

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

**Wednesday, 9 May 2018, 9:00 a.m.
Midway City Office Building, Old City Council Chambers
75 North 100 West, 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

Mayor Johnson called the meeting to order at 9:00 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member (Arrived at
9:21 a.m.)
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, 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.

2. Ordinance 2018-14 / Master Plan Water Rights (City Attorney – Approximately 15 Minutes) – Discuss 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.

Corbin Gordon made the following comments:

- The proposed ordinance had previously been considered by the Council.
- Concerns were raised with accommodating water shares used as a lender's security interest.
- Some lenders put their names on the water certificates for security.
- The proposal would hold the certificates in escrow by the City.

- The certificates would then be transferred into the City's name when each phase was recorded.
- In the future there would inevitably be issues with lenders.
- In case of a foreclosure, the proposal allowed certificates to be released for 14 days so that they could be transferred into the lenders name. If they were not returned within that time, then master plan approval would terminate. The time could be adjusted in an emergency.
- There were a lot of recent changes to water law.

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

- Issues between a developer and their lender were not the City's problem.
- The City should not allow water credits.
- Would requiring the water, with master plan approval, discourage reducing density?
- Water shares would be returned to the developer if the project changed and less water was needed.

Note: Council Member Christen arrived at 9:21 a.m.

- 3. Lodges at Snake Creek / Plat Amendment** (Jeremy Clark – Approximately 20 Minutes) – Discuss 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.

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

- Land use summary
- Recorded plat map
- Proposed plan
- Pictures of current units
- Representations of the proposed units
- Reasons for the amendment
- Ideas for consideration
- Possible conditions

Mr. Henke also made the following comments:

- A large portion of the project had already been built and parking was a problem.
- An existing hot water line and associated easement would be moved. The new location would provide more fall.
- The infrastructure was not complete.
- Some existing infrastructure was damaged.
- A construction and landscaping bond would be needed.
- The developer still controlled the HOA.

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 concrete hot water line had been previously replaced with plastic which did not retain the heat as well.

4. The Corner Restaurant / Conditional Use Permit / Local Consent / Proximity Variance (Karl Probst – Approximately 15 Minutes) – Discuss 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.

Mr. Henke also made the following comments:

- The applicant requested a full liquor license which included beer, wine and liquor.
- A variance was needed because of the restaurant's proximity to the Town Square.
- A conditional use permit and local consent was also requested.
- A variance was granted to the Café Galleria because of its proximity to the Town Square.
- The restaurant would be on a visible corner and recommended limiting the alcohol related signage as had been done with Midway Mercantile.

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

Council Member Probst said that he needed to recuse himself.

Council Member Van Wagoner noted that the Council had denied a request for local consent from the Filler'up Coffee Station. He asked why the current request was different. Mr. Henke responded that the proposed restaurant would serve full meals and was not child oriented like Filler'up. Council Member Christen added that their needed to be a certain ratio of food to alcohol for this type of license.

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

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

- Traffic study
- Possible entrances off River Road
- Intersections at 600 North and Memorial Hill

Mr. Henke also made the following comments:

- The annexation agreement established the improvements that the developer needed to

make to River Road.

- Wider roads promoted speeding.
- The applicant wanted to do something better which would maintain the rural feel and character of the area.
- The annexation agreement would have to be amended to change the improvements.
- The applicant had not submitted enough detail to consider approval.
- A third lane was not needed on River Road according to the traffic study.
- Neighbors wanted the traffic slowed.
- River Road was a bypass used to go between Summit County and Utah County.

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

Dan Luster, applicant, made the following comments:

- Went to the Wasatch County Council regarding the entrance to Memorial Hill. They raised concerns with parking, the entrance sign/gate and opposition from veterans. In the future, they would only consider something demonstrably better.

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

- Roundabouts, especially the two that had been discussed, would slow traffic on River Road.
- A new entrance to Memorial Hill, coming off the road into the proposed subdivision, would be too steep.
- An oval roundabout did not provide parking for the Memorial Hill.
- Safety was reduced as more roads were added to an intersection.
- The Memorial Hill entrance sign/gate should not be disturbed.
- The entrance to the project, next to Memorial Hill, should be moved further to the north.
- The applicant should meet with the American Legion regarding the entrance.
- A veteran's statue could be put in the middle of the Memorial Hill roundabout.
- The Salazar family wanted the neighbors to approve of a roundabout at 600 North. The Duncan family preferred a roundabout, but it had to be as small as possible.
- The road profile, between the roundabouts, needed to be determined.
- Any money saved, by changing the required road improvements, should be used to extend the public trails in the area.
- The concerns of land owners, like the Salazar family, should not be disregarded.

Note: Mayor Johnson left at 10:09 a.m.

6. Whitaker Farm / Preliminary Approval (Dan Luster - Approximately 20 Minutes) – Discuss 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.

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

- Proposed plan
- Trails
- Entrances
- Discussion items
- Water Board recommendation

Mr. Henke also made the following comments:

- The project had been considered by the Midway Water Advisory Board.
- The applicant requested the rural cross-section for the roads.
- The project would not be phased.
- The Planning Commission recommended moving forward with the project while the road improvements were being determined.
- To change the road improvements the associated annexation agreement had to be amended.

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

Note: Mayor Johnson returned at 10:14 a.m.

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

- Some residents did not want a road going south to Main Street from the project.
- There were a limited number of north to south roads in the City.
- Hylton Haueter now wanted the road going south to run through his property. Preliminary approval should not be granted until the location of this road, in the project, was determined.

Note: Council Member Christen left at 10:19 a.m.

- Could a bond be put in place to allow approval and ensure that the road improvements were finalized at a later date?
- There were too many questions to grant approval.

Note: Council Member Christen returned at 10:22 a.m.

- The locations of other roundabouts in the project needed to be determined.
- Changing the road improvements was a fundamental alteration.
- Some lots might be changed depending upon the location of the south traveling road.

7. ULCT / Annual Convention (Mayor Johnson - Approximately 15 Minutes) – Discuss

attending the annual convention of the Utah League of Cities and Towns.

Mayor Johnson wanted smaller municipalities to participate in the ULCT and its annual convention. She suggested that the Council attend the convention which conflicted with one of its meetings. The Council agreed that the meeting could be cancelled so that members could attend the convention.

8. Department Reports

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.

Jerry Owens / Community Garden

Mayor Johnson reported that Jerry Owens, in conjunction with the Wasatch Center for Advanced Professional Studies program, wanted to have a community garden on his property.

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 was delayed because of the turn lane for Michie Lane.

Town Hall / Treat Roof

Council Member Probst reported that he may have found someone who could treat the shingles on the Town Hall roof for less than the planned \$40,000.

9. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

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

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

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

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

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

Motion: Without objection, Mayor Johnson recessed the meeting at 10:56 a.m. She reconvened the meeting at 11:07 a.m.

10. Tentative FY 2019 Budget (Financial Officer) – Discuss the Proposed Fiscal Year 2019 Tentative Budget for Midway City.

Brad Wilson explained that the purchase of an additional Toolcat with several attachments had been added to the proposed budget. He added that the money for the equipment would come from reserves in the CIP Fund.

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


- The equipment could be used for parks and trails.
- The Toolcat could last 15 years with the attachments lasting 5 years.
- The Public Work Department might want to trade in the Toolcat each year for a new one. That cost would be \$6,000 a year. Was this a good deal?

Brad Wilson also indicated that general tax revenue, and not revenue from the cemetery, serviced the debt on the cemetery bond.

11. Adjournment

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

The meeting was adjourned at 11:39 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder