

MIDWAY CITY COUNCIL REGULAR MEETING

Wednesday, 24 January 2018, 6:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small town Swiss character & natural environment, as well as remaining fiscally responsible.

1. Call to Order

a. Pledge of Allegiance

b. Prayer and/or Inspirational Message

(Any Midway resident interested in giving a prayer or an inspirational message may contact the City Recorder at bwilson@midwaycityut.org or 435-654-3223 x118.)

2. Consent Calendar

Be it hereby moved that the following consent calendar items stand approved:

- a. Agenda for the 24 January 2018 City Council Regular Meeting.
- b. Warrants
- c. Minutes of the 10 January 2018 City Council Work Meeting
- d. Minutes of the 10 January 2018 City Council Regular Meeting.
- e. Release the construction bond, minus 10%, and begin the one-year warranty period for the Dutch Canyon Subdivision located at 600 East Saddle Drive.

3. Public Comment (Approximately 2 minutes per person) – This is the public's opportunity to comment on items not on the agenda. Please state your name and address.

4. Financial Statements / Audit Report (Approximately 10 minutes) – Receive a presentation on the fiscal year 2017 financial statements (Ryan Child) and audit (Ben Probst).

5. Lundin Annexation / Proposal from Petitioners (Approximately 20 minutes) – Receive and discuss a proposal from the petitioners for the Lundin Annexation located at approximately 600 West Swiss Alpine Drive.

6. Land Use Amendments – (Approximately 60 minutes) – Non-Action item. Discuss the following land use amendments. Public hearing.

a. **Ordinance 2018-05 / Frontage and Acreage Requirements** - Proposed Ordinance 2018-05 amending Section 16.16.12 of the Midway City Municipal Code regarding frontage and acreage requirements related to open space for large scale subdivisions. Recommended without conditions by the Midway City Planning Commission.

b. **Ordinance 2018-06 / Setbacks** – Proposed Ordinance 2018-06 amending Sections 16.16.8, 16.16.9 and 16.17.7 of the Midway City Municipal Code regarding setbacks in developments. Recommended without conditions by the Midway City Planning Commission.

c. **Ordinance 2018-08 / Open Space Requirements** – Ordinance 2018-08 amending Sections 16.16.11 and 16.16.12 of the Midway City Municipal Code regarding open space requirements for large scale subdivisions and planned unit developments. Recommended without conditions by the Midway City Planning Commission.

7. **Ordinance 2018-07 / PUD Densities** (Approximately 20 minutes) – Non-action item. Discuss proposed Ordinance 2018-07 amending Section 16.16.8 of the Midway City Municipal Code regarding density in planned unit developments. Recommended without conditions by the Midway City Planning Commission. Public hearing.
8. **Ordinance 2018-03 / Residential Condominiums in the C-2 Zone** – Discuss and possibly adopt proposed Ordinance 2018-03 amending Sections 16.5.2 and 16.13.36 of the Midway City Municipal Code to allow residential condominiums in the C-2 zone. Recommended with conditions by the Midway City Planning Commission. Public hearing.
9. **Ordinance 2018-04 / Height Restrictions in Commercial Zones** – Discuss and possibly adopt proposed Ordinance 2018-04 amending Section 16.13.36 (D) of the Midway City Municipal Code limiting height restrictions of commercial PUD's and condominium projects. Recommended without conditions by the Midway City Planning Commission. Public hearing.
10. **Resolution 2018-03 / Pending Ordinance** - Discuss and possibly approve proposed Resolution 2018-03 notifying the public of a pending ordinance regarding master plan water requirements, uses not stated in zones, residential facilities for the elderly, appeals process, duplexes in the R-1-9 zone, conditional use permits, daycare facilities, and credits/benefits for private roads.
11. **Department Reports**
12. **Adjournment**

Published on the Utah Public Notice Website on 19 January 2018 at 5:00 p.m. by Brad Wilson (City Recorder)
Posted on 19 January 2018 at 5:00 p.m. by Brad Wilson (City Recorder)

The order of individual items on this agenda is subject to change up to 24 hours in advance.
All times are approximate.

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Brad Wilson at the Midway City Office Building, at 75 North 100 West, Midway, UT 84049, 1-435-654-3223 x104, or by email at: bwilson@midwaycityut.org.

Midway City Council
24 January 2018
Regular Meeting

Warrants

Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
545								
545	HICKEN OXYGEN @ PLAZA	R113017-58	OXYGEN	11/30/2017	24.00	24.00	01/11/2018	
Total 545:					24.00	24.00		
785								
785	METALMART	558767	iron worker cut	01/10/2018	99.87	.00		
Total 785:					99.87	.00		
800								
800	MIDWAY IRRIGATION COMPAN	01032018	AS PER RESOLUTION 2013-08 4	01/03/2018	18,658.08	18,658.08	01/11/2018	
Total 800:					18,658.08	18,658.08		
845								
845	MOUNTAINLAND SUPPLY, LLC	S102462703.0	Valve Box risers	01/08/2018	1,137.30	.00		
845	MOUNTAINLAND SUPPLY, LLC	S102478529.0	Supplies	01/09/2018	353.66	.00		
845	MOUNTAINLAND SUPPLY, LLC	S102478529.0	Water Meter bolt kit	01/09/2018	1.55	.00		
845	MOUNTAINLAND SUPPLY, LLC	S102478680.0	Supplies	01/09/2018	360.58	.00		
845	MOUNTAINLAND SUPPLY, LLC	S102481470.0	Supplies	01/11/2018	413.15	.00		
845	MOUNTAINLAND SUPPLY, LLC	S102482682.0	Sensus, Swivel Hose Adapter	01/16/2018	23.62	.00		
845	MOUNTAINLAND SUPPLY, LLC	S102482682.0	Sensus Bottom Plate Liner	01/16/2018	8.53	.00		
Total 845:					2,298.39	.00		
875								
875	OFFICE DEPOT	993932018001	Binder cover	01/03/2018	22.92	.00		
875	OFFICE DEPOT	993932018001	File, mobile	01/03/2018	76.28	.00		
875	OFFICE DEPOT	994095912001	Stamps, processing fee	01/04/2018	540.00	.00		
875	OFFICE DEPOT	994913799001	SUPPLIES	01/08/2018	25.50	.00		
Total 875:					664.70	.00		
930								
930	Dominion Energy	2731063797 1/	2731063797 COMMUNITY CENT	01/11/2018	783.88	.00		
930	Dominion Energy	5770020000 1/	town hall 5770020000	01/11/2018	646.81	.00		
930	Dominion Energy	6558550000 1/	MAINTENANCE SHOP 65585500	01/11/2018	985.42	.00		
930	Dominion Energy	6801020000 01	ADMIN OFFICES 6801020000	01/11/2018	248.28	.00		
Total 930:					2,664.39	.00		
945								
945	CENTURYLINK - 435-654-3223 2	3223 269B 1/2	435-654-3223 269B	01/07/2018	435.56	.00		
Total 945:					435.56	.00		
955								
955	REAMS	717057	Boots	01/10/2018	360.00	.00		
Total 955:					360.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1045								
1045	STANDARD PLUMBING SUPPLY	GYVM02	Seat cover, clevis hanger	01/16/2018	17.13	.00		
Total 1045:					17.13	.00		
1150								
1150	HOME DEPOT Credit Services	0062304	SUPPLIES	12/19/2017	408.90	408.90	01/11/2018	
1150	HOME DEPOT Credit Services	3072530	SUPPLIES	12/06/2017	342.99	342.99	01/11/2018	
1150	HOME DEPOT Credit Services	6130117	SUPPLIES	12/13/2017	1,412.00	1,412.00	01/11/2018	
1150	HOME DEPOT Credit Services	6590477	SUPPLIES	12/13/2017	57.13	57.13	01/11/2018	
1150	HOME DEPOT Credit Services	9563003	SUPPLIES	11/30/2017	238.27	238.27	01/11/2018	
1150	HOME DEPOT Credit Services	9563004	SUPPLIES	11/30/2017	3.25	3.25	01/11/2018	
Total 1150:					2,462.54	2,462.54		
1170								
1170	TIMBERLINE ACE HARDWARE	115596	Paint thinner Vocoilenm	01/17/2018	79.96	.00		
Total 1170:					79.96	.00		
1305								
1305	VERIZON WIRELESS	9799012026	Cellular Service	01/01/2018	334.39	.00		
Total 1305:					334.39	.00		
1310								
1310	WASATCH AUTO PARTS	131532	Supplies	01/02/2018	54.63	.00		
1310	WASATCH AUTO PARTS	132166	Supplies	01/10/2018	92.56	.00		
Total 1310:					147.19	.00		
1365								
1365	WAVE PUBLISHING	L15900	PUBLIC NOTICE	01/03/2018	74.00	.00		
1365	WAVE PUBLISHING	L15905	PUBLIC NOTICE	01/03/2018	166.50	.00		
Total 1365:					240.50	.00		
1392								
1392	WASATCH COUNTY TREASURE	01182018	0013-2741 Christensen Footage I	01/01/2018	27.50	.00		
1392	WASATCH COUNTY TREASURE	01182018	0013-2766 Fox Footage Incorrect	01/01/2018	120.48	.00		
1392	WASATCH COUNTY TREASURE	01182018	0013-2790 Rasband Footage Inco	01/01/2018	66.26	.00		
1392	WASATCH COUNTY TREASURE	01182018	0013-2808 Power	01/01/2018	15.13	.00		
1392	WASATCH COUNTY TREASURE	01182018	0013-9712 Lovelass Footage Inco	01/01/2018	30.07	.00		
1392	WASATCH COUNTY TREASURE	01182018	0014-1197 Warren board recomm	01/01/2018	11.07	.00		
1392	WASATCH COUNTY TREASURE	01182018	0014-2310 Romney Adjust to rem	01/01/2018	25.18	.00		
1392	WASATCH COUNTY TREASURE	01182018	0014-2633 Ray Footage Incorrect	01/01/2018	13.65	.00		
Total 1392:					309.34	.00		
1407								
1407	CHARLIE POWELL	2017-002	Inspection service	11/16/2017	405.00	405.00	01/11/2018	
Total 1407:					405.00	405.00		
1421								
1421	HEBER LIGHT & POWER	85	Material and Labor	12/31/2017	1,732.59	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1421:					1,732.59	.00		
1571								
1571	FASTENAL IND & CONST SUPP	UTHEB59315	SUPPLIES	01/10/2018	39.78	.00		
1571	FASTENAL IND & CONST SUPP	UTHEB59472	SUPPLIES	01/16/2018	65.94	.00		
Total 1571:					105.72	.00		
1821								
1821	WEX BANK	52537217	FUEL	01/01/2018	837.42	.00		
Total 1821:					837.42	.00		
1931								
1931	KW ROBINSON CONSTRUCTIO	01102018	Public Works Site Grading Reque	01/05/2018	177,352.63	177,352.63	01/11/2018	
Total 1931:					177,352.63	177,352.63		
1966								
1966	ELECTRICAL WHOLESALE SUP	914482613	SUPPLIES	01/09/2018	8.74	.00		
Total 1966:					8.74	.00		
2215								
2215	O'REILLY AUTO PARTS	3664-310722	Supplies	01/10/2018	9.99	.00		
Total 2215:					9.99	.00		
2377								
2377	RIDLEY'S FAMILY MARKETS	9000410826-1	Credit	12/26/2017	18.99-	.00		
Total 2377:					18.99-	.00		
2418								
2418	FINAL COMPLETION DEPOSIT	17-119 FCD	17-119 Final Completion Deposit	01/18/2018	1,500.00	.00		
Total 2418:					1,500.00	.00		
2422								
2422	STATE OF UTAH	12312017	BUILDING PERMIT FEE 4th Quar	01/02/2018	434.87	434.87	01/11/2018	
Total 2422:					434.87	434.87		
2438								
2438	THE CHRISTMAS LIGHT PROFE	19926	Hanging Christmas Lights	10/19/2017	7,559.57	.00		
2438	THE CHRISTMAS LIGHT PROFE	24534	15 Trees along rd, Mini Light LED	11/16/2017	4,236.45	.00		
2438	THE CHRISTMAS LIGHT PROFE	24688	Fixing cords Mini Light LED W2	11/21/2017	169.20	.00		
Total 2438:					11,965.22	.00		
2456								
2456	IWORQ	9321	INternet cemetery	09/19/2017	1,200.00	.00		
2456	IWORQ	9321	INternet Fleet Management Applic	09/19/2017	1,750.00	.00		
Total 2456:					2,950.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2563								
2563	CENTURYLINK 76612167	1429457548	Phone Service Ffor 435-654-3227	12/31/2017	23.99	.00		
Total 2563:					23.99	.00		
2582								
2582	WEST COAST CODE CONSULT	1-217-504-016	Plan Review Services	01/11/2018	170.00	.00		
2582	WEST COAST CODE CONSULT	1-217-504-017	Plan Review Services	01/10/2018	449.80	.00		
Total 2582:					619.80	.00		
2627								
2627	Gordon Law Group, P.C.	7/25/1908	Monthly Flat Fee (December)	12/28/2017	4,700.00	4,700.00	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Monthly Flat Fee (December)	12/28/2017	300.00	300.00	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Whitaker Farm Annexation	12/28/2017	3,601.00	3,601.00	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Jones Farm Subdivision	12/28/2017	390.00	390.00	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Sunburst Ranch, Phase III	12/28/2017	250.25	250.25	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Cascades at Soldier Hollow, Phas	12/28/2017	48.75	48.75	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Deer Creek Estates	12/28/2017	263.25	263.25	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Lundin Annexation	12/28/2017	156.00	156.00	01/11/2018	
2627	Gordon Law Group, P.C.	7/25/1908	Watts/Midway Springs Appeal	12/28/2017	6,180.00	6,180.00	01/11/2018	
Total 2627:					15,889.25	15,889.25		
2658								
2658	SIGNARAMA	INV-717	Embroidery	01/15/2018	64.00	.00		
Total 2658:					64.00	.00		
2666								
2666	MARKETING VIDEOS CLUB	B5	Live Stream 1-10-18	01/10/2018	225.00	.00		
Total 2666:					225.00	.00		
2672								
2672	Child Richards	89672	Audit Accounting	12/31/2017	3,500.00	.00		
Total 2672:					3,500.00	.00		
2683								
2683	NORCO INC	27072735869	Fule cap	12/27/2017	11.54	.00		
2683	NORCO INC	BLKK3	6820LC 3/32 308L SS 10 LB/BX	12/31/2017	2,327.60	.00		
Total 2683:					2,339.14	.00		
2687								
2687	BJ Wright	01182018	Reimbursement for Upsizing Wate	01/18/2018	9,674.64	.00		
Total 2687:					9,674.64	.00		
Grand Totals:					258,415.05	215,226.37		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Treasurer: _____

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Midway City Council
24 January 2018
Regular Meeting

Minutes of the
10 January 2018
Work Meeting



Memo

Date: 17 January 2018
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 10 January 2018 City Council Work Meeting

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

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

**Wednesday, 10 January 2017, 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 Director, Public Works Assistant Crew Chief, 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

Mayor Johnson called the meeting to order at 5:00 p.m.

2. Development Moratorium/ Advantages and Disadvantages – Discuss the advantages and disadvantages of enacting a development moratorium.

Michael Henke gave a presentation and progress report on amendments to the Municipal Code. He indicated which amendments had been completed and which ones were still being considered. He also reviewed other potential amendments.

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

Council Member Drury noted that it would take a lot of time to consider all the amendments. Mayor Johnson wanted the most important amendments to take precedence. She asked Mr. Henke to email a list of the amendments to the City Council. She then asked the Council to prioritize them and return the list to Mr. Henke the following week. Corbin Gordon asked the Council to indicate any amendments that should not be considered.

Mr. Gordon made the following comments regarding the proposed development moratorium:

- Had distributed memos to the Council regarding the moratorium and a notice of pending ordinance.
- Recommended adopting a notice of pending ordinance, instead of another moratorium, because it was less risky.
- The notice should be specific in its time and scope.
- It would be legally defensible.
- It would apply to an amendment for up to six months from the time the amendment was first considered in a meeting.

- Amendments would have to be prioritized based on importance and from the date they were first considered.
- The portion of the Municipal Code to be amended had to be cited in the notice.
- The notice had to be specific enough that someone knew if it would affect them.
- There needed to be significant reasons to adopt a moratorium.
- A moratorium was an extreme form of planning.
- There was an argument that they had to be limited to six months.
- The Utah State Code did not expressly prohibit multiple moratoriums.

Council Member Drury asked if there was a minimum time requirement between moratoriums. Mr. Gordon responded that there was not a requirement.

Council Member Drury said that the purpose, of the original moratorium, was to adopt the recommendations from the general plan revision. He asked if it was legal to give priority to the recommendations over other agenda items. Council Member Van Wagoner questioned if that could be done.

Council Member Simonsen recommended that the City be proactive rather than reactive. He suggested a general policy that the recommendations from the revision take precedence over other items.

Council Member Van Wagoner said that he distributed to the Council and staff a document opposing moratoriums.

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

Mr. Henke noted that some residents thought that all current development applications had to abide by the notice of pending ordinance if it was adopted. Mr. Gordon responded that any applications, submitted before the notice was adopted, would not be affected.

3. Mayor Pro-Tempore / Election – Discuss the process of nominating and electing a mayor pro-tempore.

Mayor Johnson explained the process that would be used to elect a mayor pro-tempore. She indicated that there would be nominations and then a vote. Council Member Christen recommended that Council Member Van Wagoner be the mayor pro-tempore.

4. Department Reports – Discuss the procedures for department reports. Also receive any department reports from the Council and staff.

Mayor Johnson wanted to change department reports. She indicated that half of the departments would report at one council meeting while the others would report at the following meeting. She asked that departmental information be included in the packet for the meeting. Council Member Van Wagoner responded that some departments might need to report at every meeting depending upon the number of projects, time of the year, etc.

Mayor Johnson indicated that council assignments would be finalized at the January 24th work

meeting. She noted that Council Member Christen had already been assigned to the Heber Valley Tourism and Economic Development Board. She asked that the Council email to her any assignment suggestions.

Mayor Johnson indicated that new assignments would be created for the State Legislature and planning commission liaison. She noted that the City had three votes with the Utah Leagues of Cities and Towns (ULCT) and should utilize them. Council Member Simonsen suggested that the City pool its votes.

Mayor Johnson suggested that the Council hold work meetings. She thought that they would help inform the Council. Council Member Simonsen also thought that more time taken in work meetings, to discuss issues, would reduce the time needed for regular meetings. The Council discussed having work meetings on Thursday evenings, Monday evenings, or right before the regular meetings. Work meetings during the day were also discussed. The concern was raised that meetings during the day would be difficult for the public to attend. It was suggested that an item be discussed at a work meeting only after the public hearing was held.

The Council decided to hold work meetings at 10:00 a.m. on the Wednesdays of the regular meetings. This schedule would be reviewed if there was concern from the public.

5. Council Retreat / Date and Time – Schedule a date and time for a retreat for the City Council.

The Council decided to hold a retreat at its first work meeting on January 24th at 10:00 a.m.

6. Information for Council Meetings – Discuss how information is provided to the City Council for its meetings.

Mayor Johnson indicated that there would be a vetting process for items to be on a council agenda. She added that items would be taken off the agenda if supporting information was not submitted before Thursday evening. She also indicated that a packet of supplemental information would no longer be provided just before the meeting.

The Council discussed how they would receive information for a meeting. It was decided that paper copies would still be distributed the Friday before the meeting. The information would also be posted on the City's website. Council Member Drury indicated that he would access the information from the website and did not need a paper copy.

7. ULCT / Legislation & Lobbying – Discuss the Utah League of Cities and Towns and Associated Legislative Options and Lobbying.

Mayor Johnson recommended that the City be more active in the State Legislature. She noted that the ULCT day at the Legislature was on January 24th. She also noted that date conflicted with the work meeting, but thought that the Council should normally attend.

8. Adjournment

The meeting was adjourned at 6:02 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT

Midway City Council
24 January 2018
Regular Meeting

Minutes of the
10 January 2018
Regular Meeting



Memo

Date: 17 January 2018
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 10 January 2018 City Council Regular Meeting

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

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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 Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:06 p.m.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member
Jeff Drury, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

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

Kris Ward gave the prayer and/or inspirational message. Mayor Johnson led the Council and meeting attendees in the pledge of allegiance.

2. Mayor Pro Tempore – Discuss and possibly elect a member of the Midway City Council to be mayor pro tempore.

Motion: Council Member Christen nominated Council Member Van Wagoner to be the mayor pro tempore.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

3. Consent Calendar

- a. Agenda for the 10 January 2018 city council regular meeting.
- b. Warrants
- c. Minutes of the 13 December 2017 city council regular meeting.
- d. Minutes of the 13 December 2017 appeal board hearing.
- e. Ordinance 2018-01 - Prescribing the time and place of the regular meetings of the Midway City Council.
- f. The bond for the Midway City mayor.
- g. Conclude the warranty period and release the remainder of the bond for the Wright Subdivision, located at 131 West 970 South, subject to the payment of all fees due to Midway City.
- h. Resolution 2018-01 - Compensation for Service on the Heber Light & Power Company Board of Directors

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

Mayor Johnson read the consent calendar.

Motion: Council Member Christen moved to approve the consent calendar with Ordinance 2018-01 including work meetings at 10:00 a.m. on the second and fourth Wednesdays of each month.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

4. Public Comment – Comments were taken for items not on the agenda.

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

Lundin Annexation

Randy Lundin made the following comments:

- Requested that the Council either approve or deny his family's annexation petition.
- Had given a final offer to the City regarding the conditions for annexation. Understood that the offer did not include everything that the City wanted.
- Asked that a vote on the petition be on the agenda for the next council meeting.
- The annexation was small with 3.9 acres.
- Originally the City did not require a second access for the family's subdivision.
- The access was required when Saint-Prex Estates, on the other side of Swiss Alpine Road, was proposed by someone else.
- The access requirement was not fair to his family.
- Part of the access would be a single lane until Robert Fuller's property was developed.
- The access would not work for school buses.
- A requirement to landscape, between Swiss Alpine Road and the Swiss Heights Mobile Home Park, should have nothing to do with the annexation. The land was part of the family's farm and not the Mobile Home Park.
- Tom Whitaker had not been required to landscape Memorial Hill as part of his annexation.
- Moving the open space in their proposed subdivision, as required by the City, would make it difficult to access the northern lots.
- Recommended that the second access follow the route of the old irrigation ditch through Sunburst Ranch, Phase III to Lime Canyon Road. It was a good time to use this route because the needed property in Lime Canyon was being developed.

Mayor Johnson confirmed that the annexation would be reviewed at the next work meeting and considered for action at the regular meeting the same day. She cautioned that the Council's decision might not be favorable because several issues were still unresolved.

Nora Lundin read the following statement:

I am part of the fourth generation of Lundins to own the land west of Homestead Drive including the trailer park and extending to the ridgeline going west (Approximately 130 acres west of Midway City). The Lundins bought the original piece in 1893. Since then the Lundins have paid taxes, tried to be good neighbors and good stewards of the land. The Lundins predate the founding of Midway and of Wasatch County.

About a year ago the Lundin family started the process of annexing some property into Midway in order to build a subdivision for myself and three brothers to have house lots. During this process it was explained to us, that in order for us to build our subdivision, we would have to provide a second access to Swiss Alpine for the safety of the people already living in the hundreds of houses currently in the subdivisions along Swiss Alpine Road. We have worked very hard for months to come up with a plan that would provide this second access and also further our goal of having homes on our property. After many months of negotiations, we were told by Michael Henke that Midway City was unable to make the road a condition of our subdivision but could make it a condition of our annexation.

In addition to providing the land for the road, Midway would require us to do landscaping along the southern edge of the mobile home park which is a separate parcel of land and not connected to the proposed piece to be annexed. We are also to pay into the parks

fund and reconfigure our landscaping for our proposed subdivision.

None of these things had ever been discussed as part of the annexation until late summer. Several more months of negotiation ensued. In December a meeting was held with Mr. Henke and the Mayor, at that time Colleen Bonner. At the end of the meeting Mr. Henke told us that if we wrote an email, detailing our final terms, he would get us on the agenda for January 10th for a final vote. On December 11th, I wrote an email detailing what we would agree to and what we would not, stating very clearly that this was our final offer and that we needed to have a yes or no vote from the Council so that we could move forward whatever plan we needed to do. Instead of placing us on the agenda, Mr. Henke emailed me last week and said that my email was unclear to what we were going to do, and more meetings were needed to get our annexation on the agenda. My email of December 11th could not have been more simple and explicitly stated as to what we were willing to accept and weren't. I feel this was a stalling technique being used for Midway to force us into complying with every condition they have put forth for annexation.

In conclusion, I feel that we have tried to be the solution to the problem from the beginning and that Midway has kept adding on more conditions in order for us to simply live on the property that we have owned for 120 years. It honestly feels a lot like extortion. All that we are asking for is to be put on the agenda and the Council to vote yes or no. No more negotiating. We would really like to move forward with either plan "A" or plan "B".

Mayor Johnson reviewed the new process to put an item on a council agenda. She wanted to give everyone an opportunity to come before the council. She also wanted as much information as possible given to the Council before its meetings.

Swearing in Ceremony / Pure Midway Board

Clint Coleman said that he was disappointed the Mayor and new members of the Council chose to hold a private ceremony instead of being sworn in at a public meeting.

Mr. Coleman said that it was a conflict of interest for Mayor Johnson and Council Member Simonsen to be on the board of Pure Midway.

Mayor Johnson responded that the ceremony was not private. She added that the date accommodated some of her family that was in town. She stated that she and Council Member Simonsen were no longer on the Pure Member Board.

Council Member Simonsen responded that he was only concerned that the swearing in be done as soon as possible. He apologized for any error in judgement.

No further comments were offered.

- 5. Appoint Treasurer and Recorder** (Approximately 5 minutes) – Discuss and possibly appoint Jennifer Sweat as the Midway City treasurer and Brad Wilson as the Midway City recorder.

Motion: Council Member Van Wagoner moved to appoint Jennifer Sweat to continue as the Midway City treasurer and Brad Wilson to continue as the Midway City recorder.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Mayor Johnson thanked all the City's employees and recognized them for their dedication.

6. Ordinance 2018-02 / Development Moratorium – A proposed ordinance enacting a moratorium on new development applications.

Corbin Gordon made the following comments:

- The Council discussed the proposed moratorium at a work meeting.
- Prepared a memorandum regarding the issue.
- Thought that it was legally questionable to adopt one moratorium right after another.
- The State Code did not specify how much time there needed to be between moratoriums.
- Recommended adopting a notice of pending ordinance instead.
- This would allow the City to work on code text amendments that would apply to development applications submitted within six months after the notice was adopted.

Council Member Simonsen thought that Mr. Gordon's work was thorough and supported a notice of pending ordinance.

Council Member Drury said that the intent of the original moratorium was to codify the recommendation from the general plan revision. He thought that a notice of pending ordinance was a good course of action. He recommended that the amendments be prioritized.

Michael Henke indicated that the most important amendments were almost completed.

Council Member Probst stated that a notice of pending ordinance was the most reasonable option.

Motion: Council Member Christen moved to deny Ordinance 2018-02.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Council Member Probst noted that a lot of residents wanted another moratorium. He said that the City needed to inform them that a notice of pending ordinance was a more reasonable option. Mayor Johnson responded that more information would be posted on the City's website. She also noted that additional notices could be adopted that covered other amendments.

Mayor Johnson asked if there was any public comment on the issue. There were no comments.

7. Resolution 2018-02 / Pending Ordinance - Discuss and possibly adopt resolution 2018-02 notifying the public of a pending ordinance regarding planned unit developments, lot size and frontage requirements when open space is required, open space requirements, required setbacks along collector roads in certain specified zones and other related issues.

Corbin Gordon asked that the proposed resolution, noticing a pending ordinance, cite the specific sections of the Municipal Code to be amended. Mayor Johnson reviewed the amendments included in the resolution.

Council Member Drury asked if additional amendments should be added to the resolution. Mr. Gordon responded that other resolutions, noticing additional amendments, could be adopted in the future.

Mayor Johnson asked if there was any public comment on the issue. There were no comments.

Michael Henke indicated that Sections 16.16.8, 16.16.12 and 16.16.9 would be affected by the amendments proposed in the resolution.

Motion: Council Member Simonsen moved to adopt Resolution 2018-02, notifying the public of a pending ordinance, specifying that Sections 16.16.8, 16.16.12 and 16.16.9 would be amended.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye

- 8. Carpentry and Woodworking Workshop / Conditional Use Permit** (Approximately 25 minutes) – Discuss and possibly grant a conditional use permit for a carpentry and woodworking workshop proposed at 30 East 100 South. Recommended by the Midway City Planning Commission. Public hearing required.

Presentation / Discussion

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

- Land use summary
- Proposed location of the workshop
- Site plan and building layout
- Setbacks
- Water Advisory Board recommendations
- Building elevations
- Pictures of sample buildings
- VAC recommendations
- Planning Commission recommendations
- Possible findings

Mr. Henke also made the following comments:

- All property owners within 600 feet of the proposed conditional use had been mailed a notice.
- There was room for additional parking spaces.
- Any future use of the building would have to meet parking requirements.
- A landscaping plan had to be approved by the Vision Architecture Committee (VAC) before a building permit would be issued.
- The parking should be hidden by landscaping.
- The VAC reviewed the design of the building. It recommended approval with the addition of certain architectural elements. It recommended giving the applicant one year to install the elements, since he would build them himself.
- The impact of the business on the neighbors could be considered and mitigated with reasonable conditions.
- The Planning Commission recommended that the woodworking area be insulated for noise.
- If the business created a nuisance, then the City could work with the owner to resolve it.
- The business would be more of a hobby for the applicant.
- Secondary water would be used for landscaping and not inside the building.

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

Bill Chaney, applicant, made the following comments in response to questions from the Council:

- Any smell from the business would be reduced because he would rub on rather than spray lacquers, etc.
- His work would be custom rather than production.
- The dust collection system would be self-contained, use sealed bags and be completely housed inside the building.
- The second story would be a mezzanine and not living quarters. He indicated that it might be used for storage or an office.
- The building would be metal.
- He would sell his products over the internet and through word-of-mouth.
- He would deliver or ship his products.

Council Member Christen expressed concern that the business would be on a road with a sidewalk that was used by a lot of children.

Council Member Christen asked if potential problems like smell could be readdressed if the property was sold. Mr. Henke responded that they could be readdressed.

Council Member Simonsen asked how smell would be measured. Mr. Henke responded that smell was regulated in the Municipal Code but there was not a quantitative measurement.

Mr. Henke indicated that normally the City would not want a metal building.

Corbin Gordon was concerned about there being only one parking space. He recommended a note and restriction specifying that future owners would have to evaluate the parking. Mr. Henke responded that evaluation could occur when a business license was requested.

Council Member Simonsen pointed out that, according to the City's parking requirements, only three spaces were required for six employees.

Mayor Johnson thanked Mr. Chaney for visiting the neighbors regarding the proposal.

Public Hearing

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

Phillip Douglas

Mr. Douglas, who would build the workshop, appreciated working with the City. He said that Mr. Chaney would be a local artisan that made cool things. He also noted that there would be space in the building to pick up items.

Maggie Fugitt

Ms. Fugitt asked if large trucks would deliver materials to the business. Mr. Chaney responded that he would bring in his own materials with a truck and trailer.

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

Action

Mr. Henke pointed out that on-street parking would be available. He said that the business would not have a showroom.

Motion: Council Member Probst moved to grant a conditional use permit, for a carpentry and woodworking workshop, subject to the recommendations of the Planning Commission, Water Advisory Board and the VAC.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

9. Midway Art Association / Lease Agreement (Approximately 10 Minutes) – Discuss and possibly approve an agreement, with the Midway Art Association, to lease space in the Midway Town Hall located at 140 West Main Street.

Corbin Gordon explained that the original approval of the agreement did not require that it come back to the Council for review. He indicated that the Art Association was reviewing the agreement and it would be reconsidered by the Council if there were changes.

Motion: Council Member Christen moved to table consideration of the lease agreement.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

10. Impact Fee Report (Approximately 10 Minutes) – Receive a report on the receipt and use of impact fees for Midway City for fiscal year 2017.

Brad Wilson presented the impact fee report for fiscal year 2017. He explained impact fees,

reviewed the impact fees on hand on 30 June 2017, and reviewed projected expenditures for the fees. He also explained that road impact fees, which had been held longer than six years, were encumbered for the construction of Michie Lane.

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

The Council and staff reviewed the Alpenhof Park. Wes Johnson reported that the new Alpenhof-Weber well was in the park. He said that a landscaping company would be hired to re-landscape now that the well construction had finished.

Council Member Christen reviewed needed repairs and maintenance to the park. She also reviewed safety issues that needed to be addressed.

Council Member Probst asked if the wellhouse needed to be fenced. It was decided that did not need to be fenced.

Mr. Johnson explained how impact fees were used when improving existing roads and infrastructure.

Michael Henke explained the importance of Michie Lane and that it was one of a limited number of east to west connecting roads.

11. Department Reports

Celeste Johnson, Mayor

Work Meetings – Mayor Johnson reported that the City Council would hold work meetings on the second and fourth Wednesday's of each month at 10:00 a.m. She invited the public to attend.

Ken Van Wagoner, Council Member

Public Works Building / Expansion – Council Member Van Wagoner reported on the expansion of the City's public works building. He indicated that the structure had been purchased.

Lisa Christen, Council Member

Ice Rink / Skates – Council Member Christen reported that new skates needed to be purchased for the City's ice rink.

Ice Rink / Zamboni – Council Member Christen reported that the Zamboni for the ice rink kept breaking down. She said that another Zamboni, which was the same model, was available in Park City for \$9,500. She recommended that it be purchased before the next meeting.

Council Member Simonsen asked why the current Zamboni kept breaking down. Council

Member Christen responded that it had not been properly maintained.

Council Member Simonsen supported purchasing the additional Zamboni if it passed an inspection. He liked that parts for the two machines were interchangeable.

Brad Wilson noted that the operator and operating agreement had changed since the budget for the ice rink was adopted. He asked to review the agreement and the budget to ensure that funds were available for the additional purchases.

Commercial Zones / Parking – Council Member Christen reported that parking was a problem along 100 West, between Main Street and 100 South, because a new restaurant had opened. She indicated that customers were parking in private driveways, etc. Mr. Henke responded that the new restaurant met the City's parking requirements.

Mayor Johnson asked if parking needed to be delineated along the road. She suggested that the issue be considered at the Council's next work meeting.

Mr. Henke noted that the City rebuilt the road in part to address parking issues.

Mr. Henke suggested hiring a consultant to review parking needs and requirements in and around the commercial zones.

12. Adjournment

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

The meeting was adjourned at 8:05 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
24 January 2018
Regular Meeting

Dutch Canyon Subdivision /
Release Construction Bond

728 West 100 South
Heber, UT 84032
www.horrocks.com



Heber Office
Tel: 435.654.2226
Fax: 435.657.1160

January 24, 2018

Brad Wilson
Midway City Recorder
75 North 100 West
Midway, Utah 84049

Subject: Dutch Canyon Subdivision, Construction Final, Warranty to Begin

Dear Brad:

Dutch Canyon Subdivision has received a final construction inspection. All items appear to be complete as shown on the approved construction drawings. Horrocks Engineers recommends the one year warranty period to begin. With construction final approval the construction bond may be released, minus the 10% warranty bond. The 10% warranty bond should be held through the one year warranty period. Occupancy Permits may now be issued. A slurry seal will be required before the end of the warranty period expiration, as well as the sewer lines being cleaned and videoed.

We appreciate working with you on this project. Please call our office with any questions.

Sincerely,
HORROCKS ENGINEERS

A handwritten signature in blue ink, appearing to read "Wesley Johnson".

Wesley Johnson, P.E.
Midway City Engineer

cc: Michael Henke, Midway City Planner (sent by e-mail)
Wendy Johnson, Midway Building Department (sent by e-mail)
Russ Watts Developer (sent by e-mail)