

MIDWAY CITY COUNCIL REGULAR MEETING

Wednesday, 28 February 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 28 February 2018 City Council Regular Meeting.
- b. Warrants
- c. Minutes of the 14 February 2018 City Council Work Meeting.
- d. Minutes of the 14 February 2018 City Council Closed Meeting.
- e. Minutes of the 14 February 2018 City Council Regular Meeting.
- f. Conclude the warranty period and release the remainder of the bond for the Midway Highlands Subdivision, located on the northeast corner of Cari Lane and Homestead Drive, subject to the payment of all fees due to Midway City.

3. Public Comment (Approximately 15 minutes)

This is the public's opportunity to comment on items not on the agenda. Please state your name and address.

4. Business Hub / Town Hall (Chris Crittenden – Approximately 15 minutes) – Discuss and possibly allow a room in the Midway Town Hall, located at 120 West Main Street, to be used as a business hub.

5. Heber Valley Railroad / Report (Mark Nelson – Approximately 15 minutes) – Receive a report on the Heber Valley Railroad.

6. HVTD / Report (Ryan Starks – Approximately 15 minutes) – Receive a report from Heber Valley Tourism and Development.

7. Main Street Lamp Posts / LED Lightbulbs (Jason Norlen – Approximately 5 minutes) – Discuss installing LED lightbulbs in the decorative lamp posts along Main Street.

8. County Ordinance to Secure Loads (Melvin Kohler – Approximately 15 minutes) – Receive a presentation, on a possible county ordinance, requiring that all vehicle loads be secured.

9. **Ordinance 2018-05 / Frontage and Acreage Requirements** (Approximately 10 minutes) – Discuss and possibly adopt 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.
10. **Ordinance 2018-08 / Open Space Requirements** (Approximately 10 minutes) – Discuss and possibly adopt 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.
11. **Ordinance 2018-07 / PUD Densities** (Approximately 10 minutes) – Discuss and possibly adopt 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.
12. **Ordinance 2018-09 / Recusal for Conflict of Interest** (Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2018-09 amending Chapter 2.17 of the Midway City Municipal Code to require recusal when there is a conflict of interest.
13. **Department Reports**
 - a. Heber Valley Tourism and Economic Development, Midway Business Alliance and Legislative.
 - b. Midway Boosters, Ice Rink, Open Space, and the Swiss Days Committee.
 - c. Heber Light & Power Company, Heber Valley Railroad, Heber Valley Special Service District, and the Midway Sanitation District.
14. **Adjournment**

Published on the Utah Public Notice Website on _____ 2018 at _____ p.m. by Becky Wood (Deputy City Recorder)

Posted on _____ 2018 at _____ p.m. by Becky Wood (Deputy City Recorder)

Amended on _____ 2018 at _____ p.m. by Becky Wood (Deputy 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
28 February 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
255								
255	J&S Auto Inc.	5992-275965	Credit	07/27/2016	33.44	.00		
Total 255:					33.44	.00		
505								
505	HEBER CITY CORPORATION	388788	animal control (October 2017)	10/31/2017	3,691.59	3,691.59	02/15/2018	
505	HEBER CITY CORPORATION	388794	animal control (November 2017)	11/30/2017	3,809.33	3,809.33	02/15/2018	
505	HEBER CITY CORPORATION	388795	animal control (December 2017)	12/31/2017	4,912.26	4,912.26	02/15/2018	
Total 505:					12,413.18	12,413.18		
545								
545	HICKEN OXYGEN @ PLAZA	R013118-58	OXYGEN	01/31/2018	24.00	24.00	02/20/2018	
Total 545:					24.00	24.00		
875								
875	OFFICE DEPOT	105562188001	SUPPLIES	02/07/2018	100.20	100.20	02/15/2018	
875	OFFICE DEPOT	105562318001	SUPPLIES	02/07/2018	11.37	11.37	02/15/2018	
875	OFFICE DEPOT	105562319001	8GB Cruzer Glide USB	02/12/2018	35.01	35.01	02/20/2018	
875	OFFICE DEPOT	107464802001	SUPPLIES	02/14/2018	62.64	62.64	02/20/2018	
875	OFFICE DEPOT	107663074001	3" IP HD VW 11X17 Black	02/14/2018	18.24	18.24	02/20/2018	
Total 875:					227.46	227.46		
930								
930	Dominion Energy	2731063797 F	COMMUNITY CENTER 2731063	02/12/2018	752.86	752.86	02/20/2018	
930	Dominion Energy	5770020000 F	town hall 5770020000	02/12/2018	887.74	887.74	02/20/2018	
930	Dominion Energy	6558550000 F	MAINTENANCE SHOP 65585500	02/12/2018	946.23	946.23	02/20/2018	
930	Dominion Energy	6801020000 F	ADMIN OFFICES 6801020000	02/12/2018	231.35	231.35	02/20/2018	
Total 930:					2,818.18	2,818.18		
945								
945	CENTURYLINK - 435-654-3223 2	3223 2/2018	City of Midway 435-654-3223 269	02/07/2018	435.56	435.56	02/15/2018	
Total 945:					435.56	435.56		
1255								
1255	UTAH LOCAL GOVERNMENTS	1563353	WORKERS COMP FUND MONT	02/13/2018	1,068.28	1,068.28	02/20/2018	
Total 1255:					1,068.28	1,068.28		
1305								
1305	VERIZON WIRELESS	9800814296	Cellular Service	02/01/2018	334.39	334.39	02/15/2018	
Total 1305:					334.39	334.39		
1310								
1310	WASATCH AUTO PARTS	122413	Equipment Maintenance	09/12/2017	100.53	100.53	02/20/2018	
1310	WASATCH AUTO PARTS	122591	Buildings	09/14/2017	35.94	35.94	02/20/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1310	WASATCH AUTO PARTS	122853	Equipment Maintenance	09/18/2017	27.85	27.85	02/20/2018	
1310	WASATCH AUTO PARTS	122939	Equipment Maintenance	09/19/2017	41.38	41.38	02/20/2018	
1310	WASATCH AUTO PARTS	122959	Equipment Maintenance	09/19/2017	304.68	304.68	02/20/2018	
1310	WASATCH AUTO PARTS	123465	Equipment Maintenance	09/26/2017	40.96	40.96	02/20/2018	
1310	WASATCH AUTO PARTS	133661	Mobil 1 OW40	01/30/2018	174.42	174.42	02/15/2018	
1310	WASATCH AUTO PARTS	134370	Supplies for a bobtail	02/08/2018	127.66	127.66	02/15/2018	
1310	WASATCH AUTO PARTS	135260	Supplies for GMC truck	02/21/2018	29.98	.00		
Total 1310:					883.40	853.42		
1365								
1365	WAVE PUBLISHING	L 15938	Public Notice	01/31/2018	111.00	111.00	02/15/2018	
1365	WAVE PUBLISHING	L 15945	Public Notice	02/07/2018	37.00	37.00	02/15/2018	
1365	WAVE PUBLISHING	L 15951	Public Notice	02/07/2018	37.00	.00		
1365	WAVE PUBLISHING	L 15952	Public Notice	02/07/2018	536.50	.00		
1365	WAVE PUBLISHING	L 15955	Public Notice	02/07/2018	226.64	.00		
Total 1365:					948.14	148.00		
1542								
1542	STATE OF UTAH GASCARD/FU	NP52483326	FUEL	02/02/2018	1,664.22	1,664.22	02/15/2018	
Total 1542:					1,664.22	1,664.22		
1821								
1821	WEX BANK	52972667	FUEL	01/31/2018	1,113.18	1,113.18	02/20/2018	
1821	WEX BANK	52972667	LATE FEE	01/31/2018	75.00	75.00	02/20/2018	
Total 1821:					1,188.18	1,188.18		
1860								
1860	SAFETY-WEST, INC.	20291	Calibration Gas	02/22/2018	229.71	.00		
Total 1860:					229.71	.00		
1880								
1880	GILBERT & STEWART, PC	02222018	Audit	01/31/2018	10,250.00	.00		
Total 1880:					10,250.00	.00		
1934								
1934	SKAGGS COMPANIES INC	3026782 RI	EQUIPMENT	02/05/2018	280.88	280.88	02/15/2018	
1934	SKAGGS COMPANIES INC	3026820 RI	EQUIPMENT	02/05/2018	42.99	42.99	02/15/2018	
Total 1934:					323.87	323.87		
1992								
1992	K O ELECTRIC, INC.	3579	Repair Light at W Farms Springs	02/16/2018	65.00	65.00	02/20/2018	
Total 1992:					65.00	65.00		
2196								
2196	T&A SOLUTIONS, INC	1140	Ejector Body, Body Gaskets, Milie	02/08/2018	443.00	443.00	02/15/2018	
Total 2196:					443.00	443.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2220								
2220	DITCH WITCH OF THE ROCKIE	E00200	CREDIT	02/15/2018	1,095.00-	.00		
Total 2220:					1,095.00-	.00		
2244								
2244	PEAK ALARM CO, INC	864851	Alarm Maintenacne	03/01/2018	155.82	155.82	02/20/2018	
Total 2244:					155.82	155.82		
2264								
2264	GRAINGER	9694398737	Motor Grease	02/08/2018	23.86	23.86	02/15/2018	
Total 2264:					23.86	23.86		
2377								
2377	RIDLEY'S FAMILY MARKETS	2132018	SALES Tax Reimbursement (Oct.	02/13/2018	3,609.64	3,609.64	02/15/2018	
2377	RIDLEY'S FAMILY MARKETS	2132018	RESORT TAX Reimbursement (O	02/13/2018	1,932.09	1,932.09	02/15/2018	
Total 2377:					5,541.73	5,541.73		
2400								
2400	BRANDEN RUSSELL	02222018	UNdercover Training - Per Diem	02/22/2018	294.00	.00		
Total 2400:					294.00	.00		
2417								
2417	Utility Refunds	2152018	To apply to correct account	02/15/2018	213.00	213.00	02/15/2018	
Total 2417:					213.00	213.00		
2418								
2418	FINAL COMPLETION DEPOSIT	016-027 FCD	016-027 Final Completion Deposit	02/15/2018	1,500.00	1,500.00	02/15/2018	
2418	FINAL COMPLETION DEPOSIT	017-028 FCD	017-028 Final Completion Deposit	02/15/2018	1,500.00	1,500.00	02/15/2018	
2418	FINAL COMPLETION DEPOSIT	017-029 FCD	017-029 Final Completion Deposit	02/15/2018	1,500.00	1,500.00	02/15/2018	
2418	FINAL COMPLETION DEPOSIT	017-030 FCD	017-030 Final Completion Deposit	02/15/2018	1,500.00	1,500.00	02/15/2018	
2418	FINAL COMPLETION DEPOSIT	16-252 FCD	16-252 Final Completion Deposit	02/12/2018	1,500.00	1,500.00	02/15/2018	
2418	FINAL COMPLETION DEPOSIT	17-037 FCD	17-037 Final Completion Deposit	02/14/2018	1,500.00	1,500.00	02/15/2018	
2418	FINAL COMPLETION DEPOSIT	17-114 FCD	17-114 Final Completion Deposit	02/14/2018	1,500.00	1,500.00	02/15/2018	
2418	FINAL COMPLETION DEPOSIT	17-142 FDC	17-142 Final Completion Deposit	02/21/2018	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	17-145 FCD	17-145 Final Completion Deposit	02/22/2018	1,500.00	.00		
Total 2418:					13,500.00	10,500.00		
2421								
2421	PUBLIC FACILITIES DEPOSIT	16-199 PFD	16-199 public Facilities Deposit	02/14/2018	1,750.00	1,750.00	02/15/2018	
Total 2421:					1,750.00	1,750.00		
2456								
2456	IWORQ	9930	Management Service	02/14/2018	600.00	600.00	02/20/2018	
2456	IWORQ	9930	Management Service	02/14/2018	600.00	600.00	02/20/2018	
Total 2456:					1,200.00	1,200.00		
2483								
2483	UNIVERSAL GRINDING COMPA	02222018	Sharpen Skates	02/14/2018	469.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2483:					469.00	.00		
2561								
2561	CENTURYLINK -435-654-3924 4	02202018	Phone Service	02/07/2018	133.43	133.43	02/20/2018	
Total 2561:					133.43	133.43		
2562								
2562	CENTURYLINK 435-654-4204 77	4204 2/2018	Ticket Office 435-654-4204 775B	02/07/2018	46.27	46.27	02/15/2018	
Total 2562:					46.27	46.27		
2563								
2563	CENTURYLINK 76612167	1431911286	Phone Service 435-654-3227	01/31/2018	49.44	49.44	02/15/2018	
Total 2563:					49.44	49.44		
2582								
2582	WEST COAST CODE CONSULT	218-504-001	M Mercantile	02/06/2018	260.65	260.65	02/15/2018	
2582	WEST COAST CODE CONSULT	UT18-504-001	1/04/18 Chris Wasden Solar	02/09/2018	85.00	85.00	02/15/2018	
2582	WEST COAST CODE CONSULT	UT18-504-001	1/31/18 Nate Hanks Solar	02/09/2018	85.00	85.00	02/15/2018	
Total 2582:					430.65	430.65		
2614								
2614	Executech Utah, Inc.	44624	Monthly Licenses and Subscriptio	01/31/2018	551.26	.00		
2614	Executech Utah, Inc.	44624	Consulting Labor (Ice Rink)	01/31/2018	287.50	.00		
2614	Executech Utah, Inc.	45449	Monthly Maintenance Agreement	02/01/2018	910.00	.00		
Total 2614:					1,748.76	.00		
2627								
2627	Gordon Law Group, P.C.	3231	Monthly Flat Fee	02/02/2018	5,000.00	5,000.00	02/15/2018	
2627	Gordon Law Group, P.C.	3231	Additional Hours	02/02/2018	11,233.17	11,233.17	02/15/2018	
2627	Gordon Law Group, P.C.	3231	Midway Springs Subdivision	02/02/2018	646.00	646.00	02/15/2018	
2627	Gordon Law Group, P.C.	3231	Lundin Annexation	02/02/2018	546.00	546.00	02/15/2018	
Total 2627:					17,425.17	17,425.17		
2632								
2632	Symbol Arts	0299246-IN	Equipment	02/08/2018	150.00	.00		
Total 2632:					150.00	.00		
2636								
2636	CenturyLink 435-654-4120	1432786114	435-654-4120 Phone Services	02/11/2018	855.00	855.00	02/20/2018	
Total 2636:					855.00	855.00		
2666								
2666	MARKETING VIDEOS CLUB	INV-0599	Live Stream	02/20/2018	225.00	225.00	02/20/2018	
Total 2666:					225.00	225.00		
2672								
2672	Child Richards	89998	Accounting Services (Oct - Dec)	01/31/2018	1,200.00	1,200.00	02/20/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2672:					1,200.00	1,200.00		
2686								
2686	Brandon Rose	02222018	Undercover Training - Per Diem	02/22/2018	294.00	.00		
Total 2686:					294.00	.00		
2690								
2690	Intl. Association of Undercover Off	2132018	Conference Registration Backnet t	02/13/2018	1,425.00	1,425.00	02/15/2018	
Total 2690:					1,425.00	1,425.00		
2691								
2691	Utah Division of Finance	02202018	Cemetery Bond - Principal	01/30/2018	11,000.00	11,000.00	02/20/2018	
2691	Utah Division of Finance	02202018	Cemetery Bond - Interest	01/30/2018	1,750.00	1,750.00	02/20/2018	
Total 2691:					12,750.00	12,750.00		
2692								
2692	URBAN DESIGN GROUP, LLC	21802.001	Design of Storage Room in Office	02/22/2018	1,499.00	.00		
Total 2692:					1,499.00	.00		
Grand Totals:					93,634.14	75,931.11		

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
28 February 2018
Regular Meeting

Minutes of the
14 February 2018
Work Meeting



Memo

Date: 23 February 2018
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 14 February 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, 14 February 2018, 10:00 a.m.
Midway City Office Building, Old City Council Chambers
75 North 100 West, 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 10:02 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.

- 2. Lime Canyon Subdivision / Preliminary & Final Approval** (Approximately 20 minutes) – Non-action item. Discuss granting final and preliminary approval for the Lime Canyon Rural Preservation Subdivision located at approximately 950 West Lime Canyon Road (Zoning is R-1-22 and RA-1-43). Recommended with conditions by the Midway City Planning Commission.
- 3. Resolution 2018-05 / Lime Canyon Subdivision Development Agreement** (Approximately 5 minutes) – Non-action item. Discuss Resolution 2018-05 adopting a development agreement for the Lime Canyon Subdivision located at approximately 950 West Lime Canyon Road (Zoning is R-1-22 and RA-1-43).

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

- Land use summary
- Location
- Site plan
- Drainage
- Power transmission lines
- Common area
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The project was a rural preservation subdivision.
- The runoff from Lime Canyon percolated into the ground in the subdivision.
- The flood area would be in Lot #6 and away from the other lots.
- There would be a two-acre agricultural parcel that could only be developed if it met all the requirements for a regular subdivision. A second access was one of the requirements.
- The water shares needed for the agricultural parcel would be held in escrow.
- The driveway for Lot #6 would come off Lime Canyon Way.
- Lot #6 and the agricultural parcel would be the only parts of the subdivision with animal rights.
- There should not be fences along public roads because of snowplowing.

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 subdivision would probably have a sewer system.
- It would not have an HOA.
- The property had been in the recreational resort zone with a plan for a hotel.
- A hole for the Homestead's golf course had been on the property.

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

- Weeds should be controlled on the property.
- The proposed development agreement indicated that the developer, and their successors, would maintain the agricultural parcel.
- The City needed to enforce its current restrictions on weeds, etc.
- The open areas would be maintained so that they would qualify as green belt.
- The development agreement was enforceable.
- Should remainder parcels, like the proposed agricultural parcel, be allowed.
- The City needed to control the weeds on its own property.
- It should inform landowners that there was free weed spray available.
- It should fine violators that don't control weeds on their property.
- The City's trails plan did not include any trails on the property.

- 4. Probst North Field Subdivision / Culinary Water Service** (Approximately 20 minutes) – Non-action item. Discuss providing culinary water service to the Probst North Field Subdivision located at 850 South and 200 East. The subdivision is outside of the City. Discuss recommendations from the Midway Water Advisory Board and the City Attorney.

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

- History of water service outside of the City's boundaries
- Impact fees
- Billing
- Location of the subdivision
- Concept plan
- City boundaries

Mr. Henke also made the following comments:

- Some property owners outside of the City were connected to its culinary water system.
- Providing culinary water to non-residents had been debated over the years.
- The Probst property did not touch the City's boundaries but was in its annexation area.
- There were already two culinary water connections for a home and a structure on the property.
- The request was for two more connections.
- An eight-inch water line would be needed along the cul-de-sac.
- Laterals would also have to be installed.
- The applicant's property did not have the size and value to force other properties to be annexed.
- The property could be developed in the County, but it would need adequate fire flow.
- A road and trail were planned through and along the property. The City might not get the road or trail if the property was developed in the County.
- The City could not control future zone changes on the property if it remained in the County.

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

Paul Berg, representing the applicant, made the following comments:

- A subdivision application had been submitted to Wasatch County and it had been reviewed by the its development review committee.
- It was not reasonable for the applicants to annex into the City.
- They would not protest a future annexation of their property.
- The applicant would have to request additional connections if the property was further subdivided.

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

- Should the water rate be higher for users outside of the City?
- The City had granted culinary hook-ups to Seth Kelson and others whose properties were outside of the City.

- The property owner owned the necessary water.
- In the past, culinary connections had been provided to anyone within the boundaries of the Midway Irrigation Company. Requiring annexation to connect was a relatively new policy.
- Increasing the water rate by 50%, for users outside of the City, would be an additional \$14 a month.
- If connections were granted, then the property owners should be petitioners on any future annexation.
- The culinary water system was not funded through taxes.
- An easement for the road and trail could be sought.
- The Council did not have to approve the request.
- Would granting the connections set bad precedence?
- The City should be consistent.
- Could the applicant drill a well instead?

5. Wolfe Salon / Conditional Use Permit (Approximately 20 minutes) – Non-action item. Discuss a conditional use permit for the Wolfe Salon, a mixed-use development including a business and a residence, located at 45 North Center Street (Zoning is C-3). Recommended with conditions by the Midway City Planning Commission.

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

- Land use summary
- Location

Mr. Henke also made the following comments:

- The request was for a conditional use permit.
- The Municipal Code allowed a residence with a business.
- The commercial portion had to be at least 20% of the project.
- The business that was part of the request would be a salon.
- There were the required number of parking spaces.
- Only the residential use was being considered that night because the commercial use was permitted.
- Residential occupancy could not be granted until certain things were done.
- The applicant would have to work with the Building Safety Department and meet all its requirements.
- A separate conditional use permit would be needed if the residential use became a transient rental.

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

Mariah Wolfe, applicant, made the following comments:

- No construction was needed because all infrastructure already existed.
- The structure met the state requirements for a salon.
- Maybe one wall would need to be altered.

- A building permit was not needed.

6. Land Use Amendments – (Approximately 90 minutes) – Non-Action item. Discuss the following land use amendments.

6a. 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.

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

- Current code
- Bowden Fields Subdivision
- Deer Creek Estates Subdivision
- Dutch Canyon Subdivision
- Indian Summer Subdivision
- Saint-Prex Estates Subdivision
- Proposed code

Mr. Henke also made the following comments:

- Increasing open space would not allow more density.

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

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

- Open space next to collector roads would protect view corridors.
- Open space in the middle of a development provided a place for children to play and be watched by their parents.
- Berms and site obscuring fences along roads created a tunnel effect.
- Smaller berms could be allowed.
- Percentage of frontage and acreage reduction based on the percentage of open space provided.

6b. 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.

6c. 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.

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

- Visual representations of different setbacks
- Small scale subdivisions
- Map showing collector roads
- Peripheral PUD setbacks
- Midway Springs PUD
- Setbacks vs. open space
- Valais PUD
- Scotch Fields PUD
- Appenzell PUD
- Saddle Creek Ranch PUD
- Proposed code

Mr. Henke also made the following comments:

- Wanted to avoid fences, walls, etc.
- Wanted to avoid damage from snowplowing.
- Setbacks would apply to the houses and not the lot lines.
- Fences could be 50 feet into the setback.
- Lot owners might avoid site obscuring fencing so that they could see the open space next to the road.
- Variances could be sought when setbacks prohibited developing a parcel.
- Building envelopes could be set to show where homes had to be built to meet the setbacks.
- Additions to existing homes would have to meet the setbacks.
- Neighbors complained about the wall effect created by PUD units.
- The proposal did not affect the density in developments.

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

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

- Homes and fences close to roads blocked views of the mountains.
- Fences close to roads should not be site obscuring.
- There should be a variety in setbacks to avoid straight lines of homes in developments.
- Open land in setbacks should be counted toward the required open space.
- Setbacks should not create a hardship for landowners.
- Curved roads could eliminate the wall effect of PUD units.
- The proposal had to affect density.
- Open space would be moved from large contiguous areas to the edges of developments.
- Not all collector roads were subject to the greater setbacks.
- The Planning Commission recommended that subdivisions have a minimum of 15%

open space, PUD's have 50% and resorts have 55%.

Motion: Without objection, Mayor Johnson recessed the meeting at 12:31 p.m. She reconvened the meeting at 12:43 p.m.

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

- Open space would be eliminated in the middle of developments. That type of open space would sell a project but would only be usable by its residents.
- The City should not micromanage.
- Would the proposal encourage subdivisions over PUD's.
- Was a certain number of units needed for a PUD to be successful?
- PUD's were advantageous to the City because they had private roads, storm drain systems, etc.
- PUD's usually had few fulltime residents which had less impact on schools, roads, etc.
- Should the setbacks vary from unit to unit.
- 600 North was included as a collector road because it was shown as such in the Capital Facilities Plan and would be heavily used. It was also one of a limited number of through roads from River Road to Center Street. Midway Springs and the Mountain Spa were significant developments to be build that would access the road.
- 600 North should stay as a local collector instead of a major collector.
- Should the greater setbacks be required for 500 South, 970 South and Wards Lane?
- The properties along 970 South were already master planned.
- Wards Lane should not be a collector road.
- New homes could be forced further back from a road than existing homes.
- Should the greater setbacks apply to one remaining lot along a road?
- Should there be a sliding scale for setbacks based on the lot frontage?
- The roads that required the greater setbacks should be call "listed roads" rather than "collector roads".
- The word "minimum" should be added to emphasize that larger setbacks were acceptable.
- Should the requirement of a certain amount of contiguous open space be eliminated?
- Berms should be addressed.

- 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.

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

- Density comparison

Mr. Henke also made the following comments:

- The RA-1-43 zone was an outlier with PUD's having 167% of the density of subdivisions.

The Planning Commission recommended 1.25 PUD units per acre for 130% density in the zone.

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

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

- The City was filling in its least dense zone with greater PUD densities.
- A rezone would be needed to get greater density in a specific zone.
- Was the City over-incentivizing PUD's?
- The market would ultimately determine the types of developments built.
- Was a financial analysis needed to determine the true impact of PUD's?

8. Resolution 2018-06 / Budget Amendment (Approximately 20 minutes) – Non-action item. Discuss Resolution 2018-06 amending the FY 2018 Budget regarding general revenues and wages for public works employees.

Motion: Council Member Van Wagoner moved to go into a closed meeting to discuss the character, professional competence, or physical or mental health of an individual.

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

Note: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

Motion: Council Member Van Wagoner moved to go out of the closed meeting.

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

- 9. Resolution 2018-07 / Annual Vacation** (Approximately 20 minutes) – Non-action item. Discuss Resolution 2018-07 amending the Human Resources Policies and Procedures Manual regarding annual vacation.

Brad Wilson gave a presentation on the current and proposed policies for annual vacation. He indicated that the proposal would grant ten days of leave starting at one year of service, 15 days at 5 years and 20 days at 10 years.

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

Mayor Johnson explained the hours that could be carried over from year to year. She also reviewed the current sick leave policy.

- 10. Surplus Vehicles** – Non-action item. Discuss declaring several city vehicles as surplus and available for sale.

The item was not discussed.

11. Department Reports

Lisa Christen, Council Member

Cowboy Poetry Gathering / Donation – Council Member Christen reported that less grant money would be received for the Heber Valley Western Music & Cowboy Poetry Gathering. She said the Gathering wanted the City to increase its donation to \$10,000 a year. She also said that the event brought in \$1,374,000 in sales to the area.

JC Simonsen, Council Member

RAP Tax – Council Member Simonsen suggested instituting the Recreation, Arts and Parks (RAP) Tax to help replace the Resort Communities Tax. Council Member Christen indicated that the tax had been suggested to fund the proposed arts center. Brad Wilson explained that Wasatch County had to decline to levy the tax before Midway could impose it.

Jeff Drury, Council Member

Work Meetings / Length – Council Member Drury recommended that the work meetings go no longer than 1:00 p.m.

12. Adjournment

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

The meeting was adjourned at 2:52 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT

Midway City Council
28 February 2018
Regular Meeting

Minutes of the
14 February 2018
Regular Meeting



Memo

Date: 24 February 2018
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 14 February 2018 City Council Regular 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, 14 February 2018, 6:00 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; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:00 p.m.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member
Jeff Drury, Council Member
Bob Probst, Council Member
JC Simonsen, 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.

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

2. Consent Calendar

- a. Agenda for the 14 February 2018 city council regular meeting.
- b. Warrants
- c. Minutes of the 24 January 2018 city council work meeting.
- d. Minutes of the 24 January 2018 city council regular meeting.
- e. A fourth and final one-year extension of final approval, expiring on 9 December 2018, for the Homestead Villas Subdivision located at Bayhill Drive and Fairway Drive.
- f. Release the construction bond, minus 10%, and begin the one-year warranty period for the Dutch Hills Subdivision located at 566 East Saddle Drive.
- g. Declare a 2006 International bobtail dump truck with snowplow and a 1996 Ford one-ton flatbed pickup with snowplow, crane and fuel tank as surplus equipment and available for sale.

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

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

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

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

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

Swiss Alpine / Second Access

Randy Lundin thanked the Council for agreeing to the second access, for the Swiss Alpine area, being a fire safety road out of Swiss Mountain Estates.

Food Bank

Mr. Lundin indicated that the local food bank needed baby food, diapers, etc. He explained that use of the food bank had tripled since he started volunteering. Mayor Johnson responded that the City would publicize the needs on its website. Council Member Drury suggested that the City Office Building be a food drop-off location.

No further comments were offered.

4. Ordinance 2018-05 / Frontage and Acreage Requirements (Approximately 10 minutes) – Discuss and possibly adopt 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.

Michael Henke gave a presentation on the proposed ordinance and reviewed the following items:

- Proposed code

- Chart comparing the acreage reduction by the open space provided
- Possible findings.

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

Mr. Henke indicated that many of the ordinances considered that night would be finalized and approved at the next council meeting.

- 5. Ordinance 2018-06 / Setbacks** (Approximately 20 minutes) – Discuss and possibly adopt 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.

Michael Henke gave a presentation on the proposed ordinance and reviewed the following items:

- Proposed setbacks from roads
- Peripheral PUD setbacks
- Subdivision setbacks
- Proposed code
- Possible findings

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

- 6. Ordinance 2018-08 / Open Space Requirements** (Approximately 10 minutes) – Discuss and possibly adopt 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.

Michael Henke gave a presentation on the proposed ordinance.

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

Council Member Simonsen asked if all setbacks could be counted towards the required open space. Mr. Henke responded that was the case in PUD's.

Council Member Drury asked if the ordinance required staggering between units. Mr. Henke responded that it did.

- 7. Ordinance 2018-07 / PUD Densities** (Approximately 10 minutes) – Discuss and possibly adopt 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.

Michael Henke gave a presentation on the proposed ordinance and reviewed the following items:

- Density comparisons
- RA-1-43 zone
- Proposed Code

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

Mr. Henke indicated that the Swiss architecture bonus had been eliminated because it was subjective.

Council Member Simonsen thought that the density in the RA-1-43 zone was still high even with the proposed change. He noted that PUD's generally included more second homes and had private roads and storm drain systems that the City did not have to maintain.

Motion: Council Member Van Wagoner moved to table Ordinance 2018-05, Ordinance 2018-06, Ordinance 2018-08, and Ordinance 2018-07, so that the City Attorney could incorporate the recommended changes.

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

8. Lime Canyon Subdivision / Preliminary & Final Approval (Approximately 20 minutes) – Discuss and possibly grant final and preliminary approval for the Lime Canyon Rural Preservation Subdivision located at approximately 950 West Lime Canyon Road (Zoning is R-1-22 and RA-1-43). Recommended with conditions by the Midway City Planning Commission. **Public Hearing.**

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

- Rural preservation subdivisions
- Land use summary
- Location
- Sensitive lands

- Lime Canyon drainage and eluvial fan.
- Site plan
- Lot #6
- Agricultural parcel
- Transmission line
- Discussion items
- Possible findings
- Proposed conditions.

Mr. Henke also made the following comments:

- Structures would not be allowed on the drainage easement.
- No building could be constructed were the slope was 25% or greater.
- The agricultural parcel could not be subdivided unless it met regular subdivision standards.
- A hydrology study was no longer needed because the lots had been moved to the west.

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

Public Hearing

Mayor Johnson opened the public hearing.

Jessica Jones

Ms. Jones asked for more information on the agricultural parcel. Mr. Henke made the following comments:

- It currently did not have any development rights.
- It was separate from the rest of the project.
- It could be developed if it met normal subdivision standards.
- It could have up to four lots.
- The middle portion of the development could not be developed because of the runoff from Lime Canyon.

Mary Villani

Ms. Villani asked if the large parcels in the project would be deed restricted as open space. Mr. Henke responded that they would be except for the agricultural parcel.

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

Council Member Drury asked if trails would be prohibited on the mountainside. Mr. Henke responded that only homes and roads were restricted on sensitive lands. Wes Johnson added that they would have to be backcountry not hard surface trails.

Motion: Council Member Christen moved to grant preliminary and final approval for the Lime Canyon Subdivision with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-22 and RA-1-43 zones.
- It complied with the land use requirements of the R-1-22 and RA-1-43 zones.
- It also complied with the requirements for the Rural Preservation Subdivision code.
- The remainder parcel would remain unbuildable until it was approved as a subdivision or it was combined with another legal lot or parcel. The parcel would be restricted for development until the parcel complied with all City access requirements. Specifically, a second point of access would be required.

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

9. Resolution 2018-05 / Lime Canyon Subdivision Development Agreement –
(Approximately 5 minutes) Discuss and possibly approve Resolution 2018-05 adopting a development agreement for the Lime Canyon Subdivision located at approximately 950 West Lime Canyon Road (Zoning is R-1-22 and RA-1-43).

Corbin Gordon indicated that the requirement for a hydrology study was no longer needed.

Paul Berg, Berg Engineering Resource Group and representing the applicant, noted that the project would not have any streets or trails. He asked that the requirement, that the developer build such improvements, be removed from the agreement. He added that access should be from Lime Canyon Road and Lime Canyon Way.

Michael Henke indicated that the amount of required water also needed to be specified in the agreement.

Mr. Gordon indicated that the owners were now Brett and Debbie Walker.

Council Member Drury liked the development.

Motion: Council Member Drury moved to approve Resolution 2018-05 adopting a development agreement for Lime Canyon Estates with Section 3(A)(ii)(g) removed, the first sentence of Section 3(A)(ii)(f) removed, Pine Canyon Road changed to Lime Canyon Road, Section 3(A)(ii)(b) list 38.7 acre-feet as the required water rights, and that D L Evans Bank be changed to Brett and Debbie Walker.

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

10. Wolfe Salon / Conditional Use Permit (Approximately 15 minutes) – Discuss and possibly approve a conditional use permit for the Wolfe Salon, a mixed-use development including a business and a residence, located at 45 North Center Street (Zoning is C-3). Recommended with conditions by the Midway City Planning Commission. **Public Hearing.**

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

- Land use summary
- Location
- History of uses in the building
- Possible findings

Mr. Henke also made the following comments:

- Residential units were allowed with businesses.
- The business, proposed for the development, was a permitted use in the commercial zones.
- The residential use was a conditional use.
- The building had been converted from a residence to a business.
- The applicant requested that the building be partially converted back to a residence.
- The building had four parking stalls.
- The driveway would be used for the residence.
- Any approval should be conditioned upon the structure going through the building permit process and meeting the building code before a certificate of occupancy would be granted.

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

Public Hearing

Mayor Johnson opened the public hearing.

Mariah Wolfe, Applicant

Ms. Wolfe hoped to also have a barber in the salon.

Jessica Jones

Ms. Jones made the following comments:

- Approved of the request.
- Liked the parking behind the building.
- There was a ditch on the east side of Center Street. That side of the street had been signed as no parking, but the signs were falling and not readable. The signs should be fixed.

Mayor Johnson asked Council Member Simonsen, who oversaw streets and parking, and the Public Works Department to address the parking signs.

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

Council Member Drury asked if architectural plans were still needed if no changes were made to the structure. Mr. Henke thought that changes would be needed and that the Building Safety Department would require an architect to evaluate the building. Ms. Wolfe responded that she spoke with a local architect and he did not think that any changes were needed but he would review the building. She said that if the process became too expensive then she might forgo the residence.

Motion: Council Member Drury moved to approve a conditional use permit for the project with the following findings and condition:

- The proposed use was a conditional use in the C-3 zone.
- The proposal was consistent with the vision of the General Plan for Main Street.
- Occupancy was not allowed until all construction plans had been prepared by a registered architect and had been approved, construction had been completed by a licensed contractor and that work had been inspected and passed by the City, and the Certificate of Occupancy had been issued.

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

11. Probst North Field Subdivision / Culinary Water Service (Approximately 20 minutes) – Discuss and possibly approve providing culinary water service to the Probst North Field

Subdivision located at 850 South and 200 East. The subdivision is outside of the city limits.

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

- Location
- Concept plan
- Map showing the proposed development in relation to the city limits.

Mr. Henke also made the following comments:

- An existing home and parcel, in the proposed development, were already serviced by the City's culinary water system.
- The development was in the City's annexation area but did not touch the current city limits.
- It would contain 24 acres with four lots.
- Two of the lots were new and needed culinary connections.
- The Midway Water Advisory Board recommended 0.8 acre-feet of water rights be turned in for each connection.
- The water line for the connections would have to be upgraded to eight inches.
- The property was not large enough to force the other properties, between it and the city limits, to be annexed.
- The City would lose a lot of leverage on how the property was developed if it granted the requested connections.
- There would be no need for further connections unless the property was further subdivided.
- The City's transportation plan showed a road crossing the property.
- The City's trails plan showed a trail on the east side of the property.
- Most of the property was zoned A-20 in the County with the rest zoned RA-1.
- The City planned for the area to be RA-1-43 if it was annexed.

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

Wes Johnson asked what the road cross-section would be in the development. Paul Berg, Berg Engineering Resource Group and representing the applicant, explained the cross-section and said that it would follow the county standard.

Council Member Simonsen asked if water fees not taxes paid for culinary infrastructure. Brad Wilson responded that no taxes paid for the infrastructure. Michael Henke explained impact and connection fees.

Mayor Johnson asked about the property and future annexation. Mr. Henke responded that in the past the City had required some water users, who were outside of the City, to agree to participate in any future annexation that included their property.

Mayor Johnson asked if the density could be limited with an annexation. Mr. Henke responded that it could be limited.

Council Member Drury asked how many other properties would have to be included in a potential annexation. Mr. Henke responded that the properties to the north and west would have

to also be annexed.

Wes Johnson asked if rates could be higher for water users outside of the city limits. He suggested that any approval include the rate increase if it was allowed.

Corbin Gordon indicated that a service agreement would be needed.

Mayor Johnson asked why the applicant should be required to participate in a future annexation. Mr. Henke responded that gave leverage to the City and would subject the applicant to any conditions of an annexation agreement.

Council Member Van Wagoner indicated that the City did not require participation in annexation when it provided culinary water to two recent property owners outside of Midway.

Motion: Council Member Van Wagoner moved to approve the water hook-ups for Ken Probst subject to the following conditions:

- A service agreement be completed.
- 1.6 acre-feet of water rights be turned over to the City.
- Would annex into the City if adjacent properties petitioned for annexation.
- Water impact and connection fees would be paid.
- The water rate would be subject to the existing city policy.

Second: Council Member Christen seconded the motion.

Discussion: Mayor Johnson asked for clarification on the annexation requirement. Mr. Gordon responded that the applicant would not oppose the annexation of his property but would not be subject to the requirements of the annexation agreement.

Council Member Van Wagoner indicated that requirements could be imposed if the property was further subdivided in the City.

Mr. Berg made the following comments:

- The City could require the road and trail if the applicant was a petitioner on an annexation application. This might force the applicant to further subdivide his property to pay for the improvements.
- If the applicant wanted to further subdivide the property, then he had to work with the City.

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

12. Resolution 2018-06 / Budget Amendment (Approximately 20 minutes) – Discuss and

possibly approve Resolution 2018-06 amending the FY 2018 Budget regarding general revenues and wages for public works employees. **Public Hearing.**

Brad Wilson gave a presentation on the proposed budget amendment. He reviewed public works wages, possible wage increases and implementations of the increases.

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

Public Hearing

Mayor Johnson opened the public hearing.

Paul Berg

Mr. Berg asked how many transient rental units would be needed for the City to continue to collect the Resort Communities Tax. Mayor Johnson responded that an additional 500 hotel rooms were needed

Mr. Berg asked if RV pads and camp sites qualified as transient rental units. Mr. Wilson responded that they did qualify.

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

Council Member Drury asked if all nightly rentals in the City were included in the transient rental calculation. Mr. Wilson responded that they were included if they were legal.

Council Member Drury asked if the City worked with the online companies that booked transient rentals. Michael Henke responded that he had tried but did not have a lot of success. He noted that the State allowed a transient rental to be advertised even if it was illegal.

Council Member Drury recommended that the transient rental issue be explored further.

Mayor Johnson said that the City would develop a plan so that its employees were not undercompensated. She recommended that any wage increase be effective that Sunday.

Mayor Johnson thanked Council Member Van Wagoner for his work on the wage increase. She said that additional increases might be considered in July.

Motion: Council Member Van Wagoner moved to approve Resolution 2018-06 amending the FY 2018 Budget and authorized the Mayor and Public Works Crew Chief to determine the raises which would be effective February 18th.

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

13. Resolution 2018-07 / Annual Vacation (Approximately 10 minutes) – Discuss and possibly approve Resolution 2018-07 amending the Human Resources Policies and Procedures Manual regarding annual vacation.

Brad Wilson gave a presentation on the proposed policy. He reviewed the current and proposed annual leave schedule.

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

Motion: Council Member Van Wagoner moved to approve Resolution 2018-07 regarding annual vacation.

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

14. Department Reports

Legislative

Mike Kohler, who was a lobbyist for the City at the Utah State Legislature, reviewed the current legislative session and several bills that effected cities. He explained in detail HB 79 which would award attorney’s fees, under certain circumstances, to parties that sued cities. He also explained HB 175 which would establish a state oversight committee for local governments.

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

Animal Control

Council Member Simonsen reported that he would work with Council Member Van Wagoner

who had previously been responsible for animal control.

Trails and Parks / Olympic Flagpoles

Council Member Simonsen reported that the Trails and Parks Advisory Committee recommended that the Olympic flagpoles at the Valais Park be discarded. Council Member Probst noted that the bases were falling apart. The Council agreed that they be discarded.

Trails and Parks / Parking for Dog Park

Council Member Simonsen reported that people were driving on the trail to park next to the dog park. He said that the Trails and Park Committee suggested a split rail fence along Interlaken Road to solve the problem. He added that no parking signs, with good explanations, could be installed along the road. Mayor Johnson recommended that the signs be installed and if they did not work then a fence would be considered.

15. Adjournment

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

The meeting was adjourned at 8:13 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
28 February 2018
Regular Meeting

Midway Highlands Subdivision /
Conclude Warranty Period

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



Heber Office
Tel: 435.654.2226
Fax: 435.657.1160

February 14, 2018

Brad Wilson
Midway City
100 West 75 North
Midway City, UT 84032

Subject: Midway Highlands Warranty Bond Release

Dear Brad:

The Midway Highlands Subdivision has completed all the items required for the warranty period. Horrocks Engineers recommends that the warranty bond for this development be released.

We appreciate working with you on this project. Please contact our office with any questions or concerns

Sincerely,
HORROCKS ENGINEERS

A handwritten signature in blue ink, appearing to read "Wesley Johnson", is written over a horizontal line.

Wesley Johnson, P.E.
Midway City Engineer

Cc: Michael Henke, City Planner, (sent by e-mail)
Wendy Johnson, City Building Official, (sent by e-mail)
Becky Woods, Midway Sanitation District, Manager, (sent by e-mail)
Dave Bromley Developer, (sent by e-mail)