



Memo

Date: 11 October 2019
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 1 October 2019 City 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)**

**Tuesday, 1 October 2019, 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 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; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:02 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Lisa Orme, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member

Staff Present:

Corbin Gordon, Attorney (Arrived at 8:17 p.m.)
Dan Matthews, City Attorney's Office (Left at 8:17 p.m.)
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Jeff Drury, Council Member

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

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance. Council Member Orme gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 1 October 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 17 September 2019 City Council Regular Meeting
- d. Minutes of the 17 September 2019 City Council Closed Meeting
- e. Release the construction bond, minus 10%, and begin the one-year warranty period for the Lime Canyon Rural Preservation Subdivision located at approximately 950 West Lime Canyon Road

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

Mayor Johnson indicated that requested changes to the closed meeting minutes had been emailed to the council members.

Motion: Council Member Orme moved to approve the consent calendar with the changes to the closed meeting minutes.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public for items not on the agenda.

High Valley Arts / Reception

Sue Waldrip, chair of the High Valley Arts Foundation, and Jenn Iverson gave a presentation on the Foundation including its benefits to the community and upcoming performances. Ms. Iverson invited the Council to a reception following one of the performances.

No further comments were offered.

4. Department Reports

Cowboy Poetry

Council Member Orme reviewed the upcoming Heber Valley Western Music & Cowboy Poetry Gathering.

City Office Building / Phone System

Brad Wilson reported that the phone system, in the City Office Building, needed some repairs. He added that staff was also obtaining quotes to replace the system. He said the information gathered would be brought back to the Council.

HL&P / Impact Fee Increase

Mayor Johnson reported that Heber Light & Power Company (HL&P) was considering increasing the amount of its impact fee.

Transmission Line

Mayor Johnson reported that the City Council would hold a public hearing, in two weeks, on replacing the transmission line along 970 South, Stringtown Road and Wards Lane.

HVRR / Railroad Cars / Storage Building

Mayor Johnson reported that the Heber Valley Railroad (HVRR) had received almost all its new railroad cars. She indicated that it was selling some of its old cars. She also indicated that the new storage building for cars was complete.

MSD / Grease Traps

Mayor Johnson explained the program by the Midway Sanitation District (MSD) to pay for upgrading grease traps at businesses.

5. Open Space Committee / Presentation (Courtland Nelson – Approximately 15 minutes) – Receive a presentation from the Midway City Open Space Advisory Committee.

Courtland Nelson, chair of the Open Space Committee, updated the Council on the work of the Committee and reviewed the following items:

- Four owners interested in preserving their property as open space.
- Certified land trusts
- Criteria for preservation
- Additional property would be considered
- Wasatch County's landowners' meeting regarding open space
- Conservation easements were preferred

Michael Henke reviewed the history of preserving open space and the related sections of the General Plan.

Steve Stevens, a member of the Open Space Committee, gave an overview of the following four properties:

- Brown property
- Kohler property
- Lundin property
- Siggard property

Katie Villani, a member of the Open Space Committee, reviewed the following items:

- Giving options to landowners
- Available grant money
- Leveraging money
- Did the Council want to specify how much money the City would contribute?
- Fair vs. equal
- Local certified land trusts

Note: A copy of the Committee’s presentation is contained in the supplemental file.

Alison Weyher, Utah Open Lands, explained that her organization was mindful of the City’s resources and would not want it to be the primary funder for any open space. She also explained that projects in all phases of consideration was beneficial.

6. Resolution 2019-25 / Watts Remund Farms Master Plan Amendment (City Attorney – Approximately 10 Minutes) – Discuss and possibly approve Resolution 2019-25 adopting an amendment to the master plan for the Watts Remund Farms PUD located at approximately 200 East 600 North (Zoning is R-1-15).

Michael Henke gave a presentation regarding the proposed amendment and noted that it had been continued from the last council meeting. He reviewed the changes requested at the meeting. Council Member Simonsen summarized the discussion from the meeting.

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

Motion: Council Member Van Wagoner moved to approve Resolution 2019-25 adopting the Watts Remund Farms master plan amendment.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

7. Homestead Resort Master Plan / Transfer of Rights (Steve Eddington – Approximately 10 minutes) – Discuss and possibly approve the transfer of rights for the master plan for the Homestead Resort located at 700 North Homestead Drive.

Michael Henke reviewed the requirements to transfer the rights and recommended that the

transfer occur when the buyers completed the purchase of the resort.

Steve Eddington, Legacy Homestead LLC, introduced Scott Jones and Steve Jurca who were the buyers.

Mr. Jones made the following comments:

- The purchase would close in two weeks.
- Would execute the master plan in phases.
- Would keep the property as a resort.
- It would be a high-end boutique hotel.
- Additional rooms would be added once the number of guests increased.

Mr. Jurca indicated that he and Mr. Jones had 35 years of experience with hotels and had worked for several hotel development companies such as Marriott.

Dan Matthews indicated that the agreement ran with the property and that the Council could only deny the transfer because of a significant issue.

Council Member Orme thought that the buyers wanted the transfer approved before they purchased the property.

Motion: Council Member Van Wagoner moved to transfer the rights to the master plan to the Homestead Group, LLC.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

- 8. Walker Farm Subdivision / Preliminary & Final Approval** (Mike Johnston – Approximately 30 minutes) – Discuss and possibly grant preliminary and final approval for the Walker Farm Rural Preservation Subdivision located at 500 West Main Street (Zoning is RA-1-43). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Rural preservation subdivisions
- Land use summary
- Location of the development

- Easement and road access
- Floodplain
- Area trails
- Proposed plat map
- Points of discussion
- Midway Water Advisory Board recommendation
- Proposed conditions.

Mr. Henke also made the following comments:

- Surrounding property owners would sign the deed restriction on the lot.
- The applicant requested that the Water Board reconsider its recommendation.
- Was being considered that night because it was noticed for a public hearing.
- The City did not have a deeded right-of-way, with an established width, to the development.
- Recommended deeds or an access agreement from everyone with title to the road accessing the property.
- A rural preservation subdivision required a 30-foot-wide access.
- The proposed access was outside of the current road.
- The road could be moved to the east.

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

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public.

Paul Berg, Berg Engineering Resource Group

Mr. Berg said an adjoining property owner, who he represented, wanted to also use the access. He preferred having the consent of all those who had title to the road.

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

Mike Johnston, Summit Engineering and representing the applicants, made the following comments:

- The applicants lived in Washington State.
- The brother of one of the applicants, who owned adjoining property, would accommodate the development.
- The access was a second parcel.
- The applicants would grant an easement and did not want two lanes.
- Was talking with Kem Gardner who owned property along the road.
- Only four shares of water had been used on the property and the remaining area had not been irrigated.

- Would work with Mr. Berg to resolve the access issue.

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

- Where would snowplows turnaround on the access?
- Should the public access be converted to private?
- Should the access be public but not snowplowed by the City?

Motion: Council Member Van Wagoner moved to continue consideration of the approval for two weeks.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

- 9. Resolution 2019-17 / Walker Farm Development Agreement** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-17 adopting a development agreement for the Walker Farm Rural Preservation Subdivision located at 500 West Main Street (Zoning is RA-1-43).

Mayor Johnson indicated that the development agreement would also be postponed for two weeks.

- 10. Watts Remund Farms PUD, Phase I / Amendment** (Berg Engineering – Approximately 20 minutes) – Discuss and possibly amend Phase I of the Watts Remund Farms PUD located at 552 North Granary Lane (Zoning is R-1-15). Recommended for approval without conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Recorded plat map
- Proposed findings

Mr. Henke also made the following comments:

- Units 22 and 23 were being aligned for better views and streetscape.
- Had been contacted by a neighbor with concerns and invited her to attend that night's

meeting.

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

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Motion: Council Member Probst moved to approve the plat amendment for Phase I of the Watts Remund Farms PUD.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

11. Midway Wrangler Subdivision / Preliminary Approval (Berg Engineering – Approximately 30 minutes) – Discuss and possibly grant preliminary approval for the Midway Wrangler Subdivision located at 180 East Michie Lane (Zoning is R-1-15). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the subdivision
- Surrounding developments
- Michie Lane development
- Proposed plat map
- 220 East
- Concept plan
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- It was a largescale subdivision because it included a road.
- The second parcel would remain agriculture.
- To have a full width road would require some of the parcel to the east. This would

include the east park strip and sidewalk.

- The request was to subdivide property and not for a specific use.
- Any uses on the property would require additional approvals by the Council.
- The school that was proposed for the first parcel would require a conditional use permit.
- Reviewed the traffic flow at Daniels Canyon Elementary School which had the same design and layout.
- The proposed school would not have a crosswalk across 220 East or a turnaround at the end of the road.
- 400 South could connect to 220 East through the property to the east.
- A road was planned in the area to connect Michie Lane to State Highway 113 further south.
- The water board would consider the subdivision the following Monday.
- The property to the east could have greater density if 220 East was built.

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

Wes Johnson made the following comments:

- Was impressed with the traffic flow, loading and unloading at Daniels Canyon Elementary.
- There might not be enough parking on 220 East for waiting cars.
- There needed to be enough crosswalks.
- Would the turn pockets on Michie Lane have to be increased to accommodate the additional traffic?

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

- The traffic impact of the proposed school needed to be studied.
- The issues raised could be addressed when a conditional use permit was sought for the school.
- The Council should consider what would happen if the bond, for the school, was not approved.
- There would be a lot more traffic on Michie Lane.

Note: Dan Matthews left, and Corbin Gordon arrived at 8:17 p.m.

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

- The Wasatch County School District wanted to proceed regardless of the outcome of the bond.
- The property would at least be reserved as a future school site.
- The subdivision created the piece that the District could then buy.
- Questions could also be addressed with final approval.
- 220 East would be wider than a standard road. It would include a turn lane and eight feet of parking. There would be an eight-foot sidewalk on the west side.

- A crosswalk for 220 East in front of the school was not critical.
- Discussions with the owners of the property to the east were progressing.
- The peak traffic periods for the school would only be ten to twenty minutes.
- Requested that preliminary approval be granted, and any concerns addressed for final approval.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public.

Steve Dougherty

Mr. Dougherty made the following comments:

- Took his granddaughter to the current elementary school.
- Spoke with the District's superintendent about the new school.
- Was 220 East, as planned, enough for emergency vehicle access?
- Preferred more busing and fewer parents taking children to and from school.
- Construction of the school was contingent on other things happening.
- Should there be a roundabout at Michie Lane and 220 East?
- Having homes on the east side of 220 East would be problematic.
- Midway residents were becoming younger.

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

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

- 220 East would be too long without another access.
- 400 South would not connect until the property to the east was developed.
- 600 children being unloaded or loaded in ten minutes was a lot.
- The Council should visit Daniels Canyon Elementary during unloading and loading of the children.
- Questioned if a roundabout at Michie Lane and 220 East was a good idea.

Motion: Council Member Van Wagoner moved to continue consideration of the subdivision so that the Council could have more time to review it.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Orme asked if the property to the east could have homes with driveways on 220 East. Mr. Henke responded that it could.

Mayor Johnson asked if 220 East could be changed to a collector road. Council Member Orme thought that would take away development rights.

Wes Johnson asked Mr. Berg to do a traffic study showing the impact on Michie Lane and area

residents. He also wanted to know the options for addressing the traffic impact.

Council Member Orme suggested doing the traffic study when the school was considered for approval.

Council Member Van Wagoner asked Mr. Berg to explore options for emergency access. He suggested an access or trail on the west side of the school going to Michie Lane. Mr. Berg responded that 400 South would connect to 220 East and improve emergency access. Mr. Henke noted that 400 South was not on the City's transportation plan.

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 8:46 p.m. She reconvened the meeting at 8:54 p.m.

12. Land Use Agreements / Duration (City Attorney – Approximately 15 minutes) – Discuss the duration for various agreements related to land use including annexation agreements, master plan agreements, development agreements, etc.

The Council postponed the item until all its members could be present.

13. Parking / Main Street (Mayor Johnson – Approximately 15 minutes) – Discuss parking along Midway Main Street.

Mayor Johnson indicated that parking should be discussed in a closed meeting.

14. Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property

Motion: Council Member Van Wagoner moved to go into a closed meeting.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	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 Van Wagoner moved to go out of the closed meeting.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

15. Adjournment

Motion: Council Member Simonsen moved to adjourn the meeting. Council Member Probst seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:54 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder