

Midway City Council
3 November 2020
Regular Meeting

Warrants

Report Criteria:

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

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
150								
150	ATKINSON SOUND	3153	Driveup Microphone and Intercom	10/12/2020	100.00	.00		
Total 150:					100.00	.00		
305								
305	COLONIAL FLAG & SPECIALTY	0229133-IN	Hamlet Park Rotations	10/15/2020	88.80	.00		
Total 305:					88.80	.00		
845								
845	MOUNTAINLAND SUPPLY COMP	S103631284.0	SEWER DISTRICT-REPAY	10/12/2020	88.58	.00		
845	MOUNTAINLAND SUPPLY COMP	S103631284.0	UTILITY MARKING	10/14/2020	42.00	.00		
845	MOUNTAINLAND SUPPLY COMP	S103800050.0	BURY YARD HYDRANT	10/19/2020	129.75	.00		
845	MOUNTAINLAND SUPPLY COMP	S103800428.0	SHOP	10/19/2020	123.38	.00		
845	MOUNTAINLAND SUPPLY COMP	S103801224.0	MICHIE PARK	10/20/2020	123.30	.00		
845	MOUNTAINLAND SUPPLY COMP	S103808005.0	ICE CASTLE METER	10/23/2020	2,422.62	.00		
Total 845:					2,929.63	.00		
870								
870	NUTECH SPECIALTIES INC	191157	PPE PRODUCTS	10/19/2020	254.70	.00		
Total 870:					254.70	.00		
930								
930	Dominion Energy	2731063797 10	2731063797 Community Center	10/08/2020	112.74	.00		
930	Dominion Energy	5770020000 10	5770020000 TOWN HALL	10/08/2020	30.01	.00		
930	Dominion Energy	5770020000 10	5770020000 TOWN HALL	10/08/2020	195.60	.00		
930	Dominion Energy	6558550000 10	6558550000 Maintenance Shop 2	10/08/2020	59.06	.00		
930	Dominion Energy	6558550000 10	6558550000 Maintenance Shop 2	10/08/2020	30.66	.00		
930	Dominion Energy	6558550000 10	6558550000 Maintenance Shop 2	10/08/2020	55.60	.00		
930	Dominion Energy	6801020000 10	6801020000 Admin Office	10/08/2020	76.23	.00		
930	Dominion Energy	6801020000 10	6801020000 Admin Office	10/08/2020	19.34	.00		
Total 930:					579.24	.00		
945								
945	CENTURYLINK - 435-654-3227 2	10072020	435-654-3227-269B	10/07/2020	348.20	.00		
Total 945:					348.20	.00		
1015								
1015	SAFETY SUPPLY & SIGN CO IN	174649	FLO RED/RIVERT REMOVAL TO	10/14/2020	159.30	.00		
1015	SAFETY SUPPLY & SIGN CO IN	174725	ORANGE MESH FLAGS, HOLES	10/21/2020	288.40	.00		
1015	SAFETY SUPPLY & SIGN CO IN	174726	GLASSES	10/21/2020	19.52	.00		
Total 1015:					467.22	.00		
1045								
1045	STANDARD PLUMBING SUPPLY	LRFW93	WHT PICTURE HOOK-TOWN HA	10/14/2020	4.74	.00		
1045	STANDARD PLUMBING SUPPLY	LRRT22	SLIP CAP - PUBLIC SAFETY	10/20/2020	13.04	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1045	STANDARD PLUMBING SUPPLY	LTJC14	WHT COMB DEVICE	10/27/2020	10.99	.00		
Total 1045:					28.77	.00		
1130								
1130	THATCHER COMPANY	1506041	CHLORINE 7 CYL	10/12/2020	5,915.00	.00		
1130	THATCHER COMPANY	1506063	DEPOSIT	10/12/2020	2,800.00-	.00		
Total 1130:					3,115.00	.00		
1170								
1170	TIMBERLINE ACE HARDWARE	137097	CLOTHING ALLOWANCE	10/14/2020	54.99	.00		
1170	TIMBERLINE ACE HARDWARE	137266	VEHICLE CHARGER, BLUETOO	10/22/2020	101.95	.00		
Total 1170:					156.94	.00		
1255								
1255	UTAH LOCAL GOVERNMENTS T	1586311	WORKERS COMP Policy - Monthl	10/13/2020	1,285.52	.00		
Total 1255:					1,285.52	.00		
1310								
1310	WASATCH AUTO PARTS	208386	BoXED MINIATURES	10/13/2020	12.90	.00		
Total 1310:					12.90	.00		
1365								
1365	WAVE PUBLISHING	L17022	OPEN SPACE`	10/14/2020	27.76	.00		
1365	WAVE PUBLISHING	L17025	PUBLIC HEARING-CC	10/14/2020	101.76	.00		
1365	WAVE PUBLISHING	L17034	PUBLIC HEARING-PC	10/14/2020	48.56	.00		
Total 1365:					178.08	.00		
1421								
1421	HEBER LIGHT & POWER	397	3RD QT 2020 STREET LIGHT M	10/23/2020	626.40	.00		
Total 1421:					626.40	.00		
1593								
1593	TWIN D INC ENVIRONMENTAL S	19561	Storm Drain Cleaning	09/01/2020	2,468.75	.00		
1593	TWIN D INC ENVIRONMENTAL S	19858	Storm Drain Cleaning	09/15/2020	1,513.75	.00		
Total 1593:					3,982.50	.00		
2112								
2112	DAVE VAN WAGONER	118820	BBQ AT SHOP	10/28/2020	53.21	.00		
Total 2112:					53.21	.00		
2165								
2165	INTERMOUNTAIN FARMERS AS	1014181220	Lawn WEED KILER/LAWN SEED	09/30/2020	378.67	.00		
Total 2165:					378.67	.00		
2173								
2173	JACK B PARSON COMPANIES	5384173	SEWER PROJECT-REIMBURSE	10/09/2020	619.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2173:					619.00	.00		
2220								
2220	DITCH WITCH OF THE ROCKIE	E01018	MAGNETIC LOCATOR	10/16/2020	1,120.00	.00		
Total 2220:					1,120.00	.00		
2377								
2377	RIDLEY'S FAMILY MARKETS	10162020	SALES AND USE TAX JANUARY	10/16/2020	3,271.30	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	RESIRT TAX JANUARY 2020	10/16/2020	1,830.37	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	SALES AND USE TAX FEBRUAR	10/16/2020	3,237.45	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	RESORT TAX FEBRUARY 2020	10/16/2020	1,717.11	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	SALES AND USE TAX MARCH 2	10/16/2020	6,711.41	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	RESORT TAX MARCH 2020	10/16/2020	2,748.14	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	SALES AND USE TAX APRIL 202	10/16/2020	4,523.59	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	RESORT TAX APRIL 2020	10/16/2020	2,179.09	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	SALES AND USE TAX MAY 2020	10/16/2020	5,081.49	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	RESORT TAX MAY 2020	10/16/2020	2,582.55	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	SALES AND USE TAX JUNE 202	10/16/2020	6,926.38	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	RESORT TAX JUNE 2020	10/16/2020	3,362.64	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	REAL PROPERTY TAX 2019	10/16/2020	1,666.88	.00		
2377	RIDLEY'S FAMILY MARKETS	10162020	PERSONAL PROPERTY TAX 202	10/16/2020	114.04	.00		
Total 2377:					45,952.44	.00		
2418								
2418	FINAL COMPLETION DEPOSIT	19-077 FCD	19-077 FINAL COMPLETION DE	10/19/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	19-119 FCD	19-119 FINAL COMPLETION DE	10/22/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	19-177 FCD	19-177 FINAL COMPLETION DE	10/27/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	19-188 FCD	19-188 FINAL COMPLETION DE	10/13/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-030 FCD	20-030 FINAL COMPLETION DE	10/28/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-031 FCD	20-031 FINAL COMPLETION DE	10/28/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-038 FCD	20-038 FINAL COMPLETION DE	10/27/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-077 FCD	20-077 FINAL COMPLETION DE	10/19/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-085 FCD	20-085 FINAL COMPLETION DE	10/20/2020	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-099 FCD	20-099 FINAL COMPLETION DE	10/20/2020	1,500.00	.00		
Total 2418:					15,000.00	.00		
2425								
2425	GARRETT & COMPANY, INC	1612	BACKED BENCH, CURVED STE	10/22/2020	5,300.00	.00		
Total 2425:					5,300.00	.00		
2561								
2561	CENTURYLINK -435-654-3924 45	10072020	Backnet phone/internet 3924-453	10/07/2020	166.77	.00		
Total 2561:					166.77	.00		
2562								
2562	CENTURYLINK 435-654-4204 77	10072020	435-654-4204 775B	10/07/2020	59.05	.00		
Total 2562:					59.05	.00		
2636								
2636	CenturyLink ACCT# 88239224	160839702	Account # 88239224	10/12/2020	1,024.33	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2636	CenturyLink ACCT# 88239224	160839702	Account # 88239224	10/12/2020	1,024.33	.00		
Total 2636:					2,048.66	.00		
2658								
2658	SIGNARAMA	INV-7577	EMBROIDERY ON CUSTOMER	10/19/2020	20.00	.00		
2658	SIGNARAMA	INV-7578	SOCIAL DISTANCING SIGN	10/19/2020	316.76	.00		
2658	SIGNARAMA	INV-7644	TRAIL SIGNS	10/28/2020	115.98	.00		
Total 2658:					452.74	.00		
2672								
2672	Child Richards	109714	Quarterly Accounting	09/30/2020	1,200.00	.00		
Total 2672:					1,200.00	.00		
2700								
2700	Car Quest Auto Parts	15341-72285	ARTIC BAN -50 RV	10/12/2020	22.76	.00		
Total 2700:					22.76	.00		
2709								
2709	Celeste Johnson	10072020	Reimburse for BBQ WITH PUBLI	10/07/2020	27.18	.00		
Total 2709:					27.18	.00		
2732								
2732	MURAL MURAL ON THE WALL	1005	TOWN HALL PAINTING MURAL	10/28/2020	3,900.00	.00		
Total 2732:					3,900.00	.00		
2784								
2784	McGEE COMPANY	US00000128	ROLLING JACKS	10/16/2020	875.00	.00		
Total 2784:					875.00	.00		
2816								
2816	COMCAST	10062020	8495 44 104 0300361 THE HALL	10/06/2020	94.78	.00		
Total 2816:					94.78	.00		
2832								
2832	TEX COUCH	10272020	LUNCH FOR COLLETTE AND W	10/27/2020	60.22	.00		
Total 2832:					60.22	.00		
2857								
2857	CMCI LANDSCAPING	2549	TREES FOR RIVER ROAD PROJ	10/21/2020	1,310.00	.00		
Total 2857:					1,310.00	.00		
2858								
2858	WARREN DINTER	10282020	TOWN HALL-OLYMPIC DISPLAY	10/28/2020	75.37	.00		
Total 2858:					75.37	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Grand Totals: 92,869.75 .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
3 November 2020
Regular Meeting

Minutes of the
6 October 2020
Work Meeting



Memo

Date: 31 October 2020
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 6 October 2020 City Council Work Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

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

**Tuesday, 6 October 2020, 4:30 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

Mayor Johnson called the meeting to order at 4:35 p.m.

Members Present:

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

Staff Present:

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

2. FY 2021 Budget / Review (City Recorder – Approximately 10 minutes) – Review the FY 2021 Budget.

Council Member Drury explained that the cancellation of Swiss Days significantly reduced the Midway Boosters' budget. He requested that the money, which would have been spend by the City on law enforcement during the event, be given to the Boosters for fireworks and other projects.

Mayor Johnson reviewed the community projects organized and paid for by the Boosters. She indicated that the City's budget would be amended at the next meeting including reallocating money that would have been spent because of Swiss Days.

Note: Copies of the FY 2021 Budget and an explanatory memo are contained in the supplemental file.

3. CAPS / Projects (Mayor Johnson – Approximately 10 minutes) – Review projects involving the Wasatch Center for Advanced Professional Studies (CAPS).

Mayor Johnson reviewed the proposed souvenir shop and the buildout costs estimated by CAPS. She indicated that the cost of goods sold, management and labor were not included in the estimate.

Note: A copy of the buildout cost is contained in the supplemental file.

The Council also reviewed the facelift to the Community Center and the redesign of the Town Square.

4. Human Resources / Update (Mayor Johnson – Approximately 10 minutes) – Receive an update on recent changes to human resources for Midway City.

Mayor Johnson updated the Council on the implementation of new human resources software and the tracking of where employees spent their time. She explained that she was reviewing the City's human resources manual.

5. Mayor Communication Regarding Updates (Mayor Johnson – Approximately 10 minutes) – Discuss how the City Council receives updates from the Mayor.

Council Member Orme was concerned that the city employees' work schedule had been changed without the Council being informed.

Council Member Drury asked for a set of keys to the City's buildings.

Council Member Drury thought that too many roads in the City were closed for construction. He added that staff needed the authority to regulate such closures.

6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation (Approximately 45 minutes)

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

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	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 Drury moved to go out of the closed meeting.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

7. Adjournment

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

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

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
3 November 2020
Regular Meeting

Minutes of the
6 October 2020
Regular Meeting



Memo

Date: 31 October 2020
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 6 October 2020 City Council Regular Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

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

**Tuesday, 6 October 2020, 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 6:05 p.m.

Members Present:

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

Staff Present:

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

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 Payne gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 6 October 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 1 September 2020 City Council Regular Meeting
- d. Minutes of the 15 September 2020 City Council Regular Meeting
- e. Minutes of the 15 September 2020 City Council Closed Meeting

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

Brad Wilson indicated that Wes Johnson was also at the closed meeting and asked that the

minutes be approved with that addition.

Motion: Council Member Orme moved to approve the consent calendar with the correction to the closed meeting minutes.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Note: Council Member Payne abstained from approval of the 1 September 2020 minutes because he was 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.

Swiss Paradise Lot / Water Stopped Flowing

Cole Preece indicated that the water on his lot, in the Swiss Paradise Subdivision, had stopped flowing. He asked who stopped the water. Wes Johnson responded that the level of the ground water was lower and there was no longer water in the ditch on the southeast side of Remund Farms.

Athina Koumarela / Candidate for School Board

Ms. Koumarela introduced herself and indicated that she was a candidate for the Wasatch County School Board. She gave her qualifications and platform.

No further comments were offered.

4. Department Reports

Housing Authority Board / Staff

Council Member Payne reported that the Wasatch County Housing Authority Board needed experienced staff to relieve some of the burden on its members.

Coordination Between Area Governments

Council Member Dougherty reported that area governments proposed better coordination on issues.

Ice Rink / Repairs

Council Member Drury reported on repairs to the ice rink. He wanted the rink to be operating for the tree lighting event.

Tree Lighting / Town Christmas Party

Mayor Johnson reported that the tree lighting event and the town Christmas party would be combined that year. She added that Santa Clause would not be there because of the pandemic but there would be an additional hayride.

HVRR / Trail

Mayor Johnson reported on the trail from Vivian Park next to the Heber Valley Railroad tracks. She said that the Railroad would offer a train/bike package.

HVSSD / MSD / Budgets

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) and the Midway Sanitation District (MSD) were preparing their budgets for the upcoming year.

Pandemic / Update

Mayor Johnson gave a report on the pandemic. She indicated that some counties would return to the orange danger level. She also indicated that Wasatch High School would have a longer fall break to reduce the spread of the virus.

Emergency Services/ Everbridge

Council Member Dougherty reported that residents could now use the Everbridge app to receive information from area emergency services.

- 5. Hidden Creek Bed and Breakfast / Conditional Use Permit** (Meghan and Conner Clark – Approximately 10 minutes) – Discuss and possibly grant a conditional use permit for the Hidden Creek Bed and Breakfast proposed for 535 West Cari Lane (Zoning is R-1-15).

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

- Land use summary
- Location of the proposed bed and breakfast
- Site plan
- Pictures of the property
- Discussion items
- Possible findings

Mr. Henke also made the following comments:

- A public hearing was held at the last council meeting.
- Additional public comment had been received by email.
- The driveway was paved that day.
- Recommended against parking on Cari Lane because there was no shoulder.
- Some of the proposed parking was on the property to the east. This was allowed if approved by the Council.
- Occupants were limit to two per bedroom.
- The occupants were limited to 18 during events because of the size of the house.
- Alcohol was only being requested for special events.
- During a recent event, the noise level was tested at the property line with a decibel meter. The levels did not exceed the allowed limits. A neighbor did call the Sheriff's Department and complained about the noise. The responding deputy determined there was not a noise violation.
- Any sign for the business had to be on the property an out of the line of sight for the entrance. No backlit signs were allowed.
- No additional lighting was planned.
- The Municipal Code already regulated lighting.
- The property had RV hookups. The zone did not allow renting spaces for RVs.

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

Motion: Council Member Orme moved to approve the conditional use permit for the Hidden Creek Bed and Breakfast subject to no parking on Cari Lane.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

6. Hidden Creek Bed and Breakfast / Additional Use (Meghan and Conner Clark – Approximately 30 minutes) – Discuss and possibly grant an additional use for receptions,

banquets, and catering for the Hidden Creek Bed and Breakfast proposed for 535 West Cari Lane (Zoning is R-1-15).

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

- Municipal Code, Section 16.13.35(H)
- Site plan for the Bed and Breakfast (B&B)
- Discussion items
- Possible findings
- Possible conditions

Mr. Henke also made the following comments:

- Additional uses could be requested with a B&B.
- The request was discretionary on the part of the Council.
- The Council needed to decide what would be acceptable if additional uses were allowed.
- The property had a large flat area that could be used for parking.
- 77 parking stalls were shown on the site plan.
- The request met all requirements.
- Would the uses have too much impact for a residential zone?
- Recommended limiting the stalls to 20 and the guests to 40 to balance the impact.
- The Building Code allowed 18 guests in the house.
- Would the Council allow the applicant to apply for a special alcohol permit if special events were allowed?
- The Municipal Code regulated noise.
- No other B&Bs in residential zones had requested to have events.

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

Jeremy Clark, applicant, made the following comments:

- The most recent event at the property had 100 to 150 guests.
- All noise had to be under the allowed limit.
- Wanted to be able to park at least 50 vehicles.
- There were trees and sound barriers that would limit the noise.
- Would like to have ten events between April and October.
- High Valley Arts had events in a residential zone.
- The resorts were part of the charm of Midway.
- Concerns with the request were more fear than reality.
- Vehicles on Cari Lane would make more noise than the events.
- Some neighbors did not hear any noise from the most recent event.
- High Valley Arts had not been limited on its parking at events.
- Events added vibrancy to the City.
- Events brought out of town and out of state visitors to the area hotels.
- The City should be business friendly.
- Would follow all regulations.
- The number of events could be reassessed in a year and adjusted if there was a problem.

- Had a legal opinion that the Building Code could not limit the number of guests in the house.
- Portable restrooms could be used.

Council Member Dougherty made the following comments:

- The Municipal Code anticipated B&Bs and events in the zone.
- The kids and ATVs in the area were noisier than the events.
- A decision should be based on experience.
- The applicant should be given the chance to prove the events would not be a problem.
- Events could be allowed on a year to year basis.
- Limiting guest to 40 would be difficult.
- 80 vehicles going in and out at the same time on Cari Lane could be a problem.
- Could shuttles be used?

Council Member Payne made the following comments:

- There were competing rights with no ideal solution.
- The CUP had to be approved with reasonable conditions.
- The decision was discretionary.
- The neighbors did not move into the neighborhood to live next to a commercial or high intensity use.
- The request could not be compared to the Homestead or Zermatt resorts.
- The applicant had good intentions.
- Applications were tied to the property because the property could be sold.
- The Council should consider amending the Municipal Code to eliminate the possibility for additional uses.
- Weighed in on the side of the people negatively impacted.

Council Member Simonsen made the following comments:

- Had been in a situation where his neighbors were not what he was expecting.
- The request needed to be consistent with residential uses.
- Would not expect ten to 80 vehicles in the zone.
- The number of vehicles should be limited to fewer than ten.

Council Member Orme made the following comments:

- Who would police the events?
- The neighbors would be forced to be the police.
- It would be difficult to limit the noise if there would be a band.
- Residents thought that residential zones were residential.
- You could not significantly limit the number of people and vehicles and have a successful event.

Council Member Drury made the following comments:

- Zones were established to prevent conflicts.
- The consistency of zones should be maintained.
- Allowing additional uses would set precedence.

Motion: Council Member Payne moved to deny the request for an additional use for receptions, banquets, and catering for the Hidden Creek Bed and Breakfast proposed for 535 West Cari Lane.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Simonsen stated that the applicant was not a bad person, but the request was not a good fit for the neighborhood.

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

Council Member Dougherty	Nay
Council Member Drury	Nay
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

7. Kinsey Property / Culinary Water Will Serve Letter (Nick Patterson – Approximately 20 minutes) – Discuss and possibly approve a will serve letter to provide culinary water to the Kinsey property located at 15 East 850 South, which is outside of the city limits.

Corbin Gordon reviewed the draft will serve letter and made the following comments:

- It gave the Kinsey family the opportunity to connect to the City’s culinary water system.
- It required that the family participate in any petition for annexation for surrounding properties.
- They would be charged 1.5 times the rate for culinary water.
- Wanted permission to remove any sections of the letter that were not necessary.

Michael Henke reported that each of the five lots would have documents recorded against them. Mr. Gordon added that the two lots, not included in the request, would also have documents recorded against them.

Motion: Council Member Simonsen moved to approve the will serve letter as provided to the Council noting that the City Attorney could modify the terms that did not apply, and “applicant” would be changed to “petitioner”.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Nay
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye

- 8. Edelweiss Meadows / Preliminary Approval** (Hilltop Homes – Approximately 60 minutes)
– Discuss and possibly grant preliminary approval for the Edelweiss Meadows Subdivision located at 640 East 200 South (Remaining Parcel B of the Kem Bezzant Subdivision) (Zoning is R-1-11). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

Note: Council Member Orme recused herself from consideration of the item and left at 7:52 p.m.

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

- Land use summary
- Location of the subdivision
- Existing plat map
- Proposed plat map
- Temporary cul-de-sac
- Discussion items
- Requests from Kem Bezzant
- Water Board recommendations
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The continuation of 200 South had been accommodated.
- The subdivision would include sidewalks even though the surrounding area did not have them.
- Mr. Bezzant would deed a portion of the road to the City.
- The proposal required a plat amendment and vacating a section of the existing plat map.
- The lots would be double the minimum allowed size in the zone.
- The applicant had agreed to Mr. Bezzant's requests.
- The proposed storm drain basin had been moved from the back of a lot to the front.
- If 200 South continued in a straight line, then it would leave a lot in the Neerings Subdivision four feet too short. The road could be moved north.

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 Engineer's office inspected storm drain systems each fall to make sure that they had not been covered and were still functioning.
- Should sidewalks that go nowhere be required? They should be installed because they

may also be installed in the surrounding area in the future. The rural cross-section was not an option for the subdivision. Children should not be forced to walk in the street.

Public Hearing

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

Clint Neerings

Mr. Neerings made the following comments:

- Did not oppose the development.
- Asked that the developer adjust the road so there would be no unbuildable lots in the Neerings Subdivision. This would allow all his siblings to have a lot.
- Why had other potential buyers of the property, who wanted less dense projects, been denied?
- The City's streets plan required 200 South to continue to Michie Lane, but that would require it to take a winding and problematic route. The route would affect his family and reduce the rural feel in the area.
- There were multiple points of access in the area.

Mr. Henke made the following comments:

- Less density was a goal for the City but paying for roads in a project required developers to increase the number of lots.
- The Streets Plan did not specify the exact location of a road.
- 200 South and Michie Lane would be the only east to west roads in the area.

Jean Hoover

Ms. Hoover made the following comments:

- 200 South would end one block to the west and would never be a true through road.
- Did not oppose the proposed development.

Cory Neerings

Mr. Neerings made the following comments:

- The block road system ended on the block to the west.
- Some of the surrounding developments were built without regard for the block system.

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

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

- The west end of the road, proposed for the development, was already established. It was extended straight to the east.
- Requested that the sewer for the proposed subdivision go through the Neerings Subdivision. It would be installed by the applicant.

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

- Two cul-de-sacs and less density were preferable to more density and a through road.
- Evacuations in case of an emergency were an issue.
- There was not much benefit to connecting 200 South to Michie Lane on the east.
- The Neerings Subdivision achieved maximum density because of 200 South connecting to it.
- The General Plan would have to be amended to change the route of 200 South.
- Moving the road to the north would increase density.

Dennis Higley, applicant, made the following comments:

- Would install the sewer and move the road to the north if the Neerings family would give him some additional footage so that he could have an additional lot. The lots would still be oversized for the zone.

Motion: Council Member Drury moved to table consideration of the item until the next meeting so that the parties could discuss the proposed changes.

Second: Council Member Dougherty seconded the motion.

Discussion: Mr. Higley indicated that he had closed on the property and was paying interest on the loan.

Clint Neerings did not oppose an easement for the sewer line but wanted 200 South vacated from the road plan.

Council Member Dougherty thought that continuing the item was better than it being denied.

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

Mayor Johnson	Nay
Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Recused
Council Member Payne	Nay
Council Member Simonsen	Nay

Motion: Council Member Payne moved to grant preliminary approval for the Edelweiss Meadows Subdivision located at 640 East 200 South (Remaining Parcel B of the Kem Bezzant Subdivision) (Zoning is R-1-11) with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.

- The proposal complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City’s general plan.
- A plat amendment and or vacation would be submitted with the final application for the proposal.
- The developer would address Mr. Bezzant’s concerns as listed in the staff report that included deeding the 200 South right-of-way, access to lot 1 during construction, and restoration to any damaged property.
- A note would be included on the plat map informing the future owner of lot three that the stormwater runoff pond should not be modified in any way that reduced its capacity or functionality.
- 200 North would be moved north as required to accommodate the lot in the Neerings Subdivision.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Drury asked if the sewer plan would be adjusted? Council Member Simonsen responded that could be addressed with final approval.

Council Member Dougherty indicated that the Council was not the applicant’s engineer and was reluctant to have the motion redesign the Subdivision.

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

Council Member Dougherty	Nay
Council Member Drury	Aye
Council Member Orme	Recused
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 8:57 p.m. She reconvened the meeting at 9:09 p.m.

Note: Council Member Orme returned at 9:09 p.m.

9. Ordinance 2020-18 / Double Frontage Lots (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2020-18 amending Title 16 (Land Use) of the Midway City Municipal Code regarding double frontage lots. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Definitions of double frontage
- Examples
- Proposed code
- Transportation plan and road types
- Impact on properties
- Possible findings

Mr. Henke also made the following comments:

- The proposal was from staff.
- Double frontage was generally discouraged unless it backed up to a collector road and had limited access.
- Avoided six-foot fences next to roads.
- It was unlikely that there would be any lots with double frontage that did not also have open space.
- There were large setback requirements for collector roads.
- Large or small subdivisions could not have fences next to sidewalks.

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

Public Hearing

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

Paul Berg

Mr. Berg reviewed several properties that were wide enough for a road and a row of lots. He questioned who wanted a road in their backyard. He supported the proposal because it eliminated a loophole in the Municipal Code.

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

Motion: Council Member Drury moved to adopt Ordinance 2020-18 regarding double frontage lots with the following findings:

- The proposed code would regulate when double frontage lots would be created.
- Double frontage would not be allowed when a lot backed a local, minor collector, or local collector street.
- Double frontage would be allowed when a lot backed a collector or arterial street.
- The proposed code might reduce the ability of some properties to develop.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Drury moved to next consider the exception to setbacks and the road name change.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

10. Gravity Coalition / Exception to Setbacks (Kody Hoover – Approximately 30 minutes) – Discuss and possibly grant an exception to the setbacks for Gravity Coalition located at 269 East Main Street (Zoning is C-2).

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

- Location of the business
- Pictures of the business
- Setbacks for the C-2 zone
- Proposed site plan
- Rendering of the proposed structure

Mr. Henke also made the following comments:

- The applicant was requesting an exception to the setbacks for his business.
- The business was a mixed-use project.
- The applicant wanted to expand the building to the north and east.
- There needed to be sufficient parking.
- Noticed the property owner to the east but had not heard back from her.

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

Kody Hoover, applicant, made the following comments:

- Requested that the outline on the site plan, but not the exact footprint of the building, be approved by the Council.
- The front setback was not critical.
- Wanted to increase the square footage of the building for additional inventory.
- Wanted to stay in the building and restore it.
- Did not speak to the neighbors about the proposal. They were customers but not at their property a lot.

Motion: Council Member Simonsen moved to approve the request to make an exception to the setbacks for the property allowing the side setbacks to go with the commercial standard of zero with the following findings:

- The zero-setback applied generally to commercial lots not adjacent to residential lots.
- The owner of the adjacent residential lot was notified of the request and did not respond with any issues. The home on the adjacent lot was a rental property.
- There were other buildings in the area that were close to lot lines.
- The City wanted to promote this area as a commercial zone.
- The business was successful and growing which the City wanted to support.
- The intent of the Municipal Code was to protect legacy residential use, but ultimately, hoped that the area would transition from residential to commercial over time. The request was consistent with that intent.
- A request to reduce the ten-foot front setback would not be granted at that time because other commercial properties had that setback.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Payne preferred to have the input of the adjoining property owner. Council Member Orme responded that the owner did not live in the house. Jean Hoover, who owned the property where the business was located, indicated that her property was zoned commercial when the adjoining residential property was purchased by the current owner.

Council Member Dougherty asked if there was a height limit for the zone. Mr. Henke responded that the limit was 35 feet. Council Member Dougherty asked that approval be conditioned on the height of the building not being increased.

Council Member Payne did not want to approve the request without seeing the specific building and its footprint. Mr. Henke responded that the conditional use would not run with the property.

Amended Motion: Council Member Simonsen moved to approve the request to make an exception to the setbacks for the property allowing the side setbacks to go with the commercial standard of zero with the following findings:

- The zero-setback applied generally to commercial lots not adjacent to residential lots.
- The owner of the adjacent residential lot was notified of the request and did not respond with any issues. The home on the adjacent lot was a rental property.
- There were other buildings in the area that were close to lot lines.
- The City wanted to promote this area as a commercial zone.
- The business was successful and growing which the City wanted to support.
- The intent of the Municipal Code was to protect legacy residential use, but ultimately, hoped that the area would transition from residential to commercial over time. The request was consistent with that intent.
- A request to reduce the ten-foot front setback would not be granted at that time because other commercial properties had that setback.
- The peak of the roof remained consistent with the existing building.
- The Building Safety Department would address the drainage from the building onto the neighboring lot.

Second: Council Member Orme seconded the amended motion.

Discussion: Van Kelly, a contractor working with the applicant, indicated that the roof could be setback a foot with snow rakes and a rain gutter.

Mayor Johnson noted that Ridley's grocery store dumped rain and snow onto a neighboring property and the issue had to be corrected.

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Drury moved to extend the meeting to consider the road name change.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

11. Whitaker Farm / Change Road Name (Dan Luster – Approximately 5 minutes) – Discuss and possibly approve renaming the section of Whitaker Farm Way, from River Road to the entrance to the Whitaker Farm Subdivision, to Salazar Spring Road.

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

- Roads plan
- Overview of the request

Mr. Henke also made the following comments:

- No documents needed to be recorded for the request.
- Recommended that the Whitaker Farm developer pay all the costs to change the name.

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

Council Member Simonsen asked if there were any concerns with emergency services, deliveries, etc. Mr. Henke responded that Ivan Spencer, Wasatch County GIS Database

Administrator, did not have any issues.

Motion: Council Member Orme moved to change Whitaker Farm Way to Salazar Spring Road on the section as recommended by staff.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Drury moved to extend the meeting to consider Ordinance 2020-19.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

12. Ordinance 2020-19 / Tree Regulations and Preservation (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2020-19 adding Section 16.29 (Tree Regulations and Preservation) to the Midway City Municipal Code. Recommended by the Midway City Planning Commission. **Public Hearing**

Council Member Simonsen made the following comments:

- The Ordinance was a requirement to be a Tree City.
- It regulated the maintenance of trees on public property.
- Any costs would not exceed the budgeted \$2 per resident.

Michael Henke made the following comments:

- The Ordinance would help with trails damage caused by trees.
- Would allow for the removal of hazardous trees on private property.
- Was recommended by the Midway Trails and Parks Advisory Committee.

Public Hearing

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

Motion: Council Member Simonsen moved to approve Ordinance 2020-19 establishing tree regulations and adding Section 16.29 (Tree Regulations and Preservation) to the Midway City Municipal Code.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Drury moved to extend the meeting to consider Ordinance 2020-20.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

13. Ordinance 2020-20 / Tree Board (City Planner – Approximately 2 minutes) – Discuss and possibly adopt Ordinance 2020-20 amending Chapter 2.06 (Trails and Parks Advisory Committee) of the Midway City Municipal Code to designate the Midway Trails and Park Advisory Committee as a tree board for Midway City.

Michael Henke reviewed the proposed ordinance. Mayor Johnson indicated that expenses for an arborist would count towards the required annual budget for a Tree City.

Motion: Council Member Simonsen moved to approve Ordinance 2020-20 designating the Trails and Parks Advisory Committee as the Trails, Parks and Trees Advisory Committee and amending Chapter 2.06 (Trails and Parks Advisory Committee) of the Midway City Municipal Code.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

14. Appenzell PUD, Phase 1 / Conclude Warranty Period (City Engineer – Approximately 10 minutes) – Discuss and possibly conclude the warranty period and release the remainder of the bond for the Appenzell PUD, Phase 1 located at 700 South Center Street subject to the payment of all fees due to Midway City.

Wes Johnson reported that he did not have any new information regarding the item. He recommended that it not be considered that night.

15. Adjournment

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

The meeting was adjourned at 10:19 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
3 November 2020
Regular Meeting

Minutes of the
20 October 2020
Work Meeting



Memo

Date: 31 October 2020
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 20 October 2020 City Council Work Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

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

**Tuesday, 20 October 2020, 5:00 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

Mayor Johnson called the meeting to order at 5:08 p.m.

Members Present:

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

Staff Present:

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

2. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

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

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	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 Drury moved to go out of the closed meeting.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

3. Adjournment

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

The meeting was adjourned at 6:07 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
3 November 2020
Regular Meeting

Minutes of the
20 October 2020
Regular Meeting



Memo

Date: 31 October 2020
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 20 October 2020 City Council Regular Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

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

**Tuesday, 20 October 2020, 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 6:10 p.m.

Members Present:

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

Staff Present:

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

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

2. Consent Calendar

- a. Agenda for the 20 October 2020 City Council Regular Meeting
- b. Warrants

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

Council Member Drury asked about the warrant for Wasatch Property Maintenance. Wes Johnson reviewed the warrant and indicated that it was for road surface treatments. He noted that the company also worked under the name Wasatch Asphalt Preservation.

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

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Wes Johnson indicated that the warranty bond was ready to be released for the Appenzell PUD, Phase 1. He asked that it be on the agenda for the next 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. No comments were offered.

4. Department Reports

Town Hall / Olympic Display / Benches

Council Member Orme reported that the Olympic display and the benches in the Town Hall had been refurbished.

Cemetery / Branches

Council Member Orme reported that the fallen branches at the cemetery had been cleaned up.

Community Center / Roof

Council Member Orme reported that the City was trying to get lower bids to replace the roof on the Community Center.

Town Hall / Shingles

Council Member Simonsen asked if anything needed to be done with the curling shingles on the Town Hall.

HVTED / Rebranding

Council Member Orme reported that Heber Valley Tourism and Economic Development (HVTED) wanted to rebrand.

Trails, Parks, and Trees Committee / Subcommittees / Tree Roll

Council Member Simonsen reported that the Midway Trails, Parks, and Trees Advisory Committee was creating subcommittees and a tree roll.

Culinary Water System / Capacity

Council Member Dougherty recommended that culinary water system capacity be considered when calculating the required water rights for a development.

Open Space Committee / Projects

Council Member Dougherty reported that the Midway Open Space Advisory Committee was discussing open space projects.

Midway Business Alliance

Council Member Dougherty reported that local businesses were pushing along during the pandemic.

HL&P / Division of Ownership

Council Member Dougherty reported that Midway City owned the same percentage of the Heber Light & Power Company (HL&P) as Charleston Town but had usage comparable to Heber City.

HL&P / 970 South Transmission Line

Council Member Dougherty reported that HL&P was anxious to move the 970 South transmission line forward.

COVID-19 Pandemic

Mayor Johnson reviewed hospital capacity and mask wearing related to the pandemic. She said that no indoor social events were allowed.

- 5. CAPS Presentation** (Approximately 45 minutes) – Receive a presentation from the Wasatch Center for Advanced Professional Studies (CAPS) regarding a Town Square master plan, Community Center exterior renovation, and a souvenir shop.

Mayor Johnson indicated that the item would be considered at the next council meeting.

6. Cascades at Soldier Hollow, Phase 2 / Plat Amendment (Derek Kohler – Approximately 15 minutes) – Discuss and possibly approve an amendment to the plat map for Phase 2 of the Cascades at Soldier Hollow Subdivision, combining lots 85 and 86, located at 503 West Meadowbrook Circle. **Public Hearing**

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

- Land use summary
- Location of the subdivision
- Recorded plat map
- Proposed plat map
- Possible findings

Mr. Henke also made the following comments:

- The public utility easement (PUE) between the two lots, being combined, would be removed.
- There were no recommended conditions.
- Enough water rights had been turned in to irrigate the entire subdivision.

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 first staff finding was not accurate because a larger house could have just as many trips as two houses. The law of averages indicated that two houses usually had more trips.
- Should there be a limit on the size of houses?
- The size of a house was already regulated by setbacks and height restrictions.
- Some limits in other communities were based on the size of the lot.
- Owners maximizing the size of their house decreased the feel of open space.
- Setbacks should increase with the size of the lot.

Public Hearing

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

Eldon Hacky, Applicant

Mr. Hacky made the following comments:

- The lots in Phase 2 were smaller than those in Phase 1.
- The proposed lot would be similar in size to the lots in Phase 1.
- The HOA set standards including greater setbacks.

- Other lots had been combined in the phase.

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

Motion: Council Member Payne moved to approve the Cascades at Soldier Hollow, Phase 2 amendment combining lots 85 and 86, located at 503 West Meadowbrook Circle, with the following findings:

- Potential trips per day generated from the two lots would be reduced.
- Density in the subdivision would be reduced.
- The area would feel more open because of the reduction of one lot.
- No public street, right-of-way, or easement would be vacated or altered.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

7. Resolution 2020-28 / FY 2021 Budget Amendment (City Recorder – Approximately 15 minutes) – Discuss and possibly approve Resolution 2020-28 amending the Midway City FY 2021 Budget. **Public Hearing**

Brad Wilson gave a presentation on the proposed amendment and reviewed the changes in detail.

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

Council Member Drury asked that \$15,000 be allocated for the Midway Booster's fireworks and beautification.

Mr. Wilson would contact HVTED to see if restrictions had been loosened on the use of CARES Act funds for businesses.

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.

Council Member Drury asked if the \$1 million in open space funds, allocated for Kem Gardner's property and that he wanted to return to the City, could be put into a fund for parks maintenance. Mr. Wilson was concerned that the bond money was authorized by the voters for a specific purpose and using it otherwise could be problematic. Council Member Drury said that if the money had restrictions then it should be used to pay back the bond. Mr. Wilson recommended that the City's bond counsel review the issue and the transaction with Mr. Gardner.

Motion: Council Member Drury moved to approve Resolution 2020-28 amending the Midway City FY 2021 Budget with the changes as discussed.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

8. Cozens Subdivision / Transfer Water Right (Glen Lent – Approximately 20 minutes) – Discuss and possibly approve transferring to Midway City a water right from an existing well in the Cozens Subdivision located at 840 South Stringtown Road.

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

- Location of the subdivision
- Recorded plat map
- Overview
- Water Board recommendation

Mr. Henke also made the following comments:

- The request would transfer the water rights into the Alpenhof/Weber well.
- The applicant wanted to also transfer the excess water rights from his well into the City's well and receive a credit. The City did not have a system for such credits. Told the applicant that the City would have to be given all the rights.
- The Council was not obligated to accept the water rights.
- The subdivision was in the city limits.
- Generally, such requests, for water rights in the city limits, had been approved.
- If the City accepted the excess water rights, then they could be sold by the applicant.
- The applicant wanted to escrow water shares so that he could record the amendment prior to the water rights transfer being completed.

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 well would have to be capped if all the water rights were transferred out of it.
- The State periodically asked if the well was still capped.
- There was excess capacity in the Alpenhof/Weber well if the water rights were transferred.
- The amount of the water right would be reduced by the State Engineer.

Motion: Council Member Payne moved to approve transferring to Midway City a water right from an existing well in the Cozens Subdivision, located at 840 South Stringtown Road, subject to the following conditions and findings:

- The actual right transferred be equal to or greater than 0.4-acre feet.
- The applicant could provide 0.4-acre feet of rights as security to record the plat map otherwise the map had to be recorded after the transfer was approved by the State Engineer.
- The City did not have a system to give credits for excess water rights.
- The City had generally approved similar request for water rights within its limits.
- An escrow agreement would be needed if water rights were used as security.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

Council Member Dougherty	Nay
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 7:55 p.m. She reconvened the meeting at 8:03 p.m.

9. Cross-Parking Agreement / Café Galleria (Andy Jenkins / Brian Larney – Approximately 15 minutes) – Discuss and possibly approve a cross-parking agreement between the Café Galleria, located at 101 West Main Street, and the parking lot located at 125 West Main Street.

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

- Overview
- Cross parking agreement

Mr. Henke also made the following comments:

- Café Galleria wanted to expand and needed nine additional parking stalls.
- The expansion would eliminate an existing stall.
- Considered the domes at the restaurant as outside dining.
- Did not know if Brian Larney, who owned the parking lot with the proposed additional stalls, had entered into any other cross parking agreements.
- The applicant would have to come back to the Council if the agreement ended or the parking was moved.
- The Café's business license could be revoked if the needed parking was eliminated.
- The business would be short seven stalls if it did not expand and had to meet the existing regulations.
- The additional stalls would be in a private parking lot and would not be supervised by the City.
- The agreement would be finalized before the building permit was issued.
- Considered the domes as temporary.

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 agreement should require that the City be notified if it was terminated.
- The stalls would be marked so that they could not be leased to multiple parties.
- Would someone leasing stalls have to have a business license?
- There were already people leasing stalls that did not have a license.
- The stalls would have to remain open for the Café even during Swiss Days.
- Should the domes be considered outside or inside dining? Would there be sufficient parking with the domes?
- It was good to keep businesses busy during the winter.
- Businesses should have bicycle parking.
- ADA requirements would be verified with the building permit.

Motion: Council Member Simonsen moved to approve a cross-parking agreement based on the terms presented subject to the following conditions:

- The agreement needed to be provided to staff.
- It needed to match what was approved that night.
- It should include a diagram and have specific stalls designated for the Café.
- It should include a requirement that both parties notify the City if it was terminated.
- The stalls would be marked on site for the Café.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

10. Cascade View Subdivision / Potential Annexation (Doug Dance – Approximately 15 minutes) – Discuss annexing the property, located at 900 West 1180 South, planned for the Cascade View Subdivision.

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

- Location of the proposed development
- Zoning map
- Highlands at Soldier Hollow
- Area view with proposed developments
- Culinary water access policy
- Discussion items

Mr. Henke also made the following comments:

- Doug Dance wanted to develop a property just outside of the city limits.
- A county road extended to the property.
- There were no state code issues with annexing it.
- Mr. Dance wanted to connect to the City's culinary water system.
- He wanted to know if the Council would entertain the annexation.
- The Council was not obligated to approve an annexation request.
- The Highlands at Soldier Hollow, west of the proposal, would be developed in the County.
- It was debatable if the proposal had two access points that met the City's code.
- Wards Lane did not have the needed right-of-way for a road, but it could be used for an emergency access. The City did not have a separate standard for an emergency access.
- Cascade Springs Drive was too long for a cul-de-sac.
- The property would initially be one lot then increase to four in the future. The zone allowed six lots.
- The cul-de-sac would not connect to any city streets.
- The property would have to develop after the Highlands at Soldier Hollow, or the cul-de-sac measured from where it connected to Cascade Springs Drive.

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 road to the Soldier Hollow Golf Course maintenance building did not have an exit and could not be used as a second access for the proposal.

- The current developer did not plan to gate the Highlands at Soldier Hollow Subdivision.
- An agreement should memorialize the accesses.
- Saint Prex Estates was approved with one access prior to the current access restrictions.
- The specifications were the same for private and public streets.
- Culinary water was accessible from the Cascades at Soldier Hollow Subdivision. Mr. Dance preferred accessing the water on the west side of the Subdivision.
- The Highlands at Soldier Hollow Subdivision would get its water from 26 wells and have septic tanks. The City needed to decide if it wanted to protest the wells. A test well on the property had good flow.
- The City was working with a consultant to determine the effect of the wells on the City's Indian Springs water source.
- The septic systems on the property would have to meet county requirements.
- The proposal's development potential would be limited without access to the culinary water system.
- Would annexing the property encourage surrounding properties to be annexed?
- The Council should not consider an access that did not meet its requirements.
- The Council should accommodate the proposal because it had less density.
- Could the existing road to the property be considered a private driveway?
- The property should be developed at the same time as the Highlands.
- Wards Lane should remain rural.
- All the residents in that area would use the City's streets.
- Properties should not be annexed just to access culinary water.
- How much of the existing roads did the County plow in the winter?
- Residential development did not provide enough revenue to cover the services provided.
- The City should have input on the Highlands.
- A property usually was not annexed into the city after it was developed.

Mr. Dance made the following comments:

- Did the temporary cul-de-sac have to be considered a new road?
- He wanted to develop the property so his children could live there.
- If the Ward property was not developed, then the proposal would remain one lot.
- He added that he had the necessary water rights and access to sewer and pressurized irrigation.

Mr. Henke was uncomfortable not calling the cul-de-sac a new road because it added density.

11. Proclamation 2020-01 / Arbor Day (Council Member Simonsen – Approximately 10 minutes) – Discuss and possibly adopt Proclamation 2020-01 proclaiming 30 April 2021 as Arbor Day in Midway City.

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

- Tree City, USA
- Steps to be a Tree City

Mr. Henke also made the following comments:

- The Council could choose the date for Arbor Day or use the date set by the State.
- The City could do a joint event with the Wasatch Mountain State Park.
- The City needed to budget but not spend a certain amount of money to qualify.

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

Motion: Council Member Simonsen moved to adopt Proclamation 2020-01 proclaiming a certain day, as determined by the Mayor and staff, as Arbor Day in collaboration with the Wasatch Mountain State Park.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

12. Law Enforcement / Contract (City Attorney – Approximately 60 minutes) – Discuss a revised contract for law enforcement.

Corbin Gordon gave a presentation regarding the contract and reviewed the following items:

- Base level of service
- Obligated and unobligated time
- Addendum “A”
- Recent billing

Mr. Gordon also made the following comments:

- The Mayor, Council Member Drury and he met with the Wasatch County Sheriff.
- The guiding principle in the discussion was fairness.
- Other communities were not paying their share of law enforcement costs.
- Midway was happy to pay its share if the other communities also paid their share.
- Base level of service and additional services had to be defined.
- The City would not pay any more for base level services.
- Special events would pay for law enforcement through the permitting process.
- Addendum “A” would be renegotiated annually.
- Midway used 6% of the Sheriff’s Department services but was paying for 13%.
- Midway had 15% of the County’s population but was using 6% of the Departments services.
- The Council needed to decide what it wanted in Addendum “A”.

- The City was receiving 20 to 30 hours of additional service each month.

Note: A copy of the proposed contract is contained in the supplemental file.

Mayor Johnson made the following comments:

- The Sheriff agreed to what qualified as a base level of service.
- He did not want to provide labor intensive reports.
- The proposed contract gave the City more service for less money.

Council Member Drury made the following comments:

- The Sheriff said that most of his Department's time was obligated with less and less time being unobligated.
- Patrol was an additional service.
- The Department did not have enough officers to provide all the additional services that the City wanted. The Sheriff said that if the City wanted that level of service then it should have its own department.

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

- Could the City pay for the equivalent of an extra deputy? The Sheriff said that there was an economy of scale and the situation was more complex than just adding an additional deputy.
- The City needed an additional 40 to 60 hours for traffic control, etc.
- Should the contract state that the City would only pay for the hours that it received?
- Additional services were usually required during the day.
- The City received a lot of complaints about speeding.
- If the City provided certainty in what it paid then it should get certainty in the hours that it received.
- The contract could be for five years to provide additional certainty for the Department.
- The Department determined where its officers worked.
- No other communities were asking for additional service.
- Hideout Town was renegotiating its contract.
- The City was receiving at least the base level of service.
- It was creating a process that could be used by other communities.
- It needed to work with the County Manager because he and the County Council set the Department's budget.
- It was not receiving much additional service.
- It should get what it paid for.

13. Adjournment

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

The meeting was adjourned at 10:25 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT