

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

**Tuesday, 19 March 2018, 9:00 a.m.
Midway City Office Building, Upstairs Conference Room
75 North 100 West, 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

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

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member

Staff Present:

Josh Jewkes, City Attorney's Office (Left at 11:18 a.m.)
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Ken Van Wagoner, Council Member

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

2. Open Space Evaluation Form for Landowners (Open Space Committee – Approximately 20 minutes) – Discuss a proposed open space evaluation form for landowners.

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

- Processing notices of intent
- Evaluation process
- Open space evaluation criteria

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

Courtland Nelson, chair of the Midway Open Space Advisory Committee, made the following comments:

- Recommended a second notice of intent to better understand the land, proposed for open space, while giving the landowner more time to consider the proposal.
- The notice was based on the open space chapter of the General Plan.

Dave Carson, member of the Midway Open Space Advisory Committee, also made the following comments:

- Wanted to help landowners become involved and understand the preservation criteria early in the process.
- The Open Space Committee would critically review each notice and present the pros and the cons of the property to the City Council.
- Wanted the process to be based on the open space chapter of the General Plan.

3. Appenzell PUD / Master Plan Amendment (Dade Rose – Approximately 30 minutes) – Discuss amending the master plan for the Appenzell PUD located at 700 South Center Street (Zoning is R-1-22).

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

- History of the project
- High Valley Ranch Subdivision
- High Valley Ranch PUD
- Current master plan
- Relocation of the barn
- Density
- Items to consider
- Location of the proposed units

Mr. Henke indicated that the amendment was a discretionary decision by the City Council.

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

Dade Rose, applicant, made the following comments:

- The proposed units would each be 1,250 square feet.
- The zone allowed for 47 units on the property.
- The amendment did not propose more density than was allowed.
- View corridors were protected instead of being developed.
- A tall barn had been removed and would be replaced by the proposed units.
- The applicants controlled the HOA for the project because they still owned a majority of the lots.
- Owners of the proposed units could not use the pool in the development. They would not be voting members of the HOA and could only use what the public was allowed to use in

the project.

- The proposed units, which would be townhouses, provided an option different from a \$600,000 home.
- Intended to rent the proposed units.
- Would be willing to build the portion of the Center Street trail along the development in exchange for the amendment.
- There was no interest in keeping the barn.
- The units simply replaced the barn.

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

- The City had already received a matching grant to build the Center Street trail.
- If the Council approved the proposed units then it should also allow mother-in-law apartments and second homes on lots in the City.
- The proposed units would devalue the other houses in the project.
- The units could not be considered as a separate project because they required open space from the rest of the project.
- A certificate of occupancy could not be issued for the units until there was final completion of all phases.
- Preferred the barn and open space.
- The barn was different from the proposed eight-plex.
- This was not a good way to solve a need for affordable housing.
- The only way the amendment would benefit residents would be to cap the rent for the units.
- Other developers would ask for amendments to increase density if the Council approved the request.

The City Council did not support the amendment.

4. Urban Deer / Population Control Program (Council Member Simonsen – Approximately 30 minutes) – Discuss a population control program for the deer population within Midway City.

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

- The City did not meet the criteria to implement an urban deer control plan.
- Quite a few residents had complained about the deer living in the City.
- There should not be a human/deer conflict.
- Deer should be in the mountains.
- Archery was the only hunting that the Utah Department of Wildlife Resources (DWR) allowed as part of a control plan.
- Feeding of the deer by residents needed to be addressed.
- Deer forced native animals out of the area.
- Fences were limited to six feet high in the City.
- The deer did not have any predators in the City.
- Habitat for deer was being created in the City.
- Homes were being built in the deer's winter habitat.
- Deer should not be killed inside of developments.

- The City should contact DWR if was interested in controlling the urban deer population.
- Was the problem too big to be solved?
- Hyland City had successfully reduced its urban deer population.
- Only certain people should be allowed to kill deer in the City.
- The meat could be donated.
- The most significant issue would be training the public.
- Would a birth control program be an option?

Mayor Johnson said that she would contact DWR regarding the issue.

5. Ordinance 2019-06 / Parking Requirements for Commercial and Mixed-Use Developments (City Planner – Approximately 20 minutes) – Discuss Ordinance 2019-06 amending Section 16.13.39 (Off-Street Parking and Loading) of the Midway City Municipal Code regarding parking requirements for commercial and mixed-use developments. Recommended for approval by the Midway City Planning Commission.

Mayor Johnson presented concepts, prepared by Wes Johnson, for parking between the Town Hall and Community Center and behind the cannery owned by the Midway Boosters.

Note: Copies of the concepts are contained in the supplemental file.

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

- There should be parking spaces along Main Street instead of an entrance to a parking lot between the Town Hall and Community Center. The entrance should be on the north side of the lot.
- The Midway Boosters and Swiss Days Committee did not object to the two proposed lots.
- Having only one access, to the lot next to the Town Hall, would prevent drug dealing.
- A camera could be installed to monitor the lot. It did not need to function.
- Better lighting was needed for the exterior of the Town Hall.
- The access to the cannery parking needed to be widened or a second access was needed.
- The cannery lot could be expanded to the north.
- Could the mortuary be used as an access to the cannery lot?
- The Heber Valley Special Service District Board might not want the Swiss Days trailers stored on their property.
- All options should be considered for the cannery lot.

The Council asked Mr. Johnson to design the two parking lots. Mr. Johnson responded that the lots could be added to the contract for the cemetery roads.

Motion: Without objection, Mayor Johnson recessed the meeting at 10:36 a.m. She reconvened the meeting at 10:42 a.m.

6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

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

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

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

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

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

Note: Josh Jewkes left at 11:18 a.m.

7. Resolution 2019-03 / Budget Amendment (Financial Officer – Approximately 30 minutes) – Discuss Resolution 2019-03 amending the Fiscal Year 2019 Budget for Midway City.

Brad Wilson presented the specific changes to the FY 2019 Budget.

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

Michael Henke reviewed the bid to landscape the Michie Lane Park and the associated budget amendment. Council Member Orme recused herself from discussion of the landscaping because her nephew would do the work.

Wes Johnson reviewed the current and proposed roads in the City's cemetery. He indicated that the current roads had failed and recommended that they be replaced. He explained the costs to add new roads and replace the existing roads.

Note: A detail of the costs is contained in the supplemental file.

Mr. Johnson also explained the added cost to pause construction for funerals. He indicated that the contractor would be given at least two days' notice before a funeral.

The Council agreed to rebuild the current cemetery roads along with installing new roads. It also agreed to pay the contractor for downtime because of funerals.

8. Pressurized Irrigation System / Exchange Program

Mayor Johnson reported that she was working with the Midway Irrigation Company to better define the exchange program. She explained that the program allowed unlimited amounts of culinary water to be used in locations where the pressurized irrigation system was not available.

9. Adjournment

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

The meeting was adjourned at 12:43 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder