MINUTES OF THE
MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 24 June 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 6:00 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
Wes Johnson, Engineer
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 Van Wagoner 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 24 June 2015 City Council Regular Meeting
b. Warrants
c. Minutes of the 10 June 2015 City Council Regular Meeting
d. Minutes of the 10 June 2015 City Council Closed Executive Session

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

Brad Wilson explained a correction to the regular meeting minutes. He indicated that the last sentence in paragraph five, on page four, had been deleted because it was misleading.

Motion: Council Member Hines moved to approve the general consent calendar with the minutes as amended.

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.

River Road Striping

Paul Berg suggested that when River Road was re-striped, within the next few days, that the lanes be more narrow. He said this would slow traffic and allow for a better bike lane on one side. He also suggested a bike symbol in the bike lane. Wes Johnson responded that the lanes would be narrow at ten and a half feet each.

Mayor Bonner suggested that signs be installed asking motorist to share the road with bicycles, etc.

4. **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.

4a. Presentation – Receive a Presentation on the Proposed Ordinance from Staff

Michael Henke gave a presentation and reviewed the history of the proposed ordinance. He reviewed recent changes including setbacks and parking.

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

Council Member Dodge asked Mr. Henke about mixed uses and loan limitations. Mr. Henke responded that lenders did not like to lend money for projects that were more than 20% commercial. Council Member Dodge noted that the proposed minimum in the ordinance was 20%. He asked if the minimum needed to be lowered to allow flexibility. Paul Berg said he had not heard of the 20% lending limit but noted that limits changed over time.

Council Member Hines asked if the proposed ordinance prohibited storage units. Mr. Henke responded that it did prohibit them.

Council Member Hines noted that Main Street had a lot of deep lots where something could be in the front and storage units in the back. Council Member Van Wagoner suggested that storage units could be allowed with limitations like fencing, being within a building or covered. He added that they would not look bad, when viewed from Memorial Hill, if painted a neutral color.

Council Member Dodge indicated that he owned property in the City's commercial zones and would not vote on the proposal.

Council Member Dodge said there was interest from potential buyers for commercial development on the front of his property with storage units in the back. He thought that storage units would be less imposing than commercial buildings.

Mayor Bonner suggested that storage units be allowed only on large parcels.

Kraig Powell reviewed training he recently attended on conditional use permits. He recommended that such permits only be allowed when part of specific regulations.

Mr. Powell explained that if storage units were prohibited, and then someone requested a code text amendment, that the applicant would propose the language. He further explained that if the City initiated the change it would set the restrictions, etc. Mayor Bonner preferred the City proposing the change.

Mr. Henke noted that the Planning Commission voted twice to prohibit storage units. He recommended that the proposed ordinance be continued instead of going back to the Commission regarding the issue.

Council Member Hofheins felt that storage units should be prohibited.

Mayor Bonner asked if any applications for storage units could be set aside while the Council was considering the issue. Mr. Powell responded that might be the case. Council Member Dodge said he could commit to not sell his property until the regulations were adopted.

Council Member Van Wagoner asked if the setbacks would still be ten feet at intersections. He noted that would limit the view of motorists. Mr. Henke responded that the Municipal Code required a clear view at intersections.

Council Member Dodge asked if the Council should be able to grant exceptions based on specific uses. He said this would provide flexibility. Mayor Bonner agreed that all properties were unique.

Council Member Van Wagoner asked if RV parks should be allowed. Mr. Henke responded that such parks might work in the City but not on Main Street. He suggested that they be added as a permitted use to the RA-1-43 or R-1-22 zones.

Council Member Dodge asked if walk-in theaters included live theaters. Mr. Henke responded that there was no distinction between the two in the proposal.

4b. 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.

4c. Action – Discuss and Possibly Adopt the Proposed Ordinance

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

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	Abstained
Council Member Kohler	Aye

5. **Resolution 2015-09/Budget Amendment** – Proposed Resolution 2015-09 Amending the Fiscal Year 2015 Budget

5a. Presentation – Receive a Presentation on the Proposed Resolution from Staff

Brad Wilson gave a presentation regarding the proposed amendment. He specifically reviewed proposed changes in the General Fund by department, public works wages by department, and proposed changes in other funds.

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

5b. Public Hearing – Receive Public Comment on the Proposed Resolution

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

5c. Action – Discuss and Possibly Approve the Proposed Resolution

Motion: Council Member Kohler moved to approve Resolution 2015-09, amending the FY 2015 Budget, as presented by Mr. Wilson.

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. **Resolution 2015-10/Fee Schedule Amendments** – Discuss and Possibly Approve Resolution 2015-10 Amending the Fee Schedule for Midway City to Include Vendor Rental Fees, Rental Fees for the Valais Pavilions, and Provide an Exemption to Noise Requirements for Temporary Use Permits for 501(C)(3) Organizations

Brad Wilson reviewed the proposed changes to the fee schedule.

Mayor Bonner asked if the proposed vendor fee applied to Swiss Days and Swiss Christmas. Mr. Wilson responded that there was a separate fee for Swiss Days. The Council felt that the separate fee should only be paid once a year and cover both events.

Council Member Dodge asked if the waiver for miscellaneous planning/zoning services needed to be better defined. Michael Henke reviewed those fees.

Motion: Council Member Dodge moved to approve Resolution 2015-10 amending the fee schedule for 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

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

Brad Wilson indicated that he still had several things to finalize on the financial report.

Motion: Council Member Van Wagoner moved to table consideration of the financial report.

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

8. Department Reports

Colleen Bonner, Mayor

Historic Swiss Items – Mayor Bonner reported that a number of historic items from Switzerland had been offered to the City.

Brad Wilson gave a presentation on the items.

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

The Council agreed to accept the items and pay for the associated shipping.

Valais Park Master Plan – Mr. Henke gave a presentation on a proposal for a master plan for the Valais Park.

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

Council Member Hofheins asked if the courts in the park would be multiuse. He noted that there was contention between tennis and Pickleball players. Mr. Henke responded that some courts might be separate to avoid problems.

Mayor Bonner recommended that the plan be completed before the planned Pickleball courts were constructed.

Council Member Kohler recommended that a public hearing be held on the plan during its preparation.

Council Member Hines indicated that there was limited parking at the park.

The Council approved the proposal for a master plan.

Valais Park Pickleball Courts – Mr. Henke gave a presentation on a proposal for the design and construction oversight of Pickleball courts at the Valais Park.

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

Mr. Henke noted that there were problems with the tennis courts in the Valais Parks. He indicated that proper design and construction would prevent these problems with the planned Pickleball courts. He indicated that the proposer had done other courts.

Council Member Dodge questioned if there was overlap in the proposals for the master plan and the Pickleball courts. Mayor Bonner said that the proposals would be reviewed with the proposers to avoid overlap and hopefully reduce the costs.

City Logo – Mr. Henke gave a presentation on the current and previous logos for Midway. He reviewed two proposals to replace the current logo.

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

Mayor Bonner indicated that the proposed logo was more modern. The Council asked that the mountain be reworked and the cowbell be reworked or replaced.

Independence Day Sunrise Program – Mayor Bonner reminded the Council that they were invited to set on the gazebo during the sunrise program for Independence Day.

Danny Hofheins, Council Member

Ice Rink Resurfacing – Council Member Hofheins explained the proposal to resurface the City's ice rink.

Wes Johnson noted that the proposed treatment was a specialty product. He asked if the projected needed to be let out for bid. Mr. Wilson responded that it would have to be bid because of the proposed cost of at least $50,000.

Council Member Dodge asked if other products or treatments had been considered. He also asked if the freezing of the rink or Swiss Days would affect it. Mr. Johnson responded that there would not be multiple freeze then thaw cycles with the rink. He also thought that it could be patched if it was damaged.

Council Member Hines suggested that the City obtain references from some of the larger contractors regarding the concrete repair.

Council Member Van Wagoner wanted to see the proposed treatment and be assured of its effectiveness.

Swiss Alpine Road – Council Member Hofheins asked if there had been further discussions with the Hill family regarding realigning Swiss Alpine Road. He asked if he could contact them. Mayor Bonner said he could contact them.

Kent Kohler, Council Member

Road Repairs – Council Member Kohler reported that he received a number of complaints about the road work in the City. He said that residents did not know what was happening. He suggested a website to distribute construction information.

Pine Canyon Road – Council Member Kohler asked when the reconstruction of Pine Canyon Road would be completed. Wes Johnson responded that it would be another four weeks.

Utah Local Governments Trust – Council Member Kohler reported that the City would join the Utah Local Governments Trust on July 1st. He said that the organization needed a list of equipment owned by the City.

Miller Claim – Council Member Kohler asked the status of the flooding claim by the Miller family at 215 North Creek Place. Mr. Powell responded that there had been no further correspondence from them.

Kraig Powell, Attorney

250 North Homestead Drive – Mr. Powell reported that the derelict house at 250 North

Homestead Drive had been demolished.

Michael Henke, Planning Director

Regional Trail Plan – Mr. Henke reported that the Mountainland Association of Governments would provide funds for a regional trail plan. He said a consultant would be hired and meetings with area planners would be held.

Motion: Without objection, Mayor Bonner recessed the meeting at 8:28 p.m. She reconvened the meeting at 8:39 p.m.

9. Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation and the Character, Professional Competence, or Physical or Mental Health of an Individual

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

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

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 Van Wagoner moved to go out of the closed executive session.

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

10. Adjournment

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

The meeting was adjourned at 10:08 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder