

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

**Tuesday, 20 April 2021, 5:00 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, 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 5:10 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

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

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

2. Consent Calendar

- a. Agenda for the 20 April 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 5 April 2021 City Council Meeting
- d. Minutes of the 6 April 2021 City Council Work Meeting
- e. Minutes of the 6 April 2021 City Council Regular Meeting
- f. Gerber Water Line Project, Change Order #1
- g. Receive certification of the petition for the Lower River Annexation located at approximately 225 East 850 South
- h. Resolution 2021-06 vacating the development agreement for the Saddle Creek Ranch PUD located at approximately 970 South 250 West (Street Lane) (Zoning is R-1-22)

- i. A release of a recording agreement for the Saddle Creek Ranch PUD located at approximately 970 South 250 West (Street Lane) (Zoning is R-1-22)

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

Council Member Dougherty asked that the minutes for the 6 April 2021 regular meeting state on page 12, at the end of the bullet points for Paul Berg, that Mr. Berg “admitted that the petition was submitted by the applicant and not the City”.

Motion: Council Member Dougherty moved to approve the consent calendar with the change to the minutes.

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

Wasatch Housing Authority Board

Council Member Payne reported on changes and staffing for the Wasatch Housing Authority Board. He indicated that the board was trying to hire an experienced consulting firm to help with the effort. He noted that Wasatch County had less money than Park City to address the issue of affordable housing.

Midway Boosters / Officers / Events

Council Member Drury reported on the new officers and upcoming events for the Midway Boosters.

Founders' Day

Mayor Johnson reported on the planned Founders' Day and the associated activities.

Ice Rink / Season / Maintenance

Council Member Drury reported that the City's ice rink had its best season ever. He also reported on maintenance for the rink.

Midway Arts Association / Plein Air

Council Member Orme reported that the Midway Arts Association still wanted to hold its plein air event.

Water / Conservation

Council Member Dougherty encourage water conservation.

Midway Business Alliance

Council Member Dougherty reported that the Midway Business Alliance had not been meeting but information was being distributed to its members.

Souvenir Shop

Mayor Johnson reported on preparations for the souvenir shop.

HL&P / New Building / Transmission Line

Council Member Dougherty reported on a new building planned by Heber Light & Power Company (HL&P). He also reported on the upgrade of one of the existing transmission lines through the area.

- 5. Tree City USA Award** (PJ Abraham – Approximately 10 minutes) – Receive an award for Midway City being a Tree City USA.

PJ Abraham, representing the Nation Arbor Day Foundation, presented a plaque, flag, and road signs indicating that Midway City was now a Tree City USA. Mayor Johnson indicated that a group photo of the Council receiving the items could be done at the Founder's Day event.

- 6. Proclamation 2021-01 / Mental Health Awareness Month** (Aimee Armer – Approximately 10 minutes) – Discuss and possibly adopt Proclamation 2021-01 designating May 2021 as Mental Health Awareness Month in Midway City.

Aimee Armer, People's Health Clinic Director, and Trudy Brereton, Wasatch Behavioral Health,

gave a presentation regarding mental health including community education and available resources. They asked that the Council designate May as Mental Health Awareness Month.

Motion: Council Member Simonsen moved to approve Proclamation 2021-01 designating May 2021 as Mental Health Awareness Month in Midway City.

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

7. Wasatch County School District / Initiatives (Wasatch County School District – Approximately 30 minutes) – Receive a presentation on initiatives by the Wasatch County School District.

Jason Watt, Wasatch County School District Director, introduced several members of the Wasatch County School Board and district staff members. He gave a presentation regarding the District and the following items:

- CAPS program
- Mission
- State rankings
- ACT score trend
- Active construction and planned phasing
- Elementary school growth, yield factors, and projections
- Future schools committee

Mr. Watt explained that the District wanted to present information and listen to its stake holders. He wanted a community led effort to address growth. He added that the District would explore avenues for funding growth.

8. Wasatch Community Arts Foundation / Presentation (Phil Jordan – approximately 45 minutes) – Receive a presentation from the Wasatch Community Arts Foundation.

Pat Sweeny and Phil Jordan, representing the Wasatch Community Arts Foundation, gave a presentation regarding the group and its proposal for an arts center. They specifically reviewed the following items:

- Project update
- Needed space
- Rendering

- Location at the UVU Heber campus
- Vision
- Studies
- Population growth
- Participation in the arts in Utah
- Participation in arts and culture
- Preferred arts and cultural activities
- Local arts groups
- Site map
- Courtyard theater
- Blackbox theater
- Rehearsal studios
- Layout
- Taylorsville Cultural Center
- Views from the facility
- Capital costs
- Timeline

They made the following comments:

- At that time, they were requesting support not money.
- Half of the funding would come from private sources and the other half would come from public sources.
- Did not want to increase taxes to finance the project.
- Was negotiating with the State for use of the property.

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

9. Rising Ranch Subdivision / Preliminary Approval (Summit Engineering – Approximately 45 minutes) – Discuss and possibly grant preliminary approval for the Rising Ranch Subdivision located at 425 Homestead Drive (Zoning is R-1-22 and TROD). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location
- Photographs
- Trails
- Proposed plan
- Unsuccessful plans
- Access
- Easements for the open space
- Potential eighth lot
- Letter from the City Engineer
- Water board recommendation
- Possible findings

- Funds for bike lane
- Proposed conditions
- Existing school bus stop

Mr. Henke also made the following comments:

- The existing home was in the transient rental overlay district (TROD).
- The project would allow for a detached trail on Swiss Alpine Road.
- There would be two accesses on Homestead Drive.
- Kohler Lane could not be used as an access because it had a limited prescriptive easement.
- There would be a 100-foot setback from Homestead Drive.
- The open space would not be common area.
- The plat map would have to be amended if the eighth lot met land use requirements in the future and would be developed.
- Homestead Drive would be widened to UDOT requirements.
- The open space would be private and could remain in agriculture.
- The water rights, required before the plat map could be recorded, included the eighth lot.
- The lots accessing Homestead Drive would have hammerhead turnarounds. This would be noted on the plat map.
- Open space should be visible to the public, but that was not feasible with the project because of the need for frontage on Homestead Drive.
- Each home could be a transient rental if that were approved by the Council.

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 City and Midway Sanitation District had lines under Kohler Lane. The City had a recorded easement for its water line.
- The width of the trail on Swiss Alpine Road would remain at eight feet. It would have a one-foot shoulder on each side. There would be five feet from the edge of the road asphalt to the edge of the trail.

Sam Caster, applicant, made the following comments:

- Would support wider trails if it increased safety.
- The proposal was like the existing area homes and would maintain an open feel.
- Some homeowners might want to have accessory dwelling units.
- Preferred that the development agreement address the eighth lot and a plat map amendment not be needed.

Public Hearing

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

Mike Horrocks

Mr. Horrocks indicated that the City never maintained Kohler Lane. He wanted the road to remain private and not be used as an access for the proposed development.

Mr. Henke made the following comments:

- Kohler Lane was shown on some maps designating city roads.
- The Public Works Department said that it had maintained a portion of the road.
- The proposal only showed the road being used for agricultural access.
- The road would have to be to city standards, even if it were private, to access the eighth lot.

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

Motion: Council Member Payne moved to grant preliminary approval for the Rising Ranch Subdivision located at 425 Homestead Drive (Zoning was R-1-22 and TROD) with the following findings and conditions:

- 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.
- A public trail would be built along Swiss Alpine Road as part of the subdivision that would benefit members of the community along with funds donated for a future bike lane along Homestead Drive.
- 0.956 acres of open space would be created as part of the development.
- The Homestead Drive half width adjacent to the development would be widened to 26 feet.
- Must provide a will serve letter from the Midway Irrigation Company before applying for final approval.
- Include a plat note that limited access to lot three from Swiss Alpine Road.
- Funds to build the five-foot bike lane along Homestead Drive adjacent to this project were added to the general trails fund and would be used when the bike lane was completed in the future as part of a larger improvement project.
- The plat map and development agreement must clearly state that parcel eight was not currently considered a building lot and what needed to occur for the parcel to become buildable. This would include at a minimum a need for additional planning approval and possibly amending the development agreement, obtaining a minimum of 115 feet of frontage along a road built to city standards, lot improvements that included a sewer connection, culinary water connection, irrigation connection, adequate access to a fire hydrant, etc.

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

10. Resolution 2021-07 / Surplus Property (City Recorder – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021-07 amending Section 7.01 of the Midway City Policies and Procedures regarding surplus property.

Brad Wilson gave a presentation on the changes to the proposed policy from the last council meeting.

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

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

- Should there be a limit to the value of property that someone could surplus over time? The treasurer could track the value. A yearly limit of \$25,000 was suggested.
- Employee’s personal property should state that it was acquired with the employee’s own funds.

Motion: Council Member Simonsen moved to approve Resolution 2021-07 regarding surplus property with the following modifications:

- C(5) should state “accumulated estimated market value less than \$25,000 per fiscal year”.
- C(6) should state “accumulated estimated market value at or greater than \$25,000 per fiscal year”.
- C(1) should state “acquired by the employee with their personal funds”.

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

11. Wards Lane / Easement for Access Road (City Attorney) – Discuss and possibly approve a request, from the developer of the Ward property located at 944 West Wards Lane, to use three feet of a city easement along Wards Lane for an access road.

Corbin Gordon made the following comments regarding the request:

- A group developing property outside of the city limits needed several things from the City.
- They needed three feet of the City's right-of-way along 275 feet of Wards Lane. They would prevent moving an existing fence.
- They needed a certified provider to test their private water system. The City could provide this service.

John Stewart, developer, made the following comments:

- His project on the Ward family property had received preliminary approval from Wasatch County.
- Wanted to maintain a rural feel.
- Needed a sliver of the City's right-of-way for a required access. This would avoid moving an existing fence.
- The Wasatch County Fire District wanted a certified entity to test and maintain the fire protection system for the project.
- It had been suggested that the individual wells for each lot be replaced by one larger well and water tank. This would expand the fire protection system to a culinary water system.
- Asked that the City test and maintain this expanded system. In exchange the City could pay for the well to be upsized to meets its future needs. This would help all the residents in the area by increasing water pressure. Would also stub the water lines to the north for a possible connection to the Indian Springs water tank.
- An agreement could be signed detailing the arrangement.
- Would maintain the private portion of Wards Lane.

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

- The City owned the additional property for the future widening of Wards Lane. The Cascades at Soldier Hollow HOA did not need to consent to its use.
- The agreement should not affect the easement for the transmission line along the road.

Motion: Council Member Dougherty moved that the City grant the request for a road widening easement as a nonexclusive easement subject to the following conditions:

- The City Attorney would prepare the necessary easement documents at the requester's expense.
- The requester would provide an out-of-pocket deposit to cover this expense.

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. Ward Property / Water Quality Testing (City Attorney) – Discuss and possibly approve a request, from the developer of the Ward property located at 944 West Wards Lane, for Midway City as a certified entity to test the water quality in the private water system for the project.

Wes Johnson reviewed the Indian Spring and tank and made the following comments:

- The water from Indian Spring was not usable.
- The City needed an additional 800 gallons per minutes of water for buildout.
- It had sufficient water rights until 2035.
- Upsizing the well in the proposed project would provide sufficient capacity for buildout.
- Was the Council interested in upsizing the well from 80 to 880 gallons per minutes?
- The City should also oversee the design and inspection of the system if the Council agreed to the request.
- The cost would be minimal to oversee the fire protection system because it would not include testing the water.
- The development would pay for any repairs that the City would have to make.

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

- Other entities like the Jordanelle Special Service District did testing and management for fire protection systems.
- Upsizing the well would increase fire flow and water resources for the City.
- The water right from Indian Spring could be transferred to the new well.
- The City would not need to annex the property.

Motion: Council Member Dougherty moved that the City Attorney draft an agreement for the fire protection system with the following conditions:

- The City would review the plans, inspect the construction, and sign off on the system.
- The City would operate the system and certify that to Wasatch County.

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

Council Member Dougherty directed the Mayor and staff to explore entering into an agreement with the developer where generally the City would own and operate the culinary water system in exchange for an increase in the water production and storage capacity, with an interconnect

with the Indian Spring, eliminate the multiple wells in the project, and a contribution to the City's favorite project.

Council Member Drury was not interested in water rights that someone else owned. He wanted any exploration to clarify who owned the system, well, tank, and water rights.

Council Member Dougherty further directed that the agreement would clarify who owned the system, well, tank, and water rights.

Michael Henke asked if the lots could be further subdivided. Mr. Stewart responded that they would be deed restricted against further subdividing.

Council Member Payne asked the timing for the project. Mr. Stewart responded that final approval would be granted in the following two months, site work could then begin, and building permits sought the following spring.

Wes Johnson stressed that the well needed to be tested as soon as possible in the development process.

Council Member Dougherty emphasized that the arrangement was for just this project and did not set precedence for other projects surrounding the City.

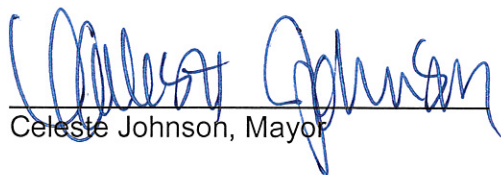
13. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

A close meeting was not held.

14. Adjournment

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

The meeting was adjourned at 8:35 p.m.


Celeste Johnson, Mayor


Brad Wilson, Recorder