

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

**Wednesday, 8 August 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 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, 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 Christen.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
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:

Lisa Christen, 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. Pam Weilenmann gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 8 August 2018 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 11 July 2018 City Council Work Meeting
- d. Minutes of the 11 July 2018 City Council Closed Meeting
- e. Minutes of the 11 July 2018 City Council Regular Meeting
- f. First One Year Extension of the Final Approval for the Shangri-La Subdivision Located at 151 South 250 West (Zoning is R-1-9)

- g. Sheila Probst Siggard as a Full Member of the Midway City Trails & Parks Advisory Committee
- h. Tom L. Boehnke as a Full Member and Diann Glenn and Bruce Barnes as Alternate Members of the Midway City Vision Architectural Committee

Note: Copies of items 2a, 2b, 2c, 2e, 2g, and 2h are contained in the supplemental file.

Motion: Council Member Van Wagoner moved to approve the consent calendar.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

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

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

Appenzell PUD / Landscaping

Skeeter Gehring and William Payne, homeowners in the Appenzell PUD, gave a presentation regarding the landscaping in the development and made the following comments:

- Homeowners were shown a landscaping plan and told that it would be followed when they purchased their units.
- The developers said they did not have to follow the landscaping plan.
- There was too much mulch instead of sod around the units and throughout the development.
- The mulch was washing or blowing away in some areas.
- There was not a weed barrier under the mulch.
- The rear area of the development had been hydroseeded, but the ground had not been prepared. The ground still had weeds, thistles, rocks, and low areas where water accumulated and algae grew.
- There were dead trees and thistle on the berms around the project.

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

Wes Johnson made the following comments:

- The warranty period for the project had begun and the City was not allowing \$33,000 of the bond to be released.
- The full bond would not be released until the development met the intent of the landscaping plan.
- It was common to have mulch around homes but what was in the development seemed excessive.

Larry Halper, a homeowner in the Appenzell PUD, made the following comments:

- Was promised by the sales agent that the landscaping would be like that in the Cervino PUD.
- A lot of the project had been hydroseeded instead of sod being laid.

Tom Streit, a homeowner in the Appenzell PUD made the following comments:

- It might be too late in the year to correct the landscaping.
- The homeowners had a meeting with the developers. The developers committed to do better but had not done anything since then.
- Was concerned that the developers would now focus on Phase II.

Rick Lloyd, representing the developers, made the following comments:

- The landscaping plan was somewhat conceptual.
- The building envelope was not represented on the plan.
- Would not plant grass next to a house because it would affect its foundation.
- Agreed that some areas of mulch needed to be reduced.
- Did not like grass between homes where there would be no sun.
- The landscape contractor had not done a good job or finished the work because there was a labor shortage.
- The landscaping needed to look good to be able to sell more units.
- The thistle had been sprayed and was dying. It would be pulled or cut down.
- Wanted the homeowners to be happy.
- There was a problem with the quality of the irrigation water.

Note: A site plan for a unit in the Appenzell PUD was presented by Mr. Lloyd and is contained in the supplemental file.

Mayor Johnson noted that the issue was a civil matter between the developers and the homeowners. However, she said that the City would assist where possible and asked the parties to continue to work together. She suggested that any commitments be in writing.

No further comments were offered.

4. Department Reports

Cemetery / Improvements

Council Member Probst reported that the City was working on several improvements in its cemetery.

Town Hall / Treat Roof

Wes Johnson thought that the shingles on the Town Hall roof did not need to be treated. He would confirm that with the manufacturer.

Community Center / Roof Repair

Council Member Probst reported that the roof on the Community Center had been repaired.

Public Works Vehicle Building

Council Member Van Wagoner reported that the vehicle building, at the maintenance yard, had been framed and the roof was being installed.

Fire Station

Council Member Van Wagoner reported that the new fire station in Midway was being manned by full-time firefighters.

Roads / Chip Seal

Council Member Simonsen reported that several roads were being chip sealed that week. He noted that chip sealing was an inexpensive way to maintain a road.

Parking / Commercial Zones

Council Member Simonsen reported that the Planning Commission was working on recommendations for parking in the commercial zones.

600 North / Improvements

Council Member Simonsen reported that 600 North would be repaved the following spring.

Town Square Tennis Court / Pickleball

Council Member Simonsen reported that a pickleball club offered to restripe the Town Square tennis court for pickleball. It was decided to put the issue on the next council meeting agenda for action. The offer would also be considered by the Trails and Parks Advisory Committee.

Animal Control / Quarterly Report

Council Member Simonsen reported that there were no abnormalities in the latest animal control report.

- 5. Resolution 2018-27 / Special Bond Election** (Bond Counsel – Approximately 15 minutes)
– Discuss and possibly adopt Resolution 2018-27 providing for a Special Bond Election to be held on 6 November 2017, for the purpose of submitting to the qualified electors of Midway City, Utah, a proposition regarding the issuance of not to exceed \$5,000,000 General Obligation Bonds to finance open space and all related improvements; and related matters.

Corbin Gordon reviewed the proposed resolution and indicated several changes that still needed to be made.

Mark Anderson, Zions Public Finance, reviewed the financial impact of the resolution. He thought that the impact would be less when the bonds were issued. He noted that the individual impact would decrease as the population increased.

Council Member Simonsen stated that the City wanted to be transparent and provide correct information.

Council Member Probst recommended that the proceeds of any bond only be used for open space within city limits. Council Member Van Wagoner said that the proceeds should be limited to at least the annexation boundary for the City. He worried that some people would want to use it outside of the City.

Council Member Simonsen disagreed with limiting the proceeds to within the City. He said that it should be used where the residents thought it would be most beneficial. However, he would agree to limiting it to the annexation boundary.

The dates in the resolution were changed to coincide with the proposed council meeting dates.

Motion: Council Member Simonsen moved to approve Resolution 2018-27 providing for a special bond election as just reviewed by the Council with the following changes:

- Page 1, paragraph 2, line 3: “City” changed to “City Council”.
- The bond proceeds could be used for open space within the annexation boundaries as indicated on the Land Use Map dated 13 December 2017.
- The public meeting would be held on 2 October 2018.
- The public hearing would be held on 18 September 2018.
- The ballots would be canvassed on 20 November 2018.
- Any non-substantive clerical or scrivener’s errors could be corrected.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

6. Ordinance 2018-16 / Theaters in Commercial Zones (City Planner – Approximately 15 minutes) – Discuss and possibly adopt 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 request and reviewed the following items:

- Code proposal
- Locations of the commercial zones
- Points of discussion
- Proposed findings

Mr. Henke indicated that no proposal for a theater had been submitted.

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

Council Member Drury said that a lot of issues, such as parking, needed to be addressed before theaters should again be considered for the commercial zones.

Motion: Council Member Drury moved to deny Ordinance 2018-16, amending Title 16 of the Midway City Municipal Code to allow theaters in the C-2 and C-3 zones, because a lot of issues like parking needed to be addressed. He further moved that the Planning Commission reconsider theaters in the commercial zones once these issues had been more thoroughly considered.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Probst made the following comments:

- He attended the planning commission meeting when the proposal was discussed.
- The proposal should have been recommended with conditions.
- Members of the Commission who had a financial interest or involvement in a potential theater project should have recused themselves from discussion and action on the item.
- The base of Memorial Hill was not the best place for a theater. A local resort or Soldier Hollow were better locations.
- The scope and cost of the potential project was too much.

Council Member Simonsen made the following comments:

- Liked the idea of a small community theater.
- Was concerned with the scale of the project proposed at the Memorial Hill. It would have a significant negative impact.
- More time was needed to consider the impacts of theaters.

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

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

7. Epperson Subdivision / Preliminary & Final Approval (City Planner – Approximately 10 minutes) – Discuss and possibly grant preliminary and final approval for the Epperson Small-Scale Subdivision located at approximately 85 West 250 North (Zoning is R-1-9). 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
- Small scale subdivision approval process
- Location of the development
- Pictures of the property
- Proposed plat map
- Discussion points
- Water Board recommendation
- Possible findings

Mr. Henke also made the following comments:

- The project was a one lot subdivision.
- The lot was larger than required in the zone.
- The property could be divided into two lots with a duplex on each lot.
- Only one single family lot was proposed by the applicant.
- More water would be needed if duplexes were built on the property.
- Rick Tatton had written a letter asking that any excavation for the project be done with rotary digging equipment. The City had required this of other projects.

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.

Connie Kohler

Ms. Kohler made the following comments:

- Her family had owned the property proposed for development.
- Was supposed to have first right of refusal when her brother sold the property.
- The road next to the project needed to be repaved.
- She owned the land up to the fence line of the property.
- Opposed multi-family housing on the property.
- Her sister did not receive notice of the public hearing in time to attend.

Mr. Henke pointed out that the property owner would have to come back to the Council to request a duplex.

Bob Miller

Mr. Miller made the following comments:

- Had lived next to the property, proposed for development, for 45 years.
- Preferred one house on the property.
- The road next to the property needed to be replaced.
- Had not been notified when the property was sold.

Mr. Henke indicated that neighbors were not required to be notified when property was sold.

Donovan Simmons

Mr. Simmons confirmed that there would be just one lot. Mr. Henke responded that there would be just one lot.

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

Motion: Council Member Van Wagoner moved to grant preliminary and final approval for the Epperson Subdivision including the staff report and the following recommendations and findings of staff:

- 1.72 acre-feet of water was required for the subdivision.
- The proposed lot met the minimum requirements for the R-1-9 zoning district.
- The proposal met the intent of the General Plan for the R-1-9 zoning district.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Christen
Council Member Drury

Excused from the Meeting
Aye

Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

- 8. Cascades at Soldier Hollow / Plat Amendment** (City Planner – Approximately 10 minutes)
– Discuss and possibly approve a plat amendment for the Cascades at Soldier Hollow Subdivision located at 1060 South Cascade Falls Circle (Zoning is R-1-15). Recommended without 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
- Previous lot combination in the project
- Recorded plat map
- Proposed plat map
- Possible findings

Mr. Henke reported that The Cascades at Soldier Hollow HOA President thought that the Association would support the amendment.

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

Public Hearing

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

Motion: Council Member Drury moved to approve the plat amendment for the Cascades at Soldier Hollow Subdivision.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

- 9. Olde Swiss Square / Conditional Use Permit** (City Planner – Approximately 20 minutes) – Discuss and possibly grant a conditional use permit for Olde Swiss Square located at 210

East Main Street (Zoning is C-2). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

Michael Henke gave a presentation regarding the requested conditional use permit and reviewed the following items:

- Land use summary
- Location of the development
- Proposed site plan
- Rendering of the residential units
- Discussion points
- Water Board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- A conditional use permit was needed for Olde Swiss Square to become a mixed-use project.
- The property owners' association (POA) would maintain the common area.
- The project would have CC&R's.
- The proposed units would need to be reviewed by the Vision Architecture Committee (VAC).
- There was concern with each resident maintaining their portion of the building. This could lead to only one half of a roof being repaired. The Planning Commission did not recommend that the building exteriors be maintained by the POA.
- If the conditional use was granted, then the project would then need to go through the PUD approval process.
- Transient rentals were allowed in the zone, but an additional conditional use permit would be required. Any homeowner that shared a wall with a proposed transient rental would have to agree to the permit.

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

Council Member Simonsen thought that maintenance of the building exteriors could become complicated.

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- The request met the conditions for a mixed-use project.
- Preferred to consider CC&R's and exterior maintenance during the PUD process.
- One of the units would be on the current retention pond. The pond could be moved underground or to the Alder Meadows Subdivision.

Public Hearing

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

Motion: Council Member Simonsen moved to approve a conditional use permit for Olde Swiss Square with the following findings and conditions:

- The proposed use was a conditional use in the C-2 zone.
- The proposal would increase traffic in the area.
- The VAC had not reviewed the proposal.
- The two parcels would be combined into one parcel.
- If the CUP was approved, then the developer would need to submit a PUD application
- The two parcels would be combined to comply with the acreage requirements of the code for mixed-use projects with multiple residential units.
- The applicant would demonstrate to the VAC that the proposed structures complied with the architectural and landscaping requirements as described in the Municipal Code.
- The relocation of the retention pond would be addressed.
- The CC&R's would address the maintenance of the exterior of the buildings.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

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

10. Kelson Subdivision / Plat Amendment (City Planner – Approximately 10 minutes) – Discuss and possibly approve a plat amendment for the Kelson Rural Preservation Subdivision located at 943 West Alpine Road (Zoning is R-1-22). 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 subdivision
- Recorded plat map
- Horse trail
- Proposed plat map
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- Each lot would be deed restricted to prevent future re-subdividing.

- The properties owned by Karl Dodge and Gerald Hayward were not part of the subdivision.
- The common area was being changed to open space. This would only change the tax impact.
- Lot #1 would be split, and the new lot would be combined with the open space.
- The Wasatch County Recorder recommended that deeds be used to terminate ownership in the common area.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- Rollback taxes were not assessed on the original plat map until after it was recorded.
- Changing the common area to open space would reduce the tax burden.

Public Hearing

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

Karl Dodge

Mr. Dodge noted that the subdivision bordered his house on two sides. He supported the project and indicated that it would not have a negative impact or diminish the value of his property.

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

Motion: Council Member Drury moved to approve the plat amendment for the Kelson Subdivision with the following findings and conditions:

- Changing the wording on the plat map from "common area" to "open space" had no impact on the subdivision complying with the code for rural preservation subdivisions.
- Lot 1B: Open Space - would be restricted to not have any residential building rights. Only agricultural structures would be allowed.
- A deed restriction would be recorded on lot 1B to relinquish any residential building rights on the open space lot. Only agricultural structures would be allowed.
- Deed restrictions would be recorded on all lots in the Kelson Rural Preservation Subdivision restricting any further subdividing before the plat amendment was recorded.
- Owners of lots 3 & 4 would acknowledge by relinquishment deed their ownership of the open space lot.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

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

11. Ordinance 2018-17 / General Plan Amendment (City Planner – Approximately 10 minutes)
 – Discuss and possibly adopt Ordinance 2018-17 amending the Midway City General Plan regarding the Road System Master Plan. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Purpose of the road plan
- Current road plan
- Importance of connectivity, redundancy and circulation
- Proposed road plan

Mr. Henke also made the following comments:

- The amendment would end 600 North just east of River Road.
- It would also change the route of a proposed road from Main Street to River Road.
- Minor changes would also be made to other roads.
- It would be expensive and difficult for 600 North to cross the Provo River.

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.

Paul Berg

Mr. Berg made the following comments:

- The City should plan for another connection to Heber City maybe south of the sewer treatment plant. This would prepare the City for a time when funding would be available.
- There was a lot of traffic on State Highway 113.
- The road plan should look 25 years into the future.

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

Council Member Simonsen agreed that another connection south of the sewer treatment plant should be considered.

Motion: Council Member Drury moved to adopt Ordinance 2018-17, amending the Midway City General Plan regarding the Road System Master Plan, with the conditions that staff be allowed to make minor changes as needed and continue to look for an additional connection to the east side of the valley.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

12. Ordinance 2018-18 / Rural Preservation Subdivisions (City Planner – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2018-18 amending Chapter 16.18 (Rural Preservation Subdivision) of the Midway City Municipal Code regarding Rural Preservation Subdivisions. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Proposed amendments
- Possible findings

Mr. Henke indicated that the ordinance would clean up some issues with the Municipal Code regarding rural preservation subdivisions.

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

Public Hearing

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

Motion: Council Member Probst moved to adopt Ordinance 2018-18, amending the Midway City Municipal Code regarding rural preservation subdivisions, as outlined and with the recommendation of the Planning Commission.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:29 p.m. She reconvened the meeting at 8:39 p.m.

13. Ice Rink / Agreement Addendum (City Attorney – Approximately 5 minutes) – Discuss and possibly approve an addendum to the Midway Ice Rink Facility Management Agreement dated 22 November 2017.

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

- The addendum amended the original management agreement to match what had been done in practice.
- A financial accounting was attached.
- A new agreement would be prepared for the upcoming season.

Council Member Drury made the following comments:

- The Midway Boosters had reviewed the addendum and would sign it.
- A long-term agreement would be signed following the upcoming season.
- A lot of maintenance issues needed to be addressed.
- Glass would be added to the dasher boards so that hockey could be played at the rink.

Council Member Simonsen appreciated the arrangement with the Boosters. He added that a lot of people appreciated the ice rink. He said that consistency needed to be improved.

Motion: Council Member Simonsen moved to accept the addendum between Midway City and the Midway Boosters to finalize the data from the previous season.

Second: Council Member Probst seconded the motion.

Discussion: None

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

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

14. Ordinance 2018-19 / Foreign Water (City Attorney – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2018-19 amending Chapter 10.06 (Foreign Water) of the Midway City Municipal Code.

Corbin Gordon reviewed the proposed ordinance and changes recommended at the work meeting that day.

Motion: Council Member Van Wagoner moved to adopt Ordinance 2018-19 with the changes presented by the City Attorney.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

15. Whitaker Farm Subdivision / Application for Foreign Water (City Attorney – Approximately 10 minutes) – Discuss and possibly approve an application to allow the use of foreign water for the Whitaker Farm Subdivision located at 455 North River Road.

Corbin Gordon reviewed the request and the history of water rights in Midway. Mr. Gordon also made the following comments:

- The applicant was petitioning to bring foreign water into the City.
- There was a certain capacity in the City's Alpenhof-Weber well.
- The applicant needed to show a beneficial and positive impact of the foreign water.
- The City was allowing the use of the water because the applicant's development could have been far denser.
- The cost of the Alpenhof-Weber well was paid for by water impact fees.
- An agreement was needed to establish the terms for using foreign water.
- Any excess water, not required by the State Engineer, would be abandoned.

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

- The agreement would tie the foreign water to this development and state that it could not be transferred to another project or property.
- Why would the City not want all the available foreign water to be transferred into its Alpenhof-Weber well? This water could be used for parks and open space.
- The capacity in the well was limited. The City should know exactly how any foreign water would be used before it was transferred into the well.
- Developers not the City had the responsibility to provide water for their projects.

- Developers should not be able to sell or transfer their capacity in the well.
- The City could use its M&I water for parks and open space.
- The recent water audit showed that the area had enough wet water for buildout.
- The City needed paper water rights to take water out of the well.
- The City should not be arbitrary when deciding who could and could not use foreign water.
- The City did not have to accept foreign water.

Motion: Council Member Van Wagoner moved to approve the foreign water from Ray Hult with the following findings and conditions:

- The Council liked the development and felt that it would be beneficial to the City.
- Wet water would be received to recharge the system.
- There was capacity in the Alpenhof-Weber well for the water rights.
- Only the amount of water needed for culinary purposes would be accepted and transferred. The remainder of the water would be returned to the owner.
- The transferred water could only be used for culinary purposes in the Whitaker Farm Subdivision.
- An agreement would be signed between the City and the developer establishing the requirements for using the water.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

16. Resolution 2018-26 / Parking (City Planner – Approximately 5 minutes) – Discuss and possibly adopt Resolution 2018-26 noticing a pending ordinance regarding parking.

Michael Henke gave a presentation regarding the proposed resolution and reviewed concerns regarding parking. He indicated that the notice would give the City up to six months to address the concerns.

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

Motion: Council Member Simonsen moved to approve Resolution 2018-26 noticing a pending ordinance regarding parking.

Second: Council Member Probst seconded the motion.

Discussion: None

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

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

17. Michie Lane Park / Conceptual Plan (City Planner – Approximately 10 minutes) – Discuss and possibly approve a conceptual plan for the Michie Lane Park located at 264 East Michie Lane.

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

- Location of the park
- History of the park
- Developer responsibilities
- City responsibilities
- Original concept plan
- Onsite open house and comments received
- New concept plan incorporating the comments
- Zip-line

Mr. Henke also made the following comments:

- The developers would provide and grade the land. They would also install the irrigation system and grass. The City would do the rest.
- The plan had been discussed by the Trails and Parks Advisory Committee.
- Residents did not want a pavilion in the park. They suggested a play area with shade cells.
- There would be slides on the sledding hill.
- There would be trees throughout the park.
- Some items might have to be done later because of cost.
- The plan was for a neighborhood park, so it only needed on-street parking.
- The City now needed a detailed plan for the park.

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 hill needed work before it could be landscaped.
- The sidewalk around the play area should be wider than four feet.
- There should be fencing to prevent children from crossing Michie Lane at a location other than an intersection. The fencing should not be site obscuring.

- There should be a barrier on the west side of the park.
- Islands with rocks in the middle of Michie Lane would help control jaywalking.
- Pyracantha was suggested as a barrier.
- The developer had given the City money instead of installing the irrigation system and grass.

Motion: Council Member Van Wagoner moved to approve the conceptual plan for the Michie Lane Park with the following changes:

- A five-foot sidewalk around the play area.
- A fence or barrier on the north side of the park on both sides of the road.
- A hedge on the west side of the park.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

18. Ordinance 2018-20 / Dates of Council Meetings (Mayor – Approximately 5 minutes) – Discuss and possibly adopt proposed Ordinance 2018-20 changing the dates of regular council meetings to the 1st and 3rd Tuesdays of each month.

Mayor Johnson made the following comments regarding the ordinance:

- Multiple people had requested that the City Council not have its meetings on Wednesdays.
- The Council should change its normal meetings to the first and third Tuesdays of each month. This would coincide with the Heber City Council and facilitate scheduling meetings that involved the members of the two councils.
- The next council meeting would be held on August 22nd with the following meeting on September 18th.
- The meeting on the third Tuesday should be held only as needed.

Motion: Council Member Probst moved to adopt Ordinance 2018-20 changing the dates of the normal council meetings as discussed.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

19. Ordinance 2018-21 / Council Meeting Submission Deadlines (City Recorder) – Discuss and possibly adopt proposed Ordinance 2018-21, amending Section 2.02.040 (Requirements for the Submission of Requests) of the Midway City Municipal Code, regarding submission requests for Midway City Council meetings.

Brad Wilson gave a presentation on the proposed ordinance.

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

Council Member Simonsen asked if a policy for exceptions was needed. It was suggested that exceptions only be granted by the Mayor and only in the case of emergencies.

Motion: Council Member Drury moved to adopt Ordinance 2018-21 regarding submission requests for Midway City Council meetings with the condition that any exceptions be approved at the sole discretion of the Mayor.

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	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

20. 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 9:52 p.m.



 Celeste Johnson, Mayor



 Brad Wilson, Recorder