

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, 17 March 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. Some council members participated electronically. The online chat from the meeting is contained in the supplemental file.

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 Dougherty gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 17 March 2020 City Council Regular Meeting
- b. Warrants
- c. Conclude the warranty period and release the remainder of the bond for the Saint-Prex Estates Subdivision, located at 800 West Swiss Alpine Road, subject to the payment of all fees due to Midway City.
- d. Conclude the warranty period and release the remainder of the bond for the Cascades at Soldier Hollow Subdivision, Phase 2, located at 500 West Cascade Parkway, subject to the payment of all fees due to Midway City.

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

Council Member Dougherty asked about the warrant to BD Bush. Wes Johnson explained the warrant and indicated that it was for the construction of the Center Street and Homestead trails.

Council Member Drury asked about a trail from Saint-Prex Estates to Homestead Drive. Wes Johnson explained that a trail, attached to the road, existed but would be detached when the adjoining property developed.

Motion: Council Member Drury moved to approve the consent calendar including the agenda, warrants and bond releases as specified on the agenda.

Second: Council Member Payne 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. No comments were offered.

4. **Department Reports**

HVTED / Director

Council Member Orme reported that Dallin Koecher had been appointed the director of Heber Valley Tourism and Economic Development (HVTED).

Trails and Park Committee / Dog Park / Trails / Tree City USA

Council Member Simonsen reported that the Trails and Parks Advisory Committee discussed the dog park and that a shade sail was still needed.

The Committee also discussed trails including needed connections and maintenance.

The Committee agreed to be the tree board as a requirement of Tree City USA.

River Road / Construction

Council Member Simonsen reported on the construction on River Road.

River Road Water Line / Landmark Excavating

Wes Johnson reported that the City Attorney approved using Landmark Excavating to replace a portion of the culinary water line on River Road. The Council did not object.

Sidewalk / Center Street (200 North to 600 North)

Council Member Drury indicated that a sidewalk was needed on Center Street from 200 North to 600 North. Michael Henke agreed that one was needed but explained the difficulty in getting the needed easements. Wes Johnson said it could cost as much as \$14,000 to survey and do a preliminary design to understand the feasibility of the trail.

Traffic Committee

Council Member Simonsen reported that the City's traffic committee would be revised.

MIC / Adjudication Issues / Manager

Council Member Dougherty reported that the Midway Irrigation Company (MIC) was considering ownership and other issues related to the adjudication of the area's water.

Council Member Dougherty indicated that MIC wanted to hire someone to replace their manager.

MBA

Council Member Dougherty reported on the Midway Business Alliance (MBA) meeting. He said that Main Street and parking were discussed.

Centennial Committee Monument

Mayor Johnson reported on the monument that the Wasatch County Centennial Committee would build in the Centennial Park. She also reported that the City would donate more than the planned \$25,000 because of additional landscaping.

HL&P / Transmission Line Loan

Mayor Johnson reported that the Heber Light & Power Company (HL&P) Board was not very receptive to loaning Midway City the money to bury the 970 South transmission line.

School District / Coronavirus Pandemic

Paul Sweat, Wasatch County School District Superintendent, explained what the District was doing regarding the pandemic.

- 5. Coronavirus Pandemic / Response** (Mayor Johnson – Approximately 30 minutes) – Discuss and possibly approve a response to the coronavirus pandemic including employee compensation and other items.

Mayor Johnson reviewed what the City was doing regarding the pandemic. She told employees that they would not have to use vacation time to take care of their children while the schools were closed. She also told the crossing guards that they would continue to be paid. Council Member Dougherty suggested using the crossing guards for other tasks.

Brad Wilson explained what the City was doing to allow employees to work from home if needed.

Mayor Johnson indicated that no culinary water would be shut off during the pandemic.

- 6. Resolution 2020-05 / Authorizing Resolution** (City Recorder – Approximately 30 minutes) – Discuss and possibly approve Resolution 2020-05 authorizing the issuance of \$5 million of general obligation bonds.

Motion: Council Member Payne moved to approve Resolution 2020-05 authorizing the issuance of \$5 million of general obligation bonds.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Drury asked that city and bond staff be clear and transparent, provide all the issuance costs, and that costs meet the expectations of the residents.

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

- 7. Ordinance 2020-08 / Midway Crest Annexation** (Berg Engineering – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2020-08 approving the Midway Crest Annexation containing 24.16 acres located at 600 South Fox Den Road. **Public Hearing**

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

- Land use summary
- Location of the annexation

- Culinary water will-serve letter
- Irrigated area
- Sensitive lands
- Land use map
- Zoning
- Concept plan submitted with the will-serve letter
- Trail
- Road cross-section
- Proposed plat map
- Items for consideration
- Proposed findings
- Required notes on the plat map

Mr. Henke also made the following comments:

- The home on the property had been razed.
- The land could not be further subdivided.
- The plat map for the development had been recorded and did not need to be recorded again.
- The property contained the access to the Hughes's property to the west. The Council needed to decide if the Hughes could use 300 East to access their land.

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

Council Member Simonsen reported that the Trails and Parks Committee recommended that the trail have a soft surface because its route beyond the annexation had not be determined. The Committee indicated that the difference in cost, from a hard surface, should be paid to the City.

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.

Paul Berg, Berg Engineering Resource Group and representing the petitioner, questioned why the developer should pay for a hard surface trail when a soft surface trail would be built. The will-serve letter stated that the trail would be paved.

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

- The trail was public and would be maintained by the City.
- The City needed flexibility and a mix of trail surfaces.
- Hard surface trails were more expensive to maintain.
- The applicant chose the trail route.
- It was cumbersome to hold money received from developers. The money could be used for an immediate project.

- The original trail route, along the bottom of the hill, was a better location.
- A similar agreement in Watts Remund Farm was a renegotiation of an existing agreement.
- Paying for a hard surface trail might be considered an unconstitutional exaction.
- The City had some discretion because it was an annexation.

Motion: Council Member Drury moved to approve Ordinance 2020-08, approving the Midway Crest Annexation, with the following findings and conditions:

- The City would gain control over land use and zoning if the area was annexed.
- The density would be low.
- The five notes as indicated in the will-serve letter would be on the plat map.
- The Mayor was authorized to negotiate the trail proposal which she could change at her discretion.
- The location of the trail would be as shown on the Midway Crest Subdivision plat map.

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

8. Resolution 2020-07 / Midway Crest Annexation Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2020-07 adopting an agreement for the Midway Crest Annexation containing 24.16 acres located at 600 South Fox Den Road.

Corbin Gordon reviewed the annexation agreement including the sections on water, weed control, the Sewer Treatment Plant, trails, etc.

Motion: Council Member Drury moved to approve Resolution 2020-07 adopting an agreement for the Midway Crest Annexation with the items edited and mentioned by the City Attorney including the following items:

- The area around the lots increased from 0.25 to 0.50 acres.
- The trail located as shown on the subdivision plat map.
- The developer would pay for paving the trail. It would be a hard surface until the end of the cul-de-sac then it would be a soft surface.
- The City maintained the right to install signs on the trail with the developer paying for them at the time of development.

Second: Council Member Dougherty seconded the motion.

Discussion: The water for lot one would be decreased to compensate for the increase on the other lots.

Council Member Orme asked if there needed to be a limit on the area irrigated. Mr. Henke responded that was included on the plat map and in the annexation agreement.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:41 p.m. She reconvened the meeting at 8:48 p.m.

9. Ordinance 2020-09 / Wasatch Mountain State Park Annexation (City Planner – Approximately 20 minutes) – Discuss and possibly adopt Ordinance 2020-09 approving the Wasatch Mountain State Park Annexation containing 349.72 acres located in the area around Golf Course Drive and Pine Canyon Road. **Public Hearing**

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

- Land use summary
- Midway growth boundary
- Reasons for the annexation
- Location of the annexation
- Annexation plat map
- Annexation area
- Unincorporated island
- Land use map
- Proposed findings

Mr. Henke also made the following comments:

- The unincorporated island would be annexed when it developed. Wasatch County agreed.
- The State Park would retain all responsibility for its culinary water system and trails. It would also retain land use authority.
- The annexation did not include any private land.
- Any additional taxes collected by the City from the State Park would be returned.
- More area could be annexed as the State Park further developed.

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 City would start maintaining Pine Canyon road from the current city limits to Warm Springs Drive. The cost would be approximately \$2,000 a year.
- The annexation agreement should address any significant changes in taxes and how that would be handled.
- Taxes would not be returned to concessioners.
- The State had approved the agreement and would have to approve any revisions.

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 Drury moved to approve Ordinance 2020-09, approving the Wasatch Mountain State Park Annexation containing 349.72 acres located in the area around Golf Course Drive and Pine Canyon Road, with no conditions and the following findings:

- Annexing the campground into the city limits would help the City to continue to collect the resort tax which was beneficial to all residents of Midway.
- The State was agreeable to the proposal and had worked with the City so that annexation could occur.
- The Wasatch County Council agreed to the annexation.
- The proposal was a legislative action.

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

10. Resolution 2020-08 / Wasatch Mountain State Park Annexation Agreement (City Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2020-08 adopting an agreement for the Wasatch Mountain State Park Annexation containing 349.72 acres located in the area around Golf Course Drive and Pine Canyon Road.

Corbin Gordon reviewed the annexation agreement including the zoning, taxes, etc. Council Member Simonsen recommended language that the City would regain land use authority if any of the property became private.

Motion: Council Member Simonsen moved to approve Resolution 2020-08, adopting an

agreement for the Wasatch Mountain State Park Annexation, with the following findings and conditions:

- It was in the best interest of the City.
- It stated that the City's land use authority would only be waived as long as the property was owned by the State. The waiver would be removed on any property that became private.
- The tax neutral clause be modified so that the tax neutrality would be in perpetuity with the rates set for a specific period of time.

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

11. Resolution 2020-06 / Watts Remund Farms PUD, Phases 2 and 3 Development

Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2020-06 adopting a development agreement for Phases 2 and 3 of the Watts Remund Farms PUD located at 200 East 600 North (Zoning is R-1-15).

Corbin Gordon reviewed the agreement including some minor changes, obligations, water, building pads, height limits, private areas, density, open space, and access. Once the agreement was recorded it would not expire.

Mr. Gordon indicated that there would be one HOA for the entire project.

Motion: Council Member Payne moved to approve Resolution 2020-06, adopting a development agreement for Phases 2 and 3 of the Watts Remund Farms PUD located at 200 East 600 North, with the corrections including cul-de-sacs, road widths, recording of the plat map, and a note on the plat map clarifying issues with the trails.

Second: Council Member Drury 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. Duncan Preschool / One-Year Follow-Up Report (City Planner – Approximately 5 minutes) – A one-year follow-up on the safety and traffic flow for the Duncan Preschool located at 425 East 600 North (Zoning is R-1-22).

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

- Overview
- Location of the preschool

Mr. Henke also made the following comments:

- The follow-up regarded just the drop-off and pick-up of the children.
- Had not received any complaints regarding the preschool.
- The Planning Assistant did not identify any safety issues.
- No issues had been identified and the preschool was operating as planned.

Note: A copy of Mr. Henke's presentation is contained in the supplemental file. The owner participated electronically but did not have any comments.

13. Schedule Work Meetings (Mayor Johnson – Approximately 5 minutes) – Schedule future work meetings.

The council discussed dates and times for work meetings to consider the budget. They decided to hold meetings on March 31st (6:00 p.m.), April 14th (6:00 p.m.) and April 17th (4:00 p.m. or 5:00 p.m.).

14. 2020 Water Lines Project #2 / Approve Contract (City Engineer – Approximately 5 minutes) – Discuss and possibly approve a contract for the 2020 water lines project #2.

Wes Johnson reviewed the 2020 water lines project #2. He indicated that the low bidder was Geneva Rock at \$582,814.31 with an additional \$18,844 to build the parking lot at 70 East Main Street.

Council Member Simonsen thought that the cost for the parking lot would be \$25,000. Mr. Johnson thought the final price would be \$20,000. He recommended also authorizing the \$18,844 which could be removed in the future if needed.

Motion: Council Member Simonsen moved to accept the low bid from Geneva Rock for the 2020 water lines project #2 for \$582,814.31, with the addition of \$18,844.40 for the gravel parking lot and authorized the Mayor to sign the contract documents. He further moved to pursue the contract with the owner of the 70 East Main Street property until it was completed with the City Council then reviewing it again.

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

15. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Drury moved to go into a closed meeting to Discuss Pending or Reasonably Imminent Litigation.

Second: Council Member Payne 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 Drury moved to go out of the closed meeting.

Second: Council Member Payne seconded the motion.

Discussion: None

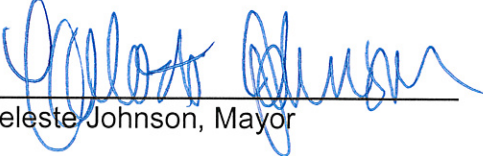
Vote: The motion was approved with the Council voting as follows:

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 Drury moved to adjourn the meeting. Council Member Dougherty seconded the motion. The motion passed unanimously.

The meeting was adjourned at 12:09 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder