

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

**Tuesday, 19 March 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.

**Members Present:**

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

**Staff Present:**

McKay Murdock, Attorney's Office  
Michael Henke, Planning Director  
Shane Owens, Public Works Assistant Crew Chief  
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 19 March 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 6 February 2024 City Council Work Meeting
- d. Minutes of the 6 February 2024 City Council Regular Meeting
- e. Minutes of the 12 February 2024 City Council Strategic Planning Meeting
- f. Minutes of the 20 February 2024 City Council Work Meeting
- g. Minutes of the 20 February 2024 City Council Regular Meeting
- h. Minutes of the 4 March 2024 City Council Budget Meeting
- i. Minutes of the 11 March 2024 City Council Budget Meeting
- j. Water board recommendation for the Alex and Samantha Farrell lot of record.

k. Water board recommendation for the Grady and Jodi Farrell lot of record.

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

Mayor Johnson read the consent agenda.

**Motion:** Council Member Drury moved to approve the consent agenda as noted.

**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

**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.

#### Hamlet PUD / Easement

Janice Kennedy thanked the City for starting to clean up the easement it had on property owned by The Hamlet PUD.

No further comments were offered.

#### **4. Department Reports**

##### Ice Rink / Closed

Council Member Drury reported that the ice rink had closed for the season.

##### Founders' Day

Council Member Drury reported that Founders' Day would be held on June 1<sup>st</sup> in conjunction with the Midway Boosters.

##### HVRR / Additional Railroad Cars

Mayor Johnson reported that the Heber Valley Railroad (HVRR) might purchase additional railroad cars.

#### HVSSD / Concerns with Pond System

Mayor Johnson made the following comments:

- Hydrogen peroxide was being pumped into the ponds at the Heber Valley Special Service District's sewer treatment plant. This would help control odors. The cost was \$40,000 for installation and \$5,000 to \$8,000 per month.
- The ponds needed to be dredged.
- The State Health Department was monitoring the air around the ponds for possible illnesses.
- The concerns of citizens had been passed on to applicable agencies.
- A consultant was hired to address the concerns. He recommended the use of hydrogen peroxide.
- A section of the aeration system was broken and would be fixed.
- No more lagoons would be built but additional rapid infiltration basins (RIBs) might be added.
- The plant's mechanical system had never operated at full capacity.
- HVSSD was increasing fees to expand its mechanical system in the future.
- Ponds and soil broke down contaminates better than a mechanical system.
- The Jordanelle Special Service District had the only other sewer treatment facility in the valley.
- HVSSD was creating an agricultural and industrial protection zone which should have been done when the treatment plant was built.

Council Member Drury noted that the plant only began to smell within the last five years. He was concerned about the size and scope of the plant. Council Member Orme also expressed concern with the plant and the smell.

#### MSD / Odors

Mayor Johnson reported that the Midway Sanitation District (MSD) tested its system for odors but found none. She added that some manhole covers had been replaced with solid covers.

#### Meals on Wheels / Pie Day

Mayor Johnson reported that the City donated \$735 to Meals on Wheels at the recent Pie Day event.

- 5. Mayor Pro Tempore** (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly continue or elect a member of the Midway City Council to be mayor pro tempore.

Mayor Johnson reported that Council Member Orme was interested in serving as mayor pro tempore.

**Motion:** Council Member Simonsen moved that Council Member Orme be the mayor pro tempore.

**Second:** Council Member Simons 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. Financial Statements / Audit Report** (Approximately 10 minutes) – Receive a presentation on the fiscal year 2023 financial statements (Ryan Child) and audit (Ben Probst).

Ben Probst, Gilbert & Stewart, indicated that the City was doing well financially and there were no findings with the audit.

Council Member Simons asked what the City should do if it overspent in its General Fund. Mr. Probst responded that was prohibited by state law. He added that the City would have a year to correct the issue using a corrective action plan. He noted that a budget amendment could resolve the issue before the end of the budget year.

**7. Landscaping / Award Contract** (Shane Owens – Approximately 10 minutes) – Discuss and possibly deny, continue, or award a contract for the landscaping of Midway City's parts, cemetery, certain landscaping strips, and other areas.

Shane Owens reviewed the bids received and recommended that a contract be awarded to Bright View who was the low bidder. He added that the services provided were the same as those provided by the current contractor.

Mayor Johnson asked about the necessity of aerating and power raking. A representative of Bright View responded that it depended upon the turf and the conditions.

Council Member Drury noted that the low bid was more than had been budgeted and a budget amendment would be needed.

**Motion:** Council Member Simonsen moved to award the landscaping contract for the next year with the terms outlined to the lowest bidder, which was Brightview, for the amount of \$89,891. He authorized the Mayor to sign the contract.

**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

Council Member Drury asked that staff look at the costs for landscaping over the previous five years and determine how much it would cost for the City to do the work itself. Shane Owens responded that he could have the information for the next budget meeting.

**8. Resolution 2024-07 / Southill PUD Master Plan Second Amendment** (Dan Luster – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-07 adopting a second amendment to the master plan agreement for the Southill PUD located at 541 East Main Street. (**Public Comment** – Public comment must be related to this item on the agenda).

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

- Proposed amendment
- Location of the development and effected units
- Phasing
- Parking
- Possible findings

Mr. Henke also made the following comments:

- The neighbors had been notified that the amendment would be on that night’s agenda.
- Had not received any questions or comments regarding the amendment.
- Only two rather than five units were now being proposed as mixed-use.
- 12 to 14 additional parking stalls were proposed. This was a good estimate. Up to 20 stalls would be needed depending upon the use.
- A conditional use permit would be needed for commercial in any of the two units.

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

Scott Lewis, representing the applicant, reviewed the following items:

- Street view
- Examples of mixed-uses in Europe.

Mr. Lewis made the following comments:

- The number of effected units had been reduced to the two that owners would most likely want to be mixed-use.
- The ground floors could be used for businesses.
- Each unit would have one owner.
- Additional parking could be underground if approved by the City.
- Wanted a better community and not to make more money.
- The request would increase the amount of commercial in the project which was what the City wanted.
- The project would be a walkable destination that was beautiful and interesting.
- Had 25 more stalls in the project than were required.

### **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:

- Parking for the project was finite.
- The required amount of parking had not been determined for the commercial portion of the project.
- What would the project provide to residents in exchange for the amendment?
- The amount of parking was the greatest concern with the amendment.
- The City had to consider the long-term impact of the project and that it might be sold to someone else.
- Any agreements needed to be in writing.
- The residential garages had not been counted when determining the required percentage of commercial development. Storage in commercial spaces had not been counted in the determination.
- A lot of changes to a project was a concern.
- The Council was not required to approve the request.
- The request increased the value of the project but did not provide more to the City like trails, etc.
- All commercial uses had to show how much parking was required. If sufficient parking was not provided, then a license would not be issued.
- Underground parking was not profitable.
- Shared parking was a possibility.
- The City benefited from commercial development in the right areas.
- More conversation was needed about parking. If the required amount of parking was insufficient, then the requirement needed to be increased in the Municipal Code.
- The commercial uses in the project would not be known until business licenses were requested.
- Empty buildings did not do any good for residents.
- The 25 additional parking stalls were not in the same phase as the proposed mixed-use units.
- The adjacent units needed to be notified that they were next to possible mixed-use units.
- An amendment had already been granted to add transient rental units. Expanding the transient rental overlay district helped the City.

- Parking, water, and sewer requirements had been transferred to the business owners. These requirements should be managed so that the last business owners did not have to shoulder any additional burden from other businesses.
- The two units would be engineered differently if they could be mixed-use.

Dan Luster, applicant, made the following comments:

- The owners of residential units in the project should have the same rights as owners of the other houses on Main Street to convert to a commercial use.
- The request was an optimization.
- Would like to explore additional underground parking. However, he could not commit to it because geotechnical study, etc. would be needed.
- Two additional parking stalls could be added to the area marked "F".

**Motion:** Council Member Orme moved to approve Resolution 2024-07 as submitted, adopting a second amendment to the master plan agreement for the Southill PUD, with the following findings and conditions:

- It was understood that if the owner wanted businesses, then the appropriate amount of water and parking would need to be provided for the uses.
- 12 parking stalls, with bulb outs, would be needed for the two mixed-use units.
- The two property owners on the west and the two property owners on the east, adjacent to the two units, would be notified that commercial was possible on the ground floors next to them.
- None of the already approved underground parking could be used for commercial.
- Two additional parking spaces would be added to the area marked "F".

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

**Discussion:** Michael Henke recommended that a notification be recorded with the deed for each of the adjoining units. He said this was the most reliable way to notify the owners of the mixed-use units.

Council Member Simonsen indicated that time and money would be saved if the issue of additional underground parking was resolved at that time. Mr. Henke responded that the Municipal Code did not allow multiple levels of parking even if they were underground.

Council Member Orme clarified that her motion was not contingent upon underground parking. She preferred that the mixed-use units be a less intensive use like an art gallery instead of a restaurant.

Mr. Luster preferred underground parking but noted that it would be close to a neighboring house and require geotechnical work. He did not want to tie the request to additional underground parking.

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

Council Member Drury	Nay
Council Member Orme	Aye
Council Member Payne	Aye

Council Member Simons  
Council Member Simonsen

Nay  
Aye

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:10 p.m. She reconvened the meeting at 8:18 p.m.

**9. Resolution 2024-04 / Ameyalli Resort Master Plan Agreement Amendment** (Midway Mtn Spa LLC – Approximately 30 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-04 adopting an amended master plan agreement for the Ameyalli Resort located at 800 North 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 amendment and reviewed the following items:

- Applicant's proposed amendments
- Master plan amendment
- Location of the project
- Master plan
- Parking maps
- Parking calculations
- Possible findings
- Recommended condition

Mr. Henke also made the following comments:

- The Council did not have to approve the amendment.
- The request to increase the building heights was withdrawn.
- The number of parking stalls was being reduced under one of the structures.
- Vans would now be used to bring guests onsite.
- Recommended an alternative if more parking was needed. The same request was made of the Homestead Resort.
- The four phases were being reduced to two.
- A private road would be replaced with a walking path.
- All the common area was a public utility easement.
- The Council had the authority to reduce parking requirements.

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

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

- The walking path, which replaced a road, would be concrete and pavers so that the water and sewer lines could be accessed by vehicles.
- The units along the path did not have any driveways or garages. Golf carts would be used to access them.



- Had identified areas for additional parking stalls if needed. He reviewed those locations.

Chuck Heath, applicant, made the following comments:

- Sufficient parking was needed for the project to be a success. It also prevented drivers from parking where it was prohibited.
- Public parking was a half a mile away.
- Had more parking than was needed.
- Not every guest would drive a vehicle.
- Extra parking was available behind one of the buildings.
- Valet parking would be provided.
- Did not want more parking to be arbitrarily required. The amount should be determined by the Council using an appropriate process.
- Driveways could also be used for parking.

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

- Parking in other resorts spilled out onto public streets.
- Guests could park on 200 East although that would be a long walk.
- The amount of open space should not be reduced for parking.

Mayor Johnson asked if the City could use some of the applicant's nonconsumptive water rights, for its planned park, in exchange for off hours use of the park parking. Mr. Heath responded that he did not know if he had extra water rights, but if he did then they could be used by the City for the park.

Mayor Johnson asked if the restored Mt. Spaa sign could be installed in the park. Mr. Heath responded that was a decision for the Summit Land Conservancy.

### **Public Hearing**

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

#### **Mark Austin**

Mr. Austin made the following comments:

- The issue of parking should not be delayed in fairness to the developer.
- Clarity was better.

#### **Athina Koumarela**

Ms. Koumarela asked if employee parking had been included in the parking requirement. Paul Berg responded that it had been included.

#### **Patrick Sullivan**

Mr. Sullivan made the following comments:

- How was the reduced number of parking stalls determined?
- Parking would overflow onto the public streets.
- The road through Sunflower Farms should be used to access the project. This would reduce traffic and parking on 200 East.
- The proposed vans would be part of the traffic.
- There should be a sign on 200 East that emphasized that it was not the main entrance.
- Was told that 200 East would not be a construction access.

Mr. Heath indicated that the main entrance would be finished in 30 to 60 days. He added that construction traffic and the vans would use the front entrance.

Mr. Heath also indicated that the golf carts would not be given to clients and would not be driven out of the resort.

#### Krista Clark

Ms. Clark asked if there was an agreement for the public to use the natural pools. Council Member Simonsen responded that there would be access for the public in the park but not the resort. Mr. Heath added that the public could make a reservation and pay to use the resort facilities.

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

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

- A decision by the City Planner and the City Engineer would trigger the need for more parking at the Homestead Resort. This did not clearly define what circumstances would trigger such a need.
- A traffic study was needed for mass transit.
- There was no cross parking or offsite parking near the project.
- Fire and utilities access needed to be assured if the road was changed to a walking path.
- The City's shared parking study included vans.
- There was not code or precedence for some parts of the request.
- The required amount of parking stalls should remain at 302.
- The City allowed the Homestead Resort to reduce its parking subject to certain conditions.
- Shuttles and vans bringing guests in was positive.
- Additional stalls had been identified and the project could come back to the Council if more parking was needed.
- The parking needed to be on site and not spread throughout the City.

**Motion:** Council Member Drury moved to approve the resolution with the following findings and conditions:

- The number of phases would be reduced from four to two.

- The private road would be removed in Phase Four which would now be Phase Two.
- The current agreement which required 302 parking stalls was correct.
- A reduction in parking stalls would be accepted with a cross-parking agreement as outlined in the Municipal Code and considered as a separate line item for approval at a future date.

**Discussion:** Council Member Simons indicated that the driveways for the units should not be counted as parking.

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

**Discussion:** Council Member Orme wanted to vote on parking separately.

**Amended Motion:** Council Member Drury moved to approve the resolution with the following findings and conditions:

- The number of phases would be reduced from four to two.
- The private road would be removed in Phase Four which would now be Phase Two.

**Second:** Council Member Simons seconded the amended 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:** Council Member Drury moved to approve the resolution with the following findings and conditions:

- The current agreement which required 302 parking stalls was correct.
- A reduction in parking stalls would be accepted with a cross-parking agreement as outline in the Municipal Code and considered as a separate line item for approval at a future date.

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

**Discussion:** None

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

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

Mr. Berg asked if the items had to come back to the Council if the development had 302 stalls. Council Member Orme responded that they did not have to come back. Katie Villani asked the applicant to withdraw the request to reduce the parking if the project remained at 302 stalls.

- 10. Vincent Fields Subdivision / Plat Map Amendment** (Payne Family Trust – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve a plat map amendment for the Vincent Fields Subdivision located at 1315 South Stringtown Road (Zoning is RA-1-43). (**Public Hearing** - Public comment must be related to this item on the agenda)
- 11. Whimsy Willow Subdivision / Third Plat Map Amendment** (Payne Family Trust – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve a third plat map amendment for the Whimsy Willow Subdivision located at 1120 South Stringtown Road (Zoning is RA-1-43). (**Public Hearing** - Public comment must be related to this item on the agenda)
- 12. Vincent Fields Rural Preservation Subdivision / Preliminary & Final Approval** (Payne Family Trust – Approximately 10 minutes) – Discuss and possibly deny, continue, or grant preliminary and final approval for the Vincent Fields Rural Preservation Subdivision located at 1315 South Stringtown Road (Zoning is RA-1-43). (**Public Hearing** - Public comment must be related to this item on the agenda)

**Note:** Council Member Payne indicated that he was the applicant for the three items and the associated development agreement. He recused himself from considering and voting on the items as a member of the Council.

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

- Location of the developments
- Current configuration of the lots
- Proposed configuration of the lots
- Proposal
- Discussion items
- Proposed findings
- Possible conditions

Ms. Villani also made the following comments:

- The projects were owned by Mr. Payne.
- An easement was proposed through the one-acre lot to the larger lot behind it.
- Mr. Payne requested that the lot in Whimsy Willow be allowed to be subdivided if it was for affordable housing. He further requested that the neighbors not have to approve the split. There was enough frontage on Stringtown Road for the request. This request was made after the items had been considered by the Planning Commission.
- The area was zoned for one acre lots.

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

Mr. Payne, applicant, made the following comments:

- The request to subdivide was not for a market rate lot but for a half-acre moderate income housing lot if it was allowed by the Municipal Code in the future. The adjacent property owners should not be required to approve the split because affordable housing sometimes had a negative connotation.
- Deed restrictions were recorded against the three lots in Vincent Fields but not on any lots in Whimsy Willow.

Michael Henke made the following comments:

- The proposed rural preservation subdivision would be deed restricted.
- The applicable annexation agreement would have to be amended to allow for the affordable housing lot.
- The Whimsy Willow lot should be deed restricted.

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

- Boundary line adjustments were allowed by state law.
- Did the existing deed restrictions prevent the requested changes?
- The proposal needed legal analysis.

McKay Murdock said that he was taking notes and could discuss the issue with the City Attorney. Mr. Payne was willing to work with the City Attorney on the deed restriction for Whimsy Willow and any other necessary language. He would not split the lot if the City Attorney recommended against it.

Ms. Villani recommended that the item be continued because the annexation agreement might need to be amended.

Mr. Payne made the following comments:

- The buyer for the rural preservation subdivision lot wanted a smaller lot next to her for her daughter and son-in-law. They would care for her as she aged.
- The buyer had already sold property and needed to purchase the lot quickly to facilitate a 1031 exchange. Any delay might jeopardize the exchange.
- Preferred to move ahead without the possibility of splitting the Whimsy Willow lot. Supported a deed restriction on the lot.
- A new sewer lateral or septic system would be needed for the rural preservation lot.
- A sewer lateral was already installed for the one-acre lot.

### **Public Hearing**

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

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

- New deed restrictions would also be needed for the other three lots because their legal descriptions would change.
- It was a concern that the requests created a new subdivision in addition to adjusting lot lines.
- Creating the rural preservation subdivision was the only way to avoid an entrance from the north for the new subdivision.
- The new subdivision did not violate any codes.

**Motion:** Council Member Simons moved to continue the four related items until it was appropriate, the Council understood it better, and legal staff had the time to review it further.

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

**Discussion:** Council Member Simonsen asked Mr. Murdock, Ms. Villani, and Mr. Henke for their recommendations.

Mr. Murdock was not confident enough to recommend approval but was sensitive to the timing of the 1031 exchange. He recommended continuing the items.

Ms. Villani did not disagree with Mr. Murdock and made the following comments:

- The State Code did not speak directly to the issue.
- Mr. Payne withdrew the request for a fourth lot so additional lots would not be created.
- If asked the Utah State Legislature would support the request.
- The request was not violating a land use law.

**Vote:** The motion failed with the Mayor and Council voting as follows:

Mayor Johnson	Nay
Council Member Drury	Nay
Council Member Orme	Aye
Council Member Payne	Recused
Council Member Simons	Aye
Council Member Simonsen	Nay

**Motion:** Council Member Simonsen moved to approve the Vincent Fields Subdivision plat map amendment with the following findings and conditions:

- The proposed lot met the minimum requirements for the RA-1-43 zoning district.
- The proposal met the intent of the General Plan for the RA-1-43 zoning district.
- The proposal complied with the requirements for the Small Subdivision code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The plat map would contain a note using the triangular system to explain its formation through reconfiguring and vacating land from the Vincent Fields Subdivision.
- A fire hydrant would be located within 500' of the future dwelling, measured by the route

- of a fire hose from the fire hydrant to the future home site.
- A new sewer lateral hookup with placement as approved by the City Engineer and the Midway Sanitation District.
- The applicant would show a 30' wide driveway easement to allow access to the proposed Vincent Fields Rural Preservation Subdivision lot (which it was understood also would serve as a Public Utility Easement). The proposed Vincent Fields Subdivision – Amended and the Vincent Fields Rural Preservation Subdivision plat maps would be revised to show a 30' wide rather than 20' wide easement.
- Plat maps for the Vincent Fields Rural Preservation Subdivision, Vincent Fields Subdivision – Amended, and the Whimsy Willow Subdivision – Lot 2 Third Amendment would be filed contemporaneously, and the Vincent Fields Rural Preservation Subdivision Plat would not be filed without filing of the Vincent Fields Subdivision – Amended showing the required access easement, unless the applicant showed proof of a separately recorded 30' wide access easement meeting the access requirements set forth above.
- The development agreement for the Vincent Fields Rural Preservation Subdivision was also approved.
- The number of lots in the annexation area could not change.
- Midway City's staff and legal counsel reviewed the request and deemed it fully legal.
- The existing deed restrictions would be preserved and not harmed.

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

**Discussion:** None

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

Mayor Johnson	Aye
Council Member Drury	Aye
Council Member Orme	Nay
Council Member Payne	Recused
Council Member Simons	Nay
Council Member Simonsen	Aye

Katie Villani gave a presentation on the proposed amendment to the Whimsy Willow Subdivision and reviewed possible findings and conditions.

**Note:** A copy of Ms. Villani'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 regarding the amendment to the Whimsy Willow Subdivision. She closed the hearing when no public comment was offered.

**Motion:** Council Member Simonsen moved to approve the third plat map amendment for the Whimsy Willow Subdivision with the following findings and conditions:

- The proposed lot met the minimum requirements for the RA-1-43 zoning district.
- The proposal met the intent of the General Plan for the RA-1-43 zoning district.
- The proposal complied with the requirements for the Standard Subdivision code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The amended Lot 2 would be deed restricted so that it would never be further subdivided.
- The plat map would contain a note using the triangular system to explain its formation through vacating land from the Vincent Fields Subdivision.
- In accordance with the applicant’s representation and understanding that “No additional lots were being created”, Lot 2 (Third Amendment) similarly should contain a prohibition against further subdivision as a condition of recording.
- The deed restriction that would be recorded towards the lot would be submitted to the City for review and recorded immediately after the plat map was recorded.
- A note on the plat map was included with language that clearly stated that subdividing the lot was prohibited.
- The plat maps for the Vincent Fields Rural Preservation Subdivision and Vincent Fields Subdivision – Amended would be filed contemporaneously.
- The development agreement for the Vincent Fields Rural Preservation Subdivision was also approved.
- The number of lots in the annexation area would not change.
- Midway City’s staff and legal counsel reviewed the request and deemed it fully legal.

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

**Discussion:** None

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

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

### **Public Hearing**

Mayor Johnson opened the hearing and asked if there were any comments from the public regarding the Vincent Fields Rural Preservation Subdivision. She closed the hearing when no public comment was offered.

Katie Villani gave a presentation on the proposed subdivision and reviewed possible findings and conditions. She added that a septic system was allowed on the lot with the approval of Wasatch County.

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



**Motion:** Council Member Simonsen moved to grant preliminary and final approval for the Vincent Fields Rural Preservation Subdivision, located at 1315 South Stringtown Road, with the following findings and conditions:

- The proposed lot met the minimum requirements for the R-1-43 zoning district.
- The proposal met the intent of the General Plan for the R-1-43 zoning district.
- The proposal complied with the requirements for the Rural Preservation Subdivision Code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The lot would be deed restricted so that it would never be further subdivided.
- The deed restriction that would be recorded towards the lot would be submitted to the City for review and recorded immediately after the plat map was recorded.
- A note on the plat map was included with language that clearly stated that subdividing the lot was prohibited.
- The plat map would contain a note using the triangular system to explain its formation through vacating land from the Vincent Fields Subdivision.
- In accordance with the applicant's representation and understanding that "No additional lots are being created", each of the three plats (Vincent Fields Subdivision – Amended, Whimsy Willow Subdivision – Lot 2 Third Amendment, and the Vincent Fields Rural Preservation Subdivision) would contain a prohibition against further subdivision as a condition of recording.
- The plats for the Vincent Fields Subdivision – Amended and the Whimsy Willow Subdivision – Lot 2 Third Amendment would similarly contain notes using the triangular system to explain the changes ( i.e.: The 5.00 acre rural preservation lot resulted from reconfiguring an existing 4.00 acre lot [former Lot 1 of the Vincent Fields Subdivision] and a 4.16 acre lot [former Lot 2 of the Vincent Fields Subdivision] into a 1.00 acre lot [new Lot 1 of the Vincent Fields Subdivision - Amended] and a 5.00 acre lot [new Vincent Fields Rural Preservation Subdivision], with the 5.00 acre lot vacated from the Vincent Fields Subdivision to become the new Vincent Fields Rural Preservation Subdivision and the remaining 2.16 acres being added to the existing Lot 2 of the Whimsy Willow Subdivision).
- A fire hydrant would be located within 500' of the future dwelling, measured by the route of a fire hose from the fire hydrant to the future home site.
- A new sewer lateral hookup with placement as approved by the City Engineer and the Midway Sanitation District or a septic system approved by Wasatch County.
- Before being placed on the City Council Agenda, the applicant would need to show a 30' wide driveway easement to allow access to the proposed rural preservation subdivision lot (which it was understood also would serve as a Public Utility Easement). The proposed Vincent Fields Subdivision – Amended and the Vincent Fields Rural Preservation Subdivision plat maps would be revised to show a 30' wide rather than 20' wide easement.
- The plat maps for the Vincent Fields Rural Preservation Subdivision, Vincent Fields Subdivision – Amended, and the Whimsy Willow Subdivision – Lot 2 Third Amendment would be filed contemporaneously, and the Vincent Fields Rural Preservation Subdivision plat map would not be filed without filing of the Vincent Fields Subdivision – Amended showing the required access easement, unless the applicant showed proof of a separately recorded 30' wide access easement meeting the access requirements set forth above.
- The development agreement for the Vincent Fields Rural Preservation Subdivision was

also approved.

- Midway City's staff and legal counsel reviewed the request and deemed it fully legal.

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

**Discussion:** None

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

Mayor Johnson	Aye
Council Member Drury	Aye
Council Member Orme	Nay
Council Member Payne	Recused
Council Member Simons	Nay
Council Member Simonsen	Aye

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

**Second:** Council Member Simons 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

### **13. Resolution 2024-09 / Vincent Fields Rural Preservation Subdivision Development**

**Agreement** (Payne Family Trust – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-09 adopting a development agreement for the Vincent Fields Rural Preservation Subdivision located at 1315 South Stringtown Road (Zoning is RA-1-43).

Council Member Simonsen indicated that his decisions were not based on the pending 1031 exchange. He thought that the requests were legal.

**Motion:** Council Member Drury moved to approve Resolution 2024-09 and authorized the Mayor to sign the development agreement upon review and approval by legal staff.

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

**Discussion:** None

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

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

**Motion:** Council Member Drury moved to continue the meeting to consider the next two items on the agenda.

**Second:** Council Member Simonsen 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

**14. Springer Farms Subdivision / Plat Map Amendment** (Travis Nokes – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve a plat map amendment for the Springer Farms Subdivision located at 65 North 200 West (Zoning is C-3). (**Public Hearing** - Public comment must be related to this item on the agenda)

**15. Springer Farms Subdivision / Additional Subdividing of Property** (Travis Nokes – Approximately 15 minutes) – Discuss and possibly grant preliminary approval for the additional subdividing of the Springer Farms Subdivision located at 65 North 200 West (Zoning is C-3). (**Public Hearing** - Public comment must be related to this item on the agenda)

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

- Application summary
- Location of the development
- Recorded plat map
- Unit four
- Renderings
- Unit layout
- Possible findings

Mr. Henke also made the following comments:

- The amendment and the additional subdividing were related.
- One building pad was being subdivided.
- Other units might be subdivided in the future.

- Additional sheets would be added to the existing plat map.
- The applicant was allowed to subdivide the unit with reasonable conditions required.
- Any nightly rentals in the development would have to follow all transient rental regulations.

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

Travis Nokes, applicant, made the following comments:

- Subdividing the building pad was the only request. Nothing else would change.
- There was an existing property owners’ association.

**Public Hearing**

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

**Motion:** Council Member Drury moved to approve the plat map amendment for the Springer Farms Subdivision with the following findings:

- The proposal would benefit the City financially by creating a greater tax base and by providing more commercial options to the community.
- The proposal might help the City better comply with state requirements regarding the ability to collect the resort tax.
- Commercial condominium developments were a conditional use in the C-3 zone.

**Discussion:** Council Member Simons indicated that there was an issue with drivers, who were going to the development, parking on 200 East. This was a safety issue for drivers on 200 East and drivers pulling out of the development on to 200 East. Mr. Henke responded that the City could request UDOT to address the issue. He added that since it was a UDOT road that the City could not post no parking signs. Council Member Simons asked that the issue continue to be addressed.

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

**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

**Public Hearing**

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

**Motion:** Council Member Drury moved to approve the additional subdividing of the Springer Farms Subdivision with the following findings:

- The proposal would benefit the City financially by creating a greater tax base and by providing more commercial options to the community.
- The proposal might help the City better comply with state requirements regarding the ability to collect the resort tax.
- Commercial condominium developments were a conditional use in the C-3 zone.

**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

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

**Second:** Council Member Drury 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

**16. Ordinance 2024-07 / Setbacks Exemptions for Historic Building Structural Reinforcement** (Lane M. Lythgoe – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-07 adding Section 16.13.130 (Setback Exceptions for Historic Building Structural Reinforcement) to the Midway Municipal Code. **(Public Hearing - Public comment must be related to this item on the agenda)**

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

- Proposed code amendment
- Proposed code language

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

Lane Lythgoe, representing the applicant, reviewed the following items:

- Rendering of the existing house owned by the applicant.
- Rendering of the proposed remodel of the house.

Mr. Lythgoe also made the following comments:

- The existing house was made from unreinforced masonry.
- The applicant wanted to preserve the house.
- Recommended a timber frame superstructure to support the house.

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

- The proposal matched many of the existing older houses in Midway.
- Four feet instead of one should be allowed for the porch. This additional area should only be for the porch and not for around the entire house.

### **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 adopt Ordinance 2024-07 with the following findings:

- The proposed amendment would allow the applicant to expand his dwelling while theoretically preserving the historic masonry and pot rock by permitting structural supports outside of the existing footprint of the dwelling. However, the dwelling, which was currently nonconforming with front and rear setbacks, would be made even more nonconforming in an amount equal to the depth of the added structural support.
- Restricting applications to legally nonconforming, historic structures on small lots should limit the applicability of such a provision.
- Midway City had an interest in preserving historic structures, as evidenced by the Protection of Older Buildings for Historic Preservation Provisions of the Code.
- Consider making any such provision subject to review and recommendation by the Historic Preservation Committee, with final approval to rest with the Planning Director.

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

**Discussion:** Council Member Simons asked about the garage on the property. The applicant responded that it was right next to the adjoining property. He added that the property had never been used in the winter. He wanted to add a peak to the roof. Mr. Henke indicated that the

garage could be fixed but not made more nonconforming. Council Member Simonsen noted that adding a peak would not extend the garage’s footprint. Mayor Johnson asked staff to further study the issue.

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

**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

**17. Old Trace Hollow Annexation / Further Consideration** (City Planner – Approximately 15 minutes) – Discuss and possibly deny or approve for further consideration the Old Trace Hollow (Formerly Akiteon) Annexation located at approximately 1221 North Pine Canyon Road.

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

- Location of the annexation
- Land use summary
- Land use map
- Site plan
- Annexation plat map
- Sensitive lands
- Concept plan
- Trails map
- Items to consider
- Possible findings

Ms. Villani also made the following comments:

- The south and east boundaries of the annexation touched the city limits.

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

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

- The annexation would access the main culinary water line along Pine Canyon Road.
- It would not create any peninsulas of unincorporated property.
- The City was responsible for the section of Pine Canyon Road along the annexation.

**Motion:** Council Member Drury moved to approve for further consideration the Old Trace Hollow Annexation.

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

**Discussion:** Jared Hutchings, representing the applicant, indicated that water rights were needed for the property. Michael Henke indicated that water rights would be needed if it was developed in the City or the County.

**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

**18. Adjournment**

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

The meeting was adjourned at 11:48 p.m.




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Celeste Johnson, Mayor




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Brad Wilson, Recorder