

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

**Wednesday, 9 May 2018, 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 Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

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

Mayor Johnson called the meeting to order at 6:03 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member

Staff Present:

Josh Jewkes, City Attorney's Office
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. Jerry Owens gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 9 May 2018 City Council Regular Meeting.
- b. Warrants.
- c. Minutes of the 25 April 2018 City Council Work Meeting.
- d. Minutes of the 25 April 2018 City Council Regular Meeting.
- e. Minutes of the 1 May 2018 City Council Work Meeting.
- f. Appoint Kevin Stickelman as a Full Member of the Midway City Open Space Advisory Committee to Replace Randy Gurule.

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

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

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

3. Announcements

Mayor Johnson made the following announcements:

Law Enforcement / Traffic Enforcement

Mayor Johnson reported that she met with Jared Rigby, Wasatch County Sheriff's Department Chief Deputy, and there would be additional traffic enforcement during critical times in the City. She indicated that speed limit signs would be improved, and additional things done to raise awareness of speeding.

Jerry Owens / Community Garden

Mayor Johnson reported that Jerry Owens, in conjunction with the Wasatch Center for Advanced Professional Studies would have a community garden on his property. She added there would be an aquaponics component.

Midway Lane and Michie Lane Intersection / Turn Lane

Mayor Johnson reported that the Utah Department of Transportation (UDOT) funded a turn lane on Midway Lane (Hwy 113) to enter onto Michie Lane.

River Road and Main Street Intersection / Traffic Signal

Mayor Johnson reported that funding for a traffic signal at the intersection of River Road and Main Street would be reevaluated after the Michie Lane turn lane was completed.

Spring Clean-Up

Mayor Johnson thanked those who helped with the City's spring clean-up. She wanted to increase future participation.

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

Mayor Johnson asked if there were any comments from the public. No comments were offered.

5. Department Reports

Cemetery / Headstone Cleaning

Council Member Probst indicated that the headstones, at the City's cemetery, should be cleaned by Memorial Day.

Town Hall / Roof Treatment

Council Member Probst reported that he was trying to get another bid to treat the shingles on the Town Hall roof.

Community Center / Masonry Work

Council Member Probst showed pictures of masonry damage on the west side of the Community Center. He offered to repair the damage that summer.

Public Works Vehicle Building / Construction

Council Member Van Wagoner reported on the construction of the vehicle building at the City's maintenance yard. He indicated that the footings would be deeper because of the recently completed geotechnical study. He added that the additional cost would be \$2,000 instead of \$40,000.

Foreign Water / Policy

Council Member Van Wagoner recommended that the City adopt a policy regarding foreign water. He explained that issues with such water had arisen.

2018 Road and Water Improvements / Construction Begun

Council Member Simonsen reported that construction had begun on Probst Way as part of the 2018 road and water improvements.

Parking / Midway Mercantile

Council Member Simonsen reported that a resident requested that the City re-evaluate the parking near the Midway Mercantile restaurant. He said that specific concerns were the two crosswalks, parking too close to the intersections, and delivery trucks parking in the center turn lane next to the crosswalks. Wes Johnson responded that he would meet with the restaurant owner regarding the issues.

Parks / Playground Borders

Council Member Simonsen reported that borders were not required around park playground equipment. He indicated that the \$14,000 budget for borders would not be needed.

Valais Park / Concrete on Trails

Council Member Simonsen reported that the middle section of the trail, in the Valais Park, would not be pulverized. He said that pulverized concrete would be laid on top of it and compacted.

Animal Control / Calls

Council Member Simonsen reported that 11 calls were made to animal control the previous month.

ULCT Conference

Council Member Christen reported that the council meeting on September 12th had been cancelled so that the Council could attend the Utah League of Cities and Towns annual conference.

- 6. Wasatch County Open Lands Board / Presentation** (Approximately 15 Minutes) – Receive a presentation from the Wasatch County Open Lands Board regarding its efforts to preserve open space.

Courtland Nelson, Heidi Franco and Justin Keys, members of the Wasatch County Open Lands Board (WOLB), gave a presentation and reviewed the following items:

- Public interest in open space
- Benefits of open space
- Purchase of conservation easements
- What lands would WOLB focus on?
- WOLB organization and structure
- Snake Creek Canyon
- Wolf Creek Ranch
- Richins Ranch Heritage Preserve
- The Last Dollar Ranch
- Bonanza Flats
- Possible areas of interest
- Property owner benefits

- Considerations
- Draft bond text
- Open space proposal

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

Council Member Christen asked Mr. Nelson's opinion of having two open space bonds on the ballot at the same time. Mr. Nelson responded that it was problematic but Midway City and Wasatch County could work together on open space.

