

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

**Tuesday, 21 February 2023, 6:00 p.m.
Midway Community Center, 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, 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 6:06 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member (Participated electronically during some portions of the meeting)
Kevin Payne, Council Member
JC Simonsen, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Nancy Simons, Accounting
Brad Wilson, Recorder

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. She gave an inspirational message and a prayer.

2. Consent Calendar

- a. Agenda for the 21 February 2023 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 7 February 2023 City Council Work Meeting
- d. Minutes of the 7 February 2023 City Council Regular Meeting
- e. 2022 Water Conservation Plan for Midway City

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

Council Member Drury suggested a work meeting to improve the Water Conservation Plan. Wes Johnson responded that it had already been sent to the State but could be modified and updated.

Council Member Drury asked if the City would receive any state or federal funds for moving snow. Mayor Johnson responded that funds could only be received if a disaster area was declared. Council Member Dougherty suggested that the City review its insurance policy to see what was covered.

Motion: Council Member Drury moved to approve the consent calendar with the condition that the Water Conservation Plan be revisited in an upcoming work 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	Excused from the Meeting
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.

Sewer Treatment Plant / Odor

Josh Wright reported that the Heber Valley Special Service District's (HVSSD) sewer treatment plant was giving off a terrible odor. Wes Johnson responded that the pumps in the mechanical plant were plugged with non-disposable wipes. He added that this created sludge that could be discharged and cause a smell.

Mr. Wright noted that the plant should have digestors. Mr. Johnson responded that HVSSD had received a loan and would install the digestors within a couple of years.

Mr. Wright asked when other treatment facilities would have to be built. Mayor Johnson responded that the current plant was no longer processing waste from the Jordanelle Special Service District. Mr. Johnson added that additional plants would have to be built as Independence, the north fields, etc. were developed.

Homestead Trail and Utility Project / Award Contract

Brandon Stoddard, representing Silver Spur Construction, made the following comments:

- His company was the low bidder on the Homestead Trail and Utility Project.
- Was confident in their bid.
- Knew the engineer's estimate.
- Would not make up the difference in change orders.
- Spoke multiple times with the City Engineer regarding their bid.
- Their bid was contingent upon the roads being closed.
- There would be a soft closure for residents that lived along the roads.

Wes Johnson made the following comments:

- UDOT had regulations on when one of its roads could be closed or had to be kept open.
- Planned for the effected roads being closed.
- Would meet with UDOT the following day.
- Was confident that UDOT would allow the roads to be closed.

Council Member Drury worried about closing roads, which accessed the resorts, during the busiest part of the tourist season.

Fire District / Cooperation

Clair Provost, representing the chief of the Wasatch County Fire District, said that the District wanted more of a presence in the local cities. The Chief also wanted to reach out to the cities to see if there was anything the District could do for them.

Council Member Dougherty asked that the District contact the City if they found any problem roads.

Mayor Johnson indicated that the District should obey the speed limits when not going to an emergency.

Council Member Dougherty asked if the District was having staffing problems. Mr. Provost responded that it was difficult to find good, qualified people.

No further comments were offered.

4. Department Reports

Pavilion / Repairs

Mayor Johnson reported that repairs would be made to the pavilion at the Town Square.

Cemetery / New Restrooms

Mayor Johnson reported that new restrooms would be built at the City's cemetery.

Legislature / Trends

Mayor Johnson read an email from State Representative Mike Kohler outlining trends in the State Legislature. One trend was less local control.

Grant / Trees

Council Member Simonsen reported that Nancy O'Toole, because of an injury, was unable to submit a tree grant in time. The paperwork would be retained for the next grant cycle.

Trails / Sidewalks / Plowing

Council Member Simonsen expressed concern that snow was not being plowed off some sidewalks and trails.

HVSSD / Loan

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) received a loan with a 2.5% interest rate.

MSD / JSSD Contract

Mayor Johnson reported that the Midway Sanitation District (MSD) was updating its contract with the Jordanelle Special Service District (JSSD).

HVRR / State Funding

Mayor Johnson reported that the Heber Valley Railroad (HVRR) requested some of the States surplus funds.

- 5. Resolution 2023-05 / FY 2023 Budget Amendment** (Nancy Simons – Approximately 30 minutes) – Deny, continue, or approve Resolution 2023-05 amending the FY 2023 Budget for Midway City. **Public Hearing**

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 Resolution 2023-05 amending the FY 2023 Budget with the following changes:

- The Heber Light & Power Company dividend was changed to \$18,000.
- The amount for law enforcement would be corrected.

Second: Council Member Dougherty seconded the motion.

Discussion: Council Member Drury indicated that additional money for trails was also discussed. Council Member Dougherty responded that could be added with another amendment. He also noted that the amount had not yet been determined.

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

6. General Plan / Update (City Planner – Until 9:30 p.m.) – Receive a presentation and discuss the update to the Midway City General Plan.

Mayor Johnson reviewed the update process and made the following comments:

- She thought that the proposed general plan was excellent and was based on previous good work.
- She appreciated the volunteers who helped during the process.
- The City did not hire an outside firm to do the update.

Mayor Johnson asked if there were any public comments.

Lori Stone

Ms. Stone made the following comments:

- She worked with Preserve Midway.
- Was happy with the redlines and all the work that had been done.
- Appreciated the awareness of landscaping.
- Land features along with historic homes should be protected.
- Trails should be continued, including in areas where vehicles could not go.
- Appreciated open space being elevated in importance.
- Preserve Midway would discuss dark sky preservation which impaired wildlife at night. She said that it would be nice not to see harsh lighting on houses.

Mayor Johnson explained the dark sky processes used by Wasatch County and Heber City. She suggested a unified code for the entire County.

Council Member Payne asked if the draft general plan would be shared with the public. Mayor Johnson responded that the public had not expressed that need.

Luke Searle, Wasatch County Council Member

County Council Member Searle made the following comments:

- Applauded the General Plan.
- Suggested that it focus more on transit. He suggested that it emphasize working with the County and High Valley Transit.

Council Member Dougherty thanked Michael Henke, Melanie Egan, Luke Robinson, and others for their work on the Plan.

Community Vision

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

- Rural versus country. Mayor Johnson suggested using the term “historic rural and country character.”
- Should house size by volume be limited?
- Quirky and eclectic
- Setbacks
- Housing that created classes of residents.
- Maintaining a sense of community.

Note: Council Member Orme began participating online.

- What was rural?
- Maintaining existing houses.
- Housing for Midway workers.
- External accessory units (EADUs) should be allowed.
- Starter houses were needed.
- Not all residents should have to live in single family houses.
- The General Plan should be broad enough to include things not thought of during the update.
- Should EADUs be emphasized as a revenue source?
- Midway should have a variety of housing.
- Affordable housing
- Subsidies not just density was the best way to encourage affordable housing.
- Large houses used more energy.
- Business and manufacturing park zone
- Fees might apply for the use of the City’s buildings.
- Communities should be designed for people not vehicles. The safe interaction of pedestrians and vehicles or a walkable community should be emphasized.
- Land Use Map
- Should the City expand its annexation boundary into the north fields? This would allow the City to control what happened in that area.
- Should the annexation area be expanded to include Soldier Hollow.
- Should the Transient Rental Overlay District (TROD) be limited?

Motion: Without objection, Mayor Johnson recessed the meeting at 8:34 p.m. She reconvened the meeting at 8 :44 p.m.

- Should agricultural and/or ecological tourism be emphasized? Should other forms of tourism also be emphasized.
- Normal zoning was preferred over overlay zones.
- Wayfinding signs.
- The Trails, Arts, and Parks (TAP) tax should be acknowledged, and its continuance encouraged.
- Parking especially around the Town Square
- Should residents be taxed to provide parking for businesses?
- Some parking was for both businesses and civic events.

Transportation

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

- Should the proposed committee be permanent or as needed?
- Pedestrian safety should be prioritized.
- Should the City be advised by an expert?
- Developers should receive a recommendation from the proposed committee if they wanted to eliminate a planned road.
- The committee needed the right mix of members. Members from certain specialties would emphasize certain things.
- Midway City Road Map
- The number of road classifications had been reduced. For example, Stringtown Road and River Road were now local roads rather than local collectors. This would reduce their right-of-way.
- Pine Canyon Road was narrow. There could be bike lanes on both sides of the road and a trail on one side of the road without curb and gutter.
- Roundabouts were proposed at the intersection of Pine Canyon Road and Burgi Lane and on Main Street at the northwest corner of Hamlet park.
- Infrastructure included on the Map qualified for impact fees if included in the Capital Facilities Plan.
- The Map did not guarantee the indicated improvements.
- River Road was one of the main accesses to Midway and should be a local collector or a new classification higher than a local road.
- Higher classifications included more right-of-way which could be an advantage.
- Should the speed limits for the classifications be changed?

Michael Henke reviewed the planned roads on the Road Map.

Motion: Council Member Drury moved to continue the meeting to consider the next item 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

7. Van Wagoner Subdivision / Reduce Water Requirement (City Planner – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve a reduction in the required amount of water for the Van Wagoner Subdivision located at 160 North 200 East (Zoning is R-1-9 and R-1-15).

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

- Current water requirement
- Proposed water requirement
- Historical water usage at the meat shop

Mr. Henke also made the following comment:

- The meat shop on the property was being reconsidered as a commercial rather than a residential use. This would reduce the required amount of water.

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 amount of water rights for the meat shop could be put on the plat map or included in a separate document recorded with the plat map.
- If consumption increased in the shop, then more water would be required.
- The change did not have to go back to the Water Advisory Board because it affected only culinary water.

Motion: Council Member Dougherty moved to reduce the water requirement for the proposal from 2.15-acre feet, which was recommended before, to 1.5-acre feet based on the credit of the unused water from the commercial use. The usage was supported by three years of history. The new water requirement would be included on the plat map.

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	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Simonsen moved to continue the meeting to consider the next item 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	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

8. Homestead Trail and Utility Project / Award Contract (City Engineer – Approximately 10 minutes) – Discuss and possibly deny, continue, or award a contract for the Homestead Trail and Utility Project.

Wes Johnson made the following comments regarding awarding the contract:

- The bids were opened the previous Thursday.
- Silver Spur Construction was the low bidder. Their bid would save the City \$1.2 million. The prices in their bid would be locked in.
- Change orders could only come from the City and if there was a change in conditions.
- The contract had to be awarded to Silver Spur because they qualified on paper to do the work.
- It was his firm’s responsibility to make sure that quality work was done.
- Met with Silver Spur three times to review their bid.
- Checked with their references and there had not been any price adjustment requests.
- The bids included closing the road in phases and detouring traffic.
- Met with the operators of the Homestead Resort and Zermatt Resort and they preferred closing the road for one summer rather than keeping it partially open for two summers. They noted that a lot of their guests used Cari Lane.
- Would meet with UDOT the following day to request that the road be closed.
- Would hold a town meeting to discuss the project. Would also use variable message boards.
- Center Street could be used as a detour.

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

- The other bidders included a significantly higher price for potrock.

- The low bidders might try to make up for their loss by cutting quality.
- Their cost could end up being more than the other bidders. The City should be ready for a fight.
- The City Engineer should check that the company's work held up over time.
- Using Rainbow Lane as a detour was not an option.
- If possible UDOT should do surface treatments on the road at the same time as the trail was being constructed.
- The signage should be as clear as possible.
- Temporary traffic signals could be used if needed.
- There should be something in writing from the Midway Sanitation District, who also had work included in the project, to make sure there were no line-item changes.
- Potrock was a significant risk.
- The contractor would have a claim if the City did not disclose what it knew about the site's conditions. Mr. Johnson responded that all information had been shared with the bidders.
- Had the City done any test holes at the site?
- Ballooning costs, delays, and the contractor walking away from the project were concerns. Mr. Johnson responded that construction meetings would be held every two weeks.

The Council agreed that the road should be closed during construction.

Motion: Council Member Dougherty moved to award the contract for the Homestead Trail and Utility Project to Silver Spur Construction with the following conditions:

- The contract expressly stated that it was a lump sum amount per line item as included in the bid.
- The bid would be attached to or incorporated into the contract.
- Authorized the Mayor to sign the contract.
- It was contingent upon UDOT accepting the road being closed.

Discussion: Council Member Simonsen asked that the City Engineer check to ensure that Silver Spur's work held up over time. He said it was explicit that if the Mayor or City Engineer in their due diligence found a problem, they would not sign the contract.

Second: Council Member Payne seconded the motion.

Discussion: Mr. Johnson noted that the contract was included in the documents provided to the bidders. He would provide a copy to the City Attorney, but any modifications would have to go back to Silver Spur for approval.

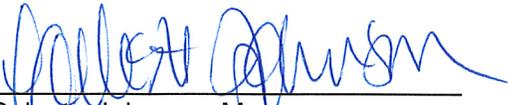
Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simonsen	Aye

9. 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 11:15 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder