

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

**Tuesday, 18 May 2021, 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, 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 6:05 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Steve Dougherty, Council Member  
Jeff Drury, Council Member  
Lisa Orme, Council Member  
Kevin Payne, Council Member  
JC Simonsen, Council Member

Corbin Gordon, Attorney (Left at 6:53 p.m.  
and returned at later in the meeting)  
Michael Henke, Planning Director  
Wes Johnson, Engineer (Participated...  
Electronically)  
Joe Serre, Engineer's Office  
Brad Wilson, Recorder/Financial Officer

**Staff Present:**

Tex Couch, Building Official

**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 18 May 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 27 April 2021 City Council Meeting
- d. Minutes of the 4 May 2021 City Council Regular Meeting
- e. Release the construction bond, minus 10% and any amount for landscaping, and begin the one-year warranty period for the Cozens Subdivision at 840 South Stringtown Road

- f. Conclude the warranty period and release the remainder of the bond for the Dutch Hills Subdivision located at 566 East Saddle Drive subject to the payment of all fees due to Midway City

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

**Motion:** Council Member Orme moved to accept all items on the consent calendar.

**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

**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.

HVSSD / Sewer Treatment Facility

Josh Wright made the following comments:

- It was a wise time to reevaluate the sewer treatment facility.
- Did Midway want to be a resort community or a collector of wastewater, from across the valley, on the best land in the area.
- There were good reasons to change the facility to a mechanical plant. It would have a smaller footprint, handle flows, smell less, and not encroach on residences.
- The current type of facility was for small communities.
- Heber Valley Special Service District (HVSSD) needed to be forward thinking with the growth.
- The Mayor should fight for Midway and seek better options for wastewater treatment.
- The treatment facility did not generate taxes.
- The development proposed next to the facility would generate taxes, provide trails, etc.

Mayor Johnson responded that if HVSSD acquired the land, which was proposed for development, it would remain agriculture and could have trails. She added that the cause of the smell had been identified and HVSSD knew how to address it. She indicated that she was fighting for Midway.

Jared Moss made the following comments:

- Encouraged the City to follow its vision and mission statement in relation to HVSSD.
- The ponds and technology for the sewer treatment facility should be reviewed.
- The safety and wellbeing of the community should be considered.
- The nuisances from the facility should be mitigated which would reduce liability for the City.
- Eminent domain should be an option of last resort. It should only be used when all other paths had been eliminated.
- Sewer should be reallocated back to Heber City.
- A cost benefit analysis should be done regarding sewer treatment.
- The City had a member on the HVSSD Board. That member should vote against condemning land.

Ryan Davis made the following comments:

- Performed a survey regarding sewage treatment. 287 people responded with 90% from Midway. 97% did not like the sewer lagoons and 80% did not want them. 1/3 were concerned about health impacts. 96% said that Midway should defend the interests of its residents.
- All the sewage for the valley was housed next to Midway.
- It would cost \$38 million to keep the stink in Midway.
- Residents were concerned about values, their way of life, and the environment.
- Wasatch County did not allow wells to be drilled by the sewer treatment facility because the ground water was contaminated.
- Condemning property to keep the sewer ponds was out of touch with the wishes of residents.
- Tried to meet several times with HVSSD, before he received a condemnation notice, but was unsuccessful.

Scott Lewis made the following comments:

- Had no interest in the development proposed next to the treatment facility.
- Were the treatment ponds leaking and were they contaminating the ground water?
- His father worked for the Environmental Protection Agency which cleaned up contaminated land.
- Did not want land to be inaccessible because of contamination.
- The City was trying to maintain its ability to levy the Resort Communities Tax.
- Midway residents strongly opposed using eminent domain.

Mayor Johnson responded that ground water tests showed no contamination. She added that the ponds and farm better treated water than a mechanical plant.

Mayor Johnson indicated that HVSSD harvested and successfully sold three crops of hay each year from its farm. She said that the land was not in Midway and would remain in agriculture.

Peter Malinka made the following comments:

- Where would the \$38 million come from to expand the treatment facility?
- There was a group that was willing to subsidize converting the facility to all mechanical.
- The public should have access to the farmland.

Mayor Johnson made the following comments:

- The amount quoted for expansion was not accurate.
- Public access to the farmland could be considered.
- The HVSSD Board had only preliminarily discussed the expansion.
- It could cost from \$100 million to \$150 million to convert to an all-mechanical facility.
- HVSSD was creating a website where information would be posted.

#### High Valley Arts / Use of City Buildings

Two young cast members representing High Valley Arts thanked the City for allowing the organization to use its buildings. They indicated that recent performances had been sold out. They presented a thank you card to the Council. They asked that the Council support an arts center in Midway.

No further comments were offered.

#### **4. Department Reports**

##### Water Quality

Council Member Dougherty reported that the City had completed its water quality report for 2020. He noted that all test results were within the allowed limits.

##### Open Space Committee / Smaller Parcels

Council Member Dougherty reported on the subcommittee, of the Midway Open Space Advisory Committee, that was working on preserving smaller parcels of open space.

##### HL&P / Transmission Line / Cost of Power

Council Member Dougherty reported that the Heber Light & Power Company (HL&P) was working on the transmission line through the valley and reducing the cost of power.

##### Midway Boosters / Founders' Day

Council Member Drury reported that the Midway Boosters were helping plan Founders' Day which would help beautify the City.

##### Midway Boosters / Swiss Days

Council Member Drury reported that a limited or normal Swiss Days would be held that year based on the recommendations from the Health Department.

## COVID-19 Pandemic / Update

Mayor Johnson reported on the pandemic and indicated that masks could be worn in the City's buildings, but they were not mandatory.

**Note:** Corbin Gordon left at 6:53 p.m.

- 5. Preserve Midway / Presentation** (Kris Ward – Approximately 10 minutes) – Receive a presentation on the name change, goals, and objectives of Preserve Midway and the Volksmarch.

Katie Nobel and Kris Ward gave an update of Preserve Midway and reviewed the following items:

- Goals
- Open space preservation
- Zoning changes
- Reducing density
- Volksmarch

They made the following comments:

- People liked the rural feel of Midway.
- They liked to walk along Main Street and see livestock.
- A lot of residents were concerned about growth in the City.
- The organization hired Star Stratford as a staff person.

- 6. Ordinance 2021-10 / Dance Annexation** (Doug Dance – Approximately 45 minutes) – Discuss and possibly adopt Ordinance 2021-10 approving the Dance Annexation located at 1199 South 900 West. Recommended for denial by the Midway City Planning Commission.  
**Public Hearing**

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

- Land use summary
- Location
- Surrounding property and development
- Land use map
- Highlands at Soldier Hollow plat map
- Access roads
- Access to culinary water
- Discussion items
- Density
- Planning commission motion
- Possible findings

- Annexation process
- Annexation versus just providing culinary water

Mr. Henke also made the following comments:

- Wasatch County granted preliminary approval to the Highlands at Soldier Hollow.
- Wards Lane would not meet the City's standards for an access road.
- Cascade Springs Road going west was a seasonal access.
- The proposed development by Doug Dance, would initially be one lot and up to four lots in the future.
- The zoning allowed up to five to six lots.
- It would be accessed using county roads.
- The road in the development could be private so that it did not have to be maintain by the City.
- The Midway City Planning Commission recommended denying the annexation because of the lack of accesses that met city standards.
- Another option was to build the development in the County with the City providing the culinary water. The development as proposed could meet county standards.
- Residential development had a negative financial impact on the City. The impact declined as the number of second homes increased.
- The Highlands included a road to the north which would be stubbed at the property line. There was no guarantee that the road would continue through the adjacent property.
- Two city standard accesses were needed for even one lot because the property was not a lot of record.
- The Highlands had two accesses that connected to Cascade Springs Road.
- The City agreed to Wards Lane being an emergency access for the Highlands to meet county standards.
- The City agreed to monitor the fire flow for the Highlands but had not further discussed operating its culinary water system.

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

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

- Using Cascade Springs Road exceeded the allowed 1,300 feet for a cul-de-sac.
- Could the development be restricted to one lot until two city standard accesses were available?
- A culinary water system in the Highlands was better than a well for each lot. This system could increase the pressure and capacity in the City's system if the two were connected.
- The water system in the Dance development would be taken over by the City if it took over the system in the Highlands.

### **Public Hearing**

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

Doug Dance, Petitioner

Mr. Dance made the following comments:

- Wanted to see if one house was feasible.
- The future lots would be for his children.
- Had spoken extensively with the developer of the Highlands.
- Committed access for the Highlands through his property.
- Wanted the flexibility of being in the City.
- Could make development of his property contingent upon the Highlands being built.
- Wards Lane would be improved to the City's standards within 20 years.
- Did not want to wait on the other lots in his project before the annexation could be approved.
- Could be flexible with his timing.
- The other accesses were to the County's standards.
- Would still want to annex even if he already had access to a culinary water system.
- The County approved a concept for two lots on his property.
- Would consider a will serve letter as a second option.

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

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

- Using Cascade Springs Road exceeded the allowed 1,300 feet for a cul-de-sac.
- More land would be needed from the property on the north for Wards Lane to meet the City's standards.
- A road going north from the Highlands would be built to city standards.
- The developer agreed to deed restrict the Highlands from further subdivision. This restriction could also be in any agreement regarding culinary water for the project.
- The Dance property could be annexed in the future.
- Should the request be postponed until the Highlands was built?
- Assumed that the Wasatch County Fire District approved of the Highlands if it was granted preliminary approval from Wasatch County.
- The City should not make exceptions to its Municipal Code.
- The property could be sold to someone else in the future.
- Annexing the property gave the City the chance to lower the density of the development. A will serve letter could do the same thing.
- The City would benefit financially from this type of a development including receiving property taxes.
- The homeowners in the development would use the City's roads.

**Motion:** Council Member Payne moved to adopt Ordinance 2021-10 approving the Dance annexation located at 1199 South 900 West with the following findings and conditions:

- The City would gain control over the land use and zoning if the area were annexed.
- The proposal was a legislative action.
- The proposal would increase density and traffic to the area.
- The density of the project was relatively low at four dwellings on almost seven acres.

This would help promote the vision of the general plan to preserve more open area and a rural atmosphere.

- The annexation was conditioned on deed restrictions that the property could not be subdivided into more than four lots.
- The applicant had the ability to record one lot initially and then come back and submit for an additional three lots in the future.
- The petitioner would pay \$4,059 as a donation for parks.
- The plan before the Council showed one access on Cascade Springs Road and a future access using Wards Lane.
- Wards Lane had some relief capacity for emergency use, met county requirements, and could potentially be upgraded to city standards.
- Another annexation to the north had the potential for a third access.
- There was also access over the mountains during a portion of the year.
- The nearby golf course could also be used as an emergency access.
- The project had low density.
- The area road system was already planned.

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

**Discussion:** Council Member Dougherty asked if a formal variance to the Municipal Code was needed? Mr. Henke responded that the Board of Adjustment would have to grant a variance for the plat map to be recorded. Council Member Payne asked what compelling circumstances were needed for the Board to grant a variance. Mr. Henke responded that there was a high bar for granting a variance.

Council Member Dougherty noted that the development could not be considered by the County if the property were annexed.

Council Member Payne thought that the Municipal Code was too restrictive for one lot.

Council Member Dougherty stressed that the project could only be accessed with county roads. He added that having to develop in the County was not a hardship that would qualify for a variance.

**Amended Motion:** Council Member Payne moved to adopt Ordinance 2021-10 approving the Dance annexation located at 1199 South 900 West with the following findings and conditions:

- The City would gain control over the land use and zoning if the area were annexed.
- The proposal was a legislative action.
- The proposal would increase density and traffic to the area.
- The density of the project was relatively low at four dwellings on almost seven acres. This would help promote the vision of the general plan to preserve more open area and a rural atmosphere.
- The annexation was conditioned on deed restrictions that the property could not be subdivided into more than four lots.
- The applicant had the ability to record one lot initially and then come back and submit for an additional three lots in the future.
- The petitioner would pay \$4,059 as a donation for parks.
- The plan before the Council showed one access on Cascade Springs Road and a future



- access using Wards Lane.
- Wards Lane had some relief capacity for emergency use, met county requirements, and could potentially be upgraded to city standards.
- Another annexation to the north had the potential for a third access.
- There was also access over the mountains during a portion of the year.
- The nearby golf course could also be used as an emergency access.
- The project had low density.
- The area road system was already planned.
- The approval was subject to the Board of Adjustment approving a variance to the access standards.
- If and when the subdivision was divided into more lots, then the street would be private, and the access easement dedicated to the City.

**Second:** Council Member Drury seconded the amended motion.

Council Member Simonsen said a will serve letter would be simpler. Mr. Dance suggested a will serve letter because the motion had become so complicated.

**Withdrawal:** Council Member Payne withdrew his motion. Council Member Drury withdrew his second.

**Motion:** Council Member Drury moved to continue the item to figure out the best option.

**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. Resolution 2021-10 / Dance Annexation Agreement** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021-10 approving an agreement for the Dance Annexation located at 1199 South 900 West.

**Motion:** Council Member Simonsen moved to continue the item.

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

**Discussion:** None

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

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

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:10 p.m. She reconvened the meeting at 8:23 p.m.

**8. Tentative FY 2022 Budget / Public Hearing** (Financial Officer – Approximately 30 minutes)  
– Receive public comment on and possibly discuss the adopted tentative FY 2022 Budget for Midway City. **Public Hearing**

Nancy Simons gave a presentation regarding the tentative budget and reviewed the following items:

- Changes since the tentative budget was approved.
- General Fund revenue and expenditures
- Municipal Building Authority Fund
- Capital Improvement Projects Fund
- Ice Sheet Fund
- Souvenir Shop Fund

**Note:** A copy of Ms. Simons' presentation is contained in the supplemental file.

Brad Wilson reviewed the City's transient rental capacity compared with its population and how that effected its ability to levy the resort communities tax.

Council Member Simonsen asked for more detail on the resort tax and wondered how hard the City should fight to keep it. Council Member Payne noted that it was almost as much as the City received in property taxes.

**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.

**9. Ordinance 2021-12 / Building Safety** (Building Safety Official – Approximately 10 minutes)  
– Discuss and possibly adopt Ordinance 2021-12 amending Title 12 of the Midway City Municipal Code regarding building safety.

Tex Couch explained the various building codes. He indicated that the proposed ordinance would simplify their periodic adoption.

**Motion:** Council Member Drury moved to approve Ordinance 2021-12 regarding building safety

with the listed code changes.

**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

**10. Resolution 2021-12 / Fee Schedule** (Building Safety Official – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021-12 updating the fee schedule for Midway City regarding building safety fees.

Tex Couch reviewed the changes to the fee schedule and made the following comments:

- The City was using the 2015 ICC valuation data table. ICC updated the table every six months. Recommended that the City adopt each new update. This would help to stay current with cost increases.
- The provider of the City’s building safety software recommended using the ICC table, instead of the valuations produced by Wasatch County, because of liability.
- The change would increase the valuation of a home from \$338,650 to \$422,367.
- Credit cards would be accepted for building permit fees beginning in July of that year.
- Some fees had been raised to cover costs.

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

- The cost for a basement finish should be more specific.
- Certain fees should be kept low to encourage submitting for a permit.
- The City’s fees should be comparable to those of Heber City and Wasatch County to avoid incenting people to build in Midway.
- The City should rely on its attorney for advice on liability.

**Motion:** Council Member Drury moved to continue the item until the June 1<sup>st</sup> 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

**Note:** Mr. Couch left.

**11. Resolution 2021-13 / Street Cross-Sections** (City Engineer – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021-13 amending the Midway City Standard Specifications and Drawings regarding reducing the width of street cross-sections.

The Council, staff and meeting attendees discussed the following items regarding the proposed cross-sections:

- The ribbon curb, with the rural cross-section, could be coated with a slurry seal to make the road look wider.
- How durable would a slurry seal be on concrete? Would it look worse if it started peeling off?
- A concrete ribbon curb protected the asphalt when grass was next to the road.
- Grass next to the road created a rural feel. It also created problems because snowplowing damaged the grass.
- The rural cross-section with increased setbacks should be required in the zones with larger lots. This also created a rural feel.
- Gravel next to a road was a weed and maintenance problem. It worked well on 600 North.
- People would park on the sides of a road regardless of the setbacks.
- The City was unwilling to tow illegally parked vehicles.
- A cross-section with the road off-center and a trail on one side would look odd and appear to have a greater setback on one side of the road.
- The City should see how the proposed cross-sections had worked in other communities.

**Motion:** Council Member Simonsen moved to continue Resolution 2021-13, regarding street cross-sections, until the next council meeting.

**Second:** Council Member Orme 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

**12. Island Ditch Water Shares / Shareholder Settlement Agreement** (City Attorney – Approximately 5 minutes) – Discuss and possibly approve and authorize the Mayor to sign a shareholder settlement agreement for 15 shares of Island Ditch Company water.

Corbin Gordon explained the history of the Island Ditch Company and made the following comments:

- The Island Ditch water rights were not correctly separated from the Midway Irrigation Company.
- They were being brought back into the Midway Irrigation Company.
- Each share holder had agreed to rejoining.
- The agreement facilitated the rejoining.

**Motion:** Council Member Payne moved to approve the Island Ditch water shares agreement and authorized the mayor to sign it.

**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

**13. The Village Development / Master Plan** (Dan Luster – Approximately 60 minutes) – Discuss and possibly grant master plan approval for The Village, a mixed use and planned unit development, located at 541 East Main Street (Zoning is C-2, R-1-11, and R-1-22). Recommended with conditions by the Midway City Planning Commission.

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

- Land use summary
- Master plan requirements
- Location of the project
- Plan
- Phasing
- Requirements from the previous council motion
- Sensitive lands
- Water right requirements

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

Ryan Hales, Hales Engineering, gave a presentation regarding the traffic study for the project and reviewed the following items:

- Steps of the study

- Traffic volumes
- Dates and times of the study
- Area traffic volumes
- Variations in traffic flow
- Modeling
- Levels of service
- Intersection of Main Street and River Road
- Signal light phasing
- Traffic simulation
- Trips per day per household
- Mitigating impacts on the neighbors

Mr. Hales also made the following comments:

- His firm reviewed all UDOT's traffic studies.
- Continued work through the pandemic.
- Focused on the evening peak because that had the highest traffic count.
- Increased the traffic counts by 17% to account for the pandemic.
- Increased the traffic counts for the approved subdivisions in the area.
- Seasonal adjustments were made to normalize rather than skew the data.
- The methodologies exceeded what was recommended.
- A traffic signal at Main Street and River Road was warranted by UDOT in 2016 but was put on hold.
- A signal light created favorable gaps between vehicles. This reduced pressure on drivers to take risks.
- Wanted to have a dialogue and address the City's concerns.

Council Member Drury made the following comments:

- Questioned the study's conclusion of two vehicles per hour entering Main Street from 580 East which serviced 70+ houses.
- Had waited almost two minutes to enter Main Street from 580 East.
- Why did the study not recommend a signal light for Main Street and 580 East?
- Was worried because 580 East was so close to River Road.
- Residents should not have to pay for any traffic signal required because of the proposed development.
- Questioned that the commercial portion of the project was calculated correctly.
- Traffic counts should be taken during all hours of the day and for more than two days to determine the traffic peaks.

Mr. Hales responded that a signal light at Main Street and 580 East did not meet the requirements and was too close to the intersection with River Road. He added that counts were being taken during the entire day. He indicated that counting for one day was standard.

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

- The curb but not the center line of the north access road touched a slope greater than 25%. The rest of the road was well within allowed limits. A four-foot-high retaining wall would be needed for ten to twelve feet on the slope.

- The north road met the 100-foot requirement.
- Part of the slope was a ditch bank which he included in his analysis.
- The retaining wall was needed to protect a neighbor with the rest of the slope, along the road, being graded out.
- Some of the trees could be left at the entrance to the north road if the right-of-way were reduced and the road were moved to the south.
- A canal was not part of the project design.
- A canal would not change the water calculations.
- Requested to work with the Fire District regarding several options for fire control. He would resolve the issue for preliminary approval.
- Reducing the road widths would help with north to south but not east to west issues.

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

- The Council was trying to determine traffic hazards versus traffic.
- UDOT was reviewing improving that section of Main Street along with installing a traffic signal.
- The entire council should visit the planned site for the north road.
- There was plenty of right-of-way for the north road entrance. Could some of the trees be in a median in the road? The old willow tree in the right-of-way was cracking.
- The setback for the house, on the north side of the north access road, would have to be measured because it could be a front setback and be nonconforming.
- The entrance had good visibility.
- Flags on site should show the proposed location of the north road for the site visit.
- The proposal would again go before the Water Advisory Board on June 7<sup>th</sup>.
- A traffic study could be required for each phase.
- The master plan process, as being considered that night, was not an approval but an indication of what should be considered during the approval process.
- A traffic study could be requested but not required with the master plan.
- Were the accesses feasible with the traffic on Main Street? The issue was important but not required to be resolved with the master plan.
- Other items could be considered with the master plan agreement.

**Motion:** Council Member Dougherty moved that under Municipal Code, Section 16.16.4 the Council had explored the general feasibility of the concept plan that was submitted, and that the plan was complete in terms of the information provided as required by the Code and that the Council found that the submission of the concept plan, that explored the general feasibility of the project that was before it, had been provided and was accepted.

**Discussion:** Mr. Henke asked if the motion included any of the conditions proposed by staff. Council Member Dougherty responded that it did not. He indicated that those conditions could perhaps be addressed in the master plan agreement. He added that the Council was only looking at a concept plan and feasibility at that point in the process.

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

**Discussion:** Mayor Johnson indicated that the City Engineer texted that the master plan was the only chance that the City had to look at traffic for the entire project.

Council Member Drury said with respect to feasibility that he had the following concerns:

- The position of the north access road in relation to sensitive lands.
- The impact of the north access road on River Road.
- The intersection of Main Street and 580 East.
- 580 East being too close to River Road for a signal light.
- South bound River Road traffic turning onto the north access road.

He added that he had other concerns, but they were not related to feasibility.

Mayor Johnson indicated that gaps in traffic helped drivers turn east but not west on Main Street from 580 East.

Paul Berg indicated that the north access road was proposed by the City's staff and put in at their request. He would support removing it.

Mr. Henke indicated that the City needed to decide when the north access road and the signal light would be installed.

Council Member Orme said that she could accept the concept contingent upon certain items.

Council Member Dougherty responded that the Code did not address a traffic study at that point in the process.

Council Member Payne asked if the north access road could be removed if after master plan approval further study showed that the road was not needed. Mr. Henke responded that the master plan agreement would have to be amended to remove the road.

Council Member Dougherty equated the approval to granting further consideration with an annexation.

Council Member Dougherty explained that he did not use the word "approval" or "agreement" in his motion. He said that his motion moved the proposal to the next step in the process.

Mayor Johnson noted that the motion was contrary to what was listed on the agenda. Corbin Gordon responded that feasibility was the important issue to be considered.

Council Member Payne asked if the agreement could incorporate as conditions all the items that were discussed. Mr. Gordon responded that they could be included as conditions.

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

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

**Motion:** Council Member Payne moved to consider the next item on the agenda.



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

**Discussion:** None

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

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

**14. Resolution 2021-09 / The Village Master Plan Agreement** (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-09 adopting a master plan agreement for The Village, a mixed use and planned unit development, located at 541 East Main Street (Zoning is C-2, R-1-11, and R-1-22).

Mayor Johnson suggested that the item be continued. Council Member Simonsen agreed so that issues and edits from that evening could be made and reviewed.

**Motion:** Council Member Simonsen moved to continue consideration of Resolution 2021-09.

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

**Discussion:** Council Member Payne asked if the agreement were not completed for the next meeting would it automatically continue to a following meeting. Mayor Johnson responded that it would.

**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

**15. Ordinance 2021-11 / Hot Springs Annexation** (Berg Engineering – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2021-11 approving the Hot Springs Annexation located at 1477 North Pine Canyon Road. Recommended with conditions by the Midway City Planning Commission. **Public Comment**

The Council did not consider the item.

**16. Resolution 2021-11 / Hot Springs Annexation Agreement** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021-11 adopting an agreement for the Hot Springs Annexation located at 1477 North Pine Canyon Road.

The Council did not consider the item.

**17. Adjournment**

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

The meeting was adjourned at 11:36 p.m.



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Celeste Johnson, Mayor



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Brad Wilson, Recorder