

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

**Tuesday, 7 May 2019, 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 6:00 p.m. She excused Council Member Probst.

**Members Present:**

Celeste Johnson, Mayor  
Jeff Drury, Council Member  
Lisa Orme, 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:**

Bob Probst, 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. Clint Coleman gave the prayer and/or inspirational message.

**2. Consent Calendar**

- a. Agenda for the 7 May 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 16 April 2019 City Council Regular Meeting
- d. Minutes of the 16 April 2019 City Council Closed Meeting
- e. Minutes of the 23 April 2019 City Council Work Meeting
- f. Minutes of the 23 April 2019 City Council Closed Meeting
- g. Minutes of the 23 April 2019 City Council Meeting
- h. Appoint Ken Mickelson as a full member of the Midway City Trails and Park Committee

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

**Motion:** Council Member Drury moved to approve the consent calendar.

**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	Excused from the Meeting
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 for items not on the agenda.

Deer Creek Estates / Warranty Bond

Christopher Huffman, original developer of Deer Creek Estates, made the following comments:

- There was a scheduling issue with the release of the warranty bond for Deer Creek Estates.
- The remainder of the sidewalks would be completed that week or the following week.
- Needed clarification on when the secondary water meters needed to be provided.
- Requested that releasing the bond, conditioned on Wes Johnson's approval, be put on the agenda for the May 9<sup>th</sup> council meeting.
- Needed the bond released prior to the council meeting on May 21<sup>st</sup>.
- Most cities let their engineer release bonds.

Wes Johnson made the following comments:

- All required items had not been completed for the release of the bond.
- Twenty secondary water meters still needed to be provided.
- Ivory Homes had purchased the development and preferred to purchase the meters when each home was built. Was concerned with that request and the issue needed to be resolved.
- Some sections of sidewalks had been removed and now needed to be replaced.
- The original developers would contribute \$92,000 for the completion of the Michie Lane Park.
- Mike Kohler, manager for the Midway Irrigation Company, installed the secondary water meters.

Mayor Johnson indicated that there might not be a quorum at the meeting on the 9<sup>th</sup>.

Brad Wilson explained the process to release a warranty bond. Council Member Van Wagoner recommended that the City not deviate from that process. Council Member Simonsen agreed.

No further comments were offered.

#### **4. Department Reports**

##### Open Space Committee / Meeting with Landowners

Council Member Van Wagoner asked if the Open Space Advisory Committee would meet with landowners interested in preserving their property as open space. Council Member Drury responded that pairs of committee members would meet individually with anyone who submitted a notice of interest.

##### Economic Development Conference

Council Member Orme reported on an economic development conference that would be held the following week.

##### ULCT / Conference

Council Member Orme reported on the conference, for the Utah League of Cities and Towns, that had been held the prior week.

##### Midway Boosters / Beautification

Council Member Drury reported on the beautification event that would be held by the Midway Boosters.

##### Ice Rink / Management Agreement

Council Member Drury reported that a management agreement would be finalized for the ice rink once the Midway Boosters had submitted financial statements for the season.

##### Transmission Line / 970 South & Wards Lane

Mayor Johnson reported that the City had received a conditional use application to replace the transmission line along 970 South, Stringtown Road and Wards Lane.

##### HVRR / Transcontinental Railroad

Mayor Johnson reported that the Heber Valley Railroad (HVRR) would hold an event celebrating the 150<sup>th</sup> anniversary of the transcontinental railroad's completion.

## HVSSD / Hay

Mayor Johnson reported on the sale of hay by the Heber Valley Special Service District.

- 5. Health Department / Annual Report** (Gerald Hayward – Approximately 20 minutes) – Receive an annual report from the Wasatch County Board of Health.

Gerald Hayward, member of the Wasatch County Board of Health, presented an annual report and reviewed the following items:

- Air quality
- A new water lab operated by the Wasatch County Health Department
- Transient rentals
- Immunizations
- Vaping
- Food insecurity

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

- 6. Homestead Resort / Master Plan Amendment** (Russ Watts – Approximately 60 minutes) – Discuss and possibly approve an amendment to the master plan for the Homestead Resort located at 700 North Homestead Drive (Zoning is Resort). Recommended for approval with conditions by the Midway City Planning Commission.

The applicant asked that the item not be considered at the meeting.

- 7. Resolution 2019-10 / Amended Homestead Master Plan Agreement** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-10 adopting an amendment to the Homestead Resort Master Plan Agreement.

The applicant asked that the item not be considered at the meeting.

- 8. Saddle Creek Ranch / Master Plan** (Berg Engineering – Approximately 30 minutes) – Discuss and possibly adopt a master plan for the Saddle Creek Ranch PUD located at 970 South and 250 West (Zoning is R-1-22). Recommended for approval 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 proposed development
- Pictures of the property proposed for development
- Sensitive lands
- An existing sewer line on the property

- Recorded plat map
- Proposed site plan
- Sewer lines
- Trails
- Road dedications
- Phasing
- Transmission lines
- Center Street turn lane
- Discussion points
- Water
- Property to be removed from the project
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- A plat map and development agreement had already been recorded for the property.
- The applicant wanted to amend those documents.
- The Council was not required to approve the request.

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

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

- The proposed development would decrease density from what was previously approved.
- A subdivision rather than a PUD would be a better fit in that area.
- It would include open space buffers.
- The applicant was willing to connect the trail from the development to Center Street.
- Would begin construction when work started on moving the transmission lines.

### **Public Hearing**

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

#### **Lisbeth Downs**

Ms. Downs lived on the north side of the development. She preferred a PUD which would have green space instead of lots.

#### **Seija Surr**

Ms. Surr asked the City to address the need for affordable housing. Mayor Johnson, Council Member Orme and Michael Henke reviewed efforts to provide such housing.

Joe Rail

Mr. Rail asked if there would be a weed control plan for the property. Mr. Henke responded that the City regulated weeds and enforced those regulations.

Steve Dougherty

Mr. Dougherty asked how the property, which would be removed from the project, would be accessed. Mr. Henke responded that it would be combined with existing property that already had access.

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

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

- The rear setbacks for dwellings was 30 feet but for accessory structures it was two feet.
- Lot #36 could have a building envelope to restrict the location of any structures. The applicant did not oppose the restriction.
- Some residents liked the reduced density.
- Developers changing vacant projects to align with the current Municipal Code was a positive thing.
- Appreciated the applicant's willingness to work with the neighbors.

**Motion:** Council Member Drury moved to approve a master plan amendment for the Saddle Creek Ranch PUD with the following findings and conditions:

- The proposed master plan appeared to meet the requirements of the code.
- The proposal met the vision as described in the General Plan for the R-1-22 zone.
- The General Plan supported reducing density in Midway wherever appropriate.
- The proposal contained 21 less lots than the recorded PUD subdivision.
- All off-site improvements would be constructed with phase 1 except the improvements to 250 West and the trail along 250 West which would be done in phase 2.
- The developer would complete the trail from the development to Center Street.
- No plats would be recorded, or any construction of improvements could be made until the transmission lines along 970 South were moved or buried so that the required improvements for 970 South could be constructed.
- For Lot #36 any buildings would have a 30-foot setback from the northern lot boundary.

**Second:** Council Member Orme seconded the motion.

**Discussion:** Wes Johnson asked if the transmission line needed to be moved before the plat map could be recorded? Council Member Drury recommended that construction begin once an agreement was reached for moving the line. Mr. Johnson suggested that moving the line had to begin before a preconstruction meeting could be held.

**Amended Motion:** Council Member Drury moved to approve a master plan amendment for the Saddle Creek Ranch PUD with the following findings and conditions:

- The proposed master plan appeared to meet the requirements of the code.
- The proposal met the vision as described in the General Plan for the R-1-22 zone.
- The General Plan supported reducing density in Midway wherever appropriate.
- The proposal contained 21 less lots than the recorded PUD subdivision.
- All off-site improvements would be constructed with phase 1 except the improvements to 250 West and the trail along 250 West which would be done in phase 2.
- The developer would complete the trail from the development to Center Street.
- No plat map could be recorded, or any construction of improvements could be made, until the transmission line along 970 South was approved to be moved by Heber Light & Power or was actually being moved.
- For Lot #36 any buildings would have a 30-foot setback from the northern lot boundary.

Paul Berg clarified that construction of the improvements could occur while the transmission line was being moved.

**Second:** Council Member Orme seconded the amended motion.

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

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

**9. Resolution 2019-14 / Saddle Creek Ranch Master Plan Agreement** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-14 adopting a master plan agreement for the Saddle Creek Ranch PUD located at 970 South and 250 West.

Corbin Gordon reviewed changes to the agreement including the following items:

- Water for the remnant property
- Setbacks
- Trails
- Water line extension agreements and payments
- Improvements along 970 South and 250 West
- Phasing
- Center Street turn lane
- Warranty

Council Member Simonsen asked about how to disclose the restrictions on Lot #36. Mr. Henke responded that a disclosure could be filed against the lot.

**Motion:** Council Member Simonsen moved to approve Resolution 2019-14 as drafted and presented by the City Attorney with the following conditions:

- 2.5 water shares associated with the remnant parcel would be reassigned to the

property.

- A plat note would state the restrictions on Lot #36 and the developer would disclose the restrictions to potential buyers.
- The water line extension fees would be recalculated based on 18 connections per line.
- The wording for 250 West would be changed to “full width”.
- Language regarding the transmission lines would match the motion granting the amendment.
- The address for the Byron Day property would be corrected.
- The Center Street turn lane would meet UDOT standards.

**Second:** Council Member Drury 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	Excused from the Meeting
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**10. Lime Canyon Meadows / Preliminary Approval** (Brett Walker – Approximately 20 minutes) – Discuss and possibly grant preliminary approval for the Lime Canyon Meadows Subdivision located at 960 West Lime Canyon Road (Zoning is R-1-22). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the proposed development
- Transmission line
- Propose site plan
- Easements
- Discussion items
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The development was possible because of a recent change to the Municipal Code.
- The drainage swale along Lime Canyon Road needed to be protected.
- There was not a clear channel where drainage left the property.
- The development and its design were a good fit for the property.
- The land for the development had not been counted as the open space for the adjoining rural preservation subdivision.



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

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

- Received the hydrology report, which included drainage, the day before and questioned some of its conclusions.
- The density for the project and the adjoining rural preservation subdivision was low.

### **Public Hearing**

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

#### Katie Villani

Ms. Villani made the following comments:

- Standing water had been seen on the property.
- Thought that the property would not be developed because of the drainage issues.

#### Rosanne Power

Ms. Power made the following comments:

- The drainage swale along Lime Canyon Road had to remain open or Turnberry could be flooded. Wes Johnson agreed that the swale had to be kept open.
- Would the project be dark skies compliant? Mr. Henke explained the City's lighting regulations. He explained that streetlights had to have a partial cut-off and the light from homes had to be below a certain number of lumens. She asked that homeowners be educated on the regulations.
- The property was disorganized and had piles of junk. Mayor Johnson responded that the applicant would address those issues.

#### Brett Walker, Applicant

Mr. Walker made the following comments:

- Appreciated the neighbor's patience.
- Researched the history of the property and the surrounding infrastructure.
- The property did not have significant high and low areas where deep water could accumulate.
- No hydrology study had been required for a development in Dutch Canyon which had a stream.
- The drainage was not a significant issue.
- Would indemnify the City from any drainage issues and flooding.

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

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

- The lowest lots should be reviewed carefully to prevent any liability for the City.
- It was the applicant's hydrology study that said there were potential drainage and flooding problems on the property.
- One unit in Turnberry flooded and the detention pond filled when the drainage swale was blocked.
- The Council needed to review an accurate hydrology report before it could act.

**Motion:** Council Member Van Wagoner moved to continue consideration of the item until the Council could review the hydrology study.

**Second:** Council Member Drury 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	Excused from the Meeting
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**11. Resolution 2019-13 / Lime Canyon Meadows Development Agreement** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-13 adopting a development agreement for the Pine Canyon Meadows Subdivision located at 960 West Lime Canyon Road.

**Motion:** Council Member Van Wagoner moved to continue consideration of the item.

**Second:** Council Member Drury 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	Excused from the Meeting
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**12. Michie Lane Park Contract / Change Order** (City Planner – Approximately 10 minutes) – Discuss and possibly approve a change order to the Michie Lane Park Contract adding an ADA ramp and trees for other locations.

Michael Henke gave a presentation on the proposed change order and made the following comments:

- 31 trees needed to be added for locations other than Michie Lane Park. The cost would be \$12,400.
- It included an ADA ramp across the park strip. The cost would be \$4,400.
- The total would be \$16,800.

Wes Johnson asked if a drinking fountain should be installed in the park. Council Member Simonsen responded that at least the water lateral should be run for the fountain. Mr. Johnson estimated \$500 to install the line.

**Motion:** Council Member Simonsen moved to approve the change order to add an ADA ramp on the west side of the road, purchase 31 additional trees and add a water line for a drinking fountain for a total of \$17,200.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

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

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

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:45 p.m. She reconvened the meeting at 8:55 p.m.

**13. Tentative FY 2020 Budget / Adoption** (Financial Officer - Approximately 15 Minutes) – Discuss and possibly adopt a tentative budget for FY 2020.

Brad Wilson reviewed the proposed tentative budget for FY 2020. He detailed the following changes that had been requested at the work meeting that day:

- Appropriated fund balance in the General Fund.
- Increase in legal fees for possible litigation.
- Transfers from the General Fund to the Capital Improvements Project Fund.
- Additional capital water projects.

**Note:** A copy of the budget as presented is contained in the supplemental file.

**Motion:** Council Member Orme moved to adopt the FY 2020 Budget as presented.

**Second:** Council Member Van Wagoner 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	Excused from the Meeting
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**14. Tentative FY 2020 Budget / Set Public Hearing** (Financial Officer - Approximately 5 Minutes) – Discuss and possibly set a time and place for a public hearing on the tentative budget for FY 2020.

Brad Wilson explained the requirement for a public hearing and recommended that it be held at the next regular council meeting.

**Motion:** Council Member Van Wagoner moved to set a public hearing for May 21<sup>st</sup>, 6:00 p.m. at the Midway Community Center.

**Second:** Council Member Orme 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	Excused from the Meeting
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

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

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

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

**Note:** The motion was approved with the Council voting as follows:

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

**Note:** Minutes of the Agency are maintained separately.

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

**Second:** Board Member Simonsen seconded the motion.

**Discussion:** None

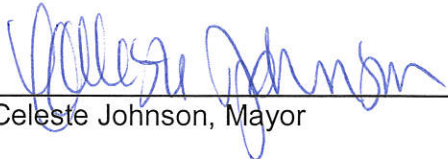
**Note:** The motion was approved with the Board voting as follows:

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

## 16. Adjournment

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

The meeting was adjourned at 9:11 p.m.

  
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Celeste Johnson, Mayor

  
\_\_\_\_\_  
Brad Wilson, Recorder