



Memo

Date: 4 May 2015

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 8 April 2015 City Council Meeting

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

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

**Wednesday, 8 April 2015, 5:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, Ridley’s Express, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Department, and Public Works Administrative Lead. The public notice/agenda was published on the Utah State Public Notice Website and a notice sent to The Wasatch Wave. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order; Opening Remarks or Invocation; Pledge of Allegiance

Mayor Bonner called the meeting to order at 5:00 p.m. She excused Council Member Kohler.

Members Present:

Colleen Bonner, Mayor
Dick Hines, Council Member
Danny Hofheins, Council Member
Ken Van Wagoner, Council Member
Karl Dodge, Council Member

Staff Present:

Michael Henke, Planning Director
Kraig Powell, Attorney
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Kent Kohler, Council Member

Note: A copy of the meeting roll is contained in the supplemental file.

Mayor Bonner asked if a Midway City resident in attendance would like to give the opening remarks or invocation. Don Whitehead gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

2. General Consent Calendar

- a. Agenda for the 8 April 2015 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 25 March 2015 City Council Regular Meeting

d. Minutes of the 25 March 2015 City Council Closed Meeting

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

Motion: Council Member Hines moved to approve the general consent calendar with Item #6 (640 North Pine Canyon Road/Transient Rental Overlay District) removed from the agenda.

Second: Council Member Hofheins seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

- 3. Public Comment** – Comments will be Taken on Any Item not Scheduled for a Public Hearing, as Well as on Any Other City Business. Comments are Limited to Two Minutes per Speaker. The Council Cannot Act on Items not Listed on the Agenda, and Therefore, the Council may or may not Respond to Non-Agenda Issues Brought up Under Public Comment. Those Wishing to Comment Should use the Podium, State Their Full Name and Address, Whom They Represent and the Subject Matter to be Addressed. Total Time Allocated to Public Comments will be no More than 10 Minutes.

Transient Rental at 501 Rainbow Lane

Linda Morse, who lived at 475 Rainbow Lane, made the following comments regarding the transient rental at 501 Rainbow Lane:

- She was an eleven year resident of Midway.
- Lived next to the transient rental at 501 Rainbow Lane.
- There had been various disturbances at the rental even after the Transient Rental Overlay District (TROD) was established.
- Law enforcement from the Wasatch County Sheriff's Office and the Heber City Police Department responded to the rental in the middle of the night on the evening of April 20th and the morning of April 21st.
- 49 people were processed by law enforcement.
- A 63 page policy reported was produced.
- One person was arrested and 23 people were issued citations.
- That night there was underage drinking of alcohol, a fight, and trespassing on other

peoples' property.

- There were 15 to 20 cars at the rental that night.
- Asked that the license for the rental be temporarily rescinded, and not reinstated for at least one year, until the situation was resolved.

Excavating Next to Alpenhof Estates, Lot #35

Israel Kohler, who lived at 1347 West 310 North (Alpenhof Estates, Lot #35), made the following comments about excavating next to his property:

- An area next to his home, and along the west side of Tanner Lane, had been excavated about six months earlier.
- The excavation was not on his property but was between it and property owned by the City.
- His property was undermined because of the excavation.
- There should have been a site plan for the work.
- Was told that the issue would be resolved three to four months earlier.
- City staff indicated that a site disturbance permit had been issued three years earlier.
- The permit was for a different piece of property.
- Asked that the City escalate its time frame to resolve the issue.

- 4. Growing Light Montessori School/Conditional Use Permit (Tara Stafford) – A Request for a Conditional Use Permit to Build a New Schoolhouse, at 22 South Fox Den Road, for the Growing Light Montessori School (Located in the C-2 Zone). Recommended for Approval by the Midway City Planning Commission.**

4a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land use summary
- Location
- Elevations
- Design and materials
- Site plan
- Sign
- Possible findings

Mr. Henke also made the following comments:

- The application had been before the Visual Architecture Committee (VAC) and the Planning Commission.
- The schoolhouse would have a door to Main Street as required by the Municipal Code.

- There would be more parking stalls than required.
- Received a lot of letters in support of the request.
- Did not receive any negative comments about the request.
- A maximum of 30 students had been proposed for the school. Recommended that the approval be reconsidered by the City Council if that number was surpassed.
- The school would be reviewed and licensed by the State.
- The Planning Commission recommended approval on a vote of five to zero.

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

Tara Stafford, applicant, thanked the Council for considering the request and asked if they had any questions.

Council Member Hines asked if the arrival and departure of the students would be staggered. Ms. Stafford responded that the students would arrive between 9:00 a.m. and 9:30 a.m.

Council Member Dodge asked if vehicles, during arrival and departure, would back up onto Main Street. Ms. Stafford responded that they might. Mr. Henke added that the request met all requirements including parking. He noted that there was room for vehicles to park on Main Street. He indicated that the Municipal Code did not require a specific number of parking stalls, but he thought that the proposed six were more than enough.

Council Member Dodge asked how many staff would be at the school. Ms. Stafford responded that there would be a ten to one ratio of students and staff. She added that the school currently had 20 students.

4b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Inez Wilde, 473 East Main Street

Ms. Wilde indicated that she lived across Main Street from the location of the proposed school. She asked how tall the building would be. Rob Bouwhuis, the building architect, said that it would be 25 to 26 feet without the cupola.

Ms. Wilde asked if the applicant was buying the entire frontage along Main Street. Mr. Henke responded that they were purchasing everything from Fox Den Road to the fence on the West.

Ms. Wilde asked if the property would be landscaped on the north side. Mr. Henke responded that a landscaping plan had been submitted but noted that the Utah Department of Transportation (UDOT) owned some of the area between the property and the sidewalk.

Ms. Wilde indicated that she had no objections to the request.

Rachel Kahler

Ms. Kahler indicated that her child had been a student at the school for two years. She thought that the school was valuable to the community and needed to be embraced. She liked the proposed building.

Erik Asarian, 419 West Sharon Lane

Mr. Asarian said that the school was the biggest reason he and his family lived in the area. He said the school was within biking distance and would encourage people to utilize Main Street and the downtown area.

Don Whitehead, 45 West Village Circle

Mr. Whitehead suggested that an entrance and exit be designated for the school. Ms. Stafford responded that entrance and exit signs were planned.

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

4c. Action – Discuss and Possibly Approve the Request

Motion: Council Member Van Wagoner moved to approve the request for a conditional use permit to build a new schoolhouse at 22 South Fox Den Road, subject to the condition that the applicant return to the Council if the number of students exceeded 30, and to accept the staff findings.

Second: Council Member Hines seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

Council Member Van Wagoner noted that there was an irrigation pipe, on the corner of Main

Street and Fox Den Road, which ran down to Michie Lane. He recommended that the applicant place a screen on the pipe to protect the students.

5. The Hiking Inn/Conditional Use Permit (Lynn David) – A Request for a Conditional Use Permit for a Bed and Breakfast, Called The Hiking Inn, Located at 364 Tanner Lane (Located in the R-1-22 Zone). Recommended for Approval by the Midway City Planning Commission.

5a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land Use Summary
- Location
- Pictures of the property and home
- Possible findings

Mr. Henke also made the following comments:

- All parking needed to be 30 feet from the curb.
- The home included a garage for two cars and a recreational vehicle.
- There was room for five vehicles outside on the driveway.
- Recommended against the parking stalls being striped because they were in a residential area.
- Building and health inspections had been completed and passed.
- There were no major issues and the request complied with the requirements of the Municipal Code.
- Some neighbors supported the request and others did not.
- A normal single family home averaged ten vehicle trips per day.
- The proposed bed and breakfast would have ten or more visitors a day.
- Tanner Lane, which ran in front of the proposed bed and breakfast, was a local street and planned for 2,500 trips per day. The road could accommodate 250 homes.
- The proposal would keep the traffic below the design for the road but would increase traffic.
- Bed and breakfasts were listed as a conditional use in residential zones. The Council would have to amend the Municipal Code to eliminate them.

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

Lynn David, applicant, made the following comments:

- Had traveled extensively for his job and knew a lot about lodging.

- Purchased the house in 2011 and had the idea at that time to turn it into a bed and breakfast.
- It had seven bedrooms but only five would be used for guests. Each one had its own bathroom.
- The house included a game room and would be family oriented instead of a romantic getaway.
- Would provide a healthy breakfast or a certificate for Café Galleria.
- Hoped it would bring more visitors to Midway.
- There would be conservative house rules.
- Smoking and pets would not be allowed.
- The common area would close at 10 p.m.
- Was working with the Wasatch Mountain State Park for a special use permit for hiking.
- Notices had been sent to 84 neighbors. Six or seven positive responses had been received. Three responses with concerns had been received.
- There would be no issue with animal bites because pets would not be allowed.
- There was a large parking area and cars would not have to be parked on the side of the road.
- He would be a permanent resident but would not sell his house in St. Louis because a daughter lived in it.
- A large family living in the home would create just as much traffic as a bed and breakfast.
- Waited to request a conditional use permit because the Municipal Code required that the business be opened within twelve months of approval. Completed renovations of the home that February.
- Would not have any employees other than himself and his partner Mary.
- He was retired from his career.
- Requested approval of the conditional use permit.

5b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Larry Anderson, 230 North 1400 West

Mr. Anderson stated that he moved to the neighborhood because it was residential. He wondered if the proposal would begin changing the neighborhood from residential to commercial.

Kristy Tatton, 1251 West Geneva Drive

Ms. Tatton indicated that there might be more than one vehicle per room at the bed and breakfast. She wondered where the additional vehicles would be parked. She was concerned that the business would increase traffic especially on Tanner Lane which went to a city park. She said

that a bed and breakfast did not fit in the area. She asked that the Municipal Code be amended to prohibit them in residential zones.

Mark Nelson, 326 North Alpenhof Lane

Mr. Nelson indicated that the applicant had met all of the requirements for a bed and breakfast, but he asked that they no longer be allowed in residential zones.

Shanna Nelson, 326 North Alpenhof Lane

Ms. Nelson noted that the area was a residential neighborhood with a lot of children. She pointed out that they played outside after 10:00 p.m.

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

5c. Action – Discuss and Possibly Approve the Request

Council Member Hines thought that the house was beautiful and the bed and breakfast was a good proposal. He asked if the business would be operated year around. Mr. David responded that it would be with snowshoeing offered during the winter.

Council Member Dodge asked if the Council could deny a conditional use application if it met all of the required provisions. Kraig Powell responded that the Council, which was the land use authority, considered applications and their effects. He said it could impose reasonable conditions to mitigate any impacts of conditional uses. He noted that if the applicant was unwilling to meet the conditions then the application could be denied. He also noted that if the applicant was willing to submit to the conditions then an application was difficult to deny.

Council Member Hofheins asked if the neighbors' disapproval could be a reason for denial. Mr. Powell responded that the points against the use would have to be identified and then reasonable conditions imposed to mitigate them.

Mayor Bonner noted that the property, which would be used for the bed and breakfast, did not have a fence. She asked how it would be delineated for guests. Mr. David responded that there were natural delineations on several sides. He noted that a utility easement prevented him from putting in trees, etc. to note the lot boundary.

Motion: Council Member Hines moved to approve the conditional use permit for The Hiking Inn located at 364 Tanner Lane, that it met all of the conditions of the proposal, and that the City install signs warning of children at play.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

Vote: The Council voted as follows:

Council Member Hines	Aye
Council Member Hofheins	Nay
Council Member Van Wagoner	Aye
Council Member Dodge	Nay
Council Member Kohler	Excused from the Meeting

Council Member Dodge said that conditions needed to be imposed to address the neighbors' concerns.

Withdrawal: Council Member Hines withdrew his motion.

Council Member Dodge thought that the Council did not have enough information. He wanted to better understand the concerns of the neighbors and how they could be mitigated. He recommended that the item be tabled until a group could be formed to identify and mitigate any concerns.

Motion: Council Member Dodge moved to table the item and put together a group, including staff, the applicant, and neighbors, to identify issue and ideas to mitigate them for the next council meeting.

Second: Council Member Hines seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

- 6. 640 North Pine Canyon Road/Transient Rental Overlay District (Justin Roylance) – A** Request to Amend the Midway City Land Use Map to Include a Property, Located at 640 North Pine Canyon Road, in the Transient Rental Overlay District (Located in the R-1-15 and R-1-22 Zones). Recommended for Denial by the Midway City Planning Commission.

This item was not considered at the meeting.

7. Personal Greenhouse/Conditional Use Permit (Kraig and Jeanette Higginson) – A Request for a Conditional Use Permit for a Private Greenhouse, Larger than 1,000 Square Feet, Located at 1170 South Center Street (Located in the RA-1-43 Zone). Recommended for Approval with a Condition by the Midway City Planning Commission.

7a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land use summary
- Location
- Elevations
- Pictures of the property
- Possible findings

Mr. Henke also made the following comments:

- The applicants received a conditional use permit for a commercial greenhouse the prior year.
- They were now requesting a conditional use permit which would change the designation to a personal greenhouse.
- The new designation would be a lessor standard and prohibit aquaculture, aquaponics, and the selling of the items produced.
- The property lines for the two parcels had been adjusted to allow a dwelling unit in the greenhouse.
- Did not see any issues with the change except that the applicants would lose some rights.
- There were a number of issues that needed to be resolved such as utilities.
- The greenhouse had been reviewed by the Midway Sanitation District, Midway Water Advisory Board, and the City's development review committee.
- The Review Committee indicated that the greenhouse needed to be connected to the culinary water system for fire flow.
- The Sanitation District had not decided if the greenhouse needed to be connected to the sewer system.
- The Planning Commission recommended, with a vote of five to zero, to grant the permit subject to the windows being tinted if there was any glare.

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

7b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing. She closed the hearing when no public comment was offered.

7c. Action – Discuss and Possibly Approve the Request

Council Member Hines asked if there would be a bathroom in the greenhouse. Kraig Higginson, applicant, responded that there would be two half baths and a kitchen with a sink.

Council Member Hines asked if the greenhouse would be connected to a septic tank or the sewer system. Mr. Higginson responded that he asked that it be connected to a septic tank but the Sanitation District had not made a decision.

Council Member Hines asked the reason for the restrooms and the kitchen. Mr. Higginson responded that the greenhouse would be a gathering place for his family and the restrooms and the kitchen would be convenient. He said there would be no showers.

Council Member Hines preferred connecting to the sewer because septic tanks could be problematic. Mr. Higginson thought that the Sanitation District might require connecting to the sewer system but indicated the cost would be \$150,000 as opposed to \$9,800.

Mayor Bonner indicated that there would be floor drains in the greenhouse.

Council Member Dodge asked if there would be a fire hydrant by the building. Mr. Higginson responded that was a requirement from the Wasatch County Fire District. Mayor Bonner added that fire safety was critical.

Mr. Higginson explained that he could not use the City's water for the plants in the greenhouse.

Council Member Hofheins recommended that the greenhouse be connected to the sewer before the permit was approved. He thought that the connection would eventually be needed. He pointed out that the greenhouse was on several large parcels of property that could be developed.

Council Member Van Wagoner asked why the Sanitation District tabled a decision on the sewer connection. Mayor Bonner responded that the District wanted to first know the City's decision.

Council Member Dodge thought that connecting to the sewer at a cost of \$150,000 was excessive if the rest of the property was not developed.

Council Member Van Wagoner asked if connecting to the sewer was required by Midway City or the Sanitation District. Mr. Henke responded that the Municipal Code required connecting if the structure was within 300 feet of a sewer line. Kraig Powell added that the State Code and the District required a connection if the property line was within 300 feet of a sewer line.

Mr. Powell explained that the city staff had worked on Mr. Higginson's greenhouse project for many hours and was well aware of the concerns and issues. He said that safety and health needed to be emphasized when considering it.

Mr. Higginson said that he relied on the sewer requirement in the Municipal Code when

developing the project. He indicated that he was not made aware of the Sanitation District requirement until halfway through the project. He said this created a hardship.

Mr. Powell indicated that Mr. Higginson had submitted additional applications regarding the project. He thought that the City would be considering the project for some time.

Mr. Powell asked Mr. Higginson if any public official told him that a sewer connection would not be required. Mr. Higginson responded that someone at the City directed them to the County regarding a septic system. He indicated that he spoke to the County and tests were done for a septic system. Wes Johnson said that a representative of the project made several calls to a number of people in his office regarding having a septic system. Mr. Johnson added that these people asked that they meet with him. Mr. Johnson said that he made it clear during that conversation that there was a sewer system and they needed to connect to it.

Mr. Powell asked Mr. Higginson why he was requesting to go from a more to less intense use. Mr. Higginson responded that the greenhouse would be a place for his children and grandchildren to congregate and learn. He said that he was told that the greenhouse had to be a commercial operation. He stated that codes across the Country considered a building, where vegetables were grown and was in an agricultural zone, to be nothing but agriculture.

Mayor Bonner indicated that Mr. Higginson's request for aquaculture made the use more than regular agriculture. Mr. Henke added that selling the products wholesale made it commercial instead of agricultural. Mr. Higginson responded that he could grow hay and sell it and be considered agriculture.

Mr. Higginson indicated that the operation being commercial also triggered building code requirements like fire sprinklers, an elevator, etc. Mayor Bonner responded that those things were required by the Building Code because of the size and scope of the building. He indicated that the requirements would be the same if the greenhouse was just 4,000 sq. ft.

Mr. Higginson said that the Council initially liked his proposal but the the current code prevented it.

Mayor Bonner noted that Mr. Higginson could hire an architect who could help him meet the building code requirements with minimal cost. Mr. Powell added that the City's building official had encouraged Mr. Higginson to hire an architect to help reduce the requirements. Mr. Higginson responded that he had hired an architect but the City forced the project into a commercial designation.

Mr. Powell noted that the greenhouse was planned to have a dwelling unit with human occupancy. Mr. Henke asked if that unit was being removed. Mr. Higginson responded that it was being removed. Mr. Henke noted that the latest plan for the greenhouse still included a kitchen and bathrooms.

Mr. Powell asked if Mr. Higginson was withdrawing his commercial conditional use permit, for the greenhouse, with that night's application. Mr. Higginson responded that he was withdrawing the commercial permit.

Mr. Powell recommended, that because of the use, size, location, and other factors, that any approval be conditioned upon the facility being connected to the culinary water and sewer systems.

Mr. Henke noted that Mr. Higginson recently submitted a separate application to amend the Municipal Code regarding greenhouses. Mr. Powell explained that the amendment would create a new category called an agricultural greenhouse.

Council Member Hofheins asked if the Council should wait on a decision by the Sanitation District regarding sewer. Mayor Bonner responded that the Sanitation District was leaning towards requiring a connection to the sewer system, but it was waiting for the Council to make a decision.

Motion: Council Member Dodge moved to grant a conditional use permit for a private greenhouse, larger than 1,000 square feet, on the Higginson property with the findings of staff, the proposed condition by the Planning Commission that any reflection be mitigated, and that the greenhouse be connected to the sewer and culinary water systems.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

8. Sunburst Ranch PUD, Phase II/Preliminary Approval (Derek Moser) – A Request for Preliminary Approval for Phase II of the Sunburst Ranch PUD Located on North Olympic Way (Located in the R-1-22 Zone). Recommended for Approval by the Midway City Planning Commission.

8a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land use summary
- Location
- Master plan
- Site plan

- Possible findings

Mr. Henke also made the following comments:

- All phases of the development would be part of the same HOA. This would make the HOA healthier and easier to administer.
- Olympic Way, which accessed Phase II, was a public street.
- The planned cul-de-sac in the phase would be a private street.
- Eventually Bigler Lane would connect to the phase.
- The majority of the open space and amenities would be in Phase III.
- There was a new road standard since Phase I was approved.
- Notices of the request had been sent to all property owners within 600 feet.
- Had received some comments from neighbors.
- Met with Mike Anderson, Sunburst Ranch HOA President, regarding the request. He was concerned about the landscaping being completed and when the HOA would be responsible for its maintenance.
- Building permits would be reviewed by the HOA's architectural committee.

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

Derek Moser, applicant, thought that the proposed development met all of the City's requirements.

8b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing. She closed the hearing when no public comment was offered.

8c. Action – Discuss and Possibly Approve the Request

Wes Johnson explained that the location of the units, in Phase II, had been established with the master plan. He added that because of the change in the road standard that the phase would have a five foot sidewalk and a four foot park strip.

Motion: Council Member Van Wagoner moved to grant preliminary approval for Phase II of the Sunburst Ranch PUD, conditioned upon the standard set for the road width, and to accept the staff report.

Second: Council Member Hines seconded the motion.

Discussion: Kraig Powell explained that Sunburst Ranch had previously been the subject of litigation. He noted that as part of the litigation resolution that the original developer, the Crystal

Springs Land and Cattle Company, had to pay \$1,000 to the HOA for each building permit in Phases II and III. He said that the City needed to help process those payments.

Mayor Bonner asked if that needed to be added to the motion. Mr. Powell responded that it did not because it was a finding in the staff report.

Council Member Dodge asked if the City could issue a permit if the \$1,000 was not paid. Mr. Henke responded that it was the City's responsibility to collect the money. Mr. Powell did not think that the City could withhold a permit. Mike Anderson thought that the City would have to deny a permit if the money was not collected.

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

9. Kantons of Midway PUD/Plat Amendment (Paul Berg) – A Request to Amend the Plat Map for the Kantons of Midway PUD Located at 669 West Augusta Drive (Located in the R-1-15 Zone). Recommended for Approval by the Midway City Planning Commission.

10a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land use summary
- Location
- Current plat map
- Elevations
- Landscaping plan
- Possible findings

Mr. Henke also made the following comments:

- The amendment would remove one unit.
- The area left, by the removal of the unit, would be landscaped.
- Notices of the request had been sent to all property owners within 600 feet.
- The laterals for the removed unit would be capped at the main lines.
- The concerns of those who contacted him were resolved when they learned a unit was being eliminated.

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

Carl Berg, Berg Engineering Resource Group and representing the applicant, reiterated that the amendment would remove one unit because it was very close to two other units.

10b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Bill Stern, Invited Inn

Mr. Stern asked if the amendment would restrict the units in the project from being nightly rentals. Mr. Henke responded that was not included in the request.

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

10c. Action – Discuss and Possibly Approve the Request

Motion: Council Member Dodge moved to approve the amendment to the plat map for the Kantons of Midway PUD, located at 669 West Augusta Drive, which removed Unit #32 and include the findings of staff.

Second: Council Member Hines seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

Motion: Without objection, Mayor Bonner recessed the meeting at 7:08 p.m. She reconvened the meeting at 7:21 p.m.

10. Warm Springs PUD/Master Plan Approval (Paul Berg) – A Request for Master Plan Approval for the Warm Springs PUD Located West of the Valais PUD (Located in the RA-1-43 Zone). Recommended for Approval by the Midway City Planning Commission.

12a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land use summary
- Location
- Site plan
- Realignment of the intersection of Canyon View Road and Burgi Lane.
- Land exchange with The Church of Jesus Christ of Latter-day Saints
- Phasing plan
- Open space
- Elevations
- Floor plans
- Sensitive lands
- Possible findings

Mr. Henke also made the following comments:

- A recommendation had been received from the Midway Water Advisory Board.
- Preliminary approval had been granted from the Midway Sanitation District.
- There were two accesses to the development and Phase I.
- The Visual Architecture Committee recommended tapered driveways and landscape buffers. It approved the architecture which would allow for six bonus units.
- Neighbors were concerned about losing their views.

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

12b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing and indicated that comment would be received on both the proposed master plan and preliminary approval for Phase I.

Don Whitehead, Valais HOA President

Mr. Whitehead asked if the current height limit of 35 feet was different from the limit when the Valais PUD was approved. Mr. Henke thought that that the limit had been adopted since Valais was approved.

Mr. Whitehead indicated that homeowners in Valais had paid a lot for a view that would be blocked by the proposed development.

Mr. Whitehead asked why the proposed development would be in so many phases. He suggested

that there be only two or three phases.

Bill Probst, Applicant

Mr. Probst indicated that the units would not be over 30 feet high. He thought that the limit of 35 feet had been in place for some time. He noted that the height was based on the natural grade.

Mr. Probst said that the concern of the view being lost was not valid. He noted that Valais blocked the view of property owners looking to the east. He added that time and care had been taken to place the units to lessen the impact on Valais.

Mr. Probst thought that the proposal was a good one. He indicated that it was being done in phases just like Valais.

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

12c. Action – Discuss and Possibly Approve the Request

Council Member Hines noted that the project could not be approved until the intersection with Burgi Lane was finalized, which required a land trade with the LDS Church. He asked why approval was being considered that evening. Mr. Probst responded that the annexation agreement, which he signed that day, stated that the plat map could not be recorded until the land trade was completed. He added that the LDS Church saw the trade as beneficial but it would take time for them to process the request.

Council Member Van Wagoner noted that the lender on the property owned the water shares for the project. He reported that the Water Board recommended the lender sign the development agreement.

Motion: Council Member Van Wagoner moved to approve the master plan for the Warm Springs PUD with the staff's recommendations and the bank, which owned the water shares for the project, signing the development agreement.

Second: Council Member Hines seconded the motion.

Discussion: Kraig Powell indicated that a development agreement for the project would be presented during final approval.

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye

11. Warm Springs PUD, Phase I/Preliminary Approval (Paul Berg) – A Request for Preliminary Approval for Phase I of the Warm Springs PUD Located West of the Valais PUD (Located in the RA-1-43 Zone). Recommended for Approval with Conditions by the Midway City Planning Commission.

13a. Presentation – Receive Presentations on the Request from Staff and the Applicant

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

- Land use summary
- Site plan
- Trails
- Landscaping
- Phasing plan
- Sensitive lands map
- Access/roads
- Water
- Property exchanges
- Geotechnical study
- Density determination
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The setbacks would be greater on the public streets.
- A recommendation had been received from the Water Advisory Board.
- The Sanitation District granted preliminary approval.
- Could have asked for an additional 12 units but asked for 6.
- The Visual Architectural Committee recommended the extra density because of the Swiss architecture.

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

13b. Public Hearing – Receive Public Comment on the Request

Public comment was received on this item during the hearing for master plan approval.

13c. Action – Discuss and Possibly Approve the Request

Council Member Dodge asked if the land trade needed to happen before final approval was granted. Mr. Henke responded that the LDS Church worked slowly and the City would be protected if the plat map was not recorded before the trade.

Carl Berg, Berg Engineering Resource Group and representing the applicant, indicated that it would be difficult to taper the driveways on the private roads. Mr. Henke asked that they be tapered whenever possible.

Motion: Council Member Dodge moved to grant preliminary approval for Phase I of the Warm Springs PUD, which included 34 units, subject to the Canyon View Road Annexation Agreement, a landscaping plan being submitted and approved, and whenever possible the developer following the recommendation of the Vision Architectural Committee by tapering the driveways.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

12. Wright Subdivision/Final Approval (Paul Berg) – Discuss and Possibly Grant Final Approval for the BJ Wright Subdivision Located at 131 West 970 South (Located in the R-1-22 Zone). Recommended for Approval with Conditions by the Midway City Planning Commission.

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

- Land use summary
- Location
- Irrigation line easements
- Utility plan
- Pictures of the property
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- Lot #3 contained the open space for the project.

- An existing home would be on Lot #4.
- 970 South would be widened on the north side of the road.
- There were tight setbacks on the south side.
- It was recommended that the driveways have hammerhead turnarounds so that vehicles did not have to back into the street.

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

Mayor Bonner suggested that a right to farm note be added to the plat map.

Council Member Van Wagoner asked if the irrigation pipe through the project would be upgraded. Wes Johnson responded that it would be upgraded. He said a portion of the upgrade would be done when the Eldon’s Place Subdivision was built. He added that the applicant, for the Wright Subdivision, would have to upgrade the entire line if it was developed first.

Mr. Henke explained that there was an extension agreement for the Center Street water line. He said the developer would have to reimburse a portion of the line’s construction costs.

Motion: Council Member Hofheins moved to grant final approval for the BJ Wright Subdivision subject to the conditions of the Planning Commission, the driveways having hammerhead turnarounds, a right to farm note on the plat map, and the reimbursements for the water line extension agreement being paid prior to the plat map being recorded.

Second: Council Member Hines seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Excused from the Meeting

13. Department Reports

Colleen Bonner, Mayor

Vandalism at Water Tanks – Mayor Bonner reported that the Cottages water tank was being vandalized. She noted that the hatch to the tank been opened because of rusted hinges. She indicated that several homeowners, who lived on the road going to the tank, suggested that the

street be gated and they have a key. She pointed out that the City did not allow gated communities.

Wes Johnson explained that the tank had the fire storage for the entire community. He also indicated that the water could be contaminated if the tank was not secured.

Council Member Dodge asked where the City's property began on the road. Wes Johnson indicated that the City had an easement on the road, which was actually a driveway, to access the tank. He explained where the City's property began.

Council Member Van Wagoner suggested that a security fence be put around the tank and a gate be installed on the road where the City's property began. The Council agreed.

Mr. Johnson suggested that the City look at its other water tanks to see if they also needed to be fenced. He noted that the Huber Grove trail went right next to the Gerber tank.

Copyrights – Mayor Bonner reported that Dee Halverson offered to sell to the City the copyrights for several books which he had written about Midway. She noted that the books were now out of print. Brad Wilson reviewed the content of the publications.

Mayor Bonner recommended that the copyrights be purchased. Council Member Hines thought that new residents would want a copy of the books.

The Council agreed to purchase the copyrights. Mayor Bonner asked that approval be placed on the next consent calendar.

Council Chamber Blinds – Mayor Bonner reported that blinds had been hung in the council chambers.

Fee for Off-square Vendors – Mayor Bonner reminded the Council that it needed to adopt a fee for off-square vendors before June.

Dick Hines, Council Member

Spring Clean-up – Council Member Hines reminded the Council that the spring clean-up would be on May 16th.

Danny Hofheins, Council Member

Money Owed by Watts Enterprises – Council Member Hofheins asked the status of collecting past due bills owed by Watts Enterprises. Kraig Powell responded that he was preparing a letter to send to the company.

Swiss Alpine Road Improvements – Council Member Hofheins asked when Swiss Alpine Road

would be improved including the elimination of the sharp turns. Council Member Dodge responded that he spoke to Brent Hill, whose family owned the property on several sides of the turns, and gave him a proposed alignment. He said Mr. Hill was going to speak with his family. Council Member Dodge said that he would again contact Mr. Hill.

Kraig Powell, Attorney

Derelict Home at 250 North Homestead Drive – Mr. Powell reported on raising the derelict home. He said the property owner met with the inspector and there was asbestos that needed to be removed. He thought that the removal would occur within several days. He hoped that the home could be demolished and the debris removed within the following weeks. He noted that an agreement still needed to be signed by the property owner.

Wes Johnson, Engineer

2015 Road Improvements/Pine Canyon Road – Mr. Johnson reported that there was a lot of mud in the new sewer trench, on Pine Canyon Road, and fill was being brought in to stabilize the base.

Michael Henke, Planning Director

Building Permits – Mr. Henke reported that a lot of building permits were being submitted.

Tent at Race Horse Lane – Mr. Henke reported that the illegal tent at Race Horse Lane had been taken down.

Debris/Lots on 260 South – Mr. Henke reported that there were two lots on 260 South which had debris on them. He said one lot was being cleaned up by the owner. He said the owner of the other lot refused the certified letter from the City.

Kenny Van Wagoner, Council Member

Meeting Times – Council Member Van Wagoner asked if council meetings should begin at 5:00 p.m. like that evening. Mayor Bonner thought that was too early but suggested 6:00 p.m. The Council agreed to hold its meetings at 6:00 p.m.

14. Adjournment

Motion: Council Member Van Wagoner moved to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 8:49 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder

DRAFT