

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

**Tuesday, 3 October 2023, 6:00 p.m.
Midway Community Center, 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, 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 6:12 p.m. She indicated that the item regarding the Appenzell PUD would be postponed to the November 7th meeting.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member (Left at 9:32
p.m.)
JC Simonsen, Council Member

Staff Present:

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

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 Orme gave the prayer and/or inspirational message.

2. County Fair / Youth Participants (Sheila Siggard – Approximately 15 minutes) – Receive a presentation from youth who participated in the 2023 Wasatch County Fair.

Lori Stone, Brooklyn Himmer, Jessica Larson, and Hudson Lent reported on the 2023 Wasatch County Fair and the participation of youth in the livestock events. They explained that it fostered hard work, patience, and responsibility. It also preserved open space for agriculture.

3. Consent Agenda

- a. Agenda for the 3 October 2023 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 19 September 2023 City Council Work Meeting
- d. Minutes of the 19 September 2023 City Council Regular Meeting
- e. Minutes of the 19 September 2023 City Council Closed Meeting
- f. Glen Lent as a full member of the Midway City Open Space Advisory Committee to replace Katie Villani.
- g. Janice Kennedy as an alternate member of the Midway City Open Space Advisory Committee to replace Jodi Call.
- h. Stefani Sanatar as an alternate member of the Midway City Open Space Advisory Committee.
- i. Rob Foster as a full member of the Midway City Vision Architectural Committee to replace Elizabeth Crittenden.
- j. Christy Claycamp as an alternate member of the Midway City Vision Architectural Committee.
- k. Amber Wilkerson as an alternate member of the Midway City Vision Architectural Committee.
- l. Cristine Tuttle as a full member of the Midway City Parks, Trails, and Trees Advisory Committee.
- m. David Paskoski as a full member of the Midway City Parks, Trails, and Trees Advisory Committee.
- n. Sherry Greenwell as a full member of the Midway City Parks, Trails, and Trees Advisory Committee.
- o. Melissa Brown as an alternate member of the Midway City Parks, Trails, and Trees Advisory Committee.
- p. Angie Richardson as an alternate member of the Midway City Parks, Trails, and Trees Advisory Committee.

Note: Copies of items 2a through 2d and 2f through 2p are contained in the supplemental file.

Council Member Drury asked about the warrant for the tennis courts and if it was in the budget. Mayor Johnson responded that \$350,000 had been budgeted. Wes Johnson reviewed the reconstruction of the courts.

Council Member Dougherty noted that in an email he suggested changes to the closed meeting minutes.

Council Member Orme asked if all committee positions had been filled. Katie Villani responded that all positions had been filled.

Motion: Council Member Orme moved to accept the consent agenda with the minute changes suggested by Council Member Dougherty.

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

4. 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.

Candidate Information

Russ Rauhauser said that there was a lack of information about the council candidates, and what was available was difficult to find. He added that a meet the candidates' night should have been held before the primary election. Brad Wilson explained what he did to make candidate information more available.

High Valley Arts / Beauty and the Beast

Nora Davis and Lindsey Clark reported on their participation in High Valley Art's production of Beauty and the Beast. They explained that it taught them the value of hard work, how to make new friends, and brought joy to others.

No further comments were offered.

5. Department Reports

Buildings / Bats

Council Member Orme reported that there were bats in some of the City's buildings.

Cemetery / Fence

Council Member Orme reported that the new fence at the City's cemetery looked good. She added that the property needed to be surveyed to complete the installation.

HVTED / Conference / Report

Council Member Orme reported that she attended a tourism conference as part of Heber Valley Tourism and Economic Development. She indicated that the organization was doing a good job.

Animal Control / Regional Organization

Council Member Simonsen reported that discussions were ongoing regarding a regional animal

control organization.

Homestead Trail Project / Status

Council Member Simonsen reported that 200 North had been paved and the contractor was now working on the Homestead trail.

Alpenhof Park / Hamlet Park / Centennial Park / Improvements

Council Member Simonsen reported that improvements to Alpenhof Park had begun. He also reported on improvements to Hamlet Park and Centennial Park.

Parks Committee / Meeting

Katie Villani reported that the agenda for the next Parks, Trails, and Trees Committee was full.

Burgi Hill Park / Fence

Ms. Villani reported that the fence on the southeast side of Burgi Hill Park had been installed.

Trails / Signs

Ms. Villani reported on trails signage.

Roads / Traffic Tubes

Council Member Simonsen reported that traffic tubes had been installed throughout Midway.

Dinner in the Park

Mayor Johnson explained the Dinner in the Park and thanked Council Member Drury and his wife for helping with the event.

Peace House

Council Member Payne reported that he toured the Peace House and was impressed with the facility and its operators.

HVRR / Sunset Extension

Mayor Johnson reported that the sunset of state participation in the Heber Valley Railroad was extended for five years.

Boundary Commission / Lower River Annexation

Council Member Dougherty reported that the Wasatch County Boundary Commission would hold another meeting on November 6th to consider protests of the Lower River Annexation.

- 6. Appenzell PUD / Appeal of Administrative Decision** (City Attorney – Approximately 60 minutes) – Discuss and deny, continue, or approve an appeal of an administrative decision regarding the Appenzell PUD located at 700 South Center Street.

The item was not considered.

- 7. Resolution 2023-26 / Whitaker Farm Annexation Agreement Second Amendment** (City Attorney – Approximately 5 minutes) - Discuss and deny, continue, or approve Resolution 2023-26 adopting a second amendment to the annexation agreement for the Whitaker Farm Annexation located at approximately 510 North River Road.

Corbin Gordon gave a presentation regarding the proposed amendment and made the following comments:

- It corrected a scrivener's error regarding the allowed location of the future development.
- It eliminated a requirement for one HOA.
- The annexation agreement and a previous amendment were recorded against the annexed property. This amendment would also be recorded against the property.

Michael Henke made the following comments:

- The White Acres PUD would have its own HOA.
- The project might have a minimum number of units to avoid building roads.
- The annexation agreement was a negotiated contract that could be modified.

Motion: Council Member Simonsen moved to approve Resolution 2023-26, adopting a second amendment to the annexation agreement for the Whitaker Farm Annexation, with the changes noted by the City Attorney.

Second: Council Member Dougherty 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

- 8. White Acres PUD / Final Approval** (Berg Engineering – Approximately 20 minutes) - Discuss and deny, continue, or grant final approval for the White Acres PUD located at 500 North Whitaker Farm Way (Zoning is RA-1-43). Recommended by the Midway City Planning Commission.

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

- Land use summary
- Location of the development
- Development parcels
- Phasing
- Phase two
- Site plan
- Common area
- Access
- Limited common area
- Landscaping and bonding
- Building pads
- Proposed plat map
- Discussion items
- Water board recommendation
- Possible findings
- Proposed condition

Mr. Henke also made the following comments:

- The City wanted to keep open space next to River Road and preserve a view corridor to the Provo River.
- Any additional units would have to be in the northeast area of the Whitaker property.
- The applicant voluntarily increased the front setbacks.
- Any approval should allow staggered setbacks and some flexibility to adjust the building pads.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- The proposal would likely prohibit any additional units.
- Watts Enterprises would build the units.
- Would like flexibility to change the pads to meet Watts' floor plans.
- The front setbacks would be maintained.
- Did his best to negotiate with the surrounding property owners. Not all the property owners had agreed to the changes in the project, but the applicant and the Whitaker Farm HOA did agree.

Motion: Council Member Drury moved to grant final approval for the White Acres PUD with the following findings and conditions:

- The Whitaker Farms Annexation Agreement allowed the property to be developed into a 12-unit PUD.
- The proposed plan complied with the density and location requirements as described in the Agreement.
- The proposal complied with the requirements of the Municipal Code.
- The asphalt would be removed and repaved between the outer limits of all the pavement cuts.
- The pad size would be changed to 48 feet wide and 62 feet deep along with changes in the distances between the units. This would be contingent upon the front setbacks being maintained and the other setbacks not being an issue.

Second: Council Member Dougherty 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	Nay
Council Member Simonsen	Aye

9. Resolution 2023-25 / White Acres PUD Development Agreement (City Attorney – Approximately 5 minutes) - Discuss and deny, continue, or approve Resolution 2023-25 adopting a development agreement for the White Acres PUD located at 500 North Whitaker Farm Way (Zoning is RA-1-43).

Corbin Gordon indicated that the resolution needed to be approved subject to the motion granting final approval to the project.

Paul Berg noted that the agreement needed updated acreage and to address the staggered setbacks. Mr. Gordon responded that he would update the acreage and allow a stagger of 40 to 50 feet.

Mr. Berg indicated that the development had enough open space.

Michael Henke noted that the Whitakers' existing home did not need to be in the HOA for the first phase but would need to be in the HOA for any second phase.

Motion: Council Member Drury moved to approve Resolution 2023-25, adopting a development agreement for the White Acres PUD, with the following changes:

- Update the acreage from 1.9 to 1.8.
- Change the setbacks to have a minimum of two units at 40 feet from the property line, a stagger of an additional two units at 45 feet, and two more units at 50 feet. The setback

- would be measured from the property line.
- Pursuant to the final approval the pad size would be changed to 48 feet wide and 62 feet deep.

Second: Council Member Dougherty 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

Council Member Payne explained that he voted against final approval because he preferred the project have a cul-de-sac to allow privacy for the neighbors.

10. Wasatch County Fire District / New Tax (Fire Chief Eric Hales – Approximately 30 minutes) – Receive a presentation regarding the Wasatch County Fire District levying a new tax.

Eric Hales, Wasatch County Fire District Chief, gave a presentation regarding the proposed tax and reviewed the following items:

- What was Proposition 9.
- Growth
- Current funding
- Strategic plan
- Staffing
- Additional fire stations
- Mutual aid agreements
- Who would pay the tax.
- How much the tax would generate.
- Effect on the property tax.
- Impact on an individual
- Sales tax comparison
- Goals
- Comparison with Summit County

Chief Hales also made the following comments:

- The tax would be on the ballot as Proposition 9.
- HB 392 allowed the tax.
- The County Council voted to place the tax on the ballot.
- It would sunset in ten years and would have to be reauthorized by the voters.
- It would not apply to unprepared food, fuel, and prescriptions.

- Station 51 would be moved.
- The tax would help the District diversify its revenue sources.
- It would allow visitors to help fund the District.
- It would reduce response times.
- It would also increase the area's ISO rating and therefore lower insurance rates.
- It would help insulate the District from volatility.
- The new Station 51 would cost \$15 million. It would be the District's headquarters, house its administrative staff, and include training facilities.
- Non-residents did not pay property taxes.
- 17 fire fighters were recommended for each residential structure fire. Currently, ten fire fighters were available if there were no other emergencies.
- The proposed tax would be the most fair and equitable way to fund the District in the future.

Clair Provost, Wasatch County Fire District Assistant Chief, made the following comments:

- 39% of all emergency calls were from non-residents.
- The presentation was to inform the Council.
- The District could not promote the proposition. An independent group was promoting it.
- Asked the Council to share the presentation with others.
- The District's resources were stretched thin.

Note: A copy of Chief Hales' presentation is contained in the supplemental file.

Motion: Without objection, Mayor Johnson recessed the meeting at 8:03 p.m. She reconvened the meeting at 8:10 p.m.

11. The Hideout Density Reduction Subdivision / Preliminary & Final Approval (Berg Engineering – Approximately 30 minutes) - Discuss and deny, continue, or grant preliminary and final approval for The Hideout Density Reduction Subdivision located at 170 South Fox Den Road (Zoning is R-1-11). Recommended by the Midway City Planning Commission.
Public Hearing

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

- Land use summary
- Location of the development
- Site map
- Propose plat map
- 400 East
- Roads Master Plan
- Water board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The proposal met the requirement for a density reduction subdivision.
- The plat map would have to be amended if 400 East was built and the public utility easement had to be moved.
- Utilities to the back of the lot would only be available if 400 East was built.
- The access was 20 feet wide which met Fire District Standards.
- Impact and other fees had not been paid for the second living space.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- The access to the second lot was not wider so that it aligned with the existing fence and trees.
- The garage had been permitted twice by the City.
- Access would not be available from the rear unless 400 East was built.
- The building permit showed that the garage had one bedroom.
- The applicants tried to prove that the garage was on a separate lot of record. That argument was rejected by the City. They were now asking for a density reduction subdivision to meet code requirements.
- Requested that the 2003 fees be charged because that was when the impact was created.
- The Water Board indicated that the City Council could reduce the water requirement.
- The applicants were trying to solve problems and the City should not make that too difficult.

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

- Any approval should be conditioned upon all necessary easements being granted if 400 East was built. This should be in a document that was recorded against the title.
- If a house was built on the second lot, then the existing living space in the garage would have to be eliminated.
- The plat map should be recorded immediately.
- A will serve letter should be required from the Midway Irrigation Company.
- A future buyer should not be required to remove the trees to widen the access.
- The entrance easement could be wider even if it included the fence and trees. This would provide clarity for any future owner of the property.
- The easement would not be needed if the Midway Fire Marshal approved of the existing access width.
- The garage would be in an access easement.
- The City should not be arbitrary. An application should meet all code requirements.
- The structures were built before some of the current code requirements.
- The City was not being arbitrary if the structures were built before the existing conditions, and everyone was doing their best.
- An approval could be conditioned upon 400 East, when it was extended, being used as the access.
- The access only had to go to the garage and not behind it.

- There were other examples of nonconforming uses in Midway, including a house that was only ten feet from the property line.
- Many years earlier a previous owner had turned the garage into a living unit and did not seek approval from the City.
- The new owners wanted to do the right thing.
- Nonconforming uses were not contemplated for density reduction subdivisions.
- The City should be lenient and reward the applicants for trying to meet codes and reduce density.
- Any solution should be transparent.
- Everyone should comply with the law.
- The City should not be arbitrary and capricious.
- The second living space had originally been used as an office.
- The project could have been a lot with a 10,000 square foot house.
- A larger house would have more impervious surface and use less water.
- The water board recommendation was not building specific.
- Water would not be needed for a road easement if 400 East was built.
- The Municipal Code did not allow for leniency in this case.
- Something special should not be done regarding the water requirement.
- The City should be consistent and do what the Water Board recommended.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

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

- The request was unique because of the existing structures.
- The applicants were trying to comply and fix the problem.
- The fees should be the amount in 2003 or 50% of the current amount.
- The City should not encourage people to do something wrong and then seek forgiveness.
- The City did not do timely enforcement.
- The water requirement should be reduced.
- The easement for 400 East needed to be addressed.

Motion: Council Member Payne moved to approve preliminary and final approval for The Hideout Density Reduction Subdivision, located at 170 South Fox Den Road, with the following findings and conditions:

- The proposed lots met the minimum requirements for the R-1-11 zone.
- The proposal did meet the intent of the General Plan for the R-1-11 zone.
- The proposal did comply with the requirements for the Density Reduction Subdivision code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a country/rural atmosphere.
- The lots would be deed restricted so that they would never be further subdivided.

- The duration of Preliminary/Final Approval would be for one year from the date of approval of the development by the City Council.
- The deed restrictions that would be recorded towards the lots would be submitted to the City for review and recorded immediately after the plat map was recorded.
- A note on the plat map would be included with language that clearly stated that subdividing the lots would be strictly prohibited.
- Water rights would be dedicated before the recording of the plat map.
- Impact fees, connection fees, and inspection fees for the unapproved dwelling unit and new lot would be paid before the recording of the plat map.
- A 3.7-foot-wide access easement would be shown on the plat across lot one providing the 20-foot driveway width required for lot two. This would not require the removal of the existing fence or trees that encroached within the easement currently.
- The water that would be turned in would be based upon the lesser amount of 4.3-acre feet, as recommended by the Water Board, or the amount of current nonpermeable surface versus the 8,000 square feet limit per lot.
- The impact fees would be at the 2003 rate.
- The plat map would note and the development agreement would include a 10-foot public utility easement which would be dedicated to the City, if 400 East was built.
- A will serve letter was required from the Midway Irrigation Company.

Discussion: Council Member Drury suggested that the impact fees be the amounts in 2003. He further suggested that the connection and inspection fees be 50% of the current amount or the amounts in 2003 whichever was the lowest. Michael Henke noted that a new lateral would be needed for the second lot. He said the current connection and inspection fees should be charged. Council Member Simonsen pointed out that the labor and materials would be at current costs. Mayor Johnson suggested that the City only charge its costs including labor and not make a profit.

Katie Villani asked if the City had ever deviated from the amount of its fees and if it wanted to in this case. Council Member Drury stated that this was the first time someone tried to make something legal that was illegal. Council Member Payne emphasized that the City was reducing the fees to help someone correct an illegal situation.

Council Member Simonsen requested a finding that the structure on the second lot was built under permit as a garage, but unbeknownst to the applicant, unpermitted and noncompliant modifications were made afterward by a previous owner. He pointed out that the changes would bring the property back into compliance.

Amended Motion: Council Member Payne moved to approve preliminary and final approval for The Hideout Density Reduction Subdivision, located at 170 South Fox Den Road, with the following findings and conditions:

- The proposed lots met the minimum requirements for the R-1-11 zone.
- The proposal did meet the intent of the General Plan for the R-1-11 zone.
- The proposal did comply with the requirements for the Density Reduction Subdivision code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a country/rural atmosphere.
- The lots would be deed restricted so that they would never be further subdivided.
- The duration of Preliminary/Final Approval would be for one year from the date of

- approval of the development by the City Council.
- The deed restrictions that would be recorded towards the lots would be submitted to the City for review and recorded immediately after the plat map was recorded.
- A note on the plat map would be included with language that clearly stated that subdividing the lots would be strictly prohibited.
- Water rights would be dedicated before the recording of the plat map.
- Impact fees, connection fees, and inspection fees for the unapproved dwelling unit and new lot would be paid before the recording of the plat.
- A 3.7-foot-wide access easement would be shown on the plat across lot one providing the 20-foot driveway width required for lot two. This would not require the removal of the existing fence or trees that encroached within the easement currently.
- The water that would be turned in would be based upon the lesser amount of 4.3-acre feet, as recommended by the Water Board, or the amount of current nonpermeable surface versus the 8,000 square feet limit per lot.
- The impact fees would be at the 2003 rate with the connection and inspection fees at the City's cost including labor.
- The plat map would note and the development agreement would include that a 10-foot public utility easement would be dedicated to the City, if 400 East was extended along the property.
- A will serve letter was required from the Midway Irrigation Company.
- The structure on the second lot was built under permit as a garage, but unbeknownst to the applicant, unpermitted and noncompliant modifications were done afterwards by a previous owner. The changes would bring the property back into compliance.
- The City wanted to encourage applicants in similar situations to bring their properties into compliance.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

12. Resolution 2023-27 / The Hideout Density Reduction Subdivision Development

Agreement (City Attorney – Approximately 5 minutes) - Discuss and deny, continue, or approve Resolution 2023-27 adopting a development agreement for The Hideout Density Reduction Subdivision located at 170 South Fox Den Road.

Corbin Gordon indicated that he noted the changes requested by the Council and would make those changes to the agreement.

Motion: Council Member Payne moved to approve Resolution 2023-27 including the conditions of the subdivision approval.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

13. Springer One Lot Subdivision / Preliminary & Final Approval (Berg Engineering – Approximately 15 minutes) - Discuss and deny, continue, or grant preliminary and final approval for the Springer One Lot Subdivision located at 741 North 200 East (Zoning is R-1-22). Recommended by the Midway City Planning Commission. **Public Hearing**

Council Member Payne indicated that the road radius started before the northeast corner of the lot. He thought this could be a problem with a site obscuring fence.

Note: Council Member Payne left at 9:32 p.m.

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

- Land use summary
- Location of the development
- Road
- Proposed plat map
- Water board recommendation
- Possible findings

Mr. Henke also made the following comments:

- The lot was wide and narrow.
- The Municipal Code allowed for the modification of the rear setback.
- Alterations could be required because of a site obstruction on the corner.
- The trees could be trimmed if they were a safety issue.
- The trail would be on the other side of the road.
- The improvements were completed.
- There were no proposed conditions.

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

Paul Berg, Berg Engineering Resource Group and representing the applicant, indicated that the applicant dedicated right-of-way that provided a greater a buffer.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Motion: Council Member Drury moved to grant preliminary and final approval for the Springer One Lot Subdivision with no conditions and the following findings:

- The proposed lot did meet the minimum requirements for the R-1-22 zoning district.
- The proposal did meet the intent of the General Plan for the R-1-22 zoning district.
- The applicant would be required to install or bond for all unfinished required improvements prior to the plat map being recorded.
- The duration of Preliminary/Final Approval would be for one year from the date of approval of the development by the City Council.

Second: Council Member Dougherty 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	Excused
Council Member Simonsen	Aye

14. Resolution 2023-28 / Springer One Lot Subdivision Development Agreement (City Attorney – Approximately 5 minutes) - Discuss and deny, continue, or approve Resolution 2023-28 adopting a development agreement for the Springer One Lot Subdivision located at 741 North 200 East (Zoning is R-1-22).

Corbin Gordon indicated that there were no changes to the agreement as provided to the Council.

Motion: Council Member Orme moved to approve Resolution 2023-28 adopting a development agreement for the Springer One Lot Subdivision.

Second: Council Member Drury 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	Excused
Council Member Simonsen	Aye

15. Resolution 2023-24 / Qwest Franchise Agreement (City Attorney – Approximately 20 minutes) – Discuss and possibly approve Resolution 2023-25 adopting a franchise agreement with Qwest Corporation.

Corbin Gordon made the following comments regarding the agreement:

- Had been working with Qwest on the agreement for some time.
- Provided a version of the agreement approved by Qwest.
- Council Member Dougherty requested several edits. They should be negotiated with Qwest and then brought back to the Council.
- Could not guarantee that Qwest would remove cut off power poles and bury its lines.

Motion: Council Member Drury moved to continue Resolution 2023-24, to the following month, and direct staff to create a list or map of communication lines that needed to be buried and existing poles removed.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Dougherty noted that Athina Koumarela had an unused pole on her property that should be removed.

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	Excused
Council Member Simonsen	Aye

16. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Purchase, Exchange, or Lease of Real Property

Motion: Council Member Drury moved to go into a closed meeting.

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	Excused

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 Orme moved to go out of the closed meeting.

Second: Council Member Dougherty 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	Excused
Council Member Simonsen	Aye

17. Adjournment

Motion: Council Member Dougherty moved to adjourn the meeting. Council Member Drury seconded the motion. The motion passed unanimously.

The meeting was adjourned at 10:08 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder