

Midway City Council
1 February 2022
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
220								
220	BROKEN ARROW	39159	Salt from Stansbury	01/13/2022	3,652.56	.00		
Total 220:					3,652.56	.00		
735								
735	LES OLSON COMPANY	EA1099123	Quarterly Contract Billing	01/11/2022	622.23	.00		
Total 735:					622.23	.00		
875								
875	OFFICE DEPOT	220389256001	Office Supplies	01/11/2022	74.75	.00		
Total 875:					74.75	.00		
930								
930	Dominion Energy	JAAN 2022 68	6801020000 Admin Office	01/13/2022	319.81	.00		
930	Dominion Energy	JAN 2022 2731	2731063797 Community Center	01/13/2022	961.77	.00		
930	Dominion Energy	JAN 2022 5770	5770020000 TOWN HALL	01/13/2022	1,287.55	.00		
930	Dominion Energy	JAN 2022 6558	6558550000 Maintenance Shop -	01/13/2022	1,114.29	.00		
Total 930:					3,683.42	.00		
945								
945	CENTURYLINK - 435-654-3227 2	JAN 22 269B	PHONE SERVICE	01/07/2022	348.10	.00		
Total 945:					348.10	.00		
1170								
1170	TIMBERLINE ACE HARDWARE	148822	Supplies	01/13/2022	35.15	.00		
1170	TIMBERLINE ACE HARDWARE	148922	Weatherstrip	01/18/2022	12.99	.00		
1170	TIMBERLINE ACE HARDWARE	148943	Supplies	01/19/2022	113.95	.00		
1170	TIMBERLINE ACE HARDWARE	148950	Supplies	01/19/2022	24.28	.00		
1170	TIMBERLINE ACE HARDWARE	149076	Supplies	01/24/2022	7.70	.00		
Total 1170:					194.07	.00		
1310								
1310	WASATCH AUTO PARTS	241131	FUEL and Air Filter	01/13/2022	257.42	.00		
1310	WASATCH AUTO PARTS	241373	Shop Towels	01/18/2022	12.99	.00		
1310	WASATCH AUTO PARTS	241474	Supplies	01/19/2022	102.60	.00		
1310	WASATCH AUTO PARTS	241490	Welding Rod	01/19/2022	7.99	.00		
1310	WASATCH AUTO PARTS	241529	HOSE CLAMP-	01/20/2022	22.57	.00		
1310	WASATCH AUTO PARTS	241725	Welding Cap	01/24/2022	11.99	.00		
Total 1310:					415.56	.00		
1365								
1365	WAVE PUBLISHING	C61154	Classified-School Crossing Guard	11/17/2021	12.25	.00		
1365	WAVE PUBLISHING	D 83158	PUBLIC NOTICE	12/01/2021	150.00	.00		
1365	WAVE PUBLISHING	D83106	PUBLIC NOTICE	11/03/2021	134.00	.00		
1365	WAVE PUBLISHING	D83107	PUBLIC NOTICE	11/03/2021	100.50	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1365	WAVE PUBLISHING	L 1126	PUBLIC NOTICE	01/01/2022	32.36	.00		
1365	WAVE PUBLISHING	L 17497	PUBLIC NOTICE	01/04/2022	53.18	.00		
1365	WAVE PUBLISHING	L 17498	ORD ADOPTION	01/05/2022	37.00	.00		
1365	WAVE PUBLISHING	L 17499	PUBLIC NOTICE	01/11/2022	27.74	.00		
Total 1365:					547.03	.00		
1421								
1421	HEBER LIGHT & POWER	1385	4th QT 2021 Streetlight Repair	01/18/2022	3,807.50	.00		
Total 1421:					3,807.50	.00		
1571								
1571	FASTENAL IND & CONST SUPP	UTLIN155229	SUPPLIES	12/30/2021	12.26	.00		
Total 1571:					12.26	.00		
1917								
1917	HOSE & RUBBER SUPPLY LLC	01619324	Supplies	01/18/2022	42.32	.00		
Total 1917:					42.32	.00		
2070								
2070	MIDWAY HERITAGE FOUNDATI	JAN 2022 MID	Monuments in Centennial Park	01/26/2022	5,000.00	.00		
Total 2070:					5,000.00	.00		
2166								
2166	HARBOR FREIGHT TOOLS	972251	WELDING Cart & 1YR ESP	01/10/2022	133.98	.00		
Total 2166:					133.98	.00		
2269								
2269	REDMOND MINERALS INC.	333073	BULK LOAD SALT	01/20/2022	994.75	.00		
Total 2269:					994.75	.00		
2418								
2418	FINAL COMPLETION DEPOSIT	FCD 18-151	FINAL COMPLETION DEPOSIT 1	01/26/2022	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	FCD 20-209	FINAL COMPLETION DEPOSIT 2	01/26/2022	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	FCD 21-001	FINAL COMPLETION DEPOSIT 2	01/26/2022	1,500.00	.00		
Total 2418:					4,500.00	.00		
2452								
2452	LEAVITT TRUCKING	7340	SALT	01/19/2022	1,835.59	.00		
Total 2452:					1,835.59	.00		
2479								
2479	BUILDING RENTAL DEPOSIT RE	JAN 2022 A.DA	Cancelled Event - Refund	01/26/2022	350.00	.00		
Total 2479:					350.00	.00		
2553								
2553	BackNET	JAN 22	Reimburse Restitution for Equipm	01/18/2022	56.38	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2553:					56.38	.00		
2561								
2561	CENTURYLINK -435-654-3924 45	JAN 2022 453	Phone/Internet	01/07/2022	175.70	.00		
Total 2561:					175.70	.00		
2562								
2562	CENTURYLINK 435-654-4204 77	JAN 2022 775	435-654-4204 775B	01/07/2022	56.14	.00		
Total 2562:					56.14	.00		
2576								
2576	Christmas Light Professionals	42046	Labor for putting up Christmas Lig	11/10/2021	15,085.80	.00		
Total 2576:					15,085.80	.00		
2614								
2614	Executech Utah, Inc.	EXEC-109656	Non-Agreement or Overage Hour	12/31/2021	145.00	.00		
Total 2614:					145.00	.00		
2627								
2627	GORDON LAW GROUP, P.C.	11612	Monthly Flat Fee	01/10/2022	5,052.50	.00		
2627	GORDON LAW GROUP, P.C.	11612	Monthly Flat Fee	01/10/2022	322.50	.00		
2627	GORDON LAW GROUP, P.C.	11612	Monthly Flat Fee - Additional Hour	01/10/2022	8,323.72	.00		
2627	GORDON LAW GROUP, P.C.	11612	Monthly Flat Fee - Additional Hour	01/10/2022	531.30	.00		
2627	GORDON LAW GROUP, P.C.	11612	Right Way Water Easement Filing	01/10/2022	82.80	.00		
2627	GORDON LAW GROUP, P.C.	11612	Hayne Subdivision	01/10/2022	1,285.50	.00		
2627	GORDON LAW GROUP, P.C.	11613	MILL CANYON FARMS SUBDIVIS	01/10/2022	104.75	.00		
2627	GORDON LAW GROUP, P.C.	11614	The Village	01/10/2022	3,257.73	.00		
Total 2627:					18,960.80	.00		
2636								
2636	CenturyLink ACCT# 88239224	276701327	Phone Services	01/12/2022	1,026.17	.00		
Total 2636:					1,026.17	.00		
2683								
2683	NORCO INC	68667346-00	Ceriated Tungsten	01/21/2022	40.93	.00		
Total 2683:					40.93	.00		
2700								
2700	Car Quest Auto Parts	15341-115308	Oil Filter, Air	01/13/2022	33.56	.00		
2700	Car Quest Auto Parts	15341-115709	FUEL/WATER SEPARATOR	01/18/2022	23.79	.00		
Total 2700:					57.35	.00		
2753								
2753	LENS EQUIPMENT	5956	Equipment-	12/02/2021	1,488.00	.00		
Total 2753:					1,488.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2783								
2783	VERIZON WIRELESS	9896265891	Cellular Service	01/01/2022	373.99	.00		
Total 2783:					373.99	.00		
2816								
2816	COMCAST	JAN 11-FEB 10	CREDIT	01/06/2022	8.38-	.00		
Total 2816:					8.38-	.00		
2827								
2827	SANDERS STONE ART, LLC	22117	Engrave Black Marble Tile	01/17/2022	125.00	.00		
Total 2827:					125.00	.00		
2881								
2881	IBI Group	10013571	Midway Town Square	11/12/2021	2,692.30	.00		
Total 2881:					2,692.30	.00		
2901								
2901	MARY WATERMAN PHOTOGRA	44	Framed Metal Print	01/21/2022	266.25	.00		
2901	MARY WATERMAN PHOTOGRA	45	Postcards	01/20/2022	75.00	.00		
Total 2901:					341.25	.00		
2915								
2915	KAREE CANNON	8	Pillows, Tote Bags, Tea Towels	01/18/2022	224.00	.00		
Total 2915:					224.00	.00		
2922								
2922	MIDWAY MUST HAVES	101	Midway Steins	01/26/2022	420.00	.00		
Total 2922:					420.00	.00		
2937								
2937	Quinn Calder Photography	165	60X21 Midway Bonner Barn Glos	01/20/2022	900.00	.00		
Total 2937:					900.00	.00		
2951								
2951	WASATCH METAL WERX	1501	MIDWAY CITY DOG PARK SIGN	12/30/2021	1,950.00	975.00	01/25/2022	
Total 2951:					1,950.00	975.00		
2952								
2952	The Heber Valley Utah	1844	Tourism Poster	01/18/2022	240.00	.00		
Total 2952:					240.00	.00		
2953								
2953	Kent Johnson	0001	Strategic Planning Meeting	01/12/2022	100.00	.00		
Total 2953:					100.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2954								
2954	T.B.I. Industries LLC	579	ECM update for truck 61	12/28/2021	3,500.00	.00		
Total 2954:					3,500.00	.00		
Grand Totals:					74,164.55	975.00		

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
1 February 2022
Regular Meeting

Minutes of the
18 January 2022
Work Meeting



Memo

Date: 20 January 2022
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 18 January 2022 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, 18 January 2022, 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 5:03 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.

2. Ordinance 2022-02 / Setbacks in Residential Zones (City Planner – Approximately 60 minutes) – Discuss Ordinance 2022-02 amending Chapters 16.7, 16.8, 16.9, 16.10, 16.11, and 16.12 of the Midway City Municipal Code regarding setbacks for residential zones. Recommended by the Midway City Planning Commission.

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

- Proposal background
- General plan support for adjustments
- Current versus proposed setbacks
- Examples
- Proposed residential dwelling setback matrix
- Existing accessory structure setback matrix
- Proposed accessory structure setback matrix
- Example of accessory structure side setbacks
- Definition of an accessory building

Mr. Henke also made the following comments:

- With the proposal some lots could only have accessory structures under 200 square feet with no foundation, power, or plumbing.
- Animal structures had different setbacks from accessory buildings.
- A two-story building could be 20 feet high.
- The eave or roof overhang did not count when determining the setback.
- Only the additions to an existing non-conforming structure would have to meet the proposed setbacks.

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

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

- Accessory buildings were good for storage and helped clean up yards. Storage should not be discouraged
- The setback examples were suburban not rural.
- The ordinance change was driven by the General Plan which was in the process of being revised. The proposal should be considered after the revision.
- The Council should consider setbacks based on the lot size instead of the zone.
- Setbacks should be consistent in a neighborhood.
- Should the setbacks be based on the dimensions of the dwelling?
- The side setbacks most affected the neighbors. They should be increased instead of the front setbacks.
- Was the proposal a solution looking for a problem?
- The City should not restrict property rights too much.
- There could be a situation where one property owner was exercising more property rights than a neighbor.
- Shorter structures should be allowed closer to the lot line.
- Setbacks were not an issue when two neighbors had accessory buildings that were back-to-back.
- The proposal corrected multiple problems.
- The setbacks for dwellings should be addressed immediately while setbacks for accessory dwellings could wait.

3. Adjournment

The meeting was adjourned at 6:03 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
1 February 2022
Regular Meeting

Minutes of the
18 January 2022
Regular Meeting



Memo

Date: 27 January 2022
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 18 January 2022 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, 18 January 2022, 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 6:10 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

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. Oaths of Office – Administer the oaths of office for the reelected mayor and council members

Brad Wilson administered the oath of office to Mayor Johnson, Council Member Dougherty, and Council Member Simonsen.

3. Consent Calendar

- a. Agenda for the 18 January 2021 city council regular meeting
- b. Warrants
- c. Minutes of the 7 December 2021 city council work meeting
- d. Minutes of the 7 December 2021 city council regular meeting

- e. Ordinance 2022-01 prescribing the time and place of the regular meetings of the Midway City Council
- f. Resolution 2022-02 amending the Human Resources Policies and Procedures Manual regarding COVID-19
- g. A one-year extension of the approval to amend Lot #4 of the Lime Canyon Meadows Subdivision located at 971 West Lime Canyon Road (Zoning is R-1-22)

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

Council Member Dougherty asked who reviewed the bills from the Wasatch County Sheriff's Department? He wondered if the City was receiving its monies worth. Mayor Johnson responded that the monthly reports showed the Department was patrolling more in Midway than what the City was paying for.

Council Member Dougherty asked which council meetings would be cancelled in 2022. Mayor Johnson responded that would be discussed at the Council's strategic planning meeting.

Council Member Dougherty suggested that the COVID policy explain what would happen when an employee was exempt.

Council Member Payne asked if there were any exemptions to the COVID policy besides medical.

Council Member Orme asked how the policy was not a mandate. Council Member Dougherty responded that it was a benefit rather than a mandate.

Council Member Dougherty suggested that the policy state "...Johnson & Johnson, or are medically exempt." Mayor Johnson noted that the following sentence also needed to include the medical exemption.

Council Member Drury asked what the four warrants to the State of Utah were for. No one knew and the description on the warrant list was unclear.

Council Member Drury asked about the warrants to the Midway Irrigation Company and asked if they were paid every year. Brad Wilson responded that they were paid annually. Corbin Gordon added that he was preparing a memo to explain the expenses.

Motion: Council Member Drury moved to approve the consent calendar excluding the four items, to be paid to the State of Utah, and including the edits to the COVID policy by Council Member Dougherty.

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	Nay
Council Member Payne	Nay
Council Member Simonsen	Aye

4. **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.

5. **Department Reports**

HVTED / Transit Experiment

Council Member Orme reported that Heber Valley Tourism and Economic Development (HVTED) proposed local transit during an upcoming event at Soldier Hollow. Shuttle busses would be provided with \$40,000 from Wasatch County. It would be an experiment for permanent transit and utilization would be tracked.

The Council made the following comments regarding the proposal:

- It would track visitors but not residents and workers who also needed transit.
- Visitors needed to get from the resorts to the businesses.
- Lack of transit was a concern during the last World Cup event held at Soldier Hollow.
- Transit would remove cars from the roads.
- Should the visitors pay a flat fee, like a \$40 bus pass, to help pay for the proposal?
- The City wanted tourism because it helped Midway rather than the City helping the tourism industry.
- The destinations of the riders should be tracked.
- The event would include a lot of young people who could not drive.

Boosters / Annual Dinner / New Members

Council Member Drury reported that the Midway Boosters held its annual dinner and was looking for new members.

Ice Rink / Update

Council Member Drury reported that the City's ice rink did well during the holidays.

Irrigation Company / Shareholders Meeting / Loan for Water Meters

Council Member Dougherty reported that the Midway Irrigation Company held its annual shareholders' meeting. He indicated that the Company's officers were reelected unopposed. He also indicated that a loan was approved to install meters for existing connections to the pressurized irrigation system.

Business Alliance / Meeting

Council Member Dougherty reported that the Midway Business Alliance would meet the following day.

HL&P / Board / Fees / Transmission Line / Substations

Council Member Dougherty reported that Heidi Franco was the new chair of the Heber Light & Power Company (HL&P) Board. He added that Rachel Kahler and Yvonne Barney also represented Heber City on the Board.

Council Member Dougherty reported that the Board had approved a new impact fee resolution and was doing a rate study.

Council Member Dougherty reported that HL&P was sorting out right-of-way issues with the new 970 South transmission line. He noted that the Provo River substation, and possibly some associated lines and poles, would be decommissioned.

Charging Stations

Council Member Dougherty reported that the electric vehicle charging station, by the Midway City Office Building, was successful. He suggested additional charging stations at the resorts in Midway.

Main Street / Street Lights

Wes Johnson reported that the City was working with Hadco regarding the spacing and other issues with updating the streetlights along Main Street.

Brighton Ski Resort / Lights

Michael Henke reported that lights could be seen from the night skiing at Brighton Ski Resort. He indicated that the planners for the area wanted the local governments to send a letter to the Resort asking that the lights be shielded.

State Legislature / Local Officials Day

Council Member Orme reported that local official's day at the State Legislature would be the following day.

- 6. Ordinance 2022-02 / Setbacks in Residential Zones** (City Planner – Approximately 60 minutes) – Discuss and possibly adopt Ordinance 2022-02 amending Chapters 16.7, 16.8, 16.9, 16.10, 16.11, and 16.12 of the Midway City Municipal Code regarding setbacks for residential zones. Recommended by the Midway City Planning Commission. **Public**

Hearing

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

- Exceptions to front and side setback requirements
- Items omitted from the Planning Commission's recommendation
- Accessory structures in front of a dwelling
- Setback examples
- Possible findings

Mr. Henke also made the following comments:

- Preferred that HOAs enforced setbacks.
- Setbacks were enforced by the City when a building permit was reviewed.
- Only accessory structures under 200 square feet with no foundation, electrical, or plumbing should be allowed in a public utility easement.
- The setbacks were to the structure and not the eaves.
- The current code allowed a deck to be built to the property lines.

Michael Henke reviewed a state code limitation on land use changes. He indicated that it applied to residential developments for ten years after they were approved.

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

- A list should be prepared of all residential developments approved in the last ten years.
- The City Attorney should verify for the strategic planning meeting that the limitation was retroactive.
- There were concerns with the proposed setbacks for accessory structures but not dwellings.
- The proposal made developments look suburban instead of rural.
- Landowners should be able to build what they wanted but not impose it on their neighbors.

Public Hearing

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

Russ Watts

Mr. Watts made the following comments:

- Midway was a rural area.
- Increasing the setbacks, which would promote taller houses to maximize space, would encourage a "toon town" feel, flat roofs, and contemporary houses. It would eliminate the rural feel.
- The setbacks should be decreased on the back to allow more space in the front where the public could see it.

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

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

- Houses should not be set too far back on lots.
- The rear setbacks could be softened.

Motion: Council Member Drury moved to continue Ordinance 2022-02 (Setbacks in residential zones), because the Council did not have ordinance language, with the following directions to staff:

- Approved of the primary structure setbacks. Those proposed changes were acceptable for the front, rear, and side setbacks for primary structures.
- Staff change the proposed height for accessory structures to start at ten feet at the setback.
- The height could increase at a one-to-one increment moving back from the setbacks for the zone.

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

Council Member Dougherty indicated that he had different reasons for supporting a continuance and did not agree with the direction given in the motion.

7. Ordinance 2022-03 / PUDs (City Planner – Approximately 60 minutes) – Discuss and possibly adopt Ordinance 2022-03 amending Chapter 16.16 (Planned Unit Developments and Subdivisions) of the Midway City Municipal Code regarding planned unit developments. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Background
- PUD benefits
- Examples
- PUD density
- Reasons for the minimum number of units in PUDs
- Density calculations for PUDs
- PUD open space

- Structure spacing
- Minimum acreage and units
- Building pad footprint limitation
- Planned performance developments
- Standard subdivision open space

Mr. Henke also made the following comments:

- The ordinance was not yet completed.
- It focused on PUDs but also included large scale subdivisions.
- There was no good way to determine how many people lived in each unit of a PUD.
- Did not know of a subdivision with private roads.
- It was more difficult for a smaller development to maintain its roads. This was the reason for a minimum size for PUDs.
- The density bonuses for certain things had been eliminated for PUDs.
- Density should be in the center of a lot.

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

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

- How many residences in the City were in PUDs?
- What percentage of houses were primary residents?
- How many lots or units approved in the last ten years were in subdivisions and in PUDs? The ratio was probably two to one.
- The City did not plow the roads in PUDs.
- The higher density in PUDs was offset by the amenities and private roads.
- It was good to have different options.
- PUDs needed to be looked at as developments.
- A developer could charge more for the same house if it was in a PUD instead of a subdivision.
- PUDs benefited owners because they were not condominiums, and they did not have to maintain the landscaping.
- Should the City encourage more dense developments like PUDs?
- Did PUDs work against affordable housing because of the HOA fees? That depended upon the frugality of the HOA. HOA fees could be restrictive.
- It was not the City's job to make the different types of developments fair.
- The incongruity between residential zone density ratios should be eliminated.
- It was less common to see children in PUDs.
- PUDs had utility if a community was growing. They provided clustering and their own services. They should not be on the edge of a community. They did not create affordable housing.
- The General Plan should be revised before the proposal was considered for approval.
- The Municipal Code incentivized PUDs in certain situations. This should be changed so that one type of development was not encouraged over another.
- Something should be done to encourage affordable housing.
- PUDs did not help the City maintain the resort tax nor did they provide more property tax.

Public Hearing

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

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

- Clustering should not be on the perimeter of a PUD.
- Developers would build to the market and not the City's incentives. They would choose what was cost effective in a planned performance development.
- The only PUDs with good open space were Valais and The Hamlet.
- Additional density should only be provided for affordable housing.
- The current PUD code should be scrapped. Traditional PUDs should only be allowed if they included affordable housing, were in certain areas, and were infill.
- The default density should be reduced and then options given to increase it.
- It was difficult for a developer to do affordable housing if that was not their business. The right people needed to come together for affordable housing to work and for it to be self-managed.
- Federal funds were only available for affordable housing projects of a certain size.
- The few affordable houses in a project had a stigma.
- The Council should have the Mountainland Housing Trust, which did small projects in Park City, give it a presentation.
- Developers should not be given density credit for land they could not build on. Case law indicated governments could not completely take development rights from a property.

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

Motion: Council Member Drury moved to continue Ordinance 2022-03 with the following direction to staff:

- Complete the proposed and other additional revisions.
- Put PUDs on the same level as standard subdivisions with no incentives.
- Incorporate the changes suggested by Council Member Payne regarding sensitive lands not counting for any additional density or open space requirements in the existing sensitive lands code.

Discussion: Council Member Drury was concerned that the information for the setback and PUD changes had only been received three days before the meeting. He felt that more time was needed for discussion and to make accurate decisions on the items.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Dougherty asked how significant the changes needed to be before the proposed ordinance would have to go back to the Planning Commission. Mr. Henke responded that it would not need to go back regardless of the changes.

Council Member Drury did not want consideration of the ordinance to extend beyond the current development moratorium. Mayor Johnson responded that the moratorium would end on February 15th. She noted that it would have to be extended or notices of pending ordinances

adopted.

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: Without objection, Mayor Johnson recessed the meeting at 9:16 p.m. She reconvened the meeting at 9:24 p.m.

8. Ordinance 2022-04 / Rural Preservation Subdivisions (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2022-04 amending Section 16.18 (Rural Preservation Subdivision) of the Midway City Municipal Code regarding rural preservation subdivisions. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Proposal background
- Proposed amendments
- Possible findings
- Planning commission recommendation

Mr. Henke also made the following comments:

- Excluding wetlands and slopes, in the Planning Commission's motion, was also excluding them from qualifying acreage. Other sensitive lands could be excluded, as part of the proposal, but did not want to make it too complicated.
- Sewer connections were not required unless the subdivision was within 300 feet of an existing sewer line.
- The only change in setbacks was the 100 feet from certain roads.

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.

Council Member Payne made the following comments:

- There should be a minimum setback for each zone.
- The size of a house would not be an issue because the lots would be five acres.

Motion: Council Member Simonsen moved to approve Ordinance 2022-04 / Rural Preservation Subdivisions as presented with the following findings and conditions:

- The presentation correctly excluded wetlands, when calculating the allowable density, but the staff report incorrectly did not.
- The setbacks should be equivalent to those in the RA-1-43 zone.
- The proposed adjustment would preclude slopes of 25% or greater being counted towards the developable acreage of a property.
- Reducing density was supported by the General Plan.
- The proposed adjustments would ensure that accessory structure requirements were consistent with other sections of the land use code.
- The proposed adjustments would require a 100-foot structure setback from certain roads, which was supported by the General Plan.
- The proposed adjustments would clarify that creating a rural preservation subdivision would not result in the creation of a non-conforming parcel.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Dougherty asked for an explanation of the last finding. Mr. Henke responded that it only applied to remnant parcels.

Amended Motion: Council Member Simonsen moved to approve Ordinance 2022-04 (Rural Preservation Subdivisions) as presented with the following findings and conditions:

- The presentation correctly excluded wetlands, when calculating the allowable density, but the staff report incorrectly did not.
- The setbacks should be equivalent to those in the RA-1-43 zone.
- The proposed adjustment would preclude slopes of 25% or greater being counted towards the developable acreage of a property.
- Reducing density was supported by the General Plan.
- The proposed adjustments would ensure that accessory structure requirements were consistent with other sections of the land use code.
- The proposed adjustments would require a 100-foot structure setback from certain roads, which was supported by the General Plan.
- The proposed adjustments would clarify that creating a rural preservation subdivision would not result in the creation of a remnant parcel.

Second: Council Member Orme seconded the amended motion.

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 2022-01 / Dominion Energy Franchise Agreement (City Attorney – Approximately 15 minutes) – Discuss and possibly approve Resolution 2021-01 adopting a

franchise agreement for Dominion Energy.

Corbin Gordon explained that the agreement had been reviewed at the previous council meeting. He added that a memo had been provided to the Council responding to questions regarding fees and taxes.

Council Member Payne indicated that HL&P was having a difficult time relocating communication lines as it upgraded the 970 South transmission line. He asked that franchise agreements require better cooperation especially when moving utilities. Mr. Gordon suggested that the agreement be approved with the provision that greater cooperation be negotiated. Council Member Dougherty asked if burying a line was considered relocation.

Motion: Council Member Drury moved to approve Resolution 2022-01, Dominion Energy franchise agreement, with permission to negotiate a requirement that they blue stake and cooperate with the City.

Second: Council Member Dougherty seconded the motion.

Discussion: Council Member Dougherty asked if the agreement would apply to gas lines buried behind the sidewalk in a public utility easement (PUE). Mr. Gordon responded that it only applied to gas lines buried in the City's right-of-way.

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. Resolution 2022-03 / Qwest Franchise Agreement (City Attorney – Approximately 15 minutes) – Discuss and possibly approve Resolution 2021-03 adopting a franchise agreement for Qwest Corporation (CenturyLink).

Corbin Gordon made the following comments regarding the proposed agreement:

- Wanted to address communication lines that remained on unused power poles. This left ugly poles in the City.
- The law said that a line could not be required to be moved or removed for aesthetics. The City would have to pay for such a removal. This included orphaned poles.
- Qwest agreed not to stop or block off traffic and would get a permit for work.
- Could ask them about blue stakes and cooperating with the City.
- They would inspect all their poles.
- They would bury lines in front of new developments.

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

- HL&P had installed conduit for communication lines along the new transmission line. It would be the City's responsibility to have the lines moved from the power poles and into

the conduit. Mr. Gordon responded that he would investigate the issue.

- Qwest wanted to charge the City \$20,000 to begin redesigning its utilities when River Road was improved. Mr. Gordon responded that the issue could be clearer in the agreement.
- More negotiating should be done before the agreement was approved.

Motion: Council Member Simonsen moved to continue Resolution 2022-03, Qwest Franchise agreement, to the next meeting so that the City Attorney could address the items discussed, the issue of abandoned poles, burying the communication lines with the new transmission line, cooperating with blue stakes, and design fees.

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 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
Council Member Simonsen	Aye

11. Spruce Addition / Water Rights (Jennifer Mangum – Approximately 10 minutes) – Discuss and possibly approve the amount of water rights required for an addition to Spruce located at 206 West Main Street. Recommended by the Midway City Water Advisory Board.

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

- Background
- Land use summary
- Location
- Pictures

- Site plan
- Possible findings

Mr. Henke also made the following comments:

- Two lots would be combined. The house on one of the lots had been removed.
- Each lot had a water connection.
- Additions would be added to the back and west sides of the remaining house which was now a commercial building.
- The addition on the west would have storage and small retail areas.
- The proposal would use less water than the two houses.
- The Water Board did not require any additional water.
- The size of the current water meter might be increased.
- There would not be a drive-thru window.
- The additions would continue the look of the existing building. Swiss architecture was not always required for additions.
- The proposed uses were permitted in the zone and did not need to be approved by the Council.
- Parking and other issues would be reviewed with the building permit.
- The City Engineer would review the sidewalk and sump.

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

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

- There was pressurized irrigation at the property, but it would have to be metered.
- The Water Advisory Board did not require a will-serve letter from the Midway Irrigation Company.
- The existing building was charming, and that look should be continued.

Motion: Council Member Payne moved to approve the amount of water rights required for the proposed addition to Spruce, located at 206 West Main Street, as recommended by the Water Advisory Board.

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

Motion: Council Member Orme 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

12. Studdert Lot of Record / Water Rights (David and Katie Studdert – Approximately 10 minutes) – Discuss and possibly approve the amount of water rights required for a lot of record located at 250 East 300 South. Recommended by the Midway City Water Advisory Board.

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

- Location of the property
- Status
- Possible findings

Mr. Henke also made the following comments:

- The property was a conforming lot of record created in 1942.
- The owners wanted to build a home on the lot.
- The Water Advisory Board recommended that water rights be turned in for just the area that would be built on and not the entire lot.
- If the owners wanted to irrigate more of the lot, then they would have to turn in more water rights.
- Speculated that the Midway Irrigation Company would have to monitor and enforce how much of the lot was irrigated.
- The water restrictions could be included on the site plan that was submitted with the building permit application.

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 Water Board made it clear that the owners could not have culinary water overages.
- Should a document be recorded against the property detailing the water restrictions?
- The owners eventually wanted to plant an orchard on the lot.
- The Wasatch County School District was no longer going to trade for the neighboring property which was owned by The Church of Jesus Christ of Latter-day Saints.
- The City could not require any roads to go through the lot because none were shown on

its roads master plan.

- The Irrigation Company could enforce the water restrictions by turning off and locking the pressurized irrigation meter.
- The applicants understood the limitations imposed on the lot.
- The applicants could sell the property and then the City and Irrigation Company would be dealing with someone else. The site plan and building permit should specify the limitations on the lot.
- Over time the Irrigation Company would install meters on all pressurized irrigation connections. They would first use the amount of water utilized for educating is customers then set limits and give them several years to comply. Eventually the connection could be shut off for non-compliance.
- The lot was in the City which differed from other requests for water access outside of Midway.

Motion: Council Member Orme moved to approve the amount of water rights required for the Studdert lot based on the recommendation that the outside irrigation would be metered and the amount used limited with the following findings and conditions:

- The outside irrigation would be supplied through the Midway Irrigation Company's secondary system and would be metered.
- No culinary water would be used for outside irrigation.
- 1.5-acre feet of water rights would be dedicated to the City before a building permit for a dwelling would be issued on the property.
- A site plan would be submitted with the building permit application that was marked and indicated that the owners could only water 10,164 square feet of the lot.

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 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

13. Resolution 2022-04 / Cemetery Moratorium (City Attorney – Approximately 5 minutes) – Discuss and possibly adopt Resolution 2022-04 extending a moratorium on the sale of spaces in the Midway City Cemetery to allow for a review of rates and services.

Corbin Gordon reported that he completed the changes to the cemetery regulations, but recommended the moratorium be extended for three months.

Council Member Orme asked how the ownership of empty burial spaces, purchased several generations ago, would be determined. Mr. Gordon responded that there was no quick and simple way to do that.

Motion: Council Member Orme moved to adopt Resolution 2022-04 extending the moratorium for three months to move forward with the remaining work on the issues in the cemetery.

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

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

A closed meeting was not held.

Corbin Gordon reported that a grant for \$200,000 to \$600,000 was available that could be used to purchase property for public parking.

15. 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 10:29 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT

Midway City Council
1 February 2022
Regular Meeting

Resolution 2022-05 /
HL&P Board Compensation



RESOLUTION 2021-05

A RESOLUTION BY THE MIDWAY CITY COUNCIL APPROVING COMPENSATION FOR SERVICE ON THE HEBER LIGHT & POWER COMPANY BOARD OF DIRECTORS

WHEREAS the Heber Light & Power Company is an energy services interlocal entity created by Heber City, Midway City, and Charleston Town to provide electric service to customers within the municipalities and surrounding areas.

WHEREAS the Company's Organization Agreement provides that the Midway City Mayor or a member of the Midway City Council shall serve as a director on the Company's Board of Directors.

WHEREAS the Company has adopted its Capital and Operating Budgets for 2022 and filed the Budget with the Midway City Recorder.

WHEREAS the Company's Budget includes an annual stipend of \$5,703.84 payable monthly to the Mayor or Council Member for their service as a director on the Company's board.

WHEREAS the City Council has analyzed, as required by Utah Code Ann. § 11-13-403, the duties and responsibilities of the Mayor's or Council Member's service on the Company's board and considered the appropriate compensation for their service and time commitment on the board.

NOW THEREFORE, BE IT RESOLVED BY THE MIDWAY CITY COUNCIL AS FOLLOWS:

1. The Company's annual stipend to the Mayor or Council Member fairly reflects the responsibilities and duties of a director serving on the Company's board and does not duplicate the City's compensation for the Mayor's or Council Member's service, as mayor or a council member.

2. Pursuant to Utah Code Ann. § 11-13-403, the City Council hereby approves the Mayor's or Council Member's receipt of the stipend as compensation for service on the Company's board during calendar year 2022.

3. The Midway City Recorder is hereby directed to provide the secretary of the Company's Board of Directors with an executed copy of this resolution.

PASSED AND ADOPTED by the Midway City Council on the _____ day of _____ 2022.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)