

THE STATE OF UTAH
COUNTY OF SEVIER
CITY OF RICHFIELD

At the City Council
In and For Said City
September 13, 2022

Minutes of the Richfield City Council meeting held on Tuesday, September 13, 2022, at 7:00 p.m. in the Council Chambers of the Richfield City office building located at 75 East Center, Richfield, Utah. Mayor Bryan L. Burrows presiding.

1. OPENING REMARKS
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPOINTMENTS
5. MINUTES
6. EXPENDITURES Tabled
7. PARENTING CONFERENCE DISCUSSED
8. PUBLIC HEARING – IMPACT FEE ANALYSIS AND ENACTMENT
9. PLANNING COMMISSION REPORT
10. PUBLIC HEARING – REZONE 300 WEST 1000 NORTH
11. DEVELOPMENT AGREEMENT FOR COTTONWOOD CORNER SUBDIVISION & BRYAN NAY DISCUSSED
12. ORDINANCE 2022-25 ADOPTED - Rezone 300 West 1000 North
13. PUBLIC HEARING – ANNEXATION OF PARKER, WAIMEA, & HARRISON
14. PUBLIC HEARING – REZONE 1200 NORTH MAIN
15. PUBLIC HEARING – REZONE 647 SOUTH MAIN
16. PUBLIC HEARING – REZONE 1310 WEST 1800 SOUTH
17. PUBLIC HEARING – AMENDMENT TO THE RESIDENTIAL SETBACKS
18. INTERSECTION AT 1200 SOUTH DISCUSSED
19. ORDINANCE 2022-26 ADOPTED – Rezone 642 S 100 W
20. ORDINANCE 2022-27 ADOPTED – Accessory Dwelling Units
21. AGREEMENT FOR STORM WATER DRAINAGE STUDY APPROVED
22. UPDATE TO LAND USE & SUBDIVISION ORDINANCE APPROVED
23. CARGO CONTAINERS IN COMMERCIAL ZONES WERE DISCUSSED
24. POWER EASEMENT APPROVED
25. BID FOR THE OILING OF THE LIBRARY ROOF APPROVED
26. CONCRETE REPLACEMENT FOR SIGNAL LIGHTS DISCUSSED
27. OTHER BUSINESS
28. MEETING ADJOURNED

1. 1. OPENING REMARKS were offered by Councilmember Todd Gleave.

2. PLEDGE OF ALLEGIANCE was led by Youth City Council Mayor Gabi Bruse.

3. ROLL CALL.  **Present:** Mayor Burrows, Todd Gleave, Elaine Street, Tanner Thompson, Michele Jolley, Tyson Hansen. **Excused:** Brayden Gardner, Kip Hansen.

Others Attending: Mark Hatch, ShonTae Hatch, Daryl Hodgson, Ryan Hodgson, Edward Nielson, Blaine Breinholt, Bonnie Offutt, John Worley, Karen Worley, Kris Allred, Kristi Allred, Greg Higgins, Erin Thompson, Deon Kelsey, Kylee McClure, Max Anderson, Monica Anderson, Roger Bird, Keith Warburton, Ashley Best, Jason Best, Shelby Sorenson, Katie Anderson, Michael Snow, Shane Harrison, Hannah Harrison, Mary Lee Harrison, Gabi Bruse, Genesis James, Liesel Steele, Elizabeth Steele, Sherri Hair, Devone Burton, Kianna Byers, Aleah Jorgensen, Jake Black, Adam Albrecht, Joe Betar, Keith Waters, Katie Torgerson, Dave Coe, Carson DeMille, Micklane Farmer, Keith Mogan, and Chief Trent Lloyd.

4. APPOINTMENTS. Members of the Youth City Council were introduced and received the oath of office. 

5. MINUTES APPROVED. The Council reviewed the minutes of the meeting held on August 23, 2022, and made the following changes.  **Motion:** Approve the minutes of the meeting held on August 23, 2022, **Action:** Approved, **Moved by** Tanner Thompson, **Seconded by** Todd Gleave.  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Elaine Street, Tanner Thompson, Todd Gleave. **Excused:** Brayden Gardner, Kip Hansen.

6. EXPENDITURES APPROVED. The Council reviewed the August 2022 Warrant Register.  **Motion:** Table August Warrants until September 27, 2022, **Action:** Tabled, **Moved by** Tanner Thompson, **Seconded by** Elaine Street.  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Elaine Street, Tanner Thompson, Todd Gleave. **Excused:** Brayden Gardner, Kip Hansen.

7. PARENTING CONFERENCE DISCUSSED. Sharee Jones was not able to attend.

1 8. PUBLIC HEARING – IMPACT FEE ANALYSIS AND ENACTMENT. Mayor Burrows
2 opened the hearing at 7:08 pm to receive comments on a proposed Impact
3 Fee Facilities Plan, an Impact Fee Analysis, and an Impact Fee Enactment for
4 Parks, Recreation, Police, and Fire.
5

6 Cody Deeter discussed the analysis his firm completed and explained how the
7 impact fees are calculated.

8 Mark Hatch stated that he did not understand and he asked if the City gets
9 money for developments from the federal government that have strings
10 attached. The Council noted that the City has not received funds from the
11 federal government that has strings attached.

12 Mayor Burrows closed the hearing at 7:22 pm.
13
14

15 9. PLANNING COMMISSION REPORT. Chairman Kendrick Thomas was
16 present to report on the Planning Commission meeting held on September 7,
17 2022.  They discussed the general plan and the consultant was there to
18 discuss that with them. They had some minor changes they asked the
19 consultant to make, so that is nearing completion.
20

21 The Planning Commission held a public hearing on the update to the general
22 plan.
23

24 They held a public hearing and acted on an amendment to the front yard
25 setbacks for single-family residential zones, recommending that the Council
26 approve the changes.
27

28 A public hearing was held on a request to rezone the property at 1310 West
29 1800 South owned by the Good Shepherd Lutheran Church. They
30 recommended approval of the rezone.
31

32 A public hearing was held and a recommendation was made to rezone the
33 property at 300 West and 1000 North to an R1-8 residential zone. One resident
34 spoke in favor of it based on an agreement that they had negotiated with the
35 developers.
36

37 A public hearing and a recommendation were made to approve the rezone of
38 a portion of the property at 1200 North Main to RM-24.
39

1 A public hearing for a request to rezone the motel at 647 South Main from
2 commercial shopping to high-density residential. They voted to not
3 recommend this change, primarily because of its proximity to the RM-24 housing
4 that is going in next to the Quality Inn and the desire of the Commission to not
5 have too many RM-24 developments too close to each other. The intention is to
6 recommend an adjustment to the ordinances to help limit the RM-24 zone so
7 that it does not become too widely spread. They are considering limiting those
8 developments to within 1,000 feet of each other and also capping the
9 percentage of RM-24 housing compared to single-family housing.

10
11 Conditional use permit for a daycare 259 West Center Street. There was a short-
12 term rental application approved at 153 West 800 South and another short-term
13 rental for 700 East Center.

14
15 There was another application for a short-term rental and massage business that
16 was tabled because the applicant was not present. The Cove Mountain Village
17 Apartment complex was present to discuss the development at 350 West
18 between Cove View Road and 1300 South. The first phase of the development
19 would have two 8-plexes. They voted to recommend approval contingent
20 upon the DRC review and the engineering review.

21
22
23 10. PUBLIC HEARING – REZONE 300 WEST 1000 NORTH. Mayor Burrows opened
24 the hearing at 7:32 pm to receive comments on a request to rezone the
25 property at approximately 300 West 1000 South from R1-10 to R1-8.

26
27 Jake Black stated that the R1-8 zones give them some flexibility. It would allow
28 for 30 lots and the average lot size would be 9,400 square feet. With this idea,
29 they have had discussions with the neighborhood and the major concern is
30 having manufactured homes on those lots. This is not their intent, they
31 understand but the concern is that if the property were ever to be sold,
32 manufactured homes could go in there. They are here tonight to do what they
33 need to do in finding a surety to prevent manufactured homes from being
34 installed on these lots. They were made aware that the City attorney has
35 recommended that the Council not approve the agreement. Without a
36 development agreement, they are not sure what their avenue would be.

37
38 Joe Betar stated that he may have over-represented that he had a consensus
39 of the neighborhood that smaller lot sizes would be acceptable if there was an
40 iron-clad agreement that manufactured homes would not be allowed. They
41 were told that there would be a development agreement that would prevent
42 manufactured homes.

1 Shontae Hatch stated that as to the rezone the home that she lives in has a lot
2 of 9,000 square feet and the developer indicated that his lots would be at least
3 9,314 square feet. She indicated that for some, this is tight.

4
5 Keith Waters stated that he thinks this is still too many lots. It was originally zoned
6 to accommodate 12 lots and he is opposed to it being rezoned.

7
8 Deon Kelsey stated that he wanted to make it clear that he has never been in
9 favor of a zoning change. His biggest issue is safety. He wanted it clear that he
10 has not ever changed his opinion.

11
12 Mayor Burrows stated that the fire code has an appendix and it would allow for
13 11 more homes, so if we do anything more than 11 lots, then we would need to
14 consider a variance from the fire code. It is his opinion that to allow 20 more The
15 City would have to do something like that.

16
17 Max Anderson stated that Mr. Betar did talk to him but he did not remember
18 talking about a new plan, just the old plan.

19
20 Mark Hatch stated that it feels like everything is being rezoned RM-24 which is
21 high-density. They come to every meeting because they are afraid of losing
22 Richfield. In his opinion high-density is the scariest thing we could do.

23
24 Roger Bird understood that it is against the fire code to have that amount of
25 homes in that area because of the one access in and out. He thought that if this
26 is the case, then that should solve the question of rezoning the property.

27
28 Adam Albrecht wanted to clarify that they are not proposing multi-family homes
29 and that it is not high-density. They are single-family homes that will be built
30 there. They have a legal opinion on the fire code and that it is open to
31 interpretation. He would ask that the fire code be addressed during the
32 development process and not be a reason to deny the rezone.

33
34 Mayor Burrows closed the hearing at 8:01 pm.

35
36
37 11. DEVELOPMENT AGREEMENT FOR COTTONWOOD CORNER SUBDIVISION &
38 BRYAN NAY DISCUSSED.  Mayor Burrows stated that the City attorney had
39 recommended that the City not approve the agreement because it would
40 violate State law and City code.

1 Michael Snow stated that the City should not get into development agreements
2 because it binds future councils. Park City has spent millions of dollars trying to
3 get out of development agreements that were done by prior councils.

4
5 Adam Albrecht only proposed the agreement because they were trying to
6 make the neighborhood happy. There are ways that they can enforce this
7 through restrictive covenants filed against the property. 📄

8
9 Councilmember Street asked them to come back with an example of what the
10 restrictive covenants would look like.

11
12
13 12. ORDINANCE 2022-25 ADOPTED. The Council reviewed an ordinance to
14 rezone the property located at approximately 1000 North 300 West to an R1-8
15 zone. 📄 **Motion:** Table the adoption of Ordinance 2022-25 until the Council's
16 next meeting, **Action:** Tabled, **Moved by** Todd Gleave, **Seconded by** Tanner
17 Thompson. 📄 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes =
18 3). **Yes:** Elaine Street, Tanner Thompson, Todd Gleave. **Excused:** Brayden
19 Gardner, Kip Hansen.

20
21
22 13. PUBLIC HEARING – ANNEXATION OF PARKER, WAIMEA, & HARRISON.
23 Mayor Burrows opened the hearing at 8:13 pm to receive comments on a
24 proposed annexation of property owned by Robert Parker, Waimea LTD
25 Partnership, and Mary Lee Harrison located between 1050 North and 1350 North
26 on the east side of Main Street.

27
28 Daryl Hodgson stated the annexation would bring the rest of their proposed
29 development into the City. They have requested that the property be zoned
30 RM-11 and RM-24 which would be acceptable for the land use in the proposed
31 general plan update as far as they understand it.

32
33 The Planning Commission recommended the zoning of the property be R1-10.

34
35 Mayor Burrows closed the hearing at 8:22 pm.

36
37
38 14. PUBLIC HEARING – REZONE 1200 NORTH MAIN. Mayor Burrows opened the
39 hearing at 8:22 pm to receive comments on a request to rezone property
40 located at approximately 1200 North Main from general commercial (CG) to
41 high-density multi-family residential (RM-24).

1 ShonTae Hatch is concerned that the part of the lot, 1.95 acres, that is currently
2 in the City right now, is proposed to have 2 large buildings on it. When the rest
3 of the property is annexed it will actually bring in 8 more buildings and she is
4 concerned about not having enough jobs for the people coming here. 📄

5
6 Mayor Burrows closed the hearing at 8:26 pm.
7
8

9 15. PUBLIC HEARING – REZONE 647 SOUTH MAIN. Mayor Burrows opened the
10 public hearing at 8:26 pm to receive comments on a request to rezone the
11 property located at 647 South Main from commercial shopping (CS) to high-
12 density multi-family residential (RM-24). 📄
13

14 Keith Warburton stated that they would like this property to be used for
15 affordable housing. They feel that it would be the highest and best use for the
16 property. It is a great location for people to get to and to use public
17 transportation and find somewhere they can affordably live. They are intending
18 it to be 39 studio apartments and a one-bedroom apartment. They would be
19 using the common space for a community kitchen area, an area for convention
20 space so that people can get additional services whether it is mental health or
21 addiction recovery, or something that they could use the space for. They feel
22 that this would be a tremendous project that would be a big help to the
23 community. They applied for some funding from the State. The State Legislature
24 approved 55 million dollars to help with affordable housing throughout the State
25 of Utah. 📄 They were able to receive one million dollars for this project. They
26 would take these funds and couple them with some tax credit so they could
27 bring this property up to multi-family code with fire suppression and other safety
28 necessities. The studio apartments would be fully functioning with a kitchenette.
29 One of the requirements that come with the funds from the State is that they
30 provide services for their residents. That would include mental health, addiction,
31 workforce services to help with job applications, etc. The idea is to make the
32 million dollars as perpetual as possible. They feel that they can take the million
33 dollars and really make an impact with it.
34

35 Joe Betar stated that he would be opposed to every element of this proposal.
36 His experience with the old Appletree Inn and the Knights Inn across the street
37 from his business has been horrifying. 📄 It continues to be a source of crime.
38 Only yesterday, one of the residents was partially clothed and gesturing to local
39 law enforcement as they were attempting to respond to an emergency call.
40 The notion that we would be wanting to condone, attract, and use tax dollars to
41 support any type of activity like this is just not something he is okay with.
42

1 Mr. Snow is concerned about the zoning requirements. He noted that the
2 property is a 1.55-acre lot which would equate to 36 housing units. Right now,
3 he understands that they have some type of portable kitchens. He wanted to
4 know if they would be bringing everything up to code. Mr. Warburton
5 understood that the zone change would allow him to have 40 units. If it does
6 not, Mr. Warburton stated that if they need to reduce the number of units, they
7 would make fewer studio apartments and a few more one-bedroom
8 apartments. Mr. Snow wondered if they would be able to meet the parking
9 needed for the number of units.

10
11 Blaine Brienholt stated that the Planning Commission decided to deny the
12 request to rezone the property because it is too close to the Pearson
13 development at 700+ feet away from that. He felt the Council should consider
14 this.

15
16 Edward Nielson does not like that we are taking our motels and turning them
17 into housing. We have very few motels as it is. He felt that fire code is a big
18 thing because if there was a fire there, it would not be a good outcome. He
19 would not be in favor of this.

20
21 Mayor Burrows stated that this has been an ongoing issue over the last year and
22 Mr. Warburton has finally gotten to this point and is trying to make it work with
23 our requirements. There is a long-term stay involved in this and Mr. Warburton is
24 wanting to get away from that.

25
26 Councilmember Thompson asked Mr. Warburton if the one million dollars would
27 be enough to bring the 40 units up to code. Mr. Warburton stated that it
28 generally costs them about \$8,000 to renovate one of the units, but he does not
29 include any kind of electrical upgrade, which may or may be required, or fire
30 suppression. These two items will be the 2 major expenses. He is not sure if
31 Richfield would require each unit to have its meter. A lot of the places he works
32 with do not because a lot of the people they are working with cannot qualify for
33 their utilities because of a bad credit situation. They typically cover the utilities
34 and the rent along with internet and cable packages because these are things
35 that they cannot get on their own.

36
37 He would say that the one million would get them somewhere close if we are
38 looking at somewhere between 35 and 40 units, which would be about
39 \$400,000. Fire suppression is probably going to be \$250,000 and the electrical
40 upgrade could be as high as \$200,000. They would also want to resurface the
41 parking lot and have the parking restriped. As far as leaving it as a motel, one
42 of the nice things about taking it away from it being a hotel is that it helps the
43 hospitality industry. If you take off what he would consider being C class hotel
44 units and you take them out of the market, if a new hotel developer comes in

1 and sees that there is a lack of hotel rooms, they could build a better facility and
2 have that not impacted by a cost war with other hotels. Mr. Warburton stated
3 that they would be putting some of their own money into it to get it renovated.
4 For them, it would be economically feasible.

5
6 Mayor Burrows closed the hearing at 8:38 pm.
7
8

9 16. PUBLIC HEARING – REZONE 1310 WEST 1800 SOUTH. Mayor Burrows opened
10 the hearing at 8:39 pm to receive comments on a request to rezone the
11 property located at approximately 1310 West 1800 South from general
12 commercial (CG) to single-family residential (R1-10). Mayor Burrows noted that
13 this property is located behind the Good Shepherd Lutheran Church. 

14
15 Councilmember Gleave pointed out that Mayor Burrows commented about a
16 flag lot. He wondered if that is what this is and if they are allowed. They are
17 allowed so long as they meet the access requirements.
18

19 Hearing no comments, Mayor Burrows closed the hearing at 8:40 pm.
20
21

22 17. PUBLIC HEARING – AMENDMENT TO THE RESIDENTIAL SETBACKS. Mayor
23 Burrows opened the hearing at 8:40 pm to receive comments on a proposed
24 amendment to the Land Use Ordinance changing the setbacks in residential
25 zones. The front yard setback is proposed to be 20 feet, for a garage the
26 proposed setback is 25 feet; for a porch, it would be 15 feet minimum. The
27 setback for a corner lot would be 30 feet for the second street side.
28

29 Councilmember Gleave wondered what brought this about. The Planning
30 Commission was looking at reducing the amount of landscaping that is required
31 in a residential. With water being such a concern, reducing the amount of
32 landscaping could reduce the amount of water needed.
33

34 The reason a garage would have a further setback is because of vehicles being
35 parked in front of a garage. Especially with the longer trucks, if the setback is
36 any shorter, they stick out over the sidewalk.
37

38 Mayor Burrows closed the hearing at 8:42 pm.
39
40

41 18. INTERSECTION AT 1200 SOUTH DISCUSSED.  Greg Higgins was present
42 representing Randy Christensen. Mr. Higgins stated that they went ahead and
43 took the intersection out and it is ready for asphalt. Mr. Christensen knows that

1 he is responsible to get the road in. Mr. Higgins stated that the question is who is
2 going to pay for the added costs. Mr. Christensen does not feel that he should
3 be responsible for what is not on his property. He is willing to pay for what is on
4 his property. 

5
6 Of the total \$34,894 bill, Mr. Higgins stated that they feel like Mr. Christensen's
7 responsibility would be \$15,569 and the City's responsibility would be \$19,325.

8
9 Mayor Burrows stated that this work was done without any engineering being
10 done and approved by the City. When the work was completed, it did not
11 match the existing intersection. Typically, the developer comes in with plans
12 showing how the road and all amenities are planned to be built. Then our
13 engineer tests the compaction, the concrete the asphalt and makes sure that
14 the correct amount of road base and asphalt is installed and the developer
15 pays for that. This was not happening so the City had Jones and DeMille go out
16 there and make sure that all the work being done met the City's standards. We
17 have already spent \$5,000 that typically we would not be paying for.

18
19 The Council was provided with notes and minutes of prior minutes and notes
20 back to 2007 when the subdivision was approved. At that time Don Naser the
21 engineer talked about looping the water line that should have been addressed
22 for fire flow and capacity. That has not even been considered with these
23 improvements. The plans would have shown a plan from the power company
24 which has not been done, but fortunately, the contractor called the power
25 company and they at least got a conduit under the road. There also needs to
26 be street lights put into this development and should have been put in by the
27 developer. That should have also been included in that plan.

28
29 In all the years he has been involved, he has never seen anyone put
30 development in and then come to the City after the fact. 

31
32 Mayor Burrows told Mr. Higgins when they met onsite that he did not believe this
33 was a City issue. That is how he feels. They told Mr. Burrows that if the City would
34 not have done the intersection so high, they would have matched, but if it had
35 been engineered as it should have been, the intersection would not have been
36 high.

37
38 Mr. Higgins stated that Mr. Christensen is not a developer. He hired Don Naser to
39 get this done so in his opinion, having Mr. Naser create that plot plan he thought
40 everything was taken care of. Now that curb and gutter that goes east and
41 west by Steve's Steakhouse were put in when the City redid the 1300 South
42 intersection for the traffic light. Carson DeMille stated that the curb and gutter

1 were put in up to the last entrance on the west. The City did not go around the
2 radius. 

3
4 Greg Torgersen stated that on the corner of the intersection that is being
5 addressed where the cross cutter comes across the road, the water just puddles.
6 They stated that in the 2007 minutes from May to October, the R & R Subdivision
7 was responsible for water, sewer, lights, and all of the improvements to go along
8 the lot that they purchased. It was their understanding that it was to be
9 provided when they purchased the lot. They absorbed all of that to build
10 Steve's Steakhouse. The minutes state that the R & R Subdivision was responsible
11 and the Council approved only on the stipulation that the R & R Subdivision
12 would assume all of those expenses and development. Now, Mr. Torgersen is
13 dumbfounded that Mr. Christensen is trying to get the City to pay for this. He
14 believes that he was misled and the minutes specify that Mr. Christensen was
15 responsible for all of this and the only development has been them paying for
16 what is currently there. 

17
18 Mr. Higgins addressed the water puddle that Mr. Torgersen was referring to and
19 he assumed that when they put the cross drain there that it would have
20 covered that, but it did not touch that. 

21
22 Councilmember Street asked why there was not an engineer hired to go
23 through all of this beforehand. Mr. Higgins stated that it would have been Don
24 Naser when he originally did the plot plan. Councilmember Street stated that a
25 plot plan is not engineered. Mr. Christensen's understanding was that all that
26 had been taken care of with the plot plan. 

27
28 There was some further discussion about the drainage along the west entrance
29 of the steakhouse. Mr. Torgersen stated that the concrete guy spoke with City
30 engineers and he was wondering how that ever got approved. Mr. Higgins
31 could not understand how that happened and why they flattened it out and
32 tried to make water flow uphill.

33
34 Mr. DeMille stated that the curb and gutter were laid as flat as possible at a ½%
35 slope. You cannot go any flatter than that and if you go any steeper then you
36 come clear out of the ground as you head west so it would be way too high at
37 that intersection and the only place to send that water without going onto
38 private property is to Technology Drive. It was laid as flat as it could be laid and
39 obviously, the contractor did not install it at a ½% or it has settled after the fact.
40 A ½% is difficult to pour concrete at.

41
42 Councilmember Street stated that Mr. Christensen needs to fix this. Mr. Higgins
43 stated that the cross-drain should have been the fix to everything. The problems

1 that existed on that corner should have drained to the west and then to the
2 south.

3
4 Mayor Burrows asked who shot the elevations and made that determination.
5 When this was just done, who shot it in? Who said that it would drain from here
6 to there? 

7
8 Mr. Mogan stated that he and Mr. Farmer met with the contractor out there and
9 discussed having a design and having plans to go off from. They did shoot the
10 drainage going south, but the drainage on the corner was pre-existing and it
11 cannot be moved unless it was raised.

12
13 Mayor Burrows stated that before we get any further to any more out there, we
14 need to figure out this looped water line and we need to get the street lights put
15 in that are part of the subdivision. That is part of putting a subdivision in. These
16 are required of the developer. 

17
18 **Motion:** Deny the request for the City to participate in the cost of improvements
19 at the intersection on 1250 South, **Action:** Denied, **Moved by** Tanner Thompson,
20 **Seconded by** Todd Gleave.  **Vote:** Motion carried by unanimous roll call vote
21 (**summary:** Yes = 3). **Yes:** Elaine Street, Tanner Thompson, Todd Gleave.
22 **Excused:** Brayden Gardner, Kip Hansen.

23
24 Mayor Burrows noted that we still need to address the other issues of the water
25 line looping and the street lights. Mr. Higgins stated that he would let Mr.
26 Christensen know that these things need to be done.

27
28
29 19. ORDINANCE 2022-26 ADOPTED. The Council reviewed an ordinance to
30 rezone the property located at approximately 642 South 100 West to multi-family
31 residential (RM-11).   **Motion:** Adopt Ordinance 2022-27 rezoning the
32 property located at 642 South 100 West to multi-family residential (RM-11),
33 **Action:** Adopted, **Moved by** Todd Gleave, **Seconded by** Tanner Thompson. 
34 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Elaine
35 Street, Tanner Thompson, Todd Gleave. **Excused:** Brayden Gardner, Kip Hansen.

36
37
38 20. ORDINANCE 2022-27 ADOPTED. The Council reviewed an ordinance to
39 allow accessory dwelling units in residential zones on lots having 10,000 square
40 feet or more with certain restrictions.   **Motion:** Adopt Ordinance 2022-27
41 allowing accessory dwelling units in residential zones on lots having 10,000
42 square feet with certain restrictions, **Action:** Adopted, **Moved by** Tanner
43 Thompson, **Seconded by** Elaine Street.  **Vote:** Motion carried by unanimous

1 roll call vote (**summary:** Yes = 3). **Yes:** Elaine Street, Tanner Thompson, Todd
2 Gleave. **Excused:** Brayden Gardner, Kip Hansen.

3
4
5 21. AGREEMENT FOR STORM WATER DRAINAGE STUDY APPROVED. 
6 Micklane Farmer explained that this is the FEMA funding that the City received
7 to complete a stormwater drainage study.  **Motion:** Approve a Storm Water
8 Drainage Study, **Action:** Approved, **Moved by** Elaine Street, **Seconded by**
9 Tanner Thompson.  **Vote:** Motion carried by unanimous roll call vote
10 (**summary:** Yes = 3). **Yes:** Elaine Street, Tanner Thompson, Todd Gleave.
11 **Excused:** Brayden Gardner, Kip Hansen.

12
13
14 22. UPDATE TO LAND USE & SUBDIVISION ORDINANCE APPROVED. 
15 Micklane Farmer stated that the City's zoning code and subdivision ordinances
16 need quite a bit of work. It was difficult to come up with a number because the
17 scope is too broad. It just depends on how much work there is. The Land Use
18 Attorney's fees are about \$10,000. Then he would work with the City to clean up
19 the code and come up with a good development checklist that would make
20 what the City has better. The plan is to get to the point where the City has a
21 checklist of things we can give the developer of everything that they would
22 need to do. That would hopefully prevent some of the problems the Council
23 has been addressing tonight.

24
25 UDOT has some grant money that we could apply for. We got some of the
26 funding to update our transportation master plan. The application is open in
27 October and closes in December and we could apply for that again to do
28 some of this work. Mr. Farmer stated that one thing to consider is that if we start
29 on the work before we get approved for the grant, we have to consider that we
30 may not get the grant money.

31
32 Councilmember Thompson asked what the land use ordinances that need to
33 be updated. Our whole code needs to be looked at because it has not been
34 updated with the State law now for several years. We have made some
35 changes that we were aware of, but given how many bills are passed each
36 year, what we have done is probably just a drop in the bucket for what should
37 be done.  The Subdivision ordinance has not been completely updated
38 since 2005, with a few updates being done in 2015.

39
40 Councilmember Thompson knows that this is something we need, but he feels
41 like sometimes we just come up with more rules and regulations that he fears
42 hinder development. 
43

1 Councilmember Gleave stated that he is a big believer in trusting City
2 employees to do their jobs. They are on the ground every single day seeing and
3 knowing what has to be done and how it has to get done. He asked Michele
4 Jolley if this is something that we need or something that would be good for the
5 City.

6
7 The answer was that this was absolutely necessary. We are making decisions
8 based on a code that is not fully compliant with the State laws. We run the risk
9 of ending up in a legal battle because of this.

10
11 **Motion:** Approve spending \$35,000 to update the land use and subdivision
12 ordinances and apply for a grant to help out with this, **Action:** Approved, **Moved**
13 **by** Todd Gleave, **Seconded by** Elaine Street.  **Vote:** Motion carried by
14 unanimous roll call vote (**summary:** Yes = 3). **Yes:** Elaine Street, Tanner
15 Thompson, Todd Gleave. **Excused:** Brayden Gardner, Kip Hansen.

16
17
18 23. CARGO CONTAINERS IN COMMERCIAL ZONES WERE DISCUSSED.  There
19 are some cargo containers in the commercial zones and our ordinance does
20 not allow cargo containers anywhere. In the past, our Code Enforcement
21 Officer has been instructed not to do anything in commercial zones until he has
22 been given Council approval. There is also a request from Hansen's Collision to
23 have a cargo container placed so they would be able to use it for storage of
24 parts. have the planning commission look at this. 

25
26
27 24. POWER EASEMENT APPROVED.  Mayor Burrows explained that there is
28 an existing easement for a water line that is on the City's property out at the
29 Airport. The owner of the easement is asking permission to run a power line in
30 that existing easement.  **Motion:** Approve the running of a power line in the
31 existing easement for the water line from the well owned by Derek Stokes,
32 **Action:** Approved, **Moved by** Todd Gleave, **Seconded by** Tanner Thompson. 
33 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Elaine
34 Street, Tanner Thompson, Todd Gleave. **Excused:** Brayden Gardner, Kip Hansen.

35
36
37 25. BID FOR THE OILING OF THE LIBRARY ROOF APPROVED. 
38 Councilmember Street explained that they have two bids to apply linseed oil to
39 the library roof. Michelle Olsen stated that it has probably been 6 or 7 years
40 since this was done. It should be done every 5 years. The library board
41 recommends going with the bid from the licensed contractor, Mt. Timpanogas
42 Properties, Inc. for \$12,000.  **Motion:** Award the bid to Mt. Timpanogas
43 Properties, Inc. for \$12,000, **Action:** Approved, **Moved by** Tanner Thompson,

1 **Seconded by** Todd Gleave.  **Vote:** Motion carried by unanimous roll call vote
2 (**summary:** Yes = 3). **Yes:** Elaine Street, Tanner Thompson, Todd Gleave.
3 **Excused:** Brayden Gardner, Kip Hansen.
4
5

6 26. CONCRETE REPLACEMENT FOR SIGNAL LIGHTS DISCUSSED. The matter will
7 be discussed when they get closer to doing the sidewalk. Mr. DeMille stated
8 that he could tell them what the color is to match the red concrete.
9
10

11 27. FINANCIAL REPORT. Tyson Hansen  reported on the revenues and their
12 status of them. The funding sources are looking ok so far. He stated that the
13 department heads are keeping tabs on their expenses. So far, the general
14 revenue sources are okay, but it is still early in the year. In the capital project
15 fund, he is getting ready to submit for reimbursement for the FIG grant for the
16 CCC road. Also, a reimbursement for the trails. The water fund is up 10% year to
17 date. It did make some money last year, but only because of the number of
18 impact fees that were collected. We will be going to CIB in October, so a rate
19 increase will be forthcoming to pay for that debt. The sewer service fund is up
20 4% year to date.
21
22

23 28. OTHER BUSINESS. Mr. Hansen wondered about having a company send
24 out mailers to all of our customers and offer them a warranty or insurance on
25 their water and sewer service line on their side. It is not very expensive, but he
26 did not know if that would be a good idea or not. Councilmember Gleave
27 stated that it might be a good service.
28
29

30 29. MEETING ADJOURNED. At 9:58 p.m.,  **Motion:** Adjourn, **Action:**
31 Adjourned, **Moved by** Tanner Thompson, **Seconded by** Todd Gleave.  **Vote:**
32 Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Elaine
33 Street, Tanner Thompson, Todd Gleave. **Excused:** Brayden Gardner, Kip Hansen.
34
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PASSED and APPROVED this 27th day of September 2022.

Recorder