

# MIDWAY CITY COUNCIL REGULAR MEETING

Wednesday, 14 March 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](mailto: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 14 March 2018 City Council Regular Meeting.
- b. Warrants
- c. Minutes of the 28 February 2018 City Council Work Meeting.
- d. Minutes of the 28 February 2018 City Council Closed Meeting.
- e. Minutes of the 28 February 2018 City Council Regular Meeting.

## 3. Announcements

## 4. 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.

## 5. Additional Pickle Ball Courts / Southfield Park (Council Member Simonsen) – Discuss and possibly approve helping fund additional pickle ball courts, at Wasatch County's Southfield Park, subject to approval of an interlocal agreement.

## 6. Midway Springs (New Name: Remund Farms) / Master Plan (Berg Engineering) – Discuss granting master plan approval for the Remund Farms PUD, formerly known as the Midway Springs PUD, located at 200 East and 600 North (Zoning is R-1-15). Recommended with Conditions by the Midway City Planning Commission. **Public Hearing.**

## 7. Midway Springs (New Name: Remund Farms), Phase I / Preliminary Approval (Berg Engineering) – Discuss granting preliminary approval for the Remund Farms PUD, formerly known as the Midway Springs PUD, Phase I located at 200 East and 600 North (Zoning is R-1-15). Recommended with conditions by the Midway City Planning Commission. **Public Hearing.**

## 8. Lucerne Estates / Preliminary Approval (Berg Engineering) – Discuss and possibly grant preliminary approval for the Lucerne Estates Subdivision located at

approximately 100 South and 100 East (Zoning is R-1-9). Recommended without conditions by the Midway City Planning Commission. **Public Hearing.**

9. **Pine Canyon Paradise / Preliminary and Final Approval** (Summit Engineering) – Discuss and possibly grant preliminary and final approval for the Pine Canyon Paradise Subdivision located at 521 North Pine Canyon Road (Zoning is R-1-15). Recommended without conditions by the Midway City Planning Commission. **Public Hearing.**
10. **Whitaker Farm / Master Plan** (Luster Development) – Discuss granting master plan approval for the Whitaker Farm Subdivision located at 455 North River Road (Zoning is RA-1-43). Recommended with conditions by the Midway City Planning Commission. **Public Hearing.**
11. **Ordinance 2018-11 / Parking Requirements in Commercial Zones** – Discuss and possibly adopt Ordinance 2018-11 amending Title 16 of the Midway City Municipal Code regarding parking requirements in the C-2 and C-3 zones. Recommended without conditions by the Midway City Planning Commission. **Public Hearing.**
12. **Department Reports**
  - a. Legislative
  - b. Buildings and Cemetery
  - c. Public Works, Water Board and Weed Board
  - d. Roads, Sidewalks, Parking, Parks & Trails (Update on Valais Park Tennis Courts), and Animal Control
13. **Adjournment**

Published on the Utah Public Notice Website on 9 March 2018 at 9:45 a.m. by Brad Wilson (City Recorder)  
Posted on 9 March 2018 at 1:00 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](mailto:bwilson@midwaycityut.org).

Midway City Council  
14 March 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
<b>200</b>								
200	Blue Stakes of Utah 811	UT201800939	BILLABLE E-MAIL NOTIFICATIO	02/28/2018	27.90	.00		
Total 200:					27.90	.00		
<b>270</b>								
270	CASELLE INC	86284	Contract support and Maintenanc	03/01/2018	358.27	.00		
270	CASELLE INC	86284	Contract support & Maintenance f	03/01/2018	68.00	.00		
Total 270:					426.27	.00		
<b>565</b>								
565	HORROCKS ENGINEERS INC	45845	SUNBURST, PHASE 2 (CONSTR	02/16/2018	75.00	75.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	DUTCH CANYON SUB (CONSTR	02/16/2018	165.00	165.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	INDIAN SUMMER SUB (PLANNI	02/16/2018	1,942.10	1,942.10	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	ALDER MEADOWS SUB (CONS	02/16/2018	78.10	78.10	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	DEER CREEK ESTATES(CONST	02/16/2018	1,355.60	1,355.60	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	SAINT-PREX SUB (PLANNING)	02/16/2018	495.00	495.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	CaSCADES AT SH PHASE 2 (PL	02/16/2018	660.00	660.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	MIDWAY SPRINGS (PLANNING)	02/16/2018	9,662.75	9,662.75	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	SCOTCHFIELDS (CONSTRUCTI	02/16/2018	1,106.08	1,106.08	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	RYAN DAVIS RES (CONSTRUC	02/16/2018	1,384.42	1,384.42	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	MAIN STREET SODA AND FRIE	02/16/2018	161.16	161.16	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	LIME CANYONE SUB (PLANNIN	02/16/2018	632.20	632.20	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	LUCERNE ESTATES SUB (PLAN	02/16/2018	168.00	168.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	WHITAKER FARM SUB (PLANNI	02/16/2018	663.00	663.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	COUNCIL MEETINGS	02/16/2018	900.00	900.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	GENERAL ENGINEERING TASK	02/16/2018	1,784.62	1,784.62	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	10 YEAR ROAD AND WATER PL	02/16/2018	750.00	750.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	PLANNING COMMISSION MEET	02/16/2018	300.00	300.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	Update WATER GIS SYSTEM	02/16/2018	935.20	935.20	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	WATER SYSTEM MAINTENANC	02/16/2018	272.00	272.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	WATER AUDIT	02/16/2018	929.50	929.50	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	METER WATER SOURCES	02/16/2018	3,479.08	3,479.08	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	Michie Lane (Center to Fox Den)	02/16/2018	759.42	759.42	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	Public Works site Grading	02/16/2018	300.00	300.00	03/01/2018	
565	HORROCKS ENGINEERS INC	45845	Cari Lane Water Line	02/16/2018	291.58	291.58	03/01/2018	
565	HORROCKS ENGINEERS INC	45845-LAST IT	2017 DRINKING WATER SOURC	02/16/2018	385.00	385.00	03/01/2018	
Total 565:					29,634.81	29,634.81		
<b>1015</b>								
1015	SAFETY SUPPLY & SIGN CO IN	162913	Supplies	02/02/2018	1,755.44	.00		
1015	SAFETY SUPPLY & SIGN CO IN	162914	Supplies	02/02/2018	181.06	.00		
1015	SAFETY SUPPLY & SIGN CO IN	162915	Supplies	02/02/2018	80.00	.00		
1015	SAFETY SUPPLY & SIGN CO IN	162916	Supplies	02/02/2018	12.38	.00		
1015	SAFETY SUPPLY & SIGN CO IN	162993	Supplies	02/12/2018	73.50	.00		
Total 1015:					2,102.38	.00		
<b>1170</b>								
1170	TIMBERLINE ACE HARDWARE	116526	GLUE	03/07/2018	11.18	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1170:					11.18	.00		
<b>1360</b>								
1360	WASATCH COUNTY SOLID WA	90042 3/18	.90042 COMMUNITY CENTER	03/01/2018	75.00	.00		
1360	WASATCH COUNTY SOLID WA	90291 3/18	.90291 Park & Offices	03/01/2018	145.00	.00		
1360	WASATCH COUNTY SOLID WA	90292 3/18	.90292 Cemetery	03/01/2018	75.00	.00		
1360	WASATCH COUNTY SOLID WA	93287 3/18	.93287 Shop	03/01/2018	75.00	.00		
Total 1360:					370.00	.00		
<b>1418</b>								
1418	WENDY JOHNSON	372018	TRAVEL EXPENSE Reimburse	03/07/2018	311.30	.00		
1418	WENDY JOHNSON	372018	HOTEL	03/07/2018	490.68	.00		
1418	WENDY JOHNSON	372018	PER DIEM	03/07/2018	110.00	.00		
Total 1418:					911.98	.00		
<b>1421</b>								
1421	HEBER LIGHT & POWER	03062018	Impact Fee for Shelter	03/06/2018	1,040.36	1,040.36	03/06/2018	
1421	HEBER LIGHT & POWER	18153001 2/18	18153001 Gerber Water Tank	02/28/2018	140.60	.00		
1421	HEBER LIGHT & POWER	18153002 2/18	18153002 75 N 100 W	02/28/2018	383.73	.00		
1421	HEBER LIGHT & POWER	18153003 2/18	18153003 Cemetery FG PL Light	02/28/2018	279.17	.00		
1421	HEBER LIGHT & POWER	18153004 2/18	18153004 Cottages 3 Pump	02/28/2018	1,726.76	.00		
1421	HEBER LIGHT & POWER	18153006 2/18	18153006 Maintenance Shop	02/28/2018	276.58	.00		
1421	HEBER LIGHT & POWER	18153007 2/18	18153007 850 E Main-Hamlet	02/28/2018	70.70	.00		
1421	HEBER LIGHT & POWER	18153008 2/18	18153008 Town Hall	02/28/2018	543.78	.00		
1421	HEBER LIGHT & POWER	18153009 2/18	18153009 Ice Rink TS Lights	02/28/2018	597.15	.00		
1421	HEBER LIGHT & POWER	18153010 2/18	18153010 Ice Rink Chiller	02/28/2018	4,633.81	.00		
1421	HEBER LIGHT & POWER	18153012 2/18	18153012 ROUNDABOUT	02/28/2018	14.62	.00		
1421	HEBER LIGHT & POWER	18153013 2/18	18153013 Community Center	02/28/2018	243.29	.00		
1421	HEBER LIGHT & POWER	18153014 2/18	18153014 Valais Park	02/28/2018	8.77	.00		
1421	HEBER LIGHT & POWER	18153015 2/18	18153015 Centennial Park	02/28/2018	13.37	.00		
1421	HEBER LIGHT & POWER	18153016 2/18	18153016 Ball Park Lights	02/28/2018	16.21	.00		
1421	HEBER LIGHT & POWER	18153017 2/18	18153017 Swiss Days Trailer	02/28/2018	351.26	.00		
1421	HEBER LIGHT & POWER	18153018 2/18	18153018 Alpinhof Tank	02/28/2018	9.61	.00		
1421	HEBER LIGHT & POWER	18153019 2/18	18153019 Town Square Shelter	02/28/2018	610.87	.00		
1421	HEBER LIGHT & POWER	18153021 2/18	18153021 Restrooms	02/28/2018	104.73	.00		
1421	HEBER LIGHT & POWER	18153022 2/18	18153022 Mahogany Well	02/28/2018	165.93	.00		
1421	HEBER LIGHT & POWER	18153033 2/18	18153033 Pedestal for Swiss Day	02/28/2018	15.96	.00		
1421	HEBER LIGHT & POWER	18153034 2/18	18153034 1295 W 310 N	02/28/2018	1,544.55	.00		
Total 1421:					12,791.81	1,040.36		
<b>1542</b>								
1542	STATE OF UTAH GASCARD/FU	NP52715285	Fleet #643730 Midway City	03/02/2018	1,949.82	.00		
Total 1542:					1,949.82	.00		
<b>1603</b>								
1603	ROCKY MOUNTAIN POWER	02212018	MAGHONEY SPRINGS	02/21/2018	7.28	7.28	03/01/2018	
Total 1603:					7.28	7.28		
<b>2080</b>								
2080	NATIONAL BENEFIT SERVICES	640504	FSA PLAN ADMIN FEE FEB 201	02/28/2018	75.00	.00		
2080	NATIONAL BENEFIT SERVICES	CP181638	Claims Paid Invoice Steven Rhoa	02/28/2018	94.80	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2080:					169.80	.00		
<b>2220</b>								
2220	DITCH WITCH OF THE ROCKIE	E00200	CREDIT	02/15/2018	1,095.00	.00		
Total 2220:					1,095.00	.00		
<b>2264</b>								
2264	GRAINGER	9709320742	Shovel Holders and Cabinet Flat	02/23/2018	451.80	.00		
2264	GRAINGER	9709339205	Shovel Holders and Cabinet Flat	02/23/2018	1,198.20	.00	03/02/2018	
Total 2264:					1,650.00	.00		
<b>2269</b>								
2269	REDMOND MINERALS INC.	269442	SALT	01/26/2018	727.20	727.20	03/01/2018	
Total 2269:					727.20	727.20		
<b>2377</b>								
2377	RIDLEY'S FAMILY MARKETS	02282018	LATE FEE	03/08/2018	2.08	.00		
2377	RIDLEY'S FAMILY MARKETS	0409	BATTERIES	02/15/2018	3.49	.00		
2377	RIDLEY'S FAMILY MARKETS	312018	SALES Tax (November 2017)	03/01/2018	3,209.18	.00		
2377	RIDLEY'S FAMILY MARKETS	312018	RESORT TAX (November 2017)	03/01/2018	1,645.78	.00		
2377	RIDLEY'S FAMILY MARKETS	312018	SALES Tax (December 2017)	03/01/2018	4,322.51	.00		
2377	RIDLEY'S FAMILY MARKETS	312018	RESORT TAX (December 2017)	03/01/2018	2,278.06	.00		
Total 2377:					11,461.10	.00		
<b>2418</b>								
2418	FINAL COMPLETION DEPOSIT	17-129 FCD	17-129 Final Completion Deposit	03/07/2018	1,500.00	.00		
Total 2418:					1,500.00	.00		
<b>2421</b>								
2421	PUBLIC FACILITIES DEPOSIT	17-148 PFD	17-148 Public Facilities Deposit	03/01/2018	1,750.00	.00		
2421	PUBLIC FACILITIES DEPOSIT	17-148 PFD 2	17-148 Public Facilities Deposit	03/02/2018	1,750.00	1,750.00	03/06/2018	
Total 2421:					3,500.00	1,750.00		
<b>2452</b>								
2452	LEAVITT TRUCKING	3640	SALT Haul	03/06/2018	755.50	.00		
Total 2452:					755.50	.00		
<b>2614</b>								
2614	Executech Utah, Inc.	46193	UPS Batteries	02/21/2018	95.96	.00		
Total 2614:					95.96	.00		
<b>2683</b>								
2683	NORCO INC	23202500	Cylinder Rental	02/28/2018	62.89	.00		
Total 2683:					62.89	.00		
<b>2693</b>								
2693	TIM & MARY THOMAS	322018	Cari Lane Retaining Wall	03/02/2018	4,487.50	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2693:					4,487.50	.00		
<b>2694</b>								
2694	J and J Fabrications and Repai, L	1574	REPAIR LIGHT POLE	02/23/2018	225.00	.00		
Total 2694:					225.00	.00		
Grand Totals:					73,963.38	33,159.65		

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

City Recorder: \_\_\_\_\_

City Treasurer: \_\_\_\_\_

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Midway City Council  
14 March 2018  
Regular Meeting

Minutes of the  
28 February 2018  
Work Meeting





# Memo

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**Date:** 8 March 2018  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 28 February 2018 City Council Work Meeting

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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, 28 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; Pledge of Allegiance; Prayer and/or Inspirational Message**

Mayor Johnson called the meeting to order at 10:00 p.m. She excused Council Member Van Wagoner.

**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

**Members Excused:**

Ken Van Wagoner, Council Member

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

**2. Council Work Meeting / May 9<sup>th</sup>**

Mayor Johnson indicated that she would help with Meals on Wheels on May 9<sup>th</sup>. She asked that the work meeting begin at 9:00 a.m. that day.

**3. Arts Center Coalition / Use of Community Center**

The Council discussed that the Heber Valley Arts Center Coalition would hold monthly meetings in the Community Center. It was noted that they had not scheduled the building. It was also discussed if the group should be charged for use of the building. It was decided that the group could use the building for the first two monthly meetings at no charge and then the arrangement would be reevaluated.

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

Chris Crittenden, requester, made the following comments:

- Wanted to increase vibrancy on Main Street.
- Worked from home.
- Knew others who worked from home.
- Many homebased workers did not go to Main Street.
- Other municipalities were creating spaces where people could go to work.
- These spaces provided some economic development and increased vibrancy.
- Asked to use a room on the second floor of the Midway Town Hall for such a space.
- Would rent it for enough money to cover maintenance.
- Would sign a lease agreement.
- The space would be professional with no children allowed.
- Users of the space would not park in front of the building.
- The request was consistent with the General Plan.
- Thought that 20 people would initially participate.
- The users would only have use of the space and the restrooms.
- Wanted 24/7 access to the space.
- The door would lock behind each user.
- Would insure that the building and space were secured because they could contain users' expensive hardware.

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

- The lease would be \$200 a month for four key fobs.
- \$50 a month up to a total of \$1,000 would be charged for each additional fob.
- Mr. Crittenden would upgrade the power and install Wi-Fi and air conditioning.
- He would have insurance.
- The space was vacant.
- The Building Safety Department would determine the capacity of the space.
- 24/7 access was a concern.
- Each user would have a key fob and their use of the building would be tracked.
- Fire egress, lighting at night and ADA accessibility needed to be evaluated.

- 5. County Ordinance to Secure Loads** (Melvin Kohler) – Receive a presentation, on a possible county ordinance, requiring that all vehicle loads be secured.

Melvin Kohler, requester, made the following comments:

- Lived on 3000 South.
- The day before, filled an entire truck with trash from along the road in front of his house.
- Drivers did not secure their loads when taking trash to the County's transfer station.
- Spoke with the County regarding the problem. They asked for the support of the

municipalities before drafting an ordinance. The draft would then be brought back to the municipalities for review and approval.

- Law enforcement had to see someone littering to charge them.
- Utah County publicized for six months that loads needed to be secured. They charged an additional fee, after three months, to dump at its transfer station if the load was not secured. After another three months, unsecured loads were not allowed at the transfer station.
- His proposal would focus enforcement at the transfer station.

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

- Farmers transporting hay, manure, etc. should not be penalized.
- The City should protect farms.
- State and County codes addressed securing loads.
- The proposal would be an easier way to resolve the problem.

**6. Ordinance 2018-06 / Setbacks** (Approximately 20 minutes) – Discuss adopting 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 regarding the request and reviewed the following items:

- Current code
- Proposed code
- Reasons for the changes
- Remund Farms PUD (Formerly Midway Springs PUD)
- Valais PUD
- Scotch Fields PUD
- Appenzell PUD
- Saddle Creek Ranch PUD
- PUD setback requirements
- List of roads that required greater setbacks
- Proposed open space requirements
- Small scale subdivisions
- Possible findings
- Dutch Fields PUD

Mr. Henke also made the following comments:

- Council Member Simonsen and Kevin Payne recommended looking at the proposed ordinance more closely.
- Wanted to focus on the peripheral setbacks especially in PUD's.
- Current code forced units to the edge of PUD's.
- The proposal needed to be adopted for the latest version of the Midway Springs PUD to be approved.

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

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

- Moving open space to the edge of developments benefited the neighbors and the community.
- It would encourage more public trails that required maintenance.
- Developments should not have private trails next to each other.
- There could be greater setbacks if 50% contiguous open space was not required in PUD's.
- The greater setbacks should not be required on 500 South.
- Could a setback have a five-foot offset for unit or was at least 10 feet needed?
- PUD's were unique when considering setbacks.
- Usually high density and low-density zones were separated.
- A PUD could be built in any zone.
- The Valais PUD and Remund Farms PUD were what the market wanted.
- Up to 100 feet was the best distance for a front setback.
- Density would not be changed.
- Setbacks of up to 80, 90 and 100 feet were practical for developers.
- Affordable housing should be considered.
- View corridors needed to be maintained on certain roads.
- Setbacks next to listed streets could be 130 feet.
- The proposed changes might emphasize subdivisions over PUD's.
- Should parking spaces be allowed in the setbacks?

Wes Johnson indicated that driveways, with certain setbacks, would not be long enough for longer vehicles. He asked if the road width should be reduced. He suggested reducing the width from 30 feet to 26 feet in PUD's. The Council was interested in reducing the width.

**7. Ordinance 2018-09 / Recusal for Conflict of Interest** – Discuss proposed Ordinance 2018-09 amending Chapter 2.17 of the Midway City Municipal Code to require recusal when there is a conflict of interest.

Corbin Gordon read the chapter of the Municipal Code regarding conflicts of interest. He thought that it required recusal but could be amended to require leaving the room and not being visible.

Council Member Drury asked if the individual decided if they had a conflict of interest.

The Council discussed when an issue became a conflict. Mr. Gordon indicated that a personal financial benefit, financial benefit for a family member, or a close relationship to the applicant would constitute a conflict. Mayor Johnson suggested that if there was any doubt then the member should recuse themselves.

**8. Culinary Water Rates / Users Outside of the City** – Discuss the culinary water rates for users that are outside of the city limits.

Corbin Gordon explained that the City could charge a different rate for culinary water users,

outside of the city limits, if it had a reasonable justification. He recommended working with the City Engineer to determine such justifications. Mayor Johnson indicated that the issue would be considered further at another meeting.

## 9. Department Reports

Mayor Johnson explained the new format for department reports. She asked Council Members to prepare and follow outlines so that they would be thorough but succinct.

**Motion:** Council Member Drury moved, at 12:26 p.m., to recess the meeting.

**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	Excused from the Meeting

**Note:** The meeting was reconvened at 12:31 p.m.

## 10. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

**Motion:** Council Member Probst moved to go into a 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	Excused from the Meeting

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

**Motion:** Council Member Drury moved to go out of the closed meeting.

**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	Excused from the Meeting

## 11. Adjournment

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

The meeting was adjourned at 1:16 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

Midway City Council  
14 March 2018  
Regular Meeting

Minutes of the  
28 February 2018  
Regular Meeting





# Memo

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**Date:** 9 March 2018  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 28 February 2018 City Council Regular Meeting

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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, 28 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. She excused Council Member Van Wagoner.

**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

**Members Excused:**

Ken Van Wagoner, Council Member

**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. Ron Lowry gave the prayer and/or inspirational message.

**2. Consent Calendar**

- 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.

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

Mayor Johnson read the consent calendar.

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

**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	Excused from the Meeting

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

Mayor Johnson asked if there were any comments from the public. No comments were offered.

**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.

Chris Crittenden, requester, made the following comments:

- The business hub would be a coworking space on the second floor of the Midway Town Hall.
- People working at home could come downtown and use the space.
- The proposal was consistent with the General Plan.
- Several Midway residents commuted to a similar space in Park City.
- The lease would be \$50 per month per key fob.
- Users would sign an agreement that they would not let others including children use the space or building.
- Would add additional security to the space.
- Would have insurance.
- It would be fun.
- There were concerns about fire safety and ADA access. Asked that the request be approved subject to the Building Safety Department addressing these concerns.

Mayor Johnson indicated that the space would provide up to \$1,000 a month for building maintenance.

Janice Kennedy asked if users would bring their clients to the space. Mr. Crittenden responded that they might, but it would not be ideal.

Corbin Gordon indicated that he could prepare a variable lease agreement. Mr. Crittenden added that it would be like the agreement between the City and the Midway Art Association, which also leased space in the building.

Council Member Drury liked the idea of making downtown more vibrant and hoped that the venture would be successful.

**Motion:** Council Member Christen moved to allow a business hub at the Town Hall subject to the following conditions:

- The City Attorney drafted a variable lease agreement.
- The space and building complied with ADA, building code and fire code requirements.

**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	Excused from the Meeting

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

Mark Nelson, Heber Valley Railroad Executive Director, gave a presentation and reviewed the following items:

- Business update
- North pole express
- 100 business coach
- Increased platform length and lighting
- Business forecast
- Coach storage building
- Lounge car
- Trails
- Challenges
- Summer solstice community celebration
- Renovation of steam engine #618
- Vandalism

Mr. Nelson asked for a donation from the City.

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

Council Member Christen complimented Mr. Nelson on his work with the Railroad.

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

Ryan Starks, HVTD Executive Director, made the following comments and reviewed the following items:

- HVTD promoted local economic development and tourism.
- It included the Chamber of Commerce.
- Annual Report
- There was an upward trend in revenue from the Transient Room Tax.
- The economy was strong.
- Lt. Governor's tour of rural Utah
- Economic Development Plan
- Heber Valley Life magazine
- HVTD website
- Balancing development and quality of life

**Note:** A copy of the Annual Report and the Economic Development Plan are contained in the supplemental file.

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

Mayor Johnson indicated that Jason Norlen was not present. She made the following comments:

- HL&P was considering dark sky compliant LED bulbs for the decorative lights along Main Street.
- Some people thought that the lights needed to be spaced further apart.
- HL&P would switch out the bulbs on one side of the street for one block to see if they were safe and provided enough light.
- HL&P would not charge to replace the lights because of the energy savings.
- Asked if covers for the lights should also be considered.

Wes Johnson noted that the Utah Department of Transportation (UDOT) would improve Main Street from 300 East to 400 East in preparation for a signal light. He asked, if any lights were installed, should they be the same style as the rest of the street. The Council said that the style should be the same.

Mr. Johnson reviewed the different levels of dark sky compliant lights.

Mr. Johnson indicated that the LED lights would be a lower lumen and have a bluish color.

**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.

Melvin Kohler made the following comments:

- Something needed to be done to mitigate the garbage along the roads going to the Wasatch County Transfer Station.
- People transporting garbage tried to avoid the main streets.
- There were laws that prohibited littering and hauling unsecured loads.
- Roads that were well patrolled did not have as much of a problem with garbage.
- Proposed putting teeth in enforcing securing loads without hiring more law enforcement.
- Compliance had to be painful.
- Suggested to the County that there be enforcement at the transfer station.
- The County asked him to go to the municipalities and get their support.
- A higher fee could be charged at the transfer station for unsecured loads.
- Some communities eventually prohibited unsecured loads at their transfer stations.
- If the municipalities agreed, then he would go back to the County and they would develop a plan to mitigate the problem.
- The plan would then be brought back to the municipalities for review and approval.
- An officer needed to see someone littering to ticket them.
- Asked that the City prepare a letter of support.

Council Member Simonsen suggested raising the fine with each offense. Mr. Kohler questioned how that would be tracked and enforced. He suggested warnings for several months, then switching to fines for several additional months and finally refusing service at the transfer station.

**Motion:** Council Member Simonsen moved to have the City Attorney prepare a letter of support with the proposal, developed by the County, brought back to the Council for review.

**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	Excused from the Meeting

**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.

Mayor Johnson made the following comments:

- Public comment had been received on the proposed ordinance.
- It had been discussed at a work meeting.
- Additional comments had been accepted.
- The City Attorney had finalized it based upon that input.

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

- Proposed code
- Chart showing the proposed changes
- Possible findings

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

Council Member Drury noted that it took him some time to understand the proposal. He asked if it needed to be clearer. Mr. Henke responded that he would explain it to developers.

**Motion:** Council Member Probst moved to adopt Ordinance 2018-05 regarding frontage and acreage requirements, accept the staff report and include the following findings:

- Eliminating the proportional lot size and frontage reduction would reduce the potential density of large-scale standard subdivisions not fronting specified roads.
- Potential future traffic would be reduced because of lower potential density.
- The General Plan promoted reducing density and creating large lots.
- 15% open space would still be required for most large-scale subdivision.

**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	Excused from the Meeting

**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.

Michael Henke gave a presentation on the code changes in the proposed ordinance.

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

Mayor Johnson emphasized that item “B” in the presentation would only apply to PUD’s.

**Motion:** Council Member Probst moved to adopt Ordinance 2018-08, regarding open space requirements, and to accept the staff report with any of its findings.

**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	Excused from the Meeting

**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.

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

- Density comparisons
- Proposed code
- Removal of the Swiss architecture bonus
- Possible findings

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

**Motion:** Council Member Simonsen moved to adopt Ordinance 2018-07 amending Section 16.16.8 of the Midway City Municipal Code, regarding density in planned unit developments, to accept the staff report and include the following findings:

- Reducing density would also reduce potential traffic especially in the RA-1-43 zone which was generally located farthest from services and stores.



- Reducing density for PUDs in the RA-1-43 zone would make the density more comparable to densities for PUDs in all the other zones
- The General Plan promoted reducing density where appropriate.

**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	Excused from the Meeting

**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.

Corbin Gordon made the following comments:

- The issue was discussed in the work meeting held earlier that day.
- Some minor code changes were needed.
- The ordinance would be prepared and brought back to the Council for consideration.

**Motion:** Council Member Simonsen moved to table consideration of Ordinance 2018-09 to another meeting based on the recommendation of the City Attorney.

**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	Excused from the Meeting

### 13. 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 efforts to require metering

of secondary water usage. He also explained bills regarding affordable housing, leasing water, government oversight, food trucks, and home-based businesses.

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

State Representative Tim Quinn, House District #54, reviewed the current legislative session and explained his positions on a government oversight committee, funding homeless services, taxes on food, good Samaritan laws, and legal fees for suing governments.

#### HVTD / Tate Barn

Council Member Christen reported that the Utah Division of Parks and Recreation would allow the public to use the Tate Barn.

#### HVTD / Wayfinding Signs

Council Member Christen reported that HVTD had approved and ordered some wayfinding signs.

#### Arts Center Coalition / Feasibility Study

Council Member Christen reported that the feasibility study, for the proposed arts center, would be presented to the public on March 27<sup>th</sup>. She said that the Coalition still wanted the facility in Midway.

#### Ice Rink / Revenue / Ticket Building

Council Member Drury reviewed statistics for the current ice rink season. He said that the rink would remain open if the weather permitted. He indicated that revenue was better than expected. He also indicated that the operator wanted to have Wasatch High School build a better ticket building.

#### HL&P / Transmission Lines / Citizen Advisory Board

Mayor Johnson reported that construction of transmission lines was on hold. She indicated that feasibility studies regarding burying the lines would start being completed that April.

Mayor Johnson reported that HL&P would form a citizen advisory board.

#### MSD / Billing / Contract

Mayor Johnson reported that the billing from the City to the Midway Sanitation District would be revised. She also reported that the contract between the two would be updated.

Open Space Advisory Committee

Mayor Johnson reported that Windy Fischer, Utah Open Lands Executive Director, and Amanda Peterson would give presentations to the Open Space Advisory Committee on March 7<sup>th</sup>. She added that Courtland Nelson, the City's representative on Wasatch County's open lands board, would also report.

City Office Building / Food Donation Location

Mayor Johnson reported that food donations, to the local food bank, could be dropped off at the Midway City Office Building.

**14. Adjournment**

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

The meeting was adjourned at 8:17 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder