

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

**Tuesday, 21 May 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 6:03 p.m. She excused Council Member Drury, Council Member Orme and Council Member Van Wagoner. She noted that a quorum was not present so there would be discussion, but no action would be taken. She added that possible action on the items would be taken at the next meeting on June 18th.

Members Present:

Celeste Johnson, Mayor
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:

Jeff Drury, Council Member
Lisa Orme, Council Member
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. Council Member Probst gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 21 May 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 7 May 2019 City Council Work Meeting
- d. Minutes of the 7 May 2019 City Council Closed Meeting
- e. Minutes of the 7 May 2019 City Council Regular Meeting

- f. Minutes of the 9 May 2019 City Council Meeting
- g. Minutes of the 9 May 2019 City Council Closed Meeting
- h. Conclude the warranty period and release the remainder of the bond for the Deer Creek Estates Subdivision located at 300 East Michie Lane subject to the payment of all fees due to Midway City

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

Note: Action was not taken on the consent calendar because a quorum was not present.

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.

Pure Midway / Social Media Posts

Council Member Probst made the following comments regarding posts on social media by Pure Midway:

- Pure Midway was accusing the City Council of making decisions in secret at its work meetings.
- The accusations were incorrect.
- All meetings held by the Council were open to the public.
- The City Council was serving the residents of Midway.
- Attending work meetings cost him money because he was away from his business.
- He suggested that members of the group run for public office and attend the Council's meetings.

Council Member Simonsen responded that the members of Pure Midway were good people, but that the posts were incorrect. He did not want to see divisiveness in the community. Mayor Johnson stated that social media could be problematic.

No further comments were offered.

4. Department Reports

Cemetery / Flag Poles / Flower Baskets / Roads

Council Member Probst reported that additional flag poles had been installed at the City's cemetery. He added that flower baskets would be hung, and the roads improved at the cemetery.

Water Adjudication

Mayor Johnson reported that several meetings had been held regarding the adjudication of area

water rights by the State Engineer.

Noxious Weed Enforcement

Mayor Johnson reported that the City did prohibit noxious weeds but there was some lag time in enforcement.

Whitaker Farm Subdivision / Memorial Hill

Council Member Simonsen reported that the City was still working with the developer, for the Whitaker Farm Subdivision, regarding access to the project and how that would affect the existing entrance to the Memorial Hill.

600 North / Construction

Council Member Simonsen reported that 600 North would be reconstructed over the next two months.

Swiss Alpine Road / Striping

Council Member Simonsen reported that Swiss Alpine Road still needed to be striped.

Sidewalks / Trip Hazards

Council Member Simonsen reported that trip hazards in the City's sidewalks were being identified.

Parking / Commercial Zones

Council Member Simonsen indicated that parking, in the City's commercial zones, was still a problem. He asked that the proposed parking ordinance be considered at the next council meeting.

Trails / Grants

Council Member Simonsen reported that the City received another grant for trails. He thanked Nancy O'Toole for writing and submitting the grant. He recommended combining two existing trails projects with the project for the new grant.

5. **Tentative FY 2020 Budget / Public Hearing** (Financial Officer – Approximately 15 minutes)
 - Receive public comment on and possibly discuss the adopted tentative FY 2020 Budget for Midway City (**Public Hearing**).

Brad Wilson presented the adopted tentative budget for FY 2020.

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.

Jerald White

Mr. White suggested that paper copies of the budget be available at meetings. He also asked why the contract for mowing the parks and cemetery was less. It was explained that the contract was let out for bid and a less expensive contractor was hired.

Seija Surr

Ms. Surr asked that recycling containers be put in public buildings and spaces. Mayor Johnson responded that she was working with the Heber City Mayor to get a more aggressive price for curbside recycling.

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

6. CDRA Meeting – A meeting of the Community Development and Renewal Agency of Midway City (Please see separate agenda).

The Council met as the governing board of the Community Development and Renewal Agency.

Note: Minutes of the Agency are maintained separately.

7. Pelo Subdivision / Culinary Water Will Serve Letter (Brad Pelo – Approximately 10 minutes) – Discuss and possibly approve a letter stating that Midway City will provide culinary water service to the Pelo Subdivision located at 520 South 500 East.

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

- Location of the proposed subdivision
- Proposed site plan
- Connecting road through the area
- Easement for the Hughes' property
- Streets connectivity
- Trails connectivity
- Discussion items
- Trails system master plan
- Draft will serve letter for culinary water
- Road system master plan

- Concept plan for a new school
- Access to the new school

Mr. Henke also made the following comments:

- The proposal was not the maximum density allowed in the zone.
- During annexation the City Council could grant direct access to the Hughes' property from 300 East. It could also allow the project to connect to the City's culinary water system.

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

Brad Pelo, applicant, indicated that the access to the Hughes' property, through his property, was recently discovered and more time was needed to resolve the issue.

Johnathan Hughes said that he wanted to continue using the current access and would work with Mr. Pelo on the issue.

Cathleen White made the following comments:

- Owned the property on the west side of the Hughes' parcel.
- Pointed out a gap along the north side of her property and said that no one had discussed a road for that location. Mr. Henke responded that a road was not planned at that location. Wes Johnson thought that the gap might be a utility easement.
- How was the location of Natures Hollow Road determined? Mr. Henke responded that the road was in Wasatch County and its location would have been coordinated with its planning department.
- Asked about the trail in the area. She did not want it to go through her llama pasture. Mr. Henke explained the possible trail routes including through her property. He noted that she could not be forced to have a trail on her property.

- 8. Resolution 2019-15 / Carriage Agreement** (City Attorney – Approximately 30 minutes) – Discuss and possibly approve Resolution 2019-15 adopting a carriage agreement between Midway City and the Midway Irrigation Company.

The item was not considered.

- 9. Contracts / Policy** (City Attorney – Approximately 45 minutes) – Review existing contracts, agreements, memorandums of understanding, and related documents between Midway City and various parties. Discuss a policy for such documents.

The item was not considered.

Note: Mayor Johnson recessed the meeting at 7:31 p.m. She reconvened the meeting at 7:37 p.m.

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

The Council and staff met in a closed meeting.

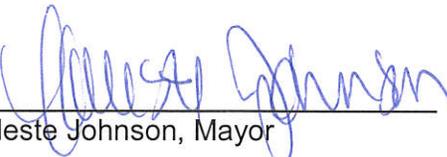
Note: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

11. Settlement Agreement / John Probst Case (City Attorney – Approximately 10 minutes) – Consider and possibly approve a settlement agreement in the John Probst case.

The item was not considered.

12. Adjournment

The meeting was adjourned at 8:37 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder