

# MINUTES OF THE MIDWAY CITY COUNCIL

## (Regular Meeting)

Wednesday, 27 May 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 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 7:00 p.m.

#### 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 (Arrived at 8:10  
p.m.)  
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. Michael Henke 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 27 May 2015 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 13 May 2015 City Council Regular Meeting
- d. Minutes of the 13 May 2015 City Council Closed Executive Session

Mayor Bonner indicated that the minutes were not yet completed. Wes Johnson also requested that a payment to KW Robinson of \$406,803.93 be added to the warrant list. He indicated that \$273,923.60 would be reimbursed by the Midway Sanitation District and the Midway Irrigation

Company.

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

**Motion:** Council Member Hines moved to approve the general consent calendar excluding the minutes and adding to the warrant list the payment to KW Robinson.

**Second:** Council Member Kohler seconded the motion.

**Discussion:** Council Member Dodge asked if there was money in the budget to cover the payment to KW Robinson. Wes Johnson responded that the money was budgeted.

**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.

### **Excavating Next to Alpenhof Estates, Lot #35**

Israel Kohler, who lived at 1347 West 310 North (Alpenhof Estates, Lot #35), made the following comments about a dispute with Morris Tanner his neighbor including excavating next to his property:

- Pleaded that the City become involved in the dispute.
- A larger city would have already done something.
- Had brought criminal and civil charges against Mr. Tanner.
- Wanted the City to enforce its Municipal Code.
- Had done everything that he knew to find justice.
- Mr. Tanner provided a deed showing that he owned a strip of property along the east boundary of Lot #35 where Israel Kohler lived. Mr. Tanner had not recorded the deed because he did not want to pay taxes on the property. He not Mr. Tanner had maintained the strip. Mr. Tanner cut away the slope on the strip of land.

- Some dirt had fallen from his property onto the strip of land. Mr. Tanner told him that if he retrieved the dirt he would be trespassing.
- A portion of Mr. Tanner's garden was on his property.
- Mr. Tanner drove on his property. The Sheriff's Department saw Mr. Tanner do this twice but would not cite him for trespassing.
- Previously spoke with Mayor Bonner about the dispute. At the time the Mayor said that the City would do something if it had the authority.
- The City should cite Mr. Tanner because he did not have a site disturbance permit to cut away the slope.
- Mr. Tanner told two people that he made the cut out of spite and because Israel Kohler was trying to sell his house.
- Had bought additional property next to Mr. Tanner. Hoped that this would keep Mr. Tanner from using property that was not his.
- Everyone looked the other way in the dispute.
- The City should fine Mr. Tanner or take the site disturbance requirements out of its Municipal Code.
- Had filed for summary judgement regarding the dispute.
- Michael Henke and Kraig Powell both said they would not allow a cul-de-sac on the property, recently purchased by Israel Kohler, because there was an underlying property owner.
- Never saw an individual, rather than a developer, build a cul-de-sac and then convey it to the City.
- The easement that Mr. Tanner had, to cross his property, should be vacated because the property would never become a cul-de-sac.
- Had a letter from Mr. Powell giving him license to utilize the City's property to access his property.
- The dispute had been going on for 14 months.
- Mr. Tanner almost hit him with his truck.

Mayor Bonner thanked Israel Kohler for his comments and said that the issue would be considered when the City Attorney was present. She noted that because the item was not on the agenda that the Council could not take any action.

**4. Farm Springs Subdivision/Amendment (Mike Johnston) – A Request to Amend the Plat Map for the Farm Springs Subdivision Located at Approximately 550 North Center Street (Zoning is R-1-15).**

**4a. Presentation – Receive Presentations on the Request from Staff and the Applicant**

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

- Location of the effected lots
- Current plat maps
- Proposed plat maps

Mr. Henke also made the following comments:

- The amendment for Farm Springs was directly related to the amendment for Midway Farms.
- It was essentially a lot line adjustment moving property from Lot #4 in Farm Springs to Lot #1 in Midway Farms.
- The amendments complied with the Municipal Code.
- The Midway Farms HOA verbally approved of the amendments.
- The applicant owned both lots.
- All property owners within 600 feet of the lots had been sent notices. No one had contacted him regarding the amendments.

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

Wes Johnson asked that a public utility easement be shown on the south side of the property being attached to the Midway Farms lot. Mike Johnston, Summit Engineering and representing the applicant, agreed.

#### **4b. Public Hearing** – Receive Public Comment on the Request

Mayor Bonner indicated that comments would be taken during the public hearing on both amendments.

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

#### **4c. Action** – Discuss and Possibly Approve the Request

Mayor Bonner thought that the amendment was clear cut and was needed to show the boundaries of the new lots.

Mr. Johnston indicated that the motion needed to vacate part of the lot in Farm Springs.

**Motion:** Council Member Dodge moved to approve the request to amend the plat map for the Farm Springs Subdivision, accept the staff findings, vacate a portion of Lot #4, and that a public utility easement be around the perimeter of the lot.

**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. Midway Farms Subdivision/Amendment (Mike Johnston)** – A Request to Amend the Plat Map for the Midway Farms Subdivision Located at 623 North Center Street (Zoning is R-1-22).

**5a. Presentation** – Receive Presentations on the Request from Staff and the Applicant

The presentation was given as part of the previous agenda item.

**5b. Public Hearing** – Receive Public Comment on the Request

The public hearing was held as part of the previous agenda item.

**5c. Action** – Discuss and Possibly Approve the Request

**Motion:** Council Member Van Wagoner moved to amend the plat map for the Midway Farms Subdivision located at 623 North Center Street to include the vacated portion of Lot #4 in Farms Springs, accept the staff findings, vacate the north public utility easement on the vacated property, and that a public utility easement be around the perimeter of Lot #1.

**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	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

**6. Tentative FY 2016 Budget/Public Hearing** – The Adopted Fiscal Year 2016 Tentative Budget for Midway City

**6a. Presentation** – Receive a Presentation on the Adopted Tentative Budget

Brad Wilson gave a presentation on the budget. He indicated that the wage for the Human Resources Director had been increased and a \$500 donation added for the County's Memorial Day event.

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

**6b. Public Hearing** – Receive Public Comment on the Adopted Tentative Budget

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

**6c. Discussion** – Discuss the Adopted Tentative Budget

Council Member Kohler asked if the donation for the event was in addition to the donation for Memorial Hill. Mayor Bonner responded that it was in addition to the donation for Memorial Hill.

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

Brad Wilson gave a financial report. He reviewed each major fund and other significant items. The Council asked that he further research the decline in building permit revenue and determine its cause. Mr. Wilson responded that he would also include the City's accountant in the review.

**8. Department Reports**

Ken Van Wagoner, Council Member

**New Fire Station** – Council Member Van Wagoner reported on the construction of the new fire station. He said that the walls were being formed. He said that it should be completed by Swiss Days.

Colleen Bonner, Mayor

**Recital/Waive Town Hall Fees** – Mayor Bonner read a thank you card from Rob Sorenson and his students for the Council discounting the rental fees for the Town Hall. Included with the card as agreed was 10% of the donations received.

**Town Hall Boiler** – Mayor Bonner reported that the new boiler in the Town Hall was again not working and the building was being rented. She indicated that a part had to be special ordered and arrived that day. She suggested that the Council consider replacing the boiler with the same system that was in the Community Center.

Wes Johnson explained that the current boiler had to be made in the United States as a condition of the federal grant that helped pay for it. He noted that no Utah companies sold or serviced American made boilers. He added that Neerings Plumbing, a local contractor, had stocked the parts most likely to fail in the boiler.

Mr. Johnson said that he would contact the company that made the boiler and work through the problem.

Council Member Hines asked the cost of a replacement boiler. Wes Johnson responded that it would be \$60,000.

Dick Hines, Council Member

**Parks Five Year Plan** – Council Member Hines reported that he and the Public Works Department were working on a five year plan for the City's parks.

**Valais Park** – Council Member Hines reported on the baseball diamond and Pickleball courts at the Valais Park.

Danny Hofheins, Council Member

**Centennial Park Shelter** – Council Member Hofheins asked if a decision has been made on removing the stone work and replacing the rotted beams for the shelter at the Centennial Park. Mayor Bonner responded that the Public Works Department would determine a price to replace the beams. She asked Council Member Hofheins to talk to the Public Works Crew Chief to determine when the rest of the rockwork could be removed. She indicated that the Department would replace the beams.

Kent Kohler, Council Member

**Road Projects** – Council Member Kohler reported that a number of road projects were being done in the City.

**City Clean-up** – Council Member Kohler reported that the city clean-up went well. Mayor Bonner thanked everyone who participated.

Wes Johnson, Engineer

**Town Hall Sidewalks** – Mr. Johnson reported that he and the Mayor met with the contractor who would replace the sidewalks in front of the Town Hall. He said it would take two weeks to remove and replace the concrete with several additional days for it to cure.

**2015 Road and Water Improvements** – Mr. Johnson reported on the progress of the 2015 Road and Water Improvements. He indicated that a new gas line would be run up Pine Canyon Road before it was paved. He also indicated that an old, unused water line should be abandoned.

**2015 Surface Treatments** – Mr. Johnson reported on the progress of the road surface treatments. He also reported that a shoulder had been added and some areas patched along River Road. He said that a right-hand turn lane had been added going onto Main Street.

**Note:** Kraig Powell arrived at 8:10 p.m.

Michael Henke, Planning Director

**Michie Lane/LDS Church** – Mr. Henke reported that he met with a representative of The Church of Jesus Christ of Latter-day Saints (LDS Church) regarding the property needed to improve Michie Lane. The representative agreed with providing property on the south side of the road but not on the north side. He suggested that the road jog to the South. Mr. Henke indicated that planned collector roads like Michie Lane should be straight. He also indicated that the LDS Church would sell the property at 50% of its appraised value.

Council Member Dodge asked why the LDS Church did not want to give up property on the north. Mr. Henke speculated that a church house was already built on the property and usable area would be lost.

Council Member Kohler asked how much width was needed on the north side of the road. Wes Johnson explained that the current road was not centered and 36 feet was needed.

Kraig Powell hoped that the trail along the road could at least extend to the elementary school.

**Derelict Home at 250 North Homestead Drive/Homestead Trail** – Mr. Henke reported on the progress of raising the home and a trail going through the associated property. He indicated that he met with one of the property owners who wanted more information.

Kraig Powell thought that the property owners were driving a hard bargain and did not want to spend any money on the property.

Mr. Powell indicated that associating the trail with the demolition had complicated the process. He suggested that those donating money could instead negotiate with the property owners.

Council Member Van Wagoner noted that the Council voted to not become directly involved in

the demolition.

Wes Johnson indicated that the cost of the trail would be determined within a few weeks.

Council Member Dodge recommended that the negotiations regarding the house and the trail be separated.

**Swiss Alpine Road Realignment/Hill Family** – Mr. Henke reported that he had a meeting with the Brent Hill family regarding realigning Swiss Alpine Road.

## **9. Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation**

**Motion:** Council Member Hines 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

## 10. Adjournment

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

The meeting was adjourned at 9.33 p.m.



Colleen Bonner, Mayor



Brad Wilson, Recorder