

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

**Wednesday, 8 August 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 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 9:01 a.m. She excused Council Member Christen.

Members Present:

Celeste Johnson, Mayor
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

Members Excused:

Lisa Christen, Council Member

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

- 2. Kelson Subdivision / Plat Amendment** (City Planner – Approximately 15 minutes) – Discuss a plat amendment for the Kelson Rural Preservation Subdivision located at 943 West Alpine Road (Zoning is R-1-22). Recommended with conditions by the Midway City Planning Commission.

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

- Land use summary
- History of the development
- Location of the development
- Recorded plat map
- Taxes

- Discussion points
- Possible findings
- Proposed conditions

Mr. Henke explained that the Wasatch County Recorder recommended that each lot owner deed over their interest in the common area.

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 lot owners in the development agreed to the amendment.
- The use of the common area, which would now be open space, would remain the same.
- The amendment would resolve taxation issues.

3. Resolution 2018-27 / Special Bond Election (Bond Counsel – Approximately 45 minutes)
 – Discuss Resolution 2018-27 providing for a Special Bond Election to be held on 6 November 2017, for the purpose of submitting to the qualified electors of Midway City, Utah, a proposition regarding the issuance of not to exceed \$5,000,000 General Obligation Bonds to finance open space and all related improvements; and related matters.

Randy Larsen, Gilmore & Bell and bond counsel for Midway City, reviewed the proposed resolution including the following items:

- Amount of the proposed bonds
- Public hearing
- Public forum
- Canvass of the ballots
- Election call
- Statutory requirements
- Ballot language
- Eligible start-up and other expenses
- Ballot language vs. the voter information pamphlet

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

- The public hearing and public meeting should be held before the ballots were mailed.
- The resolution as presented did not geographically limit where the bond proceeds could be spent.
- The proceeds should be use on open space in Midway City because its residents were repaying the bond.
- Bond proceeds should only be spent on open space in or adjacent to City.
- Residents might consider preserving adjacent open space as beneficial.
- Wasatch County might want to use some of the proceeds to protect open space outside of the City.

- The City's boundaries would expand over time.
- Any geographic limitations should be set at the time of the election and not change.
- There should be flexibility when preserving open space.
- The proceeds should be used on open space in or contiguous to the current annexation boundary as shown on Midway City Lane Use Map dated 13 December 2017.
- Should the definition of open space be better defined?
- The Open Space Advisory Committee would recommend the criteria for open space that should be preserved.
- The resolution should state that the City Council would decide which open space would be preserved.
- Residents' tax burden related to the bond would decrease as the population increased.
- The pros and cons for the ballot proposition would be included in the City's October newsletter.
- It could cost \$3,000 to mail the voter information pamphlets.

4. Ordinance 2018-18 / Rural Preservation Subdivisions (City Planner – Approximately 15 minutes) – Discuss Ordinance 2018-18 amending Chapter 16.18 (Rural Preservation Subdivision) of the Midway City Municipal Code regarding Rural Preservation Subdivisions. Recommended by the Midway City Planning Commission.

Michael Henke gave a presentation regarding the proposed ordinance and indicated that it corrected some concerns with rural preservation subdivisions.

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

5. Ice Rink / Agreement Addendum (City Attorney – Approximately 10 minutes) – Discuss an addendum to the Midway Ice Rink Facility Management Agreement dated 22 November 2017.

Council Member Drury reviewed the proposed addendum and the following items:

- Background of the agreement
- Profit and loss for the previous season

Council Member Drury also made the following comments:

- The addendum tied up loose ends with the original agreement.
- The Midway Boosters retained a certain amount of revenue to pay for the next season's start-up costs.
- A new contract would be prepared for the upcoming season.
- Repairing the roof of the chiller building, electrical consumption and equipment maintenance were being reviewed.
- Partnering with the Boosters was a good decision.

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

- The Boosters should contribute to future capital expenditures.
- The header would not be replaced that summer.
- The City subsidized the rink, for the previous season, with \$60,000.
- The subsidy should be reduced over time.
- The ice rink was one of the great things in the City.

6. Saddle Creek PUD / Concept Plan (City Planner – Approximately 30 minutes) – Review and discuss a concept plan for the Saddle Creek PUD located at 970 South 250 West (Zoning is R-1-22).

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

- History of the project
- Land use summary
- Location of the project
- Pictures of the property
- Recorded plat map
- 970 South
- Trails
- Initial concept plan
- Current concept plan
- Discussion points

Mr. Henke also made the following comments:

- A plat map had already been recorded for the development.
- If the plat map was amended, then the associated development agreement might need to be amended.
- Some work had already been done on the roads.
- Transportation impact fees from the project would be given to the developer to compensate for the improvement of 970 South.
- Surrounding owners had purchased their property based on the recorded plat map.
- The development would change from a PUD to a subdivision. 57 units would be reduced to 37 lots.
- Lots in a subdivision could be fenced but open space in a PUD could not.
- Wrought iron fencing was proposed.
- All community improvements should be part of the first phase.
- The transmission line on 970 South needed to be moved which would be costly. Previous developers were waiting for Heber Light & Power Company to upgrade and move the line.
- If the plat map was vacated, then neighbors could comment at a public hearing.

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

Don, Matt and Paul Watkins, applicants, made the following comments:

- Wanted the neighbors' support for the project.
- The project should have a family feel with open setbacks.
- Affordable housing could be created by allowing homeowners to rent out their basements.

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

- PUD's usually had more second homes than subdivisions.
- Second homeowners did not spend as much money at local businesses.
- Not all developments in the City should be PUD's.
- Off-site improvements would be installed with the first phase.
- Interior improvements would be installed with each phase.
- Lots gave property owners more freedom.
- Neighbors expected a PUD.
- The project would not be affordable.

The Council agreed that the subdivision was worth further consideration.

7. Whitaker Farm Subdivision / Application for Foreign Water (City Attorney – Approximately 10 minutes) – Discuss an application to allow the use of foreign water for the Whitaker Farm Subdivision located at 455 North River Road.

Michael Henke gave a presentation regarding the subdivision and application then reviewed the following items:

- Location of the subdivision
- Configuration of the subdivision
- Water rights change application

Mr. Henke also made the following comments:

- The application proposed that water for 50 culinary water connections, 40 acre-feet of water, be transferred from the Provo River to the Alpenhof-Weber well. The remainder of the 120 acre-feet was not needed and should not be transferred.
- An allowance would have to be made for the actual depletion allowed by the State Engineer.

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

Corbin Gordon also made the following comments:

- Historically the only water rights that could be provided to Midway City were Midway Irrigation Company water shares.
- Other sources of water were called "foreign water".
- The City could only approve transferring water into its culinary system.
- The Irrigation Company approved transferring water into the pressurized irrigation

system.

- Foreign water increased water capacity.
- Proposed a revision to the Municipal Code regarding foreign water.
- Change applications should be tied to specific developments so that the water rights could not be transferred.
- The City did not have to allow water to be transferred into its well.
- An applicant would have to pay an assessment to the Irrigation Company to transfer water into the pressurized irrigation system. This would help pay for the infrastructure.
- The Irrigation Company would issue a new class of shares for foreign water.
- The Irrigation Company was concerned that local aquifers could be depleted. This would be addressed by the proposed code revision.
- It was illegal to prohibit the use of foreign water to maintain the value of water shares.
- Irrigation Company water shares, associated with a property, should be used before foreign water.

Dan Luster, applicant, made the following comments:

- Relied on water experts for the request.
- Had 60 Irrigation Company water shares.

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

- How did foreign water benefit the Irrigation Company?
- Any approval needed to state why foreign water should be allowed for a project.
- Impact fees from the project would pay for the culinary water infrastructure.
- The City should not accept paper water without wet water.

8. Ordinance 2018-19 / Foreign Water

Corbin Gordon read and explained each paragraph of the proposed ordinance. The following changes were made:

- References to carrier water were change to aquifer recharge.
- Additional access points, along with the River Ditch, would be allowed.

9. Ordinance 2018-20 / Dates of Council Meetings (Mayor) – Discuss proposed Ordinance 2018-20 changing the dates of regular council meetings to the 1st and 3rd Tuesdays of each month.

Mayor Johnson recommended that the Midway City Council change its regular meeting dates to the first and third Tuesdays of each month. She said that this would resolve several conflicts and match the Heber City Council's schedule.

Council Member Drury suggested that meetings on the third Tuesdays be optional.

The Council agreed to cancel the first meeting in September and begin the new schedule on September 18th.

10. Ordinance 2018-21 / Council Meeting Submission Deadlines (City Recorder) – Discuss proposed Ordinance 2018-21, amending Section 2.02.040 (Requirements for the Submission of Requests) of the Midway City Municipal Code, regarding submission requests for Midway City Council meetings.

Brad Wilson reviewed the proposed ordinance. He indicated that it would require all requests, to be on a council meeting agenda, to be submitted ten business days before the meeting. This deadline also applied to any supporting documents.

Mr. Wilson also indicated that packet information would be provided five days before the meeting whenever possible.

Motion: Without objection, Mayor Johnson recessed the meeting at 12:18 p.m. She reconvened the meeting at 12:23 p.m.

11. Executive Session to Discuss Pending or Reasonably Imminent Litigation

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

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

Council Member Christen	Excused from the Meeting
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 Drury moved to go out of the closed meeting.

Second: Council Member Simonsen seconded the motion.

Discussion: None

Council Member Christen	Excused from the Meeting
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

12. Adjournment

Motion: Council Member Simonsen moved to adjourn the meeting. Council Member Probst seconded the motion. The motion passed unanimously.

The meeting was adjourned at 1:28 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder