MINUTES OF THE
MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 13 May 2015, 6:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Administrative Lead, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website. 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 6:01 p.m. She excused Wes Johnson, City Engineer.

Members Present:

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

Staff Present:

Michael Henke, Planning Director
Kraig Powell, Attorney
Brad Wilson, Recorder/Financial Officer

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. Council Member Dodge 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 13 May 2015 City Council Regular Meeting
b. Warrants
c. Minutes of the 8 April 2015 City Council Regular Meeting
d. Minutes of the 22 April 2015 City Council Regular Meeting
e. Minutes of the 22 April 2015 City Council Closed Meeting
f. Minutes of the 27 April 2015 City Council Budget Meeting

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

Motion: Council Member Hines moved to approve the general 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	Aye
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.

Pickleball

Cary Hobbs gave a presentation in support of Pickleball in the City. He explained why it was popular and distributed a handout to the City Council.

Note: A copy of Mr. Hobb's handout is contained in the supplemental file.

4. **Mecham Subdivision/Will Serve Letter (Kristine Mecham)** – Discuss and Possibly Approve a Will Serve Letter Stating that Midway City will Provide Culinary Water to the Mecham Subdivision Located at Approximately 1155 South Stringtown Road.

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

- Location of the property
- Its relation to the city boundaries
- Midway Water Advisory Board recommendation
- Annexation of the property
- Future transportation planning

- Land use map

Mr. Henke also made the following comments:

- The property was not developed.
- A three lot subdivision was proposed.
- The applicant previously received a will serve letter, to connect to the City's culinary water system, for a previous development on the property called Windy Willow. The development was never started.
- Because the property was in the County the required water would be in both the name of the applicant and the Midway Irrigation Company.
- The allowed density for the property was the same in the County as it was in the City.
- Providing culinary water was the only leverage the City had to encourage an owner to annex their property into the City.
- The City could require that the applicant's property be annexed into the City as a condition of providing culinary water.
- Will serve letters, to connect to the City's culinary water system, had been provided for other properties in the area.
- The County wanted an easement from the proposed cul-de-sac to the east boundary of the property.

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

Kristine Mecham, applicant, made the following comments:

- Wanted her property to remain rural.
- Did not want an easement through the property.
- Did not want a road to go through the property.
- Needed a will server letter before the project would be considered by the County.
- Would submit the required water for the development.
- Two of the lots were under contract to be sold. The purchaser was anxious to start building.
- Other property owners in the area, even across the street from her property, had received will serve letters from the City.
- Had considered annexation in 2008 but the estimated cost would have been $30,000.

Council Member Dodge asked Ms. Mecham if she would be willing to annex her property into the City as a condition of connecting to the culinary water system. Ms. Mecham responded that she was not opposed to annexation but did not want to spend a lot of money.

Council Member Hines asked if the Municipal Code allowed connecting to the culinary water system without annexing into the City. Mr. Henke responded that it was allowed. Kraig Powell added that service outside of the City was discretionary. He pointed out that will serve letters which had been approved were for properties not contiguous to the City. He noted that Ms.

Mecham's property boarded the City on three sides. He also noted that landowners outside the city limits did no pay property taxes to the City.

Mayor Bonner indicated that it could take six months to complete an annexation. Kraig Powell thought that the time frame could be shorter.

Council Member Dodge asked if anyone had spoken to the other property owners who would have to be included in the annexation. Ms. Mecham responded that Donna Smith did not want her home and property annexed.

Brad Wilson reviewed the annexation process and indicated that it could be costly and time consuming. He reviewed specific costs like plat map preparation and the required components of a petition. Ms. Mecham asked who would pay those costs. Mr. Powell responded that Ms. Mecham was the one requesting culinary water. Ms. Mecham indicated that the culinary water line next to her property had been there for many years and was installed by her father and others.

Ms. Mecham asked if she could receive the will serve letter if she did not oppose future annexation of her property. Mr. Powell responded that the City could not initiate the annexation in that case.

Council Member Kohler understood Ms. Mecham's concerns but said it made sense for her property to be part of the City.

Council Member Hofheins suggested that the City have a clear rule on supplying water and annexation. He thought a will serve letter should be granted, without requiring annexation, because similar letters had been supplied to other property owners in the area. He was concerned about the cost to annex into the City.

Council Member Dodge pointed out that the other will serve letters had been provided for properties that were not contiguous to the City.

Mr. Powell asked if a cul-de-sac was needed. Mr. Henke responded that each lot had to have frontage which required the cul-de-sac. Mr. Powell asked if the boundary line could be on a diagonal to avoid it. Mr. Henke indicated that additional frontage would still be needed.

Mr. Powell suggested that the person purchasing the lots pay the annexation expenses.

Council Member Van Wagoner indicated that a lot of the work necessary for annexation had already been completed like surveys, etc.

Mayor Bonner asked if the annexation and development processes could occur at the same time. Mr. Powell indicated that they could.

Mayor Bonner wanted the development to be done correctly so that it would not be a problem for others in the future.

Council Member Van Wagoner asked Mr. Wilson how long an annexation would take with the assistance of the City's staff. Mr. Wilson responded four months if there were no problems.

Council Member Dodge agreed with Mayor Bonner that the project should be done right and not pushed for time.

Motion: Council Member Dodge moved to take no action on granting a will serve letter but recommend that the applicant meet with city staff to begin the annexation process. He further moved that the City would support the annexation and provide city water services when it was completed.

Second: Council Member Van Wagoner 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	Aye
Council Member Kohler	Aye

5. **Kantons PUD/Name Change (James Doolin)** – Discuss and Possibly Approve Changing the Name of the Kantons PUD, Located at Approximately 850 North Homestead Drive, to the Kantons at Village Green PUD.

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

- Location of the Kantons PUD
- Proposed names
- Possible findings

Mr. Henke also made the following comments:

- Wanted to avoid confusion with the names of other developments.
- Wanted names to be distinct.
- He and the County recommended Kantons at Village Green.
- Wanted "kantons" to be prominent in the name.

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

James Doolin, applicant, requested that the name be change to Kantons at Village Green.

Mayor Bonner, Council Member Hines, and Council Member Hofheins agreed with the recommended name.

Motion: Council Member Hines moved to change the name to Kantons at Village Green.

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	Aye
Council Member Kohler	Aye

6. **Festival Market Overlay Zone/Ordinance 2015-06** – A Proposed Ordinance Amending the Midway City Land Use Map Adding a Festival Market Overlay Zone. Recommended without Conditions by the Midway City Planning Commission.

6a. Presentation – Receive a Presentation on the Proposed Ordinance from Staff

Michael Henke gave a presentation regarding the request and reviewed the land use map for the City.

Mr. Henke also made the following comments:

- The Planning Commission unanimously made a recommendation of where the overlay zone should be.
- Tried to include those businesses that had festival market business licenses in the past.
- Wanted to keep the zone close to the Town Square.
- It included the C-3 zone.
- The recommended area could be adjusted by the City Council.
- It would not be included in the City's land use map because it would only be used once a year.

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

6b. Public Hearing – Receive Public Comment on the Proposed Ordinance

Mayor Bonner opened the public hearing. She closed the hearing when no public comment was offered.

6c. Action – Discuss and Possibly Adopt the Proposed Ordinance

Council Member Dodge asked if the zone needed to be halfway through the blocks. He suggested a depth of a quarter of a block in some areas.

Mayor Bonner suggested that the area east of 100 East and south of Main Street not be included in the overlay zone.

Laurie Wynn and Council Member Kohler indicated that limiting the depth of the zone, on the south side of Main Street, would cut in half the properties for several businesses. Mr. Henke noted that could limit the number of booths on the properties during a festival market. However, he pointed out that the number of booths was limited anyway and the additional property would not be needed.

Motion: Council Member Hofheins moved to adopt Ordinance 2015-06, approving a festival market overlay zone, with the adjustments discussed that evening.

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	Aye
Council Member Kohler	Nay

7. **C-2 & C-3 Zones/Ordinance 2015-04** – A Proposed Ordinance Amending Section 16.5.2 (Permitted and Conditional Uses) of the Municipal Code Regarding the C-2 and C-3 Zones. Recommended without Conditions by the Midway City Planning Commission.

7a. Presentation – Receive a Presentation on the Proposed Ordinance from Staff

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

- History
- General Plan
- Midway Vision Statement

- Main Street vision
- Design
- Main Street goals and objectives
- Commercial development review process
- Permitted vs. conditional uses
- Land use map
- Locations of commercial zones
- Grandfathered uses

Mr. Henke also made the following comments:

- The City Council asked the Planning Commission to look at the uses in the City's commercial zones. The Commission spent a lot of time on the issue before making a recommendation.
- There were businesses that created an active and vibrant Main Street and those that did not.
- Might want to change residential facilities for elderly persons to 16 units per acre to match the State Code and the Building Code.

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

Mayor Bonner suggested that residential facilities for elderly persons be combined with the line item for rest homes, etc. Council Member Van Wagoner thought that the first category was for facilities that provided less assistance to the occupants.

Council Member Dodge questioned why the City wanted to limit facilities for the elderly by making them a conditional use. He suggested that the best place for them would be in the center of the City.

Council Member Dodge indicated that service stations no longer existed and the Municipal Code should refer to gas stations.

Council Member Kohler asked if the State limited the size of daycares. Mr. Henke responded that it regulated them based on the number of employees. Mayor Bonner asked if they should be allowed in the C-3 zone so a business could provide that service to its employees. Council Member Dodge saw the benefit of no standalone daycares in that zone.

Council Member Hines suggested that art studios (paint and metal) be better defined. Council Member Dodge added that industrial types of art should be defined.

Mr. Henke explained that the Municipal Code was written to prevent parking lots in front of businesses. Council Member Dodge responded that certain businesses, like car dealerships, had to have vehicle parking in front. Mr. Henke noted that some dealerships in other cities had showrooms at the front of the property. Council Member Dodge noted that car dealerships provided good revenue to cities.

Council Member Dodge stated that the City should promote business because it would soon lose its revenue from the Resort Tax.

Council Member Dodge asked why mixed use developments were limited to such a low density. Mr. Henke responded that the low density would allow additional development rights to be transferred into the developments. Council Member Dodge recommended that the density be the same as the residential allowed in the commercial zones.

Council Member Hines asked if there was room in the commercial zones for RV parks. Council Member Kohler thought there would be room in the eastern portion of the C-2 zone.

Council Member Dodge asked if a use was expressly prohibited if it was not listed in the Municipal Code. Mr. Henke responded that it was unless it was similar to a listed use. He said a determination on similarity could be made by himself or the Council.

7b. Public Hearing – Receive Public Comment on the Proposed Ordinance

Mayor Bonner opened the public hearing.

Donald Ruhlman, 283 South 550 East

Mr. Ruhlman thought that the term "industrial", as it related to art studios, was vague and needed to be clarified. He advised the Council to be careful because some artwork required smelting, etc.

Launa Nielson, 60 North 400 East

Ms. Nielson explained that she built her home in an agricultural zone. She said it had since been rezoned to commercial. She opposed RV sales and similar commercial uses by her home. She suggested that those businesses be in an industrial zone.

Alex Kener, 104 East 500 South

Mr. Kener thought that people would shop at a business where they could look through its windows.

Fischer Heimburger, 156 West Michie Lane

Mr. Heimburger wanted to keep Midway awesome. He asked that zones not be changed on a regular basis. Mr. Henke responded that the City reviewed its general plan every five years and there needed to be a compelling reason to change a zone.

Paul Berg, Berg Engineering Resource Group

Mr. Berg said that the density for mixed use development needed to be at least 10 to 15 units per acre to be viable.

Mr. Berg recommended that RV parks be allowed in the City because they were low impact with substantial revenue. Mayor Bonner thought that there were better places for such parks than on Main Street. Mr. Berg responded that highway access was important.

Mr. Berg stated that a municipality usually tried to protect its commercial zones from residential development instead of vice versa.

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

7c. Action – Discuss and Possibly Approve the Proposed Ordinance

The Council said it would consider allowing RV parks.

Mr. Henke explained that a group in the City wanted Main Street to be focused on tourism. He recommended that this group be invited to participate in the general plan review the following year. He indicated that another commercial zone could be created to emphasize tourism.

Motion: Council Member Van Wagoner moved to table consideration of the proposed ordinance for two weeks.

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	Aye
Council Member Kohler	Aye

The Council set a work meeting for May 27 at 5:00 p.m. to further discuss the proposed ordinance.

8. Resolution 2015-05/Pending Ordinance Amendments – Discuss and Possibly Adopt Resolution 2015-05 Notifying the Public of a Pending Ordinance Amending Required

Dedications of Water Rights and Related Water Issues

Michael Henke explained that someone had questioned the City's calculations for determining how much water needed to be turned in by developers. He proposed that the City look at its calculations to determine what was fair.

Kraig Powell explained that the City could adopt a resolution which would allow it up to six months to amend its Municipal Code. He added that any applications received during that period would be subject to whatever was adopted. He indicated that the proposed resolution was written to include development applications that had already been submitted but had not yet received final approval.

Motion: Council Member Van Wagoner moved to adopt Resolution 2015-05.

Second: Council Member Dodge 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	Aye
Council Member Kohler	Aye

Motion: Without objection, Mayor Bonner recessed the meeting at 8:24 p.m. She reconvened the meeting at 8:32 p.m.

9. **Tentative FY 2016 Budget** – Discuss and Possibly Adopt the Proposed Fiscal Year 2016 Tentative Budget for Midway City

Several council members felt that the Mayor's compensation should be increased. Mayor Bonner responded that the compensation had been raised during the previous mayor's final year in office.

Motion: Council Member Hines moved to adopt the tentative budget for fiscal year 2016 with a 1.7 compensation increase for the mayor.

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	Aye
Council Member Kohler	Aye

10. Set Public Hearing on Adopted FY 2016 Tentative Budget – Discuss and Possibly Set a Time and Place for a Public Hearing on the Adopted Fiscal Year 2016 Tentative Budget

Brad Wilson gave a presentation regarding the requirements for a public hearing related to the budget.

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

Mayor Bonner suggested that the public hearing be held at the May 27 meeting with the budget considered for approval on June 10.

Motion: Council Member Dodge moved to hold a public hearing, regarding the FY 2016 Tentative Budget, at the Community Center on May 27 at 7:00 p.m.

Second: Council Member Van Wagoner 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	Aye
Council Member Kohler	Aye

11. CDRA Meeting – A Meeting of the Community Development and Renewal Agency for Midway City (Please See Separate Agenda)

Motion: Council Member Hofheins moved to convene as the governing board of the Community Development and Renewal Agency of Midway City.

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	Aye
Council Member Kohler	Aye

Note: Minutes of the Agency are maintained separately.

Motion: Board Member Van Wagoner moved to adjourn the board meeting of the Community Development and Renewal Agency and to continue the City Council meeting.

Second: Board Member Dodge seconded the motion.

Discussion: None

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

Board Member Hines	Aye
Board Member Hofheins	Aye
Board Member Van Wagoner	Aye
Board Member Dodge	Aye
Board Member Kohler	Aye

12. Department Reports

Kent Kohler, Council Member

2015 Surface Improvements – Council Member Kohler reported that Lance Excavating had repaired cracks in River Road. He also indicated that they improved the shoulders of the road and added a right hand turn lane onto Main Street.

Danny Hofheins, Council Member

County Memorial Day Program/Gary Campbell – Council Member Hofheins reported that Gary Campbell was the speaker at the Memorial Day program organized by Wasatch County.

Colleen Bonner, Mayor

Memorial Day Breakfast/Swiss Alpine Ward – Mayor Bonner reported that Mark Nelson, representing the Swiss Alpine Ward of The Church of Jesus Christ of Latter-day Saints, asked if the Council had an opinion on the organization continuing to hold a fundraising breakfast at the Town Square on the morning of Memorial Day. The Council agreed to not take a position and let the organization decide if it wanted to hold the breakfast.

Contract Spraying of Roads and Trails – Mayor Bonner reported that someone wanted to spray for weeds along the sides of the City's roads and trails. She said it would be on a contract basis and estimated that it would be 20 hours per month. She indicated that the Public Works Department did not have the time to do the work. She asked the Council to think about the proposal. Brad Wilson asked for a cost estimate for the work.

Dick Hines, Council Member

City Clean-up – Council Member Hines reminded the Council that the city clean-up would be held that Saturday.

Valais Baseball Field – Council Member Hines reported on the progress of the baseball field in the Valais Park.

Centennial Committee Monument – Council Member Hines asked where the monument, proposed by the Wasatch County Centennial Committee, would be built. He preferred along Main Street. Mayor Bonner responded that the City signed a memorandum of understanding with the group that it would be in the Centennial Park.

Karl Dodge, Council Member

Swiss Alpine Road Realignment – Council Member Dodge asked if Brent Hill had been contacted again regarding exchanging some of his family's property to realign Swiss Alpine Road. He said that he contacted Mr. Hill but was hesitant to make a second call. Michael Henke said that he would call Mr. Hill.

Business Directional Signs – Council Member Dodge noted that the directional signs for businesses in the City were not being maintained. Mayor Bonner responded that the signs were a old project by the Midway Business Alliance. She indicated that the Public Works Department could maintain them.

Kraig Powell, Attorney

Derelict Home at 250 North Homestead Drive/Homestead Trail – Mr. Powell reported on raising the derelict home.

Mr. Powell indicated that the City would pay the difference between putting the Homestead trail

in a wet as opposed to a dry location. Mr. Henke added that he met with the Utah Department of Transportation and they indicated that about $50,000 might be available for the trail. He noted that the City was competing for money with the trail being built next to the Heber Valley Railroad tracks.

Michael Henke, Planning Director

Michie Lane/Survey – Mr. Henke reported that the survey of Michie Lane had been marked and he would now meet with the effected property owners. He indicated that some property owners might want to sell the needed property to the City rather than donate it.

Building Permits – Mr. Henke reported that the City was still receiving a lot of building permit applications.

Illegal Signs – Mr. Henke reported that he was collecting illegal signs in the City.

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

Motion: Council Member Kohler moved to go into a closed executive session.

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	Aye
Council Member Kohler	Aye

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

Motion: Council Member Hines moved to go out of the closed executive session.

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	Aye
Council Member Kohler	Aye

14. Adjournment

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

The meeting was adjourned at 9:59 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder