

# MIDWAY CITY COUNCIL REGULAR MEETING

Tuesday, 6 November 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](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 6 November 2018 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 16 October 2018 City Council Work Meeting
- d. Minutes of the 16 October 2018 City Council Closed Meeting
- e. Minutes of the 16 October 2018 City Council Regular Meeting
- f. One-year extension of final approval for the Ray Farm Subdivision (Formerly the Jones Farm Subdivision) located at 400 West and 500 South (Zoning is RA-1-43).
- g. Conclude the warranty period and release the remainder of the bond for the Whimsy Willow Subdivision located at 1100 South Stringtown Road subject to the payment of all fees due to Midway City.
- h. Conclude the new hire probation period and authorize a 5% wage increase for Preston Broadhead.

## 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. Dutch Draw Subdivision / Culinary Water Will Serve Letter (Mike Johnston – Approximately 10 minutes) – Discuss and possibly approve a will serve letter, to provide culinary water service, to the Dutch Draw Subdivision located at the corner of River Road and Dutch Canyon Road.

6. **Reed Bezzant Subdivision / Amendment** (Steven and Kala Francis – Approximately 30 minutes) – Discuss and possibly approve a plat map amendment for the Reed Bezzant Subdivision located at 95 South 700 East (Zoning is R-1-11). Recommended for denial by the Midway City Planning Commission. **Public Hearing**
7. **Reed Bezzant Subdivision / Lot Split** (Steven and Kala Francis – Approximately 5 minutes) – Discuss and possibly grant preliminary and final approval for a lot split in the Reed Bezzant Subdivision located at 95 South 700 East (Zoning is R-1-11). Recommended for denial by the Midway City Planning Commission. **Public Hearing**
8. **Ordinance 2018-24 / Parking Requirements for Commercial and Mixed-Use Developments** (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2018-24 amending Section 16.13.39 (Off-Street Parking and Loading) of the Midway City Municipal Code regarding parking requirements for commercial and mixed-use developments. Recommended for approval by the Midway City Planning Commission. **Public Hearing**
9. **Financial Report / 1<sup>st</sup> Quarter** (Financial Officer – Approximately 15 minutes) – Receive a report on Midway City’s finances for the first quarter (July – September) of fiscal year 2019.
10. **Adjournment**

Published on the Utah Public Notice Website on 2 November 2018 at 10:00 a.m. by Brad Wilson (City Recorder)  
Posted on 2 November 2018 at 5:00 p.m. by Becky Wood (Deputy City Recorder)

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

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

Midway City Council  
6 November 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>305</b>								
305	COLONIAL FLAG & SPECIALTY	0180967-IN	Hamlet Park Rotations	10/15/2018	116.24	.00		
305	COLONIAL FLAG & SPECIALTY	0180969-IN	Town Hall Rotations	10/15/2018	116.24	.00		
Total 305:					232.48	.00		
<b>545</b>								
545	HICKEN OXYGEN @ PLAZA	INV #R093018-	2 OXYGEN/1 ACE	09/30/2018	24.00	.00		
Total 545:					24.00	.00		
<b>845</b>								
845	MOUNTAINLAND SUPPLY COM	S102825952.0	WATER SUPPLIES	10/15/2018	102.34	.00		
845	MOUNTAINLAND SUPPLY COM	S102826980.0	METERS	10/15/2018	12,470.32	.00		
Total 845:					12,572.66	.00		
<b>875</b>								
875	OFFICE DEPOT	215862119001	PEN/HANGING FOLDER/STAMP	10/10/2018	23.44	.00		
875	OFFICE DEPOT	215863001001	STAMP INK	10/10/2018	6.01	.00		
875	OFFICE DEPOT	215863001001	STAMP	10/10/2018	11.67	.00		
875	OFFICE DEPOT	215863002001	STAMP	10/11/2018	9.90	.00		
875	OFFICE DEPOT	217047584001	Markers	10/15/2018	15.60	.00		
875	OFFICE DEPOT	217047584001	ink refill	10/15/2018	5.60	.00		
Total 875:					72.22	.00		
<b>1150</b>								
1150	HOME DEPOT Credit Services	44070936187	SUPPLIES	10/30/2018	69.75	.00		
Total 1150:					69.75	.00		
<b>1170</b>								
1170	TIMBERLINE ACE HARDWARE	121624	SUPPLIES	10/12/2018	74.98	.00		
1170	TIMBERLINE ACE HARDWARE	121971	ACE HIGH TRAFFIC 7LB	10/30/2018	23.99	.00		
Total 1170:					98.97	.00		
<b>1310</b>								
1310	WASATCH AUTO PARTS	154350	FILTER	10/04/2018	250.56	.00		
Total 1310:					250.56	.00		
<b>1360</b>								
1360	WASATCH COUNTY SOLID WA	80294 1001201	.80294 HAMLET PARK	10/01/2018	225.00	225.00	10/31/2018	
1360	WASATCH COUNTY SOLID WA	88949	Weighed Load	10/17/2018	228.00	.00		
1360	WASATCH COUNTY SOLID WA	89674	Dump Fee	10/25/2018	16.00	.00		
Total 1360:					469.00	225.00		
<b>1365</b>								
1365	WAVE PUBLISHING	J77887	NEWSLETTER - 4TH QUARTER	09/28/2018	112.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1365	WAVE PUBLISHING	J77888	NEWSLETTER INSERT - VOTIN	09/28/2018	47.50	.00		
1365	WAVE PUBLISHING	L 16215	Midway Election Notice - Bond	10/03/2018	612.50	.00		
1365	WAVE PUBLISHING	L 16222	PUBLIC MEETING NOTICE	10/10/2018	69.36	.00		
1365	WAVE PUBLISHING	L 16231	NOTICE OF PUBLIC MEETING-P	10/17/2018	74.00	.00		
Total 1365:					915.36	.00		
<b>1375</b>								
1375	WHEELER MACHINERY CO	PS000718974	GLASS DOOR	10/10/2018	291.18	.00		
Total 1375:					291.18	.00		
<b>1421</b>								
1421	HEBER LIGHT & POWER	10548	Run Power to PW Vehicle Buildin	10/29/2018	7,274.61	.00		
1421	HEBER LIGHT & POWER	10548	Existing Credit per SO	10/29/2018	5,548.60-	.00		
Total 1421:					1,726.01	.00		
<b>1571</b>								
1571	FASTENAL IND & CONST SUPP	UTHEB65639	SUPPLIES	10/15/2018	5.00	.00		
Total 1571:					5.00	.00		
<b>1593</b>								
1593	TWIN D INC ENVIRONMENTAL	17169	SCHOOL CULVERT	10/22/2018	1,855.00	.00		
Total 1593:					1,855.00	.00		
<b>1603</b>								
1603	ROCKY MOUNTAIN POWER	10192018	868 W GOLF COURSE DR.	10/19/2018	11.81	.00		
Total 1603:					11.81	.00		
<b>1917</b>								
1917	HOSE & RUBBER SUPPLY LLC	656586-001	Supplies	10/11/2018	299.07	.00		
Total 1917:					299.07	.00		
<b>2220</b>								
2220	DITCH WITCH OF THE ROCKIE	P06380	Supplies	10/16/2018	29.15	.00		
Total 2220:					29.15	.00		
<b>2377</b>								
2377	RIDLEY'S FAMILY MARKETS	102	FUEL-GAS CARD NOT WORKIN	09/19/2018	53.32	.00		
2377	RIDLEY'S FAMILY MARKETS	10302018	SALES and Use Tax June 2018	10/30/2018	5,643.98	.00		
2377	RIDLEY'S FAMILY MARKETS	10302018	RESORT TAX (June 2018)	10/30/2018	3,280.96	.00		
2377	RIDLEY'S FAMILY MARKETS	10302018	SALES and Use Tax July 2018	10/30/2018	4,819.54	.00		
2377	RIDLEY'S FAMILY MARKETS	10302018	RESORT TAX (July 2018)	10/30/2018	2,703.32	.00		
Total 2377:					16,501.12	.00		
<b>2409</b>								
2409	HEBER VALLEY TOURISM AND	780	ANNUAL CONSTRIBUTION	10/22/2018	25,000.00	.00		
Total 2409:					25,000.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>2418</b>								
2418	FINAL COMPLETION DEPOSIT	17-225 FCD	17-225 FINAL COMPLETION DE	10/05/2018	1,500.00	.00		
Total 2418:					1,500.00	.00		
<b>2479</b>								
2479	BUILDING RENTAL DEPOSIT R	10252018	Refund of PARK PAVILLION	10/25/2018	25.00	.00		
Total 2479:					25.00	.00		
<b>2485</b>								
2485	KARL MALONE CHRYSLER DO	10292018	2018 RAM 3500	10/29/2018	28,106.00	28,106.00	10/29/2018	
Total 2485:					28,106.00	28,106.00		
<b>2520</b>								
2520	Staker Parson Companies	4778297	3/4" Commercial Road Base	10/15/2018	279.80	.00		
2520	Staker Parson Companies	4788350	3/4" Commercial Road Base	10/25/2018	150.75	.00		
Total 2520:					430.55	.00		
<b>2561</b>								
2561	CENTURYLINK -435-654-3924 4	435-654-3924	435-654-3924 453B	10/07/2018	143.38	.00		
Total 2561:					143.38	.00		
<b>2636</b>								
2636	CenturyLink 435-654-4120	1452556233	435-654-4120 Phone Services	10/11/2018	856.12	.00		
Total 2636:					856.12	.00		
<b>2640</b>								
2640	Kilgore Contracting	10242018	2017 Road Improvements	10/24/2018	261,464.96	261,464.96	10/29/2018	
Total 2640:					261,464.96	261,464.96		
<b>2644</b>								
2644	Semi Service	W122161	Bed of truck	10/25/2018	10,009.65	10,009.65	10/29/2018	
Total 2644:					10,009.65	10,009.65		
<b>2658</b>								
2658	SIGNARAMA	INV-2295	NO PARKING AND RESIDENTS	10/23/2018	1,131.42	.00		
Total 2658:					1,131.42	.00		
<b>2686</b>								
2686	Brandon Rose	10232018	CNOA PER DIEM	10/23/2018	213.00	.00		
Total 2686:					213.00	.00		
<b>2701</b>								
2701	Colette Caldwell	7	OCTOBER 2018 JANITORIAL SE	10/25/2018	1,000.00	1,000.00	10/31/2018	
Total 2701:					1,000.00	1,000.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2719								
2719	Richard Crist	10232018	CNOA - PER DIEM	10/23/2018	213.00	.00		
Total 2719:					213.00	.00		
2731								
2731	HARRIS MOUNTAIN WEST	270604021	HVAC SYSTEM INTERMITTENT	10/26/2018	247.50	.00		
Total 2731:					247.50	.00		
Grand Totals:					365,763.92	300,805.61		

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  
6 November 2018  
Regular Meeting

Minutes of the  
16 October 2018  
Work Meeting



# Memo

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**Date:** 1 November 2018  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 16 October 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)

**Tuesday, 16 October 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 9:00 a.m.

### Members Present:

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

Michael Henke, Planning Director  
Wes Johnson, Engineer  
Shane Owens, Public Works Assistant Crew  
Chief  
Brad Wilson, Recorder/Financial Officer

### Others Present:

None

### Staff Present:

Corbin Gordon, Attorney

- ## 2. Ordinance 2018-23 / General Plan Amendment (City Planner – Approximately 20 minutes)
- Discuss Ordinance 2018-23 amending the Midway City General Plan to adopt a chapter regarding open space. Recommended without conditions by the Midway City Planning Commission.

Michael Henke gave a presentation regarding the proposed chapter on open space and reviewed the following items:

- Why another chapter?
- Sections of the chapter
- Possible findings

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

Mayor Johnson indicated that the chapter was prepared by Woody Woodruff and the Midway City Open Space Advisory Committee.

- 3. Resolution 2018-30 / Statement of Intent** (Council Member Simonsen – Approximately 30 minutes) – Discuss Resolution 2018-30 adopting a statement of intent regarding the proposed use of open space bond proceeds, and related matters.

Council Member Simonsen made the following comments regarding the proposed statement of intent:

- The public wanted more information regarding the open space bond.
- Prepared the statement before he saw the proposed chapter to the General Plan.
- Did not want the statement to duplicate the chapter.
- It clarified the City Council's intentions and let people know what they were voting for.

The Council and staff discussed the following items:

- Suggestions by the Open Space Committee had been incorporated into the statement.
  - The language in Item #5 could be improved.
  - It could appear that the City was promoting the bond with the statement.
  - The information should be provided before rather than after the election.
  - The Open Space Committee had been working for months on the issues related to preserving open space.
  - It was poor timing to approve a statement the day that ballots were mailed.
  - Should the open space chapter be approved, and the statement tabled?
  - The statement showed that the City was addressing the public's concerns and being transparent.
  - Private but not City resources could be used to promote or oppose the bond. City resources could be used for other issues like roads, parks, etc.
  - The statement was intended to be neutral.
  - Inappropriate accusations had been made on social media.
- 4. Cemetery / Determining Rights to Burial Plots** (City Sexton – Approximately 20 minutes) – Discuss how to determine which descendants have rights to burial plots in the Midway City Cemetery.
  - 5. Cemetery / Sale of Burial Plots to Non-Residents** (City Sexton – Approximately 10 minutes) – Discuss allowing the sale of burial plots to individuals that do not have their primary residence within the 84049 ZIP code.

Shane Owens made the following comments regarding burial rights and selling burial plots to non-residents:

- Had reviewed the burial rights policies for other cemeteries.
- The City Attorney had some suggestions.
- Descendants wanted to be buried in plots but could not show ownership. 12 such people were waiting for a determination by the Council.

- People who did not live in the 84049 ZIP code wanted to be buried in the City's cemetery. They sometimes tried to get residents to purchase the plots for them.
- The Municipal Code required that non-residents pay a significant penalty if they purchased a plot from a resident.
- The City had allowed the first descendants, that made the request, to be buried in the available family plots.
- The previous City Attorney indicated that burial rights could end if a plot was not used within 60 years.
- Some people owned many plots.

The Council and staff discussed the following items:

- Should burial rights be treated the same as any other type of property?
- Should descendants have to go to court to determine heirship?
- One descendent wanted the body of another descendent to be exhumed and moved.
- The City should be proactive.
- It would be difficult to contact all descendants regarding an unused plot.
- Was 60 years long enough before burial rights were forfeited? Should it be 120 years?
- Could an annual fee be charged to maintain a burial right? Charging an annual fee for perpetual care was discontinued because it was difficult to administer over time.
- Should the holder of the burial rights be required to immediately assign future ownership to each plot?
- A burial right should not be taken away just because someone died, and the family could not find the proper documents.
- Contact information changed over time.
- Should burial rights be audited? Should this be done every five years?
- Any potential loss of burial rights should be sufficiently noticed to the public.
- The sale of plots was limited, to those living in the 84049 ZIP code, because space was running out in the cemetery
- The City should look for additional property for the cemetery.
- If the City allowed people, living outside of the 84049 ZIP code, to purchase plots then it should charge them enough for the purchase of additional property.

Corbin Gordon explained the transfer of property rights when someone died. He reviewed the process to adjudicate and foreclose on water rights. He asked if the same process should be used for burial rights.

Mayor Johnson asked that policies, regarding burial rights and selling plots, be in place by the first of the year.

## **6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation**

**Motion:** Council Member Van Wagoner moved to go into a closed meeting.

**Second:** Council Member Probst seconded the motion.

**Discussion:** None

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

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

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

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

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

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

## 7. Council Schedule

The Council reviewed their meeting schedule for the holiday season including activities sponsored by the City.

## 8. Adjournment

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

The meeting was adjourned at 11:30 a.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

Midway City Council  
6 November 2018  
Regular Meeting

Minutes of the  
16 October 2018  
Regular Meeting



# Memo

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**Date:** 2 November 2018  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 16 October 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)**

**Tuesday, 16 October 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.

**Members Present:**

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

**Staff Present:**

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

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

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

**2. Consent Calendar**

- a. Agenda for the 16 October 2018 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 2 October 2018 City Council Regular Meeting
- d. Minutes of the 2 October 2018 City Council Closed Meeting
- e. Rob Bouwhuis as a Full Member of the Midway City Planning Commission

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

Mayor Johnson read the consent calendar.

Council Member Simonsen asked about the warrants for Remote Control Systems and Applied Diving Services. Wes Johnson responded that Remote Control Systems upgraded the City's SCADA system and Applied Diving Services cleaned its water tanks.

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

**Second:** Council Member Probst seconded the motion.

**Discussion:** None

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

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

**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 City was acquiring a permit from Wasatch County to demolish the old maintenance building at the cemetery.

##### Community Center / Brick Repair

Council Member Probst reported that the brick on the west side of the Community Center had been repaired. He indicated that the cause of the damage needed to be determined.

##### Public Works Vehicle Building

Council Member Van Wagoner reported on the construction of the vehicle building at the public works maintenance yard.

##### Sidewalks / Repair Trip Hazards

Council Member Simonsen reported that trip hazards in the sidewalks, at Alpenhof Park and near the Midway Elementary School, had been repaired.

Michie Lane Park

Council Member Simonsen reported that a contract was awarded to the lowest bidder for the design of the Michie Lane Park. He said that the playground equipment needed to be purchased before the end of the year to maintain current pricing.

Trails Planning / Trails and Parks Committee

Council Member Simonsen reported that the Midway City Trails and Parks Advisory Committee was doing an analysis of the City's trails. He said that a planning survey would be done that spring. He added that the Committee's objective was to increase connectivity between trail sections.

Safety Committee

Mayor Johnson reported that she formed an ad hoc safety committee to address speeding and road safety.

- 5. Proclamation 2018-02 / Diabetes Awareness Month** (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly approve Proclamation 2018-02 designating November as Diabetes Awareness Month in Midway City.

Megan Miller, People's Health Clinic, explained diabetes and Diabetes Awareness Month. She indicated that the Clinic would host a diabetes awareness event on November 14<sup>th</sup>.

**Motion:** Council Member Van Wagoner moved to approve Proclamation 2018-02 designating November as Diabetes Awareness Month in Midway City.

**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

- 6. Health Department / Annual Report** (Gerald Hayward – Approximately 20 minutes) – Receive an annual report from the Wasatch County Health Department.

Gerald Hayward, a member of the Wasatch County Board of Health, and Randall Probst, Wasatch County Health Department Health Officer, gave the annual report for the Department and reviewed the following items:

- Budget
- Algae in local reservoirs
- Air quality monitoring
- Certified water lab
- Maintaining pristine water quality
- Valley wide water analysis
- Reviewing septic tank requirements
- Common diseases
- Food supply
- Inspecting food trucks
- County health rankings
- Diabetes
- Available vaccines

**Note:** A copy of the Annual Report is contained in the supplemental file.

**7. Farm Springs Subdivision / Amendment** (City Planner – Approximately 10 minutes) – Discuss and possibly approve an amendment to the Farm Springs Subdivision located at 550 North Center Street (Zoning is R-1-15). **Public Hearing**

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

- Land use summary
- Location of the subdivision
- Wetlands
- Recorded plat map
- Proposed plat map
- Possible findings

Mr. Henke also made the following comments:

- There was only one home on both lots.
- An outbuilding would be allowed on the combined lot.
- There were no recommended conditions.
- Everyone within the subdivision and 600 feet had been notified of the proposal. No one contacted him about it.
- The wetlands on the lots could not be filled in or altered but the vegetation could be cut.
- Rotary excavating and monitoring had been required in the Subdivision because of springs in the area.

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

**Public Hearing**

Mayor Johnson opened the public hearing.

Randall Probst

Mr. Probst indicated that he owned property next to the subdivision. He also indicated that he received a notice, the applicant was a good neighbor, and supported the amendment.

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

**Motion:** Council Member Van Wagoner moved to approve the plat map amendment for lots seven and eight of the Farm Springs Subdivision with the following findings:

- Potential trips per day generated from the two lots would be reduced.
- Density in the subdivision would be reduced.
- The area would feel more open because of the reduction of one lot.
- No public street, right-of-way, or easement would be vacated or altered.

**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. Ordinance 2018-23 / General Plan Amendment** (City Planner – Approximately 20 minutes)  
– Discuss and possibly adopt Ordinance 2018-23 amending the Midway City General Plan regarding open space. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Why add another chapter to the General Plan?
- Sections of the proposed chapter.

Mr. Henke also made the following comments:

- The chapter was prepared by Woody Woodruff and the rest of the Midway City Open Space Advisory Committee.
- It was considered by the Midway City Planning Commission which also held a public hearing. They suggested some minor changes.
- Had not received any negative comments regarding the chapter.

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

### **Public Hearing**

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

Council Member Probst recommended that the chapter not be adopted that night because it was too close to the election, more time was needed to review it and results of the election should be seen first. Mayor Johnson responded that the chapter dealt more with open space in general than with the open space bond on the ballot.

**Motion:** Council Member Probst moved to table consideration of the ordinance until after the election.

**Second:** Council Member Christen seconded the motion.

**Discussion:** Council Member Christen liked the proposed chapter but felt that it promoted the bond. She wanted it reconsidered after the election.

Council Member Simonsen made the following comments:

- Was concerned if the chapter promoted the bond.
- The Open Space Committee had been working on it for a year.
- It needed to be adopted regardless of the outcome of the bond.
- It clarified the City's view on open space.
- The timing but not the content could have been a problem.

Council Member Drury asked how long the Open Space Committee had been working on the chapter. Michael Henke responded that the Committee had been discussing it for a year and started writing it five months ago.

Council Member Van Wagoner was concerned that the Committee had been working on it for five month and that was the first time that he saw it.

Council Member Simonsen noted that it was considered by the Planning Commission.

Council Member Drury said that it should be added to the General Plan even if it was after the election.

Council Member Van Wagoner did not want it to influence the election. He also wanted more time to review it.

Mayor Johnson expressed appreciation to the Open Space Committee for its work.

**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	Nay
Council Member Van Wagoner	Aye

The Council decided to reconsider the ordinance and chapter at its first meeting in December.

**9. Resolution 2018-30 / Statement of Intent** (Council Member Simonsen – Approximately 15 minutes) – Discuss and possibly adopt Resolution 2018-30 adopting a statement of intent regarding the proposed use of open space bond proceeds, and related matters.

Council Member Simonsen made the following comments:

- The statement of intent was a response to citizens' concerns.
- It gave more guidance about the Council's intentions.
- It was not for or against the bond.
- The proposed chapter to the General Plan might cover the same items.
- Maybe it should be tabled.

Council Member Probst like the statement but recommended that it be tabled especially since the proposed chapter was also tabled.

**Motion:** Council Member Christen moved to table consideration of the statement of intent.

**Second:** Council Member Simonsen seconded the motion.

**Discussion:** Council Member Simonsen noted some minor changes were suggested at that day's work meeting but no significant issues were raised.

Mayor Johnson thanked Council Member Simonsen for his work and indicated that the statement would be reconsidered at the Council's first meeting in December.

**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. Public Works Site Grading / Change Order** (Council Member Van Wagoner – Approximately 10 minutes) – Discuss and possibly approve a change order, to the contract for site grading at Midway City's maintenance yard, for the removal of fill and the laying of asphalt.

Council Member Van Wagoner reported that there was a sink hole at the public works maintenance yard created by an old sewer treatment clarifier. He indicated that the sink hole had to be fixed. He suggested that the money, which would have treated the Town Hall roof, be used for the change order.

Wes Johnson made the following comments:

- Wanted the work to be done right.
- The requested change order would pave the whole maintenance yard.
- It also increased the depth of the asphalt from three inches to three and a half inches.
- The cost of paving would be increased from \$98,000 to \$138,700.
- The contractor had replaced the old clarifier with engineered fill but did not know what that cost would be. It might be \$25,000.

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

- Did all the paving have to be done?
- The costs of site grading and the associated vehicle building had increased dramatically.
- The paving had to be done before the temperature decreased.
- The cost would not be excessive to pave some areas later.
- The current price for the paving was a good one but the cost for asphalt would increase.
- The entire project should be completed and not left unfinished.
- The sink hole had to be fixed before any paving could be done.
- The Public Works Department needed to properly maintain the yard.
- Originally the asphalt was going to be four inches thick. Should less paving be done, and the thickness increased?
- The cost of a project should not increase by two times through change orders.
- The City needed to learn from the cost increases.
- Should an outside consultant be hired to properly plan for these types of projects?
- Part of the remaining fill had been put on Council Member Van Wagoner's property.

Council Member Van Wagoner asked that the change order be approved for up to \$40,000. He noted that amount did not include repairing the sink hole. He also noted that he already told the contractor to repair the hole.

**Motion:** Council Member Drury moved to approve the change order for an amount not to exceed \$40,000 with that money coming from the treatment of the Town Hall roof.

**Second:** Council Member Simonsen seconded the motion.

**Discussion:** None

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

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

**11. 2017 Road and Utility Improvements / Change Order** (City Engineer – Approximately 10 minutes) – Discuss and possibly approve a change order, to the contract for the 2017 road and utility improvements, for modifications to Michie Lane and the new sidewalk on the west side of Center Street.

Wes Johnson reviewed the requested change order and made the following comments:

- The improvements were originally contracted for \$1.8 million.
- The actual cost was a \$200,000 savings.
- Asked that the final pay request be approved that night.
- The change order was for \$110,000.
- Told the contractor that quality and cost was more important than time. That was why the project had taken so long.
- Quality work had been done.

**Motion:** Council Member Van Wagoner moved to authorize the change order and pay the final pay request.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

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

**12. Adjournment**

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

The meeting was adjourned at 8:03 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

Midway City Council  
6 November 2018  
Regular Meeting

Ray Farm Subdivision /  
One-Year Extension



## **CITY COUNCIL MEETING STAFF REPORT**

**AGENDA ITEM:** Final Approval extension request for the Ray Farm Subdivision (Formerly the Jones Farm Subdivision)

**DATE OF MEETING:** November 6, 2018

**APPLICANT:** Ryan Ray

**LOCATION:** 400 West and 500 South (Zoning is RA-1-43)

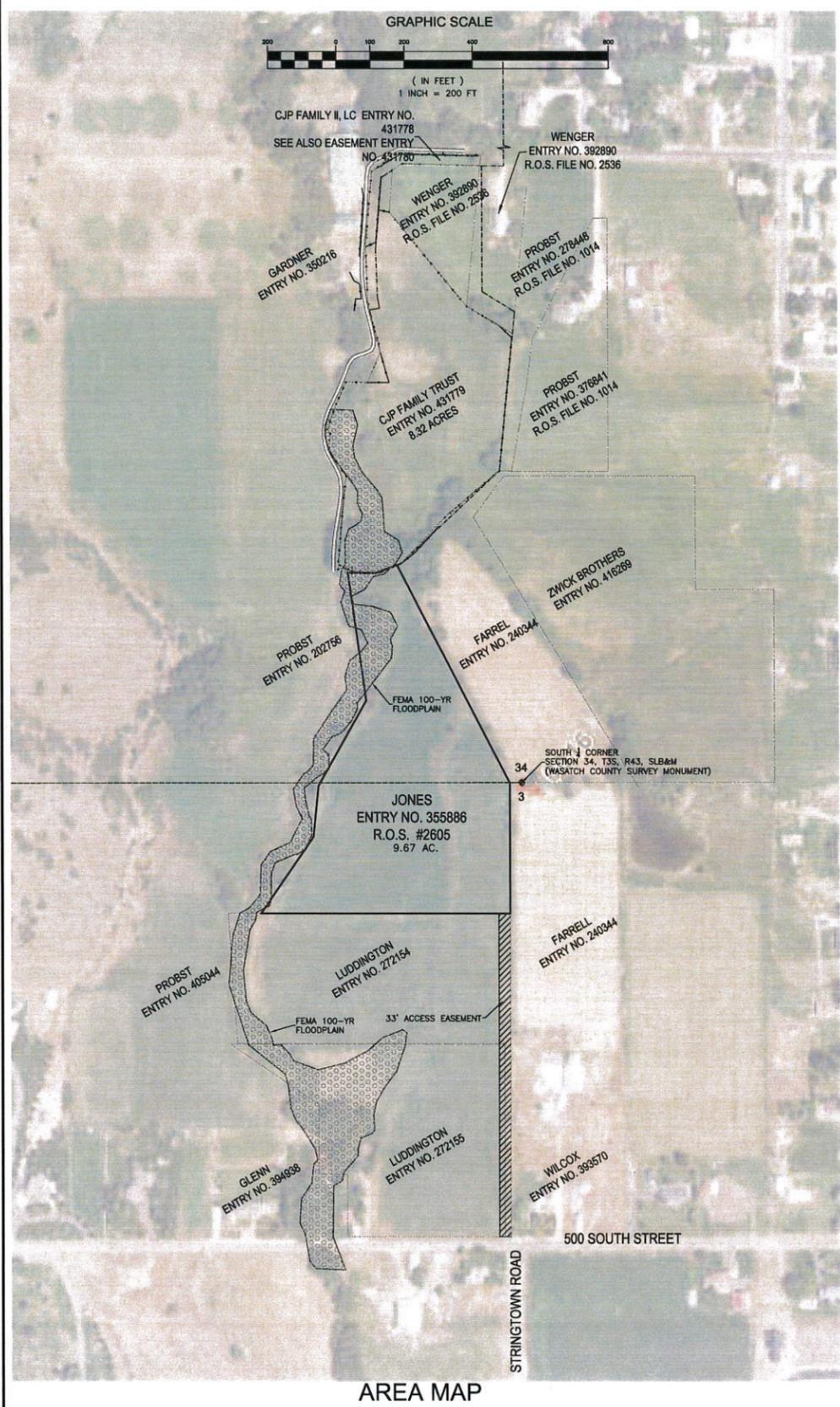
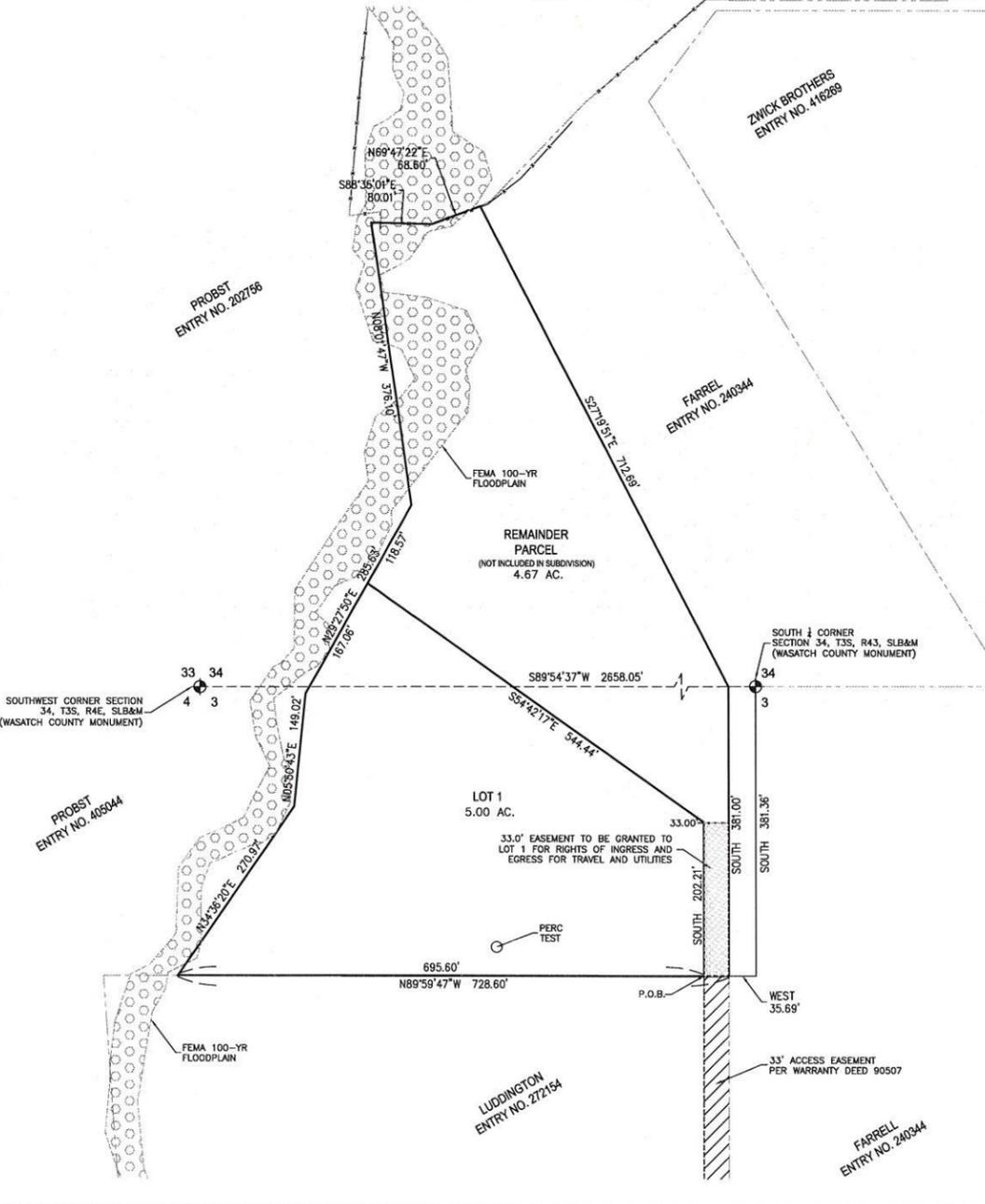
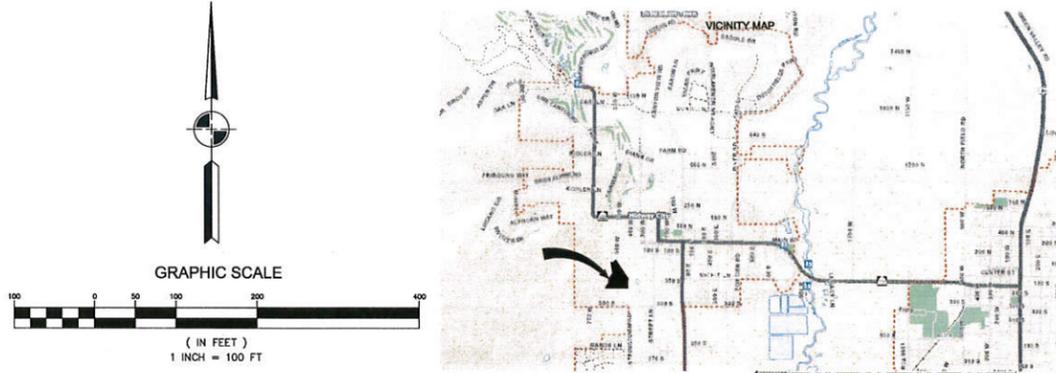
### **Staff Summary**

Michael Johnston, agent for Ray Ryan, has submitted a final approval plat extension application request for the Ray Farm Rural Preservation Subdivision (formerly the Jones Farm Subdivision), a 1-lot subdivision proposal on 5 acres at 400 West and 500 South. Final approval from the City Council was granted on November 8, 2017. This project does not have any outstanding fees to be paid. Staff has not found that any of the following items are of concern for this project.

If the following criteria are met then the City Council may grant an extension:

1. Construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition at all times;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Please contact Michael with any question that you have: 435-654-3223 ext. 105



**SURVEYOR'S CERTIFICATE**

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND EASEMENTS.

BING CHRISTENSEN

DATE \_\_\_\_\_

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 89°54'40" WEST 2857.65 FEET BETWEEN WASATCH COUNTY SURVEY MONUMENTS FOR THE SOUTH ONE-QUARTER CORNER AND SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

**BOUNDARY DESCRIPTION**

COMMENCING SOUTH 381.36 FEET AND WEST 35.69 FEET AND NORTH 89°59'47" WEST 33.00 FEET FROM THE WASATCH COUNTY BRASS CAP MONUMENT FOR THE SOUTH QUARTER CORNER FOR SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1;

THENCE NORTH 89°59'47" WEST 695.60 FEET; THENCE NORTH 34°36'20" EAST 270.97; THENCE NORTH 05°50'43" EAST 149.02 FEET; THENCE NORTH 29°27'50" 167.06 FEET; THENCE SOUTH 54°42'17" EAST 544.44 FEET; THENCE SOUTH 202.21 FEET TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

I, THE UNDERSIGNED OWNER OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS AND EASEMENTS, AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT, AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 30-9-807 UTAH CODE, WITHOUT CONDITION, RESTRICTION, OR RESERVATION, TO MIDWAY CITY, UTAH, ALL EASEMENTS, AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.

NAME \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_ DATE \_\_\_\_\_

**OWNER'S ACKNOWLEDGMENT**

STATE OF UTAH  
COUNTY OF WASATCH

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**ACCEPTANCE BY LEGISLATIVE BODY**

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

MAYOR \_\_\_\_\_

CLERK-RECORDER \_\_\_\_\_

**MIDWAY CITY ENGINEER APPROVAL**

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017 BY THE PLANNING COMMISSION OF MIDWAY CITY.

CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_

**WASATCH COUNTY SURVEYOR**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

ROS # \_\_\_\_\_

COUNTY SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

**WASATCH COUNTY RECORDER**

PROJECT  
L17-044

SHEET  
1 OF 1

ISSUE DATE  
9/28/2017

Summit Engineering Group Inc.  
Structural • Civil • Surveying  
55 WEST CENTER • P.O. BOX 178  
HEBER CITY, UTAH 84032  
PH. 435-854-9229 • FX. 435-854-9231

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SUMMIT ENGINEERING GROUP, INC.

**DRAWING ALLEGATIONS**

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE SUPERVISION OF THE PROFESSIONAL LAND SURVEYOR TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. ANY ALTERATION SHALL BE EVIDENCED BY THE SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATION.

**JONES FARM  
SMALL SUBDIVISION**  
MIDWAY CITY, UTAH

Midway City Council  
6 November 2018  
Regular Meeting

Whimsy Willow Subdivision /  
Warranty Period

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



Heber Office  
Tel: 435.654.2226  
Fax: 435.657.1160

November 6, 2018

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

**Subject: Whimsy Willow Subdivision Warranty Bond Release**

Dear Brad:

Whimsy Willow Subdivision has completed all the items required for the warranty release. Horrocks Engineers recommends that the warranty bond for this development be released.

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

Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
Midway City Engineer

Cc: Michael Henke, City Planner, (sent by e-mail)  
Monica Echols, City Building Official, (sent by e-mail)  
Becky Woods, Midway Sanitation District, Manager, (sent by e-mail)  
Kevin Payne Developer, (sent by e-mail)