

# MINUTES OF THE MIDWAY CITY COUNCIL

## (Regular Meeting)

Tuesday, 19 January 2021, 5:00 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 5:03 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. Council Member Dougherty gave the prayer and/or inspirational message.

### 2. Consent Calendar

- a. Agenda for the 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 1 December 2020 City Council Regular Meeting
- d. Minutes of the 1 December 2020 City Council Closed Meeting
- e. Second one-year extension of preliminary approval for the LaBarge Subdivision located at 922 North Pine Canyon Road
- f. Conclude the warranty period and release the remainder of the bond for the Canyon View PUD, Phase 2 located at Burgi Lane and Canyon View Drive subject to the payment of all fees due to Midway City
- g. Aimee Armer as a regular member of the Midway City Open Space Advisory Committee
- h. Rene Holm as an alternate member of the Midway City Open Space Advisory Committee
- i. Jared Neal as an alternate member of the Midway City Open Space Advisory Committee

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

Council Member Dougherty asked about the warrant to Wasatch Property Maintenance. Wes Johnson explained that the company also did construction and was building the trail along Homestead Drive.

**Motion:** Council Member Dougherty moved to approve the consent calendar.

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

**Discussion:** None

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

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

**3. Mountain Spa / Water Change Application** (Berg Engineering – Approximately 10 minutes) – Discuss and possibly approve a water rights change application for the Mountain Spa located at 800 North and 200 East.

Corbin Gordon gave a presentation regarding the request and reviewed the processing of foreign water. He also made the following comments:

- The applicant had acquired 100-acre feet of water from Kamas that could be used by the Midway Irrigation Company through the Provo River.
- The applicant wanted to use 70-acre feet of the water for the first phase of the Mountain Spa. 4-acre feet would be for culinary use. The remaining 30-acre feet would be used for the second phase. This water would be restricted to the project. Any remaining water would be subject to another agreement with the Irrigation Company.
- An agreement had been reached with the Irrigation Company. The Company would charge a buy-in fee. The fee would be disclosed on the plat map.
- The applicant owned some other water rights that would replace a portion of the Kamas water if a change application were approved.
- The Kamas water had a yearly assessment that would have to be paid by the City.

**Motion:** Council Member Dougherty moved to authorize the Mayor to sign the change application, for the Mountain Spa property, with the intent that the water was used as irrigation as discussed and the other agreements would be dealt with later.

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

**Discussion:** Council Member Orme asked if the ownership of the water rights would be verified.

Mr. Gordon responded that the State Engineer would do that verification. She asked if the approval would set bad precedence. Mr. Gordon responded that it would not.

**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

**4. Kim Bezzant Subdivision / Plat Amendment** (Berg Engineering – Approximately 15 minutes) – Discuss and possibly approve an amendment to the plat map for the Kim Bezzant Subdivision located at 640 East 200 South (Zoning is R-1-11). Recommended 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 Kim Bezzant Subdivision
- Recorded plat map
- Proposed plat map
- Discussion items
- Edelweiss Meadows plat map
- 200 South road alignment
- Planning commission recommendations
- Proposed conditions
- Water board recommendation
- Storm drain pond

Mr. Henke also made the following comments:

- The proposed amendment was needed for the Edelweiss Meadows Subdivision.
- Parcel “B” would be vacated from the plat map and the land for 200 South would be dedicated to the City.
- The vacation would allow the parcel to have a different development name.
- Any conditions should be included in the approval motion.
- The proposed road through Edelweiss Meadows was moved north to accommodate the Neerings Subdivision. Had received a drawing from Clint Neerings showing that the alignment would work. The Neerings Subdivision could also be adjusted to accommodate the road.

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

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

- The alignment of the road was moved north so that the effected lot, in the Neerings

Subdivision, would have a 100-foot height. The Neerings could adjust the lot to be 11,000 square feet.

- Spoke to Clint Neerings regarding the sewer line going through the Neerings Subdivision.

Clint Neerings, representing the Neerings Subdivision, made the following comments:

- The motion, granting preliminary approval for Edelweiss Meadows, stated that the road had to be adjusted so that the effected lot in his subdivision would be buildable.
- He would have to bend the lot 10 feet to the east with the proposed road alignment.
- Questioned how the alignment would work if the road were supposed to continue through to Michie Lane.
- Had not been contacted by anyone representing Edelweiss Meadows regarding the road alignment.

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

- There should be a finding with the motion that the amendment complied with the development agreement for the Kim Bezzant Subdivision.

### **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 Kim Bezzant Subdivision plat amendment with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.
- It complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City's General Plan.
- The proposal complied with the development agreement for the Subdivision.
- The plat map would include a complete description of the right-of-way to be transferred to the City.
- The plat map would include a signature block where Kim Bezzant could sign and transfer the right-of-way to the City.
- It would be such that no additional surveys, revised plat maps, or other documentation would be required to complete the transfer of the property to the City.
- The developer would provide and maintain access to the Kim Bezzant home with a minimum of a gravel approach during the development of the adjacent property.
- Any damage to the property (Yard, fence, irrigation system, and driveway) outside of the right-of-way would be restored to Mr. Bezzant's satisfaction by the developer.

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

**Discussion:** Council Member Orme asked if 200 South, as it went through the area, would be discussed with the next agenda item. Mr. Henke responded that it would be discussed.

**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

**5. Edelweiss Meadows Subdivision / Final Approval** (Berg Engineering – Approximately 10 minutes) – Discuss and possibly grant final approval for the Edelweiss Meadows Subdivision located at 640 East 200 South (Zoning is R-1-11). Recommended with conditions by the Midway City Planning Commission.

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

- Land use summary
- Location of the proposed development
- Site plan
- Detention pond
- Temporary turnaround
- Discussion items
- Water board recommendation
- Planning commission recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The Planning Commission discussed noting on the plat map that the turnaround would be temporary. They worried that property owners in the development would in the future oppose the through road.

**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 developer had moved the road north to accommodate the Council’s request at preliminary approval. Did the Council want it to be moved further?

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

- The sumps at the bottom of the detention basin would indicate if someone had tried to fill it in. All basins were inspected annually by the City Engineer’s office. The elevation of the basin would be on the as-built plans for the development.
- The plat map should note that the cul-de-sac would be temporary, and the road would be a through street. An on-site sign should also note that it was temporary.
- The road had been moved far enough north to accommodate the Neerings family.

- The road should not devalue neighboring property.
- How could the City satisfy the Neerings family's concerns?
- The current road alignment would allow the effected lot in the Neerings Subdivision to meet city requirements. The road would have to be moved further north for the effected lot to be square.
- Would the proposed alignment allow the road to go through to Michie Lane? The alignment would allow it to go on the north side of the parcel to the east of the Neerings Subdivision. There would have to be an offset intersection in the Neerings Subdivision to allow it to go through the middle of the parcel. There might not be enough distance for an offset intersection. The Neerings family was not opposed to an offset intersection but it would be awkward. The road could connect to Michie Lane using 740 East.
- The east side of the effected lot would be 100 feet if the boundary went to the middle of the curve on the northeast corner.
- Who would install the utilities in 200 South into the Neerings Subdivision? The Subdivision already had the necessary utilities. The sewer line would be deep and expensive to install. The Neerings family had to build the stub road and the associated utilities. This issue could be discussed outside of the meeting.
- The applicant planned to run the sewer south through Fox Den Estates because he could not reach an agreement with the Neerings family. This would be temporary until it could be connected through the Neerings Subdivision. The sewer was not the City's concern. Why should the developer pay to install the line and then to relocate it? The temporary line should only be allowed if the Neerings family did not grant an easement at no cost. The Neerings family was willing to grant such an easement if the effected lot in their development was not reduced in size.

**Motion:** Council Member Payne moved to grant final approval for the Edelweiss Meadows Subdivision with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.
- The proposal complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City's General Plan.
- 200 South would be moved an additional three feet to the north beyond what had been proposed that evening.
- The sewer line would go through the planned future permanent route through the Neerings' property if an easement could be negotiated at no cost. If an easement could not be obtained, then it could go through the proposed temporary location.

**Second:** The motion did not receive a second.

**Note:** Council Member Orme indicated that she lived in one of the houses with the temporary sewer easement and would recuse herself from voting on the item.

**Motion:** Council Member Payne moved to grant final approval for the Edelweiss Meadows Subdivision with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.
- The proposal complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City's General Plan.

- 200 South would be moved an additional three feet to the north beyond what had been proposed that evening.
- The sewer line would go through the planned future permanent route through the Neerings' property if an easement could be negotiated at no cost. If an easement could not be obtained within two weeks, then it could go through the proposed temporary location. The City Attorney and City Engineer would be involved in this discussion.
- A note would be included on the plat map informing the future owner of lot three that the pond could not be modified in any way that reduced capacity or functionality of the stormwater runoff pond.

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

**Discussion:** Council

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

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

**6. Resolution 2021-01 / Edelweiss Meadows Development Agreement** (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-01 adopting a development agreement for the Edelweiss Meadows Subdivision located at 640 East 200 South (Zoning is R-1-11).

Corbin Gordon reviewed the proposed agreement and indicated that he would add the conditions from the motion.

Council Member Dougherty added that the Midway Irrigation Company wanted the developer to request a will serve letter from them.

**Motion:** Council Member Payne moved to approve Resolution 2021-01, adopting a development agreement for the Edelweiss Meadows Subdivision, with the changes required because of the conditions in the motion for final approval.

**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	Recused
Council Member Payne	Aye
Council Member Simonsen	Aye

Council Member Simonsen wanted to ensure that the minutes referenced the discussion of 200 South and that there might be some future consideration of the issue, including contemplating that the road end at 740 East.

- 7. Lime Canyon Meadows / Plat Amendment** (Berg Engineering – Approximately 10 minutes) – Discuss and possibly approve an amendment to the plat map for the Lime Canyon Meadows Subdivision located at 971 West Lime Canyon Road (Zoning is R-1-22). Recommended with 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
- Proposed amendment
- Consent letter from the Homestead Group LLC
- Location of the development
- Location of transmission lines
- Recorded plat map
- Proposed plat map
- Discussion items
- Planning commission recommendations
- Possible findings

Mr. Henke also made the following comments:

- A portion of the homestead water line easement would be reduced from 15 feet to five feet.
- There needed to be enough width for a backhoe to access the irrigation line.
- The public utility easements (PUE) would remain at ten feet.
- The City or a private utility had the right to use the PUEs for the public's benefit.

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

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

- Private easements should not be on plat maps and should not be enforced by the City.
- The Homestead irrigation easement should be removed from the plat map.

Paul Berg, Berg Engineering Resource Group and representing the applicant, responded that all easements should be shown on plat maps.

### **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 Lime Canyon Meadows plat amendment with the following findings:

- The proposal met the intent of the General Plan for the R-1-22 zone.
- The proposal complied with the land use requirements of the R-1-22 zone.
- The proposed amendment would only impact the Homestead’s private irrigation easement.
- A letter of consent from Scott Jones of The Homestead Group LLC was received. The letter endorsed the amendment.
- The public utility easement would remain unchanged.

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

**Discussion:** Council Member Simonsen asked if Mr. Henke agreed that the Homestead easement should not be on the plat map. Mr. Henke agreed and said that it could be removed, as part of the motion, and replaced with a private easement agreement. Council Member Drury wondered why this applicant should be penalized for having the easement on the plat map.

**Vote:** The motion was not 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	Nay

**Motion:** Council Member Dougherty moved to approve the amendment subject to the following findings and conditions:

- Any indication of the private easement on the northwest boundary of lot four would be removed, if the private parties could enter into a private easement agreement within two weeks.
- Was reluctant to remove the private easement along Lime Canyon Road because its full purpose was unknown.

**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	Nay
Council Member Payne	Aye
Council Member Simonsen	Aye

**8. Hot Springs Annexation / Further Consideration** (Berg Engineering – Approximately 30 minutes) – Discuss and possibly approve for further consideration the Hot Springs

Annexation containing 12.26 acres located at 1477 North Pine Canyon Road.

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

- Further consideration
- Land use summary
- Location of the proposed annexation
- Zone map
- Annexation plat map
- Sensitive lands map
- Setbacks for the resort zone
- Items to consider
- Requirement for a development concept plan
- Possible findings

Mr. Henke also made the following comments:

- Further consideration did not include looking at every detail.
- The Council had broad discretion during annexation.
- The petitioner requested the resort zone.
- The City received approval from Wasatch County to leave an unincorporated peninsula. The petition would create a peninsula within another peninsula. This would again require approval from the County.
- The petitioner did not have enough land or land value to bring in the other unincorporated parcels.
- A concept plan was required if the property would be developed.
- Land could be annexed for preservation and not development.
- The petitioner could ask for the RA-1-43 zone then request a change to resort zone in the future. The Council had discretion in changing a zone.

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

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

- If the Council did not approve or deny the application within a certain time, then it would automatically be considered approved.

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

- No development was planned at that time on the property.
- It was a difficult situation for the petitioner to own property within an unincorporated peninsula created by the City.
- The Utah Code allowed sections of unincorporated islands to be filled in.
- The City violated two sections of its municipal code when it created the island.
- It was in the best interest of the City not to annex the entire island.
- A concept plan was only required if the land was intended for development.

- The petitioner wanted culinary water for the hot springs on the property.
- The property would not be developed at that time.
- An annexation agreement could be written to continue the City's flexibility from the annexation to the development process.
- The petitioner would withdraw the annexation and support any future annexation if the Council granted him a culinary water connection.
- Requiring a concept plan would force the petitioner to consider development.
- A neighboring property owner was pursuing development in the County.

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

- The City would lose an opportunity if a concept plan were not submitted.
- Annexation was the best time to deal with certain development issues.
- Granting a water connection would eliminate any need for the petitioner to annex the property.
- Further consideration would allow further exploration of the proposal.
- The property should be zoned RZ because it included famous area hot springs.
- It was beneficial for the City to be the development authority for the property.
- The property and surrounding area were unique, and their possibilities should be explored.
- There should not be a lot of condominiums on the property.
- A water connection should not be granted without annexation.
- Development in the County was limited especially without culinary water.
- Conservation of the property should be considered.
- The sensitive lands restrictions applied to all zones.
- The City should be careful when considering an annexation agreement that supposedly continued its discretion from annexation to the development process.

**Motion:** Council Member Drury moved to approve for further consideration the annexation for the hot springs' property, with the discussion that evening being considered as the process moved forward.

**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

**9. Dance Annexation / Further Consideration** (Summit Engineering – Approximately 30 minutes) – Discuss and possibly approve for further consideration the Hot Springs Annexation containing 6.98 acres located at 1199 South 900 West.



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

- Land use summary
- Location of the proposed annexation
- Current conditions
- Access
- Surrounding area
- Highlands at Soldier Hollow plat map and access
- Vicinity map
- Concept plan
- Land swap for future road planning
- Discussion items
- Timing

Mr. Henke also made the following comments:

- The General Plan would need to be changed for the requested zone.
- The annexation would not create an unincorporated peninsula.
- There would be a temporary cul-de-sac until the road went through to the Highlands at Soldier Hollow.
- The petitioner wanted one lot at that time but four in the future. This was less density than the maximum allowed in the City or County.
- Did not know of any other situation where a city road was accessed by a county road.
- The annexation was tied to the concept plan and would have to be amended in the future for the additional lots.
- Access to culinary water was the main reason for the petition.
- The gate for Cascades Springs Road would be moved to the west to accommodate the second entrance for the Highlands at Soldier Hollow.
- Wards Lane was a substandard road and would only be used as an emergency access.
- The other lots could be allowed when the through road was completed.
- The cul-de-sac could be private so that it did not need to be maintained by the City.

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

Doug Dance, petitioner, indicated that Wards Lane would have 20 feet of asphalt and passable. He added that there would be full access from the west.

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

- The property was unique.
- There was no incentive for surrounding properties to be annexed.
- The proposed city street could be an island. It should be private.
- It was a low-density area.
- The existing road to the property should be a 20-foot private driveway. This could not be done because the lots needed frontage.
- The accesses needed to be finalized.

**Motion:** Council Member Drury moved to approve the Dance Annexation for further consideration and incorporate that evening's discussion in any plans or meetings moving forward.

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

**Discussion:** None

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

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

**10. Utah Strong Recovery Project / Presentation** (Cindy Wilmshurst – Approximately 15 minutes) – Received a presentation regarding the Utah Strong Recovery Project administered by the Utah Division of Substance Abuse and Mental Health.

Cindy Wilmshurst, Utah Department of Human Services, gave a presentation on the Utah Strong Recovery Project and reviewed the following items:

- Overview
- Purpose
- COVID-19 pandemic
- Helping communities
- Kaiser Family Foundation poll
- Mental health statistics
- Infection rate statistics
- Counseling
- Education groups
- Support groups
- Helpline
- Promotion
- Helping minority communities

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

**11. Wasatch Caring Community Coalition / Presentation** (Trudy Brereton – Approximately 15 minutes) – Received a presentation from the Wasatch Caring Community Coalition.

The item was not considered.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:40 p.m. She reconvened

the meeting at 8:46 p.m.

**12. Financial Statements / Audit Report** (Approximately 20 minutes) – Receive a presentation on the fiscal year 2020 financial statements (Ryan Child) and audit (Ben Probst).

Nicole Nelson, Child Richards CPAs & Advisors, reviewed the FY 2020 financial statements. She specifically reviewed the statement of net positions, balance sheet for government funds, business type funds, and bonds.

Ben Probst, Gilbert & Stewart, presented the audit report. He gave a clean audit opinion and had no state compliance findings.

Brad Wilson thanked both companies for their work.

**13. Ordinance 2021-02 / Cannabis Production Establishments** (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-02 amending Title 16 (Land Use) of the Midway City Municipal Code regarding cannabis production establishments. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Code text addition
- Zoning map
- Findings

Mr. Henke also made the following comments:

- The State changed the requirements regarding cannabis production.
- Local governments could decide where it occurred.
- If the City did not choose a location, then production would default to all agricultural and industrial zones. This would include all residential zones because they allowed agriculture.
- It could be prohibited in the commercial zone when the area for the business and manufacturing park zone was annexed into the City.
- Had to be a permitted use.
- Distribution of cannabis would be a separate ordinance.
- Had to include agricultural and commercial zones.
- An increase in traffic could not be considered.
- The RA-160 zone could be excluded.
- Additional requirements could be added to mitigate concerns.
- Any growing in a building would have to meet the City's greenhouse requirements. Other buildings, such as those used for storage, did not have to meet these requirements.

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

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

- Setbacks for buildings could be modified in the future.
- There were concerns with any agricultural structure next to residences. Agricultural uses could be as significant as commercial uses.
- Some municipalities based their setbacks on the use.

**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 adopt Ordinance 2021-02 regarding cannabis production establishments.

**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

**14. Impact Fees / Report** (City Recorder – Approximately 10 minutes) – Receive a report on the receipt and expenditure of impact fees for fiscal year 2020.

Brad Wilson gave a presentation on the impact fee report for fiscal year 2020.

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

Wes Johnson reviewed impacts fees, what they could be used for, and how quickly they had to be used.

**15. 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.

**16. Department Reports**

### Midway Boosters / Officers & Members

Council Member Drury reported that the Midway Boosters installed new officers and were looking for new members.

### Ice Rink / Update

Council Member Drury reported that the ice rink was busy.

### Swiss Days

Council Member Drury reported planning was proceeding for Swiss Days but a final decision on it being held would be made in June.

### Ice Rink / Wasatch Community Foundation

Mayor Johnson reported that the Wasatch Community Foundation needed funds. She suggested that a percentage of the proceeds from a night at the ice rink be donated. Council Member Drury responded that would be the concessionaires' decision, but he would talk to him.

### Midway Irrigation Company / Will Serve Letter

Council Member Dougherty reported that the Midway Irrigation Company wanted all developers to obtain a will serve letter from them.

### Midway Irrigation Company / Valais Line Agreement

Council Member Dougherty reported that a draft agreement had been prepared, between the Midway Irrigation Company and the developer for The Reserve, regarding the Valais irrigation line.

### PPP Loans

Council Member Dougherty reported that more paycheck protection program (PPP) money was available to be loaned.

### HL&P / Budget

Council Member Dougherty reported that Heber Light & Power Company approved its budget for the upcoming fiscal year.

### Pandemic / Vaccinations

Mayor Johnson reported that some technical challenges were being worked out with vaccinating

residents for COVID-19. She indicated that she and several public works employees had already been vaccinated.

## 17. Adjournment

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

The meeting was adjourned at 9:55 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder