

**MINUTES OF THE
MIDWAY CITY COUNCIL
(Regular Meeting)**

**Tuesday, 15 September 2020, 6:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:01 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member (Arrived at 7:27
p.m.)
Lisa Orme, Council Member
Kevin Payne, Council Member
JC Simonsen, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Note: A copy of the meeting roll is contained in the supplemental file.

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance. Council Member Dougherty gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 15 September 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 7 August 2020 City Council Meeting
- d. Minutes of the 7 August 2020 City Council Closed Meeting
- e. Minutes of the 18 August 2020 City Council Work Meeting
- f. Minutes of the 18 August 2020 City Council Closed Meeting
- g. Minutes of the 18 August 2020 City Council Regular Meeting
- h. Conclude the warranty period and release the remainder of the bond for the Appenzell PUD, Phase 1 located at 700 South Center Street subject to the payment of all fees due to Midway City.

Note: Copies of items 2a, 2b, 2e, 2g, and 2h are contained in the supplemental file.

Brad Wilson reviewed a change to the 18 August 2020 regular meeting minutes requested by Council Member Payne.

Motion: Council Member Dougherty moved to approve items “a” through “g” on the consent calendar with the correction to the minutes.

Second: Council Member Payne seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Appenzell PUD, Phase 1 / Conclude Warranty Period

Wes Johnson gave a presentation regarding the request and reviewed the following items:

- Photos of the landscaping in the PUD
- Construction bond letter

Mr. Johnson also made the following comments:

- Landscaping was included as a line item in the bond.
- The bond was for the installation but not maintenance of the infrastructure including landscaping.
- He and Michael Henke met with the developer regarding the landscaping.
- There were a lot of marmots on the property that were a nuisance.
- Asked the Council if they felt the landscaping was sufficient to conclude the warranty period.
- A berm on the property line was constructed in the right place but was spilling over onto an adjoining property. The berm appeared to be failing.
- The development agreement required any weeds to be mowed four times a year.
- All the sprinklers were working when they were installed.
- Trees on the berm with a drip system had died.
- A natural area could end up with a lot of weeds and not looking good.

The Council, staff and meeting attendees discussed the following items:

- It looked like some of the sprinklers were not working.
- Homeowners in the PUD did not want the warranty bond released.

- The bond could not be retained if the infrastructure was installed as required.
- A bond should be held for failing landscaping if it could also be held for a failing road.
- It was a nuisance issue if the landscaping was properly installed and then it was not maintained. A nuisance complaint would need to be received.
- Many complaints had been received from the homeowners.
- The condition of the landscaping should not be accepted as a new standard.
- The irrigation system might not be the only problem with the berm. The berm could have been installed improperly.
- More information was needed to determine if the issue violated the warranty.

Motion: Council Member Dougherty moved to continue the item so that staff could investigate anything they thought appropriate to inform the Council about releasing the bond.

Second: Council Member Payne seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public for items not on the agenda. No comments were offered.

4. Department Reports

Town Hall / Community Center / Remodel

Council Member Orme reported on the remodeling of the Town Hall and Community Center during the pandemic.

HVTED / Golf Tournament

Council Member Orme reported that Heber Valley Tourism and Economic Development (HVTED) held a golf tournament and raised \$7,500 for the kids backpack program.

Rural County Grant / Town Square / Town Hall

Council Member Orme reported that Midway City had been awarded a rural county grant of

\$31,500 for the Town Square and Town Hall renovations.

HVTED / CARES Funds

Council Member Orme reported that HVTED was providing incentives and grants to local businesses from funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Volksmarch

Council Member Orme reported that the Volksmarch had begun.

Hwy 40 / Bypass

Council Member Orme reported that input had to be submitted for the environmental impact statement for the bypass of State Highway 40.

Roundabout / River Road and 600 North

Council Member Simonsen gave a progress report on the construction of the roundabout at River Road and 600 North.

Hwy 113 / Resurfacing

Council Member Simonsen gave a progress report on the resurfacing of the south section of State Highway 113.

70 East Parking Lot

Council Member Simonsen reported that the public parking lot at 70 East Main Street was being used.

Town Square / Additional Parking

Council Member Simonsen suggested that additional parking be considered as part of the master planning for the Town Square.

Irrigation System / Valais

Council Member Dougherty reported that there were problems with the secondary irrigation system in the Valais PUD.

Mt. Spa Open Space / County Contribution

Council Member Dougherty reported that Wasatch County would contribute \$300,000 for the preservation of open space at the old Mountain Spa Resort.

MBA / Report

Council Member Dougherty reported that members of the Midway Business Alliance (MBA) were working hard to survive the pandemic.

COVID-19 Pandemic / Update

Mayor Johnson reported on the pandemic and indicated that the Wasatch County School District had reported three cases of infection.

5. CARES Funds / Request (Brad Wilson – Approximately 10 minutes) – Discuss and possibly approve a request for CARES funds to be used for emergency services.

Brad Wilson gave a presentation on CARES Act funds that had been and would be received by the City. He reviewed requests for those funds and requirements for their use.

Mayor Johnson read an email from Council Member Drury regarding the use of the funds.

Council Member Simonsen thought that purchasing a transport van, for emergency services, made sense and would help with the pandemic.

Motion: Council Member Simonsen moved to approve \$95,000 as requested to help pay for a transport van.

Second: Council Member Dougherty seconded the motion.

Discussion: Council Member Orme suggested that the City help with other emergency services needs if it got the third installment of CARES funds.

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Clair Provost and Ernie Giles, with the Wasatch County Fire District, thanked the Council for the donation.

6. Town Square Master Plan / RFP (Ken Mickelsen – Approximately 30 minutes) – Discuss and possibly approve a request for proposals to master plan the Town Square located at Main Street and 100 West.

Ken Mickelsen, a member of the Midway City Trails and Park Advisory Committee, gave a presentation regarding the proposed RFP and reviewed the following items:

- Professional work team
- Ashland Creek Restoration
- Design meetings
- Stakeholders

Mr. Mickelsen also made the following comments:

- The RFP was a draft and could be revised by the Council.
- The project description and scope of work were important.
- The plan should not interfere with Swiss Days.
- The best people would do the project right.
- The Wasatch Center for Advanced Professional Studies (CAPS) should be involved.
- Each firm that responded would present three designs.

Note: A copy of Mr. Mickelsen's presentation is contained in the supplemental file.

Note: Council Member Drury arrived at 7:27 p.m.

The Council, staff and meeting attendees discussed the following items:

- Each firm could bring one high level design.
- A point system for choosing could prevent the City from getting the best proposal. Criteria should be provided instead.
- Solicitations should not be limited to landscaping firms.
- The process would be phased.
- A previous plan developed by students from the University of Utah (U of U) should be incorporated into the design.

Motion: Council Member Simonsen moved to proceed with preparing an RFP with the point system replaced with criteria and using CAPS and work by the U of U students.

Second: Council Member Dougherty seconded the motion.

Discussion: Council Member Payne wanted original ideas that were not tainted by the work of others. Council Member Dougherty said the work by the U of U students would be for historical reference.

Council Member Dougherty thought that the completed RFP did not need to come back to the Council for review.

Amended Motion: Council Member Simonsen moved to proceed with preparing an RFP with the point system replaced with criteria and using CAPS and work by the U of U students. He further moved that staff could revise the RFP, based on the discussion that evening, and that it

did not need to be brought back to the Council for approval.

Second: Council Member Dougherty seconded the amended motion.

Discussion: Mr. Mickelsen recommended that the Mayor appoint the selection committee members. Council Member Dougherty suggested that Council Member Orme be on that committee. Council Member Simonsen asked that the Trails and Parks Committee be represented.

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Abstained
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

7. Hidden Creek Bed and Breakfast / Conditional Use Permit (Meghan and Conner Clark – Approximately 90 minutes) – Discuss granting a conditional use permit for the Hidden Creek Bed and Breakfast proposed for 535 West Cari Lane (Zoning is R-1-15). **(Public Hearing)**

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Land use summary
- Location of the proposed bed and breakfast (B&B)
- Site plan
- Parking
- Impact on the neighbors
- Pictures of the property
- Midway City Municipal Code, Section 16.13.35(h)
- Request for additional uses.
- Discussion items
- Possible findings
- Possible conditions

Mr. Henke also made the following comments:

- A conditional use permit (CUP) allowed for conditions to mitigate impacts.
- Staff could approve an event liquor license for the business.
- The only off-site item allowed was parking.
- The RV hook-ups on the property could not be used for the business.
- No parking was allowed within 30 feet of Cari Lane.
- There was no shoulder on Cari Lane for parking.
- The property was in a residential zone.
- The driveway to the house had to be paved. It accessed only this property.
- Cari Lane was a collector road.
- Allowing the additional uses was discretionary.
- The proposed number of parking stalls was too intense. Proposed 20 stalls per event.
- The property would have five lots with 50 trips per day if it was developed as residential.

- Onsite supervision was required for B&Bs.
- The applicant was also requesting an alcohol permit.
- Recommended ten outdoor events per year.
- The applicant indicated that any music would end by 9:30 p.m.
- No additional buildings were planned for the property.
- A new permit would have to be considered if the applicant added property to the proposal.

Note: A copy of Mr. Henke's presentation is contained in the supplemental file.

Corbin Gordon explained that CUPs were permitted with conditions. He confirmed that the additional uses were discretionary.

The Council, staff and meeting attendees discussed the following items:

- The B&B but not the events would count towards maintaining the Resort Tax.
- The B&B and events should be considered separately.
- The development to the east was a mess and had been tabled. This development could not be used to access the B&B.
- It was difficult to limit who showed up to an event.
- Events could be noisy.
- People became angry when they paid to be at an event, and it was shut down.
- The property was good for a B&B but not for events.
- People would park on the road.

Jeremy Clark, applicant, made the following comments:

- Approved of considering the B&B and events separately.
- Never considered tying the proposal to his development to the east. The lots in that development would be sold to third parties.
- The Municipal Code allowed B&Bs in the zone.
- There were facilities in other cities that held events and were in residential zones.
- The nearest home was 200 feet from the proposed event area.
- If the Municipal Code allowed events, then the number of vehicles should not be limited.
- Blue Boar Inn was on 0.97 acres and had 32 parking stalls.
- The Hiking Inn was much closer to residences. No complaints had been received by the City since it was approved.
- No other municipality required two acres for a B&B.
- Agreed to a limit of 20 events but not to limiting the parking.
- Would not oppose having to seek approval for each event.
- Was concerned about the impact on the neighbors.

The Council, staff and meeting attendees discussed the following items:

- The Blue Boar Inn worked with its neighbors. Its parking lot was dug into the ground to prevent vehicle lights was disturbing the neighbors.
- It would be difficult to commit to and schedule events if each one needed to be approved by the City.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public.

Kim Parr

Ms. Parr made the following comments:

- 75 cars were too many. They would park on Cari Lane
- There would be noise past 10:00 p.m.
- The applicant would not live at the property.
- Real estate agents said the proposal would devalue her property.
- The applicant would allow people to park across the street on property that he owned.

Mr. Henke responded that the Municipal Code required a manager to live onsite.

Tom Bradley

Mr. Bradley made the following comments:

- Lived across the road and was the closest neighbor to the property.
- Would have reconsidered purchasing his house if he knew events could be held across the street.
- There would be increased traffic just from the support staff.
- Multiple events were not acceptable.
- A CUP was not a property right.
- Supported the B&B if it met the conditions for the zone.
- Over 70 vehicles were detrimental.
- A traffic analysis should be done.
- Flood lights from the property shined into his house. The same would happen with the vehicle headlights.
- The creek had been altered and wetlands vegetation removed.
- Traffic and safety would be problems.
- Events were not a residential use.

Chris Bunnell

Mr. Bunnell made the following comments:

- Opposed allowing the events.
- What the applicant said was not always what he did.
- It took the applicant a long time to finish projects which was a red flag.

Steve Hight

Mr. Hight made the following comments:

- The home on the property was not an event center.
- A B&B was different from an event center.

Ally Dabier

Ms. Dabier made the following comments:

- Was concerned about the increase in traffic.
- Worried the applicant would get approval and then come back, maybe multiple times, for amendments and increase the intensity of the use.

Wendy Bullock

Ms. Bullock made the following comments:

- The proposal, which was a house in a residential zone, did not compare to the Blue Boar Inn which was in the resort zone.
- The house should not be an event center.
- Allowing ten events would mean an event a week for the entire summer.
- The area amplified sound. Could hear conversations on the golf course from her home.
- Who should be called when the facility violated the Municipal Code?
- Traffic was already bad on Cari Lane.
- The City should adopt heritage zones.

Mr. Henke responded that any complaints would be investigated, and staff would work with the applicant to resolve them. He added that the business could be put on probation or its license revoked.

Betsy Tanner

Ms. Tanner made the following comments:

- Good people could have differences.
- Supported the B&B but not having events.
- Was concerned about traffic.
- Young families lived in the neighborhood.
- The proposal would be near a blind corner.

Paul Clark

Mr. Clark asked what effect the public comment would have on the Council's decision. Mayor Johnson responded that it had a significant impact. Mr. Henke noted that the B&B was a permitted use, but reasonable conditions could be required.

Jeremy Clark, Applicant

Mr. Clark made the following comments:

- His entire family owned the LLC which owned the property.
- No new lights had been installed on the house. Would adjust the existing lights.
- A wetlands assessment was done, and nothing had been done to violate it.
- The bridge was permitted.
- Removed a tree that had thorns
- Had not paved or created dust.
- All the lots in the proposed Whispering Creek Subdivision were larger than those in the Meadow Creek Subdivision.
- The events would benefit the City by increasing taxes and supporting local businesses.
- The request for alcohol would only be for the events and not the B&B.

Tom Reed

Mr. Reed made the following comments:

- Lived next to the Homestead Resort.
- The proposal was nothing like the noise and traffic from the Resort.
- The Resort had applied to renovate its property.
- People who came to the events would stay at local hotels and eat at local restaurants.
- Property rights needed to be protected.
- The City needed to encourage investment.
- His daughter was married to the applicant.

Mayor Johnson closed the hearing when no further public comment was offered.

Motion: Without objection, Mayor Johnson recessed the meeting at 9:42 p.m. She reconvened the meeting at 9:52 p.m.

The Council, staff and meeting attendees discussed the following items:

- The wetlands would only be reviewed if the property was developed or structures added or expanded. A CUP did not require a sensitive lands study.
- The applicant had a stream alteration permit.
- The shining of the lights could be mitigated.
- New lights had not been proposed.
- Vehicle lights could be addressed.
- A traffic study had never been done for this type of proposal. The level of service for Cari Lane would remain at an "A".
- Something different from a traffic study, which counted cars and speed, would be needed to determine pedestrian safety.
- A study of Cari Lane would be good for general traffic enforcement.

Wes Johnson said that he would have traffic tubes placed on the road for a traffic study.

- 8. Kinsey Property / Connect to Culinary Water System** (Nick Patterson – Approximately 30 minutes) – Discuss and possibly allow the Kinsey property located at 15 East 850 South, which is outside of the city limits, to be connected to Midway City’s culinary water system.

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Location
- Policy for connecting to the culinary water system
- Discussion items
- Cul-de-sac and frontage requirements

Mr. Henke also made the following comments:

- The applicants wanted to subdivide their property into three lots.
- The minimum lot size would be the same in the City or the County.
- The property could not be annexed because two other property owners where opposed, because of the increase in taxes, and that would create an unincorporated peninsula. The applicants did not have the land value to force the two properties to annex. There would be enough value once houses were built on the Kinsey property.
- The Council was not required to grant access to the culinary system.
- The applicants might be able to develop in the County, without connecting to the City’s culinary system, if they drilled a well and provided sufficient fire flow. Some of the other wells in the area had problems.
- The property could not meet the development requirements in the City.
- Most of the other homes and the fish hatchery on 850 South were already connected to the culinary system.
- The other houses along 850 South, owned by the applicants or their family, were not considered for annexation.
- The City had historically allowed other properties, not within its boundaries, to connect to the culinary system.
- A previous request on Tate Lane and Stringtown Road, which was denied, was similar but had an existing well.
- The applicants wanted culinary water service so they could develop in the County.
- The Council should require participation in any future annexation if water service was granted.
- If developed in the County then annexed into the City, the development would be considered a legal non-conforming use.
- A new type of development, being considered by the City, still would not allow the property to be developed in the City.
- The Municipal Code did not allow another cul-de-sac on 850 South because of density and distance.
- It was preferable to have all culinary water users in the City.
- The Municipal Code allowed one home to be built on the property if it was a lot of record.

Note: A copy of Mr. Henke’s presentation is contained in the supplemental file.

Nick Patterson, representing the applicants, made the following comments:

- The other homes along 850 South did not need to be included in the annexation. Including the houses would also require 850 South to be part of the annexation. Although, the owners were not opposed to being included.
- The applicants' daughters would build on the property.
- Spoke to the County and the property could be developed if it had access to culinary water.
- The Midway Crest Subdivision was given culinary service because the project limited density.

The Council, staff and meeting attendees discussed the following items:

- The property on Tate Lane and Stringtown Road was not contiguous to the City's boundaries.
- Annexing the property would benefit the City because of additional tax revenue.
- The property was within the City's annexation boundary and would help eventually annex the City's public works yard.
- Annexation into the City was not necessarily beneficial because residential development cost more than it provided in revenue.
- If the development was not annexed, the owners would still benefit from City services and would not pay in municipal taxes.
- Specific findings needed to be made if water service was granted.

Motion: Council Member Drury moved to grant a will serve letter for the Kinsey Property to connect to the culinary water system with the condition that they participate if any surrounding property owners proposed annexation.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Simonsen wanted to be fair and also not stand in the way of a legacy family. He questioned why this request was different from other similar requests. Council Member Payne asked if this motion would set precedence. Corbin Gordon stressed that specific reasons were needed for granting approval and why it was different from other such requests.

Council Member Simonsen thought that the property would eventually be annexed.

Mayor Johnson knew of four previous connection requests and each one was different.

Amended Motion: Council Member Drury moved to grant a will serve letter for the Kinsey Property to connect to the culinary water system with the following conditions and findings:

- The applicants would participate if any surrounding property owners proposed annexation.
- The property bordered the City on the west side.
- Annexation was beneficial because the property was along State Highway 113 and an entry corridor for the City.
- The annexation of the properties would allow the City's borders to be closer to its public works yard.

Second: Council Member Orme seconded the amended motion.

Discussion: Mr. Henke recommended that a document be recorded against each property requiring participation in any future annexation.

Council Member Dougherty recommended that a will serve letter be reviewed by the Council before any approval was granted.

Second Amended Motion: Council member Drury moved that the City Attorney draft a will serve letter with the following conditions and findings:

- The three proposed lots and the two houses on 850 North would have documents recorded against them stating that the owners would be petitioners in any future annexation.
- The current fee schedule would apply.
- The property bordered the City on the west side.
- Annexation was beneficial because the property was along State Highway 113 and an entry corridor for the City.
- The annexation of the properties would allow the City's borders to be closer to its public works yard.

Second: Council Member Orme seconded the second amended motion.

Discussion: Council Member Simonsen clarified that the City should be fair and not have special cases.

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

9. Ordinance 2020-17 / Time Limit for Council Meetings (Mayor Johnson – Approximately 5 minutes) – Discuss and possibly adopt Ordinance 2020-17 amending Chapter 2.02 (City Council and Meetings) of the Midway City Municipal Code to limit city council meetings to 10:00 p.m. unless extended by a majority of the City Council.

Motion: Council Member Drury moved to approve Ordinance 2020-17.

Second: Council Member Dougherty seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
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Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Dougherty moved to extend the meeting to consider Item 10.

Second: Council Member Orme seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

10. High Valley Arts / Temporary Use Permit (City Planner – Approximately 30 minutes)

Discuss and possibly grant a temporary use permit for High Valley Arts to exceed the allowed sound levels for a musical production at 200 South and 400 East for the weeks of October 19 – 31, 2020.

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Overview
- Sound test map
- Chart of sound readings

Mr. Henke also made the following comments:

- Did not receive any complaints about the performances the previous year.
- Received a letter the previous year from Nick Frost, who lived in Bowden Fields, which said that he and his neighbors supported the performances because they maintained the area in open space.
- High Valley Arts did not think that it would exceed the allowed sound levels but applied as a precaution.

Note: A copy of Mr. Henke’s presentation is contained in the supplemental file.

Council Member Orme asked if the time of the events would be adjusted because of the time of the year, temperatures, and school being held.

Stuart Waldrip, applicant, made the following comments:

- High Valley Arts was trying to serve kids.

- It would perform Adams Family for the holiday season.
- The production would be compressed into the month of October with rehearsals during the first three weeks of the month and held outside with limited sound. They would finish by 9:30 p.m.
- The performances would be the last week of October. They would finish by 8:30 p.m.
- The speakers would be pointed towards the audience.
- Asked that the application fee be waived because the organization was scratching for money.
- The neighbors were supportive and helped with the production.
- There were only occasional complaints.

Council Member Drury indicated that the Seussical, which was a production held in August, went until 10:30 p.m. each night.

Motion: Council Member Drury moved to approve the request with the fee not being waived.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Simonsen asked why the item was not noticed for a public hearing. Mr. Henke responded that a public hearing was not required.

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Department Reports (Continued)

970 South Transmission Line / Litigation

Corbin Gordon made the following comments regarding the litigation:

- The deadline for the appellate court brief was that Friday.
- The brief was not quite ready. Asked for a 30-day extension which was usually granted.
- Received an email from Rocky Mountain Power that they were still pursuing their appeal before the Utah Supreme Court.
- All briefs had been submitted to the Supreme Court.

11. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Simonsen moved to go into a closed meeting to discuss pending or reasonably imminent litigation.

Second: Council Member Orme seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Note: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

Motion: Council Member Dougherty moved to go out of the closed meeting.

Second: Council Member Payne seconded the motion.

Discussion: None

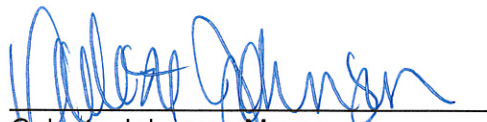
Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

12. Adjournment

Motion: Council Member Simonsen moved to adjourn the meeting. Council Member Orme seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:29 p.m.


Celeste Johnson, Mayor


Brad Wilson, Recorder