

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

**Tuesday, 1 June 2021, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

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

1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:05 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:

Tex Couch, Building Official
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 Payne gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 1 June 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 18 May 2021 City Council Work Meeting
- d. Minutes of the 18 May 2021 City Council Regular Meeting
- e. Resolution 2021-18 adopting a certified property tax rate for Midway City.

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

Brad Wilson explained that Resolution 2021-18 could not be adopted because the Utah State Tax Commission had not yet determined the certified tax rate for the City.

Motion: Council Member Drury moved to approve items 2a through 2d but not item 2e.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public for items not on the agenda.

Main Street / Parking

Jonathan Clegg made the following comments regarding parking on Main Street:

- Represented the Marsing family which was most impacted by the lack of parking on Main Street.
- Parking was especially a challenge when businesses held events.
- Met with Council Member Simonsen regarding the issue and discussed solutions.
- Requested that the City Council support Council Member Simonsen in implementing those solutions.
- Liked that the City had started a fund to create more parking, but the current amount in the fund was not sufficient.
- The location of public parking and no parking areas should be signed.
- Parking regulations should be better enforced.
- The farmers' market could be moved to the north side of the Town Square.

Mayor Johnson indicated that she and Council Member Simonsen reviewed possible solutions. She added that information would be provided when available.

No further comments were offered.

4. Department Reports

Cemetery / Memorial Day

Council Member Orme reported that the City's cemetery looked good for Memorial Day.

Buildings / Locations of Organizations

Council Member Orme reported that the locations of different organizations, in the City's buildings, was still being determined.

River Road / Reconstruction

Council Member Simonsen reported on the reconstruction work that would be done on River Road. Wes Johnson noted that there would be a public meeting to discuss the project.

Parks, Trails, and Trees Committee / Alpenhof Park / Trails Event / Parks Maintenance / Equestrian Uses

Council Member Simonsen reported that the Parks, Trails, and Trees Committee was discussing options and feedback for the Alpenhof Park. He indicated that a trails event would be held in September. He added that the Committee also was working on maintenance of the parks and equestrian uses.

Main Street and River Road Intersection / UDOT

Council Member Simonsen reported that he had a useful meeting with UDOT regarding the intersection of Main Street and River Road.

Founders' Day

Mayor Johnson reported on the activities to be held for Founders' Day.

HVRR / Privatization

Mayor Johnson reported that some state legislators were considering privatizing or partially privatizing the Heber Valley Railroad (HVRR).

MSD / Manhole Inspections

Mayor Johnson reported that the Midway Sanitation District (MSD) had contracted with a private company for the inspection of its manholes.

COVID-19 Pandemic / Update

Mayor Johnson reported that the number of COVID-19 infections was subsiding in Wasatch County.

5. Resolution 2021-12 / Fee Schedule (Building Safety Official – Approximately 10 minutes) –

Discuss and possibly approve Resolution 2021-12 updating the fee schedule for Midway City regarding building safety fees.

Tex Couch gave a presentation regarding the proposed resolution and made the following comments:

- Was not adjusting how fees were calculated but was changing how structures were valued.
- The values were last changed in 2015.
- The values would now be changed every six months based on International Code Council data for commercial and Wasatch County data for residential.
- The cost per square foot would increase based on the size of the structure.
- Adjusted some fees to avoid confusion.
- Eliminated fees for some permits.
- The amount of the completion deposit would be increased.

Motion: Council Member Payne moved to approve Resolution 2021-12 updating the fee schedule as presented.

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

6. Resolution 2021-14 / FY 2021 Budget Amendment (Financial Officer – Approximately 20 minutes) – Discuss and possibly approve Resolution 2021-14 amending the fiscal year 2021 budget for Midway City. **Public Hearing**

Nancy Simons gave a presentation regarding the proposed budget amendment and specifically reviewed the following items:

- Public works wages
- General fund revenue
- General fund expenditures
- Professional services
- CIP Fund
- Water Fund
- Ice Sheet Fund

Ms. Simons also made the following comments:

- The amendment met state requirements.
- It had been posted on the City's website.
- Changes were highlighted.
- Wanted to start doing quarterly amendments and working more closely with the Council.
- Would meet this week with Council Member Drury to close out the season for the ice rink.

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

Public Hearing

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

Jonathan Clegg

Mr. Clegg asked that the Council use some of the excess revenue for additional parking. Council Member Simonsen responded that would be considered the following fiscal year.

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

Motion: Council Member Drury moved to approve Resolution 2021-14 amending the FY 2021 budget.

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. Resolution 2021-15 / FY 2022 Budget** (Financial Officer – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021-15 adopting the fiscal year 2022 budget for Midway City.

Mayor Johnson indicated that a public hearing had already been held on the proposed budget. Nancy Simons added that no changes had been made since the hearing.

Wes Johnson explained that \$30,000 in improvements to 250 West, from 500 South to 970 South, would need to be added to the budget. Council Member Dougherty suggested that be

part of a future amendment.

Motion: Council Member Dougherty moved to approve Resolution 2021-15 adopting the fiscal year 2022 budget as presented.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 6:52 p.m. She reconvened the meeting at 6:58 p.m.

8. High Valley Arts / Temporary Use Permit (City Planner – Approximately 10 minutes)

Discuss and possibly grant a temporary use permit, and waive the application fee, for High Valley Arts to exceed the allowed sound levels for a musical production at 200 South and 400 East from mid-June to mid-July 2021.

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

- Introduction
- Noise limits
- Map of measured sound levels

Mr. Henke also made the following comments:

- It was the tenth year in a row that the organization had requested a temporary use permit.
- Never received a formal complaint regarding the performances.
- Previously received a letter of support from some neighbors. They preferred an outdoor theater rather than a subdivision on the property.
- The applicant requested a waiver of the submission fee.

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

Stuart Waldrip, representing High Valley Arts, made the following comments:

- Asked that the performances be allowed to go a little bit beyond 10 p.m. because of the sun and contractual issues.

- Received one complaint about the noise several years ago.
- 60,000 attendees increased sales for local businesses and tax revenue for the City.
- A good cultural experience was provided.
- The request was a good investment for the City.
- The organization was a charity and scratched for every dollar that it could get.
- Another organization had sent out flyers promoting a theater which High Valley Arts would use.

Motion: Council Member Drury moved to approve the temporary use permit, and not waive the application fee, for High Valley Arts to exceed the allowed sound levels for a musical production at 200 South and 400 East from mid-June to mid-July 2021 until 10:30 p.m.

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. Health Department / Report (Approximately 20 minutes) – Receive a report from the Wasatch County Health Department.

Sara Simonsen (Wasatch County Board of Health), Jonell Fitzgerald (Wasatch County Health Director), Tracy Richardson (Wasatch County Health Department), and Dave Epstein gave a presentation regarding a recent wastewater study and made the following comments:

- This was a follow-up study to one done in 1994.
- It was a high-level overview with a phased approach.
- The area water quality was good with average or some elevated levels of contaminants.
- Nitrate levels were measured in wells.
- The area water quality was drinkable.
- The study was apolitical and nonpartisan.
- There were no alarming increases in nitrates.
- The number of septic systems needed to be monitored.

10. Resolution 2021-11 / Hot Springs Annexation Agreement (City Attorney – Approximately 15 minutes) – Discuss and possibly approve Resolution 2021-11 adopting an agreement for the Hot Springs Annexation located at 1477 North Pine Canyon Road.

11. Resolution 2021-11 / Hot Springs Annexation Agreement (City Attorney – Approximately 15 minutes) – Discuss and possibly approve Resolution 2021-11 adopting an agreement for the Hot Springs Annexation located at 1477 North Pine Canyon Road.

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

- Sensitive lands
- Concept plan
- Items for consideration

Mr. Henke also made the following comments:

- There was a required 25-foot buffer around the ponds because of the wetlands.
- The annexation was discussed in a work meeting that evening.
- The annexation agreement required that any changes to the project be approved by the City Council.

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.

Doug Dance

Mr. Dance noted that there was a berm in the trail easement along Pine Canyon Road. Mr. Henke responded that the trail easement along Pine Canyon Road had been expanded so that the berm would not have to be moved. Mr. Dance indicated that the berm had been made larger and asked that be controlled.

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

Paul Berg, Berg Engineering Resource Group and representing the petitioners, indicated that the petitioners did not want to continue the annexation and made the following comments:

- The project started as a simple request for water service.
- The proposed annexation agreement included too many conditions. It also included deadlines for certain things to be done.
- The applicants did not want to develop the property, but a concept plan was required with annexation.
- Now wanted a will serve letter for one culinary connection. This had been granted to other property owners outside of the City.

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

- A will serve letter was more appropriate because the concept plan, etc. were speculation.
- Any future resort uses on the property would benefit the City.
- The letter should obligate the applicant to support a future annexation.

- The petitioners should abide by the Municipal Code instead of the City specifying what they could and could not do.
- A will serve letter would not benefit the City trying to maintain the resort communities tax.
- The City should not provide culinary water to properties outside of the City unless there was a significant benefit in exchange.
- Annexation was an opportunity for the City to know what would be done on a property.
- Will serve letters did not benefit the City and set precedence.
- Requiring annexation to get culinary water also required a concept plan for a property.
- The City should not require items that made a person develop their property.
- Long-term development on the property should be considered.
- There was not sufficient pressure in the culinary water line next to the property.
- The will serve letter could require annexation if there was additional development on the property.
- A will serve letter was a contract and not a land use planning document. It was inconsistent with the City's policies.
- The City should know what an applicant wanted to do with their property.

Motion: Council Member Dougherty moved that the item, along with the associated annexation agreement, be tabled and the issue be discussed outside of the meeting.

Second: Council Member Payne seconded the motion.

Discussion: Mr. Berg asked who would represent the City in the discussions. Council Member Dougherty responded that staff and no more than two council members would participate.

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. South Farm Subdivision / Preliminary and Final Approval (Summit Engineering – Approximately 45 minutes) – Discuss and possibly grant preliminary and final approval for the South Farm Rural Preservation Subdivision located at 344 West 500 South (Zoning is RA-1-43). 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 of the property
- Aerial map
- Plat map
- Building envelope

- Letter from the City Engineer
- Water board recommendation
- Planning commission recommendation
- Possible findings
- Proposed conditions.

Mr. Henke also made the following comments:

- The name of the project would be changed to Nelson Family Farm.
- The lot would be six acres to qualify for green belt.
- It would have a septic system.
- It was broken off from the parcel that would be the JOMAR Subdivision.
- There would be a fire hydrant within 500 feet.
- There would be a driveway easement to the parcel to the north.
- There would be an access easement.
- There would be a separate easement document, but it should be referenced in the CC&Rs.

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

George Hansen, applicant, made the following comments:

- The easement to the north parcel would be 56 feet.
- Liked the wildlife habitat in the area.
- The north parcel would only be developed when the owner's children wanted to build on it.
- Access from 250 West connected to a parcel further north.
- The access to the north was already recorded.

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.

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

- There should be a shared access agreement that was not referenced in the CC&Rs.
- One of the advantages of a rural preservation subdivision was that a septic tank was allowed. A property owner could not be forced to connect to the sewer system if they met the requirements for a septic tank and their property was not within 300 feet of a sewer line.
- The location of the fire hydrant was not needed before the plat map was recorded.

Motion: Council Member Simonsen moved to grant preliminary and final approval for the South Farm Subdivision, now known as the Nelson Family Farm, with the following findings and

conditions:

- The proposed lot met the minimum requirements for the R-1-43 zoning district.
- The proposal met the intent of the General Plan for the R-1-43 zoning district.
- The proposal complied with the requirements for the Rural Preservation Subdivision code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The lot would be deed restricted so that it would never be further subdivided.
- The developer would record CC&Rs addressing the maintenance of the shared driveway.
- The duration of Preliminary/Final Approval would be for one year from the date of approval of the development by the City Council. If the Final Plat were not recorded with the County Recorder within the one-year period, the development's approval would be voided, and both Preliminary and Final Approvals would have to be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extended the time limit for plat recording, with or without conditions. Such conditions might include, but were not limited to, provisions requiring that:
 - Construction must be conducted per any new City standards in effect at the time the plat was ultimately recorded;
 - The property would be maintained in a clean, dust-free, and weed-free condition always;
 - Each extension would be for a one-year period only, after which time an annual review would be requested by the applicant and presented before the City Council; and/or
 - No more than three one-year extensions would be allowed. The granting or denying of any extension, with or without conditions, was within the sole discretion of the City Council, and an applicant had no right to receive such an extension.
- The deed restriction that would be recorded towards the lot would be submitted to the City for review and recorded immediately after the plat was recorded.
- A note on the plat map was included with language that clearly stated that subdividing the lot was prohibited.
- 17.55-acre feet of water was tendered to the City before the plat map was recorded.
- A fire hydrant would be located within 500 feet of the future dwelling, measured by the route of a fire hose from the fire hydrant to the future home site.
- Before the plat map was recorded, the applicant would provide to Midway City proof that an access easement was granted, to the Bonners for use of the proposed driveway, and recorded.
- The remnant parcel in the JOMAR Subdivision was recorded simultaneously to avoid creating an illegal remnant parcel.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye

Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

13. Resolution 2021-08 / South Farm Subdivision Development Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021 adopting a development agreement for the South Farm Rural Preservation Subdivision located at 344 West 500 South (Zoning is RA-1-43).

Corbin Gordon indicated that he would make the following changes to the agreement:

- The easement would be recorded prior to the plat map.
- A septic tank would be allowed on the property.
- The plat map would be recorded jointly with the plat map for the JOMAR Subdivision.
- Nothing additional was needed for the dedication of 500 South.

Motion: Council Member Orme moved to approve the development agreement for the Nelson Family Farm Rural Preservation Subdivision with changes as explained by the City Attorney.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:35 p.m. She reconvened the meeting at 8:46 p.m.

14. Jomar Subdivision / Preliminary and Final Approval (Berg Engineering – Approximately 45 minutes) – Discuss and possibly grant preliminary and final approval for the Jomar Subdivision located at 320 West 500 South (Zoning is RA-1-43). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the project
- Pictures
- Area view with other parcels
- Plat map

- Letter from the City Engineer
- Items for discussion
- Utility plan
- Water board recommendation
- Planning commission recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The sewer would have to be pumped to 250 West. The owner would be responsible for this sewer lateral.
- There would be a bike lane on 500 South. The property owner would provide the money for that portion of the lane to be built.
- There would be a note on the plat map regarding the sewer.
- The existing structures on the property met the required setbacks.
- The plat map needed to be recorded with the plat map for the Nelson Family Farm.

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

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

- There were no specific plans for a sewer line along 500 South.
- The City would grant an easement to the property owner to maintain the sewer lateral.

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 Simonsen moved to grant preliminary and final approval for the JOMAR Subdivision with the following findings and conditions:

- The proposed lots met the minimum requirements for the RA-1-43 zoning district.
- The proposal met the intent of the General Plan for the RA-1-43 zoning district.
- The subdivision would contribute to the master trails plan by adding funds to the general trails fund that would be used to help accomplish the master trails plan.
- The applicant would be required to install or bond for all unfinished improvements previous to the plat being recorded.
- The duration of Preliminary/Final Approval would be for one year from the date of approval of the development by the City Council. If the Final Plat were not recorded with the County Recorder within the one-year period of time, the development's approval would be voided, and both Preliminary and Final Approvals would need to be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extended the time limit for plat recording, with or without conditions. No more than three one-year extensions would be allowed. The granting or denying of any extension, with or without conditions, was within the sole

discretion of the City Council, and an applicant had no right to receive such an extension.

- Prior to the recording of the plat, the applicant would add \$4,550 to the general trails fund so that the bike lane could be completed in the future as part of a larger improvement project that would complete the bike lanes along the entirety of 500 South where bike lanes were planned.
- The applicant had to record a document notifying future property owners that when a traditional gravity flow sewer main was within 300 feet of the parcel boundary, they would be required to connect and abandon the pressurized sewer lateral. This requirement would also be noted on the plat.

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

15. Resolution 2021-16 / JOMAR Subdivision Development Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2021-16 adopting a development agreement for the JOMAR Subdivision located at 320 West 500 South (Zoning is RA-1-43).

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

- The City Engineer agreed to a geotechnical study not being required.
- The agreement needed to say 250 West instead of Street Lane.
- It also needed to say that 500 South had a 56-foot right-of-way.
- It should also refer to a lower pressure sewer system instead of a septic system.
- The structures were a conforming use because they housed animals and met the required setbacks. This should be stated in the agreement.

Motion: Council Member Drury moved to approve Resolution 2021-16 adopting a development agreement for the JOMAR Subdivision with the changes as discussed.

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

16. Burgi Hill Subdivision / Preliminary and Final Approval (Berg Engineering – Approximately 30 minutes) – Discuss and possibly grand preliminary and final approval for the Burgi Hill Subdivision located at 1218 Interlaken Road (Zoning is RA-1-43). Recommended without 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
- Proposed plat map
- Access
- Letter from the City Engineer
- Contour map
- Pictures
- Planning commission recommendation
- Possible findings

Mr. Henke also made the following comments:

- A previous approval granted in 2014 had lapsed.
- There was a buried Midway Irrigation Company line on the property.
- There was not a setback from the easement for the buried line so the City could not dictate a building envelope.
- The slope was not above 25%.
- Easements had been obtained for access and utilities.
- Did not have any proposed conditions.
- Water rights had already been provided.

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 Midway Irrigation Company would issue a will serve letter which covered any issues with the easement.
- Did not know if pressurized irrigation could be provided to the property.

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

- Nothing should be built on the irrigation line.

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 Payne moved to grant both preliminary and final approval for the Burgi Hill Subdivision located at 1218 Interlaken Road, zoning was RA-143, with no conditions and the following findings:

- The proposed lot met the minimum requirements for the RA-1-43 zoning district.
- The proposal met the intent of the General Plan for the RA-1-43 zoning district.
- The applicant would be required to install or bond for all unfinished improvements previous to the plat being recorded.
- The duration of Preliminary/Final Approval would be for one year from the date of approval of the development by the City Council. If the Final Plat were not recorded with the County Recorder within the one-year period of time, the development’s approval would be voided, and both Preliminary and Final Approvals would have to be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extended the time limit for plat recording, with or without conditions. No more than three one-year extensions would be allowed. The granting or denying of any extension, with or without conditions, was within the sole discretion of the City Council, and an applicant had no right to receive such an extension.

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

17. Resolution 2021-17 / Burgi Hill Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-17 adopting a development agreement for the Burgi Hill Subdivision located at 1218 Interlaken Road (Zoning is RA-1-43).

Corbin Gordon indicated that he would change the name of the developer and remove the requirement for a geotechnical study.

Motion: Council Member Drury moved to approve Resolution 2021-17 adopting a development agreement for the Burgi Hill Subdivision with the following conditions:

- The name of the developer be clarified.

- The requirement for a geotechnical study be struck.

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

18. Dance Property / Connect to Culinary Water System (Doug Dance – Approximately 15 minutes) – Discuss and possibly approve an agreement allowing the Dance property located at 1199 South 900 West, which is outside of the city limits, to be connected to Midway City’s culinary water system.

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

- Land use summary
- Location of the property
- Zoning map
- Vicinity map
- Discussion items
- Proposed conditions

Mr. Henke also made the following comments:

- The applicant had submitted a request for a culinary water will serve letter.
- He wanted one water connection and the ability to subdivide in the future. Four might be the maximum number of connections.
- Would need the County’s approval to subdivide the property.
- The developer would pay for all the infrastructure.
- The culinary water would be provided at one and a half times the regular price.
- The required water rights would have to be turned over to the City.
- The current approval for the Highlands at Soldier Hollow was based on wells because the City had not agreed to administer a culinary water system.

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

Doug Dance, applicant, made the following comments:

- The Highlands at Soldier Hollow should receive final approval on June 10th and start construction in July. Did not want to develop independent of the project.
- There were easements through The Cascades at Soldier Hollow for a culinary water line to his property. The water meter would be on the east or west side of his property next to

- The Cascades at Soldier Hollow.
- Did not want to wait for annexation.

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

- The letter could be conditioned on participating in any future annexation.
- Any connections beyond one should be conditioned upon the City taking over the entire water system in the Highlands at Soldier Hollow.
- The City should not vary from its policy, regarding culinary water access for properties not in Midway, unless it had a benefit like the Highlands at Soldier Hollow.
- The City could not vest land use rights.
- The City could terminate water access as part of the agreement.
- The City Engineer would meet with the developers of the Highlands at Soldier Hollow the following day to discuss management of their water system.
- The meter should be as close to the main culinary water line as possible.
- The will serve letter needed to clarify how the three additional lots would be developed in the future.
- Future annexation could be a condition if the access problems were resolved.
- The City's policies did not require annexation when feasible.

Motion: Council Member Simonsen moved that the City grant a will serve letter allowing the Dance property to be connected to Midway City's culinary water system with the following changes:

- Staff address the sections in the agreement on termination, vested rights, and city ordinances to insure they were appropriate.
- A subsection be added specifying that the property owner agreed to subdivide the property into one lot or up to no more than four lots.
- The property owner agreed to annex the property when that was possible.
- The culinary water lateral would not be too long.
- The three additional connections were contingent upon the Highlands at Soldier Hollow installing a culinary water system that was managed by the City.

Discussion: Council Member Simonsen felt that the access issues would eventually be resolved.

Council Member Dougherty questioned if the Council would give the same concessions to other property owners that wanted water but could not annex. Council Member Drury responded that the Council already did the same for other owners. Council Member Dougherty recommended that the City revise its policy to match precedence.

Second: Council Member Payne seconded the motion.

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

19. Heber Valley Special Service District / Sewer Treatment Facility (Mayor Johnson – Approximately 20 minutes) – Receive an update on the sewer treatment facility operated by the Heber Valley Special Service District.

Mayor Johnson read the following response to questions regarding the Heber Valley Special Service District (HVSSD) and its sewer treatment facility:

There was a discussion at our last city council meeting, on May 18th of this year, about the Heber Valley Special Service District's future plans with regard to property located to the south of the facility. As mayor of Midway City, I also serve on the HVSSD Board and am its chair due to a rotating assignment between the mayors on the Board. This same property is currently subject to a petition to be annexed into Midway City and developed as residences and a resort. HVSSD has the need to expand its farming capability which creates clear conflict between competing uses. The board of HVSSD has the need for additional farmland whereupon it can use effluent from the existing sewer ponds. This involves irrigating the land in a manner identical to the fields owned by HVSSD along Hwy 189 coming into Heber. There are plans to build one additional pond on property already owned by HVSSD and to obtain the farmland to the south and keep it in its current condition as irrigated acreage. HVSSD has hopes of purchasing the property from the current landowner but given the importance of the piece to the future of the facility felt compelled to commence a condemnation proceeding to protect its interests if an agreement cannot be reached. The developers appeared May 18th at our city council meeting and made argument that a better use of the land would be to develop the land into residences and a resort, which will add tax base to Midway City, and that the expansion of the sewer ponds will only increase the smell and negative visual impact of the current facility. They argue it would be better to install a mechanical plant that would not involve the need to condemn the area and would avoid future problems with smell. Information was presented in the public comment period as fact which was far from it. To avoid further confusion, a meeting has been set up with the group proposing to develop the land south of the sewer farm who are the primary objectors in the May 18th meeting. To clarify the facts, so that the community is not abused on social media or religious websites with inaccurate information. To further aid in the discussion, HVSSD is preparing a webpage to put forth accurate information regarding its future plans and what the property to the south may be used for, which will include potential costs to expand the current use as well as the cost to possibly put in a mechanical plant. Understand that final decisions regarding the annexation into Midway City and whether HVSSD will need to condemn land to the south of its facility are yet to be made. As such, it behooves us to get educated so that the very best decision can be made for Midway City and its citizens.

Mayor Johnson added that HVSSD wanted to condemn all the property proposed for development in the annexation.

Council Member Drury stated that HVSSD needed to provide more information to the public.

Corbin Gordon explained that several effected entities protested the annexation. He reviewed the protest process.

Mayor Johnson reported that she asked Council Member Dougherty to be on the boundary commission that would consider the protests.

Motion: Council Member Dougherty moved to continue the meeting past 10:00 p.m. and consider the next item on the agenda.

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

20. CDRA Meeting – A meeting of the Community Development and Renewal Agency of Midway City.

Motion: Council Member Drury moved to convene as the governing board of the Community Development and Renewal Agency of Midway City.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

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

Note: Minutes of the Agency are maintained separately.

Motion: Board Member Orme moved to adjourn the board meeting of the Community Development and Renewal Agency and to continue the city council meeting.

Second: Board Member Simonsen seconded the motion.

Discussion: None

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

Board Member Dougherty	Aye
Board Member Drury	Nay

Board Member Orme	Aye
Board Member Payne	Aye
Board Member Simonsen	Aye

21. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Payne moved to go into a closed meeting.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

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

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

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

Second: Council Member Payne seconded the motion.

Discussion: None


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

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

22. Adjournment

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

The meeting was adjourned at 10:58 p.m.


Celeste Johnson, Mayor


Brad Wilson, Recorder