



Memo

Date: 12 July 2019
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 18 June 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, 18 June 2019, 6:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah**

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

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

Mayor Johnson called the meeting to order at 6:01 p.m.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member (Left at 7:40
p.m.)
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member

Staff Present:

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

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

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

2. Consent Calendar

- a. Agenda for the 18 June 2019 City Council Regular Meeting
- b. Warrants for the 21 May 2019 Meeting
- c. Warrants for the 18 June 2019 Meeting
- d. Minutes of the 7 May 2019 City Council Work Meeting
- e. Minutes of the 7 May 2019 City Council Closed Meeting
- f. Minutes of the 7 May 2019 City Council Regular Meeting
- g. Minutes of the 9 May 2019 City Council Meeting
- h. Minutes of the 9 May 2019 City Council Closed Meeting
- i. Minutes of the 21 May 2019 City Council Work Meeting
- j. Minutes of the 21 May 2019 City Council Regular Meeting

- k. Minutes of the 21 May 2019 City Council Closed Meeting
- l. 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
- m. Stuart Waldrip as the administrative law judge for Midway City
- n. Ordinance 2019-10 adopting various international and national building codes

Note: Copies of items 2a, 2b, 2c, 2d, 2f, 2g, 2i, 2j, 2l, 2m, and 2n are contained in the supplemental file.

Wes Johnson indicated that all the items necessary, to conclude the warranty period for Deer Creek Estates, had been completed except the financial contribution for the Michie Lane Park. He said that contribution would be made the following morning.

Mayor Johnson explained that the appeal had been withdrawn and an administrative law judge was no longer needed.

Brad Wilson explained Ordinance 2019-10 and the need to periodically adopt revised building codes.

Motion: Council Member Drury moved to approve the consent calendar excluding item “m” and concluding the warranty period, for Deer Creek Estates, when payment was received for the park.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

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

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.

Corner Restaurant / Temporary Beer Event Permit

Seija Surr supported the permit because she thought it would attract more people to Swiss Days which was a homogeneous event.

No further comments were offered.

4. Department Reports

No department reports were given.

5. Parking Requirements (Cecil Duvall – Approximately 5 minutes) – Receive comments on proposed parking requirements from the owner of the Café Galleria.

Mayor Johnson explained that Mr. Duvall asked that the item not be considered that night.

6. Ordinance 2019-06 / Parking Requirements for Commercial and Mixed-Use Developments (City Planner – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2019-06 amending Section 16.13.39 (Off-Street Parking and Loading) of the Midway City Municipal Code regarding parking requirements for commercial and mixed-use developments. Recommended for approval by the Midway City Planning Commission. Public Comment

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

- Parking concerns
- Main Street chapter of the General Plan
- Comparison of parking requirements of other communities
- Outdoor dining
- Points of discussion
- Items to consider
- Residential parking changes
- Mixed-use parking changes
- Commercial parking changes
- Public parking lots

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 term “recreational activity business” needed to be better defined.
- The term “recreational patron” needed to be better defined or another measure used for the required amount of parking.
- Outdoor seating needed to be considered.
- The ordinance could be adopted and then revised as needed. Known revisions should be made in July or August.
- Parking for employees needed to be considered.
- There should not be too much asphalt throughout the City.
- The amount of parking, for uses not mentioned in the ordinance, should be recommended by the Planning Commission but decided by the City Council.

- Could existing businesses participate in funding off-site parking?
- Multi-level parking, not just parking structures, should be prohibited.
- The proposed parking space depth and width was too small for many pick-up trucks. The width should be 10 feet and the depth at least 20 feet.
- Should parking for compact vehicles be allowed?
- 25% of parking could be the larger spaces.
- Parking entrance widths could be 22 to 26 feet depending on circumstances.
- Parking requirements needed to be flexible and dynamic because of the growth in the City.

Public Hearing

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

Steve Dougherty

Mr. Dougherty indicated that moving people was easier than moving cars. He suggested a trolley along Main Street. He also thought that the Midway Business Alliance and a restaurant association could help with the parking problem.

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

Motion: Council Member Van Wagoner moved to approve Ordinance 2019-06 with the following conditions and changes:

- Other parking issues, like outdoor seating, be addressed in July or August.
- 25% of parking spaces for a business be 10 feet wide and 20 feet deep.
- Access driveways be 24 feet wide or 22 to 26 feet wide with the approval of the City Engineer. This would apply to both the entrance and the lane.
- The term “recreational patrons” be addressed.
- The City Council determined the amount of parking for uses not mentioned in the ordinance.
- The definition of “parking structures” be clarified.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

7. Centennial Plaza / Update (Mayor Johnson – Approximately 10 minutes) – Receive an update on a plaza in the Centennial Park proposed by the Wasatch County Centennial Committee.

Mayor Johnson gave a presentation and update on the plaza and indicated that work would begin in a few months.

Note: A copy of Mayor Johnson’s presentation is contained in the supplemental file.

Council Member Simonsen expressed concern with vandalism. Mayor Johnson responded that she warned the Centennial Committee about it and security cameras might have to be installed.

8. Whitaker Farm Subdivision / Final Approval (Dan Luster – Approximately 20 minutes) – Discuss and possibly grant final approval for the Whitaker Farm Subdivision located at 455 North River Road (Zoning is RA-1-43). Recommended for approval with conditions by the Midway City Planning Commission.

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

- Land use summary
- Location
- Site plan
- Parking at Memorial Hill
- Final plat map
- Roads cross-section
- Landscaping
- Memorial Hill roundabout
- 600 North roundabout
- Discussion items
- Contour map
- Recommendation of the Midway Water Advisory Board
- Preliminary approval
- Options “A” and “B” for the south access on River Road
- Possible findings
- Proposed conditions

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

Wes Johnson explained that the engineer in his firm, that specialized in roundabouts, reviewed and approved the proposed roundabouts. The engineer indicated that they would work for large trucks.

Motion: Council Member Drury moved to approve the Whitaker Farm Subdivision and grant final approval with the following findings and conditions:

- The development complied with the requirements of the RA-1-43 zone.
- It provided 10% more open space than was required by the Municipal Code.
- The amended annexation agreement must be signed before the plat map was recorded.
- The developer would build either the proposed roundabout plan or the proposed Option “B” to provide the required second access to the development
- The developer would pursue approval of the Memorial Hill roundabout from Wasatch County for six months or be denied by Wasatch County before Option “B” would be considered as an option for access.
- If Option “B” became the access for the development then all trail connectivity in the development, along River Road and to Memorial Hill, would have to be approved by the City before construction began in the development.
- The City had an absolute preference that Option “A” be developed which provided significant community benefit for access and enjoyment of Memorial Hill. Option “A” also addressed significant safety concerns for the entrance and parking at Memorial Hill.
- Option “B” needed to be engineered prior to being considered.
- The trails plan would be completed before the bond was issued, irrespective of which access option was used, so that the cost of the trails would be included in the bond amount.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Probst wanted the local post of the American Legion to be satisfied with the proposed access options. Corbin Gordon responded that Wasatch County told him they would work with the post and include them in the approval process.

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

Council Member Drury	Aye
Council Member Orme	Recused
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: Council Member Orme left at 7:40 p.m.

9. Resolution 2019-12 / Whitaker Farm Development Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-12 adopting a development agreement for the Whitaker Farm Subdivision located at 455 North River Road.

Corbin Gordon reviewed the changes to the proposed agreement.

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

- Who would maintain the restrooms at Memorial Hill? That would have to be negotiated with Wasatch County. Should approval of the restrooms be delayed until that was determined?
- The agreement should be for five not 25 years.
- There was a four-year effective date because of deadlines to record the plat map.

- Was five years enough for such a large development?
- The development agreement would still be valid even if the plat map was not recorded.
- The Municipal Code should be amended to address the term of development agreements.

Motion: Council Member Simonsen moved to approve Resolution 2019-12, adopting a development agreement for the Whitaker Farm Subdivision, based on all of the revisions listed by the City Attorney and that the document would expire in accordance with the City Code, which stated that plat maps had to be recorded within one year with the possibility of three one-year extensions.

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

Note: Council Member Orme returned at 7:52 p.m.

10. Resolution 2019-15 / Carriage Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-15 adopting a carriage agreement between Midway City and the Midway Irrigation Company. The agreement formalizes the exchange program for secondary irrigation water.

Mayor Johnson explained that the Council had reviewed the proposed agreement in its work meeting that day. She added that it clarified existing practice and established goals for the elimination of the exchange program.

Motion: Council Member Van Wagoner moved to approve Resolution 2019-15 adopting a carriage agreement.

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

11. Corner Restaurant / Temporary Beer Event Permit (Berkley Probst – Approximately 20 minutes) – Discuss and possibly grant a temporary beer event permit for the Corner Restaurant, located at 195 West Main Street, for August 30th and 31st.

Note: Council Member Probst recused himself from consideration of the item and left the room.

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

- History of liquor sales at the restaurant
- Site plan
- Municipal Code
- Reasons it was referred to the Council
- Items to consider
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The request differed from the Restaurant's current liquor license because it did not require the sale of food with the alcohol.
- The applicant would be responsible for compliance. The City and the Utah Department of Alcoholic Beverage Control (DABC) could monitor the event.
- Would have to ask the DABC where the current license allowed alcohol to be served.

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

Abbie Burnham, representing the applicants, made the following comments:

- The business had restaurant and reception licenses that allowed it to serve alcohol in the outdoor open area, but the alcohol had to be assigned to each table. The customers could not walk around with their alcohol. Staff could transfer the alcohol to another table.
- The requested permit would allow the customer to move around with their alcohol.
- A BBQ buffet would also be served in the beer garden.
- Children were allowed in the beer garden.
- The beer garden had to be fenced with security at all the entrances and exits.
- The beer would be sold in clear cups that had to be dumped out when leaving the beer garden.
- ID bracelets were required.
- Did not want to serve liquor or wine.
- One security guard would patrol the interior of the beer garden.
- All staff would be TIP certified.
- There would be one serving station with four taps.
- Wanted the event to be safe.

Public Hearing

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

Kevin Snow, Midway Boosters Treasurer

Mr. Snow made the following comments:

- Had also been the liaison between The Church of Jesus Christ of Latter-day Saints (Church) and the Midway Boosters for Swiss Days.
- Swiss Days should remain family friendly.
- Most of the volunteers for the event were members of the Church.
- Both local stake presidents for the Church opposed the request.
- Worried that in the future other restaurants might have beer gardens during Swiss Days.
- The existing liquor licenses should be honored.
- The request could increase confrontations over parking, dogs at the event, etc.
- The restaurant would be busy without the permit.
- The information booth at Swiss Days directed people to where they could get alcohol.

Scott Smith, Swiss Days Committee Chair

Mr. Smith made the following comments:

- Agreed with Mr. Snow that Swiss Days was a family friendly tradition.
- Swiss Days incurred costs for transportation, restrooms, entertainment, permits, sound, etc. The City and Swiss Days shared the cost for law enforcement.
- Volunteers donated their time to hold the event.
- Did not object to businesses doing well because of the event.
- During Swiss Days, businesses should not go beyond what they sell normally.
- Having a beer garden would increase the need for law enforcement, bathrooms, etc.
- 200 West next to the Corner Restaurant was used for the Swiss Days parade.
- People became more intoxicated if they did not eat food.
- People who were denied additional alcohol could go to Swiss Days. Then the intoxicated person would be Swiss Days' problem. Did not want to have to confront an intoxicated person.
- The Swiss Days Executive Committee opposed the permit.
- Wanted Swiss Days to be child friendly and have a safe feeling.
- Supported the business' existing liquor license but opposed expanding it for a beer garden.

Craig Simons, Midway Boosters President

Mr. Simons made the following comments:

- The Midway Boosters mission statement was to maintain why people lived in Midway.

- A beer garden could be held another weekend.
- Did not want Swiss Days to become an Oktoberfest.
- Swiss Days was a celebration of Midway and its residents.
- The City should see how the beer garden went on Independence Day before deciding about having one during Swiss Days.
- The request should be denied.

Jerry White

Mr. White made the following comments:

- Was not associated with the applicant.
- Businesses were just trying to succeed.
- The applicant could be charged a fee to cover the cost for additional services.
- Businesses had a right to a license.
- Did not agree with drinking alcohol around children.

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

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

- Alcohol could be problematic.
- The beer garden would not affect those volunteering at Swiss Days.
- The City needed to separate church and state.
- The City Council represented all residents.
- The request should be tabled to see what happened with the beer garden on Independence Day.
- More time was needed to discuss the issue and receive input.
- The applicant should meet with the Midway Boosters.

Ms. Burnham indicated that a beer garden would not be held on Independence Day.

Motion: Council Member Van Wagoner moved to table the request.

Second: Council Member Drury seconded the motion.

Discussion: Council Member Orme asked the goal for the new permit. Karl Probst, applicant, responded that the additional permit would allow more freedom.

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Recused
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: Council Member Probst returned at 8:38 p.m.

12. Duncan Preschool / Conditional Use Permit (Brooke and Christian Duncan – Approximately 25 minutes) – Discuss and possibly grant a conditional use permit for a preschool at 425 East 600 North (Zoning is R-1-22). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Proposal
- Location of the proposed business
- Site plan with car staging
- Discussion items
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- There was room to stage cars on the north side of 600 North.
- Vehicles would have to enter 600 North from the east and go west.
- The teacher and a parent would be present during the dropping off and picking up of children.

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

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

- Parents should be responsible for getting their child in to and out of the preschool.
- Some preschools escorted the children because it saved time.
- The driveway should not be used as planned because there was not enough room to turn around.

Christian Duncan, applicant, made the following comments:

- Agreed that the driveway should not be used.
- His father owned the property to the west. Cars could park in front of that property.
- Would know many of the children coming to the preschool.
- There was a good shoulder on the road which could be used.
- Drivers could pull forward if they needed to talk to his wife who would be the teacher.

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 Van Wagoner moved to approve the Duncan Preschool with the following findings and conditions:

- The proposed use was a conditional use in the R-1-22 zone.
- Any increase in the number of students or classes above what had been proposed would require the Conditional Use Permit to be reevaluated and approved by the City Council.
- All inspections would be completed, and a business license issued before the preschool could hold any classes.
- If any safety issues were identified after approval was granted, then the applicant would work with the City to alleviate any issues. If the issues could not be alleviated, then the conditional use permit and business license might be revoked.
- A second person was required to help with the pick-up and the drop-off of the students
- The proposal returned to the Planning Commission and City Council in one year to re-evaluate the conditions.
- Children were safely escorted to the house and back to the vehicles.
- The driveway was not used for pick-up or drop-off.

Second: Council Member Orme seconded the motion.

Discussion: None

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

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

Note: Council Member Orme left at 8:57 p.m.

Motion: Without objection, Mayor Johnson recessed the meeting at 8:57 p.m. She reconvened the meeting at 9:05 p.m.

13. Bonner Meadows / Final Approval (Berg Engineering – Approximately 20 minutes) – Discuss and possibly grant final approval for the Bonner Meadows Subdivision, formerly known as the Lucerne Estates Subdivision, located at approximately 149 South 100 East (Zoning is R-1-9). Recommended for approval without conditions by the Midway City Planning Commission.

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

- The project had been renamed.

- Land use summary
- Location
- Plat map
- Sidewalks
- Items for discussion
- Agreement with the Wasatch County School District regarding 185 South
- Possible recommendations
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- No duplexes were proposed.
- It was agreed with the School District that they would receive 185 South when 100 South was constructed.
- If a new elementary school was built, then the property next to 185 South might be owned by The Church of Jesus Christ of Latter-day Saints. The City should talk to the Church to determine what should happen with the road.

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

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

- A sidewalk, from the cul-de-sac in the proposed development to 185 South, would put children into the area where busses would be loading and unloading. Children would have to go to the intersection with 100 East to safely cross 185 South. The school principle should be contacted about the issue.
- Money had been included in the budget to extend the sidewalk, on the west side of the proposed development, up to Main Street.
- The required improvements to 185 South might change depending upon a new school being built.
- The applicant wanted to submit building permits before a decision on the school would be made that fall.
- The sidewalk on the south side of the project, and the north side of 185 South, should be built by the developer. It was not necessary to widen or rebuild the road at that time.
- Road work should only be done during certain hours to protect the children at the school.

Motion: Council Member Drury moved to grant final approval for Bonner Meadows with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-9 zoning district.
- The proposal complied with the land use requirements of the R-1-9 zoning district.
- The sidewalks crossing the property and connecting to neighboring roads and existing sidewalks would benefit the community by allowing safe pedestrian access.
- Road construction on 100 South and 185 South be done from 10:00 a.m. to 2:00 p.m. on school days.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

14. Resolution 2019-21 / Bonner Meadows Development Agreement (City Engineer – Approximately 5 minutes) – Discuss and possibly approve Resolution 2019-21 adopting a development agreement for the Bonner Meadows Subdivision located at approximately 149 South 100 East (Zoning is R-1-9).

Paul Berg, representing the applicant, noted that the Council wanted the sidewalk along 185 South but did not want the road widened because of a possible new school. Council Member Van Wagoner suggested that the sidewalk be extended to 200 East at the City's expense. Mayor Johnson responded that the agreement could be amended in the future to accommodate the decision on the school and 185 South.

Council Member Simonsen noted that the term of the agreement should be reduced.

Council Member Drury asked that the City meet with the School District to receive more detail on the future of the school.

Motion: Council Member Van Wagoner moved to approve the development agreement with the findings of staff and the following conditions:

- The option of amending the agreement as it related to 185 South depending upon the School District's decision on the school.
- Construction on 100 South and 185 South be done during the hours specified in the agreement.

Second: Council Member Simonsen seconded the motion.

Discussion: Corbin Gordon asked if extending the sidewalk, on the north side of 185 South, to 200 East should be included in the agreement. Council Member Van Wagoner responded that might be done by the City but did not need to be in the agreement.

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

15. Cozens Subdivision / Preliminary & Final Approval (Albert Cozens – Approximately 25 minutes) – Discuss and possibly grant preliminary and final approval for the Cozens Subdivision located at 840 South Stringtown Road (Zoning is RA-1-43). Recommended for approval without conditions by the Midway City Planning Commission. **Public Hearing**

The applicant asked that the item not be considered that evening.

16. Resolution 2019-22 / Cozens Subdivision Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2019-22 adopting a development agreement for the Cozens Subdivision located at 840 South Stringtown Road (Zoning is RA-1-43).

The applicant asked that the item not be considered that evening.

17. Zone Boundary Determination (Neil Karl – Approximately 15 minutes) – Discuss and possibly determine a zone boundary, located at 52 South 450 East, in accordance with Section 16.13.30 of the Midway City Municipal Code.

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

- Land use summary
- Location
- Midway Valley Estates Subdivision plat map
- Zoning map
- Zone boundary determination
- Possible findings

Mr. Henke also made the following comments:

- Lot #10 in the subdivision was restricted to residential development.
- The applicant wanted to be in the residential zone to have animal rights.

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

Motion: Council Member Simonsen moved to change the zone boundary so that the lot was completely in the residential zone with the following findings:

- The General Plan zoning would be maintained.
- A more harmonious mix of uses would be achieved.

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

18. High Valley Arts / Temporary Use Permit (City Planner – Approximately 15 minutes) – Discuss and possibly grant a temporary use permit for High Valley Arts to exceed the allowed sound levels for a musical production at 200 South and 400 East for the months of June and July of 2019.

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

- Sound limit chart
- Location of the performances
- Sound measurement locations

Mr. Henke also made the following comments:

- The applicants had applied for the same permit for the last eight years.
- The permit allowed the event to exceed the allowed sound levels.
- Had measured the sound levels several times over the years.
- The sound had come close to but never exceed the allowed levels.
- Heard discussions about the sound from the event but never received a written complaint.
- Received a letter from Nick Frost, who lived in Bowden Fields, which said that he and his neighbors supported the performances because they maintained the area in open space.

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

Council Member Probst asked if the applicants wanted to increase the sound level for the performances. Mr. Henke responded that the level would remain the same as previous years.

Motion: Council Member Drury moved to grant the temporary use permit and require the \$100 permit fee.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Simonsen thought that the performances enhanced the community. Mr. Henke indicated that he would measure the sound levels again.

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

19. 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.

Mr. Henke made the following comments:

- An agreement had not been reached with the Hughes family to include their property in an annexation.
- The applicant had to apply for annexation into the City within 30 days of the development being approved by Wasatch County.
- The City would hold the water rights for the development.
- The applicant would be responsible for all fees and conditions in the will serve letter.
- The applicant would give the City the money to build the trail. The City would then decide when to build it.

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

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

- Liked that the development was low density.
- Was it consistent to not require the park fee with the annexation?
- Consistency should be maintained.

Motion: Council Member Simonsen moved to approve the will serve letter with the items mentioned and particularly the following changes:

- The Hughes’ property would not be part of the annexation.
- A 10-foot-wide trail easement, which would approximately follow the eastern and southern boundary of the project, would be dedicated to the City.
- The City liked agriculture continuing on the property and would take that into account when determining the exact location of the trail.
- Enough money would be given to the City by the applicant to build the four-foot-wide gravel trail.
- These provisions would be satisfied at the time of annexation.
- The park fee of \$4,500 would be required at annexation.

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

20. Resolution 2019-16 / Open Lands Interlocal Agreement (City Attorney – Approximately 20 minutes) – Discuss and possibly approve Resolution 2019-16 adopting an open lands interlocal agreement between Midway City and Wasatch County.

Corbin Gordon read the language in the agreement proposed by Wasatch County. He also read language proposed by Mayor Johnson to guarantee that Midway City received a certain percentage of the County’s open space bond funds.

Mr. Gordon also made the following comments:

- The agreement was between Midway City, Heber City and Wasatch County and helped administer the County’s open space bond.
- The County and Heber City had already approved the agreement as proposed by the County.
- Midway City had one representative on the County’s open lands board. The County had several representatives and could control the board.

Steve Farrell, Wasatch County Council Member, made the following comments:

- The County’s bond was approved with different parameters than Midway’s bond.
- A lot of land in Midway would not qualify for money from the County’s bond.
- The County’s money would go to good projects. If Midway had superior projects that qualified, then they would be funded.
- Did not want to redo the agreement and then take it back to the County and Heber City.
- The agreement was fair to Midway.

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

- Subsection “iv” had been added to the agreement since it was previously reviewed by the City.
- Midway should have more input.
- It was late to be changing the agreement.

Motion: Council Member Van Wagoner moved to approve the interlocal agreement as signed by Wasatch County and Heber City.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 10:33 p.m. She reconvened the meeting at 10:38 p.m.

21. Resolution 2019-17 / FY 2019 Budget Amendment (Financial Officer – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-17 amending the Fiscal Year 2019 Budget. **Public Hearing**

Brad Wilson gave a presentation on the final amendment to the FY 2019 budget.

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. She closed the hearing when no public comment was offered.

Motion: Council Member Van Wagoner moved to approve the final budget amendment for the FY 2019 Budget.

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

22. Resolution 2019-18 / FY 2020 Budget (Financial Officer – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-18 adopting the Fiscal Year 2020 Budget.

Brad Wilson gave a presentation on the FY 2019 budget. He specifically reviewed changes made at the work meeting that morning.

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

Wes Johnson indicated that the City’s portion of the 185 South sidewalk needed to be included in the budget. Council Member Simonsen responded that excess funds for the 100 East Sidewalk could be used.

Mayor Johnson reviewed the development of a plaza on the Town Square.

Council Member Drury said that a target needed to be determined for the pickle ball courts on the Town Square.

Council Member Drury asked that \$5,000 be included for better speaker phones in the conference rooms of the City Office Building.

Motion: Council Member Van Wagoner moved to approve Resolution 2019-18, adopting the FY 2020 Budget, with the addition of \$5,000 for conference room speaker phones.

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

23. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

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

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

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

Motion: Council Member Simonsen moved to go out of the 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

24. Settlement Agreement / John Probst Lawsuit (City Attorney – Approximately minutes) – Consider and possibly approve a settlement agreement in the John Probst lawsuit.

Motion: Council Member Van Wagoner moved to table the settlement agreement until the council meeting on July 16th.

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

25. Resolution 2019-20 / Incidental Personal Use of Public Property (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-20 adopting a policy for the incidental personal use of public property.

Corbin Gordon made the following comments:

- The Utah State Legislature passed a new law making it a felony to use public property for personal purposes.
- Incidental personal use was allowed if a policy authorizing it was approved.
- The proposed resolution adopted such a policy.

Motion: Council Member Simonsen moved to approve Resolution 2019-20 adopting a policy for the incidental personal use of public property which would allow discretion at the local level.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

Council Member Drury	Aye
Council Member Orme	Excused from the Meeting

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

26. Resolution 2019-19 / Property Tax Rate (Financial Officer – Approximately 10 minutes) – Discuss and possibly approve Resolution 2019-19 adopting a certified property tax rate for Midway City.

Brad Wilson explained the property tax rate recommended by the Utah State Tax Commission and included in the resolution.

Motion: Council Member Van Wagoner moved to approve Resolution 2019-19.

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

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

Motion: Council Member Simonsen moved to convene as the governing board of the Community Development and Renewal Agency of Midway City.

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

Note: Minutes of the Agency are maintained separately.

Motion: Board Member Van Wagoner moved to adjourn the board meeting of the Community

Development and Renewal Agency and to continue the City council meeting.

Second: Board Member Simonsen seconded the motion.

Discussion: None

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

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

28. Adjournment

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

The meeting was adjourned at 11:15 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder