

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

**Tuesday, 7 December 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 6:06 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Steve Dougherty, Council Member  
Jeff Drury, Council Member  
Lisa Orme, Council Member  
Kevin Payne, Council Member

**Staff Present:**

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

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

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

**2. Consent Calendar**

- a. Agenda for the 7 December 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 16 November 2021 City Council Work Meeting
- d. Minutes of the 16 November 2021 City Council Regular Meeting
- e. Resolution 2021-35 amending the Human Resources Policies and Procedures Manual to include policies regarding the COVID-19 pandemic and paid holidays
- f. Third one-year extension of preliminary approval for the LaBarge Subdivision located at 922 North Pine Canyon Road

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

Council Member Drury asked about the warrant for KW Robinson. Wes Johnson explained the warrant and noted that other entities would pay a part of the cost.

Council Member Drury indicated that both water right motions for The Village, in the 16 November 2021 regular meeting minutes, should state that the water rights could only be used for The Village project or returned to the original point of diversion from the Alpenhof-Weber well.

Council Member Dougherty complemented the drafter of the COVID-19 policy.

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

**Discussion:** Council Member Payne asked if the COVID-19 policy was required because the City received federal pandemic funds. Mayor Johnson responded that it was proposed by the City and not a federal requirement.

Council Member Orme asked if unvaccinated employees had to use their own sick leave if they contracted COVID. Mayor Johnson responded that was the case. Council Member Orme indicated that some employees might not be able to get vaccinated. Mayor Johnson responded that the policy was an incentive to vaccinate. She added that no employee declined to get the vaccine because of health or religious reasons. Council Member Orme disagreed. Mayor Johnson responded that the City would consider exceptions. Council Member Dougherty indicated that the policy was an incentive and not a penalty. Council Member Drury agreed and indicated that it supported a beneficial behavior. Council Member Orme stated that the vaccine would be life threatening to her.

Council Member Simonsen indicated that choices and responsibilities went together. He said that the situation might be different if there was not a choice.

Council Member Dougherty proposed a medical exception to the policy. He also proposed that employees be given time off to get vaccinated.

Council Member Payne noted that a distinction was not made between those who received and did not receive the flu vaccine. He said there should not be a distinction between illnesses.

Council Member Dougherty indicated that the policy was not a moral statement.

**Revised Motion:** Council Member Dougherty moved to approve the consent calendar with the modification to the minutes and including a medical exemption in the COVID-19 policy.

**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	Nay
Council Member Payne	Nay

### **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.

#### Notifying Residents

Bob Cohenour asked that the City formalize how it notified residents of items being considered. Mayor Johnson responded that the City exceeded state requirements for noticing and would have e-notifications as part of its new website.

#### Toxic Chemicals

Maydeline Casiano and Alyesa Hendrickson expressed concern with the use of toxic chemicals, which were contained in products like Roundup, that caused depression, anxiety, and cancer. They asked that the City use organic alternatives on its parks, etc.

#### River Road Project

Nephi Jensen noted that work on River Road had concluded for the winter. He complimented the contractor on the work that was done.

No further comments were offered.

### **4. Department Reports**

#### Mountain Spa / Open Space Committee

Council Member Payne noted that the Midway Open Space Advisory Committee had received a plaque recognizing its work to preserve open space at the Mountain Spa. He was impressed with the Committee's knowledge and involvement.

#### Ice Rink / Season

Council Member Drury reported that temperatures in the teens were needed to make ice for the rink and open it for the season.

#### Tree Lighting Event

Council Member Drury reported that the tree lighting event was successful with a lot of people attending. He thanked staff for helping with the event.

### River Ditch Pipeline / Slip Lining

Council Member Dougherty reported that the pipeline along the River Ditch had been slip lined.

### MBA / Meeting

Council Member Dougherty reported that the Midway Business Alliance (MBA) had met and was moving forward.

### HL&P / Impact Fees

Council Member Dougherty reported that Heber Light & Power Company (HL&P) had approved increases in the type and amount of its impact fees.

### Chamber Gala

Council Member Orme reported that the gala, held by the Heber Valley Chamber of Commerce, was successful and well attended.

### Music Learning

Council Member Drury indicated that music learning would be taught sooner to children.

### Food Drive

Council Member Orme reported that her office was collecting food for the local food bank.

### General Plan / Update

Michael Henke reported on the update of the Midway City General Plan. He indicated that committees were being formed and would start meeting at the first of 2022.

### **5. Cemetery Moratorium / Update** (City Attorney – Approximately 15 minutes) – Receive and discuss and update on the moratorium on the sale of burial spaces in the Midway City Cemetery.

Corbin Gordon gave a presentation regarding the cemetery moratorium and reviewed the following items:

- Aerial view of the cemetery
- Overview
- Major issues
- Updating title to burial spaces
- Unrestricted purchase of spaces

Mr. Gordon indicated that the moratorium might need to be extended.

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

Council Member Simonsen discussed a perpetual lease and a limited lease until internment.

**6. The Village Development / Concept and Master Plan** (Dan Luster – Approximately 60 minutes) – Discuss and possibly revise the concept plan and approve a master plan for The Village, a mixed use and planned unit development, located at 541 East Main Street (Zoning is C-2). **Public Hearing**

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

- Master plan amendment
- Land use summary
- Master plan requirements
- Location of the development
- Property characteristics
- Public participation
- Sensitive lands
- Approved plan
- Phasing
- Rezone
- Revised plan
- Property owners' association
- Parking
- Commercial buildings
- Height of buildings
- Trails
- Roads
- Open space
- Landscaping
- Discussion points
- Setbacks
- Nightly rentals
- Ratio of commercial
- Water board recommendation
- Planning commission recommendation
- Possible findings
- Proposed conditions
- Proposed versus required setbacks

Mr. Henke also made the following comments:

- Some sensitive lands in the project had been included as open space.
- The commercial water rights were assigned per building.

- Mixed-use projects were a conditional use.
- The property should stay in agricultural production until it was developed.
- Piezometers were already in place.
- The proposed master plan agreement included all his recommended conditions.
- The size of the pads would be determined with each phase.
- The zone change was conditioned upon the PUD requirement.
- The parking and water rights, but not the open space, would be provided by phase.
- Ramps would have to be addressed if there was underground parking.
- The rights-of-way would be 56 feet including the sidewalks.
- The internal trail would be noted as public on the plat map.
- The previous application would be considered withdrawn with an approval of the agenda item.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, said the area above the swimming pool was one story.

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

- Any approval should be conditioned upon approval of the master plan agreement.
- The number of piezometers and their locations were sufficient.

### **Public Hearing**

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

#### Linda Cohenour

Ms. Cohenour requested signal lights or a roundabout at the intersection of Main Street and River Road. Michael Henke explained the intersection and indicated that there was not enough space for a roundabout. He noted that roundabouts were not as safe for pedestrians.

#### Inez Wilde

Ms. Wilde made the following comments:

- Was grateful for the planned wall between her property and the development.
- Area digging had caused a crack in her porch.
- Worried that additional construction would damage her house. Who would be responsible for any damage?
- Was concerned about noise, light, and garbage from the project.
- There would be a lot of parking around her property.
- The project would increase her property taxes.

Corbin Gordon responded that any damage to Ms. Wilde's property would be a civil issue between her and the developer.

#### Adam Jenkins

Mr. Jenkins asked if the property to the north of his mother-in-law would be used for an access to the project. Council Member Simonsen responded that it would not at that time.

Mr. Jenkins asked what the landscaping would be like along the east side of the project. Paul Berg, representing the applicant, indicated that there would be a park strip and explained the landscaping. Mr. Jenkins preferred a wall along his mother-in-law's property.

#### Launa Nelson

Ms. Nelson asked if the master plan agreement could protect Ms. Wilde from damage to her property. Mr. Gordon responded that the City could not enforce such a provision. He added that Ms. Wilde would have to prove that the developer caused the damage. Mayor Johnson indicated that Ms. Wilde should have her home inspected now to show there was no damage before the project.

#### Steve Stevens

Mr. Stevens asked what the setbacks would be along his property. Mr. Berg reviewed the setbacks. Dan Luster, applicant, said that he would build a wall between the parking and Mr. Stevens' property. He added that the planned building next to Mr. Stevens' property did not have a lot of windows on that side.

Mr. Stevens noted that other property owners were concerned about light from the project. He asked if the Municipal Code should be changed to prevent this. Mr. Berg responded that Mr. Stevens and not the developer would have to petition for the change. Mayor Johnson suggested a berm. Mr. Luster said he could do a berm or reduce the parking.

Council Member Payne asked if these issues would be better dealt with at each phase.

Mr. Stevens worried that the ditch would fill up with limestone and overflow. Council Member Dougherty responded that the Midway Irrigation Company discussed the issue and would have to approve each phase. He noted that the ditch would have to be cleaned.

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

Paul Berg made the following comments:

- Underground parking was not planned but wanted to keep the option open.
- There was no guarantee that a signal light would be install anytime soon at the intersection of Main Street and River Road. All parties had to work together for this to be accomplished. Mayor Johnson responded that the City provided a letter to UDOT

requesting the signal light.

- Mr. Luster had tried hard to work with the neighbors. It was a good will gesture that he bought and would raze Midway Automotive.
- The water rights chart presented to the Water Advisory Board should be adopted as part of the agreement.

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

- The suggested conditions regarding trails had not been included in the agreement.
- The City's traffic engineers had reviewed the traffic study and had several comments, but they were not deal breakers.
- A complete agreement with exhibits had not been provided to the Council.
- Adjustments by the applicant were appreciated.
- Appreciated that commercial buildings were staggard.
- A condition was needed for the dedication of water rights.
- The amount of water rights per commercial building needed to be determined.
- All water rights for the commercial development should be dedicated with the first phase.
- All the water rights would be escrowed before the master plan agreement was recorded.
- The City did not know what uses would be in the commercial development. Additional water rights might have to be dedicated.

Mr. Luster said that he would include the required amount of water rights per plat map, but he did not want to specify the amount per building.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:32 p.m. She reconvened the meeting at 8:39 p.m.

Council Member Drury made the following comments:

- A condition regarding the water with a chart was needed.
- The effects of the parking on the neighbors needed to be mitigated at preliminary and final approvals.
- The Council had approved a code change removing garages when calculating the required amount of commercial. This reduced the commercial space by 17,000 square feet. He did not vote on that change.
- The City and residents were giving a lot for the project.

Council Member Orme noted that the developer avoided a wall of buildings along Main Street.

Council Member Payne indicated that the C-2 zone needed to be significantly modified to allow for flexibility and better developments.

**Motion:** Council Member Dougherty moved to approve the master plan as provided with the following findings and conditions:

- The proposal would benefit the City financially by creating a greater tax base.
- The proposal might help the City better comply with State requirements regarding the



ability to collect the resort tax depending on the number of units that were rented on a short-term basis.

- The developer had provided a parking stall plan that complied with the residential code requirements.
- The proposal appeared to comply with the requirement of 20% commercial square feet required by the mixed-use code
- Groundwater would be addressed to assure that the below grade parking areas and basements were feasible.
- The approval was conditioned upon the execution of a master plan agreement that contained the zone change and the following conditions:
  - Piezometers were installed in multiple areas of the development to monitor water levels over the next few years, especially in the areas of phases two through five. The piezometers would provide information regarding the water table over multiple years. This would give information regarding the ability to develop future phases. If the water table was a problem for some phases, then the master plan would need to be amended to continue to comply with code requirements.
  - The timing of required off-site improvements was established and included in the master plan agreement.
  - All private road rights-of-ways would have a dedicated public access easement.
  - Phases four and five, which were completely residential, were not allowed to submit for preliminary approval until the correct ratio of commercial square feet had been built for each phase. 60% of the required commercial would need to be built to submit for preliminary approval of phase four and 80% of the required commercial would need to be built to submit for preliminary for phase five.
  - The commercial areas of Phases one and two, which fronted Main Street, would either be in agricultural production or landscaped, even in areas where future buildings would be located. The landscaping could be minimal with grass and an irrigation system, but it would need to be kept orderly and maintained.

**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	Nay
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 7. Resolution 2021- 09 / The Village Master Plan Agreement** (City Attorney – Approximately 30 minutes) – Discuss and possibly approve Resolution 2021-09 adopting a master plan agreement for The Village, a mixed use and planned unit development, located at 541 East Main Street (Zoning is C-2).

Corbin Gordon reviewed the version of the agreement provided to the Council and a version completed that day after meeting with the applicant. He also reviewed the water requirements for the project.

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

- Water could be provided for the first and second phases with the other phases abandoned.
- The plat map for each phase would not be recorded unless the needed water rights were provided.
- No phase could be built without the required amount of water rights.
- The City needed to insure that the roads were built at the appropriate time.
- It was doubtful that the developer would install roads for a phase that was not approved.
- More information was needed regarding the water rights before the agreement should be approved.
- Paul Berg wanted a letter from the City Engineer on the traffic study to avoid any confusion.
- The open space section of the agreement was written to show how the amount was obtained.
- The amount of residential square footage should be included because it related to the amount of required commercial development.
- The number of units should be specified so that they could not be further divided.
- All trails should have a public access.
- 100% of the commercial development should be completed before final approval was granted for the fifth phase.
- Commercial storage space should be indicated.
- Parking and water rights needed to be indicated per commercial building. This was better indicated on the plat map rather than in the agreement. It could be included in both.
- Section "C" should say "all roads, sidewalks, and trails."
- The underground parking should be categorized as residential or commercial and come back for approval by the Council as an amendment to the agreement.
- What was the timeline for the traffic signal for Main Street and River Road? UDOT would install the signal at any time if the developer or City paid for it. It should be installed with the first or second phase.
- A preliminary cost for the signal had already been determined.

Mr. Luster wanted a percentage of residential versus commercial instead of the actual square footage indicated in the agreement.

**Motion:** Council Member Drury moved to continue the item and ask staff to address the changes to the agreement, produce exhibits "A" and "B", and that it would be considered at the Council's next meeting.

**Discussion:** Council Member Payne noted that the master plan approval required the staff's proposed conditions be included in the agreement. He wanted the broader issues of noise, light, etc. around the perimeter mitigated. Mr. Berg questioned so many things being left open in the agreement. Council Member Simonsen thought that those issues were supposed to be addressed with each phase and not as part of the master plan.

**Amended Motion:** Council Member Drury amended his motion to continue the item, ask staff to address the changes to the agreement, produce exhibits "A" and "B", that it would be considered at the Council's next meeting, and include the following conditions:

- Piezometers were installed in multiple areas of the development to monitor water levels over the next few years, especially in the areas of phases two through five. The piezometers would provide information regarding the water table over multiple years. This would give information regarding the ability to develop future phases. If the water table was a problem for some phases, then the master plan would need to be amended to continue to comply with code requirements.
- The timing of required off-site improvements was established and included in the master plan agreement.
- All private road rights-of-ways would have a dedicated public access easement.
- Phases four and five, which were completely residential, were not allowed to submit for preliminary approval until the correct ratio of commercial square footage had been built for each phase. 60% of the required commercial would need to be built to submit for preliminary approval of phase four and 80% of the required commercial would need to be built to submit for preliminary for phase five.
- The commercial areas of Phases one and two, which fronted Main Street, would either be in agricultural production or landscaped, even in areas where future buildings would be located. The landscaping could be minimal with grass and an irrigation system, but it would need to be kept orderly and maintained.

**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

**8. Daybell Garage Mixed-Use Development / Conditional Use Permit** (Wayne Gordon – Approximately 45 minutes) – Discuss and possibly grant a conditional use permit for a mixed-use development at the Daybell Garage property located at 298 South Center Street (Zoning is C-2). Recommended for approval 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
- Water requirements
- Pictures of the property
- Site plan
- Main floor plan
- City Engineer's letter
- Water board recommendation
- Vision Architecture Committee (VAC) recommendation
- Possible findings

- Proposed conditions

Mr. Henke also made the following comments:

- The proposed restaurant was a permitted use.
- The mixed-use component was a conditional use.
- The request could only be denied if certain issues could not be mitigated.
- The restaurant required four parking spaces. The residence required three.
- A drive-thru would require removing two of the parking spaces.
- An agreement would be needed with another landowner or additional property purchased to have more parking.
- The applicant was trying to keep the existing building.
- The proposal was approved by the VAC.
- Wanted to review the landscaping because this was the start of the City's commercial area.
- Hard surface driveways were required.
- 300 South was a public right-of-way where customers could park.
- 300 South could be used for both an access and an exit. Center Street could only be an exit.
- The proposal met setback requirements.
- The Daybell Garage was built many decades prior.

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

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

- Were four parking spaces sufficient for 48 customers plus staff? The four spaces met the requirement of the Municipal Code. This requirement was discussed for several months and recently changed.
- Some issues would need to be addressed when a building permit was submitted.
- Center Street was a state road and UDOT did not want any backout accesses.
- Driver education would be needed for accessing and exiting the property.
- The City should talk to UDOT about a center turn lane at Center Street and Michie Lane.
- Safety was the City's paramount concern.
- Residences next to a commercial zone was a tricky situation.

Wayne Gordon, representing the applicant, made the following comments:

- The garage doors would be operable but there would be no outside dining because of the limited space.
- Could request a drive-thru in the future.
- UDOT might not require any improvements along Center Street.
- The front door for the restaurant would be on the north side.

### **Public Hearing**

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

### Amanda Porter

Ms. Porter made the following comments:

- Lived directly to the west of the proposal.
- Was concerned about the traffic flow especially on a residential street.
- The area was residential with children.
- Was concerned with the disposal of garbage and grease.
- Was concerned about the smell, a balcony near her property, and car lights shining towards her house.
- No snow should be plowed onto her property.
- There was a bus stop at the corner of Michie Lane and Center Street.
- The proposal would lower the area home values.
- The ditch between her property and the proposal flooded. The Midway Irrigation Company had to do extensive work to clean it.

Mayor Johnson responded that a grease trap would be required. Wes Johnson explained that the garbage would be stored on the north and taken out to Center Street. Wayne Gordon added that there would be no smell with proper venting. Mr. Henke indicated that the Council could require mitigation for vehicle lights. He indicated that the ditch had been discussed by the Water Advisory Board.

### Anna Heimburger

Ms. Heimburger made the following comments:

- Was concerned about pedestrian safety and the increase in traffic.
- There was not enough parking.
- The proposal was too much for such a small space.
- It was scary to turn left from Center Street.

### Jason Powers

Mr. Powers made the following comments:

- Lived next to Ms. Porter.
- Was concerned about safety. Was specifically concerned that there was not a crosswalk, curb, park strip, light, or turn lane on Center Street.
- Four spaces were not enough for the restaurant.
- People parked on the sidewalk along Center Street which reduced walkability.
- A lady had been killed on Main Street because there was not enough parking for businesses.
- Training people to enter the project from Michie Lane would be difficult.
- The request should be denied, or the Council should wait for UDOT to respond.
- The residents should be able to talk to UDOT before the Council made a decision.

Derick Davis

Mr. Davis made the following comments:

- The City should use common sense.
- Fast food restaurants did not help commercial areas.
- A better proposal could be submitted.
- Chapter 16.5 of the Municipal Code protected the entrances to the City.

Jess Baldwin

Jess Baldwin made the following comments:

- The proposal would cause traffic to loop through the Stone Gate Subdivision.
- Moved to Midway to not worry about traffic endangering children.
- Children had to walk to Midway Elementary School.
- There was too much traffic on Center Street to not have a crosswalk.

Doug Palmer

Mr. Palmer made the following comments:

- Leased the building to Süss Cookie Company which was near the proposal.
- Twelve parking spaces were not enough for Süss.
- The applicant should lease the lot to the north for more parking.

Clint Coleman

Mr. Coleman made the following comments:

- The previous business in the Daybell Garage had moved because the City did not allow it to expand the building using shipping containers.
- Concerns could be addressed with a conditional use.
- A drive-thru was never an option.
- A vehicle repair shop was no longer allowed at the location.
- The City needed to address the areas where residential and commercial met.

Ashley Blackham

Ms. Blackham indicated that a crosswalk was needed at the intersection.

**Note:** Emails received from Les Michie and Mary Scoville, regarding the proposal, are contained in the supplemental file.

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

**Motion:** Council Member Drury moved to continue the item until UDOT could consider it.

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

**Discussion:** Council Member Orme noted that the Council could put conditions on the request but could not deny it. Council Member Dougherty responded that it could be denied if the issues could not be reasonably mitigated.

**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 10:38 p.m. She reconvened the meeting at 10:42 p.m.

**Motion:** Council Member Orme moved to continue the meeting to consider the next item on the agenda.

**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

**9. Mill Canyon Farms Subdivision / Final Approval** (Berg Engineering – Approximately 20 minutes) – Discuss and possibly grant final approval for the Mill Canyon Farms Subdivision located at 850 South 250 West (Zoning is R-1-22). Recommended for approval without conditions by the Midway City Planning Commission.

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

- Location of the development
- Proposal
- Buildable area
- Open space
- Water board recommendation

- Possible findings

Mr. Henke also made the following comments:

- No changes had been made since preliminary approval.
- The developer would help rebuild 250 West and pave a public trail.
- The applicant would grant a larger right-of-way for the trail.

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

Wes Johnson indicated that the Council could choose to do 26 feet instead of 30 feet on 250 West.

**Motion:** Council Member Dougherty moved to grant final approval to the Mill Canyon Farms Subdivision with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-22 zone.
- The proposal complied with the land use requirements of the R-1-22 zone.
- 1.52 acres of open space would be created as part of the development, which would be noted on the plat and restricted from future building or development.
- The applicants would dedicate the remaining portion of the right-of-way needed for 250 West (Street Lane).
- The applicants would dedicate a 15-foot public trail easement along the future 970 South. They would construct an 8-foot asphalt trail that connected 250 West to Stringtown Road. They would also dedicate a 25-foot public trail easement along the east side of the Snake Creek channel.
- The applicant would be required to install secondary water meters for each lot.
- 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.
- The road width for 250 West would not be 30 feet but the 26-foot standard.

**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



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

**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

**10. Resolution 2021-36 / Mill Canyon Farms Development Agreement** (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-36 adopting a development agreement for the Mill Canyon Farms Subdivision located at 850 South 250 West (Zoning is R-1-22).

Corbin Gordon indicated that he would change the width of 250 West from 30 to 26 feet.

**Motion:** Council Member Drury moved to approve Resolution 2021-36 adopting the Mill Canyon Farms development agreement with the change to a 26-foot road.

**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

**Motion:** Council Member Dougherty moved to continue the meeting to hold a public hearing and then table the item regarding mixed-use density.

**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

**11. Ordinance 2021-41 / Mixed-Use Density** (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-41 amending Section 16.5.3(1)(2) (Mixed-Use Standards) of the Midway City Municipal Code reducing the density for mixed-use developments greater than one acre. Recommended for denial by the Midway City Planning Commission. **Public Hearing**

Michael Henke made the following comments regarding the proposed ordinance:

- The ordinance would reduce density for mixed-use projects over a certain number of acres. Five acres had been proposed.
- The Planning Commission recommended that the ordinance be denied.
- There should be a variety of housing in Midway.

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

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

- A mixed-use development could have more than twenty units per acre because it included both residential and commercial.
- Commercial areas were needed and should not be developed as residential.
- One residential unit should be allowed per “mom and pop” business. Any additional residential units should be affordable housing.
- The Village development was unique and would not be repeated.
- Parcels would have to be combined to create large developments.

**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 item to the next council meeting and allow 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                          Aye  
Council Member Payne                         Aye

**Motion:** Council Member Drury moved to continue the meeting to consider the item regarding landscaping.

**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

**12. Ordinance 2021-40 / Landscaping** (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-40 amending Title 16 (Land Use) of the Midway City Municipal Code regarding landscaping. Recommended for approval by the Midway City Planning Commission. **Public Hearing**

Michael Henke made the following comments regarding the proposed ordinance:

- HOAs and other groups were coming to the City complaining about the minimal landscaping in developments.
- Some developers were simply installing grass and irrigation.
- Some landscaping standards were needed.

### **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 item to the next council meeting and allow public comment at that time.

**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

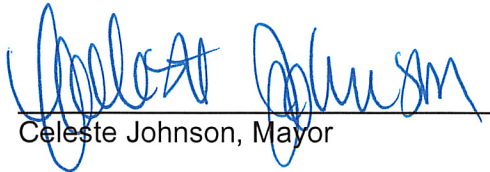
**13. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Purchase, Exchange, or Lease of Real Property.**

A closed meeting was not held.

**14. Adjournment**

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

The meeting was adjourned at 11:02 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder