

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

**Tuesday, 4 October 2022, 6:00 p.m.
Midway Community Center, 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, 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 6:10 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

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 Drury gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 4 October 2022 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 20 September 2022 City Council Work Meeting
- d. Minutes of the 20 September 2022 City Council Regular Meeting
- e. Ordinance 2022-23 adopting certain appendixes in the International Fire Code
- f. Conclude the warranty period and release the remainder of the bond for the Cozens Subdivision located at 840 South Stringtown Road subject to the payment of all fees due to Midway City.
- g. A memorandum of understanding regarding additional pickleball courts at the Wasatch County Southfield Park located at 895 West 100 South, Heber City.
- h. Cathy Philpot to a 4-year term on the Midway Historic Preservation Committee

Note: Copies of items 2a through 2h are contained in the supplemental file.

Council Member Simonsen had questions about the traffic tubes in the Horrocks Engineers warrant. Wes Johnson responded that those specific warrants should not be approve and he would research the charges.

Council Member Simonsen indicated that he did not reference a \$5,000 donation would give a return of \$50,000 as indicated in the 20 September 2022 minutes. He requested that the statement be removed or replace with "The cost for average citizen if based on \$50,000 would be fairly minimal."

Council Member Simonsen noted that the memorandum of understanding did not mention that the City would pay in two installments. He requested that it be edited to make that change then the Mayor could sign it.

Council Member Payne indicated that the Cozens Subdivision had a lot of weeds and growth. Michael Henke responded that the City could enforce its weed ordinance. Wes Johnson added that the bond, proposed for release, did not include landscaping.

Motion: Council Member Payne moved to approve the consent calendar with the corrections.

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

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

Cowboy Poetry Gathering

Council Member Orme reported that the Heber Valley Western Music & Cowboy Poetry Gathering would be held the following week.

Parks Committee / Burgi Hill Park / Alpenhof Park

Council Member Simonsen reported that the Midway City Parks, Trails, and Trees Committee held an event at the Burgi Hill Park. He added that they were also working on the Alpenhof Park.

Main Street / Detour

Wes Johnson reported that Main Street would not be blocked off and traffic detoured for the construction for The Village. He added that the road might need to be closed if there were problems.

SHARP Survey

Mayor Johnson reported that Utah was discontinuing the Student Health and Risk Prevention (SHARP) statewide survey. She said the survey was helpful and the discontinuance should be reconsidered.

Family Dinner in the Park

Council Member Drury explained the Family Dinner in the Park and said that it was a success.

5. Wasatch Community Foundation / Donation (Tom Fowler – Approximately 10 minutes) – Discuss and possibly approve a donation to the Wasatch Community Foundation.

Tom Fowler gave a presentation regarding the Foundation and reviewed the following items:

- History of service
- Mission
- Programs
- Needed funding
- Why financially support the foundation

Mr. Fowler also made the following comments:

- The Foundation was willing to partner with Midway.
- Requested that any donation be given to its general fund and its use determined by the Foundation's board.
- It was difficult to raise money in Wasatch County.

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

6. CAPS / Donation (Weston Broadbent – Approximately 10 minutes) – Discuss and possibly approve a donation to the Wasatch Center for Advance Professional Studies (CAPS).

Steve Stevens gave a presentation regarding CAPS and reviewed the following items:

- CAPS
- Areas of focus
- Growth
- Scholarships

Mr. Stevens also made the following comments:

- CAPS prepared young adults to be future leaders.
- It supported education after high school.
- Had partnered with Midway on several projects.

Mayor Johnson preferred that any donation from the City be used for scholarships.

Council Member Simonsen was impressed with CAPS, its participants, and the opportunities that it provided.

7. Peace House / Proclamation 2022-01 / Donation (Kendra Wychoff – Approximately 10 minutes) – Discuss and possibly adopt Proclamation 2022-01, proclaiming October 2022 as domestic violence awareness month in Midway City, and possibly donate to the Peace House.

Kendra Wychoff gave a presentation regarding the Peace House and reviewed the following items:

- Statistics
- Mission and vision
- Who it served
- Programs
- Assessment of outcomes
- Services provided to Midway residents
- Proclamation

Ms. Wychoff also made the following comments:

- Worked with and trained local law enforcement.

Note: A copy of Ms. Wychoff's presentation is contained in the supplemental file.

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

- Were there other organizations, especially based in Midway, that might need money?
- Other organizations that had been contacted by the City did not respond.
- The money was not doing any good sitting in the bank.
- There were no immediate deadlines to distribute the money.

- All the requests for donations were good.
- The donations came from a very small amount of taxes collected by the City.

Council Member Payne noted that the City had \$15,000 left to donate. He recommended that \$5,000 be given to each organization. He suggested that the City consider more for donations in the future.

Motion: Council Member Payne moved to donate \$5,000 to each of the organizations and adopt Proclamation 2022-01.

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	Aye
Council Member Simonsen	Aye

8. The Village / TROD Boundary Determination (Midway Heritage Development – Approximately 15 minutes) – Discuss and possibly determine the boundary for the Transient Rental Overlay District (TROD), for The Village located at 541 East Main Street, in accordance with Section 16.13.30 of the Midway City Municipal Code.

Michael Henke summarized the request for a boundary determination and made the following comments:

- An exhibit, specifying which units could be transient rentals, had been included with the Master Plan Agreement and the development agreements for Phases 1 and 2.
- A specific process was required to formally change the TROD boundary instead of doing a boundary determination.

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

Dan Luster, applicant, reviewed the proposed revision to the TROD boundary. He indicated that the boundary determination was allowed in the Municipal Code without changing the General Plan and TROD.

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

- Any changes should be transparent especially for the neighbors.
- Adjusting the boundary would be beneficial and help the City continue to impose the Resort Communities Tax.
- The unit on the southeast corner should be a transient rental because it was surrounded

by roads and parking.

- The TROD boundary could only be extended within the applicant's property.
- The property should be deed restricted to prevent a future council from altering the decision.
- The Council should be sensitive to the neighbors who lived around the project.

Motion: Council Member Simonsen moved to determine the boundary as proposed voluntarily by the developer to go across the west grass area, follow the roads, including the southeast corner unit with the following findings:

- The General Plan of zoning would be maintained with the original TROD boundary still being referenced.
- A more harmonious mixing of uses would be achieved when the units were grouped and not dissected.
- The property was dissected by the TROD
- Short-term rentals positively impacted Midway in terms of transient rental taxes, residual tax impacts such as sales tax, local economy, and the ability to qualify to collect the resort tax
- It appeared there would be a minimal, if any, impact on the existing neighbors.
- If staff deemed deed restrictions were needed, for the units in or partially in the TROD, then they would be required.

Second: Council Member Dougherty seconded the motion.

Discussion: Council Member Drury stated that in previous meetings the neighbors felt that the area's commercial boundary had been moved without their knowledge.

He added that the applicant originally made the following assumptions:

- There would be 30 transient rental units. That had increase to 57. With the proposed change the number would further increase to 68.
- Units would be \$550,000 which might be attainable housing. He added that number and the possibility of attainable housing had been abandoned.
- 50% of the units would be second homes.
- Now 68% of units could be transient rentals.

Council Member Dougherty indicated that the master plan had been approved with more than 30 transient rental units.

Mayor Johnson indicated that the designated units were allowed to be transient rentals but could still be full-time residents, etc.

Council Member Orme noted that there had been a lot of public input since the applicant's assumptions were made.

Council Member Drury felt like the City had given enough to the project and the additional transient rental units were too much and not beneficial.

Council Member Dougherty indicated that the change made sense, was minor, and would not negatively impact the community.

Council Member Drury noted that the decision was discretionary and did not have to be granted.

Council Member Simonsen was not convinced that the City should keep trying to maintain the resort tax. He said the the City was giving up other important things to try to save it.

Council Member Dougherty indicated that the occupants in the units would be residents and spend money in Midway.

Council Member Payne stated that the City would have to double its property taxes to compensate for the loss of the resort tax.

Council Member Simonsen suggested that the issue be tabled to better understand the implications.

Mr. Luster made the following comments:

- The proposal had been before the Council for more than a year. This included meetings where the public could comment.
- Transient rental units created less traffic and had less of an impact.
- They paid more in property taxes.
- They would not impact the neighbors.

Steve Stevens indicated that he benefited from the TROD boundary following the roads.

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

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

- 9. Resolution 2022-35 / The Village Amended Master Plan Agreement** (Midway Heritage Development – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2022-35 amending the master plan agreement, for The Village located at 541 East Main Street, to accommodate a boundary determination and allow additional units to be transient rentals (Zoning is C-2).

Mr. Gordon made the following comments:

- The amendment was based on the underground parking.
- The conditions of the agreements would be applied to all phases.
- A written agreement was needed between the developer and the Midway Irrigation Company.

Dan Luster, applicant, made the following comments:

- Wanted only visible retaining walls to have decorative rock.
- Some retaining walls could be covered by patios.

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

- The proposed agreement did not address the TROD boundary.
- A deed restriction and associated narrative in the agreement was needed.
- The Council should see all the documents once they were completed.
- All visible retaining walls needed to look good.
- No visible retaining walls needed to be identified.
- It had to be assumed that all retaining walls would be visible.
- Certain items needed to be addressed at that time or before a plat map was recorded.
- If ground water could not be remediated, then the approval should be revoked.
- The remediation plan could be overseen by the City Engineer.
- The plan would need to be reevaluated if conditions were different from what was expected.
- Loughlin Water Association would come back periodically to monitor the groundwater.
- The agreement should state that an eight-inch rather than a four-inch groundwater pipe would be installed.
- The agreement should also include maintenance of the irrigation ditch by the HOA.

Motion: Council Member Dougherty moved to continue the item with the directions given to legal staff, that the agreement return to the next council meeting, and that it include the discussion on the TROD boundary determination.

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

10. Resolution 2022-36 / The Village, Phase 1 Amended Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2022-36 amending the development agreement for Phase 1 of The Village located at 541 East Main Street (Zoning is C-2).

Corbin Gordon indicated that he would add into the development agreement the language from the master plan amendment.

Council Member Simonsen wanted to see a redline version of the agreement.

Motion: Council Member Dougherty moved to continue the item to the same meeting as the master plan agreement amendment.

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

11. Resolution 2022-37 / The Village, Phase 2 Amended Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2022-37 amending the development agreement for Phase 2 of The Village located at 541 East Main Street (Zoning is C-2).

Motion: Council Member Drury moved to continue the item.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:24 p.m. She reconvened the meeting at 8:35 p.m.

12. Ameyalli Resort, Phase 1 / Preliminary Approval (Midway Mtn Spa, LLC – Approximately 60 minutes) – Discuss and possibly deny, continue, or grant preliminary approval for Phase 1 of the Ameyalli Resort located at approximately 800 North 200 East (Zoning is Resort). 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 development
- Surrounding area
- Master plan

- Phasing
- Open space
- Landscaping plan
- Roads
- Setbacks
- Conservation easement
- Trails
- Emergency access to Sunflower Farms
- Required water rights
- Parking
- Amenities
- Trail on the west side of entrance road
- Unit plans
- Design elements
- Utilities
- Stormwater
- Water rights calculations with changes
- Project overview
- Memorandum of understanding
- Building to be restored
- Water board recommendation
- Planning commission recommendation
- Proposed plan
- Preliminary resort plan
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The phasing would feel more enclosed than traditional PUDs.
- Met with the Lacy Lane HOA.
- Tried to create a barrier to protect Lacy Lane including a stone wall to screen lights from turning vehicles.
- Was unaware of a culinary water connection to the property. One had not been included in the required water calculation.
- All his proposed conditions had been addressed.
- Some vehicles might be too long to park in some of the driveways. The buildings could not be pushed back, and the driveways lengthened, because of the setbacks and easements.
- There was an agreement for a public amenity to replace the old parking lot.

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

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

- Lacy Lane would allow some of the proposed project's stormwater to go on their property. This would be in exchange for a berm, wall, and trees shielding Lacy Lane

from the project.

- The road widths would be the new city standard with concrete ribbons.
- Sunflower Farms had sewer and water stubbed to the property line of the proposed project.
- The water park could only be used by those staying in the family units.
- There would be enough water for the water park.
- The Water Advisory Board gave the developer flexibility to come back with more information to adjust the amount of required water.
- Had found no evidence that a culinary water line went to the property.
- The shortest driveway was 15 feet.
- Parking would be policed.
- There were other options for parking.
- The cottages would not have garages.
- No building would be taller than 35 feet.
- A significant amount of open space was preserved.
- A previously proposed project for the property was a lot denser.
- Only one or two feet were available to extend the driveways.
- The old parking lot would not be used because it was over an underground lake.
- The south entrance had been surveyed but not staked.

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

- Water rights had been sold off the property.
- The City would research to see if a culinary water connection to the property existed.
- What would happen if the parking was not policed?
- The driveways should be lengthened as much as possible.

Public Hearing

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

Chris Bodily

Mr. Bodily recommended that the trail, next to his property, go to the west instead of the east of a hotpot. Paul Berg responded that there was not enough room on the west side.

Patrick Sullivan

Mr. Sullivan made the following comments:

- Would the south entrance be widened?
- Was the planned eight-foot natural trail a standard width? Mr. Henke responded that the trail would be asphalt.
- Why was the cross-section in Sunflower Farms different from the entrance cross-section? Mayor Johnson responded that the cross-section requirements had changed over time. Mr. Johnson added that the Sunflower Farms width was wider than the south entrance to Ameyalli.

- The entrance asphalt came close to his property line and master bedroom.
- He felt that Sunflower Farms should share some of the traffic burden.
- The trail should be on the west side of the road. Mr. Henke responded that the City preferred to cross roads as little as possible with trails. He added that the City could not encroach on Mr. Sullivan's land. Wes Johnson added that he preferred vehicle traffic on the west side of the road. Mr. Johnson volunteered to meet with Mr. Sullivan to show him the property line.

Andie Richardson

Ms. Richardson made the following comments:

- Had the developer considered what the gate and entrance would be like for the emergency access? Michael Henke responded that gates would be avoided, and the road would look like grass.
- Did not want a parking lot, at the end of Sunflower Farms, for any trails in the proposed resort. Mr. Henke responded that the trail in the area would be private. Mr. Berg indicated that the trail could be moved to help solve the problem.
- Why was the emergency access needed? Mr. Henke responded that it was not needed but would be another option in case of an emergency. Mr. Berg added that the access was needed for the utilities.

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

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

- The emergency access should be removed, the trail moved, but the utility easements should remain.
- The issues should be reviewed with the Midway City Fire Marshal and addressed again at final approval.
- The emergency access had benefits.
- The emergency access was a deal between the Sunflower Farms developer and former mayor Connie Tatton.
- There would also be a playground next to the emergency access. A path went to the playground but not to Sunflower Farms.
- The trail could be curved away from the emergency access.
- The development could not be a PUD because it would have fractional ownership. Mr. Berg responded that the plat map would look like a PUD but there would be fractional ownership of the units. The fractional ownership would be sold by unit.
- The second proposed condition had not been resolved.

Motion: Council Member Drury moved to grant preliminary approval to the Ameyalli Resort, Phase 1 with the following findings and conditions:

- The proposal would benefit the City financially by creating a greater tax base.
- The proposal would help the City better comply with State requirements regarding the ability to collect the resort tax.
- The public trail system in the development would benefit the entire community by

- creating public trails across the property.
- Amenities would be created that would be accessible year-round which would invite more tourists to visit the resort in all seasons.
- More detail would be submitted to determine that the light nuisance from vehicles leaving the resort and shining on homes in Lacy Lane Estates had been properly mitigated before the item would be scheduled for City Council review.
- An updated water rights recommendation from the Water Board would be made before the item would again be reviewed by the City Council.

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

13. Ordinance 2022-27 / Kitchen Units in Motels and Hotels (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2022-27 amending Section 16.13.7 (Kitchen Units in Motels and Hotels) of the Midway City Municipal Code. Recommended for approval by the Midway City Planning Commission. **Public Hearing**

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

- Propose language
- Current code
- Options
- Items of consideration
- Zones
- Proposed code
- Recommendation of the Planning Commission
- Possible findings

Mr. Henke also made the following comments:

- Wanted direction from the Council.
- Property owners wanted transient rental units with full kitchen facilities.
- How would staff police these units.
- Did the Council want them to also be long-term rentals?
- Hotels and motels were allowed in commercial zones.
- Was not aware of any possible applications.
- An adopted ordinance could always be amended.

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

Corbin Gordon indicated that to completely prevent such units the proposed ordinance should be adopted that night. He added that a notice of a pending ordinance could be adopted at a following meeting.

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

- The issue was significant and needed to be better understood.
- The ordinance could be approved with issues, like the resort tax and affordable housing, continuing to be researched.
- The issues would not be resolved fairly in one or two meetings.

Motion: Council Member Simonsen moved to approve the clarification noted as Ordinance 2022-27, regarding kitchen units in motels and hotels, that it was recommended by the Planning Commission and with the following findings:

- The current code was dated and was difficult to interpret for staff and the public.
- The proposed language was clearer than the current language and accomplished the same goal, but it also helped make administration of the code much easier for staff and it was also easier for the public to understand.
- The proposed language would require the creation of traditional short-term lodging rooms that would in turn help the local economy by generating more taxes and might stimulate more economic activity.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Drury noted that houses were non-conforming uses in the commercial zones. He asked how they could become conforming. Michael Henke responded that they could remain residential if the use was not abandoned for more than a year. He also indicated that they could become conforming if they included a licensed business or became a mixed-use. Council Member Dougherty noted that an internal accessory dwelling unit was also allowed.

Council Member Dougherty wanted to remove the last sentence regarding wet bars.

Amended Motion: Council Member Simonsen amended his motion to approve the clarification noted as Ordinance 2022-27, regarding kitchen units in motels and hotels, that it was recommended by the Planning Commission and with the following findings:

- The current code was dated and was difficult to interpret for staff and the public.
- The proposed language was clearer than the current language and accomplished the same goal, but it also helped make administration of the code much easier for staff and it was also easier for the public to understand.
- The proposed language would require the creation of traditional short-term lodging rooms that would in turn help the local economy by generating more taxes and might stimulate more economic activity.
- The final sentence regarding wet bars be removed.

Second: Council Member Payne seconded the amended motion.

Note: 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

14. LaBarge Subdivision / Final Approval (City Planner – Approximately 45 minutes) – Discuss and possibly deny, continue, or grant final approval for the LaBarge Subdivision located at 922 North Pine Canyon Road (Zoning is R-1-15 and 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 development
- Wetlands
- Site plan
- Proposed plat map
- Water board recommendation
- Possible findings
- Recommended conditions

Mr. Henke also made the following comments:

- The development received preliminary approval and several extensions of that approval.
- Issues with the neighbors had been resolved.
- The property owners to the south had to dedicate property to the City, to be used for the road, or sign the subdivision plat map. Received a document showing that they would cooperate, but the property had not yet been deeded.
- It was anticipated that the road would continue through the property to the south and connect to Pine Canyon Road. The road would have to be added to the City's street plan to force its construction.
- The property could also be developed with a cul-de-sac from Pine Canyon Road.
- The Municipal Code now did not allow dead-end roads.
- A 100-foot setback was required from Pine Canyon Road.
- Preferred that the developer not build a section of the bike lane on Pine Canyon Road but give money to the City to be used when the lane was built along the entire road.
- The development would connect to a stub road. This had happened in other projects.
- It was the developer's preference to not access the property from Pine Canyon Road.
- There could be maybe three lots with a density reduction subdivision.

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

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

- There should be a finding explaining why the cul-de-sac could be extended in this case but not others. Mr. Henke responded that the project was submitted prior to the current cul-de-sac restrictions.

Michael LaBarge, applicant, made the following comments:

- Not accessing off Pine Canyon Road allowed the 100-foot setback to be in his backyard.
- Did there need to be a sidewalk all the way around the cul-de-sac? Wes Johnson indicated that the City Council could make an exception. Mr. Henke noted that the sidewalks were sporadic in the development to the east. Council Member Simonsen indicated that the property owners to the south might need the sidewalks. Were sidewalks better on both sides?

Motion: Council Member Drury moved to grant final approval for the LaBarge Subdivision with the following findings and conditions:

- The proposed lot met the minimum requirements for the R-1-15 and R-1-22 zoning districts.
- The proposal met the intent of the General Plan for the R-1-15 and R-1-22 zoning districts.
- The subdivision would contribute to the master trails plan by either building the bike lane along the frontage of the project or adding funds to the general trails fund that would be used to help complete the master trails plan.
- The property owned by Larry Brown would be deeded to the City before the plat would be recorded.
- Funds to build the bike lane along Pine Canyon Road were added to the general trails fund. Those funds would be used as part of a larger improvement project that would complete the bike lane along the entirety of Pine Canyon Road.
- A stub from the proposed cul-de-sac was built to access the Brown property to the south that would be used for agricultural access, and if the property was developed in the future, for a road connection to Pine Canyon Road.
- A deed restriction was recorded on lot 1 that in perpetuity restricted the lot from being further subdivided and a note was included on the plat that explained this limitation for lot 1.
- The owner of lot 1 would landscape and maintain the park strip along the south side of the road from lot 1 to the boundary of the Swiss Farms subdivision until the Brown parcel was developed.
- Two Midway Irrigation Company easements would be included on the plat map as described in the staff report.
- The 100' setback was shown on the plat parallel to Pine Canyon Road.
- All required water rights would be dedicated to the City, before the plat was recorded, as recommended by the Midway Water Advisory Board.
- The City Engineer could determine the best road cross-section, sidewalk placement, and cutout on the cul-de-sac.
- The length of the cul-de-sac was vested.

Second: Council Member Orme 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

Motion: Council Member Drury moved to continue the meeting to consider the next item on the agenda.

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

15. Resolution 2022-38 / LaBarge Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2022-38 adopting a development agreement for the LaBarge Subdivision located at 922 North Pine Canyon Road (Zoning is R-1-15 and R-1-22).

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

- Section 3(A)(iii)(f) encapsulated the complicated history of the roads.
- The Midway Irrigation Company would rerun its water line on the south boundary and then go north. It would use the available easements.
- The applicant was willing to either build the bike lane on Pine Canyon Road or pay the equivalent to the City.
- Maintenance of the park strip needed to be included in the agreement. Maintenance once the south property developed also needed to be addressed.

Motion: Council Member Simonsen moved to approve Resolution 2022-38, adopting a development agreement for the LaBarge Subdivision, with the addition for clarity that the agreement needed to be modified to address the condition for the maintenance of the park strip until the south parcel was developed.

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

16. Adjournment

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

The meeting was adjourned at 11:02 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder