

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

**Tuesday, 2 February 2021, 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, 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 5:01 p.m.

Members Present:

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

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer (Started
participating at approximately 6:00 p.m.)
Brad Wilson, Recorder/Financial Officer

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

2. Consent Calendar

- a. Agenda for the 2 February 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 15 December 2020 City Council Regular Meeting
- d. Minutes of the 5 January 2021 City Council Work Meeting
- e. Minutes of the 19 January 2021 City Council Regular Meeting
- f. Minutes of the 21 January 2021 City Council Strategic Planning Meeting
- g. Ordinance 2021-01 – Prescribing the Time and Place of the Regular Meetings of the Midway City Council
- h. The Bond for the Mayor of Midway City
- i. Conclude the warranty period and release the remainder of the bond for the Sunburst Ranch, Phase Two located at approximately 550 North Olympic Way (1080 West).
- j. Release the construction bond, minus 10% and any amount for landscaping, and begin the one-year warranty period for The Lodges at Snake Creek, Lots 39-62, Plat Amendment located at 520 West 1150 North.

- k. Receive a certification that the Hot Springs Annexation, containing 12.26 acres located at 1477 North Pine Canyon Road, meets the requirements specified in Utah Code Section 10-2-405(2)(a).
- l. Receive a certification that the Dance Annexation, containing 6.98 acres located at 1199 South 900 West, meets the requirements specified in Utah Code Section 10-2-405(2)(a).

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

Motion: Council Member Drury moved to approve the consent calendar with all the items as listed.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

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

3. Public Comments

Mayor Johnson asked if there were any comments from the public for items not on the agenda. No comments were offered.

4. Department Reports

State Legislative Session

Council Member Orme reported on the ongoing session of the Utah State Legislature. Legislation regarding billboards and private building inspectors was discussed.

Community Center / Lights

Council Member Orme reported that new lights were being installed in the Community Center.

Interlocal Meeting

Council Member Orme reported on the recent interlocal meeting. Trails and wayfinding signs were discussed at the meeting.

Destination Collaborative

Council Member Dougherty reported that Heber Valley Tourism and Economic Development had formed a destination collaborative and asked him to be a member.

Affordable Housing

Council Member Payne asked to speak with the Council in the future about affordable housing.

Cowboy Poetry / Donation

Council Member Orme reported that the organizers of the Heber Valley Western Music and Cowboy Poetry Gathering requested a \$10,000 donation from the City. She noted how the event benefited local hotels, restaurants, and businesses. The Council did not oppose the request.

Town Square / Redesign

Council Member Simonsen reported on the redesign of the Town Square and selecting a design firm.

Alpenhof Park / Redesign

Council Member Simonsen reported that Berg Landscaping had been chosen to seek feedback and redesign the Alpenhof Park.

Homestead Trail / Grant

Council Member Simonsen reported that the City was seeking grants to finish the Homestead Trail.

70 East Parking Lot

Council Member Simonsen reported that the new public parking lot at 70 East Main Street was a success.

Streets / Sanding / Sweeping

Council Member Simonsen reported that salting and sanding the streets was effective during the winter. He indicated that the sand would be swept up in the spring.

River Road Roundabouts / Lighting

Council Member Simonsen reported that lighting and other improvements still needed to be installed at the two new roundabouts on River Road.

UDOT / Area Manager

Council Member Simonsen reported that there was a new area manager for the Utah Department of Transportation (UDOT). He added that a meeting had been scheduled with the manager. He wanted UDOT to improve the intersection of River Road and Main Street and participate in the Homestead Trail.

HVSSD / Manuals

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) was preparing personnel and operations manuals.

5. Wasatch Caring Community Coalition / Presentation (Trudy Brereton – Approximately 15 minutes) – Receive a presentation from the Wasatch Caring Community Coalition.

Trudy Brereton, Wasatch Behavioral Health, gave a presentation and reviewed the following items:

- Mental wellness
- Call to action
- COVID clinic volunteers
- Outreach through businesses
- Local resources
- Training resources
- Suicide prevention
- Billboards
- Wasatch Caring Community Coalition
- Food assistance

6. Kinsey Property / Water Rights (City Planner – Approximately 5 minutes) – Discuss and possibly approve the amount of water rights that need to be provided to Midway City for the Kinsey property located at 15 East 850 South.

Michael Henke gave a presentation regarding the needed water rights and reviewed the following items:

- Will serve letter and requirements
- Land use summary
- Proposed plat map
- Recommended water requirement

Mr. Henke also made the following comments:

- The Council approved connecting the property to the culinary water system even though it was not in the City.
- The amount of water needed for the property had to be determined.

- It was recommended by the Water Advisory Board that 11.1-acre feet of water be provided before the plat map was recorded.

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

Motion: Council Member Drury moved to accept the recommendation of the Water Board and require 11.1-acre feet of water rights for the Kinsey Property.

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

7. Ordinance 2021-03 / Vested Rights (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-03 amending Section 16.26.13 (Vested Rights) of the Midway City Municipal Code regarding vested rights in land use. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Proposed changes
- Current code
- Proposed code
- Validity of an application
- Reasons for an application not moving forward
- Planning commission recommendation
- Possible findings

Mr. Henke also made the following comments:

- The ordinance would better define when a land use application could move forward and how long it could remain idle.
- It would apply to both the planning commission and city council.
- Out-of-pocket deposits, but not application fees, would be refunded if an application lapsed.
- The out-of-pocket deposit would be replenished as needed.

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 proposal was more confusing than the current code and needed to be clarified.
- When was a new ordinance formally initiated and when did it apply to an application?
- Something was needed that was enforceable.
- What classified as pending?
- The proposal should not preclude notices of pending ordinance changes.
- Applications being submitted because something was on an agenda should be avoided.
- The process should not be abused by repeatedly continuing an application.
- Reasonable diligence was difficult to define.
- The planner and city attorney should decide when an application was continuing too long.
- Every fact pattern should not have to be defined.
- Problems like a pandemic arose and could delay the process.
- All applications should be 100% complete to be on an agenda.
- Was 180 days the best number to determine if an application was idle? This number should be shorter than the maximum six months for a development moratorium.

Public Hearing

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

Sheila Siggard

Ms. Siggard thanked the Council for being watchmen and guardians of Midway.

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

Motion: Council Member Dougherty moved to table Ordinance 2021-03 for further discussion and study, with the Mayor and City Planner deciding when it should be put back on the agenda.

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

8. **Ordinance 2021-04 / Public Facilities Completion Deposit** (City Attorney – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2021-04 amending Chapter 12.10 (Public Facilities Completion Deposit) of the Midway City Municipal Code.

Corbin Gordon asked that the item be continued to the next meeting.

9. Ordinance 2021-05 / City Architect (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-05 amending Chapter 2.07 (Vision Architectural Committee) of the Midway City Municipal Code establishing the position of a city architect.

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

- Community vision
- General plan support
- Responsibilities
- Proposed changes not related to an architect
- Possible findings

Mr. Henke also made the following comments:

- The proposals would amend the Vision Architecture Committee (VAC) section of the Municipal Code.
- It would require an architect to look at commercial and mixed-use developments to ensure that they met theming requirements.
- The architect could work with the design team before a proposal went to the VAC.
- It was recommended by staff.
- A deposit of \$400 would be required.
- An architect trained in European architecture would move theming in Midway to the next level. They would also help the VAC focus.
- The VAC and architect would only make recommendations. These recommendations would be made to the planning director.
- Preferred a local architect that cared about Midway's theme.
- The architect would be used as needed and only paid for the work they did.
- Each building would be a separate structure with its own deposit.
- The fee was already adopted in the City's fee schedule.
- There was not a requirement for the architect to complete a review within a certain amount of time for commercial projects. Contractors would need to know that a review on residential would have to be done in the allowed fourteen days. The review would have to be done at the beginning of the process.

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

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

- HOA architecture committees benefited from the help of an architect.
- The proposal should clarify that the VAC and architect only made recommendations.
- All the costs for an architect should be paid for by the applicants.
- Should a fee be charged for each review session?
- What would happen if the City could not find an architect to fill the position?

Motion: Council Member Payne moved to approve Ordinance 2021-05 amending Chapter 2.07 (Vision Architectural Committee) of the Midway City Municipal Code, establishing the position of a city architect, with the following findings:

- The proposed amendment would help assure that the vision of Midway came to fruition with each new development that required adherence to the theming and architectural guidelines.
- A professional architect would be able to work with a developer's design team using education and experience that only a trained professional would have.
- Any commercial and mixed-use projects that required VAC review would be examined by the town architect as a resource to planning staff and the VAC.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

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

10. Ordinance 2021-06 / Cemetery Regulations (City Attorney – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-06 amending Chapter 2.16 (Cemetery) of the Midway City Municipal Code regarding the regulation of the Midway City Cemetery.

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

- Fees
- Cremations
- Vaults
- Orientation of graves
- Flowers
- Memorial Day weekend
- Transfer of burial rights
- Contractors working in the cemetery
- Where documents would be filed

Mr. Gordon also made the following comments:

- It cleaned up language in the Municipal Code.
- Indicated what information was needed.
- Established options for burial spaces.
- Updated hours worked by the Public Works Department.

Mayor Johnson indicated that residency requirements, for purchasing spaces, could be reviewed in the future.

Motion: Council Member Drury moved to adopt Ordinance 2021-06 with the change in Section 2.16.040(I)(1) from Friday afternoon to Friday morning.

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

11. Ranked Choice Voting (Mayor Johnson – Approximately 30 minutes) – Receive and discuss a presentation on ranked choice voting.

Kory Holdaway, Utah Ranked Choice Voting, gave a presentation regarding ranked choice voting and reviewed the following items:

- History
- What was ranked choice voting?
- Pending state legislation

Mr. Holdaway also made the following comments:

- Ranked choice voting was policy not politics.
- Only Utah County currently supported it.
- At one time mail in voting was only supported by one county in Utah.
- Ranked choice voting was used by both the Utah Democratic Party and the Utah Republican Party.
- It led to a majority election with the winner having broader support.
- County election equipment was compatible for this type of voting.
- Payson and Vineyard had successful elections using it.
- It was encouraged by the State Legislature.
- Asked the Council to consider it and explore it with Midway's residents.
- The deadline to decide and notify the Lt. Gov. was April 15th.
- A voter could vote for as few candidates as they liked.
- Eliminated the problem of a third-party candidate being recruited to take votes away from other candidates.
- Worked best with nonpartisan elections.
- Not all races on the ballot had to be ranked choice. This was not complex.

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

- Elections should be simple and consistent.
- Ranked choice voting would work for as few as three candidates.
- It solidified the dominance of the majority party.
- Both sides of the argument should be heard.
- The timeline for ranked choice voting was better than for other voting methods.

12. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

A closed meeting was not held.

13. Adjournment

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

The meeting was adjourned at 7:57 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder