



Memo

Date: 9 August 2023
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 18 July 2023 City Council Regular Meeting

Please note that the following minutes await formal approval and are in draft or unapproved form.

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

**Tuesday, 18 July 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 Pro Tempore Drury called the meeting to order at 6:00 p.m.

Members Present:

Celeste Johnson, Mayor (Participated electronically, stopped participating at 9:21)
Jeff Drury, Mayor Pro Tempore
Steve Dougherty, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member

Staff Present:

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

Members Excused:

JC Simonsen, Council Member

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

Mayor Pro Tem Drury led the Council and meeting attendees in the pledge of allegiance. He also gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 18 July 2023 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 20 June 2023 City Council Work Meeting
- d. Minutes of the 20 June 2023 City Council Regular Meeting

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

Motion: Council Member Dougherty moved to approve the consent agenda with a closed meeting, before adjournment, added to the agenda.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

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

Mayor Pro Tem Drury asked if there were any comments from the public for items not on the agenda.

Community Garden

Russ Rauhauser made the following comments:

- Would Midway City consider having a community garden if one was proposed?
- Would it allow the garden to be on the property donated by Kem Gardener along State Highway 113?
- Visited community gardens in Summit and Salt Lake counties. Those gardens were part of the counties' parks and recreation departments.
- The garden would be run by volunteers.

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

- The council member over parks was not at that evening's meeting.
- The Gardener property was part of an agreement that included restrictions.
- Residents were interested in fresh produce.
- A community garden would be nice to have. It should be run by a citizen group.
- A proposal for creation and management should be submitted to the Parks, Trails, and Trees Advisory Committee.
- The City was short staffed.
- Midway Elementary was rebuilding its community garden.
- A previous community garden was unsuccessful because of a lack of interest.

No further comments were offered.

4. Department Reports

Town Hall & Community Center / Improvements

Council Member Orme reported that a lot of improvements were being made to the Town Hall and the Community Center.

Pioneer Day / Charleston

Council Member Orme reported that Charleston Town would again hold a celebration for Pioneer Day.

Independence Day / Boosters / Nielson Family

Mayor Pro Tem Drury reported that the Independence Day celebration was a success. He thanked the Midway Boosters and the Nielson family for organizing it and the fireworks.

Swiss Days / Parade

Council Member Orme invited everyone to participate in the Swiss Days parade.

Homestead Trail / Update

Wes Johnson reported that the Homestead trail project was going well and would be completed by October 15th.

Surface Treatments / Roads / Trails

Wes Johnson reported that the resurfacing of roads was concluding. He indicated that certain trails would also be resurfaced.

Caring Coalition / Conference

Mayor Johnson reported that she attended a conference as a member of the Caring Coalition Committee. She added that the Coalition was concerned about the rise in vaping.

HVRR / Update

Mayor Johnson reported that the Heber Valley Railroad (HVRR) was becoming more successful. She indicated Locomotive #618 was still being rebuilt.

HVSSD / Citizen Concerns / Website

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) was continuing to work with concerned citizens regarding the smell from its sewer treatment facility. She added that the organization's website would be updated several times a week.

5. White Acres PUD / Preliminary Approval (Berg Engineering – Approximately 45 minutes)
– Discuss and possibly grant preliminary approval for the White Acres PUD located at 500 North Whitaker Farm Way (Zoning is RA-1-43). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the development
- Existing conditions
- Site plan
- Landscaping plan
- Discussion items
- Limited common area
- Water board recommendation
- Possible findings
- Proposed condition

Mr. Henke also made the following comments:

- The City wanted the development in the northeast corner of the parcel to preserve open space next to River Road.
- Additional PUD units could be to the north of the museum on the property.
- Originally tried to limit the number of driveways on Whitaker Farm Way because it was a collector road. The street was now a local road.
- A certain number of units were required in a PUD to properly maintain any private roads.
- Both the applicant and the Whitaker Farm HOA wanted to be in separate HOAs. The annexation agreement required that they be in the same HOA.
- The proposal did not have any roads.
- The lot lines were adjusted to match the PUD.
- The applicant chose to do a PUD instead of a four-lot subdivision.
- The proposal was for the first phase of the PUD. Another phase could be built in the future.
- Only two phases were allowed with that size of PUD.
- The Council could require that any phase of the PUD not have private roads.
- The proposal met the required setbacks.

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

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

- The existing house was on a lot of record.
- The proposed number of units was less than what was allowed in the annexation agreement for the property.
- Any additional units would also have to be in a PUD.
- Not all the property was lots of record.
- Agreed that the applicant and the Whitaker Farm HOA wanted to be in separate HOAs. Wanted the Council's input to determine if the annexation agreement should be amended to have separate HOAs.
- Tried to meet the requirements of the annexation agreement.
- There would be no shared amenities between the proposed PUD and Whitaker Farms except for the public trails. This could be noted in the CCRs.

Corbin Gordon made the following comments:

- The proposal conformed to the annexation agreement.
- It was understood that the existing house would remain.
- Only a subdivision or PUD but not both could be built on the property.

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

- No exception should be made for setbacks because it would set precedence.
- The PUD was not phased. The allowed number of units could be built on different parcels.

Public Hearing

Mayor Pro Tem Drury opened the hearing and asked if there were any comments from the public.

Brian Barker

Mr. Barker made the following comments:

- Owned Lot 50 which was across the street from the proposed development.
- Knew that something would be built on the property but did not imagine that type of development with that many driveways.
- Paid a lot of money for his lot. The proposed development would devalue it.
- The previous approvals and agreements should have been clearer on how the property could be developed. The potential for the development seemed to have been hidden.

Mr. Henke responded with the following comments:

- Whitaker Farm Way, in front of the development, was originally going to be a collector road with a limited number of driveways. It was changed to a local road. The traffic counts were lower than anticipated.
- Usually, PUDs did not have through roads.
- The driveways could not be denied unless there was a major safety issue.
- Driveways on River Road were not an option.

Laura Wardle

Ms. Wardle made the following comments:

- The possibility of the proposed development was not disclosed when she purchased her lot in Whitaker Farms.
- Did not know about the development until it came to the Planning Commission. It was not disclosed in her title report.
- Was concerned with the driveways and density in the development.
- Preferred four lots instead of a PUD. This would help preserve the rural character of the area and reduce density.

Mr. Henke responded that the density was allowed by the annexation agreement and conformed with the zone.

Tami Harrison

Ms. Harrison made the following comments:

- Owned Lot 46 in Whitaker Farm.
- Was on the Whitaker Farm HOA Board.
- Did not know about the annexation agreement until she was informed by Ms. Wardle.
- Supported amending the agreement.
- Supported the lot owners in Whitaker Farm.
- Could the front setbacks be increased for the proposed development?

Brian Barker

Mr. Barker made the following additional comments:

- There was not a good location for additional units in the proposed development.
- Asked that the Whitaker family agree to no more units or show where they would be.
- Supported greater front setbacks.
- The agreement said that the units would be by River Road. Was that a typo? Would they have to reapply to have the units in the proposed location?

Mr. Henke responded with the following comments:

- The agreement specified that the units would be to the northeast of the Whitaker's house. The remaining units had to be in the north or northeast.
- The Whitakers had two development parcels. The south parcel could have one house.

Jonathan Harrison

Mr. Harrison made the following comments:

- Was primarily concerned about the density and number of driveways in the proposed development.
- Would be less concerned if the units were spread out.

Mayor Pro Tem Drury closed the hearing when no further public comment was offered.

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

- The agreement should not have required the development be in the Whitaker Farm HOA. It should have a separate HOA.
- The owners in both developments wanted separate HOAs.
- Residents in the proposed development needed to know that they could not use the common area and amenities in Whitaker Farms if the HOAs were separate.
- The change in the setbacks should be part of an amendment to the annexation agreement.

Mr. Berg made the following comments:

- One unit for each of the Whitakers' children had been proposed.
- Did not know when or if more units would be considered.
- The units could be moved further back from the road if the rear setbacks only had to be 30 feet. Mr. Henke confirmed that they only had to be 30 feet.
- The proposed layout was efficient and helped preserve the existing barns. The Whitakers did not want a different layout.
- Cul-de-sacs were expensive and required additional utilities.
- Would apply to amend the annexation agreement to allow for separate HOAs at final approval.

Motion: Council Member Dougherty moved to grant preliminary approval for the White Acres PUD, located at 500 North Whitaker Farm Way, 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 annexation agreement.
- The proposal complied with the requirements of the Municipal Code.
- The applicant would submit an annexation agreement amendment application that would be approved before, or simultaneously, with final approval.
- Prior to final approval the front setbacks of the six units would be modified.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Payne was concerned that the property owners in Whitaker Farms were not aware of the proposed development in the annexation agreement. He did not like the development and said that a preliminary plan should have been included in the agreement. He preferred a cul-de-sac and encouraged the applicants to consider one.

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

Mayor Pro Tempore Drury	Aye
Council Member Dougherty	Aye
Council Member Orme	Aye
Council Member Payne	Nay
Council Member Simonsen	Excused from the Meeting

6. Malinka Subdivision / Amended Final Approval (Berg Engineering – Approximately 5 minutes) – Discuss and possibly amend the final approval for the Malinka Subdivision located at 150 North 100 East (Zoning is R-1-15).

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

- Proposal summary
- Approved plan
- Proposed plan
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- It was proposed that the cul-de-sac be reduced from 80 to 70 feet.
- An arborist had looked at the tree a neighbor wanted saved.
- The encroachment on Lot 2 was limited.
- The reduced size of the cul-de-sac met fire code requirements.
- The City Council had the authority to reduce cul-de-sac requirements.
- The approval was being reconsidered because the motion specifically required the cul-de-sac to be 80 feet.

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

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

- The driveway was also a hammerhead turnaround because a large vehicle, like a firetruck, could not turn around in a 70-foot cul-de-sac.

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

- The proposed cul-de-sac was symmetrical rather than asymmetrical to limit effecting Lot 2.
- Still having a cul-de-sac, rather than just a hammerhead turnaround, accommodated more vehicles.

Motion: Council Member Payne moved to grant the final approval amendment for the Malinka Subdivision with the following findings and conditions:

- The proposed revised cul-de-sac would help save the pine tree that would have had to

- be removed with the current approved plans.
- The proposed cul-de-sac design complied with fire code standards and engineering standards.
- The proposed lots met the minimum requirements for the R-1-15 zone.
- The proposal met the intent of the General Plan for the R-1-15 zone.
- The proposal complied 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 could 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.
- A note on the plat map was included with language that clearly stated that subdividing the lots was prohibited.
- The development agreement would also be amended.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Payne commended the applicants for taking the time to protect the tree. Mayor Johnson appreciated that they hired an arborist.

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

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

7. Resolution 2023-18 / Amended Malinka Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2023-18 adopting an amended development agreement for the Malinka Subdivision located at 150 North 100 East (Zoning is R-1-15).

Corbin Gordon explained that the agreement had been updated to allow a symmetrical cul-de-sac that complied with the Fire Code. Wes Johnson added that it should allow a 70-foot cul-de-sac.

Motion: Council Member Payne moved to approve Resolution 2023-18, amending the Malinka Subdivision Development Agreement, with the following clarifications:

- The approved diameter of the cul-de-sac would be no less than 70 feet.
- The irrigation easement would be referenced.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

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

Motion: Without objection, Mayor Pro Tem Drury recessed the meeting at 7:57 p.m. He reconvened the meeting at 8:09 p.m.

8. Kantons at Village Green PUD / Amended Final Approval (Regal Homes – Approximately 45 minutes) – Discuss and possibly amend the final approval for the Kantons at Village Green PUD to change the landscaping plan.

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

- Amended final approval
- Landscaping plan
- Location of the project
- Locations of the berms to be removed

Mr. Henke also made the following comments:

- Redundant trails would be removed.
- The proposed pergola would be removed.
- Received a letter opposing the removal of the two berms on the north side of the development. The berms could protect a unit that had water in its crawlspace.
- The applicant was Regal Homes. They were not at the meeting but sent a letter supporting the change.

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

Dave Bates, Dennis Ritchie, and Fred Pease, representing the Kantons at Village Green HOA, made the following comments:

- Seven items were proposed to be removed from the landscaping plan for the project.
- The money that Regal Homes would have spent on the items would be put into a reserve fund.
- Regal Homes still controlled the HOA.
- They were members of a transition board.
- The berms were not needed for water retention, nor did they protect the units from golf balls.
- The berms had not yet been built.
- Sprinkler systems would have to be dug up to install the berms.
- Sidewalks now allowed access to the public trails. This eliminated the need for some

private trails.

- The space for the pergola was narrow and included a trail. Wanted to remove both items.
- Regal Homes mistakenly used the wrong landscaping plan. The adopted plan included the berms. Wished that Regal had sought approval for the plan that they used.
- Requested that certain items be removed from the approved plan.
- The berms could be constructed if needed.

Charlene Lovelass made the following comments:

- Owned Unit 9 and had lived in it for four years.
- There was a 12-foot wall with fill next to her unit.
- Water came by her unit and went into the crawlspace which now had mold in it. Tried to work with Regal to solve the problem. They installed a French drain on the side but not the back of the unit. She received no further response from Regal.
- Hired a lawyer.
- A berm, as shown on the approved landscaping plan, would help prevent water from coming into her crawlspace.
- The flooding started after Unit 7 and Unit 8 were built.
- Two companies had suggested how the problem could be solved.
- The transition board but not all the residents knew about her concerns.
- She was limited in what she could do because she did not own the land around her house.

Daniel Janowiak, who owned Unit 8, stated that his unit did not have problems with water or flooding.

Corbin Gordon made the following comments:

- The City still held a bond for \$63,000.
- The Council could amend the landscaping plan.
- The City would not release anything prematurely given its history with Regal Homes.
- The residents did not have the right to negotiate the release of bond funds. The funds could only be released if a contract or agreement from the developer directed The City to do so.
- Recommended that the request be tabled until the owners prove that the money saved would go to them.

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

- The City could not enforce the approved plan in its original form if it was changed.
- The flooding was an issue between Ms. Lovelass and Regal Homes.
- There was no evidence that installing the berms would solve the flooding problem.
- Should the requested amendment only occur after the money saved by Regal was deposited into a reserve fund?
- No bond funds should be released until the associated improvements had been completed.
- There might be other issues in the development that required the bond money.
- Preliminary approval could be granted. A contract could then be completed. Final approval would then be granted, and the saved money would then be transferred.

- The trails requested for removal were private.
- Any agreement between the owners and Regal Homes should be in writing.
- Regal Homes should be at a council meeting before any decision.
- There was a large area that had not yet been landscaped and had become a dumping ground.

Motion: Council Member Dougherty moved to continue the matter indefinitely with the following conditions:

- Invited the developer to attend a council meeting physically or electronically.
- An agreement signed by the developer, along with the application removing requested items, might be satisfactory to the Council.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

9. Swiss Haven PUD / Recording of Plat Map (City Planner – Approximately 30 minutes) – Discuss and possibly decide to record the plat map for the Swiss Haven PUD (Formerly known as Villages of Zermatt, Plats C and D), located at 875 West Bigler Lane (Zoning is Resort), knowing that a portion of the project is outside of the Midway City limits.

Brad Wilson gave a presentation regarding the development and reviewed the following items:

- Background
- Villages of Zermatt
- Villages of Zermatt, Phase “C” original plat map
- Villages of Zermatt, Phase “D” original plat map
- Swiss Haven plat map
- Alta survey
- Property boundary
- Possible solutions
- Annexation process

Mr. Wilson also made the following comments:

- The Wasatch County Recorder determined that a portion of the property was in Wasatch County.
- The developer argued that all the property would be in the City if a section marker had not been moved.

- Should the plat map be recorded if an annexation petition was submitted by the developer? An agreement would be needed to govern the process.

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

Naythan Dye, representing the applicant, made the following comments:

- The applicant purchased the property in 2021.
- The title report, Alta survey, and various approvals were completed without any indication of a problem with the city boundary.
- The boundary dissected two mobile homes in the mobile home park to the south.
- The problem was with a section marker which had been reestablished.
- Why was the issue not brought to the developer's attention sooner?
- Would dispute the location of the section corner.
- The section of property in the County was 82 feet deep.

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

- The proposed units on the west side of the project would be dissected by the city boundary. This created taxation and election problems.
- Wasatch County had agreed to record the plat map if the developer was going through the annexation process. They preferred that this process be completed before the end of the year.
- Recording the plat map before an annexation was concluded was problematic because anything could come up during the process.
- The City could not grant land use approval for property outside of its boundaries.
- The original approval and the development agreement could be void because of the issue.
- The development, which was approved in 2000, would not meet the current land use code.
- It would not be possible to complete the annexation process before the end of the year.
- What happened in the past did not solve the problem.
- The Council should wait until the dispute over the section corner was resolved.
- The City relied on the County Surveyor to determine if there were any boundary issues.

Note: Mayor Johnson stopped participating at 9:21 p.m.

Motion: Council Member Payne moved to table the item until further notified by the applicant.

Discussion: Council Member Dougherty preferred to table rather than deny the request. He indicated that denying it might jeopardize the original approval. He pointed out that the original plan would not meet the current code. Council Member Payne noted that tabling it would allow the issue to be further investigated.

Second: Council Member Dougherty seconded the motion.

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

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

Motion: Without objection, Mayor Pro Tempore Drury recessed the meeting at 9:29 p.m. He reconvened the meeting at 9:34 p.m.

10. Ordinance 2022-10 / Resort Building Height (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2022-10 amending Chapter 16.15.4.G.11.B (Resort Master Plan – Building Height and Envelope Restrictions) and Section 16.13.100.D (Maximum Height Provisions For All Buildings) of the Midway City Municipal Code. Recommended for approval by the Midway City Planning Commission. **Public Hearing**

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

- History
- Code amendment
- Current code
- Examples
- General Plan
- Possible findings
- Noticing

Mr. Henke also made the following comments:

- The resort zone was the only area in the City that allowed buildings over 35 feet high. A building could be up to 70 feet high with architectural elements.
- The Planning Commission recommended that all buildings in the City be no higher than 35 feet.
- Some planned buildings in the zone were vested for over 35 feet.
- The proposed change would only affect new resort developments.
- Exemptions were no longer allowed for city and religious buildings.
- Cellular towers could be as high as 80 feet.

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

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

- Could a cellular tower, that was incorporated into a building, be higher than 35 feet? That was open to interpretation. Such towers could only be on private property if no locations were available on public property.

Public Hearing

Mayor Pro Tempore Drury opened the hearing and asked if there were any comments from the public.

Jordan Council

Mr. Council made the following comments:

- Heber City limited heights to 35 feet. This limited buildings to two stories.
- Someone did not buy one of the theaters in Heber because of the limit.

Mayor Pro Tempore Drury closed the hearing when no further public comment was offered.

Motion: Council Member Payne moved to approve Ordinance 2023-10, amending resort building heights, with the following findings:

- The proposed amendment would limit the height of all new structures to 35'.
- The proposed change would eliminate potential future lighting issues that might occur because of lighting that might be placed on structures taller than 35'.
- The proposed amendment would help preserve view corridors and viewsheds as described in the General Plan.
- The proposed change would ensure that resort buildings would be the same height scale as other structures in Midway.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

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

11. Resolution 2023-19 / Pending Ordinance Regarding Subdivisions and PUDs (City Planner – Approximately 10 minutes) – Discuss and possibly approve Resolution 2023-19 adopting a notice of pending ordinance amending Section 16.16.070.A.16 (Planned Unit Developments and Standard Subdivisions – General Standards and Requirements).

Michael Henke gave a presentation regarding the proposed resolution and current code language. He also made the following comments:

- This section had recently been amended.
- The proposal strengthened a portion of the section.

- The benefit of the doubt was given to the applicant if a section of code was unclear,
- Applicants would apply for the maximum density if they knew that further subdividing was not possible.
- The City should not allow open space to be sold.

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

Motion: Council Member Dougherty moved to adopt Resolution 2023-19 adopting a notice of pending ordinance for the purpose of amending Section 16.16.070.A.16 (Planned Unit Developments and Standard Subdivisions – General Standards and Requirements).

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

12. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation.

Motion: Council Member Dougherty moved to go into a closed meeting to discuss potential litigation.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

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 Orme seconded the motion.

Discussion: None

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

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

13. Adjournment

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

The meeting was adjourned at 10:15 p.m.

Jeff Drury, Mayor Pro Tempore

Brad Wilson, Recorder