

# MIDWAY CITY COUNCIL REGULAR MEETING

Tuesday, 5 February 2019, 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 5 February 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 15 January 2019 City Council Work Meeting
- d. Minutes of the 15 January 2019 City Council Closed Meeting
- e. Minutes of the 15 January 2019 City Council Regular Meeting
- f. Release the construction bond, minus 10%, and begin the one-year warranty period for Phase II of the Cascades at Soldier Hollow located at 500 West and Cascade Parkway
- g. Release the construction bond, minus 10%, and begin the one-year warranty period for the Saint-Prex Estates Subdivision located at 800 West Swiss Alpine Road
- h. Release the construction bond, minus 10%, and begin the one-year warranty period beginning 6 December 2018 for the Alder Meadows Subdivision located at 250 East and 200 South
- i. Receive a certification that the Dutch Draw Annexation, located at the corner of River Road and Dutch Canyon Road, meets the requirements for annexation
- j. Resolution 2019-05 adopting a second amendment to the Whitaker Farm Annexation Agreement to extend the period for execution.

## 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. Buildings and Cemetery
- b. Public Works, Water Board and Weed Board
- c. Roads, Sidewalks, Parking, Parks & Trails, and Animal Control
- d. Legislative

5. **Park City Transit Study** (Shawn Seager – Approximately 15 minutes) – Discuss a possible transit study for Park City.
6. **Safe School Routes & Snow Removal / Michie Lane & Center Street** (Council Member Simonsen – Approximately 30 minutes) – Accept comment and discuss safe school routes and snow removal on Michie Lane and Center Street.
7. **Ordinance 2019-04 / Snow Removal and Fire Hydrants** (City Planner – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2019-04 amending Section 8.05.080 (Sidewalks to Be Cleared) and Section 8.05.090 (Snow Removal near Mailbox Receptacles and Fire Hydrants) of the Midway City Municipal Code to require snow removal by the property owner.
8. **Swiss Creek PUD, Plat “A” / Amendment** (Berg Engineering – Approximately 20 minutes) – Discuss and possibly approve a second amendment of the plat map for the Swiss Creek PUD, Plat “A” located at 570 North Mountain Spring Drive (Zoning is R-1-5). Recommended for approval without conditions by the Midway City Planning Commission. **Public Hearing**
9. **Silver Rim Water Holdings / Change Application** (Rich Bloomfield – Approximately 15 minutes) – Discuss and possibly approve a change application to divert 100 acre feet of water into the Alpenhof/Weber well.
10. **Open Space Landowners’ Packet** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve a landowners’ packet for the preservation of open space.
11. **Open Space Consultant / RFP** (Courtland Nelson – Approximately 10 minutes) – Discuss and possibly approve issuing a request for proposals for consulting services for the preservation of open space.
12. **Public Works Site Grading / Change Order #2** (City Engineer – Approximately 10 minutes) – Discuss and possibly approve a second change order for the site grading at the Midway City public works maintenance yard.
13. **Public Works Site Grading / Partial Payment #3** (City Engineer – Approximately 10 minutes) – Discuss and possibly approve the third partial payment for the site grading at the Midway City public works maintenance yard.
14. **HVTD / Report** (Ryan Starks – Approximately 10 minutes) – Receive a report from Heber Valley Tourism and Development.
15. **Adjournment**

Published on the Utah Public Notice Website on \_\_\_\_\_ 2019 at \_\_\_\_\_ p.m. by Becky Wood (Deputy City Recorder)  
 Posted on \_\_\_\_\_ 2019 at \_\_\_\_\_ p.m. by Becky Wood (Deputy City Recorder)  
 Amended on \_\_\_\_\_ 2019 at \_\_\_\_\_ p.m. by Becky Wood (Deputy City Recorder)

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

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

Midway City Council  
5 February 2019  
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	0185739-IN	Administrative Rotations	01/14/2019	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0185740-IN	Cemetery Flag Rotations	01/14/2019	45.00	.00		
305	COLONIAL FLAG & SPECIALTY	0185741-IN	Hamlet Park Rotations	01/14/2019	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0185742-IN	Town Hall Rotations	01/14/2019	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0185818-IN	SWITZERLAND 4X6 NYLON	01/11/2019	38.32	.00		
305	COLONIAL FLAG & SPECIALTY	0185819-IN	REPLACEMENT FLAG TOWN H	01/14/2019	65.60	.00		
Total 305:					484.92	.00		
<b>545</b>								
545	HICKEN OXYGEN @ PLAZA	R123118-60	OXYGEN	12/31/2018	24.00	.00		
Total 545:					24.00	.00		
<b>565</b>								
565	HORROCKS ENGINEERS INC	49793	CASCADE MEADOW (constructio	01/11/2019	175.02	.00		
565	HORROCKS ENGINEERS INC	49793	ALDER MEADOWS (construction)	01/11/2019	225.00	.00		
565	HORROCKS ENGINEERS INC	49793	INDIAN SUMMER (construction)	01/11/2019	2,166.48	.00		
565	HORROCKS ENGINEERS INC	49793	SCOTCH FIELDS, PHASE2 (cons	01/11/2019	929.72	.00		
565	HORROCKS ENGINEERS INC	49793	CASCADES at SH, Phase2 (Cons	01/11/2019	84.72	.00		
565	HORROCKS ENGINEERS INC	49793	SAINT-PREX ESTATES (Constru	01/11/2019	60.00	.00		
565	HORROCKS ENGINEERS INC	49793	REMUND FARMS, PHASE1 (Con	01/11/2019	762.58	.00		
565	HORROCKS ENGINEERS INC	49793	LODGES AT SC, AMENDED (Co	01/11/2019	338.00	.00		
565	HORROCKS ENGINEERS INC	49793	Attend Planning Commission Mee	01/11/2019	302.00	.00		
565	HORROCKS ENGINEERS INC	49793	GENERAL ENGINEER TASKS	01/11/2019	2,411.84	.00		
565	HORROCKS ENGINEERS INC	49793	10 YEAR ROAD AND WATER PL	01/11/2019	1,223.50	.00		
565	HORROCKS ENGINEERS INC	49793	Attend Planning Commission Mee	01/11/2019	151.00	.00		
565	HORROCKS ENGINEERS INC	49793	Update Trail General Plan	01/11/2019	1,057.00	.00		
565	HORROCKS ENGINEERS INC	49793	Public Works site Grading	01/11/2019	906.00	.00		
565	HORROCKS ENGINEERS INC	49793	Probst Way Road & UtilITIES (con	01/11/2019	1,331.60	.00		
565	HORROCKS ENGINEERS INC	49793	HOMESTEAD TRAIL - CARI TO	01/11/2019	55.50	.00		
565	HORROCKS ENGINEERS INC	49793	CENTER ST TRAIL-350 S TO 97	01/11/2019	679.50	.00		
Total 565:					12,859.46	.00		
<b>715</b>								
715	LANCE EXCAVATING, INC	1195	Clean Concrete	01/14/2019	6.32	.00		
Total 715:					6.32	.00		
<b>800</b>								
800	MIDWAY IRRIGATION COMPAN	12312018	AS PER RESOLUTION 2013-08 4	01/16/2019	19,058.76	.00		
Total 800:					19,058.76	.00		
<b>830</b>								
830	MONSEN ENGINEERING INC	590912	INK Cartridges	01/17/2019	307.09	.00		
Total 830:					307.09	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>845</b>								
845	MOUNTAINLAND SUPPLY COM	S102879376.0	CURB STOP JOINTS ETC	11/29/2018	704.13	.00		
845	MOUNTAINLAND SUPPLY COM	S1029183152	INSTATITE CTS 6EA	01/17/2019	105.90	.00		
845	MOUNTAINLAND SUPPLY COM	S10292140001	PFQ806 GAUGE	01/09/2019	39.11	.00		
845	MOUNTAINLAND SUPPLY COM	S1029229651	FOR C86 MIP AND ADAPTER C	01/10/2019	165.84-	.00		
845	MOUNTAINLAND SUPPLY COM	S1029236491	PFQ806 SS GAUGE CREDIT ME	01/11/2019	39.11-	.00		
845	MOUNTAINLAND SUPPLY COM	S102925836.0	ADAPTERS AND COUPLINGS F	01/22/2019	468.01	.00		
845	MOUNTAINLAND SUPPLY COM	S10292583600	WATER SUPPLIES	01/29/2019	21.54	.00		
845	MOUNTAINLAND SUPPLY COM	S10292583601	WATER SUPPLIES	01/15/2019	4,453.66	.00		
845	MOUNTAINLAND SUPPLY COM	S102927314.0	FORD SETTER NUT SWIVEL ON	01/22/2019	35.75	.00		
845	MOUNTAINLAND SUPPLY COM	S10292731400	FORD CSS1-44-NL 74 SERIES	01/29/2019	8.94	.00		
845	MOUNTAINLAND SUPPLY COM	S10292731401	WATER SUPPLIES	01/16/2019	313.09	.00		
Total 845:					5,945.18	.00		
<b>875</b>								
875	OFFICE DEPOT	258207795001	INDEX 8X11	01/11/2019	28.92	.00		
875	OFFICE DEPOT	258207795001	ENVELOPES 9X12	01/11/2019	71.95	.00		
875	OFFICE DEPOT	258207795001	HANGING FOLDERS LEGAL	01/11/2019	48.04	.00		
875	OFFICE DEPOT	258207795001	HANGING FOLDERS LTR	01/11/2019	114.30	.00		
875	OFFICE DEPOT	258214512001	STAMP AND BINDER	01/11/2019	59.87	.00		
875	OFFICE DEPOT	258214513001	STAMP SELF INK	01/14/2019	9.70	.00		
Total 875:					332.78	.00		
<b>930</b>								
930	Dominion Energy	2731063797 01	2731063797 COMMUNITY CENT	01/14/2019	678.03	.00		
930	Dominion Energy	5770020000 01	5770020000 TOWN HALL	01/14/2019	892.07	.00		
930	Dominion Energy	6558550000	6558550000 Maintenance Shop	01/14/2019	840.38	.00		
930	Dominion Energy	6558550000	6558550000 Maintenance Shop	01/14/2019	467.23	.00		
930	Dominion Energy	6801020000 01	6801020000 Admin Office	01/14/2019	215.88	.00		
Total 930:					3,093.59	.00		
<b>945</b>								
945	CENTURYLINK - 435-654-3223 2	4356543223 01	435-654-3223 269B	01/07/2019	442.04	.00		
Total 945:					442.04	.00		
<b>955</b>								
955	REAMS	714692	Work coat coveralls gloves	01/11/2019	458.81	.00		
955	REAMS	714693	Bib overalls	01/11/2019	148.96	.00		
Total 955:					607.77	.00		
<b>1015</b>								
1015	SAFETY SUPPLY & SIGN CO IN	167385	SOLAR BARRICADES	01/22/2019	543.18	.00		
Total 1015:					543.18	.00		
<b>1150</b>								
1150	HOME DEPOT Credit Services	44070366211	SUPPLIES	01/25/2019	106.16	.00		
1150	HOME DEPOT Credit Services	44075187596	Trash Can	01/15/2019	39.97	.00		
1150	HOME DEPOT Credit Services	44076120216	DIGGING SHOVEL	01/29/2019	53.94	.00		
Total 1150:					200.07	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>1255</b>								
1255	UTAH LOCAL GOVERNMENTS	1571729	WORKERS COMP MONTHLY FE	12/12/2018	1,267.57	1,267.57	01/16/2019	
1255	UTAH LOCAL GOVERNMENTS	1572377	WORKERS COMP MONTHLY FE	01/11/2019	1,267.57	.00		
Total 1255:					2,535.14	1,267.57		
<b>1305</b>								
1305	VERIZON WIRELESS	9821321323	BACKNET - Cellular Service	01/01/2019	367.92	.00		
Total 1305:					367.92	.00		
<b>1310</b>								
1310	WASATCH AUTO PARTS	161924	LAMPS AND CAR BEAMS	01/10/2019	64.21	.00		
1310	WASATCH AUTO PARTS	162163	INTERN RET RING PLIER	01/14/2019	103.20	.00		
1310	WASATCH AUTO PARTS	162446	INTERN RET RING PLIER WAR	01/17/2019	103.20-	.00		
1310	WASATCH AUTO PARTS	162522	DIESL EXST FLD 2.5GAL	01/17/2019	31.66	.00		
1310	WASATCH AUTO PARTS	162579	SLIP HOOK AND MID-LINK	01/18/2019	42.80	.00		
1310	WASATCH AUTO PARTS	162811	PWR STEERING FL-GAL AND A	01/22/2019	35.28	.00		
1310	WASATCH AUTO PARTS	162840	Reducer	01/22/2019	22.99	.00		
1310	WASATCH AUTO PARTS	162864	Safety Glasses	01/23/2019	1.69	.00		
1310	WASATCH AUTO PARTS	162924	FITTING 715-1016	01/23/2019	2.57	.00		
Total 1310:					201.20	.00		
<b>1340</b>								
1340	WASATCH COUNTY SHERIFFS	071218	LAW ENFORCEMNT REVISED B	01/10/2019	27,745.68	.00		
Total 1340:					27,745.68	.00		
<b>1365</b>								
1365	WAVE PUBLISHING	J78314	CEMETERY INDEX CARD	12/31/2018	55.00	.00		
1365	WAVE PUBLISHING	L16301	ORDINANCE ADOPTIONS - OPE	12/26/2018	27.75	.00		
1365	WAVE PUBLISHING	L16311	NOTICE OF PUBLIC MEETING-P	12/26/2018	180.36	.00		
Total 1365:					263.11	.00		
<b>1375</b>								
1375	WHEELER MACHINERY CO	PS000753243	Parts misc	01/04/2019	66.25	.00		
1375	WHEELER MACHINERY CO	PS000754086	Parts misc	01/07/2019	34.26	.00		
Total 1375:					100.51	.00		
<b>1407</b>								
1407	CHARLIE POWELL	18-129 18-130	PLAN REVIEW SERVICES	12/18/2018	675.00	.00		
Total 1407:					675.00	.00		
<b>1421</b>								
1421	HEBER LIGHT & POWER	143	MATERIALS STREET LGT MAIN	01/07/2019	1,090.85	.00		
Total 1421:					1,090.85	.00		
<b>1542</b>								
1542	STATE OF UTAH GASCARD/FU	NP55097759	Fleet #643730 Midway City	01/04/2019	2,336.29	2,336.29	01/16/2019	
Total 1542:					2,336.29	2,336.29		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>1571</b>								
1571	FASTENAL IND & CONST SUPP	UTHEB67349	SUPPLIES	01/15/2019	436.48	.00		
Total 1571:					436.48	.00		
<b>1603</b>								
1603	ROCKY MOUNTAIN POWER	01232019	868 W GOLF COURSE DR.	01/23/2019	12.44	.00		
Total 1603:					12.44	.00		
<b>1818</b>								
1818	CASH	013019	REIMBURSEMENTS TO CASH B	01/30/2019	6.70	.00		
1818	CASH	013019	Tax mailed	01/30/2019	1.75	.00		
1818	CASH	013019	WATER FUND	01/30/2019	28.00	.00		
1818	CASH	013019	REIMB	01/30/2019	23.55	.00		
Total 1818:					60.00	.00		
<b>1821</b>								
1821	WEX BANK	5751123	SINCLAIR-FUEL	12/31/2018	541.43	.00		
1821	WEX BANK	5751123	LATE FEE	12/31/2018	75.00	.00		
Total 1821:					616.43	.00		
<b>1917</b>								
1917	HOSE & RUBBER SUPPLY LLC	669186001	LAYFLAT BLUE 2"	01/18/2019	813.45	.00		
Total 1917:					813.45	.00		
<b>1931</b>								
1931	KW ROBINSON CONSTRUCTIO	2018-58	2017 ROAD IMPROVEMENTS -	11/07/2018	4,763.58	.00		
1931	KW ROBINSON CONSTRUCTIO	2018-59	Meter Water Sources - Final Pmt	11/07/2018	13,447.15	.00		
1931	KW ROBINSON CONSTRUCTIO	2018-70	SWISS ALPINE RD - Partial pmt	01/10/2019	219,581.20	.00		
Total 1931:					237,791.93	.00		
<b>2186</b>								
2186	SANDERS GLASS ART & ENGR	19141	Engraving	01/14/2019	100.00	.00		
Total 2186:					100.00	.00		
<b>2269</b>								
2269	REDMOND MINERALS INC.	280428	ICESLICER RS - Bulk - 30.12 AN	01/23/2019	1,448.16	.00		
2269	REDMOND MINERALS INC.	280494	ICESLICER RS - Bulk - 30.40 AN	01/24/2019	1,460.16	.00		
Total 2269:					2,908.32	.00		
<b>2350</b>								
2350	CRUS OIL	0400979	Washer Fluid, Handling and delive	01/14/2019	99.90	.00		
Total 2350:					99.90	.00		
<b>2377</b>								
2377	RIDLEY'S FAMILY MARKETS	0012	PURIFIED WATER	01/15/2019	22.32	.00		
2377	RIDLEY'S FAMILY MARKETS	012419	SALES and Use Tax (OCTOBER	01/24/2019	3,365.74	.00		
2377	RIDLEY'S FAMILY MARKETS	012419	RESORT TAX (OCTOBER 2018)	01/24/2019	1,943.38	.00		
2377	RIDLEY'S FAMILY MARKETS	0179	ICE	08/23/2018	7.96	7.96	01/16/2019	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2377:					5,339.40	7.96		
<b>2380</b>								
2380	Wasatch County	01022019	REIMBURSEMENT FOR ALCOH	01/02/2019	7,476.84	7,476.84	01/16/2019	
Total 2380:					7,476.84	7,476.84		
<b>2418</b>								
2418	FINAL COMPLETION DEPOSIT	18-098	18-098 FINAL COMPLETION DE	01/10/2018	1,500.00	.00		
Total 2418:					1,500.00	.00		
<b>2452</b>								
2452	LEAVITT TRUCKING	3876	BLUE SALT \$22.5 PER TON (59.	01/22/2019	1,310.54	.00		
2452	LEAVITT TRUCKING	3877	ICE SLICER \$25 PER TON (60.3	01/23/2019	1,508.50	.00		
2452	LEAVITT TRUCKING	3878	SALT \$25 PER TON (60.84 TON	01/24/2019	1,521.00	.00		
Total 2452:					4,340.04	.00		
<b>2520</b>								
2520	Staker Parson Companies	4841230	3/4" Commercial Road Base	01/14/2019	49.95	.00		
Total 2520:					49.95	.00		
<b>2561</b>								
2561	CENTURYLINK -435-654-3924 4	010719	435-654-3924 453B	01/07/2019	131.20	.00		
Total 2561:					131.20	.00		
<b>2562</b>								
2562	CENTURYLINK 435-654-4204 77	4356544204 01	435-654-4204 775B	01/07/2019	47.08	.00		
Total 2562:					47.08	.00		
<b>2582</b>								
2582	WEST COAST CODE CONSULT	UT18-504-015	MEDBY MIXED USE-FULL PLAN	12/11/2018	325.00	.00		
2582	WEST COAST CODE CONSULT	UT18-504-016	STEVE HARDY PV - 1ST REVIE	01/10/2019	85.00	.00		
Total 2582:					410.00	.00		
<b>2614</b>								
2614	Executech Utah, Inc.	125499	Monthly Maintenance Agreement	12/31/2018	910.00	.00		
2614	Executech Utah, Inc.	125499	Monthly Licenses and Subscriptio	12/31/2018	623.22	.00		
Total 2614:					1,533.22	.00		
<b>2618</b>								
2618	Mountainland Association of Gove	AO2427	Local Contributions 2018-2019	12/18/2018	2,829.00	.00		
Total 2618:					2,829.00	.00		
<b>2626</b>								
2626	Rush Truck	30136499155	BRACKET ASY, MAN HTD	01/29/2019	365.00	.00		
Total 2626:					365.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>2627</b>								
2627	Gordon Law Group, P.C.	4510	ALDER MEADOWS SUBDIVISIO	01/01/2019	351.00	.00		
2627	Gordon Law Group, P.C.	4511	INDIAN SUMMER SUBDIVISION	01/01/2019	97.50	.00		
2627	Gordon Law Group, P.C.	4512	Whitaker Farm Annexation	01/01/2019	78.00	.00		
2627	Gordon Law Group, P.C.	4513	John Probst Litigation	01/01/2019	3,300.00	.00		
2627	Gordon Law Group, P.C.	4514	Monthly Flat Fee	01/01/2019	4,700.00	.00		
2627	Gordon Law Group, P.C.	4514	Monthly Flat Fee	01/01/2019	300.00	.00		
2627	Gordon Law Group, P.C.	4514	Additional Hours	01/01/2019	1,138.12	.00		
2627	Gordon Law Group, P.C.	4514	Additional Hours	01/01/2019	72.65	.00		
Total 2627:					10,037.27	.00		
<b>2636</b>								
2636	CenturyLink 435-654-4120	1459565132	435-654-4120 Phone Services	01/11/2019	896.73	.00		
Total 2636:					896.73	.00		
<b>2658</b>								
2658	SIGNARAMA	3074	LOGO ON OVERALLS & JACKE	01/08/2019	20.00	.00		
2658	SIGNARAMA	3087	CUSTOM BANNER	01/10/2019	110.00	.00		
Total 2658:					130.00	.00		
<b>2676</b>								
2676	SALTWORX, INC	12919	ICEKICKER - DELIVERY AND PI	01/29/2019	4,473.28	.00		
Total 2676:					4,473.28	.00		
<b>2680</b>								
2680	Williamsen-Godwin Truck Body C,	0005283-IN	SPREADER HYDRAUL SPINNE	01/23/2019	216.00	.00		
2680	Williamsen-Godwin Truck Body C,	0005295-IN	SS Dump, Spreader and Plow	01/25/2019	66,133.00	.00		
2680	Williamsen-Godwin Truck Body C,	0006129	SPREADER HYDRAUL SPINNE	01/22/2019	216.00	.00		
Total 2680:					66,565.00	.00		
<b>2694</b>								
2694	J and J Fabrications and Repai, L	1911	REPAIR LIGHT POLE	01/14/2019	222.50	.00		
Total 2694:					222.50	.00		
<b>2698</b>								
2698	Promo Ink LLC	10-1669	CLOTHING	01/15/2019	340.00	.00		
Total 2698:					340.00	.00		
<b>2700</b>								
2700	Car Quest Auto Parts	15341-22696	DIESEL EXHAUST FLUID	01/17/2019	58.84	.00		
Total 2700:					58.84	.00		
<b>2701</b>								
2701	Colette Caldwell	10	JanUARY 2019 JANITORIAL SE	01/22/2019	1,000.00	.00		
Total 2701:					1,000.00	.00		
<b>2725</b>								
2725	VLCM	602538	Remote Support	01/07/2019	67.50	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2725:					67.50	.00		
<b>2741</b>								
2741	UTAH ASSOCIATION OF BUILDI	012819	CLASS A MEMBER - ANNUAL M	01/28/2019	100.00	.00		
Total 2741:					100.00	.00		
<b>2744</b>								
2744	SPRUCE DECOR	27645	REIMBURSEMENT FOR CHRIST	11/14/2018	200.00	.00		
Total 2744:					200.00	.00		
<b>2745</b>								
2745	MIDWAY BAKERY ON MAIN	27649	REIMBURSEMENT FOR CHRIST	11/14/2018	200.00	.00		
Total 2745:					200.00	.00		
<b>2746</b>								
2746	MIDWAY SWISS DAYS	011119	WASATCH CO EMS AND SHERI	01/11/2019	12,562.00	.00		
Total 2746:					12,562.00	.00		
<b>2747</b>								
2747	COLORADO UNDERGOUND, LL	M03356	DITCH WITCH VACUUM EXCAV	01/24/2019	117,500.00	.00		
Total 2747:					117,500.00	.00		
Grand Totals:					560,434.66	11,088.66		

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

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

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

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

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

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Report Criteria:

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

Midway City Council  
5 February 2019  
Regular Meeting

Minutes of the  
15 January 2019  
Work Meeting



# Memo

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**Date:** 31 January 2019  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 15 January 2019 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, 15 January 2019, 9:00 a.m.  
Midway City Office Building, Upstairs Conference Room  
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 9:07 p.m. She excused Council Member Orme

**Members Present:**

Celeste Johnson, Mayor  
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

**Members Excused:**

Lisa Orme, Council Member

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

**2. Bonding Process** (City Recorder – Approximately 10 minutes) – Discuss the process and timeline for issuing bonds for the preservation of open space.

Brad Wilson gave a presentation on the timeline for issuing municipal bonds.

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

**3. Open Space Committee / Procedures** (Courtland Nelson – Approximately 60 minutes) – Meet with members of the Midway Open Space Advisory Committee to discuss the Procedures for preserving open space.

Members of the Midway Open Space Advisory Committee gave a presentation regarding the proposed procedures and documents for preserving open space. They reviewed the following items and made the following comments:

- Committee responsibilities and history
- Proposed packet of information to be sent to landowners
- Landowners should be surrounded with good information and people
- Money for open space should be leveraged two to one or three to one
- Notice of interest
- Matrix to determine which open space parcels should be preserved
- Size of open space parcels to preserve
- When to meet with interested landowners
- Preservation process
- Each property was unique
- The City Council would decide which parcels would be preserved and be the gatekeepers to the bond money
- Recommended that the Committee assist interested landowners and then analyze and recommend projects to the City Council.
- A consultant would be the expert in preservation, have the necessary contacts and know what matching funds were available.
- The preservation process would not be quick or easy
- Several projects could be at different stages in the process
- The Internal Revenue Service would be an important part of the process
- The City did not want to be the conservator of open space
- The benefits of a land trust being the conservator
- Proposed landowner guide
- Proposed letter to longtime landowners
- The packet of information needed to be distributed as soon as possible

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

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

- Who was responsible to secure matching funds?
- Some landowners might sell for less than market value because they wanted to preserve open space
- The City should not automatically refer an interested landowner to a land trust.
- Was an appeal process needed?
- Did the statement of intent, adopted by the Council, need to be updated?
- The letter of introduction needed to grab and hold peoples' attention.

The Council approved of the notice of interest but asked that the introductory letter be revised.

**4. Open Space Consultant** (Courtland Nelson – Approximately 15 minutes) – Discuss hiring a consultant to assist in the preservation of open space.

Courtland Nelson, Open Space Committee Chair, made the following comments regarding an

open space consultant:

- The City did not have enough time or expertise to be good advisors regarding open space.
- There were groups that specialized in open space preservation.
- Recommended that a request for proposals be issued for a specialized third party to help in the preservation process.
- Estimated that \$8,000 to \$10,000 would be needed for various expenses during the first couple of years of the process. These costs might be reimbursed from the bond money for other sources.
- Professional help and a contractual relationship were needed.

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

- The Committee had a good idea what was needed from a consultant.
- A land trust would have to help the landowner during the preservation process. Was it a conflict of interest for the City to also hire the same land trust?

The Council agreed to review and possibly approve an RFP at its meeting on February 5<sup>th</sup>.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 10:44 a.m. She reconvened the meeting at 10:52 a.m.

**5. Homestead Master Plan / Possible Amendment** (Russ Watts – Approximately 45 minutes) – Discuss a possible amendment to the master plan for the Homestead Resort located at 700 North Homestead Drive.

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

- Benefits of the Homestead Resort
- Surrounding neighbors
- Economic impact
- Resort Communities Tax
- Access to Main Street from the Homestead
- Trail development
- Current master plan
- Proposed master plan

Mr. Henke also made the following comments:

- The applicant wanted to amend the existing master plan and keep its minimum requirements.
- The existing plan covered the core 35 acres of the Homestead.
- The proposal matched the City's vision and included a greater range of products and amenities.
- It would not comply with all the requirements of the recently adopted resort code but would be governed by the 2008 version.

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

Russ Watts, Watts Enterprises and the applicant, made the following comments:

- Wanted to revitalize the Homestead.
- Wanted as many of the proposed units to be transient rentals as possible.
- The water requirements were determined by the Midway Water Advisory Board the previous week.
- The project would be phased.
- No buildings would be higher than the new restriction.
- Locals would be included in the project and could swim at one of the pools.
- Could meet with the neighbors regarding their concerns.

Adam Watts, representing the applicant, reviewed a tax benefit analysis for the amendment.

Paul Tew, representing the applicant, gave a presentation on the planned look and feel for the proposal including the following items:

- Price points
- Services for workers
- Trails
- Amenities
- Grand hotel
- Golf club
- Spa and wellness center
- Estate units
- Bungalows
- Villas

Paul Berg, Berg Engineering resource group and representing the applicant, gave a presentation on the current and proposed plans including the following items:

- Existing plan for the Homestead Villas and golf course cottages
- Units
- Lockouts
- Square footage
- Parking spaces
- Amenities
- Conference, retail and restaurant space
- Sensitive lands
- Transportation improvements

Mr. Berg indicated that the Virginia House would remain. He also indicated that the proposal met the City's vision for resorts.

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

- Amending the current master plan made more sense than starting over.
- An amendment would allow negotiating with the neighbors.
- The traffic plan could be updated.
- Could someone purchase the Homestead from the applicant and build buildings that were taller than the new restriction? This type of concern could be addressed in the master plan agreement.
- It was important that the units remain nightly rentals.
- Local youth should be hired to work at the resort.
- The amendment should stay close to the new code especially regarding height and parking.

The City Council agreed to consider the proposal as an amendment to the existing master plan.

## 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 Drury	Aye
Council Member Orme	Excused from the Meeting
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 Drury moved to go out of the closed meeting.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

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

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

## 7. Adjournment

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

The meeting was adjourned at 1:00 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT

Midway City Council  
5 February 2019  
Regular Meeting

Minutes of the  
15 January 2019  
Regular Meeting



# Memo

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**Date:** 1 February 2019  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 15 January 2019 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, 15 January 2019, 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 excused Council Member Orme.

**Members Present:**

Celeste Johnson, Mayor  
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

**Members Excused:**

Lisa Orme, Council Member

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

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

**2. Consent Calendar**

- a. Agenda for the 15 January 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 4 December 2018 City Council Work Meeting
- d. Minutes of the 4 December 2018 City Council Regular Meeting
- e. Ordinance 2019-01 which prescribes the time and place of the recurring meetings of the Midway City Council.

- f. The bond for the Midway City mayor.
- g. Conclude the warranty period and release the remainder of the bond for the Meadows at Dutch Canyon, located at 1600 North Dutch Canyon Road, subject to the payment of all fees due to Midway City.
- h. Conclude the warranty period and release the remainder of the bond for the Dutch Canyon Subdivision, located at 600 East Saddle Drive, subject to the payment of all fees due to Midway City.

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

**Motion:** Council Member Simonsen 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 Drury	Aye
Council Member Orme	Excused from the Meeting
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**

##### Midway Business Alliance

Mayor Johnson reported that the Midway Business Alliance was strong and working with Heber Valley Tourism and Development.

##### 2019 State Legislative Session

Mayor Johnson reported that the 2019 session for the Utah State Legislature would begin that month.

##### Representative Tim Quinn

Mayor Johnson reported that she met with Tim Quinn, who was Midway's state representative, regarding several issues.

### Historic Preservation Committee

Mayor Johnson reported that the Midway City Historic Preservation Committee would now meet every third Tuesday at 2:00 p.m.

### Midway Boosters

Council Member Drury reported that the boosters had a “kick-off” party for the year.

### Midway City Ice Rink

Council Member Drury reported that the ice rink was doing well and did well during the holiday season.

### Open Space Committee

Council Member Drury reported that the Midway City Open Space Advisory Committee presented at the Council’s work meeting that day.

### Swiss Days

Council Member Drury reported that Swiss Days would be held that year.

### Heber Light & Power Company / Transmission Line

Mayor Johnson reported that the board of directors, for the Heber Light & Power Company, approved the new transmission line going along 970 South and Ward’s Lane. She indicated that some modifications had been made to the design.

### Heber Valley Railroad

Mayor Johnson reported that the Heber Valley Railroad had a successful North Pole Express. She added that the Railroad would ask the State Legislature for more money.

### Heber Valley Special Service District

Mayor Johnson reported that the Heber Valley Special Service District was running well.

### Midway Sanitation District

Mayor Johnson reported that the Midway Sanitation District was running well.

**5. Financial Statements / Audit Report** – Receive a Presentation on the Fiscal Year 2018 Financial Statements (Ryan Child) and Audit (Ben Probst) for Midway City.

Ryan Child, Child Richards, reviewed in detail the FY 2018 Financial Statements for the City.

**Note:** A copy of the Financial Statements is contained in the supplemental file.

Ben Probst, Gilbert and Stewart, distributed a letter communicating the audit findings. He gave a clean opinion of the Financial Statements. He reported that the fund balance in the General Fund was over the allowed 25% of revenue. He said that the City was financially strong.

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

Brad Wilson thanked Mr. Child and Mr. Probst for their exceptional work and assistance.

**6. Dutch Draw Annexation / Further Consideration** (Mike Johnston – Approximately 10 minutes) – Discuss and possibly approve for further consideration the Dutch Draw Annexation located at the corner of River Road and Dutch Canyon Road.

Brad Wilson gave a presentation on the annexation process.

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

Mike Johnston, Summit Engineering and representing the petitioner, made the following comments:

- Had previously asked to connect the property to the City's culinary water system without annexation. The City Council preferred that it be annexed.
- The existing home was included in the annexation and would remain on a well.
- Connecting to the culinary water system was better than three new wells.
- The connection would be on Dutch Canyon Road.
- The petitioner wanted access off Dutch Canyon Road and not River Road.
- The petitioner would not install a water line along River Road because it would be too expensive for three lots.

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

- The property should be annexed so that the City's setbacks would apply.
- Normally the City required that a developer ran the culinary water line to the limits of the development.
- If the water line was not run along River Road with this annexation, then the petitioner for the next annexation would have to do it.

**Motion:** Council Member Simonsen moved to approve for further consideration the Dutch Draw Annexation.

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

**Discussion:** None

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

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

**7. Meadow Estates PUD / Amendment** (Mike Johnston – Approximately 10 minutes) – Discuss and possibly grant a plat map amendment for the Meadow Estates Subdivision located at Meadow View Drive (800 North) and Pine Canyon Road. **Public Hearing**

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

- Land use summary
- Location of the development
- Recorded plat map
- Proposed plat map
- Lot line adjustment
- Proposed findings

Mr. Henke also made the following comments:

- The owners of lot four still wanted to work out some minor issues.
- The plat map was being amended because of some trees and other issues.

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

**Public Hearing**

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

**Scott McDougle**

Mr. McDougle explained that he owned lot four and wanted consideration of the amendment, along with the public hearing, to be postponed. Mr. Henke responded that Mr. McDougle’s attorney consented to holding the public hearing.

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

**Motion:** Council Member Van Wagoner moved to table the amendment to such time as it was brought back before the Council.

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

**Discussion:** None

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

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

- 8. Homestead Villas / Preliminary Approval** (Steve Eddington – Approximately 10 minutes) – Discuss and possibly grant preliminary approval for the Homestead Villas Subdivision, located at the intersection of Bayhill Drive and Fairway Drive. One lot is also located on Mountain Springs Drive (Zoning is R-1-15). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

The applicant requested that the item not be considered that night.

- 9. Ordinance 2019-02 / Transmission Lines** (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2019-02 amending Section 16.13.10 (Maximum Height Provisions for all Buildings) of the Midway City Municipal Code regarding transmission lines. Recommended for approval by the Midway City Planning Commission. **Public Hearing**

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

- Proposed code
- Transmission lines in Midway
- Locations of transmission lines
- Pole markings
- Transmission lines in Wasatch County
- Options for transmission lines and poles
- General Plan

Mr. Henke also made the following comments:

- Wood poles had to be taller than metal ones.

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

Corbin Gordon reviewed the proposed ordinance. He noted that Rocky Mountain Power wanted transmission lines to be a conditional use and that change had been made.

### **Public Hearing**

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

#### **Kevin Payne**

Mr. Payne made the following comments:

- The spacing of poles should not change.
- Greater flexibility should be given for the types of required studies.
- Reimbursement agreements could be used to repay the cost of burying transmission lines.
- Noticing of proposed lines should be more robust.

#### **Begnt Johnsson**

Mr. Johnsson made the following comments:

- A lot of positive changes had been made to the proposed transmission line along 970 South and Ward's Lane.
- A portion of each transmission line pole was underground, so a 55 ft. pole would be approximately 47 feet above ground.
- The proposed ordinance should not obligate the City to pay for burying lines. The City could negotiate those costs with the power company.
- The impact of increase voltage was exponential.
- The proposal should give the City a certain amount of time to raise the funds to bury lines.
- The requirement for the City to pay for burying lines had not been challenged in court.
- Residents would sleep 30 feet away from the proposed transmission line.

#### **Ron Lowry**

Mr. Lowry made the following comments:

- The sale of his home failed because it was close to the proposed transmission line. The specific concern of the buyer was the increased voltage.
- Voltage was the most significant issue with transmission lines.
- A transmission line destroyed property values.
- Transmission lines should be buried.

#### **Travis Jones, Rocky Mountain Power**

Mr. Jones made the following comments:

- The proposed transmission line was necessary and being done properly.
- Was not required to apply to the City to install the line.
- Wanted to be part of the solution.
- Heber Valley needed more infrastructure as it grew.
- Appreciated the edits to the proposed ordinance including adding the conditional use process.

#### Hollie Kent

Ms. Kent made the following comments:

- The public had not been informed about the proposed transmission line.
- Landowners should have to be notified of these types of projects.
- The first public hearing was held after an agreement for the line had been made.

#### Scott Lewis

Mr. Lewis made the following comments:

- The proposed ordinance would be difficult to enforce.
- The City should require that developers bury the new and existing power lines going to their developments.
- Rocky Mountain Power (RMP) was primarily concerned about profit.
- The City was liable for high voltage lines in residential areas.
- Midway was beautiful and should not be denigrated.
- The proposed ordinance was a significant capitulation and included significant loopholes.

#### Heather Whitney

Ms. Whitney made the following comments:

- Span, voltage, easement widths, and noticing requirements were significant concerns with the proposed ordinance.
- Height restrictions should be based on the portion of the pole above ground.
- If the proposed ordinance was approved that night, then a date should be set to amend it to address some of the issues raised.

#### Ted Caldwell

Mr. Caldwell made the following comments:

- Had a farm next to an existing transmission line and the proposed line.

- Most residents voted to preserve open space even if it was not next to their house.
- Burying the lines was as significant an issue as open space.
- Some members of the Council were elected to address the proposed transmission line.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:05 p.m. She reconvened the meeting at 8:16 p.m.

#### Athina Koumarela

Ms. Koumarela made the following comments:

- Who would be the third party that reviewed proposed transmission lines? Would residents be included in the review?
- Would the financial impact be reviewed?
- What would be the cost to bury the proposed transmission line?
- Would the line benefit the entire valley?

#### Holly Bodily

Ms. Bodily made the following comments:

- Communities needed to be more active in the state legislative process regarding power companies and infrastructure.
- Everyone in the City should be noticed not just someone within 600 feet of the line.

#### Don Mustard

Mr. Mustard made the following comments:

- The City should bond to bury the proposed transmission line.
- Other states and communities were burying their power lines.
- A financial impact study should be required.

#### Darrin Wilcox

Mr. Wilcox made the following comments:

- Lived under an existing transmission line and the proposed line.
- The proposed ordinance did not address increasing the voltage.
- Utility rates should be increased to pay for burying lines. This would spread out the cost among more people and over more time. Mayor Johnson responded that she was on the HL&P Board and voted against the proposed line She also voted to increase rates to pay for burying it.

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

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

- The ordinance should require that the impact of transmission lines be minimized. It should not specify that they always had to be brown or a rust color. That decision could be made as part of the conditional use process.
- Because transmission lines were infrastructure they could not be completely denied.
- A power company should not have to get City approval to replace a pole for a distribution line.
- Current law obligated the City to pay the cost of burying power lines.
- The current Municipal Code did not require an application for transmission lines.
- Voltage should be addressed in the proposed code.
- There were studies that showed that buried transmission lines were just as harmful as overhead lines.
- RMP had a transmission line planned on the north side of the City. This could mean lines on both sides of the City.
- The City could not stop a transmission line.
- Some sort of regulations for transmission lines needed to be adopted.
- The proposed ordinance would require notification.
- Experts would be used for the third-party review.
- It would cost at least \$3.5 million to bury the proposed transmission line which included RMP paying 80% of the overhead cost.
- The power for Heber Valley came through communities that had transmission lines.
- The proposed transmission line would benefit the entire valley and other communities.
- RMP power had never paid for a transmission line to be buried.
- The community could be surveyed to see if they would pay or bond to bury the proposed transmission line.
- More poles would be needed if their height was reduced.
- The proposed ordinance needed to be revised.
- Items should be presented to the Council with enough time to consider public comment and make revisions before approval.
- Power companies should take more responsibility and communities should have more input.
- The City did not have any regulations that governed transmission lines. Adopting the proposed ordinance would give it something.
- The City should see if its residents were willing to pay to bury the proposed line.
- Health input studies should be required.
- The allowed pole height should be 45 feet above ground.
- Most poles were 60 feet long so 55 feet should be allowed above ground.
- The ordinance should allow other pertinent studies as required.
- Should the City have to notify each resident when a transmission line was proposed?

**Motion:** Council Member Van Wagoner moved to adopt the ordinance as submitted while addressing spacing between poles and knowing that it could be clarified in the future.

Council Member Simonsen asked if voltage needed to be addressed. Council Member Van Wagoner responded that was not included in his motion because it needed to be clarified by an

expert.

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

**Discussion:** None

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

Mayor Johnson	Nay
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Probst	Nay
Council Member Simonsen	Nay
Council Member Van Wagoner	Aye

**Motion:** Council Member Simonsen moved to adopt the ordinance with the following changes:

- It addressed voltage and pole spacing.
- “Transmission lines that do not exceed 55 feet in pole height above grade shall not require a conditional use permit. Further, regarding” should be deleted from 16.13.47(B). That sentence should begin with “Existing transmission poles...”.

Council Member Van Wagoner indicated that the voltage could be increased on the existing transmission lines. Council Member Drury asked how the City would know if the voltage was increased and how any related regulations would be enforced. Mayor Johnson thought that HL&P would notify the City. Council Member Simonsen responded that the health effects of voltage were a concern to the residents that spoke that evening.

**Amended Motion:** Council Member Simonsen moved to adopt the ordinance with the following changes:

- It addressed pole spacing.
- “Transmission lines that do not exceed 55 feet in pole height above grade shall not require a conditional use permit. Further, regarding” should be deleted from 16.13.47(B). That sentence should begin with “Existing transmission poles...”.

**Second:** Council Member Van Wagoner seconded the amended motion.

**Discussion:** None

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

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

**10. Watts Remund Farms, Phase I / Amendment** (Paul Berg – Approximately 10 minutes) –

Discuss and possibly amend the approval for Phase I of the Watts Remund Farms PUD located at 200 East and 600 North (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 development
- Recorded plat map
- Proposed plat map
- Open space
- Proposed findings

Mr. Henke also made the following comments:

- The amendment would change the pad sizes to allow for house overhangs.
- The amount of open space would not change.
- Some pad sizes would increase while others would decrease.
- The amendment still had staggered setbacks.

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

### **Public Hearing**

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

**Motion:** Council Member Van Wagoner moved to approve the amendment with the following findings:

- The proposed amendment would adjust the building pad sizes and shapes
- The open space in the PUD would remain the same
- No public street, right-of-way, or easement would be vacated or altered

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

**Discussion:** None

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

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

**11. Dutch Canyon Subdivision / Amendment** (Paul Berg – Approximately 10 minutes) –

Discuss and possibly grant a plat map amendment for the Dutch Canyon Subdivision located at 600 East Saddle Drive. **Public Hearing**

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

- Land use summary
- Location of the development
- Recorded plat map
- Proposed plat map
- Proposed findings

Mr. Henke also made the following comments:

- Three lots would be combined into one which would reduce density and traffic.
- The property owner to the north wanted it made clear that there would be farming with noise at night.
- All the neighbors within 600 feet of the lots had been notified of the proposal.

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

### **Public Hearing**

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

#### **Harold Wilson, HL&P Company**

Harold Wilson noted that effected utilities would have to be removed and utility easements vacated. Mr. Henke responded that the lot owners would have to work with HL&P regarding the issue.

#### **Heather Whitney**

Ms. Whitney asked the reason for the amendment. Mr. Henke responded that two lot owners wanted to increase the size of their lots.

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

**Motion:** Council Member Probst moved to grant the amendment as outlined with the lot owners working with HL&P to abandon the existing utilities.

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

**Discussion:** None

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

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

**12. Reed Bezzant Subdivision / Amendment** (Steven and Kala Francis – Approximately 5 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.

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

- Land use summary
- Location of the development
- Original plat map
- Proposed plat map
- Possible recommendations
- Possible findings

Mr. Henke also made the following comments:

- The Council previously considered the item on 6 November 2018 and requested that the applicant get comment from the neighbors. All the neighbors indicated they supported the amendment.
- The subdivision plat map needed to be amended and then the lot needed to be subdivided.
- There had not been any lot splits in the City for ten years.
- The length of the existing cul-de-sac was an issue because it was longer than allowed by the City's construction standards.
- The amendment was discretionary.
- Suggested restricting cul-de-sacs to no more than eleven lots.

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

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

- The purpose of cul-de-sacs was to reduce traffic and serve a limited number of homes. They could be problematic if they were too long.
- The greater concern with cul-de-sacs was not length but car count. Larger lots created less traffic.
- The amendment would not be that different from a restriction to eleven lots.
- The cul-de-sac included a stub road that would connect in the future.
- The Council recently approved a development on a longer cul-de-sac which increased its length.

- The proposed amendment would not lengthen the cul-de-sac.
- The neighbors unanimously supported the amendment.
- The lot split would not impact snow plowing, etc.

**Motion:** Council Member Simonsen moved to approve the amendment to the Reed Bezzant Subdivision with the following findings:

- No public street, right-of-way, or easement would be vacated or altered.
- Although density would be slightly increased, it would not be a safety concern.
- The lot would meet the minimum requirements for the zone.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

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

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

**13. 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.

**Motion:** Council Member Simonsen moved to grant preliminary and final approval for the lot split because it met the intent of the General Plan for the zone.

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

**Discussion:** None

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

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

**14. Ordinance 2019-03 / Transient Lodging as a Permitted Use** (City Planner – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2019-02 amending Section 7.06.050 (Transient Lodging Unit Rental) to make all transient lodging units a permitted use in the transient rental overlay district.

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

- Land use map
- Locations of the Transient Rental Overlay District (TROD)
- Reasons for the ordinance
- Proposed code text
- Possible findings

Mr. Henke also made the following comments:

- The ordinance would affect the TROD.
- It would change transient rentals from conditional to permitted uses in the commercial zones in the TROD.
- Was finding and shutting down illegal transient rentals.
- Generally, transient rental owners complied with the City's transient rental regulations.

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

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

- Transient rentals as a conditional rather than a permitted use in the commercial zones was an oversight.
- Too many transient rentals could be problematic.
- They were a good fit for commercial but not residential zones.

**Motion:** Council Member Probst moved to adopt Ordinance 2019-03, amending Section 7.06.050 (Transient Lodging Unit Rental), as outlined with the following findings:

- The amendment would be limited to only the C-2 & C-3 zones.
- All rental units would still need to comply with the established criteria.
- All units would still need to be in the Transient Rental Overlay District.
- Transient rental units in the C-2, C-3 zones would be a permitted use.
- Transient rental units in any other zones but the aforementioned zones would continue to be conditional uses.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

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

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

**15. Impact Fee Report** (City Recorder – Approximately 10 minutes) – Receive a report on the receipt and use of impact fees for Midway City for fiscal year 2018.

Brad Wilson gave a presentation on the impact fee report for FY 2018.

**Note:** Copies of the impact fee report and Mr. Wilson’s presentation are contained in the supplemental file.

**16. Parking / Main Street**

Council Member Van Wagoner had received several complaints about parking on the corners of Main Street and 100 West, Main Street and 200 West and Main Street and 200 East. The Council discussed ways to prevent parking on corners. The Council disapproved of a suggestion from a resident to put flashing lights on no parking signs.

**17. Adjournment**

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

The meeting was adjourned at 9:55 p.m.

---

Celeste Johnson, Mayor

---

Brad Wilson, Recorder

Midway City Council  
5 February 2019  
Regular Meeting

Cascades at Soldier Hollow,  
Phase II /  
Begin Warranty Period

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



Heber Office  
Tel: 435.654.2226  
Fax: 435.657.1160

February 5, 2019

Brad Wilson  
Midway City Recorder  
75 North 100 West  
Midway, Utah 84049  
(Sent by E-mail)

**Subject: The Cascades at Soldier Hollow Phase 2 Subdivision, Construction Final Completion, One Year Warranty Period to Begin**

Dear Brad:

The Cascades at Soldier Hollow Phase 2 Subdivision has received Final Construction approval. Therefore, building permits and occupancy permits may be issued within this subdivision. The one year warranty period may now begin. As the development receives Construction Final Approval, the construction bond may be released, minus the 10% warranty bond in the amount of \$112,723.85.

Prior to the warranty period ending a type II slurry seal will be installed over the roadways and the sewer lines will be re-cleaned and TV'd.

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

Sincerely,  
HORROCKS ENGINEERS

A handwritten signature in blue ink, appearing to read "Wesley Johnson", is written over the typed name and title.

Wesley Johnson, P.E.  
Midway City Engineer

cc: Monica Echols, Midway Building Department, (sent by E-mail)  
Michael Henke, Midway City Planner, (sent by E-mail)  
Kent Buie, Developer, (sent by E-mail)

Midway City Council  
5 February 2019  
Regular Meeting

Alder Meadows Subdivision /  
Begin Warranty Period

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



Heber Office  
Tel: 435.654.2226  
Fax: 435.657.1160

February 5, 2019

Brad Wilson  
Midway City Recorder  
75 North 100 West  
Midway, Utah 84049  
(Sent by E-mail)

**Subject: Alder Meadows Subdivision, Construction Final Completion,  
One Year Warranty Period to Begin**

Dear Brad:

The Alder Meadows Subdivision has received Final Construction approval. Therefore, building permits and occupancy permits may be issued within this subdivision. The one year warranty period begin December 6, 2018. As the development receives Construction Final Approval, the construction bond may be released, minus the 10% warranty bond in the amount of \$94,797.30.

Prior to the warranty period ending a type II slurry seal will be installed over the roadways and the sewer lines will be re-cleaned and TV'd.

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

Sincerely,  
HORROCKS ENGINEERS

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

Wesley Johnson, P.E.  
Midway City Engineer

cc: Monica Echols,  
Michael Henke,  
Jim Ashton,

Midway Building Department, (sent by E-mail)  
Midway City Planner, (sent by E-mail)  
Developer, (sent by E-mail)

Midway City Council  
5 February 2019  
Regular Meeting

Dutch Draw Annexation /  
Certification



# Memo

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**Date:** 1 February 2019  
**To:** Mayor, City Council and Staff  
**Cc:** File  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Certification of the Dutch Draw Annexation

---

Utah Code Section 10-2-403(3), (4), (6) and (7) requires that the city recorder determine if an annexation petition, after it has been accepted for further consideration, meets the requirements for annexation.

The following requirements must be met:

- The petition was filed with the city recorder of the proposed annexing municipality.
- On the date of filing, the petition sponsors delivered or mailed a copy of the petition to the clerk of the county in which the area proposed for annexation was located.
- It was accompanied by an accurate and recordable plat map prepared by a licensed surveyor.
- It designates up to five of the signers as sponsors, one of whom is designated as the contact sponsor, and indicates the mailing address of each sponsor.
- It contains the signatures of property owners that cover a majority of the private land area within the area proposed for annexation.
- It contains the signatures of property owners that are equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation.
- It does not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.

- If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:
  - Along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;
  - To eliminate islands and peninsulas of territory that are not receiving municipal-type services;
  - To facilitate the consolidation of overlapping functions of local government;
  - To promote the efficient delivery of services; and
  - To encourage the equitable distribution of community resources and obligations.

I have attached a letter certifying that the requirements of Utah Code Section 10-2-403(3), (4), (6) and (7) have been met. I have also attached a spreadsheet showing the percentage of land owned by the petitioners and its value.

Please contact me if you have any questions.

# Midway City Corporation

Mayor

Celeste Johnson

City Council

Jeff Drury • Lisa Orme  
Bob Probst • JC Simonsen  
Ken Van Wagoner



75 North 100 West  
P.O. Box 277  
Midway, Utah 84049  
Phone: 435-654-3223  
Fax: 435-654-4120  
midwaycityut.org

1 February 2019

Midway City Council  
P.O. Box 277  
Midway, UT 84049

Dear City Council:

This letter is to notify you that I have determined and certify that the petition for the Dutch Draw Annexation, accepted by the City Council for further consideration on 15 January 2019, meets the requirements of Utah Code Section 10-2-403(3), (4), (6) and (7).

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Brad Wilson".

Brad Wilson  
City Recorder

Cc: Wellness Properties LLC, Contact Sponsor  
Mike Johnston, Summit Engineering Group Inc.  
Wasatch County Council

DUTCH DRAW ANNEXATION

Property Owners (Signed Petition)	Tax ID#	Acres	Market Value (2019)
Wellness Properties LLC	0FZ-0002-0-025-034	4.48	\$ 224,000
Wellness Properties LLC	0FZ-0002-A-025-034	0.25	\$ 12,500
Wellness Properties LLC	OWC-0259-1-025-024*	0.89	\$ -
		5.62	\$ 236,500

Property Owners (Did Not Sign Petition)	Tax ID#	Acres	Market Value (2019)
Probst, Lindsay	0FZ-0001-0-025-034	1.00	\$ 375,715
		1.00	\$ 375,715

Privately owned acres within annexation:	6.62
Acres owned by petitioners:	5.62
% of annexation owned by petitioners (51% of private land required):	84.89%
Total <u>market</u> value of private land area within annexation:	\$ 612,215
Total <u>market</u> value of land value owned by petitioners:	\$ 236,500
% of <u>market</u> value of land area owned by petitioners (33% of private land required):	38.63%

\* Parcel #OWC-0259-1-025-024 was recently split off from another piece of property and has not yet been valued by the Wasatch Assessor.

Midway City Council  
5 February 2019  
Regular Meeting

Amended Whitaker Farm  
Annexation Agreement /  
Extension



## RESOLUTION 2019-05

### A RESOLUTION OF THE MIDWAY CITY COUNCIL APPROVING A SECOND AMENDMENT TO THE AGREEMENT FOR THE WHITAKER FARM ANNEXATION

WHEREAS, the Midway City Council is granted authority under Utah law to make agreements in the public interest and to further the business of Midway City; and

WHEREAS, the City Council deems it appropriate to adopt a second amendment to the agreement for the Whitaker Farm Annexation, in order to extend the deadline for execution.

NOW THEREFORE, be it hereby RESOLVED by the City Council of Midway City, Utah, as follows:

Section 1: The attached Second Amended Agreement for the Whitaker Farm Annexation is hereby approved and adopted.

Section 2: The Mayor is authorized to sign the document on behalf of Midway City.

**PASSED AND ADOPTED** by the Midway City Council on the     day of             2019.

MIDWAY CITY

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, Recorder

(SEAL)

Exhibit A

**SECOND AMENDMENT TO ANNEXATION AGREEMENT FOR THE  
WHITAKER FARM ANNEXATION  
MIDWAY CITY, UTAH**

An Annexation Agreement (“Agreement”) was entered into on December 20, 2017 by and between Midway City, a political subdivision of the State of Utah, (hereinafter referred to as the “City”), and the following: Thomas Whitaker and Linda Whitaker, individually; Midway Meadows Ranch, LLC, a Utah Limited Liability Company; and Thomas S. and Linda P. Whitaker, trustees of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999 (hereinafter collectively referred to as the Applicant”), and the Salazar Family Trust, established on November 18, 2016 (“Salazar”).

In accordance with paragraph 9(D) of the Agreement, the parties do hereby mutually agree to amend the Agreement as follows:

1. Paragraph 8(B)(1)(i) is hereby amended to read as follows:

Additional Conditions:

- 1) Access: As a condition of this Annexation Agreement, Applicant shall be required to improve River Road and construct other roads and trails at the time of development as follows:
  - i. Applicant/Developer, at its sole cost and expense, shall improve River Road as follows:
    - a. saw cut from the white lines of the existing roadway and add to each side 6 feet of asphalt, with one foot dedicated as a rumble strip separating vehicles from the bicycle lane, and the remaining 5 feet dedicated as a bicycle/walking trail;
    - b. The bicycle lanes shall meet the following requirements:
      - i. The bicycle lanes shall be designed and constructed according to plans approved by the City Engineer;
      - ii. The bicycle lanes shall be constructed entirely within the existing River Road easement. Midway City shall work with the developer to insure that the necessary improvements to River Road fit within that existing easement;
      - iii. The bicycle lanes shall continue from 200 feet north of the roundabout at the intersection of River Road and 600 North, and shall continue southerly along River Road to 200 feet south of the Memorial Hill roundabout. Once completed the City shall have full obligation to maintain the bicycle lanes.

- c. Applicant, at its sole cost and expense, shall install two roundabouts as follows:
  - i. Memorial Hill Roundabout:
    - 1. A roundabout will be installed on the southern end of the project as set forth in the plans attached as Exhibit A to this Amendment.
    - 2. Before final approval of the Memorial Hill Roundabout, written acceptance of the plan shall be obtained from Wasatch County. Midway City and Developer agree to work in good faith with the County to obtain the approval. Both parties recognize that the choice to accept the plan is out of either parties' control and that if approval cannot be obtained from the County the provisions of subparagraph 5 below shall apply.
    - 3. At the time of final approval of the Plat appropriate easements or land dedications shall be obtained from Wasatch County for the Memorial Hill Roundabout.
    - 4. Applicant, at its sole cost and expense, shall install the parking for Memorial Hill as set forth in Exhibit A of this Amendment, or as jointly approved by Midway City, Applicant and Wasatch County.
    - 5. Applicant at its sole cost and expense shall reasonably landscape the roundabout, and provide water and a water system for the same. It is expressly agreed that Applicant shall have no duty to install memorials, statues, flags, or structures of any kind within the roundabout. Upon completion and acceptance by Midway City, Midway City shall assume all on-going maintenance of the roundabout.
    - 6. The parties agree that if approval cannot be obtained from the County regarding the Memorial Hill roundabout within 90 days of the signing of this Amendment, all terms of this Amendment shall be null and void, and the terms of the original Annexation Agreement shall become again binding on the parties.

- ii. 600 North Roundabout:
  - 1. Applicant shall install, at its sole cost and expense, a roundabout on the northern end of the project as set forth in the plans attached as Exhibit B to this Amendment.
  - 2. Applicant at its sole cost and expense shall reasonably landscape the roundabout, and provide water and a water system for the same. It is expressly agreed that Applicant shall have no duty to install memorials, statues, flags, or structures of any kind within the roundabout. Upon completion and acceptance by Midway City, Midway City shall assume all on-going maintenance of the roundabout.
  - 3. As part of the roundabout the parties agree as follows:
    - a. Whitaker and Salazar will execute quit claim deeds to trade property in order to enable the roundabout:
      - i. Whitaker Quit Claim. Applicant shall provide a quit claim deed to Salazar for approximately 6,554 square feet comprised of approximately 10 feet along the 655-foot northern boundary of the access parcel as shown in Exhibit C.
      - ii. Salazar Quit Claim. Salazar shall provide a quit claim deed to Whitaker for approximately 6,737 square feet comprised of sections along River Road and at the easternmost tip of the access parcel as shown in Exhibit C.
      - iii. Deed of Property to City for Roads. Applicant shall deed property to Midway City to enable the creation of the roundabout and Northern Access road when Midway City has given Final Plat Approval to the Whitaker Farm Development.

- iv. If final plat approval is not obtained by the Applicant and/or assigns Whitaker and Salazar agree to re-deed the property exchanged between them back to its original owner.
- b. In exchange for the land dedication from Salazar, Midway City agrees that Salazar shall be entitled to 3 buildable lots on its property in the location and size as set forth generally as Exhibit D to this Amendment.
- c. Salazar shall have the obligation to apply for a formal subdivision at the time they want to develop.
- d. Subdivision approval shall be given independent of lot size or any future city codes requiring minimum lot sizes in the 1-acre zone, however, no lot within the subdivision shall be smaller than .80 acres. No open space will be required within the subdivision, due to its size.
- e. All access for the Salazar subdivision shall be off of 600 North and not River Road, and access to the most westerly lot shall be as far away from the roundabout as possible.
- f. In exchange for the land dedication from Salazar, Applicant shall install, at its own cost and expense, a road along the northern edge of the Salazar property connecting to the roundabout, containing all utilities necessary for development (sewer, water, electric, and gas) of the three Salazar lots and to stub utilities to the property lines of the three proposed lots in locations set forth in Exhibit D of this Amendment.
- g. Applicant shall provide engineered drawings of the proposed lots and utility locations that Salazars can use at the time of their application for subdivision.

4. Pillars and Culverts. Applicant shall, at its sole cost and expense, move the stone pillars on River Road located at the entry to Salazar property to a location mutually agreed on between Salazar and Applicant.
5. Culverts and Ditches. Midway City shall work in good faith to maintain the open ditches and a rural aesthetic. The parties acknowledge a small seep of water on the northwest corner of the Salazar property, and the parties agree to work together in good faith to avoid interruption of the natural flow of this seep into the existing irrigation ditch.
6. Through Street from 600 North. Midway City shall remove from the Road System Master Plan the through street that currently runs from 600 N. eastward to the Provo River (excepting that portion that will be built to connect to the roundabout to the Whitaker development).
7. No City Road Between Salazar residence and Whitaker Farm. No city road will be allowed going north to south between the current Salazar home and the current northern boundary of the Whitaker Farm.

d. Costs of roundabouts:

- i. The parties acknowledge that under the Annexation Agreement, Applicant was required to install an additional 22 feet of asphalt to River Road (“Original Cross Section”), the length of the development, at an estimated cost of \$418,000.00. See Exhibit F.
- ii. Also attached as Exhibit F are estimated costs for reducing the cross section by approximately 12 feet of asphalt and putting in roundabouts instead (“Reduced Cross Section with Roundabouts”). Total estimated costs making these changes are \$412,000.00.
- iii. The estimated cost savings are \$6,000.00.
- iv. These estimates are based on Applicant’s calculations, and are being accepted as correct by the City. All risk of these estimates being other than as represented shall be borne by Applicant.
- v. Applicant agrees that any cost savings from putting in the Reduced Cross Section with Roundabouts shall inure to the

- benefit of the City, with the difference between the actual costs of the Reduced Cross Section with Roundabouts and the estimated costs of the Original Cross Section delivered to the City in either cash payment, or through extension of trails or other amenities in an amount equal to the savings.
- vi. Given the fact that the Applicant's estimations of putting in the Reduced Cross Section with Roundabouts actually reduces the costs to Applicant, City only agrees to assume a small portion of liability should the estimations be incorrect. Any cost overruns beyond what the Original Cross Section was estimated to be shall be partially covered by the City as follows: the City shall cover 10% of any cost overruns up to \$30,000.00. Any and all cost overruns beyond these amounts shall be borne solely by the Applicant.

This Amendment to the Annexation Agreement shall be executed by the parties by June 30, 2019 or it shall be rendered null and void.

IN WITNESS THEREOF, this Agreement has been entered into by and between the Applicant and the City as of the date and year first above written.

*Remainder of Page Intentionally Left Blank*

*Signature Page Follows*

CITY OF MIDWAY

Attest:

\_\_\_\_\_  
Celeste Johnson, Mayor

\_\_\_\_\_  
Brad Wilson, City Recorder

STATE OF UTAH            )  
                                      :SS  
COUNTY OF WASATCH    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Celeste Johnson, who executed the foregoing instrument in her capacity as the Mayor of Midway City, Utah, and by Brad Wilson, who executed the foregoing instrument in his capacity as Midway City Recorder.

\_\_\_\_\_  
NOTARY PUBLIC

APPLICANT

\_\_\_\_\_  
Thomas S. Whitaker, Individually

STATE OF UTAH            )  
                                      :SS  
COUNTY OF WASATCH    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Thomas S. Whitaker, who executed the foregoing instrument in his individual capacity as the Applicant.

\_\_\_\_\_  
NOTARY PUBLIC

APPLICANT

\_\_\_\_\_  
Linda Whitaker, Individually

STATE OF UTAH            )  
                                      :SS  
COUNTY OF WASATCH    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Linda Whitaker, who executed the foregoing instrument in her individual capacity as the Applicant.

\_\_\_\_\_  
NOTARY PUBLIC

Midway Meadows Ranch, LLC

\_\_\_\_\_  
By: Thomas Whitaker  
Its: Manager

STATE OF UTAH            )  
                                      :SS  
COUNTY OF WASATCH    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Thomas Whitaker, who executed the foregoing instrument in his capacity as the Manager of Midway Meadows Ranch, LLC.

\_\_\_\_\_  
NOTARY PUBLIC

Thomas S. Whitaker, trustee of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999

\_\_\_\_\_  
By: Thomas Whitaker  
Its: Trustee

STATE OF UTAH            )  
                                      :SS  
COUNTY OF WASATCH    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Thomas Whitaker, who executed the foregoing instrument in his capacity as the Trustee of the Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999.

\_\_\_\_\_  
NOTARY PUBLIC

Linda P. Whitaker, trustee of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999

\_\_\_\_\_  
By: Linda P. Whitaker  
Its: Trustee

STATE OF UTAH            )  
                                      :SS  
COUNTY OF WASATCH    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Linda P. Whitaker, who executed the foregoing instrument in her capacity as Trustee of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999.

\_\_\_\_\_  
NOTARY PUBLIC

Thomas S. Whitaker, trustee of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999

\_\_\_\_\_  
By: Thomas Whitaker  
Its: Trustee

STATE OF UTAH                    )  
  :SS  
COUNTY OF WASATCH        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Thomas Whitaker, who executed the foregoing instrument in his capacity as the Trustee of the Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999.

\_\_\_\_\_  
NOTARY PUBLIC

Linda P. Whitaker, trustee of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999

\_\_\_\_\_  
By: Linda P. Whitaker  
Its: Trustee

STATE OF UTAH                    )  
  :SS  
COUNTY OF WASATCH        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Linda P. Whitaker, who executed the foregoing instrument in her capacity as Trustee of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999.

\_\_\_\_\_  
NOTARY PUBLIC

Robert Earl Salazar, Trustee of the Salazar Family Trust, dated the 18<sup>th</sup> of November, 2016

\_\_\_\_\_  
By: Robert Earl Salazar  
Its: Trustee

STATE OF UTAH                    )  
  :SS  
COUNTY OF WASATCH        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Robert Earl Salazar, who executed the foregoing instrument in his capacity as the Trustee of the Salazar Family Trust, dated the 18<sup>th</sup> of November, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

Julie Maureen Salazar, trustee of the Salazar Family Trust, dated November 18, 2016

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By: Julie Maureen Salazar  
Its: Trustee

STATE OF UTAH                    )  
  :SS  
COUNTY OF WASATCH        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2019, by Julie Maureen Salazar, who executed the foregoing instrument in her capacity as Trustee of the Salazar Family Trust, dated November 18, 2016.

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NOTARY PUBLIC