

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

**Tuesday, 18 February 2020, 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 6:01 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member
JC Simonsen, 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. Council Member Orme gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 18 February 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 4 February 2020 City Council Regular Meeting
- d. Minutes of the 4 February 2020 City Council Closed Meeting
- e. Revision to the Minutes of the 19 November 2019 City Council Regular Meeting
- f. Receive a Certification that the Wasatch Mountain State Park Annexation, containing 349 acres and including an area around Golf Course Drive and Pine Canyon Road, meets the requirements for annexation

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

Brad Wilson indicated that requested revisions to the 4 February 2020 closed meeting minutes had been emailed to the Council and appropriate staff members.

Mr. Wilson reviewed the requested revisions to the 19 November 2019 regular meeting minutes. Mayor Johnson asked that the audio recording be reviewed to determine if the entire letter from VOLT's attorney was read in the meeting.

Motion: Council Member Drury moved to approve the consent calendar with the changes to the closed meeting minutes and adding the letter from the VOLT's attorney to the supplemental file, for the 19 November 2019 meeting, and noting that in the minutes.

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

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.

Resort Tax / Recreational Development

Paul Berg recommended recreational development, such as RV parks and glamping, as a way for the City to maintain the Resort Communities Tax. He was doing these types of developments throughout Utah. He offered to help the City.

Randy Lundin suggested that the City get a commitment from the Wasatch Mountain State Park to not oppose recreational development.

Midway Fest / Attendance

Randy Lundin was concerned with the low turnout at Midway Fest. He said that the event could have been better advertised. Mayor Johnson responded that although it was not a city event, the City tried to publicize it.

No further comments were offered.

4. Department Reports

Council Member Orme

Council Member Orme reported on the following items:

- Economic development
- Wayfinding signs
- Impact fees for schools
- Women's suffrage

Council Member Simonsen

Council Member Simonsen reported on the following items:

- 2020 trails plan
- Trail signs
- Parking signs
- 2020 road projects
- River Road/Dutch Fields trail
- River Road construction
- Street sweeping
- Michie Lane Park including a step for the zip line.

Note: Maps regarding construction on River Road are contained in the supplemental file.

Council Member Dougherty

Council Member Dougherty reported on the following items:

- Metering the pressurized irrigation system
- Open Space Committee
- Midway Business Alliance
- Adjudication letters from the Utah State Engineer

5. Farmers Market / Waive Fees (Athina Koumarela and Chris Pyper – Approximately 15 minutes) – Discuss and possibly waive the fees for the Midway Farmers Market to use the southwest corner of Town Square on Saturdays.

Mr. Pyper and Ms. Koumarela gave a presentation on the farmers market and asked that the City sponsor the event by waiving or reducing the Town Square rental fee.

Note: A copy of Mr. Pyper's and Ms. Koumarala's presentation is contained in the supplemental file.

Council Member Drury noted that residents could not sell produce in front of their houses. He recommended that the fees be waived for the market or changes to the Municipal Code be considered.

Motion: Council Member Drury moved to waive the fee for the farmers market for 2020.

Second: Council Member Dougherty seconded the motion.

Discussion: Council Member Simonsen indicated that the market helped preserve Midway's identity. He asked the organizers to think about a location for future growth. Mayor Johnson noted that the location on the Town Square benefited businesses on Main Street.

Council Member Dougherty suggested bike racks at the market.

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

6. Ordinance 2020-02 / Festival Event Parking (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2020-02 adding Section 7.08 (Festival Event Parking) to the Midway City Municipal Code.

Jennifer Mangum explained that she had moved the storage container off the parcel next to her business. She was also getting quotes to build a parking lot on the parcel in preparation for having booths during Swiss Days.

7. Utah Open Lands / Albert Kohler Legacy Farm (Approximately 30 minutes) – Receive a presentation from Utah Open Lands regarding a conservation easement for a portion of the Albert Kohler Legacy Farm located at River Road and Burgi Lane.

Note: Council Member Orme recused herself from consideration of the item and left at 7:42 p.m.

Wendy Fischer, Utah Open Lands Executive Director, gave a presentation regarding the Albert Kohler Legacy Farm and reviewed the following items:

- Conservation values
- Parcels planned for preservation
- Reasons for preserving certain parcels
- Views
- Funding
- Conservation easement appraisal

- Deadlines imposed by other funding sources

Ms. Fischer also made the following comments:

- Open space was a net benefit.
- Other parcels on the farm would continue to be farmed.
- The family would not get rich from preserving the land.
- None of Utah Open Lands' cost would be paid from the money raised for the project.
- Would request funding from Wasatch County, private sources and community members.
- Most of the project's value was from the parcel in Midway's annexation area.
- The Kohler family would receive the money and decide how to use it.
- Development rights would be eliminated from the parcels.
- State law reduced the tax burden for preserved property. This reduced amount would not be less than the taxes for the property because it was on green belt.
- Farmers needed their farms to be as complete as possible to continue to operate them.
- It was easier to fundraise for the entire project than for individual parcels.
- The Natural Resources Conservation Service, which was providing funding, wanted the two parcels together.
- Needed a commitment from the City but did not want the money until closing.
- Midway City could be a holder on the easement, but Utah Open Lands would still oversee it.

Note: A copy of Ms. Fischer's presentation is contained in the supplemental file.

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

- The City had talked about any preserved property being annexed into Midway. This should include the cheese factory which was part of the Albert Kohler Legacy Farm.
- The Kohler family was not opposed to annexing the property.
- Other properties in the farm including houses, barns, the cheese factory, etc. would also have to be annexed.
- Preserving the farm helped protect an entry corridor into the City.
- The requested \$1 million donation from the City would be matched seven to one. The match would be four to one for just the parcel in the annexation boundary.
- Annexation was a preference but should not be a requirement.
- The cheese factory and farm brought people to Midway.
- Taking away the development rights also took away the reason for the owners to annex the property.
- Wasatch County was being asked to donate a significant amount of money.
- Residents voted to preserve open space more than to increase revenue or annex land.
- The community should be made aware of the project and a public hearing held.
- The value of the project was that it was a working farm. Its boundaries were incidental.
- The project was a tremendous benefit and would set an attitude for future open space preservation.
- The City was not in a position to negotiate.
- The proposal should be discussed in depth in a work meeting.
- Residents voted or indicated several times that they wanted to preserve open space.
- The City should maintain the trust of residents. It should also keep the promises that it

made to them.

Motion: Without objection, Mayor Johnson recessed the meeting at 8:25 p.m. She reconvened the meeting and Council Member Orme returned at 8:35 p.m.

8. Open Space Advisory Committee / Open Space Projects and Bonds (Approximately 30 minutes) – Receive an update on pending open space projects and the issuance of bonds.

Michael Henke gave a presentation on potential properties to be preserved as open space including their size, cost, zoning and possible density. He indicated that the cost only included the City's expense and no other contributions.

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

Brad Wilson gave a presentation on the bond issuance process, costs and the limitations on unused funds.

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

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

- Would the tax increase show as a separate line item on residents' tax notices?
- The bond sale had to close before the City requested that property taxes be increased.
- The City should not be pressured into a decision.
- The issue should be discussed in a work meeting.
- A sample authorizing resolution and preliminary official statement should be provided before the work meeting.
- A public hearing would be held at the next council meeting even if the timeline was adjusted.
- Starting the process, such as preparing documents, would not commit the City to the issuance of bonds.
- Any profit from excess funds would be reinvested into open space preservation.
- Any bond money should be leveraged as much as possible with other funding.
- The cost for the potential open space projects was an estimate and the amount of other funding was unknown.
- The issuance of bonds, in relation to a donation for the Albert Kohler farm, should be discussed in a closed meeting.
- The Council should know the cost per acre and dwelling unit for the potential open space projects. Each project would be unique and a breakdown per acre might not be useful.
- The potential open space projects should be prioritized.
- Cost would not be the only factor for prioritizing the projects.
- Opportunities arose when you had momentum.

The Council decided to discuss the issue at a work meeting.

9. Ordinance 2020-06 / P-160 Zone (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2020-06 adding the P-160 zone to Title 16 (Land Use) of the Midway City Municipal Code. **Public Hearing**

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

- Land use map
- Overview
- Area excluded from the zone and the Wasatch Mountain State Park annexation.
- Possible findings

Mr. Henke also made the following comments:

- Tried to match the existing county zoning for the property.
- The motion expanding the annexation area allowed the zoning to be determined later.
- The State Park retained land use authority over its property. For this reason, the resort zone was not appropriate for the area.

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

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

- Was the propose zone too restrictive on agriculture?
- The City should consider increasing setbacks as the lot size increased.

Motion: Council Member Drury moved to approve Ordinance 2020-06, adding the P-160 zone to Title 16, with the following findings and no conditions:

- The proposed code would define regulations in the P-160 zone for properties not owned by the State of Utah.
- The proposed code had the same density as the existing Wasatch County code and the language and uses were generally similar.
- The City had to designate a zone for the property of either RA-1-43 or a proposed zone, such as P-160 before any property was annexed into the City.

Second: Council Member Simonsen 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

Ordinance 2020-02 / Festival Event Parking (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2020-02 adding Section 7.08 (Festival Event Parking) to the Midway City Municipal Code. **(Continued)**

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

- Overview
- Effectuated area
- Items to consider

Mr. Henke also indicated that the affected area had been squared off on the northwest corner.

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

Council Member Drury, who was the City's representative on the Midway Boosters' Committee, made the following comments:

- The week before the Boosters had their first opportunity to discuss the proposed ordinance.
- They also discussed the current regulations for festival market business licenses. These licenses brought in less than the City paid for law enforcement during Swiss Days. They wanted to revisit these regulations.
- They were not receptive to the proposed ordinance. They thought it used Swiss Days, which they organized and held, as a bargaining chip for parking. It also did not require any fees which could help cover the event's costs.
- There were 180 booths on the Town Square during Swiss Days. Last year there were 40 booths off the Square with as many as 70 to 90 in some years. The proposed ordinance could add another 50 to 90 booths. There could be as many booths off as on the Square.
- Only the vendors on the Square helped pay for the cost of the event.
- A lot of volunteers helped with the event.
- The proposed ordinance could affect the balance of booths and alter the festival.
- Jennifer Mangum was not the sponsor of the ordinance.
- Installing a parking lot between the Community Center and the Town Hall should be considered again.
- Parking in other parts of Midway needed to also be addressed.
- The Boosters requested that the ordinance be tabled so they could meet with the affected parties.

Council Member Payne made the following comments:

- The vendors off the Square were not paying a proportional share of Swiss Days costs. This should be addressed.
- The volunteers' efforts should go to good purposes.
- Should the effectuated area be reduced to limit the number of vendors?

- Suggested allowing 1.35 booths per parking space. This avoided situations with more booths, but no more parking spaces.
- Should allow the booths off the Square for three years and then from year to year.

Council Member Dougherty made the following comments:

- How much money did the Boosters lose because of vendors off the Square during Swiss Days?
- The issue of vendors off the Square could be addressed.
- A public hearing had not been scheduled regarding reconsidering the Festival Market Business License regulations.
- Ms. Mangum could do more retail to have more booths during Swiss Days.
- Was not convinced that the ordinance would have that great of an impact on Swiss Days.
- Volunteers needed to understand that Swiss Days helped businesses that operated throughout the year.

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

- Ms. Mangum had a deadline.
- The ordinance was not tied to a specific applicant.
- Could there be a private contract between the City and a property owner regarding increased parking and vendors? If such a contract was offered to one owner, then it had to be offered to all owners.
- One of the Boosters' missions was to help local businesses.
- About ten years earlier the City received approximately \$34,000 in sales tax from the vendors on the Town Square during Swiss Days.
- Swiss Days was valuable.
- Swiss Days helped some businesses stay open.
- Would it become advantageous for a vendor to move off the Square?
- The City needed to consider how large it wanted Swiss Days to become.
- A compromise would be approving the ordinance but allowing fewer booths for the parking.
- There needed to be a vision for Swiss Days and the associated regulations.
- Supporting Swiss Days did not mean that the City could not support local businesses.
- There was some concern with revisiting the existing festival market regulations.
- Any decision needed to be equitable.

Clint Coleman made the following comments:

- He volunteered at Swiss Days.
- Some volunteers had discussed how long the event could continue.
- Swiss Days was not trying to inhibit businesses and supported Ms. Mangum's business.
- If the number of vendors off the Square continued to increase, then volunteer support for Swiss Days would decrease.
- Recommended that the proposed ordinance be denied, and the current regulations be adjusted.

Scott Smith made the following comments:

- Was the outgoing chair of the Swiss Days Committee.
- Swiss Days was Midway's party.
- There was a lot of effort that went into organizing and holding the event.
- Swiss Days was sometimes abused.
- One business should not be used to benefit another business.
- Swiss Days should not be used to solve the parking problem.

Kevin Stocking made the following comments:

- Was the treasurer for the Swiss Days Committee.
- Swiss Days' cost for emergency services had increased from \$15,000 to \$24,000. They were trying to control their costs which included shuttle busses, portable restrooms, emergency services, etc.
- The event did not receive more revenue because of the booths off the Square.
- Swiss Days provided infrastructure that the vendors off the Square used.
- Swiss Days should not be associated with parking.

Motion: Council Member Orme moved to table consideration of the ordinance to meet with the Boosters and determine compensation for Swiss Days' costs.

Second: Council Member Dougherty seconded the motion.

Discussion: Mayor Johnson suggested that the Council reach out to Ms. Mangum because she was planning on the ordinance being adopted.

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. Parking Agreement / 70 East Main Street (City Attorney – Approximately 15 minutes) – Discuss and possibly approve an agreement to use property at 70 East Main Street for public parking.

Corbin Gordon was unable to reach the property owners to discuss extending the term of the agreement. He recommended that it be tabled.

Mayor Johnson explained that she approached the owners about using the property for parking. She added that the cost was minimal. She did not want to go back to them and renegotiate the duration of the agreement.

Council Member Dougherty thought that the agreement should continue indefinitely until the owners wanted to sell the property. He asked that Mr. Gordon continue trying to contact the owners.

Wes Johnson asked if constructing the lot should be included with other projects that the City

was putting out for bid. He noted that it could be removed if needed.

Council Member Payne questioned if the lot would be fully utilized.

Motion: Council Member Drury moved to table approval of the agreement but include the parking lot construction with another project being let out for bid.

Second: Council Member Simonsen 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. Ordinance 2020-07 / Amend Planning Commission Bylaws (City Attorney – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2020-07 amending the by-laws for the Midway City Planning Commission.

Corbin Gordon asked that the proposed ordinance be tabled because several revisions still needed to be made.

Motion: Council Member Drury moved to table consideration of the item.

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

12. Reimbursement for Damage / 1206 North Cottage Way (City Attorney – Approximately 15 minutes) – Discuss and possibly approve an agreement to reimburse the property owners for damage at a home at 1206 North Cottage Way.

Corbin Gordon asked that the proposed agreement be tabled because he had not been able to reach the property owners.

Motion: Council Member Drury moved to table consideration of the item.

Second: Council Member Simonsen 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

13. Resolution 2020-02 / Amend Standard Specifications (City Engineer – Approximately 15 minutes) – Discuss and possibly approve Resolution 2020-02 amending the Standard Specifications and Drawings for Midway City.

Wes Johnson indicated that the amendment corrected several errors in grammar and numbering. He also indicated that it moved the location of the foot valve for a fire hydrant and updated the streetlight standards. He noted that other issues like road widths would be addressed at another time.

Council Member Drury requested that the amendment also allow the City to install conduits and materials in trenches that were opened in Midway.

Motion: Council Member Drury moved to approve Resolution 2020-02, amending the Standard Specifications and Drawings for Midway City, with language added to allow the City to utilize trenches for the future placement of services.

Second: Council Member Simonsen 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

14. Rebranding / City Logo (Mayor Johnson – Approximately 15 minutes) – Discuss and possibly approve a rebranding campaign, including a new logo, for Midway City.

Mayor Johnson indicated that the rebranding would instead be considered at a work meeting.

15. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Simonsen moved to go into a closed meeting to discuss pending or reasonably imminent litigation.

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

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

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

Second: Council Member Orme seconded the motion.

Discussion: None

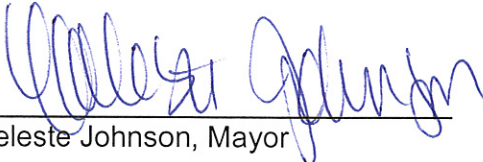
Vote: The motion was approved with the Council voting as follows:

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

16. Adjournment

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

The meeting was adjourned at 11:26 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder