

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

**Tuesday, 7 July 2020, 6:00 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, 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 6:06 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, 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

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance.

2. Consent Calendar

- a. Agenda for the 7 July 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 23 June 2020 City Council Meeting

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

Motion: Council Member Dougherty moved to approve all items on the consent calendar.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	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. No comments were offered.

4. Department Reports

Affordable Housing / Coordination / Audit

Council Member Payne reported on efforts to coordinate affordable housing efforts among jurisdictions. He would present an audit of area affordable housing at the second council meeting in August.

Midway Boosters / Independence Day Celebration

Council Member Drury reported on the Independence Day celebration and indicated that there would still be fireworks on the holiday in the future.

Ice Rink / Clean-Up / Preventative Maintenance / Reimbursement

Council Member Drury reported that the ice rink had been cleaned up for the season. He added that preventative maintenance would be done, and a reimbursement made to the City by the operator.

Midway Boosters / Swiss Days

Council Member Drury reported that Swiss Days would not be held that year because of the pandemic.

970 South Transmission Line / Stay

Corbin Gordon reported that Rocky Mountain Power filed an emergency request for the stay, granted by a member of the Appellate Court, to be reviewed by a panel of Judges from the same court. He indicated that his office would file a response.

HVRR / Operations During Pandemic

Mayor Johnson reported that the Heber Valley Railroad (HVRR) was operating with safety measures and reduced capacity.

HVSSD / Pond Maintenance

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) was working on the maintenance issues with its ponds.

Ice Rink / Town Square / Pickleball

Council Member Simonsen reviewed the challenges with having pickleball courts on the ice rink. He indicated that it would be a good time to consider other suggestions for courts on the Town Square because Swiss Days would not be held that year.

Town Square / BBQ Pit

Mayor Johnson reported that the BBQ pit at the Town Square would be rebuilt that summer.

5. Planning Commission / Alternate Members (Mayor Johnson – Approximately 5 minutes)
– Discuss and possibly appoint alternate members to the Midway City Planning Commission.

Mayor Johnson explained that she and Michael Henke met with candidates and recommended Rich Cliften and Andy Garland as alternate members of the Planning Commission.

Motion: Council Member Orme moved to appoint Rich Cliften and Andy Garland as alternate members of the Planning Commission.

Second: Council Member Payne seconded the motion.

Discussion: Mayor Johnson noted that there were no term limits for alternate members.

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

6. Resolution 2020-14 / Zenger Annexation Agreement Amendment and Midway Vistas Master Plan (City Planner – Approximately 30 minutes) – Discuss and possibly approve Resolution 2020-14 amending the annexation agreement for the Zenger Annexation and adopting a master plan agreement for the Midway Vistas Subdivision (Formerly known as the Zenger Annexation, Murano Subdivision and Malmrose PUD) located at approximately 1600 North Interlaken Road (West side) (Zoning is RA-1-43).

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

- Items changed since the last meeting
- Location of the proposed development
- Overview
- Concept plan at annexation
- Proposed concept plan
- Trails
- Discussion items
- Phasing plan
- Open space
- Access
- Pictures of the property
- Current and proposed locations of a backcountry trail
- Problems with the current location of the garbage dumpsters for Interlaken Town
- Proposed location for the dumpsters
- Planning Commission recommendation
- Water Board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The public trails would be noted on the plat maps and in the relevant agreements.
- Recommended that the developer build a section of trail along Homestead Drive. This would replace a section of trail, required in the annexation agreement, that had already been built by someone else.

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

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

- The developer should install the pumps for the pressurized irrigation system.
- The requirement for pumps should be based on a lot's elevation.
- The public trails should be noted with signs installed by the developer.
- Interlaken Town should be a signer to the agreement, or the agreement should require a separate agreement with the Town.
- Midway City would not be a party to the easement agreement for the dumpsters so it could not enforce it.
- The backcountry trail should continue to connect at its current location on the east boundary of the development, but an alternative route should also be required further south on Edelweiss Lane. There would be a safety issue with users going up Interlaken Drive from the lane to the trail.
- The City could not make the Town do something and would give it veto power over the project by requiring certain conditions.
- Anything that differed from the annexation concept plan required an amendment to the

agreement.

- The applicant did not want the dumpsters near the Town's pump house because it would affect his property.

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

- Requested master plan approval and not an amendment to the annexation agreement.
- The only difference between the annexation concept plan and the proposal was less roads and more open space.
- Was being required to solve Interlaken Town's dumpster issue and build a public trail not on the City's trails plan. Requested that the City reconsider these requirements.
- An easement could be provided for the backcountry trail and dumpsters.
- The City and the Town should enter into an agreement and they should be responsible for the dumpsters.
- The City wanted the developer to be responsible for all the conditions on the Town. This meant that the developer would have to do these things if the Town did not.
- The Town was not engaging with the developer.
- The developer had no leverage against the Town.
- The irrigation pumps should be installed with the culinary water meters so they would not deteriorate before use.

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

- Anything that differed from the annexation concept plan required an amendment to the agreement.
- The applicant did not want the dumpsters near the Town's pump house because it would affect his property.
- The pumps could be provided to the Midway Irrigation Company, to be installed later with the meters, or money escrowed for them.
- The pumps should be installed by a qualified person.
- The issue of the pumps should be discussed with the Irrigation Company.
- Jack Zenger signed the original access agreement which also determined the current location of the dumpsters.
- The City could facilitate moving the dumpsters but should not police them.
- It would not be difficult to reach an agreement with the Town regarding the dumpsters.
- Putting the dumpsters by the Town's pump house could be a temporary solution.
- A driver for the Wasatch County Solid Waste Special Service District said the dumpsters could be returned to a previous location further up Interlaken Drive from the entrance to the Valais Park.

Motion: Council Member Drury moved to approve Resolution 2020-14 (Zenger Annexation Agreement Amendment and Midway Vistas Master Plan) with the following findings and conditions:

- The proposal complied with the requirements of the code for standard subdivisions.
- The proposal met the vision of the area as described in the General Plan for the RA-1-43 zone.
- The public trails would be built by the developer and would be an amenity for the entire

community.

- The Water Board recommendation of 191.24 acre feet for the entire project and dedicated as calculated by phase. All required water rights would be held in escrow before the master plan agreement was recorded.
- Secondary water meters were required for every lot.
- Irrigation pumps were required for 15 lots above an elevation determined by the City Engineer and City Planner.
- Secondary water meters and pumps would be paid in escrow to the Midway Irrigation Company, with the appropriate phase, and installed by the Irrigation Company when service was provided.
- The developer would provide an easement for dumpsters located as noted on the current site plan adjacent to the eastern entrance. In the interim the Mayor, developer and Interlaken Town would identify and implement temporary solutions. The annexation agreement would be adjusted and approved by the Mayor.
- All approved non-irrigated areas would be noted on the plat maps.
- Note would be placed on the plat maps informing future owners that the 15 most elevated lots would each require an irrigation pump because they were located above the irrigation ditch.
- Private roads in the development would have a public access easement which would be noted on the plat maps and in the master plan agreement.
- The developer would provide a 10-foot public trail easement to relocate the existing back-country trail. The trail would run from the Interlaken pump station in the 50-foot-wide common area to the entrance of Midway Vistas near Interlaken Drive, in line with the existing sewer easement.
- All public trails in the development would have signs noting public use.
- An easement would provide access to the existing trail as well as access to Edelweiss Lane.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 7. Whispering Creek Estates / Preliminary Approval** (Mike Harvie, Ramp Group – Approximately 45 minutes) – Discuss and possibly grant preliminary approval for the Whispering Creek Estates Subdivision located at 515 East Cari Lane. 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 development

- Proposed site plan
- Flood plain
- Wetlands
- Discussion items
- Open space
- Wetlands/flood plain map
- Pictures of the property
- Water Board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The plat map for the Cospers Subdivision, recorded for a portion of the property, would have to be vacated.
- An accurate drawing showing the flood plain was needed.
- Changes had been made to the flood plain which needed to be resolved with the United States Army Corps of Engineers.
- Recommended against granting approval that night.
- A plan was needed for a sewer lateral that crossed the property. The applicant verbally indicated that the lateral could be run to the sewer line in the proposed cul-de-sac.

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

Mayor Johnson expressed concern with homes in a flood plain because their basements were not allowed to be finished. She worried that a future homeowner could unwittingly finish the basement.

Mayor Johnson was also concerned that the stream and flood plain were altered after the Planning Commission made clear that was not allowed.

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

- The application would have to be withdrawn for the project to be reconsidered by the Planning Commission.
- There was some discretion with vacating the Cospers Subdivision plat map.
- The City Engineer had reviewed the geotechnical study and found nothing unusual. It recommended slabs on grade.

Mike Harvie, Ramp Group and representing the applicant, indicated that the stream alterations were done long before the planning commission meeting. He asked that the item be approved with conditions. He indicated that the conditions could be resolved for final approval.

Mayor Johnson indicated that the City met and exceeded the noticing requirements for a public hearing on the development.

Public Hearing

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

Wendy Bolick

Ms. Bolick made the following comments:

- Her lot backed up to the proposed development. Looked like the setbacks in the development next to her lot would only be ten feet.
- The size of the proposed lots was out of character for the area. They should be larger.
- The development would increase the traffic and noise on Cari Lane which was already too busy.
- It would decrease property values and the area aesthetic.
- Some neighbors had talked about selling their homes and moving.
- The applicant brought in poor fill dirt with weeds and did not manage the property.
- Wetlands would be lost.
- The stream was altered in 2019 to create a pond. This slowed the creek, caused an algae bloom, and reduced water to her property.
- Existing residents should be protected.
- The development was morally reprehensible.

Mr. Henke indicated that the setback, from the rear of Ms. Bolick's lot, would be 30 feet.

Mike Tezak

Mr. Tezak indicated that it was his sewer lateral that crossed the property. Mr. Henke responded that any approval would be conditioned on accommodating the lateral.

Patsey Hight

Ms. Hight made the following comments:

- Was concerned about the property being a fire hazard.
- Had lived in Paradise, California which was destroyed by fire and 85 people killed.
- The area would be difficult to evacuate in case of a fire.
- Drivers drove too fast on Cari Lane.
- People and the community needed to be protected.

Cathy Sundwall

Ms. Sundwall made the following comments:

- Sent a letter regarding the development.
- Was concerned about flooding in the area.
- There were a lot of problems with the area proposed for the development. It included sensitive lands.

- The development was too dense.
- More time was needed for it to be done correctly.
- Was an environmental impact study required?

Mr. Henke responded that an environmental study was not required but the City had an extensive sensitive lands code. He added that he could address any concerns regarding fire with the Wasatch County Fire District. He also indicated that the noxious weeds had to be removed and other weeds kept at or below six inches.

Greg Trimble

Mr. Trimble indicated that he would lose some of his views because of the development.

David Sundwall

Mr. Sundwall suggested that the development be limited to four lots and other issues like the noxious weeds be addressed. Mr. Henke responded that the Municipal Code allowed the proposed density.

Wendy Bolick

Ms. Bolick made the following additional comments:

- Had contacted the City about the weeds. The City sent a letter to the applicant who sprayed only a few of the weeds.
- A lot of dead items had been piled on the property.
- Could the proposed road be that close to the neighboring property?

Mr. Henke responded that nothing prohibited the road from being that close.

Patsey Hight

Ms. Hight requested that the Fire District review the project and ensure that a fire truck could be turned around on the cul-de-sac. Mr. Henke indicated that the Fire District had been involved in the approval process.

Motion: Without objection, Mayor Johnson recessed the meeting at 9:06 p.m. She reconvened the meeting at 9:15 p.m.

Mr. Henke reviewed the Cosper Subdivision and indicated that the required water rights had been turned in for the development.

Mr. Henke indicated that the wetland study had not yet been approved by the Corps of Engineers.

Council Member Drury asked why the proposed development was being considered that night when several important issues were unresolved. He was especially concerned with the alteration of the stream.

Motion: Council Member Drury moved to continue the item indefinitely with the following findings and conditions:

- The City had not received notification that the wetlands study was approved by the Corps of Engineers.
- The item would only be considered again by the Council once the wetlands study had been approved and the issues with stream alteration had been resolved.

Discussion: Mayor Johnson was concerned with the plan for the sewer lateral, which went through the development, and wanted to clarify the setbacks for lot 4. She recommended that the east boundary be the back setback for the lot.

Mr. Henke wanted a more accurate map which showed the flood plain.

Council Member Drury was concerned about how close lot 5 was to the flood plain.

Council Member Simonsen said that the proposal was incomplete and vacating the Cosper Subdivision needed to be addressed. He recommended that the proposal go back to the Planning Commission to resolve the outstanding items.

Council Member Payne asked that a formal request, to vacate the Cosper Subdivision, be added to the motion.

Withdrawal: Council Member Drury withdrew his motion.

Council Member Dougherty questioned if denial or sending the proposal back the Planning Commission were appropriate. Corbin Gordon agreed that sending it back to the Planning Commission was not appropriate. He pointed out that if it were denied then the applicant could resubmit, and the proposal would then go again to the Planning Commission.

Mr. Harvie made the following comments:

- Property owners had the right to do what they wanted on their land.
- The issues of weeds and stream alteration could be resolved during construction.
- The proposal should move forward if it met the requirements of the Municipal Code.
- Any other issues would be addressed as the process progressed.

Mr. Henke indicated that some serious development questions needed to be resolved. He added that the development should be done well and right.

Council Member Dougherty recommended that the item be continued until the wetlands study was approved by the Corps of Engineers and the other issued raised were addressed.

Council Member Simonsen asked about the vacation of the Cosper Subdivision plat map. Mr. Henke responded that was a separate application. He thought that application could possibly go

directly to the City Council. Council Member Payne thought that the vacation could be done concurrently with the new development.

Motion: Council Member Dougherty moved to continue the item until staff felt comfortable that all issues had been sufficiently addressed.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Nay
Council Member Simonsen	Aye

Council Member Payne explained that he voted against the motion because he wanted the proposal to go back to the Planning Commission.

- 8. Cozens Subdivision / Plat Amendment / Preliminary and Final Approval** (Glen Lent – Approximately 30 minutes) – Discuss and possibly grant a plat amendment and preliminary and final approval for the Cozens Subdivision located at 840 South Stringtown Road. 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
- Snake Creek
- Flood plain
- Proposed plat map
- Access for lot 1
- Discussion items
- Water Board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The proposed development was a small-scale subdivision. It was an amendment rather than a vacation of the existing plat map.
- One lot would be subdivided into three lots.
- There was an existing home on the property.
- A barn would have to be removed, before the plat map could be recorded, because it straddled two of the lots.

- The original plat map was recorded to address an illegal subdivision. It was understood at that time that the property would be further subdivided.
- A stream alteration permit or easement on another lot was needed to access lot 1. The applicant requested an easement agreement instead of the easement being shown on the plat map.
- Recommended that the money for the bike trail be put in escrow.
- All conditions had been met from the approval of the original subdivision.
- The existing home would still be considered a legal non-conforming use.

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

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

- The utilities for lot 1 could go through the small area between Snake Creek and the lot line. Otherwise, a stream alteration permit or an easement on another lot would be needed.
- The City Attorney should look at the issue of an illegal use being called non-conforming and therefore allowed.
- The request was not discretionary, but conditions could be placed on its approval.
- Further subdividing was not prohibited with the original development.
- The City could require that trees on the property be trimmed if they were a safety issue.
- The City could not prohibit further subdividing if it did not exceed the allowed density.

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

- The sewer would be extended up Wards Lane as required if the property were further subdivided.
- The plat map presented that evening would be altered slightly based on the recommendations of the Planning Commission.
- Lot 2 would be adjusted to allow enough frontage for lot 1. An easement would still be needed for access to lot 1. The lots would have a shared driveway.
- A home could not be built on the east side of the creek on lot 1. There was room on the other side of the creek for a house and meet the required setbacks.

Public Hearing

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

Glen Lent, Applicant

Mr. Lent said that he would keep lot 1 for himself. He added that he would address the concerns with the trees.

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

Motion: Council Member Simonsen moved to approve item 8, granting a plat amendment and preliminary and final approval, with the following findings and conditions:

- The proposed lots met the minimum requirements for the RA-1-43 zoning district.
- The proposal met the intent of the General Plan for the RA-1-43 zoning district.
- The subdivision would contribute to the master trails plan by adding funds to the general trails fund that would be used to help complete the master trails plan.
- The funds to build the bike lane would be added to the general trails fund and that the bike lane would be completed in the future as part of a larger improvement project that would complete the bike lanes along the entirety of Stringtown Road.
- An access easement would be on the plat or a separate document would be recorded concurrently with the plat to assure access for lot 1.
- The accessory structure that was located on a proposed lot line would be removed before the plat map was recorded.
- Sewer would be provided to the lots.
- The trees would be checked for safety by an arborist.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Nay
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

9. Resolution 2020-21 / Cozens Subdivision Amended Development Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2020-21 adopting an amendment to the development agreement for the Cozens Subdivision located at 840 South Stringtown Road.

Corbin Gordon presented the proposed amendment and made the following comments:

- The agreement did not address the issue of non-conforming uses.
- It restated and completely replaced the existing agreement.

Council Member Dougherty noted that the agreement should require that the barn be torn down.

Motion: Council Member Orme moved to approve the resolution and accept the development agreement amendment for the Cozens Subdivision with the following findings and conditions:

- The amendment restated and replaced the original development agreement.
- Section 3(A)(ii)(g) be replaced with the requirement that the barn be removed.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Nay
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Council Member Dougherty indicated that he voted against the motion because he was not comfortable approving a development agreement for a subdivision that he voted against.

10. Homestead Resort / Master Plan Amendment (Paul Berg, Berg Engineering – Approximately 45 minutes) – Discuss an amendment to the master plan for the Homestead Resort located at 700 North Homestead Drive.

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

- Land use map
- Locations of the resort zone
- Location of the Homestead Resort
- Development options
- 2008 Master Plan
- Land owned by the Homestead Resort
- Land use summary
- Proposed site plan
- Proposed buildings
- Entrance
- Phasing plan
- Fire access
- Trails master plan
- Potential trails access map
- Fee simple land map
- Comparison of the 2008 and the proposed master plans

Mr. Henke also made the following comments:

- The applicants had applied to amend the master plan.
- The resort zones included the City's main tax base. They helped the City and kept property taxes low. The Resort was a significant part of its tax base.
- The Council was not obligated to amend the existing plan.
- The proposal would amend the 2008 Master Plan.
- The 2008 Plan did not have a lot of amenities.
- All the existing golf course should be open space.
- The proposed site plan was less intense with less density.
- All the proposed units would have one ownership and no lockouts. They could not be

sold to individual owners.

- People would not live at the Resort.
- The proposed entrance saved more trees but was disliked by a neighbor.
- The Links at Homestead HOA was concerned about the access to some proposed units through its development.
- The access from Mountain Springs Drive needed to be addressed.
- The Visual Architecture Committee (VAC) would review the request the following week.
- Most construction would occur in the first phase.
- There would not be separate plat maps. This would prevent portions of the Resort from being sold off.
- The applicants requested leeway when determining the location of the east to west public trail.
- The height of any structure had to be 35 feet within 100 feet of Homestead Drive.
- The Municipal Code prohibited the crater from being cut.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, compared the 2008 and proposed master plans and made the following comments:

- The proposed master plan would not change the area but would increase open space and amenities.
- It had half the density which was 22% of what was allowed.
- It would be a better experience.
- More of the current buildings would be renovated.
- The proposal would help increase the City's transient rental capacity and allow it to charge the Resort Tax for another nine to ten years.
- It would have more visitor stays.
- The required portion of the trail on Homestead Drive would be installed with phase one.
- The 2008 Master Plan offered a lot of flexibility and envisioned the City and the Resort working together.
- It allowed an additional 25% increase in the density.
- It allowed the developer to modify the phasing sequence with the approval of the City's staff.
- It said the development would be substantially what was approved but changes could be made with the approval of the developer and the City.
- Wanted to change the Master Plan and use some of the allowed flexibility.
- Appreciated the City Attorney's letter stating that some building permits could be applied for immediately.
- Requested that the event barn be allowed to be 40 feet high which would help with its look. The barn would be enclosed by trees.
- A lot of the trees next to Homestead Drive would remain. A lot of trees would have to be removed if the entrance aligned with Bigler Lane.
- The applicants had reached out to The Links at Homestead HOA regarding the access agreement.
- Requested flexibility with the east to west public trail. Mixing resort guests and the public along with the golf course hazards would be problematic.
- The City had allowed pavers to be put on top of the crater.

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

- A traffic study had not been done to determine the effect of the entrance's new location. Homestead Drive was a UDOT road so the applicant would have to work with them.
- The presentation was an opportunity for the Council to see the proposal. It should be discussed further at a work meeting.
- The impact of most of the construction happening with the first phase was a concern. There should be a construction mitigation plan.
- Noise from the proposed amphitheater was a concern.
- Building heights should be reduced closer to the property boundaries.
- The proposal better used the space but had less rental capacity which negatively impacted the City's ability to levy the Resort Tax.
- The crater should not be damaged.
- The proposal was an improvement and step forward.

Scott Jones, applicant, made the following comments:

- The impact of construction would be managed because the Resort would remain open.
- Having a public trail go through the Resort would detract from the guest experience. Suggested that it run along the south side of the property.
- Access to the Resort by residents was yet to be solidified. There would be some option for public access but wanted a membership component.

Warren Lloyd, project architect, indicated that the new entrance alignment was safe and more natural. He added that it emphasized a view of the crater.

11. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

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

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

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

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

Second: Council Member Orme seconded the motion.

Discussion: None

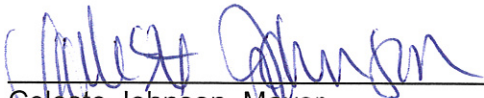
Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

12. Adjournment

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

The meeting was adjourned at 12:14 a.m.


Celeste Johnson, Mayor


Brad Wilson, Recorder