

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

**Tuesday, 5 February 2019, 6:00 p.m.  
Midway Community Center, City Council Chambers  
160 West Main Street, Midway, Utah**

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

**1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message**

Mayor Johnson called the meeting to order at 6:00 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Lisa Orme, Council Member  
Jeff Drury, Council Member  
Bob Probst, Council Member  
JC Simonsen, Council Member  
Ken Van Wagoner, Council Member

**Staff Present:**

Michael Henke, Planning Director  
Joshua Jewkes, Attorney's Office  
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 Van Wagoner gave the prayer and/or inspirational message.

**2. Consent Calendar**

- a. Agenda for the 5 February 2019 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 15 January 2019 City Council Work Meeting
- d. Minutes of the 15 January 2019 City Council Closed Meeting
- e. Minutes of the 15 January 2019 City Council Regular Meeting
- f. Release the construction bond, minus 10%, and begin the one-year warranty period for Phase II of the Cascades at Soldier Hollow located at 500 West and Cascade Parkway
- g. Release the construction bond, minus 10%, and begin the one-year warranty period for the Saint-Prex Estates Subdivision located at 800 West Swiss Alpine Road

- h. Release the construction bond, minus 10%, and begin the one-year warranty period beginning 6 December 2018 for the Alder Meadows Subdivision located at 250 East and 200 South
- i. Receive a certification that the Dutch Draw Annexation, located at the corner of River Road and Dutch Canyon Road, meets the requirements for annexation
- j. Resolution 2019-05 adopting a second amendment to the Whitaker Farm Annexation Agreement to extend the period for execution.

**Note:** Copies of items 2a, 2b, 2c, 2e, 2f, 2g, 2h, 2i, and 2j are contained in the supplemental file.

Mayor Johnson read the consent calendar. Wes Johnson explained the beginning date for the warranty period for the Alder Meadows Subdivision.

**Motion:** Council Member Probst moved to approve the consent calendar.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	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

#### Cemetery / Burials

Council Member Probst reported there had been three to four burials in the City's cemetery that year.

#### City Office Building / Downspout

Council Member Probst reported that a downspout had been knocked off the City Office Building.

### Public Works Vehicle Building / Progress

Council Member Van Wagoner reported that the new vehicle building for the Public Works Department was almost complete with a few minor items that needed to be fixed.

### Snow Plowing

Council Member Van Wagoner reported on the plowing of snow from the City's streets. He thanked the Public Works Department for their work.

### Water Sources / Capacity

Council Member Van Wagoner indicated that the City needed to evaluate the capacity of its water sources. It also needed to determine which sources should be used for new water rights.

### Sidewalks / Plowing Snow

Council Member Van Wagoner indicated that the Council needed to discuss plowing snow from sidewalks.

### Trails and Parks Committee

Council Member Simonsen reported that the Midway City Trails and Parks Advisory Committee would meet on February 21<sup>st</sup> rather than the 14<sup>th</sup>.

### Parking / Commercial Zones

Council Member Simonsen reported that the City was still working on the parking problems in and around its commercial zones. He indicated that no parking signs were being installed and corner curbs would be painted in the spring.

### Animal Control / Collecting of Dead Animals

Council Member Simonsen reviewed the collecting of dead wild animals. He cautioned drivers about animals on the roads.

### State Legislature

Council Member Orme reviewed legislation being considered by the Utah State Legislature.

## **5. Park City Transit Study** (Shawn Seager – Approximately 15 minutes) – Discuss a possible transit study for Park City.

Shawn Seager, Mountainland Association of Governments, gave a presentation on a possible

transit study for Park City and Wasatch County. He specifically reviewed the following items:

- Responsibilities of the Mountainland Association of Governments (MAG)
- Transportation planning for the Utah Department of Transportation (UDOT).
- Transit possibilities
- Transit costs and funding
- Rural transit services in Utah
- Parking problems
- Pilot transit program
- Transit demand analysis
- Timetable

**6. Safe School Routes & Snow Removal / Michie Lane & Center Street** (Council Member Simonsen – Approximately 30 minutes) – Accept comment and discuss safe school routes and snow removal on Michie Lane and Center Street.

Council Member Simonsen made the following comments:

- Residents were concerned that snow was not being plowed from the safe school routes for the Midway Elementary School.
- They also felt that a school crossing guard was needed at the intersection of Center Street and Michie Lane.
- Michie Lane and the sidewalk on its north side were now a snow plowing priority for the City.
- The City had limited resources and time.
- The City wanted the residents' input on the issue.
- Should the City clear certain sidewalks?

Brian Thorne, Midway Elementary School Principal, explained the access routes and drop-off/pick-up locations for the school. He explained the criteria for a safe school route. He also made the following comments:

- The safe school routes would be updated at the end of that month.
- Could not control drop-off/pick-up locations off the campus.
- Thanked the City for recent road and sidewalk improvements.
- Was most concerned about 200 East which did not have any sidewalks.

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

- A resident complained that the ice melt used on the sidewalks was harmful to her dog.
- The City used the safest available ice melt.
- UDOT, which was responsible for Center Street, would have to do a study to determine if a crossing guard was warranted.
- Existing no parking signs needed to be adjusted.
- Vehicle speed needed to be reduced.
- The School District had denied a drop-off/pick-up location on Michie Lane.
- Should the crossing guard at 100 South Center Street be moved to Michie Lane and Center Street?

Mayor Johnson indicated that the City would work with UDOT regarding a crossing guard at Center Street and Michie Lane.

**7. HVTD / Report** (Ryan Starks – Approximately 10 minutes) – Receive a report from Heber Valley Tourism and Development.

Ryan Starks, Heber Valley Tourism and Development Executive Director, gave a presentation regarding the organization and reviewed the following items:

- Organization and mission
- Annual report
- Economic development
- Chamber of Commerce
- Events
- Tourism
- 2019 tourism marketing plan
- Promotional posters
- Heber Valley Life magazine
- Open house for Rocky Mountain Care
- Promotional pins

**Motion:** Without objection, Mayor Johnson recessed the meeting at 7:25 p.m. She reconvened the meeting at 7:35 p.m.

**8. Ordinance 2019-04 / Snow Removal and Fire Hydrants** (City Planner – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2019-04 amending Section 8.05.080 (Sidewalks to Be Cleared) and Section 8.05.090 (Snow Removal near Mailbox Receptacles and Fire Hydrants) of the Midway City Municipal Code to require snow removal by the property owner.

Michael Henke gave a presentation regarding the proposed ordinance. He indicated that it was proposed by the Public Works Department and established who was responsible for clearing snow from around fire hydrants and mailboxes.

**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 Planning Department enforced all laws that were their responsibility.
- Some property owners were not healthy enough to remove snow.
- Some fire hydrants were in front of vacant lots or parcels.
- Snow plows pushed snow onto fire hydrants.
- There were approximately 500 fire hydrants in the City.
- Any snow removal requirement had to be enforced equally.
- Someone could be hired to clear sidewalks and fire hydrants in the winter. That person

- could be assigned to the Irrigation Company in the summer.
- Generally, the property owners should remove the snow but there could be exceptions.
- The City should have a standard width for its sidewalks which was at least five feet.
- Specialized equipment to plow sidewalks cost from \$40,000 to \$100,000.
- The City should emphasize trails, that were eight to ten feet wide, that a truck could plow.
- Enforcement was an important issue. Warning letters should be sent first to establish intent to break the law. Law enforcement could then become involved.
- Notices could also be put on vehicles.
- Awareness of the issue should be raised.
- The ordinance would clarify who was responsible for snow removal.
- Should the City regulate snow removal around mailboxes?
- Should fire hydrants be separated from mailboxes in the ordinance?
- There were a lot of things that could be damaged by snow plowing.
- The ordinance should include a disclaimer of liability.
- The ordinance needed more work.

**Motion:** Council Member Drury moved to table consideration of the proposed ordinance until the February 19<sup>th</sup> council meeting, that mailboxes be separated from fire hydrants and a disclaimer of responsibility be added.

**Discussion:** Council Member Probst predicted that some residents would disagree with the ordinance because the City had historically cleared away the snow from around fire hydrants. He asked if the City would be liable if a house burned down because snow was not cleared from around a hydrant. Council Member Van Wagoner indicated that fire hydrants were marked with flags so that they could be found in the snow.

**Second:** Council Member Orme seconded the motion.

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**9. Swiss Creek PUD, Plat “A” / Amendment** (Berg Engineering – Approximately 20 minutes)  
 – Discuss and possibly approve a second amendment of the plat map for the Swiss Creek PUD, Plat “A” located at 570 North Mountain Spring Drive (Zoning is R-1-5). Recommended for approval without conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the development
- Development layout
- History of amendments

- Existing plat map
- Proposed plat map
- Proposed findings
- Lateral locations
- Noticing
- Reasons for the previous approval lapsing
- Previous split of lot one.
- Agreement with the Homestead Resort for the cul-de-sac bulb
- Length of the cul-de-sac

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

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

- The lots, created from lot one, were not under the control or ownership of the applicant.
- The number of buildings would be reduced.

**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 Van Wagoner moved to approve the amendment of the plat map for the Swiss Creek PUD, Plat “A” with the following findings:

- The proposed amendment would decrease the density by three units.
- The open space in the PUD would remain the same.
- More visitor parking would be added with the amendment.
- No public street, right-of-way or easement would be vacated or altered.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**10. Silver Rim Water Holdings / Change Application** (Rich Bloomfield – Approximately 15 minutes) – Discuss and possibly approve a change application to divert 100 acre feet of water into the Alpenhof/Weber well.

Mayor Johnson explained that consideration of the proposed change application had been tabled by the Midway Water Advisory Board. She indicated that it would not be considered by the Council that night.

**11. Open Space Landowners' Packet** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve a landowners' packet for the preservation of open space.

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

- Sample documents
- Draft grading sheet

Mr. Henke also made the following comments:

- The introductory letter had been rewritten.
- Changes had been made to the rest of the packet.
- No changes were made to the notice of interest.
- Who should receive a letter?
- Should the letter go to owners of property over a certain acreage?

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

Courtland Nelson, Midway Open Space Advisory Committee Chair, made the following comments:

- The City could be a facilitator that connected interested landowners with a third-party to help them with the preservation process.
- The Open Space Committee wanted to hold a meeting where landowners could meet third-parties like land trusts.

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

- The ownership of some land was not clear, so every property owner should be sent at least an information card.
- The packet could go to certain landowners.
- Property less than one acre could still be valuable as a view corridor, etc.
- The packet should state that the City wanted to also preserve smaller pieces of property.
- The information card could include an invitation to the meeting with third-parties and indicate that all properties would be considered.

**Motion:** Council Member Van Wagoner moved to send the packet to people who owned parcels that were two acres or larger with the Open Space Committee drafting a post card to be approved by the Mayor and staff.

**Second:** Council Member Drury seconded the motion.



**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**12. Open Space Consultant / RFP** (Courtland Nelson – Approximately 10 minutes) – Discuss and possibly approve issuing a request for proposals for consulting services for the preservation of open space.

Courtland Nelson indicated that more work needed to be done on the request for proposals. He asked that it be tabled.

**Motion:** Council Member Orme moved to table consideration of the item until the next meeting.

**Second:** Council Member Simonsen seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**13. Public Works Site Grading / Change Order #2** (City Engineer – Approximately 10 minutes) – Discuss and possibly approve a second change order for the site grading at the Midway City public works maintenance yard.

Wes Johnson gave a presentation on the proposed change order, reviewed the line item costs and made the following comments:

- The change order did not include the new public works vehicle building.
- It began as cleaning up a dump site, with the contents of the debris in question, and laying down road base
- The project was bid with a focus on the quantity cost for each line item because it was not known what was in the debris.
- The first change order added a water line with a fire hydrant and asphaltting some of the yard.
- The second change order added asphaltting the rest of the yard, repaving a portion of the road to the yard, overruns on materials, removing a buried clarifier, and raising a fire hydrant. The cost would be \$209,000.

- This work had already been done.
- The Council was aware of each item on the change order.
- The contractor agreed to wait for payment until the change order could be considered by the Council.
- No significant work would need to be done at the yard for at least 20 years.

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

- The project was difficult to bid because it was not known what was in the debris.
- The water line was added because the yard was already torn up.
- The hydrants had been added to increase fire protection.
- The work was done right, and the yard looked good.
- Did the City need to reduce expenditures in other areas to compensate for the cost increase?

**Motion:** Council Member Simonsen moved to approve the second change order noting that the work had already been done, that the current or previous council were aware of the changes except for items that they knew they could not plan for.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

**14. Public Works Site Grading / Partial Payment #3** (City Engineer – Approximately 10 minutes) – Discuss and possibly approve the third partial payment for the site grading at the Midway City public works maintenance yard.

Wes Johnson reviewed the partial payment and noted that it was the final pay request. He indicated that it included asphaltting the yard and a portion of the entry road, overruns and the buried clarifier.

**Motion:** Council Member Van Wagoner moved to approve the final payment of \$207,270.47 to KW Robinson Construction for public works site grading.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Wes Johnson apologized for the overruns and how the project was handled. He said that he did his best to keep the Council updated.

Council Member Simonsen noted the uncertainty going into the project. He also noted that there were projects like this one that needed to be done periodically.

Council Member Drury appreciated Mr. Johnson's integrity and indicated that the City needed to learn from the project.


Council Member Probst pointed out that the new vehicle building effected the project. He indicated that KW Robinson was a good contractor and good to work with.

Mayor Johnson explained that she spoke with the Public Works Department about properly maintaining the new facility.

## 15. Adjournment

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

The meeting was adjourned at 9:11 p.m.

  
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Celeste Johnson, Mayor

  
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Brad Wilson, Recorder