



Memo

Date: 27 November 2024

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 19 November 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, 19 November 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 6:08 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:

McKay Murdock, Attorney’s Office (Arrived at 6:45 p.m.)
Michael Henke, Planning Director
Wes Johnson, Engineer
Katie Villani, Planner
Brad Wilson, Recorder

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 Simons gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 19 November 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 5 November 2024 City Council Work Meeting
- d. Minutes of the 5 November 2024 City Council Regular Meeting

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

Council Member Drury asked about the warrant for Heber Light & Power Company (HL&P) for

street light installation. Wes Johnson responded that HL&P had to work on a section of the new streetlights along Main Street. Council Member Orme added that the same invoice was on the previous warrant list.

Motion: Council Member Orme moved to approve the consent agenda excluding the warrant for HL&P for streetlight installation.

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	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.

Swiss Haven Annexation / Requirements

Randy Lundin asked what the City had requested from the petitioners as part of the Swiss Haven Annexation. Mayor Johnson responded that no requests had been made because it annexed a small piece of property that everyone assumed was already in the City.

Mr. Lundin explained that requests had been made when his family wanted to annex a parcel into the City. He said that all annexations should be treated the same. Mayor Johnson responded that the Swiss Haven Annexation resolved an oversight and was fair.

No further comments were offered.

4. Department Reports

Ice Rink / Opening / Improvements / Repairs

Council Member Drury reported that the dasher boards had been installed and the mats had been laid down for the ice rink. He hoped that the rink would open before the Tree Lighting depending upon the weather. He also suggested installing concrete to replace the mats and the volunteer hours to lay them.

Wes Johnson reported that repairs had been made to the rink and they passed a pressure test.

Affordable Housing / Purchase Back House / Stock

Council Member Payne reported that the Wasatch County Housing Authority would purchase back a house, which could not be sold because of affordable housing restrictions.

HL&P / Rate Increase

Council Member Payne reported that HL&P might have to raise rates in the spring because of increased power costs and construction projects.

Mayor Johnson reported that in the past HL&P's rates were low compared to other power providers.

Open Space Committee / Bond

Council Member Payne reported that the Open Space Advisory Committee was considering the best time to issue the recently approved bonds. He indicated that \$5 million was the minimum amount that should be issued because of the issuance costs.

Brad Wilson emphasized that the City needed to complete preservation projects funded with money from the previous bond.

HVRR / North Pole Express / Vivian Park Lawsuit / Expansion

Mayor Johnson reported that Heber Valley Railroad's (HVRR) North Pole Express was sold out. She also reported on a lawsuit regarding the rail line and a trail at Vivian Park.

Council Member Payne indicated that HVRR wanted to expand its tracks north of its depot. Michael Henke noted the expansion conflicted with a proposed trail.

HVSSD / Bond / Staff / Dredging

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) was considering a bond which would be repaid with a rate increase.

Mayor Johnson reported that the District's sewer ponds would be dredged in the winter and using certain techniques to reduce the odor during the process. Council Member Simonsen recommended that the District communicate with the public about the dredging.

MSD / Increased Water

Mayor Johnson reported that the Midway Sanitation District (MSD) was monitoring increased water in its system. The District was working to determine the source.

Tax Increment Financing / Webinar

Katie Villani reported that the Utah League of Cities and Towns would hold a webinar on tax increment financing.

5. Lundin Property / Clarification of Motion (City Planner – Approximately 10 minutes) – Discuss and possibly clarify the motion authorizing the use of Midway open space bond funds for the Lundin property located at approximately 900 West Bigler Lane.

Mayor Johnson reported on the site tour of the Lundin property. She indicated that the item needed to be continued.

Katie Villani made the following comments:

- Was trying to meet with different entities to determine the route and specifications for the requested emergency access road. The item should be continued until these issues were resolved.
- The access issues did not affect the City’s commitment to preserving the open space on the property.
- The most feasible route was Bigler Lane but that was not supported by the family.

Note: McKay Murdock arrived at 6:45 p.m.

Brad Wilson noted that the proposed open space was not in the City. He indicated that the route and minimum specifications for the access needed to be determined by multiple entities.

Council Member Orme pointed out that the Council had approved helping purchase the conservation easement. She felt like the City was now holding back the project.

Katie Villani indicated that the various issues needed to be resolved for the purchase agreement.

Motion: Council Member Simons moved that completing the item be a priority and that it be continued to the December 3rd meeting for conclusion.

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	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

6. Resolution 2024-14 / Animal Control Services Agreement (Council Member Simonsen – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-14 adopting an interlocal cooperative agreement for animal control services.

Council Member Simonsen reported that Corbin Gordon and Katie Villani reviewed and approved the proposed agreement.

Council Member Simons asked what the City would receive as part of the agreement. Council Member Simonsen responded that animal services patrolled Midway, took care of loose animals, operated a shelter, and worked with Paws for Life. He noted that some residents complained that animal services patrolled too much.

Council Member Payne said that it was sensible to share such services with other local governments.

Motion: Council Member Simons moved to approve Resolution 2024-14 adopting an interlocal cooperative agreement for animal control services.

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

7. Resolution 2024-29 / TAP Tax Forms (City Planner – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-29 adopting new and revised forms related to requesting and using Trails, Arts, and Parks (TAP) Tax funds.

Mayor Johnson explained that changes had been made to the TAP tax forms based on recent revisions to the program.

Katie Villani gave a presentation on the proposed applications and contracts and made the following comments:

- The forms were brief.
- Applicants had to provide more information.
- Might do a spreadsheet to show where funds had been allocated in the past.
- Sometimes recipients needed the funds before they could make purchases.

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

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

- Recipients should acknowledge the program by using the City and TAP logos on their advertising, etc.
- Applicants should indicate if they would apply for TAP funds from other entities. These funds could not be used for the same items funded by Midway City. They would not be disqualified for applying to other entities.
- Recipients should turn in receipts and not be required to hold them for three years.
- Recipients should be strictly prohibited from giving the funds received to other entities or causes.
- Should unused funds be returned to the City? Recipients should maintain a record of all unused funds.
- A recipient should not receive additional funds if there was abuse.
- The City should not be arbitrary when considering unused funds. Each project or event could be different.
- Should the requirements for unused funds be based on an amount like less than \$500 and \$500 or more?
- Requirements for unused funds could be developed in the future if problems arose.

Motion: Council Member Simonsen moved to approve Resolution 2024-29 with the requested changes.

Second: Council Member Simons seconded the motion.

Discussion: None

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

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

8. 2024 Bond Election / Canvass Ballots (City Recorder – Approximately 10 minutes) – Canvass the Ballots for the 2024 Bond Election.

Brad Wilson gave a presentation on the election results.

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

Motion: Council Member Drury moved to accept the canvass results.

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

9. Main Street / Land Use Revisions (City Planner – Approximately 30 minutes) – Discuss possible land use revisions related to Midway Main Street.

Michael Henke gave a presentation and reviewed the following items:

- Locations of the commercial zones
- Differences between the zones
- Changing zone boundaries.
- Main Street goals and guidelines
- Parking
- Open Space
- Design
- Transitions
- Points of discussion
- Affordable housing
- Walkable and rural sections of Main Street
- Expanding the C-3 zone to include a section of south Center Street

Mr. Henke also made the following comments:

- Wanted direction from the Council.
- The revisions would cover the two commercial zones.
- Areas with and without curbs and gutters could be walkable.
- Perpendicular parking would only be allowed with green space.
- Changing the commercial zones could create a significant number of nonconforming businesses.
- The Council and staff should review the zoning map in a work meeting.
- High Valley Arts had an active application for a theater.
- The City could enter into legislative development agreements as opposed to the traditional approval process using the Municipal Code.
- No one had completed a cross-parking agreement.

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

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

- Was an area rural if it had curb and gutter?
- Theaters should only be allowed as part of an overlay zone. They should not be allowed in an entire zone.

- There should be a size restriction on theaters.
- The commercial zones should be expanded up to the south side of 100 North.
- The boundaries of the commercial zones should be more uniform and avoid “zigs and zags.”
- Roads should be corridors with the same zoning on each side.
- South Center Street had some commercial and a lot of residential properties. This was different from other sections in the commercial zones.
- Should the City have a cottage industry zone?
- Main Street should be considered as a whole. Issues like parking, frontage, etc. needed to be addressed.
- The Municipal Code should not be changed to accommodate a specific building.
- Parking meters would be a way to control parking and increase revenue. Main Street was a UDOT road and the City would have to work with them regarding meters. Meters were expensive to install and to enforce. They did not create a rural feel.

Department Reports (Continued)

E-bikes / Regulations

Katie Villani reported that she sent the adopted regulations, regarding e-bikes and other vehicles, to the Heber City Police Department. They responded that they were reasonable and enforceable. She added that Heber City and Wasatch County were considering adopting the similar regulations.

Additional Law Enforcement

Mayor Johnson reported that the Heber City Police Department would start providing additional law enforcement within the next two weeks.

10. Adjournment

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

The meeting was adjourned at 8:25 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder