MINUTES OF THE
MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, 19 February 2019, 6:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah

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

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

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

Members Present:

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

Staff Present:

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

Members Excused:

Ken Van Wagoner, Council Member

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

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

2. Consent Calendar

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

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

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

Second: Council Member Orme seconded the motion.

Discussion: None

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

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

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

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

Speeding / Residential Areas

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

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

No further comments were offered.

4. Department Reports

2019 State Legislative Session

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

Bypass Road

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

Main Street Committee

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

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

HVTD / Grants

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

Tourism / Transit

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

World Cup Biathlon

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

Boosters / Independence Day Celebration / Swiss Miss

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

Ice Rink

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

Open Space Committee

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

Swiss Days

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

Spanish Bingo Night

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

HL&P / Budget Amendment

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

HVRR / State Legislature / New Cars

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

MSD / Sewer Flows

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

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

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

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

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

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

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

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

Steve Eddington, Homestead Resort, made the following comments:

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

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

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

7. **Ordinance 2019-04 / Snow Removal and Fire Hydrants** (City Planner – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2019-04 amending Section 8.05.080 (Sidewalks to Be Cleared) and Section 8.05.090 (Snow Removal near Mailbox Receptacles and Fire Hydrants) of the Midway City Municipal Code to require snow removal by the property owner.

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

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

Mr. Henke also made the following comments:

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

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

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

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

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

Second: Council Member Probst seconded the motion.

Discussion: None

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

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

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

Brad Wilson and Michael Henke gave presentations regarding public meetings.

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

9. Adjournment

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

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

Celeste Johnson, Mayor

Brad Wilson, Recorder