

MINUTES OF THE MIDWAY CITY COUNCIL

(Work Meeting)

Tuesday, 19 May 2020, 5:00 p.m.
Electronic Meeting

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, 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 5:05 p.m. She excused Council Member Orme.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Kevin Payne, 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:

Lisa Orme, Council Member

2. Sunburst Ranch PUD / Amend Annexation and Development Agreements (City Planner – Approximately 30 minutes) – Discuss a request to amend the annexation and development agreements for the Sunburst Ranch PUD located at Ranch Way and Swiss Alpine Road (Zoning is R-1-22 and RA-1-43).

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

- History of the PUD
- Land use summary
- Location of the PUD
- Phasing
- Topography of Phase 3
- Phase 3 plan submitted with annexation
- Phase 3 plan submitted in 2010 and approved by the City Council
- New plan for Phase 3
- Retaining walls
- Comparison of the 2010 plan and the new plan at the same scale

- Landscaping
- Photo simulations of the 2010 plan and the new plan.
- Comparison of amenities
- Comparison of environmental impact
- Points of discussion
- Documents submitted by the Sunburst Ranch HOA
- Drainage of Swiss Alpine Road
- Catch basin in Phase 3

Mr. Henke also made the following comments:

- When most people bought units in the PUD the majority of the open space and all of the amenities were planned to be in Phase 3.
- The HOA was concerned that the amenities in the new plan were too close to the units.
- Elevation change was not considered with open space but could impact its usability.
- The water rights for the project had been turned over to the City.
- The amount of water needed for the new plan had not been calculated.
- The HOA opposed the new plan.
- The amenities in the new plan were close to the units to preserve open space.
- The PUD did not meet the current requirement of 50% open space. This was not a requirement when the project was originally approved.

Note: A copy of Mr. Henke's presentation and the documents submitted by the HOA are contained in the supplemental file.

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

- The required amount of water for the new plan should be determined.
- The scale of the amenities in the new plan was different than in the 2010 plan.
- Paving in Swiss Mountain Estates improved the drainage issues with Swiss Alpine Road, but a catch basin in Phase 3 was still needed.
- Onsite drainage had to be addressed within the project.
- All phases of the PUD should be considered when contemplating the amendment.
- The developer wanted to segregate Phase 3 from the rest of the PUD.

Corbin Cordon reviewed a lawsuit by the developer of Phase 3 against the HOA. He made the following comments:

- The court granted the developer's first three requests in summary judgement. It did not decide on the use of the roads in the other phases for Phase 3. It also determined that the City not the HOA had to enforce Resolution 2010-17. Read the Court's statement on the use of the roads.
- The developer did not want Phase 3 to be associated with any of the other phases.
- The Council had full discretion to grant or reject the amendment.
- There was a binding resolution that the developer wanted to alter.

It was pointed out that Phase 3 needed two points of entry. Using the roads in the other phases as an entry was contested.

3. City Facilities / Use Policy and Fees (Council Member Orme and Council Member Dougherty – Approximately 30 minutes) – Discuss possible changes to the policy and fees for the use of the City’s facilities.

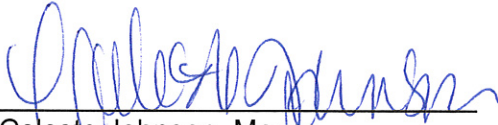
Mayor Johnson reviewed discussions on the use of the City’s facilities and made the following comments:

- Fees for the use of facilities had not been discussed.
- Rental agreements were being revised.
- The use of spaces in the various buildings was being reviewed.
- The City Office Building should only be used for events sanctioned by the City.
- The spaces on the main floor of the Town Hall should be used for retail.
- The spaces on the main floor of the Community Center should be used more effectively.
- There should be a usage agreement for storage in the basement of the Community Center.

4. Adjournment

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

The meeting was adjourned at 6:00 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder