

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

**Wednesday, 11 July 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 a.m.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member (Arrived at 9:12 a.m.)
Jeff Drury, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member (Arrived at 9:04 a.m.)

a.m.)
Michael Henke, Planning Director
Wes Johnson, Engineer
Georgia McGuire, Human Resources Manager (Arrived at 9:38 a.m. and left at 9:57 a.m.)
Brad Wilson, Recorder/Financial Officer

Staff Present:

Corbin Gordon, Attorney (Arrived at 9:04

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

2. Ordinance 2018-16 / Theaters in Commercial Zones (City Planner – Approximately 45 minutes) – Discuss Ordinance 2018-16 amending Title 16 of the Midway City Municipal Code to allow theaters in the C-2 and C-3 zones. Recommended without conditions by the Midway City Planning Commission.

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

- Code text amendment
- History of the resort zone
- Proposed code text

- Zoning map
- Vision Statement

Note: Council Member Simonsen and Corbin Gordon arrived at 9:04 a.m.

Mr. Henke continued his presentation and reviewed the following items:

- General Plan
- Points of discussion
- Parking
- Amphitheaters
- Movie theaters
- Proposal to delay action until a specific theater proposal was received
- Proposed findings

Note: Council Member Christen arrived at 9:12 a.m.

Mr. Henke explained that the requested code change originated with the Planning Commission.

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 conditional use permit (CUP) could not be denied.
- Only reasonable conditions could be placed on a CUP.
- Theater parking was a significant issue.
- The Municipal Code currently allowed parking garages.
- Parking garages and parking could be poorly designed.
- Parking needed to be addressed in and around the commercial zones.
- Snow storage and drainage should be considered when addressing parking.
- The Council should wait to consider the ordinance until it received a specific theater proposal.
- Parking in general would be considered at the next planning commission meeting.
- Theaters could be beneficial, but more time was needed to consider the associated issues.

3. Ice Rink / Agreement Addendum (City Attorney – Approximately 10 minutes) – Discuss an addendum to the Midway Ice Rink Facility Management Agreement dated 22 November 2017.

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

- It established how much the Midway Boosters, which operated the ice rink, would pay to the City for the previous season. This would cover wages, benefits and other operating expenses.
- An agreement needed to be negotiated as soon as possible for the upcoming season.
- Money needed to be set aside for future capital expenditures.
- The Boosters President wanted to review the addendum before she signed it.
- The Boosters repaired some of the ice rink facilities.
- The final revenue and expenditures for the previous season should be reviewed by the Council.
- The family of Robert Simonsen, who helped start the ice rink, should be allowed to skate at no charge at least once during a season.

Note: Georgia McGuire arrived at 9:38 a.m.

4. Resolution 2018-24 / Security Deposit for Park Pavilions / Planning Department Consultation Fee (Georgia McGuire – Approximately 10 minutes) – Discuss Resolution 2018-24 amending the Midway City Fee Schedule regarding security deposits for park pavilions and a consultation fee for the Planning Department.

Georgia McGuire made the following comments regarding security deposits:

- The Council had adopted a security deposit for the Town Square Pavilion which had a fridge, sink and other appliances. Agreed with the need for this deposit.
- The Council also adopted a security deposit for the other eight pavilions in the City's parks. These pavilions were metal and did not have appliances. They had no walls and could not be locked.
- A lot of people liked to rent the park pavilions especially on Saturdays. They would have to pay the deposit on a weekday. The pavilions would have to be inspected just before and after their use to determine if the deposit could be returned.
- Any deposit check would have to be deposited in the bank and then a refund check provided.
- It would cost the City more in time and labor than the \$50 deposit.
- Recommended that the deposit for the Town Square Pavilion remain but the deposit for the other pavilions be repealed.

Mayor Johnson made the following comments regarding the proposed consultation fee:

- People were constantly meeting with the City Planner about potential developments or purchasing land.
- Recommended that these people pay a consultation fee after the first hour. This would cover the Planner's time and encourage people to be selective in how they used his time.
- Developers who had submitted an application had already paid a fee which covered the Planner's time.

Mr. Henke made the following comments regarding the proposed consultation fee:

- Meeting with potential developers and buyers kept him from doing other important work.

- Tax payers should not have to pay for his time to meet with such developers and buyers.
- Would use some discretion when charging the fee.

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

- People wanting to meet with the Planner should be told upfront about the fee.
- An agreement might need to be signed with people meeting with the Planner.
- People could submit questions to the Planner.
- The public should not feel that they could not meet with the Planner.
- Meeting with developers and buyers solved problems and improved projects.
- If a policy was needed, then the fee should not be adopted until that policy was ready for approval.

Note: Georgia McGuire left at 9:57 a.m.

5. Resolution 2018-14 / Whitaker Annexation Amendment (City Attorney – Approximately 30 Minutes) – Discuss Resolution 2018-14 Adopting an Amended Agreement for the Whitaker Annexation.

Corbin Gordon reviewed the proposed amendment and made the following comments:

- The Salazar family generally approved of the amendment. They now needed to be parties to the agreement.
- The required River Road improvements in the annexation agreement were being changed. The cross-section would be different. Roundabouts and bike lanes would be added.
- The Wasatch County Council liked the concept of a roundabout at the entrance of Memorial Hill which it owned. It had not yet approved a formal plan.
- The developer did not want to be held hostage because someone would not provide the property for the roundabouts. He wanted the City to acquire that land.
- The City would agree to a three-lot subdivision on the Salazar property south of 600 North even though one of the lots would be slightly smaller than the zone required. The entrance to the smaller lot would have to be on the east side to be as far away from the roundabout as possible.
- Any savings from changing the road improvements would be used to extent the public trails.

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

- Wasatch County wanted to sell the needed property for the roundabout.
- Additional parking for the Memorial Hill would be provided with the roundabout.
- If there was not a roundabout at Memorial Hill, then the south entrance to the development should be at least 300 feet further to the north.
- There should be a clause in the amendment that specified what would happen if the needed property could not be acquired for the roundabouts.
- Developers always had to acquire the property and easements for their projects.
- The County would be more cooperative with the City.
- The County wanted 20 parking stalls but only 18 were shown on the proposed plan.

- If the roundabout property could not be acquired, then road improvements would have to be built as stated in the approved agreement.
- The City should not set precedence by acquiring land or easements on behalf of a developer.
- More detail was needed on the pedestrian access for the Memorial Hill roundabout.
- The second roundabout should be identified by 600 North and not the Salazar family.
- The City would have to pay for any overruns on the road improvements. This would protect the developer from any extravagant improvements.
- The landscaping in the roundabouts needed to be determined. It would be maintained by the City. The County wanted the Memorial Hill roundabout to have a patriotic theme. The landscaping should be reasonable. There were attractive alternatives to grass.
- The proposed route for 600 North, going into the project, would be within 20 feet of an existing building.

Note: Copies of slides used in the discussion of the amendment are contained in the supplemental file.

6. Whitaker Farm / Preliminary Approval (City Planner - Approximately 30 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:

- Most recent site plan
- Water Board recommendation
- Proposed conditions

Mr. Henke also made the following comments:

- The south stub road was now further to the east. The new alignment of the road would deter through traffic and have two lots on the west side next to the Memorial Hill.

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

Dan Luster, applicant, made the following comments:

- The previous alignment of the south stub road would cut into Memorial Hill.
- The HOA would maintain the roundabouts and road islands inside of the project.

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

- Should the trails along the interior roads be six or eight feet wide? The width should best match the equipment used to maintain the trails.
- The road width should be the standard 30 feet. The width had been reduced in the

Remund Farms Subdivision because of the PUD setbacks.

- A change application, for the necessary water rights, should be recorded before the plat map was recorded or construction began.
- The Memorial Hill roundabout should be as spherical as possible to reduce speeding.
- Detaching the bike lane from the road would require more fill and increase the cost.
- The engineer, designing the roundabouts, said they were safer for pedestrians because drivers only had to make one decision at a time.
- Controlled intersections required all drivers to stop their vehicles.

7. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Character, Professional Competence, or Physical or Mental Health of an Individual.

Motion: Council Member Drury moved to go into a 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	Aye
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	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

8. Cemetery / Condition of Grass

Council Member Drury received several complaints about dry spots in the grass at the

cemetery. Council Member Probst, who oversaw the cemetery, responded that he spoke to the Public Works Department and they would increase the watering of the grass.

Wes Johnson noted that temperatures were high, and the region was in a drought.

Mayor Johnson thought the criticism was also political.

Council Member Drury suggested that the City describe on its website what it was doing to conserve water.

9. Whitaker Farm / Preliminary Approval

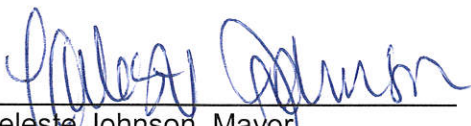
Council Member Probst asked if preliminary approval for the Whitaker Farm Subdivision would be considered for action that evening. Mayor Johnson responded that it would be considered for approval.

Council Member Van Wagoner again opposed the City acquiring property and easements for developers.

10. Adjournment

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

The meeting was adjourned at 11:46 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder