MINUTES OF THE
MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 13 January 2016, 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 6:01 p.m. She excused Council Member Van Wagoner.

Members Present:

Colleen Bonner, Mayor
Karl Dodge, Council Member
Kent Kohler, Council Member
Lisa Christen, Council Member
Bob Probst, Council Member

Staff Present:

Michael Henke, Planning Director
Kraig Powell, Attorney
Wes Johnson, Engineer
Shane Owens, Public Works Assistant Crew Chief (Left at 6:15 p.m.)
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 Kohler gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

2. Swearing in of the Newly Elected City Council Members

The City Recorder administered the oath of office to Council Member Christen and Council Member Probst.

3. **Mayor Pro Tempore** – Discuss and Possibly Elect a Member of the Midway City Council to be Mayor Pro Tempore

The City Council elected Council Member Dodge as mayor pro tempore. The vote was by secret ballot.

4. **Consent Calendar**

   a. Agenda for the 13 January 2016 City Council Regular Meeting
   b. Warrants
   c. Minutes of the 9 December 2015 City Council Regular Meeting
   d. Ordinance 2016-01 - Prescribing the Time and Place of the Regular Meetings of the Midway City Council
   e. Conclude the Warranty Period and Release the Remainder of the Bond for the Valais PUD, Phase 5C Located at 50 West (Leman Drive) and 1350 North (Saxon Lane) Subject to the Payment of all Fees Due to Midway City
   f. Ratify Change Order #2 to the Contract for the 2015 Road and Utilities Project
   g. Assignments for the Midway City Council
   h. Jennifer Sweat as the Treasurer for Midway City
   i. Brad Wilson as the Recorder for Midway City
   j. The Bond for the Mayor of Midway
   k. Resolution 2016-01 - Compensation for Service on the Heber Light & Power Company Board of Directors

Note: Copies of items 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j, and 2k are contained in the supplemental file.

Mayor Bonner indicated that Item #10 (Midway Self-Storage and Offices/Conditional Use Permit), including the public hearing, would not be considered that night. She asked that the agenda be approved with that deletion.

Motion: Council Member Kohler moved to approve the consent calendar with the change to the agenda.

Second: Council Member Dodge seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

Council Member Christen	Aye
Council Member Probst	Aye

5. **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.

Restriction on Flat Roofs

Todd Drennan distributed a letter to the City Council and staff regarding the City's prohibition of flat roofs on houses. He made the following comments:

- The City had three restrictions in its municipal code that were adopted to prohibit trailer homes.
- Recommended that one of those restrictions, not allowing flat roofs, be eliminated.
- The other two restrictions would still prohibit trailer homes.
- No one would now put a trailer home in the City because of the high land prices.
- He designed modern homes which could have a flat roof. Some of those homes had been built in the City.
- The allowed roof slope was not practical.
- Would complete an application and pay the associated fee to formally request that flat roofs be allowed in the City.

Note: A copy of Mr. Drennan's letter is contained in the supplemental file.

6. Financial Statements/Audit Report

6a. Financial Statement (Lynn Wood) – Receive a Presentation on the Fiscal Year 2015 Financial Statements for Midway City

Mr. Wood reviewed the City's financial statements for FY 2015. He specifically reviewed costs, capital projects, assigned fund balance, impact fees, taxes, transfers between funds, enterprise funds, and depreciation. He indicated that expenditures were within budget.

6b. Audit (Ben Probst) – Receive a Report on the Fiscal Year 2015 Audit for Midway City

Mr. Probst reviewed the *Communication with Those Charged with Governance*. He had no findings and indicated that the City was in compliance with all requirements. He explained the

new GASB 68 reporting requirements for pensions.

Mayor Bonner and then Brad Wilson thanked Mr. Wood and Mr. Probst for their work and the work of their firms.

7. **Valais PUD, Phase 5C/Plat Amendment (Mike Tagliabue)** – A Request to Amend Phase 5C of the Valais PUD Located at 50 West (Leman Drive) and 1350 North (Saxon Lane) (Zoning is RA-1-43). Recommended for Approval with Conditions by the Midway City Planning Commission.

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 project
- Recorded plat map
- Proposed plat map
- Pictures of the neighborhood
- Minimum setback requirements
- Open space requirements
- Public noticing
- Previous amendments
- Findings

Mr. Henke also made the following comments:

- The building pads for three units would be lengthened by 10 feet. Their driveways would be on the east side. These changes would allow for walkout basements and patios. These units would be the same size as those directly to the north.
- The City now required that a unit, including all protruding items, be within the building pad. Previous units in Phase 5C were built before this requirement and had items like patios which extended outside of the pad.
- The proposed amendment would reduce the common area which was owned by all property owners in the phase.
- If the amendment was approved, the HOA president should sign the plat map.

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.

Carma Isaac, 1359 North Saxon Lane

Ms. Isaac opposed the amendment because she said it would change the character of the neighborhood and eliminate open space. She also said that other neighbors opposed the amendment.

Mr. Henke indicated that the building pads would be expanded to the east and not the west.

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

7c. Action – Discuss and Possibly Approve the Request

Russ Watts, applicant, made the following comments:

- Decks could be outside of the building pads before the Municipal Code was changed.
- The neighborhood would look better with the driveways on the east side.
- The dimensions of the actual houses would remain the same.

Mayor Bonner explained to the new council members that they could postpone an item if they were uncomfortable making a decision.

Council Member Kohler and Council Member Dodge agreed that the plat map should be signed by the president of the HOA.

Motion: Council Member Dodge moved to approve the amendment to Phase 5C of the Valais PUD, located at 50 West (Leman Drive) and 1350 North (Saxon Lane) with the staff findings and subject to the president of the HOA signing the plat map.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

8. Valais PUD, Phase 9 (Plat "N")/Plat Amendment (Mike Tagliabue) – A Request to Amend Phase 9 (Plat "N") of the Valais PUD Located at 1500 North Montchapel Lane

(Approximately 200 East) (Zoning is RA-1-43). Recommend 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
- Recorded plat map
- Proposed plat map
- Findings

Mr. Henke also made the following comments:

- The south units in the phase would be effected by the amendment.
- A 25-foot setback was required for all units.
- Decks would be added to Unit #404 and Unit #405.
- The proposed amendment would reduce the common area which was owned by all property owners in the phase.
- The setbacks for the two units were tight because of the roads on either side.
- Some visitor parking would be close to one of the units.
- Had received a number of calls regarding the amendment.

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

Mr. Henke read an email from the owner of Unit #399 who opposed the amendment.

Note: A copy of the email 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

Russ Watts, applicant, indicated that the proposed size for the building pads would be no larger than any other pads. He indicated that there would still be a lot of open space in the project.

Motion: Council Member Kohler moved to approve the amendment to Phase 9 (Plat "N") of the Valais PUD, located at 1500 North Montchapel Lane (Approximately 200 East) with the staff report and subject to the HOA president signing the plat map.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

9. **Big Red After-Schoolhouse/Conditional Use Permit (Sharon Daly)** – A Request for a Conditional Use Permit for a Private School, Called the Big Red After-Schoolhouse, Located at 145 East Main Street (Zoning is C-2). 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:

- Previous location of the business
- New location of the business
- Picture of the new location
- Findings
- Conditions

Mr. Henke also made the following comments:

- The private school had been in business since 2011.
- The new location was in a mixed use zone that allowed a business and residence at the same location.
- Children would come to the school from Midway Elementary.
- There was a safe route from the elementary school to the business.
- There was a crossing guard to help the children cross Main Street at 100 East.
- There was a crosswalk on the north side of Main Street at 100 East.
- Safety was the highest priority when approving the conditional use permit.
- The Planning Commission recommended that the number of students be limited to 15. If the applicant wanted to increase that number, then she should come back to the Planning Commission and City Council.
- The children would be helped with their homework.
- The school had a wide driveway but recommended that most children be dropped off and picked up on Main Street which had a lot of space with parking and biking lanes.

- The school would be open each day for four hours. It would be subject to state regulations if the hours were longer. The applicant said that the business complied with those state regulations anyway.
- Had not received any complaints about the business.

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

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

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

9c. Action – Discuss and Possibly Approve the Request

Sharon Daly, applicant, said that her program was valuable to families. She indicated that the house passed the City's required inspection. She enjoyed working with the City's staff. She said that she would live at the same location as the business. She noted that the entire backyard was fenced. She said that in the future the wire fence on the east side would be replace with a wood fence.

Motion: Council Member Dodge moved to approve a conditional use permit for a private school, called the Bid Red After-Schoolhouse, located at 145 East Main Street with the findings of staff and subject to the City having to approve more than 15 students.

Second: Council Member Kohler seconded the motion.

Discussion: Council Member Kohler asked how the City would monitor the number of students. Mr. Henke responded that it would have to rely on the applicant. Council Member Dodge noted that the City could check if there was a problem.

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

Council Member Van Wagoner	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

10. Midway Self-Storage and Offices/Conditional Use Permit (Mark Steven Banks) – A Request for a Conditional Use Permit for a Mixed Use Development, Called Midway Self-Storage and Offices, located at 580 East Main Street (Zoning is C-2). Recommended for Approval with Conditions by the Midway City Planning Commission.

This item was not considered at the meeting.

11. Water Connection/Ward Family (Charles Ward) – A Request to Connect Five Homes, in Unincorporated Wasatch County, to the Midway Culinary Water System.

Mayor Bonner explained that the spring for five homes, owned by the Ward family, was failing.

Wes Johnson made the following comments:

- The Ward family was running out of culinary water.
- Its property was not in the City.
- The family had requested to connect to the City's culinary water system.
- In the past the City required that land be in the City before it was serviced with culinary water.
- The City could provide at least 30 psi along 2/3 of the proposed water line. A booster pump would have to be installed to provide the needed pressure to the remainder of the line.
- If the connection was approved, then it should service just culinary water for the existing five homes.
- The lined should be private.
- The family's property was so large that a master/development plan should be provided when it was annexed.
- It was not in the City's interest to annex the property at that time.
- The family could sign an agreement stipulating the conditions of connecting to the culinary system.
- There should be a water meter for each house and those meters should be the property of the City. The family would own, operate and maintain the line and booster pump.
- The family should agree to annex the property into the City when it developed.
- The annexation process took six months and the family needed water immediately.
- It would take a week to two weeks to install the water line.
- The line should be to the City's standards and inspected by the City during installation.
- It should be an eight-inch line and assumed it would be installed in the existing road on the property.
- The line as proposed could not provide fire protection.
- The culinary water rate could be one and a half times the normal rate until the property was annexed.
- The required connection and impact fees would have to be paid for each home.

Charles Ward made the following comments:

- It was feasible to run a culinary water line that would serve all five homes.
- Thought his family's spring was failing because of the additional wells being drilled downhill from the property.
- His family bought the property in 1939.
- An existing gas easement could be used for the water line.

- The water for two of the five homes had already frozen because of the limit flow. The main farm house had been closed because of this problem.
- Owned 60 shares of Midway Irrigation Company water.
- Did not have a problem with the City inspecting the installation of the line and pump.
- The City could install a large water tank on the hillside above the homes.
- Was considering upgrading the line and pump so that a fire hydrant and fire protection could be provided.
- Did not know when the property would develop.
- The property was served by the pressurized irrigation system.

Michael Henke indicated that easements would be needed for the water meters and the inspection fees prepaid to the City.

Kraig Powell indicated that there were a handful of users, on the City's culinary water system, which were not in the city limits. However, for several years the City Council had required that property be in the City before it was serviced with culinary water. Recommended that if the connection was approved that the Council make distinctive findings justifying why it was an exception.

Mr. Powell indicated that the City could charge a higher rate, to water users outside of the City, if it had reasonable justification. The Municipal Code should be amended to provide for the higher rate.

Council Member Dodge asked if there would be any cost to the City if it approved the water line. Mr. Johnson responded that there would be no cost because the Ward family would pay for the installation, inspection and maintenance of the line. They would also pay for the preparation of the service agreement.

Council Member Dodge asked if a fire hydrant was required. Mr. Johnson responded that the line, as originally proposed, would not provide the required pressure. He recommended meeting with the Wasatch County Fire Protection Special Service District to resolve the issue. Mr. Henke added that fire hydrants would be required if additional homes were built on the property.

Mr. Powell indicated that the family watered livestock in the winter. He pointed out that overage fees would apply for high water use.

Mr. Powell suggested that the agreement be prepared and brought back to the Council for approval.

Note: Slides showing the location of the Ward family's property and the length/pressure of the proposed water line are contained in the supplemental file.

Motion: Council Member Kohler moved to direct staff to prepare an agreement, for a water connection for the Ward family of five homes in the County, and that it be on the next council meeting agenda.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Van Wagoner	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

12. CDRA Annual Meeting – The Annual Meeting of the Community Development and Renewal Agency for Midway City

Motion: Council Member Dodge 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 Van Wagoner	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

Note: Minutes of the Agency are maintained separately.

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

Second: Board Member Christen seconded the motion.

Discussion: None

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

Board Member Van Wagoner	Excused from the Meeting
Board Member Dodge	Aye

Board Member Kohler	Aye
Board Member Christen	Aye
Board Member Probst	Aye

13. Impact Fee Report (Financial Officer) – Receive a Report on the Receipt and Use of Impact Fees for Midway City for Fiscal Year 2015

Brad Wilson gave a presentation on the impact fees collected and expended/encumbered during Fiscal Year 2015. He explained impact fees, the amount of impact fees that the City had on hand and for which projects those fees would be spent. He also explained that there were road and trails impact fees that were not spent within six years. He said those fees were encumbered for the Michie Lane and Homestead Trail projects respectively.

Note: A copy of Mr. Wilson's presentation and the FY 2015 Impact Fee Report are contained in the supplemental file.

Kraig Powell reviewed state law regarding impact fees. He specifically explained the two ways they could be retained longer than the allowed six years.

Mr. Powell suggested that the City track its capital projects in more detail to utilize all applicable impact fees.

Wes Johnson explained that work on the Burgi Lane trail and the River Road turn lane, onto Main Street, might have been impact fee eligible.

Mr. Wilson said that he would work more closely with the City Engineer regarding expenditures on capital projects.

14. Department Reports

Colleen Bonner, Mayor

Council Assignments – Mayor Bonner reviewed the assignments for each member of the City Council.

Interlocal Advisory Board – Mayor Bonner explained the Interlocal Advisory Board and indicated that each member of the Council could attend.

General Plan – Mayor Bonner explained that the City would update its general plan that year. Michael Henke added that the Planning Commission prepared the plan which was then considered by the Council. He said committees would be formed for each chapter and a survey would be given to each resident. Mayor Bonner asked that the update be completed that summer.

Wes Johnson, Engineer

10 Year Road and Water Plan – Mr. Johnson reported that the 10 Year Road and Water Plan had been updated.

Michael Henke, Planning Director

Michie Lane/Rights-of-Way – Mr. Henke reported on the acquisition of right-of-way for Michie Lane. Mayor Bonner indicated that the road needed to be completed for the safety of the children going to Midway Elementary. Council Member Christen added that the road was more dangerous than people thought.

Swiss Alpine Road/Improvement – Council Member Dodge asked about the realignment and improvement of Swiss Alpine Road. Mr. Henke reported that he would renew his efforts to obtain the needed right-of-way. Council Member Christen said that she saw members of the Hill family, which owned part of the needed right-of-way, every day and could talk to them about the realignment.

Hazard Mitigation Plan – Mr. Henke reported that the City needed to update its hazard mitigation plan that year. He said the plan needed to be up-to-date for the City to qualify for the maximum amount of federal disaster funds.

Bill Probst, Council Member

Public Works Assignments – Council Member Probst asked if public works employees were assigned certain responsibilities like buildings, parks, etc. Mayor Bonner responded that Shane Owens was the cemetery sexton but they worked in all areas as directed.

Brad Wilson, Recorder

FY 2017 Budget – Mr. Wilson explained that the budget process, for Fiscal Year 2017, would begin shortly. He said that revenue projections would be prepared and the Council would then work with the appropriate departments to recommend expenditures.

15. Adjournment

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

The meeting was adjourned at 8:22 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder