

Plain City Commission/City Council
Minutes of Meeting
August 27, 2026

Plain City Planning Commission/City Council met in a regular/Work meeting at City Hall on Thursday, August 27, 2026 also accessible via ZOOM beginning at 6:30p.m. Work meeting at 7:00p.m.

Present: Commissioners McBride
Commissioner Skeen
Commissioner Ortega
Commissioner Westergard
Commissioner Ableman

Excused: Chairman Maw

Staff: Tammy Folkman, Dan Schuler, Daniel Martoma

Attendees: Craig Jensen, Brent Cottle, Matt Hunt, Mike Hansen

Zoom Attendees: Phil Meyer, Carl Miller, Mike Phillips, Amy Roskelley

The agenda shall be as follows:

Regular meeting will begin at 6:30PM

1. Approval of Minutes for August 13, 2026

There was not a quorum at the time to approve the minutes.

Administrative Items:

2. Discussion/Motion: Bluegrass Estates Subdivision approx. 2800 N 3800 W (Craig Jensen)

Commissioner Skeen mentioned this subdivision was talked about in our last meeting, he did say he wasn't at that meeting. He mentioned the motion was to approve the subdivision without improvements. He indicated the city council would like a clearer understanding of the motion. Commissioner Skeen stated this is an administrative item not legislative as it appears on the agenda. Daniel our city planner stated if a subdivision is approved with full improvements required that is administrative when modifications or wavier of some sort is being recommenced by the planning commission then it is a recommend to city council. The land use authority switches over to city council when planning makes it a recommendation. Commissioner Ableman asked when we approved this subdivision we did not approve with any waivers, he is wondering why we are back here again and told that we have to recommend it to city council. Commissioner McBride mentioned the subdivision was approved without improvements. Commissioner Westergard stated it was approved as a remainder parcel. Daniel stated it would fall under modification because the approval requires those modifications to be put in place. He spoke with our city attorney as well as public works and other city administration to get clarity on this. He did say the action is to get the process right. He indicated we need to follow our code that is on our books. Commissioner Westergard is wondering what it is we are asked to discuss. Commissioner Albeman read what a remainder parcel is. He is wondering why the parcel has to have the developments done now and not later when it gets developed. Commissioner Skeen stated city council would like clarification on what we are doing are we deferring or waiving. Daniel stated city council wanted to make sure this procedure is done by our code. Commissioner Westergard mentioned we just made it a subdivision with a remainder parcel. Daniel indicated the application did not identify it as a remainder parcel. He stated the applicant indicated this was an

Plain City Commission/City Council
Minutes of Meeting
August 27, 2026

amendment to an existing subdivision. He stated the applicant never conveyed it as a remainder parcel. Commissioner Ableman mentioned the developer would like to sell lot 1 with the house on it, separate from the remainder parcel. Commissioner McBride is wondering what will happen when they do decide to develop the remainder parcel, will there be sidewalk on lot 1. Commissioner Westergard said it depends on how the remainder parcel is developed. Commissioner McBride is wondering who will pay for it. Commissioner Westergard indicated the developer would. Commissioner McBride is wondering if we are creating a flag lot. There was talk that it is not a flag lot, they would not be able to be developed until there is a road on 2800. Commissioner Skeen was wondering if there was any talk about lot 1 and the improvements going in or were they going to be deferred as well on the north and left side of lot 1. Commissioners stated they did not any talk about this at the last meeting. Dan from public works mentioned another property that was talked about in the last meeting they were given a deferral agreement and she already had a house on the property; he is wondering why this one is different. Commissioner Ableman indicated this is a remainder parcel with no plans of developing right now. Dan mentioned once he subdivides that turns it into a minor two lot subdivision. In the future if he decides to develop the back lot then we need to have the first house that is being divided off to be lot 1. If we want those improvements. He also mentioned having a deferral for lot 1 for the improvements. Commissioner Westergard asked if Dan was asking for a deferral agreement for lot 1. Commissioner McBride doesn't want this to be something the city will have to pay for, he said it doesn't make sense. He wanted to know if the house is sold how will the new owner know there is a deferral agreement. Craig wanted to make expressly clear that he believes he has approval for a subdivision by being here tonight I am not waiving any rights to that approval. He stated he came here from having a discussion with city staff and the mayor. He feels he doesn't have to go through this process again he believes he has an approval already. He said he agreed to be on the agenda because his attorney and our attorney said you can sue us or come to the meeting and work out a solution that you would be amenable and forgo all this stuff; this is not going to put him in further jeopardy. He stated he is already in jeopardy he has had to change the closing on his property three times, he did say he might lose the sale. He has already experienced damages because of planning's inability to understand what is going on. He indicated he had no knowledge this was coming back to planning. He said who ever decided to do this he was never informed until he came Monday to pick up the mylar to get it recorded, he is holding tight to that he has an approval for the subdivision. He mentioned staff stated we have a problem, he did say there were two signatures on the mylar the engineer and planning chair. He feels like he is being held up. He stated he will listen tonight and he wants to see what planning will come up with. Commissioner Skeen mentioned if we make a motion tonight and the motion says that subdivision is approved and we will defer the right of way. Craig stated the right of way is not on the plat he put it there showing at some point they will be developing he stated he put it there in good faith to show that he understands that something needs to be done here. He indicated the only right of way was for the utilities. Craig stated he is trying to be proactive and in good faith show the right of way on the plat, he indicated if he showed this on the plat someone was going to try and take it from him. He said that is what happened. He said it was not right or fair, even if it is against our ordinance the city gives planning the power on minor subdivisions which this is. Commissioner Skeen asked Craig if he was acknowledging the future road that will go through there. Craig indicated he was not, it was for his development on the other five acres. Commissioner Albeman stated the remainder parcel is not considered part of the subdivision so it is not required to follow all of the same subdivision ordinances, when the remainder parcel gets developed now 2800 would need to become a road. This is how he understands it. There was some confusion of what improvements should be on lot 1. Commissioner Ableman stated they never granted any kind of waiver,

Plain City Commission/City Council
Minutes of Meeting
August 27, 2026

deferral agreement or anything on curb gutter and sidewalk on the west side of lot 1. It was never granted. He indicated all planning said was we are approving it as a subdivision. When he subdivides everything will need to be done according to our ordinances. There was talk of if the remainder parcel was part of the subdivision. Commissioner McBride is not worried about dedicating the right of way because there is no way to get back to that piece without a road. Commissioner Ableman mentioned when he looks at deferral agreements in our ordinance it says they are approved by planning commission, he is wondering if this is correct. He is wondering if we need to even make a motion on this. There was a discussion on if a deferral agreement needs to be signed and recorded or just signed and it stays at the city. Craig firmly believes he has an approval for the subdivision. He stated he was going to his attorney and he said he could sue now or come here to see if we can work out something that he can live with. Commissioner Skeen stated he could keep the ordinance how it is now and put curb, gutter and sidewalk as it was approved per our ordinance which would require you to put curb, gutter and sidewalk in now. Craig indicated if that is the requirement then he would request a deferral. Commissioner Ableman is not finding anywhere in the ordinance that the deferral has to be mentioned in the motion. Daniel did say the deferral agreement may be signed by the final land use authority, but in this case, he referenced title 11-3-6 D2. *The Planning Commission shall recommend to the City Council the approval, conditional approval or disapproval of the final plat.* He stated the power that is entrusted to planning now is a recommend power. Craig is not sure if he is creating a new subdivision or doing an amendment. He pointed at Dan and said from him I am creating a new subdivision he then pointed to Daniel and said from you I am creating an amendment. Daniel stated to Craig those were his words. Daniel mentioned he was using Craigs words from him in a meeting with Dan and Diane that this is an amendment. Daniel stated 11-2-12 a.4 *Procedure: For any change in a map of an approved or recorded plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission and by the same procedures, rules and regulations as for a subdivision.* He indicated the right of way dedication is necessary he doesn't see any way around it. As he reads the code, he tried to read it in Craigs behalf but he couldn't justify this, however a deferral could be the way to go. Commissioner Skeen stated we need to close this and go into the work meeting. Daniel mentioned Craig conveyed to him he is trying to close on the sale of this property, staff got together to put this on the agenda and to find some resolution at planning commission if this item was a deferral or whatever it might be that city council could see this on their agenda next week. His opinion would be to try and push forward with some sort of resolution because if the decision is delayed then that pushes Craig in a hard place. Craig did say he will not sign any type of agreement that defers the whole length of his property. He said if that is going to be the agreement then he would like it tabled for another time, and he will lose the sale and he will have the right to proceed with whatever avenues he deems fit. Daniel mentioned planning commission does have the latitude to determine the length of the right of way as well, this was conveyed to him by the city attorney. Daniel stated city staff has been working to find a fair and equitable solution for Craig. There was a discussion about not putting curb, gutter and sidewalk on the west side of lot 1 and what would be the procedure to sign a deferral agreement. Craig wanted to know what needed to be done to resolve this, and if it can't be resolved then he wants it tabled. He feels strongly that this is approved and that the needed signatures are being withheld from him for what he believes to be arbitrary. Craig would like this tabled and to have a work meeting so it is right for everybody and if he has to lose the sale that will be one more arrow in his quiver because planning has been trying to do what is right but the city is withholding the signatures from him to get the plat recorded. He said it is causing him economic damage.

Plain City Commission/City Council
Minutes of Meeting
August 27, 2026

Commissioner Ableman motioned to table Bluegrass Estates Subdivision approx. 2800 N 3800 W. Commissioner Ortega seconded the motion. Commissioners Westergard, Skeen, Ortega, Ableman, McBride voted aye.

3. Adjournment

Commissioner Ortega moved to adjourn the meeting at 7:35pm. Commissioner Westergard seconded the motion. Vote: Commissioners Skeen, Westergard, Ableman, Ortega, McBride voted aye. Motion carried.

City Council Meeting: September 3- Commissioner Ableman

2026

MAW	WESTERGARD	ABLEMAN	ORTEGA	SKEEN	MCBRIDE
MAR 5	APRIL 2	FEB 19	MAR 19	JAN 1 canceled	JAN 15
MAY 7	JUNE 18	JUNE 4	JULY 2 canceled	FEB 5 Ortega	APRIL 16
AUG 6	SEPT 17	SEPT 3	OCT 1	MAY 21	JULY 16
NOV 5	DEC 17	DEC 3	NOV 19	AUG 20 Ortega	OCT 15

If you are unable to attend on your assigned night, please make sure someone goes in your place



Planning Commission Chair



Planning Commission Secretary