

# MIDWAY CITY COUNCIL REGULAR MEETING

Tuesday, 17 September 2019, 6:00 p.m.  
Midway Community Center, City Council Chambers  
160 West Main Street, Midway, Utah

*Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small-town Swiss character & natural environment, as well as remaining fiscally responsible.*

## 1. Call to Order

### a. Pledge of Allegiance

### b. Prayer and/or Inspirational Message

Any Midway resident interested in giving a prayer and/or an inspirational message may contact the City Recorder at [bwilson@midwaycityut.org](mailto:bwilson@midwaycityut.org) or 435-654-3223 x118.

## 2. Consent Calendar

Be it hereby moved that the following consent calendar items stand approved:

- a. Agenda for the 17 September 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 3 September 2019 City Council Regular Meeting
- d. Conclude the warranty period and release the remainder of the bond for the Kelson Rural Preservation Subdivision, located at 943 West Swiss Alpine Road, subject to the payment of all fees due to Midway City
- e. Release the construction bond minus 10%, \$21,000 for landscaping, \$25,576.80 to slurry seal, and \$5,850.29 for a survey for as-built drawings and begin the one-year warranty period for Phase II of the Appenzell PUD located at 600 South Center Street

## 3. Public Comment (Approximately 15 minutes)

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

## 4. Department Reports (Approximately 30 minutes)

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

## 5. Main Street Streetlights (Carson Fillin – Approximately 15 minutes) – Discuss streetlight options and examples for Midway Main Street.

## 6. Watts Remund Farms PUD / Master Plan Amendment (Berg Engineering – Approximately 30 minutes) – Discuss and possibly amend the master plan for the Watts Remund Farms PUD located at approximately 200 East 600 North (Zoning is R-1-15). Recommended with conditions by the Midway City Planning Commission.

## 7. Zermatt Resort / Business Growth Grant (Maxine Jensen – Approximately 30 minutes) – Discuss Zermatt Resort's application for a business growth grant.

8. **Ice Rink / Management Agreement** (City Attorney – Approximately 15 minutes) – Discuss and possibly approve an agreement with the Midway Boosters to manage the Midway City Ice Rink for the 2019 - 2020 season.
9. **Land Use Agreements / Duration** (City Attorney – Approximately 15 minutes) – Discuss the duration for various agreements related to land use including annexation agreements, master plan agreements, development agreements, etc.
10. **Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property**
11. **Adjournment**

Published on the Utah Public Notice Website on 12 September 2019 at 5:30 p.m. by Brad Wilson (City Recorder)  
Posted on 12 September 2019 at 8:00 p.m. by Brad Wilson (City Recorder)

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

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

Midway City Council  
17 September 2019  
Regular Meeting

Warrants

Report Criteria:

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

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>200</b>								
200	Blue Stakes of Utah 811	UT20191642	BILLABLE E-MAIL NOTIFICATIO	08/31/2019	84.63	.00		
Total 200:					84.63	.00		
<b>245</b>								
245	C-THRU WINDOW	9978	Town Hall entries, windows & har	08/27/2019	410.00	.00		
Total 245:					410.00	.00		
<b>270</b>								
270	CASELLE INC	97036	Contract AND MAINTENANCE 1	09/01/2019	68.00	.00		
270	CASELLE INC	97036	Contract AND MAINTENANCE O	09/01/2019	358.27	.00		
Total 270:					426.27	.00		
<b>665</b>								
665	JB GORDON CONSTRUCTION I	3498	Improvements - Partial pmt#2	08/29/2019	229,583.51	.00		
Total 665:					229,583.51	.00		
<b>845</b>								
845	MOUNTAINLAND SUPPLY COM	S103089496.0	Monument R&L, Ring & lid	06/06/2019	1,427.02	.00		
845	MOUNTAINLAND SUPPLY COM	S103130759.0	Barb funny elbow, pipe wrench	06/27/2019	65.01	.00		
845	MOUNTAINLAND SUPPLY COM	S103227661.0	Flg bolt pack, gskets, bolts/nuts	09/05/2019	12.50	.00		
845	MOUNTAINLAND SUPPLY COM	S103228052.0	Repair couplings, tees, busings, e	09/04/2019	281.45	.00		
Total 845:					1,785.98	.00		
<b>875</b>								
875	OFFICE DEPOT	365772379001	Batteries, Paper, Plates, Pens	08/20/2019	202.99	.00		
875	OFFICE DEPOT	365774204001	Batteries, Pens, Stamps, Ink pads	08/20/2019	31.40	.00		
875	OFFICE DEPOT	366892064001	Easy touch pens	08/21/2019	9.74	.00		
875	OFFICE DEPOT	366892064001	Copy paper	08/21/2019	25.62	.00		
Total 875:					269.75	.00		
<b>955</b>								
955	REAMS	851652	Eric Mecham - muck boots	08/08/2019	160.00	.00		
Total 955:					160.00	.00		
<b>1015</b>								
1015	SAFETY SUPPLY & SIGN CO IN	170068	36" lime cones w/reflective bands	08/28/2019	369.60	.00		
Total 1015:					369.60	.00		
<b>1170</b>								
1170	TIMBERLINE ACE HARDWARE	128497	Lantern, Key kwikset, USB charge	08/28/2019	49.95	.00		
1170	TIMBERLINE ACE HARDWARE	128498	Cable ties, tape	08/28/2019	23.17	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1170:					73.12	.00		
<b>1305</b>								
1305	VERIZON WIRELESS	9837114886	MONICa Echols Tablet	09/01/2019	45.19	.00		
1305	VERIZON WIRELESS	9837114886	Michael Henke Phone	09/01/2019	50.87	.00		
1305	VERIZON WIRELESS	9837114886	Kelton Webb Phone	09/01/2019	43.88	.00		
1305	VERIZON WIRELESS	9837114886	CORY LOTT Phone	09/01/2019	47.08	.00		
1305	VERIZON WIRELESS	9837114886	MONICa Echols phone	09/01/2019	51.88	.00		
1305	VERIZON WIRELESS	9837114886	SHANE OWENS Phone	09/01/2019	61.08	.00		
1305	VERIZON WIRELESS	9837114886	CORY LOTT Jetpack	09/01/2019	40.05	.00		
1305	VERIZON WIRELESS	9837114886	Georgia McGuire jetpack	09/01/2019	45.19	.00		
1305	VERIZON WIRELESS	9837114886	Steven Rhoads Phone - credit	09/01/2019	41.62-	.00		
1305	VERIZON WIRELESS	9837114886	Steven Tablet	09/01/2019	40.01	.00		
1305	VERIZON WIRELESS	9837114886	Darin Bunker Phone	09/01/2019	52.24	.00		
1305	VERIZON WIRELESS	9837114886	ON CALL PHONE	09/01/2019	31.73	.00		
1305	VERIZON WIRELESS	9837114886	Ice Rink jetpack	09/01/2019	45.19	.00		
Total 1305:					512.77	.00		
<b>1360</b>								
1360	WASATCH COUNTY SOLID WA	80293 050119	80293 Centennial park May billing	05/01/2019	220.00	.00		
1360	WASATCH COUNTY SOLID WA	80293 090119	80293 Centennial park	09/01/2019	220.00	.00		
1360	WASATCH COUNTY SOLID WA	80294 090119	80294 Midway City Hamlet Park	09/01/2019	225.00	.00		
1360	WASATCH COUNTY SOLID WA	90042 090119	90042 Community Center	09/01/2019	75.00	.00		
1360	WASATCH COUNTY SOLID WA	90291 090119	90291 Park & Offices	09/01/2019	145.00	.00		
1360	WASATCH COUNTY SOLID WA	90292 090119	90292 Cemetery	09/01/2019	75.00	.00		
1360	WASATCH COUNTY SOLID WA	93287 090119	93287 City Shop	09/01/2019	75.00	.00		
Total 1360:					1,035.00	.00		
<b>1365</b>								
1365	WAVE PUBLISHING	L16584	NOTICE OF PUBLIC HEARING 8	08/21/2019	111.00	.00		
1365	WAVE PUBLISHING	L16593	Public Notice Trails&Parks 8/28, 9	08/28/2019	32.36	.00		
1365	WAVE PUBLISHING	L16594	Public Notice Open Space 8/28, 9	08/28/2019	27.74	.00		
1365	WAVE PUBLISHING	L16595	NOTICE OF PUBLIC Mtg 8/28, 9/	08/28/2019	171.12	.00		
Total 1365:					342.22	.00		
<b>1375</b>								
1375	WHEELER MACHINERY CO	RS0000133616	EquipRental 8/24/19-8/23/20	08/28/2019	2,250.00	.00		
1375	WHEELER MACHINERY CO	RS0000133616	EquipRental 8/24/19-8/23/20 (#2)	08/28/2019	2,250.00	.00		
1375	WHEELER MACHINERY CO	RS0000133616	EquipRental 8/24/19-8/23/20 - Cat	08/28/2019	2,250.00	.00		
1375	WHEELER MACHINERY CO	RS0000133616	EquipRental 8/24/19-8/23/20	08/28/2019	2,250.00	.00		
Total 1375:					9,000.00	.00		
<b>1421</b>								
1421	HEBER LIGHT & POWER	18153001 0830	18153001 Gerber Water Tank	08/30/2019	28.32	.00		
1421	HEBER LIGHT & POWER	18153002 0830	18153002 75 N 100 W	08/30/2019	386.90	.00		
1421	HEBER LIGHT & POWER	18153003 0830	18153003 Cemetery FG PL Light	08/30/2019	49.71	.00		
1421	HEBER LIGHT & POWER	18153004 0830	18153004 Cottages 3 Pump	08/30/2019	2,093.20	.00		
1421	HEBER LIGHT & POWER	18153006 0830	18153006 Maintenance Shop	08/30/2019	234.11	.00		
1421	HEBER LIGHT & POWER	18153007 0830	18153007 850 E Main-Hamlet	08/30/2019	24.86	.00		
1421	HEBER LIGHT & POWER	18153008 0830	18153008 Town Hall	08/30/2019	397.83	.00		
1421	HEBER LIGHT & POWER	18153009 0830	18153009 Ice Rink TS Lights	08/30/2019	86.14	.00		
1421	HEBER LIGHT & POWER	18153010 0830	18153010 Ice Rink Chiller	08/30/2019	8.48	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1421	HEBER LIGHT & POWER	18153012 0830	18153012 ROUNDABOUT	08/30/2019	17.97	.00		
1421	HEBER LIGHT & POWER	18153013 0830	18153013 Community Center	08/30/2019	187.11	.00		
1421	HEBER LIGHT & POWER	18153014 0830	18153014 Valais Park	08/30/2019	9.24	.00		
1421	HEBER LIGHT & POWER	18153015 0830	18153015 Centennial Park	08/30/2019	33.58	.00		
1421	HEBER LIGHT & POWER	18153016 0830	18153016 Ball Park Lights	08/30/2019	8.48	.00		
1421	HEBER LIGHT & POWER	18153017 0830	18153017 Swiss Days Trailer	08/30/2019	8.48	.00		
1421	HEBER LIGHT & POWER	18153018 0830	18153018 Alpinhof Tank	08/30/2019	9.02	.00		
1421	HEBER LIGHT & POWER	18153019 0830	18153019 Town Square Shelter	08/30/2019	110.56	.00		
1421	HEBER LIGHT & POWER	18153021 0830	18153021 Restrooms	08/30/2019	10.64	.00		
1421	HEBER LIGHT & POWER	18153022 0830	18153022 Mahogany Well	08/30/2019	72.45	.00		
1421	HEBER LIGHT & POWER	18153033 0830	18153033 Pedestal for Swiss Day	08/30/2019	14.08	.00		
1421	HEBER LIGHT & POWER	18153034 0830	18153034 1295 W 310 N	08/30/2019	1,596.15	.00		
1421	HEBER LIGHT & POWER	18153035 0830	18153035 New Maint. Building (C)	08/30/2019	175.73	.00		
1421	HEBER LIGHT & POWER	18153036 0830	18153036-250 EAST MICHIE LN-	08/30/2019	8.41	.00		
1421	HEBER LIGHT & POWER	18153040 0830	18153040 300 S 300 E SPRINKL	08/30/2019	9.08	.00		
1421	HEBER LIGHT & POWER	18153041 0830	18153041 350 S 300 E SPRINKL	08/30/2019	9.11	.00		
Total 1421:					5,589.64	.00		
<b>1542</b>								
1542	STATE OF UTAH GASCARD/FU	NP56868640	GAS/FUEL	09/02/2019	2,219.11	.00		
Total 1542:					2,219.11	.00		
<b>1593</b>								
1593	TWIN D INC ENVIRONMENTAL	18184	Clean Vac truck Aug2019	08/22/2019	1,200.00	.00		
Total 1593:					1,200.00	.00		
<b>1931</b>								
1931	KW ROBINSON CONSTRUCTIO	2019-49	Swiss Alpine Rd - Pay request #3	08/29/2019	54,290.47	.00		
Total 1931:					54,290.47	.00		
<b>1989</b>								
1989	BANKCARD CENTER	4717 AUGUST	TRAVEL	09/03/2019	95.26	.00		
1989	BANKCARD CENTER	4717 AUGUST	TRAVEL	09/03/2019	117.04	.00		
1989	BANKCARD CENTER	4717 AUGUST	TRAVEL	09/03/2019	468.16	.00		
1989	BANKCARD CENTER	4717 AUGUST	TRAVEL	09/03/2019	381.04	.00		
1989	BANKCARD CENTER	4717 AUGUST	PARKING	09/03/2019	64.20	.00		
1989	BANKCARD CENTER	4717 AUGUST	TRAVEL	09/03/2019	585.20	.00		
1989	BANKCARD CENTER	4717 AUGUST	TRAVEL	09/03/2019	381.04	.00		
1989	BANKCARD CENTER	5219 AUGUST	TRACTOR SUPPLIE - MICHIE F	09/03/2019	459.83	.00		
1989	BANKCARD CENTER	6014 AUGUST	ULCT CONFERENCE - MAYOR J	09/03/2019	425.00	.00		
1989	BANKCARD CENTER	6014 AUGUST	DOMAIN RENEWAL	09/03/2019	19.99	.00		
1989	BANKCARD CENTER	6014 AUGUST	DELL	09/03/2019	42.99	.00		
1989	BANKCARD CENTER	6014 AUGUST	RURAL WATER TRAINING	09/03/2019	450.00	.00		
1989	BANKCARD CENTER	6014 AUGUST	APT US&C MEMBERSHIP	09/03/2019	145.00	.00		
1989	BANKCARD CENTER	6014 AUGUST	UT CHAPTER ICC	09/03/2019	100.00	.00		
1989	BANKCARD CENTER	6014 AUGUST	USPS - STAMPS	09/03/2019	140.00	.00		
1989	BANKCARD CENTER	6014 AUGUST	ULCT CONFERENCE - LISA OR	09/03/2019	485.00	.00		
1989	BANKCARD CENTER	6014 AUGUST	LEES MARKETPLACE - STEVE	09/03/2019	31.63	.00		
1989	BANKCARD CENTER	6014 AUGUST	DELL	09/03/2019	2,080.66	.00		
1989	BANKCARD CENTER	6215 AUGUST	QUICKBOOKS SOFTWARE REN	09/03/2019	322.45	.00		
1989	BANKCARD CENTER	6215 AUGUST	CAR WASH	09/03/2019	20.00	.00		
1989	BANKCARD CENTER	8789 AUGUST	RURAL WATER TRAINING	09/03/2019	1,190.00	.00		
1989	BANKCARD CENTER	8789 AUGUST	cOSTCO-PRINTER FOR SHOP	09/03/2019	129.73	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1989	BANKCARD CENTER	8789 AUGUST	WALMERT - SUPPLIES	09/03/2019	28.91	.00		
1989	BANKCARD CENTER	8789 AUGUST	carHARTT - CLOTHING	09/03/2019	117.05	.00		
1989	BANKCARD CENTER	8789 AUGUST	carHARTT CLOTHING	09/03/2019	541.90	.00		
1989	BANKCARD CENTER	8789 AUGUST	cOSTCO-SWISS DAYS CANDY	09/03/2019	369.51	.00		
1989	BANKCARD CENTER	8789 AUGUST	cOSTCO-STORAGE	09/03/2019	104.46	.00		
Total 1989:					9,042.27	.00		
<b>2037</b>								
2037	EWING IRRIGATION	8179357	valve decoders for cemetery sprin	08/23/2019	369.00	.00		
Total 2037:					369.00	.00		
<b>2080</b>								
2080	NATIONAL BENEFIT SERVICES	714363	FSA PLAN ADMIN August2019	08/31/2019	75.00	75.00	09/04/2019	
Total 2080:					75.00	75.00		
<b>2147</b>								
2147	CHEMTECH-FORD LABORATO	1910054	colilert AP 9-3-19	09/04/2019	120.00	.00		
Total 2147:					120.00	.00		
<b>2418</b>								
2418	FINAL COMPLETION DEPOSIT	18-150 FCD	18-150 FINAL COMPLETION DE	09/10/2019	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	18-162 FCD	18-162 FINAL COMPLETION DE	09/11/2019	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	19-008 FCD	19-008 FINAL COMPLETION DE	09/03/2019	1,500.00	.00		
Total 2418:					4,500.00	.00		
<b>2425</b>								
2425	GARRETT & COMPANY, INC	1178	1001 Play Structure equip - Michi	08/28/2019	58,877.00	.00		
Total 2425:					58,877.00	.00		
<b>2518</b>								
2518	The Go Travel Sites	14355	Hostings/Service June-Sept 2019	08/21/2019	168.00	.00		
Total 2518:					168.00	.00		
<b>2519</b>								
2519	Berg Landscape Architects	611	PREPARE Midway City Park Sign	07/01/2019	250.00	.00		
Total 2519:					250.00	.00		
<b>2550</b>								
2550	Mabey, Wright & James, PLLC	20070	Review change applications	08/29/2019	275.00	.00		
Total 2550:					275.00	.00		
<b>2582</b>								
2582	WEST COAST CODE CONSULT	UT19-504-006	Fitzgerald & Waldrip plan reviews	09/10/2019	255.00	.00		
Total 2582:					255.00	.00		
<b>2598</b>								
2598	IIMC	062419 C	Credit memo to duplicate invoice	06/24/2019	170.00-	170.00-	09/05/2019	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2598:					170.00-	170.00-		
<b>2599</b>								
2599	Precision Concrete Cutting	080819	Partial payment #1 - Final	08/08/2019	13,361.94	.00		
Total 2599:					13,361.94	.00		
<b>2614</b>								
2614	Executech Utah, Inc.	136926	Network cable	08/26/2019	3.50	.00		
Total 2614:					3.50	.00		
<b>2627</b>								
2627	Gordon Law Group, P.C.	6763	Bonner Meadows Subdivision	09/02/2019	58.50	.00		
2627	Gordon Law Group, P.C.	6765	Additional hours	09/02/2019	548.02	.00		
2627	Gordon Law Group, P.C.	6765	Additional hours	09/02/2019	34.98	.00		
2627	Gordon Law Group, P.C.	6765	MONTHLY FLAT FEE	09/02/2019	4,700.00	.00		
2627	Gordon Law Group, P.C.	6765	MONTHLY FLAT FEE	09/02/2019	300.00	.00		
2627	Gordon Law Group, P.C.	6805	Whitaker Farm Annexation	09/02/2019	3,285.75	.00		
2627	Gordon Law Group, P.C.	6806	Raynor Subdivision	09/02/2019	468.00	.00		
2627	Gordon Law Group, P.C.	6807	Cozens Subdivision	09/02/2019	78.00	.00		
2627	Gordon Law Group, P.C.	6808	Haven Farms Subdivision	09/02/2019	487.50	.00		
Total 2627:					9,960.75	.00		
<b>2658</b>								
2658	SIGNARAMA	INV-4885	Magnets	08/29/2019	125.00	.00		
Total 2658:					125.00	.00		
<b>2700</b>								
2700	Car Quest Auto Parts	15341-38591	Grease gun	09/04/2019	17.99	.00		
Total 2700:					17.99	.00		
<b>2709</b>								
2709	Celeste Johnson	091019	Parking fees - CITY JEEP at airp	09/10/2019	38.25	.00		
Total 2709:					38.25	.00		
<b>2728</b>								
2728	MONICIA ECHOLS	082719	Car mileage Schluter Systems 8/2	08/27/2019	40.88	.00		
2728	MONICIA ECHOLS	082719	Per diem - Schluter Systems - 8/2	08/27/2019	76.00	.00		
2728	MONICIA ECHOLS	090919	Reimburse for outlet strip in office	09/09/2019	8.59	.00		
Total 2728:					125.47	.00		
<b>2752</b>								
2752	WOODROW DAVID COLLETTE	090319	INSPECTIONS Aug 12 to Aug 29,	09/03/2019	2,227.50	.00		
Total 2752:					2,227.50	.00		
<b>2758</b>								
2758	SPECTRUM Landscaping Service	9758	Sept2019 Monthly contract CEME	09/01/2019	2,326.00	.00		
2758	SPECTRUM Landscaping Service	9759	Sept2019 Monthly contract (8 loca	09/01/2019	8,537.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2758:					10,863.00	.00		
<b>2783</b>								
2783	VERIZON WIRELESS	9837133238	Cell service - Backnet	09/01/2019	283.59	.00		
Total 2783:					283.59	.00		
Grand Totals:					418,120.33	95.00-		

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  
17 September 2019  
Regular Meeting

Minutes of the  
3 September 2019  
Regular Meeting



# Memo

---

**Date:** 12 September 2019  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 3 September 2019 City 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, 3 September 2019, 6:00 p.m.  
Midway Community Center, City Council Chambers  
160 West Main Street, Midway, Utah**

**Note:** Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

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

Mayor Johnson called the meeting to order at 6:00 p.m. She excused Council Member Orme.

**Members Present:**

Celeste Johnson, Mayor  
Jeff Drury, Council Member (Participated  
Electronically)  
Bob Probst, Council Member  
JC Simonsen, Council Member  
Ken Van Wagoner, Council Member

**Staff Present:**

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

**Members Excused:**

Lisa Orme, Council Member

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

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

**2. Consent Calendar**

- a. Agenda for the 3 September 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 20 August 2019 City Council Regular Meeting
- d. Release the construction bond, minus 10%, and begin the one-year warranty period for Phase I of the Watts Remund Farms PUD located at approximately 200 East 600 North

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

Wes Johnson indicated that \$60,000 for landscaping also needed to be retained in the construction bond for Watts Remund Farms.

**Motion:** Council Member Van Wagoner moved to approve the consent calendar with \$60,000 also retained in the Watts Remund Farms bond for landscaping.

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

**Discussion:** None

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

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

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

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

**4. Department Reports**

Swiss Days / Restrictions on Alcohol Permits

Council Member Drury reported that restrictions on certain alcohol permits, during Swiss Days, might be suggested in the future.

Ice Rink / Management Agreement

Council Member Drury reported that a management agreement, for the upcoming season, was being prepared for the City's ice rink.

Open Space Committee / Notices of Interest

Council Member Drury reported that the Midway City Open Space Committee was discussing notices of interest submitted by landowners.

Center Street and Michie Lane / School Crossing

Council Member Drury asked if a school crossing was needed at the intersection of Center

Street and Michie Lane. The following comments were made regarding the question:

- The Midway Elementary School committee, which had to make a recommendation on any school crossings, was neutral on a crossing at the intersection.
- There was a school crossing at Center Street and 100 South. This was too close to the proposed crossing.
- There were strict UDOT standards for school crossings at its roads.
- There had been several incidents at existing school crossings.
- Should cameras be installed at school crossings and the videos of violators be given to the Sheriff's Department?
- Parents should not guide children across a street where there was not a crosswalk.
- Safety was the City's primary concern.
- All relevant parties needed to support any new school crossing.
- The City, representatives of the School and its committee and UDOT should meet to discuss the crossing.
- The Sheriff's Department should be asked to spend more time at school crossings when school was starting and ending.

#### Transmission Line Replacement

Mayor Johnson reported that the request, to replace the transmission line in the south section of the City, would be considered by the City Council on October 15<sup>th</sup> at the soonest. She added that there were a lot of questions that needed to be answered regarding the request.

#### Swiss Days / Dogs

Council Member Simonsen asked if dogs were allowed at Swiss Days. Mayor Johnson responded that year dogs were allowed on the Town Square, during Swiss Days, because there was a miscommunication between the City and the Midway Boosters.

- 5. Ordinance 2019-07 / Small Wireless Communications** (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2019-07, amending Section 16.22 (Wireless Telecommunications) of the Midway City Municipal Code, to regulate small wireless facilities and related improvements. Recommended for approval by the Midway City Planning Commission.

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

- Comparison of cellular tower types
- Federal regulations
- State regulations
- Pictures and examples of 5G cellular towers
- Design criteria
- Code text amendment
- What cities could regulate
- Proposed code

- Changes since the last council meeting

Mr. Henke also made the following comments:

- The ordinance had been previously considered by the Planning Commission and the City Council.
- The changes requested by the Council had been made.
- The application fee was established by the State and should not be included in the Municipal Code.

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

Council Member Simonsen indicated that directional poles still needed to be defined.

**Motion:** Council Member Simonsen moved to adopt Ordinance 2019-17, for small wireless communications, with directional poles defined and State Code referenced for the amount of the application fee.

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

**Discussion:** None

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

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

- 6. Haven Farms / Preliminary & Final Approval** (Stephen Quesenberry – Approximately 30 minutes) – Discuss and possibly grant preliminary and final approval for the Haven Farms Rural Preservation Subdivision located at approximately 1170 South Center Street (Zoning is RA-1-43). Recommended with conditions by the Midway City Planning Commission.

**Public Hearing**

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

- Overview of rural preservation subdivisions
- Land use summary
- Location of the proposed development
- Proposed site plan
- Flood plain
- Trail easement
- Proposed plat map
- Water Board recommendation
- Possible findings

- Proposed conditions

Mr. Henke also made the following comments:

- The development was a rural preservation subdivision.
- It would have shared private driveways that were maintained by the HOA.
- The developer would build the trail along Center Street.
- There was an existing home on one of the lots. It would have to be converted to a structure with no living space if another home was built on the lot.
- No other structures on a lot could have living space if there was also a home on the lot.
- The applicant had received a variance from the Board of Adjustments because of state requirements.
- The Water Board recommended removing the bridge, to the existing house, when the new driveway was built.

**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 City needed to protect rural preservation subdivisions from further development to defend the open space and the rural feel that they provided.
- The private driveways should not be longer than allowed by the Wasatch County Fire District.

### **Public Hearing**

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

#### **Sharm Whittry**

Ms. Whittry asked if the existing home could be preserved. Mr. Henke responded that the City could not require its preservation. Council Member Simonsen added that the City could encourage an owner to preserve a home.

#### **Athina Koumarela**

Ms. Koumarela asked that the Municipal Code allow more time for citizens to organize to preserve a home.

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

**Motion:** Council Member Probst moved to grant preliminary and final approval for the Haven Farms Rural Preservation Subdivision with the following conditions and findings:

- The proposed lot met the minimum requirements for the RA-1-43 zoning district.
- The proposal met the intent of the General Plan for the RA-1-43 zoning district.
- The proposal complied with the requirements for the Rural Preservation Subdivision code.
- The subdivision helped comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- All 13 lots would be deed restricted so they would never be further subdivided
- The developer would build a public trail that would help complete the master trail plan which would make pedestrians safer by allowing them a place to recreate off of Hwy 113.
- Deed restrictions that would be recorded towards all 13 lots would be submitted to the City for review.
- A note on the plat map would eliminate the ability to subdivide any of the 13 lots.
- 199.85-acre feet of water would be tendered to the City before the plat map was recorded.
- UDOT approved the new location for the south driveway before the plat could be recorded.
- The HOA would plow the snow off the public portion of the north driveway.

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

**Discussion:** None

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

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

**7. Resolution 2019-26 / Haven Farms Development Agreement** (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2019-26 adopting a development agreement for the Haven Farms Rural Preservation Subdivision located at approximately 1170 South Center Street (Zoning is RA-1-43).

Corbin Gordon reviewed the proposed development agreement and necessary changes.

**Motion:** Council Member Simonsen moved to approve Resolution 2019-26 adopting a development agreement for the Haven Farms Rural Preservation Subdivision with the following changes:

- Update the amount of required water rights.
- Require that the bridge be removed at the specified time.
- Snow on the public portion of the north driveway would be removed by the HOA.
- The developer would build the trail along Center Street.

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

**Discussion:** None

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

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

**8. Watts Remund Farms PUD / Master Plan Amendment** (Berg Engineering – Approximately 30 minutes) – Discuss amending the master plan for the Watts Remund Farms PUD located at approximately 200 East 600 North (Zoning is R-1-15). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the PUD
- Amending a master plan
- Master plan approval
- Proposed amendments
- Approved master plan and phasing plan
- Proposed amended master plan
- Proposed phasing plan reviewed by the Planning Commission
- Proposed phasing plan (Revised)
- Updated open space plan
- Pad #84
- Proposed plat map note for the new private areas
- Items to consider
- Proposed findings
- Possible reasons for phasing
- Tax liability for the City and other entities
- Infrastructure and maintenance
- Comparison with the proposed ordinance regarding multiple plat maps per phase

Mr. Henke also made the following comments:

- The order of recording phases was not important unless there were access issues.
- Private areas behind some units were being requested. This would allow unit owners to have a pergola, garden boxes, etc. A specific type of fence would be allowed around the area.
- The existing off-site open space would still be included in the project.
- The City should not be the one who enforces the private areas.
- The roads in the project were private.
- The applicant would have to accept any changes to the request by the Council.
- It would be November or December before a code amendment, regarding phasing, could be considered by the Council.

**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 Municipal Code should be amended to limit the minimum number of units per phase.
- Not restricting the minimum number of units had advantages.
- Multiple meetings could be a good thing.
- The public was not as involved with an amendment as they were during the original master plan approval.
- Should someone be allowed to build in the wetlands buffer?
- Should someone be allowed to increase the dimensions of already approved building pads?

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

- The proposal would reduce the amount of open space, but the project would still have the required 50%.
- The Municipal Code allowed going into the wetlands buffer with approval. The City Engineer had already given such approval in another location.
- The applicant agreed to changes, requested by the City Council, when the master plan was originally approved.
- The proposed private areas all backed up to open space or spaces with large setbacks.
- Pad #84 would not be any closer to the neighbors.
- Some of the units were being adjusted to improve views.
- The Valais PUD had amendments with each of its phases.
- Was following the process in the Municipal Code.
- Was the Council setting an unwritten rule that it would not approve any master plan amendments? This could encourage applicants to request more phases during the initial approval.
- The applicant wanted four pads, which were in demand, in an earlier phase.
- The economy might be headed for uncertain times.
- More phases reduced the initial costs for the developer and left vacant ground undisturbed.
- Some developments turned into weed patches during the last recession. Some developers did not pay taxes for years on those projects.

### **Public Hearing**

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

Athina Koumarela

Ms. Koumarela made the following comments:

- There were a lot of compromises by the public when the master plan was approved. Now the applicant was asking for more compromises.
- Had paid taxes for 40 years on her buildable lots.
- The residents would pay for any taxes deferred by the applicant.
- A lot of staff time would be used to approve more phases.
- The pads could be smaller to avoid going into the wetlands buffer.

#### Cristine Tuttle

Ms. Tuttle asked about the taxes that would be paid by the applicant. Mr. Henke explained increases in taxes from greenbelt to recorded units.

#### Sharon Hart

Ms. Hart said that going into the wetlands buffer took away from the spirit of the original approval. She also indicated that the applicant had piled construction material against her fence.

#### Mike Wittry

Mr. Wittry made the following comments:

- His house was the only one with a unit, in Watts Remund Farms, right next to it.
- Bought his home when the property was a dairy.
- The view from his house would be eliminated.
- Asked that the portable toilets for the project be moved.

#### Ron Meik

Mr. Meik said a ridge of dirt had been left in front of his house and the City had failed to fix it. Wes Johnson said that he would meet with him to resolve the issue.

Mr. Meik stated that the applicant should pay taxes like everyone else.

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

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

- The applicant always paid his taxes and was not stealing from the public. The issue was the sequencing of the taxes.
- Heber City had allowed development amendments to reduce a developer's tax burden.
- Decisions should be based on the Municipal Code and not public opinion.
- A previous encroachment into the wetlands buffer allowed for a greater setback from

neighbors.

Mayor Johnson made the following comments:

- The developer was trying not to pay higher taxes for several years.

Council Member Probst made the following comments:

- The Council had rejected a proposal to allow multiple plat maps per phase.
- The Council should listen to the neighbors.
- The master plan approval process was arduous, and the applicant should stay with that approval.
- The request was a benefit to the developer and not the City.
- Did not like houses built in a row.

Council Member Van Wagoner made the following comments:

- Concerned that approving the request would encourage other developments with ten or more phases.
- Understood the increased taxes paid when agricultural property was developed.
- Stalled developments had weeds that then spread to other properties.
- Smaller phases kept unused ground from being disturbed.
- Liked having a covered deck behind a house so that patio furniture did not have to be moved inside during bad weather.
- Having a garden spot was nice.
- Those who did not own the property could not tell the applicant to protect their views.

Council Member Drury made the following comments:

- The Council's job was to fairly interpret the Municipal Code, which it did with the original approval.
- The existing agreement was fair.
- Was hesitant changing an agreement.
- If the applicant wanted larger pads, then that should have been done with the original approval.
- There was not a benefit to the City to adjust the phasing.

Council Member Simonsen made the following comments:

- Did not oppose the addition of the private areas.
- The wetlands should be protected.
- Questioned how many cranes used the wetlands.
- No additional units were being added.
- Was most concerned about the change to the phasing.
- There should not be a negative tax impact to the City.

- Concessions could be made to improve a development.

Mr. Berg asked if the Council would consider just moving the four units to the second phase? Council Member Simonsen was concerned with moving the units. Council Member Van Wagoner did not have any concerns.

**9. 2019 Midway Trails Project / Award Contract** (City Engineer – Approximately 15 minutes)  
– Discuss and possibly award a contract for the 2019 Midway Trails Project.

Wes Johnson distributed a memo regarding the project (Contained in the supplemental file) and made the following comments:

- The low bid was \$488,000 but the budget for the project was \$370,000.
- Negotiated with the low bidder and reduced the cost to \$412,000. This included a perforated drainpipe for \$33,000 which was not related to the trails. The pipe would help address high groundwater near a home. The basement of the house had flooded because of the groundwater and a water leak.
- A pothole to check the level of the groundwater was also included in the bid.
- The reduction in the cost would not affect the quality of the trails.
- The bidder would use the same quantity prices for a change order as was in their original bid.

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

- Where would the additional money come from for the perforated pipe?
- Why was the budget being changed so soon in the fiscal year?
- The pothole could be done and then a decision made on the perforated pipe.
- Change orders significantly increased the cost of the public works vehicle building.
- Solving the flooding problem was more important than the trails.
- The perforated pipe should remain in the contract and then eliminated later if it was not needed.
- The cost for the pipe would have to come from capital reserves.

**Motion:** Council Member Van Wagoner moved to award a contract to BD Bush for \$412,992.25 with the following conditions:

- The pipe would be eliminated from the project if it would not fix the water problem.
- If it would fix the problem, then the budget would be amended at a future meeting. The additional funds, above the current budget, would be taken from the \$1.8 million in capital reserves.
- The Mayor was authorized to sign the contract documents.

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

**Discussion:** None

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

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

**10. Parking / Main Street** (Mayor Johnson – Approximately 15 minutes) – Discuss parking along Midway Main Street.

Mayor Johnson made the following comments:

- This issue of parking would be on all council agendas.
- Would send a contract to a parking lot owner so the lot could be used for public parking.

**11. Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property and to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual.**

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

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

**Discussion:** None

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

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

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

**Motion:** Council Member Van Wagoner moved to go out of the closed meeting and adjourn the regular 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  
Council Member Probst  
Council Member Simonsen  
Council Member Van Wagoner

Excused from the Meeting  
Aye  
Aye  
Aye

## 12. Adjournment

The meeting was adjourned at 9:25 p.m.

---

Celeste Johnson, Mayor

---

Brad Wilson, Recorder

DRAFT

Midway City Council  
17 September 2019  
Regular Meeting

Kelson Subdivision /  
Conclude Warranty Period

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



Heber Office  
Tel: 435.654.2226  
Fax: 435.657.1160

September 17, 2019

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

**Subject: Kelson Subdivision, A Rural Preservation Subdivision, Warranty Bond Release**

Dear Brad:

The Kelson Rural Preservation Subdivision has completed all the items required for the warranty release. Horrocks Engineers recommends that the warranty bond, and the inspection out-of-pocket funds for this development be released.

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

Sincerely,  
HORROCKS ENGINEERS

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

Wesley Johnson, P.E.  
Midway City Engineer

Cc: Michael Henke, City Planner, (sent by e-mail)  
Monica Echols, City Building Official, (sent by e-mail)  
Clint Kelson Developer, (sent by e-mail)

Midway City Council  
17 September 2019  
Regular Meeting

Appenzell PUD, Phase II /  
Release Construction Bond

September 9, 2019

Midway City  
Attn: Monica Echols  
75 North 100 West  
Midway, Utah 84049

**Subject: Appenzell PUD Phase 2, Construction Final Completion**

Dear Monica:

The Appenzell PUD Phase 2 has received a final construction inspection. All items appear to be complete as shown on the approved construction drawings. Horrocks Engineers recommends that this subdivision be put on the Midway City Council Agenda to begin the one year warranty period. Occupancy Permit within Phase 2 may now be issued. The following items and cost shall be held within the Midway City bond:

Item	Description	Quantity	Units	Unit Cost	Total Cost
63	Landscaping per Unit	21	Each	\$1,000.00	\$21,000.00
66	Slurry Seal, (for both Phase 1 & 2)	85,256	SF	\$0.30	\$25,576.80
67	Survey for As-built Drawings	1	LS	\$5,850.29	\$5,850.29
Total to be Held within the Midway City Bond until the items are completed:					\$52,427.09

Prior to the expiration of the one year warranty period a slurry seal shall be required for both Phase 1 & 2. The landscaping funds may be reduced by \$1,000 as each unit is completed and landscaped.

The one year warranty bond for both Midway City and Midway Sanitation District shall be held in the following amounts:

Midway City Warranty Amount           \$116,430.53  
Midway Sanitation District Amount:   \$19,236.69

Prior to the expiration of the one year warranty period the sewer lines shall be re-cleaned and tv'd.

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

Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
City Engineer

cc: Brad Wilson, Midway City Recorder  
Michael Henke, Midway City Planning Department  
Rick Lloyd Developer