

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

**Tuesday, 17 December 2024, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Market 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 6:09 p.m.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member (Participated electronically. Stopped at 7:51 p.m.)
Kevin Payne, Council Member
Craig Simons, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Katie Villani, Planner
Brad Wilson, Recorder

Members Excused:

JC Simonsen, Council Member

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 the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 17 December 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 3 December 2024 City Council Work Meeting
- d. Minutes of the 3 December 2024 City Council Regular Meeting
- e. Second One Year Extension of the Final Approval for the LaBarge Subdivision Located at 922 North Pine Canyon Road (Zoning is R-1-15 and R-1-22).

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

Council Member Drury asked the reason for the final approval extension. Michael Henke responded that the required infrastructure was installed, and the plat map should be recorded within 90 days. Council Member Drury suggested a lesser amount of time for the extension.

Wes Johnson made the following comments:

- Met with Heber Light & Power Company (HL&P) regarding burying some of the power lines for the trail along north Center Street.
- It would take eight to ten weeks to receive some of the required components. The cost would be \$120,000. This was in the budget.
- HL&P could keep the components if they were not needed and then reimburse the City as they were used for other projects.
- Wanted to order the components so that the trail would not be delayed.
- Would not know the installation cost until bids were submitted.

Motion: Council Member Drury made the following motion:

- Approved the consent agenda items “a” through “d”.
- Granted a 90-day extension for the LaBarge Subdivision with the option of coming back to the Council for more time if needed.
- Put the purchase of the components, to bury the power line, on the next warrant list.

Second: Council Member Simons seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	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

Ice Rink / Grant

Council Member Drury reported that a \$400,000 grant had been awarded for Town Square or Ice Rink improvements. He added that additional money might be available.

HL&P / Rate Increases / Impact Fee

Council Member Payne reported that HL&P proposed rate increases over the next three years to deal with continued growth and wage increases. He added that he wanted them to impose the maximum impact fee amount allowed.

HVRR / Train Cars

Mayor Johnson reported that the Heber Valley Railroad (HVRR) might purchase some additional train cars and sell some unnecessary cars.

HVSSD / Bonding

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) would issue bonds to clean its sewer treatment plant's ponds and repair its aeration system.

MSD / Rate Increase

Mayor Johnson reported that the Midway Sanitation District (MSD) would increase its rates by three percent. She added that it was doing a study to determine if the amount of its impact fee needed to be increased. She indicated that an impact fee study would be done every other year.

Caring Coalition / Projects

Mayor Johnson reported that the Wasatch Caring Coalition was doing the following projects:

- Lobbing to ban flavored vaping.
- Spot checks on alcohol sales.
- Skate park competition
- Opioid education
- Family dinner in the park
- Thanksgiving meals
- Clothing exchange

Law Enforcement / Report

Heber City Police Chief Parker Sever reported on law enforcement in the City and made the following comments:

- There was a lot of speeding, especially in the school zones.
- The vehicles for Midway were being built out.
- A second officer was being readied.

- Weekly reports were sent to the City. Asked the City to be careful with the information.
- E-bikes were a concern statewide.

5. Lundin Property / Update (City Attorney – Approximately 30 minutes) – Receive and discuss an update of the use of Midway open space bond funds for the Lundin property located at approximately 900 West Bigler Lane.

Corbin Gordon made the following comments:

- A special meeting had been held regarding preserving the Lundin property as open space.
- Reviewed documents prepared by the City and Utah Open Lands.
- John Woodard, an attorney for Wasatch County, removed certain access language. He was specifically concerned with the access and security language.
- Was also concerned about the language in the security agreement.
- Water shares would be put into escrow until the conservation easement was recorded.
- Brandon Mark, an attorney representing the Lundins, said there was no time for changes.
- Mr. Woodard responded that he would not proceed with the project.
- Worked hard to finalize the deal.
- Could not recommend that the City sign the documents in their current form.
- The deal could be finalized that day if the Lundins were willing to immediately record the conservation easement.
- Was willing to reach out to the other parties. Could draft a security agreement and send it to them.
- The City should not have to force the Lundins to sign over the shares if they did not record the easement.

Katie Villani stated that the documents for the project were not completed.

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

- Putting the water shares in escrow was a creative solution for providing the money before resolving other issues.
- The City wanted to preserve the open space. It could not control Wasatch County or the other parties. It should honor its previous agreements.
- The Lundin's would have 50 water shares unless the conservation easement was never recorded, and the money not returned. 40 shares would be encumbered by the conservation easement.
- The risk of the shares being signed over to someone else should be prevented.
- The shares could be signed over to the City and County but not formally transferred.

The Council agreed that Mr. Gordon should draft an escrow agreement and send it to the other parties.

6. Ordinance 2024-15 / Commercial Lights (Tom and Sarah Clark – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-15 amending Title 5 (Health and Safety) of the Midway City Municipal Code regarding commercial lights.

Mayor Johnson explained that the applicant was unable to attend the meeting, and the item might need to be continued.

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

- Current code
- Proposed code
- Holiday lights
- Low lumen lights
- Gas lights
- Simulated flame lights

Mr. Henke also made the following comments:

- The applicant proposed that soffit lights be turned off during the night.
- The City received a lot of complaints about lighting.
- Undefined language should be removed.
- Lumens were difficult to measure.
- Removed the low lumen requirement.
- Gas lights were not shielded.
- Gas lights and simulated flames were lower lumens and more decorative. They fit into the old European architecture encouraged in Midway.
- Soffit lights were not shown on the applicant's building plan, but they were installed anyway.
- Soffit lights could be replaced with string lights which would not light up the entire face of a building.
- The pictures of string lights were deceiving because cameras picked up more light.

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

- Leaving soffit lights on during the night added to the quaintness and the security of the commercial zones.
- It was easy to tell when a building exterior had been designed by an architect or a builder. An example of this was excessive soffit lights.
- Soffit lighting should not be allowed.
- The brightness of the applicant's soffit lighting had been reduced.
- String lights added charm.
- Soffit lights were cheaper than fixture lights.
- Swiss architecture did not include soffit lights.
- Fixture lights were lower on a building than soffit lights.
- The City left its Christmas lights on during the night.
- Soffit lights were acceptable if they were not too bright.
- The applicant should be present when a decision was made on soffit lights.

Motion: Council Member Drury moved to adopt the ordinance with the following conditions:

- Accepting Subsections 6b and 7 regarding string and seasonal lights

- Denying Subsection 6a
- Accepting subsection 9
- Continuing consideration of Subsection 3.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

7. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Purchase, Exchange, or Lease of Real Property

Motion: Council Member Drury moved to go into a closed meeting to discuss pending or reasonably imminent litigation and the purchase, exchange, or lease of real property.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	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 Payne moved to go out of the closed meeting.

Second: Council Member Dury seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Absent

Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

8. Adjournment

Motion: Council Member Drury moved to adjourn the meeting. Council Member Simons seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:02 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder