

Bluff Town Council Regular Meeting Minutes

January 10, 2023

Bluff Community Center at 6:00 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 meeting was held electronically and there was an internet problem at 6:21 that resulted in missing minutes of recording. The meeting was also streamed and contains the part that the recorder missed; it can be viewed on our YouTube channel at:

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

The meeting started at 6:02 p.m.

Roll Call Mayor Ann K. Leppanen, Luanne Hook, Jim Sayers, Linda Sosa, Brant Murray
Erin Nelson, Town Manager

Approval of Bluff Town Council's Regular Meeting Minutes of December 20, 2022

Murray motioned to approve the minutes with one modification, Sayers seconded and Leppanen, Hook, Murray, Sosa and Sayers voted in favor

Approval of Bluff Town Council's Work Session Minutes of January 6, 2023

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

Public Comment: None

Unfinished Business

1. Update on Active Transportation Committee's Work (Molly Schmidt)

Schmidt reported the committee has been active with weekly meeting and meetings with Bike Utah and NavajoYES since its formation in August. She read their mission statement which included trails, safe pathways, education and recreation. She described community workshops put on by Bike Utah that should start late March. Resident groups will help review drafts. Hook mentioned an afternoon workshop at the school. Leppanen asked if there was overlap with various groups and how they relate to the Council and/or Bike Utah. Sayers said they function as focus groups. Council members thanked Schmidt and the committee for their hard work.

2. Discussion and Vote on Judy Lyman's Petition to Disconnect 640 Acres from the Town of Bluff (All)

Leppanen noted the petition from Bruce Baird was dated July 11, 2022 and, after required notifications, the public hearing was held December 1, 2022. There are two options, the Council can grant or deny the petition. She stated there will be a roll call vote. Murray stated he is against the disconnect, it is a clear island and that area is important for the future of Bluff. Hook cited advice from the Town Attorney and public comment at the public hearing and written comment as reasons to keep the land intact. Also, Planning and Zoning considered the Bluff Bench area as possibility becoming

residential in the future and taking out that piece of land could make it less valuable. SITLA and BLM do land trades and she feels the Town should be left intact. Her vote is no to disconnection. Sayers agreed (Internet interruption at 6:21) with what had been said so far. Leppanen noted there were 39 attendees, no in person or written comment supported disconnection. Elected officials are elected to do what the public wants, which is not to disconnect this property. The area of this property protects the Navajo Sandstone aquifer which supplies the Town with water. The piece of land would create an island and according to State law disconnection is not permissible unless we agree to it. She is in favor of not granting the petition. The petitioner through her attorney stated she just did not want to be part of the Town. Leppanen did not believe Blanding or Monticello or San Juan County are going to provide services to that area, Sosa is against the disconnect, it is over our water shed. It would create an island and the island would be part of the County unincorporated area and the Town would have no control or involvement with it but the County would. Leppanen pointed out that our audio/visual tech was streaming the meeting and picked up what the recorder missed. Sayers made the motion, "Based on the information in the staff report and public testimony on December 1, 2022, I move that the Bluff Town Council reject the disconnection petition as requested by Judy F. Lyman for the real property described as T40S, R22E, S16, and that the Council adopt a resolution denying the disconnection". Murray seconded. Hook noted the staff report was very well done. Hook voted to deny the disconnection request
Murray voted yes to deny the motion, do not disconnect
Sayers voted aye, do not disconnect
Sosa voted yes to the motion
Leppanen voted yes to the motion, do not disconnect
Leppanen stated the vote to disconnect was unanimous. The second part is the resolution, which Leppanen read:

The Town makes the following findings in support of this resolution.

1. On July 14, 2022, Judy F. Lyman (Petitioner) submitted a petition to the Town of Bluff (the Town) seeking the disconnection of certain lands she owns from the municipal boundaries of the Town.
2. The lands owned by Petitioner are described as Section 16, Township 40 South, Range 22 East, SLM (the Property). The Property is entirely within the municipal boundaries of the Town. The Petition contained an incorrect legal description of the subject property, identifying it as "T36S, R22E, S16."
3. A public hearing was held on December 1, 2022, at which time the Town Council heard testimony from staff, the Petitioner's counsel, and members of the public. On January 10, 2023, the Council considered the matter.
4. The Property is undeveloped land totaling 640 acres and located generally in an area known as the "Bluff Bench." The Property is served by an existing Town Class C Road. The Property constitutes 2.7% of the lands within the Town, and 16.2% of the privately-owned lands within the Town.

5. The Property is surrounded on all sides by lands owned by the School and Institutional Trust Lands Administration (SITLA) and the Bureau of Land Management (BLM). It is the Town's policy to assert its municipal jurisdiction, and to engage in inter-governmental dialogue and agreements with respect to all public lands within the Town, particularly when those lands are developed.
6. The Town has adopted zoning and subdivision regulations applicable within the Town generally and to the Property, which is presently zoned "A-2." The Petitioner has not sought any development approval or land use review through the Town, nor has she identified any future development plans for the Property.
7. Emergency services to the Property are currently provided by the Bluff Volunteer Fire Department, which provides fire and EMS services to all lands within the Town, and the San Juan County Sheriff, which provides services within the Town pursuant to an agreement with the Town.
8. The municipal tax burdens on the Property are very minor. The Town does have a small property tax levy. Property taxes on the subject Property are \$124.12 per year, the bulk of the levy being assessed by San Juan County and the San Juan School District.
9. The disconnection of the Property could make it more difficult for adjacent properties on the Bluff Bench to develop. The disconnection could also negatively affect the Town in that it would remove 16.2% percent of the private land from the municipal boundaries in a community where much of the land is already owned by the state or federal governments.
10. The disconnection of the Property would also create an unincorporated island or peninsula in that the lands of the Petitioner would be wholly or mostly surrounded by incorporated lands, in violation of applicable law. Additionally, the burdens on the Petitioner of keeping her land within the Town appear to be minimal.
11. The boundaries of the Town of Bluff were created after careful study and a public process by a group of concerned citizens and stakeholders. This process culminated in the incorporation of the Town in 2018. The Council finds that: i) there is no good cause shown for the disconnection; and ii) justice and equity does not require the disconnection. The predominant position of the Petitioner, as stated by her counsel, appears to be simply that she "does not want to be part of the Town," which is not a valid cause under the applicable statute.

THEREFORE, it is resolved by a majority of the Bluff Town Council, at a regularly scheduled meeting of the Council on January 10, 2023, as follows:

The Petition for disconnection is hereby denied. This resolution shall take effect immediately upon passage.

Murray motioned to approve the resolution with two small changes, Sayers seconded and Leppanen, Sayers, Sosa, Murray and Hook voted in favor. Leppanen will notify Bruce Baird of the vote.

Sosa expressed concern that the recorder could have been off for part of the vote to disconnect since she turned it off when the internet went out and asked for that vote to the motion not to allow the disconnect be repeated. Leppanen did another roll call vote:

Hook stated she voted yes to the motion

Murray stated he voted yes to the motion

Sayers stated he voted yes to the motion

Sosa stated she voted yes to the motion

Leppanen stated she voted yes to the motion

Leppanen noted the vote was unanimous and she will sign the resolution. Appreciation was expressed for the hard work and public comment.

3. Discuss and Vote on Day, Time and Place of Meetings for the Town of Bluff Council (All)

Murray motioned to approve the current time and place of meetings for 2023, Hook seconded and Leppanen, Sosa, Hook, Sayers and Murray voted in favor. The days, the first three Tuesdays of every month, had been approved at an earlier meeting.

4. Discussion and Vote on Mayor Pro Tem, Treasurer and Clerk (All) Reminder of Completing " Disclosure of Private Business Interests" Forms

Murray motioned to continue with the positions of Sayers Pro Tem, Murray Treasurer and Sosa Clerk, Hook seconded and Leppanen, Sosa, Sayers, Murray and Hook voted in favor.

5. Update on Bluff Town Council Work Session Held January 6, 2023 (All)

The Council agreed a lot of work was accomplished and things will be voted on in upcoming meetings. Action items included a Cemetery District and Emergency Manager for the Town. Leppanen currently holds that position.

6. Update on Transfer of Funds to the Public Trust Investment Fund (Sosa)

Sosa reported the PTIF setup is completed with the State, Zions Bank and Pelorus. Murray, as treasurer, will confirm the reconciliation of the General Fund, Roads and the PTIF at the start of each month. Hook noted the current interest rate is 3.5%.

7. Update on IT Services and Upcoming Changes (Nelson)

Nelson explained transition to NetForce and Microsoft 365 will occur on the week of January 23 and she will train as needed on the new features and shared drive.

8. Report on San Juan County Commission Meeting of January 3, 2023 and Correction to Report Given on December 20, 2022 (Leppanen)

Leppanen checked with Mack McDonald who confirmed the Commission meeting will still be virtual in addition to in person. Nelson explained the January 3rd meeting was largely a training meeting for the new Commissioners. She encouraged Council members to listen to the training, especially the Open and Public Meetings Act.

9. Discussion and Vote on Food Service for Strategic Planning Session of January 25, 2023 (Nelson/Leppanen)

Sayers motioned to accept the quote of \$988 + tax, Murray seconded and Leppanen, Murray, Sosa, Hook and Sayers voted in favor. Nelson sited conflict of interest because

her husband is the caterer. Leppanen noted other quotes for the recent AmeriCorps dinner were higher and few businesses are open at this time.

10. Update on Cooperative Culture Center and United States Department of Agriculture Grant (Sayers/Leppanen)

Sayers reported Nelson is helping to complete forms for the USDA grant after the Rodgers finished the narrative portion. He is working on a grant from the Inflation Reduction Act that is due February. It relates to energy and climate change. He is continuing with the National Endowment for the Humanities Grant. The construction of the ramp at the modular is almost finished. There has been interest expressed in the solar garden boxes and UDB is planning on building more. Leppanen noted Drew Cooper is gathering information to help with insulation of the entire building.

New Business

11. Report on PILT Money, aka, Recreation Money, from San Juan County and Possible Help with Grant for Playground (Leppanen)

Leppanen explained that the BSA received \$6000 yearly as the Town did its first year, it then went to \$2000 and this year we will receive \$1,488. It is based on a formula that involves population. She has been talking to Mack McDonald about this and he has offered help writing a grant for playground equipment. Sayers noted the use of playgrounds should include the area beyond the town, possibly the number of students attending school. Hook suggested Design/Build/Bluff could build or install equipment. Leppanen and Sosa will work on the paperwork showing use this past year for classes and costs of utilities, which is needed to receive this year's funds.

12. Report by Road Committee Regarding Cattle Guard Work (Hook/Leppanen)

Hook explained the sheriff had been notified about some cattle in the roadway and she and Michael Haviken worked with Steve Helgerson, who cleaned the cattle guard out. There are grazing allotments in the Town boundaries. Nelson suggested adding inspection of cattle guards to the annual inspection of road signs and culverts.

13. Discussion and Vote on Emergency Manager Designation (All)

Leppanen is continuing to work through the State Code and is planning to call other jurisdictions to see how this works for them. This is moved to the January 17th agenda. Hook suggested Chief Lott as a possibility.

14. Discussion and Vote on 2023 Pass Through Grant for Bluff's Food Pantry (All)

Leppanen explained Ginny Burns has finished and submitted a report to the County. She is applying for another grant. The vote will occur if the grant is awarded.

15. Request for CED Meeting on May 22, 2023 (Sosa)

Sosa noted a couple of years ago County Economic Development met at the CC and they are meeting in several different locations this year. They would like to meet May 22th from 3:00 p.m. to 5:00 p.m. Murray motioned to allow it pending its availability at no fee, Leppanen seconded and Leppanen, Sayers, Hook, Sosa and Murray voted in favor.

16. Other - None

Murray motioned to close the meeting at 7:20 p.m., Sayers seconded and Leppanen, Murray, Sayers, Sosa and Hook voted in favor.

Linda Sosa Recording Officer

This meeting followed the social distancing guidelines given by state and local authorities. This meeting was held virtually. The public could participate by telephone at 1 904-900-0507 (PIN: 364208783) or through meet.google.com/ytf-sjdx-csv. To view the livestream, or watch past recordings, please visit our YouTube channel:

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