



Memo

Date: 27 September 2024

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 17 September 2024 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, 17 September 2024, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Market Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City’s website. A copy of the public notice/agenda is contained in the supplemental file.

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

Mayor Johnson called the meeting to order at 6:12 p.m. She excused Council Member Orme and Council Member Payne.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Craig Simons, Council Member
JC Simonsen, Council Member

Staff Present:

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

Members Excused:

Lisa Orme, Council Member
Kevin Payne, Council Member

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

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

2. Consent Agenda

- a. Agenda for the 17 September 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 3 September 2024 City Council Work Meeting
- d. Minutes of the 3 September 2024 City Council Regular Meeting
- e. Minutes of the 3 September 2024 City Council Closed Meeting

- f. Conclude the warranty period and release the remainder of the bond for the Vincent Fields Subdivision located at 1315 South Stringtown Road subject to the payment of all fees due to Midway City.
- g. First one-year extension of the final approval for the White Acres PUD located at 500 North Whitaker Farm Way (Zoning is RA-1-43).

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

Motion: Council Member Simonsen moved to approve the consent agenda as stated and listed.

Second: Council Member Simons seconded the motion.

Discussion: None

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

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

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

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

HVSSD Treatment Plant / Industrial Protection Area

Dan Stead made the following comments:

- The industrial protection area (IPA) proposed for the Heber Valley Special Service District's (HVSSD) sewer treatment plant was considered at a previous council meeting.
- The Council unanimously opposed the IPA at that meeting.
- Was the Council still opposed and did it send a letter expressing its opposition?

Mayor Johnson responded with the following comments:

- The HVSSD Board decided to postpone for several months requesting an IPA. They wanted their attorney to review it.
- Would hold a meeting the following week to answer the public's questions regarding the IPA. It would not be a council meeting but would like the council members to attend.
- The letter recently received by property owners was part of the IPA approval process by Wasatch County.
- The Board also applied for an agricultural protection area.

Council Member Drury made the following comments:

- At the previous meeting the Council was opposed to the IPA and asked the Mayor to represent that opposition to the HVSSD Board.
- The City as a landowner next to the treatment plant would send a letter opposing the IPA.

Mayor Johnson indicated that she reviewed the minutes of the meeting, and a decision was not made to send a letter.

Council Member Drury asked if the Council still opposed the IPA. He proposed that it send a letter of opposition. Mayor Johnson asked for discussion before sending a letter.

Council Member Simons indicated that he was now more confused about the issue.

Kristy Council made the following comments:

- Attended the meeting when the Council agreed to oppose the IPA.
- The Mayor said at that meeting that she would not vote for it, as a member of the HVSSD Board, if the Council did not want her to.
- Why was the IPA still going forward?
- The Council agreed at the previous meeting to send a letter of opposition.
- A friend attended a recent HVSSD meeting when Mayor Johnson said the Council had held subsequent meetings and no longer opposed the IPA. Ms. Council said that she had video of that HVSSD meeting.
- Asked if the Council had held private meetings regarding the issue.
- It appeared that the Mayor supported the IPA while the Council opposed it.

Mayor Johnson responded with the following comments:

- The issue had been discussed in department reports at subsequent council meetings.
- The HVSSD Board moved forward with the IPA based on legal advice.
- Voted against the IPA as a member of the HVSSD Board.
- Told Ms. Council's friend, who attended the HVSSD meeting, that she felt like there was a change in attitudes.

Ms. Council asked the Council if subsequent meetings had been held and if they had changed their position. Council Member Simonsen and Council Member Simons responded that no other meetings had been held and their position had not changed.

Ryan Davis reviewed the timeline for comment regarding the IPA and made the following comments:

- Residents only had two days after the Mayor's planned meeting to submit comments to Wasatch County.
- Comment had to be submitted 15 days from the date of the notice letter. The letter was dated 2023.
- Should HVSSD be granted legal immunity?
- The Council should strongly oppose the IPA.
- Unsuccessfully applied for a project in Midway that would have provided 130 to 160 acres of open space at no cost. The City had spent a lot of money buying ten acres of open space. Would not support an additional bond for more open space because of

these two items.

Mayor Johnson responded that 400 acres of open space had been preserved.

No further comments were offered.

4. Department Reports

Alpenhof Park / Improvements

Council Member Simonsen reported that the improvements to the Alpenhof Park were almost complete. Katie Villani made the following comments:

- A lot of the playground equipment had been installed.
- Some issues with connecting bolts had been corrected.
- Concerns had been raised with the slides emptying into one another and into rocks.
- An inspector for Utah Local Governments Trust approved the installation of the equipment.

Burgi Hill Park / Trail

Wes Johnson made the following comments:

- The project to replace a sewer line and part of the trail in the Burgi Hill Park was let out for bid.
- The project had been extended to the following year for warmer weather. The extension would not increase the cost.

Parks, Trails, and Trees Committee / Signage / E-bikes

Council Member Simonsen reported that the Parks, Trails, and Trees Advisory Committee discussed trail signs and restrictions on e-bikes.

Mayor Johnson indicated that black signs were being considered but they did not hold up as well over time, compared to other colors, and were harder to see.

Council Member Simonsen reported that the Committee recommended a 15-mph speed limit for e-bikes and prohibiting OHVs on sidewalks.

River Road / Repaving

Wes Johnson made the following comments:

- River Road was being repaved as part of the Whitaker Farm warranty.
- It would be paved that week and then immediately opened.

Council Member Simonsen noted that closing the road for paving had been hard on Francis Farms.

Irrigation Company / PI System / Ditch Cleaning / Meters

Council Member Simons reported that the Midway Irrigation Company would shut down the pressurized irrigation (PI) system in October for the winter.

Council Member Simons reported that the Irrigation Company was cleaning ditches and installing meters on the PI system. He added that the meters would track usage and not be used for billing.

Historic Preservation Committee / Swiss Days / Volksmarch / Paint the Town / Oral Histories / Website

Council Member Simons made the following comments:

- The Historic Preservation Committee had participated in Swiss Days and Volksmarch.
- It would hold an event called Paint the Town.
- It was still working on oral histories.
- Camille Palmer was doing a good job of administering the Committee's website.

Utah State Legislature / Update

Katie Villani gave an update on the Utah State Legislature and reviewed the following continuing issues and possible legislation:

- ULCT legislative advisory committee
- Constitutional Amendment D
- Housing
- Building inspections
- Bonding
- Gardner Institute report on rentals and housing costs

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

5. Proclamation 2024-01 / Domestic Violence Awareness Month (Kendra Wyckoff – Approximately 15 minutes) – Receive a presentation and deny, continue, or adopt proposed Proclamation 2024-01 designating October as Domestic Violence Awareness Month in Midway City.

Kendra Wyckoff, Peace House Executive Director, gave a presentation regarding her organization, domestic violence, the proposed proclamation, and reviewed the following items:

- Impact report
- Events in October

- Purpose of Peace House
- Services
- Services for Children

Ms. Wyckoff also made the following comments:

- Wanted to work herself out of a job.
- Wanted the City to know the resources available and to participate in Domestic Violence Awareness Month.
- The City's support helped Peace House support people.
- Peace House served 500 people the previous fiscal year which was a 41% overall increase and a 94% increase for Wasatch County.
- Was seeing more families in its emergency shelter.

Motion: Council Member Drury moved to approve Proclamation 2024-01 without hesitation.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

- 6. Issuance of General Obligation Bonds / Public Hearing** (Approximately 45 minutes) – Public hearing to receive input from the public with respect to (a) the issuance of approximately \$5,000,000 of General Obligation Bonds and (b) the potential economic impact that the improvements, facilities, or properties to be financed in whole or in part with the proceeds of said bonds will have on the private sector. **Public Hearing** (Public comment must be related to this item on the agenda.)

Brad Wilson read the following notification:

Pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and other applicable provisions of State law, a notice of public hearing with respect to the calling of an election authorizing the Issuer's general obligation bonds, in the principal amount of not to exceed \$5,000,000 (the "Bonds") was posted on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, not less than fourteen (14) days prior to this hearing.

He indicated that the notice of the public hearing was posted on 22 August 2024. He gave a presentation on the proposed bonds

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

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public.

Gayle Kilgore

Ms. Kilgore made the following comments:

- Moved to Midway from the Snyderville Basin.
- Was raised on a farm. The impact of development and increased taxes no longer made farming feasible.
- The City should find ways to preserve open space without raising property taxes. She suggested impact fees, transfer of development rights, increasing the resort tax, and building permit fees.
- Park City became a place for the rich and famous.
- People who grew up in Midway could not stay because of the high cost.
- Her son had to pay a \$5,000 transit fee when he built his house.
- Her taxes had increased significantly.
- Every little bit added up.
- Development impacted the community.
- The Homestead Golf Course should be preserved with conservation easements.
- Property owners did not have the money to fight growth.
- Knew that growth was difficult to deal with.

Mayor Johnson responded that the City would consider the alternatives that she suggested. She added that the State limited what taxes and fees local governments could collect. She noted that an impact fee for open space was not allowed. She said that Preserve Midway was considering starting a fund to assist residents with fixed incomes.

Brad Winegar

Brad Winegar explained Preserve Midway and made the following comments:

- Was a member of the Preserve Midway Board
- Residents needed to know how the bond money would be used.
- The previous open space bond was an unmitigated success.
- \$5 million had preserved 400 acres in perpetuity.
- The bond money would attract capital.
- Landowners would also contribute to the preservation of their land as open space.
- Most residents supported another bond.
- The increase in property taxes had been challenging.
- The bond was proposed for \$5 million instead of a larger amount.
- Was willing to walk anyone through the numbers associated with the proposed bond.

Dr. Lynn Adams

Dr. Adams made the following comments:

- Coordinated the recent survey regarding open space.
- The survey did not contain any major surprises.
- Approximately half of respondents supported a \$10 million bond. 80% supported a \$5 million bond.
- This was not a situation when people responded one way and then voted another.
- The survey was done in days instead of months and cost less by comparison.
- In the future would like to tell the City how the voters thought.
- The ballot issue let citizens choose.

Mayor Johnson closed the hearing when no further public comment was offered.

Mayor Johnson made the following comments:

- City resources could not be used to promote the bond.
- Was on the Utah State Land Conservancy Board. Toured land across Utah proposed for preservation. Saw the pressures from development.
- The State should better fund the LeRay McAllister Fund. This would relieve some of the development pressures.
- Various open lands had been or were being preserved in and around Midway.
- The public should benefit from the property being preserved.

7. Resolution 2024-13 / Additional Law Enforcement (City Attorney – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-13 adopting a memorandum of understanding between Midway City and the Heber City Police Department for additional law enforcement.

Corbin Gordon made the following comments:

- No comments regarding the proposed memorandum of understanding (MOU) had been received from the Heber City Police Department.
- Any citations would be submitted to the Wasatch County Attorney for prosecution.
- Heber City had a justice court that handled Class B misdemeanors or lower.

Brad Wilson indicated that the MOU could be adopted as presented and then amended if needed.

Council Member Simons asked about insurance and liability. Council Member Simonsen suggested that the City check with its risk management company to clarify liability.

Council Member Simons asked for clarification on prosecutions and the role of the Wasatch County Attorney.

Council Member Simons wanted to review the dispatch costs. Council Member Simonsen responded that Wasatch County provided the dispatch services and determined the cost.

Council Member Simons asked about incarceration costs.

Mayor Johnson indicated that Mr. Gordon would clarify the prosecution and incarceration costs. She added that the Police Department could start on a part-time or hourly basis.

Motion: Council Member Simonsen moved to approve Resolution 2024-13 with authority granted to the Mayor and City Attorney to finalize any remaining issues and authorized the Mayor to sign the MOU.

Second: Council Member Simons seconded the motion.

Discussion: None

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

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

Mayor Johnson reported that she spoke with Council Member Payne and that he would have voted for the resolution if he had been present.

8. Resolution 2024-26 / TAP Funds Amendments (Mayor Johnson – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt proposed Resolution 2024-26 amending the process to request TAP funds.

Mayor Johnson gave a presentation regarding trails, arts, and parks (TAP) funds, the proposed amendments, and made the following comments:

- Recipients of TAP funds needed to sign a contract that required they return and report how the funds were used.
- The issue would be discussed at the Council’s next strategic planning meeting.
- Some of the funds could be used for murals in the parks and cemetery restrooms. This would reduce graffiti in the restrooms.
- The TAP tax would have to be reauthorized by voters in nine years.

Note: A copy of Mayor Johnson’s presentation is contained in the supplemental file.

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

- Remaining impact fees were not sufficient to build the trail along north Center Street. TAP funds may have to be used.
- The City’s impact fee study needed to be completed.
- Wasatch County only offered matching funds for marketing.
- The resorts in Midway had not been helped by the County.
- Not all TAP funds should go to trails and parks.

- A proposed performing arts center in Heber City was a main driver for implementing the tax.
- Because of less responsibilities for land use the Council could be the committee that reviewed applications.
- The distribution of the funds should not be based on a percentage to certain categories. There was not sufficient experience with the funds to determine what the percentages should be.
- The City should fund its own trails. Other trails organizations could apply for TAP funds.
- If all funds were not allocated in a fiscal year, then they should be allocated within the following six months.
- Fund should be earmarked if they were not spent.
- Generically saving money was open ended and should be avoided.
- An applicant should not be rejected based on the amount of funds they received from other sources.
- The Council should be open minded about applications instead of using a ranking system.
- Saving the funds should be a last resort.
- Funds should not be given just to those who already had money.

Motion: Council Member Drury moved to approve Resolution 2024-26 with the following changes:

- Change Item 1 to match the suggested timelines provided in the packet.
- Delete Items 6, 7, 8, and 9 in their entirety.
- At another time bring the issue back for rewording of Item 8 to put a time limit on when funds would be allocated.

Second: Council Member Simons seconded the motion.

Discussion: The procedures should state where any leftover funds would go. Mayor Johnson responded that the process would be reviewed again and refined in January.

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

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

9. Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property

Motion: Council Member Drury moved to go into a closed meeting.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

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

Note: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

Motion: Council Member Drury moved to go out of the closed meeting.

Second: Council Member Simons seconded the motion.

Discussion: None

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

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

10. Adjournment

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

The meeting was adjourned at 9:28 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder