

Midway City Council
19 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
200								
200	Blue Stakes of Utah 811	UT20190347	BILLABLE E-MAIL NOTIFICATIO	02/28/2019	14.88	.00		
Total 200:					14.88	.00		
220								
220	BROKEN ARROW	29653	TYPE C ROAD SALT from Stansb	02/28/2019	1,696.10	.00		
220	BROKEN ARROW	29816	TYPE C ROAD SALT	03/06/2019	2,040.15	.00		
Total 220:					3,736.25	.00		
270								
270	CASELLE INC	93510	Contract AND MAINTENANCE 4/	03/01/2019	358.27	358.27	03/06/2019	
270	CASELLE INC	93510	Contract AND MAINTENANCE 4/	03/01/2019	68.00	68.00	03/06/2019	
Total 270:					426.27	426.27		
305								
305	COLONIAL FLAG & SPECIALTY	0187950-IN	Administrative Rotations	03/04/2019	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0187951-IN	Town Hall Rotations	03/04/2019	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0187952-IN	Cemetery Flag Rotations	03/04/2019	45.00	.00		
305	COLONIAL FLAG & SPECIALTY	0187953-IN	Hamlet Park Rotations	03/04/2019	112.00	.00		
305	COLONIAL FLAG & SPECIALTY	0188178-IN	Town Hall Rotations	03/08/2019	65.60	.00		
305	COLONIAL FLAG & SPECIALTY	0188180-IN	Hamlet Park Rotations	03/08/2019	77.92	.00		
Total 305:					524.52	.00		
545								
545	HICKEN OXYGEN @ PLAZA	R013119-60	OXYGEN	01/31/2019	24.00	24.00	03/06/2019	
Total 545:					24.00	24.00		
795								
795	MIDWAY BOOSTERS, INC	001-2019	2018 FIREWORKS	03/02/2019	2,500.00	2,500.00	03/06/2019	
Total 795:					2,500.00	2,500.00		
875								
875	OFFICE DEPOT	271308782001	Easels, post its, pens	02/07/2019	86.99	.00		
875	OFFICE DEPOT	278143023001	PAPER, phone msg book, first aid	02/25/2019	126.21	.00		
875	OFFICE DEPOT	278143504001	Band-aids	02/25/2019	8.62	.00		
875	OFFICE DEPOT	279816992001	FILE FOLDERS	02/27/2019	58.90	.00		
875	OFFICE DEPOT	279817511001	Wall calendar 12x27	02/27/2019	9.63	.00		
875	OFFICE DEPOT	281063283001	TONER - LaserJet and HP	03/01/2019	97.38	.00		
875	OFFICE DEPOT	281063283001	Toner HP	03/01/2019	104.20	.00		
Total 875:					491.93	.00		
1045								
1045	STANDARD PLUMBING SUPPLY	JHN311	Armored Plug and Connector	02/27/2019	11.98	.00		
1045	STANDARD PLUMBING SUPPLY	JHWM00	Jim Cap Black Plug Headlight	03/05/2019	36.98	.00		
1045	STANDARD PLUMBING SUPPLY	JHWY92	Misc parts	03/04/2019	68.61	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1045	STANDARD PLUMBING SUPPLY	JHXW00	Multi tool holder and misc parts	03/05/2019	50.76	.00		
1045	STANDARD PLUMBING SUPPLY	JJBR88	SN PASS NAPL Lockset	03/07/2019	22.99	.00		
1045	STANDARD PLUMBING SUPPLY	JJJR79	2PC TOIL FLAPPER	03/11/2019	32.97	.00		
1045	STANDARD PLUMBING SUPPLY	JJK256	Flush valve kit	03/12/2019	21.99	.00		
1045	STANDARD PLUMBING SUPPLY	JJK554	Flush lever	03/12/2019	12.79	.00		
Total 1045:					259.07	.00		
1150								
1150	HOME DEPOT Credit Services	03092019	MISC SUPPLIES	03/09/2019	54.14	.00		
Total 1150:					54.14	.00		
1170								
1170	TIMBERLINE ACE HARDWARE	124315	Tube sand quikrete	03/01/2019	223.60	.00		
Total 1170:					223.60	.00		
1305								
1305	VERIZON WIRELESS	9825196956	KELTON WEBB	02/06/2019	43.16	.00		
1305	VERIZON WIRELESS	9825196956	GEORGIA MCGUIRE-JETPACK	02/06/2019	45.19	.00		
1305	VERIZON WIRELESS	9825196956	ICE RINK-JET PACK	02/06/2019	45.19	.00		
1305	VERIZON WIRELESS	9825196956	MONICIA ECHOLS-TABLET	02/06/2019	45.19	.00		
1305	VERIZON WIRELESS	9825196956	Steve RHOADS	02/06/2019	43.16	.00		
1305	VERIZON WIRELESS	9825196956	Steven Rhoads TABLET	02/06/2019	40.01	.00		
1305	VERIZON WIRELESS	9825196956	SHANE OWENS	02/06/2019	51.31	.00		
1305	VERIZON WIRELESS	9825196956	CORY LOTT-JET PACK	02/06/2019	40.03	.00		
1305	VERIZON WIRELESS	9825196956	MICHAEL HENKE	02/06/2019	50.15	.00		
1305	VERIZON WIRELESS	9825196956	CORY LOTT	02/06/2019	46.31	.00		
1305	VERIZON WIRELESS	9825196956	ON CALL PHONE	02/06/2019	30.97	.00		
1305	VERIZON WIRELESS	9825196956	Darin Bunker	02/06/2019	51.34	.00		
1305	VERIZON WIRELESS	9825196956	MONICIA ECHOLS	02/06/2019	51.16	.00		
Total 1305:					583.17	.00		
1310								
1310	WASATCH AUTO PARTS	165821	BATTERY and core deposit 3/5/1	03/05/2019	203.85	.00		
Total 1310:					203.85	.00		
1340								
1340	WASATCH COUNTY SHERIFFS	0219	LAW ENFORCEMENT Contract (02/01/2019	13,776.42	.00		
Total 1340:					13,776.42	.00		
1360								
1360	WASATCH COUNTY SOLID WA	030119 80293	80293 Centennial park	03/01/2019	220.00	.00		
1360	WASATCH COUNTY SOLID WA	030119 90042	90042 Community Center	03/01/2019	75.00	.00		
1360	WASATCH COUNTY SOLID WA	030119 90291	90291 Park & Offices	03/01/2019	145.00	.00		
1360	WASATCH COUNTY SOLID WA	030119 90292	90292 Cemetery	03/01/2019	75.00	.00		
1360	WASATCH COUNTY SOLID WA	030119 93287	93287 City Shop	03/01/2019	75.00	.00		
Total 1360:					590.00	.00		
1365								
1365	WAVE PUBLISHING	L16363	RFP Mowing bids 2/13 2/20 2/27	02/13/2019	617.43	.00		
1365	WAVE PUBLISHING	L16369	ANNEXATION NOTICE 2/20 2/27	02/20/2019	270.54	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1365	WAVE PUBLISHING	L16370	NOTICE OF PUBLIC HEARING 2	02/20/2019	101.74	.00		
1365	WAVE PUBLISHING	L16375	RFP HVAC bids	02/20/2019	360.75	.00		
1365	WAVE PUBLISHING	L16376	RFP Street Sweeping notice	02/20/2019	277.50	.00		
1365	WAVE PUBLISHING	L16377	NOTICE OF PUBLIC MTG WATE	02/20/2019	111.00	.00		
1365	WAVE PUBLISHING	L16381	ORDINANCE ADOPTIONS - 2.27	02/27/2019	46.25	.00		
1365	WAVE PUBLISHING	L16387	NOTICE OF PUBLIC MEETING P	02/27/2019	20.81	.00		
1365	WAVE PUBLISHING	L16388	NOTICE OF PUBLIC MEETING 2	02/27/2019	20.81	.00		
1365	WAVE PUBLISHING	L16389	NOTICE OF PUBLIC MEETING P	02/27/2019	115.62	.00		
Total 1365:					1,942.45	.00		
1421								
1421	HEBER LIGHT & POWER	022819 181530	18153001 Gerber Water Tank	02/28/2019	135.15	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153002 75 N 100 W	02/28/2019	412.74	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153003 Cemetery FG PL Light	02/28/2019	358.83	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153004 Cottages 3 Pump	02/28/2019	1,011.61	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153006 Maintenance Shop	02/28/2019	275.91	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153007 850 E Main-Hamlet	02/28/2019	14.14	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153008 Town Hall	02/28/2019	478.27	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153009 Ice Rink TS Lights	02/28/2019	685.84	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153010 Ice Rink Chiller	02/28/2019	2,584.87	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153012 ROUNDABOUT	02/28/2019	8.48	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153013 Community Center	02/28/2019	188.85	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153014 Valais Park	02/28/2019	8.77	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153015 Centennial Park	02/28/2019	12.59	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153016 Ball Park Lights	02/28/2019	8.85	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153017 Swiss Days Trailer	02/28/2019	368.95	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153018 Alpinhof Tank	02/28/2019	14.58	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153019 Town Square Shelter	02/28/2019	605.67	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153021 Restrooms	02/28/2019	8.77	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153022 Mahogany Well	02/28/2019	208.67	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153033 Pedestal for Swiss Day	02/28/2019	15.76	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153034 1295 W 310 N	02/28/2019	1,723.71	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153035 New Maint. Building (C)	02/28/2019	133.13	.00		
1421	HEBER LIGHT & POWER	022819 181530	18153036-250 EAST MICHIE LN-	02/28/2019	8.00	.00		
Total 1421:					9,272.14	.00		
1440								
1440	POSTMASTER	03092019	OPEN SPACE MAILER	03/09/2019	973.00	973.00	03/08/2019	
Total 1440:					973.00	973.00		
1542								
1542	STATE OF UTAH GASCARD/FU	NP55534735	FUEL	03/01/2019	3,329.70	.00		
Total 1542:					3,329.70	.00		
1818								
1818	CASH	03122019	PLANNING COMMISSION PACK	03/12/2019	14.40	.00		
1818	CASH	03122019	cAR wash	03/12/2019	10.00	.00		
1818	CASH	03122019	2 cycle oil	03/12/2019	2.14	.00		
1818	CASH	03122019	PLANNING COMMISSION PACK	03/12/2019	17.50	.00		
Total 1818:					44.04	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1821								
1821	WEX BANK	58048414	BACKNET - FUEL	02/28/2019	553.64	.00		
1821	WEX BANK	58048414	FINANCE CHARGE	02/28/2019	75.00	.00		
Total 1821:					628.64	.00		
1989								
1989	BANKCARD CENTER	2917 FEB2019	Finance Charge Feb2019	02/28/2019	46.93	.00		
1989	BANKCARD CENTER	4717 FEB2019	Energy Drinks - BN	02/28/2019	75.83	.00		
1989	BANKCARD CENTER	4717 FEB2019	Registration - BN	02/28/2019	500.00	.00		
1989	BANKCARD CENTER	4945 FEB2019	Fuel	02/28/2019	100.00	.00		
1989	BANKCARD CENTER	4945 FEB2019	Fuel Exxon	02/28/2019	50.00	.00		
1989	BANKCARD CENTER	4945 FEB2019	Padlock	02/28/2019	12.72	.00		
1989	BANKCARD CENTER	4945 FEB2019	TRaining	02/28/2019	244.31	.00		
1989	BANKCARD CENTER	4945 FEB2019	TRaining (rm2)	02/28/2019	244.31	.00		
1989	BANKCARD CENTER	4945 FEB2019	Meeting treats	02/28/2019	19.33	.00		
1989	BANKCARD CENTER	4945 FEB2019	Computer cord	02/28/2019	6.98	.00		
1989	BANKCARD CENTER	5219 FEB2019	Annual fees	02/28/2019	30.00	.00		
1989	BANKCARD CENTER	5219 FEB2019	Rewards fee	02/28/2019	25.00	.00		
1989	BANKCARD CENTER	5219 FEB2019	Equipmnt	02/28/2019	40.97	.00		
1989	BANKCARD CENTER	5219 FEB2019	P.W. Lunch	02/28/2019	96.52	.00		
1989	BANKCARD CENTER	6014 FEB2019	Office supply	02/28/2019	23.26	.00		
1989	BANKCARD CENTER	6014 FEB2019	Office supply misc	02/28/2019	17.18	.00		
1989	BANKCARD CENTER	6014 FEB2019	Fuel	02/28/2019	30.00	.00		
1989	BANKCARD CENTER	6014 FEB2019	Lunch at training	02/28/2019	28.25	.00		
1989	BANKCARD CENTER	6215 FEB2019	Council offsite	02/28/2019	64.59	.00		
1989	BANKCARD CENTER	6215 FEB2019	Council offsite	02/28/2019	13.81	.00		
1989	BANKCARD CENTER	6215 FEB2019	Council offsite	02/28/2019	107.31	.00		
1989	BANKCARD CENTER	6215 FEB2019	Council offsite	02/28/2019	4.10	.00		
1989	BANKCARD CENTER	6215 FEB2019	Council offsite	02/28/2019	27.27	.00		
1989	BANKCARD CENTER	6215 FEB2019	Bradshaw	02/28/2019	104.90	.00		
1989	BANKCARD CENTER	6215 FEB2019	Staff treats	02/28/2019	25.61	.00		
1989	BANKCARD CENTER	6215 FEB2019	Spotlight Bulb replacemnt theatre	02/28/2019	57.24	.00		
Total 1989:					1,996.42	.00		
1992								
1992	K O ELECTRIC, INC.	4034	GLOCKENSPIEL REPAIR CHRIS	12/12/2018	525.33	525.33	03/06/2019	
Total 1992:					525.33	525.33		
2080								
2080	NATIONAL BENEFIT SERVICES	689861	FSA PLAN ADMIN FEB2019	02/27/2019	75.00	75.00	03/06/2019	
Total 2080:					75.00	75.00		
2267								
2267	HORTIN ELECTRIC INC.	3695	INSTALL 3-way and 4way switche	02/28/2019	1,751.00	.00		
Total 2267:					1,751.00	.00		
2520								
2520	Staker Parson Companies	4865608	Road Base	03/06/2019	83.70	.00		
2520	Staker Parson Companies	4865611	3/8" NAUTRAL SAND SCREENE	03/06/2019	196.42	.00		
Total 2520:					280.12	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2525								
2525	Kirk Neerings Construction, LLC	477	Haul 2 loads sand to cemetery on	03/01/2019	190.00	.00		
Total 2525:					190.00	.00		
2563								
2563	CENTURYLINK 76612167	1463389571	Phone Service 435-654-3227	02/28/2019	61.94	.00		
Total 2563:					61.94	.00		
2614								
2614	Executech Utah, Inc.	128606	2 cables	02/28/2019	35.98	.00		
Total 2614:					35.98	.00		
2644								
2644	Semi Service	S103081	Crane truck.Shelves.StandAssy.F	01/17/2019	750.29	.00		
2644	Semi Service	S105247	Plow Marker Pair	03/04/2019	775.38	.00		
Total 2644:					1,525.67	.00		
2658								
2658	SIGNARAMA	INV-3394	No parking signs (2)	02/26/2019	89.75	.00		
Total 2658:					89.75	.00		
2722								
2722	Ty VanWagoner	02252019	Travel expenses Rural Water Sch	02/25/2019	503.10	503.10	03/07/2019	
Total 2722:					503.10	503.10		
2728								
2728	MONICIA ECHOLS	030719	Subway Lunch for city staff 3/7/19	03/07/2019	49.01	.00		
Total 2728:					49.01	.00		
Grand Totals:					46,681.39	5,026.70		

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

Mayor: _____

City Council: _____

City Recorder: _____

City Treasurer: _____

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Midway City Council
19 March 2019
Regular Meeting

Minutes of the
5 March 2019
Work Meeting



Memo

Date: 15 March 2019
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 5 March 2019 City Council Work Meeting

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

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

**Tuesday, 5 March 2018, 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 9:00 a.m.

Members Present:

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

Staff Present:

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

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

- 2. 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.

- 3. Ordinance 2019-05 / Cul-de-Sacs and Road Lengths** (City Planner – Approximately 30 minutes) – Discuss 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.

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

- Non-conforming roads

- Existing code
- Examples of cul-de-sac lengths
- Precedence
- Considerations
- Proposed code
- Wasatch County Fire District recommendation
- Transportation Plan

Mr. Henke also made the following comments:

- Specific requirements for cul-de-sacs needed to be established in the Municipal Code.
- The maximum length for a cul-de-sac was in the Standard Specifications and Drawings.
- The City could only require roads that were in its Transportation Plan.
- The Fire Districted recommended that cul-de-sacs be limited to 1,300 feet in length.
- The maximum length including any branch cul-de-sacs should be 1,300 feet.
- The maximum number of lots on a cul-de-sac, including any branch cul-de-sacs, should be eleven.
- The code, if it was adopted, would not apply to already submitted developments.

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 Transportation Plan needed to be updated to include the continuation of stubbed roads.
- There should be a balance between through roads and limiting traffic on local roads.
- Longer cul-de-sacs were problematic for emergency services and harder to evacuate.
- It was a concern that some planned through roads might never be completed.
- Road and connectivity should be reviewed with each new development. Developments should be sent back to the Planning Commission when needed.

4. Hidden Haven Subdivision / Preliminary Approval (City Planner – Approximately 30 minutes) – Discuss 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.

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

- Land use summary
- Location of the subdivision
- The pond and its sources of water
- Preliminary plat map
- Common area
- Easements

Mr. Henke also made the following comments:

- The existing home on the property would be raised.
- An existing irrigation ditch on the property would be piped.
- Should water rights be required for the area covered by the pond? They had been required in the past for other ponds because they could go away and then the land would need to be irrigated.
- The applicant proposed giving the park in the subdivision to the City.
- Had explained to the applicant the 500-foot limit on cul-de-sacs.
- The only way the cul-de-sac would work would be the completion of the stub road through the adjoining property.
- The City approved the LaBarge Subdivision, which was a cul-de-sac on another cul-de-sac, because an agreement had been reached with all necessary property owners for a future through road.

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

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

- There was an unresolved lawsuit regarding the pond.
- The applicant did not have the right to use all the pond.
- A survey done for the area was in question.
- Who was liable for the pond?
- The City should only accept the park if the entire pond was included.
- There would be a lot of liability with the pond.
- The City did not want to be involved in the lawsuit.
- There would be problems with the public accessing the park.
- Parking for the park would be a problem.
- The City would never get complete ownership of the pond.
- The proposed cul-de-sac was longer than the limit of 500 feet.
- The proposed stub road should not be counted as a second access because it did not connect to another road.
- The applicant should have to build the entire stub road including the portion on the adjoining property.
- Most of the open space was at the rear of the subdivision and would not benefit the general public.
- The applicant was trying to shift liability for the park and pond to the City.
- The Planning Commission recommended that the applicant get approval from the adjoining property owner for the continuation of the stub road. That had not happened.
- The issues with the pond should be resolved.
- Anytime the City deviated from its standards it was susceptible to litigation.

- 5. Ordinance 2019-06 / Parking Requirements for Commercial and Mixed-Use Developments** (City Planner – Approximately 30 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 requirement comparison
- Off-site parking and an associated fee

Mr. Henke also made the following comments:

- Had adjusted the ordinance based upon previous discussions by the Council.
- Public parking lots were a solution.
- People were willing to walk no further than one block. This would require a public parking lot on each block. The ordinance should limit the distance of off-site parking from a business.
- Parking requirements should be expanded to include more uses.
- There should be no parking requirements for theaters because they were not allowed.
- The only parking requirements for special events were in the resort zone.
- Requirements had been added for residential treatment facilities.
- On-street parking did not count towards required parking.
- Historic structures should be accommodated.
- A fee for off-site parking needed to be determined.

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

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

- Outside seating needed to be included in the parking calculations.
- Off-site parking should be allowed.
- The feel of vehicles being everywhere should be avoided.
- Parking requirements should be increased. They could be reduced if public parking lots were built.
- New businesses could pay a fee to help pay for parking lots.
- People would want to park next to a business rather than in a parking lot further away. Allowing 75% of parking to be off-site was too high.
- Large parking lots for each business should be avoided. Some businesses might need more than 75% off-site parking.
- The ordinance needed to require parking for more than just the workers.
- Owners would provide enough parking if they wanted their businesses to succeed.
- There was not a shortage of parking but a shortage of convenient parking.
- Additional parking was only needed for certain areas.
- 20 feet was not wide enough for vehicle entrances especially for pickup trucks.
- Occasionally drivers would have to wait for a vehicle to exit before they could enter.
- The width could be increased based upon the determination of the City Engineer. This would require parking going through the conditional use process.
- Parking structures did not match the vision for Midway. They should be prohibited but could be reconsidered in the future.

Motion: Council Member Drury moved to recess the 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	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: The meeting was recessed at 11:04 a.m. and reconvened at 11:12 a.m.

6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Purchase or Lease of Real Property

Motion: Council Member Drury 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	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

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

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

Second: Council Member 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

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 12:15 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT

Midway City Council
19 March 2019
Regular Meeting

Minutes of the
5 March 2019
Regular Meeting



Memo

Date: 15 March 2019
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 5 March 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, 5 March 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 6:01 p.m.

Members Present:

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

Staff Present:

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

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

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

2. Consent Calendar

- 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.

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

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

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	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

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

Mayor Johnson asked if there were any comments from the public for items not on the agenda. No comments were offered.

4. Department Reports

Cemetery / Bathroom

Council Member Probst reported that repairs were needed at the cemetery bathroom.

Town Hall / Audio Box / Janitor's Closet / Theater Lights

Council Member Probst reported that an old audio box had been removed at the Town Hall. He reported that the janitor's closet in the building had been organized. He also reported that several bulbs had been replaced in the theater lights.

Town Hall / Refinish Floor

Council Member Probst reported that the floor in the main room in the Town Hall needed to be refinished.

Snow Plowing

Council Member Van Wagoner thanked the Public Works Department for removing snow off the roads and sidewalks. He indicated that a lot of salt had been used and the work was hard on the equipment.

Midway Irrigation Company / Contract for City Employee

Council Member Van Wagoner reported that the Irrigation Company would start using a city employee the next month.

PI System / Meters for Parks and Cemetery

Council Member Van Wagoner reported that the City would install meters at its parks and cemetery for the pressurized irrigation (PI) system.

PI System / Exchange Program

Council Member Van Wagoner indicated that the City and Midway Irrigation Company were reviewing the exchange program for the pressurized irrigation system.

Weed Spraying / Certification

Mayor Johnson reported that two public works employees would be certified to use chemicals to kill weeds.

Safe School Routes

Council Member Simonsen reported that the City and Midway Elementary School were still working on safe school routes, which sidewalks to plow and a crossing guard at Michie Lane and Center Street.

Sidewalks / Priority Map

Council Member Simonsen reported that the City needed to prepare a map showing the priority for clearing snow off sidewalks. He added that the map should correspond with the safe school routes.

Trails / Grants / Survey

Michael Henke reported that the City applied for another trail grant. He added that the City would do a trails survey.

Michie Lane Park / Construction Bids

Mr. Henke reported that eight bids had been received to build the Michie Lane Park.

State Legislature / Bills

Council Member Orme reported on the bills being considered at the Utah State Legislature.

- 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

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

- Existing regulations
- Examples of cul-de-sac lengths
- Length considerations
- Sprawl
- Proposed code

Mr. Henke also made the following comments:

- The City's standard specifications and drawings limited cul-de-sac lengths to 500 feet.
- The proposed code would not give the City Council any discretion on cul-de-sacs.
- Was concerned about single points of access.
- The ordinance would avoid a taking because it allowed some development on existing cul-de-sacs and single access roads longer than 500 feet.
- Recommended that cul-de-sacs be no longer than 1,300 feet as recommended by the Wasatch County Fire Marshal.

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

Corbin Gordon reviewed changes that he made to the ordinance since the work meeting that morning.

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

- Looping roads needed to be clarified.
- A second access was less useful if it was close to the first access.
- Long cul-de-sacs were problematic for emergency services.

Public Hearing

Mayor Johnson asked if there was any public comment on the issue. There were no comments.

Motion: Council Member Drury moved to adopt Ordinance 2019-05 regarding cul-de-sacs and road lengths with the following findings and conditions:

- The number of lots allowed on a cul-de-sac over 500' in length would be 11.
- The number of units allowed on cul-de-sacs 500' or less would be the amount allowed by the zoning code.
- The proposal helped promote larger lots and open space which was a goal described in the General Plan.
- Allowing properties to develop along existing nonconforming public streets greater than 500' in length would help avoid taking claims and allow property owners more flexibility.
- The maximum length of any cul-de-sac including any branches would be 1,300 feet as recommended by the Wasatch County Fire Marshal and Wasatch County regulations.

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	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

- 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**

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

- Land use summary
- Location of the subdivision
- Proposed plat map
- Landscape drawing
- Infrastructure
- Points of discussion
- Proposed plat map without stub road
- Water Board recommendations
- Possible findings
- Recommended conditions

Mr. Henke also made the following comments:

- The existing home was on a well and septic tank. It would be demolished.
- All lots would be connected to standard utilities.
- An irrigation ditch would be relocated and piped.
- The proposed cul-de-sac was 800 feet long.
- There was a proposed stub road to the property to the west.
- Recommended that stub roads connect to another road.

- The Planning Commission recommended an agreement with the adjoining land owner for the road.
- Told the applicant that there was a 500-foot length limit on cul-de-sacs.
- Recommended that snow not be plowed off the stub road until it connected. Also recommended that none of the lots be accessed from the road.
- Cluster mail boxes should not be in a sight triangle.
- The applicant proposed that the park and the associated portion of the pond be dedicated to the City. There were some issues such as water rights that would need to be considered.
- The stub road could connect to a road that was planned for the area.
- The common area would increase if there was not a stub road.
- The pond was part of the required open space.

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

Mayor Johnson reported that the item was considered at the work meeting that morning.

Public Hearing

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

Jon Deverian, Devco Homes / Applicant

Mr. Deverian made the following comments:

- Did not favor the stub road.
- Suggested that the park and pond remain private.
- Was unable to contact Hylton Haueter, who owned the property to the west, because he wintered in Arizona.
- The HOA for the subdivision could form a committee to police access to the park and pond.

Ken Owens

Ken Owens distributed a packet of information to the Council and made the following comments:

- Met with the engineer for the project about boundary issues and use, maintenance and liability related to the pond.
- The stub road would encourage public access to the park and pond.
- There was an order from the State regarding the use and maintenance of the pond.
- Was concerned that the park would eventually become public.

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

Jerry Owens, Neighbor

Jerry Owens indicated that he had to rescue people in the pond. He thought that there would eventually be lawsuits if the pond was public.

Corbin Gordon reviewed the water rights for the pond. He indicated that the HOA and lot owners in the project needed to know the liability associated with the pond. He added that the water right was not permanent and could go away. He recommended that water rights also be turned in for that area of the subdivision.

Brian Balls, Summit Engineering

Mr. Balls, representing the applicant, made the following comments:

- Had a productive meeting with Jerry Owens.
- Tried to contact Mr. Haueter.
- The location of a planned city road could be moved to facilitate the subdivision.
- There were valid concerns about the stub road.
- Understood the 500-foot limitation on cul-de-sacs, but the property was “sandwiched” and there were no other good options.
- This was a fringe area of the City with a low traffic count that did not require the same amount of connectivity.
- The City had allowed development on other cul-de-sacs which were longer.
- Asked for the consideration of the Council.
- Would provide the CC&R’s and a maintenance plan for final approval.
- The application for the subdivision was submitted prior to approval of the new cul-de-sac ordinance.
- Another developer had recently been approved for a cul-de-sac on another cul-de-sac that was greater than 500 feet. He had been approved because the development had a stub road.
- The proposed stub road bisected two zones.

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

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

- Acqua Recovery stocked the pond with fish.
- There were a lot of issue with the pond that needed to be resolved.
- There was no compelling reason for the cul-de-sac to be longer than 500 feet.
- The recently approved cul-de-sac with the stub road also included an agreement with the adjoining property owner for a through road.
- A lot split on a cul-de-sac, longer than 500 feet, had been approved because the road predated the length limit and had a stub road that was on the City’s transportation plan.
- Mr. Hylton would be limited in what he could do with his property because of the stub road.
- Mr. Hylton needed to agree to the stub road and its location.

- The public should not access the pond.

Motion: Council Member Drury moved to deny preliminary approval because the cul-de-sac was greater than the 500-foot length without secondary egress, the stub road had not been agreed upon by the neighboring landowners as proposed by the Planning Commission, it went against the City’s construction standards, and presented a public safety issue because of the extended length of the cul-de-sac.

Second: Council Member Probst seconded the motion.

Discussion: Mr. Balls asked that the item instead be tabled so that he had time to work with Mr. Haueter. Council Member Orme responded that an agreement with Mr. Haueter would not resolve all the Council’s concerns. Council Member Van Wagoner noted that a stub road just to the property line did not address the concerns with a longer cul-de-sac.

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	Aye

Mayor Johnson noted that the applicant could reapply, but the proposal would full under the new cul-de-sac ordinance. Mr. Henke noted that the second access would have to be fully built to avoid the cul-de-sac issues.

- 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.

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

- 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.

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

- Land use summary
- Annexation agreement
- Amendment to the annexation agreement
- Location of the planned PUD
- Approved plan from 2010
- Proposed plan with or without a connector road

- Points of discussion
- Open space

Mr. Henke also made the following comments:

- Several council members had been elected since the item was continued.
- The Sunburst Ranch HOA wanted the proposed phase to connect to the existing phases.
- The new phase had less units than originally proposed which would reduce the amount of HOA dues collected.
- The new proposals were closer to the City's PUD code than the 2010 plan.
- The plan without a connector road had less units and did not block a view corridor, but the cul-de-sac was too long.
- The elimination of amenities was a concern when the item was continued.
- Gates between phases were not allowed.

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

Corbin Gordon reviewed the history of the project, its controlling documents and made the following comments:

- The original annexation agreement referenced a conceptual plan, but it was not attached. Open space was pushed up to the top of Phase 3. The other phases could not have been approved without the open space in Phase 3.
- The annexation agreement stated that major changes had to be approved by both the developer and the City.
- An amended master plan agreement was approved in 2010 but it was not clear what it amended.
- No master plan was adopted for the project.
- In 2017 the Council asked the applicant to work with the HOA concerning the elimination of the amenities.
- The latest plan included amenities which could be used by residents in the other phases.
- The City never intended to give the HOA the authority to determine the layout and locations of roads.
- The Council had no legal obligation to approve the proposed amendment.
- The applicant wanted a separate HOA for Phase 3.
- Separate HOA's in the same project could be problematic.
- The previous engineer for the project indicated that the trails would connect all phases of the project.
- The approved plan would require a significant cut in the hill and steep driveway slopes in Phase 3.
- Did not review the CC&R's because they did not involve the City.
- None of the approved agreement stated that there had to be one HOA.
- Phase 3 did have to be built in accordance with the controlling documents.
- One HOA and connecting roads between phases was always anticipated.
- The HOA for Phase 3 would pay for the operation and maintenance of the amenities.
- Any approval should require that the trails and sidewalks connect all the phases. It should also require the retention pond in Phase 3 and similar architecture in all phases.

Robert Mansfield, Mitchell Barlow & Mansfield and counsel for the applicants, made the following comments:

- Phase 2 in the project had been sold to someone else and had a lot of problems. Only one unit had been built in the phase after two years.
- The existing HOA was too interested in every detail of construction.
- The applicant did not want to be subject to the existing HOA during construction and wanted to finish the phase in a timely manner. The HOA's could merge after construction was completed.
- The CC&R's allowed for separate HOA's.
- Drafted the CC&R's.
- A lawsuit between the developer and the existing HOA had not yet been resolved.
- The applicant would abide by the court's ruling.
- Usually multiple HOA's in the same development hired the same companies to plow snow, etc.
- The amendment should be approved that night and then the agreement written and adopted at a later date.
- Swiss Mountain Estates' drainage issues were not the applicant's problem. Swiss Mountain Estate's had their own property that could be used for the retention pond.

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

- The original plan showed a retention pond in Phase 3 to help with runoff from Swiss Mountain Estates. The pond was not shown on the most recent plans. The current location had worked well for years.
- Owners who bought their units after 2010 expected the amenities.
- Should the Council wait to make a decision until the outstanding issues were resolved?
- The number of HOA's should be determined by the court.
- Usually an agreement was adopted the same night as development approval.
- The previous city attorney indicated there was not an agreement that required the retention pond on the applicant's property. The applicant did not sign anything that allowed it on his property. He did not want the liability.
- Who would maintain the pond?
- The pond filled up with gravel and debris.
- The Council could require the pond as part of the approval.
- The units should be pushed further back from the sidewalk to allow for longer vehicles in driveways.
- The project began 20 years ago and waiting another two weeks was not a significant imposition.
- This was the time to deal with the drainage issue and the retention pond.

Motion: Council Member Simonsen moved to table consideration of the master plan amendment for two weeks until the agreement had been worked out and indicated that the amenities, including trails and sidewalks, were accessible by residents in all the phases.

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	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Council Member Van Wagoner asked that the agreement be reviewed at the work meeting.

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).

The Council agreed to consider the item at its next meeting.

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.

Mayor Johnson reported that maintenance of the City's cemetery and parks had been put out for bid. She indicated that Spectrum Landscaping Services was the low bidder. She added that they were a local company that did the landscape maintenance for the Valais PUD.

Council Member Drury broke down the costs for landscape maintenance, including labor and equipment, and asked if it would be less costly and allow for more flexibility for the City to do it itself.

Mayor Johnson noted the number of people that were needed to mow the cemetery. She questioned if the City could do the maintenance.

Council Member Van Wagoner noted that the City used to do its own maintenance and that had advantages and disadvantages.

Council Member Van Wagoner asked that the sides of the roads be mowed.

Motion: Without objection, Mayor Johnson recessed the meeting at 8:56 p.m. She reconvened the meeting at 9:02 p.m.

Mayor Johnson suggested using Spectrum for one year while evaluating if the City could do the work. Council Member Drury proposed a one-year contract with Spectrum with an option for two one-year renewals. Council Member Orme wondered if Spectrum would honor their bid if it would possibly be for just one year. Corbin Gordon recommended a three-year contract with a renewal each year.

Motion: Council Member Drury moved to award a three-year contract, with yearly renewals, to Spectrum Landscaping Services.

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	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

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.

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

- Issues raised by the Council
- Existing code
- Proposed language for snow removal around mailboxes and fire hydrants

Mr. Henke also made the following comments:

- The ordinance had been considered at three separate meetings.
- Snow removal around fire hydrants along private streets was the responsibility of residents.
- Public streets were not mentioned to avoid liability.

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

Corbin Gordon made the following comments:

- The City needed help with snow removal, but it should not make residents criminally liable for its removal around fire hydrants.
- Fire hydrants were part of the City’s water system and it should maintain them.
- The issue could be addressed in development agreements.

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

- If the City required something, then it should have a punishment for non-compliance.
- The City could encourage but not require help with snow removal.
- The City could send out a postcard in the fall reminding residents of winter related regulations and issues.

Motion: Council Member Van Wagoner moved to adopt Ordinance 2019-04 regarding snow removal and fire hydrants as presented by staff and including the new language for mailboxes.

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	Aye

12. Adjournment

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

The meeting was adjourned at 9:19 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
19 March 2019
Regular Meeting

Lucerne Estates Subdivision /
Extension of Preliminary Approval



CITY COUNCIL MEETING STAFF REPORT

AGENDA ITEM: Preliminary Approval extension request for Lucerne Estates

DATE OF MEETING: March 19, 2019

APPLICANT: Matt Johnson

LOCATION: 100 East 100 South

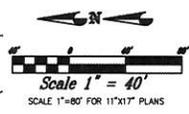
Staff Summary

Matt Johnson has submitted a final approval plat extension application request for Lucerne Estates, a 14-lot subdivision proposal on 4.77 acres at 100 East and 100 South. Preliminary approval from the City Council was granted on March 11, 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



BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS EAST 511.00 FEET AND NORTH 752.39 FEET FROM THE SOUTHWEST QUARTER CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE NORTH 00°05'57" EAST 440.20 FEET;
 THENCE SOUTH 89°07'04" EAST 462.47 FEET;
 THENCE SOUTH 02°14'09" WEST 460.00 FEET;
 THENCE NORTH 88°27'53" WEST 430.78 FEET;
 THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT 23.19 FEET (CENTRAL ANGLE OF 88°33'50" AND CHORD OF NORTH 44°10'58" WEST 20.95 FEET) TO THE POINT OF BEGINNING.

CONTAINING: 4.77 ACRES

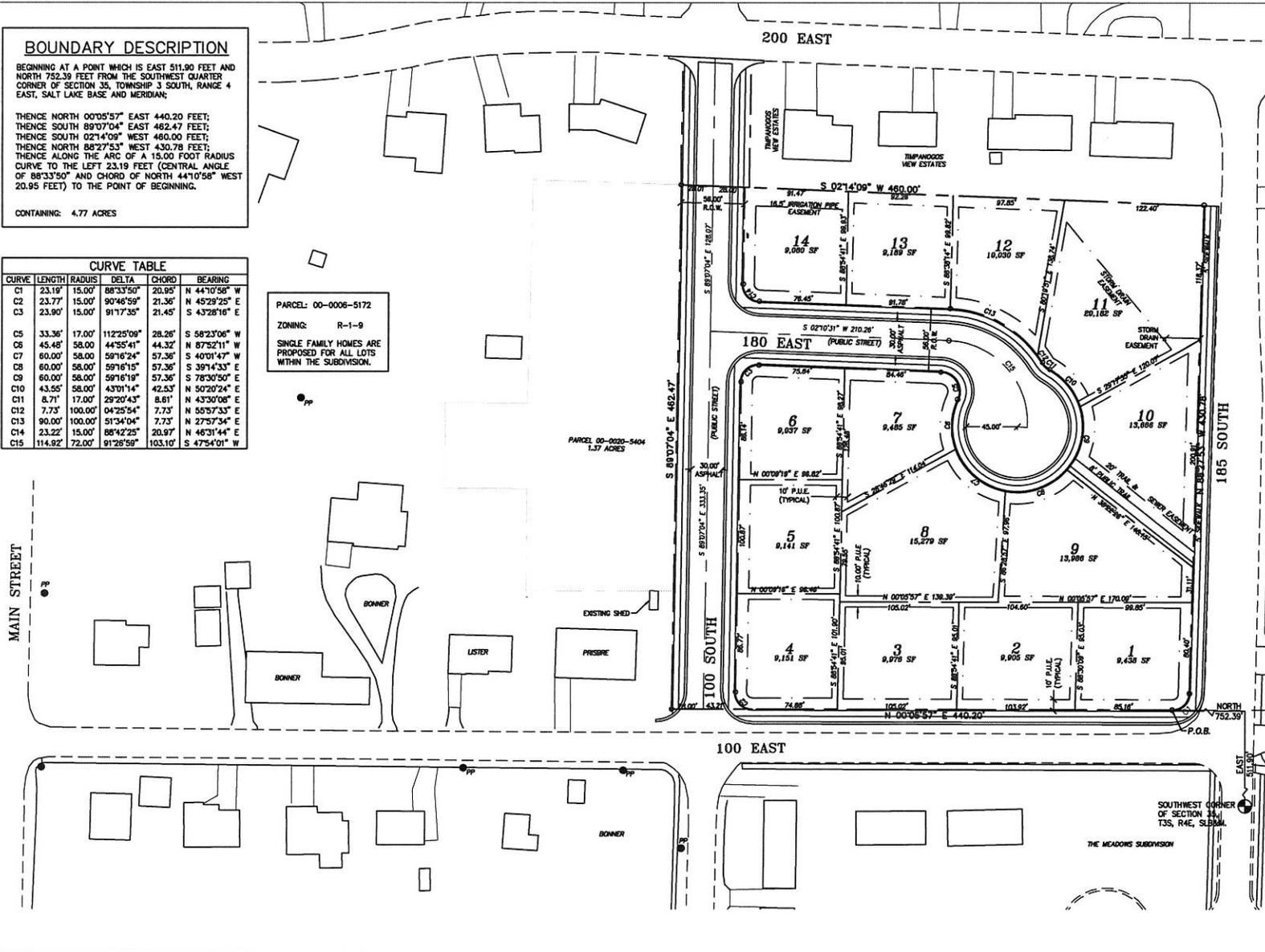
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	23.19'	15.00'	88°33'50"	20.95'	N 44°10'58" W
C2	23.77'	15.00'	90°46'59"	21.36'	N 45°29'25" E
C3	23.90'	15.00'	91°17'35"	21.45'	S 43°28'16" E
C4	33.36'	17.00'	112°25'09"	28.26'	S 58°23'06" W
C5	45.48'	58.00'	44°55'41"	44.32'	N 67°52'11" W
C6	60.00'	58.00'	59°16'24"	57.36'	S 40°14'47" W
C7	60.00'	58.00'	59°16'15"	57.36'	S 39°14'33" E
C8	60.00'	58.00'	59°16'19"	57.36'	S 78°30'50" E
C9	43.55'	58.00'	43°01'14"	42.53'	N 50°20'24" E
C10	8.71'	17.00'	29°20'43"	8.61'	N 43°30'06" E
C11	7.73'	100.00'	04°25'54"	7.73'	N 55°37'33" E
C12	90.00'	100.00'	51°34'04"	7.73'	N 27°57'34" E
C13	23.22'	15.00'	88°42'25"	20.97'	N 46°31'44" E
C14	114.92'	72.00'	91°26'59"	103.10'	S 47°54'01" W

PARCEL: 00-0006-5172

ZONING: R-1-9

SINGLE FAMILY HOMES ARE PROPOSED FOR ALL LOTS WITHIN THE SUBDIVISION.



THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.

PAUL A. BERG P.E.
 SERIAL NO. 292589
 DATE: 30 JUN 2018

RD DEVELOPMENT GROUP LLC
 LUCERNE ESTATES

SITE PLAN



DESIGN BY: PAB DATE: 30 JAN 2018 SHEET: 1
 DRAWN BY: TMB REV:

Midway City Council
19 March 2019
Regular Meeting

Open Space Evaluation Form
for Landowners

15 March 2019

City Council, Mayor,

Attached you will find a document intended to assist in evaluation of potential open space properties. The OSAC is developing 2 such 'forms', one focused on the landowner (attached) and one focused on the City process of OS project evaluation (forthcoming). They will likely differ in layout but not in evaluation criteria. It is important that criteria we communicate to landowners and the public be fully consistent with how Midway evaluates properties.

Furthermore, it is important that the criteria we use are based solidly on the General Plan, as the Open Space Bond language contains:

“. . . pay all or a portion of the costs to preserve open space (as open space is defined and is consistent with the Midway City General Plan and as permitted by the laws of the State of Utah) and related improvements, . . .”

THE LAND OWNER 'form' (attached) is intended to allow an immediate and purposeful follow-up with the landowner after receiving the NOI (application) and to engage the landowner from the beginning in understanding and meeting MIDWAY criteria. We believe early involvement by the landowner in evaluating the suitability of the project to MIDWAY criteria will be invaluable in preventing misunderstandings and frustrations later in the process. To this end, you will note the questions are intentionally open-ended, but we believe the MIDWAY criteria are fully explored therein.

THE CITY EVALUATION 'form' is a work in progress but, subject to City Council approval, will necessarily address the exact same criteria. We intend this form to provide a more structured and concise evaluation by the OSAC and, to the limited extent possible, be more objective. At a minimum, it should provide an orderly and concise way of presenting Committee Findings to the Council for deliberation.

We shall be happy to receive any questions, comments or recommendations you have.

Respectfully,
Open Space Advisory Committee

Midway Open Space Evaluation

Landowner's Perspective

Midway Land Owner,

Thank you for your recent submission of a NOTICE OF INTEREST, indicating an interest in the preservation of currently open land you own. As you are aware, a preservation project is a multi-step process involving various evaluations and reviews as multiple players are brought together to fund your project. The purpose of this form is to help you begin that process by providing Midway with your perspective on how well your land meets the Midway open space criteria as set out in the Midway City General Plan.

Funding for your project will most likely come from a variety of sources, including Federal, State, private foundations, etc., and Midway City (via Open Space Bond). Not all funding sources will be interested in a given project; they all (including Midway) have their own criteria for the type of projects they will fund. Each of these funding sources will review your project against its criteria. Since there will likely be more projects than money, advocacy for your project in the context of each agency's unique criteria is important. A non-profit Certified Land Trust (CLT) can assist you through that process – it's what they do. We can help you get in contact with them if you have not already done so.

Midway City will evaluate your project with respect to Midway criteria prior to committing Open Space Bond funds. To start this process, please complete this form in as much detail as possible. This will allow you to advocate the value of your project in the context of Midway criteria. It will also serve as a useful tool for Midway City to evaluate the comparative suitability of multiple projects. Although a preliminary indication of Midway City interest in your project will be valuable as you move forward, please understand that the City Council makes the final commitment after review of the entire preservation package, including funding from other sources.

Please feel free to contact any member of the Open Space Advisory Committee if you have questions, would like help with this form, or would like to further discuss related issues.

Midway City Open Space Advisory Committee

MIDWAY CITY OPEN SPACE EVALUATION CRITERIA

The Midway City General Plan – in particular Ch 10, “Open Space Element” – lays out the City’s goals, objectives, and criteria for open space preservation. Before the City Council can spend public money on an open space project, it must be satisfied that the project is consistent with the Midway City General Plan. Excerpts from the 10 Year Plan are provided below. With each of these please provide your assessment on how well your proposed project fits these criteria. Use additional pages as necessary. Please understand these are not hard “check off” requirements; rather, projects will be evaluated on the degree to which criteria are met.

The 10 Year Plan contains four open space design objectives; three are specifically focused on open land preservation that contemplates expenditure of open space bond funds.

PRESERVE INTER-CITY SPACE

Today Heber Valley-wide views – such as seen driving into the valley – provide a clear sense of separate cities: Midway, Heber, Charleston. These are connected only by expanses of “rural-ness”/agriculture. As seen in many places – Wasatch front in particular – cities tend to “sprawl” together into a single urban mass. As one of the fastest growing counties in the USA, Wasatch is certainly susceptible to this. Preserving Midway City’s unique rural setting in relation to other population centers in the Heber Valley might involve, for example, acquisition of non-development buffer zones in strategically located places. These buffer zones will preclude the urban sprawl that could turn Midway into an undifferentiated collection of roof tops in an ever-expanding asphalt and concrete landscape.

Please provide your assessment on the ways your project matches the above design objective.

(Among other factors you consider relevant, please consider the size and location of the land and describe how it will further the goal of precluding “urban sprawl.” Is it adjacent to other open land that enhances your land’s use as a buffer? What specific urban centers does your land “buffer” if preserved as open space? What sort of development do you foresee overtaking your land if it is not preserved?)

PRESERVE MIDWAY’S UNIQUE CHARACTER

Midway City has a multi-faceted character, including clearly rural older areas, and newer developments with typical suburban character. The historic rural areas provide the city with a unique character / atmosphere, supported by readily visible in-town agriculture (cow & pasture ambiance), country-feel roads (grassy shoulders, open ditches), in-town barns and other historic buildings, etc. Preserving this character may require not only acquisition of selected in-town open space currently in agricultural use but may also require city code and planning support. Unlike the concept of buffer zones to counter urban sprawl, this objective focuses on potentially non-contiguous areas where this unique character is readily visible, and is intended to prevent its destruction from further development.

Please provide your assessment on the ways your project matches the above design objective:
(Consider historic structures or barns, “in-town agriculture”, leverage of adjacent properties to create larger open space, etc.)

PROVIDE PUBLIC RECREATION VENUES

This objective primarily focuses on parks, trails, and outdoor recreational or athletic venues. A separate chapter in the General Plan addresses these. They are included here in acknowledgement of their importance in an overall open space plan, and the potential use of open space public debt financing in their acquisition / construction.

Please provide your assessment on the ways your project matches the above design objective, if applicable:
(Do you envision public access to your land? If so, to what degree, and what use do you contemplate as the public use? Please address whether your proposed project would provide trail easements.)

The 10 Year Plan values “visual access”.

. . . since significant aesthetic value is a clear benefit of most of the different [open space] design objectives, the acquisition or preservation projects should ideally be located in positions of clear and frequent visibility to a maximum number of Midway citizens – for example, along main access or collector roads, roads frequented by many on day to day travel, or from viewpoints shared by many.

Please provide your assessment on the level of “visual access” your project provides:
(Consider view of the project from scenic viewpoints; from trails; from arterial, collector, or local roads. Would future development in an adjacent property impact this view? What existing viewshed(s) would be preserved by this project? How much of Midway citizenry might regularly benefit, etc.)

The 10 Year Plan indicates the intent to “leverage” Midway bond funds to maximum extent possible.

Leveraging and Partnerships: Where possible and practical, the City will work with other organizations, agencies, groups, and individuals who will share the costs of open space preservation projects.

Important evaluation criteria will be 1) an assessment of the value of your property’s development rights from a Certified Land Appraiser, and 2) the percent of that appraised value that would be covered by sources other than Midway City. Certified Land Trusts (CLT) will provide great assistance with these issues.

With which CLTs are you currently speaking in regard to project funding; with which do you anticipate speaking? May we contact them regarding your project?

An important aspect of open space preservation is that it be maintained generally in its current use/condition. Easements require this by contract. Please provide your view on how this maintenance would be provided.

(Please address permanently available water rights associated with the land; who would provide maintenance; can manpower and other costs of maintenance be reasonably sustained over the long term; your willingness to negotiate a maintenance contract, etc. The CLT can be of assistance with these items.)

What other collateral benefits accrue to Midway from this project?

(Consider wildlife habitat, contiguous with other open space, public education, surface water management, etc.)

Please describe any special conditions or reserved rights you are seeking with respect to this project
(Such as zoning variance, use permits, density reduction, etc.)

Are there any other issues you wish to have considered in the evaluation of your project?
