

Bluff Town Council Public Hearing for Disconnect Request Minutes

Thursday, December 1, 2022

Bluff Community Center at 5:00 p.m.

190 N 3rd East P.O. Box 324

435-672-9990

Regular meetings are held the first three Tuesdays of every month at 6:00 p.m. at the Bluff Community Center.

Requests to be on the agenda may be submitted in writing to Ann Leppanen (ann@townofbluff.org) at least 4 days before the meeting. Agendas and minutes are posted at:

townofbluff.org on Town Council tab and audio, in addition, at the Utah Public Notice Website

This hearing was held electronically and in-person

The meeting started at 5:08 p.m.

Roll Call Mayor Ann K. Leppanen, Luanne Hook, Linda Sosa, Brant Murray, Jim Sayers absent

Approval of Bluff Town Council Strategic Planning Town Hall Minutes of November 14, 2022

Murray motioned to approve the minutes, Hook seconded and Leppanen, Hook, Murray and Sosa voted in favor

Approval of Bluff Town Council Regular Meeting Minutes of November 15, 2022

Murray motioned to approve the minutes, Hook seconded and Leppanen, Hook, Murray and Sosa voted in favor

Sosa motioned to close the regular meeting and open the public hearing, Murray seconded and Leppanen, Murray, Hook and Sosa voted in favor.

1. Leppanen led with opening remarks of the purpose of the hearing which is to allow the public to comment on the request to disconnect property from the Town. The legal description of the property is on the Town website at townofbluff.org. The customary, respectful rules of conduct are to be followed and comments are limited to five minutes for each speaker. She introduced Bruce Baird, Attorney at Law, who represents Judy F. Lyman. Neither Ms. Lyman nor her agent, Eric Acton, were present in the Bluff Community Center. This is a public hearing to listen to public comment. The Council will make no decision tonight and has 45 days to vote and respond.

Nelson summarized the staff report which is on the Town website along with official zoning maps. She explained it is zoned AG-2 and is surrounded by SITLA and BLM land. The land represents 16.2% of the total amount of private land in Bluff. Nelson moved to make the staff report a part of the record and it was received by Leppanen.

Baird explained that he and his client bear the town no ill-will; the client simply does not want to be part of Bluff. He explained the two-part process: Council makes a decision and, if it does not voluntarily allow the disconnect, the client can take it to court. No burden of proof is attached to the first step. Litigation will cost Bluff a great deal of money, in his opinion. Reasons for the request to disconnect include: it is 640 acres of sagebrush and tumbleweed; Bluff cannot provide services to it while the County could; Bluff has no functional reason to keep it; it is four miles away from the Town proper and the Town sign that identifies Bluff; and

Bluff has no practical reason to keep it. He stated there is no water, no sewer, or no roads. Property tax on the land is about \$124. He suggested the land is not really an island because it is surrounded by SITLA and BLM land; that the parcel is “otherwise ungovernable land.”

Leppanen outlined the order for public comment: those in person at the Bluff Community Center who wished to make a public comment; those online who wished to make a public comment; then a general “catch all” so that the Council can be certain everyone has been heard.

Josh Ewing started the public comment by explaining his involvement on the incorporation mapping committee and that their intention was to protect the Town’s water source and the surrounding land. The committee spent a great deal of time in their decision process and the State accepted the requested boundary. He wondered what is the reason for the request, development, for example, and questioned why the client did not come to the Council or Planning & Zoning to ask for what they wanted or were planning but went directly to a lawyer. He stated if this is allowed to happen others may also try. It is a novel theory that a disconnect would not create an island because it is surrounded by SITLA and BLM. He is in favor of the Town fighting the request and said it was why we pay taxes.

Mary Gillam was also on the incorporation boundary committee and she drafted all the Town maps. She agreed a great deal of deliberate thought went into the boundary process, especially since the Town has such a small amount of private land. She noted all property owners were notified of the process early on and the land at issue, if disconnected, creates an island. SITLA has no bearing on that. She felt this land represents our future in development.

Bill Crowder explained his lawyer background of 50 years and felt the law was clear about the interpretation of an island which was different from Mr. Baird’s statement. He called Baird’s description of the land as “vacant, worthless and empty” was a matter of perception; the land has wonderful views. He also questioned why they want to disconnect “worthless land.” Baird mentioned several times going to the legislature to make changes but Crowder pointed out this would affect cities and towns in a significant way, not just Bluff. He is in favor of not granting the request.

Marcia Hadenfeldt agreed with previous speakers and has been on several Planning and Zoning Commissions and is currently on Bluff’s Planning and Zoning Commission. She noted if the disconnect is allowed the land would be under the County and the Town would have no say in its possible development. She noted Bluff residents previously asked SITLA not to place a phone tower at our entrance and they did move it to a better location. She is in favor of not granting the request.

Mark Bond, former BSA, Bluff Water Board member and volunteer firefighter, noted Bluff Fire Department would be first on the scene if there was a range land fire there and there are roads out there they would use.

Michael Haviken, Bluff Roads Department noted that the road out to the land is graded every year and is in use serving the cattle industry. He also sited aquifer protection. He favored declining the request.

Britt Hornsby noted the land is clearly in the town and not the middle of nowhere; the road has recently been worked on; Bluff Fire Department would respond to a range land fire, citing these two services the Town provides. He did not like Baird's errors and threats.

Carolyn Jackson acknowledged we were a community built on relationships and respect and questioned why the property owner did not appear to talk their neighbors. She favored standing up for our community.

Brant Murray felt the property is necessary for the future of Bluff

Jackie Warren noted in addition to protecting our water and boundaries we need to protect our air. A gravel pit near that parcel created a dust problem in the town and dust or toxic fumes could funnel down Cow Canyon into our valley.

Through the Chat Box function on Google Meet, Deborah Westfall expressed the need to protect Bluff's Navajo sandstone aquifer.

In rebuttal, Baird referred to the public comments as "imaginary horrors." Baird stated the State water engineer would work to protect our water. The incorporated boundary was simply recorded by the State as a pure ministerial action; the boundary was not "approved" by the State. Further, SITLA can do anything it wants. And his client may have thrown away the mailed notice to property owners.

Baird asked if the Council had any questions of him. Leppanen asked what plans the owner has for the property and Baird replied he has asked and there are no plans at the moment. This request to disconnect is a matter of principle.

Leppanen asked if the Town had ever treated the property owner unfairly or unjustly and the answer was "no"; they just don't want to be controlled.

At that point, the Town Manager indicated to Leppanen that someone else wanted to make a comment and Hornsby asked that there be time for further comments on Baird's rebuttal. The motion to close the public hearing had not yet been made but neither Hornsby nor others were allowed to make further public comment.

Sosa then motioned to close the public hearing and return to the regular meeting, Murray seconded and Leppanen, Murray, Hook and Sosa voted in favor.

2. Other – There were no other discussions.

Nineteen people were present in person and approximately 25 virtually.

Murray motioned to adjourn at 6:23 p.m., Sosa seconded and Leppanen, Hook, Murray and Sosa voted in favor.

Linda Sosa, Recording Officer

This meeting took place electronically in order to follow the social distancing guidelines given by state and local authorities. The public was able to connect and participate electronically.

To view the livestream, or watch past recordings, please visit our YouTube channel:

<https://www.youtube.com/channel/UCTqBxSP-Erhxq6muVMX6vdw>

For requests to receive emails/meeting invitations email linda@townofbluff.org