

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

**Tuesday, 16 August 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 6:06 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Steve Dougherty, Council Member  
Jeff Drury, Council Member  
Lisa Orme, Council Member  
Kevin Payne, Council Member (Participated electronically)  
JC Simonsen, Council Member

**Staff Present:**

Corbin Gordon, Attorney  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Cory Lott, Public Works Crew Chief  
Shane Owens, Public Works Assistant Crew Chief  
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. Jeff Drury gave the prayer and/or inspirational message.

**2. Consent Calendar**

- a. Agenda for the 16 August 2022 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 2 August 2022 City Council Work Meeting
- d. Minutes of the 2 August 2022 City Council Regular Meeting
- e. Ordinance 2022-18 amending Chapter 7.07 (Special Event License) of the Midway City Municipal Code regarding special events
- f. Resolution 2022-23 amending the Midway City Policies and Procedures regarding special events
- g. Resolution 2022-29 adopting a maintenance plan for Midway City's parks

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

Council Member Simonsen requested that the following items be corrected or added to his motion, regarding the Ameyalli Resort, in the regular meeting minutes:

- The Master Plan approval was conditioned upon whether the Master Plan Agreement was also approved.
- It was noted that the Developer stated he was willing to agree of his own volition that there would be no kitchens in the “cottages” in the North-West area, or the Hotel rooms in order to be helpful in support of the City’s goal to qualify for the resort tax.

**Motion:** Council Member Drury moved to approve the consent calendar with the changes mentioned by Council Member Simonsen.

**Second:** Council Member Simonsen seconded the motion.

**Discussion:** Council Member Orme noted that she was not at the council meetings on August 2<sup>nd</sup>.

**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

Wes Johnson asked that invoices for Commercial Mechanical and KW Robinson Construction be added to the warrant list.

**Note:** Copies of the invoices are contained in the supplemental file.

**Motion:** Council Member Drury moved to include the two items on the consent calendar warrant list.

**Second:** Council Member Simonsen 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. National High School Rodeo Queen / County Fair Youth Participants** (Sheila Siggard – Approximately 15 minutes) – Introduce McKardy Kelly, 2019 National High School Rodeo Queen and receive a presentation from youth who participated in the 2022 Wasatch County Fair.

Sheila Siggard gave a presentation about McKardy Kelly, a Midway resident who was the 2019 National High School Rodeo Queen, and her own experience as a rodeo queen. Youth presented their experiences showing livestock during the recent Wasatch County Fair. Rene Holm and Lori Stone lauded the agricultural lifestyle in the area.

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

- 4. 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.

## **5. Department Reports**

### Traffic Counters / Data

Council Member Simonsen reviewed the locations of traffic counters in the City and the data that would be collected.

### Parking / Grant

Council Member Simonsen reviewed a grant that the City received for additional public parking.

### Parks / Maintenance Plan

Council Member Simonsen noted the parks maintenance plan approved by the Council that evening.

### Burgi Hill Park / Survey

Council Member Simonsen reported that a survey would be conducted regarding the Burgi Hill Park.

### Alpenhof Park / RFP

Council Member Simonsen reported that a request for proposals would be released for the improvements to the Alpenhof Park.

### Tree Maintenance / Grant

Council Member Simonsen reported on a grant to help maintain the City's trees.

### Trails / North Center Street

Council Member Simonsen reported that the next trail project might be along north Center Street.

### Heritage Trees / Chalet

Mayor Johnson reported on a meeting regarding heritage trees, at the Soldier Hollow Chalet, that might be removed.

### Caring Coalition Committee / Member

Mayor Johnson reported that she was a member of the Caring Coalition Committee which was focusing on issues such as youth alcohol consumption and vaping.

### Law Enforcement / Swiss Days

Council Member Drury reported that the Wasatch County Sheriff's Department had increased the cost for law enforcement during Swiss Days. He suggested that the City apply some of its contracted hours to cover the increase. Mayor Johnson was concerned that law enforcement would be needed for the increased traffic during the event. Josh Wright, Swiss Days Committee Chair, indicated that the Committee could only pay for a small portion of the increase.

### **6. Cowboy Poetry / Donation** (Diane Hult – Approximately 10 minutes) – Discuss and possibly approve a donation to the Heber Valley Western Music and Cowboy Poetry Gathering.

Diane Pope, Tom Fowler, and Ted Caldwell gave a presentation regarding the Gathering and reviewed the following items:

- Mission
- Changes
- Summary
- Main acts
- Keeping the tradition
- 2021 and 2022 financial summaries
- Volunteers

They made the following comments:

- A new marketing company had been hired for the Gathering.
- The City's continued financial support was needed.
- The Gathering supported a RAP tax.
- Tried to spend its money in Wasatch County.
- Expenses were increasing.
- The event filled up the local hotels.
- It was a destination event where people spent money.

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

Council Member Orme noted that the upcoming event would be a rebuilding year because of the loss of several important performers. She also noted its benefit for the youth and local hotels.

**Motion:** Council Member Orme moved to donate \$15,000 to the event

**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. Heber Valley Hospital / Report** (Si Hutt – Approximately 15 minutes) – Receive a report regarding the Heber Valley Hospital.

Si Hutt, Administrator, gave a presentation regarding the Heber Valley Hospital and reviewed the following items:

- 2022 Report to the Community
- Highlights
- Charity care
- Community groups
- Community board
- Services
- Emergency department
- Telehealth services
- Specific services
- Projects and initiatives
- New providers
- Behavioral health

**8. Resolution 2022-28 / Budget Amendment / Leasing Vehicles** (Public Works – Approximately 45 minutes) – Discuss and possibly deny, continue, or approve proposed Resolution 2022-28 amending the Fiscal Year 2023 Midway City Budget to lease vehicles.  
**Public Hearing**

Mayor Johnson introduced the proposed amendment and generally liked the concept of leasing vehicles.

Brad Wilson noted that the amendment would reduce the City's budget by \$90,000.

Shane Owens reviewed the vehicles and equipment that would be leased and purchased. He made the following comments:

- Leasing vehicles would save the City money. This was because maintenance was included in the lease price.
- One truck in the previous year's budget had not been purchased.
- Certain types of trucks could not be leased.
- New vehicles were difficult to get.
- The leasing company guaranteed that they would be able to provide the vehicles each year.
- Other cities were leasing vehicles.
- The City would continue to do the maintenance on the vehicles that it owned.
- Some purchased vehicles had minimum value when they were sold by the City.

Cory Lott made the following comments:

- Tires would not have to be replaced on the lease vehicles.
- If needed, a vehicle would be loaned to the City while a leased vehicle was being repaired.
- Would be able to catch up on maintenance with fewer vehicles to maintain.

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

- There was a cost to leasing.
- The cost of maintenance was a risk.
- Several departments contributed to the current vehicle replacement program. Would this money now be used for leasing? Could it be used for leasing since it was in the Capital Improvement Projects (CIP) Fund? How would the structure of the budget have to be changed? The full implications to the budget needed to be considered.
- Was the lease agreement legal? Was it delegating the City's authority?
- What would be the long-term effects of leasing?

**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 table the item.

**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

**Motion:** Without objection, Mayor Johnson recessed the meeting at 7:57 p.m. She reconvened the meeting at 8:05 p.m.

**9. Bonner Meadows / Preliminary Approval** (Johnsons Landing, LLC – Approximately 30 minutes) – Discuss and possibly deny, continue, or grant preliminary approval for the Bonner Meadows Subdivision located at 100 East 100 South (Zoning is R-1-9). Recommended for approval by the Midway City Planning Commission.

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

- Land use summary
- Location of the development
- Preliminary plan
- Dedications
- Road cross-sections and improvements
- Utility plan
- Discussion items
- Safety plan
- Letter from the City Engineer
- Water board recommendation
- Possible findings

Mr. Henke also made the following comments:

- The development had been reviewed by the Council several months earlier. It was continued because there was a pending ordinance change. The change had been adopted and it did not affect the project.
- Safety related to Midway Elementary School and construction of the project was a concern. The applicant met with the school principal, and they developed a safety plan and timeline for construction.
- The principal did not object to the walking path through the development to Midway Elementary.
- The City would dedicate 185 South to the Wasatch County School District. The City would still own and maintain a section on the far east side for access to a private

driveway.

- The City needed access on 185 South to the retention pond in the proposed development.
- Midway Elementary would most likely use 185 South for bus access.
- The District refused an access from Michie Lane.
- The proposed condition would not be needed if the intended safety plan was followed.
- Previous applications to develop the property had expired.

**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:

- Reviewed the project with the school principal.
- An additional teacher would be at the east sidewalk on 100 East. That teacher would also monitor the walking path through the project.
- Construction would start after the children were dropped off and pause while they were being picked up. The schedule would be moved back one hour for teacher preparation day.
- There would be a temporary chain-link fence around the project during construction. This would be on the applicant's property and not narrow any existing roads.
- The roads would be worked on during the spring.
- At least one lane would always be open on the existing roads during construction.
- The District wanted curb and gutter on the north side of 185 South. The school principal was concerned that this would reduce parking.
- Construction traffic would only use 200 East.
- The contractor would work on 100 East during spring break.
- The applicant did not propose the walking path. The City wanted it for access and for the sewer line.

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

- Emergency services needed access to Midway Elementary including during pick-up and drop-off periods.
- Midway Elementary should have a plan for emergencies including a temporary access from Michie Lane. If the developer could not facilitate that then the City should.
- City staff should reach out to the school staff so they could attend the next council meeting when the project was discussed. The principal could come but Shaun Kelly from the District also needed to attend.
- The City did outreach, including to Midway Elementary, for a prior meeting regarding developing the property.
- Midway Elementary did not monitor well the intersection at 100 East and 185 South.
- It would be dangerous for children to go from the walking path through the busses to the Midway Elementary.
- The construction pause should be for a full hour.
- Should access to the backs of the proposed lots be prohibited?
- The proposed location of the walking path should be marked so that it could be seen by the Council.



- Children were already using a hole in a fence to go to Midway Elementary.

**Motion:** Council Member Drury moved to grant preliminary approval for Bonner Meadows with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-9 zoning district.
- The proposal complied with the land use requirements of the R-1-9 zoning district.
- The sidewalks crossing the property and connecting to neighboring roads and existing sidewalks would benefit the community by allowing safe pedestrian access.
- Any failure to submit a proposed final plan and final approval submittal package within one year of the approval of the Preliminary Plan by the City Council would terminate all proceedings and render the Preliminary Plan null and void.
- The safety plan would be provided at final approval with the times adjusted by 15 minutes.

**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

**10. Ordinance 2022-21 / Performing Arts Centers** (Midway Arts Center Foundation – Approximately 60 minutes) – Discuss and possibly deny, continue, or adopt proposed Ordinance 2022-21 amending Section 16.5.2 (Permitted and Conditional Uses), Section 16.13.10 (Maximum Height Provision for all Buildings), and Section 12.11.020 (Exceptions). Recommended by the Midway City Planning Commission.

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

- Proposed amendment
- Proposed location for the Midway Arts Center (MAC)
- Discussion items

Mr. Henke also made the following comments:

- The proposal would only affect the C-2 zone.
- The Planning Commission recommended that it also include the C-3 zone.
- If a performing arts center became vacant then the Municipal Code would have to be amended, to allow it to be another use, or a variance sought.
- The front setback could be between ten and thirty feet. This could affect the total height of the building.
- An overlay would require a separate application, a separate process, and to be

considered by the Planning Commission.

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

Mayor Johnson made the following comments:

- The height limit should not be changed until the Council knew the height of the MAC.
- The Council should consider what all residents wanted.

Council Member Simonsen made the following comments:

- Received new documents that night that he had not been able to review. Wanted to review them and consider the options.
- More time was needed to properly consider the ordinance.
- Some helpful adjustments and progress were being made.
- Preferred an overlay zone.
- Wanted the City Attorney to review the documents provided that evening.
- Could still vote against the project.

Council Member Dougherty made the following comments:

- It was feasible to approve the requested uses contingent upon a development agreement for the MAC.
- Other issues could be dealt with later.
- The proposal would limit any footprint to 26,000 square feet.
- The Council was not focusing on what the applicants were asking.
- The MAC would be dealt with in a development agreement.
- The Council was not an expert on financing.
- Arts centers were previously allowed.
- Was not interested in expanding the proposal to the C-3 zone.
- The Council could not consider an overlay zone if the applicant did not want it.
- The arts needed to be honored.

Council Member Drury made the following comments:

- The proposal was a sledgehammer approach to the issue.
- The uses for the C-2 zone did not have to be changed.
- An overlay zone could be created with the conditions that the Council wanted. This would allow the Council to create a code for the specific use.
- The commercial zones were precious because they provided tax revenue. The MAC would not pay property or sales taxes.
- Location, height, size, and parking could be addressed in an overlay zone.
- Other applicants made promises that were not kept.

Council Member Orme made the following comments:

- Was uncomfortable with such a broad proposal.
- Was still concerned about the proposed size of the MAC.

- The Granary did not feel that large when it was approved, but many people disapproved of its size now that it was built.
- The MAC would block the view.
- Liked theaters and the concept for the MAC.
- The MAC should not be on Main Street.
- Quaint Midway should be protected.
- Did not want to regret the decision in the future.
- Wanted to see the MAC happen.
- Parking and the size of the building were still issues.
- Wanted a greater setback.
- All issues should be addressed at the same time.

Council Member Payne made the following comments:

- Could support an overlay zone since other council members liked it.

Jeff Strong, representing the applicants, made the following comments:

- Would consider an overlay zone but did not want it to cause a significant delay in approval.
- The option on the property would be up in 30 days and would need to be renegotiated.
- Preferred approving the change and then working on the method to accomplish it.
- Was the overlay the final concession? Mr. Henke indicated that a zone map amendment would be needed, and the Municipal Code would also have to be changed. The soonest the Council could consider the items would be that November.

Stu Waldrip, applicant, made the following comments:

- Needed certainty.
- Did not want to go through additional time and expense and then have to reconsider the same issues such as building size or have the proposal denied.
- Provided a draft development agreement to address the Council's concerns.
- The tower on the MAC would be less than 50 feet high.
- Wanted the setback to look smaller.
- The MAC could not be made smaller and still be successful. Had consulted experts on the size and other issues.
- His was part of a successful organization looking for a home.
- Need assurance that the general design was acceptable.

Michael Henke reviewed the fees for applications like an overlay zone and made the following comments:

- The current application needed to remain active to change the height limit.
- Had not seen the proposed language that allowed the seats to be increased. This type of arrangement was abnormal.
- An agreement could not override the Municipal Code.

Council Member Simonsen made the following comments:

- The Council could not give any assurance to the applicants because it had not reviewed

the documents provided that evening.

- The request should be considered as a whole.
- Supported tabling the proposal or having a different application submitted.
- Was not comfortable with the seating automatically increasing from 350 to 450.
- Wanted to see success with the growth.
- Did not like the off-site parking.
- A true traffic study was needed for the MAC.
- Needed to understand the new proposal that reduced the size of the MAC.

Council Member Drury made the following comments:

- Had not read the proposed development agreement.
- Where would the parking be if the seating was increased to 450? Mr. Strong responded that the proposed parking accommodated up to 450 seats.

Council Member Payne made the following comments:

- Supported the location, concept, and proposal.
- The Council should approve any seating increase above 350. This could be addressed in the development agreement.
- The proposal could be approved subject to a development agreement.

Corbin Gordon indicated that the maximum for something, such as seats, needed to be established with a proposal.

**Motion:** Council Member Simonsen moved to continue Ordinance 2022-21 regarding performing arts centers with the following recommendations:

- The applicants should look at all options or ask the City to consider an overlay zone, with the desire that some portion of their property be included in the zone.
- The staff review everything discussed that evening and give guidance before the next council meeting, including what were the viable paths forward and how they looked so the Council could decide on which path should continue.

**Discussion:** Council Member Drury asked if the motion should define the scope of the overlay zone. Council Member Simonsen responded that the Council should look at it generally, decide where it wanted an arts center, and not restrict itself at that point.

**Second:** Council Member Dougherty seconded the motion.

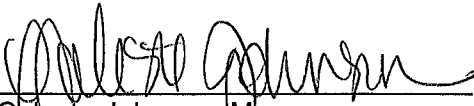
**Vote:** The motion was approved with the Council voting as follows:

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

## 11. Adjournment

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

The meeting was adjourned at 9:59 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder