

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

**Tuesday, 20 June 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 6:10 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

**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 20 June 2023 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 6 June 2023 City Council Work Meeting
- d. Minutes of the 6 June 2023 City Council Regular Meeting
- e. Resolution 2023-13 adopting a certified property tax rate for Midway City

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

Brad Wilson confirmed that the certified property tax rate decreased to compensate for a rise in

property values.

**Motion:** Council Member Dougherty moved to approve the consent calendar.

**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:** Council Member Drury and Council Member Simonsen abstained from approving the minutes from the June 6<sup>th</sup> meetings because they were not in attendance.

**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**

##### Founders' Day / Boosters

Council Member Drury thanked the Midway Boosters for their help with Founders' Day.

##### Independence Day Event

Council Member Drury reported on the events to be held on Independence Day.

##### Ice Rink / Maintenance

Council Member Drury reported on maintenance needed at the City's ice rink.

##### Pressurized Irrigation System / Water Restrictions

Council Member Dougherty reported that so far that year no water restrictions were needed for the pressurized irrigation system.

Landscaping Ordinance / Water Conservation Grants

Council Member Dougherty reported that the City was considering a landscaping ordinance, which would help property owners qualify for water conservation grants from the Central Utah Water Conservancy District.

HL&P / Rate Increase

Council Member Dougherty reported on a rate increase for Heber Light & Power Company (HL&P). He noted that wholesale electricity costs were increasing. He recommended that residents review their electricity bills and determine how they could reduce their usage.

Sprinkler Systems / Sensors

Mayor Johnson reported that the City received a grant to purchase water sensors for its sprinkler systems.

- 5. Alpenhof Park Improvements / Award Contract** (Council Member Simonsen – Approximately 5 minutes) – Discuss and possibly award a contract for improvements to the Alpenhof Park located at Tanner Lane and Alpenhof Lane.

Mayor Johnson reported that the City was moving forward with improvements to Alpenhof Park. She explained that the Council needed to award the contract to install the improvements. She recommended that it be awarded to the low bidder.

**Motion:** Council Member Orme moved to award the contract for the Alpenhof Park Improvements to Hillbrook Landscaping for \$441,500.

**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

- 6. Lundin Property / Open Space** (Lundin Family – Approximately 60 minutes) – Discuss and possibly approve using bond funds to preserve open space on property owned by the Lundin family at approximately 900 West Bigler Lane.

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

- Pictures of the property
- Future planned road.

Mr. Henke also made the following comments:

- The open space was 119 acres.
- It was owned by the Lundin family.
- It was not in Midway but the City could contribute to its preservation.
- The family was requesting \$1 million from the City to help preserve it.
- They had received a commitment from Wasatch County for \$2 million.
- The property was highly visible.
- There was only one access for the houses in the area. Wanted to connect Olympic Drive with Bigler Lane. Several developers had already contributed to the construction of the road. A rural road with crash gates had been discussed.
- Did not want the second access to interfere with the property.

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

Wendy Fisher, Utah Open Lands Executive Director, reviewed the following items regarding the open space:

- Historic structures
- Conservation values
- Possible public trail
- Habitat
- Request
- Values
- Funding sources
- Federal programs

Ms. Fisher also made the following comments:

- The Lundin family had different considerations for preserving the open space.
- They loved the land and the community.
- They wanted to honor their family's heritage.
- Doubted that a bridge loan would be needed. Such a loan would have a high interest rate.
- The family would be giving 30% to 40% of the value for preservation.
- Any contributions would be returned if issues within the family could not be resolved.
- It was an 18-month process to receive funds from the Natural Resources Conservation Service (NRCS). Would apply in October.
- Was looking at a three-year window for preservation.
- Could not speak to the legal issues between the family members. Would know if they were resolved on August 25<sup>th</sup>.
- Needed to know if the City was willing to contribute so that the preservation process could move forward.
- Wasatch County put a three-year deadline on its contribution.
- Any second access should be minimally invasive to meet the requirements of the NRCS.

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

Courtland Nelson, Midway Open Space Advisory Committee Chair, made the following comments:

- The Committee unanimously recommended contributing to preserve the open space.
- The General Plan supported the request.

Nora Lundin made the following comments:

- The family's trailer court could always be used as a second access.
- Steve Farrell, Midway Irrigation Company President, supported an emergency access road following the existing irrigation line at the bottom of Swiss Mountain Estates. The access could be 20 feet wide, made of gravel, and have crash gates. It would exit into Lime Canyon and provide that area with a second access. These types of roads were done a lot in Wasatch and Summit Counties. This route would protect their hay field.
- Would like to see a trail around the edge of their property.
- There could be a parking lot in Faucet's with a trail going to Deer Creek.

Mike Lundin made the following comments:

- The property had cougars, deer, and water for wildlife. It also had a plum orchard.
- There was already a road along the irrigation line and route of the old Probst Ditch. This did not interfere with the family's farm.
- An access along the West Bench Ditch was an alternative.

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

- A second access from Olympic Drive was good because it was further up Swiss Alpine Road. This road would go through the Lundin family's field and be on a 6% slope.
- Options could be found for a second access.
- An overlay of the property was needed for accuracy.
- There could be a floating easement that was finalized later.
- As much of the property as possible should remain in agriculture.
- A public road as the second access would encourage development.
- It would be an advantage for other property owners to consider a second access through their property.
- A memorandum of understanding should be prepared.
- Water for the property also needed to be addressed.
- A contribution would not grant entitlement to any property.

**Motion:** Council Member Payne moved to approve a commitment using bond funds to preserve open space on the property owned by the Lundin family, located at approximately 900 West Bigler Lane, in the amount of \$1 million subject to the following conditions:

- An application was submitted to the Lee Ray McCallister Fund by June 30<sup>th</sup>.

- A commitment was received from the Lundin family from their August 25<sup>th</sup> meeting.
- The contribution was for a period of three years then an extension would be needed from the City Council.
- There was a floating easement to deal with the emergency access point with a preferred location, if it could be worked out, on the west boundary which was favored and had been summarized by the family.
- An MOU contained these conditions and identified the property that was a conservation easement separate and apart from the rest of the family's property.
- The required water for irrigation would be encumbered as part of the conservation easement.
- The parties would diligently work together to create the trail and firebreak as mentioned for public and scenic access.
- The form of the conservation easement would comply with the MOU.

**Second:** Council Member Orme seconded the motion.

**Discussion:** Wendy Fisher indicated that the MOU would be needed before the August 25<sup>th</sup> meeting.

Council Member Orme asked when the money from the City would be transferred. Ms. Fisher responded that would depend upon the language in the MOU.

**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. Resolution 2023-14 / FY 2023 Budget Amendment** (Budget Officer – Approximately 20 minutes) – Discuss and possibly approve Resolution 2023-14 amending the fiscal year 2023 budget for Midway City. **Public Hearing**

Nancy Simons made the following comments regarding the budget amendment:

- It had been updated, emailed to the Council, and posted on the City's website.
- Public works wages had been allocated to the applicable departments.
- The percentage of reserves in the General Fund were within state requirements.

She reviewed the revenue in the General Fund and projects that had been completed.

**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 Orme moved to approve Resolution 2023-14 amending the fiscal year

2023 budget as presented.

**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 2023-15 / FY 2024 Budget** (Budget Officer – Approximately 60 minutes) – Discuss and possibly approve Resolution 2023-15 adopting the fiscal year 2024 budget for Midway City.

Council Member Simonsen reviewed the planned improvements at the Alpenhof Park. He recommended that the amount for the sports court and playground equipment be included in the budget. He noted that the contractor for the sports court was the low bidder for the new pickleball courts for Wasatch County and would honor the same unit costs. He wanted the project done correctly and estimated the cost at \$680,000. Mayor Johnson agreed that the sports court should be done in fiscal year 2024.

Council Member Simonsen also reviewed the planned improvements and the related costs for Burgi Hill Park. He indicated that it was important to rebuild the tennis courts rather than simply repair them. He estimated that the cost would be \$315,000.

Council Member Simonsen thought that there were sufficient capital projects reserves to design and build a trail along north center street.

Council Member Drury reported on leaks that needed to be fixed at the City's ice rink. He indicated that the concrete slab would have to be removed and piping replaced. He also indicated that a circulation pump would be replaced with two pumps. Wes Johnson added that the repairs could increase the operating season for the rink.

Council Member Drury noted that the concrete slab was also used for events at the Town Square. He asked if the Parks Department should share in the cost of its replacement.

Mayor Johnson suggested that federal COVID funds be used to upgrade the audio/visual system in the council chambers.

Council Member Orme reminded the Council that grant funds, from Heber Valley Tourism and Economic Development (HVTED), needed to be spent on public parking as soon as possible.

**Motion:** Council Member Drury moved to approve Resolution 2023-15 adopting the fiscal year 2024 budget with the changes noted.

**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

**9. Resolution 2023-12 / TAP Funds** (Mayor Johnson – Approximately 5 minutes) – Discuss approving Resolution 2023-12 amending the Midway City Policies and Procedures to include how revenue from the Trails, Arts, and Parks Tax will be administered and distributed.

The Council reviewed some minor changes to the proposed policy. Council Member Drury asked that funds be awarded to the requests with the greatest benefit or perceived benefit.

Corbin Gordon indicated that a contract would be required for enforceability and money would not simply be provided to organizations.

Council Member Dougherty recommended that an accounting be required for money that was awarded.

Council Member Simonsen noted that the process and related records would be public.

**Motion:** Council Member Drury moved to approve Resolution 2023-12 regarding TAP Tax funds with changes to the resolution and application as noted in the discussion.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

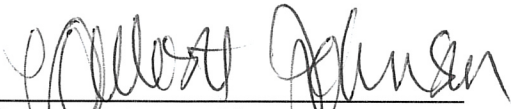
Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

## 10. 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 8:49 p.m.



  
Celeste Johnson, Mayor

  
Brad Wilson, Recorder