

Midway City Council
2 February 2021
Regular Meeting

Warrants

Report Criteria:

Detail report.
Invoices with totals above \$0 included.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
180								
180	BISCO	1639418	Tow & Stow Hitch and Hitch Lock	01/20/2021	240.89	.00		
Total 180:					240.89	.00		
220								
220	BROKEN ARROW	35624	TYPE C ROAD SALT	01/14/2021	645.58	.00		
220	BROKEN ARROW	35704	TYPE C ROAD SALT	01/21/2021	679.88	.00		
Total 220:					1,325.46	.00		
800								
800	MIDWAY IRRIGATION COMPANY	01122021	Irrigation Assessment on Bowden	01/12/2021	141.00	.00		
Total 800:					141.00	.00		
845								
845	MOUNTAINLAND SUPPLY COMP	S103913609.0	Supplies	01/12/2021	42.00	.00		
845	MOUNTAINLAND SUPPLY COMP	S103913609.0	Supplies	01/13/2021	37.00	.00		
845	MOUNTAINLAND SUPPLY COMP	S103913609.0	Supplies	01/15/2021	44.29	.00		
845	MOUNTAINLAND SUPPLY COMP	S103915815.0	Supplies	01/13/2021	243.21	.00		
845	MOUNTAINLAND SUPPLY COMP	S103916051.0	Supplies	01/13/2021	350.24	.00		
Total 845:					716.74	.00		
875								
875	OFFICE DEPOT	149096740001	SUPPLIES	01/14/2021	30.88	.00		
875	OFFICE DEPOT	149097434001	SUPPLIES	01/13/2021	10.40	.00		
875	OFFICE DEPOT	149097435001	Supplies	01/13/2021	347.60	.00		
875	OFFICE DEPOT	152499929001	SUPPLIES	01/22/2021	304.64	.00		
875	OFFICE DEPOT	152499929001	SUPPLIES	01/22/2021	227.04	.00		
875	OFFICE DEPOT	152508159001	SUPPLIES	01/22/2021	56.48	.00		
Total 875:					977.04	.00		
930								
930	Dominion Energy	01262021	6801020000 Admin Office	01/13/2021	268.71	.00		
930	Dominion Energy	2731063797 1/	2731063797 Community Center	01/13/2021	745.47	.00		
930	Dominion Energy	5770020000 1/	5770020000 TOWN HALL	01/13/2021	1,213.73	.00		
930	Dominion Energy	6558550000 1/	6558550000 Maintenance Shop 2	01/13/2021	1,497.01	.00		
Total 930:					3,724.92	.00		
945								
945	CENTURYLINK - 435-654-3227 2	01262021	PHONE SERVICE	01/07/2021	358.42	.00		
Total 945:					358.42	.00		
1045								
1045	STANDARD PLUMBING SUPPLY	MCDR51	SUPPLIES	01/20/2021	18.99	.00		
1045	STANDARD PLUMBING SUPPLY	MCLL64	SUPPLIES	01/23/2021	32.31	.00		
1045	STANDARD PLUMBING SUPPLY	MCLL69	SUPPLIES	01/23/2021	10.60	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1045	STANDARD PLUMBING SUPPLY	MCNB39	SUPPLIES	01/25/2021	2.69	.00		
1045	STANDARD PLUMBING SUPPLY	MCP060	SUPPLIES	01/25/2021	11.58	.00		
Total 1045:					76.17	.00		
1150								
1150	HOME DEPOT Credit Services	7612443	OFFICE SUPPLIES	01/15/2021	331.77	.00		
1150	HOME DEPOT Credit Services	7612443	WATER EQUIPMENT	01/15/2021	1,085.00	.00		
1150	HOME DEPOT Credit Services	WM30430670	AMANDA BLINDS OFFICE	01/26/2021	78.41	.00		
Total 1150:					1,495.18	.00		
1170								
1170	TIMBERLINE ACE HARDWARE	139234	BUILDINGS	01/16/2021	85.92	.00		
1170	TIMBERLINE ACE HARDWARE	139291	SHOP SUPPLIES	01/19/2021	32.97	.00		
1170	TIMBERLINE ACE HARDWARE	139323	SHOP SUPPLIES	01/20/2021	12.44	.00		
1170	TIMBERLINE ACE HARDWARE	139394	SHOP SUPPLIES	01/25/2021	72.98	.00		
1170	TIMBERLINE ACE HARDWARE	139395	SHOP SUPPLIES	01/25/2021	19.00-	.00		
Total 1170:					185.31	.00		
1310								
1310	WASATCH AUTO PARTS	214901	BRAKE SUPPLIES	01/19/2021	178.55	.00		
1310	WASATCH AUTO PARTS	214953	BRAKE CALIPERS/BRK FLUID	01/20/2021	178.17	.00		
1310	WASATCH AUTO PARTS	214973	ROTARY FILE/CARB BUR	01/20/2021	23.78	.00		
1310	WASATCH AUTO PARTS	215296	SHOP SUPPLIES-VEHICLES	01/25/2021	103.70	.00		
Total 1310:					484.20	.00		
1365								
1365	WAVE PUBLISHING	J81804	WINDOW ENVELOPES-PEEL AN	12/31/2020	256.00	.00		
1365	WAVE PUBLISHING	L17117	PLANNING COMMISSION	01/06/2021	83.26	.00		
1365	WAVE PUBLISHING	L17118	OPEN SPACE COMMITTEE	01/06/2021	32.38	.00		
1365	WAVE PUBLISHING	L17131	PUBLIC HEARINGS-CC	01/13/2021	143.38	.00		
Total 1365:					515.02	.00		
1421								
1421	HEBER LIGHT & POWER	463	Labor, Material & Overhead	01/19/2021	899.97	.00		
Total 1421:					899.97	.00		
1678								
1678	MHL SYSTEMS	21-15204	End Gaurds	01/21/2021	631.80	.00		
Total 1678:					631.80	.00		
1872								
1872	TruckPro LLC Six States	14 390989	Service	01/20/2021	183.80	.00		
Total 1872:					183.80	.00		
1917								
1917	HOSE & RUBBER SUPPLY LLC	01502118	Supplies	01/18/2021	244.32	.00		
Total 1917:					244.32	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1992								
1992	K O ELECTRIC, INC.	4753	Work on Midway Ice Rink	01/25/2021	159.00	.00		
Total 1992:					159.00	.00		
2164								
2164	POINT S	0171852	Tires 3/4 ton Dodge	01/26/2021	1,393.23	.00		
Total 2164:					1,393.23	.00		
2387								
2387	CENTURY 21	190761970	Phone Services	01/12/2021	1,024.42	.00		
Total 2387:					1,024.42	.00		
2400								
2400	BRANDEN RUSSELL	01272021	Investigations Training - Per Diem	01/27/2021	294.00	.00		
Total 2400:					294.00	.00		
2418								
2418	FINAL COMPLETION DEPOSIT	20-078 FCD	20-078 FINAL COMPLETION DE	01/26/2021	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-140 FCD	20-140 FINAL COMPLETION DE	01/26/2021	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-147 FCD	20-147 FINAL COMPLETION DE	01/26/2021	1,500.00	.00		
2418	FINAL COMPLETION DEPOSIT	20-188 FCD	20-188 FINAL COMPLETION DE	01/26/2021	1,500.00	.00		
Total 2418:					6,000.00	.00		
2561								
2561	CENTURYLINK -435-654-3924 45	3924 453B BA	Phone/Internet	01/07/2021	172.28	.00		
Total 2561:					172.28	.00		
2562								
2562	CENTURYLINK 435-654-4204 77	01262021	Phone Service	01/07/2021	52.51	.00		
Total 2562:					52.51	.00		
2569								
2569	Law Enforcement Training Assoc,	1022	Investigations Training - Tuition	01/26/2021	1,380.00	.00		
Total 2569:					1,380.00	.00		
2573								
2573	L.N. Curtis & Sons	455920	EQUIPMENT	01/15/2021	559.48	.00		
2573	L.N. Curtis & Sons	INV457764	EQUIPMENT	01/22/2021	109.72	.00		
Total 2573:					669.20	.00		
2686								
2686	Brandon Rose	01272021	Investigation Training - Per Diem	01/27/2021	294.00	.00		
Total 2686:					294.00	.00		
2700								
2700	Car Quest Auto Parts	15341-81071	2020 CHEV COLORADO OIL/FIL	01/26/2021	30.04	.00		
2700	Car Quest Auto Parts	15341-UD6616	SUPPLIES	08/10/2020	124.47	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2700:					154.51	.00		
2709								
2709	Celeste Johnson	01252021	Strategic Planning Meeting	01/21/2021	575.68	.00		
Total 2709:					575.68	.00		
2800								
2800	BRIAN GARDNER	01272021	Investigations Training - Per Diem	01/27/2021	294.00	.00		
Total 2800:					294.00	.00		
2868								
2868	SHERWIN WILLIAMS CO	3859-2	Supplies	01/14/2021	38.37	.00		
2868	SHERWIN WILLIAMS CO	7652-1	Supplies	01/19/2021	35.44	.00		
2868	SHERWIN WILLIAMS CO	7687-7	Supplies	01/21/2021	53.67	.00		
Total 2868:					127.48	.00		
2871								
2871	SBR TECHNOLOGIES	201202-0014	Service on Plotter for 1 year	12/02/2020	995.00	.00		
Total 2871:					995.00	.00		
2874								
2874	ZIONS PUBLIC FINANCE, INC	5787	DISCLOSURE PREPARATION A	01/26/2021	500.00	.00		
Total 2874:					500.00	.00		
Grand Totals:					26,285.55	.00		

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Treasurer: _____

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Midway City Council
2 February 2021
Regular Meeting

Minutes of the
15 December 2020
Regular Meeting



Memo

Date: 25 January 2021

To:

Cc:

From: Brad Wilson, City Recorder/Financial Officer

RE: Minutes of the 15 December 2020 City Council Regular Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

**Tuesday, 15 December 2020, 5:00 p.m.
Electronic Meeting**

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

Mayor Johnson called the meeting to order at 5:06 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

Brad Wilson, Recorder/Financial Officer

Others Present:

John Woodward, Wasatch County
Attorney's Office
Jared Rigby, Wasatch County Sheriff

Staff Present:

Corbin Gordon, Attorney

- 2. Resolution 2020-39 / Enterprise Zones** (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly approve Resolution 2020-39 authorizing application for the renewal of state sponsored enterprise zones within Midway City.

Mayor Johnson made the following comments:

- Enterprise zones had been adopted by the City in 2012 and renewed in 2017.
- 2020 was the last year that they could be renewed.
- The renewal would be for five years then the program would be discontinued by the State.
- No business in Midway had participated in the program.
- The program was more for large businesses like the Homestead.
- The City should be more proactive and reach out to businesses.
- Hideout was going to designate its whole city as an enterprise zone. They wanted to encourage a commercial base which they did not have.
- The program would benefit the City because there was no cost, and it would be available

to business owners.

- Currently the commercial and resort zones were designated as enterprise zones.

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

- Several businesses had learned about the program.
- The program would not work for individual transient rentals.
- There was no downside to simply designating enterprise zones.
- Wasatch County and Heber City discussed expanding their enterprise zones to plan for future development.

Motion: Council Member Drury moved to approve Resolution 2020-39 authorizing application for the renewal of state sponsored enterprise zones within Midway City. The enterprise zone would be the current Midway City limits including recently annexed areas such as the Wasatch Mountain State Park, Whitaker Farm, etc.

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. Resolution 2020-32 / Law Enforcement Agreement (City Attorney – Approximately 30 minutes) – Discuss and possibly approve Resolution 2020-32 adopting a law enforcement agreement between Midway City and the Wasatch County Sheriff's Department.

Corbin Gordan reviewed the proposed agreement and addendum "A" and made the following comments:

- It was like the original proposal.
- The Wasatch County Attorney's Office made some changes including base service becoming general duties. These duties were provided to everyone in Wasatch County.
- The Sheriff's Department had a \$300,000 shortfall for dispatch.
- Wasatch County proposed that Midway pay 15% of the projected dispatch cost that year. There was not an agreement on these staged increases.
- The Council needed to decide if dispatch should be included in the proposed \$252,000.
- Was comfortable with the agreement.
- The County needed a commitment on the amount paid so that it could adjust personnel. They wanted predictability in hiring. They could deny a request by the City to change the amount paid.
- The County would have to give twelve months' notice to terminate the agreement.
- The agreement was tied to hours so projections could be made.
- An agreement needed to be reached before the end of the year or the City would forgo

service for the coming year.

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

- Addendum “A” addressed the phasing of dispatch costs.
- It was worrisome that the County could deny a change in the costs. Midway might have a budget issue that required a change.
- The City needed uniformity in budgeting.
- The number of additional hours provided would have to be reduced if dispatch costs were included in the proposed amount.
- The Council should decide how many hours of additional service it wanted.
- The dispatch costs should be based on the services used and not the population of the entity.
- All entities should pay for the additional services that they used.
- Midway should pay for the dispatch services that it used.
- Not everyone was paying the same for the identical services.
- The contract should be simpler.
- Why was there a shortfall in dispatch and who should pay that cost?
- There needed to be more justification for the dispatch costs.
- The same hourly rate should be applied to all services including dispatch.
- Should dispatch be included in the hourly rate charged to the City?
- The amount of service provided to the City should be specified in the agreement.
- The City would not be billed for unused services.
- The Addendum specified where law enforcement would be focused.

Note: Council Member Orme left at 5:51 p.m.

Sheriff Rigby reviewed the hours that would be provided if the agreement were for \$252,000 including dispatch. He indicated that the hours would be 52 a week which was a decrease from the current 60. He made the following additional comments:

- He could allocate resources to problem traffic areas.
- Heber City already contributed \$100,000 for dispatch services.
- Hideout Town would start contracting for additional services.
- Other communities did not pay for additional services because they did not use them.
- A cost estimate was needed each March for the City to prepare its budget that began in July.
- Wanted to be helpful and work with the City.
- Recommended the agreement as presented, but the County Manager would have to sign it.
- Previously provided notice that the current contract would end at the end of that year.

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

- A fixed five-year contract could provide stability to the County.
- Could the cost and hours provided be determined that night with the agreement refined over the next several days?
- Should 225 hours a month be the minimum?

John Woodward, Wasatch County Attorney's Office, made the following comments:

- Wasatch County needed a signed agreement, along with the addendum, before the end of the year.
- The agreement was clear.
- Was comfortable lowering the hours to get to \$252,000 the first year then figuring out the other issues the following year.
- Dispatch was important.
- A one-year contract was problematic because of the proposal to increase dispatch costs over several years.

Note: Council Member Orme returned at 6:10 p.m.

- The agreement could be refined, and the Mayor approve and sign it, or it could be considered at the January 19th council meeting.

Motion: Council Member Payne moved to approve a five-year agreement with a \$252,000 a year budget, with the flexibility to adjust the amount upwards in the future, and authorized the changes being made and the Mayor signing it hopefully before the end of the year.

Discussion: Council Member Simonsen asked to work with the Mayor to finalize the agreement. He wanted the agreement to be clear and specific.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Dougherty expressed concern that the changes to be approved by the Mayor were significant and more than refinements.

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

Council Member Dougherty asked if extra law enforcement for events like Swiss Days was budgeted separately. Mayor Johnson responded that it was budgeted separately.

Council Member Simonsen asked if law enforcement could be a separate line item on residents' property tax notices. Brad Wilson did not know if that was allowed.

4. 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 6:24 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT

Midway City Council
2 February 2021
Regular Meeting

Minutes of the
5 January 2020
Work Meeting



Memo

Date: 26 January 2021
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 5 January 2021 City Council Regular Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

MINUTES OF THE MIDWAY CITY COUNCIL

(Work Meeting)

Tuesday, 5 January 2021, 5:00 p.m.
Midway City Office Building, Upstairs Conference Room
75 North 100 West, 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, 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

Mayor Johnson called the meeting to order at 5:16 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member

Kay Rust, Midway Village Arts Center
Foundation
Marvin Rust, Midway Village Arts Center
Foundation
Mindy McMaster, Midway Village Arts
Center Foundation
Stu Waldrip, Midway Village Arts Center
Foundation
Sue Waldrip, Midway Village Arts Center
Foundation
Laura Wardle, Midway Village Arts Center
Foundation
Randon Wilson, Midway Village Arts Center
Foundation

Staff Present:

Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Others Present:

Dan Luster, Luster Development

2. Performing Arts Center (Sue Waldrip – Approximately 1.5 hours) – Receive a presentation and discuss a potential performing arts center in Midway City.

Dan Luster, Luster Development, made the following comments:

- Was a businessman and idealist.
- Liked the view corridor protected with his Whitaker Farm Subdivision.
- Needed to protect his investment.
- The meeting was not to approve his project where the theater was proposed. The purpose was to decide if a theater should be in Midway and should it be at the proposed location.

- What kind of retail did the City want on Main Street? Malls were being replaced with online shopping and experiential retail.
- The theater was a good idea that needed the cooperation of the City.
- The second phase of his project would require allowing some commercial development in a residential zone. The first phase met all the requirements of the Municipal Code.
- Owned all the applicable property except the vehicle repair shop. Wanted to acquire and move the shop to preserve the view corridor.
- The proposal would include high end townhouses, nightly rentals and second homes in the front, and prime real estate in the back.
- Did not want to have an access on 400 East.
- All parking would be above ground.

Members of the Midway Village Arts Center Foundation gave a presentation regarding the request and reviewed the following items:

- What a theater would offer
- Project timeline
- Feasibility and economic impact studies
- Traffic study

They also made the following comments:

- Would not participate in the plan for a theater at the Utah Valley University (UVU) Heber Campus. The plan would not allow High Valley Arts to grow and would be a lateral move. Did not want to compete with other organizations for the use of a facility.
- The proposal had been presented to the Open Space Advisory Committee. The Committee was receptive.
- Wanted to use open space bond money to create more open space. The repair shop would be moved as part of the proposal.
- Liked Midway.
- The owners of the repair shop were receptive to the proposal.
- It would be impossible for them to fundraise if the City supported the theater at UVU.
- Taxpayer funding of a theater would be difficult, although theaters along the Wasatch Front received significant government funding.
- A founder's circle had been formed.
- Had already approached donors including prominent foundations and families. There was a favorable response, but they wanted more detail.
- The community could use the theater. 30% of the stage time would be available.
- The Shalleck Collaborative, Greystone Strategies, and Victus Advisors had been hired to assist with the proposal.
- The traffic study was only for the highest use hours.
- Use of venues would not be stacked.
- An endowment would be set up for maintenance.
- Rent would be collected for use of the facility.
- Wanted the theater to be successful.
- There was already a good cash reserve for the project.
- High Valley Arts (HVA) would be the resident theater company.
- There would not be any debt to service.
- The theater would have an LED screen instead of a fly. This would reduce the building height.

- Based its projections on the CenterPoint Legacy Theater which was self-sustaining.
- The proposers had a history of raising money.
- Would increase the number of tickets sold by having a nice theater with stadium seating.
- There would be a rehearsal studio.
- HVA's attendance had been increasing significantly.
- A theater would allow a full season.
- There would be adult and children's programs which would bring in revenue.
- Not all revenue came from ticket sales.
- The per ticket cost could increase from \$17 to \$20 plus.
- The area could not sustain two theaters. They might compete for donors.
- The proposal would retain the spirit of Midway and have a European feel.
- The Midway Town Hall had metal chairs and poor viewing.
- Marvin Rust would manage the theater as a volunteer.
- HVA had been successful for twelve years.
- At the very least the City should support both theaters.

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

- A decrease in the size of the project would lower revenue projections for the theater.
- The Municipal Code and Zone Map would have to be amended to allow the theater and the commercial development in the residential zone.
- The letter of support, signed by the Mayor, was just for an initial study of the location at UVU.
- The study, for the Foundation's proposal, only included traffic for the main stage.
- Traffic to the theater would be at the same time as traffic coming from work. The Foundation responded that peak hours for the theater would be just before the work traffic.
- The intersection of Main Street and 400 East would have to be improved to accommodate the proposal.
- The theater property should be deed restricted so that it did not become something undesirable in the future.
- The attendance and revenue projections were optimistic.
- The City did not want to see the proposal fail but normally did not choose winners or losers.
- There was a limited market that could not sustain two theaters.
- The facility planned for UVU was a true community arts center.
- The City should not financially support the UVU theater.
- The letter of support for the UVU theater, from the City, could be used for fundraising even though it only endorsed a feasibility study.
- Would the University help maintain the theater at its Heber Campus? The Foundation responded that it was just donating the land.
- HVA did not want to be part of the UVU theater because it would have limited control.
- The City had supported HVA with limited rent for the use of its buildings.
- The Foundation's proposal was better for Midway.
- The City should only consider land use and not the feasibility of a business.
- The City should ask the same questions of the proponents of the UVU theater.
- The City should get a sense of what the community wanted.
- The meeting was just the beginning of a process.

3. Adjournment

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

The meeting was adjourned at 7:08 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
2 February 2021
Regular Meeting

Minutes of the
19 January 2020
Regular Meeting



Memo

Date: 29 January 2021

To:

Cc:

From: Brad Wilson, City Recorder/Financial Officer

RE: Minutes of the 19 January 2021 City Council Regular Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

**Tuesday, 19 January 2021, 5:00 p.m.
Electronic Meeting**

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 5:03 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

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 2021 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 1 December 2020 City Council Regular Meeting
- d. Minutes of the 1 December 2020 City Council Closed Meeting
- e. Second one-year extension of preliminary approval for the LaBarge Subdivision located at 922 North Pine Canyon Road
- f. Conclude the warranty period and release the remainder of the bond for the Canyon View PUD, Phase 2 located at Burgi Lane and Canyon View Drive subject to the payment of all fees due to Midway City
- g. Aimee Armer as a regular member of the Midway City Open Space Advisory Committee
- h. Rene Holm as an alternate member of the Midway City Open Space Advisory Committee
- i. Jared Neal as an alternate member of the Midway City Open Space Advisory Committee

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

Council Member Dougherty asked about the warrant to Wasatch Property Maintenance. Wes Johnson explained that the company also did construction and was building the trail along Homestead Drive.

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

3. Mountain Spa / Water Change Application (Berg Engineering – Approximately 10 minutes) – Discuss and possibly approve a water rights change application for the Mountain Spa located at 800 North and 200 East.

Corbin Gordon gave a presentation regarding the request and reviewed the processing of foreign water. He also made the following comments:

- The applicant had acquired 100-acre feet of water from Kamas that could be used by the Midway Irrigation Company through the Provo River.
- The applicant wanted to use 70-acre feet of the water for the first phase of the Mountain Spa. 4-acre feet would be for culinary use. The remaining 30-acre feet would be used for the second phase. This water would be restricted to the project. Any remaining water would be subject to another agreement with the Irrigation Company.
- An agreement had been reached with the Irrigation Company. The Company would charge a buy-in fee. The fee would be disclosed on the plat map.
- The applicant owned some other water rights that would replace a portion of the Kamas water if a change application were approved.
- The Kamas water had a yearly assessment that would have to be paid by the City.

Motion: Council Member Dougherty moved to authorize the Mayor to sign the change application, for the Mountain Spa property, with the intent that the water was used as irrigation as discussed and the other agreements would be dealt with later.

Second: Council Member Drury seconded the motion.

Discussion: Council Member Orme asked if the ownership of the water rights would be verified.

Mr. Gordon responded that the State Engineer would do that verification. She asked if the approval would set bad precedence. Mr. Gordon responded that it would not.

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

- 4. Kim Bezzant Subdivision / Plat Amendment** (Berg Engineering – Approximately 15 minutes) – Discuss and possibly approve an amendment to the plat map for the Kim Bezzant Subdivision located at 640 East 200 South (Zoning is R-1-11). Recommended without conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the Kim Bezzant Subdivision
- Recorded plat map
- Proposed plat map
- Discussion items
- Edelweiss Meadows plat map
- 200 South road alignment
- Planning commission recommendations
- Proposed conditions
- Water board recommendation
- Storm drain pond

Mr. Henke also made the following comments:

- The proposed amendment was needed for the Edelweiss Meadows Subdivision.
- Parcel “B” would be vacated from the plat map and the land for 200 South would be dedicated to the City.
- The vacation would allow the parcel to have a different development name.
- Any conditions should be included in the approval motion.
- The proposed road through Edelweiss Meadows was moved north to accommodate the Neerings Subdivision. Had received a drawing from Clint Neerings showing that the alignment would work. The Neerings Subdivision could also be adjusted to accommodate the road.

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

Paul Berg, Berg Engineering Resource Group and representing the applicant, made the following comments:

- The alignment of the road was moved north so that the effected lot, in the Neerings

Subdivision, would have a 100-foot height. The Neerings could adjust the lot to be 11,000 square feet.

- Spoke to Clint Neerings regarding the sewer line going through the Neerings Subdivision.

Clint Neerings, representing the Neerings Subdivision, made the following comments:

- The motion, granting preliminary approval for Edelweiss Meadows, stated that the road had to be adjusted so that the effected lot in his subdivision would be buildable.
- He would have to bend the lot 10 feet to the east with the proposed road alignment.
- Questioned how the alignment would work if the road were supposed to continue through to Michie Lane.
- Had not been contacted by anyone representing Edelweiss Meadows regarding the road alignment.

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

- There should be a finding with the motion that the amendment complied with the development agreement for the Kim Bezzant Subdivision.

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 the Kim Bezzant Subdivision plat amendment with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.
- It complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City's General Plan.
- The proposal complied with the development agreement for the Subdivision.
- The plat map would include a complete description of the right-of-way to be transferred to the City.
- The plat map would include a signature block where Kim Bezzant could sign and transfer the right-of-way to the City.
- It would be such that no additional surveys, revised plat maps, or other documentation would be required to complete the transfer of the property to the City.
- The developer would provide and maintain access to the Kim Bezzant home with a minimum of a gravel approach during the development of the adjacent property.
- Any damage to the property (Yard, fence, irrigation system, and driveway) outside of the right-of-way would be restored to Mr. Bezzant's satisfaction by the developer.

Second: Council Member Dougherty seconded the motion.

Discussion: Council Member Orme asked if 200 South, as it went through the area, would be discussed with the next agenda item. Mr. Henke responded that it would be discussed.

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

5. Edelweiss Meadows Subdivision / Final Approval (Berg Engineering – Approximately 10 minutes) – Discuss and possibly grant final approval for the Edelweiss Meadows Subdivision located at 640 East 200 South (Zoning is R-1-11). Recommended with conditions by the Midway City Planning Commission.

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

- Land use summary
- Location of the proposed development
- Site plan
- Detention pond
- Temporary turnaround
- Discussion items
- Water board recommendation
- Planning commission recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The Planning Commission discussed noting on the plat map that the turnaround would be temporary. They worried that property owners in the development would in the future oppose the through road.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- The developer had moved the road north to accommodate the Council's request at preliminary approval. Did the Council want it to be moved further?

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

- The sumps at the bottom of the detention basin would indicate if someone had tried to fill it in. All basins were inspected annually by the City Engineer's office. The elevation of the basin would be on the as-built plans for the development.
- The plat map should note that the cul-de-sac would be temporary, and the road would be a through street. An on-site sign should also note that it was temporary.
- The road had been moved far enough north to accommodate the Neerings family.

- The road should not devalue neighboring property.
- How could the City satisfy the Neerings family's concerns?
- The current road alignment would allow the effected lot in the Neerings Subdivision to meet city requirements. The road would have to be moved further north for the effected lot to be square.
- Would the proposed alignment allow the road to go through to Michie Lane? The alignment would allow it to go on the north side of the parcel to the east of the Neerings Subdivision. There would have to be an offset intersection in the Neerings Subdivision to allow it to go through the middle of the parcel. There might not be enough distance for an offset intersection. The Neerings family was not opposed to an offset intersection but it would be awkward. The road could connect to Michie Lane using 740 East.
- The east side of the effected lot would be 100 feet if the boundary went to the middle of the curve on the northeast corner.
- Who would install the utilities in 200 South into the Neerings Subdivision? The Subdivision already had the necessary utilities. The sewer line would be deep and expensive to install. The Neerings family had to build the stub road and the associated utilities. This issue could be discussed outside of the meeting.
- The applicant planned to run the sewer south through Fox Den Estates because he could not reach an agreement with the Neerings family. This would be temporary until it could be connected through the Neerings Subdivision. The sewer was not the City's concern. Why should the developer pay to install the line and then to relocate it? The temporary line should only be allowed if the Neerings family did not grant an easement at no cost. The Neerings family was willing to grant such an easement if the effected lot in their development was not reduced in size.

Motion: Council Member Payne moved to grant final approval for the Edelweiss Meadows Subdivision with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.
- The proposal complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City's General Plan.
- 200 South would be moved an additional three feet to the north beyond what had been proposed that evening.
- The sewer line would go through the planned future permanent route through the Neerings' property if an easement could be negotiated at no cost. If an easement could not be obtained, then it could go through the proposed temporary location.

Second: The motion did not receive a second.

Note: Council Member Orme indicated that she lived in one of the houses with the temporary sewer easement and would recuse herself from voting on the item.

Motion: Council Member Payne moved to grant final approval for the Edelweiss Meadows Subdivision with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.
- The proposal complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City's General Plan.

- 200 South would be moved an additional three feet to the north beyond what had been proposed that evening.
- The sewer line would go through the planned future permanent route through the Neerings' property if an easement could be negotiated at no cost. If an easement could not be obtained within two weeks, then it could go through the proposed temporary location. The City Attorney and City Engineer would be involved in this discussion.
- A note would be included on the plat map informing the future owner of lot three that the pond could not be modified in any way that reduced capacity or functionality of the stormwater runoff pond.

Second: Council Member Drury seconded the motion.

Discussion: Council

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

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

6. Resolution 2021-01 / Edelweiss Meadows Development Agreement (City Attorney – Approximately 5 minutes) – Discuss and possibly approve Resolution 2021-01 adopting a development agreement for the Edelweiss Meadows Subdivision located at 640 East 200 South (Zoning is R-1-11).

Corbin Gordon reviewed the proposed agreement and indicated that he would add the conditions from the motion.

Council Member Dougherty added that the Midway Irrigation Company wanted the developer to request a will serve letter from them.

Motion: Council Member Payne moved to approve Resolution 2021-01, adopting a development agreement for the Edelweiss Meadows Subdivision, with the changes required because of the conditions in the motion for final approval.

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	Recused
Council Member Payne	Aye
Council Member Simonsen	Aye

Council Member Simonsen wanted to ensure that the minutes referenced the discussion of 200 South and that there might be some future consideration of the issue, including contemplating that the road end at 740 East.

7. Lime Canyon Meadows / Plat Amendment (Berg Engineering – Approximately 10 minutes) – Discuss and possibly approve an amendment to the plat map for the Lime Canyon Meadows Subdivision located at 971 West Lime Canyon Road (Zoning is R-1-22). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Proposed amendment
- Consent letter from the Homestead Group LLC
- Location of the development
- Location of transmission lines
- Recorded plat map
- Proposed plat map
- Discussion items
- Planning commission recommendations
- Possible findings

Mr. Henke also made the following comments:

- A portion of the homestead water line easement would be reduced from 15 feet to five feet.
- There needed to be enough width for a backhoe to access the irrigation line.
- The public utility easements (PUE) would remain at ten feet.
- The City or a private utility had the right to use the PUEs for the public's benefit.

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

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

- Private easements should not be on plat maps and should not be enforced by the City.
- The Homestead irrigation easement should be removed from the plat map.

Paul Berg, Berg Engineering Resource Group and representing the applicant, responded that all easements should be shown on plat maps.

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 the Lime Canyon Meadows plat amendment with the following findings:

- The proposal met the intent of the General Plan for the R-1-22 zone.
- The proposal complied with the land use requirements of the R-1-22 zone.
- The proposed amendment would only impact the Homestead's private irrigation easement.
- A letter of consent from Scott Jones of The Homestead Group LLC was received. The letter endorsed the amendment.
- The public utility easement would remain unchanged.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Simonsen asked if Mr. Henke agreed that the Homestead easement should not be on the plat map. Mr. Henke agreed and said that it could be removed, as part of the motion, and replaced with a private easement agreement. Council Member Drury wondered why this applicant should be penalized for having the easement on the plat map.

Vote: The motion was not approved with the Council voting as follows:

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

Motion: Council Member Dougherty moved to approve the amendment subject to the following findings and conditions:

- Any indication of the private easement on the northwest boundary of lot four would be removed, if the private parties could enter into a private easement agreement within two weeks.
- Was reluctant to remove the private easement along Lime Canyon Road because its full purpose was unknown.

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	Nay
Council Member Payne	Aye
Council Member Simonsen	Aye

8. Hot Springs Annexation / Further Consideration (Berg Engineering – Approximately 30 minutes) – Discuss and possibly approve for further consideration the Hot Springs

Annexation containing 12.26 acres located at 1477 North Pine Canyon Road.

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

- Further consideration
- Land use summary
- Location of the proposed annexation
- Zone map
- Annexation plat map
- Sensitive lands map
- Setbacks for the resort zone
- Items to consider
- Requirement for a development concept plan
- Possible findings

Mr. Henke also made the following comments:

- Further consideration did not include looking at every detail.
- The Council had broad discretion during annexation.
- The petitioner requested the resort zone.
- The City received approval from Wasatch County to leave an unincorporated peninsula. The petition would create a peninsula within another peninsula. This would again require approval from the County.
- The petitioner did not have enough land or land value to bring in the other unincorporated parcels.
- A concept plan was required if the property would be developed.
- Land could be annexed for preservation and not development.
- The petitioner could ask for the RA-1-43 zone then request a change to resort zone in the future. The Council had discretion in changing a zone.

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

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

- If the Council did not approve or deny the application within a certain time, then it would automatically be considered approved.

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- No development was planned at that time on the property.
- It was a difficult situation for the petitioner to own property within an unincorporated peninsula created by the City.
- The Utah Code allowed sections of unincorporated islands to be filled in.
- The City violated two sections of its municipal code when it created the island.
- It was in the best interest of the City not to annex the entire island.
- A concept plan was only required if the land was intended for development.

- The petitioner wanted culinary water for the hot springs on the property.
- The property would not be developed at that time.
- An annexation agreement could be written to continue the City's flexibility from the annexation to the development process.
- The petitioner would withdraw the annexation and support any future annexation if the Council granted him a culinary water connection.
- Requiring a concept plan would force the petitioner to consider development.
- A neighboring property owner was pursuing development in the County.

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

- The City would lose an opportunity if a concept plan were not submitted.
- Annexation was the best time to deal with certain development issues.
- Granting a water connection would eliminate any need for the petitioner to annex the property.
- Further consideration would allow further exploration of the proposal.
- The property should be zoned RZ because it included famous area hot springs.
- It was beneficial for the City to be the development authority for the property.
- The property and surrounding area were unique, and their possibilities should be explored.
- There should not be a lot of condominiums on the property.
- A water connection should not be granted without annexation.
- Development in the County was limited especially without culinary water.
- Conservation of the property should be considered.
- The sensitive lands restrictions applied to all zones.
- The City should be careful when considering an annexation agreement that supposedly continued its discretion from annexation to the development process.

Motion: Council Member Drury moved to approve for further consideration the annexation for the hot springs' property, with the discussion that evening being considered as the process moved forward.

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. Dance Annexation / Further Consideration (Summit Engineering – Approximately 30 minutes) – Discuss and possibly approve for further consideration the Hot Springs Annexation containing 6.98 acres located at 1199 South 900 West.

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

- Land use summary
- Location of the proposed annexation
- Current conditions
- Access
- Surrounding area
- Highlands at Soldier Hollow plat map and access
- Vicinity map
- Concept plan
- Land swap for future road planning
- Discussion items
- Timing

Mr. Henke also made the following comments:

- The General Plan would need to be changed for the requested zone.
- The annexation would not create an unincorporated peninsula.
- There would be a temporary cul-de-sac until the road went through to the Highlands at Soldier Hollow.
- The petitioner wanted one lot at that time but four in the future. This was less density than the maximum allowed in the City or County.
- Did not know of any other situation where a city road was accessed by a county road.
- The annexation was tied to the concept plan and would have to be amended in the future for the additional lots.
- Access to culinary water was the main reason for the petition.
- The gate for Cascades Springs Road would be moved to the west to accommodate the second entrance for the Highlands at Soldier Hollow.
- Wards Lane was a substandard road and would only be used as an emergency access.
- The other lots could be allowed when the through road was completed.
- The cul-de-sac could be private so that it did not need to be maintained by the City.

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

Doug Dance, petitioner, indicated that Wards Lane would have 20 feet of asphalt and passable. He added that there would be full access from the west.

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

- The property was unique.
- There was no incentive for surrounding properties to be annexed.
- The proposed city street could be an island. It should be private.
- It was a low-density area.
- The existing road to the property should be a 20-foot private driveway. This could not be done because the lots needed frontage.
- The accesses needed to be finalized.

Motion: Council Member Drury moved to approve the Dance Annexation for further consideration and incorporate that evening's discussion in any plans or meetings moving forward.

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. Utah Strong Recovery Project / Presentation (Cindy Wilmshurst – Approximately 15 minutes) – Received a presentation regarding the Utah Strong Recovery Project administered by the Utah Division of Substance Abuse and Mental Health.

Cindy Wilmshurst, Utah Department of Human Services, gave a presentation on the Utah Strong Recovery Project and reviewed the following items:

- Overview
- Purpose
- COVID-19 pandemic
- Helping communities
- Kaiser Family Foundation poll
- Mental health statistics
- Infection rate statistics
- Counseling
- Education groups
- Support groups
- Helpline
- Promotion
- Helping minority communities

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

11. Wasatch Caring Community Coalition / Presentation (Trudy Brereton – Approximately 15 minutes) – Received a presentation from the Wasatch Caring Community Coalition.

The item was not considered.

Motion: Without objection, Mayor Johnson recessed the meeting at 8:40 p.m. She reconvened

the meeting at 8:46 p.m.

12. Financial Statements / Audit Report (Approximately 20 minutes) – Receive a presentation on the fiscal year 2020 financial statements (Ryan Child) and audit (Ben Probst).

Nicole Nelson, Child Richards CPAs & Advisors, reviewed the FY 2020 financial statements. She specifically reviewed the statement of net positions, balance sheet for government funds, business type funds, and bonds.

Ben Probst, Gilbert & Stewart, presented the audit report. He gave a clean audit opinion and had no state compliance findings.

Brad Wilson thanked both companies for their work.

13. Ordinance 2021-02 / Cannabis Production Establishments (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2021-02 amending Title 16 (Land Use) of the Midway City Municipal Code regarding cannabis production establishments. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Code text addition
- Zoning map
- Findings

Mr. Henke also made the following comments:

- The State changed the requirements regarding cannabis production.
- Local governments could decide where it occurred.
- If the City did not choose a location, then production would default to all agricultural and industrial zones. This would include all residential zones because they allowed agriculture.
- It could be prohibited in the commercial zone when the area for the business and manufacturing park zone was annexed into the City.
- Had to be a permitted use.
- Distribution of cannabis would be a separate ordinance.
- Had to include agricultural and commercial zones.
- An increase in traffic could not be considered.
- The RA-160 zone could be excluded.
- Additional requirements could be added to mitigate concerns.
- Any growing in a building would have to meet the City's greenhouse requirements. Other buildings, such as those used for storage, did not have to meet these requirements.

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

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

- Setbacks for buildings could be modified in the future.
- There were concerns with any agricultural structure next to residences. Agricultural uses could be as significant as commercial uses.
- Some municipalities based their setbacks on the use.

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 adopt Ordinance 2021-02 regarding cannabis production establishments.

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

14. Impact Fees / Report (City Recorder – Approximately 10 minutes) – Receive a report on the receipt and expenditure of impact fees for fiscal year 2020.

Brad Wilson gave a presentation on the impact fee report for fiscal year 2020.

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

Wes Johnson reviewed impacts fees, what they could be used for, and how quickly they had to be used.

15. 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.

16. Department Reports

Midway Boosters / Officers & Members

Council Member Drury reported that the Midway Boosters installed new officers and were looking for new members.

Ice Rink / Update

Council Member Drury reported that the ice rink was busy.

Swiss Days

Council Member Drury reported planning was proceeding for Swiss Days but a final decision on it being held would be made in June.

Ice Rink / Wasatch Community Foundation

Mayor Johnson reported that the Wasatch Community Foundation needed funds. She suggested that a percentage of the proceeds from a night at the ice rink be donated. Council Member Drury responded that would be the concessionaires' decision, but he would talk to him.

Midway Irrigation Company / Will Serve Letter

Council Member Dougherty reported that the Midway Irrigation Company wanted all developers to obtain a will serve letter from them.

Midway Irrigation Company / Valais Line Agreement

Council Member Dougherty reported that a draft agreement had been prepared, between the Midway Irrigation Company and the developer for The Reserve, regarding the Valais irrigation line.

PPP Loans

Council Member Dougherty reported that more paycheck protection program (PPP) money was available to be loaned.

HL&P / Budget

Council Member Dougherty reported that Heber Light & Power Company approved its budget for the upcoming fiscal year.

Pandemic / Vaccinations

Mayor Johnson reported that some technical challenges were being worked out with vaccinating

residents for COVID-19. She indicated that she and several public works employees had already been vaccinated.

17. 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 9:55 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
2 February 2021
Regular Meeting

Minutes of the
21 January 2020
Planning Meeting



Memo

Date: 29 January 2021
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 21 January 2021 City Council Planning Meeting

Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

**MINUTES OF THE
MIDWAY CITY COUNCIL
(Annual Planning Meeting)**

**Thursday, 21 January 2021, 9:00 a.m.
The Corner Restaurant, Lower-Level Banquet Room
195 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

Mayor Johnson called the meeting to order at 9:05 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 (Left at 3:02 p.m.)

Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Others Present:

None

Staff Present:

Corbin Gordon, Attorney

2. Miscellaneous (30 minutes)

2a. Work Meetings – How often and when should the Council hold work meetings? It is suggested that they be held from 5:00 p.m. to 6:00 p.m. before each regular council meeting.

The meeting attendees discussed holding regular work meetings. It was decided to instead start the regular meetings at 5:00 p.m.

2b. Cancelled Meetings – It is suggested that the Council not hold meetings on 15 June 2021, 21 December 2021, and 4 January 2022.

The meeting attendees discussed and decided not to hold council meetings on 16 March 2021, 15 June 2021, 2 November 2021, 21 December 2021, and 4 January 2022.

2c. Mayor's Message – Feedback or suggestions on the Mayor's weekly Facebook posts.

The meeting attendees discussed the weekly mayor's message. It was decided that it would also be posted on the City's new website.

2d. Website Update

Mayor Johnson gave an update on the building of a new website for the City. She asked that any suggestions be given to Amanda Cruz.

2e. Town Square Update

Mayor Johnson gave an update on the redesign of the Midway Town Square. She noted that the cost for the selected proposal was twice what had been anticipated. She indicated that another proposal might have to be chosen.

2f. Building Safety Department Update

Mayor Johnson gave an update on the City's building safety department and the timeframe for issuing building permits. She added that staff was working on accepting credit cards for permit fees.

3. General Plan (City Planner – 15 minutes) – The General Plan needs to be updated in 2021 per state requirements. Staff will be organizing committee assignments. The Council should read the General Plan and become familiar with it. There will be a brief discussion to make sure the Council is comfortable with the steps moving forward.

Michael Henke gave a presentation on the update to the General Plan. The meeting attendees discussed the following items:

- Requirements
- Previous updates
- Update process
- Having a strong community survey
- Strong community outreach
- Eliminating contradictory language
- Including vignettes to illustrate implementation.

4. Open Space Bond (30 minutes) – The Midway City Open Space Advisory Committee would like direction on the next steps related to the open space bond.

The Meeting attendees discussed the next steps and the following items:

- Soliciting specific properties
- Protecting smaller parcels towards the center of the City
- Local fundraising
- Using other tools besides money
- What is open space?
- Fee in leu
- Map of prospective properties
- Prioritizing parcels
- How to reach out to property owners
- Requiring annexation with open space should be considered on a case-by-case basis.
- Annexation should be decided early in the open space process.

5. FY 2022 Budget / Timeline (City Recorder – 15 minutes) – Discuss the timeline to prepare the FY 2022 budget.

Brad Wilson reviewed the timeline for preparing the FY 2022 budget. It was suggested that the City use a flyer to request public input on the budget.

6. Cemetery Fees (30 minutes) – Discuss updating the cemetery fees as part of the FY 2022 budget.

The meeting attendees discussed the following items:

- Affordability of burial spaces
- Should county residents be allowed to purchase spaces?
- Were the fees covering the associated costs?
- Studies should be done within the following 60 days determining when the current spaces would all be sold and if revenue covered expenditures. No fee changes should be made until these studies were done.
- Should there be an “out of area” fee?
- Who qualified as a family member?

Motion: Without objection, Mayor Johnson recessed the meeting at 11:20 a.m. She reconvened the meeting at 11:28 p.m.

7. Mayor and City Council / Salaries and Benefits (30 minutes) – Update information on the salaries and benefits paid to the mayors and council members of other municipalities. This will be done in preparation for changes in the FY 2022 budget.

Mayor Johnson gave a presentation on the item. The meeting attendees discussed the following items:

- Last time salaries and benefits were raised.
- Increase in population
- Increase in mayoral responsibilities
- Regular cost of living adjustments
- Encouraging residents to run for office.

- Hiring a city manager
- Benefits
- Types of municipal government
- Hiring the right city manager
- Compensation should be based on what was fair.

8. Responding to Public Comments (10 minutes) – Discuss responding to public comments, especially with the chat feature on Zoom, when it is not a public hearing. There is a concern that ongoing debate is being allowed beyond the asking and answering of questions.

The meeting attendees discussed the following items:

- Chat in Zoom
- Chat in Zoom should be turned off until public comment was allowed.
- Zoom should be more like an in-person meeting.
- There should be better coordination on how long people could participate.
- The rules for participation should be reviewed at the beginning of each meeting.

9. Streets and Trails (30 Minutes)

9a. Street Profiles – Discuss street profiles.

Wes Johnson gave a presentation on street profiles and reviewed the following items:

- Vehicle widths
- Current standards
- Any increases should be made in increments of vehicle widths.
- Drivers traveled slower on narrow roads because they were less comfortable.

Motion: Without objection, Mayor Johnson recessed the meeting at 12:30 p.m. for lunch. She reconvened the meeting at 1:00 p.m.

- Maintenance costs
- Recommended a road width of 26 to 27 feet.
- Safety
- Emergency access
- Different streets in the City
- Road widths based on the type of curb.
- The City Council had the authority to deviate from the adopted standards.
- The rural cross-section should be allowed for ½ acre lots.

9b. Street Maintenance Budget – Discuss the annual street maintenance budget of \$250,000 from the General Fund.

The meeting attendees discussed the maintenance budgets for streets and water. It was

recommended that the amount for capital street projects, transferred from the General Fund, be increase from \$250,000 to \$350,000 a year. It was recommended that the amount for surface treatments also be increased.

It was recommended that the amount for water capital projects be increased from \$350,000 to \$750,000 a year. It was also recommended that there be enough of a financial reserve to replace a water tank.

The intersection of Main Street and 400 East was discussed. Significant improvements were recommended especially as the area to the east developed.

9c. Trails Maintenance Budget – Discuss the annual trails maintenance budget.

It was recommended that \$45,000 be budgeted annually for trails maintenance. It was reported that the City would apply for two grants to complete the homestead/200 North trail in hopefully one phase.

10. M&I Water Rights (City Attorney – 15 minutes) – Receive a presentation on the municipal and industrial water rights leased by Midway City.

Corbin Gordon gave a presentation on municipal and industrial (M&I) water rights and reviewed the following items:

- These rights were a powerful tool that avoided paying upfront costs for water.
- The City had 43-acre feet of unused M&I water rights.
- Past and future uses
- What should these water rights be used for?
- They had been saved to encourage commercial development.
- They should not be used for developers to make money from residential development.
- The City could lease them to others for more than it paid for them.

11. Midway Irrigation Company (Council Member Dougherty – 15 minutes)

Council Member Dougherty reviewed the City's relationship with the Midway Irrigation Company. The meeting attendees discussed the following items:

- The relationship should be well documented and cooperative.
- Should the relationship be changed? The City was the majority shareholder, but it had just one member on the Company's board.
- The City should not run the Company.
- The Company was not trying to take advantage of the City.
- Any agreements should be reviewed every five years.
- The use of irrigation water for the City's parks.

12. Heber Light & Power (Council Member Dougherty – 15 minutes)

Council Member Dougherty reviewed the City's relationship with the Heber Light & Power

Company (HL&P). The meeting attendees discussed the following items:

- The dividend from HL&P was based on the original investment and not population.
- There was no charge to power streetlights.
- A study was being done to increase the amount of the dividend.
- Who participated on the HL&P Board should be reevaluated.
- Ownership was irrelevant compared to usage.
- Should a dividend be paid, or rates be reduced?
- The dividends were a significant part of Heber City's and Charleston's budgets.
- Should Wasatch County buy some of Heber City's ownership?

Motion: Without objection, Mayor Johnson recessed the meeting at 2:18 p.m. She reconvened the meeting at 2:29 p.m.

13. Code Text Amendments (City Planner – 120 minutes)

13a. Future

The meeting attendees reviewed possible code text amendments. Each member of the Council recommended the following amendment in order of preference:

Council Member Simonsen

- McMansions
- Sensitive lands and open space
- Water rights for wetlands
- Single-family dwellings
- Pop-up shops

Council Member Simonsen was concerned with allowing accessory dwelling units or changing setbacks.

Council Member Payne

- McMansions
- Footprints of auxiliary buildings
- Setbacks and nonconforming buildings
- Sensitive lands and open space
- Blocking off commercial open space
- Definition of single-family dwellings
- Landscaping code
- Vignettes for the Municipal Code
- Maintaining a rural feel (No fences, etc.)

Council Member Dougherty

- What did the City want to be? Beverly Hills in the mountains?
- Accessory dwelling units
- Definition of single-family dwellings
- McMansions
- Open space
- Festival market business licenses and Swiss Days

Council Member Orme

- Accessory dwelling units
- McMansions
- Setbacks
- Water rights for wetlands

Council Member Drury

- Sale of Produce
- Sensitive lands and open space
- Water rights for wetlands
- Landscaping code
- Setbacks for auxiliary buildings
- McMansions

Note: Council Member Simonsen left at 3:02 p.m.

Mayor Johnson

- Accessory dwelling units
- Single-family dwellings
- McMansions
- Setbacks
- Sensitive Lands
- Water rights for wetlands

13b. Completed

Michael Henke reviewed the code text amendments completed the previous year.

13c. In Progress – What is currently being written or presented to the Planning Commission.

Michael Henke reviewed the code text amendments in progress.

14. Onsite Sale of Produce (30 minutes) – Discuss the selling of produce grown onsite versus or in addition to encouraging its sale at the Farmers' Market.

Michael Henke reviewed the current regulations regarding the onsite sale of produce. The meeting attendees discussed the following items:

- If allowed, should the number of customers at any one time be limited?
- Should the related signs be regulated?
- Should a certain percentage of the produce have to be grown in the City?
- It would encourage agritourism.
- It would take a year to develop a code.
- Roadside parking and safety could be a problem.
- The business license should not be free because it would take time for staff to process it.

15. Affordable Housing (30 minutes) – Discuss affordable housing in the General Plan, what is its' potential in Midway, and how to participate in the issue on an interlocal level.

The meeting attendees discussed affordable housing and the following items:

- The State would mandate something if local governments did not do anything.
- Heber City and Wasatch County recently adopted a fee in lieu for affordable housing.
- Such housing was needed for service sector jobs.
- Midway did not have the money to solve the problem like Park City.
- Affordable housing cost just as much as other types of housing.
- Who would pay for it? Taxpayers?
- Without subsidies then density would be increased, and land values effected.
- Investors wanted affordable housing where the jobs were located.
- Everyone created the need for it.
- It should be deed restricted.
- Accessory dwelling units would help.

16. Adjournment

The meeting was adjourned at 4:01 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

Midway City Council
2 February 2021
Regular Meeting

Ordinance 2021-01 /
Time and Place of Meetings



ORDINANCE 2021-01

AN ORDINANCE PRESCRIBING THE TIME AND PLACE FOR THE REGULAR MEETINGS OF THE MIDWAY CITY COUNCIL

WHEREAS, pursuant to Utah Code Section 10-3-502, the City Council of Midway City is required by law to adopt an ordinance prescribing the time and place for holding its regular meetings;

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 1: The Midway City Council will hold regular meetings on the first and third Tuesdays of each month. These meetings will be held at the City Council Chambers, Midway Community Center, 160 West Main Street, Midway, Utah, at 5:00 p.m.

Section 2: This ordinance shall take effect upon publication as required by law.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this day of , 20 .

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)

Midway City Council
2 February 2021
Regular Meeting

Mayor / Bond



Memo

Date: 28 January 2021
To: Mayor, City Council and Staff
Cc: File
From: Brad Wilson, City Recorder/Financial Officer
RE: Bond for Mayor and City Council

State law requires that elected officials of a municipality be bonded to insure “the faithful performance of the duties of the respective officers and the payment of all money received by such officer according to law and the ordinances of the municipality.” (UCA 10-3-819)

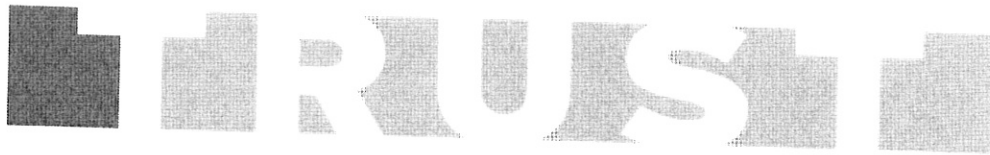
State law also requires that a mayor approve the bond for the city council and vice versa. (UCA 10-3-822)

Attached is a copy of the applicable bond. Please contact me if you have any questions.

MIDWAY CITY

2019 RENEWAL





UTAH LOCAL GOVERNMENTS TRUST

Municipal Applicant: Midway City

- ☐ New Business
☒ Existing Member

COVERAGE APPLICATION

☒ I. LIABILITY

Policy Period 7/1/19 to 6/30/20

Policy Number 12370-LIABILITY

MAXIMUM COMBINED AGGREGATE LIMIT (MCAL)

- ☐ \$10,000,000
☒ \$5,000,000
☐ \$2,000,000
☐ Other: _____

SELF INSURED RETENTION

- ☐ \$0
☒ Other: \$2,500

The Maximum Combined Aggregate Limit (MCAL) represents the most the Trust will pay per Policy Period regardless of the number of: (1) Insureds; (2) "claims" or "suits"; (3) persons or organizations sustaining "damages"; (4) "occurrences," "personal injury offenses," "public officials' errors and omissions," "wrongful law enforcement acts"; or (5) coverages involved in a loss. Payment under any of the coverages provided by the Trust shall reduce the Maximum Combined Aggregate Limit available per Policy Period. Coverage provided by the Trust shall not be combined, cumulated or stacked with any other coverage provided by the Trust.

☒ **CGL - Commercial General Liability**

	<u>Comprehensive General Liability</u> Liability Aggregate Limit per Policy Period Liability Single Limit per Occurrence/Offense No-Fault Medical Payments per Occurrence	<u>Coverage Limit</u> Equals MCAL Amount Equals MCAL Amount \$5,000
--	--	--

☒ **POEO - Public Officials' Errors and Omissions Liability**

CP1	<u>Coverage Part 1:</u> <u>Public Officials' Errors and Omissions</u> Liability Aggregate Limit per Policy Period Liability Single Limit per Wrongful Act	<u>Coverage Limit</u> Equals MCAL Amount Equals MCAL Amount
CP2	<u>Coverage Part 2:</u> <u>Employee Benefits Liability</u> Liability Aggregate Limit per Policy Period Liability Single Limit per EB Act/Error/ Omission	Equals MCAL Amount Equals MCAL Amount

☐ **LEL - Law Enforcement Liability (Available only to Members with LE Operations)**

LEL	<u>Law Enforcement Liability</u> Liability Aggregate Limit per Policy Period Liability Single Limit per Wrongful Law Enforcement Act	<u>Coverage Limit</u> Equals MCAL Amount Equals MCAL Amount
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☒ **BAC - Business Auto Coverage**

BI/PD	<u>Auto Bodily Injury/Property Damage</u> Liability Aggregate Limit per Policy Period	<u>Coverage Limit</u> Equals MCAL Amount
	Liability Single Limit per Accident/ Covered Pollution Cost or Expense	Equals MCAL Amount
UM	<u>Uninsured Motorist Coverage</u> Coverage Limits	\$100,000
UIM	<u>Underinsured Motorist Coverage</u> Coverage Limits	\$100,000
PIP	<u>Personal Injury Protection</u> Coverage Limits	\$5,000

☒ **Sub-Limits/Endorsements**

USS-L	<u>Utility Service Sub-Limit</u> Aggregate Limit per Policy Period	Included for Members with CGL \$1,000,000
	Per Claim/Suit Limit	\$500,000
SHS-L	<u>Sexual Harassment Sub-Limit</u> Aggregate Limit per Policy Period	Included for Members with CGL/POEO/LEL \$1,000,000
FS-E	<u>No-Fault Sewer and Potable Water</u> Aggregate Limit per Policy Period	<input checked="" type="checkbox"/> Optional - Available only to Members with CGL \$100,000
	Maximum Limit per Household/Business	\$5,000
FCSS-L	<u>Foreign Claims and Suits Sub-Limit</u> Aggregate Limit per Policy Period	Included for Members with CGL/POEO/LEL \$1,000,000
DEC-E	<u>Declaratory, Injunctive Relief and Land Use</u> <u>Defense</u> Aggregate Limit per Policy Period	Included for Members with CGL \$50,000
	Per Claim/Suit	\$25,000

MAL-E	<u>Malfeasance Defense</u> Aggregate Limit per Policy Period	Included for Members with CGL/POEO/LEL \$20,000
	Per Claim/Suit	\$10,000
HM-E	Limited Healthcare Malpractice Aggregate Limit per Policy Period	<input type="checkbox"/> Optional - Available only to Members with CGL with Healthcare Operations Equals MCAL Amount
PA-E	<u>Prior Acts (Nose Coverage)</u> Aggregate Limit per Policy Period Per Claim/Suit	<input type="checkbox"/> Optional - Available only to Members with claims-made coverage and No Known Loss \$1,000,000 \$1,000,000
UAS-E	<u>Unmanned Aerial Systems (Drone)</u> Aggregate Limit per Policy Period Per Claim/Suit	<input type="checkbox"/> Optional - Available only to Members with CGL \$1,000,000 \$500,000

☒ **II. PROPERTY**

Policy Period 7/1/19 to 6/30/20

Policy Number 12370-PROPERTY

<u>LIMITS OF LIABILITY</u> - Per Occurrence: subject to all Perils, Coverage (subject to policy exclusions) and all Trust Members combined, regardless of the number of Trust Members, coverages, extensions of coverage, or perils insured, subject to the following per occurrence and/or aggregate sub-limits.	\$1,000,000,000
<u>SUB-LIMITS OF LIABILITY</u>	See Property Declarations Page
<u>DEDUCTIBLE</u> - All Risk (Basic)	\$1,000
<u>SPECIFIED PERILS or COVERAGE DEDUCTIBLE(S)</u> Per Occurrence for Off Premises Vehicle Damage	See Property Declarations Page \$500

<input checked="" type="checkbox"/> III. WORKERS COMPENSATION		Policy Period <u>4/1/19 to 3/31/20</u> Policy Number <u>12370-WC</u>						
Coverage Part A. Workers Compensation Insurance: Provides coverage required by the Workers Compensation Law of the following state:	Utah							
Coverage Part B. Employer's Liability Insurance: Provides coverage to the insured (employer) for liability to employees for work-related bodily injury or disease, other than liability imposed by a workers compensation law.	Limits of Liability (Part B.): <table> <tr> <td>\$100,000</td> <td>Bodily injury by accident (each accident)</td> </tr> <tr> <td>\$500,000</td> <td>Bodily injury by disease (policy limit)</td> </tr> <tr> <td>\$100,000</td> <td>Bodily injury by disease (each employee)</td> </tr> </table>		\$100,000	Bodily injury by accident (each accident)	\$500,000	Bodily injury by disease (policy limit)	\$100,000	Bodily injury by disease (each employee)
\$100,000	Bodily injury by accident (each accident)							
\$500,000	Bodily injury by disease (policy limit)							
\$100,000	Bodily injury by disease (each employee)							

ACKNOWLEDGMENT

I hereby acknowledge that the above-mentioned coverages and options available through the Utah Local Governments Trust ("Trust") have been explained to me. I further acknowledge that I have reviewed this application, including my selection of coverages and options, and understand that this application will now be submitted to the Trust for consideration.

With respect to the Property Coverage, I understand and agree that no coverage shall be provided for damage or loss to vacant or unoccupied buildings.

I further acknowledge and represent that I have been duly authorized to make decisions regarding coverage for and on behalf of the Municipal Applicant identified below, and understand that no coverage selection I make shall become binding unless and until a Coverage Declaration, countersigned by the Trust, has been issued.

MIDWAY CITY
Municipal Applicant

[Signature] 4/18/2019
Signature of Authorized Representative Date

Celeste Johnson, Mayor
Printed Name



Insurance Coverage General Term Sheet

Coverage will be governed by the terms and conditions of your policies.

1. Insured: Midway City
2. Coverage Type: Liability, Property, Auto Physical Damage
3. Coverage Term: 7/1/19 to 7/1/22, annual anniversary at 7/1/20 and 7/1/21
4. 2019 Liability Premium: \$29,777 (after premium relief credit)
5. 2019 Property Premium: per current rate and statement of values
6. 2019 Auto Physical Damage Premium: per current rate and schedule
7. Coverage Type: Workers Compensation
8. Coverage Term: 4/1/19 to 4/1/22, annual anniversary at 4/1/20 and 4/1/21
9. 2019 Workers Compensation Premium: \$18,227 (after premium relief credit)
10. 3 year rate guarantee applies to liability and property program, subject to terms of rate guarantee
11. Midway City retains the right to any rate reductions offered by the Trust during policy term

Order to bind insurance coverage:

Celeste Johnson
Approved By

4/18/19
Date

Celeste Johnson, Mayor
Name, Title

Steven A. Hansen
Steven A. Hansen CEO

4.1.19
Date

Midway City Council
2 February 2021
Regular Meeting

Sunburst Ranch, Phase 2 /
Conclude Warranty Period

728 West 100 South
Heber, UT 84032
www.horrocks.com



Heber Office
Tel: 435.654.2226
Fax: 435.657.1160

February 2, 2021

Brad Wilson
Midway City Recorder
75 North 100 West
Midway, Utah 84049
(Sent by e-mail)

Subject: Sunburst PUD Phase 2 Warranty Bond Release

Dear Brad:

Sunburst Phase 2 PUD has completed all the items required for the warranty release. Horrocks Engineers recommends that the warranty bond for both Midway City and the Midway Sanitation District be released for this development.

The following items and cost shall be held within the Midway City bond:

Midway City:

Landscaping Amount to be Held: \$135,917.76

Landscaping funds in the amount of \$9,061.18 will be reduced as each of the units are completed and landscaped.

We appreciate working with you on this project. Please call our office with any

Sincerely,
HORROCKS ENGINEERS

A blue ink signature of Wesley Johnson, P.E., written in a cursive style.

Wesley Johnson, P.E.
City Engineer

cc:	Michael Henke,	Midway City Planner, (Sent by e-mail)
	Tex Couch,	Midway Building Department, (Sent by e-mail)
	Becky Woods	Midway Sanitation District, Manager, (sent by e-mail)
	Derek Moser	Developer, (Sent by e-mail)

Midway City Council
2 February 2021
Regular Meeting

The Lodges at Snake Creek,
Lots 39-62, Plat Amendment /
Release Construction Bond

February 2, 2021

Brad Wilson
Midway City Recorder
75 North 100 West
Midway, Utah 84049
(Sent via E-Mail)

**Subject: The Lodges at Snake Lots 39-62 Plat Amendment,
Final Construction Completion, Begin the One Year Warranty Period.**

Dear Brad:

The Lodges at Snake Lots 39-62 Plat Amendment has received a final construction inspection. All items appear to be complete as shown on the approved construction drawings. Horrocks Engineers recommends that this subdivision be put on the Midway City Council Agenda to begin the one year warranty period. Building Permits and Occupancy Permit within this phase of the subdivision may now be issued. The landscaping line item in the amount of \$51,197.59 should be held until the landscaping items are completed. Landscaping funds in the amount of \$4,266.47 may be reduced as the landscaping of each unit is completed.

The one year warranty bond, and Landscaping funds for Midway City shall be held in the following amounts:

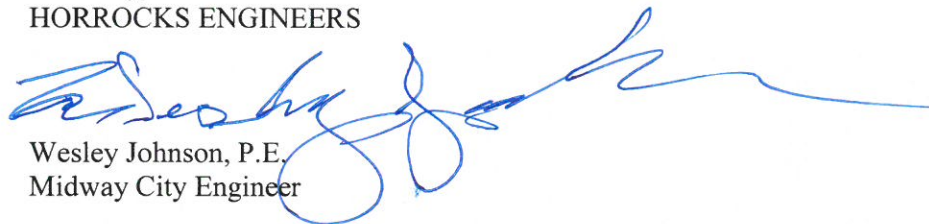
Midway City:

Warranty Amount	\$15,406.60
<u>Landscaping Amount</u>	<u>\$51,197.59</u>
Midway Total	\$66,604.19

Prior to the expiration of the one year warranty period a slurry seal will be required within the Amended PUD Plat.

We appreciate working with you on this project. Please call our office with any questions.

Sincerely,
HORROCKS ENGINEERS



Wesley Johnson, P.E.
Midway City Engineer

cc:	Tex Couch,	Midway City Building Official, (Sent via E-Mail)
	Michael Henke,	Midway City Planning Department, (Sent via E-Mail)
	Jeremy Clark	Developer (Sent via Email)
	Tom Olsen	Developer (Sent via Email)

Midway City Council
2 February 2021
Regular Meeting

Hot Springs Annexation /
Certification

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



75 North 100 West
P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.org

28 January 2021

Midway City Council
P.O. Box 277
Midway, UT 84049

Dear City Council:

This letter is to notify you that I have determined that the petition for the Hot Springs Annexation, accepted by the City Council for further consideration on 19 January 2021, meets the certification requirements indicated in Utah Code Section 10-2-405(2)(a). These requirements do not address unincorporated peninsulas or islands.

The Midway City Municipal Code does not include any certification requirements.

Please contact me if you have any questions.

Sincerely,



Brad Wilson
City Recorder

Cc: Mound City LLC, Contact Sponsor
Paul Berg, Berg Engineering Resource Group
Wasatch County Council

Midway City Council
2 February 2021
Regular Meeting

Dance Annexation /
Certification

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



75 North 100 West
P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.org

28 January 2021

Midway City Council
P.O. Box 277
Midway, UT 84049

Dear City Council:

This letter is to notify you that I have determined that the petition for the Dance Annexation, accepted by the City Council for further consideration on 19 January 2021, meets the certification requirements indicated in Utah Code Section 10-2-405(2)(a). These requirements do not address unincorporated peninsulas or islands.

The Midway City Municipal Code does not include any certification requirements.

Please contact me if you have any questions.

Sincerely,



Brad Wilson
City Recorder

Cc: Doug Dance, Contact Sponsor
Wasatch County Council