

MINUTES OF REGULAR CITY COUNCIL MEETING

6:30 P.M. COUNCIL MEETING

August 8th, 2023

Council Present: Jim Dieter, Larry Dye, Michael “Chipper” Fenn, Wilford Conetah
Absent: Melissa Burke
Mayor Present: Mayor Kathleen Cooper
Recorder Present: Carrie Boren
Visitors: Alan Allred, Alea Nielson, Shari Phippen, Christina Gordon, Joel Gordon, Spencer Ross, Richard Ross, Scott Rawlings

The meeting was called to order at 6:33 P.M.

MOTION: MICHAEL FENN MOTIONED TO APPROVE THE JUNE 13TH, 2023 MINUTES AS READ. JIM DIETER SECONDED. WILFORD CONETAH VOTED AYE. MICHAEL FENN VOTED AYE. JIM DIETER VOTED AYE. MOTION CARRIED.

PUBLIC COMMENT

No public comment.

LAND USE COMMENTS, BUILDING PERMITS SCOTT RAWLINGS

Carrie Boren stated what the issue was with the building permits. Mayor Cooper stated she doesn't dispute what was said and after talking to the building inspector, the intention was always to build the two homes and because of the conflict in the city code her opinion is to allow him to build those two homes, and then we will make the corrections in the city code going forward. Mayor Cooper asked Shari Phippen for her professional opinion. Shari Phippen Stated when there is a conflict the least restrictive must govern. She explained what is allowable by city code and how the city can handle the conflict going forward. Scott Rawlings stated he has invested a large sum of money on permits, and lots purchased based on the information provided to him by the city as the source, and a building permit issued. His plan all along was to build one home per lot. He would hope that moving forward he could get a conditional use permit for that second lot to get some of his investment back because most of the profit would come from the second build. Micheal Fenn then stated that his understanding is that he would be looking for a Variance. Shari Phippen then explained what obtaining a variance would require. After a discussion Shari Phippen asked if these two lots were existing lots that were previous plotted. Scott Rawlings stated they were existing. Shari Phippen stated that she was under the impression that these were two lots that were being created, but if these lots were created when the rule was 50' frontage then those are legal lots, and he can obtain a building permit for each lot. The 100' ordinance is for new lots moving forward. Mayor Cooper asked if the Moratorium was needed moving forward. Shari Phippen stated that she doesn't think we need to act on the Moratorium.

TINY HOMES RICHARD ROSS

Richard Ross stated he is looking to purchase property in Myton. The property he is interested in is owned by Myton City. He then presented his idea of placing tiny homes on skidsters. He understands it's a flood

zone. Alan Allred stated there would be ground water issues on those lots. Richard Ross then stated what his idea of a tiny village exactly was. Shari Phippen stated what her concerns were. Richard Ross asked if he purchased other lots would he run into the same issues. Mayor Cooper stated yes and if he goes forward with it to look into the ordinances for a RV Park.

JUB ENGINEERING MONTHLY ENGINEERING REPORT

Alea Nielsen stated that the Division of Drinking Water has accepted the Myton City Water Master Plan. With the current system Myton City does need more culinary water and that is being worked on. The other thing is getting the pipes replaced in the system to get everyone fire flow. It was discussed putting a new culinary water system in and leaving the old system in place for secondary water, but more discussions will have to happen in the future. The rate study also found that water rates would have to be raised to help cover the costs on the new system.

DISCUSSION AND ACTION ON RESOLUTION 08082023-001 ORDINANCE OF MYTON TOWN ESTABLISHING AND ADOPTING A TEMPORARY LAND USE REGULATION THAT PROHIBITS THE ACCEPTANCE OF ANY NEW SUBDIVISION APPLICATIONS AND BUILDING PERMITS FOR 180 DAYS.

No action taken.

DISCUSSION AND ACTION ON RESOLUTION 08082023-002 MYTON CITY FEE SCHEDULE

No action Taken.

Mayor Cooper stated there are a lot of different fees we need to discuss so she would like to appoint a committee to go through all the fees and then bring it back and present it to council.

DISCUSSION AND ACTION ON EMPLOYMENT AND SERVING ON CITY COUNCIL

Alan Allred stated that we have a couple of people who want to be on the city council and be an employee with the city. Mayor Cooper stated this discussion needs to go into executive session due to the discussion being about current employees.

CITY DEPARTMENTAL REPORTS ON THE LAST MONTH'S ACTIVITIES

Carrie Boren- Carrie stated she was approached by a representative from Govcard which is an internet-based payment platform that offers a no cost processing solution to municipalities. This may be something we want to look further into because of all the fees we are currently paying. The council asked that we look into who other municipalities are using.

Alan Allred- Alan stated that we are having low water issues. Johnson water has a leak and hasn't found it yet. He suggested we keep the public on the alert of only using water as needed until the issue is solved. Alan stated the sewer pump lift station install will happen on Thursday with many companies helping us out. Alan stated his last issue is a semi-truck driver ran over the ditch culvert on the south side of the park.

He is unsure of the company responsible. He called the Tribe and they said it's the cities responsibility to fix it. But the Tribe requested we wait to fix it until the fall and the ditch water is off.

Mayor Cooper stated that we have a council member who has moved out of town with out notifying anyone. So, we either need to appoint someone or wait until November for elections. We have 3 council seats open and 3 candidates but 2 may withdraw due to employment, which would leave 2 council seats open.

CLOSED EXECUTIVE SESSION – 52-4-205(C) AND (D)(II) STRATEGY SESSION TO DISCUSS PENDING, REASONABLY IMMINENT AND ONGOING LITIGATION, WATER RIGHTS OR SHARES

CLOSED EXECUTIVE SESSION – 52-4-205 (1)(A) – DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL(S)

MOTION: MICHAEL FENN MOTIONED TO GO INTO EXECUTIVE SESSION TO DISCUSS EMPLOYEES WANTING TO SERVE ON CITY COUNCIL. LARRY DYE SECONDED. JIM DIETER VOTED AYE. MICHAEL FENN VOTED AYE. LARRY DYE VOTED AYE. THE MOTION CARRIED.

MOTION: MICHAEL FENN MOTIONED TO COME OUT OF EXECUTIVE SESSION. JIM DIETER SECONDED. JIM DIETER VOTED AYE. LARRY DYE VOTED AYE. MICHAEL FENN VOTED AYE. THE MOTION CARRIED.

MOTION: MICHAEL FENN MOTIONED THAT INDIVIDUALS CAN'T BE A PAID EMPLOYEE AND SERVE ON CITY COUNCIL IN ANY CAPACITY. JIM DIETER SECONDED. LARRY DYE VOTED AYE. MICHAEL FENN VOTED AYE. JIM DIETER VOTED AYE. THE MOTION CARRIED.

ADJOURNMENT

There was no further business to discuss. Council adjourned at 8:11 P.M.