

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

**Tuesday, 19 July 2022, 6:00 p.m.
Midway Community Center, 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 6:10 p.m. She excused Michael Henke and indicated that some items may be continued until he returned.

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

Staff Present:

Corbin Gordon, Attorney
Wes Johnson, Engineer
Brad Wilson, Recorder

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.

2. Consent Calendar

- a. Agenda for the 19 July 2022 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 7 June 2022 City Council Closed Meeting
- d. Minutes of the 21 June 2022 City Council Work Meeting
- e. Minutes of the 21 June 2022 City Council Regular Meeting
- f. Minutes of the 21 June 2022 City Council Closed Meeting
- g. Resolution 2022-25 amending the Midway City Standard Specifications and Drawings
- h. Resolution 2022-27 adopting a tree management plan for Midway City

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

Council Member Drury noted that there were two warrants to Harbor Freight for the same amount. Mayor Johnson responded that there should only be one warrant.

Council Member Drury noted several warrants for the Wasatch County Sheriff's Department including for cost increases. Brad Wilson explained that the Department forgot to bill the City for several months at the increased rate allowed by the contract. He indicated that the warrants paid all that was owed.

Motion: Council Member Drury moved to approve the consent calendar, including the minutes and resolutions, but eliminating the duplicate warrant for Harbor Freight.

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

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.

Competing Art Events

Jerry Watterworth, Midway Art Association Board Member, made the following comments:

- Plein Air Paradise was the largest event of its kind in Utah.
- It had a positive economic impact on Midway.
- It was the organization's signature event.
- All proceeds were used for art education.
- The Midway Art Association (MAA) used the Midway Town Hall for events, meetings, and storage.
- Was disappointed that the City allowed a competing art event on the same days as Plein Air Paradise. This created confusion with buyers and cheapened their event.
- The competing event was organized by a for-profit organization.
- Requested that the competing event be held any other time of the year.
- Wanted to work with the City.
- The City would not allow an event to compete with Swiss Days.

Mayor Johnson indicated that the Municipal Code did not prohibit the events from competing. She added that the City needed to address the conflict.

Noxious Weed Control

Linda Bandley indicated that scotch thistle and other noxious weeds were out of control and getting worse each year. Mayor Johnson responded that the City sent a more aggressive letter to violators that year. She added that the City might send out a letter next year to all property owners regarding the allowed height of weeds.

New City Website

Rob Foster asked the status of the City's new website. Mayor Johnson responded that it would launch that night.

No further comments were offered.

4. Department Reports

Public Parking / Grant

Council Member Orme reported that the City had received a grant from Heber Valley Tourism and Economic Development (HVTED) for public parking.

Surface Treatments and Striping

Council Member Simonsen reported that some city roads were receiving surface treatments and being striped.

Stringtown Road / Construction

Council Member Simonsen reported that construction had finished and Stringtown Road was open.

Alpenhof Park / Improvements

Council Member Simonsen was working to move forward improvements to the Alpenhof Park.

Homestead Trail / Final Phase

Council Member Simonsen reported that the final phase of the Homestead trail had been delayed.

North Center Street / Trail

Council Member Simonsen reported that the City was looking at a trail along the north section of

Center Street.

Drought Tolerant Trees / Grant

Council Member Simonsen reported that the City was seeking a grant to plant more drought tolerant trees.

Soldier Hollow / Willow Trees

Mayor Johnson reported that she had an arborist, doing some work for the City, look at the large willow trees that would be removed at Soldier Hollow.

HVRR / State Funds & Grant

Mayor Johnson reported that the Heber Valley Railroad (HVRR) received \$1 million and a \$600,000 grant from the State.

MSD / HVSSD / Increase in Fees

Mayor Johnson reported on the fee increases by the Heber Valley Special Service District (HVSSD) for delayed maintenance and growth. She indicated that the Midway Sanitation District (MSD) was passing along the rate increase to its customers.

HVSSD / Solar Panels

Mayor Johnson and Council Member Dougherty reported that solar panels had been proposed to be build over HVSSD's sewer ponds and in vacant areas of its farm.

Water Restrictions

Mayor Johnson reviewed the restrictions on the use of irrigation water.

- 5. Ordinance 2022-21 / Performing Arts Centers** (Midway Arts Center Foundation – Approximately 90 minutes) – Discuss and possibly deny, continue, or adopt proposed Ordinance 2022-21 amending Section 16.5.2 (Permitted and Conditional Uses), Section 16.13.10 (Maximum Height Provision for all Buildings), and Section 12.11.020 (Exceptions). Recommended by the Midway City Planning Commission. **Public Hearing**

Corbin Gordon gave a presentation regarding the proposed ordinance and reviewed the following items:

- Proposed amendment
- Discussion items
- C-2 zone

- Proposed location
- General Plan
- Items of consideration
- Traffic study
- Possible findings

Mr. Gordon also made the following comments:

- The City could not spot zone but could create a new zone.

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

Jeff Strong and Berry Kent, representing the applicants, gave a presentation regarding the proposed ordinance and reviewed the following items:

- Executive summary
- Parking
- Parking option #1 (Partial off-site parking)
- Parking option #2 (On-site parking)
- Driveways
- Traffic
- Available data and experience
- Schedule of performances
- A video from Matt Waldrip who was the chief fundraiser for the proposed Midway Arts Center (MAC)
- Fundraising plan
- The clock tower
- Construction plan
- Public support
- Alternatives to the MAC
- Legacy
- Town hall

They also made the following comments:

- \$45 million would be difficult to raise but it could be done.
- Ground would not be broken until all the money was committed.

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

Stu and Sue Waldrip, applicants, made the following comments:

- Matinees would be held on Saturdays.
- \$100,000 had already been raised for the MAC. Additional fundraising would happen after the proposal was approved.
- Profit from performances had increased over the years.

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

- Was a flyaway roof an architectural element?
- Could an arts center later be converted into a commercial building?
- A new zone could allow arts centers but not commercial buildings.
- Nonconforming uses could not be allowed in a zone.
- Allowed architectural elements could be tied to arts centers.
- Trips were different from the amount of parking.
- A traffic study had not been done for the possible arts center, but the number of trips generated had been determined for The Village development.
- Theaters were allowed in the resort zone.

Public Hearing

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

Dominic Anderson

Mr. Anderson made the following comments:

- Lived behind the location for High Valley Arts' (HVA) outdoor productions.
- Loved the productions.
- His two daughters participated in them.
- The productions were part of the magic of Midway.

Randon Wilson

Randon Wilson made the following comments:

- Supported the proposal.
- It would be important economically, would help local businesses, and would contribute to the community.
- The Council had a responsibility to facilitate economic development in Midway.

Carolyn Lafkas

Ms. Lafkas made the following comments:

- Had been involved in the performing arts since she was five years old.
- Her family was involved in the arts.
- Performing for HVA had a positive impact on her and gave her a sense of belonging.

Hollie Kent

Ms. Kent made the following comments:

- The most important part of the performing arts was the growth in individuals and youth.
- Several years earlier, theaters were prohibited from the commercial zones.
- Performing arts centers were different from theaters.
- HVA had done numerous productions and had the indicated attendance. The traffic and parking already existed because of these productions.

Devin Johnson

Mr. Johnson made the following comments:

- Owned the property proposed for the MAC.
- Initially had doubts about the proposal.
- Had been a football coach and knew the benefits of participating in football. Realized that the performing arts were some peoples' football team.
- The proposal would provide a generational return.
- The City should not miss the opportunity.

Kate Stewart

Ms. Stewart made the following comments:

- Matinees were good.
- Many different talents were needed for the performing arts.
- Midway needed its own entertainment.
- There was a large age range in the people who participated.
- What questions needed to be answered?

Linda Bandley

Ms. Bandley made the following comments:

- Liked theater.
- Lived kitty-corner to the proposed site of the MAC.
- Could no longer see the stars in Midway.
- The proposed clock tower on the MAC would eliminate her views of the mountains.
- Art was good but people came to Midway to see the views and the mountains.
- The commercial building, next to the proposed site, did not look like what was proposed.
- Worked hard to make her property look nice.

Lindsey Leavitt Brown

Ms. Leavitt Brown Made the following comments:

- The MAC would be a safe and shared community space for Midway.
- Parking was limited at the Town Hall.
- Weather was a problem for outdoor performances.
- The floor at the high school theater was not safe.
- The theater at the High School's west campus was too small.
- There was a lack of community space.
- There were connections with the various theater companies.
- There would be time for other community events at the MAC.
- The community was working together.

Jerry Miller

Mr. Miller made the following comments:

- Lived across Main Street from the proposed site of the MAC.
- No one denied that the arts were a good thing.
- Knew that something would be built on the site. It could be worse than the MAC.
- Did not want parking in front of his house and in his driveway.
- Walkability was a myth.
- Questioned if the needed money could be raised.
- Did not want something unfinished on the property.
- What would the actual cost be?
- Was not opposed to the proposal but the Council should study it carefully.

Jason Perry

Mr. Perry made the following comments:

- The proposal was what most people were excited about.
- The taxpayers would not have to pay for the project.
- Supported it.

Tricia Cope

Ms. Cope reviewed the history of theater and made the following comments:

- Midway was a blessed community.
- HVA deserved a permanent home.
- The clock tower would be a beacon.
- Children had a home at HVA.

Shanon Hunt

Ms. Hunt made the following comments:

- There was very little to do in Midway in the evening. It was a bedroom community for

Park City.

- Park City residents should be coming to Midway.
- There should not be a big box store at the location proposed for the MAC.
- The performing arts gave children something to do other than video games.
- The performing arts brought interesting things to a community.

Gordon Peterson

Mr. Peterson made the following comments:

- Was the chair of the 2020 visioning process for Wasatch County.
- HVA was wonderful for Midway.
- Parents should be glad for HVA.

Candice Nowers

Ms. Nowers made the following comments:

- Was raised in Midway.
- Lived across the street from the proposed site for the MAC.
- Was not opposed to a theater but did not like the clock tower.
- The rural aspect and views of the mountains brought people to Midway.
- Could see Mount Timpanogos from her house.
- Remembered when the area was not zoned commercial. The goal was to keep the commercial area small.
- Was concerned about parking for the MAC.
- Explosives had to be used to trench for the sewer for the area around her house.

Diann Glenn

Ms. Glenn made the following comments:

- Was a designer and taught design.
- The scale of the MAC was too large for Main Street. It should be scaled down to 15,000 sq. ft. and seating for 250 people.
- It would block views.
- Zoning should not be changed just for one project.
- The rural feel of Midway should be preserved.
- Was concerned with the traffic. There were times that she could not get out of her development because of the traffic.
- Main Street was extremely busy.
- Commercial was needed but parking was a problem.

Suzanne Prince

Ms. Prince made the following comments:

- Loved the arts.
- Was not opposed to a theater.
- A theater was proposed for the UVU Heber Campus that all groups could use.
- The community needed to work together.
- Was concerned about the planned size of the MAC.
- It took the Hale theater group 20 years to build a theater that size.
- Parking would be an issue.
- The Municipal Code prevented chain businesses.
- The threat was that an industrial building would be constructed if the MAC was not approved.

Devin Johnson

Mr. Johnson made the following comments:

- Never said that he would bring in a chain business.
- He cleaned up the property.
- The City decided that the area should be commercial.
- Something would be built on the property one day.
- While he owned the property it would be beautiful and tactful.
- Parking and traffic would come with anything built on the site.

Motion: Without objection, Mayor Johnson recessed the meeting at 8:30 p.m. She reconvened the meeting at 8:35 p.m.

Jeff Strong made the following additional comments:

- The theater planned for the college campus could not accommodate HVA.
- HVA had a different model than the other performing arts groups.
- Could not make a small facility work.
- Did not want to turn away customers.
- The facility would be 1/3 larger than the commercial development next to it.
- The shared parking agreement could be automatically extended which allowed flexibility.
- The building line was 35 feet high.

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

Bill Fairbanks, owner of Old Swiss Square, made the following comments:

- Had known the Waldrips for many years.
- The parking for Old Swiss Square was close to the proposed site and could benefit the MAC.
- People liked to walk in Midway.
- His parking lot was empty in the evenings. It was not used much on Saturdays.
- Realized the risks of a parking agreement but did not want a restaurant in his building

which would make the other businesses smell.

Mayor Johnson made the following comments:

- Was concerned about the proposed size of the MAC.
- She was the steward of a small town.
- Wanted a dark sky.
- Residents thought that the Granary was too large.
- The Ridley's grocery store was only 20,000 sq. ft.

Council Member Payne made the following comments:

- Supported the concept of the performing arts in Midway.
- Liked the confidence that it instilled in the youth.
- The current commercial zones could create a Main Street like Heber City's. The zones should be reviewed.
- The resort tax should be preserved by encouraging more short-term rentals.
- A performing arts center would be a substantial portion of the face of Main Street. It should be high quality with good materials. The side elevations looked like a residence and should be improved.
- Liked the shared parking.
- The applicant or owner could change.
- Supported a zone just for the site so that the City did not lose control if the ownership changed.
- All issues could be addressed.
- Financial feasibility was not required of other applications.
- Any approval should be clear that only architectural features could exceed the height limit.

Council Member Simonsen made the following comments:

- Had questions for the City Planner.
- Like to think about complex issues.
- Was concerned about the planned size for the MAC. Needed to be convinced it was necessary.
- Was also concerned about the traffic, parking, and potential risk to the City.
- There should not be too much parking.
- Liked the shared parking.
- Appreciated the benefits.
- Would like to see the proposal work.
- The City could prohibit big box stores but could not prohibit chain businesses.

Council Member Orme made the following comments:

- Was concerned about the parking, size, and changing the Municipal Code.
- A lot of people had complained about the Granary.
- Did not want to take away the rural feel of Midway.
- Loved the arts.
- Was another site better?
- The proposal needed to be improved.

- Did not want unintended consequences.
- The item should be continued.

Council Member Drury made the following comments:

- A lot of issues had been discussed, but the only issue before the Council was a code change.
- Anyone could apply for a code change.
- The City Planner had a “wall of broken promises”. It included projects that did not look as good as the presented renderings.
- The Municipal Code would allow excessive heights based on the setbacks. That needed to be addressed.
- Could not support the proposal.
- Theaters were allowed in the resort zone which was the path of least resistance.
- Was frightened by the \$45 million cost.
- There was strength in having the performing arts groups use the same facility.
- A facility should be what a group could afford.
- The item should be continued or denied.
- The City had been asked before to do something for financial dealings, etc.

Council Member Dougherty made the following comments:

- Supported the proposal.
- There were several permitted uses in the zone that could exceed 50,000 sq. ft.
- The applicant had done a lot to satisfy the City.
- The Council had no experience running a theater and did not know what size of building was appropriate.
- Had no reason to doubt the information provided by the applicants.
- The Council was not approving parking, traffic, etc. that night. It was considering changing the zoning and two other sections of the Municipal Code.
- The Code needed to be fixed if it allowed overly tall buildings.

Motion: Council Member Drury moved to continue Ordinance 2022-21.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Dougherty asked about approving the zone change without the other two amendments. Council Member Drury said that changing the code for the entire zone was a blunt tool. He would consider a change that tied a specific project to a specific location.

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

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

6. Haven Farms Subdivision / Amendment (Summit Engineering – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve a plat map amendment for the Haven Farms Rural Preservation Subdivision located at 184 West 1290 South (Zoning is RA-1-43). **Public Hearing**

Corbin Gordon gave a presentation regarding the proposed amendment and reviewed the following items:

- Proposed plat amendment
- Location of the development
- Proposed plat map
- Utah Code

Mr. Gordon also made the following comment:

- State code required that the amendment be approved.

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

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

- The change could be made through a lot line adjustment, but a plat map amendment was easier to track and consistent with what had been done in the past.
- Would the change create setback issues with larger homes on smaller lots?
- Was the purpose of the amendment to make more money?

Public Hearing

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

Devin Johnson

Mr. Johnson, applicant, made the following comments:

- Would run cattle on the two smaller lots. They would be more valuable if larger.
- Making money was not the purpose of the amendment.
- The size of the one lot would be increased to help orient his personal house in relation to Snake Creek and the house across the street.
- The lots did not qualify as an agricultural subdivision.

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

Motion: Council Member Payne moved to approve the amendment to the Haven Farms Subdivision with no conditions and the following findings:

- Lots 6, 7, and 8 would continue to conform to the requirements of the Rural Preservation

Subdivision code and for lots in the RA-1-43 zone.

- State law required a land use authority to approve a lot line adjustment if the exchange would not result in a violation of any land use ordinance, no violations had been identified.
- State law stated that a plat amendment might be considered by the land use authority at a public meeting.
- No public street, right-of-way, or easement would be vacated or altered.

Second: Council Member Drury 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. Ameyalli Resort / Master Plan** (Midway Mtn Spa LLC – Approximately 45 minutes) – Discuss and possibly deny, continue, or approve a master plan for the Ameyalli Resort (Formerly the Mountain Spa Resort) located at approximately 800 North 200 East (Zoning is resort). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

Corbin Gordon gave a presentation regarding the request and reviewed the following items:

- Project overview
- Master plan requirements
- Proposal
- Open space
- Developed area
- Heights
- Parking
- Property
- Water rights
- Roads
- Sensitive lands
- Phasing
- Items of discussion
- Possible findings
- Proposed conditions
- Pictures and renderings

Mr. Gordon also made the following comments:

- The sensitive lands in the resort zone would remain open space.

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

Wes Johnson made the following comments:

- All the roads would be built with the first phase.
- A more rural road standard would have to be approved by the Council.
- Wanted to talk to the applicant about how the potrock would be harvested.

Chuck Heath, applicant, made the following comments:

- No houses backed up to the proposed resort.
- A 100-foot setback was required from certain property lines.
- Met with the area residents.
- Received no negative comments from residents in Lacy Lane.
- No buildings would be on any of the hot pots.
- Sunflower Lane would be an emergency access with a crash gate. It would depend upon the Wasatch County Fire District if the road was paved into the resort.
- Was considering fractionalized ownership.
- The neighbors wanted low scale.
- The project would be organic to the site.
- Views of the neighbors and resort guests would be preserved.
- Every room would have a view of the mountains.
- Changes had been made based on the recommendations from the Vision Architecture Committee (VAC).
- Guest wanted to be in a boutique hotel rather than large buildings.
- Would give more detail about the look and feel at the next stage of the process.
- The project had preserved a lot of property and kept the resort.
- The neighbors supported the project.
- The area would again be an asset to the community.

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

- The project should have asphalt roads but no ribbon curb.
- The units should qualify as transient rental capacity.
- The garage doors should be more country and less contemporary.

Public Hearing

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

Paul Haynie

Mr. Haynie asked what the boundary fence would look like. Mr. Heath responded that he would work with the neighbors and wanted it to be nice looking. He added that berming might also be used.

Angie Richardson

Ms. Richardson asked what would be in the 100-foot setback. Mr. Heath responded that no decision had been made and he wanted to work with the neighbors. He suggested play areas for children and pickleball courts but did not want something that was noisy.

Ms. Richardson wanted to minimize traffic on 200 East going to 600 North. Mr. Heath responded that he preferred that the main entrance be used. He did not want to pave the rest of 200 West.

Patrick Sullivan

Mr. Sullivan asked why 200 East and not Sunflower Lane was the second entrance. Wes Johnson responded that 200 East had always been an access for the property. He added that Sunflower Lane had always been planned as just an emergency access. Council Member Dougherty added that he developed Sunflower Farms. He indicated that Mayor Tatton asked to use Sunflower Lane as an emergency access and that the utilities be stubbed.

Mr. Sullivan asked why 200 East would be upgraded. Mr. Johnson responded that was required by fire code.

Mr. Sullivan was concerned about the traffic, parking, and speeding on 200 East and said that should be shared with Sunflower Lane.

Council Member Dougherty suggested signage in the resort to direct traffic to Burgi Lane.

Mr. Sullivan asked if 200 East would be widened. Wes Johnson responded that the road and trail would remain in the existing right-of-way.

Mr. Heath emphasized that 200 East was the back entrance to the project and the required second access. He wanted guests to use Burgi Lane and would make 200 East an unattractive alternative.

Krista Clark

Ms. Clark made the following comments:

- Appreciated the work to preserve the area.
- Liked the aesthetic.
- Requested that public access to the ponds on the property be codified.

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

Motion: Council Member Drury moved to continue the item to have a work meeting or dedicate more time for consideration.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Simonsen indicated that he had questions for the City Planner regarding the project.

Council Member Payne encouraged that the roads to be more rural and more traditional Swiss architecture be used.

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

8. Resolution 2022-24 / Ameyalli Master Plan Agreement (City Attorney – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve proposed Resolution 2022-24 adopting a master plan agreement for the Ameyalli Resort (Formerly the Mountain Spa Resort) located at approximately 800 North 200 East (Zoning is resort).

Motion: Council Member Drury moved to continue Resolution 2022-24 to return with the master plan.

Second: Council Member Simonsen 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

Council Member Simonsen was concerned that traffic studies were performed for specific projects but not for entire areas of Midway.

Motion: Council Member Drury moved to continue the meeting 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	Aye
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Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

9. Ordinance 2022-22 / General Plan Amendment (Rising Height LLC – Approximately 45 minutes) – Discuss and possibly deny, continue, or adopt proposed Ordinance 2022-22 amending the Road System Master Plan in the Midway City General Plan to remove a portion of planned 200 South between 740 East and Michie Lane. Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

Corbin Gordon gave a presentation regarding the request and reviewed the following items:

- Road System Master Plan
- Location of the proposed change
- Site plans with and without the road
- General Plan
- Reasons for eliminating the road
- Possible findings
- Proposed conditions

Mr. Gordon also made the following comments:

- The applicant wanted to remove the proposed road and build a school on the property.
- The school would be built even if the road was still required.

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

Wes Johnson made the following comments:

- Supported connectivity.
- Eliminating the section of road was not significant and would create a safer school design.

Rob Bouwhuis, representing the applicant, made the following comments:

- The road did not significantly improve connectivity and could not continue further west.
- Eliminating that section would keep a rural feel and maintain open space and views.
- The proposed condition would prevent the change from taking effect if the school was not built.
- There would not be residential development in the project.
- There was an easement that straddled the south property line.
- Did not want a public trail on the property so that the school grounds would be more secure.
- Clint Neerings, a property owner to the west, supported the amendment.

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

- The road was not straight and was blocked by a house.
- Connectivity spread out traffic and detours.
- The proposed road would not connect much and would be of limited benefit.
- The property owner might benefit from keeping the road if the parcel was developed as residential.
- There was a trail on Michie Lane.

Public Hearing

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

Janice Kennedy

Ms. Kennedy made the following comments:

- People walked their dogs on the easement.
- Never saw kids using the easement.
- Her property backed up to the parcel.
- Supported the road being removed because it was of little use and there were other accesses.

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

Motion: Council Member Simonsen moved to approve Ordinance 2022-22 to remove a portion of planned 200 South, between 740 East and Michie Lane, from the Road System Master Plan with no conditions and the following finding:

- It appeared to the Council and staff that the road was not critical to connectivity.

Second: Council Member Simonsen 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

Motion: Council Member Drury moved to continue the meeting to consider the next item on the agenda.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 11:14 p.m. She reconvened the meeting at 11:20 p.m.

10. Watts Remund Farms, Phase 4 / Final Approval (Midway Springs LLC, Series II – Approximately 20 minutes) – Discuss and possibly deny, continue, or grant final approval for Phase 4 of Watts Remund Farms located at 280 East Rockwell Circle (Zoning is R-1-15). Recommended with conditions by the Midway City Planning Commission.

Corbin Gordon gave a presentation regarding the request and reviewed the following items:

- Land use summary
- Location of the development
- Water board recommendation
- Possible findings

Mr. Gordon also made the following comments:

- Nothing had changed since preliminary approval.
- The HOA not the City held the easement for the trail connecting to Swiss Paradise. An agreement regarding the trail was in the master plan for Watts Remund Farms.
- The owner of the Swiss Paradise lot, that included the easement, proposed changes to the trail. He did not want motorized traffic to use it.
- It would not be wise for the City to restrict the trail.
- The developer was only required to put in a soft surface trail. The City would like to pave it in the future but would have to coordinate with the HOA.
- The master plan allowed the City to use the easement.
- The HOA could not expand the easement.
- The applicant only wanted the development agreement to say soft surface.

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

Russ Watts, applicant, made the following comments:

- The proposal met the wetland setbacks.
- A bollard could be installed to prevent motorized traffic on the trail to Swiss Paradise.

- Paid the City for the cost of constructing the additional trail section on 600 North.

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

- The trail connecting to Swiss Paradise should be signed as public.
- An easement had been dedicated for the additional trail section on 600 North.

Motion: Council Member Drury moved to grant final approval for Watts Remund Farms, Phase 4 with the following findings and condition:

- The proposed plan met the requirements of the Municipal Code for a PUD in the R-1-15 zone.
- The public trail system in the development benefited the entire community by creating trails that were separated from roadways.
- The proposal complied with the approved revised master plan for this phase.
- Any failure to record the plat within one year of the approval of the Final Plan by the City Council would terminate all proceedings and render the Final Plan null and void.
- 1.24 acres of open space would be created as part of the development, which would be noted on the plat and restricted from future building or development.
- The public trail from River Road to Rockwell Circle would be improved and the funds for the construction of the trail along 600 North would be contributed to the general trails fund as part of the subdivision. Both trails would benefit members of the community.
- The applicant was required to improve the existing trail along Swiss Paradise Lane to be a 6' asphalt trail. They would also be required to improve the existing trail on Swiss Paradise lot 3 to a 6' road base trail. This trail section would connect Swiss Paradise Lane to the Rockwell Circle cul-de-sac sidewalk in Phase 4.

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

Motion: Council Member Drury moved to continue the meeting to consider the next item on the agenda.

Second: Council Member Payne 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

11. Resolution 2022-26 / Watts Remund Farms, Phase 4 Development Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2022-26 adopting a development agreement for Watts Remund Farms, Phase 4 located at 280 East Rockwell Circle (Zoning is R-1-15).

Corbin Gordon reviewed the following changes to the proposed development agreement:

- Acreage corrected in the recitals.
- The trail to Swiss Paradise would be six feet wide and a soft surface.
- Reference to the trail section already paid for would be eliminated from Section 3(A)(iii)(j).

Council Member Dougherty recommended that Section 4(A) be deleted because it restricted the City. Mr. Gordon responded that it tied down and set in stone the applicable law. He referred to a non-binding opinion of the Utah State Property Rights Ombudsman regarding vesting. Council Member Simonsen thought that the language was not functional.

Jeff Parker, who owned the Swiss Paradise lot with the trail easement, made the following comments:

- Was grateful that the trail would be a soft surface.
- Saw a lot of alterations to the proposal.
- Wanted the easement language to be more specific.

Motion: Council Member Dougherty moved to approve Resolution 2022-26, adopting the development agreement, with the following modifications:

- The first sentence of Section 4(A) be removed.
- Acreage corrected in the recitals.
- The trail to Swiss Paradise would be six feet wide and a soft surface.
- Reference to the trail section already paid for would be eliminated from Section 3(A)(iii)(j).

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

12. Closed Meeting to Discuss Collective Bargaining

Motion: Council Member Drury moved to consider the next item and to go into a 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

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

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

Second: Council Member Payne seconded the motion.

Discussion: None

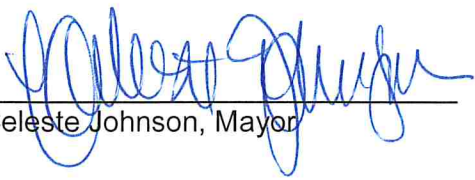
Vote: The motion was approved with the Council voting as follows:

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

13. Adjournment

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

The meeting was adjourned at 12:12 a.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder