



Memo

Date: 11 April 2024
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 2 April 2024 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, 2 April 2024, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Market 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 6:02 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member (Participated electronically beginning at 6:33 p.m.)
Lisa Orme, Council Member
Kevin Payne, Council Member
Craig Simons, Council Member
JC Simonsen, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Katie Villani, Planner
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 Orme gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 2 April 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 19 March 2024 City Council Work Meeting
- d. Minutes of the 19 March 2024 City Council Regular Meeting

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

Mayor Johnson read the consent agenda.

Motion: Council Member Simonsen moved to approve the consent calendar as listed.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Drury	Excused
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	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.

Protecting Open Space

Jim Becker made the following comments:

- Lived in the Turnberry PUD.
- An open space designation was not forever. It was personality driven and could be changed by a future city council.
- There was pressure to develop existing open space.
- Open space preservation should be included in the Municipal Code.
- Such preservation should be community rather than personality driven.

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

- The Municipal Code could be changed by a future council.
- A current council could not bind a future council.
- A third party like a land trust needed to be involved to provide true protection through a conservation easement.
- Deed restrictions requiring the consent of neighbors could be used.
- Development and master plan agreements also provided some protection.
- There were different types of open space with different levels of protection.
- The City could not force a party to change an agreement.
- Many requests to develop designated open space were denied by the Council.
- Protecting open space also preserved a community's ability to feed itself.

Ian Swainston, Turnberry HOA President, looked forward to working with the City on the issue.

No further comments were offered.

4. Department Reports

Affordable Housing / Solutions

Council Member Payne indicated that small townhouses for \$600,000 each would not solve the affordable housing problem. He indicated that affordable housing needed to be subsidized. He noted that some subsidies came with fair housing regulations.

Warm Springs Trail / Grant

Council Member Simonsen reported that a grant had been received to build a trail along Warm Springs Road and a section of Pine Canyon Road.

Parks, Trails, and Trees Committee / Exercise Stations

Council Member Simonsen reported that the Midway Parks, Trails, and Trees Committee recommended against exercise stations along the City's trails.

Burgi Hill Park Trail / Sewer Line Replacement

Wes Johnson reported that a section of the trail, in Burgi Hill Park, would be replaced when a section of sewer line was also replaced. He recommended that another section by the tennis courts also be replaced using trail maintenance funds.

Animal Services / City Budget / Agreement

Council Member Simonsen reported that the cost for animal services would increase because of items like a new truck. He would obtain the new costs for the City's upcoming budget.

Note: Council Member Drury started participating electronically at 6:33 p.m.

Council Member Simonsen also reported that the agreement for the services was being revised. He asked that the Council and City Attorney review it at the next meeting. Mayor Johnson suggested the first meeting in May.

North Center Street Trail / Update

Wes Johnson explained that Sunrise Engineering was designing the trail for the north section of Center Street. He made the following comments:

- Wanted the Council to review the preliminary design.
- The design was determined after driving the route several times.
- It would be best if the fourth section of the trail used a portion of the existing road. The

- road would still have the standard width.
- More narrow roads slowed down drivers.
- Raised crossings would accommodate snow plowing. A removable crossing would be tried first.
- Several sections would include new sewer and water lines.

Dan Herbert with Sunrise Engineering gave a presentation and reviewed the following items:

- Bottom, middle, and top thirds of the trail.
- Possible obstructions
- Farm Springs Road intersection
- Speed table
- Cross sections

Mr. Herbert made the following comments:

- What was being presented was a high-level design.
- The existing sidewalk would be replaced with a wider trail.
- The “s” turn would have high back curbs to prevent drivers from cutting the corners.
- There were several areas with buildings and wider sections of ditch where there might not be enough right-of-way.

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

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

- There should be a raised pedestrian crossing and pedestrian safe zone where the trail crossed Burgi Lane.
- Crossings should include color to make them more visible.
- Grants were being sought for the trail.
- The trail should be on the side of the road where there was a ditch.
- The trail should remain on one side of the road and not go back and forth.

Historic Preservation Committee / Oral Histories / Home Plaques / Book / Website / Timeline

Council Member Simons reported that the Midway Historic Preservation Committee was working on the following projects:

- Recording oral histories. A grant had been received for this project.
- Plaques for historic homes on Main Street.
- A book on historic Midway houses.
- A historic preservation specific website
- A historic timeline for Midway. It would be in the souvenir shop and welcome center.

Buildings / Upgrades

Council Member Orme reported on upgrades being made to the City's buildings.

Cemetery / New Fence

Council Member Orme reported that a new fence had been installed on the west boundary of the City's cemetery.

5. Ameyalli Resort, Phase Two / Preliminary Approval (Midway Mtn Spa LLC – Approximately 20 minutes) – Discuss and possibly deny, continue, or grant preliminary approval for Phase Two of the Ameyalli Resort located at 800 North and 200 East (Zoning is RZ). (**Public Hearing** - Public comment must be related to this item on the agenda)

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

- Land use summary
- Location
- Entrances
- Surrounding land uses
- Conservation easements
- Site plan
- Trails
- Square footage of the buildings
- Phasing plan
- Open space
- Parking
- Renderings
- Wellbeing center
- Hotel & cottages
- Building heights
- Parking calculations
- Landscaping plan
- Water board recommendation
- Possible findings
- Transient rental overlay district

Mr. Henke also made the following comments:

- The remaining phases had been combined into the second phase. This would be the final phase of the project.
- The request was under the maximum allowed square footage.
- A one-acre easement was dedicated to the City for a public amenity.
- A layout was provided for all the required parking.
- Did not have any recommended conditions.
- Thanked the developer.
- The required trails would be included in the infrastructure bond.

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

Wes Johnson explained that occupancy for any of the buildings or units would not be granted until the trails had been completed.

Public Hearing

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

Bernadette Bohanom

Ms. Bohanom asked if the resort amenities would be available to residents. Mayor Johnson responded that the trails would be public. Chuck Heath, applicant, added that the resort would be open to residents at the same cost as any guest. He also added that there might be memberships for residents.

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

Paul Berg, Berg Engineering Resource Group and representing the applicant, indicated that the golf cart stalls had not been counted towards the required parking.

Motion: Council Member Simons moved to grant preliminary approval to Ameyalli, Phase Two with the following findings:

- 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 that would connect to Midway's existing trail network.
- Amenities would be created that would be accessible year-around, which would invite more tourists to visit the resort in all seasons.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

6. Sage Hill Estates / Preliminary and Final Approval (Cole Knight and Jesse Diyanni – Approximately 20 minutes) – Discuss and possibly deny, continue, or grant preliminary and final approval for Sage Hill Estates located at 85 North River Road (Zoning is R-1-7) (**Public Hearing** - Public comment must be related to this item on the agenda)

Katie Villani gave a presentation regarding the proposed development and reviewed the following items:

- Land use summary
- Location of the development
- Survey of the property
- Proposed plat map
- Recommended water requirement
- Possible findings
- Proposed conditions

Ms. Villani also made the following comments:

- A garage was on the property but was also partially on an adjoining parcel. The garage would be razed.
- A turnaround was required for the south lot driveway. This helped drivers from having to back out into a busy street.

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

Michael Henke made the following comments:

- When a property line was in question the Wasatch County Surveyor required a boundary line agreement.
- There had been a lawsuit over the garage.
- The owner of the adjoining property, that included a portion of the garage, agreed to the garage being razed.
- Usually, a hammerhead driveway was sufficient for a required turnaround.

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.

Cole Knight, applicant, made the following comments:

- The garage was on a disputed property line.
- Had full legal access to the portion of the garage that was on his property.
- Preferred to keep the garage which was constructed of old wood containers.
- The garage should not be used for vehicles because a driver would have to back out into the street.

- The adjoining property owners had used the garage and thought that they had the right to do so. The dispute had been resolved and an agreement allowed him to use it or demolish it.

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.

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

- The adjoining property owner should be consulted if the garage remained.
- The garage would be expensive to move, and the roof probably could not be saved. The containers and other materials could be salvaged.
- There was also a public trail in front of the garage.
- It would be difficult to allow the garage but prohibit vehicles from being parked inside of it.
- The item should be continued, and the neighbor consulted if the garage might remain.
- A plat map had never been approved with a building straddling a property line.
- There was a historic interest in keeping the garage.
- A property line adjustment was preferred if the garage remained.

Motion: Council Member Simonsen moved to table the request to give the applicants a chance to review their options and resolve issues and then come back in two weeks if they were ready.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

7. Resolution 2024-12 / Sage Hill Estates Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-12 adopting a development agreement for Sage Hill Estates located at 85 North River Road (Zoning is R-1-7).

Motion: Council Member Orme moved to continue Resolution 2024-12 adopting a development agreement for Sage Hill Estates.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 7:57 p.m. She reconvened the meeting at 8:07 p.m.

8. Rocky Mountain Power / Conditional Use Permit Amendment (Travis Jones – Approximately 60 minutes) – Discuss and possibly deny, continue, or approve an amendment to the conditional use permit for Rocky Mountain Power to rebuild the existing Judge transmission line located along the west boundary of Midway City.

Corbin Gordon indicated that the applicant cited industry standards and city staff requested a copy of the standards. He asked Katie Villani if those had been provided. Ms. Villani responded that the applicant cited the code but did not provide the specific sections. Mr. Gordon added that the applicant said the standards could not be provided because of copyright issues.

Ms. Villani explained that she contacted the publisher directly and received temporary access to the cited code. She indicated that the standards were 777 pages long. Mr. Gordon indicated that more specific information was needed.

Motion: Council Member Payne moved to continue the item until the information requested by staff was provided by the applicant.

Second: Council Member Simons seconded the motion.

Discussion: Travis Jones, representing the applicant, indicated that he had been communicating with the City regarding the issue. Mr. Gordon responded that the requested information had not been provided.

Ms. Villani indicated that information was needed on the wildfire standards. Mr. Jones responded that some of the standards were old but still applicable.

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

Council Member Payne indicated that members of the public were present who wanted to speak about the request. Mr. Gordon noted that the representatives of the applicant had already left, and the issue should not be discussed further that night.

Several members of the public requested that they be notified of such requests. Michael Henke explained the noticing requirements and said that they had been fulfilled by the City. He added that notification letters had been sent for the conditional use request but were not required and had not been sent for the conditional use amendment. Council Member Payne said that the City should error on the side of giving more notice.

9. Adjournment

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

The meeting was adjourned at 8:21 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder