MINUTES OF THE
MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 9 December 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 Assistant Crew Chief, 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; Opening Remarks or Invocation; Pledge of Allegiance

Mayor Bonner called the meeting to order at 6:00 p.m. She excused Council Member Van Wagoner.

Members Present:

Colleen Bonner, Mayor
Dick Hines, Council Member
Danny Hofheins, 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

Members Excused:

Ken Van Wagoner, 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. Council Member Hines gave the opening remarks or invocation. Council Member Hofheins led the Council and meeting attendees in the pledge of allegiance.

2. Consent Calendar

a. Agenda for the 9 December 2015 City Council Regular Meeting
b. Warrants

c. Minutes of the 10 November 2015 City Council Work Meeting
d. Minutes of the 10 November 2015 City Council Regular Meeting
e. A Second One Year Extension of Final Approval for the Homestead Villas Subdivision Located at Bayhill Drive and Fairway Drive
f. Release the Construction Bond, Minus 10%, and Begin the One Year Warranty Period for Plat "B" of the Killowen Village Subdivision Located at 305 West 500 South
g. Release the Construction Bond, Minus 10%, and Begin the One Year Warranty Period for Plat "C" of the Killowen Village Subdivision Located at Approximately 295 West Killowen Drive (Approximately 565 South)
h. 2015 Water Conversation Plan for Midway City

Note: Copies of items 2a, 2b, 2c, 2d, and 2h 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	Excused from the Meeting
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.

Mayor Bonner asked if there were any comments from the public for items not on the agenda. No comments were offered.

4. **Ordinance 2015-16/Festival Markets (City Planner)** – Discuss and Possibly Adopt Ordinance 2015-16 Amending Section 7.05.010 (Festival Market Business Licenses) of the Midway City Municipal Code.

Michael Henke reviewed Section 7.05.10 of the Midway City Municipal Code and made the following comments regarding the proposed ordinance:

- It would help regulate festival markets especially during Swiss Days.
- There would be a fee for each third-party vendor off of the Town Square.
- The fee would be collected by the business which organized the festival market.
- The number of vendors would be based on the interior commercial area, not just the retail area, of the sponsoring business.
- Events on property owned by the City would be exempted from the regulations.
- There would be an overall cap of 15 booths per business.

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

Kraig Powell indicated that the reference to a specific date was being removed and the regulations would apply to any festival markets during the year.

Council Member Kohler asked how the number of off-square vendors would be affected based on commercial rather than retail area. Mr. Henke responded that the area, used to calculate the number of allowed vendors, would be increased and include areas in the business were the public did not go. He said areas for training, baking, etc. would be included.

Mr. Powell said that the changes were more lenient and flexible. He also said that he would clarify in the ordinance that only permanent indoor commercial areas would be counted.

Council Member Dodge asked if the area would be based on the footprint of the business or included each floor. Mr. Powell responded that it would include the commercial space on each floor.

Council Member Kohler pointed out that the number of vendors, in the future, would be based on each 250 sq. ft. instead of the 200 sq. ft. used in the past.

Motion: Council Member Kohler moved to adopt Ordinance 2015-16 amending Section 7.05.010 (Festival Market Business Licenses) of the Midway City Municipal Code as presented by staff and discussed that evening.

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	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye

5. **Resolution 2015-21/Festival Market Vendor Fee (City Planner)** – Discuss and Possibly Adopt Resolution 2015-21 Amending the Midway City Fee Schedule to Include a Fee for Individual Vendors at a Festival Market.

Michael Henke gave a presentation and made the following comments regarding the proposed resolution:

- Two years' prior the Wasatch County Sheriff's Department stopped providing traffic and pedestrian control on Main Street during Swiss Days.
- Not having such control on the street was unsafe.
- That year the City paid the Sheriff's Department to again provide the service. It had been discussed that the vendors, off of the Town Square, should cover that additional cost.
- The Sheriff's Department would charge $9,000 for the service in 2016.
- $50 per off-square vendor was proposed. This would help but would only cover half of the cost.

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

Council Member Hines asked who would pay the other half of the cost. Mr. Henke responded that it could come from Swiss Days or the City.

Mayor Bonner pointed out that the City was allowing businesses to sub-lease their property during a festival market and the fee was fair. She also indicated that each off-square vendor needed to have a business license from the City.

Council Member Hofheins asked how many deputies would be provided. Mayor Bonner responded that five deputies would rotate during the celebration.

Council Member Dodge asked if private security had been considered instead of law enforcement. Mayor Bonner responded that private security did not have arrest powers and would still have to call law enforcement if there was a problem. Council Member Dodge encouraged the City to look into private security or a mix of private security and law enforcement.

Council Member Dodge wondered if Swiss Days should pay part of the additional cost.

Council Member Kohler stressed that sufficient service should be provided for the $9,000.

Council Member Dodge pointed out that the cost for the additional law enforcement increased significantly but the City was only gradually increasing the proposed fee.

Mayor Bonner said an officer also needed to be at the intersection of 100 North and 200 West.

Council Member Dodge said that the most significant problem was at Main Street and 200 West. Mayor Bonner suggested a cross walk at that intersection. She also suggested a one-way street.

Council Member Hofheins noted that the additional law enforcement could help if other problems arose during Swiss Days.

Council Member Dodge noted that there were a lot more vendors on rather than off of the Town Square during Swiss Days. He questioned if the fee for the off-square vendors was too much. Mayor Bonner responded that the off-square vendors were a seasonal business. Mr. Henke also responded that other festivals in the State charged $100 per vendor. Council Member Dodge asked if those festivals also charged a fee based on the amount of sales. Mr. Henke said an additional fee was not mentioned when he spoke with the organizers.

Council Member Kohler emphasized that the off-square vendors, not the sponsoring businesses, would pay the fee.

Motion: Council Member Hines moved to adopt Resolution 2015-21 amending the Midway City Fee Schedule to include a $50 a day fee, for individual vendors at a festival market, to be paid to the City by third-party vendors.

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	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye

6. **Resolution 2015-23/Emergency Preparedness (Council Member Hofheins)** – Discuss and Possibly Approve Resolution 2015-23 Regarding Emergency Preparedness.

Mayor Bonner explained that Council Member Hofheins wanted something adopted regarding emergency preparedness in case of an emergency.

Council Member Hofheins made the following comments:

- Was concerned about an emergency in the City.
- Thought about the resolution the week before the mass shooting in San Bernardino, California.
- A lot of different emergencies could happen and the situation was not getting any better.
- It was time that the City start talking about common sense things to do in case of an emergency.

Mayor Bonner said she spoke with Council Member Van Wagoner who noted that the City was working with Wasatch County on emergency preparedness. She noted that the proposed resolution would be another level of readiness.

Council Member Hines thought that the resolution and emergency preparedness were important. He suggested that the resolution be published in the local paper, in the City's newsletter and on the City's website.

Council Member Hofheins noted that usually the Sherriff's Department only had one deputy on duty at night.

Council Member Dodge asked if the resolution was intended to start a discussion and establish committees. Mayor Bonner responded that was the intention.

Motion: Council Member Hofheins moved to approve Resolution 2015-23 expressing the intention of Midway City to take measures to adequately secure the City and protect its citizens.

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	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye

7. **Cascade Meadows/Plat Amendment (Chet Thomas)** – A Request for an Amendment of the Plat Map for the Cascade Meadows PUD Located at 528 West Cascade Meadows Loop (Zoning is RA-1-43). Recommended for Approval without Conditions by the Midway City Planning Commissions.

7a. 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 development
- Recorded plat map
- Proposed plat map
- Open space map

Mr. Henke also made the following comments:

- Building permits were being issued for the project.
- The proposed amendments were slight.
- The amended project would still have 50% open space.
- To approve the amendment, the land use authority needed to find that there was good cause and that no public right-of-way or street was being changed.

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

7b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Nichole Witby, 518 West Ward's Lane

Ms. Witby said that she lived on the north side of the development and wanted to make sure that the trail would be retained. Chet Thomas, applicant, responded that the trail would remain unchanged.

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

7c. Action – Discuss and Possibly Approve the Request

Mr. Thomas said that the driveways would remain on the same side of the units and road. He said the owner of Lot #15 wanted more space and to be able to see Mt. Timpanogos.

Mayor Bonner thought that staggering the homes looked better.

Motion: Council Member Dodge moved to approve the plat amendment for the Cascade Meadows PUD accepting the report and findings of staff.

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	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye

8. **Swiss Creek PUD/Second Plat Amendment (Paul Berg)** – A Request for a Second Amendment of Plat A of the Swiss Creek PUD Located at 570 North Mountain Springs Drive (Zoning is R-1-15). Recommended for Approval without Conditions by the Midway City Planning Commission.

8a. 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 development
- Proposed findings

Mr. Henke also made the following comments:

- The project was a planned unit development with two of the four triplexes already constructed.
- The remaining two would be changed from six attached to three detached units.
- Visitor parking would be added.
- The easement over the golf course, which was the project's open space, would remain the same.
- The setbacks would remain the same.
- It was estimated that there would be 30 additional trips per day with the amendment.
- There would be fewer members of the HOA.
- The City currently wanted 40 members for an HOA.
- All laterals would be capped at the main line so that there would be no stagnant water.
- The laterals would not be under driveways.
- Laterals under concrete limited access and encouraged freezing.

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

8b. Public Hearing – Receive Public Comment on the Request

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

8c. Action – Discuss and Possibly Approve the Request

Motion: Council Member Kohler moved to grant the second amendment of Plat A of the Swiss Creek PUD, located at 570 North Mountain Springs Drive, with the recommendation without conditions of the Planning Commission, and the conditions regarding the construction drawings and the lateral locations as presented 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	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye

9. High Valley Ranch Equestrian PUD/Master Plan Amendment and Redevelopment (Paul Berg) – A Request to Amend the Master Plan and Redevelop the High Valley Ranch Equestrian PUD, Located at 700 South Center Street, as the Deer Creek Estates PUD. Recommended for Approval with Conditions by the Midway City Planning Commission.

9a. 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 project
- Land use summary
- Recorded subdivision plant map

Mr. Henke also made the following comments:

- The project had a complicated history.
- The City Council granted a master plan amendment to the project the previous year.
- The project was originally approved before the recession.
- A lot of infrastructure had already been installed in accordance with an amendment that was never recorded.
- It would be expensive to move the infrastructure.
- The subdivision portion of the project would be vacated and used as open space.
- There would no longer be an equestrian component to the project. The existing barn would be moved to the east and used to store boats, etc.
- 500 South would no longer be extended from 250 West to Center Street because several homes would have to be moved.
- The cul-de-sac would go west instead of north.
- The City wanted to build its portion of the trail, along Center Street, when the developer built his portion.
- There would be one sidewalk and trails. The sidewalk would be on the side of the road opposite the units to increase safety.

- The roads would have a modified curb.
- The second phase would have to be vacated and then a new plat map recorded.

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

Mayor Bonner pointed out that the trail would be asphalt and detached from the road.

Council Member Hines asked if there would be a clubhouse. Paul Berg, Berg Engineering Resource Group and representing the applicant, responded that there would be a pool and other amenities but no clubhouse.

Council Member Dodge asked about the hammerhead turnaround on the south and the three associated units. Mr. Henke responded that the turnaround had already been built and although it didn't meet the current code it met the code at the time of construction.

Council Member Dodge asked if the cul-de-sac was longer than the Municipal Code allowed. Mr. Henke responded that it was less than the limit of 500 feet.

Mayor Bonner suggested that the first phase be adjusted so that it included the north entry. She said that this would require that all entryways be landscaped in the first phase. Paul Berg responded that an access easement had been planned so that the entry could be used before the second phase was completed. Mayor Bonner indicated that the resident, who lived next to the entry, wanted the road and landscaping completed. Kraig Powell indicated that the agreement included the access easement. Mr. Henke responded that it would only be an emergency access until the second phase was completed.

Wes Johnson suggested that at least the road, which was missing curb and a small section of asphalt, be completed with the first phase.

Mr. Henke explained that the City agreed that Center Street would be widened in the second phase and the trail along the road would be completed with the first phase.

Mr. Berg said that the proposed amendment was virtually the same as the one approved the previous year. He said that all of the units would now be separate.

Mr. Berg asked to wait to complete the road, as you left the north entrance, if the City wanted the entrance landscaping to be completed with the first phase.

9b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

<u>Gordon Knight</u>

Mr. Knight said that he lived on the north side of the project. He approved of the detached units and the trail. He asked the applicants how long it would take to sell all of the planned units. He also asked the price of the units and what they would look like.

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

9c. Action – Discuss and Possibly Approve the Request

Richard Cook, applicant, said the units would be the same as those at The Links at Homestead. He said that their price would be $450,000 to $700,000 with four different models. He also said that the units would have three car garages. He thought that the project would be completed and the units sold within three years.

Council Member Kohler asked what would happen to the abandoned house on the property. Mr. Berg responded that it would be raised.

Motion: Council Member Dodge moved to vacate the four lots in the subdivision, approve the amended master plan, accept the findings of the staff, that the northern boundary of Phase I east of Lot 28 include the northern access point, the trails be completed for all of Center Street in Phase I, the widening of Center Street be done in Phase II, and that the approval be contingent upon the adoption of the development agreement.

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	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye

Mr. Henke explained that Phase II of the project would need to come back for preliminary and final approvals.

10. Resolution 2015-22/Deer Creek Estates Master Plan Development Agreement (Paul Berg) – Discuss and Possibly Approve Resolution 2015-22 Adopting a Master Plan Development Agreement for the Deer Creek Estates PUD Located at 700 South Center Street.

Kraig Powell said that there would be some minor clarifications from the discussion that evening. Michael Henke indicated that more water would have to be turned over to the City because there were more units in Phase II. He said the phase would be considered by the Midway Water Advisory Board including the vacating of the four lots in the subdivision.

Council Member Dodge asked if Phase I had the necessary open space. Mr. Henke responded that the proposals met the open space requirements for each phase.

Mr. Powell reviewed the proposed agreement and wanted to clarify the amount of water needed. He pointed out that vacating all of the plat maps would allow the name of the project to be changed.

Wes Johnson asked if the roads met the standards at the time of approval. Mr. Berg responded that they did when the project stopped. He asked that the roads be accepted as previously approved. Wes Johnson noted that there might be some new requirements like street lights, etc. Mr. Berg said the applicants would meet the current standards for items not already installed. Mr. Johnson agreed.

Mayor Bonner wanted the trail, along Center Street, to be the same as to the south. Mr. Berg did not like the landscaping along that section of the trail. Council Member Dodge agreed. Mr. Berg asked that it not be so sterile.

Richard Cook asked that the City work directly with the contractor on installing its section of the trail. Wes Johnson said the City could pay the contractor or the developer for the work.

Motion: Council Member Dodge moved to approve Resolution 2015-22 adopting a master plan development agreement, for the Deer Creek Estates PUD, with the changes as noted in the discussion that evening

Second: Council Member Hines seconded the motion.

Discussion: Mr. Powell noted that a notice of non-compliance and default had been recorded against the project. He said the City would execute a release of default.

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

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

11. Department Reports

Colleen Bonner, Mayor

Water Line Break/Homestead Drive – Mayor Bonner reported on a break in the main water line on Homestead Drive. She said there was too much pressure in the line.

Council Members Hines and Hofheins – Mayor Bonner thanked Council Members Hines and Hofheins for their service.

General Plan – Mayor Bonner indicated that the City would revise its general plan during the coming year.

Dick Hines, Council Member

City Officials and Staff – Council Member Hines complemented the City's officials and staff on the quality and amount of their work.

Danny Hofheins, Council Member

City Officials and Staff – Council Member Hofheins also complemented the City's officials and staff. He thought that the City was in good hands.

New Fire Station/Rock Work – Council Member Hofheins reported that he tried to get better pot rock for the new fire station but was unsuccessful. He said the contractor was unwilling to buy it and good rock that was free was unavailable.

Kent Kohler, Council Member

10 Year Road and Water Plan – Council Member Kohler reported that an updated ten year plan, for roads and water, would be discussed at the next meeting.

Council Members Hines and Hofheins – Council Member Kohler also thanked Council Members Hines and Hofheins for their service. He said the City had a good council, mayor and staff.

Wes Johnson, Engineer

FY 2016 Road and Utilities Project/Change Order #2 – Mr. Johnson reported that there was a second change order, to the current road and utilities project, that needed to be approved. He said the City's portion would be $186,000 for Johnson Mill Road and the associated water line. He said that it also included the work on 200 East.

Council Member Kohler said that KW Robinson, who was the contractor on Johnson Mill Road,

was courteous and accommodating.

Michael Henke, Planning Director

Council Members Hines and Hofheins – Mr. Henke thanked Council Members Hines and Hofheins for their service.

Building Permits Report – Mr. Henke reviewed the monthly report for building permits and indicated that there had been 55 new applications for the fiscal year.

Brad Wilson, Recorder

Council Members Hines and Hofheins – Brad Wilson also thanked Council Members Hines and Hofheins for their service.

12. Adjournment

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

The meeting was adjourned at 8:07 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder