



Memo

Date: 21 October 2024
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 1 October 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, 1 October 2024, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

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

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

Mayor Johnson called the meeting to order at 6:09 p.m. She excused Council Member Payne.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, 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:

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 Orme gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 1 October 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 17 September 2024 City Council Work Meeting
- d. Minutes of the 17 September 2024 City Council Regular Meeting
- e. Minutes of the 17 September 2024 City Council Closed Meeting
- f. Ordinance 2024-14 amending Chapter 16.21 (Signs) of the Midway Municipal Code regarding signs. Recommended for adoption with conditions by the Midway City Planning Commission.

- g. First one-year extension of the final approval for the Wayne's Pond Rural Preservation Subdivision located at 101 West 100 South (Zoning is R-1-9).

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

Mayor Johnson indicated that item 2f could be continued.

Motion: Council Member Simonsen moved to approve the consent agenda with the exception of Item 2f which was not approved and continued to a future 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	Aye
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.

Lundin Property / Open Space / Roads and Trails

Randy Lundin made the following comments:

- His family was under a deadline to protect its farm as open space.
- Voters approved bond money to preserve open space and not to create roads and trails.
- The City had the family's request for open space funds since May and had not acted upon it.
- Doubted that the farm would be preserved because of all of the issues raised.

Jeff Menand made the following comments:

- A new bike path had been built along 970 South.
- 30 to 40 drivers on the weekend were using it as a road.
- It was not built for vehicles.
- Barricades should be installed at the entrances.
- Google Maps would start recommending it as a route for vehicles.

Wes Johnson indicated that bollards had already been ordered and would be installed at the entrances. He added that some other communities used offset gates. Mayor Johnson

suggested signage for the trail.

No further comments were offered.

4. Department Reports

Swiss Days / Attendance

Mayor Johnson reported that Heber Valley Tourism and Economic Development (HVTED) had a new tool which estimated attendance at events. She indicated that the estimate for that year's Swiss Days was 70,000.

HVRR / North Pole Express / 125th Anniversary

Mayor Johnson reported that several cars had been added to the Heber Valley Railroad's (HVRR) North Pole Express and tickets were almost sold out.

Council Member Drury reported that year was the 125th anniversary of HVRR.

HVSSD / IPA / Public Meeting

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) Board withdrew its application for an industrial protection area (IPA).

Council Member Drury thanked Mayor Johnson for meeting with the public regarding the issue.

MSD / Testing

Mayor Johnson reported that the Midway Sanitation District (MSD) was testing for odors at manholes.

Family Dinner in the Park

Mayor Johnson reported on the recently held Family Dinner in the Park.

Peace House / Domestic Violence Awareness Month

Mayor Johnson reminded everyone that October was Domestic Violence Awareness Month.

River View / Incorporation / Annexation Boundary

Michael Henke explained the incorporation process and made the following comments:

- Several property owners in the North Fields wanted to incorporate the area into a town named River View.
- Should staff continue to work on expanding the City's annexation boundary into the North Fields?
- Two existing annexations into Heber City could complicate the incorporation process.
- The South Fields were not part of the incorporation but would not be his first choice for an annexation into Midway City. No property owners in that area had shown interest in annexing into Midway.
- The Council would have to adopt portions of the Wasatch County Code to facilitate the expansion.
- Thought that the property owners wanted to preserve the area from development.
- The City's current annexation boundary included some of the land proposed for incorporation. The boundary would have to be reduced if the incorporation was successful.

Council Member Simonsen responded that the City should not hinder the incorporation if its purchase was preservation of open space. He suggested that staff monitor the process.

5. Eagle Scout Project (Bryan Moore – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve an eagle scout project on property owned by Midway City.

Brian Moore presented his request to build a bat house for the City to be installed on the Town Square. He made the following comments:

- The City was addressing an infestation of bats in the Community Center and Town Hall.
- Placing a bat house on a tree or telephone pole would help mitigate the problem.
- Would build the house and then gift it to the City to then install somewhere on the Town Square.
- A sign and catch for the guano could also be installed.

Motion: Council Member Orme moved to approve the eagle scout project by Brian Moore for a bat house, which would be given to the City and installed by the Public Works Department.

Second: Council Member Drury 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	Excused from the Meeting
Council Member Simons	Aye
Council Member Simonsen	Aye

6. Issuance of General Obligation Bonds / Public Meeting (Approximately 60 minutes) – Present and discuss arguments for and against the issuance of not to exceed \$5,000,000 of general obligation bonds to finance all or a portion of the costs to preserve open space and

related improvements; and related matters.

Brad Wilson gave a presentation on the proposed issuance of bonds.

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

Brad Winegar read his argument in favor of issuing bonds.

Note: A copy of Mr. Winegar's argument is contained in the supplemental file.

An argument against the issuing of bonds was not submitted.

7. Resolution 2024-27 / Culinary Water Rates (Council Member Drury – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt proposed Resolution 2024-27 amending the Midway City Fees Schedule regarding culinary water rates for primary residents over the age of 65.

Mayor Johnson reported that a public hearing was held regarding an additional open space bond. She indicated that at the hearing a concern was raised about residents on fixed incomes.

Council Member Drury gave a presentation regarding the proposed resolution and reviewed the following items:

- Why a water rate reduction.
- Purpose of the program.
- Water rates
- Discussion considerations

Council Member Drury also made the following comments:

- The City could not control most property taxes.
- Water rates were not regulated by the State.
- Residents would have to opt in to the program.
- Only primary residents could apply.
- The City did not track the ages of its water customers.
- It would be limited to customers within the City's boundaries.
- Allowing 10,000 gallons of water per month was a lot. Should this be reduced to 5,000 gallons?
- Participants would still be charged for water used above the allowed limit.
- There was a significant reserve in the Water Fund. It was significantly higher than required.
- The City could afford the proposal.
- It could be done on a one-year trial basis.
- It would have more impact than the City reducing its property tax.
- The program would be announced and advertised. Interested customers would complete a form. They would have to be 65 years or older. They would not be charged for normal

usage but would be charged for any overages.

Note: A copy of Council Member Drury's presentation is contained in the supplemental file.

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

- 20% of the City's population was 65 years old or older.
- The number of participants and the cost could not be determined until the program was enacted.
- Should there be a reduction or waiver for customers who used less water?
- The cost of a new water tank would be approximately \$3 million.
- The City effectively and efficiently maintained its culinary water infrastructure.
- There were no legal restrictions on the proposal.
- Picking a qualifying age was difficult.
- Customers under 65 years of age who needed assistance should also be helped.
- The allowed amount of water should be reduced to 5,000 gallons per month along with providing financial assistance.
- Basing participation on age was simple and easy. The age could be changed.
- It was awkward for customers to provide financial information.
- Staff should not have to review financial information.
- Applicants could simply be asked if they faced a hardship.
- Some customers who were in distress would not want to talk to staff.
- Others could be helped like single mothers, etc.
- Participation could be based on participation in other programs.
- Many people who needed assistance were renting and not directly paying for their water usage.
- The issue could be discussed with the Caring Coalition.
- Assistance was also important to homeowners.
- Other organizations should also help.
- The proposal and possible changes should be better understood, and more information provided. A quick study could be done.
- Should rates be reduced for all customers?
- It was a concern to base participation on involvement in other programs.
- The proposal was simple.
- The City's water rates were low compared to providers in southern Utah.
- Owners of second homes would have to pay the full rate.

Council Member Simons volunteered to look at use data and determine the effect of the proposal. He suggested continuing the item.

Motion: Council Member Drury moved to continue the item.

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

8. Resolution 2024-28 / Revised Interlocal Agreement for Additional Law Enforcement
 (City Attorney – Approximately 30 minutes) – Discuss and deny, continue, or approve Resolution 2024-28 approving a revised interlocal agreement between Midway City and Heber City for additional law enforcement services.

Corbin Gordon made the following comments:

- Approved of the proposed changes except for Item 8 regarding immunity. Liability was a hidden cost that the City had not fully contemplated. Negotiated back and forth on the item.
- Heber City rejected indemnifying Midway City. They also rejected the liability language from the previous Wasatch County agreement.
- Wasatch County indemnified Midway when it provided the additional law enforcement.
- Liability would be an issue if the City wanted significant input into operations and Midway City was shown on the vehicles.
- Midway City would be sued for law enforcement’s actions.
- Insurance coverage for law enforcement was costly.
- Insurance was not included in the administrative costs.

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

- Would the City have to have insurance if it did not hire or train the officers, and the vehicles indicated Heber City?
- The City’s insurer and risk manager might have a procedure for contracted law enforcement.
- Who assumed the liability for private security companies?
- Other issues like the costs of dispatch, prosecution, and incarceration needed to be addressed. These costs should be adjustable.
- The County not Heber City would handle prosecutions.
- Dispatch costs would increase because the amount of law enforcement would increase.
- Mr. Gordon should clarify these costs.

Motion: Council Member Simonsen moved to continue the item to address the listed items.

Second: Council Member Simons seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye

Council Member Payne
Council Member Simons
Council Member Simonsen

Excused from the Meeting
Aye
Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 7:57 p.m. She reconvened the meeting at 8:06 p.m.

9. Ordinance 2024-13 / Limitations on Bikes, E-Bikes, and Other Vehicles (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-13 imposing limitations on bikes, e-bikes, and other motorized vehicles on roads and trails.

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

- Update
- Categories
- Use of public property
- Headgear and helmets
- OHVs
- National Park Service regulations
- Utah Code enabling legislation
- Park City's regulations
- Definitions
- Topics of discussion
- Licensing
- Speed and passenger limits

Ms. Villani also made the following comments:

- Doubted that the City could require a drivers license to operate bicycles and similar vehicles on the City's streets.
- It was the State that licensed drivers.
- A lot of the area's trails were outside Midway.
- Charlie Sturgis was involved with Park City's regulations and was helpful when considering the issue.
- Park City's regulations were successful because they were self-imposed by the bicycling community.
- It was debatable if an attached trail was part of the road.
- A citation or fine could be given to someone under the age of 18 operating certain vehicles.
- Mr. Sturgis said impounding a bike or vehicle was more effective than issuing a fine.
- The issue should be discussed with local law enforcement.
- Riders became more confident with age.
- Users should stay off grass.
- Removed parking lots on the recommendation of the Parks, Trails, and Trees Advisory Committee. They wanted to wait to see if it became an issue.
- "Share the Road" signs would be helpful.

- Area laws should be consistent.
- Wanted to speak with Heber City, the Heber City Police Chief, Oakley City, etc.
- Also wanted to do more research on enforcement and penalties beyond fines.

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

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

- The City could regulate bikes and vehicles using its trails and paths.
- Helmets could be given to youth.
- Youth under 16 years old should not be allowed to use motorized vehicles.
- Parents purchased motorized vehicles for their children to go to practices, etc.
- The State should not dictate how a local government regulated its roads.
- Any speed limit should be 15 to 20 mph. The Parks Committee still recommended 15 mph.
- Anything traveling over 15 mph should be on the road.
- Common sense and proper etiquette were issues.
- No one under 18 should operate an e-bike without supervision.
- An ordinance should be adopted in preparation for a spring awareness campaign.
- There would be improvement if just the state law was enforced.

Motion: Council Member Drury moved to continue the item.

Second: Council Member Simons seconded the motion.

Discussion: None

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

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

10. Main Street / Additional Streetlights (City Engineer – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve purchasing additional streetlights for Midway Main Street.

Mayor Johnson explained that residents did not like the lights along Main Street when she came into office. She added that Heber Light & Power Company was willing to pay for LED lamps to be installed.

Wes Johnson gave a presentation and reviewed the following items:

- UDOT cost estimates for the Main Street and River Road signal light project.
- Conduit and foundations

Mr. Johnson also made the following comments:

- The existing streetlights along Main Street, which went from 200 West to 300 East, were installed before the 2002 Olympics. The City was replacing the lights.
- The manufacturer of the new lights indicated that only half the number was needed.
- Only half the number of lights were purchased.
- During installation it was determined that this was insufficient and left gaps without light.
- Now every old streetlight was being replaced with a new one for safety. This would only replace the lights to 100 East.
- HL&P was paying for the streetlight heads.
- Did the Council want to purchase more new lights to continue to 300 East?
- Did the Council want to also purchase new lights to go to 400 East as part of the Main Street and River Road signal light installation?
- The cost to install streetlights from 300 East to 400 East would be \$126,150.
- Beyond 400 East there was only commercial development on the north side of Main Street.
- UDOT still owed the City money for the Homestead trail

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

Brad Wilson reviewed the budget for the project.

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

- The City could not require the developer of Southhill to install any of the lights.
- The City should at least purchase the lights for beyond 400 East, even if they were not installed. This would ensure that they match the light being installed.
- Any areas where streetlights were installed in the future would have to be torn up.
- A profile would be done for Main Street going east to the planned roundabout or Michie Lane.
- Streetlights should be installed to 400 East and conduits with foundations installed beyond if needed.
- The exact cost should be determined for 300 East to 400 East.

Motion: Council Member Drury moved to continue the item until the budget could be amended.

Second: Council Member Orme seconded the motion.

Discussion: Wes Johnson indicated that he would provide more information to the Council.

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

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

11. 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 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	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	Aye
Council Member Payne	Excused from the Meeting
Council Member Simons	Aye
Council Member Simonsen	Aye

12. 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 9:43 p.m.

DRAFT