

MIDWAY CITY COUNCIL REGULAR MEETING

Tuesday, 2 October 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 and/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 2 October 2018 City Council Meeting
- b. Warrants
- c. Minutes of the 18 September 2018 City Council Work Meeting
- d. Minutes of the 18 September 2018 City Council Closed Meeting
- e. Minutes of the 18 September 2018 City Council Regular Meeting

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. Department Reports (Approximately 30 minutes)

- 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.

5. Issuance of General Obligation Bonds / Public Meeting (Approximately 45 minutes) – Arguments for and against the issuance of not to exceed \$5,000,000 of general obligation bonds to finance all or a portion of the costs to preserve open space and related improvements; and related matters.

6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

7. Adjournment

Published on the Utah Public Notice Website on 28 September 2018 at 6:00 p.m. by Brad Wilson (City Recorder)
Posted on 30 September 2018 at 5:00 p.m. by Brad Wilson (City Recorder)

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

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

Midway City Council
2 October 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
245								
245	C-THRU WINDOW	9600	Office, Town Hall & CC Window cl	08/28/2018	440.00	440.00	09/19/2018	
Total 245:					440.00	440.00		
305								
305	COLONIAL FLAG & SPECIALTY	0179391-IN	Administrative Rotations	09/19/2018	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0179392-IN	Cemetery Flag Rotations	09/19/2018	45.00	.00		
305	COLONIAL FLAG & SPECIALTY	0179393-IN	Hamlet Park Rotations	09/19/2018	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0179394-IN	Town Hall Rotations	09/05/2018	112.00	.00		
Total 305:					381.00	.00		
565								
565	HORROCKS ENGINEERS INC	48368	SUNBURST RANCH PHASE 2 (C	09/19/2018	229.00	.00		
565	HORROCKS ENGINEERS INC	48368	ALDER MEADOWS (CONSTRUC	09/19/2018	620.42	.00		
565	HORROCKS ENGINEERS INC	48368	INDIAN SUMMER (CONSTRUCTI	09/19/2018	8,383.52	.00		
565	HORROCKS ENGINEERS INC	48368	REMUND FARMS (PLANNING)	09/19/2018	3,551.65	.00		
565	HORROCKS ENGINEERS INC	48368	SCOTCHFIELDS PHASE 2 (CON	09/19/2018	2,844.16	.00		
565	HORROCKS ENGINEERS INC	48368	CASCADES AT SH (CONSTRUC	09/19/2018	2,600.56	.00		
565	HORROCKS ENGINEERS INC	48368	SAINT-PREX ESTATES (CONST	09/19/2018	2,486.72	.00		
565	HORROCKS ENGINEERS INC	48368	LIME CANYON SUBDIVISION (C	09/19/2018	419.88	.00		
565	HORROCKS ENGINEERS INC	48368	REMUND FARMS PHASE ONE (09/19/2018	6,722.26	.00		
565	HORROCKS ENGINEERS INC	48368	APPENZELL, PHASE 2 (CONST	09/19/2018	2,053.70	.00		
565	HORROCKS ENGINEERS INC	48368	ATTEND COUNCIL MEETINGS	09/19/2018	453.00	.00		
565	HORROCKS ENGINEERS INC	48368	General Engineering Tasks	09/19/2018	2,492.34	.00		
565	HORROCKS ENGINEERS INC	48368	ATTEND PLANNING COMMISSI	09/19/2018	151.00	.00		
565	HORROCKS ENGINEERS INC	48368	Update WATER GIS MAP	09/19/2018	115.50	.00		
565	HORROCKS ENGINEERS INC	48368	METER WATER SOURCES	09/19/2018	1,341.82	.00		
565	HORROCKS ENGINEERS INC	48368	Michie Lane (Center to Fox Den R	09/19/2018	153.58	.00		
565	HORROCKS ENGINEERS INC	48368	2017 Road Surface Treatments	09/19/2018	153.06	.00		
565	HORROCKS ENGINEERS INC	48368	PUBLIC WORKS SITE GRADING	09/19/2018	302.00	.00		
565	HORROCKS ENGINEERS INC	48368	Probst Way Road & UtilITIES	09/19/2018	1,008.30	.00		
565	HORROCKS ENGINEERS INC	48368	2018 Road Surface Treatment (D	09/19/2018	2,383.56	.00		
Total 565:					38,466.03	.00		
845								
845	MOUNTAINLAND SUPPLY COM	S102765462.0	CLAMPS FOR CONCRETE	08/24/2018	1,388.81	1,388.81	09/19/2018	
845	MOUNTAINLAND SUPPLY COM	S102767658.0	CEMETERY	08/28/2018	26.67	26.67	09/19/2018	
845	MOUNTAINLAND SUPPLY COM	S102774647.0	SERVICE CHARGE	08/31/2018	2.14	2.14	09/19/2018	
845	MOUNTAINLAND SUPPLY COM	S102782358.0	RINGS AND LIDS	09/11/2018	1,208.96	.00		
845	MOUNTAINLAND SUPPLY COM	S102785781.0	Supplies	09/11/2018	1,208.96-	.00		
845	MOUNTAINLAND SUPPLY COM	S102787623.0	WATER SUPPLIES	09/12/2018	397.50	.00		
845	MOUNTAINLAND SUPPLY COM	S102788431.0	SUPPLIES	09/13/2018	328.13-	.00		
845	MOUNTAINLAND SUPPLY COM	S102790904.0	FIRE	09/17/2018	43.92	.00		
845	MOUNTAINLAND SUPPLY COM	S102791412.0	CEMETARY	09/17/2018	95.99	.00		
Total 845:					1,626.90	1,417.62		
875								
875	OFFICE DEPOT	193817338001	Highlighters	08/28/2018	18.93	18.93	09/19/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
875	OFFICE DEPOT	193818961001	Highlighters	08/29/2018	7.54	7.54	09/19/2018	
875	OFFICE DEPOT	193818962001	OFFICE SUPPLIES	08/28/2018	361.42	361.42	09/19/2018	
875	OFFICE DEPOT	202882327001	SHOP TICKET HOLDERS	09/13/2018	10.58	.00		
875	OFFICE DEPOT	202882327001	LARGE BINDER CLIPS	09/13/2018	9.47	.00		
875	OFFICE DEPOT	202882327001	Labels, Markers	09/13/2018	23.04	.00		
875	OFFICE DEPOT	202882327001	NOTE POST IT NOTES	09/13/2018	11.47	.00		
Total 875:					442.45	387.89		
930								
930	Dominion Energy	2731063797 9/	2731063797 COMMUNITY CENT	09/13/2018	28.75	28.75	09/28/2018	
930	Dominion Energy	5770020000 9/	5770020000 TOWN HALL	09/13/2018	180.81	180.81	09/28/2018	
930	Dominion Energy	6558550000 9/	6558550000 Maintenance Shop	09/13/2018	7.37	7.37	09/28/2018	
930	Dominion Energy	6801020000 9/	6801020000 Admin Office	09/13/2018	11.59	11.59	09/28/2018	
930	Dominion Energy	SJ0001614739	NEW SERVICE AT SHOP	09/18/2018	3,443.10	3,443.10	09/18/2018	
Total 930:					3,671.62	3,671.62		
945								
945	CENTURYLINK - 435-654-3223 2	09072018	City of Midway 435-654-3223 269	09/07/2018	440.44	440.44	09/28/2018	
Total 945:					440.44	440.44		
1150								
1150	HOME DEPOT Credit Services	4415 00008 04	SUPPLIES	09/19/2018	545.88	.00		
1150	HOME DEPOT Credit Services	4415 00016 63	SUPPLIES	09/19/2018	157.00	.00		
1150	HOME DEPOT Credit Services	4415 00018 65	RETURN	09/19/2018	157.00-	.00		
Total 1150:					545.88	.00		
1170								
1170	TIMBERLINE ACE HARDWARE	120506	BUILDINGS	08/22/2018	124.98	124.98	09/19/2018	
1170	TIMBERLINE ACE HARDWARE	120507	BUILDINGS	08/22/2018	149.99	149.99	09/19/2018	
1170	TIMBERLINE ACE HARDWARE	121085	RAID WASP AND HORNET	09/19/2018	67.08	.00		
Total 1170:					342.05	274.97		
1305								
1305	VERIZON WIRELESS	9813745062	BACKNET CELLULAR SERVICE	09/01/2018	333.71	333.71	09/28/2018	
Total 1305:					333.71	333.71		
1340								
1340	WASATCH COUNTY SHERIFFS	0818	LAW ENFORCEMENT (AUGUST	08/31/2018	9,152.14	.00		
Total 1340:					9,152.14	.00		
1365								
1365	WAVE PUBLISHING	L16183	PUBLIC MEETING NOTICE	09/05/2018	120.24	.00		
1365	WAVE PUBLISHING	L16184	GENERAL OBLIGATION BONDS	09/05/2018	138.74	.00		
1365	WAVE PUBLISHING	L16189	change of meeting dates	08/29/2018	78.62	78.62	09/19/2018	
Total 1365:					337.60	78.62		
1421								
1421	HEBER LIGHT & POWER	121	IMPACT FEE FOR MAINTENAN	09/18/2018	5,548.60	5,548.60	09/18/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1421:					5,548.60	5,548.60		
1603								
1603	ROCKY MOUNTAIN POWER	09202018	SWISS MOUNTAIN PUMP	09/20/2018	11.90	.00		
Total 1603:					11.90	.00		
1821								
1821	WEX BANK	55646467	SINCLAIR-FUEL	08/31/2018	1,127.32	1,127.32	09/28/2018	
1821	WEX BANK	55646467	LATE FEE	08/31/2018	75.00	75.00	09/28/2018	
Total 1821:					1,202.32	1,202.32		
1928								
1928	TRUCO ENTERPRISES, INC	185126	CEMETERY-LANDSCAPING JUL	07/01/2018	3,138.60	3,138.60	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185127	CENTENNIAL PAR & TOWN HAL	07/01/2018	921.92	921.92	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185128	HAMLET PARK-LANDSCAPING	07/01/2018	1,339.68	1,339.68	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185129	MAIN STREET PARKSTRIPS-LA	07/01/2018	1,759.48	1,759.48	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185130	MICHIE LANE PARK STRIPS-LA	07/01/2018	440.56	440.56	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185131	VALAIS PARK-LANDSCAPING J	07/01/2018	1,807.28	1,807.28	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185132	ALPINHOF-LANDSCAPING JULY	07/01/2018	533.00	533.00	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185133	ROUND ABOUT-LANDSCAPING	07/01/2018	200.00	200.00	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185301	ALPINHOF-FERTLIZIER 2ND AP	06/30/2018	167.71	167.71	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185302	CEMTERY-FERTLIZER 2ND APP	06/30/2018	663.56	663.56	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185303	CENTENNIAL PARK AND TOWN	06/30/2018	407.63	407.63	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185304	MAIN STREET PARKSTRIPS-FE	06/30/2018	256.32	256.32	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185305	VALAIS PARK-FERTLIZIER 2ND	06/30/2018	914.55	914.55	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185306	TOWN SQUARE-FERTLIZIER 2N	06/30/2018	356.18	356.18	09/17/2018	
1928	TRUCO ENTERPRISES, INC	185307	ROUND ABOUT-FERTLIZER 2N	06/30/2018	48.00	48.00	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186210	CEMETERY-LANDSCAPING AU	08/01/2018	3,923.25	3,923.25	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186211	CENTENNIAL PAR & TOWN HAL	08/01/2018	1,152.40	1,152.40	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186212	HAMLET PARK LANDSCAPING	08/01/2018	1,674.60	1,674.60	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186213	MAIN STREET PARKSTRIPS LA	08/01/2018	2,199.35	2,199.35	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186214	MICHIE LANE PARK STRIPS-LA	08/01/2018	550.70	550.70	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186215	VALAIS PARK LANDSCAPING A	08/01/2018	2,259.10	2,259.10	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186216	ALPINHOF-LANDSCAPING AUG	08/01/2018	666.25	666.25	09/17/2018	
1928	TRUCO ENTERPRISES, INC	186217	ROUND ABOUT-LANDSCAPING	08/01/2018	250.00	250.00	09/17/2018	
1928	TRUCO ENTERPRISES, INC	187412	CEMETARY-LANDSCAPING SE	09/01/2018	3,138.60	3,138.60	09/19/2018	
1928	TRUCO ENTERPRISES, INC	187413	CENTENNIAL PARK AND TOWN	09/01/2018	921.92	921.92	09/19/2018	
1928	TRUCO ENTERPRISES, INC	187414	HAMLET PARK - LANDSCAPING	09/01/2018	1,339.68	1,339.68	09/19/2018	
1928	TRUCO ENTERPRISES, INC	187415	MAIN STREET PARKSTRIPS-LA	09/01/2018	1,759.48	1,759.48	09/19/2018	
1928	TRUCO ENTERPRISES, INC	187417	VALAIS LANDSCAPING	09/01/2018	1,807.28	1,807.28	09/19/2018	
1928	TRUCO ENTERPRISES, INC	187418	ALPENHOLF PARK LANDSCAPI	09/01/2018	533.00	533.00	09/19/2018	
1928	TRUCO ENTERPRISES, INC	187419	ROUNDAABOUT LANDSCAPING	09/01/2018	200.00	200.00	09/19/2018	
1928	TRUCO ENTERPRISES, INC	187827	CEMETERY-FERTLIZER 3RD AP	08/15/2018	663.56	663.56	09/17/2018	
1928	TRUCO ENTERPRISES, INC	187828	CENTENNIAL PAR & TOWN HAL	08/15/2018	407.63	407.63	09/17/2018	
1928	TRUCO ENTERPRISES, INC	187829	MAIN STREET PARKSTRIPS FE	08/15/2018	256.32	256.32	09/17/2018	
1928	TRUCO ENTERPRISES, INC	187830	TOWN SQUARE - FERTLIZIER	08/15/2018	356.18	356.18	09/17/2018	
1928	TRUCO ENTERPRISES, INC	187831	VALAIS PARK FERTLIZIER 3RD	08/15/2018	914.55	914.55	09/17/2018	
1928	TRUCO ENTERPRISES, INC	187832	ALPINHOF- FERTLIZIER 3RD AP	08/15/2018	167.71	167.71	09/17/2018	
1928	TRUCO ENTERPRISES, INC	187833	ROUND ABOUT- FERTLIZIER 3	08/15/2018	48.00	48.00	09/17/2018	
Total 1928:					38,144.03	38,144.03		
1966								
1966	ELECTRICAL WHOLESALE SUP	916012543	2018 SWISS DAYS	08/28/2018	982.89	982.89	09/19/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1966	ELECTRICAL WHOLESale SUP	916013122	2018 SWISS DAYS	08/28/2018	20.12	20.12	09/19/2018	
1966	ELECTRICAL WHOLESale SUP	916021255	2018 SWISS DAYS	08/29/2018	7.86	7.86	09/19/2018	
1966	ELECTRICAL WHOLESale SUP	916196026	SUPPLIES	09/24/2018	323.30	.00		
Total 1966:					1,334.17	1,010.87		
2147								
2147	CHEMTECH-FORD LABORATO	18H1396	SAMPLES - 365 N 1080 W & ALP	09/05/2018	1,325.00	1,325.00	09/19/2018	
2147	CHEMTECH-FORD LABORATO	18I0036	SEVERAL TESTS FOR COLILER	09/05/2018	120.00	120.00	09/19/2018	
Total 2147:					1,445.00	1,445.00		
2264								
2264	GRAINGER	9883006596	WALL SHUTTER	08/22/2018	96.30	.00		
Total 2264:					96.30	.00		
2377								
2377	RIDLEY'S FAMILY MARKETS	0006	DURACELL -PUBLIC WORKS	09/13/2018	15.58	15.58	09/19/2018	
Total 2377:					15.58	15.58		
2418								
2418	FINAL COMPLETION DEPOSIT	17-058 FCD	17-058 Final Completion Deposit	09/18/2018	1,500.00	.00		
Total 2418:					1,500.00	.00		
2451								
2451	BAR HV RANCH	516060	NEW YORK STRIP STEAKS 70	08/23/2018	370.00	370.00	09/19/2018	
Total 2451:					370.00	370.00		
2456								
2456	IWORQ	10825	INternet cemetery	09/17/2018	1,200.00	.00		
2456	IWORQ	10825	INternet Fleet Management Applic	09/17/2018	1,750.00	.00		
Total 2456:					2,950.00	.00		
2481								
2481	CASH- PAID TO GREG WINTER	09192018	CI Funds	09/19/2018	3,000.00	3,000.00	09/28/2018	
Total 2481:					3,000.00	3,000.00		
2508								
2508	Quality Tire Company	059626-00	Tires	09/19/2018	472.52	.00		
Total 2508:					472.52	.00		
2561								
2561	CENTURYLINK -435-654-3924 4	3924-09/2018	435-654-3924 453B	09/07/2018	136.08	136.08	09/28/2018	
Total 2561:					136.08	136.08		
2562								
2562	CENTURYLINK 435-654-4204 77	09072018	435-654-4204 775B	09/07/2018	46.88	46.88	09/28/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2562:					46.88	46.88		
2563								
2563	CENTURYLINK 76612167	1449296641	76612167	08/31/2018	27.69	27.69	09/19/2018	
Total 2563:					27.69	27.69		
2582								
2582	WEST COAST CODE CONSULT	UT18-504-010	SOLAR REVIEW	09/12/2018	340.00	340.00	09/19/2018	
Total 2582:					340.00	340.00		
2614								
2614	Executech Utah, Inc.	56852	DISPLAY PORT CABLE	09/10/2018	18.99	.00		
2614	Executech Utah, Inc.	57054	Contract Labor	08/31/2018	449.65	.00		
2614	Executech Utah, Inc.	57054	IT SERVICE AGREEMENT	08/31/2018	910.00	.00		
2614	Executech Utah, Inc.	57054	Monthly Licenses and Subscriptio	08/31/2018	788.89	.00		
Total 2614:					2,167.53	.00		
2636								
2636	CenturyLink 435-654-4120	1450234686	435-654-4120 Phone Services	09/11/2018	855.00	855.00	09/28/2018	
Total 2636:					855.00	855.00		
2640								
2640	Kilgore Contracting	09182018	2017 HOMESTEAD TRAIL PHAS	09/18/2018	29,562.39	29,562.39	09/19/2018	
2640	Kilgore Contracting	4566703	MIDWAY CITY 2016 ROAD AND	09/11/2018	9,295.00	9,295.00	09/19/2018	
Total 2640:					38,857.39	38,857.39		
2658								
2658	SIGNARAMA	INV-2246	POLO SHIRTS	09/11/2018	85.00	85.00	09/19/2018	
2658	SIGNARAMA	INV-2258	APPAREL WITH EMBROIDERY-	09/08/2018	81.00	81.00	09/19/2018	
2658	SIGNARAMA	INV-2258	APPAREL W/EMBROIDERY KEL	09/08/2018	81.00	81.00	09/19/2018	
2658	SIGNARAMA	INV-2362	SHIRTS FOR BUILDING DEPAR	09/21/2018	111.00	.00		
Total 2658:					358.00	247.00		
2695								
2695	Epic Engineering	20103028	MIDWAY VEHICLE BUILDING	07/31/2018	293.30	.00		
2695	Epic Engineering	20103553	MIDWAY VEHICLE BUILDING	08/30/2018	553.20	.00		
Total 2695:					846.50	.00		
2701								
2701	Colette Caldwell	6	SEPTEMBER 2018 JANITORIAL	09/26/2018	1,000.00	1,000.00	09/28/2018	
Total 2701:					1,000.00	1,000.00		
2727								
2727	PAINTER BROS	1122	BUILDING OFFICE DOORS	09/11/2018	250.32	250.32	09/19/2018	
2727	PAINTER BROS	1122	HAMLET/VALAIS DOORS	09/11/2018	250.32	250.32	09/19/2018	
Total 2727:					500.64	500.64		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2728								
2728	MONICIA ECHOLS	09122018	BEEHIVE ICC CHAPTER MEETI	09/12/2018	26.71	26.71	09/28/2018	
2728	MONICIA ECHOLS	09192018	PHONE CASE	09/19/2018	15.48	15.48	09/28/2018	
2728	MONICIA ECHOLS	09242018	CELL PHONE SCREEN PROTEC	09/24/2018	14.88	14.88	09/28/2018	
Total 2728:					57.07	57.07		
Grand Totals:					157,463.02	99,849.02		

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
2 October 2018
Regular Meeting

Minutes of the
18 September 2018
Work Meeting



Memo

Date: 28 September 2018
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 18 September 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)**

**Tuesday, 18 September 2018, 9:00 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 United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, 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 9:03 a.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member (Left at
10:55 a.m.)

Staff Present:

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

Members Excused:

Jeff Drury, Council Member

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

2. Insurance / ULGT (Approximately 40 minutes) – Receive a presentation on the insurance coverage provided to Midway City by the Utah Local Governments Trust.

Greg Baumgartner, ULGT, reviewed the City's membership in the organization and the following subjects:

- Insurance coverage
- Training
- Risk assessments
- Member equity
- Property appraisals
- Legal hotline

- ULGT organization
- Claim amounts
- Coverage exceptions

Mr. Baumgartner indicated that the ULGT covered exceptions, such as land use, up to \$25,000. He doubted that there was a product on the market that covered land use liability and litigation.

- 3. Lola's Street Kitchen / Conditional Use Permit to Serve Alcohol** (David Perez-Medina – Approximately 10 minutes) – Discuss a conditional use permit and local consent for Lola's Street Kitchen, located at 24 East Main Street, to serve beer and wine (Zoning is C-2). Recommended with conditions by the Midway City Planning Commission.

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

- What was being requested
- Changes to proximity variances
- Definition of a park
- Hours of operation
- Proposed conditions
- Restaurants in the City that sold alcohol

Mr. Henke also made the following comments:

- The Council had broad discretion when allowing the sale of alcohol.
- Had received several calls regarding the proposed permit.

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

- 4. Midway Mercantile / Conditional Use Amendment to Serve Alcohol** (John Platt – Approximately 10 Minutes) – Discuss amending the conditional use permit for the Midway Mercantile Restaurant, located at 99 East Main Street, to serve alcohol (Zoning is C-2).

Michael Henke reviewed the hours of operation for the restaurant and other restaurants in the City that served alcohol. He explained that John Platt, applicant, was requesting that the limit on the hours of operation, imposed by the City, be removed.

- 5. Canyon View PUD, Plat B / Hamlet Homes** (Michael Brodsky) – Receive a presentation on Hamlet Homes' purchase of Plat B of the Canyon View PUD located at approximately 1150 Springer View Loop.

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

- Land use summary
- Location of the project
- Roads
- Sensitive lands

- Landscaping plan
- Bonding
- Water requirements.

Michael Brodsky, Hamlet Homes, reviewed the following items:

- Purchase of the project by Hamlet Homes
- Unit sizes
- Soil testing
- Combining the HOA's for both Plat A and B
- Unit architecture
- Landscaping
- Bonding

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

6. Board of Equalization Meeting – A meeting of the Midway City Board of Equalization (Please see separate agenda).

Motion: Council Member Simonsen moved to convene as the Midway City Board of Equalization.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: Minutes of the Board are maintained separately.

Motion: Board Member Van Wagoner moved to adjourn the Midway City Board of Equalization meeting and to continue the city council meeting.

Second: Board Member Simonsen seconded the motion.

Discussion: None

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

Board Member Christen	Aye
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Board Member Drury	Excused from the Meeting
Board Member Probst	Aye
Board Member Simonsen	Aye
Board Member Van Wagoner	Aye

Note: Council Member Van Wagoner and Council Member Christen left at 10:55 a.m.

7. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Probst moved to go into a closed meeting.

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	Excused from the Meeting
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 Probst 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	Excused from the Meeting
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Excused from the Meeting

8. Adjournment

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

The meeting was adjourned at 12:30 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT

Midway City Council
2 October 2018
Regular Meeting

Minutes of the
18 September 2018
Regular Meeting



Memo

Date: 28 September 2018
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 18 September 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)**

**Tuesday, 18 September 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 United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, 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 indicated that Council Member Drury was participating in the meeting electronically.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member (Arrived at
6:19 p.m.)
Jeff Drury, Council Member (Participated
Electronically)
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.

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

2. Consent Calendar

- a. Agenda for the 18 September 2018 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 22 August 2018 City Council Regular Meeting
- d. First One Year Extension of the Final Approval for the Indian Summer Subdivision Located at 200 North and 400 East (Zoning is R-1-9 and R-1-15).

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

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

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Christen	Excused from the Meeting
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. No comments were offered.

4. Department Reports

Cemetery / Old Maintenance Building

Council Member Probst reported that the old maintenance building at the cemetery would be removed.

Cemetery / Berm Next to New Maintenance Building

Council Member Probst reported that a berm would be built by the new maintenance building so that it could not be seen from the cemetery.

Town Hall / Sprinkler Damage

Council Member Probst reported that there was some sprinkler damage at the Town Hall.

Town Hall / Shingles

Council Member Probst reported that the shingles on the Town Hall did not require oil. He added that oiling them would negate their warranty.

Public Works Vehicle Building

Council Member Van Wagoner reported that the new vehicle building, at the maintenance yard,

was completed except for connecting utilities and laying surrounding asphalt.

Maintenance Yard / Site Plan

Council Member Van Wagoner recommended a site plan for the maintenance yard that showed where all the equipment would be stored.

SCADA System / Upgrades

Council Member Van Wagoner reported that the SCADA system failed to provide notification that the Alpenhof water tank had emptied. He said that some system components needed to be upgraded and that batteries needed to be replaced.

Swiss Alpine Road / Saint-Prex Estates

Council Member Simonsen reported that additional portions of Swiss Alpine Road would be repaired with the construction of the Saint-Prex Estates Subdivision. He added that the additional cost would be covered by money not used for road surface treatments.

Note: Council Member Christen arrived at 6:19 p.m.

Roads / Surface Treatments

Council Member Simonsen reported that the road surface treatments had been completed.

Roads / Striping

Council Member Simonsen reported that roads would be striped that week.

Valais Park Tennis Courts / Resurfacing

Council Member Simonsen reported that the resurfacing of the Valais Park tennis courts had been completed. He added that the Public Works Department would re-landscape around the courts.

Town Square Tennis Court / Striping for Pickleball

Council Member Simonsen reported that the Town Square tennis court has been striped for pickleball.

Trails and Parks Committee / Refocus on Trails

Council Member Simonsen reported that the Midway City Trails and Parks Advisory Committee

would refocus on trails. He added that they were working on a trails map.

Center Street to Pine Canyon Trail / Completion

Council Member Simonsen reported that the trail, from Center Street to Pine Canyon Road, had been completed.

Michie Lane Park / Design RFP

Council Member Simonsen reported that a request for proposals had been issued for the design of the Michie Lane Park.

5. Issuance of General Obligation Bonds / Public Hearing (Approximately 45 minutes) – Presentation and public hearing regarding the issuance of not to exceed \$5,000,000 general obligation bonds to finance all or a portion of the costs to preserve open space and related improvements; and related matters. **Public Hearing**

Courtland Nelson, Midway City Open Space Advisory Committee Chairman, reviewed the work of the Committee and the following items:

- Required meetings for issuing general obligation bonds
- What open space did the City want in 25 years
- Meetings and open houses held by the Committee
- Resolution from the Committee regarding bonding for open space
- Arguments for and against a bond
- Meetings to be held regarding the bond

Mr. Nelson also made the following comments:

- The Committee was working with open space professionals.
- It was drafting a new chapter for the General Plan regarding open space.
- It was also developing an evaluation process to determine what open space should be preserved.

Public Hearing

Mayor Johnson opened the public hearing.

George Hansen

Mr. Hansen noted that some of the best open space, such as ridgelines and stream corridors, were protected by legislation. He noted that legislation could be changed as development pressure increased. He asked the City to purchase that open space to insure its protection.

Jon McKeon

Mr. McKeon indicated that Cache Valley, Jackson Hole and Draper had changed dramatically because of development. He supported bonding to protect the City and the surrounding area.

Jinny Tuite

Ms. Tuite supported open space and farming. She wanted functional open space with sensitivity towards farms and dairies. She suggested that the City work with Utah State University to accomplish these goals.

Ms. Tuite said that she owned property in the North Fields. She indicated that preserving open space would save the City money because it required fewer municipal services than residential development.

Katie Noble

Ms. Noble said that all tools including bonding should be used to protect open space. She understood that bonding could be scary, but it would help the City to be ready when protection opportunities arose.

Jordan Olin

Mr. Olin agreed with purchasing legislatively protected open space. He thought that planned projects, such as bypass roads, would bring more people to the area.

Colleen Bonner

Ms. Bonner made the following comments:

- She was not against open space.
- The City had been protecting it for some time.
- 1,700 of the 3,500 acres in Midway had been preserved as open space.
- 15% of subdivisions and 50% of PUD's were open space.
- Setbacks had been increased which provided more open space.
- Could not support the bond because she did not know what it would buy.
- A small percentage of residents had taken the surveys regarding open space. The City should not base its decisions on these surveys.
- The City should present a plan to its citizens before it requested to bond.
- If the City issued bonds, then there would be pressure to immediately spend that money.
- Would the money be spent on parks and trails which were useable open space?
- The Wasatch Mountain State Park provided 23,000 acres of open space and trails.
- No actual farms were left in Midway. The remaining farmers leased land to graze their cattle.

Heather Whitney

Ms. Whitney made the following comments:

- Moved to Midway because it was a small town with open space, diversity and farms.
- Other entities would help purchase open space if the City approve the bond.
- There were many examples of paradise being lost.
- Parks and trails were important.
- People needed to be able to get around without using vehicles.
- Supported the bond.

Lyle Gertsch

Mr. Gertsch made the following comments:

- Was a lifelong resident of Midway.
- Opposed the bond. There were better ways to protect open space.
- Everyone wanted open space.
- Many residents bought in subdivision that did not have open space.
- Residents should buy open space themselves if they wanted it.
- The best loan was no loan.
- The City should not go into bondage for \$5 million.
- His property taxes had more than doubled over the last six years.
- Had purchased three acres of open space.
- Taxes would be increased for a new high school, etc.
- Money should be spent on other needs such as law enforcement to control speeding.

Robin Johnson

Ms. Johnson made the following comments:

- Loved Midway and open space.
- It was difficult to watch open space be developed into projects like Dutch Fields.
- Liked the people who had moved into Midway and did not want them to move.
- Would people be disparaged for not protecting their property as open space?
- You should not tell others what they should do with their property.
- A family had left Midway because they wanted to do aquaponics on their property and were disparaged by neighbors.
- The City Council needed to protect property rights.
- Questioned how much open space could be purchased with \$10 million including matching funds.
- Thought that purchasing open space would not significantly reduce the need for more schools.

Don Huggard

Mr. Huggard made the following comments:

- Grew up in Park City and saw residents leave because the taxes became too high. The

- same thing was happening in Midway.
- His taxes had gone up \$855 that year.
- Many organizations wanted to raise taxes.
- Some residents were on fixed incomes.
- Everyone liked open space.
- Midway had already changed significantly. Cows and sheep used to be herded down Main Street.
- Good people had moved to Midway.
- If a bond was approved would the money only be used for open space in the City?
- Would there be a limit on the interest rate for the bond?

Mayor Johnson responded that only open space within the City's current annexation boundary could be preserved with the bond money.

Brian Baker, Zions Public Finance

Mr. Baker explained bonding, interest rates and general obligation bonds. He reviewed the bonds that had been issued in Utah for open space. He made the following comments:

- Was the bond financial advisor for the City.
- The interest rate for municipal bonds would be around 3.65% and that would not change much.
- This City's bond rate would be fixed.
- Other municipal bonds that had higher rates were an aberration because of special circumstances.
- Some open space bonds had been approved for specific projects while others had not.
- The amount of matching funds for open spaced varied widely. Park City purchased Bonanza Flats with \$25 million of bond money and \$10 million of matching funds.

Heather Whitney

Ms. Whitney indicated that she had purchased ten undeveloped acres in Midway. Bonding would not limit the other tools that could be used to preserve open space. Financial incentives could be important in the preservation process.

Steve Bonner

- His family had lived in Midway for generations.
- Was proud of Colleen, his wife, who had been the mayor. She had done a lot of things to keep Midway beautiful.
- Had a business spraying weeds and liked keeping the area beautiful.
- A municipality should bond for needs not wants.
- Residents should be responsible, not panic and should develop a plan to protect open space.
- Worried about residents on fixed incomes.
- Was most likely against the bond.

Holly Bodily

Ms. Bodily made the following comments:

- The community was not rushing to preserve open space. It was behind in preserving it.
- Subdivisions were what was available for homebuyers.
- Had been coming to Midway for 30 years.
- The residents could choose if they wanted the area to fill in with development like other communities.
- Preserving open space saved the City money in the long run.
- Open space could only be preserved with willing buyers and sellers. Did not want to pressure anyone.
- Some residents were willing to pay into a tax relief fund to help those on fixed incomes.
- It was not realistic to require a perfect plan for open space preservation.
- Preservation would offset some costs for additional schools.
- If open space was not preserved, then tourism revenue would drop with traffic and pollution increasing.
- Was willing to not eat out twice a year to pay for her portion of the bond.

Athina Koumarela

Ms. Koumarela made the following comments:

- Had lived in Midway for 42 years.
- Had spent months trying to find someone to preserve the Remund family property. That property could have been purchased for open space.
- The area needed to be able to produce its own food.
- The bond would be a beginning step in open space preservation.

Kent Kohler

Mr. Kohler made the following comments:

- His family had lived in Midway for five generations.
- None of his children were able to live in Midway.
- Tools were already in place to protect open space. The farm preservation subdivision was an example.
- Private donations should be considered first, and government money considered last.
- Questioned what \$5 million would buy. It might buy a sliver of land.
- How would the price of development rights be determined?
- Were there property owners who wanted to sell their land or development rights for open space? Had talked to landowners and they were not willing to sell their development rights.
- A preservation plan was needed.

Clint Coleman

Mr. Coleman made the following comments:

- Was not opposed to open space but the cart had been put before the horse.
- Wasatch County had been working on open space preservation for years. Residents should support the County's open space bond. It would have less financial impact on residents.
- Park City had a commercial tax base that Midway did not.
- Were wealthy residents willing to buy their own open space?
- Questioned who would be willing to put a conservation easement on their property.
- The bond had divided the community.
- Taxes did not go down once they were raised.

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

Council Member Simonsen hoped that any bond money for open space could be leveraged.

Courtland Nelson made the following additional comments:

- It would be rare that open space would be purchased fee title.
- Hoped that the bond money could be leveraged three to one but that would take time. It could take one to two years to put together a preservation deal.
- When money was put on the table it made interesting things happen.
- New ballot language would be needed if specific properties were slated for purchase.
- Areas already protected could be emphasized.
- Different criteria could be used for the center of the City.
- The City might receive up to \$1.8 million from the County's bond if it passed. The cost would be \$37 per resident per year.

Mayor Johnson reminded the attendees of future meetings regarding the bond.

6. Michie Lane & 300 East / Increased Intersection Markings (Jordan Council – Approximately 10 minutes) – Discuss and possibly approve additional markings at Michie Lane and 300 East to better identify the intersection.

Mr. Council made the following comments:

- Was the HOA president for Bowden Fields.
- The intersection of 300 East and 300 South (Michie Lane) was dangerous. Michie Lane was a farm road that had been improved to a bypass of Main Street.
- The road included a bike lane.
- It had several four way stops.
- The associated trail was an improvement.
- Requested more traffic enforcement on the road and improved marking at the intersection.
- Over 60 children used that intersection to go to school.
- There would also be a park at the intersection.
- 90% of the drivers did not stop at the stop signs.

- It would be tragic if a child was killed.
- Spoke to the school principal regarding safety at the intersection.

Mayor Johnson responded that her message, in the next city newsletter, would address speeding, etc.

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

- Additional money had been budgeted for law enforcement.
- Enforcement would be throughout the City.
- Shrubs would direct children in the park to cross the road using the intersection.
- The intersection would be striped that Thursday.
- A crossing guard had been discussed but that required a formal crosswalk, committee approval and plan.
- The intersections should not be four way stops. Yield signs should be used instead.
- Other traffic devices had varying degrees of effectiveness.
- Safety was the paramount concern.
- Children should be reminded about the proper way to cross an intersection.

7. Kraig Ford Subdivision / Preliminary & Final Approval (Berg Engineering – Approximately 10 minutes) – Discuss and possibly grant preliminary and final approval for the Kraig Ford Subdivision (2 lots) located at 115 West 970 South.

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

- Land use summary
- Location of the proposed subdivision
- Proposed plat map
- Water recommendations
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The applicant wanted to create a building lot for his daughter.
- The request met the requirements of the zone.
- There was enough width for a driveway with a hammerhead turnaround. It did not have to be an impervious surface.

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

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

- The applicant could have done half acre lots but chose to do a one-acre lot.
- The process had been started to transfer some of the water rights, in an existing well, into the City's culinary system.

Public Hearing

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

Motion: Council Member Van Wagoner moved to grant preliminary and final approval for the Kraig Ford Subdivision, located at 115 West 970 South, with the recommendation of the Water Board and the following findings and conditions:

- The proposed lot met the minimum requirements for the R-1-22 zoning district.
- The proposal met the intent of the General Plan for the R-1-22 zoning district.
- A Midway Irrigation Company easement would be shown on the plat for the irrigation ditch that ran along the north side of the property.
- A note would be included on the plat that required a hammerhead or turnaround driveway that would be installed with the construction of a dwelling on Lot #2.

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. Lola’s Street Kitchen / Conditional Use Permit to Serve Alcohol (David Perez-Medina – Approximately 15 minutes) – Discuss and possibly grant a conditional use permit and local consent for Lola’s Street Kitchen, located at 24 East Main Street, to serve beer and wine (Zoning is C-2). Recommended with conditions by the Midway City Planning Commission.

Public Hearing

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

- Overview
- Proposed conditions
- Possible findings

Mr. Henke also made the following comments:

- The applicant was requesting a conditional use permit to serve alcohol at the restaurant.
- The applicant would have to comply with any city regulations above and beyond those required by the State.
- In the past, the City had limited the hours during which alcohol could be served.
- The City had also limited signage advertising alcohol.

- All property owners within 600 feet of the business had been notified of the public hearing.
- Received three calls regarding the request with two in support and one opposed.
- Only beer and wine would be served. There would not be a bar.

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

Mayor Johnson opened the public hearing.

Robin Johnson

Ms. Johnson asked that the Council impose the same restrictions, limiting the hours during which alcohol could be served, that it placed on the Midway Mercantile restaurant. She also asked that the Council maintain the restrictions on the Mercantile to avoid problems later in each evening.

Kent Kohler

Mr. Kohler favored the permit because it would be good for business and the City's tax base. He thought that there had been no problems with the Mercantile and also favored removing those restrictions.

Jordan Council

Mr. Council supported the requests for Lola's Street Kitchen and the Mercantile with the restriction on alcohol related signage.

John Platt

Mr. Platt supported the request because it would help a burgeoning Main Street business area. He added that alcohol related signage was not necessary.

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

Council Member Simonsen approved of restricting the hours for serving alcohol, but he was not comfortable treating individual restaurants differently. He asked if the limitation could be put on all restaurants serving alcohol. Mr. Henke responded that the restriction could not be imposed on other restaurants, that had been approved to sell alcohol, until there was a violation of the nuisance ordinance.

Council Member Probst asked if there had been any issues with a restaurant that already served alcohol. Mr. Henke responded that the only complaint came from Robin Johnson regarding the old Bear Dance Café.

Council Member Drury said that he spoke to the applicant and supported the request.

Motion: Council Member Drury moved to grant a conditional use permit, for Lola’s Street Kitchen, to serve beer and wine with no alcohol related signage readily visible.

Second: Council Member Simonsen seconded the motion.

Discussion: Mayor Johnson asked if the motion included any restriction on the hours of serving alcohol. Council Member Drury responded that it did not.

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

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

9. Midway Mercantile / Conditional Use Amendment to Serve Alcohol (John Platt – Approximately 10 Minutes) – Discuss and possibly amend the conditional use permit for the Midway Mercantile Restaurant, located at 99 East Main Street, to serve alcohol (Zoning is C-2).

Mr. Henke also made the following comments:

- The restaurant had received a conditional use permit the year before to serve alcohol.
- The permit was subject to no alcohol related signage and limitations on the hours of service.
- The applicant was asking that the limitation on the hours be removed.
- The restaurant sold beer, wine and liquor.

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

Mr. Platt, applicant, made the following comments:

- The restaurant was open until 10 p.m.
- There was no plan to extend those hours.
- Occasionally the restaurant might be rented out beyond that time.
- Did not want to deny alcohol to someone that came in at 9:45 p.m.
- Patrons could go to another restaurant in the City and get alcohol after 10 p.m.
- The bar was small and had not been a problem.

Robin Johnson made the following comments:

- Her husband predicted that the restrictions on the hours of service would be brought back before the Council.
- She had received a letter regarding Lola’s but did not receive any notification regarding

the Mercantile's request.

- The applicant had sent her a letter when the restaurant would be open later.
- The restaurant was just outside of their bedroom window.
- People were more active later at night.
- People could be coming out of the restaurant at midnight or 1 a.m.

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

- The permit could be revoked if there was an issue.
- A notification had not been sent because it was felt that it was not needed.
- The approval could be conditioned on not disturbing the neighbors while they tried to sleep.
- All businesses should be treated the same.
- The owner needed to be responsible and quickly deal with any problems.
- What was disruptive needed to be defined.
- It was a problem if law enforcement had to be called.
- Restaurants were good for Midway.
- The Planning Commission could recommend limits on disruptions.

Corbin Gordon recommended that the Council treat the Mercantile the same as it had other restaurants serving alcohol.

Motion: Council Member Simonsen moved to approve the amendment to the Midway Mercantile's conditional use permit, which removed the restriction on the hours of serving alcohol but not the alcohol related signage restriction, because it promoted fairness.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

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

10. John Probst / Settlement Agreement (City Attorney – Approximately 15 minutes) – Discuss and possibly approve a settlement agreement with John Probst regarding the issuance of a business license for a residential treatment facility located at 430 West 200 North.

Corbin Gordon made the following comments:

- John Probst had filed a federal lawsuit against the City.
- There was a possible settlement to the suit with the City proposing revisions to the agreement.
- Could not recommend that the Council approve the settlement agreement, as proposed

- by Mr. Probst's attorneys, because it did not include all parties that could sue.
- Several edits also needed to be made.
 - Recommended tabling the item and continuing to work to resolve the issue.

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

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

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

11. 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 9:11 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder