



Memo

Date: 20 August 2015

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 12 August 2015 City Council Regular Meeting

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

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

**Wednesday, 12 August 2015, 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 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 Administrative Lead, 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; Opening Remarks or Invocation; Pledge of Allegiance

Mayor Bonner called the meeting to order at 6:00 p.m. She excused Council Member Hines.

Members Present:

Colleen Bonner, Mayor
Danny Hofheins, Council Member
Ken Van Wagoner, Council Member
Karl Dodge, Council Member
Kent Kohler, Council Member

Staff Present:

Michael Henke, Planning Director
Kraig Powell, Attorney
Wes Johnson, Engineer
Shane Owens, Public Works Administrative
Lead
Brad Wilson, Recorder/Financial Officer

Members Excused:

Dick Hines, Council Member

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

Mayor Bonner asked if a Midway City resident in attendance would like to give the opening remarks or invocation. Council Member Kohler gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

2. Consent Calendar

- a. Agenda for the 12 August 2015 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 22 July 2015 City Council Meeting
- d. Conclude the Warranty Period and Release the Remainder of the Bond for Walker Ranch

Located at 566 East Saddle Drive (Approximately 1600 North) Subject to the Payment of all Fees Due to Midway City

- e. Conclude the Warranty Period and Release the Remainder of the Bond for the Valais PUD, Phase 8 Located at Chancey Lane (Approximately 40 East) and Bellevue Way (Approximately 1510 North) Subject to the Payment of all Fees Due to Midway City
- f. Release the Construction Bond, Minus \$128,512.43, and Begin the One Year Warranty Period for The Kantons at Village Green, Formerly The Kantons, Located at Approximately 850 North Homestead Drive

Note: Copies of items 2a, 2b, 2c, 2d, 2e, and 2f are contained in the supplemental file.

Wes Johnson indicated that only a portion of the construction bond for The Kantons at Village Green should be released. He said the amount retained would cover the landscaping if it was not completed.

Motion: Council Member Van Wagoner moved to approve the consent calendar.

Second: Council Member Hofheins seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

- 3. Public Comment** – Comments will be Taken on Any Item not Scheduled for a Public Hearing, as Well as on Any Other City Business. Comments are Limited to Two Minutes per Speaker. The Council Cannot Act on Items not Listed on the Agenda, and Therefore, the Council may or may not Respond to Non-Agenda Issues Brought up Under Public Comment. Those Wishing to Comment Should use the Podium, State Their Full Name and Address, Whom They Represent and the Subject Matter to be Addressed. Total Time Allocated to Public Comments will be no More than 10 Minutes.

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

- 4. Heber Light & Power/Rate Increase (Jason Norlen)** – Receive a Presentation on a Proposed Rate Increase by Heber Light & Power Company

Jason Norlen, Heber Light & Power (HL&P) General Manager, gave a presentation on a proposed rate increase and reviewed the following items:

- Company highlights
- Safety and recognition
- Previous rate review and modification
- 2015 rate modification
- Strategic plan and needs
- Resource portfolio
- 2015 COS rate design study including revenue requirements, residential rate structure, commercial rate structure, existing versus proposed rates, and impact to the average customer

Council Member Dodge asked how the proposed rate structure was determined. Mr. Norlen responded that an independent consultant was hired to make that determination. He added that HL&P was the only government power provider its size that did not have demand charges.

Council Member Dodge asked if the new rate structure would subsidize small businesses. Mr. Norlen responded that no class of customer would subsidize another class.

Council Member Kohler asked the amount of the proposed increase. Mr. Norlen said the proposed increase in 2014 was 4.5% and the current proposal was 6%. He estimated that there would be increases about every five years.

Mr. Norlen explained that the increase would pay for a substation and second connection to the western power grid. He said these improvements would increase reliability and strengthen the transmission system along the Wasatch back.

Mr. Norlen said the HL&P Board would vote on the increase on September 2nd.

5. Higginson Greenhouse/Conditional Use Permit (Kraig and Jeannette Higginson) – A Request for a Conditional Use Permit for an Agricultural Greenhouse Located at 1170 South Center Street (Zoning is RA-1-43). Recommended with Conditions by the Midway City Planning Commission.

5a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land use summary
- Location of the greenhouse
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The recent code text amendment changing the commercial greenhouse designation to agricultural also allowed aquaponics, aquaculture and the wholesaling of produce and fish.
- The applicants wanted to change their conditional use permit for their greenhouse from personal to agricultural.
- The Utah Department of Agriculture would inspect and regulate the raising of fish. The Higginson's greenhouse would be more strictly regulated if it sold fish wholesale.
- The Planning Commission was concerned about the processing of fish at the facility.
- It was recommended that the applicants provide a plan and seek approval if they wanted to sell fish wholesale.

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

5b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Jay Price, 712 South Center Street

Mr. Price explained that the greenhouse was on his family's former farm. He was concerned about the loss of agricultural land and commended the applicants for preserving it.

Nyal McMullin, 111 West Innsbruck Lane

Mr. McMullin said that the proposal could be good if the surrounding land was not developed. He thought that fish would eventually be processed at the facility and the smell would be a problem.

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

5c. Action – Discuss and Possibly Approve the Request

Wes Johnson asked the timeframe for installing the culinary water and sewer lines for the greenhouse. Kraig Higginson responded they would realistically be installed in the spring. He said that the cost to bore under the highway would be six times the cost of the lines.

Mayor Bonner indicated that any changes to the operation would have to be approved by the Council.

Council Member Dodge asked which kinds of fish would be raised. Mr. Higginson asked that any approval allow the raising of any fish approved by the State.

Council Member Hofheins indicated that processing fish at the facility would be a problem. He said a similar facility in Twin Falls, Idaho created a terrible smell. He noted that winds usually came from the south which would bring the smell into Midway.

Motion: Council Member Van Wagoner moved to grant a conditional use permit for an agricultural greenhouse, located at 1170 South Center Street, with the proposed findings and conditions except that any species of fish allowed by the State of Utah could be raised.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

6. **The Sages PUD/Master Plan Approval (Paul Berg)** – A Request for Master Plan Approval for The Sages PUD, Formerly Known as the Warm Springs PUD, Located West of the Valais PUD (Zoning is RA-1-43). Recommended with Conditions by the Midway City Planning Commission.
7. **The Sages PUD, Phase I/Preliminary Approval (Paul Berg)** – A Request for Preliminary Approval for Phase I of The Sages PUD, Formerly Known as the Warm Springs PUD, Located West of the Valais PUD (Zoning is RA-1-43). Recommended for Approval with Conditions by the Midway City Planning Commission.
8. **The Sages PUD, Phase I/Final Approval (Paul Berg)** – Discuss and Possibly Grant Final Approval for Phase I of The Sages PUD, Formerly Known as the Warm Springs PUD, Located West of the Valais PUD (Zoning is RA-1-43). Recommended for Approval with Conditions by the Midway City Planning Commission.

Mayor Bonner indicated that the master plan and Phase I for The Sages would be considered together.

Presentation – Receive Presentations on the Requests from Staff and the Applicant

Michael Henke gave a presentation regarding the requests and reviewed the following areas related to the master plan:

- Land use summary

- Location of the proposed development
- Canyon View Road realignment
- Sensitive lands
- Master plan
- Road alignment
- Phasing plan
- Roads
- Open space
- Water
- Burgi Lane access
- Landscaping plan

Mr. Henke reviewed the following areas related to Phase I:

- Plat map
- Landscaping plan
- Trail from Burgi Lane to Pine Canyon Road
- Land use summary
- Rendering of proposed units
- Floorplans for proposed units
- Open space per phase
- Water requirements
- Possible findings
- Changes through the approval process
- Protecting agricultural uses on Laren Gertsch's property

Mr. Henke also made the following comments:

- The project had already received master plan approval and preliminary approval for Phase I.
- The applicant wanted to adjust the phasing and make other changes.
- The land trade with The Church of Jesus Christ of Latter-day Saints (LDS Church) must be completed before the plat map for Phase I was recorded.
- The historic access to Laren Gertsch's property would be maintained.
- There would be no second access in Phase I. This access would be completed and paved in Phase II.
- The proposal met the requirements for a master plan.
- The roads in the project that were on the City's roads plan would be public.
- The proposed units were approved by the Vision Architectural Committee (VAC).
- The height of the units would be measured from the contour lines and not the level of fill on the property.

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

Wes Johnson made the following comments:

- The sewer from the project would eventually connect to the line along Pine Canyon Road.
- The applicant wanted to tie the sewer into Magpie Circle for Phase I. That section of sewer line ran through the backs of lots and four manholes were not accessible.
- If Canyon View, Phase II was built then the sewer line had to be run to Pine Canyon Road, by The Sages' developer, within 30 days of the preconstruction meeting.
- The existing sewer line for Canyon View would have to be lowered.
- The bond for The Sages, Phase I would include the cost to run the sewer to Pine Canyon Road.
- The Midway Sanitation District (MSD) Board agreed to temporarily running the sewer line to Magpie Circle if the associated conditions were included in the development agreement.

Kraig Powell explained that the development agreement would also cover trails and the removal of existing agricultural buildings with Phase I. Paul Berg, Berg Engineering Resource Group and representing the applicants, asked that the removal be done with Phase II. Mayor Bonner expressed concern that the buildings would be in the open space owned by the HOA.

Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Bill Madson, 93 West Village Court

Mr. Madson expressed concern with the density of the project and the height of the units. He said that there was as much as 10 feet of fill above the natural grade. Michael Henke responded that the allowed height of the units would be based on the original contour lines for the property. He also indicated that the units were clustered as part of a PUD and the setbacks met the code requirements.

Don Whitehead, 45 West Village Court/Valais HOA President

Mr. Whitehead stated that problems like the sewer and a second access should be addressed that evening rather than postponed. He thought that the first and second phases should be combined. He said that speed should be strictly regulated on Canyon View Road and that Interlaken Estates should not use it as an access.

Mr. Whitehead asked if the ground level was being raised or if a berm was being built on the property.

Nyal McMullin, 111 West Innsbruck Lane

Mr. McMullin made the following comments:

- The changes, requested that evening, were the result of poor planning.
- The project could be better designed with Canyon View Road not going in front of the units. The current alignment decreased safety.
- Asked if a traffic study had been done. Any study should include traffic from Interlaken Estates.
- A development could be built to a higher standard than required.
- Questioned the setbacks from the property line with Valais.
- Questioned the open space for the project.
- The slope of the roofs should be lowered to preserve the views from Valais.

Laren Gertsch, 1221 North Canyon View Road

Mr. Gertsch made the following comments:

- Had tried to work with the applicants to resolve any issues.
- Worked out a trade of easements which allowed him to access the irrigation ditch along his entire north property line.
- His agricultural buildings should not have to be removed until Phase II.
- Opposed the first road plan submitted for the project because Canyon View Road would have been next to his property. Speed and noise were a problem with the road.
- The applicant said that the most recent road plan, which straightened out the road, was dictated by the City.
- Jack Zenger and Doyle Wilson had a right to use Canyon View Road but Interlaken Estates did not.
- Asked that the alignment of the road in Phase II be reconsidered. Requested that the alignment, which dropped the road down near the north side of his property, be approved. The applicant did not oppose this change.
- The most recent alignment would put homes closer to his agricultural operation.

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

Action – Discuss and Possibly Approve the Request

Paul Berg made the following comments:

- Had worked with the developer of Valais to create a buffer between the two developments using landscaping and the alignment of the road.
- The City thought that the original alignment of the road would encourage speeding.
- Laren Gertsch did not want the traffic next to his property.
- Later road plans reduced cost and eliminated a road on both sides of the units.
- The final road plan was based on a request from the City. This was the best plan to meet

city requirements. It was designed for speeds of up to 30 mph and to protect a potrock mound.

- Fill was being stocked on the property.
- There was no berm.
- The original contour lines would be used to limit the height of the units to no more than 35 feet.

Bill Probst, applicant, said that the units would be built on the potrock but fill would be put around them to raise the frost line.

Michael Henke made the following comments:

- The length of the road in Phase I would be limited to 1,300 feet to meet fire protection requirements.
- Canyon View Road did not need to be a collector.
- Driveways were allowed on the road as planned.
- There were trails in the development for safety.

Mr. Probst opposed Laren Gertsch having an easement to the ditch because it would be on the development's open space. He did not oppose an easement allowing a ditch to Mr. Gertsch's property.

Council Member Van Wagoner noted that the Midway Irrigation Company had a 20 foot easement along the ditch. He wondered if that could be used by Mr. Gertsch.

Council Member Van Wagoner did not know of any approval by the Irrigation Company allowing Mr. Gertsch to access the ditch.

Mayor Bonner indicated that any agreement regarding the ditch needed to be approved by the Irrigation Company. She stated that Mr. Gertsch's livestock should be watered on his property. Council Member Van Wagoner said that water could not be diverted to Mr. Gertsch's property because of the slope.

Mr. Gertsch said that the Irrigation Company wanted him to have access to the ditch along the entire north boundary of his property.

Kraig Powell wondered if the unit owners would be able to access the ditch or if it would be fenced off for Mr. Gertsch's livestock. He said it would confuse the boundary line for the project. Mr. Gertsch responded that the Irrigation Company was considering fencing the entire ditch.

Bill Probst indicated that he talked to Mr. Gertsch about accessing the ditch but did not agree to it.

Mayor Bonner said that the easement, as proposed by Mr. Gertsch, would create confusion and problems in the future.

Bill Probst made the following comments:

- Had brought in fill for the project but the footings for the units would be on the potrock.
- The height of the units would be measured from the original grade.
- The units would not be over 35 feet.
- There was not a berm on the property.
- A lot of the fill seen by the neighbors came from Valais and was on Mr. Gertsch's and the LDS Church's property.
- Some units in Valais were too close to his property.
- Some of the landscaping for Valais was on his property.
- The sewer line, if connected to Magpie Circle, could handle the entire development if needed.
- Running the sewer line to Pine Canyon Road would be included in the development agreement.
- Would bond for the sewer line to go to Pine Canyon Road.
- The proposed phasing would average out the costs through the entire project.

Mayor Bonner asked who would build the road from Canyon View Road to Canyon View, Phase II and maintain the land next to it. Mr. Probst responded that the City would install the road.

Council Member Dodge asked why the proposed alignment of Canyon View Road was straightened. Mr. Henke responded that it was changed to allow speeds up to 30 mph and for aesthetics. Mr. Probst added that a straight road was safer because drivers could see further ahead.

Council Member Hofheins asked if Mr. Gertsch could buy the land between his property and the ditch. Paul Berg responded that would reduce the open space to below the required 50% and the project would lose the water feature. Michael Henke agreed that the open space was right at 50%.

Council Member Kohler was not opposed to the current proposal but thought that the issue with the ditch needed to be resolved. Mayor Bonner agreed that the issue needed to be resolved.

Mayor Bonner agreed with temporarily connecting the sewer to Magpie Circle if the cost to run it to Pine Canyon Road was included in the construction bond. She noted that the line had just been inspected and it could handle the additional flow.

Don Whitehead questioned the temporary connection. Paul Berg responded that certificates of occupancy would not be granted in the following phases if the sewer was not connected to Pine Canyon Road. Mr. Henke asked if building permits should be withheld. Mr. Berg asked that it just be certificates of occupancy.

Mr. Henke explained that enough water would be required for Phase I to meet the current requirements. He said that if the required amount was decreased then the excess turned in would be credited to later phases.

Council Member Dodge asked how the City would insure that unirrigated areas were not

watered. Mr. Henke responded that an irrigation map should be provided to the City. He also said that the location of the irrigation systems should be verified when the landscaping was inspected.

Don Whitehead asked if the speed on Canyon View Road could be limited to 15 mph. Council Member Van Wagoner responded that state law required 25 mph.

Kraig Powell suggested that existing agricultural structures be removed prior to the recording of the phase on which they were located.

Mr. Gertsch said that he could put a fence on his property line, along with a fence to and around the ditch, to delineate the boundaries of The Sages. Mr. Probst said that he did not want a fence in the project's open space.

Council Member Van Wagoner asked if the property by the entrance to the project could be traded for the property to the ditch. Mr. Probst responded that Mr. Gertsch would lose a potential lot if the property was traded. He also indicated that the current open space provided a buffer between the units and the agricultural operation.

Council Member Van Wagoner recommended that Mr. Gertsch meet with the Irrigation Company to try and move the ditch. Mr. Probst said that he did not oppose a dead end ditch going to Mr. Gertsch's property.

Council Member Hofheins stated that Mr. Gertsch was the person most affected by the proposed development. He recommended that the previous road alignment, which dropped down near Mr. Gertsch's property, be approved. He also recommended that property be swapped to allow Mr. Gertsch access to the ditch along his entire north property line.

Mr. Probst noted that Mr. Gertsch would have to cross a trail to access his property with the previous road alignment. He said the issue could be reconsidered when Phase II was approved. Mayor Bonner noted that the Planning Commission recommended considering it with Phase II. Mr. Henke pointed out that the road right-of-way would be recorded with Phase I. He said any change in later phases would require a plat amendment and vacating a portion of the road. Council Member Dodge said the decision should be made that night.

Motion: Council Member Van Wagoner moved to approve the master plan for The Sages PUD subject to the approval of the development agreement with the proposed findings, the recommendations of the Planning Commission except that the most current road alignment be used, 30.47 acre feet of water be turned into the City, and the sewer temporarily connect to Magpie Circle.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Nay
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

Motion: Council Member Dodge moved to grant preliminary approval for Phase I of The Sages PUD subject to the development agreement being approved and executed.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Nay
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

Motion: Council Member Dodge moved to grant final approval for Phase I of The Sages PUD subject to the execution of the development agreement.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Nay
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

9. Resolution 2015-06/The Sages PUD Development Agreement (Paul Berg) – Discuss and Possibly Approve Resolution 2015-06 Adopting a Development Agreement for The Sages PUD, Formerly the Warm Springs PUD, Located West of the Valais PUD (Zoning is RA-1-43).

Kraig Powell reviewed the development agreement for The Sages PUD. He specifically covered the following areas:

- Water
- Road dedication and completion
- Sewer connection to Magpie Circle
- Trails
- Private roads maintained by the HOA
- Weed control
- Density
- Open space
- Phasing
- Heights measured by natural grade
- Irrigation easement
- Setbacks
- HOA
- Warranty
- Bonds

Motion: Council Member Kohler moved to approve Resolution 2015-06 adopting a development agreement for The Sages PUD with the corrections and additions by the City Attorney.

Second: Council Member Dodge seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Nay
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

10. Financial Report (Brad Wilson) – Receive a Report on the Finances for Midway City

Mayor Bonner indicated that the financial report would be postponed to the next council meeting.

11. Department Reports

Shane Owens, Public Works Administrative Lead

Backhoe – Mr. Owens reported that John Deere now had the contract with the State for heavy equipment. He said it was considerably less than the previous contract. He recommended that the City immediately lease a John Deere backhoe to test it against its current leased backhoe. He said there was money in the budget for the lease. The Council agreed to the lease.

Loader – Mr. Owens also recommended that the City lease a John Deere loader in the next budget year.

Brad Wilson, Recorder

Sanitation District Primary Election – Brad Wilson reviewed the results of the primary election for the Midway Sanitation District.

Michael Henke, Planning Director

Michie Lane/LDS Church/School District – Mr. Henke reviewed the progress on improving Michie Lane. He said the LDS Church wanted to sell the needed land and charge an administration fee. He thought that they might waive those requirements. He also indicated that they wanted to give more property on the south side of the road rather than the north side.

He indicated that the City also needed to work with the Wasatch County School District to obtain land to improve the road.

Michie Lane/School District Cable – Mayor Bonner reported that she was working with the Wasatch County School District to remove its cable on the power poles along a portion of Michie Lane. She noted that when that was done the poles could be removed.

Wes Johnson, Engineer

Center Street – Mr. Johnson reported on the reconstruction of a portion of Center Street. He said the project would be completed within a couple of weeks.

Lime Canyon Road – Mr. Johnson reported that Lime Canyon Road would be difficult to reconstruct because it was the only access to Lime Canyon. He said flyers and message boards would be used to notify residents and property owners about the construction. He said that the work would be done as quickly as possible.

Pine Canyon Road – Council Member Dodge asked if Pine Canyon Road, which had just been reconstructed, would be striped. Mr. Johnson responded that it would not because striping increased traffic speed.

Council Member Kohler asked when the shoulders of the road would be completed. Mr. Johnson responded that the contractor was waiting for a shouldering machine to do the work.

Kraig Powell, Attorney

250 North Homestead Drive – Mr. Powell reported that the Midway Heritage Foundation had paid the City and the contractor for all of the expenses related to raising the derelict home at 250 North Homestead Drive. He explained that the Foundation raised all of the money for the project.

Kent Kohler, Council Member

Road Construction/City Website – Council Member Kohler asked that current and planned road construction be put on the City's website.

Ken Van Wagoner, Council Member

Tour of Utah/Access to Midway – Council Member Van Wagoner expressed concern that all of the roads into Midway were closed during a portion of the Tour of Utah.

Danny Hofheins, Council Member

Town Hall Sidewalks – Council Member Hofheins said the new sidewalks in front of the Town Hall looked good.

Colleen Bonner, Mayor

Party – Mayor Bonner reminded the Council that a summer party would be held with the City's employees on August 17th at the Town Square.

Swiss Days – Mayor Bonner indicated that Swiss Days would be held on the 4th and 5th of September.

Karl Dodge, Council Member

Tour of Utah Banners – Council Member Dodge asked if the banners for the Tour of Utah had been taken down. It was indicated that they had not been taken down.

Motion: Without objection, Mayor Bonner recessed the meeting at 9:39 p.m. She reconvened the meeting at 9:48 p.m.

12. Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Dodge moved to go into a closed executive session.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

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

Motion: Council Member Dodge moved to go out of the closed executive session.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

13. Adjournment

Motion: Council Member Kohler moved to adjourn the meeting. Council Member Hofheins seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:15 p.m.

DRAFT