

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

**Tuesday, 5 October 2021, 6:00 p.m.
Midway Community Center, City 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 6:03 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, 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

Members Excused:

Jeff Drury, Council Member

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 5 October 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 21 September 2021 City Council Work Meeting
- d. Minutes of the 21 September 2021 City Council Regular Meeting
- e. One Year Extension of the Final Approval for the Howland Subdivision located at 600 West and 200 North
- f. Reappoint Rob Bouwhuis to the Midway City Parks, Trails, and Trees Advisory Committee

- g. Reappoint Clint Coleman to the Midway City Parks, Trails, and Trees Advisory Committee

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

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

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Excused from the Meeting
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.

River Road Project / Detour

Quinn Calder made the following comments:

- Why was traffic being diverted by his house?
- Could the diversion be somewhere else like Center Street and 600 North?
- Children played in the street.
- He and his neighbors had received more than their fair share of the diverted traffic.

Angie Dunn made the following comments:

- She lived in the Indian Summer Subdivision.
- Few drivers stopped at the stop signs along the detour route.
- The detour had more jogs than the diversion the previous year.
- Saw bicyclists trying to share the road with semitrucks.
- Putting no parking signs in her neighborhood increased the speed of the traffic.
- The elderly, children, and new mothers lived along the detour route.
- Suggested flaggers to control the diverted traffic.
- Saw law enforcement there once day but they did not pull anyone over.
- The project would not be completed until the following year.

Wes Johnson responded with the following comments:

- Was sorry for the detour.

- The City lacked connecting and through roads for detours.
- Center Street and 600 North had been used the previous year for a diversion.
- The contractor was doing quality work.
- Some of the water pipes being replaced had holes the size of a penny.

Mayor Johnson made the following comments:

- Residents along Center Street and 600 North made the same complaints the previous year. They now complained that large trucks were again using their streets as a detour.
- The City was doing everything possible to complete the work on River Road.
- The City was still looking for options to reduce the detour traffic and complete the project sooner. It had doubled the crews working on the project. They were working everyday except holidays and weekends.

High Valley Arts / Invitation / Performing Arts Center

Laura Wardle invited the Council to attend the production of The Little Mermaid by High Valley Arts. She added that the organization had requested a letter of support from the City for its own performing arts center. She indicated that a proposal for the facility would also be submitted.

Kim Clifton made the following comments:

- Supported theater.
- Her children were involved in it.
- It was fund, clean, and a way to make friends.
- High Valley Arts needed a permanent home.
- Midway had always had theater.

Lydia Clifton said that being in theater improved her shyness and gained her more friends.

Jenn Iverson made the following comments:

- Supported High Valley Arts.
- Appreciated the City letting it use its buildings.
- More space was needed for more performances.
- More people wanted to participate in the organization's performances.
- The performances brought different people together.

Kate Davis made the following comments:

- Was the choreographer for The Little Mermaid.
- The productions taught teamwork and helped the children support each other.
- A lot of community members wanted to participate.

Nora Davis said that participating in theater improved her shyness, confidence, dancing, and singing.

Council Member Dougherty responded that he was the president and a board member of a children's' arts organization. He said the organization was founded by a social worker to do the

very things that have been indicated that evening. He added that theater countered the influence of social media and was a tourist draw.

No further comments were offered.

4. Department Reports

Community Center / Roof

Council Member Orme reported that the roof on the Community Center needed to be repaired. She added that the only person to bid on the project had passed away because of COVID-19.

Cemetery / Database

Council Member Orme reported that the entry of cemetery data, in a new database, would be completed the following week.

Business Forum / Job Openings

Council Member Orme reported that she attended a business forum. The forum was trying to help fill job openings. She added that retirees would be encouraged to fill one or two open shifts a week at businesses.

River Road Project / Detour

Council Member Simonsen made the following comments:

- Any street in the City could be used as a detour.
- Connecting streets were limited.
- Residents complained the previous year about detours.
- Was willing to reconsider parking prohibitions.
- Contacted the Sheriff's Department about the violations along the current detour route.
- Work on River Road was slowed because of the hard potrock and numerous utilities.
- The contractor was not working slow.

Wes Johnson made the following comments:

- The per hour cost of the equipment, on the River Road project, was expensive.
- The contractor was being paid by the foot.
- The contractor had every incentive to work quickly. Quality would be affected if they went any faster.
- Was trying not to shut down utilities for long periods of time.
- Cutting a pipe then using a coupling created a week point.
- The contractor would reach 200 North before winter but probably would not finish the project until 2022. The road would be paved to 200 North that year.
- As many utilities as possible would be replaced that year.

- Future laterals were being installed.

Mayor Johnson noted that Connie Tatton, a previous mayor, started a ten-year plan which avoided deferred maintenance and bonding for roads and water.

Parks Committee / Event

Council Member Simonsen reported that the event held by the Midway City Parks, Trails, and Trees Advisory Committee was successful. He thanked the area businesses for their generous support.

Alpenhof Park / Improvements

Council Member Simonsen reported that feedback had been received and concept plans prepared for improving the Alpenhof Park.

Town Square / Improvements

Council Member Simonsen reported that a lot of feedback had been received on improvements to the Town Square. He emphasized that it was everyone's space.

Mayor Johnson noted that a meeting would be held with key Swiss Days leadership regarding the improvements.

Homestead Trail / Update

Council Member Simonsen reported that the City would continue the Homestead Trail which would complete a trail loop.

HVRR / Maintenance / Support

Mayor Johnson reported that the Heber Valley Railroad was doing a maintenance study and program. She added that it was still working to receive additional state support.

70 East Parking Lot

Wes Johnson reported that he counted 31 cars in the public parking lot at 70 East Main Street.

Motion: Without objection, Mayor Johnson recessed the meeting at 7:02 p.m. She reconvened the meeting at 7:09 p.m.

- 5. Haynie Subdivision / Preliminary & Final Approval** (Berg Engineering – Approximately 15 minutes) – Discuss and possibly grant preliminary and final approval for the Haynie Density

Reduction Subdivision located at 151 East 600 North (Zoning is R-1-22). Recommended with conditions by the Midway City Planning Commission.

Michael Henke made the following comments:

- The project had been reviewed before by the City Council.
- It was continued because of questions regarding the bike path along 600 North.
- The City committed to using the money, provided by the applicant, to build the path along the southern boundary of the project.

Motion: Council Member Orme moved to grant preliminary and final approval for the Haynie Subdivision based on the following findings and conditions:

- The proposed lots met the minimum requirements for the R-1-22 zone.
- The proposal met the intent of the General Plan for the R-1-22 zone.
- The proposal complied with the requirements for the Density Reduction Subdivision code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The lots would be deed restricted so that they could never be further subdivided.
- 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 was not recorded with the County Recorder within the one-year period, the development's approval would be voided, and both Preliminary/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 would be conducted per any new City standards in effect at the time the plat map 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 could 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 restrictions that would be recorded towards the lots 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 lots was prohibited.
- The funds to build the bike lane were added to the general trails fund and were specifically used to complete the lane in the future as part of a larger improvement project that would complete the bike lanes along the entirety of 600 North.
- A note was added to the plat map limiting any direct access from 600 North into the lots. All access would be from the shared driveway.
- The applicant would be required to pulverize the whole width of the road that fell between the eastern most and western most utility cuts in 600 North. They would then

repave the whole road width between the cuts.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Nay
Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

6. Resolution 2021-30 / Haynie Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-30 adopting a development agreement for the Haynie Density Reduction Subdivision located at 151 East 600 North.

Corbin Gordon indicated that the development agreement included the requirement for the use of the contributed trails funds.

Motion: Council Member Payne moved to approve Resolution 2021-30 adopting a development agreement for the Haynie Subdivision as amended by the Council.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Simonsen asked how the money would be tracked. Brad Wilson explained the tracking process required by the State.

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

Council Member Dougherty	Nay
Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Council Member Dougherty explained that he voted against this and the previous motions because of the bike lane funding.

7. Saddle Creek Subdivision, Phase 4 / Final Approval (DPW Heber Inc. – Approximately 10 minutes) – Discuss and possibly grant final approval for Phase 4 of the Saddle Creek Subdivision, located at 970 South 250 West (Zoning is R-1-22). Recommended without conditions by the Midway City Planning Commission.

Michael Henke explained that the proposal had not changed from preliminary approval.

Council Member Payne asked about a sharp angle in the rerouting of the sewer line. Paul Berg, Berg Engineering Resource Group and representing the applicant, responded that it would work but it was not ideal. He added that he was working with the City Engineer to improve the angle.

Motion: Council Member Simonsen moved to grant final approval for Phase Four of the Saddle Creek Subdivision as shown with the following findings and conditions:

- The proposed plan for phase four complied with the requirements of the land use code.
- The proposal met the vision as described in the General Plan for the R-1-22 zone.
- The duration of final approval would be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by 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, unless, 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: (a) construction would be conducted according to any new City standards in effect at the time the plat was ultimately recorded; (b) the property would be maintained in a clean, dust-free, and weed-free condition at all times; (c) each extension would be for a one-year period only, after which time an annual review could be presented before the City Council; and/or (d) 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.
- Any outstanding water line extension agreement fees would be paid for before the recording of the plat map.
- Adjusted sewer easements needed to be in place before the proposed plat map was recorded. This included the release of any easements that crossed building lots.

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	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 8. Resolution 2021-29 / Saddle Creek Subdivision, Phase 4 Development Agreement**
(City Engineer – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-30 adopting a development agreement for Phase 4 of the Saddle Creek Subdivision located at 970 South 250 West.

Corbin Gordon reviewed several small changes to the proposed agreement.

Motion: Council Member Payne moved to approve Resolution 2021-29 adopting a development

agreement for the Saddle Creek Subdivision, Phase 4.

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	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

9. Mill Canyon Farms Subdivision / Preliminary Approval (Berg Engineering – Approximately 30 minutes) – Discuss and possibly grant preliminary approval for the Mill Canyon Farms Subdivision located at 850 South 250 West (Zoning is R-1-22). 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 of the development
- Flood plain
- Pictures of the property
- Contour map
- Site plan
- Trails
- Master plan for Double C Ranch
- Letter from the City Engineer
- Water board recommendation
- Planning commission recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The applicant was working with the Midway Irrigation Company to reroute the ditch.
- The applicant would provide an easement and pave the trail along 970 South. The trail might have to be moved when the road was constructed.
- It was unknown when 970 South would be extended to Stringtown Road.
- The applicant would give all the needed width, for 970 South, because the property owner to the south had not provided it when he subdivided his property. This had been done when the property was in the County.
- The applicant would help rebuild 250 West. The street would be rebuilt up to 500 South in the summer of 2022.
- There was not an easement for a trail, along Snake Creek, north of the project. The City would have to purchase the easement.

- The third proposed condition was no longer needed.

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.

Jordan Law, Applicant

Mr. Law made the following comments:

- Would help rebuild 250 West along with the developer of the Saddle Creek Ranch Subdivision.
- The trail along 970 South would be built at the same time as 250 West was rebuilt.
- His property would be fenced so that the trail would be public.

Mayor Johnson indicated that the community liked trails and thanked Mr. Law for building one along 970 South.

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

Council Member Payne recommended that the City's roads master plan be periodically reevaluated. Michael Henke responded that would happen when the General Plan was reviewed.

Motion: Council Member Simonsen moved to grant preliminary approval for the Mill Canyon Farms Subdivision, located at 850 South 250 West, with the Water Board's recommendation and 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.
- 1.53 acres of open space would be created as part of the development, which would be noted on the plat map and restricted from future building or development.
- The applicant would dedicate the remaining portion of the right-of-way needed for 250 West (Street Lane).
- The applicant would dedicate a 15' public trail easement along the future 970 South. They would construct an 8' asphalt trail that connected 250 West to Stringtown Road. They would also be dedicating a 20' public trail easement along the east side of the Snake Creek channel.
- 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.
- Would provide a will serve letter from the Midway Irrigation Company before applying for final approval.
- Would show the ditch easement on the plat map.

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	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

10. Ordinance 2021-33 / Road System Master Plan Amendment (Brandon Nielson – Approximately 30 minutes) – Discuss and possibly approve Ordinance 2021-33 amending the Road System Master Plan, in the Midway City General Plan, to eliminate 100 South from 300 West to 400 East. Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Overview
- Master street plan
- Location of the development
- History of 100 South from 300 West to 400 West
- Developer proposal
- Land use map
- General plan considerations
- Open space and the rural atmosphere
- Connectivity
- Items for consideration
- Planning commission recommendation
- Possible findings
- Recommended condition
- Open space preservation in the area

Mr. Henke also made the following comments:

- The applicant was offering low density on his property in exchange for removing the road.
- The road, proposed for removal, would complete the block.
- It was in a high-density zone.
- It was a lower priority connection.
- It would be removed from the roads master plan when the plat map was recorded, and the property was deed restricted from being further subdivided.

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 request was like the approval for the Farm Meadows Subdivision.
- When would 400 West be extended from Main Street to 500 South?
- There were a lot of preservation subdivisions along the planned route for 400 West. Other property owners along the route were considering similar preservation subdivisions.
- If 400 West was not needed, then it would be removed from the Street Master Plan.

Public Hearing

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

Ben Probst

Mr. Probst made the following comments:

- His family owned the block, that included the section of 100 South proposed for elimination, for several generations.
- Supported the elimination of that section of the road in exchange for a one lot subdivision.
- Wanted open space.
- Farmed and ranched in the area.
- Supported eliminating 400 West from Main Street to 500 South. The road would split his house from his agricultural buildings.
- Had four sons and wanted them to be able to build houses and live on his property. Wanted to remain on green belt after they built.
- Might entertain restricting his property to five lots for the removal of 400 West.

Brandon Nielson, applicant, made the following comments:

- Just purchased the property, which would be split by 100 South.
- Wanted to build a family residence and possibly a barn on the property. This could happen in one to ten years. The lot would be deed restricted from being further subdivided.
- Would develop the property with multiple houses if the road remained on the Road Master Plan. 400 West would also impact his decision.
- Requested dividing the property into two lots for a possible guest residence.
- 400 West would not be needed if 100 South was removed.
- Needed time to consider the impact of 400 West on his property.

Courtney Nelson made the following comments:

- Owned the Nelson Family Farm Subdivision further south of Mr. Nielson's property.
- Supported removing the section of 100 South.
- Appreciated the preservation mentality for that section of Midway.
- The preservation of open space should not be punished by building additional roads.

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

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

- Immediately deciding on 400 West put Mr. Probst in an awkward position.
- Connectivity was important but 400 West should be removed if it was not needed, and the area landowners did not want it.
- Removing 400 West would keep the area rural.
- The area was the last part of Midway that was zoned for smaller houses and more attainable housing. It had been zoned this way for a long time. It was within walking distance of the Town Square.
- Should not lose housing for young families.
- There was a problem with not enough connecting road for detours.
- Local businesses needed workers.
- Workers needed places to live.
- 400 West was valuable even without 100 West.
- The applicant and area landowners did not want high density.

Motion: Council Member Dougherty moved to table the item until an application, to remove 400 West from the Roads Master Plan, had been received and the requests could be considered as a package.

Discussion: Council Member Orme agreed that the issues needed to be considered together to keep the area as rural as possible.

Council Member Payne did not want to force Mr. Probst into a decision at that time. Council Member Simonsen agreed and thought that the issues could be considered separately. Council Member Dougherty responded that both roads needed to be addressed as quickly as possible to deed restrict Mr. Nielson's property.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Simonsen asked Mr. Probst his opinion on 400 West. Mr. Probst responded that he would oppose 400 West being extended as long as he owned his property. He added that he would move if the road was forced through. Council Member Dougherty indicated that someone else might purchase the property from Mr. Probst.

Mr. Nielson emphasized that the request was to remove 100 South. He said that he would consider 400 West separately and work with Mr. Probst on the issue.

Council Member Orme asked if the motion should include a deadline. Council Member Payne asked the timeline for removing 400 West. Michael Henke responded that the General Plan, which included the Road Master Plan, would be reviewed within a year.

Council Member Orme indicated that if Mr. Nielson build multiple houses on his property, then 400 West would be needed.

Mr. Probst stated that he did not want 400 West but also did not want to restrict himself at that

time.

Council Member Simonsen stressed that it was in the best interests of the applicant and Mr. Probst to work together.

Council Member Simonsen indicated that if 400 West was removed, from the Roads Master Plan, it would have to be from Main Street to 500 South. Council Member Payne added that it could not be built without Mr. Probst's approval.

Mr. Probst asked if the Zwick family had access to their property to the South without 400 West. Mr. Henke responded that they had access from 250 West.

Mr. Henke noted that 300 South could not continue west without 400 West.

Council Member Orme did not want to force Mr. Probst into a decision. She thought that 100 South should be removed with a time restriction.

Second Withdrawn: Council Member Orme withdrew her second.

Council Member Payne asked Mr. Probst about 400 West. Mr. Probst responded that he was not in a hurry and wanted it to be considered as part of the general plan review.

Council Member Dougherty said that his intention was not to force Mr. Probst. He questioned what an island of low density would accomplish.

Motion: Council Member Simonsen moved to approve the request for the portion of 100 South, that crossed the five acres, to be removed from the Roads Master Plan with the following findings and conditions:

- Potential density would be reduced if the road was removed.
- Goals in the General Plan promoted open space and a rural atmosphere.
- The General Plan promoted reducing density whenever appropriate.
- The General Plan amendment was conditioned that the Road System Master plan was not amended until the plat for the one lot subdivision and the deed restriction were both recorded. If the one-lot subdivision was not recorded within one year, then the Road System Master Plan would not be amended, and 100 South would remain as part of the General Plan.

Discussion: Council Member Simonsen wanted Mr. Probst to be included in the discussions for the area. He did not think that building the allowed density on the property would create affordable housing. He wanted the area preserved.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty

Nay

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

11. Ordinance 2021-34 / On-Site Sale of Agricultural Products (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-34 amending Chapter 16.13 (Supplementary Requirements in Zones) of the Midway City Municipal Code regarding the on-site sale of agricultural products. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Background
- Proposed code language
- Possible findings

Mr. Henke also made the following comments:

- Agriculture was being allowed in all zones because of a lot of grandfathered agriculture.
- It would be more difficult to administer sales on property where the agricultural products were not grown. Farmers could sell their products at Midway's or other communities' farmer's markets.
- No licensing fee would be charged.
- Approval was required for signs.
- Temporary structures with roofs would have to be inspected.
- The ordinance could be changed as needed.
- Agricultural products were exempt from sales tax.
- Did not want permanent stands or structures. Wanted to individually approve any structures in a right-of-way. They should be safe.
- The stands and farms should be a safe place to work.
- The Planning Commission felt that there should be at least one day when agricultural sales were prohibited. On a split vote it recommended Sundays.
- The size of signs should be limited.
- The ordinance only prohibited what could be sold on the producer's property. They could continue to sell wholesale to businesses.
- Hydroponics was addressed by another section of the Municipal Code.

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 proposal should have as few restrictions as possible.
- Selling at other locations, where the products were not grown, should be considered.
- During the summer, sales should be allowed until eight or nine in the evening.
- Should the ordinance say what could be sold instead of what was excluded? It should

- say that only agricultural crops could be sold.
- The sale of eggs and honey should be allowed.
- The definition should be changed to “the growing of crops”.
- Signs should only be allowed on the edge of a right-of-way.

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 approve Ordinance 2021-34 regarding the on-site sale of agricultural products with the following findings and changes:

- It promoted the goals and objectives of the General Plan which included the preservation of Midway’s agricultural character.
- Created additional incentives for property owners to engage in less intense uses by allowing them to grow and sell agricultural crops from their property.
- Contributed to the rural atmosphere of Midway.
- The title for Section 16.13.49 should be “On-Site Agricultural Sales” and not reference residential zones.
- The hours of operation were changed to 8:00 a.m. to dusk.
- A sign could be displayed when products were being actively sold.
- A stand may remain unused for ten days before it had to be removed.
- Signs were only allowed on the edge of a right-of-way.
- The definition should state “growing of crops” and not include “grown in the soil” or “in the open”, so that a personal greenhouse could be used.
- Section 16.13.49(1)(a) state “Provide a list of what agricultural crops will be sold onsite. Only agricultural crops, including eggs or honey, may be sold. All agricultural crops being sold must be grown on site...”
- Animal byproducts and processed food, except for eggs and honey, were prohibited.
- A standard sandwich board no larger than nine square feet per side was allowed.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Payne asked if allowing the sale of eggs also allowed raising chickens. Mr. Henke responded that chickens were already allowed in all zones in the City.

Council Member Dougherty asked if cheese should be allowed. Council Member Simonsen responded that it should not along with jam and other processed foods.

Mr. Henke emphasized that the ordinance would not regulate the farmer’s market at the Town Square.

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

Council Member Dougherty	Aye
Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye

Note: Council Member Orme left at 9:44 p.m.

12. Eddington Subdivision / Preliminary and Final Approval (Summit Engineering – Approximately 30 minutes) – Discuss and possibly grant preliminary and final approval for the Eddington Subdivision located at 780 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 of the development
- Pictures of the property
- Proposed plat map

Note: Council Member Orme returned at 9:45 p.m.

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

Mr. Henke also made the following comments:

- The culinary water line would be extended to the west boundary of the property.
- The applicant would build the specific section of trail in front of the property or pay the City the equivalent. This would help connect a trail to preserved open space.
- The second proposed condition was no longer needed.

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

Wes Johnson indicated that the current cost for the trail could be paid to the City.

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 preliminary and final approval for the Eddington

Subdivision located at 780 West 500 South 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 map 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 was 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.
- Prior to the recording of the plat, the applicant would need to contribute the current amount to construct the 8' detached asphalt public trail to the general trails fund so that the trail could be completed in the future as part of a larger improvement project that would complete the trails along 500 South.
- The applicant would be required to bring the culinary water line to their west property line on 500 South.
- A fire hydrant would need to be located within 600' of the future dwelling, measured by the route of a fire hose from the fire hydrant to the future home site.

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	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

13. Resolution 2021-31 / Eddington Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-31 adopting a development agreement for the Eddington Subdivision located at 780 West 500 South.

Corbin Gordon indicated that he would remove any deadlines in the agreement and update the financial requirement for the trail.

Motion: Council Member Dougherty moved to approve Resolution 2021-31 adopting a development agreement for the Eddington Subdivision.

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	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

14. Ordinance 2021-35 / Bed and Breakfast Establishments (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-35 amending Section 16.13.35(L) (Bed and Breakfast Establishments) of the Midway City Municipal Code regarding bed and breakfast establishments. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Background
- Proposed language
- Planning commission recommendation
- Possible findings

Mr. Henke also made the following comments:

- The ordinance amended the Municipal Code to comply with the State Code regarding conditional use permits.
- Someone who purchased a bed and breakfast could maintain the conditional use permit under certain conditions.
- A bed and breakfast had to be the owner’s primary residence.
- Did not know the history of the Blue Boar Inn and why it was not the owner’s primary residence.

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

Public Hearing

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

Motion: Council Member Payne moved to approve Ordinance 2021-35 amending Section 16.13.35(L) (Bed and Breakfast Establishments) of the Midway City Municipal Code regarding bed and breakfast establishments with the following findings:

- The proposed adjustment would align requirements in the land use code with rules and regulations regarding conditional uses.
- The proposed adjustment would require future property owners to acknowledge that the property was their primary residence.

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	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye


15. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Purchase, Exchange, or Lease of Real Property.

A closed meeting was not held.

16. Adjournment

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

The meeting was adjourned at 10:02 p.m.



 Celeste Johnson, Mayor



 Brad Wilson, Recorder