

Midway City Council
7 December 2021
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
565								
565	HORROCKS ENGINEERS INC	64885	Attend City Council Meeting	11/10/2021	636.00	.00		
565	HORROCKS ENGINEERS INC	64885	Midway General Engineering	11/10/2021	3,308.75	.00		
565	HORROCKS ENGINEERS INC	64885	Midway City Cut Permits	11/10/2021	159.00	.00		
565	HORROCKS ENGINEERS INC	64885	Attend Planning Commission	11/10/2021	318.00	.00		
565	HORROCKS ENGINEERS INC	64885	Update the Roadway General Pla	11/10/2021	477.00	.00		
565	HORROCKS ENGINEERS INC	64885	Rising Ranch (Sam Castor): Plan	11/10/2021	588.00	.00		
565	HORROCKS ENGINEERS INC	64885	Villages of Zermatt - Planning	11/10/2021	1,309.15	.00		
565	HORROCKS ENGINEERS INC	64885	Villages of Zermat - Construction	11/10/2021	683.20	.00		
565	HORROCKS ENGINEERS INC	64885	Haven Farms North - Construction	11/10/2021	175.80	.00		
565	HORROCKS ENGINEERS INC	64885	Mill Canyon Farms - Planning	11/10/2021	608.50	.00		
565	HORROCKS ENGINEERS INC	64885	Edelweiss Meadows - Constructio	11/10/2021	637.95	.00		
565	HORROCKS ENGINEERS INC	64885	Saddle Creek Ph 1: Const	11/10/2021	3,783.50	.00		
565	HORROCKS ENGINEERS INC	64885	The Reserve Phase 2: (Const.)	11/10/2021	5,937.50	.00		
565	HORROCKS ENGINEERS INC	64885	Whitaker Farms - Const.	11/10/2021	1,267.45	.00		
565	HORROCKS ENGINEERS INC	64885	LaBarge Subdivision - Planning	11/10/2021	182.00	.00		
565	HORROCKS ENGINEERS INC	64885	The Village: Planning	11/10/2021	1,092.00	.00		
565	HORROCKS ENGINEERS INC	64885	Huntleigh Woods Subdivision - Co	11/10/2021	2,160.85	.00		
565	HORROCKS ENGINEERS INC	64885	The Highlands at Soldier Hollow -	11/10/2021	1,218.00	.00		
565	HORROCKS ENGINEERS INC	64885	The Reserve Phase 1: Constructi	11/10/2021	1,220.40	.00		
565	HORROCKS ENGINEERS INC	64885	Saddle Creek Phase 2 & 3 (Const	11/10/2021	3,880.85	.00		
565	HORROCKS ENGINEERS INC	64885	Burgi Hill Subdivision - Constructi	11/10/2021	84.00	.00		
565	HORROCKS ENGINEERS INC	64885	Saddle Creek Phase 4 - Planning	11/10/2021	784.00	.00		
565	HORROCKS ENGINEERS INC	64885	Haynie Density Reduction - Planni	11/10/2021	426.50	.00		
565	HORROCKS ENGINEERS INC	64885	Remund Farms Ph 2 & 3 - Constr	11/10/2021	240.00	.00		
565	HORROCKS ENGINEERS INC	64885	2021 Road Surface Treatment CO	11/10/2021	2,135.40	.00		
565	HORROCKS ENGINEERS INC	64885	2021 RIVER ROAD IMProvement	11/10/2021	11,450.20	.00		
Total 565:					44,764.00	.00		
735								
735	LES OLSON COMPANY	EA1083873	1 year #4 gms Salt Lake	11/18/2021	266.60	.00		
Total 735:					266.60	.00		
845								
845	MOUNTAINLAND SUPPLY COMP	S104403702.0	SHELTER-TOILET REBUILD KIT	11/15/2021	41.26	.00		
845	MOUNTAINLAND SUPPLY COMP	S104404971.0	TOILET FUSH -SHELTER	11/16/2021	305.82	.00		
845	MOUNTAINLAND SUPPLY COMP	S104414402.0	MICHIE LANE	11/20/2021	32.90	.00		
845	MOUNTAINLAND SUPPLY COMP	S104414402.0	MICHIE LANE	11/23/2021	196.97	.00		
845	MOUNTAINLAND SUPPLY COMP	S104419568.0	CEMETARY	11/24/2021	3.48	.00		
Total 845:					580.43	.00		
930								
930	Dominion Energy	2731063797 11	2731063797 Community Center	11/10/2021	298.91	.00		
930	Dominion Energy	5770020000 11	5770020000 TOWN HALL	11/10/2021	415.17	.00		
930	Dominion Energy	6558550000 11	6558550000 Gas Service	11/10/2021	439.52	.00		
930	Dominion Energy	6801020000 11	6801020000 Admin Office	11/10/2021	80.64	.00		
Total 930:					1,234.24	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1045								
1045	STANDARD PLUMBING SUPPLY	NLZX92	Ball Valve	11/15/2021	30.99	.00		
1045	STANDARD PLUMBING SUPPLY	NMGW96	Christmas Light Repairs	11/17/2021	41.95	.00		
1045	STANDARD PLUMBING SUPPLY	NMH266	SUPPLIES	11/17/2021	18.86	.00		
1045	STANDARD PLUMBING SUPPLY	NMK737	Replacement Batteries, Shop Tool	11/18/2021	59.97	.00		
1045	STANDARD PLUMBING SUPPLY	NMKJ12	PARKS MAINTENANCE	11/18/2021	12.99	.00		
Total 1045:					164.76	.00		
1170								
1170	TIMBERLINE ACE HARDWARE	147506	PAdlock, quick link, chain pass	11/22/2021	85.07	.00		
1170	TIMBERLINE ACE HARDWARE	147582	Tie wire black/Wire 24g	11/24/2021	15.98	.00		
1170	TIMBERLINE ACE HARDWARE	147659	PARKS	11/29/2021	52.91	.00		
Total 1170:					153.96	.00		
1255								
1255	UTAH LOCAL GOVERNMENTS T	1594118	PROPERTY INSURANCE	10/12/2021	3,878.03	.00		
1255	UTAH LOCAL GOVERNMENTS T	1594119	WORKERS COMP Invoice	10/12/2021	1,887.71	.00		
1255	UTAH LOCAL GOVERNMENTS T	1594723	WORKERS COMP Invoice	11/12/2021	1,887.71	.00		
Total 1255:					7,653.45	.00		
1310								
1310	WASATCH AUTO PARTS	237245	Supplies	11/17/2021	97.72	.00		
1310	WASATCH AUTO PARTS	237260	VENT CAP	11/17/2021	25.19	.00		
1310	WASATCH AUTO PARTS	237280	Credit	11/17/2021	3.92-	.00		
Total 1310:					118.99	.00		
1365								
1365	WAVE PUBLISHING	L17447	Notice of ELECTION	11/24/2021	23.12	.00		
Total 1365:					23.12	.00		
1375								
1375	WHEELER MACHINERY CO	RS0000199103	Caterpillar-BACKHOE LOADER	11/29/2021	2,125.00	.00		
1375	WHEELER MACHINERY CO	RS0000199103	Caterpillar -BACKHOE LOADER	11/29/2021	2,125.00	.00		
1375	WHEELER MACHINERY CO	RS0000199103	Caterpillar -BACKHOE LOADER	11/29/2021	2,125.00	.00		
1375	WHEELER MACHINERY CO	RS0000199103	Caterpillar compact track loader	11/29/2021	2,125.00	.00		
Total 1375:					8,500.00	.00		
1556								
1556	WASATCH COUNTY SPEC SRV	11152021	158 acre feet of M&I water - 2021	11/15/2021	34,128.00	.00		
Total 1556:					34,128.00	.00		
1571								
1571	FASTENAL IND & CONST SUPP	UTLIN154533	SUPPLIES	11/05/2021	43.62	.00		
Total 1571:					43.62	.00		
1603								
1603	ROCKY MOUNTAIN POWER	NOV '19 52369	868 Golf Course Drive	11/19/2021	11.83	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1603:					11.83	.00		
1680								
1680	SUMMIT ENGINEERING GROUP	14280	Epperson property Corners	11/18/2021	160.00	.00		
Total 1680:					160.00	.00		
1818								
1818	CASH	11292021	certified letters for planning	11/29/2021	7.38	.00		
1818	CASH	11292021	certified letters for planning	11/29/2021	7.38	.00		
1818	CASH	11292021	certified letters for planning	11/29/2021	7.38	.00		
1818	CASH	11292021	SPRAY FOR BATHROOM	11/29/2021	3.38	.00		
Total 1818:					25.52	.00		
1931								
1931	KW ROBINSON CONSTRUCTIO	2019-173	PARTIAL PAYMENT REQUEST #	11/30/2021	78,355.34	.00		
1931	KW ROBINSON CONSTRUCTIO	2019-173	PARTIAL PAYMENT #3 RIVER R	11/30/2021	161,449.37	.00		
Total 1931:					239,804.71	.00		
1989								
1989	BANKCARD CENTER	2512 8/2021	AMAZON - EQUIPMENT	09/02/2021	47.27	47.27	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	70.92	70.92	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	JORGIE SPARK-COG	09/02/2021	235.00	235.00	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	JORGIE SPARK-COG	09/02/2021	100.00	100.00	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	38.36	38.36	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON EQUIPMENT	09/02/2021	40.84	40.84	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	FaIRE RETURN CHARGE	09/02/2021	28.00	28.00	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	176.64	176.64	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	FAIRE INSIDER	09/02/2021	19.99	19.99	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	40.84	40.84	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	JGTARPSANDCANOPIE-EQIP	09/02/2021	51.83	51.83	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	WILD REPUBLIC-COG	09/02/2021	182.82	182.82	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	20.41	20.41	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	ECARD SYSTEMS	09/02/2021	231.66	231.66	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	HERMLE FAIRE-COG	09/02/2021	175.00	175.00	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	25.79	25.79	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	PICNIC TIME FAMILY FAIRE-CO	09/02/2021	598.88	598.88	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	75.24	75.24	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	WALMART-EQUIP	09/02/2021	100.97	100.97	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	JORGIE SPARKS	09/02/2021	235.00	235.00	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	INDIGO TANGERINE FAIRE-CO	09/02/2021	333.89	333.89	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-EQUIPMENT	09/02/2021	25.10	25.10	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	WILD REPUBLIC FAIRE	09/02/2021	70.20-	70.20-	11/18/2021	
1989	BANKCARD CENTER	2512 8/2021	AMAZON-COG	09/02/2021	60.13	60.13	11/18/2021	
Total 1989:					2,844.38	2,844.38		
2037								
2037	EWING IRRIGATION	15664666	CEMETERY WATER CLOCK	11/19/2021	3,867.00	.00		
Total 2037:					3,867.00	.00		
2244								
2244	PEAK ALARM CO, INC	1160225	MONITORING Dec 2021 - Feb 20	12/01/2021	207.84	.00		

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2244	PEAK ALARM CO, INC	1160226	MONITORING Dec 2021- Feb 20	12/01/2021	162.00	.00		
Total 2244:					369.84	.00		
2350								
2350	CRUS OIL	0034228	WINDSHIELD FLUID	11/10/2021	114.45	.00		
2350	CRUS OIL	0034229	BULK OIL PURCHASE	11/10/2021	619.20	.00		
Total 2350:					733.65	.00		
2444								
2444	COMMERCIAL MECHANICAL	SV104745	2021 CHILLER START UP	11/10/2021	1,090.00	.00		
2444	COMMERCIAL MECHANICAL	SV104945	Chiller SERVICING AND REPAIR	11/10/2021	14,392.45	.00		
Total 2444:					15,482.45	.00		
2518								
2518	The Go Travel Sites	14848	May 2021-December 2021	11/01/2021	340.00	.00		
Total 2518:					340.00	.00		
2595								
2595	LifeMed Safety, Inc	21-1131	AED & Cabinet SUPPLIES	11/21/2021	592.30	.00		
Total 2595:					592.30	.00		
2627								
2627	GORDON LAW GROUP, P.C.	11262	The Villages	11/08/2021	251.40	.00		
2627	GORDON LAW GROUP, P.C.	11263	Hot Springs Annexation	11/08/2021	251.40	.00		
2627	GORDON LAW GROUP, P.C.	11264	Eddington Subdivision	11/08/2021	713.50	.00		
2627	GORDON LAW GROUP, P.C.	11265	Doug Dance Annexation	11/08/2021	1,026.55	.00		
2627	GORDON LAW GROUP, P.C.	11267	Saddle Creek Subdivision	11/08/2021	285.00	.00		
2627	GORDON LAW GROUP, P.C.	11268	Mountain Spa Development	11/08/2021	104.75	.00		
2627	GORDON LAW GROUP, P.C.	11276	Monthly Flat Fee	11/12/2021	5,052.50	.00		
2627	GORDON LAW GROUP, P.C.	11276	Monthly Flat Fee	11/12/2021	322.50	.00		
2627	GORDON LAW GROUP, P.C.	11276	Monthly Flat Fee - Additional Hour	11/12/2021	5,262.62	.00		
2627	GORDON LAW GROUP, P.C.	11276	Monthly Flat Fee - Additional Hour	11/12/2021	335.91	.00		
2627	GORDON LAW GROUP, P.C.	11277	Homestead Development	11/08/2021	188.55	.00		
2627	GORDON LAW GROUP, P.C.	11277	The Villages of Zermatt plats C&D	11/08/2021	1,592.35	.00		
2627	GORDON LAW GROUP, P.C.	11278	Kim & Craig Scott Litigation	11/12/2021	80.63	.00		
Total 2627:					15,467.66	.00		
2636								
2636	CenturyLink ACCT# 88239224	250772471	88239224	11/12/2021	1,024.42	.00		
Total 2636:					1,024.42	.00		
2658								
2658	SIGNARAMA	10306	Tree Lighting Banners Tree Lighti	11/03/2021	541.00	.00		
2658	SIGNARAMA	10321	Photo Contest Banners	11/16/2021	210.00	.00		
2658	SIGNARAMA	10347	Street Blades	11/22/2021	3,675.76	.00		
2658	SIGNARAMA	10364	Sponsor Banners-Town Christmas	11/22/2021	95.00	.00		
2658	SIGNARAMA	10441	Staff Banner Signs	11/22/2021	96.23	.00		
2658	SIGNARAMA	10445	Tree Lighting Sponsor Signs	11/24/2021	399.96	.00		
2658	SIGNARAMA	10466	EMBROIDERED APPAREL	11/29/2021	547.25	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2658:					5,565.20	.00		
2698								
2698	Promo Ink LLC	OCT-04	CLOTHING	09/22/2021	341.12	.00		
Total 2698:					341.12	.00		
2791								
2791	PURCHASE POWER	NOV '19 8000-	POSTAGE REFILL	11/19/2021	194.86	.00		
Total 2791:					194.86	.00		
2804								
2804	JIVE COMMUNICATIONS, INC.	IN7100736508	MONTHLY BILL	11/01/2021	546.19	.00		
Total 2804:					546.19	.00		
2816								
2816	COMCAST	0300361 11/11/	8495 44 104 0300361 THE HALL	11/06/2021	94.78	.00		
Total 2816:					94.78	.00		
2823								
2823	Robert Duncan Studios	66538	Midway Must-Haves Goods to Sel	11/18/2021	114.86	.00		
Total 2823:					114.86	.00		
2880								
2880	Bell Janitorial Supply	1018428	CLEANING SUPPLIES-TRASH LI	11/16/2021	261.94	.00		
Total 2880:					261.94	.00		
2882								
2882	Tonia Turner	11302021	Shop Decorations-reimbursement	11/30/2021	53.70	.00		
Total 2882:					53.70	.00		
2915								
2915	KAREE CANNON	6	COG-SS	11/16/2021	205.07	.00		
Total 2915:					205.07	.00		
2932								
2932	Hagen Candles & Creations	106	COG	11/16/2021	336.00	.00		
Total 2932:					336.00	.00		
2939								
2939	Griswold Industries	832172	COTTAGES PRV-SUPPLIES	10/26/2021	4,360.10	4,360.10	11/17/2021	
2939	Griswold Industries	832172	SALES TAX REMOVE	10/26/2021	281.46-	281.46-	11/17/2021	
2939	Griswold Industries	832173	SALES TAX REMOVE	10/26/2021	331.59-	331.59-	11/17/2021	
2939	Griswold Industries	832174	SALES TAX REMOVE	10/26/2021	185.30-	185.30-	11/17/2021	
2939	Griswold Industries	832176	SALES TAX REMOVE	10/26/2021	184.97-	184.97-	11/17/2021	
2939	Griswold Industries	832413	SALES TAX REMOVE	10/29/2021	172.57-	172.57-	11/17/2021	
2939	Griswold Industries	833077	250 W PRV Valve Repair	11/09/2021	1,021.20	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2939:					4,225.41	3,204.21		
2943								
2943	BEST DOG EVER, LLC	000007	CHRISTMAS TREE LIGHTING P	11/30/2021	426.00	.00		
Total 2943:					426.00	.00		
2944								
2944	DIESEL LAPTOPS LLC	0102313	FLEET & TRIAGE TOOL LESS TA	11/12/2021	6,095.00	.00		
Total 2944:					6,095.00	.00		
2945								
2945	SHUMS CODA ASSOCIATES	6872R	PLAN REVIEW MAY 2021 THRU	12/01/2021	28,500.00	.00		
Total 2945:					28,500.00	.00		
Grand Totals:					425,315.06	6,048.59		

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
7 December 2021
Regular Meeting

Minutes of the
16 November 2021
Work Meeting



Memo

Date: 24 November 2021
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 16 November 2021 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, 16 November 2021, 5:00 p.m.
Midway Community Center, 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, 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 5:05 p.m.

Members Present:

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

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Administrator
Wes Johnson, Engineer
Luke Robinson, Planner
Brad Wilson, Recorder/Financial Officer

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

2. Alpenhof Park / Improvement Plan (Council Member Simonsen – Approximately 20 minutes) – Receive a presentation on and discuss an improvement plan for the Alpenhof Park located at 1295 West Alpenhof Lane.

Council Member Simonsen gave a presentation regarding the improvement of Alpenhof Park and reviewed the following items:

- Potential design
- Overview
- Aerial photographs of the Alpenhof Park
- Discharge from the Alpenhof wells
- Photographs of the Alpenhof Park
- Inspection standards
- Alpenhof Park design process
- Results from a public survey

- Concept plan
- Cost estimates per phase
- Phasing plan
- Capital improvements for major parks
- Review of capital projects
- Capital replacement cost/depreciation estimates
- Tentative three-year plan
- Rational for the use of impact fees

Council Member Simonsen also made the following comments:

- Berg Landscape Architects helped obtain public feedback and prepared the improvement plan.
- A preliminary price had been prepared.
- Wanted to know how the project would fit into overall parks maintenance and improvements.
- Recommended the phasing order be “A”, “C”, “D”, then “B”.
- “B” should be done last because of cost.
- Prep work could be done on the wooded area and that phase done later.
- Did not include the Town Square in the parks planning because it had historically been treated differently from other parks.

Note: A copy of Council Member Simonsen’s presentation is contained in the supplemental file.

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

- Had locations for additional parks been identified?
- The project cost was high for a park that was isolated.
- The Alpenhof Park had never been finished.
- The cost was high because the ground was not flat.
- The cost could increase if the City waited.
- A study should be done to determine park needs based on population.
- An amphitheater was impractical at the Alpenhof Park because of limited parking.
- The sledding hill at Michie Lane Park was popular.
- Impact fees could not be used to repair the tennis courts at the Valais Park. Some members of the Parks, Trails, and Trees Advisory Committee wanted to repair the courts immediately while others wanted to wait. Public input should be sought on the issue.
- Expanding parks was impact fee eligible.
- Parks improvements could be discussed at the Council’s strategic planning meeting.
- The Public Works Department could clean up the wooded area in the Alpenhof Park.
- The improvement project for the Alpenhof Park could begin that spring if the Council agreed. The project should not stall after so much effort and public input. A decision should be made soon so that bids could be received for spring.
- The cost could be finalized and then taken to the public.
- A charrette should be held for overall parks planning. Parks would be reviewed as part of the general plan update.

- 3. PUDs / Discussion** (City Planner – Approximately 40 minutes) – Discuss amending Title 16 (Land Use) of the Midway City Municipal Code regarding planned unit developments (PUDs).

The item was not considered.

4. Adjournment

The meeting was adjourned at 5:57 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT

Midway City Council
7 December 2021
Regular Meeting

Minutes of the
16 November 2021
Regular Meeting



Memo

Date: 2 December 2021
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 16 November 2021 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, 16 November 2021, 6:00 p.m.
Midway Community Center, 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, 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 6:02 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
(Participated Electronically)
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.

Troop 216 of the Boy Scouts of America led the Council and meeting attendees in a flag ceremony and the pledge of allegiance. Council Member Orme gave the prayer and/or inspirational message.

Mayor Johnson indicated that she was honored to serve another four years as Midway City Mayor.

2. Consent Calendar

- a. Agenda for the 16 November 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 19 October 2021 City Council Work Meeting
- d. Minutes of the 19 October 2021 City Council Regular Meeting

- e. Nicholas Cook as a Full Member of the Midway City Parks, Trails, and Trees Advisory Committee
- f. Paulette Tillman as a Full Member of the Midway City Parks, Trails, and Trees Advisory Committee
- g. Krista Lewis as a Full Member of the Midway City Parks, Trails, and Trees Advisory Committee
- h. Cristine Tuttle as an Alternate Member of the Midway City Parks, Trails, and Trees Advisory Committee
- i. David Paskoski as an Alternate Member of the Midway City Parks, Trails, and Trees Advisory Committee
- j. Change Order #1 for the River Road Utility and Road Improvements: 60 South to 300 North Project
- k. Resolution 2021-34 amending the Midway City Policies and Procedures regarding waiving facility fees for arts, cultural, and charitable organizations

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

Council Member Drury asked about the change order for the River Road Project. Wes Johnson responded that it increased the timeframe by 120 days but did not increase the cost. He added that excavating at the location was becoming easier. He indicated that progress would also depend on the weather.

Council Member Drury indicated that there would be road work and detours on River Road for three years. He asked if penalties could be assessed? Council Member Simonsen responded that the dense potrock was not projected and there was no better way to do the work. He noted that the contractor also had to work around a lot of utilities. He added that the City received good pricing because it worked well with contractors. Wes Johnson thought that the City would not be able to prove liquidated damages. Council Member Simonsen indicated that the contractor could argue that the cost needed to be increased.

Council Member Drury explained that construction of The Village would also impact River Road and the area. He pointed out that the project would be done by a developer and not the City. He recommended that the City enforce deadlines moving forward. Council Member Payne agreed that the City would not be served well by seeking liquidated damages. Council Member Simonsen said that no contract would solve the problem of excavating in potrock.

Council Member Simonsen explained that the contractor was working extra hours to complete the project.

Council Member Drury recommended that the City pay more for projects on its main roads to be completed in good time.

Council Member Drury asked about the warrant for Griswold Industries. He asked what had been purchased and why it had been split between five invoices.

Motion: Council Member Drury moved to approve the consent calendar with the agenda, warrants (With the exception of Griswold Industries), the minutes, Nicholas Cook, Paulette Tillman, Krista Lewis, Cristine Tuttle, David Paskoski, change order number one for the River Road improvements, and Resolution 2021-34. He added that the warrant for Griswold Industries

could be approved if more detail was received before the end of the meeting.

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

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

Community Center / Power Boxes

Council Member Orme reported that new power boxes were being installed at the Community Center at the request of the City's insurer.

Community Center / Roof Repair

Council Member Orme reported that the City was still looking for a contractor to repair the roof on the Community Center.

Cemetery / Fence / Software / Moratorium

Council Member Orme reported that a fence would be removed at the City's cemetery. She reported that all the cemetery records had been entered into the new computer system. She also reported that the City Attorney was still working on items during the cemetery moratorium.

Chamber of Commerce / Gala

Council Member Orme reported on the gala to be held by the Heber Valley Chamber of Commerce.

HVRR / North Pole Express

Council Member Orme reported that the Heber Valley Railroad's (HVRR) North Pole Express

was sold out.

Sidewalks & Trails / Clearing Snow

Council Member Simonsen asked if the City should clear snow from certain sidewalks and trails that winter. He asked which ones should be cleared. He suggested the sidewalks going to the elementary school, then certain trails in recreational areas like the Valais Park, and the Homestead Trail when it was completed.

Speeding / Speed Trailers

Council Member Simonsen reported that the average vehicle speed in Midway was above the posted limit. He asked if the City was going to purchase more speed trailers. Mayor Johnson responded that two would be purchased in the spring when snowplowing had ceased.

HVRR / Funding

Mayor Johnson reported that the HVRR felt confident that it would receive more funding from the State of Utah.

Trail / Provo Canyon

Mayor Johnson reported that it would cost \$30 million to construct the trail down Provo Canyon from the Deer Creek Dam to Vivian Park.

HVSSD / MSD / Rate Increases

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) was planning for new growth and would increase the amounts of its rates and impact fees. She added that the Midway Sanitation District (MSD) would therefore have to raise its rates.

Cemetery Ridge Property / Open Space

Mayor Johnson reported that the Cemetery Ridge property, which was going to be purchased for open space, had been sold to someone else.

- 5. Heber Bypass Road / Letter** (Open Space Committee – Approximately 15 minutes) – Discuss and possibly approve a letter regarding the Heber bypass road (Heber Valley Parkway Corridor). Recommended by the Midway City Open Space Advisory Committee.

Michael Henke gave a presentation regarding the proposed letter and bypass routes on the West side of Heber City. He also made the following comments:

- The Open Space Advisory Committee recommended the letter.

- Heber City was working on the bypass road to reduce traffic on its Main Street.
- 13 routes for the road were presented. Those on the west side of Heber City were discussed the most. The letter focused on these routes.
- The Committee felt that the west routes would reduce open space.

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

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

- Midway was being used as a bypass for Heber City. This would be eliminated with the proposed bypass road.
- The bypass road should be as usable as possible.
- A highway going through large areas of open space was a concern. This would encourage development in the area.
- Roads should not be built in undeveloped areas.
- The Wasatch County Open Lands Board also opposed the west side routes.
- The Council should not tell Heber City what to do but it should support what was best for all of Wasatch County.

Motion: Council Member Payne moved to adopt the letter as drafted and recommended by the Open Space Advisory Committee.

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

6. Performing Arts / Letter of Support (Mayor Johnson – Approximately 15 minutes) – Discuss and possibly approve a letter of support regarding the performing arts.

Mayor Johnson made the following comments regarding a letter of support for the performing arts:

- Multiple people had spoken at the Council’s meetings regarding a performing arts center.
- The Council said that it would consider a letter of support.
- Both Council Member Dougherty and Council Member Simonsen had drafted letters.

Council Member Simonsen made the following comments:

- Distributed his letter that day.
- Supported a letter of support for a performing arts center, at the Utah Valley University Heber Campus, because he liked the arts in the area and the proposal merited further review. He felt the same way about an arts center in Midway.
- His letter recommended that an organization apply for an arts center in Midway.
- Recommended approving a letter of support.
- The criteria in his letter were important. They told an applicant what they needed to address.
- Was concerned about an arts center next to Memorial Hill. Feedback should be sought from Wasatch County, which owned the Hill, and local veterans.
- Other locations would have issues.

Council Member Dougherty made the following comments:

- The Midway Arts Center Foundation was not proposing an arts center at a particular location or of a particular size. They wanted a statement of support for the performing arts in Midway.
- Council Member Simonsen's letter included qualifications for an arts center that his letter did not include.
- The letter of support did not need to be the same as the letter for the Heber Campus proposal.
- His letter supported the performing arts in Midway.
- The matter was not yet a planning or zoning issue.

Council Member Orme made the following comments:

- Approved of Council Member Simonsen's letter.
- Was concerned that High Valley Arts (HVA) wanted a letter to encourage support and donations.
- There was support for the performing arts, but the issue of an arts center could be contentious.

Council Member Payne made the following comments:

- Liked Council Member Dougherty's letter which did not have too many conditions.
- The Council would have to approve the location of any arts center in Midway. This would most likely require an amendment to the Municipal Code.
- A letter of support would be used to secure funding.
- A simple and succinct letter was the best.

Council Member Drury made the following comments:

- The Council supported the performing arts.
- The City had not received an application for an arts center while he was on the Council.
- The Council was bound to consider and approve, as a conditional use, an application for an arts center in an allowed zone. It could be approved in the resort zone.
- The letter of support did not discuss a location.

Corbin Gordon indicated that a letter of support did not ultimately guarantee council approval of an arts center in Midway. Council Member Payne agreed.

Council Member Simonsen supported a simpler letter of support. He added that the Council was not obligated to approve an arts center in a zone where it was not allowed.

Motion: Council Member Drury moved to approve and authorize the Mayor to sign the performing arts letter of support, as written on page two of the council meeting packet, and include Council Member Simonsen’s letter as part of the public record.

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

Consent Calendar / Warrants (Continued)

Wes Johnson reported that the warrant for Griswold Industries was for parts to rebuild the City’s pressure reducing valves.

Council Member Drury questioned why there were five invoices instead of one for the parts. Brad Wilson responded that the City’s purchasing policy prohibited breaking out purchases to avoid purchasing requirements.

Motion: Council Member Drury moved to approve the expenses for Griswold Industries, insure moving forward that purchasing procedures were followed, and warrant descriptions had sufficient detail.

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. Midway Lane Equestrian Trail / Letter of Support (City Planner – Approximately 10 minutes) – Discuss and possibly approve a letter supporting an equestrian trail along Midway Lane. Recommended by the Midway City Parks, Trails, and Trees Advisory

Committee.

- 8. Equestrian Use of Memorial Hill / Letter of Support** (City Planner – Approximately 10 minutes) – Discuss and possibly approve a letter of support for equestrian use of the Memorial Hill. Recommended by the Midway City Parks, Trails, and Trees Advisory Committee.

Council Member Simonsen made the following comments regarding the proposed letters of support:

- An equestrian was a member of the Midway City Parks, Trails, and Trees Advisory Committee. She wanted to maintain equestrian use and formalize equestrian use along Midway Lane.
- Supported equestrian use.
- Some trails should be mixed use.
- The Parks, Trails, and Trees Advisory Committee also supported her request.
- The letters would be sent to Wasatch County and facilitate discussion of the issue.
- Asked that the letters be approved by the Council.
- They would be sent to a subcommittee of Wasatch County.
- The City was interested in its trails and how they connected to surrounding areas.

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

- A typo in the last paragraph, of the letter regarding Midway Lane, needed to be corrected.
- The equestrian access along Midway Lane would be unpaved and next to the current asphalt trail.
- One type of user should not be preferred over another.
- Bicyclists should not be excluded and that portion of the letter, regarding Memorial Hill, should be removed.
- Wasatch County would maintain the trails and would have to deal with the issues of animal waste, etc.
- The letters should not commit the City to building the Midway Lane equestrian trail.
- The letters did not bind the City to any approval or action.
- The Midway Lane trail was desirable but the City would not support it financially.
- The City was asking the County to build the trail along Midway Lane.

Motion: Council Member Orme moved to approve sending the letter of support to the Wasatch County Parks and Recreation Special Service District, regarding the equestrian trail along Midway Lane, with the following conditions:

- It was clear that Midway would not build the requested trail.
- Council Member Simonsen would revise the letter and distribute it to the Council for its approval.
- Correct the typo in the last paragraph.
- Authorize the Mayor to sign it once the corrections were made.

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 approve the letter of support, for equestrian use of Memorial Hill, eliminating the language in paragraph four regarding blocking bikes.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Payne asked if the letter committed the City to paying for trail construction. Council Member Orme responded that it did not.

Council Member Orme asked if the issue of horse manure needed to be addressed. Council Member Simonsen responded that the County, not Midway, might have to address that issue.

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

9. Resolution 2021-25 / Scotch Fields PUD, Phases 3, 4, and 5 Amended Development Agreements (City Attorney – Approximately 30 minutes) – Discuss and possibly approve Resolution 2021-25 adopting amended development agreements for Phases 3, 4, and 5 of the Scotch Fields PUD located at approximately 1400 North Canyon View Road (Zoning is R-1-22).

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

- Background
- Summary
- Items to consider
- Location of the PUD
- Approved plan
- Proposed amendment
- Possible findings

Mr. Henke also made the following comments:

- The amendment to the approved landscaping plan had been considered six months earlier by the Council. A public hearing was held at that time and there were a lot of public comments.
- All but two of the property owners in phases three through five had responded. They all supported the amendment.
- Did not know if the developer contacted the owners in phases one and two. Many in those phases opposed the change.

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

Wes Johnson reported that he and the developer met with several of the homeowners. He indicated that the developer addressed their concerns pursuant to their desires.

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

- There was no evidence that the developer addressed the concerns of those that opposed the amendment.
- The agreement being amended was between the City and the homeowners.
- It was not wise to replace mulch with grass when trying to conserve water.
- The developer should reach out to all the homeowners in the project.
- The CC&Rs for the project would also be amended to address the issue.
- The developer still controlled the HOA.
- The City could not hold up the request until every homeowner supported it.
- The concerns of homeowners who opposed the amendment should be addressed.
- Some homeowners in the first two phases did not want to pay the cost to maintain the additional mulch.
- The landscaping plan, which was proposed to be amended, was part of an approved and recorded agreement.
- The developer did not do what the Council asked when the issue was first considered.
- The letters from the homeowners did not state what had been agreed upon. They inferred that they received what they wanted.
- The landscaping for the first two phases had not been installed as shown on the approved plan.
- There was at least one person in phases one and two that was still unhappy with the amendment.
- What a person bought is what they should get.
- It was fine for the developer to give each homeowner a choice regarding installing mulch.
- The amendment did not apply to the first two phases.
- No one opposing the amendment contacted the City since the last time it was considered.
- Individual unit aesthetics, costs for the entire HOA, and protection of the City's water resources needed to be considered.
- City staff had not reviewed the amended CC&Rs.
- The landscaping plan only allowed mulch around the houses.
- The developer would not oppose someone else paying the cost for additional landscaping.

Motion: Council Member Orme moved to approve Resolution 2021-25 adopting amended development agreements for phases three, four, and five of the Scotch Fields PUD regarding landscaping with the following findings:

- The proposed amendments would remove all bark mulch from phases three, four, and five that included an area of 85,688 square feet (1.97 acres) and replace it with Kentucky Bluegrass.
- Water rights had been dedicated to the City for the entire 1.97 acres that had been approved for bark mulch.
- The City Code did not require that bark mulch be included in landscaping plans.
- Amending the development agreements was discretionary and the City was under no obligation to approve the proposal even if it complied with the land use code.

Second: Council Member Drury 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 8:05 p.m. She reconvened the meeting at 8:12 p.m.

10. Swiss Creek PUD, Plat “A” / Fifth Amendment (Rodan Luo and William Prather – Approximately 15 minutes) – Discuss and possibly approve a fifth amendment to the Swiss Creek PUD, Plat “A” located at 555 Mountain Springs Drive (Zoning is R-1-15 / TROD).
Public Hearing

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

- Land use summary
- Location of the development
- Possible findings

Mr. Henke also made the following comments:

- The driveway for the house, located at 555 Mountain Springs Drive, extended onto property owned by the Homestead.
- The amendment would adjust the lot to include the entire driveway.
- It would not affect the master plan for the Homestead and would not require that the plan be amended.

- No other plat maps would need to be amended.

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

Motion: Council Member Payne moved to approve the fifth amendment to the plat map for the Swiss Creek PUD, Plat “A” located at 555 Mountain Springs Drive with the following findings:

- Regarding acreage, Swiss Creek lot one currently conformed to the code and would continue to be so if the amendment was approved.
- The property that was being exchanged came from an undeveloped parcel owned by the Homestead Group. Because the parcel was undeveloped, no property rights were being harmed by the reduction of the property.
- An existing encroachment issue from a private driveway and landscaping would be resolved.
- State law allowed the adjustment of a lot line regardless of whether the lots were located in the same subdivision.
- State law required a land use authority to approve a lot line adjustment if the exchange would not result in a violation of any land use ordinance.
- State law stated a plat amendment may be considered by the land use authority at a public meeting.
- No public street, right-of-way, or easement would be vacated or altered.
- The duration of the plat amendment approval would be for one year from the date of approval of the amendment by the City Council. Should the amended plat not be recorded by the County Recorder within the one-year period of time, the plat amendment’s approval would be voided, and approval would have to be re-obtained, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extended the time limit for recording, with or without conditions. Such conditions could include, but were not limited to, provisions requiring that: (a) each extension would be for a one-year period only, after which time an annual review would have to be requested by the applicant and presented before the City Council; and/or (b) no more than three one-year extensions would be allowed. The granting or denying of any extension, with or without conditions, was within the sole discretion of the City Council, and an applicant had no right to receive such an extension.

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

11. Ordinance 2021-38 / Power Distribution Lines (City Planner – Approximately 30 minutes)
– Discuss and possibly adopt Ordinance 2021-38 amending Title 16 (Land Use) of the Midway City Municipal Code regarding the burial of power distribution lines. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Background
- Pictures
- Proposed code
- Additional considerations
- Possible findings

Mr. Henke also made the following comments:

- In some cases, the City ended up with new power poles on one side of a street and old poles, with communication lines, on the other side.
- Power distribution lines were buried in new developments.
- It was debatable if distribution lines created a rural atmosphere.
- Wanted to preserve view corridors by requiring that all distribution lines be buried.
- The proposal would not affect existing transmission lines.
- The cost was less for burying distribution lines as opposed to transmission lines.
- It would be difficult to run new services from newly buried transmission lines to existing houses. There could still be a service pole.
- You could have two poles to eliminate one.
- The burial costs would be added to the price of the lots or units.
- Heber City already required that all distribution lines be buried.
- The City needed to focus on its commercial zones.
- The applicable distribution line should be buried if the use of a building was changed.
- The Planning Commission recommended approval, but additional information had been received since then.

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 fee in lieu should be paid if three or less poles needed to be buried.
- The City should have discretion when to require a fee in lieu.
- The problem would not be solved if service poles remained.
- It cost less to bury a new rather than an old line.
- The lines along the main corridors should be buried first.
- The proposal could penalize owners and force them to raze existing houses.
- There should be a city-wide fee to pay for burying lines.

- The City would bury the lines between subdivisions.
- It was normal in other communities for developers to bury the lines fronting their projects.
- Burying a line could be burdensome for a residential lot.
- The burial cost would depend on the site, landscaping, and other utilities. It could be \$100 to \$150 per linear foot.
- A more accurate cost should be determined for a standard vacant lot.

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.

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

- There were details that needed to be worked through.
- The proposal should be fair and avoid unintended consequences.
- It should not be burdensome.
- Some types of developments, like rural preservation subdivisions and density reduction subdivisions, should be exempted.
- It was good to bury utility lines, but the question was how to pay for it.
- There would be a lot of infrastructure money available.
- The City could establish a special improvement district along Main Street to bury the lines.
- An inventory should be done to determine the scope of the effort.
- The proposal should align with the City’s priorities for setbacks.
- All franchise agreements should be reviewed in relation to the proposal.
- The City should determine the most cost-effective length of line to replace.

Motion: Council Member Drury moved to continue the item, until before the end of the moratorium, and that staff consider the recommendations and issues from that evening.

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

12. Ordinance 2021-39 / Small Subdivisions (City Planner – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2021-39 amending Chapter 16.17 (Small Subdivisions) of the Midway City Municipal Code regarding small subdivisions.

Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Background
- Highlights
- Possible findings
- Planning commission recommendation

Mr. Henke also made the following comments:

- It addressed a lot of minor problems.
- References to overhead powerlines needed to be removed until the ordinance for distribution lines was adopted.

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

Motion: Council Member Payne moved to adopt Ordinance 2021-39, amending Chapter 16.17 (Small Subdivisions) of the Midway City Municipal Code regarding small subdivisions, with the following findings and changes:

- The proposed adjustment would update the small subdivision code to reflect current processes and requirements.
- The language on burying overhead powerlines be removed.

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

13. Ordinance 2021-37 / Water Rights (City Planner – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2021-37 amending Chapter 10.07 (Development within the City) of the Midway City Municipal Code regarding water rights for new developments containing wetlands. Recommended by the Midway City Planning Commission.

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

- History
- Background
- Proposed language
- Possible findings
- Planning commission recommendation
- Water board recommendation

Mr. Henke also made the following comments:

- The ordinance was recommended by both the Planning Commission and Water Advisory Board.
- The Council could require water rights whenever and wherever it wanted.
- Watts Remund Farms was an example of water rights sold off irrigated wetlands.
- The LaBarge Subdivision no longer had wetlands.

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 second sentence should say "may" instead of "will".
- The water hydrology had changed dramatically at Watts Remund Farms.
- Someone would use all the water rights that they owned.
- It was better to say that areas not historically irrigated did not need water rights. If the owner wanted to irrigate the area, then they had to request that from the City. This would require more enforcement.
- Meters on the pressurized irrigation system would prevent overwatering. The wealthy would not mind paying overage fees to use more water.

Motion: Council Member Drury moved to approve Ordinance 2021-37 as contained in the packet with the following findings and changes:

- The proposed amendment would require water rights to be turned over for the continued irrigation of delineated wetlands that had been historically irrigated along with areas that had water rights.
- The proposed amendment would allow the City to require water rights for any area that it felt a future property owner might want to irrigate, regardless of whether it had been historically irrigated or not.
- The proposed amendment would ensure that adequate irrigation was provided in the event a wetland boundary changed, allowing a former wetland to be landscaped.
- "Will" be changed to "may" in the second paragraph.

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. The Village Development / Wilson Water Right (Dan Luster – Approximately 10 minutes)
– Discuss and possibly approve a change application, for 33 acre feet of water, for The Village Development located at 541 East Main Street.

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

- Background
- Overview
- Water board recommendation

Mr. Henke also made the following comments:

- The water rights would go directly from the current owner to the City.
- They would be put into escrow until recording.
- Impact fees paid for the drilling and construction of the Alpenhof-Weber well.

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

Corbin Gordon made the following comments:

- The water rights would come from property condemned for the restoration of the Provo River.
- The State Engineer would decide how much water could be transferred.
- It would be transferred to the Alpenhof-Weber well.
- Any approval motion should tie it to The Village.
- It would be deeded to the City when the associated plat maps were recorded.
- The change or transfer would be reversed if The Village was not built.
- Would have to verify that the City could refuse to transfer the water into one of its wells.

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

- It was a concern that people, who did not require foreign water for their houses, were helping pay for water infrastructure that would benefit The Village.
- The State annually reviewed a well's capacity including a contingency.
- Should an approval be conditioned on the signing of the change application or the water right deed? The City should not accept the deed until the plat map was recorded.
- A contract should be completed for the transfer of the water right pursuant to certain conditions.

Motion: Council Member Drury moved to approve the change application for the Wilson water right with the following conditions:

- The City Attorney drew up a contract for the transaction.
- The contract stated that the City would only accept or sign the change application if the applicant signed the contract.
- The contract limited the use of the water rights to The Village development.
- The Mayor could sign the application and contract if the developer had signed the contract.

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

15. The Village Development / Holmes Western Deer Springs, LLC Water Right (Dan Luster – Approximately 10 minutes) – Discuss and possibly approve a change application, for 32.07 acre feet of water, for The Village Development located at 541 East Main Street.

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

- Background
- Overview
- Water board recommendation

Mr. Henke also made the following comments:

- The Midway Irrigation Company wanted the water to go through its system.
- A person purchased property near the Provo River and provided their own water right. The water right for the property, prior to its sale, was what was being discussed.
- The water right would be changed to the River Ditch and then changed to the Alpenhof-Weber well.

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

Corbin Gordon made the following comments:

- The change application addressed the adjudication being performed by the State Engineer.

- The Council was not endorsing anything.

Motion: Council Member Drury moved to authorize the Mayor to sign the change application with the following conditions:

- The applicant signed a contract prepared by the City Attorney.
- The water rights could only be used for The Village project or returned to the original point of diversion from the Alpenhof-Weber well.
- The Mayor would only sign if the water right was changed to the River Ditch diversion point as stipulated by the Midway Irrigation Company.

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

Motion: Council Member Drury moved to continue the meeting to consider the next item on the agenda.

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

16. Age of Water / Project (City Engineer – Approximately 20 minutes) – Discuss and possibly approve a project to determine the age of the water in Midway City’s culinary water sources.

Wes Johnson gave a presentation regarding the proposed project and reviewed the following items:

- Proposal

Mr. Johnson also made the following comments:

- Expressed to the United States Geological Survey (USGS) his concern about the cost. They reduced it from \$107,000 to \$59,000 with an administrative letter replacing a published document.
- The USGS increased its contribution to 40% of the cost.
- The data and interpretation would not change.
- Proposed that the Indian Spring be included.
- The City could always pay for the published document at a later date.

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

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

- The water rights from the Indian Spring could be changed to the Alpenhof-Weber well.
- The City had enough money in its Water Fund to pay for the project.
- The Indian Spring should be tested.

Council Member Drury noted that he knew some hydrogeologists and would confirm with them that the published document was not needed.

Motion: Council Member Simonsen moved to approve the City Engineer moving forward with the project to get the report done and authorized the Mayor to sign the contract.

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 continue the meeting to consider the next item on the agenda.

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

17. 2021 General Election / Canvass Ballots (City Recorder – Approximately 5 minutes) –
Canvass the Ballots for the 2021 Municipal General Election.

Brad Wilson gave a presentation on the 2021 General Election including the vote totals and proposed canvass report.

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

Motion: Council Member Drury moved to certify the 2021 election results and canvass of the ballots.

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

18. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Purchase, Exchange, or Lease of Real Property.

A closed meeting was not held.

19. Adjournment

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

The meeting was adjourned at 10:28 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
7 December 2021
Regular Meeting

Resolution 2021-35 /
COVID-19 /
Paid Holidays



RESOLUTION 2021-35

A RESOLUTION OF THE MIDWAY CITY COUNCIL AMENDING THE MIDWAY CITY HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL REGARDING THE COVID-19 PANDEMIC AND PAID HOLIDAYS.

WHEREAS, the Midway City Council wants to insure the health, safety, and general welfare of Midway City employees; and

WHEREAS, the Midway City Council wants to provide competitive benefits to retain employees; and

WHEREAS, the City Council finds that amending the Midway City Human Resources Policies and Procedures Manual regarding the COVID-19 pandemic and paid holidays will further these goals.

NOW THEREFORE, be it hereby **RESOLVED** by the City Council of Midway City, Utah, that the Midway City Human Resources Policies and Procedures Manual is amended as attached in Exhibit A and Exhibit B.

PASSED AND ADOPTED by the Midway City Council on the 20th day of April 2021.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)

Exhibit A

Covid-19 Policy – Midway City
Final Version – 12.1.21

With effective COVID vaccinations now widely available, we encourage all staff to get vaccinated. We also encourage staff to take immediate action in getting tested if you believe you have been exposed to someone with Covid and/or if you are experiencing COVID related symptoms so that you can report this to your supervisor as soon as possible to help protect you and your fellow co-workers. For those staff who have already received their vaccinations, we encourage you to submit a copy to the HR office to be filed in your employee file. We also encourage you to receive your Covid booster shot if/when those are made available. Midway City's COVID pay policy is currently in effect until further notice:

- Covid related time off pay will be extended to those employees who have provided proof of receiving an approved covid vaccine from Pfizer, Moderna, or Johnson & Johnson. If a vaccinated employee becomes ill and tests positive for Covid after receiving their vaccine, they will receive Covid pay from the date of their positive covid test for up to 10 working days to assure a 10-day mandatory isolation period is followed. If the employee requires additional time off before or after their provided hours of covid pay, they will need to use their available PTO or sick leave, or take the time unpaid.
- Prior to receiving company sponsored covid pay, the employee must provide proof of their positive covid test. Additionally, a doctor's note may also be required if leave has to be extended due to complications.

Employees not vaccinated, and who test positive for covid, will need to use their available PTO or sick time, or take the time off unpaid. We continue to encourage employees, for their protection and the protection of others, to get vaccinated. If you have questions or concerns about vaccine options, we encourage you to speak with your healthcare provider or a public health department official at Wasatch County Health (435) 654-2700 for more information about the COVID vaccine.

Exhibit B



Midway

2022 HOLIDAY SCHEDULE

Midway City now observes twelve (12) paid holidays during the year for full time employees. They are:

*New Year's Day	Jan 1 st (Observed <u>Thursday</u> Dec. 30 th 2021)
Martin Luther King's Birthday	Jan 17 th (Monday)
President's Day	Feb 21 st (3 rd Monday)
Memorial Day	May 30 th (last Monday)
Juneteenth	June 19 th (Observed on Monday, June 20 th)
Independence Day	July 4 th (Monday)
Pioneer Day	July 24 th (Observed on Monday, July 25 th)
Labor Day	Sept 5 th (1 st Monday)
#Columbus Day (Floating option)	October 10 th (Monday)
*Veteran's Day	Nov 11 th (Observed on <u>Thursday</u> the 10th)
Thanksgiving	Nov 24 th (4 th Thursday)
+Christmas Day	Dec 25 th (Observed on Monday, Dec. 26 th)

***Note: When a holiday falls on a Friday or Saturday, it will be celebrated on the preceding Thursday due to our current 4/10 work schedule and not being open on Fridays.**

+Christmas Day falls on a Sunday in 2022 therefore, per City Handbook policy, it will be observed on Monday, December 26th, 2022. Staff also voted in staff meeting on 10/11/21 to observe New Years Day 2022 on Thursday, December 30th, 2021, since the actual holiday falls on Saturday, 1/1/ 2022.

#Columbus Day is now optional to be a regular work day or used as a floating holiday. The floating holiday option is available and must be used anytime between October 10th 2022 through June 30th, 2023. Because the city administrative offices will be open on Columbus Day it will be the responsibility of each department supervisor to assure there is adequate staff coverage in their departments on Columbus Day.

Midway City Council
7 December 2021
Regular Meeting

LaBarge Subdivision /
Third Extension of
Preliminary Approval



CITY COUNCIL MEETING STAFF REPORT

AGENDA ITEM: Preliminary Approval extension request for LaBarge Subdivision

DATE OF MEETING: December 7, 2021

APPLICANT: Michael LaBarge

LOCATION: 922 North Pine Canyon Road

STAFF SUMMARY

Michael LaBarge has submitted a preliminary approval extension request for the LaBarge Subdivision, a 4-lot subdivision proposal on 4.2 acres at 922 North Pine Canyon Road. Preliminary approval was granted by the City Council on December 4, 2018. The applicant received two previous one-year extensions, the most recent on January 19, 2021, and is now seeking a third of three possible one-year extensions. This project does not have any outstanding fees. Staff has not found that any of the following items are an issue for this project.

If the following criteria are met, then the City Council may grant an extension:

1. Construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition at all times;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Please contact Michael with any questions that you have.