

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

**Tuesday, 19 November 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; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 5:15 p.m.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member (Participated Electronically)
Lisa Orme, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member (Participated Electronically)

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

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. Council Member Orem gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 19 November 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 15 October 2019 City Council Work Meeting
- d. Minutes of the 15 October 2019 City Council Regular Meeting
- e. Minutes of the 15 October 2019 City Council Closed Meeting
- f. Conclude the warranty period and release the remainder of the bond for the Neerings Subdivision located at 300 South and 700 East subject to the payment of all fees due to Midway City

- g. Release the construction bond, minus 10% and any amount for landscaping, and begin the one-year warranty period for Phase II of the Canyon View PUD located at Burgi Lane and Canyon View Drive

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

Mayor Johnson indicated that Saddle Creek Ranch would be the first regular item considered.

Motion: Council Member Probst moved to approve the consent calendar.

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	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

3. Department Reports

Chamber Gala

Council Member Orme reported that the gala for the Heber Valley Chamber of Commerce would be held on December 3rd.

Special Service District Conference

Mayor Johnson reported on a conference she attended for special service districts.

HVRR / New Cars

Mayor Johnson reported on the new railroad cars received by the Heber Valley Railroad (HVRR).

HVTED / Reorganization

Council Member Orme reported that Ryan Starks left Heber Valley Tourism and Economic Development (HVTED). She said the entity might be reorganized.

- 4. Saddle Creek Ranch, Phase 1 / Final Approval** (Berg Engineering – Approximately 10 minutes) – Discuss and possibly grant final approval for Phase 1 of the Saddle Creek Ranch Subdivision located at 970 South 250 West (Zoning is R-1-22). Recommended for approval without conditions by the Midway City Planning Commission.

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

- Land use summary
- Location of the proposed subdivision
- Master plan
- Phase 1
- Landscaping plan
- Proposed plat map
- Detention pond and trail
- Items of discussion
- Transmission line
- Off-site improvements
- Water line extension agreements
- Possible findings
- Proposed conditions
- Location of the clustered mailboxes

Mr. Henke also made the following comments:

- The applicant wanted to pay portions of the two water line extension agreements when each phase was recorded.
- One agreement holder had finalized the request.
- The revised agreements would have to be signed by the agreement holder, developer and the City.

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

Wes Johnson noted that approving the subdivision would require alternate plan "B" for an above ground transmission line.

Paul Berg, Berg Engineering Resource Group and representing the applicants, reviewed why the transmission line would be located on the north side of 970 South.

Mr. Berg indicated that one agreement holder approved of the change while several family members, holding the other agreement, still needed to grant approval.

Motion: Council Member Simonsen moved to grant final approval with the following findings and conditions:

- The proposed plans for phase 1 complied with the requirements of the land use code.
- The proposal met the vision as described in the General Plan for the R-1-22 zone.
- Road improvements along Center Street and 970 South would benefit the community in

general.

- The public trail built along 970 South would help complete the master trail plan that would benefit members of the community.
- Each water lease agreement could be paid over time if everyone signed an agreement otherwise the lump sums had to be paid before the recording of Phase 1.
- The developer would work with the post office to find a location, out of the sight visibility triangle, for the Cluster Box Unit that would service the subdivision and submit that plan to the City.

Second: Council Member Probst 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	Aye

- 5. Resolution 2019-28 / Saddle Creek Ranch, Phase 1 Development Agreement** (City Attorney – Approximately 5 Minutes) – Discuss and possibly approve Resolution 2019-28 adopting a development agreement for Phase 1 of the Saddle Creek Ranch Subdivision located at 970 South 250 East.

Corbin Gordon reviewed the proposed development agreement. Paul Berg, representing the applicants, responded that the applicants requested some changes. Mayor Johnson suggested that the item be continued so the changes could be discussed.

Motion: Council Member Simonsen moved to continue Resolution 2019-28, adopting a development agreement for Phase 1 of the Saddle Creek Ranch Subdivision, until the next council meeting

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	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

- 6. Lime Canyon Meadows Subdivision / Final Approval** (Brett Walker – Approximately 10 minutes) – Discuss and possibly grant final approval for the Lime Canyon Meadows Subdivision located at 960 Lime Canyon Road (Zoning is R-1-22). Recommended for

approval with conditions by the Midway City Planning Commission.

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

- Land use summary
- Location of the proposed subdivision
- Judge line and easement
- Homestead easements
- Discussion items
- Drainage and hydrology study with mitigation plan
- Canyon drainage
- Water board recommendation
- Possible findings
- Proposed conditions

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

Wes Johnson was comfortable that all hydrology issues had been resolved.

Motion: Council Member Van Wagoner moved to grant final approval with the staff report and the following condition:

- The hydrology study and proposed improvements plan as described in the letter from Paul Berg dated August 8, 2019 and reviewed and accepted by Matt Lindon was followed and was part of the required construction improvements for the subdivision.

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	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

- 7. Resolution 2019-13 / Lime Canyon Meadows Development Agreement** (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2019-13 adopting a development agreement for the Lime Canyon Meadows Subdivision located at 960 Lime Canyon Road (Zoning is R-1-22).

Corbin Gordon reviewed the proposed development agreement. He indicated that Rocky Mountain Power would enforce restrictions on landscaping in the transmission line easement. He would also change the name of the subdivision to Lime Canyon Meadows.

Motion: Council Member Probst moved to approve Resolution 2019-13 adopting a development agreement for the Lime Canyon Meadows Subdivision with the development name corrected.

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	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

8. Resolution 2019-29 / Hughes Property Culinary Water Agreement (Johnathan Hughes – Approximately 30 minutes) – Discuss and possibly approve Resolution 2019-29 adopting a will serve agreement allowing the Hughes property, located at 282 East 520 South, to be connected to the Midway City’s culinary water system.

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

- Master trail plan
- Location of the planned trail in the area
- Master road plan
- Proposed road in the area

Mr. Henke also made the following comments:

- The property was adjacent to the City.
- The applicants would petition for annexation maybe the end of the month.
- The City usually required property to be annexed into the City when the owner wanted access to the culinary water system.
- The property was currently on a well.
- The City had a great deal of control when a property was annexed.
- Would have similar conditions as the water agreement for the Pelo Subdivision to the east.
- The applicants wanted access from 300 East.
- The parcel was a lot of record.
- There was a new house on the property.
- There would have to be access from the west for the rest of the parcel to be developed.

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:

- Limiting development to one home, dedicating a road easement, constructing a trail, and dedicating another trail easement was too much to ask for one culinary water connection.
- The applicants would dedicate the trail easement.
- The applicants should be able to use 300 East because it was dedicated for public use.
- The well would be used if the City would not change its conditions.
- If the City was willing to negotiate then the item could be tabled to another meeting.

Motion: Council Member Orme moved to talk to the applicants, study the issue and continue the request to the next council meeting.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Orme asked that it be considered at a work meeting if one was held.

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	Aye

9. 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. No comments were offered.

10. Rocky Mountain Power / Conditional Use Permit for Transmission Line (City Planner – Approximately 1 hour) – Discuss and possibly approve a conditional use permit for Rocky Mountain Power to improve a transmission line along 970 South, Stringtown Road and Wards Lane. **Public Hearing**

Mayor Johnson explained the reason for the second public hearing.

She asked the Council if the line was above ground should it be wood wherever possible, the taller poles with the longer spans and rust colored steel poles. The Council agreed.

Mayor Johnson explained the rules for the public hearing. She noted that a survey would be taken of residents to guide the Council's decision.

Corbin Gordon noted that a voluminous document had been submitted by VOLT and a letter from Heber Light & Power Company (HL&P), regarding compensatory damages had been received that day. He indicated that the City did not have an opportunity to thoroughly review the documents.

Michael Henke gave a presentation on the proposal.

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

Mr. Henke indicated that the City did not receive a photo simulation of the proposed steel poles.

Public Hearing

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

Steve Dougherty

Mr. Dougherty made the following comments:

- A decision should be postponed for the results of the survey, because of untimely information received and for information to be received in the future.
- Public comment should be continued beyond that night.
- The applicants had not provided all the needed information.

James Beck

Mr. Beck made the following comments:

- Midway was a beautiful place.
- The City needed to be proactive.
- New residents needed to engage with long-time residents.
- Growth could be controlled, and open areas protected.
- Warren Buffett, whose company owned RMP, should be invited to come and walk the line. He would agree that it should be buried.

Willy Holdman

Mr. Holdman made the following comments:

- Heber City and Wasatch County gave up too easily on the proposal.
- The proposal did not match the City's vision statement.
- The line should be buried.

Abraham Geake

Mr. Geake made the following comments:

- Transmission lines were a health and safety hazard.
- Esthetics and noise were also concerning.

- The project should be let out for bid to reduce the cost.

Elizabeth Brereton

Ms. Brereton made the following comments:

- Was an attorney with the law firm of Snell & Wilmer.
- Represented VOLT.
- Had emailed a letter to Mr. Gordon.
- VOLT was concerned about the process especially with the Planning Commission.
- Another meeting should be held to review the information submitted.
- The applicants assumed the value of properties would not be damaged.
- VOLT had invested time and money to hire an appraiser to survey properties.
- It was determined that properties would be impacted in the millions of dollars.
- The costs presented by the applicants were not accurate.
- Requested any documents discussing penalties for delaying or denying the request.
- The application from Rocky Mountain Power (RMP) was not complete.

Mr. Gordon responded that he had not seen the letter from Ms. Brereton.

Ms. Brereton read a letter alleging inappropriate activity by the City and Mr. Gordon when the issue was considered by the Planning Commission. She asked Mr. Gordon to respond to the charges in the letter. Mr. Gordon said that he would respond in writing.

Note: A copy of the letter read by Ms. Brereton is contained in the supplemental file.

Clint Coleman

Mr. Coleman made the following comments:

- Needs should be prioritized over wants.
- Better infrastructure and more schools were needed.
- Some residents wanted the Council to slow down, but they wanted the City to hurry on approving an open space bond.
- The line had been planned for years.
- Owners should do their due diligence when buying property.
- It was not the City's job to maintain someone's property value.
- Fundraising should have begun two years earlier.
- Burying the line would put two dip poles in someone's front yard.
- Did those wanting to bury the line also fight to have lines buried in other communities?
- If a bond was issued to bury the line, then he wanted the line in front of his house buried.

Kevin Payne

Mr. Payne made the following comments:

- Was not speaking as a council member-elect or member of the Planning Commission.

- Good people could have varying opinions.
- It was more important to come together as a community.
- The best decisions were made when the information was complete.
- The actual cost of easements and compensatory damages was needed.
- The dip poles should be pushed back from roads.
- The senior planner for Wasatch County indicated that their conditional use permit could be amended without reopening it or having another public hearing.
- More time should be granted to consider additional information and the results of the survey.
- Disagreed that RMP would not reconsider the route and approval by the County.
- The City should request that the HL&P Board bond to front the money to bury the line.
- Public comment should be allowed at the next meeting.
- Was not directly affected by the line.
- Did not have children at home but continued to pay for schools.
- The costs to bury the line would have been less if RMP had not been involved.

Holly Bodily

Ms. Bodily made the following comments:

- Spoke to a past attorney for RMP who indicated that the City still had a lot of power.
- Once the conditional use permit (CUP) was approved then there was no going back.
- A lot of information had been requested by the Planning Commission which was not provided by the applicants.
- The Council could not make a good decision without the needed information.
- The average for burying a transmission line was \$1 million a mile not the \$5 million to \$6 million stated by the applicants.
- Easements had to be purchased at fair market value.

Beth Lawrence

Ms. Lawrence wanted the line buried. She also asked the Council to be better prepared for the next transmission line request.

Ginny Tuite

Ms. Tuite made the following comments:

- RMP would take over the easements from HL&P.
- Property owners should be fairly compensated.
- Could not find any recorded easements for the line.
- Fair easement costs were needed before a decision should be made.
- Any approval should be on the City's terms.
- The survey needed to be completed before a decision was made.
- RMP had wanted a second point of interconnect for a long time.

Andrew Nygren

Mr. Nygren explained that his daughter had a cochlear implant which was negatively affected by transmission lines. Society needed to be better at eliminating this and other types of impacts such as lead and asbestos.

Scott Lewis

Mr. Lewis made the following comments:

- It was unfortunate that RMP wanted to stop a good faith discussion.
- The majority was making a good faith effort to bury the line.
- There should be reasonable setbacks for dip poles.
- RMP should listen to its customers and residents that gave it a monopoly.

Josh Wright

Mr. Wright made the following comments:

- The cost of living was increasing so much that his children would not be able to live in the area.
- Did not care if the line was buried but that cost should not be borne by all residents.
- It was easy to spend other people's money.
- The impact of the dip poles should be considered.

Linda Bruderer

Ms. Bruderer said that the survey should be worded so that respondents knew fundraising was a possibility.

Susan Prince

Ms. Prince made the following comments:

- Was frustrated by the deadline and the timing of the survey.
- The issue could have been on the ballot for the recent election.
- Many residents were not educated on the issue.
- Transmission lines already existed along the propose route.
- The money should be spent on schools and school children.

Heather Whitney

Ms. Whitney made the following comments:

- The existing transmission line was not being used for the proposal.
- The size of the poles would be increased.

- The easements would be transferred to RMP and residents would lose control.
- Wanted to preserve the area for the entire community.
- Owned ten acres along the route of the line.
- Was not notified of the CUP until that month.
- The lane next to her property was private but discussed as if it was public.
- Information should have been provided sooner.

David Hawkins

Mr. Hawkins made the following comments:

- The survey would only be as good as the questions. Was there time to do it right?
- Why did the line have to be completed by the end of 2020?
- There was too great a difference in the cost estimates.
- Why fabricate the poles before the easements were acquired?

Kevin Kehoe

Mr. Kehoe made the following comments:

- There was not a spirit of partnership.
- RMP made time the enemy.
- RMP should work with Midway not against it.
- Heber Valley was a masterpiece.

Kent Kohler

Mr. Kohler made the following comments:

- Did not care if the line was buried but did not want to pay for it.
- Did not notice the line until it was pointed out to him.
- The project was presented to the Council when he was a member. It was being done to keep down costs.
- Costs for his business could increase if the line was buried.
- No one would be happy either way.
- The Council needed to hammer out a deal.

Adam Jewel

Mr. Jewel made the following comments:

- Moved from Los Angeles and had cancer.
- Was concerned about the health effect of the line.
- Would the tree house on his property be taken down for the line?
- Midway was known for its beauty.
- A solution could be found in one or two months.

- The project should be let out for bid.

Hollie Kent

Ms. Kent asked the timeline for the project. Mayor Johnson responded that the applicants wanted it completed the following year.

Ms. Kent asked if RMP indicated how much it would cost to wait. Mayor Johnson responded they said it would be in the hundreds of thousands of dollars.

Ms. Ken said that RMP should deal in better faith. She also said that residents should have been notified earlier.

Britt Poppinga

Ms. Poppinga explained that she bought her home four and a half years earlier but did not receive any notification of the project until September of that year.

Devan Ken

Mr. Ken made the following comments:

- Every possible means should be exhausted to bury the lines.
- The real cost of the project including easements was needed. This could reduce the cost of the project because residents were willing to donate the easements to bury the line.
- Several bids should be sought.
- No one would want to buy his house if it was next to a large transmission line.
- The project would be a mark on the community that would never heal.

Mayor Johnson responded that an independent third party did the cost study.

Cassey Poppinga

All residents should be notified about conditional use permits.

Justin Kelly

Mr. Kelly made the following comments:

- Did not care if the line was buried but did not want to pay for it.
- If we did not want to take someone's view, then we would only have one house in the City.
- People are what made a community.
- The money should be spent on schools and school children.

Darrin Wilcox

Mr. Wilcox asked how much power rates would increase. Mayor Johnson responded that rates would increase 4% in 2019, 2% in 2020 and 2% in 2021 for an above ground line. She noted that area power rates were some of the lowest in the United States.

Mr. Wilcox made the following comments:

- It was easy for cities to borrow money.
- Those with hardships or who did not want to participate could opt out.
- No one was questioning the need for power.
- The section for Wards Lane to the substation should also be buried.
- No one knew the actual costs.
- Precedence was being set for the next transmission line.

Chris Newitt

Mr. Newitt questioned how the Council could approve the request after listening to the public's comments.

Robin Stone

Ms. Stone made the following comments:

- Had spoken to someone who owned land that touched 970 South. He indicated that he gave away millions of dollars to keep his property rural. He would contribute to burying the line.
- People wanted to know the true cost of the line.
- People outside of the community would donate.

Scott McCullough

Mr. McCullough said the line should be buried. The Council had to make a tough decision right.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 9:22 p.m. She reconvened the meeting at 10:00 p.m.

Council Member Orme made the following comments:

- The Council had been studying, reading, listening, and receiving a lot of information.
- People were concerned about the cost of burying the line.
- The line should be buried but who would pay for it?

- The cost could be paid through fundraising.
- The City did not have the money.
- HL&P might be able to loan the City the money.
- Those on fixed incomes should not have to worry about paying.
- It would be too expensive to bury all lines.
- Mr. Gordon did not say the things alleged by VOLT's attorney.

Council Member Van Wagoner made the following comments:

- RMP and HL&P did a joint presentation in 2014 to the City Council regarding the line.
- The line was discussed at other meetings.
- A decision was made for RMP and HL&P to partner on the project.
- Midway City did not own the right-of-way.
- The request could be approved with wooden poles, longer spans, buried distribution and communications lines, changing the route to match 970 South, the smallest corner poles possible, and contacting all effected property owners.
- The applicants agreed to wait while the City adopted an ordinance for transmission lines.
- The request spent a lot of time at the Planning Commission. The Commission recommended it with some conditions.
- If the Council denied the request, then it would face litigation which cost money that it did not have.
- Did not know if HL&P was willing to bond so the line could be buried.
- He had three power services.
- His cost would be \$7,140 over 20 years with a 4% increase. It would be \$10,000 with a 6% increase.
- A decision needed to be made that night.

Council Member Drury made the following comments:

- The request was a conditional use permit which was permitted with conditions to mitigate reasonable issues.
- Had not received the photo simulation of the steel poles that he requested.
- The steel poles were the biggest issue that needed to be mitigated.
- There had not been time to do the survey, but it was needed.
- There had not been time to review recently received information.
- The areas outside of Midway were out of the City's control.
- There would be large metal poles either way along a main entrance to Midway.
- The Council should take more time.

Council Member Simonsen made the following comments:

- Few properties were severely impacted.
- Came from a background where people accepted negative impacts.
- Everyone needed the power.
- Residents needed to decide how much they were willing to pay.
- If the line was buried there would still be large metal poles.
- Did not want to pick who would have the metal poles on their property.

- Growth brought challenges.
- Did not want people to be swamped by the additional cost.
- The dip poles had to be moved away from Hwy 113 if the line was buried.
- There was money available, but someone had to get it.
- There was not a lot of time to raise money.
- Wanted to know what people thought.
- More time was needed.
- Needed to know if external funding sources were available.

Council Member Probst made the following comments:

- The issue needed to be settled.
- Hoped the survey served the community well. Hoped that it would be random.
- The results of the survey were needed.
- The issue was a no-win situation.
- Somebody would have to pay to bury the line.
- Did not want to pay for it.

Motion: Council Member Orme moved to continue the item to the December 3rd meeting to allow the City to review the large amount of information received the previous few days.

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	Nay

Mayor Johnson suggested that supporters of burying the line come back with some hard financial commitments to put it underground.

Council Member Van Wagoner asked that information be submitted in a timely manner.

11. Ordinance 2019-12 / Land Use Map Amendment (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2019-12 amending the Midway City Land Use Map to include a portion of the Wasatch Mountain State Park. Recommended for approval by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Midway's growth boundary

- Current land use map
- Proposed land use map
- Proposed findings

Mr. Henke also made the following comments:

- A special zone could be considered for the property in the Wasatch Mountain State Park.
- The State Park was their own land use authority.
- Some of the property could become private in the future.
- Needed to make sure no unincorporated peninsulas were created.
- Steep slopes were being avoided.
- The new area included the golf course and campgrounds which would help the City maintain the Resort Communities Tax. This tax would be lost without annexing the property. The tax helped keep other taxes lower.
- The State would have to petition for the annexation. They had agreed to do this if the City would sample and monitor the Park's culinary water system, plow the public roads and not subject it to the local land use code.
- Any motion approving the ordinance could leave the zone determination until annexation.
- The private property, to the south with the hot springs, should not be included in the annexation. If it was, then the ability to impose conditions on the property would be lost.
- The clubhouse and the concessioners would also be included in the annexation.
- Snake Creek Road was plowed up to Mill Flat.
- The City would receive additional class "C" road money.

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

Mayor Johnson indicated that the City promised the State Park that the annexation would be revenue neutral. The City would refund any new taxes beyond what was currently paid. The fee for the campgrounds was set by the State and could not change based on the taxes.

Council Member Van Wagoner indicated that an agreement could be made with the County for plowing Snake Creek Road.

Public Hearing

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

Jason Norlen, HL&P

Mr. Norlen noted that HL&P would have to take over any customers in the annexation based on an agreement with RMP. HL&P would have to buy RMP's property in the area.

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

Motion: Council Member Simonsen moved to adopt Ordinance 2019-12 amending the Midway City Land Use Map, to include a portion of the Wasatch Mountain State Park as presented with the following findings and conditions:

- The proposed amendment would allow the area in the proposed growth boundary to be considered for annexation if a petition was submitted to the City.
- Annexing the campground into the City limits would help the City to continue to collect the resort tax which was beneficial to all residents of Midway.
- The State was agreeable to the proposal and had worked with the City so that the annexation could occur.
- The proposed boundary would not create any future unincorporated parcel peninsulas or islands which were not allowed by State Code.
- The zone would be determined at the time of annexation
- The official land use map could be changed at that time.

Second: Council Member Probst 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	Aye

12. Burgi Hill Ranches PUD / Second Plat Amendment (City Planner – Approximately 30 minutes) – Discuss and possibly approve a second amendment to the Burgi Hill Ranches PUD located at 290 East Saddle Drive. **Public Hearing**

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

- Land use summary
- Location of the lot
- Existing plat map
- Points of discussion
- Current and proposed pad location
- Site plan
- Three-dimensional view
- Proposed findings

Mr. Henke also made the following comments:

- The building pad would be adjusted and enlarged by 400 feet.
- The lot was subject to the City's sensitive lands ordinance.
- Moving the building pad for Lot #43 was controversial and was denied.
- This change appeared not to alter the views.
- The home would be built for a veteran that needed a one floor house. This required the

increase in square footage.

- Visited the property with Mayor Johnson
- The impact was minimal.
- No one had called him regarding the amendment.
- The house would be almost 35 feet high.
- All the neighbors had been notified of the proposed amendment.
- The home would be built by the Gary Sinise Foundation.

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 amendment with no conditions and the following findings:

- State law allowed for the consideration of a plat amendment if the proposed amendment complied with the zoning ordinance.
- State law stated a plat amendment could be considered by the land use authority at a public meeting.
- The proposal appeared to conform better with existing code than the current plat.
- No public street, right-of-way, or easement would be vacated or altered.

Second: Council Member Van Wagoner seconded the motion.

Discussion: Wes Johnson asked if the elevation of the home would change. Mr. Henke responded that it would not.

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	Aye

13. Farm Springs Subdivision / Amendment (Summit Engineering – Approximately 30 minutes) – Discuss and possibly amend the Farm Springs Subdivision located at 544 North Meriwether Way (Zoning is R-1-15). Recommended for approval without conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary

- Location of the proposed amendment
- Recorded plat map
- Proposed plat map.
- Points of discussion
- Proposed findings

Mr. Henke also made the following comments:

- The land would be removed from the common area of the Farm Springs Subdivision and attached to Randall Probst's property. The change would allow Randall Probst to have a rural preservation lot.
- It would be a lot line adjustment.
- There would be a perpetual use easement.
- Farm Springs would still have more than the needed open space.
- The owners in Farm Springs approved of 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 Farm Springs amendment located at 544 North Meriwether Way (Zoning was R-1-15) with no conditions and the following findings:

- State law allowed for the consideration of a plat amendment if the proposed amendment complied with the zoning ordinance.
- State law stated a plat amendment could be considered by the land use authority at a public meeting.
- The proposal appeared to conform better with existing code than the current plat.
- No public street, right-of-way, or easement would be vacated or altered.

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	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

14. Whitaker Farm Subdivision / Plat Amendment (Summit Engineering – Approximately 15 minutes) – Discuss and possibly approve a plat map amendment for the Whitaker Farm

Subdivision located at 455 North River Road. **Public Hearing**

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

- Land use summary
- Location of the amendment
- Recorded plat map
- Proposed plat map
- Possible findings

Mr. Henke also made the following comments:

- Laterals had not yet been installed in the subdivision.
- Lots nine and ten would be combined.
- The public utility easement between the two lots would be eliminated.
- No access easement would be altered.

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

Mike Johnston, Summit Engineering and representing the applicants, made the following comments:

- The plat map for the access north of the Memorial Hill had been approved by the County. Was working on an associated boundary line agreement. This should be resolved the first week in December.

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 Van Wagoner moved to approve the Whitaker Farm plat amendment with no conditions and the following findings:

- Potential trips per day generated from the two lots would be reduced.
- Density in the subdivision would be reduced.
- The area would feel more open because of the reduction of one lot.
- No public street, right-of-way, or easement would be vacated or altered.

Second: Council Member Probst 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	Aye

15. Cascades at Soldier Hollow, Phase 2 / Plat Amendment (Summit Engineering – Approximately 15 minutes) – Discuss and possibly approve a plat map amendment for Phase 2 of the Cascades at Soldier Hollow located at 500 West Cascade Parkway. **Public Hearing**

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

- Land use summary
- Location of the amendment
- Recorded plat map
- Proposed plat map
- Possible findings

Mr. Henke also made the following comments:

- Lots 82 and 83 would be combined.
- The laterals had already been installed.

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

Wes Johnson was comfortable leaving the laterals in place because the lots were being combined.

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 the plat map amendment for Phase 2 of the Cascades at Soldier Hollow located at 500 West Cascade Parkway with the following findings and conditions:

- Only one set of laterals would be used.
- Potential trips per day generated from the two lots would be reduced.
- Density in the subdivision would be reduced.
- The area would feel more open because of the reduction of one lot.
- No public street, right-of-way, or easement would be vacated or altered.

Second: Council Member Probst 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	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

16. General Plan / Review Affordable Housing Chapter (City Planner – Approximately 15 minutes) – Review and discuss the affordable housing chapter of the Midway City General Plan.

Michael Henke presented the affordable housing chapter. He indicated that State law now required municipalities to review and report on its affordable housing plan annually.

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

Council Member Orme recommended that the Council consider accessory dwelling units to improve affordable housing. She thought that a lot of homeowners were already doing it illegally.

17. 2019 General Election / Canvass Ballots (City Recorder – Approximately 5 minutes) – Canvass the Ballots for the 2019 Municipal General Election.

Brad Wilson reviewed the following returns from the 2019 General Election.

Number of Precincts	4	
Precincts Reporting	4	100%
Registered Voters	3,579	
Ballots Cast	2,198	61.41%

Candidate	Votes	%
Kevin Payne	1,370	28.90%
Lisa Kohler Orme	1,262	26.62%
Steve Dougherty	1,167	24.62%
Bob Probst	941	19.85%

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

Motion: Council Member Van Wagoner moved to approve the canvass of the ballots.

Second: Council Member Simonsen seconded the motion.

Discussion: None

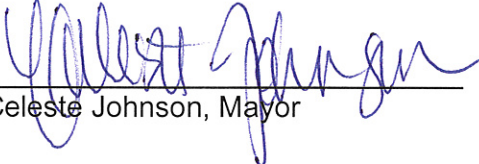
Vote: The motion was approved with the Council voting as follows:

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

18. Adjournment

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

The meeting was adjourned at 11:44 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder