

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

**Wednesday, 13 June 2018, 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 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 6:01 p.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

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. Katie Noble gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 13 June 2018 City Council Regular Meeting.
- b. Warrants.
- c. Minutes of the 23 May 2018 City Council Work Meeting.
- d. Minutes of the 23 May 2018 City Council Regular Meeting.
- e. Ordinance 2018-15 adopting the 2017 National Electrical Code, including state amendments, effective 1 July 2018.
- f. Steve Stevens and Mary Katherine Villani as alternate members of the Midway City Open Space Advisory Committee.
- g. Change application for the transfer of water rights from a well, owned by Craig Ford, into the Alpenhof/Weber well owned by Midway City.

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

Motion: Council Member Van Wagoner moved to approve the consent calendar.

Second: Council Member Simonsen 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. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public. No comments were offered.

4. Department Reports

Community Center / Roof Repair

Council Member Probst reported that the Community Center roof repair would begin that week.

Town Hall / Roof Treatment

Council Member Probst reported that he was trying to get another bid to treat the shingles on the Town Hall roof.

Cemetery / Maintenance Building Boarder

Council Member Probst reported that a boarder between the cemetery and the cemetery maintenance building was being considered. A fence or trees had been suggested.

Cemetery / Expand Roads

Council Member Probst reported that in 2019 the roads would be expanded into several of the new sections of the Cemetery.

Public Works Vehicle Building / Foundation

Council Member Van Wagoner reported that the foundation, for the public works vehicle building, would be poured the following day.

Road / Mowing

Council Member Van Wagoner reported that the sides of the roads were being mowed.

Michie Lane Park / Open House

Council Member Simonsen reported that an open house would be held the following week to receive input on the planned Michie Lane Park.

2018 Road & Utility Improvements

Council Member Simonsen reported that the replacement of utilities and resurfacing of Probst Lane was almost complete.

Speeding

Council Member Simonsen reported that a lot of drivers were speeding in the City. He said that solutions to the problem should be considered.

Commercial Zones / Parking

Council Member Simonsen reported that parking in the commercial zones, especially around restaurants, was a problem. He recommended that the City work with the Utah Department of Transportation (UDOT) to paint corner curbs red. Council Member Van Wagoner also suggested no parking signs with arrows.

Council Member Simonsen suggested signs directing drivers to parking.

Main Street Turn Lane / Delivery Trucks

Council Member Simonsen reported that Wes Johnson spoke to the owner of the Mercantile Restaurant regarding delivery trucks parking in the Main Street turn lane and too close to a crosswalk.

Sidewalk / Swiss Alpine Road

Council Member Simonsen reported that the City was considering installing a sidewalk from Saint-Prex Estates to Homestead Drive.

5. Open Space Committee / Presentation (Approximately 45 minutes) – Receive a

presentation from the Midway City Open Space Advisory Committee regarding bonding for the preservation of open space.

Mayor Johnson introduced the members of the Open Space Committee and thanked them for their work.

Courtland Nelson, chair of the Committee, reviewed the following items:

- History of the Committee
- Bonding
- Meetings
- Online survey
- Landowners' meeting
- Heritage families
- Partnering with willing landowners

Mr. Nelson also made the following comments:

- The Committee prepared a resolution in response to the Council resolution.
- Recommended a five-million-dollar bond proposition be on the ballot that November.
- Time was limited to put a proposition on the ballot.

David Carson, committee member, gave a presentation and reviewed the following items regarding the survey conducted by the Committee:

- Survey details
- Geographic representation of respondents
- Demographic representation of respondents
- Recommended size of a bond
- Financial impact of a bond

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

Woody Woodruff, committee member, reviewed the committee resolution and the following items:

- Data on bond amounts and how they would affect residents' taxes
- Definition of open space
- Bond language
- Geographic boundaries for use of bond proceeds
- Public meetings
- Landowners' meeting

Mr. Woodruff also made the following comments:

- The City had an open space plan in its General Plan.
- The Committee was working on a new chapter to the General Plan and consolidating the portions regarding open space.

- Taxes would not increase until a bond had been issued.
- The total authorized amount might be broken down into several bonds over time.
- The Committee could not predict the impact of a city proposition on the bond proposition by Wasatch County.
- The Committee recommended against bonding for open space operation and maintenance (O&M).
- Willing sellers were needed to protect open space.
- A substantial majority of survey participants supported bonding for some type of open space.
- Residential development cost more in services than it provided in revenue.
- Open space organizations and the Internal Revenue Service looked for buy-in from a local community.
- The bond proceeds provided a third option for landowners.

Natalie Streeter, committee member, made the following comments regarding the forums held by the Committee:

- Varied the schedule of the meetings to facilitate participation.
- Committee members remained neutral.
- The purpose was education rather than selling an open space bond.
- Addressed why a bond was needed at that time and why open space could not be preserved through zoning.
- Open space was a component of a rural community.
- A bond provided the money that would be a key to a box of tools to preserve open space.

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

- Purchasing land was the least attractive option for preserving open space.
- Trail easements could be purchased.
- Building parks should be avoided.
- Purchasing conservation easements was preferred. They did not require a lot maintenance by the City.
- The Council should do what was best for the community.
- How would the City bond proposition effect the County's bond proposition?
- Several other entities might issue bonds soon.
- The Council should work with facts.
- Residents needed to have a voice in bonding for open space.
- The burden on residents with fixed incomes could be reduced.

Motion: Council Member Drury moved to approve the following items:

- Place the open space bond on the ballot.
- Retain an attorney for that purpose.
- Refine the language in the draft to address the use of bond proceeds for maintenance expenses.
- Refine the area and scope in which the bond funds could be used.

Second: Council Member Simonsen 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

- 6. Retain Bond Counsel** (Approximately 30 minutes) - Discuss and possibly approve retaining bond counsel to prepare a resolution, providing for a special bond election to finance the purchase of open space, to be considered by the City Council on 11 July 2018.

Council Member Van Wagoner asked if a formal bid process was needed to retain bond counsel. Corbin Gordon responded that a formal bid process was required.

- 7. Resolution 2018-18 / FY 2018 Budget Amendment** (Financial Officer – Approximately 15 minutes) – Discuss and possibly approve Resolution 2018-18 amending the Fiscal Year 2018 Budget (**Public Hearing**).

Brad Wilson gave a presentation on the FY 2018 budget amendment.

Note: A copy of Mr. Wilson’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.

Motion: Council Member Van Wagoner moved to approve Resolution 2018-18, amending the FY 2018 Budget, as presented by Brad Wilson.

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

- 8. Tentative FY 2019 Budget / Public Hearing** (Financial Officer – Approximately 30 minutes)
– The adopted tentative FY 2019 Budget for Midway City (**Public Hearing**).

Brad Wilson gave a presentation on the adopted tentative FY 2019 budget.

Note: A copy of Mr. Wilson’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.

- 9. Resolution 2018-17 / FY 2019 Budget** (Financial Officer – Approximately 10 minutes) –
Discuss and possibly approve Resolution 2018-17 adopting the Fiscal Year 2019 Budget.

Motion: Council Member Christen moved to approve Resolution 2018-17, adopting the FY 2019 budget, as just reviewed.

Second: Council Member Van Wagoner 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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:08 p.m. She reconvened the meeting at 8:17 p.m.

- 10. Resolution 2018-20 / Property Tax Rate** (Financial Officer – Approximately 10 minutes) –
Discuss and possibly approve Resolution 2018-20 adopting a certified property tax rate for Midway City.

Brad Wilson gave a presentation on the proposed property tax rate.

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

Motion: Council Member Probst moved to approve Resolution 2018-20, adopting a certified property tax rate for Midway City, as outlined by the financial officer.

Second: Council Member Drury 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

11. Resolution 2018-19 / Fee Schedule Amendments (Financial Officer – Approximately 10 minutes) – Discuss and possibly approve Resolution 2018-19 amending the Midway City Fee Schedule regarding a cleaning deposit for the Town Square Shelter and an out-of-pocket deposit for annexation/disconnect petitions.

Brad Wilson gave a presentation on the proposed amendments to the fee schedule.

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

Council Member Van Wagoner suggested a security deposit for the other pavilions rented in the parks. He said that a deposit would discourage bad behavior and mistreatment of the pavilions.

Motion: Council Member Simonsen moved to approve Resolution 2018-19, amending the Midway City Fee Schedule, as proposed with the addition of a \$50 deposit for other pavilions.

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

12. Resolution 2018-23 / Resort Zone (City Planner – Approximately 10 minutes) – Discuss and possibly approve Resolution 2018-23 noticing a pending ordinance regarding the Resort Zone.

Council Member Christen recused herself from consideration of the resolution.

Note: Council Member Christen left at 8:25 p.m.

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

- Land use map
- Locations of the resort zone
- Proposed resolution and notice
- Draft ordinance

Mr. Henke also made the following comments:

- The resolution noticed a pending ordinance.
- The resort zone should provide a tax base for the City.
- The Municipal Code currently expected but did not require resorts in the resort zone.
- There were several other items that needed to be addressed with the zone.
- The zone was not an overlay.

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

Council Member Van Wagoner asked if parking in the zone needed to be addressed. Mr. Henke responded that he would include the issue of parking.

Motion: Council Member Simonsen moved to adopt Resolution 2018-23, noticing a pending ordinance regarding the resort zone, as proposed with the addition of parking in item one on page one.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

Note: Council Member Christen returned at 8:42 p.m.

13. Remund Farms, Phase I / Final Approval (City Planner – Approximately 20 minutes) – Discuss and possibly grant final approval for Phase I of the Remund Farms PUD located at 200 East and 600 North (Zoning is R-1-15). Recommended with conditions by the Midway City Planning Commission.

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

- Land use summary
- Off-site open space
- Landscaping plan
- Location
- Parks plan with linear park
- Trails
- Perimeter trail
- Phasing
- Temporary cul-de-sacs
- Open space for Phase I
- Site plan for Phase I
- Setbacks
- Landscaping plan
- Proposed plat map
- Site studies
- Water board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The off-site open space had been reviewed by the Vision Architecture Committee (VAC).
- It would be maintained by the HOA for Remund Farms.
- The developer had received some density for it.
- The City could maintain open space and landscaping if an HOA did not. It would then bill the HOA for the work.
- The Lacy Lane HOA would allow the off-site open space to be watered through its sprinkler system.
- The developer worked with Cathy Philpot to bring a trail through her property to 250 North.
- A trail would be stubbed that could eventually connect to the Indian Summer Subdivision.
- All public trails would be six feet wide.
- A landscape architect, with the City Engineer's office, would review the landscaping to insure the correct trees were next to the trails.
- The Harold Remund house would be a one lot subdivision.

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

Wes Johnson made the following comments:

- 600 North and the associated water line would be upsized.
- Money saved from a narrower road cross-section in the project would be used for the trail along 600 North.
- The trail easement should tie into the Mountain Spa property.

Council Member Drury asked if drought resistant landscaping had been considered for the off-site open space. He encouraged such landscaping in the City.

Motion: Council Member Simonsen moved to grant final approval for Phase I of the Remund Farms PUD with the following conditions:

- A hydrology study would be conducted on site and the areas of Phase II and Phase III would be monitored along with the existing monitoring on Phase I for potential impacts of disturbance by the work on Phase I, as reasonably determined by the City Engineer, on those areas or on neighboring properties. If any impacts were discovered then a reasonable plan, as determined by the City Engineer, would be presented to mitigate those impacts. Any issues that the City Engineer had to address with this condition would be at the developer's expense.
- The linear park public trail and the perimeter trail that would have public access would be built in their entirety as a part of Phase I and would connect to 250 North although they would not need to be completely paved until the trail associated with a particular phase was developed and then it would be paved at that time.
- Off-site open space and water would be deeded to the City with Phase I as required by the report from the Water Board. The Remund Farms HOA would maintain the landscaped area both in the boundaries of the development and the off-site open space in perpetuity as a part of the development plan.
- A 20-foot easement would be granted by the developer/owner along the northerly boundary of the property heading westerly to the east border of the Remund lot to allow access to a potential north bound trail that could be facilitated at some time in the future.
- The developer agreed to have a review of the trees, next to any trails that the City would maintain, done by someone through the City Engineers' office.
- The agreement to use an easement through the Philpot property be completed.

Second: Council Member Van Wagoner 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

14. Resolution 2018-22 / Remund Farms Development Agreement (City Planner – Approximately 10 minutes) – Discuss and possibly approve Resolution 2018-22 adopting a development agreement for the Remund Farms PUD located at 200 East and 600 North (Zoning is R-1-15).

Corbin Gordon reviewed the proposed development agreement and made the following comments:

- Met with the developer the prior week and finalized the development agreement and the

master plan agreement.

- The HOA would be responsible for the off-site open space.
- Maintenance vehicles would be allowed in the Philpot easement.
- Savings from the narrower street cross-section would be used to extend the trail along 600 North.
- Overburden could be put in certain areas with conditions.
- Weed control and the open space credit were the same in both agreements.
- Would add a pressurized irrigation easement for the Philpot property if needed.

Motion: Council Member Van Wagoner moved to approve Resolution 2018-22, adopting a development agreement for the Remund Farms PUD, with the following changes and conditions:

- Those discussed by the City Attorney that evening.
- Weed control and the open space credit would be the same in the master plan agreement and the development agreement.
- The Philpot easement agreement would include both sewer and pressurized irrigation.
- All public trails would be asphalt.
- The development agreement was conditioned upon receipt of all easements.

Second: Council Member Drury 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

15. Lodges at Snake Creek / Plat Amendment (City Planner – Approximately 15 Minutes) – Discuss and possibly approve a plat amendment for The Lodges at Snake Creek PUD located at the intersection of Cari Lane and Pine Canyon Road (Zoning is R-1-15). Recommended with conditions by the Midway City Planning Commission.

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

- Land use summary
- Original plat map
- Proposed site plan
- Wetlands
- Proposed plat map
- Midway Irrigation Company easement
- Warm springs easement
- Proposed location of easements
- Representations of the proposed units

- Proposed conditions
- Conditions requested by the owners of the properties to the south and west.

Mr. Henke also made the following comments:

- The amendment was continued from a previous council meeting. A public hearing was held at that meeting.
- The developer agreed with the conditions requested by the adjoining property owners. He was close to signing an agreement with the owners regarding the warm springs easement.
- The developer still controlled the HOA.

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

Wes Johnson noted that certain infrastructure had to be relocated and capped. He indicated that needed to be included in the bond.

Motion: Council Member Simonsen moved to approve the plat amendment for The Lodges at Snake Creek PUD with the following conditions:

- A landscaping bond would be established before the plat was recorded
- A construction bond would be established for the missing and damaged infrastructure before the plat was recorded. The bond would also include infrastructure that had to be relocated.
- A mutually agreed upon amended maintenance and easement agreement would be written and signed by Jeremy Clark, agent for Snake Creek Properties, LLC (new owner of the Lodges at Snake Creek) and Jon Winget and Larry K. Johnson, partners in Hidden Springs, LLC. This amended agreement would identify the new easement location and specify the pipeline maintenance, repair, and replacement requirements. This amendment would provide Hidden Springs, LLC the protection needed for the requested relocation of the easement and hot water pipeline. The amended agreement would be recorded in Wasatch County.
- The Hidden Springs, LLC easement would be identified on the amended plat map to be recorded in Wasatch County.
- An easement would also be established for the Midway Irrigation Company and the pressurized irrigation system.
- The obligations of the agreements would be assumed by any future developers and the HOA for the project.
- Other owners of property within the plat would have to approve the amendment.

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

16. Resolution 2018-13 / Whitaker Annexation Amendment (City Planner – Approximately 30 Minutes) – Discuss and Possibly Approve Resolution 2018-13 Adopting an Amended Agreement for the Whitaker Annexation.

17. Whitaker Farm / Preliminary Approval (Dan Luster - Approximately 30 Minutes) – Discuss and possibly grant preliminary approval for the Whitaker Farm Subdivision located at 455 North River Road (Zoning is RA-1-43). Recommended with conditions by the Midway City Planning Commission.

Council member Van Wagoner recommended continuing items 16 and 17 until the necessary information, including approval from Wasatch County and an agreement between the Salazar family and the developer, was provided in a timely manner. He further recommended that the information would have to be provided by July 2nd for the items to be considered at the July 11th meeting.

Motion: Council Member Probst moved to table Resolution 2018-13 and preliminary approval until such time as the proper documentation was provided to the City from Wasatch County and the Salazar family. The documentation would have to be provided no later than July 2nd for the items to be considered at the July 11th meeting.

Second: Council Member Simonsen 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

18. CDRA Meeting – A meeting of the Community Development and Renewal Agency of Midway City.

Motion: Council Member Van Wagoner moved to convene as the governing board of the Community Development and Renewal Agency of Midway City.

Second: Council Member Simonsen 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: Minutes of the Agency are maintained separately.

Motion: Board Member Christen moved to adjourn the board meeting of the Community Development and Renewal Agency and to continue the City council meeting.

Second: Board Member Simonsen seconded the motion.

Discussion: None

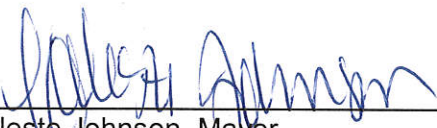
Vote: The motion was approved with the Board voting as follows:

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

19. Adjournment

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

The meeting was adjourned at 9:45 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder