

Midway City Council
2 June 2020
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
505								
505	HEBER CITY CORPORATION	05272020	July 2018-June 2019 Animal Cont	05/27/2020	1,035.00	.00		
Total 505:					1,035.00	.00		
565								
565	HORROCKS ENGINEERS INC	55893	600 NORTH DESIGN AND CONS	05/15/2020	243.00	.00		
565	HORROCKS ENGINEERS INC	55893	ATTEND CITY COUNCIL	05/15/2020	459.00	.00		
565	HORROCKS ENGINEERS INC	55893	MIDWAY GENERAL ENGINEERI	05/15/2020	762.00	.00		
565	HORROCKS ENGINEERS INC	55893	MIDWAY CITY CUT PERMITS	05/15/2020	79.60	.00		
565	HORROCKS ENGINEERS INC	55893	MIDWAY CREST-CONST	05/15/2020	709.25	.00		
565	HORROCKS ENGINEERS INC	55893	WHITAKER FARMS-CONST	05/15/2020	23,090.37	.00		
565	HORROCKS ENGINEERS INC	55893	SCOTCH FIELDS PHASE 3 & 4	05/15/2020	2,219.15	.00		
565	HORROCKS ENGINEERS INC	55893	REMUND FARMS PHASE 2/3-FI	05/15/2020	826.00	.00		
565	HORROCKS ENGINEERS INC	55893	LIME CANYON MEADOWS-CON	05/15/2020	1,598.11	.00		
565	HORROCKS ENGINEERS INC	55893	REMUND FARMS PH 2&3 CONS	05/15/2020	6,100.87	.00		
565	HORROCKS ENGINEERS INC	55893	REMUND FARMS PHASE 1 CON	05/15/2020	4,921.25	.00		
565	HORROCKS ENGINEERS INC	55893	Update the Water GIS Map	05/15/2020	40.50	.00		
565	HORROCKS ENGINEERS INC	55893	2020 CAPITAL FACILITY PLAN	05/15/2020	210.00	.00		
565	HORROCKS ENGINEERS INC	55893	2020 Water Line Design	05/15/2020	68.00	.00		
565	HORROCKS ENGINEERS INC	55893	2020 Road Surface Treatment dE	05/15/2020	1,848.37	.00		
565	HORROCKS ENGINEERS INC	55893	2020 Road Surface Treatment CO	05/15/2020	11,464.50	.00		
565	HORROCKS ENGINEERS INC	55893	2020 TRAIL HOMESTEAD AND R	05/15/2020	549.20	.00		
565	HORROCKS ENGINEERS INC	55893	Update Trail General Plan	05/15/2020	306.00	.00		
565	HORROCKS ENGINEERS INC	55893	2019 CENTER & HOMESTEAD T	05/15/2020	5,944.24	.00		
565	HORROCKS ENGINEERS INC	55893	2020 Water PROJECT #1 CONST	05/15/2020	3,793.72	.00		
565	HORROCKS ENGINEERS INC	55893	2020 Water PROJECT #2 CONST	05/15/2020	14,500.98	.00		
565	HORROCKS ENGINEERS INC	55893	2020 Water PROJECT #3A CONS	05/15/2020	136.00	.00		
Total 565:					79,870.11	.00		
845								
845	MOUNTAINLAND SUPPLY COMP	S103548735.0	IRR BOX LIDS	05/13/2020	69.99	.00		
845	MOUNTAINLAND SUPPLY COMP	S103551435.0	CEMETERY	05/12/2020	243.13	.00		
845	MOUNTAINLAND SUPPLY COMP	S103554750.0	SPRINKLERS	05/15/2020	1,542.61	.00		
845	MOUNTAINLAND SUPPLY COMP	S103555838.0	CEMETERY	05/14/2020	148.82	.00		
845	MOUNTAINLAND SUPPLY COMP	S103556315.0	Water PARTS STOCK	05/15/2020	178.80	.00		
845	MOUNTAINLAND SUPPLY COMP	S103556315.0	Water PARTS STOCK	05/15/2020	76.26	.00		
845	MOUNTAINLAND SUPPLY COMP	S103557262.0	SPRINKLERS	05/15/2020	235.41	.00		
845	MOUNTAINLAND SUPPLY COMP	S103563969.0	CEMETERY	05/19/2020	42.97	.00		
Total 845:					2,537.99	.00		
870								
870	NUTECH SPECIALTIES INC	188338	ALCOHOL HAND CLEANER	05/13/2020	374.48	.00		
Total 870:					374.48	.00		
875								
875	OFFICE DEPOT	491770592001	THREE WALL MOUNT BROCHU	05/12/2020	44.54	.00		
875	OFFICE DEPOT	491771031001	Tape	05/12/2020	10.26	.00		
875	OFFICE DEPOT	498398781001	PAPER WHITE INDEX	05/22/2020	21.24	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 875:					76.04	.00		
930								
930	Dominion Energy	2731063797-5/	2731063797 Community Center	05/11/2020	420.08	.00		
930	Dominion Energy	2731063797-5/	2731063797 Community Center	05/11/2020	219.42	.00		
930	Dominion Energy	5770020000-5/	5770020000 TOWN HALL	05/11/2020	309.61	.00		
930	Dominion Energy	6558550000-5/	6558550000 Maintenance Shop	05/11/2020	116.12	.00		
930	Dominion Energy	6558550000-5/	6558550000 Maintenance Shop 2	05/11/2020	150.10	.00		
930	Dominion Energy	6801020000-5/	6801020000 Admin Office	05/11/2020	58.52	.00		
Total 930:					1,273.85	.00		
1045								
1045	STANDARD PLUMBING SUPPLY	KZFF15	CEMETERY	05/18/2020	102.98	.00		
1045	STANDARD PLUMBING SUPPLY	KZFM46	CEMETERY	05/18/2020	5.98	.00		
1045	STANDARD PLUMBING SUPPLY	KZJ837	PULL APART KEY RING/CLIP	05/19/2020	9.57	.00		
1045	STANDARD PLUMBING SUPPLY	KZND39	CEMETERY	05/20/2020	15.19	.00		
1045	STANDARD PLUMBING SUPPLY	KZNJ61	FLOWERS	05/20/2020	11.03	.00		
1045	STANDARD PLUMBING SUPPLY	KZRG08	SUPPLIES	05/21/2020	8.81	.00		
1045	STANDARD PLUMBING SUPPLY	KZRH23	RETURN OF SUPPLIES	05/21/2020	8.81-	.00		
1045	STANDARD PLUMBING SUPPLY	KZV247	TOWN HALL	05/22/2020	14.16	.00		
1045	STANDARD PLUMBING SUPPLY	KZZG14	CEMETERY	05/26/2020	19.00	.00		
1045	STANDARD PLUMBING SUPPLY	LBB136	FLOWERS	05/26/2020	36.57	.00		
Total 1045:					214.48	.00		
1170								
1170	TIMBERLINE ACE HARDWARE	133516	SIGN MATERIALS	05/15/2020	31.93	.00		
1170	TIMBERLINE ACE HARDWARE	133529	PARKS	05/16/2020	89.91	.00		
1170	TIMBERLINE ACE HARDWARE	133674	PARKS SPRINKLERS	05/21/2020	52.27	.00		
Total 1170:					174.11	.00		
1255								
1255	UTAH LOCAL GOVERNMENTS T	1582822	WORKERS COMP Policy - Monthl	05/11/2020	1,285.52	.00		
Total 1255:					1,285.52	.00		
1305								
1305	VERIZON WIRELESS	9853617440	KELTON WEBB-PHONE	05/01/2020	43.59	43.59	05/19/2020	
1305	VERIZON WIRELESS	9853617440	GEORGIA MCGUIRE-JETPACK	05/01/2020	45.19	45.19	05/19/2020	
1305	VERIZON WIRELESS	9853617440	ICE RINK-JET PACK	05/01/2020	43.67-	43.67-	05/19/2020	
1305	VERIZON WIRELESS	9853617440	MONICIA ECHOLS-PHONE	05/01/2020	45.19	45.19	05/19/2020	
1305	VERIZON WIRELESS	9853617440	BUILDING DEPT-TABLET	05/01/2020	40.01	40.01	05/19/2020	
1305	VERIZON WIRELESS	9853617440	SHANE OWENS-PHONE	05/01/2020	39.79	39.79	05/19/2020	
1305	VERIZON WIRELESS	9853617440	CORY LOTT-JET PACK	05/01/2020	40.03	40.03	05/19/2020	
1305	VERIZON WIRELESS	9853617440	ON CALL - PHONE	05/01/2020	31.50	31.50	05/19/2020	
1305	VERIZON WIRELESS	9853617440	DARIN BUNKER-PHONE	05/01/2020	51.92	51.92	05/19/2020	
1305	VERIZON WIRELESS	9853617440	MONICIA ECHOLS-PHONE	05/01/2020	51.59	51.59	05/19/2020	
1305	VERIZON WIRELESS	9853617440	MICHAEL HENKE- PHONE	05/01/2020	43.59	43.59	05/19/2020	
1305	VERIZON WIRELESS	9853617440	CORY LOTT-PHONE	05/01/2020	46.75	46.75	05/19/2020	
Total 1305:					435.48	435.48		
1310								
1310	WASATCH AUTO PARTS	195970	BUCKET SEAT COVERS/HEAD	05/11/2020	137.88	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1310	WASATCH AUTO PARTS	196904	GOOSENECK B&W	05/22/2020	400.00	.00		
1310	WASATCH AUTO PARTS	196904	WIRING HARNESS	05/22/2020	65.00	.00		
Total 1310:					602.88	.00		
1365								
1365	WAVE PUBLISHING	L16872	PUBLIC HEARING TENTATIVE B	05/08/2020	43.94	.00		
Total 1365:					43.94	.00		
1414								
1414	GENEVA ROCK PRODUCTS INC	61079-01	2020 WATER PROJECTS - PAYM	05/27/2020	106,832.77	.00		
1414	GENEVA ROCK PRODUCTS INC	61079-01	2020 ROAD PROJECTS - PAYME	05/27/2020	14,020.98	.00		
1414	GENEVA ROCK PRODUCTS INC	61079-01	70 EAST MAIN PARKING LOT-PA	05/27/2020	882.31	.00		
1414	GENEVA ROCK PRODUCTS INC	61079-01	2020 WATER PROJECTS - PAYM	05/27/2020	56,531.12	.00		
1414	GENEVA ROCK PRODUCTS INC	61079-01	2020 WATER PROJECTS-PAYM	05/27/2020	16,336.35	.00		
Total 1414:					194,603.53	.00		
1496								
1496	WATTS ENTERPRISES	05192020	OVERPAYMENT ON BUILDIN PE	05/19/2020	500.00	.00		
Total 1496:					500.00	.00		
1603								
1603	ROCKY MOUNTAIN POWER	05202020	SWISS MOUNTAIN PUMP	05/20/2020	12.12	.00		
Total 1603:					12.12	.00		
1992								
1992	K O ELECTRIC, INC.	4492	MIDWAY CITY OFFICE BUILDIN	05/27/2020	694.70	.00		
1992	K O ELECTRIC, INC.	4492	MIDWAY CITY OFFICE BUILDIN	05/27/2020	127.40	.00		
Total 1992:					822.10	.00		
2418								
2418	FINAL COMPLETION DEPOSIT	19-001 FCD	19-001 FINAL COMPLETION DE	05/18/2020	1,500.00	.00		
Total 2418:					1,500.00	.00		
2421								
2421	PUBLIC FACILITIES DEPOSIT	19-029 FCD	19-029 Public Facilities Deposit	05/19/2020	1,750.00	.00		
Total 2421:					1,750.00	.00		
2539								
2539	Burton Lumber	4610215	TOWN HALL	05/13/2020	17.83	.00		
Total 2539:					17.83	.00		
2561								
2561	CENTURYLINK -435-654-3924 45	05072020	435-654-3924 453B	05/07/2020	155.32	155.32	05/26/2020	
Total 2561:					155.32	155.32		
2627								
2627	GORDON LAW GROUP, P.C.	7906	MONTHLY FLAT FEE-LEGAL GE	05/01/2020	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.	7906	MONTHLY FLAT FEE-PRO AND	05/01/2020	300.00	.00		
2627	GORDON LAW GROUP, P.C.	7906	MONTHLY FLAT FEE-LEGAL GE	05/01/2020	4,802.93	.00		
2627	GORDON LAW GROUP, P.C.	7906	MONTHLY FLAT FEE- PRO AND	05/01/2020	306.57	.00		
2627	GORDON LAW GROUP, P.C.	7906	14 YR EXT STATE OF UTAH DIV	05/01/2020	50.00	.00		
2627	GORDON LAW GROUP, P.C.	7907	RMP PETITION FOR REVIEW	05/01/2020	29,427.00	.00		
2627	GORDON LAW GROUP, P.C.	7908	LYNN DAVID V MIDWAY FEDER	05/01/2020	63.00	.00		
2627	GORDON LAW GROUP, P.C.	7909	HUNTER V MIDWAY LITIGATION	05/01/2020	45.00	.00		
2627	GORDON LAW GROUP, P.C.	7910	SADDLE CREEK SUBDIVISION	05/01/2020	78.00	.00		
Total 2627:					39,772.50	.00		
2636								
2636	CenturyLink 435-654-4120	1491635823	435-654-4120 Phone Services	05/11/2020	902.88	.00		
Total 2636:					902.88	.00		
2658								
2658	SIGNARAMA	INV-6419	SOCIAL DISTANCING BANNERS	05/15/2020	380.00	.00		
2658	SIGNARAMA	INV-6422	EMBROIDERY ON CUSTOMER	05/15/2020	60.00	.00		
2658	SIGNARAMA	INV-6551	BUSINESSES OPEN BANNERS	05/27/2020	941.38	.00		
Total 2658:					1,381.38	.00		
2699								
2699	Chris Crittenden	05222020	BUYOUT OF CO-WORK SPACE	05/22/2020	910.00	.00		
Total 2699:					910.00	.00		
2772								
2772	BD BUSH EXCAVATION	05282020	2018 Trails Project - Payment #4	05/28/2020	136,783.18	.00		
2772	BD BUSH EXCAVATION	05282020	2018 Trails Project - Payment #4-I	05/28/2020	1,571.95	.00		
Total 2772:					138,355.13	.00		
2791								
2791	PURCHASE POWER	05192020	CREDIT BALANCE	05/19/2020	99.65	.00		
Total 2791:					99.65	.00		
2815								
2815	CATHY COVINGTON	05142020	STAFF BIRTHDAY/RETIREMENT	05/14/2020	78.33	.00		
Total 2815:					78.33	.00		
2816								
2816	COMCAST	05062020	8495 44 104 0300361 THE HALL	05/06/2020	84.78	84.78	05/26/2020	
Total 2816:					84.78	84.78		
2817								
2817	SAVATREE	7349295	GENERAL TREE CARE-3	04/21/2020	1,221.60	.00		
2817	SAVATREE	7368596	GENERAL TREE CARE-3	05/08/2020	600.00	.00		
Total 2817:					1,821.60	.00		
Grand Totals:					470,691.03	675.58		

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
2 June 2020
Regular Meeting

Minutes of the
19 May 2020
Work Meeting



Memo

Date: 29 May 2020
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 19 May 2020 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, 19 May 2020, 5:00 p.m.
Electronic Meeting**

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, 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 5:05 p.m. She excused Council Member Orme.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Kevin Payne, 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:

Lisa Orme, Council Member

2. Sunburst Ranch PUD / Amend Annexation and Development Agreements (City Planner – Approximately 30 minutes) – Discuss a request to amend the annexation and development agreements for the Sunburst Ranch PUD located at Ranch Way and Swiss Alpine Road (Zoning is R-1-22 and RA-1-43).

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

- History of the PUD
- Land use summary
- Location of the PUD
- Phasing
- Topography of Phase 3
- Phase 3 plan submitted with annexation
- Phase 3 plan submitted in 2010 and approved by the City Council
- New plan for Phase 3
- Retaining walls
- Comparison of the 2010 plan and the new plan at the same scale

- Landscaping
- Photo simulations of the 2010 plan and the new plan.
- Comparison of amenities
- Comparison of environmental impact
- Points of discussion
- Documents submitted by the Sunburst Ranch HOA
- Drainage of Swiss Alpine Road
- Catch basin in Phase 3

Mr. Henke also made the following comments:

- When most people bought units in the PUD the majority of the open space and all of the amenities were planned to be in Phase 3.
- The HOA was concerned that the amenities in the new plan were too close to the units.
- Elevation change was not considered with open space but could impact its usability.
- The water rights for the project had been turned over to the City.
- The amount of water needed for the new plan had not been calculated.
- The HOA opposed the new plan.
- The amenities in the new plan were close to the units to preserve open space.
- The PUD did not meet the current requirement of 50% open space. This was not a requirement when the project was originally approved.

Note: A copy of Mr. Henke's presentation and the documents submitted by the HOA are contained in the supplemental file.

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

- The required amount of water for the new plan should be determined.
- The scale of the amenities in the new plan was different than in the 2010 plan.
- Paving in Swiss Mountain Estates improved the drainage issues with Swiss Alpine Road, but a catch basin in Phase 3 was still needed.
- Onsite drainage had to be addressed within the project.
- All phases of the PUD should be considered when contemplating the amendment.
- The developer wanted to segregate Phase 3 from the rest of the PUD.

Corbin Cordon reviewed a lawsuit by the developer of Phase 3 against the HOA. He made the following comments:

- The court granted the developer's first three requests in summary judgement. It did not decide on the use of the roads in the other phases for Phase 3. It also determined that the City not the HOA had to enforce Resolution 2010-17. Read the Court's statement on the use of the roads.
- The developer did not want Phase 3 to be associated with any of the other phases.
- The Council had full discretion to grant or reject the amendment.
- There was a binding resolution that the developer wanted to alter.

It was pointed out that Phase 3 needed two points of entry. Using the roads in the other phases as an entry was contested.

3. City Facilities / Use Policy and Fees (Council Member Orme and Council Member Dougherty – Approximately 30 minutes) – Discuss possible changes to the policy and fees for the use of the City’s facilities.

Mayor Johnson reviewed discussions on the use of the City’s facilities and made the following comments:

- Fees for the use of facilities had not been discussed.
- Rental agreements were being revised.
- The use of spaces in the various buildings was being reviewed.
- The City Office Building should only be used for events sanctioned by the City.
- The spaces on the main floor of the Town Hall should be used for retail.
- The spaces on the main floor of the Community Center should be used more effectively.
- There should be a usage agreement for storage in the basement of the Community Center.

4. Adjournment

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

The meeting was adjourned at 6:00 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
2 June 2020
Regular Meeting

Minutes of the
19 May 2020
Regular Meeting



Memo

Date: 29 May 2020
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 19 May 2020 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 May 2020, 6:00 p.m.
Electronic Meeting**

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1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:04 p.m. She excused Council Member Orme.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Kevin Payne, Council Member
JC Simonsen, Council Member

Staff Present:

Corbin Gordon, Attorney
Joshua Jewkes, Attorney’s Office (Started participating at 8:25 p.m. and stopped participating at 10:15 p.m.)
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Lisa Orme, Council Member

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

2. Consent Calendar

- a. Agenda for the 19 May 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 5 May 2020 City Council Regular Meeting

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

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

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	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

Pandemic / Masks

Mayor Johnson stressed the importance of wearing masks in public during the pandemic.

Road / Water / Projects

Council Member Simonsen reported on the current road and water projects.

North Center Street / Speeding / Trail

Council Member Simonsen was concerned about speeding and the lack of a trail on the north section of Center Street. He indicated that the City Engineer would prepare a cost estimate to build the trail.

Parking / West Main Street

Council Member Simonsen asked the Council to consider parking projects along the west section of Main Street.

Trails and Parks Committee / Focus on Parks

Council Member Simonsen reported that the Midway City Trails and Parks Advisory Committee would turn its focus from trails to parks.

Trails and Parks Committee / Tree City USA

Council Member Simonsen reported that a member of the Trails and Parks Committee was drafting language regarding trees on public property for the Tree City USA program.

Dutch Fields/River Road Trail / Onsite Review / Contract

Council Member Simonsen reported that there was an onsite review of the Dutch Fields/River Road trail. He added that a contract for its repair now needed to be signed between the City and the Dutch Fields HOA.

River Road / Cross-Section

Wes Johnson presented a proposal to change the planned cross-section for River Road. The proposal would replace the two five-foot bike lanes with one detached trail. This was the preference of the neighbors.

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

Midway Irrigation Company / Manager

Council Member Dougherty reported that Mike Kohler still wanted to retire as the manager for the Irrigation Company and a replacement needed to be hired.

Midway Crest Subdivision / Pond

Council Member Dougherty reported that the developer, of the Midway Crest Subdivision, wanted to create a pond in the project using Island Ditch water. The Irrigation Company was considering the proposal.

Open Lands Board / Midway Representative

Council Member Dougherty reported that Steve Stevens would replace Courtland Nelson as Midway's representative on the Wasatch County Open Lands Board.

Open Space Bonds / Interest Rate

Mayor Johnson reported that the City had issued municipal bonds for the purchase of open space with an interest rate of 2.28%.

Summit Land Conservancy / Headwaters Preservation

Council Member Dougherty reported that Summit Land Conservancy had received a grant to protect headwaters.

Signs Promoting Local Businesses

Council Member Dougherty reported that signs, promoting local businesses that were open, would be installed at the entrances to Midway. He added that smaller signs would be placed in front of each business.

5. **Ordinance 2020-13 / Identification of Streets** (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2020-13 repealing Ordinance 96-6 requiring that all streets be identified with a number and houses have an identification number on the exterior.
6. **Resolution 2020-13 / Standard Specifications and Street Signs** (City Engineer – Approximately 5 minutes) – Discuss and possibly adopt Resolution 2020-13 amending the Midway City Standard Specifications and Drawings regarding street signs.

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

- Proposed language
- Fire District response
- Sign formats
- Midway's current specifications for street signs
- Heber City's specifications for street signs
- The format requested by Wasatch County

Mr. Henke also made the following comments:

- The proposed ordinance included feedback from the Council.
- It replaced Ordinance 96-6.
- It would help prevent duplicate street names.
- Some streets could have a name and no number.
- All street signs would have to meet the adopted standards.
- Street signs improved health and safety.
- Sign variances were allowed.

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

Motion: Council Member Dougherty moved to adopt Ordinance 2020-13 dealing with street signage and house numbering as drafted and presented that evening.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

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

- The specifications for street signs should include the appropriate color and logo.
- They would have to meet UDOT standards.
- The style of the signs would not be determined that night.

Motion: Council Member Simonsen moved to approve Resolution 2020-13 amending the Standard Specifications and Drawings, regarding street signs, and authorizing the City Engineer and staff to modify them to match what had been passed including the style, color and icon once established.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

A participant asked how the City chose the new logo. Mayor Johnson responded that the Council discussed it and made the choice. She added that the current seal was difficult to read and see at a distance. The logo was designed by a resident at no charge.

7. Tentative FY 2021 Budget / Public Hearing (Financial Officer – Approximately 30 minutes)
 – Receive public comment on and possibly discuss the adopted tentative FY 2021 Budget for Midway City (**Public Hearing**).

Brad Wilson gave a presentation on the budget and reviewed the following items:

- Introduction
- Organization
- General Fund 5-year trend
- FY 2020 point of sale taxes compared to FY 2019
- Revenue, expenditures, and significant items for each fund

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

Public Hearing

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

A member of the public asked about the repair of the Dutch Canyon/River Road trail. Council Member Simonsen responded that the repair was planned. Mayor Johnson added that the project was in the budget.

A member of the public asked about the roundabouts on River Road. Mayor Johnson responded that they were being installed and paid for by the Whitaker Farm developer. Wes Johnson also responded that the project would be completed by June 15th if an issue with wetlands could be resolved.

Mayor Johnson indicated that the cost for the solar panels, for the roof of the Community Center, was being determined.

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

8. Café Galleria / Liquor License (Andy Jenkins – Approximately 30 minutes) – Discuss and possibly grant local consent for a continuation of a limited service restaurant liquor license for the Café Galleria located at 101 West Main Street **(Public Hearing)**.

Michael Henke gave a presentation regarding the request and reviewed possible findings and a proposed condition.

Mr. Henke also made the following comments:

- Café Galleria had a new owner which required a new liquor license and local consent.
- A proximity variance was also required because the restaurant was near the Town Square.
- The license type would not change and would allow the sale of beer and wine.
- The City did not have any concerns with the request.
- Recommended that no alcohol related signage be visible from the street.

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

Public Hearing

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

Motion: Council Member Simonsen moved to approve local consent and grant a proximity variance for a liquor license for Café Galleria with the following findings and conditions:

- The proposed license would continue to allow the sale of beer and wine at Café Galleria.

- The proposal was the same as the current approval for alcohol sales at Café Galleria.
- The restaurant property was located within 200 feet of public property.
- The State required a proximity variance because of the location near the Town Square.
- No alcohol related signage would be visible on the exterior of the building or on the inside, visible from the outside.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

9. Ordinance 2020-11 / Food Truck Amendments (City Planner – Approximately 30 minutes)
 – Discuss and possibly adopt Ordinance 2020-11 amending Section 7.05.050 (Periodic Sale of prepared Food by Mobile Vendors) of the Midway City Municipal Code **(Public Hearing)**.

Mayor Johnson reported that the ordinance had already been discussed but the Council wanted the public's input. She added that Council Member Dougherty had discussed it with the Midway Business Alliance.

Michael Henke gave a presentation regarding the proposed ordinance and reviewed the current code.

Mr. Henke also made the following comments:

- The owners of restaurants on Main Street had been notified of that night's meeting and the proposed ordinance. Had not received any comment from them.
- There were no issues with the current code.
- The proposal was to allow food trucks on the City's property. This was not clear in the current code.
- Food trucks should not be allowed on private residential property unless they were catering an event.
- Food trucks could have a negative visual impact.
- Was seeking input and the ordinance would be adopted at another meeting.
- Would contact UDOT regarding food trucks in its rights-of-way.
- The most difficult requirement was that food trucks had to have access to a restroom. They usually contracted with an existing business for such access. Would talk to the Wasatch County Health Department to see if this was still one of its requirements.

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

Public Hearing

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

Krista Lewis

Ms. Lewis stated that food trucks should not exacerbate the existing parking problems.

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

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

- Food trucks should be allowed on the Town Square if it was in conjunction with renting the area or one of the City's buildings on the block.
- Food trucks should be allowed in the public right-of-way under certain conditions. The City should have discretion on allowing them in the public right-of-way.
- The owner of the Midway Mercantile restaurant thought that food trucks were a different offering and experience from his business and did not oppose them.
- Some areas had more parking than other areas.
- Food trucks would be parked in certain areas only occasionally.
- The City should have flexibility to insure additional parking.
- Food trucks were safer off the street.
- Parking should be increased rather than food trucks prohibited.
- A food truck operated on Heber City Main Street without access to a restroom.

Motion: Council Member Drury moved to continue the item since a copy of the ordinance had not been provided to the Council.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

10. Ordinance 2020-14 / Amend Planning Commission Bylaws (City Attorney – Approximately 5 minutes) – Discuss and possibly adopt Ordinance 2020-07 amending the by-laws for the Midway City Planning Commission.

Michael Henke made the following comments:

- The number of votes, by planning commission members, needed to approve a motion had to be clarified.

- Currently the commission chair only voted to make or break a tie. Proposed that the chair vote on every item when only four members were present.
- A tie vote would move an item to the Council.
- Clarified that the chair could make a tie when desired.

Motion: Council Member Drury moved to adopt Ordinance 2020-14 amending the planning commission bylaws with the language as stated by staff and in the packet for the meeting.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 8:16 p.m. She reconvened the meeting at 8:25 p.m.

11. 970 South Transmission Line / Burial (City Attorney – Approximately 30 minutes) – Discuss and possibly approve burying the 970 South transmission line, determine the sections to be buried and pay the applicable costs of burial.

12. Facilities Review Board / Appeal (City Attorney – Approximately 30 minutes) – Discuss and possibly appeal the decision of the Utah Utility Facilities Review Board regarding the 970 South transmission line.

Corbin Gordon made the following comments:

- The transmission line was discussed at length at the previous council meeting.
- Council Member Payne wanted to meet with Rocky Mountain Power (RMP). That meeting occurred but he had not received any further information from them.
- The Council could appeal the decision of the Utah Utility Facility Review Board.
- It had to enter into a payment agreement by May 27th.
- The Council had 15 days to choose the length of the line to be buried and 20 days to enter into a payment agreement.
- The Review Board accepted RMP's bids and determined the excess and above ground costs.
- The City did not have the money to bury the line.
- The City would have to appeal and challenge the bid amounts. It should not enter into a payment agreement without knowing the actual cost to bury the line.
- The City would have to seek a stay and petition to the Review Board to appeal its decision. If it did not prevail then it could appeal to the appellate court.

- Wasatch County appealed a decision by the Review Board but did not seek a stay. Because a stay was not sought, the associated transmission line was built while the appeal was being decided.
- A stay may or may not be long enough for the City to bond to bury the line.
- The appellate court could take a year or more to decide the case. The court could require the Review Board to get new bids and release the stay when those bids were provided.
- The cost to appeal could be \$40,000 to \$50,000.
- Seeking a stay could cost \$10,000 to \$15,000.
- A stay was needed so the City did not have to enter into a payment agreement by the 27th.
- The burial cost might be \$5 million if the appeal was successful and excess costs were deducted.
- The Council could not choose a burial length because the bids were unreasonable.

Joshua Jewkes explained the previous Wasatch County petition before the Review Board. He made the following comments:

- An appeal would be complicated.
- There were several problems with the Review Board's order.
- Less than 10% of civil appeals were successful.
- Nothing else mattered if the City could not get a stay.
- A request for a stay had to be filed immediately. Thought that it would be for the entire period of the appeal.
- The City would argue that it would forfeit its appeal right if a stay was not issued.
- There was no reasonable argument that the City would have to provide a bond to appeal.
- RMP could not claim damages if it won the case. This included damages for delaying the project.
- An appeal might persuade RMP to reconsider some of its positions or change its bid specifications.

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

- VOLT agreed to pay \$10,000 to \$15,000 towards the cost of an appeal.
- A stay could give the City time to bond for the burial costs.
- The bond cost would be similar to the \$10 a month cited by the City in its survey.
- The voters should decide by voting on a bond.
- The City should not make any financial commitments before voters decided on a bond.
- Funding the burial without a bond could bankrupt the City.
- There was no risk in seeking a stay. It would only give the City time.
- If a bond was approved, then the City should enter into a payment agreement.
- The City would have to bond for the worst-case scenario regarding cost. It did not have to issue the full amount of bonds approved by the voters.
- Information for a bond would have to include the property tax increase per \$100,000 of value. A breakdown of the cost per month could also be provided.
- The City had not budgeted for a bond election which could be \$20,000.
- The City should not commit to pay any significant amount of money unless a bond was approved.
- The City should seek the stay and appeal because VOLT would pay that cost.

- The issue of rights-of-way for burial needed to be addressed before the line could be built. The property owners had to address this issue. They could speak with the State's property rights ombudsman.
- The City could withdraw its stay at any time. Damages and legal fees would only be awarded if the court determined the City acted frivolously or to delay.
- The conditional use permit (CUP) issued by the Council anticipated three valid bids. Further information, review and assistance was needed regarding their validity.
- What financial exposure did the City have if a stay was granted?
- A request for a stay should be filed with or without private financial support.

Motion: Council Member Dougherty moved that the City Council direct the City Attorney to prepare and file a notice of appeal and expeditiously file a motion to obtain a stay before May 27th. If a stay was not granted by that date, then the issue would be brought back to the Council at a special meeting.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Drury indicated, that if the stay was not granted, then the only options were to waive the conditions in the CUP that the line be buried or pay \$9 million to bury it. Council Member Dougherty doubted the City would ever have to pay that much to bury it.

Corbin Gordon indicated that the above ground conditions of the CUP would remain if the conditions for underground were eliminated.

Council Member Simonsen said that a stay request was prudent, but the City should not agree to pay an unlimited amount of money to bury the line. Council Member Dougherty and Council Member Payne agreed.

Council Member Payne indicated that the \$780,000 raised by VOLT and the \$691,000 in right-of-way costs came close to the \$1.5 million requested from VOLT in the CUP.

Mr. Gordon indicated that the court could pause the requirement for a payment agreement until the stay was decided.

Council Member Dougherty indicated that he did not live in the area proposed for the line and would not be impacted by it.

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

13. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Character, Professional Competence, or Physical or Mental Health of an Individual

Motion: Council Member Drury moved to go into a closed meeting to discuss the character, professional competence, or physical or mental health of an individual.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

Note: Pursuant to section 52-4-206, Utah Code Annotated 1953, the closed meeting was not recorded nor was written minutes kept. An affidavit affirming the purpose of the meeting is contained in the supplemental file.

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

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

14. Adjournment

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

The meeting was adjourned at 10:15 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder