnany had read the letters and studied the Bluffdale case. He explained that the court weighs the equity of all the facts and everything is relevant. Bluffdale was time consuming, expensive, and they lost. The risk is we could spend a lot of money and if we won it could be appealed.

Liza Doran asked if we could find out what the landowner's development plans are.

McAnany, There is a discovery process but so far they are not willing to disclose.

Jackie Warren, If they win can they do anything with that land?

McAnany, Correct.

Wendy Smith, Can they be forced to disclose what their plan is?

McAnany, No, they state that they have no plan, so there is nothing to disclose. What is the harm if there are no plans?

Lois Young, If this goes to court would it be tried in San Juan County or Utah and we would we have a chance?

McAnany, Yes, but court is usually fair although there are no guarantees.

Vaughn Hadenfeldt, Most everything out there is public land, what can we offer for services?

McAnany, The court looks at municipal services, there are no services out there.

Doran, We are part of the Bear's Ears, could we get pro bono attorneys?

McAnany, It is possible.

Leppanen, We and Friends of Cedar Mesa have talked to several land use lawyers and no one has offered yet.

Leppanen, If we vote no, what is the process?

McAnany, The landowner brings a civil lawsuit to court, The Town defends itself by filing an answer, discovery and change of information, trial before a judge, appeal. The landowner has the burden of proof.

Warren, If we vote no is there a timeline?

McAnany, No, it could be immediate or not.

Beck, We have no ordinances, could that help?

Carol Shook, Could we ask that it be put off a year?

McAnany, It is possible the Court would allow it to be put off; you are a new town, have no money, and have not had time to make ordinances.

Leppanen, Doran, Why did they wait until we were incorporated?

McAnany, They say they were unaware and once they were aware they had to wait until the Council was seated.

Hadenfeldt, If we can't do this what are the liabilities?

McAnany, The applicant is responsible for costs incurred, surveys, maps, legal descriptions.

Leppanen, What about equity and the effect on the community?

McAnany, This parcel has broad impacts on the town, it is the gateway to the town and Bears Ears, it is a natural asset that people have deep feelings about.

Smith, It is the first and last thing people see.

Brant Murray, 47% of our town is SITLA, 37% is BLM, and 16% is private.

Luanne Hook, If we vote no could that buy time?

McAnany, You can be forced to court.

Doran, Can we invite them to visit us?

Leppanen, We have and they have said no way.

Kelly Davis, Could protest play a role?

McAnany, It could increase public support or harden feelings.

Hadenfeldt, There is more SITLA land that can be sold, how could that effect our future?

McAnany, SITLA has a state mandate to make money for schools and is not subject to local land use law. We have no say. Talk to SITLA about a land understanding and how to work together for the future.

Sayers motioned to go into closed session at 2:50 p.m., Murray seconded and all voted in favor.

The closed session ended at 3:26.

Sayers motioned to adjourn at 3:28, Murray seconded and all voted in favor.

Linda Sosa Recording Officer