



Memo

Date: 14 March 2023
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 7 March 2023 City Council Regular Meeting

Please note that the following minutes await formal approval and are in draft or unapproved form.

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

**Tuesday, 7 March 2023, 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 6:12 p.m. She excused Council Member Dougherty.

Members Present:

Celeste Johnson, Mayor
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

Members Excused:

Steve Dougherty, Council Member

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 Orme gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 7 March 2023 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 21 February 2023 City Council Work Meeting
- d. Minutes of the 21 February 2023 City Council Regular Meeting

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

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

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Excused from the Meeting
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.

2023 State Legislative Session

Utah State Representative Mike Kohler gave a presentation on the 2023 State Legislative Session. He and the Council discussed the following items:

- There were more housing units being built in Utah but the problem of a lack of affordable housing was not being solved.
- Counties and cities should be given a chance to develop affordable housing solutions.
- Tax cuts
- Water
- Impact fees for schools
- Property tax reassessment
- New state flag
- Fractional ownership
- Water storage
- Flooding preparation and education

Note: A list of legislative bills provided by Representative Kohler is contained in the supplemental file.

No further comments were offered.

4. Department Reports

Flooding / Sandbags / Flood Areas

Council Member Drury recommended that the City notify residents that it had sandbags in case of flooding. Council Member Simonsen asked how a resident would know if they were in a flood prone area.

Town Square / Council Meeting

Council Member Simonsen reminded that Council that there would be a meeting that Thursday regarding improvements to the Town Square. He hoped that the meeting would resolve some of the conflicts regarding the project.

Business Alliance / 30 Day Giveaway

Mayor Johnson reported that the Midway Business Alliance would have a 30-day giveaway.

5. Springer Homestead One Lot Subdivision / Preliminary and Final Approval (David and Kayla Springer – Approximately 30 minutes) – Discuss and possibly deny, continue, or grant preliminary and final approval for the Springer Homestead One Lot Subdivision located at 250 West Main Street (Zoning is R-1-7). Recommended without 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
- Proposed plat map
- Lot
- Utilities
- Recommended water requirements
- Possible findings

Mr. Henke also made the following comments:

- The lot would not access the development to the east.
- The lot did not have enough frontage for two family dwellings.

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

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Motion: Council Member Orme moved to approve the Springer Homestead One Lot Subdivision with the following findings:

- The proposed lot met the minimum requirements for the R-1-7 zoning district.
- The proposal met the intent of the General Plan for the R-1-7 zoning district.
- The applicant would be required to install or bond for all unfinished required improvements prior to the plat map being recorded.
- The duration of Preliminary/Final Approval would be for one year from the date of approval of the development by the City Council.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Excused from the Meeting
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

6. Resolution 2023-06 / Springer Homestead Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2023-06 adopting a development agreement for the Springer Homestead One Lot Subdivision located at 250 West Main Street (Zoning is R-1-7).

Corbin Gordon indicated that the proposed agreement matched the project’s approval.

Motion: Council Member Drury moved to approved Resolution 2023-06 as provided to the Council.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Excused from the Meeting
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

7. Watts Remund Farms, Phase 5 / Final Approval (Midway Springs LLC, Series II – Approximately 20 minutes) – Discuss and possibly deny, continue, or grant final approval for Phase 5 of Watts Remund Farms PUD located at 400 North Farmhouse way (Zoning is R-1-15). Recommended with a condition by the Midway City Planning Commission.

Michael Henke gave a presentation regarding the proposed phase and reviewed the following

items:

- Land use summary
- Location of the development
- Area around the development
- Master plan
- Open space plan
- Map of the phase
- Limited common area
- Detention pond
- Trails
- Landscaping plan
- Storm water pollution prevention plan
- Proposed plat map
- Items of discussion
- Water board recommendation
- Possible findings
- Recommended condition
- Water equalization line
- Ground water
- An agreement with Cathy Philpot regarding potential water issues

Mr. Henke also made the following comments:

- No changes had been made since preliminary approval was granted.
- This was the last phase of the project.
- Tried to make sure that no one was negatively impacted.

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

Cathy Philpot, who lived to the south of the development, made the following comments:

- Spoke with the developer and felt as good as she could.
- The developer promised to follow the water issues that affected her property.

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

- Midway City and the Midway Irrigation Company were aware of the equalization line.
- The irrigation ditch, which the line drained in to, should be sandbagged.
- The City and the Irrigation Company would make sure that the ditch did not clog.
- Construction in the phase would not affect runoff. In fact, it might reduce it.
- All trenching for the project had been completed.
- The area piezometers would be monitored as the snow melted.
- The equalization pipe could handle a lot more water.
- Any sheet flow would be collected in the irrigation ditch.
- A berm would be built along the road in the phase. That berm could be extended and curl to help control runoff.

Motion: Council Member Drury moved to grant final approval to Watts Remund Farms, Phase 5 with the following findings and conditions:

- The proposed plan met the requirements of the code for a PUD in the R-1-15 zone.
- The public trail system in the development benefited the entire community by creating trails that connected to existing trails and helped complete the master trail plan.
- The proposal complied with the approved revised master plan for the phase.
- 5.57 acres of open space would be created as part of the development, which would be noted on the plat map and restricted from future building or development.
- A wetlands area of 0.034 acres would be encroached upon in Phase 5 and a letter had been received from the U.S. Army Corps of Engineers approving the encroachment.
- The applicant would be required to survey the boundary of the wetlands and then install and maintain temporary construction fencing while site improvements were being installed and while homes were under construction.
- The associated development agreement would be approved.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Excused from the Meeting
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

8. Resolution 2023-07 / Watts Remund Farms, Phase 5 Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2023-07 adopting a development agreement for Watts Remund Farms, Phase 5 located at 400 North Farmhouse way (Zoning is R-1-15).

Corbin Gordon indicated that the proposed agreement matched what was approved for the phase.

Motion: Council Member Orme moved to approve Resolution 2023-07 adopting a development agreement for Watts Remund Farms, Phase 5 with the following findings:

- The proposed plan met the requirements of the code for a PUD in the R-1-15 zone.
- The public trail system in the development benefited the entire community by creating trails that connected to existing trails and helped complete the master trail plan.
- The proposal complied with the approved revised master plan for the phase.
- 5.57 acres of open space would be created as part of the development, which would be noted on the plat map and restricted from future building or development.
- A wetlands area of 0.034 acres would be encroached upon in Phase 5 and a letter had been received from the U.S. Army Corps of Engineers approving the encroachment.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Excused from the Meeting
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

9. Kay's Landing Subdivision / Final Approval (Berg Engineering – Approximately 15 minutes) – Discuss and possibly deny, continue, or grant final approval for the Kay's Landing Subdivision located at approximately 1375 South Stringtown Road (Zoning is RA-1-43). Recommended for approval with a condition 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 development
- Existing conditions
- Proposed subdivision
- Trail
- Detention pond
- Drainage easement
- Building pad with open space
- Proposed plat map
- Recommended water requirement
- Possible findings
- Proposed condition

Mr. Henke also made the following comments:

- The request was for final approval.
- The applicant suggested a lot line adjustment, for the lot with the open space, to allow for a larger building pad. This could be handled administratively.
- Private restrictions and the annexation agreement prevented the lots from being further subdivided.
- The access easement would become a city issue if it was left on the plat map. Recommended that it be removed. It could not be a road because it was part of the required open space.
- All open space was required to be on one lot.

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:

- The access easement was part of the purchase and had not yet been recorded. It could not be paved because that would allow double frontage for a house.
- What had been proposed met the requirements of the Municipal Code.
- Asked for flexibility to adjust the lot line for the lot with the open space.

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

- The easement could be limited to agricultural access.
- It would be good to note the agricultural easement on the plat map because people looked at that document.
- Council Member Payne did not have to abstain because he already received approval for his property on the north boundary.
- Should all the open space be required on one lot? Was there a compromise?

Motion: Council Member Drury moved to grant final approval to the Kay’s Landing Subdivision with the following findings and conditions:

- The proposal met the intent of the General Plan for the RA-1-43 zoning district.
- The proposal complied with the land use requirements of the RA-1-43 zoning district.
- The application complied with the open space requirements by designating 1.67 acres of open space that was included in the boundary of Lot #1 including the agricultural access easement.
- The property was restricted to five lots by a private deed restriction and by the annexation agreement.
- The duration of final approval would be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development’s approval would be voided, and both preliminary and final approvals would have to be re-obtained, unless, on a showing of extenuating circumstances, the City Council extended the time limit for plat recording, with or without conditions.
- The applicant would contribute to the planned bike lane in an amount approved by the City Engineer before the plat map was recorded.
- The agricultural access easement counted as part of the open space. Any other uses for the easement would not count toward the required open space.
- Staff and the applicant would be granted the ability to administratively approve a lot line revision between Lot #1 and the Lot #2.
- The associated development agreement was approved.
- Agriculture was defined as per the Municipal Code.
- The agricultural easement would be included on the plat map.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty
Council Member Drury

Excused from the Meeting
Aye

Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

10. Resolution 2023-08 / Kay’s Landing Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2023-08 adopting a development agreement for the Kay’s Landing Subdivision located at approximately 1375 South Stringtown Road (Zoning is RA-1-43).

Corbin Gordon said that he would include language regarding the access easement being on the plat map. He would also restrict the access easement to agricultural use, or it would not count as open space.

Paul Berg asked the following items:

- That the agreement required six-foot-wide trails.
- It stated that \$2,013 was required for the attached bike lane.
- It would not refer to the letter from Horrocks Engineers.

Motion: Council Member Payne moved to approve Resolution 2023-08 adopting a development agreement for the Kay’s Landing Subdivision with the following changes:

- The access easement was included on the plat map.
- The trails would be six feet wide.
- A fee of \$2,013 would be added for the attached bike lane.
- The reference to Horrocks Engineer’s letter in the geotechnical section would 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	Excused from the Meeting
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 8:11 p.m. She reconvened the meeting at 8:22 p.m.

11. General Plan / Update (City Planner – Until 10:00 p.m.) – Review and discuss the update to the Midway City General Plan.

Moderate Income Housing

The Council, staff, and meeting attendees discussed the following items regarding the moderate-income housing chapter of the General Plan:

- The General Plan should support protecting smaller older houses so they would remain on the market.
- The term “surrounding communities” should be used instead of naming specific municipalities.
- Attainable housing committee
- There were no advantages to having another committee.
- The City Council should meet with other public entities to coordinate affordable housing.
- Exterior accessory dwelling units would be discussed later.
- Money should be budgeted to help essential workers live locally.

The Council and staff reviewed specific sections of the chapter and suggested changes.

Environment and Sensitive Lands

The Council, staff, and meeting attendees discussed the following items regarding the environmental and sensitive lands chapter of the General Plan:

- Trees
- Dark sky preservation
- The character of Midway was not just open space.
- Above and below ground water should be protected.
- Drought tolerant trees, grasses, etc. should be noted.
- Repairing old leaking culinary water pipes.

The Council and staff reviewed specific sections of the chapter and suggested changes.

12. Adjournment

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

The meeting was adjourned at 9:17 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder