



Memo

Date: 5 August 2025

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 15 July 2025 City Council Regular Meeting

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

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, 15 July 2025, 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 Mayor, 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 on the City's website. A copy of the public notice/agenda is contained in the supplemental file for the meeting.

1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:00 p.m.

Members Present

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member
Craig Simons, Council Member
JC Simonsen, Council Member

Staff Present

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

Note: A copy of the meeting roll is contained in the supplemental file for the meeting.

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance. Council Member Payne gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 15 July 2025 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 1 July 2025 City Council Meeting
- d. Release the construction bond, minus 10% and any amount for landscaping, and begin the one-year warranty period for the Bonner Meadows Subdivision located at 100 South and 100 East.

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

Wes Johnson reported that the developer for the Bonner Meadows Subdivision still needed to build a section of sidewalk. He recommended that only substantial completion be given with up to three occupancies granted until all required infrastructure was completed.

Motion: Council Member Simonsen moved to approve the consent agenda with all the items listed including the revision by the City Engineer for the Bonner Meadows Subdivision.

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

3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public about items that were not on the agenda.

Ballerina Farm / Signs

Mark Austin made the following comments:

- Was concerned about the signs the City hung up for Ballerina Farm.
- The signs did not comply with the Municipal Code.
- The City should obey its Code.
- The signs were problematic for other businesses.

Mayor Johnson responded with the following comments:

- The signs were hung up for a short time during Ballerina Farm's grand opening.
- They were an experiment.
- They would be taken down the following week.
- They fell under signage for special events.

No further comments were offered.

4. Department Reports

Law Enforcement / Additional Officer / Bike Fair / Construction

An officer from the Heber City Police Department made the following comments:

- An additional officer was now working weekends in Midway. This allowed full coverage throughout the week.
- The recent bike fair went well.
- What could law enforcement do to help with and be aware of construction in Midway?

Wes Johnson asked that law enforcement monitor construction areas during the weekends. Mayor Johnson added that the City needed to work with law enforcement regarding fireworks.

Town Square / Lilacs Replaced

Council Member Simonsen reported that the lilacs on the Town Square were replaced. Council Member Simons asked if the replacement trees were at least ten feet from the trail. Mayor Johnson responded that they were eleven feet from the trail and 20 feet apart.

Michie Lane / Trees Replaced

Council Member Simonsen reported that dead trees along Michie Lane had been replaced.

Streets / Sweeping

Council Member Simonsen asked that the gravel be swept off the City's streets.

North Center Street Trail / Intersection Closure / Feedback

Council Member Simonsen reported that the intersection at Main Street and Center Street was closed, as part of the North Center Street Trail Project, to meet UDOT requirements.

Historic Preservation Committee / Oral Histories / Markers

Council Member Simons reported that the Historic Preservation Committee was continuing work on oral histories and historical markers.

Midway Irrigation Company / Water Restrictions

Council Member Simons asked residents to follow the water restrictions imposed by the Midway Irrigation Company for the pressurized irrigation system.

Buildings / Fees / Storage

Council Member Orme reported that the fees to rent the City's buildings would be reviewed by the Council. She also reported that some stored items were being removed from the Community Center to allow for more storage space for the City.

Cemetery / Dry Spots

Council Member Orme reported that there were dry spots at the City's cemetery because it was at the end of the pressurized irrigation system and did not have sufficient water pressure.

HVTED / Grants

Council Member Orme reported that Heber Valley Tourism and Economic Development (HVTED) was working on several grant programs.

Legislative

Katie Villani reported on the One Big Beautiful Bill Tax Act passed by Congress. She also reported on Utah HB 217, and the operation of bicycles and use of roadways.

Note: A copy of Ms. Villani's report is contained in the supplemental file.

Financial Report

Brad Wilson reviewed the structure of the monthly financial report given to the Council. He specifically reviewed fund accounting, funds used by the City, and the organization of funds and line items in the budget.

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

Café Galleria / Parking Lease

Council Member Drury explained that he made a motion at the 6 May 2025 council meeting regarding leasing parking to the Café Galleria. He requested that the motion be brought back to the Council for reconsideration or clarification. Mayor Johnson indicated that the request would be on the next agenda.

- 5. Resolution 2025-22 / Kem Gardner Open Space Dedication** (Celeste Johnson, Mayor – Approximately 20 minutes) – Discuss and possibly approve Resolution 2025-22 honoring Kem Gardner and facilitating the preservation of approximately 36 acres of his property as open space.

Michael Henke gave a presentation regarding the open space dedication. He reviewed the location and pictures of the property.

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

Mayor Johnson read the proposed resolution. It was indicated that the second section needed

to be revised to include all the property being donated by Mr. Gardner.

Motion: Council Member Payne moved to approve Resolution 2025-22 with the indicated revisions.

Second: Council Member Orme 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

Kem Gardner made the following comments:

- The land that would be conserved was larger than what was depicted. This increase should be included in the open space declaration.
- He grew up in rural places.
- It was heaven to live in Midway and appreciated the community.
- Tried to keep his property open.
- Wanted a trail along Snake Creek to be a public amenity. It should be separated from the farm.
- A fence should delineate the trail from the farm.
- Wanted a couple of picnic tables along the trail.

Wendy Fisher, Utah Open Lands Executive Director, indicated that Mr. Gardner appreciated community, quality of life, and was making Utah better.

6. Pear Tree Llama Ranch / Open Space (Katie Villani, City Planner – Approximately 30 minutes) – Discuss using bond funds to preserve open space at the Pear Tree Llama Ranch located at 850 South Center Street.

Katie Villani gave a presentation regarding the proposed open space and reviewed the following items:

- Location of the property
- Land use summary
- Uses
- Estimated value
- Master Street Plan
- Trail alignment
- Open space committee recommendation
- Possible findings
- Proposed conditions

Ms. Villani also made the following comments:

- The proposal would use bond funds to preserve open space.
- A trail was proposed across the property. It would follow the east edge of the property so it would not bisect a working farm. It would be an eight-foot-wide natural trail with a ten-foot-wide easement.
- \$750,000 was requested.
- The City's contribution would be leveraged seven to one.
- A proposed road through the property would be removed from the Street Plan when the proposal was completed.
- 24 water shares would be encumbered.
- An easement would be needed on the Hughes' property to complete the trail. Obtaining the easement was not guaranteed.
- The applicants requested that the trail not be built until they passed.
- There was an existing pool next to the proposed trail route.
- No action was requested that night.

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

Maryssa Fenwick, Utah Open Lands Land Protection Associate, made the following comments:

- An onsite tour of the property was attended by several council members.
- Some of the property was used to support the Albert Kohler Dairy.
- Federal funds for the property had been secured but were later rescinded. The applicants were encouraged to reapply for the funds.

Wendy Fisher, Utah Open Lands Executive Director, made the following comments:

- The federal funds for the proposal had been approved and a contract finalized. This and 50 other grants were rescinded. The funding remained but might be available in a different way.
- Local support helped obtain other funding.
- Conservation appraisals were costly and quickly became out of date.
- The value of the property was determined by a market analysis.
- An appraisal would be completed prior to a purchase agreement being signed.

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

- The proposed open space was near properties where the owners agreed to be part of any applicable annexation. This was done in exchange for access to the City's culinary water system. Should the proposed open space have the same requirement?
- The citizens of Midway who were paying for the bond should benefit from the open space.
- The request would exceed the amount of the original bond.
- When would the City know when it had to pay for other open space commitments? The Michel/Kissel property was in its final phase. Other properties needed more time.
- The City should have complete flexibility with its bond funds until projects were ready for funding.

- A second open space bond should not be issued until all the funds from the first bond were paid. It should not be issued just for \$250,000. Interest rates and potential IRS liability should also be considered.
- Existing funds should be used for the projects that were ready to fund.

The Council supported using open space funds for the Pear Tree Llama Ranch.

7. HVSSD / Will-Serve Letter (Celeste Johnson, Mayor – Approximately 30 minutes) – Discuss Heber Valley Special Service District providing will-serve letters to developers if it has the required capacity in its sewer treatment facility.

Mayor Johnson asked if the Council wanted to discuss and draft a resolution regarding a will-serve letter. Council Member Drury indicated that he already drafted an ordinance. Mayor Johnson responded that other items needed to be considered.

Michael Henke gave a presentation regarding will-serve letters and how they could be required under the current municipal code. The City could ask for a will-serve letter but HVSSD was not obligated to provide one.

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

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

- The current code had generic language and did not specifically require a will-serve letter from HVSSD.
- Any code revision should state that will-serve letters were required from but not limited to HVSSD.
- The HVSSD Board talked about providing will-serve letters to Midway and Heber City.
- Using the existing code language would give HVSSD time to consider the issue.
- Would requiring a will-serve letter create liability for the City?
- It would be worse if the City approved a development that HVSSD could not serve.
- The current code language was ambiguous and created an opportunity for mistakes.
- A code text amendment would need to go before the Planning Commission.
- HVSSD might not issue will-serve letters until it finished its capacity study.
- Many land use requirements were different between Midway and Heber City.
- Could the City grant an approval conditioned upon the applicant receiving a well-serve letter?
- HVSSD was a subdivision of Wasatch County.
- Several agreements that affected HVSSD were made without its input or approval.
- HVSSD's legal team needed to consider a will-serve letter requirement.
- Will-serve letters avoided liability for the City.
- It was common for cities to not record a plat map until all required will-serve letters were provided.
- Could the City require something that HVSSD would not provide?
- Should the City require will-serve letters from the Heber Light & Power Company or the Midway Irrigation Company?
- Several providers like the Midway Sanitation District already signed plat maps. Other entities could do the same, which would acknowledge that they would provide service.

- Entities should acknowledge that they could service a project at the beginning of the approval process rather than at the end.
- A requirement for will-serve letters should be “bullet proof”.

The Council agreed that applications should immediately require a will-serve letter from HVSSD and the Municipal Code should be amended to include the requirement.

8. Ordinance 2025-18 / Underground Parking Structures (Paul Berg, Berg Engineering – Approximately 10 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-18 amending Section 16.13.390 (Off-Street Parking and Loading) of the Midway City Municipal Code to allow underground parking structures. Recommended by the Midway City Planning Commission. Public hearing held on 1 July 2025.

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

- Current code
- Proposed code

Mr. Henke also made the following comments:

- Original grade could be determined even if the ground had been disturbed.
- Fill might be needed to level an area but could not be used to artificially raise the grade.
- The proposed code now made it clear that the extra space, created by an underground parking structure, could be used for additional parking.
- There was not an open area requirement for commercial development.
- The proposal did not limit the size or depth of an underground parking structure.

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

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

- There was no formal guidance for when a second access was required based on the number of parking spaces.
- Recommended a second access for 150 or more spaces based on other parking garages.
- Small parking garages only had one access.
- Midway would only have small parking garages.

Council Member Simonsen asked if specific roads should be listed in the ordinance or if it should just refer to certain classifications of roads.

Motion: Council Member Simons moved to approve Ordinance 2025-18 as presented with the following findings and conditions:

- The proposal would allow parking structures.

- One level of parking would be visible.
- Any additional levels of parking would be below the natural grade.
- Access ramp locations would be limited.
- The buildable area would not increase if below natural grade parking was allowed.
- The proposal was a legislative action.
- Arterial and collector roads, existing on the roads plan, would be added.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Payne noted that the prohibition against buildings above underground parking was not included in the ordinance. Mayor Johnson responded that prohibition was included in the next ordinance to be considered.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:20 p.m. She reconvened the meeting at 8:28 p.m.

9. Ordinance 2025-19 / Parking Agreements (Katie Villani, City Planner – Approximately 30 minutes) – Discuss and Possibly deny, continue, or adopt Ordinance 2025-19 amending Section 16.13.390 (Off-Street Parking and Loading) of the Midway City Municipal Code regarding parking agreements between Midway City and businesses. Recommended by the Midway City Planning Commission. Public hearing held on 1 July 2025.

Katie Villani gave a presentation regarding the proposed ordinance and reviewed the following items:

- Existing code
- Background
- Proposed code
- Subsections 16.13.390(B)(3) and (4) of the Municipal Code

Ms. Villani also made the following comments:

- The City Council wanted to limit parking agreements in the City's rights-of-way.
- Existing parking agreements would be renewed.
- A subsection regarding underground parking was added.
- The parking ramp could not be counted as open space.

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

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

- Agreements should only be limited to the City's rights-of-way along streets.
- "Designated" should be removed from Subsection 1.
- There were a lot of parking agreements between private parties but only one with the City.
- Parking should be at or above the natural grade. This should not be circumvented by an applicant building parking two feet below the natural grade.
- Vents, utilities, etc. would detract from open space above underground parking.
- Parking could be increased by putting it under open space.
- Underground parking looked better than a visible parking lot.
- Amenities could be considered as open space.
- Some amenities like a pickleball court could have a high fence that blocked the open space.
- The Municipal Code did not have a definition for open space in the commercial zones.
- The proposal could create more open space.
- Arterial and collector roads should be added to Subsection 2.
- Should Vision Architecture Committee approval be required? This would require standards.
- The open space above underground parking should be nice. How would that be defined.
- The City needed to determine what was open space. Should it include tennis courts and other amenities?
- Structures should not be allowed over underground parking.
- There was a difference between a large area with one tennis court and a small area with a lot of tennis courts.
- Should a definition of open space include an allowed ratio of amenities?
- A sentence on access ramps and a definition of open space should be added.

Motion: Council Member Simonsen moved to adopt a portion of Ordinance 2025-19 with the following changes:

- Approve Subsection 1, 2, and 3.
- Table Subsection 4.
- The changes discussed.
- A proposed definition of open space be brought back for further discussion to address the concerns raised.

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

10. Ordinance 2025-20 / Poultry (Katie Villani, City Planner – Approximately 10 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-20 amending Title 16 (Land Use) of the Midway City Municipal Code regarding poultry. Recommended by the Midway City Planning Commission. Public hearing held on 1 July 2025.

Katie Villani gave a presentation regarding the proposed ordinance and reviewed the following items:

- Existing code
- Proposed code
- Possible findings

Ms. Villani also made the following comments:

- The ordinance addressed animal noise and the associated complaints.
- The current restrictions were points based with residents having up to 25 chickens and roosters.
- Animal noise was a problem as density increased.
- Peacocks were not in the restrictions.
- Had received unofficial but not official complaints about peacocks. They should be added regulated.
- Pigs were not allowed in the City except for 4H and FFA projects.
- The number of animals on a property was not addressed until there was a complaint.
- Did not know anyone who had too many chickens.

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

Motion: Council Member Payne moved to approve Ordinance 2025-20 regarding poultry with the following findings and conditions:

- The current code allowed 25 hens, pheasants, and similar sized birds per half acre, or 50 per acre. The proposed amendment would allow 10 such birds per half acre, or 20 per acre.
- The City received ongoing complaints about birds. With increasing development and infill, increasing the points and in turn reducing the numbers of birds in residential areas might aid enforcement and better suit residential zones.
- The increase to 5 points made the classification more consistent with the general point system set forth in this section, which made geese, ducks, and turkeys worth 10 points. Chickens and pheasants would now be worth half the point value of geese, ducks, and turkeys rather than 1/5^{of} the value.
- Peacocks would be added with the same number of points as geese.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Drury indicated that changing the regulations would not solve issues with enforcement.

Council Member Simonsen suggested that the ordinance include "other similarly sized birds" with geese. He thought that 10 points was low for such birds.

Second Withdrawn: Council Member Orme withdrew her second.

Mayor Johnson suggested that the points for small birds and rabbits be changed.

Motion: Council Member Payne moved to adopt Ordinance 2025-20 with the following changes:

- The points in Subsection 2a would be changed to four instead of five.
- Peacocks would be added with the same number of points as geese.

Second: The motion died for lack of a second.

Michael Henke recommended that pheasants be moved from Subsection 2a to Subsection 2b.

Motion: Council Member Simons moved to adopt Ordinance 2025-20 with the following changes:

- Pheasants moved from Subsection 2a to Subsection 2b.
- Subsection 2b included peacocks.
- With rabbits and hens remaining unchanged.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Simonsen asked if similar birds should be included. Michael Henke responded that similar sized birds should be included.

Revised Motion: Council Member Simons moved to approve Ordinance 2025-20 with the following changes:

- Subsection 2a would include rabbits, hens, and pigeons.
- Pheasants moved down to Subsection 2b.
- Subsection 2b should say "...and any other similar sized birds...".
- Clarify peafowl to peafowls.
- Subsection 2a should say chicken hens.

Second: Council Member Simonsen seconded the motion.

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

11. Ordinance 2025-15 / Committee Member Term Limits (Katie Villani, City Planner – Approximately 20 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-15 removing term limits for members of some or all committees established by Midway City.

Katie Villani gave a presentation regarding the proposed ordinance and made the following comments:

- Term limits for the Board of Adjustment were previously removed.
- Was not recommending removal of term limits for the Planning Commission.
- Many founding members of the Open Space Advisory Committee would reach their limit on terms that year. A lot of expertise would be lost. The same was true for the Vision Architecture Committee and the Parks, Trails, and Trees Advisory Committee.
- Residents were not lining up to serve on committees.
- The Council had to approve all reappointments.

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

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

- Term limits for the Open Space Committee should be removed but limits on other committees should remain.
- All committees were advisory. The Council and the Planning Commission would have to do their work if they were eliminated.
- The groups did a lot of work even though they were advisory.
- Would the change prohibit interested applicants from being on committees?
- There were advantages to having new members on committees.
- There was a significant learning curve with the Open Space Committee.
- Some people had rotated on and then off the Open Space Committee.

Motion: Council Member Simonsen moved to adopt Ordinance 2025-15 with only term limits for the Open Space Committee being removed.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

12. Commission and Committee Members / Appointment Process (Brad Wilson, City Recorder – Approximately 20 minutes) – Discuss the process for appointing members to commissions and boards established by Midway City.

Brad Wilson gave a presentation regarding the appointment process and reviewed the following items:

- Background
- Midway City Municipal Code Section 2.03.040

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

Mayor Johnson indicated that she was not involved with creating or adopting the current appointment process. She would not be offended if it was changed.

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

- HB 174 reduced the Council's oversight over land use approvals. Because of that the Council should have a greater role in planning commission appointments.
- The Council should review the applications of all applicants for a position.
- The Council should be part of the application and interview process.
- Council members might have knowledge about an applicant that others did not have.
- Applicants had to be interviewed and considered in an open and public meeting.
- The process could be amended so that the Council discussed, interviewed, and decided on all applicants for the Planning Commission.
- Voting on applicants could be done by secret ballot.
- Should the Mayor vote? Four votes could be required if the Mayor voted.
- A development application had to be approved if it complied with the Municipal Code.
- Developers had negotiated with the Council in the past even though that was not required. That might not happen in the future.
- Up to two council members could meet with a developer and staff at any one time without requiring a formal meeting.

Mayor Johnson asked if the Council wanted to see changes to all appointments or just those to the Planning Commission. Council Member Simonsen responded that all appointments should be considered.

Mayor Johnson asked that a draft ordinance be prepared and emailed to the Council.

13. Contract Change Orders / Discussion (Brad Wilson, City Recorder – Approximately 20 minutes) – Discuss restrictions on change orders to contracts entered into by Midway City.

Brad Wilson gave a presentation regarding change orders and reviewed the following items:

- Background
- North Center Street Trail Project
- Municipal Code Subsection 4.02.010(C)(4) and Subsection 4.02.010(E)
- Policies and Procedures Appendix C Chart 10

Mr. Wilson indicated that the definition of a change order was unclear and should be revised.

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

Council Member Drury made the following comments:

- It was implied that the request for bids (RFP) process identified the best contractor without impropriety.
- No impropriety was being alleged.
- Change orders should be limited.
- Change orders totaling the original contract amount or more should be contested.
- Drastic changes in the estimated cost of a project could affect the bidding process.
- Guard rails should be adopted for change orders.
- An RFP could be written so that a low bidder made more money on the change orders.
- Was not questioning a specific project.

Wes Johnson made the following comments:

- The North Center Street Trail Project was the first time in his career that he had change orders for so much money compared to the original bid.
- Using change orders saved the City money.
- Design work, advertising, etc. would be required if the change orders had been bid as a separate project.
- A change order required only a 40% to 60% design.
- An RFP for a bigger project would have attracted out-of-state contractors that were not familiar with Midway or potrock.
- Understood the flaws and criticism with the change order process.

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

- Preparing and issuing an RFP could cost \$10,000 to \$15,000.
- There was not a problem with the change order process for the North Center Street Trail Project.
- Good low bidders were valuable.
- The City should avoid even the appearance of impropriety.
- It was difficult to have two separate contractors on a project.
- Bidding change orders as a separate project required more time. Some original bidders might not bid again.
- The RFP and change order process should not be too restrictive.
- Some decisions needed to be made quickly.
- Change orders over a certain amount should require the Council's approval.
- Change orders over a certain percentage of the original contract amount should be prohibited and require another RFP.
- Change orders were based on the unit cost from the original contract. This would prevent change orders being used to compensate for a low bid.
- The current city engineer could be trusted but what about future engineers.
- The City wanted to work with good companies.

- The City could provide the per unit prices for change orders if someone wanted to protest.
- The 70 East Main Street parking lot would be a change order to the North Center Street Trail Project.

Corbin Gordon made the following comments:

- The City should obey the law.
- Bidding should be done with transparency.
- Guidelines should be adopted for change orders.

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

- Mobilization would be an additional cost if change orders were rebid.
- Accepting the low bid was not always the best thing to do.

The Council asked staff to propose language that cleaned up the process and provided guard rails for change orders. They decided that the parking lot should be a separate RFP and not a change order.

14. Adjournment

Motion: Council Member Simonsen moved to adjourn the meeting. Council Member Payne seconded the motion. The motion passed unanimously.

The meeting was adjourned at 10:35 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder