MINUTES OF THE
MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, 13 September 2016, 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 Assistant Crew Chief, 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 Dodge.

Members Present:

Colleen Bonner, Mayor
Ken Van Wagoner, Council Member
Kent Kohler, Council Member
Lisa Christen, Council Member
Bob Probst, Council Member

Staff Present:

Michael Henke, Planning Director
Kraig Powell, Attorney
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Karl Dodge, 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 Probst gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

2. General Consent Calendar

a. Agenda for the 13 September 2016 City Council Regular Meeting
b. Warrants
c. Minutes of the 24 August 2016 City Council Regular Meeting

d. Release the Warranty Bond for Phase 9 of the Valais PUD Located at Approximately 1455 North Montchapel Lane
e. Nancy O'Toole as a Full Member of the Midway City Planning Commission
f. William Ream as a Full Member of the Midway City Planning Commission

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

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

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

3. **Public Comment** – Comments will be Taken on Any Item Not on the Agenda, 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.

700 East/Semi-Truck

Doug and Carol Hunt, who lived on 700 East, reviewed a poster that showed their cul-de-sac and where a semi-truck was being parked. They said the truck was used to haul livestock and was 522 feet long and 30 feet wide. They indicated that it smelled bad and their neighbors was trying to sell their home. They asked that such trucks not be allowed to park in the city limits or at least not allowed to park in residential areas.

Swiss Days/Corner of Main Street and 200 West

Susan Fox, who owned Midway Country Corner, said that festival markets were charged more

that year so that a sheriff's deputy would be at the intersection of Main Street and 200 West during Swiss Days. She said that no deputy was at the intersection. She added that law enforcement told her the City directed that they be at other locations.

4. **Tarahumara Restaurant/Local Consent for Liquor License (Andrew Hillier)** – Discuss and Possible Grant Local Consent for a Liquor License for the Tarahumara Restaurant Located at 380 East Main Street.

Michael Henke explained that Tarahumara had been purchased by new owners. He said that the new owners needed local consent for a liquor license. He noted that the type of license would not change.

Andrew Hillier said that the Freedom Restaurant Group still owned the restaurant but he had purchased the shares of one of the company's owners.

Motion: Council Member Kohler moved to grant local consent for a liquor license for the Tarahumara Restaurant.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

5. **Meadows at Dutch Canyon Subdivision/Preliminary and Final Approval (Berg Engineering)** – A Request for Preliminary and Final Approval for the Meadows at Dutch Canyon Subdivision Located at 1600 North Dutch Canyon Road (Zoning is RA-1-43). Recommended without Conditions by the Midway City Planning Commission.

6. **Resolution 2016-20/Meadows at Dutch Canyon Development Agreement (City Attorney)** – Proposed Resolution 2016-20 Adopting a Development Agreement for the Meadows at Dutch Canyon Subdivision Located at 1600 North Dutch Canyon Road (Zoning is RA-1-43).

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 proposed development
- Road and trail improvements
- Concept plan
- Proposed plat map
- Annexation agreement requirements
- Water board recommendation
- Possible findings

Mr. Henke also made the following comments:

- The proposal was for a small scale subdivision.
- The property was part of the Dutch Hollow Annexation and had to meet the requirements of the associated annexation agreement.
- The road across the property would be built by the developer of the Dutch Canyon Subdivision.
- There was a remnant piece of property on the other side of Dutch Canyon Road which would remain with the project.
- The project would be built in conjunction with the Dutch Canyon Subdivision.
- There were no recommended conditions.

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

Council Member Kohler asked the City's involvement in installing meters for the pressurized irrigation system. Mayor Bonner responded that the meters would be installed by the developer. Mr. Henke added that the details of metering the system had not been determined. He said it would be important to have the usage data. Mayor Bonner explained that all developers should be responsible for installing the pressurized irrigation system just as they were for the culinary water system.

Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Johnny Remund, 1535 Dutch Canyon Road

Mr. Remund made the following comments:

- He lived just south of the proposed development.
- The property being developed was owned by his grandfather then father.

- Asked that when Dutch Canyon Road was widened that it not be too close to his fence.
- Suggested that the trail be part of the road, and marked with a line, as it passed his property.
- There had been low irrigation water pressure that summer. Was told that the pump, added for the Dutch Canyon Subdivision, would improve the pressure.

Scott Loertscher, 291 East 100 North

Had driven a cement truck on Dutch Canyon Road and suggested that there be a left hand turn lane onto the road from River Road. Wes Johnson responded that it was not the developer's responsibility to install such a turn lane.

Don Huggard, 325 East 100 North

Mr. Huggard asked if the developer had the necessary water shares for the project. Mayor Bonner responded that the developer had the shares and would not need to lease water.

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

Action – Discuss and Possibly Approve the Request

Wes Johnson said that he had seen the plans for the trail and the widening of Dutch Canyon Road. He indicated that the trail would be attached to the road with stripe designation as it went along Mr. Remund's property. He said that it would have to be separated from the road if Mr. Remund further developed his property.

Paul Berg, Berg Engineering Resource Group and representing the applicant, confirmed that a pump would be installed that would increase the pressure for the irrigation system.

Council Member Van Wagoner asked that the City Attorney review the proposed development agreement before a vote was taken on the project. Mr. Powell reviewed the following areas of the agreement:

- Water rights
- Road improvements
- Trails
- Storm drain
- Culinary water lines
- Pressurized irrigation lines
- Fire hydrants
- Sewer
- Street lights

- Weeds
- Open space
- Animal rights
- Warranty bond
- Items related to the Dutch Hollow Annexation Agreement

Mr. Berg explained that Wasatch County asked that the road name be change to avoid any confusion with the nearby trailhead.

Mr. Berg asked if a will serve letter was needed from the Irrigation Company. Mr. Powell responded that it was needed because the Company was a private entity separate from the City.

Mr. Berg asked to install the same street lights in the proposed project as installed in the Dutch Canyon Subdivision. He said the Dutch Canyon Subdivision HOA would maintain them in both projects. Mr. Johnson agreed if the Dutch Canyon Subdivision development agreement specified that responsibility.

Mr. Berg recommended that the City change its requirement to a hooded street light. Wes Johnson responded that the light specified by the Heber Light & Power Company was dark sky compliant.

Mr. Berg also asked that the development agreement require a record drawing rather than a certificate.

Motion: Council Member Kohler moved to grant preliminary and final approval for the Meadows at Dutch Canyon Subdivision with the conditions and modifications proposed by staff or discussed that evening.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

Motion: Council Member Van Wagoner moved to approve Resolution 2016-20.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

7. **Zone Boundary Determination (Paul Berg)** – Discuss and Possibly Determine a Zone Boundary, Located at 250 East 200 South, in Accordance with Section 16.13.30 of the Midway City Municipal Code.

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

- Location of the zone boundary
- Concept plan for a development on the property
- Zone line
- R-1-9 Zone
- R-1-11 Zone
- Midway City Municipal Code, Section 16.13.30

Mr. Henke also made the following comments:

- Some parcels of property in the City were dissected by two zones.
- The Municipal Code allowed the City Council to extend one zone for up to 100 feet.
- The applicant requested that the R-1-9 Zone be extended to the east.
- The R-1-9 Zone allowed duplexes.
- The request was not for development approval.
- An extension of a zone had to maintain the zoning in the General Plan and be a harmonious mix of uses.
- Approving the extension would increase density but would allow the same type of development on both sides of the road which would be more harmonious.
- The architecture of any duplexes would have to be approved by the Vision Architecture Committee (VAC).

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

Council Member Christen felt that the zones should remain unchanged and no extension granted.

Paul Berg, representing the applicant, made the following comments:

- Zones intersecting a parcel were rare.

- Most governments had a provision for extending zone boundaries.
- The other option would be a formal request for a zone change.
- Building duplexes on the property would be a function of the market.
- The property was close to the elementary school and Main Street.
- A transition to another zone would be best along back lot lines.

Mayor Bonner said that there needed to be a balance of housing for a good community. She indicated that the proposed location was good because it was in a walkable area.

Council Member Christen did not want any more density but noted that there was a need for rental properties.

Council Member Probst preferred single family homes but agreed there was a need for density.

Council Member Kohler was concerned about the property owners to the east. He wondered if the change would be fair to them.

Mr. Berg indicated that a formal request for a zone change would require a public hearing and notification of the neighboring property owners.

Council Member Van Wagoner wanted to see a design.

Council Member Kohler preferred the formal zone change because comment would be solicited from the public.

Motion: Council Member Kohler moved that the applicant request an amendment to the zoning map.

Second: Council Member Van Wagoner seconded the motion.

Discussion: Mr. Powell confirmed that the applicant, not the City, would request the zone change.

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

8. **Indian Summer Subdivision/Preliminary Approval (Gardner and Associates)** – A Request for Preliminary Approval for the Indian Summer Subdivision Located at 300 East and 200 North River Road (Zoning is R-1-9 and R-1-15). Recommended with Conditions by the Midway City Planning Commission.

8a. 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 proposed development
- Lot layouts
- Detention ponds
- Linear park trail
- R-1-9 Zone
- R-1-15 Zone
- Traffic
- Master road plan
- Landscaping
- Water board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The proposal was a large scale subdivision.
- The City owned a 50-foot right-of-way on 300 West from 100 North to 200 North.
- There was 15% open space in the project.
- Lots 105-110 potentially had a high water table. The Planning Commission recommended that if a basement was planned for one of these lots then a hydrology study be required.
- A traffic study had been submitted. It indicated that a center turn lane on River Road was not required because of the project. This was verified by an analysis by the City Engineer.
- A stub road would be left for 200 North.
- The continuation of 300 East to the north was on the original plat recorded for Midway City and also on the City's 1977 traffic plan. That section of road would overlap 15 feet into the Norm George Flag Lot Subdivision. This was not expected by the owners of the flag lot.
- The Water Board recommended that water meters be installed for the pressurized irrigation system.

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

Mr. Johnson explained the trip studies that were performed. He indicated that his office placed traffic counters on River Road, near the proposed entrance to the project, and the results did not modify the developer's analysis.

Council Member Christen noted that she used River Road her entire life and seeing vehicles, on the curve around Memorial Hill, was a problem. Mr. Johnson responded that his goal was to have a center turn lane. Council Member Kohler thought that the road was safe if drivers obeyed the speed limit. Mr. Johnson noted that the studies used the posted rather than the actual vehicle speed.

Kraig Powell explained that a center turn lane was an off-site improvement for the proposed project. He indicated that the studies showed that the developer could not be required to install the lane.

Mayor Bonner asked that the turn lane be added to the City's 10-year road and water plan.

Council Member Christen asked if the new section of 300 East would be installed by the developer. Mr. Henke responded that it would be installed by the developer along with a trail on the west side. Wes Johnson added that it would include curb and gutter.

Mayor Bonner read a letter from Robert Riddle.

Note: A copy of Mr. Riddle's letter is contained in the supplemental file.

8b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Amanda Peterson, 501 North River Road

Ms. Peterson made the following comments:

- The City Council should take a step back and consider the impact of development on Midway.
- The R-1-15 Zone was too dense.
- The proposed development had sensitive lands.
- Wildlife corridors were not accommodated in the project.
- The opinion of residents was not being considered.
- Residents were willing to bond for open space.
- An eight to ten foot width was not sufficient for a linear park.
- There were no viable trails in the City.
- Transfer of development rights or buying down density should be considered.
- Existing properties were being devalued by continued development.
- The City should be working to preserve open space.
- Zoning frequently did not represent the desires of the community.
- Once open space was developed it was gone forever.

- What would Midway look like in ten years.

Scott Loertscher, 291 East 100 North

Mr. Loertscher requested a six-foot fence along the south property line of the proposed development. He asked that the ditch, along 300 East from 100 North to 200 North, be left open. He said that the ditch could be moved onto his property to protect the existing trees. He also asked for help from the developer or City to move his large swing which was in the right-of-way.

Anne Loertscher, 291 East 100 North

Ms. Loertscher did not want children walking off of the proposed trail and into her yard. She pointed out that they had built a fence on the other side of their property.

Quinn Calder, 309 East 100 North

Mr. Calder made the following comments:

- The proposed development impacted him greatly.
- Hoped that the property would not have developed so soon.
- Would help the Loertschers move their swing.
- The intersection of 100 North and 300 East would be dangerous because the north portion of 300 East would not line up well with the south portion.
- The surrounding lots were large in comparison to what was proposed for the development.
- The proposed number of lots was not appropriate for the neighborhood and the lifestyle in Midway.
- The houses should have a greater rear setback.
- Noise would be a problem.
- The additional traffic would be dangerous.
- Did not want construction traffic using 300 East which was in front of his house.
- A study should be done to determine the impact of the project.
- There should not be a hasty decision.
- A development moratorium should be imposed to further consider trails, recreation, etc.
- A development should not obstruct views.
- The project should be denied for further research.
- The spirit of Midway needed to be maintained.
- The R-1-9 Zone was not appropriate in the middle of the R-1-15 Zone.

Wes Johnson said that there could be up to a ten foot offset in 300 East and still have a safe intersection. He said that he would again check what the alignment would have to be.

Don Huggard, 325 East 100 North

Mr. Huggard agreed with the other public comments. He stated that a turn lane was needed on River Road for safety. He said that it would have to be installed sooner or later. He added that the City should work with the developer for it to be installed with the project.

Launa Nielson, 60 North River Road

Ms. Nielson said that the traffic was so bad on River Road that she and her family could not ride bikes on it. The Municipal Code should require that the developer pay all improvements.

Carol Huggard, 325 East 100 North

Ms. Huggard asked why the Planning Commission recommended that construction traffic use 300 East. Mr. Henke responded that the recommendation was made because of the concerns with River Road and backing up traffic. Ms. Huggard said that she had a grandchild and worried that the construction traffic would overload the neighborhood.

Carol Hunt, 15 South 700 East

Ms. Hunt said that development was out of control and asked the Council to take a step back and institute a development moratorium.

Athina Koumarela, 266 North Center Street

Ms. Koumarela agreed that traffic was a problem on River Road. She said that the developer and not the citizens should pay for the turn lane.

Jody Klotovich, 252 East 300 North

Ms. Klotovich made the following comments:

- Agreed with the public comments that had been made.
- River Road was dangerous along the proposed entrance to the development.
- Could the City handle all of the developments and the demands on its infrastructure.
- The City Council and the Planning Commission were gate keepers for the City.
- There would be another 100 homes on 600 North. These residents would also use River Road.
- The Council did not have to rush to make a decision.
- Open space should be protected.
- Feedback should be sought from the community.
- Preferred larger lots.

Laura Calder, 309 East 100 North

Ms. Calder made the following comments:

- Her home was the closest to the proposed development.
- She operated a hair salon and her clients commented on the project.
- A development moratorium should be imposed.
- Another survey should be taken.
- The City could bond for open space.
- People who lived in starter homes, which were usually on smaller lots, were transient.
- Smaller lots changed the feel of Midway.

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

8c. Action – Discuss and Possibly Approve the Request

Mayor Bonner thanked the public for their comments. She explained that the City was updating its general plan but the proposed development was governed by the current zoning code.

Mr. Henke explained the update process for the General Plan. He indicated that any moratorium could last no longer than six months and would only apply to new development.

Ms. Peterson said that the Council could deny any proposal that did not comply with the General Plan. She said that the Council could also require changes from a developer. She added that trails should not end at roads.

Kraig Powell made the following comments:

- Subdivisions were an administrative rather than a legislative approval.
- Most governments had staff, rather than a planning commission or city council, consider and approve subdivision proposals.
- Subdivisions were a legal right under Utah law.
- They should be approved if they complied with the law.
- There could not be subjective standards for development.
- Density should be determined when revising the zoning regulations rather than during development approvals.
- An applicant was vested when they turned in an application.
- City staff did not try to help developers.
- The developer would have to pay for a turn lane if the traffic from the development created the tipping point. The developer had to pay a proportional cost for off-site improvements.

Wes Johnson reviewed impact fees and made the following comments:

- Impact fees were based on improvements needed for the following 40 years.
- Every new home should help pay for improvements related to new growth. Existing residents should not have to pay these cost.

Mr. Henke explained the zoning in the area of the proposed development.

Mr. Calder questioned if a developer would sue if they were denied a few lots.

Dave Gardner, Gardner & Associates and representing the applicant, made the following comments:

- Had never been in a lawsuit over one of his projects.
- Would put in a fence on the south boundary line of the development.
- Wanted to keep the ditch open along 300 East. If that ditch was piped, then the trees next to it would die.
- Could help move Mr. Loertscher's swing.
- Could dedicate more land for a turn lane on River Road.
- Requested preliminary approval for the project.

Wes Johnson indicated that the developer would be required to dedicate enough property so that there would be 36 feet from the middle of River Road.

Mayor Bonner thought that the construction entrance should be on River Road and not 300 East. Mr. Johnson explained that the Planning Commission and not staff recommended 300 East.

Mayor Bonner asked where River Road was on the City's ten year roads and water plan. Mr. Johnson responded that upgrading the road was not on the plan. He noted that the plan could be changed. Mayor Bonner suggested reviewing the plan.

Mr. Johnson noted that people drove to their comfort level. He noted that drivers were now speeding on Pine Canyon Road because it had been improved.

Council Member Van Wagoner asked if the slope of the road could be improved for safety. Mr. Johnson indicated that three vehicles needed to be able to line up on a level approach.

Council Member Van Wagoner made the following comments:

- The density in the City was sufficient.
- Understood the locations of the zones.
- Nobody knew there would be this much development.
- There would be some density changes in the future.
- The City could buy open space if the residents were willing to pay for it.
- It cost money to maintain open space.
- A development had to be approved if it met the zoning requirements.

Council Member Kohler asked Mr. Gardner if the developer would pay for a turn lane. Mr. Gardner responded that he could share in the cost.

Council Member Kohler did not want to see all of the open space developed and he understood the frustration with the zoning. He said the City would mitigate the impact as best it could. He noted that the City did not have the money to buy open space.

Wes Johnson explained that the developer only owned a portion of the land that would be needed for the turn lane.

Council Member Probst asked if the developer would consider something less dense. Mr. Gardner responded that removing a couple of lots would not make that much of a difference to the neighbors. He said the smaller lots would be good for retirees. He preferred to help with the turn lane rather than reduce the density of the project.

Mayor Bonner said that she enjoyed the open space but owners of that property had paid taxes and lived on it for generations. She also said they had a right to profit from their land. She indicated that the City wanted quality developments.

Motion: Council Member Christen moved to grant preliminary approval to the Indian Summer Subdivision with the recommendation of the Planning Commission that geotechnical/hydrological studies be required for any basements on lots 105-110, that construction traffic use the entrance on River Road and not 300 East, the developer meet with the neighbors to determine the type of fence on the south side of the development, the developer would help move the ditch and swing on 300 East, and the developer would help pay for a turn lane on River Road.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Nay

9. **IT Services/Award Contract (Mayor Bonner)** – Discuss and Possibly Award a Contract for IT Services.

Mayor Bonner reported that five companies submitted proposals for IT services and that two were interviewed. She read a memo regarding the request for proposals and recommended that Executech be awarded the contract. She said that their proposal would best serve the City's

needs.

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

Council Member Van Wagoner asked if any local companies applied. Mayor Bonner responded that no local companies applied before the deadline.

Brad Wilson supported the recommendation.

Motion: Council Member Van Wagoner moved to award the contract to Executech as proposed and authorized the Mayor to sign any associated documents.

Second: Council Member Christen seconded the motion.

Discussion: Kraig Powell asked if an actual contract was needed. Eric Hansen, Executech, responded that a contract was not needed with the exception of an agreement that the City would not solicit any of its employees for employment. Brad Wilson asked if liability, workers compensation, etc. need to be addressed in a contract.

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

Motion: Without objection, Mayor Bonner recessed the meeting at 8:30 p.m. She reconvened the meeting at 8:43 p.m.

10. Ordinance 2016-15/Commercial Setbacks and Uses (City Planner) – Proposed Ordinance 2016-15 Amending Section 16.5 (Commercial C-2 and C-3 Zones) of the Midway City Municipal Code Regarding Setbacks, Uses and Other Regulations. Recommended without Conditions by the Midway City Planning Commission.

10a. Presentation – Receive a Presentation on the Ordinance from Staff

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

- Midway Vision Statement
- General Plan introduction regarding Main Street

- Main Street vision
- Main Street design, goals and objectives
- Commercial development review process
- Land use map
- Proposed changes to current uses
- Tourism Overlay Zone (TOZ)
- Site development standards
- Landscaping requirements
- River Woods mixed use development
- Proposed location of the TOZ
- Possible findings

Mr. Henke also made the following comments:

- A pending ordinance change regarding the commercial zones had been adopted by the Council.
- The Planning Commission had spent five months reviewing the zones.
- Several committees, reviewing the General Plan, also made suggestions regarding the zones.
- There was concern that valuable commercial property would be used for less desirable businesses such as storage units.
- It was proposed that tourism related businesses be encouraged.
- 97% of the City was residential while only 3% was commercial.
- The C-3 Zone was for the civic center.
- The Planning Commission recommended that strictly residential development not be allowed in the commercial zones. Additions to existing houses would continue to be allowed.
- No change was recommended for mixed uses by the Planning Commission because they wanted to allow flexibility. However, it had been suggested that residential only be allowed above commercial.
- The Planning Commission recommended that setbacks be eliminated for residential uses in the commercial zones but remain next to residential zones.
- New commercial development was forced to the east if you did not want to tear down existing homes.
- The eastern portion of the C-2 Zone should be preserved for tourism and retail.
- The TOZ would eliminate but not add uses.
- Expanding the TOZ outside of the city limits was discussed. The effected properties would be annexed as C-2.
- An overlay zone and any re-zone would have to be considered by the Planning Commission and the City Council.
- Council Member Dodge wrote a letter regarding the proposed ordinance.
- The Planning Commission recommended that the maximum size of a store in the TOZ be reduced from 25,000 sf to 15,000 sf.
- The Commission also recommended that up to 50% commercial be allowed in mixed use developments. Some lenders wanted a greater percentage of residential in such projects.

This higher percentage could affect the height limit because it would encourage more than two stories.

Note: Copies of Mr. Henke's presentation and Council Member Dodge's letter are contained in the supplemental file.

10b. Public Hearing – Receive Public Comment on the Ordinance

Mayor Bonner opened the public hearing.

Inez Wilde, 473 East Main Street

Ms. Wilde made the following comments:

- Did not want commercial development to force out residents living on Main Street.
- Tourists did not want to be in a strictly commercial area.
- People did not stroll down Heber City's Main Street.
- The feel of Midway would be lost if there was just commercial development on Main Street.
- Wondered if she would have to sell her home to a commercial developer.
- The City should not seek tourism revenue to subsidize million dollar homes.
- All residents should be considered when changing the commercial zones.

Mr. Henke responded that Ms. Wilde could not be forced out of her home and could sell her house as a residence.

Jeremy Clark, 465 East 110 South

Mr. Clark asked what the current mixed use requirement of 20% commercial looked like. Mr. Henke responded that the Mountain Goat Apartments was an example. He said it might be a commercial building in the front of the lot with residential units in the back.

Mr. Clark did not think that 50% residential would support the associated commercial. He recommended that the current 20% not be changed.

Carl Berg, 233 East 300 North

Mr. Berg liked the direction offered by the Planning Commission. However, he recommended that residential not be limited to above commercial because that would reduce flexibility and creativity.

Stacy Bauman, Resorts West

Ms. Bauman asked if all of the Ballstaedt property was proposed to be in the TOZ. Mr. Henke responded that all of it was proposed for the zone.

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

10c. Action – Discuss and Possibly Adopt the Ordinance

Council Member Van Wagoner noted that the Council received the proposed ordinance just that Friday and recommended that it be considered at a work meeting.

Mayor Bonner noted that several letters had been received regarding the proposal. He also noted that the Planning Commission spend a lot of time considering it.

Motion: Council Member Van Wagoner moved to continue the item so that concerns could be addressed in a work meeting.

Second: Council Member Kohler seconded the motion.

Discussion: The council agreed to hold a work meeting on October 3rd at 3:00 p.m.

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

11. 2016 Trip Hazard Removal/Change Order #1 (City Engineer) – Discuss and Possibly Approve a Change Order to Extend the 2016 Trip Hazard Removal Contract to 2021.

Wes Johnson explained that rebidding the trip hazard contract each year was not practical. He said that the bidding cost was significant and the actual amount paid was small. He recommended that the current contract be extended until 2021 with adjustments in the unit price based on the percentage change in fuel prices.

Motion: Council Member Van Wagoner moved to continue the contract and authorized the Mayor to sign the applicable documents.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

12. Department Reports

Bob Probst, Council Member

Town Hall/Stage – Council Member Probst reported on the resurfacing of the stage in the Town Hall.

Cemetery Policy/Weyandt Headstone – Mayor Bonner reported that Harry Weyandt wanted to put a headstone on his burial lots in the cemetery. She said that it was higher than the 36 inches allowed by the City's policy. She pointed out that higher headstone impeded the sprinkler system.

Council Member Van Wagoner noted that there were many headstones in the cemetery, including some installed since the policy, that were over 36 inches. He felt that the Council should have discretion in allowing headstones.

The Council agreed that Mr. Weyandt could put the headstone on his burial lots.

Kent Kohler, Council Member

Swiss Days/Setbacks – Council Member Kohler thought that the larger setbacks, for off-square vendors, worked well during Swiss Days.

Swiss Days/Intersection of Main Street and 200 West – Council Member Kohler said that the intersection of Main Street and 200 West was still a problem during Swiss Days. Council Member Christen agreed.

Council Member Van Wagoner indicated that some law enforcement had to be at the crosswalk in front of the Community Center.

Mayor Bonner asked if the City and the Utah Department of Transportation (UDOT) could stripe the intersection for crosswalks.

Council Member Van Wagoner thought that closing 200 West at the intersection would help.

However, he questioned if the other roads to the west were wide enough to handle the diverted traffic.

Mayor Bonner suggested eliminating off-square vendors to reduce the problem. Council Member Van Wagoner said that people would still use the intersection to go from their vehicles to the Town Square.

Council Member Van Wagoner suggested spreading out the event, to include the Centennial Park, to create more room.

Swiss Days/Fee for Town Square – Council Member Kohler thought that the rental fee charged to the Midway Boosters, for use of the Town Square for Swiss Days, was too low. He said the Square took a lot of abuse during the event and it cost the City to clean it up and fix it.

Colleen Bonner, Mayor

Swiss Days/Cover Over Ice Rink – Mayor Bonner said that the Midway Boosters and the Swiss Days Committee would help pay for a permanent cover over the ice rink. She would meet with someone locally who sold such covers. Council Member Christen said a cover would increase the skating season. Michael Henke added that the chiller would be needed less which would save money on power.

Wasatch County Arts Council – Mayor Bonner reported that an arts council was being formed for Wasatch County. She said one of its goals was to facilitate a performing arts building. Michael Henke indicated that the group would help coordinate and market area arts groups. He added that they wanted representatives from the City to be part of the group.

Mr. Henke reported that a developer was willing to donate land in the City for an arts facility.

Council Member Christen and Council Member Van Wagoner agreed to represent the City on the Arts Council.

Council Member Christen thought that there was money available for the arts. Mayor Bonner indicated that a recreation, arts and parks tax could be levied.

Ken Van Wagoner, Council Member

New Fire Station/Open House – Council Member Van Wagoner reported that the open house for the new fire station had been postponed because of the general conference of The Church of Jesus Christ of Latter-day Saints.

Kraig Powell, Attorney

Ice Rink Contract – Mr. Powell asked if a new contract, with the operator of the ice rink,

needed to be prepared for that season. Mayor Bonner thought that the current contract renewed automatically.

Judicial Nomination – Mr. Powell reported that he and six other individuals had been nominated for three judicial vacancies on the Fourth District Court. He stressed that he would remain the City's attorney if he was not appointed to the bench.

Wes Johnson, Engineer

Ice Rink/Tubing – Mr. Johnson reported that the glycol would have to be removed before the tubing under the ice rink could be pressure tested. He said that the cost for the testing and storage of the glycol would be $5,675. He indicated that the cost to expose 12 inches of the tubing along the west side would be $14,700. He said that Council Member Dodge, who was responsible for the rink, approved of the costs. He added that the work would be completed by November 15th.

Town Square/East Entrance – Mr. Johnson reported that the east entrance to the Town Square would be redone to be like a driveway approach. He said Kilgore Contracting would do the work.

Michie Lane/Center Street to 80 East – Mr. Johnson reported that Kilgore Contracting would address the problems with Michie Lane from Center Street to 80 East.

Main Street/Center Street/Roundabout/Street Light – Mr. Johnson reported that he spoke with UDOT and a roundabout could not be installed at the intersection of Main Street and Center Street. He noted that the Hardy Foundation, which owned three of the four corners of the intersection, opposed roundabouts because they thought they were not pedestrian friendly. He said that street lights would have to be installed instead.

Mr. Johnson also reported that for $10,000 the City could have the poles for the lights color coated.

Mr. Johnson explained that it would take up to five years before the lights could be installed. The Council approved the lights being put on the schedule.

Main Street and River Road/Traffic Study – Mr. Johnson reported that UDOT would do a study to see if the intersection of Main Street and River Road needed street lights.

Brad Wilson, Recorder

Vehicle Replacement Program – Mr. Wilson reported on the vehicle replacement program. He indicated that a summary of the program had been included in the packet for that night's meeting.

13. Adjournment

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

The meeting was adjourned at 10:19 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder