

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

**Tuesday, 15 December 2020, 5:00 p.m.
Electronic Meeting**

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

1. Call to Order

Mayor Johnson called the meeting to order at 5:06 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

Brad Wilson, Recorder/Financial Officer

Others Present:

John Woodward, Wasatch County
Attorney's Office
Jared Rigby, Wasatch County Sheriff

Staff Present:

Corbin Gordon, Attorney

- 2. Resolution 2020-39 / Enterprise Zones** (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly approve Resolution 2020-39 authorizing application for the renewal of state sponsored enterprise zones within Midway City.

Mayor Johnson made the following comments:

- Enterprise zones had been adopted by the City in 2012 and renewed in 2017.
- 2020 was the last year that they could be renewed.
- The renewal would be for five years then the program would be discontinued by the State.
- No business in Midway had participated in the program.
- The program was more for large businesses like the Homestead.
- The City should be more proactive and reach out to businesses.
- Hideout was going to designate its whole city as an enterprise zone. They wanted to encourage a commercial base which they did not have.
- The program would benefit the City because there was no cost, and it would be available

- to business owners.
- Currently the commercial and resort zones were designated as enterprise zones.

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

- Several businesses had learned about the program.
- The program would not work for individual transient rentals.
- There was no downside to simply designating enterprise zones.
- Wasatch County and Heber City discussed expanding their enterprise zones to plan for future development.

Motion: Council Member Drury moved to approve Resolution 2020-39 authorizing application for the renewal of state sponsored enterprise zones within Midway City. The enterprise zone would be the current Midway City limits including recently annexed areas such as the Wasatch Mountain State Park, Whitaker Farm, etc.

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. Resolution 2020-32 / Law Enforcement Agreement (City Attorney – Approximately 30 minutes) – Discuss and possibly approve Resolution 2020-32 adopting a law enforcement agreement between Midway City and the Wasatch County Sheriff’s Department.

Corbin Gordan reviewed the proposed agreement and addendum “A” and made the following comments:

- It was like the original proposal.
- The Wasatch County Attorney’s Office made some changes including base service becoming general duties. These duties were provided to everyone in Wasatch County.
- The Sheriff’s Department had a \$300,000 shortfall for dispatch.
- Wasatch County proposed that Midway pay 15% of the projected dispatch cost that year. There was not an agreement on these staged increases.
- The Council needed to decide if dispatch should be included in the proposed \$252,000.
- Was comfortable with the agreement.
- The County needed a commitment on the amount paid so that it could adjust personnel. They wanted predictability in hiring. They could deny a request by the City to change the amount paid.
- The County would have to give twelve months’ notice to terminate the agreement.
- The agreement was tied to hours so projections could be made.
- An agreement needed to be reached before the end of the year or the City would forgo

service for the coming year.

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

- Addendum “A” addressed the phasing of dispatch costs.
- It was worrisome that the County could deny a change in the costs. Midway might have a budget issue that required a change.
- The City needed uniformity in budgeting.
- The number of additional hours provided would have to be reduced if dispatch costs were included in the proposed amount.
- The Council should decide how many hours of additional service it wanted.
- The dispatch costs should be based on the services used and not the population of the entity.
- All entities should pay for the additional services that they used.
- Midway should pay for the dispatch services that it used.
- Not everyone was paying the same for the identical services.
- The contract should be simpler.
- Why was there a shortfall in dispatch and who should pay that cost?
- There needed to be more justification for the dispatch costs.
- The same hourly rate should be applied to all services including dispatch.
- Should dispatch be included in the hourly rate charged to the City?
- The amount of service provided to the City should be specified in the agreement.
- The City would not be billed for unused services.
- The Addendum specified where law enforcement would be focused.

Note: Council Member Orme left at 5:51 p.m.

Sheriff Rigby reviewed the hours that would be provided if the agreement were for \$252,000 including dispatch. He indicated that the hours would be 52 a week which was a decrease from the current 60. He made the following additional comments:

- He could allocate resources to problem traffic areas.
- Heber City already contributed \$100,000 for dispatch services.
- Hideout Town would start contracting for additional services.
- Other communities did not pay for additional services because they did not use them.
- A cost estimate was needed each March for the City to prepare its budget that began in July.
- Wanted to be helpful and work with the City.
- Recommended the agreement as presented, but the County Manager would have to sign it.
- Previously provided notice that the current contract would end at the end of that year.

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

- A fixed five-year contract could provide stability to the County.
- Could the cost and hours provided be determined that night with the agreement refined over the next several days?
- Should 225 hours a month be the minimum?

John Woodward, Wasatch County Attorney's Office, made the following comments:

- Wasatch County needed a signed agreement, along with the addendum, before the end of the year.
- The agreement was clear.
- Was comfortable lowering the hours to get to \$252,000 the first year then figuring out the other issues the following year.
- Dispatch was important.
- A one-year contract was problematic because of the proposal to increase dispatch costs over several years.

Note: Council Member Orme returned at 6:10 p.m.

- The agreement could be refined, and the Mayor approve and sign it, or it could be considered at the January 19th council meeting.

Motion: Council Member Payne moved to approve a five-year agreement with a \$252,000 a year budget, with the flexibility to adjust the amount upwards in the future, and authorized the changes being made and the Mayor signing it hopefully before the end of the year.

Discussion: Council Member Simonsen asked to work with the Mayor to finalize the agreement. He wanted the agreement to be clear and specific.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Dougherty expressed concern that the changes to be approved by the Mayor were significant and more than refinements.

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 asked if extra law enforcement for events like Swiss Days was budgeted separately. Mayor Johnson responded that it was budgeted separately.

Council Member Simonsen asked if law enforcement could be a separate line item on residents' property tax notices. Brad Wilson did not know if that was allowed.

4. Adjournment

Motion: Council Member Dougherty moved to adjourn the meeting. Council Member Orme

seconded the motion. The motion passed unanimously.

The meeting was adjourned at 6:24 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder