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**Date:** 31 July 2020  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 21 July 2020 City Council Meeting

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

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

**Tuesday, 21 July 2020, 4:00 p.m.  
Electronic Meeting**

**Note:** Notices/agendas were posted at 7-Eleven, Ridley’s Express, the United States Post Office, 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**

Mayor Johnson called the meeting to order at 4:10 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Steve Dougherty, Council Member  
Jeff Drury, Council Member  
Lisa Orme, Council Member  
Kevin Payne, Council Member (Started Participating at 4:42 p.m.)  
JC Simonsen, Council Member

**Staff Present:**

Corbin Gordon, Attorney  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Brad Wilson, Recorder/Financial Officer

**2. Homestead Resort / Master Plan Amendment** (Paul Berg, Berg Engineering – Approximately 60 minutes) – Discuss an amendment to the master plan for the Homestead Resort located at 700 North Homestead Drive.

Michael Henke gave a presentation regarding the proposed amendment and reviewed the following items:

- Land use map
- Location of the Homestead Resort
- Resort zone
- Entryway
- Overview
- Development options
- 2008 Master Plan and open space
- Property owned by the applicants
- Land use summary
- Proposed master plan
- Proposed buildings

- Architect's site plan

Mr. Henke also made the following comments:

- The applicants were requesting to amend the 2008 Master Plan.
- The agreement with The Links at Homestead limited access to five residences in the Resort.

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

**3. Transient Rental Capacity / Resort Tax (City Recorder – Approximately 15 minutes) –**  
Discuss the transient rental capacity in Midway City and how it relates to the continued levying of the Resort Communities Sales and Use Tax.

Brad Wilson gave a presentation comparing the City's transient rental capacity versus its census population and how that effected its ability to levy the Resort Tax.

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

The Council, staff and meeting attendees discussed the following items:

- The City could expand its Transient Rental Overlay District (TROD) because it was strongly regulated and required managers for any transient rentals. The expansion would increase the City's transient rental capacity.
- Heber City had expanded its area for transient rentals.
- Resort towns with a lot of transient rentals had no real neighbors and lacked a neighborhood feel.
- Some developments prohibited nightly rentals.
- The City had a low property tax rate because of the Resort Tax.
- The City could hire an economic development director to assist with the issue.

**Homestead Resort / Master Plan Amendment (Continued)**

Michael Henke continued his presentation and reviewed the following items:

- Phasing plan
- Fire access
- Trail system
- East to west trail through the Resort
- Potential trail access
- Fee title areas
- Open space areas
- Comparison of 2008 and proposed master plans
- Resort theming
- Event barn

- Golf course club house
- Main building
- Discussion items
- Access through The Links at Homestead PUD
- Access through the Mountain Springs PUD
- Homestead Trail
- Spa next to the floodplain
- Amphitheater noise and lighting
- Lighting and dark sky compliance
- Parking requirements
- Letter from The Links at Homestead HOA

Mr. Henke also made the following comments:

- There would be one plat map and bond.
- The applicants did not want to impact the guest experience with a public trail through the Resort. The trail could be rerouted to the south. A trail agreement might be better than a recorded easement. The trail was not part of the 2008 Master Plan.
- The 2008 Master Plan did not require Swiss architecture, but it did require matching the existing style. It did not use the current guidelines.
- The applicants requested that the event barn be 40 feet high. The Vision Architecture Committee (VAC) concurred. The VAC requested that the barn not block the view of the crater. The Municipal Code allowed a height up to 55 feet if approved by the Council.
- There was no access using Mountain Springs Drive.
- The main entrance would be moved to the south to preserve existing trees, make it a winding road, and emphasize the crater.
- The Council had broad discretion and could intervene in the access issue with The Links.
- The Links HOA wanted the proposed stable moved further away. The stable did meet all requirements.
- The HOA also wanted a landscaped barrier between The Links and the proposed parking lot. The HOA could build its own barrier.
- The proposed sports fields could be a nuisance for The Links.
- Less parking was required because the scope of the project had been reduced.

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

The Council, staff and meeting attendees discussed the following items:

- The easement agreement with The Links was ambiguous.
- Most of the construction occurring during the first phase was a concern and a construction mitigation plan was needed. There should not be years of construction.
- A traffic study was needed.
- There should be enough parking for guests and employees.
- The noise from the amphitheater was a concern. Previous concerts at the Resort could be heard for some distance.
- Trails would help guests walk and bike to downtown Midway.
- Residents should be able to enjoy the Resort.

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- The five houses, accessed through The Links, would be rented or sold. They would have up to six bedrooms with no lockouts.
- A construction mitigation plan could be addressed during preliminary approval.
- Preferred not to have a public trail through the Resort. Wanted flexibility to move it during construction hopefully to the south. The public should not walk on the cart paths.
- There was an area next to the spa to avoid the floodplain.
- It was the City that recommended an amphitheater. How did the City want to mitigate the issues raised?

Scott Jones, applicant, made the following comments:

- Had the capital to do the construction.
- Certain portions would be built before others.
- Estimated that it would take one and a half years from start to finish to complete the construction. The timeline also depended upon the approval process.
- Construction nuisances would be mitigated because the Resort would remain open.

**4. 970 South Transmission Line / Bonding** (City Attorney – Approximately 60 minutes) – Discuss issuing bonds to pay for burying the proposed transmission line along 970 South, Stringtown Road, and Wards Lane.

Mayor Johnson made the following comments:

- The City had not spent a lot of money regarding the proposed transmission line.
- It was Rocky Mountain Power (RMP) that took the City to the Utah Utility Facility Review Board.
- A private citizen was funding the request for a stay.
- Midway City received the Sales Tax and the Municipal Energy Tax from Heber Light & Power Company (HL&P).

Corbin Gordon reviewed a timeline for bonding and made the following comments:

- The City obtained a stay and appealed the Review Board's decision regarding items such as the specifications and cost estimates for the transmission line.
- The cost would change based on the length buried. This change would be minor compared to the overall cost.
- The stay gave the City the chance to bond for the project.
- A decision regarding bonding needed to be made quickly.
- A decision on the appeal might or might not be issued after the 2021 election.
- The Council needed to decide the amount of the bond.
- The cost of burying the transmission line could be \$12 million to \$20 million if the City lost the appeal.
- The debt service would be similar to that for the recently issued open space bonds.
- The cost for burial could be \$4 million if the City won the appeal and VOLT contributed what it had raised.

- The higher the amount the less likely the voters would approve the bond.
- RMP wanted to meet with the City.

**Note:** A copy of the bonding timeline is contained in the supplemental file.

The Council, staff and meeting attendees discussed the following items:

- Construction costs could go up during the appeal.
- VOLT might have to cover any difference.
- The bonds did not have to be issued if they were approved by the voters.
- What was the City's bonding capacity?
- Additional bonds could affect the City's bond rating.
- A property owner said that the City would also bury the transmission line near Homestead Drive. What impact would burying the proposed line have on the other transmission lines?
- The general obligation bond process let the voters decide the issue.
- An arbitrarily low number should not be used for the bonding.
- Some residents lived on fixed incomes or owned property for years and were losing the ability to pay their taxes.
- The tax impact could not be reduced for people with low incomes. Taxes were lower for property that qualified for green belt.
- Public input should be sought on the issue.
- The cost to put the issue on the ballot would be approximately \$20,000.
- How much of the line would be buried?
- Would Wasatch County allow the dip poles to be moved? Passing the bond would encourage the County to approve the move.
- The City should not spend the money on the appeal if the dip poles could not be moved.
- What would be the cost per \$100,000 of assessed value for the bond?

## 5. Department Reports

### Midway Crest Subdivision / Plat Map Revisions

Michael Henke gave a presentation regarding the revisions and reviewed the following items:

- Subdivision history
- Will-serve agreement
- Plat map
- Revised plat map with common areas

Mr. Henke also made the following comments:

- The property was close to being annexed.
- The agreement stated that the City would review the plat map before it was recorded.
- Did the revised plat map still meet the intent of the Council?
- The trail easement was still on the plat map.

- The developer wanted to put a pond in the south common area and amenities, with possibly a pool, in the north common area.
- The developer was working with the Midway Irrigation Company regarding the pond.

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

The Council, staff and meeting attendees discussed the following items:

- The sales sign at the development showed more detail including a parking lot. The property was not commercial, and the lot could only be used by owners and their guests.
- How would the pond be accessed? Why was this access not shown on the revised plat map? Who would control and be responsible for the access? There should be an easement for the road.
- The access was next to a public trail. The public might think they could use the road. The City should not be responsible in any way for the access.
- The City should not have to police the common area.
- The trail, access, and parking area were potential problems. What if the owner of lot 1 decided not to allow access to the other lot owners?
- Had the water issues with a pond and pool been addressed?
- The revised plat map should be reconsidered by the Water Advisory Board.
- The revision was beginning to expand beyond the original approvals.
- The revision should be reconsidered by the Council if concerns were raised at the Water Board.
- Could vehicles be parked overnight in the parking lot? Would RVs and boats be stored there?

Paul Berg, Berg Engineering Resource Group and representing the applicant, made the following comments:

- An easement to access the south common area was not needed. The owner of lot 1 would control the access. The City did not police common area. The HOA could control it. It could be posted as private.
- The developer would own lot 1 and planned the pond. Other lots owners asked to use it.
- Island Ditch water shares had been purchased for the pond. It would be in an area historically irrigated.
- Additional water rights would be needed for the pool if it were built.
- The Irrigation Company had approved the pond. If the City agreed, then there was no need for the Water Board to reconsider it.

## **6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation**

**Motion:** Council Member Orme moved to go into a closed meeting.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

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

**Motion:** Council Member Payne moved to go out of the closed meeting.

**Second:** Council Member Dougherty seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

## 7. Adjournment

**Motion:** Council Member Dougherty moved to adjourn the meeting. Council Member Orme seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:08 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder