

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

**Tuesday, 21 May 2019, 5:00 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**

Mayor Johnson called the meeting to order at 5:03 p.m. She excused Council Member Drury, Council Member Orme and Council Member Van Wagoner. She noted that a quorum was not present so there would be discussion, but no action would be taken.

**Members Present:**

Celeste Johnson, Mayor  
Bob Probst, Council Member  
JC Simonsen, 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  
Lisa Orme, Council Member  
Ken Van Wagoner, Council Member

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

- 2. Malmrose PUD / Concept Review / Annexation Agreement Amendment** (Berg Engineering – Approximately 30-45 minutes) – Discuss a concept plan and amended annexation agreement for the Malmrose PUD, formerly known as the Murano Subdivision, located at approximately 1600 North Interlaken Road (West side) (Zoning is RA-1-43).

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

- Proposed location of the PUD
- Current uses
- Area roads
- Zenger annexation

- Trails
- Interlaken Drive agreement
- Concept plan at the time of annexation
- Streets and trails plan at the time of annexation
- Open space plan at the time of annexation
- Landscaping plan at the time of annexation
- Amendment provision of the annexation agreement
- Proposed concept plan that did not meet the requirements of the Municipal Code.
- Proposed concept plan that did meet the requirements of the Municipal Code.
- Size of the proposed pads
- Connectivity

Mr. Henke also made the following comments:

- The property proposed for development was owned by Jack Zenger.
- It had been annexed into the City in 2007.
- The applicant wanted to amend the annexation agreement.
- The Council was not obligated to amend the agreement.
- An attorney for Interlaken Town thought that the access agreement for Interlaken Drive was no longer valid, because certain things had not been done by the specified deadlines.
- The development as previously presented had entitlement but still needed to go through the rest of the approval process.
- The applicant had a right to request the amendment to the annexation agreement.
- The proposed plan had 17 more units than the previously approved plan.
- The Municipal Code now required staggered setbacks.
- Several building pads needed to be adjusted.
- Increased density had an increased impact.
- The proposed plan probably met the density for the zone.
- The Planning Commission reviewed the proposed concept plan. They had some concerns but liked that it would be a PUD. They recommended increasing the density by no more than eight to ten units.
- Access through the project was important to Interlaken Town.
- The proposal showed the access to Interlaken as gated which was not allowed in standard subdivisions. It would require a variance.
- Would like public easements on the public trails.
- The roundabout on Interlaken Drive, which was required in the access agreement, would be difficult to build and would require a lot of fill.

**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:

- The developers for Scotch Fields would construct Canyon View Road up to the proposed development.
- The amenities would increase from the previous approved plan.
- Wanted to allow fencing for each unit.

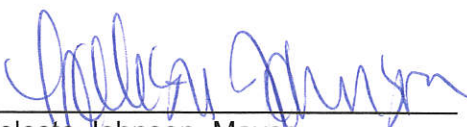
- The PUD would have more open space but not all of it could be counted under the Municipal Code.
- The storm drain system would be private.
- 95 units could be built on the property excluding slopes and if there was no annexation agreement. 65 units were proposed.
- The proposed PUD would have double the open space, smaller houses and more second homes.
- The applicant could provide more public trails.
- There was a larger buffer on the north, east and west boundaries.
- The gate would allow emergency access while prohibiting through traffic.
- The applicant proposed the PUD, which would make him less money, because it surrounded his home with more open space.
- The applicant might decide to go back to the previously approved subdivision.
- More open space was being proposed for a limited increase in density.
- Could the applicant do something more in exchange for the density?

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

- The project would not have as much of an open feel if fencing was allowed.
- The project needed to meet the requirements of the Municipal Code.
- Increased density was a concern.
- There should be more open space along the south boundary.
- A PUD required less maintenance by the City.
- Two of the roads that would access the development were private.
- The gate and closeness of the units on the south were problems.
- Could the units on the south be removed?
- How was the development good for Midway?
- The City was not receiving enough in exchange for the increased density.
- It would be a benefit if more of the units would be second homes.
- A lot of second homes were incorrectly listed as primary homes.
- The density should not be increased by more than eight to ten units.

### 3. Adjournment

The meeting was adjourned at 5:56 p.m.

  
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 Celeste Johnson, Mayor

  
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 Brad Wilson, Recorder