7. Ordinance 2018-14 / Master Plan Water Rights (City Attorney - Approximately 20 Minutes)
 – Discuss and possibly adopt Ordinance 2018-14 amending Section 16.16.4 of the Midway City Municipal Code regarding water rights to be tendered during master plan approval. Recommended without conditions by the Midway City Planning Commission.

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

- Current code
- Proposed code
- Possible findings

Mr. Henke also made the following comments:

- A public hearing on the ordinance was previously held.
- The ordinance was reviewed in the work meeting held that day.
- Water rights needed to be turned over to the City with entitlement.

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

Josh Jewkes made the following comments:

- The ordinance would be a net benefit for the City.
- It would insure that developments had the needed water.
- It would be onerous for a developer, but the Council's duty was to the residents.

Motion: Council Member Van Wagoner moved to adopt Ordinance 2018-14 with the recommendation of the Planning Commission and the following findings:

- Water rights for the entire master plan would be tendered to the City earlier in the approval process to assure that the developer owned sufficient water rights for the entire project.
- A developer would not be able to sell water off a property after the master plan agreement had been recorded.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

8. Lodges at Snake Creek / Plat Amendment (Jeremy Clark – Approximately 30 Minutes) – Discuss and possibly approve a plat amendment for The Lodges at Snake Creek PUD located at the intersection of Cari Lane and Pine Canyon Road (Zoning is R-1-15). 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:

- Land use summary
- Location of the development
- Recorded plat map
- Easement for a private geothermal water line
- Proposed site plan
- Parking
- Unit sizes
- Proposed plat map with the new location of the water line easement
- Pictures of the current units
- Elevations of the proposed units
- Applicant's reasons for the amendment
- Items of consideration
- Possible findings
- Possible conditions

Mr. Henke also made the following comments:

- The applicant asked to move the water line, for the geothermal water, to another location.
- The applicant requested that the amendment be continued to another meeting so that he could meet with the neighbors regarding the water line easement.
- The amendment was a legislative decision and did not have to be granted.

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

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

- Moving an easement did not always require the consent of the grantee.
- An eight-inch water line might have been stubbed to the north through the project. This line should be disconnected at the main line. The property to the north should connect to the water line on Pine Canyon Road.
- The Midway Irrigation Company might have an easement through the property to supply pressurized irrigation to Cari Lane. The Company needed to agree to any realignment of the line.

Public Hearing

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

Audrey Holocher

Ms. Holocher asked the price of the proposed units. Mayor Johnson responded that the units would be less expensive because they were smaller.

Jon Winget

Mr. Winget made the following comments:

- Was a partner in the home at 550 West Cari Lane.
- Had the easement for the geothermal water line.
- Wanted to protect that easement.
- Someone had tried to take the geothermal water in the last six years.
- A previous developer of the project asked to move the easement and an agreement was prepared. That agreement needed to be honored.
- The easement was 20 feet wide.
- The easement could not be altered without the permission of both parties.
- Wanted to be a good neighbor and did not want to be unreasonable.
- The water line needed to be accessible for maintenance.
- There would be pavement over some sections of the line.
- Had a meeting with the current developer that Monday.

Josh Jewkes said that the agreement was for an express easement and was standard. He said the he would need to review it in more detail.

Sharon Riley

Ms. Riley indicated that her children lived on Cari Lane, used the geothermal water line, and was concerned about the construction. She asked who would be responsible if the line was damaged. Wes Johnson responded that his office would oversee the construction and the water be off for an afternoon.

Jim Avitable

Mr. Avitable was concerned about the price and size of the proposed units and how that would affect the value of his existing unit in the project.

Mayor Johnson closed the public hearing when no further comments were made.

Council Member Simonsen asked if the parking, in the proposed section of the project, would be enough. Mr. Henke responded that the additional parking would be an improvement but did not know if it would solve the existing problem.

Motion: Council Member Van Wagoner moved to table consideration until a future meeting to be determined.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

9. The Corner Restaurant / Conditional Use Permit / Local Consent / Proximity Variance
(Karl Probst - Approximately 30 Minutes) – Discuss and possibly grant a conditional use permit, local consent and a proximity variance for a liquor license for The Corner Restaurant located at 195 West Main Street (Zoning is C-2). Recommended with conditions by the Midway City Planning Commission. **Public Hearing.**

Note: Council Member Probst recused himself from consideration of the item because he was related to the applicant. Council Member Probst left at 7:35 p.m.

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

- Location of the restaurant
- Site plan
- Open area
- Parking
- Building elevations
- Building layout
- Possible findings

Mr. Henke also made the following comments:

- A proximity variance was needed because the proposed restaurant was within 200 feet

- of a public park.
- A restaurant was a permitted use in the zone if the requirements of the Municipal Code were met.
- The Council was only considering the items related to a liquor license.
- The restaurant was in the C-2 zone.
- A house on the property was raised after going through the required noticing process.
- The applicant tried to save the house, but it was too dilapidated.
- Pieces of the house would be incorporated into the new building.
- It was part of a three-lot subdivision.
- The Municipal Code had been amended to allow the parking as proposed.
- The building had been reviewed by the Vision Architecture Committee.
- The Council had broad discretion when considering a liquor license. It could add conditions to an approval.
- The proposed conditions were the same as those imposed on Midway Mercantile.

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.

Mayor Johnson noted that the same type of liquor license had been issued to other restaurants in the City. She said that the City's experience with these licenses had been positive.

Motion: Council Member Christen moved to grant The Corner Restaurant a conditional use permit, local consent for a liquor license and a proximity variance subject to the following condition:

- No alcohol related signage would be visible on the exterior of the building or on the inside, visible from the outside including from 200 West.

Discussion: Council Member Christen stated that she did not want to prohibit the serving of alcohol, after 10 p.m., because it would limit the restaurant when having special events. She also stated that the State prohibited serving alcohol after midnight.

Council Member Van Wagoner asked for comment from the applicant. Bentley Probst said that the restaurant would not be open after 10 p.m. but some events might go later.

Council Member Christen said that it was difficult to stop groups from drinking after 10 p.m. She also said that the City's nuisance ordinance limited activity at that time.

Second: Council Member Van Wagoner seconded the motion.

Discussion: Council Member Simonsen expressed concern that the Council recently prohibited Midway Mercantile from serving alcohol after 10 p.m. He said that the owner of that restaurant and bar could argue events, like a Jazz game, went past 10 p.m. Mr. Henke responded that the

owner could come back to the Council and request to serve alcohol after 10 p.m. He added that the State Code gave the Council broad discretion when considering alcohol licenses.

Mayor Johnson asked Council Member Christen if she wanted to set a time to stop serving alcohol. Council Member Christen responded that she did not and that a limit was already set by the State.

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Excused
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: Council Member Probst returned.

10. Resolution 2018-13 / Whitaker Annexation Amendment (City Planner – Approximately 30 Minutes) – Discuss and Possibly Approve Resolution 2018-13 Adopting an Amended Agreement for the Whitaker Annexation.

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

- Annexation requirements
- Traffic study
- Intersection concepts for River Road and 600 North
- Intersection concepts for River Road and the entrance near Memorial Hill

Mr. Henke also made the following comments:

- River Road needed to be a balance between rural and accommodating the volume of traffic.
- The traffic study showed that two lanes were sufficient for the road.
- Most of the intersection concepts required the participation of surrounding landowners.
- Roundabouts would reduce traffic speed and discourage River Road as a shortcut between Utah and Summit counties.
- The Whitaker annexation agreement required modifications to the Memorial Hill entrance.
- The City wanted safe intersections.
- Wasatch County, which owned the Memorial Hill, had to agree to any change to its entrance.
- If the County did not agree to a change then the entrance, to the proposed development, would have to be moved further north to meet spacing requirements.
- The City Council normally could grant an exception to access requirements. It probably could not in this case because of previous decisions.
- Driveway access at the intersection needed to be addressed.
- The project was discussed in the work meeting held that morning.

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

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

- Midway loved the Memorial Hill and wanted to protect and enhance it.
- Several items with the proposed development needed to be resolved before approval should be granted.
- The applicant was trying to do what was best.
- An actual amended annexation agreement needed to be prepared.

11. Whitaker Farm / Preliminary Approval (Dan Luster - Approximately 30 Minutes) – Discuss and possibly grant preliminary approval for the Whitaker Farm Subdivision located at 455 North River Road (Zoning is RA-1-43). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**.

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

- Land use summary
- Location of the development
- Open space
- Water features
- Amenities
- Lot sizes
- Discussion items
- Whitaker annexation parcel
- Memorial Hill access
- Water Board recommendation
- Possible findings
- Conditions proposed to the Planning Commission
- Planning Commission recommendations
- Landscaping plan

Mr. Henke also made the following comments:

- The plan being presented had been reviewed by the Planning Commission.
- It had changed from what was approved with the annexation.
- The applicant asked for the rural cross-section for the roads in the project.
- The roads would be public.
- The Planning Commission recommended granting preliminary approval while the River Road improvements were being determined. This would encourage the developer to do something other than three lanes.
- Entitlement was granted with preliminary approval.

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.

Rene Holm

Ms. Holm made the following comments:

- Preferred roundabouts at the entrances to the development.
- They would reduce speeding on River Road.
- More parking was needed for the Memorial Hill.
- Roundabouts were on rural roads in Europe.
- Never thought that she would have to pull out of her driveway into a roundabout.
- Roundabouts could be pedestrian friendly.
- Construction traffic for the project was a concern and should be addressed.
- The entrances should be used equitably.

Mr. Henke responded that construction traffic had not yet been addressed.

Steve Farrell, Wasatch County Council

Mr. Farrell indicated that the applicant did not present, to the County Council, a roundabout as part of the Memorial Hill entrance.

Clara Norm

Ms. Norm asked where the additional parking for Memorial Hill would be.

Dan Luster, Applicant

Mr. Luster made the following comments:

- Moving the entrance to the development, next to Memorial Hill, had been discussed in the work meeting. It had been suggested that it be moved further north.
- Additional parking for Memorial Hill could be built in the development.
- Was trying to do the right thing.
- The various approvals for the project had taken one and a half years so far.

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

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

- Some issues like parking for the Memorial Hill still needed to be resolved.
- Wasatch County had to accept any changes to the Memorial Hill entrance.
- The Salazar family had to accept a roundabout at 600 North, because part of it would have to be on its property, if it was to be considered by the City Council.

- The roads and entrances needed to be done correctly.
- The Memorial Hill entrance gate was special and should not be affected.
- Mr. Luster should work with the City's staff before presenting any proposal to the County.
- The item should be continued so that Mr. Luster could work with the County.
- The item could be reconsidered when the outstanding issues were resolved.

Motion: Council Member Van Wagoner moved to table consideration, of the annexation agreement amendment and preliminary approval, to give the applicant the opportunity to redesign or clarify the roads and accesses with the effected parties and to meet the zoning requirements.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

12. Tentative FY 2019 Budget / Adoption (Financial Officer - Approximately 15 Minutes) – Discuss and Possibly Adopt the Proposed Fiscal Year 2019 Tentative Budget for Midway City.

Brad Wilson explained that he would give a detailed presentation on the budget at the public hearing.

13. Adopted FY 2019 Budget / Set Public Hearing (Financial Officer - Approximately 5 Minutes) – Discuss and Possibly Set a Time and Place for a Public Hearing on the Adopted Fiscal Year 2019 Tentative Budget.

Motion: Council Member Van Wagoner moved to approve the FY 2019 tentative budget for Midway City and set a public hearing on the budget for May 23rd.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye

Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

14. CDRA Meeting – A Meeting of the Community Development and Renewal Agency for Midway City (Please See Separate Agenda).

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

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: Minutes of the Agency are maintained separately.

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

Second: Board Member Van Wagoner seconded the motion.

Discussion: None

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

Board Member Christen	Aye
Board Member Drury	Excused from the Meeting
Board Member Probst	Aye
Board Member Simonsen	Aye
Board Member Van Wagoner	Aye

15. Submission Policy

Council Member Van Wagoner recommended an official policy that all changes, to items being considered, had to be provided in a timely manner. He suggested a deadline of a week to ten days before a meeting. He noted that this would allow Council Members time to review the change and to visit a site proposed for development before approval was considered.

16. Adjournment

Motion: Council Member Van Wagoner moved to adjourn the meeting. Council Member Christen seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:50 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder