

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 11 March 2015, 7:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah

Note: Notices/agendas were posted at 7-Eleven, Ridley's Family Market Convenience Store, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Department, and Public Works Administrative Lead. The public notice/agenda was published on the Utah State Public Notice Website and a notice sent to The Wasatch Wave. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order; Opening Remarks or Invocation; Pledge of Allegiance

Mayor Bonner called the meeting to order at 7:00 p.m. Mayor Bonner excused Council Member Dodge.

Members Present:

Colleen Bonner, Mayor
Dick Hines, Council Member
Danny Hofheins, Council Member
Ken Van Wagoner, Council Member
Kent Kohler, Council Member

Staff Present:

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

Members Excused:

Karl Dodge, Council Member

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

Mayor Bonner asked if a Midway City resident in attendance would like to give the opening remarks or invocation. Randon Wilson gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

2. General Consent Calendar

- a. Agenda for the 11 March 2015 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 25 February 2015 City Council Regular Meeting

d. Minutes of the 25 February 2015 City Council Closed Meeting

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

Motion: Council Member Hines moved to approve the consent calendar.

Second: Council Member Hofheins seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye

3. **Public Comment** – Comments will be Taken on Any Item not Scheduled for a Public Hearing, as Well as on Any Other City Business. Comments are Limited to Two Minutes per Speaker. The Council Cannot Act on Items not Listed on the Agenda, and Therefore, the Council may or may not Respond to Non-Agenda Issues Brought up Under Public Comment. Those Wishing to Comment Should use the Podium, State Their Full Name and Address, Whom They Represent and the Subject Matter to be Addressed. Total Time Allocated to Public Comments will be no More than 10 Minutes.

Location of New Fire Station

Christian Jones said that he represented several citizens who opposed the location of the new fire station. He indicated that a number of letters opposing the location had been provided to the City. He read the following letter from George Hansen which he said summarized the group's concerns:

"I think that the idea of moving the fire station elsewhere other than the core of our central business district, and developing that corner into central commercial revenue and traffic producing property has some very good merit.

I know that it is easy think to put the fire station there in terms of ownership and central convenience; but it might not be the best long term use of the land, given our main street vision. Commercial Main Street tax producing opportunities are very limited. The placement of a public service building there would not only foreclose that opportunity, but would devalue future opportunities for others who would follow this lead and detract from their desires to build on Main Street. Alternatively, a well-designed commercial

venture would attract similar commercial neighbors.

There are plenty of opportunities "off Main" to develop the core of the public service sector.

Colleen, can you please forward this to the City Council members and the planning department.”

Mr. Jones asked how many of the Council Members had seen the letters. He stated that Heber Valley was the fastest growing valley in the nation. He requested that the City’s plan for Main Street be made public. He also suggested that the City hire consultants or change management to properly deal with the growth.

House at 250 North Homestead Drive

Randon Wilson reported that funds were being donated, to the Midway Heritage Foundation, for the demolition of the derelict home at 250 North Homestead Drive. He asked the City to finalize the consent of the property owners including trail easements.

4. Recital/Waive Town Hall Fees (Rob Sorenson) – Discuss and Possible Waive the Town Hall Rental Fees for a Recital

Rob Sorenson introduced Anna Hunsaker and McKay Sperry and said that they were a musical group called The Three Fiddles. He indicated that he was a resident of Midway. Ms. Hunsaker indicated that the group had played throughout the area.

McKay Sperry asked if the group could use the Midway Town Hall on 11 May 2015 with the rental fees being waived. He said the concert would be free but donations would be solicited. He added that 10% of the donations, up to \$250, would be given to the Midway Boosters. He expected 250 to 300 attendees.

The group played a musical number.

Council Member Kohler worried about setting precedence by waiving the rental fees. He noted that the City could not discriminate and needed guidelines for such waivers. Council Member Hofheins agreed.

Mayor Bonner suggested that the portion of the donations, which would go to the Booster, go instead to the City.

Motion: Council Member Van Wagoner moved to waive the town hall rental fees for the recital with 10% of the donations, up to \$250, going back to the City.

Second: Council Member Hofheins seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye

5. Heber Valley Medical Center Expansion (Shawn Morrow and Amy Tuddenham) –
Receive a Presentation on the Expansion of the Heber Valley Medical Center

Shawn Morrow, Heber Valley Medical Center Administrator, gave a presentation on the facility and specifically talked about the following items:

- New vision statement
- Managing costs
- History of Intermountain Health Care
- State rankings of healthiness and value
- Expansion and renovation
- Medical staff
- Governing board
- Charity care

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

6. Closure of 200 East (Natalie Streeter) – Discuss and Possibly Approve the Closure of 200 East from Main Street to 100 North for an Event on 12 September 2015

Natalie Streeter asked to close 200 East, from Main Street to 100 North, for an event and made the following comments:

- The event would be a bicycle ride instead of a race.
- Fill’er Up Coffee Station was the main sponsor.
- Wanted to start and end the ride on 200 East.
- Would try to leave the north portion of the road open to accommodate residents.
- Closing the road would provide for a safe gathering.
- It was her first time organizing such an event.
- Hoped that 100 people would participate. Would come back to the City if the number of participants was significantly higher.
- Was working with a good website to organize the event which facilitated the emailing of

participants.

- She would email the participants if they needed to park in a certain location.
- Wanted it to be an annual event.
- It would be held on September 12th which was the weekend after Labor Day.
- There would be 75 mile and 60 mile routes.
- The event was a fundraiser that would benefit local charities.
- A 20' x 20' tent would be set up where messages would be given. The tent had to be set up the day before so that it could be inspected by the City's building safety department.

Council Member Van Wagoner asked that proper signage be used and the area residents be notified of the event.

Ms. Streeter asked that the road closure begin the afternoon before the race so that the tent could be set up and inspected.

Mayor Bonner asked if the tent would be in or next to the road. Ms. Streeter responded that she would talk to the school, which was providing the messages, to see which would be best.

Motion: Council Member Hines moved to approve the closure of 200 East, one half block going north from Main Street, beginning the afternoon of 11 September 2015 and going through the following day.

Second: Council Member Kohler seconded the motion.

Discussion: Council Member Kohler indicated that all of 200 East, from Main Street to 100 North, might need to be closed for the start of the ride.

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye

7. Tarahumara/Liquor Licenses (Kreg Van Stralen) – Discuss and Possibly Grant Local Consent for a Liquor License for the Tarahumara Restaurant Located at 380 East Main Street

Mr. Henke made the following comments regarding the request for local consent:

- Kreg Van Stralen was purchasing the Tarahumara restaurant.
- Business and liquor licenses would not transfer with ownership.
- Local consent was required for the liquor licenses. If granted, this would allow the applicant to go before the Utah State Department of Alcoholic Beverage Control for approval.

- The same liquor licenses, as currently held by the restaurant, were being requested.

Council Member Van Wagoner had not seen any problems with liquor at the restaurant. Council Member Hines agreed.

Motion: Council Member Van Wagoner moved to grant local consent for the liquor licenses for the Tarahumara restaurant.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye

8. Midway Farms/Plat Amendment (Mike Johnston) – Discuss and Possibly Approve an Amendment to the Plat Map for the Midway Farms Subdivision Located at 771 North Center Street.

Michael Henke gave a presentation regarding the amendment and reviewed the following areas:

- Location
- Layout
- Current plat map
- Proposed plat map
- State code and lot line adjustments
- Memo from the City Attorney

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

Mr. Henke indicated that a public hearing was held the month before regarding the amendment. He added that since the amendment met the zoning code that it was required to be approved by the Council.

Mayor Bonner read the memo from the City Attorney.

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

Motion: Council Member Kohler moved to approve the plat map amendment for the Midway Farms Subdivision, located at 771 North Center Street, based on the recommendation of the City Attorney and pursuant to the State Code.

Second: Council Member Hofheins seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye

9. Ordinance 2015-02/Festival Market Business Licenses – Discuss and Possibly Adopt Ordinance 2015-02 Amending the Midway City Municipal Code Regarding Festival Market Business Licenses.

Mr. Henke gave a presentation regarding the proposed ordinance and reviewed several changes, since the previous version, and restrictions for 2015, 2016, and 2017. He indicated that as proposed that evening all third party vendors would be prohibited starting in 2017.

Council Member Hines made the following comments:

- The Council tried to support businesses.
- The City should try to preserve Swiss Days but allowing third party vendors, off of the Town Square, helped local businesses.
- Businesses should continue to be able to have third party vendors.
- Section 7.05.010(F)(10), eliminating third party vendors in 2017, should be removed from the proposed ordinance.
- It did not make sense for the City to allow third party vendors for the next two years then prohibit them.

Council Member Kohler made the following comments:

- Agreed that third party vendors should be allowed and Section 7.05.010(F)(10) should be removed from the proposed ordinance.
- Swiss Days was a community event and the local businesses were part of the community.
- The proposed ordinance would reduce the number of third party vendors by a third.
- Why change the current process if it worked?
- Any regulations should be fair for everyone.
- 200 West, which was congested with shoppers, might need to be a one way street during

Swiss Days.

Council Member Hofheins made the following comments:

- Wanted to support Swiss Days which was struggling. Costs were going up and the organizers were wondering how long the event could continue.
- Volunteers at the event were becoming discouraged because of the vendors off of the Town Square.
- Prohibiting vendors, starting in 2017, could be removed from the proposed ordinance but the issue needed to be revisited.
- There were other ways for businesses to make money during Swiss Days.
- If most residents could vote they would prohibit third party vendors off of the Town Square.

Council Member Van Wagoner made the following comments:

- It would be a mistake to totally eliminate third party vendors.
- A five foot setback for booths was not enough. There would still be congestion and people walking in the streets.
- Was concerned about the City collecting fees that would then be given to Swiss Days.
- The City should not show favoritism.
- Encouraged local business owners to sell their own products, during Swiss Days, which would help their business throughout the year.

Mayor Bonner made the following comments:

- The issue of third party vendors created a lot of problems.
- At one time she was a shareholder in Seasons of Home.
- Swiss Days was not the only valuable thing in Midway but it was very important.
- Businesses should market their own products during Swiss Day so visitors would return to Midway.
- The continued issue of safety needed to be readdressed the following year.

Council Member Kohler suggested that safety be addressed right after Swiss Days of that year.

Council Member Kohler also indicated that some businesses, that had third party vendors, had already accepted vendors and received the associated rental fees. Mayor Bonner responded that the City was addressing the issue early because festival market applications were not due until June.

Council Member Van Wagoner thought that the proposed ordinance should not be adopted. Mayor Bonner asked if just a portion of the ordinance needed to be modified.

Motion: Council Member Hines moved to adopt Ordinance 2015-02 with Section 7.05.010(F)(10) removed.

Second: Council Member Kohler seconded the motion.

Discussion: Mayor Bonner emphasized that the Council would review the effectiveness of the ordinance in September after Swiss Days.

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Nay
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye

10. Resolution 2015-04/Fee Schedule – Discuss and Possibly Approve Resolution 2015-04 Amending the Fee Schedule for Midway City Regarding Festival Market Business Licenses

Michael Henke gave a presentation regarding the resolution and reviewed the following areas:

- Festival market expenses
- Festival market fees including and not including the food booths on the Town Square

Mr. Henke also made the following comments:

- Swiss Days had its own business license.
- The food booths on the Town Square should be treated like a normal business's products, as opposed to a third party vendor, and not included in the calculation of fees.
- The fee could be collected by the City and then paid to Swiss Days upon submission of invoices. The City could also be directly responsible for the services such as shuttles, etc.

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

Council Members Hofheins and Van Wagoner questioned how the amount of the fees, to be charged for third party vendors of off the Town Square, would be determined.

Council Member Kohler recommended that no fee be charged to third party vendors. He noted that the City was already reducing the number of booths by a third which negatively impacted the businesses.

Mayor Bonner indicated that law enforcement was needed on Main Street and that would have to be paid for. Council Member Hofheins agreed.

Council Member Van Wagoner asked what was included in the security paid for by Swiss Days. He thought that only included security during the night. Mayor Bonner added that law

enforcement during the day was covered by the City's contract with the Sheriff's Department.

Council Member Van Wagoner questioned how much of the cost for barricades should be passed on to the businesses. He also indicated that traffic safety was the City's responsibility because it owned the roads.

Michael Henke indicated that the City currently charged \$50 for a festival market business license.

Council Member Van Wagoner recommended that a better method for determining the fee be developed. Council Member Hines questioned if the City had a way to fairly determine the fee to be charged to the businesses.

Mayor Bonner explained that kids had been handling the crosswalks across Main Street.

Council Member Hines asked if the Sheriff's Department had charged Swiss Days for law enforcement. Council Member Van Wagoner, who was the former sheriff, responded that the Sheriff's Department had not charged Swiss Days for law enforcement.

Mayor Bonner noted that the Labor Day weekend was becoming busier with more events. She said that the Sheriff's Department was stretched thin over the holiday. She thought that a police officer rather than a security guard should be on Main Street.

Motion: Council Member Kohler moved to approve Resolution 2015-04 with the fee based on the businesses, which had festival markets, sharing the cost of \$3,600 for law enforcement on Main Street.

Second: Council Member Hines seconded the motion.

Discussion: None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Nay
Council Member Dodge	Excused from the Meeting
Council Member Kohler	Aye

11. Financial Report – Receive a Report on the Finances for Midway City

Brad Wilson gave a financial report for the month of January. He reviewed revenue and expenditures for the General Fund, Capital Improvement Projects Fund, Water Fund and Ice Rink Fund. He noted those departments which were over budget. He also indicated that the budget process for FY 2016 had begun.

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

12. Department Reports

Michael Henke, Planning Director

April 8th Council Meeting – Mr. Henke reported that there would be a lot of items on the agenda for the April 8th council meeting. Mayor Bonner asked if the items should be split between two meetings. Mr. Henke recommended that all of the items be scheduled for that night and then tabled as needed.

Council Member Van Wagoner did not want to be hurried when considering the items. Mayor Bonner suggested that the meeting begin at 5:00 p.m. The Council agreed.

Building Permits – Mr. Henke reported that the number of building permits for that year would be greater than the previous year.

Development – Mr. Henke reported that development was increasing in the City.

Wes Johnson, Engineer

2015 Road and Utilities Improvements – Mr. Johnson reported that the work on Pine Canyon Road, as part of the 2015 road and utilities improvements, was progressing. He estimated that the project would be completed in June.

Alpenhof Well House – Mr. Johnson suggested that one well house be built for the existing and new Alpenhof wells.

Road Surface Treatments – Mr. Johnson reported that the pre-bid meeting was held that day for the 2015 road surface treatments.

2016 Road and Utilities Improvements – Mr. Johnson reported that the 2016 road and utilities improvements, which included Center Street and Lime Canyon Road, would be let out for bid.

Sidewalk Repairs and Replacement – Mr. Johnson reported that some money was still available in the budget for the repair and replacement of sidewalks. He asked the Council to let him know of sidewalks that needed work. Mayor Bonner recommended that one of the sidewalks in the Centennial Park be moved so that it exited onto a city street.

Dick Hines, Council Member

Irrigation Pump House/Valais Park – Council Member Hines noted that the irrigation pump house in the Valais Park had never been finished. He recommended that the Midway Irrigation Company finish it or tear it down. Mayor Bonner responded that the Irrigation Company was having trouble finding a large enough backflow device which was required by the State. Wes Johnson said that he would contact the Irrigation Company regarding the issue.

Committee Members – Council Member Hines asked when the membership of the various city committees would be updated. Mayor Bonner responded that they would be updated at the next council meeting.

New Fire Station – Council Member Hines asked about the progress of the new fire station. Council Member Van Wagoner responded that bids for its construction had been let out and infrastructure was in place. He thought that Wasatch County had already donated \$50,000 to \$100,000 in labor and material for the project.

Danny Hofheins, Council Member

Town Hall, Community Center, Office Building Improvements – Council Member Hofheins noted that the Town Hall, Community Center, and the City Office Building looked good after numerous repairs and improvements.

Town Hall Stage – Council Member Hofheins reported that a new surface for the stage in the Town Hall was being considered.

Colleen Bonner, Mayor

Website – Mayor Bonner reported that money was available in the budget to update the City's website before the end of the fiscal year.

Ken Van Wagoner, Council Member

Water Training – Council Member Van Wagoner said that he would be at water related training the following week.

13. Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation

A closed session was not held.

14. Adjournment

Motion: Council Member Van Wagoner moved to adjourn the meeting. Council Member Hofheins seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:01 p.m.



Colleen Bonner, Mayor



Brad Wilson, Recorder