

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

**Tuesday, 4 August 2020, 6:00 p.m.
Electronic Meeting**

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order; 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

Staff Present:

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

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

2. Consent Calendar

- a. Agenda for the 4 August 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 7 July 2020 City Council Regular Meeting
- d. Minutes of the 7 July 2020 City Council Closed Meeting
- e. Minutes of the 21 July 2020 City Council Work Meeting
- f. Minutes of the 21 July 2020 City Council Closed Meeting
- g. Woody Woodruff as the administrative law judge for Midway City
- h. A one-year extension of final approval for the Raynor Subdivision located at 565 North River Road (Zoning is R-1-15)

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

Mayor Johnson asked that items “a” through “f” be considered first.

Motion: Council Member Payne moved to approve items “a” through “f”.

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

Michael Henke explained the reasons for an administrative law judge and made the following comments:

- Two appeals were pending which the judge needed to review.
- Recommend a term of four years.
- The judge would be paid the same rate as the City Attorney.
- He and Mayor Johnson met with Mr. Woodruff.
- Mr. Woodruff was a member of the City’s open space committee and helped write the open space chapter of the General Plan.

Mr. Henke gave a presentation on the Raynor Subdivision and the request for an extension of final approval. He recommended that the request be approved.

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

Motion: Council Member Payne moved to approve items “g” and “h” on the consent calendar.

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

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. No comments were offered.

4. Department Reports

River Road / Reconstruction / Roundabouts

Wes Johnson reported on the reconstruction of River Road including two new roundabouts. He explained that the speed limit would remain 25 mph because of the proximity of the two roundabouts.

Cemetery / Sprinkling System

Council Member Orme reported that the sprinkling system for the cemetery was being adjusted so there would be no dry spots.

5. Wasatch County Transit Study / Findings (Shauna Mecham – Approximately 15 minutes)
– Receive a presentation on the findings of the Wasatch County Transit Study.

Shauna Mecham (Mountainland Association of Governments), Shawn Seager (Mountainland Association of Governments), and A.T. Stoddard (LSC Transportation Consultants) gave a presentation on a transit study for Wasatch County.

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

They made the following comments in response to questions:

- It would take time to build ridership.
- Projected ridership and cost specifics were included in the study.
- Transit routes would have to be monitored for success.
- Cost sharing could be determined by interlocal agreement, memorandum of understanding, contract, etc.
- The Utah County route was the most expensive but comparable to other commuter services.
- The cost per passenger decreased as the number of passengers increased.

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

- Electric busses were not as effective climbing hills.
- It was not easy to get an Uber from Midway to Park City.
- Transit took cars off the roads.

6. **970 South Transmission Line / Bonding** (City Attorney – Approximately 60 minutes) – Discuss issuing bonds to pay for burying the proposed transmission line along 970 South, Stringtown Road, and Wards Lane. **Public Hearing**

7. **Special Bond Election / Authorizing Resolution** (City Attorney – Approximately 10 minutes) – Discuss and possibly authorize the preparation of a draft authorizing resolution, for a special bond election, related to the burial of the proposed transmission line along 970 South, Stringtown Road, and Wards Lane.

Corbin Gordon gave a presentation on bonding to bury the transmission line. He thought it was unrealistic to wait until 2021 to put the bond on the ballot because the appellate court could make a decision before then.

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

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

- Cost to hold a bond election.
- There was no guarantee that the burial cost would be within the bond amount.
- Rocky Mountain Power (RMP), Heber Light & Power Company (HL&P), and the City would agree on specifications for burial and then solicit new bids. The bids would not be received before the deadline to put a bond on the ballot.
- Should the City wait to put the issue on the ballot until it knew the actual costs?
- The bond amount should be one that the voters would accept.
- Private funds could be used to supplement the bond.
- Putting the bond on the ballot did not commit the City in any way.
- The bond amount should not be based on effecting the appeal. The appeal was based on what the City could spend.
- More detail was needed to make a decision.

Brad Wilson indicated that 90 emails had been received by the City regarding the issue. 87 of the emails supported and 3 opposed burying the line. He noted that a petition with 253 signatures had been submitted opposing burial. He read the statement on the petition.

Public Hearing

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

Crista and Jerry Mayne

Opposed bonding because there were too many questions regarding cost.

Ryan Davis

Supporting burying the line and continuing the appeal because it would keep Midway beautiful.

Julie Davis

Supported burying the line.

Clint Coleman

Thanked the City for entering the petition into the record.

Mark Stokes

Supported burying the line.

Angela Nearings

Opposed burying the line.

Nancy Coleman

Opposed burying the line and continuing the appeal.

Josh Wright

Mr. Wright said that the City had disregarded the conditions of the motion, approving the conditional use permit, for the line. VOLT did not raise the \$1.5 million requested in the motion.

Mayor Johnson indicated that VOLT had gotten the cost of the easements significantly increased. This could offset the amount requested.

Jessy Stone

Paying to bury the line was a small price to pay to keep Midway beautiful.

Paula Carlson

Opposed burying the line because the money would be better spent elsewhere.

Chris Crittenden

Supported burying the line to keep Midway beautiful.

Dan Stead

Opposed the bond because there were too many unknowns.

Clay Coleman

Mr. Coleman made the following comments:

- Had a transmission line in his backyard and was not opposed to it.
- The length of the buried transmission line would be small.
- The rest of the line would be above ground and visible by everyone.
- The dip poles required for burial would be unsightly.
- The City should not spend so much money to bury the line.

Holly Kent

Supported the appeal and burying the line to beautify the area. The Council should consider the results of the survey regarding burying the line.

Dennis and Vickie Higley

Approved of bonding to bury the line.

Cami and Steve Hardy

Supported burying the line to keep the feel of Midway.

Tyson Locke

Mr. Locke asked the height of the transmission line poles? Michael Henke responded that the corner poles would be 81 feet high and the tangent poles would be around 60 feet high.

Brad Kendal

Supported continuing the appeal and burying the line.

Phill Perkins

The amount to bury the line was small compared to the long-term benefit.

Doug and Nancy Dance

Supported putting the issue on the ballot so that all voices could be heard.

Tonya Hoopes

The City should move forward with bonding.

Ian Swainston

Supported the bond.

Clint Coleman

The City should compare the survey with the petition submitted in opposition.

Lyndsey Locke

Supported bonding to bury the line.

Mike Bronson

Was against burying the line.

Bengt Jonsson

Mr. Johnson made the following comments:

- Supported the ballot measure.
- Putting the issue on the ballot was the only fair way to determine how many people supported it.
- Bonding kept the City's options open.
- Was glad that RMP was willing to be a partner and find common ground.
- The survey was a random sampling and not a petition that only included the signatures of supporters.
- The voters should decide the issue.

Ladonna Vest

Ms. Vest asked what would be the amount of the bond and what if the project exceeded it? Mayor Johnson responded that the amount had not yet been determined. She added that RMP needed to provide a final cost and the City would not negotiate overruns.

Nancy Coleman

Ms. Coleman asked what was the total cost to appeal and bond? Mayor Johnson responded that the cost might be \$99,000. Council Member Dougherty added that cost could increase if

there were other appeals.

Dan Stead

Mr. Stead asked why the City's expert's opinion was more valid than that of RMP? Corbin Gordan responded that the expert had 35 years of experience and found multiple problems with RMP's specifications for burying the line.

Mike Bronson

Mr. Bronson asked if the legal expenses would be part of the proposed bond? Mayor Johnson responded that only the burial of the line, and not the legal fees, would be part of the bond.

Clint Coleman

Mr. Coleman made the following comments:

- The people whose voices had not been heard had signed the petition. Some of those people did not have internet connections or know how to use Zoom.
- The survey included a lot of people who had only lived in Midway for a limited number of years.
- The City was not supposed to lobby for or against the ballot issue.
- Everyone had equal representation under the law.
- Bonding would hurt young families and single mothers.
- The Council's job was to represent all residents.
- The transmission line had become a divisive issue. It needed to be resolved so the community could heal.
- Residents would become use to the line.

Paul Berg

Mr. Berg made the following comments:

- Bonds were typically used for essential services.
- The community would have to bond for schools in the future and might want to bond for more open space.
- Was this the right issue for the City's bonding capacity?

Jason Norlen, HL&P General Manager

Mr. Norlen made the following comments:

- The City Council had approved poles as high as 88 feet.
- Most poles would be wood and have longer spans.
- The dip poles would be 88 feet high with two at each end of the buried section.

Robert Cobb

He and his wife supported continuing the burial process.

Mike Bronson

Mr. Bronson made the following comments:

- More bonds would be a financial hardship for some people.
- Was the hearing legal and legitimate? It could have been held in the Town Hall or outside where people could attend in person and social distance.
- Was unable to see who was talking.
- Was against burying the line.
- A lot of people would have to pay the cost for the benefit of a few residents.
- The transmission line had been in the same location for many years.

Brad Wilson explained how the hearing had been noticed and indicated that it did not have to meet the state requirements for other types of hearings.

Josh Wright

Mr. Wright made the following comments:

- Taxes would not be reduced in the future.
- There had been some significant tax increases in the last few years.
- Some people would no longer be able to live in Midway because of increased taxes, etc.
- Those who lived near the line knew it was there when they bought their property.
- Opposed burying the line.

Lori Stone

The new line was different from the existing line because it would support the entire region and not just Wasatch County.

Ladonna Stead

Ms. Stead made the following comments:

- Taxes were going up and other things were more important than burying the line.
- Older residents might not be able to afford the increase taxes.
- What would Midway look like if this happened?

Mike Bronson

Mr. Bronson made the following comments:

- Some people could not use Zoom.
- An in-person meeting should be held to discuss the issue.
- Some people did not want to sell their home in Midway even if its value had increased.

Scott Lewis

Mr. Lewis made the following comments:

- Did not live near the line.
- The line would be a blight on the whole valley.
- Midway should not be turned into Orem.
- Everyone was equal under the law including new residents.
- Did not want more taxes but did want to stand up to a bully.

Clint Coleman

The line would be above ground through Heber, and everyone would see it.

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

Council Member Simonsen read a statement sharing his thoughts regarding the power line issue and the general subject of compromise.

Note: A copy of Council Member Simonsen statement is contained in the supplemental file.

Council Member Payne made the following comments:

- Some people did not want to set precedence by burying the line for aesthetics.
- HL&P had issued a \$2 million bond to bury the distribution and telecommunications portions of the line. Additional money would be spent to relocate a substation to protect tourism. All rate payers shared these costs. The HL&P Board did not oppose these expenses.
- The survey conducted for the City had 50% more respondents than required for accuracy. The respondents lived throughout the City. The survey was as fair as it could be.
- Bonding would place a greater portion of the cost on the more expensive homes.
- The bond rates would be lower now than when the City bonded for open space.
- The cost for the easements was increased from \$25,000 to \$700,000 by the Utah Utility Facility Review Board. This reduced the amount the City would have to pay to bury the line.
- Property owners would be affected with poles on their property. These poles would be larger than the existing ones. No one should have to accept this.
- The dip poles should be moved away from Hwy 113.
- Would oppose any increase in the size of any power poles in the City.

- Recommended bonding for a higher amount to avoid a shortfall.
- A fixed price contract could be done with RMP.
- The voters should decide the issue.

Council Member Orme made the following comments:

- Would support burying the line if cost was not an issue.
- It was irresponsible to put the issue on the ballot without knowing the actual cost to bury the line.
- Residents might demand that other transmission lines be buried. Had a client who said the line by Swiss Oaks would also be buried.
- Additional bonds would have to be issued for schools, etc.
- There was less money in the community because of the pandemic. This would create a hardship for a while.
- It was more difficult and costly to repair a buried line.

Council Member Dougherty made the following comments:

- The issue should not be put on the ballot without knowing the actual cost to bury the line.
- The available money could end up being slightly less than the actual cost.
- Could not accept a bond amount less than the \$12 million approved by the Review Board, but this amount was not palatable to the Council. RMP would not accept a lower amount.

Council Member Drury made the following comments:

- Was there enough information to put the issue on the ballot?
- Burial was only acceptable if the dip poles were away from the highway and near the fish hatchery.
- Could the City win the appeal that reduced the length of the line to be buried?
- Should the City require VOLT to raise more money?
- The cost for the City should not change.
- Would there be additional legal fights that would increase costs?
- What would the language be on the ballot?
- Did not want to do so much work and then have the line go above ground anyway.

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

- Correcting the length of the buried portion of line would be an easy win in court.
- The monthly cost for a \$5 million bond would be below the \$10 per power meter estimated by the City for the survey.
- Any of the outstanding issues could derail the project.
- The Council was not committing that it would issue the bonds.
- Would RMP agree to a fixed price contract?
- The bid might not be received before the ballots were mailed.
- What would happen if the City committed and then something came up that increased the cost?
- This bond would limit the City's ability to issue other bonds in the future.
- The litigation should end if there was not a way to pay the burial costs.
- The litigation would benefit all citizens in the State.

- The litigation should continue because it had cost the City a lot of money already.
- Some wanted to end the process several months ago. Because the City continued it now had options.
- Not all questions would be answered by the deadline to put the bond on the ballot.
- How could the ballot language be written if there were unanswered questions?
- Once they were received, the amount of the bids could be published for the public to see.
- The ballot language was important to those who would purchase the bonds.
- Some things in the language needed to be unambiguous.
- The City would not have to pay for the soil testing in preparation for the project.
- Buried lines were cheaper to maintain because there were fewer repairs.
- The line should not be buried if the dip poles could not be moved back to the fish hatchery.
- The cost of the project depended upon the location of the dip poles. Their location could not be resolved before the next council meeting.
- The final cost should be negotiated with the utility companies.
- RMP had an incentive to negotiate because they wanted the line built as soon as possible.
- The Council had spent many hours discussing the issue. Was it fair to make the voters decide without that same level of preparation?
- The more the Council discussed the issue the more difficult it was to decide.
- The City could win on each point of its appeal but not have the money for the project because it waited to get all the information.
- Everyone should have gotten involved sooner in the project.
- A bond amount of \$6.5 million was too high. \$4.5 million would cover the costs if VOLT contributed \$1.5 million.

Motion: Council Member Orme moved not to put the bond issuance on the ballot until specific a number were received even if that meant waiting until the following year.

Discussion: Mayor Johnson indicated that a specific number would not be received before the deadline of August 20th.

Revised Motion: Council Member Orme moved to not put the bond issuance on the ballot until the following year.

Second: The motion did not receive a second.

Motion: Council Member Payne made the following motion:

- The City continue the appeal process with the appellate court.
- It continues reaching out to Rocky Mountain Power to discuss the issue.
- Instruct the City Recorder to draft language for a proposed ballot bond measure, for the November election, to be considered at the next council meeting.
- The bond amount did not exceed \$6.5 million
- The draft language would cover all the issues and concerns, such as not having all the specifics, to clearly inform the voters.
- The Council decide that the line would at a minimum be buried from the fish hatchery to

Wards Lane. Preferred that the line be buried somewhat beyond Wards Lane.

Discussion: Council Member Simonsen indicated that he could not support the amount of \$6.5 million unless it was just a placeholder. Council Member Payne responded that it should be the Council's intention to have the bids by the end of October and disclose them to the voters on the City's website as soon as they were received.

Council Member Simonsen emphasized that the language would be in draft form and could be revised by the Council.

Revised Motion: Council Member Payne made the following revised motion:

- The City continue the appeal process with the appellate court.
- It continues reaching out to Rocky Mountain Power to discuss the issue.
- Instruct the City Recorder to draft language for a proposed ballot bond measure, for the November election, to be considered at the next council meeting.
- The bond amount did not exceed \$6.5 million.
- The draft language would cover all the issues and concerns, such as not having all the specifics, to clearly inform the voters.
- The Council decide that the line would at a minimum be buried from the fish hatchery to Wards Lane. Preferred that the line be buried somewhat beyond Wards Lane.
- The language would be in draft form and could be revised by the Council.

Second: Council Member Simonsen seconded the motion.

Discussion: Brad Wilson indicated that bond counsel would write the resolution at the cost of \$18,000. Council Member Simonsen indicated that preliminary work had been done at no cost in the past.

Mayor Johnson asked what had to be adopted at the next meeting. Mr. Wilson responded that a resolution, with the exact ballot language and the maximum amount of the bonds, had to be adopted.

Second Withdrawn: Council Member Simonsen withdrew his second. He requested a work meeting as soon as possible so that the Council could prepare a paragraph to send to the bond counsel for the resolution.

Council Member Payne asked if a group could meet with Bond Counsel to help draft a resolution. He also suggested that Bond Counsel be at the next council meeting because of potential revisions. Mr. Wilson responded that Bond Counsel should be at the meeting.

Corbin Gordon stressed that the amount of the bonds needed to be determine and recommended that as many issues be resolved that night as possible.

Council Member Payne indicated that the \$6.5 million gave the City the most flexibility and was in line with the monthly cost in the survey.

Motion: Council Member Payne moved to put in draft form the bond amount of \$6.5 million.

Second: The motion did not receive a second.

Council Member Simonsen thought that \$4.5 million should be the maximum amount of the bond. He said that the cost for a \$400,000 home would be \$5.48 a month.

Motion: Council Member Simonsen moved that the bond amount be \$4.5 million.

Second: The motion did not receive a second.

Mayor Johnson explained that HL&P would not get bids if the Council was not serious in seeking a bond. She asked what amount each council member would support. Council Member Payne said \$6.5 million. Council Member Simonsen said \$4.5 million. Council Member Dougherty said \$12 million. Council Member Orme said that she would not support the bond.

Motion: Council Member Payne moved to continue with the balance of the agenda and table the issue until the end in fairness to the participants there for other agenda items.

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: Without objection, Mayor Johnson recessed the meeting at 10:26 p.m. She reconvened the meeting at 10:37 p.m.

8. Whitaker Farm Subdivision / Plat Map Amendment (Derek Kohler, Summit Engineering – Approximately 10 minutes) – Discuss and possibly approve a plat map amendment for the Whitaker Farm Subdivision located at River Road and Memorial Hill Drive. The amendment would combine lots 32 and 33. **Public Hearing**

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

- Location
- Proposed plat map
- Possible findings

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 Drury moved to approve the Whitaker Farm plat map amendment, combining lots 32 and 33 with no conditions and the following findings:

- Potential trips per day generated from the two lots would be reduced.
- Density in the subdivision would be reduced.
- The area would feel more open because of the reduction of one lot.
- No public street, right-of-way, or easement would be vacated or altered.

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

9. Huntleigh Woods Subdivision / Preliminary Approval (David Johnson – Approximately 30 minutes) – Discuss and possibly grant preliminary approval for the Huntleigh Woods Subdivision located at 885 North Pine Canyon Road (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
- Proposed location of the subdivision
- Pictures of the property
- Proposed site plan
- Proposed plat map
- Pine Canyon Road cross-section
- Discussion items
- Utility plan
- Map with floodplain
- Water Board recommendation
- Planning Commission recommendation with a condition
- Possible findings
- Proposed condition

Mr. Henke also made the following comments:

- The trees along Pine Canyon Road would be removed.
- There would be a 100-foot setback from Pine Canyon Road.
- The cul-de-sac would be 500 to 600 feet long. This was within the limits of the Municipal Code.
- The geotechnical study had been submitted.
- 2.01 acres of open space would be protected.
- The private drive on the north would not connect to the cul-de-sac or provide frontage.
- It was not possible for the development to the north to be further subdivided.
- All concerns of the Planning Commission had been resolved.
- The trail had been added to the plan.

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

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

- The final design for routing the water line was close to being completed but had not yet been submitted. If it remained unchanged then no easement was needed. If the current master plan revision, for the Homestead Resort, was approved then the line would not be needed.
- The geotechnical study met the City's criteria.
- The stormwater system would be public.

Public Hearing

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

David Johnson

Mr. Johnson, representing the applicant, agreed with all that had been said.

Wendy Bolick

Ms. Bolick was concerned that the subdivision would increase traffic. Mayor Johnson explained that the Council could not deny a development that met the Municipal Code. She added that the trail would increase safety.

Steve Jurca

Mr. Jurca, Homestead Resort management, asked if rerouting the water line would impact the Homestead's golf course? Wes Johnson responded that it would not be rerouted during the golf season.

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

Motion: Council Member Payne moved to grant preliminary approval for the Huntleigh Woods Subdivision located at 885 North Pine Canyon Road, with the zoning of R-1-15, including the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-15 zone.
- The proposal complied with the land use requirements of the R-1-15 zone.
- A public trail would be built as part of the subdivision and would benefit members of the community.
- 2.01 acres of open space would be created as part of the development.
- A plan to supply water to the Homestead’s maintenance building was presented and approved by the City Engineer and the Homestead before final approval was granted by the City Council.
- Accept the recommendation of the Midway Water Advisory Board.

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

10. Bonner B&B / Conditional Use Permit (Larry and Ellen Bonner – Approximately 15 minutes) – Discuss and possibly grant a conditional use permit for a bed and breakfast, proposed by Larry and Ellen Bonner, located at 47 South and 100 East. Recommended for approval without conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the proposed bed and breakfast
- Pictures of the property
- Planning Commission recommendation
- Possible findings

Mr. Henke also made the following comments:

- The property was split between zones.
- There were the necessary two stalls for the residents and one stall for each of the three guest rooms.
- There were no proposed conditions.

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 Drury moved to approve the conditional use permit for the Bonner Bed and Breakfast located at 47 South and 100 East with the following findings:

- The proposed use was a conditional use for a property in the TROD.
- The property was within walking distance of Main Street with its restaurants and businesses.
- Traffic would increase in the neighborhood, but the increased traffic would still fall within established traffic count standards.
- The proposal complied with the requirements of the Code.
- It was an excellent idea.

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

11. Resolution 2020-25 / Homestead Resort Master Plan Amendment (City Attorney – Approximately 30 minutes) – Discuss and possibly approve Resolution 2020-25 adopting an amendment to the master plan for the Homestead Resort located at 700 North Homestead Drive.

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

- Changes since the last council meeting
- 2008 Master Plan
- New site plan since the last meeting
- Changes to the amenities and the north entrance
- 2008 Master Plan open space
- Proposed open space and areas not preserved as open space
- East to west trail

Mr. Henke also made the following comments:

- The Council had discussed the amendment multiple times.

- The applicants wanted to amend an existing agreement.
- There were questions if the five homes, in the southeast corner, met the criteria for the easement with The Links at Homestead HOA.
- The Vision Architecture Committee (VAC) reviewed the proposed buildings. They asked that the club house to be the focal point instead of the storage building.
- The overall amount of open space was unchanged, but its location did change.
- A lot of people used the current east to west trail, but the applicants were concerned that it went into the resort and would create liability.
- Liked the east to west trail. Was there a better location for it? The applicants had not suggested another location.
- Did not have a chance to review a revised agreement received from the applicants.

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

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

- The five homes complied with the requirements of the easement agreement.
- The changes were in response to the Council’s and VACs concerns.
- Another consultant’s map had been changed to match his data.
- The proposal included more open space and less density.
- The 2008 Master Plan was supposed to be a guide and to help future developers.
- The east to west trail had become confrontational with people walking across the golf course and using the Resort’s property as uninvited guests.
- The Resort was a key economic engine for the City.
- The east to west trail was not required in the 2008 Master Plan. Asked that it not be required now.
- The applicants were not aware of the east to west trail obligation when they purchased the property.
- The City should not “nickel and dime” the developers because of trails.

Scott Jones, applicant, made the following comments:

- Tried to work through having the east to west trail. If it went south, then it would go through the golf course which was dangerous. Significant control would be lost if it went through an active resort.
- Offered the trail on Homestead Drive. Was working on allowing another section of that trail to the north and providing some of the landscaping.
- Would invest \$40 million in the Resort. There would be \$250,000 in direct tax benefit to the City within one year from room revenue alone. This would increase to \$600,000 to \$700,000 in four years.

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

- Could the east to west trail go north on Pine Canyon Road then along Cari Lane to Homestead Drive? There was limited right-of-way on Pine Canyon Road.
- Why was the proposal on the agenda? It had not received recommendations from the VAC or Midway Water Advisory Board. A construction mitigation plan had not been

provided. Other items still needed to be addressed.

- Had agreed that the mitigation plan would be provided at preliminary approval.
- The Water Board asked that the City Treasurer audit the Resort's water rights.
- Issues raised by The Links at Homestead HOA should be reviewed.
- The project was good, but time was needed to review it and make a good decision.
- The City needed to be assured that access was available for the five houses on the southeast. Mountain Springs Drive was a private road and the developer that built it said there was no easement to allow it to access the Resort. These access issues were in the second phase, of the amended master plan, and could be resolved later.

Motion: Council Member Dougherty moved to continue consideration of Resolution 2020-25 without date, to address the open issues identified, and that staff bring it back when all the issues were addressed or could not be satisfactorily addressed.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Simonsen said that the issues raised by The Links at Homestead HOA, like headlights in the proposed parking lot, needed to be addressed. Mr. Berg responded that the agreement included dark sky restrictions.

Council Member Drury asked that the item be at the beginning of the agenda when it was considered again.

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. Resolution 2020-23 / HR Manual Revisions (Mayor Johnson – Approximately 10 minutes)
– Discuss and possibly approve Resolution 2020-23 adopting revisions to the Human Resources Policies and Procedures Manual for Midway City.

Mayor Johnson explained that the revisions would allow paid holidays to count towards overtime pay. It also established regulations for working from home. Providing equipment would be determined on a case by case basis by the supervisor.

Motion: Council Member Drury moved to approve Resolution 2020-23.

Second: Council Member Dougherty 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

Mayor Johnson reported that Georgia McGuire, Human Resources Manager, would retire on August 14th. She also indicated that the City had purchased Bamboo human resources software.

13. Ordinance 2020-16 / Road System Master Plan Amendment (Berg Engineering – Approximately 60 minutes) – Discuss and possibly adopt Ordinance 2020-16 amending the Road System Master Plan, in the Midway City General Plan, to eliminate the planned section of 600 North from Pine Canyon Road to Farm Springs Road. Recommended for denial by the Midway City Planning Commission. **Public Hearing**

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

- Aerial map of the affected area
- Road master plan
- History of 600 North
- 1977 road plan
- Initial plan for Farm Springs
- Homestead Resort easement
- Farm Springs plat map
- Submittal documents
- Slope analysis
- Environmental restraints
- Concept plan
- General Plan considerations
- Connectivity
- East to west connection
- Items to consider
- Planning commission recommendation
- Possible findings

Mr. Henke also made the following comments:

- The decision was legislative, so the Council had broad discretion. It was not obligated to approve the request.
- It would amend the road master plan in the General Plan. It would specifically remove a planned section of 600 North.
- The applicant was offering lower density and would deed restrict the property to three lots. The current Municipal Code would not allow three lots on the property.
- The Homestead Resort provided an easement for the future road.
- The road in Farms Springs exceeded the allowed length and was only approved because it would continue through to Pine Canyon Road. A note stating that it would continue through had been included on the plat map. The request would prevent that.

- Ryan Davis owned the property where the road was proposed.
- The only other option to connect Center Street to Pine Canyon Road was close to Burgi Lane.
- The proposed road would arch north into a lot in Midway Farms. The City would have to negotiate with the lot owner or use eminent domain.

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

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

- The proposed section of the road could only be built if Mr. Davis developed his property.
- The road would be needed if someone bought the property from Mr. Davis and developed it.
- The City should carefully consider decisions based on future possibilities like roads being built.
- This type of situation showed the need for a new type of development similar to the rural preservation subdivision.
- The length of the road in Farms Springs met the current standard of no more than 1,100 feet but had more than the allowed eleven lots.
- There could be up to ten additional homes if the road continued to Pine Canyon Road.
- Connectivity was an issue.
- Lower density was preferred when possible.
- The location of all three proposed lots should be shown.

Ryan Davis, applicant, gave a presentation regarding the proposal and made the following comments:

- Lot two was a lot of record and would be deed restricted. Would deed restrict the other lot.
- The proposed road would not provide a lot of benefit. There would be no reason to use it except to visit a neighbor.
- The reduced density was a good deal for the City.
- The 1977 road plan did not contemplate what current residents valued like trails. It was 70's planning.
- Heber City was connected but was not bike friendly.
- Residents were more concerned about open space, views, and a rural feel than they were about connectivity.
- Paid \$15,000 to connect the trail from Center Street to Pine Canyon Road. The connection was essentially in his front yard. A lot of people used the trail.
- His property would be restricted to two lots with lot one being split.
- Wanted to build on the second lot and sell it.
- His proposal would reduce density by 70% without asking for any public money.
- 45 houses could have been built on the Farm Springs property.
- Four of the lots in Farm Springs had been purchased and became open space.

Public Hearing

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

Brent Crittenden

Two lots had been combined which reduced the number of lots in Farm Springs.

Tonya Hoopes

Ms. Hoopes made the following comments:

- Continuing the road to Pine Canyon did not gain much more connectivity.
- Neighbors used the property and it should remain rural.
- Residents needed to drive north and south and not east and west.

Pam Davis

Wanted low density.

Seija Surr

It had been suggested, during a previous item that evening, that pedestrians could walk up Pine Canyon Road to get to Burgi Lane. The distance was short enough for drivers if it was short enough for pedestrians.

Kim Facer

Mr. Facer made the following comments:

- Supported removing the road.
- Was building a house on the lot in Midway Farms that would include part of the road.
- Wanted to preserve his property.
- Did not support the use of imminent domain on his property.

Council Member Simonsen responded that imminent domain was the result of poor planning. He doubted that any Counsel would use it.

Cammie and Steven Hardy

The Hardy's made the following comments:

- Owned the house south of Mr. Facer's lot.
- Supported Mr. Davis' offer to lower density and traffic while protecting views.
- Connectivity was not an issue.
- Drivers would not use 600 North if it were connected to Pine Canyon Road.
- Trails and walkability should be encouraged.

Lyndsey Locke

Ms. Locke made the following comments:

- Appreciated Mr. Davis not maximizing his profit and preserving the rural feel of Midway.
- Each member of the Council had stated how important open space and a rural feel was to them.

Scott Lewis

Mr. Lewis made the following comments:

- Met a lot of people while walking on the trail through Farm Springs.
- Trail connectivity needed to be improved.
- The Homestead Golf Course was a significant benefit to the community. The 1977 road plan would have prevented it.
- Less density meant fewer schools and roads were needed.

Marilynn Crittenden

The Council could adopt an ordinance that allowed the proposal. Mr. Henke responded that he and Council Member Payne were working on a proposal for a hybrid farm preservation subdivision. He did not know if it would help Mr. Davis.

Dan Luster

Mr. Luster made the following comments:

- Developed Farm Springs which reduced density dramatically and created large lots in the center of Midway. The architectural guidelines also help.
- Multiple lots had been purchased and turned into open space.
- Donated 0.5 acres to Randal Probst so that he could do a rural preservation subdivision.
- The alignment of the road into Facer's property would be difficult.
- Did not want The Homestead Resort to cut off the trail from Pine Canyon Road to Homestead Drive. That trail could go all the way to the Provo River.

Jessie Stone

The City Council should work with Mr. Davis for the benefit of the community and the neighbors.

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

Council Member Simonsen made the following comments:

- Disliked maximum density on a property.
- The Council had to consider what could happen to the property.
- Farm Springs had some benefits.
- Many hours had been spent trying to preserve open space.
- Open space was important.
- Traffic problems were increased with a lack of roads.
- There was a lot of consternation regarding roads.

Motion: Council Member Drury moved to adopt Ordinance 2020-16 amending the Road System Master Plan eliminating the planned section of 600 North from Pine Canyon Road to Farm Springs Road with the following findings and conditions:

- Potential density would be reduced if the road were removed.
- Goals in the General Plan promoted open space and a rural atmosphere.
- The General Plan promoted reducing density whenever appropriate.
- The removal of this road worked towards all these findings.
- Mr. Davis work with staff, along the lines of what was proposed that night, to find an acceptable solution for the two-lot plan.
- The Council may go down the avenue to revise the rural preservation subdivision to possibly allow three lots on the property in the future.

Second: Council Member Payne seconded the motion.

Discussion: Mayor Johnson asked if the motion allowed the removal before the property was deed restricted? Council Member Drury responded that it did because Mr. Davis was acting in good faith.

Council Member Dougherty asked that the motion be conditioned on the deed restriction. He added this request was not because of Mr. Davis but because of any potential future owner.

Amended Motion: Council Member Drury moved to adopt Ordinance 2020-16 amending the Road System Master Plan eliminating the planned section of 600 North from Pine Canyon Road to Farm Springs Road with the following findings and conditions:

- Potential density would be reduced if the road were removed.
- Goals in the General Plan promoted open space and a rural atmosphere.
- The General Plan promoted reducing density whenever appropriate.
- The removal of this road worked towards all these findings.
- Mr. Davis work with staff, along the lines of what was proposed that night, to find an acceptable solution for the two-lot plan.
- The Council may go down the avenue to revise the rural preservation subdivision to possibly allow three lots on the property in the future.
- Mr. Davis work with staff to deed restrict the property to a maximum of three lots before the road was removed from the General Plan.
- Specific approval for three lots was not being granted by the City.

Second: Council Member Payne seconded the amended motion.

Discussion: Michael Henke emphasized that three lots were not possible under the current regulations. He added they might be if the regulations were amended. Council Member Dougherty indicated that the property was being restricted to three lots, but approval was not being given to that many lots.

Brad Wilson noted that an ordinance had not yet been prepared. Mayor Johnson suggested that the motion be the basis for the language in the ordinance. Mr. Henke added that the ordinance had to rescind the previous ordinance adopting the road alignment.

Revised Motion: Council Member Drury revised his motion to direct staff to prepare an ordinance, based upon the conditions presented that evening, and rescinding the previous ordinance adopting the road alignment.

Second: Council Member Payne seconded the revised motion.

Discussion: Mayor Johnson indicated that more was presented to the Council than had been presented to the Planning Commission. This included deed restricting the property to three lots.

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

14. Town Square / Pickleball Courts (Council Member Simonsen) – Discuss building pickleball courts on the Midway Town Square located at Main Street and 150 West.

Mayor Johnson indicated that the item would be considered at the council meeting on August 18th.

970 South Transmission Line / Bonding / Special Bond Election / Authorizing Resolution (Continued).

Mayor Johnson indicated that the Council needed to determine an amount for the proposed bond.

Motion: Council Member Payne moved that the bond issue and language, to be brought back to the Council by Bond Counsel, be for an amount not to exceed \$5.5 million.

Discussion: Council Member Drury indicated that the Council needed to decide if it wanted to put the bond on the ballot. He added that Bond Counsel would charge for creating the bond language and moving forward would imply that it would be on the ballot. He did not want to waste the money if the resolution would not be approved.

Council Member Payne explained that Bond Counsel had to be directed that night to prepare the resolution for the City to meet the August 20th deadline.

Corbin Gordon indicated that the amount could be left undecided until the resolution was prepared and considered.

Council Member Dougherty stated that the amount was irrelevant if the cost the City was obligated to pay could not be limited to the bond amount. Mayor Johnson responded that could be an absolute condition. Mr. Gordon added that any contract with the utility companies would have to address change orders and overruns. Council Member Payne said that the City should not enter a contract if overruns were not addressed. Council Member Dougherty, referencing HL&P, said that no contractor would bid a project with no overruns. Wes Johnson worried that the bidders would inflate their prices to cover possible overruns.

Council Member Dougherty clarified that the utility companies, not the City, would enter a contract with the contractor who would build the line.

Mr. Johnson explained that doing a geotechnical study would reduce the risk of overruns.

Council Member Dougherty noted that the ballot measure would authorize but not require the issuance of bonds. He added that a low bond amount could limit the City, but voters would not approve too high of an amount.

Council Member Orme asked how the Council would determine the amount when so many relevant questions were unanswered.

Mayor Johnson indicated that the bond language could include the amount paid for burying the lines. Council Member Dougherty questioned if RMP would get a bid that did not exceed that amount.

Mayor Johnson felt that the City could negotiate with the utility companies with the possibility that the project could start as soon as the bonds were approved in November. She indicated that the alternative was waiting for a decision on the appeal.

Mayor Johnson thought that the Council could decide on an amount that was logical and fair.

Brad Wilson explained that the bond language could restrict the use of the bond proceeds but could not restrict a future council.

Council Member Drury indicated that future councils or other entities like HL&P could find a way to pay more for the project than the approved bond amount. He worried that those additional costs would be passed on to residents.

Council Member Dougherty did not want to tie the success or failure of the project to outside groups like VOLT.

Council Member Dougherty asked if the Council needed to reconsider the conditions of the conditional use permit for the line. He worried that the project could be derailed if all the conditions were not met.

Second: The motion did not receive a second.

Motion: Council Member Orme moved to not have the bond issue on that year's ballot and continue the issue until the various questions were answered.

Second: The motion did not receive a second.

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

- Bond Counsel could answer some of the Council's questions.
- The Council might be prohibited from binding a future council.
- Another meeting might be needed to resolve the issue. Would anything change before the next meeting?
- A \$12 million bond amount was too high.
- Could the residents understand an issue that the Council was struggling to understand?
- Some residents in the City had land but were on fixed incomes and struggled to pay their taxes and other increasing costs.
- General obligation bonds had to be approved at a general election.
- A special assessment bond could be used but that encumbered the effected properties.
- Would you not cover an overrun if it were only \$100,000? What if it was \$1 million?
- There would be other bonds in the future for schools, etc.
- The bond amount needed to be at least \$4 million to \$5 million to be safe.
- Wasatch County verbally said that opening its conditional use permit, to discuss burying the line to the fish hatchery, would not jeopardize the utility companies' vested rights.
- Jay Price was willing to accommodate burying the line.
- The City did not control the timeline for the appeal. The court could rule in its favor on all issue but if it could not bond the line would not be buried.
- The City should not limit itself.
- Another meeting could be held that Friday to discuss the issue.
- If the issue was continued to another meeting, then the Council should talk beforehand to reach three votes.

Mayor Johnson suggested holding a meeting that Friday at 8:00 a.m. to consider the issue further.

Motion: Council Member Dougherty moved to continue the item and notice a meeting for that Friday at 8:00 a.m. in the City Office Building to discuss only that item.

Second: Council Member Payne seconded the motion.

Discussion: None

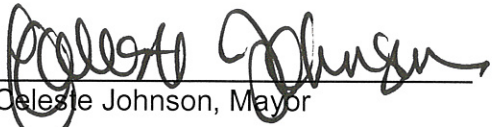
Vote: The motion was approved with the Council voting as follows:

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

15. Adjournment

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

The meeting was adjourned at 3:03 a.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder