

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

**Tuesday, 6 July 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 6:04 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member (Participated electronically and intermittently as connectivity was available)
Kevin Payne, Council Member
JC Simonsen, Council Member

Staff Present:

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

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

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

2. Consent Calendar

- a. Agenda for the 6 July 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 1 June 2021 City Council Work Meeting
- d. Minutes of the 1 June 2021 City Council Regular Meeting
- e. Minutes of the 1 June 2021 City Council Closed Meeting
- f. Minutes of the 23 June 2021 City Council Meeting

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

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

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	Absent
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

Parking

Council Member Simonsen reported that parking was a concern in certain areas of the City. He noted that the Municipal Code was being reviewed to address the issue. He added that how best to involve law enforcement was also being reviewed.

Homestead Resort / Trails

Council Member Simonsen made the following comments regarding the public no longer being able to use the trails at the Homestead Resort:

- The trails had always been on private property.
- The City worked hard but was unsuccessful in keeping them open to the public.
- The trails and the golf course were not compatible.
- The resort owners agreed to give the City funds to help build other trails.

Trails / Volunteer Maintenance

Council Member Simonson asked all volunteer groups to receive approval before doing any repairs or maintenance on public trails.

River Road / Construction

Wes Johnson gave an update on the reconstruction of River Road. He indicated that Main Street had to be excavated for new utilities and would be closed until the following week. He added that conduits would be installed for a traffic light and for the Heber Light & Power Company.

UDOT / Regional Meeting

Council Member Simonsen reported on a regional meeting with UDOT. UDOT was asked to help the area stay ahead of its rapid growth.

Assistance

Mayor Johnson thanked the Council and staff for their assistance while she helped her daughter with newborn triplets.

HVRR / State Senate Finance Chair

Mayor Johnson reported that the chair of the Utah State Senate Finance Committee toured the Heber Valley Railroad (HVRR). She noted that the Railroad was historic, rare, and the largest tourist attraction in Wasatch County.

HVSSD / Lower River Annexation

Mayor Johnson reported that parameters had been put in place to put the Lower River Annexation and the associated condemnation proceedings, by the Heber Valley Special Service District (HVSSD), on hold.

MSD / Planning

Mayor Johnson commended the Midway Sanitation District (MSD) for project planning. She noted that developers were paying for some of the projects.

- 5. Cascades at Soldier Hollow, Phase 2 / Plat Amendment** (Summit Engineering – Approximately 15 minutes) – Discuss and possibly approve a plat map amendment for Phase 2 of the Cascades at Soldier Hollow located at 970 South and Boulder Point Road (500 West). **Public Hearing**

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

- Land use summary
- Location of the project
- Recorded plat map
- Proposed plat map

- Findings

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

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Council Member Dougherty suggested that some developments be approved solely by the Planning Commission. Mr. Henke responded that could be done with an amendment to the Municipal Code.

Motion: Council Member Payne moved to approve the proposed plat amendment for Phase Two of the Cascades at Soldier Hollow, located at 970 South Boulder Point Road, with no conditions and the following findings:

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

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

6. The Farm at Wilson Lane / Preliminary Approval (Berg Engineering – Approximately 30 minutes) – Discuss and possibly grant preliminary approval to The Farm at Wilson Lane Subdivision located at 1500 North Canyon View Road (Zoning is RA-1-43). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location
- Photographs

- Proposed plat map
- Open space
- Storm drain system
- Public walkways
- Utilities plan
- Letter from the City Engineer
- Water board recommendation
- Possible findings
- Proposed conditions
- Setbacks

Mr. Henke also made the following comments:

- The project was surrounded by recorded developments.
- The open space in lot four could be fenced but not built upon.

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 project had a traditional road cross-section because of the hillside.
- The landowners were not in a hurry to develop but it was difficult to farm ten acres surrounded by developments.
- The pressurized irrigation lines were in Valais and Canyon View Road.

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

- Should the retention pond go across lots six, seven, and eight because six was the low spot in the project? Extending the pond would also create a buffer with the neighbors. The pond could not be fenced and should not be too narrow for maintenance equipment. The City would have to deal with three lot owners instead of one.
- Should the open space be spread out along several lots to provide a buffer with the neighbors? That could be requested but was not required by the Municipal Code. The Code required that the open space be on a two-acre lot. The other lots did not meet this requirement. The proposed location of the open space helped Valais and The Reserve. The geometry of the project prevented the open space from being along Canyon View Road. Spreading out the open space would require an HOA.
- Could a berm be required as a buffer and to prevent flooding? A berm was not required by the Municipal Code.
- The setback requirements did not make sense.
- The proposed development had reduced density.
- It was difficult to address every concern raised.

Public Hearing

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

Woody Woodruff

Mr. Woodruff made the following comments:

- The open space should be thought through.
- Spreading it out would benefit more people and create spaciousness.
- Building envelopes could be put on more of the lots.

Devon Hale

Mr. Hale said that the retention pond would not look good and did not want it next to his house. Wes Johnson responded that it usually would not contain water and would be landscaped and mowed.

Lori Nichols

Ms. Nichols indicated that her home was next to the low spot in the proposed development. She wanted the storm water to drain properly. Mr. Berg responded that the road would drain the water to the retention pond.

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

Paul Berg made the following additional comments:

- The Municipal Code would have to be changed to spread out the open space.
- The best place for the open space would be the southern and eastern boundaries if there was not a two-acre lot requirement.
- Would have to talk to the applicants if the Council requested a longer rear setback.

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

- No open space would be required if the project were just slightly smaller.
- The Municipal Code could not be tailored to each development.
- The Council should be careful when amending the Code.
- Code changes could make some people happy but others unhappy.
- Land did not have to be accessible to the public to qualify as open space.
- The applicants would have to agree to a delay to have a code change apply to the project. The City could not force them to do that.
- Open space requirements did not benefit everyone equally. They benefited all the community in a broad sense.
- The proposal was already vested.
- The neighbors' issue was with setbacks and not open space.
- Other communities did not have fixed rear setbacks for residential development.
- The Municipal Code should not get in the way of applicants, neighbors, and the community.

Motion: Council Member Drury moved to grant preliminary approval for The Farm at Wilson Lane, located at 1500 North Canyon View Road (Zoning was RA-1-43), with the following findings and conditions:

- The proposal met the intent of the General Plan for the RA-1-43 zone.
- The proposal complied with the land use requirements of the RA-1-43 zone.
- 1.54 acres of open space had to be created as part of the development, which would be noted on the plat and restricted from future building or development.
- The applicant would dedicate the remaining portion of the right-of-way needed for Canyon View Drive.
- Any failure to submit a proposed final plan and final approval submittal package within one year of the approval of the Preliminary Plan by the City Council would terminate all proceedings and render the Preliminary Plan null and void.
- A will serve letter must be provided from the Midway Irrigation Company before applying for final approval.

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. Mountain Spa Subdivision / Amended Final Approval (Chuck Heath – Approximately 50 minutes) – discuss and possibly amend the final approval for the Mountain Spa Rural Preservation Subdivision located at 800 North and 200 East. **Public Comment**

8. Resolution 2021-20 / Amended Mountain Spa Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-20 approving an amended development agreement for the Mountain Spa Rural Preservation Subdivision located at 800 North and 200 East.

9. Ordinance 2021-15 / Revise Zone Map Amendment (Chuck Heath – Approximately 5 minutes) – Discuss and possibly adopt Ordinance 2021-15 revising an amendment to the Midway City Land Use Map as it relates to the Mountain Spa Resort property located at 800 North and 200 East.

10. Mountain Spa Property / Revised Letter of Commitment (City Attorney – Approximately 5 minutes) – Discuss and possibly revise a letter committing \$1.5 million for the reduction of density on the Mountain Spa Property on the west side of River Road and south side of

Burgi Lane.

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

- Proposed amendments
- Land use summary
- Location of the Mountain Spa
- Approved plat map
- Proposed plat map
- Water requirement approved by the City Council
- Changed water requirements
- Possible findings
- Approved conditions
- Trails
- Proposed rezone amendment
- Current zoning map
- Approved rezone
- New rezone
- Possible findings
- Proposed conditions
- Conservation easement
- Letter of commitment amendment
- Proposed amendments
- Possible findings

Mr. Henke also made the following comments:

- All the items would be considered together.
- There was an existing conditionally approved zone map amendment.
- The requests were to amend the approvals for the subdivision and the zone map amendment.
- The letter of commitment and the development agreement would also have to be amended.
- The applicant was working with Lacy Lane to combine trails. The combined trail would be on Lacy Lane's property.
- The property from the eliminated lot would go back into the resort and resort zone.
- An easement would be shown on the plat map for lots three, four, and utilities.
- Lot two would have a driveway easement to River Road and was next to Mountain Spa Lane.
- The increased value of the lots would cover costs.
- Wasatch County's participation was not addressed in the letter of commitment.
- The applicants were asking for less open space funds from the County.

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

Corbin Gordon made the following comments regarding the amended development agreement:

- The lots had been renumbered.

- Sewer requirements, acreage, and water rights had been updated.
- Other legal changes had been made.
- The transfer of responsibility to an HOA was standard.

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

- There was concern that the large sections of unirrigated land would eventually be irrigated, which would exceed the amount of water rights provided.
- The memorandum of understanding did not change.

Public Hearing

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

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

- The subdivision was a good project.
- Less money would be required to preserve the open space.
- One lot and a driveway were being changed.
- The State Engineer would soon approve the water rights.

Cheryl Fox, Summit Land Conservancy Executive Director, reiterated that less money would be needed for the open space and the density of the project would be reduced. She thanked the City for its help.

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

Motion: Council Member Dougherty moved to approve the proposed amendment to the prior approval of the rural preservation subdivision as presented and adopted the following findings and conditions:

- The proposed lots met the minimum requirements for the R-1-22 zoning district.
- The proposal met the intent of the General Plan for the R-1-22 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.
- All four lots would be deed restricted so that they could never be further subdivided.
- The subdivision would help complete the master trail plan dedicating a public trail easement and contributing funds to build future trails.
- All other requirements and conditions from the current approval would not change.
- Deed restrictions that would be recorded towards all four lots had to be submitted to the City for review.
- A note on the plat map was included with language that eliminated the ability to subdivide any of the four lots.
- 67.04-acre feet of water would be tendered to the City before the plat map was

recorded.

- A 20-foot public trail easement was provided along River Road and the funds to build the trail were contributed to the City's general trails fund. The trail would be built by the City in the public trail easement at a future date.
- The developer would build the east-west trail either in Lacy Lane on a public trail easement or on a public trail easement on lot two.

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	Absent
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Drury moved to approve Resolution 2021-20 with the items mentioned by the City Attorney being changed including the acreage, water requirement number, trail language, 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	Absent
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Payne moved to approve Ordinance 2021-15 revising the zone map via an amendment as related to the Mountain Spa Resort property located at 800 North 200 East with the following findings from staff and the approved condition from the previous approval:

- If approved, the area that would be rezoned, once all conditions were met, would reduce from 14.48 acres to 12.99 acres.
- The 1.5 acres that would no longer be rezoned to R-1-22 would remain as RZ and would be developed using the RZ code.
- The zone map amendment was conditioned that the map was not amended until the plat map for the rural preservation subdivision was recorded. If a rural preservation plat map was not recorded, then the property would remain zoned RZ.

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	Absent
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Simonsen moved to approve the revised letter of comment allowing any small clerical inconsistencies to be fixed 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	Absent
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 8:06 p.m. She reconvened the meeting at 8:12 p.m.

11. Ordinance 2021-16 / Zone Map Amendment (Midway Heritage Development – Approximately 60 minutes) – Discuss Ordinance 2021-16 amending the Midway City Land Use Map as it relates to the proposed Village development located at 535 East Main Street (Zoning is R-1-11 and R-1-22). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Location
- Land use map
- Option “A”
- Option “B”
- Impacts on the neighbors
- General plan
- Planning commission recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The proposal would allow flexibility in dispersing the density.
- The request was a legislative approval with the Council having broad discretion.
- The applicant had to meet a deadline.
- Conditions greater than the Municipal Code could be added.
- Eventually the entire zone for the Memorial Hill should be changed.
- Some issues with Option "A" needed to be addressed but it met the provisions of the Municipal Code.
- With Option "B" there was less density, and it was spread to the north. The open space was along Main Street and through the development. It had larger units with parking underneath. It had more parking than required. It was a concept plan and did not match the Municipal Code. It required a zone map amendment followed by the master plan process.
- The open space and trails in Option "B" were better than in Option "A".
- Option "B" better met the vision of the General Plan.
- Recommended deed restricting the residential units to residential uses.
- A concept plan was not required for a zone change.
- The final plan would generally resemble the concept plat presented that evening as Option "B".

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:

- Option "A" generally met the requirements of the Municipal Code, but few people liked it.
- Was requesting a zone change so that the plan could be improved. Other options included changing the Municipal Code or a special planning area (SPA). The consensus was that a zone change was the best option.

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

- The change could be conditional upon what happened with the property and the development plan being approved.
- The C-2 Zone required 20% commercial development in the project. What percentage would the applicant prefer?
- Option "B" was actually developed before Option "A".
- Option "A" was a result of Option "B" not meeting the Municipal Code.
- There was not a bait and switch with the two options.
- The City would do what it could to mitigate the impacts on the neighbors.

Public Hearing

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

Amaria Scovil

Ms. Scovil made the following comments:

- The zone change should be conditional on the master plan being approved.
- The area was previously rezoned for a grocery store. The store was not built but the zone change remained.
- Was told that additional restrictions could be added during a zone change.
- There should be a greater setback than ten feet with the neighboring properties.
- The alley access next to the neighboring properties was unappealing.
- There should be landscaping or a berm in the project along the boundary with the neighbors.
- The Municipal Code should be changed so that the Council was not restricted in what it could do.
- A development moratorium should be considered even though it would not affect the proposal.

Inez Wilde

Ms. Wilde made the following comments:

- Additional parking had been added to the portion of the proposal next to her property.
- Most theft happened in parking lots which made her vulnerable.
- Noise would also be an issue.
- Wanted an eight-foot wall along the property.
- The neighbors of The Farm at Wilson Lane were complaining about a 30-foot setback. This proposal would have a ten-foot setback from her property.
- Drainage, snow removal, and garbage receptacles were all concerns.

Steve Stevens

Mr. Stevens made the following comments:

- Lived on the east boundary of the proposal.
- 45 parking spaces were planned to face his house.
- Why was there so much parking?
- Noise, lights, and theft were all concerns.
- Was there a setback for parking? That should be included in the zone change. Mr. Henke responded that the setbacks only applied to structures. He added that the zone change could be conditioned upon parking setbacks.
- The southeast part of the project would have a pool which would be noisy.
- The City should keep the quality of life from deteriorating.

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

Dan Luster, applicant, made the following comments:

- Appreciated the City's work on his proposal.
- Was working through the issue of engineered drawings which was expensive.
- The zone change would require more commercial in the project. He wanted less.
- There were options to address parking.
- Would work with Ms. Wilde to mitigate impacts.
- Wanted to create an open feel.
- Would have another neighborhood meeting.
- Wanted to do the best project.
- Preferred a maximum of eight businesses in the project. Two or three great businesses would be better than ten average businesses.
- The scale rather than the number of the commercial buildings would be reduced if the required percentage were reduced.

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

- If the entire project were zoned commercial there would not be a requirement for open space. Any zone change should require a minimum amount of open space.
- The property with the repair shop had to be acquired for Option "B" to work. The zone change should be conditioned on this acquisition. This property had to be acquired for master plan consideration because the applicant had to own all the applicable property.
- Which phase would be built first?
- The size of the building footprints should be limited.
- There was a concern with the units, north of the current commercial zone, becoming commercial and then being unable to return to residential.
- Amending the Municipal Code for an overlay zone would take time.
- The residential setbacks should be maintained throughout the project, even with the zone change, except for Main Street.
- The percentage of commercial could be reduced if it did not increase the residential density.
- Amending the C-2 Zone would affect all properties in that zone.
- The City previously considered a new zone for the property, which was not well received by the community.
- The commercial zones required more commercial than was needed to preserve the feel of Main Street.
- The Council did not have broad discretion when applying the Municipal Code.
- The objective should be planning good neighborhoods.
- Consideration of Option "A" was a review of a concept plan and not an approval.
- The Municipal Code included garages in the percentage of commercial versus residential development.
- Should there be an inverse reduction of the amount of commercial beyond a certain amount of square footage.

12. Culinary Water Resources / Presentation (City Engineer – Approximately 30 minutes) – Receive and discuss a presentation on Midway City's culinary water resources.

Wes Johnson gave a presentation regarding the water resources and reviewed the following items:

- Water sources and their production

- Reasons for not using Indian Springs
- Annual water usage
- Peak day demand
- Current total annual capacity
- City usage compared to Midway Irrigation Company usage
- Storage
- Water requirements for certain developments
- Water consumption

Mr. Johnson also made the following comments:

- The City had enough water storage for buildout.
- It was 826 gpm short in production for buildout.
- The proposed well at the Highlands at Soldier Hollow could be increased by 800 gpm.
- The water elevation had increased in the Alpenhof-Weber well.
- Should the City update its last water rights assessment?
- System loss was 20% to 30%.

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

Steve Farrell, Midway Irrigation Company President, made the following comments:

- The City had 900 gpm from the Gerber Spring as part of the Morris Decree. It also had water rights in the Gerber Spring and the Mahogany Springs because of irrigation company water shares that it owned.
- The approved change applications determined how much water could be used.
- Someone could drill a well, if it had the water rights, to replace water that had diminished in another source.

Mike Kohler, Midway Irrigation Company Manager, made the following comments:

- Had operated the irrigation system for 30 years.
- Production in Mahogany Springs had decreased 15%.
- Production in Gerber Springs was consistent.
- Culinary usage was the priority then landscaping and agriculture.
- The recent water restrictions had helped.
- Was preparing a post card regarding the restrictions that would be sent to water users.
- Restrictions might be increased in August.

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

- The water tank for Indian Springs was usable.
- The City should ensure that it had water rights for what it used from its sources.
- It should not be acquiring water rights to encourage development.
- Water needs assumed that residents were efficiently using the water.
- The age of the water should be determined to ascertain the reliability of the flows.
- There should be a town hall meeting for the public to comment. The meeting should not become an illogical discussion.

Leslie Miller submitted the following comments regarding the water restrictions:

Dear Mayor and Midway City Council:

This lack of snowpack is not a one-time issue; it is a trend. Over the past 40 years, snowpack has declined by about 25% over the Western states. Meanwhile, the population continues to increase. Thus, as of late, water demand has been outstripping what mother nature can deliver." <https://www.cbsnews.com/news/drought-western-united-states-modern-history/>

I am contacting you because I have serious concerns regarding Midway's irrigation and culinary water, use, management and availability. Without snowpack agricultural AND culinary water should be reevaluated and restricted to some degree. Irrigation and culinary is the same water coming from finite water sources.

I have spoken at length with Wes Johnson and Steve Dougherty as well as carefully reviewing the data Wes supplied supporting Midway's water specifications, allotments, storage and population projections and related water availability.

My concern is two-fold.

- The model supporting Midway's culinary water supply and related population growth is based on a water availability scenario that no longer exists.
- The West's permanent drought condition is an urgent matter requiring immediate attention. A modified water analysis recognizing human caused climate change, extreme soil evaporation and dwindling water in rivers and reservoirs causes a feedback loop of continuing water loss and should be examined.
- The new analysis must include an accurate evaluation of Midway's "carrying capacity" as it relates to the projected, ongoing drought conditions and address factors contributing to the problem of water shortages (irrigation and culinary).
 1. Drought Conditions
 2. Low snowpack, dry winds, increasing temperatures, multiple uses, rapid residential development,
 3. Lack of restrictive and incentivized building codes (BTU, renewables, landscaping and open space requirements etc.)
 4. Rate of growth outpacing the resource ability to recharge, replenish (Quantities / Amount of use / Time and frequency of use / Users (residential, agricultural and commercial

Some Suggestions

- Direct analysts/hydrologists to propose solutions to existing and continuing drought conditions (the new normal)
- Provide greater information-sharing (notifications please) between the government, residents and local partners
- Coordinate efforts across government agencies
- City Planners and Legislators acknowledge their responsibility to secure a sustainable community
- Consider implementing renewable building materials (eliminate asphalt shingles/BTU emissions) on new home construction to reduce loss of atmospheric humidity
- Require/incentivize new residential and commercial buildings to install solar utilities,

increase open space and plant trees

Thank you in advance for your consideration and for responding to my concerns in writing.

Please include my comments in the public record for July 6, 2021. I apologize I cannot attend tonight's important City Council meeting.

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

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

13. Ordinance 2021-13 / Non-Conforming Buildings and Uses (City Planner – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2021-13 amending Section 16.26.8 (Non-Conforming Buildings and Uses) of the Midway City Municipal Code regarding non-conforming buildings and uses. Recommended without conditions by the Midway City Planning Commission. **Public Hearing**

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

- Background
- Proposed changes

Mr. Henke also made the following comments:

- The proposal addressed when a non-conforming building could be enlarged.
- A regulation without good guidelines was difficult to defend.

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

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

- Having a proposal go before the Vision Architecture Committee (VAC) drastically increased the time for approval. This process should be streamlined.
- Residential should not have to go before the VAC.
- There were a lot of restrictions to have a house on Main Street.
- The VAC only considered remodels that were commercial.

Inez Wilde indicated that her garage was close to the street but that was legal when it was built. Mr. Henke responded that currently such garages could be maintained but not enlarged even to the rear.

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 continue the proposed code language for non-conforming buildings and uses with the following direction to staff:

- Figure out how to specifically define what the VAC could do and determine a timeline or remove that requirement altogether.
- Item “g” should address non-conforming outbuildings similar to how regular buildings were addressed in item “h”.

Second: Council Member Simonsen seconded the motion.

Mr. Henke asked if item “i” could be revised or removed to save time. He noted that there were a lot of other code changes that needed to be considered. He noted that there was not a lot of support for the VAC reviewing the structures. Council Member Simonsen thought that new businesses should be reviewed but old houses should be able to stay as old houses.

Council Member Drury suggested that non-conforming buildings could be expanded in the area that met the current setbacks.

Council Member Dougherty asked if any detached structure had historical value. Council Member Drury thought that those structures remained because the owners did not have the resources to raze or replace them. He added that the Municipal Code should not encourage everything on a lot to be razed and something new built.

Council Member Drury suggested that a building could be expanded to from the rear even if it did not meet the setbacks.

Discussion: Council Member Simonsen asked that public comment be allowed when the item was considered again.

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

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

Motion: Council Member Drury moved to consider the next item specifically to hold the noticed

public hearing.

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	Absent
Council Member Payne	Aye
Council Member Simonsen	Aye

14. Ordinance 2021-14 / Off-Street Parking and Loading Uses (City Planner – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2021-14 amending Section 16.13.39 (Off-Street Parking and Loading Uses) of the Midway City Municipal Code allowing narrower commercial driveways for existing structures. Recommended without conditions by the Midway City Planning Commission. **Public Hearing**

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 continue Item 14 to the next meeting and have public comment at that time.

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	Absent
Council Member Payne	Aye
Council Member Simonsen	Aye

15. Resolution 2021-13 / Street Cross-Sections (City Engineer – Approximately 30 minutes) – Discuss and possibly approve Resolution 2021-13 amending the Midway City Standard Specifications and Drawings regarding reducing the width of street cross-sections.

Motion: Council Member Drury moved not to consider Item 15.

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	Absent
Council Member Payne	Aye
Council Member Simonsen	Aye

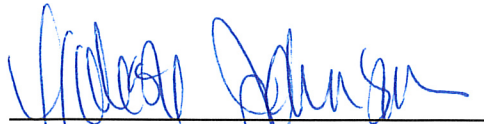
16. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

A closed meeting was not held.

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 10:57 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder