

# MIDWAY CITY COUNCIL REGULAR MEETING

Tuesday, 5 March 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 March 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 19 February 2019 City Council Work Meeting
- d. Minutes of the 19 February 2019 City Council Closed Meeting
- e. Minutes of the 19 February 2019 City Council Regular Meeting
- f. One-year extension of final approval for the Pine Canyon Paradise Subdivision located at 521 North Pine Canyon Road
- g. Conclude the warranty period and release the remainder of the bond for the Eldon's Place Subdivision, located 50 West 970 South, subject to the payment of all fees due to Midway City.

## 3. Public Comment (Approximately 15 minutes)

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

## 4. 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. Ordinance 2019-05 / Cul-de-Sacs and Road Lengths (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2019-05 amending Title 16 (Land Use) of the Midway City Municipal Code regarding cul-de-sacs and the length of roads. Recommended for approval without conditions by the Midway City Planning Commission. **Public Hearing**

## 6. Hidden Haven Subdivision / Preliminary Approval (City Planner – Approximately 30 minutes) – Discuss and possibly grant preliminary approval for the Hidden Haven

Subdivision located at 800 East Main Street (Zoning is R-1-15). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

7. **Silver Rim Water Holdings / Change Application** (Rich Bloomfield – Approximately 30 minutes) – Discuss and possibly approve a change application to divert 100 acre feet of water into the Alpenhof/Weber well.
8. **Sunburst Ranch PUD / Master Plan Amendment** (Steve Condie – Approximately 20 minutes) – Discuss and Possibly Amend the Master Plan for the Sunburst Ranch PUD Located at Ranch Way and Swiss Alpine Road (Zoning is R-1-22 and RA-1-43). Recommended for approval without conditions by the Midway City Planning Commission.
9. **Resolution 2019-07 / Amendment to Sunburst Ranch Development Agreement** (City Attorney – Approximately 10 minutes) – Discuss and Possibly Approve Resolution 2019-07 Adopting an Amended Development Agreement for the Sunburst Ranch PUD Located at Ranch Way and Swiss Alpine Road (Zoning is R-1-22 and RA-1-43).
10. **Grass Maintenance / Contract** (Public Works Administrative Lead – Approximately 5 minutes) – Discuss and possibly award a contract to maintain the grass at Midway City’s parks, cemetery and other locations.
11. **Ordinance 2019-04 / Snow Removal and Fire Hydrants** (City Planner – Approximately 15 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 regarding snow removal by property owners.
12. **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 March 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>270</b>								
270	CASELLE INC	92902 2.1.19	Contract support & Maintenance f	02/01/2019	68.00	68.00	02/21/2019	
Total 270:					68.00	68.00		
<b>565</b>								
565	HORROCKS ENGINEERS INC	50283	ALDER MEADOWS (Construction	02/19/2019	169.00	.00		
565	HORROCKS ENGINEERS INC	50283	INDIAN SUMMER (Construction)	02/19/2019	132.20	.00		
565	HORROCKS ENGINEERS INC	50283	SCOTCH FIELDS, Phase 2 (Cons	02/19/2019	259.00	.00		
565	HORROCKS ENGINEERS INC	50283	Cascades at SH, Phase 2 (Constr	02/19/2019	311.86	.00		
565	HORROCKS ENGINEERS INC	50283	Saint-Prex Estates (Construction)	02/19/2019	1,794.08	.00		
565	HORROCKS ENGINEERS INC	50283	WATTS REMUND FARMS, Phas	02/19/2019	83.48	.00		
565	HORROCKS ENGINEERS INC	50283	APPENZELL, Phase 2 (Constructi	02/19/2019	338.00	.00		
565	HORROCKS ENGINEERS INC	50283	Attend Council Meetings	02/19/2019	151.00	.00		
565	HORROCKS ENGINEERS INC	50283	General Engineer Tasks	02/19/2019	2,040.84	.00		
565	HORROCKS ENGINEERS INC	50283	Attend Planning Commission Mee	02/19/2019	151.00	.00		
565	HORROCKS ENGINEERS INC	50283	Update Water GIS Map	02/19/2019	117.00	.00		
565	HORROCKS ENGINEERS INC	50283	Public Works site Grading	02/19/2019	1,510.00	.00		
565	HORROCKS ENGINEERS INC	50283	Probst Way Road & UtilTIES (con	02/19/2019	1,771.48	.00		
565	HORROCKS ENGINEERS INC	50283	2019 Trail, Homestead Cari to St.	02/19/2019	2,229.00	.00		
565	HORROCKS ENGINEERS INC	50283	2019 Trail, 350 S to 970 S	02/19/2019	6,134.00	.00		
565	HORROCKS ENGINEERS INC	50283	CEMETERY ROAD: Design	02/19/2019	1,609.50	.00		
Total 565:					18,801.44	.00		
<b>815</b>								
815	MIDWAY SANITATION DISTRIC	021119	REIMBURSE RAISING FIRE HY	02/11/2019	1,200.00	.00		
Total 815:					1,200.00	.00		
<b>845</b>								
845	MOUNTAINLAND SUPPLY COM	S102891845.0	METER ADAPTER AND SENSU	12/11/2018	3,970.38	.00		
845	MOUNTAINLAND SUPPLY COM	S102918315.0	FORD ADAPTERS	01/09/2019	879.56	.00		
Total 845:					4,849.94	.00		
<b>875</b>								
875	OFFICE DEPOT	273349701001	STApIers (2)	02/13/2019	61.94	.00		
Total 875:					61.94	.00		
<b>945</b>								
945	CENTURYLINK - 435-654-3223 2	4356543223 02	PHONE SERVICE for 435-654-32	02/07/2019	443.59	.00		
Total 945:					443.59	.00		
<b>955</b>								
955	REAMS	886765	CoRY LOTT WORKBOOTS	02/16/2019	180.98	.00		
Total 955:					180.98	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>1170</b>								
1170	TIMBERLINE ACE HARDWARE	124062	PARTS AND SUPPLIES	02/15/2019	24.96	.00		
Total 1170:					24.96	.00		
<b>1255</b>								
1255	UTAH LOCAL GOVERNMENTS	1573006	Auto Physical Damage	02/20/2019	541.22	.00		
1255	UTAH LOCAL GOVERNMENTS	1573007	MONTHLY PREMIUM MARCH20	02/20/2019	1,267.57	.00		
Total 1255:					1,808.79	.00		
<b>1310</b>								
1310	WASATCH AUTO PARTS	164516	WINTER BLADES AND BLISTER	02/13/2019	45.94	.00		
Total 1310:					45.94	.00		
<b>1360</b>								
1360	WASATCH COUNTY SOLID WA	96073	Dump Fee 1/31/19	01/31/2019	9.00	.00		
Total 1360:					9.00	.00		
<b>1365</b>								
1365	WAVE PUBLISHING	L16348	NOTICE OF PUBLIC HEARINGS	01/30/2019	41.62	.00		
1365	WAVE PUBLISHING	L16351	NOTICE OF PUBLIC MEETING-P	01/30/2019	166.50	.00		
1365	WAVE PUBLISHING	L16366	TRAILS AND PARKS ADVISORY	02/13/2019	13.87	.00		
Total 1365:					221.99	.00		
<b>1603</b>								
1603	ROCKY MOUNTAIN POWER	022119	868 W GOLF COURSE DR.	02/21/2019	11.95	.00		
Total 1603:					11.95	.00		
<b>1678</b>								
1678	MHL SYSTEMS	19-14317	WEAR BLADES FOR SNOW PL	02/11/2019	1,102.00	.00		
Total 1678:					1,102.00	.00		
<b>1928</b>								
1928	TRUCO ENTERPRISES, INC	192378	TOWN SQUARE WEEKLY MOWI	06/01/2018	1,555.10	.00		
1928	TRUCO ENTERPRISES, INC	192379	TOWN SQUARE WEEKLY MOWI	07/01/2018	1,244.08	.00		
1928	TRUCO ENTERPRISES, INC	192380	TOWN SQUARE WEEKLY MOWI	08/01/2018	1,555.10	.00		
1928	TRUCO ENTERPRISES, INC	192381	TOWN SQUARE WEEKLY MOWI	09/01/2018	1,244.08	.00		
Total 1928:					5,598.36	.00		
<b>2076</b>								
2076	GENERAL IMPLEMENT DIST	H40583	CREDIT MEMO - FOR INV H3Z6	02/09/2019	36.98-	.00		
Total 2076:					36.98-	.00		
<b>2220</b>								
2220	DITCH WITCH OF THE ROCKIE	W02355	VAC TRAILER REPAIRS	02/05/2019	638.23	.00		
Total 2220:					638.23	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>2244</b>								
2244	PEAK ALARM CO, INC	936398	MONITORING 03/01/2019 - 05/31	02/28/2019	155.82	.00		
Total 2244:					155.82	.00		
<b>2269</b>								
2269	REDMOND MINERALS INC.	281507	ROAD SALT FEB2019	02/18/2019	1,475.04	.00		
2269	REDMOND MINERALS INC.	281673	DRS BULK 31.71 AND 29.07 TO	02/20/2019	1,458.72	.00		
Total 2269:					2,933.76	.00		
<b>2314</b>								
2314	INTERSTATE BILLING SERVICE	3013649155	BRACKET ASY MAN HTD	01/29/2019	365.00	365.00	02/19/2019	
Total 2314:					365.00	365.00		
<b>2400</b>								
2400	BRANDEN RUSSELL	021919	PER DIEM FOR DRUG COMMAN	02/19/2019	115.00	.00		
Total 2400:					115.00	.00		
<b>2452</b>								
2452	LEAVITT TRUCKING	3882	SALT 29.94 TONS FEB2019	02/13/2019	658.68	.00		
2452	LEAVITT TRUCKING	3883	SALT 61.46 TONS FEB2019	02/18/2019	1,536.50	.00		
2452	LEAVITT TRUCKING	3884	SALT 60.78 TONS FEB2019	02/20/2019	1,519.50	.00		
2452	LEAVITT TRUCKING	4494	SALT 116.58 TONS FEB2019	02/19/2019	2,564.76	.00		
Total 2452:					6,279.44	.00		
<b>2518</b>								
2518	The Go Travel Sites	14185	Website-Hosting/Service Jan, Feb,	02/26/2019	126.00	.00		
Total 2518:					126.00	.00		
<b>2561</b>								
2561	CENTURYLINK -435-654-3924 4	020719	435-654-3924 453B	02/07/2019	119.01	.00		
Total 2561:					119.01	.00		
<b>2562</b>								
2562	CENTURYLINK 435-654-4204 77	435-654-4204	Ticket Office 435-654-4204 775B	02/07/2019	55.08	.00		
Total 2562:					55.08	.00		
<b>2582</b>								
2582	WEST COAST CODE CONSULT	UT18-504-003	Plan Review Services	03/09/2018	255.00	255.00	02/27/2019	
Total 2582:					255.00	255.00		
<b>2626</b>								
2626	Rush Truck	3013649155	BRACKET ASY, MAN HTD	01/29/2019	365.00	.00		
2626	Rush Truck	3013649155-C	BRACKET ASY, MAN HTD-COR	01/29/2019	365.00-	.00		
Total 2626:					.00	.00		
<b>2627</b>								
2627	Gordon Law Group, P.C.	5732	Monthly Flat Fee	02/01/2019	4,700.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2627	Gordon Law Group, P.C.	5732	Monthly Flat Fee	02/01/2019	300.00	.00		
2627	Gordon Law Group, P.C.	5732	Additional Hours	02/01/2019	579.04	.00		
2627	Gordon Law Group, P.C.	5732	Additional Hours	02/01/2019	36.96	.00		
2627	Gordon Law Group, P.C.	5733	HOMESTEAD DEVELOPMENT	02/01/2019	1,917.00	.00		
2627	Gordon Law Group, P.C.	5736	ALDER MEADOWS SUBDIVISIO	02/01/2019	1,189.50	.00		
2627	Gordon Law Group, P.C.	5738	John Probst Litigation	02/01/2019	3,760.00	.00		
2627	Gordon Law Group, P.C.	5817	Whitaker Farm Annexation	02/01/2019	838.50	.00		
2627	Gordon Law Group, P.C.	5818	CEMETERY LAWSUIT	02/01/2019	213.00	.00		
2627	Gordon Law Group, P.C.	5819	SUNBURST RANCH LITIGATION	02/01/2019	1,260.00	.00		
Total 2627:					14,794.00	.00		
<b>2636</b>								
2636	CenturyLink 435-654-4120	1461874208	Phone Services 435-654-4120	02/11/2019	896.73	.00		
Total 2636:					896.73	.00		
<b>2658</b>								
2658	SIGNARAMA	INV-3135	TY CITY DECAL	01/15/2019	54.00	.00		
Total 2658:					54.00	.00		
<b>2668</b>								
2668	PRICE GUARANTEED DOORS, I	23384	CABLE AND COMMERCIAL SER	02/19/2019	435.00	.00		
Total 2668:					435.00	.00		
<b>2698</b>								
2698	Promo Ink LLC	10-1684	BLACK HOODIES HATS BEANIE	02/13/2019	920.18	.00		
Total 2698:					920.18	.00		
<b>2701</b>								
2701	Colette Caldwell	11	February 2019 Janitorial Service	02/25/2019	1,000.00	1,000.00	02/27/2019	
Total 2701:					1,000.00	1,000.00		
<b>2750</b>								
2750	INSPIRED BY NATURE	843	LANDSCAPE DESIGN FOR TOW	02/21/2019	1,499.00	.00		
Total 2750:					1,499.00	.00		
<b>2751</b>								
2751	007 MARKETING	12761	MINT TINS MIDWAY LOGO	02/12/2019	719.97	.00		
Total 2751:					719.97	.00		
Grand Totals:					65,753.12	1,688.00		

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Dated: \_\_\_\_\_

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

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

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\_\_\_\_\_

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

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

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Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

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Midway City Council  
5 March 2019  
Regular Meeting

Minutes of the  
19 February 2019  
Work Meeting



# Memo

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**Date:** 26 February 2019  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 19 February 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, 19 February 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 9:04 a.m.

**Members Present:**

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

**Staff Present:**

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

**Members Excused:**

Ken Van Wagoner, Council Member

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

**2. Saddle Creek Ranch / Concept Plan** (Paul Berg – Approximately 30 minutes) – Discuss amending the development agreement and the recorded plat map for the Saddle Creek Ranch PUD located at approximately 970 South 250 West (Street Lane) (Zoning is R-1-22).

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

- History of the development
- Recorded plat map and agreement
- Land use summary
- Location of the development
- Easements
- Proposed plan

- Percentage of second homes
- Traffic
- Open space
- Trails
- Streets
- Discussion points
- Storm drain system
- Property tax impact
- Setbacks
- Neighbors' views
- Trails maintenance
- Amenities and improvements
- Possible phasing
- Affordable housing
- Water line extension agreements
- Fencing
- Transmission lines
- Accessory buildings

Mr. Henke also made the following comments:

- It was the second time that the Council had considered the plan.
- The developer would widen all of 970 South from 250 West to Center Street. This included the section in front of Byron Day's property.
- All transportation impact fees would be returned to the developer.
- The proposed plan would reduce the density of the development.
- A portion of the original development would be removed and sold.
- The Planning Commission did not come to a consensus if the project should be a PUD or subdivision.
- The developer would improve the east half of 250 West along the development. There were some funds from the Farrell Subdivision to help improve the road.
- The Council could have the developer follow the existing agreement or the current code.

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

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

- The interior trails would be private, and the boundary trails would be public.
- Wanted to know the Council's opinion about fencing and the project being a subdivision.
- The HOA would clear the public trails.
- The ditch along 250 West would be moved into the open space.
- The open space could be used for the transmission line.
- If an easement was granted for the private trails, then the HOA could not enforce any regulations for the trail.

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

- Road maintenance would be \$5,000 to \$10,000 a year.
- 970 South and 250 West were some of the narrowest roads in the City.
- Privacy mattered to lot owners.
- Fencing around the lots was not a problem.
- The public trails needed to be maintained.
- A map needed to be prepared that prioritized the clearing of snow from trails and sidewalks throughout the City.
- The maintenance of the setbacks and open space needed to be clear.
- A plan should be developed for the improvement of all of 250 West.
- Should the affordable housing fee, which was required in the agreement for the project, still be assessed?
- Maintaining the roads in exchange for less density was a good arrangement.
- If there was fencing along the boundary of the development, then it should be open and not site obscuring.
- The setbacks addressed the Council's concerns
- The interior sidewalks were private but that would not be monitored.

**3. Appenzell PUD / Master Plan Amendment** (Dade Rose – Approximately 30 minutes) – Discuss amending the master plan for the Appenzell PUD located at 700 South Center Street (Zoning is R-1-22).

The applicant asked that the item not be considered at the meeting.

**4. Ordinance 2019-06 / Parking Requirements for Commercial and Mixed-Use Developments** (City Planner – Approximately 60 minutes) – Discuss Ordinance 2019-06 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.

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

- Parking concerns
- Non-conforming properties
- General Plan
- Parking requirement comparison with other resort communities
- Points of discussion
- Items to consider
- Economic impact
- Visual impact
- Changes in future needs
- Residential parking
- Potential solutions

Mr. Henke also made the following comments:

- The ordinance had been discussed previously.

- The Planning Commission spent a lot of time discussing it.
- The City did not regulate if someone charged for covered parking in a project.

**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 parking lot for the Granary was full on weekends
- Transient rentals were allowed in the same zones as mixed-use developments.
- Units larger than studio apartments needed at least two parking stalls.
- The City could require that required parking was free.
- Two spaces should be required for any residential units.
- Were more spaces needed for larger units?
- Should the City regulate for the largest possible use?
- Mixed-use developments needed enough parking for both the commercial and residential components.
- Specific locations for public parking lots needed to be discussed.
- More parking made businesses money.
- How should new and existing businesses help increase parking?

The Council agreed that any units with up to two bedrooms should have two parking stalls. Units with more bedrooms should have 2.5 stalls. They agreed to table the item for discussion at a future meeting.

**Note:** Council Member Drury left at 10:33 a.m.

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

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

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

**Discussion:** None

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

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

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

**Motion:** Council Member Simonsen moved to go out of the 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	Excused from the Meeting
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Excused from the Meeting

## 6. Adjournment

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

The meeting was adjourned at 11:26 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

Midway City Council  
5 March 2019  
Regular Meeting

Minutes of the  
19 February 2019  
Closed Meeting

Midway City Council  
5 March 2019  
Regular Meeting

Minutes of the  
19 February 2019  
Regular Meeting



# Memo

---

**Date:** 26 February 2019  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 19 February 2019 City Council Regular Meeting

---

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

**MINUTES OF THE  
MIDWAY CITY COUNCIL  
(Regular Meeting)**

**Tuesday, 19 February 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 Van Wagoner.

**Members Present:**

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

**Staff Present:**

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

**Members Excused:**

Ken Van Wagoner, Council Member

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

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

**2. Consent Calendar**

- a. Agenda for the 19 February 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 5 February 2019 City Council Regular Meeting
- d. Minutes of the 8 February 2019 City Council Special Meeting

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

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

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

**Discussion:** None

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

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

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

Mayor Johnson asked if there were any comments from the public for items not on the agenda.

Speeding / Residential Areas

Pam Davis indicated that residents had been complaining on social media about speeding in residential areas in the City. Mayor Johnson responded that she had formed a citizens committee, which included the Wasatch County Sheriff, to address the issue. She added that patrolling by law enforcement and signage had been increased.

Council Member Simonsen noted that it would be significantly more expensive for the City to have its own police department.

No further comments were offered.

**4. Department Reports**

2019 State Legislative Session

Council Member Orme reviewed proposed legislation being considered at the State Legislature including food trucks, affordable housing, resort communities tax, and the right to farm.

Bypass Road

Council Member Orme reviewed the proposal for a bypass road around Heber City.

Main Street Committee

Council Member Orme recommended that Midway City form a committee for the continued

improvement of Main Street. She recommended a focus on the east end which did not have curb and gutter, etc.

#### HVTD / Grants

Council Member Orme reported that Heber Valley Tourism and Development gave out \$30,000 in grant money to local businesses. She said that a lot of the money went to Midway businesses.

#### Tourism / Transit

Council Member Orme reported that more groups were coming to Midway and that transit was becoming an issue.

#### World Cup Biathlon

Mayor Johnson reported on the success of the World Cup Biathlon event held at Soldier Hollow.

#### Boosters / Independence Day Celebration / Swiss Miss

Council Member Drury reported that the Midway Boosters were planning for their Independence Day Celebration and choosing a Swiss Miss.

#### Ice Rink

Council Member Drury reported on the City's ice rink. He said that the ice was good, and that the Ventura Mariners played there the previous day. He also said that attendance and revenue numbers would be available for the next council meeting.

#### Open Space Committee

Council Member Drury reported that the Midway City Open Space Advisory Committee would hold a landowners' meeting on March 21<sup>st</sup>. He also reported that they would send out postcards and packets to residents regarding open space preservation.

#### Swiss Days

Council Member Drury reported that the first meeting for Swiss Days was held that Sunday.

#### Spanish Bingo Night

Council Member Drury reported that Midway Elementary School would hold a Spanish bingo night on March 11<sup>th</sup>.

### HL&P / Budget Amendment

Mayor Johnson reported that Heber Light & Power Company needed to amend its budget.

### HVRR / State Legislature / New Cars

Mayor Johnson reported that the Heber Valley Railroad was seeking funding from the Utah State Legislature and would purchase several railroad cars from Canada.

### MSD / Sewer Flows

Mayor Johnson said that she would report in the future on the sewer flows for the Midway Sanitation District.

### **5. Wasatch Community Service Alliance / Report** (Renee Burkley – Approximately 10 minutes) – Receive a report from the Wasatch Community Service Alliance.

Renee Burkley gave a presentation on the Wasatch Community Service Alliance. She specifically reviewed the following areas:

- Child food insecurity
- National trends
- Wages in Wasatch and Summit counties
- Estimated housing costs in Wasatch and Summit counties
- Emergency assistance
- Healing Hunger Here campaign
- Transient and indigent assistance brochure
- Rural Economic Development Incentive (REDI)
- Transportation services
- Christmas and spring break assistance
- Summer lunch program
- Food share program
- Super Bowl of Caring

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

### **6. Homestead Resort Master Plan / Transfer of Rights** (Steve Eddington – Approximately 10 minutes) – Discuss and possibly approve the transfer of rights for the Homestead Resort Master Plan.

Michael Henke explained that a master plan has been approved in 2009 for the Homestead Resort. He said that the current owner was requesting to transfer those development rights to a new owner. He recommended granting the request with the condition that it not be effective until the ownership changed.

Mr. Henke noted that the item was only to transfer the development rights. He thought that a request to further amend the agreement and associated site plan would be submitted in March.

Steve Eddington, Homestead Resort, made the following comments:

- Requested that the development rights be transferred to Watts Enterprises in compliance with the agreement.
- The closing date for the sale should be May 1<sup>st</sup>.
- Would notify the City when the sale closed.
- The buyer supported Midway and the Homestead.
- The transfer would help the Homestead. It would also help the City's tax base.

**Motion:** Council Member Orme moved to approve the transfer of the rights for the master plan from the current owner to Watts Enterprises effective when ownership changed.

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

**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.

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

- Liability for snow damage
- Proposed code for mailboxes
- Proposed code for fire hydrants

Mr. Henke also made the following comments:

- The proposals for mailboxes and fire hydrants had been separated.

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

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

- Fire hydrants were on the City’s property. In the past the City had removed snow from around them. Was it appropriate for that responsibility to be transferred to residents?
- The City could assist when needed.
- It should not clear fire hydrants in PUD’s.
- Would most people clear fire hydrants? What if they did not and there was a fire? What liability would someone have if a house burned down?
- Could the City clear every fire hydrant within twelve hours after a storm?
- Cities had immunity for covering or not clearing a fire hydrant.
- People, who were not physically able, should not feel obligated to clear hydrants.
- Heber City required residents to clear fire hydrants.
- There were fire hydrants in front of vacant property.
- The City needed help in clearing fire hydrants.
- It should not criminalize failing to remove snow.
- A map of all fire hydrants and who would clear them needed to be prepared.
- Sometimes fire fighters struggled to get the water they needed.
- The City Attorney should research the liability issue.
- Should the penalty be a class B misdemeanor? Should it just be a fine?
- The City should see what other municipalities did regarding the issue.
- The City could require that property owners clear fire hydrants but help them when needed.
- Mailboxes were being addressed because homeowners said the City plowed snow onto them and should then clear them.
- Some residents wanted the City to clear their mailbox while it was clearing fire hydrants.

**Motion:** Council Member Simonsen moved to table consideration of Ordinance 2019-04, until the next council meeting, to allow counsel time to review it and propose language addressing the concerns with liability and the burdens involved.

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

**8. Open and Public Meetings / Training** (City Recorder – Approximately 20 minutes) – Receive training on the Utah Open and Public Meetings Act.

Brad Wilson and Michael Henke gave presentations regarding public meetings.

**Note:** Copies of the presentations are contained in the supplemental file.

## 9. Adjournment

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

The meeting was adjourned at 8:10 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT

Midway City Council  
5 March 2019  
Regular Meeting

Pine Canyon Paradise Subdivision  
/ Extension of Final Approval



## CITY COUNCIL MEETING STAFF REPORT

**AGENDA ITEM:** Final Approval extension request for the Pine Canyon Paradise Subdivision

**DATE OF MEETING:** March 5, 2019

**APPLICANT:** Mike Johnston

**LOCATION:** 523 North Pine Canyon Road

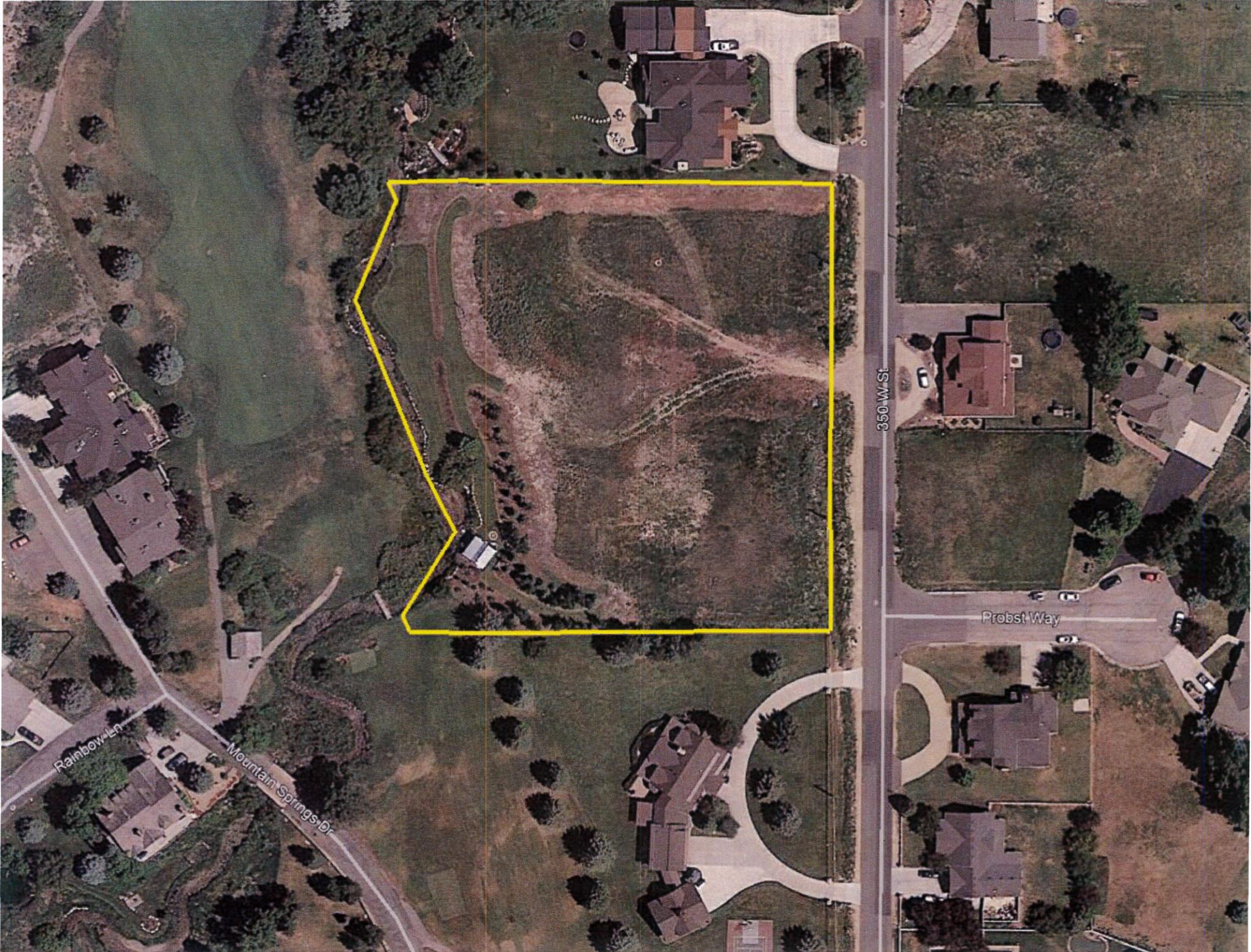
### Staff Summary

Michael Johnston, agent for BB Ventures LLC, has submitted a final approval plat extension application request for the Pine Canyon Paradise Subdivision, a 2-lot subdivision proposal on 2.9 acres at 523 North Pine Canyon Road. Final approval from the City Council was granted on March 14, 2018. 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:

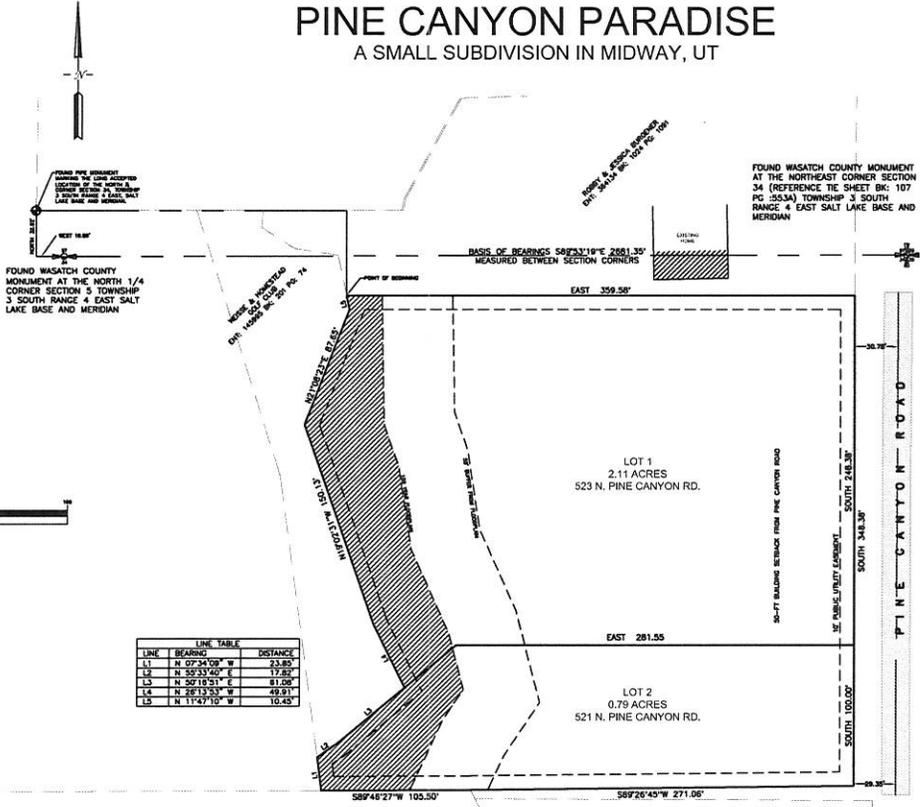
1. Construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition at all times;
3. Each extension will be for a one-year period only, after which time an annual 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



# PINE CANYON PARADISE

## A SMALL SUBDIVISION IN MIDWAY, UT



LINE	BEARING	DISTANCE
L1	N 07°30'09" W	73.83
L2	N 59°33'40" E	17.82
L3	N 55°18'51" E	81.08
L4	N 28°13'53" W	49.81
L5	N 11°47'10" W	10.43

**PINE CANYON PARADISE**  
SMALL SUBDIVISION  
DEVELOPMENT AGREEMENT

The current zoning of the development property is R-1-15. Construction of single-family homes is allowed on these two lots, subject to current city setbacks and building requirements.

City utility lines for water and sewer exist in Pine Canyon Road on the east side of the property. Gas, power, and telephone are also available in Pine Canyon Road. Lot Owners, at their own expense, shall connect to the existing utility main lines in Pine Canyon Road upon construction of a house.

### SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 18-3-603 OF THE UTAH CODE, I, BINA CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 14818 IN ACCORDANCE WITH TITLE 18, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS CODE OF ETHICS.

I FURTHER CERTIFY THAT I HAVE CONDUCTED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 18-3-111 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT.

### BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS EAST 219.17 FEET, AND SOUTH 60.36 FEET FROM A MONUMENT REPLACING A PINE MARKING THE LONG-ACCEPTED LOCATION OF THE NORTH 1/4 CORNER OF SECTION 34 TOWNSHIP 30 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (Said Monument BEING LOCATED 50.10 EAST NORTH AND 59.36 FEET WEST OF THE WASATCH COUNTY SURVEYORS BRASS CAPS) AND RUNNING THENCE EAST 361.58 FEET, THENCE SOUTH 341.38 FEET, THENCE SOUTH 80°24' WEST 271.08 FEET, THENCE SOUTH 89°20' WEST 105.50 FEET, THENCE NORTH 07°30' WEST 23.86 FEET, THENCE NORTH 55°20' EAST 117.02 FEET, THENCE SOUTH 40°10' EAST 81.08 FEET, THENCE NORTH 28°13' WEST 49.81 FEET, THENCE NORTH 10°11' WEST 140.13 FEET, THENCE NORTH 21°10' EAST 87.05 FEET, THENCE NORTH 11°47' WEST 10.43 FEET TO THE POINT OF BEGINNING, CONTAINING 2.90 ACRES.

### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 80°37'10" EAST BETWEEN TWO FEDERAL BUREAU OF SURVEY MONUMENTS LOCATED AT THE NORTH QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 30 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

DATE: \_\_\_\_\_ SURVEYOR (SEE SEAL BELOW): \_\_\_\_\_

### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF THE PROPERTY DESCRIBED HEREON HAS GRANTED THE SAME TO BE SUBDIVIDED INTO THIS LOTS WITH PUBLIC UTILITY EASEMENTS AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CITY APPROVAL, HEREBY DEDICATE THOSE AREAS AS PUBLIC RIGHTS AND EASEMENTS TO MIDWAY CITY FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC RIGHTS AND UNDERGROUND PUBLIC UTILITIES.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
TROY ALACK  
ITS MANAGER

### ACKNOWLEDGMENT

STATE OF UTAH }  
COUNTY OF \_\_\_\_\_ } S.S.

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018 PERSONALLY APPEARED BINA CHRISTENSEN, THE SIGNER OF THE ABOVE OWNERS' DEDICATION, KNOWINGLY AND VOLUNTARILY TO ME THAT THEY EACH SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USUAL PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC (SEE SEAL BELOW) RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION EXPIRES \_\_\_\_\_

### ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS IF ANY HEREON SHOWN.

APPROVED MAYOR \_\_\_\_\_ DATE \_\_\_\_\_ ATTEST: CITY RECORDER \_\_\_\_\_ DATE \_\_\_\_\_  
(SEE SEAL BELOW)

APPROVED CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_ ATTEST: CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

### PLANNING COMMISSION APPROVAL

DIRECTOR, PLANNING DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

### PINE CANYON PARADISE

MIDWAY CITY, WASATCH COUNTY, UTAH  
SCALE: 1" = 40 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	ELEKTRIC RECORDER SEAL
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<b>MIDWAY SANITATION DISTRICT</b> _____ DATE _____	<b>MIDWAY IRRIGATION COMPANY</b> _____ DATE _____
<b>COUNTY SURVEYOR</b> _____ DATE _____	

**COUNTY RECORDER**  
 \_\_\_\_\_ DATE \_\_\_\_\_

**Summit Engineering Group Inc.**  
Structural • Civil • Surveying

---

DATE: 03/02/2018  
DRAWN BY: ASJ  
CHECKED BY: HWJ  
APPROVED BY: BIC

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**MIDWAY CITY**  
 WASATCH COUNTY  
 LOCATED IN THE NE 1/4, SECTION 34, TOWNSHIP 30 SOUTH, RANGE 4 EAST, SLB&M

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**PINE CANYON PARADISE**  
 SUBDIVISION PLAT

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PROJECT NO: L17-262  
SHEET NO: 1 OF 1

Midway City Council  
5 March 2019  
Regular Meeting

Eldon's Place Subdivision /  
Conclude Warranty Period

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



Heber Office  
Tel: 435.654.2226  
Fax: 435.657.1160

March 5, 2019

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

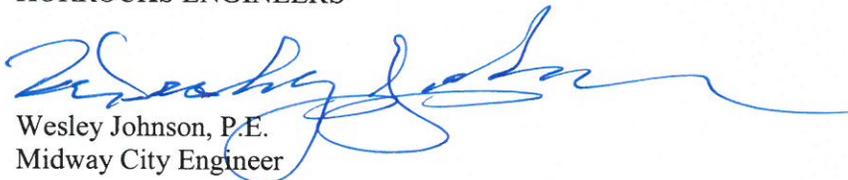
**Subject: Eldon's Place Subdivision Warranty Bond Release**

Dear Brad:

The Eldon's Place Subdivision has completed all the items required for the one year warranty period. Horrocks Engineers recommends that the Warranty Bond with Zions Bank, dated August 18, 2017 be released.

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

Sincerely,  
HORROCKS ENGINEERS

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

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)  
Jim Lipscomb Developer, (sent by e-mail)