

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

**Wednesday, 11 April 2018, 9:00 a.m.
Midway City Office Building, Old City Council Chambers
75 North 100 West, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, 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 9:12 a.m.

Members Present:

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

approximately 1:30 p.m.)
Wes Johnson, Engineer
Jennifer Sweat, Treasurer (Arrived at 11:00 a.m. and left at approximately 1:30 p.m.)
Shane Owens, Public Works Assistant Crew Chief (Arrived at 10:10 a.m.)
Wendy Johnson, Building Official (Arrived at 11:00 a.m. and left at approximately 1:30 p.m.)
Brad Wilson, Recorder/Financial Officer

Staff Present:

Corbin Gordon, Attorney (Left at 10:10 a.m.)
Michael Henke, Planning Director (Left at

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

2. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation (Approximately 15 Minutes)

Motion: Council Member Van Wagoner moved to go into a closed meeting.

Second: Council Member Probst seconded the motion.

Discussion: None

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

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

Note: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

Motion: Council Member Van Wagoner moved to go out of the closed meeting.

Second: Council Member Christen seconded the motion.

Discussion: None

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

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

3. Ordinance 2018-13 / Permitted and Conditional Uses (City Planner - Approximately 15 Minutes) – Discuss Ordinance 2018-13 amending Title 16 of the Midway City Municipal Code regarding permitted and conditional uses. Recommended without conditions by the Midway City Planning Commission.

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

- Current code
- Proposed code
- Reasons for the proposal
- Findings

Mr. Henke also made the following comments:

- The proposal cleaned up ambiguous language in the Municipal Code.
- State law said that ambiguous language should be interpreted in favor of the applicant.
- The Municipal Code would have to be amended to permit a use not specifically allowed.

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

Mr. Gordon indicated that the public saw conditional uses as deniable. He emphasized that they were permitted with reasonable conditions.

- 4. Ordinance 2018-14 / Master Plan Water Rights** (City Planner - Approximately 25 Minutes)
– Discuss Ordinance 2018-14 amending Section 16.16.4 of the Midway City Municipal Code regarding water rights to be tendered during master plan approval. Recommended without conditions by the Midway City Planning Commission.

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

- Current code

Mr. Henke also made the following comments:

- It was a significant change.
- It avoided losing water rights on later phases in a development. This could happen when there was a downturn in the market during a project.
- All the water for a development would have to be turned in when entitlement was given at master plan approval.
- Water rights not needed because of any changes would be returned.
- Water rights for a phase could not be returned once a plat map was recorded for that phase.
- Wanted to prevent developers from vacating their approval and then selling the water rights.

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

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

- Essentially an escrow account for water rights would be created.
- The City could not return any water rights in its name.
- The City should not consider giving other compensation for water rights already in its name.
- An applicant would have to prove there was enough water before approval for a project was granted.
- Lenders who wanted water rights as collateral might oppose the ordinance.

- 5. City Council Calendar / Changes** (Approximately 15 Minutes) – Discuss Changes to the 2018 Calendar for the Midway City Council.

Mayor Johnson suggested that the Council cancel some of its meetings during the summer. She noted this would allow staff to take vacations. The Council cancelled the following meetings:

- June 27th – Work Meeting
- June 27th – Regular Meeting
- July 25th – Work Meeting
- July 25th – Regular Meeting

- December 26th – Work Meeting
- December 26th – Regular Meeting

Council Member Van Wagoner requested that the Midway Water Advisory Board hold its meetings the same week as the city council meetings.

Note: Corbin Gordon left at 10:10 a.m.

6. Vehicle Building / Award Contract (Public Works Assistant Crew Chief – Approximately 10 Minutes) – Discuss a Contract for the Construction of a Vehicle Building at the Midway City Maintenance Yard.

Shane Owens indicated that the budget for the vehicle building was \$330,000 but the actual cost would be \$544,000. Council Member Van Wagoner noted that a water line was installed through the maintenance yard which was part of the increase. He also noted that the low bid, to construct the building, was \$120,000 higher than expected.

Council Member Van Wagoner was satisfied with the low bidder but not the process to that point. He noted that a performance bond was not included in the bids and a geotechnical study had not been performed. Wes Johnson said that a geotechnical study was necessary.

Brad Wilson explained that a budget amendment would be needed which would mean less money for FY 2019.

Council Member Drury asked about the asphalt for the project. Wes Johnson responded that it would be a change order with an existing project.

Council Member Drury asked how such cost overruns could be avoided in the future. Council Member Van Wagoner recommended using a different architect. He also recommended using the City Engineer for any engineering work.

Mr. Owens noted that the architect left out several items required by the Building Code.

Mayor Johnson asked Mr. Owens to contact the low bidder and have them add a performance bond to his bid.

7. 2018 Road and Utilities Project / Award Contract (City Engineer – Approximately 10 Minutes) – Discuss a Contract for the 2018 Road and Utilities Project.

Wes Johnson reviewed the project which would replace the asphalt, a section of curb and a water line on Probst Way. He indicated that two bids were received, both were qualified contractors and the low bid was \$141,900.11.

Motion: Without objection, Mayor Johnson recessed the meeting at 10:51 a.m. She reconvened the meeting at 11:00 a.m.

8. FY 2019 Budget / Departmental Budgets (Financial Officer) – Receive Presentations on Proposed Departmental Budgets from the City Council and Department Heads.

Brad Wilson reviewed the estimated FY 2019 revenue for the General Fund. The Council discussed the revenue estimates and reduced several of them.

Brad Wilson reviewed the proposed FY 2019 expenditures for the following departments:

- Mayor and Council
- Professional Services
- Contract Services
- Public Safety
- Economic Development
- Tourism and Culture
- Transfers and Contributions

Jennifer Sweat reviewed the proposed FY 2019 expenditures for the following departments:

- Administrative
- Non-Departmental

Michael Henke reviewed the proposed FY 2019 expenditures for the Planning and Zoning Department.

Wendy Johnson reviewed the proposed FY 2019 expenditures for the Building Safety Department.

Shane Owens reviewed the proposed FY 2019 expenditures for the following departments:

- Non-Departmental
- Buildings
- Equipment Maintenance
- Public Safety
- Streets
- Parks and Recreation
- Cemetery

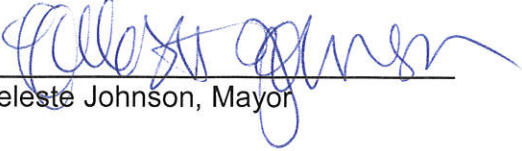
The Council and meeting attendees discussed the expenditures for each department.

The Council decided to review the rest of the budget at its next work meeting which would begin at 9:00 a.m.

9. Adjournment

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

The meeting was adjourned at 3:01 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder