MINUTES OF THE
MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 27 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 6:00 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
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 Christen gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

2. Consent Calendar

a. Agenda for the 27 January 2016 City Council Regular Meeting
b. Warrants

c. Minutes of the 13 January 2016 City Council Regular Meeting

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

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

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

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. **Miss Utah Outstanding Teen Pageant/Use of City's Name (Kara Scott)** – Discuss and Possibly Allow the Use of Midway City's Name in a Title to Be Used in the Miss Utah Outstanding Teen Pageant

Mayor Bonner reported that Miss Scott was unable to attend that night's meeting.

Council Member Christen made the following comments:

- Spoke with several people involved with pageants.
- Using an entity's name in a title implied that the person won a pageant. It also opened the possibility that other people would want to use the City's name.
- It might be better for Miss Scott to petition the City to hold a pageant.

Council Member Kohler asked if the City could be held liable if it granted the request but did not hold a pageant. Kraig Powell did not see any liability but wondered if the state pageant

prohibited such an arrangement.

Council Member Dodge asked if other cities sponsored pageants. Mayor Bonner responded that a lot did and it was a way to get scholarship money.

Council Member Christen asked why the County did not sponsor a teen pageant or did not allow Miss Scott to use its name.

Council Member Kohler thought that it was misleading to allow the use of the City's name.

Council Member Christen recommended that the Council know the pageant rules before it made a decision.

Council Member Probst indicated that he wanted to support the area youth but was hesitant to grant the request because the County rejected it.

Kraig Powell suggested that any person, requesting to use a title with the City's name, should at least be interviewed. He said if more than one person made a request then a pageant could be held.

Motion: Council Member Christen moved to table consideration of the request until the next council meeting

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

5. **Johnson Mill Road Annexation (Beverley Ryan)** – Discuss and Possible Approve for Further Consideration the Johnson Mill Road Annexation, Containing 8.76 Acres, Located on the East Side of Johnson Mill Road.

Brad Wilson gave a presentation on the annexation. He explained that it was in exchange for upsizing the culinary water line that served the petitioners. He indicated that the line was upsized the previous fall.

Mr. Wilson reviewed the location of the annexation, the annexation plat map and the annexation process. He explained that the annexation was being discussed for "further consideration". This

was a chance for the Council to decide if it even wanted to consider the petition.

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

Mayor Bonner explained that the petitioners had low water pressure on the old line.

Michael Henke explained that the property owned by the Townsend family, which was served by a well, had been excluded from the annexation at their request. He also explained that the City's growth boundary was expanded to include the Maisey family's home and property.

Council Member Dodge asked if Ryan Lane was private. Mr. Henke said he would have to verify if it was public or private.

Motion: Council Member Dodge moved to approve the Johnson Mill Road annexation for further consideration.

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

6. **Resolution 2016-02/Culinary Water Service Agreement (Charles Ward)** – Discuss and Possibly Approve Resolution 2016-02 Adopting a Culinary Water Service Agreement for the Ward Property Located at Approximately 865 South (Wards Lane) and 800 West.

Wes Johnson explained that the issue had been continued from the previous council meeting. He indicated that the Council asked the City Attorney to prepare an agreement regarding the proposed water line and connection. He said that all necessary items were covered in the agreement and it had been reviewed by at least Charles Ward.

Charles Ward said that the agreement required the Ward family to turn in two water shares but only 1/3 of a share was required for each of the five homes. Kraig Powell responded that the City would give the family credit for the remaining 1/3 of a share. Council Member Dodge thought that the Midway Irrigation Company was now dividing shares into quarters.

Mr. Ward asked if the water pipe could be smaller than eight inches. Mr. Johnson responded that the pipe would have to be eight inches for the City to accept it. He added that it would be

shortsighted to use smaller pipe because it would have to be upsized when the property was developed. He pointed out that the other costs of construction would remain the same regardless of the pipe size. Mr. Ward said that he would have to review the costs, of the different pipe sizes, before making a decision.

Mr. Ward asked if the agreement was open-ended. Mr. Johnson did not want the project to take years to complete. Mr. Ward wanted an open-ended agreement but stated that the water line needed to be installed quickly. Council Member Dodge suggested that the agreement last two years with the ability for an extension. Mr. Powell responded that he would add language, to the agreement, requiring at least one home to be connected to the culinary system within two years.

Wes Johnson asked that the agreement require a preconstruction meeting prior to the installation of the line.

Mr. Ward asked if watering livestock with the culinary water violated the agreement. He indicated that several horses and cows needed to be watered in the winter. Kraig Powell noted that the agreement limited the culinary water usage to normal indoor use. He thought that if the stock watering was not significant then the spirit of the agreement would not be violated.

Council Member Dodge asked what the limit would be for the stock watering. Mr. Powell noted that the City incurred costs, such as pumping and chlorination, to provide culinary water. Wes Johnson thought that the water, used for livestock, should be metered and limited. Council Member Dodge agreed. Mr. Powell recommended that the agreement state the issue would be readdressed if the use changed.

Mr. Johnson noted that an air gap was needed with stock watering to prevent cross-contamination.

Mr. Ward asked when the various connection fees would have to be paid. Mr. Henke responded that they would have to be paid when each home was connected to the line. Brad Wilson added that an "out-of-pocket" amount would have to be paid, to cover inspections, etc., before a preconstruction meeting was held.

Mr. Powell explained that he met with Mr. Johnson and they wanted the City to own the line and pump station as soon as they were installed. He added that the Ward family would still be responsible for its construction and maintenance. He said that an easement for the entire line would have to be given to the City.

Mr. Ward asked if he could get a prorated share of the cost, to install the line, if the property was further developed. Mr. Henke responded that would be a private issue between Mr. Ward and the future buyer.

Mr. Johnson emphasized that the agreement only allowed five culinary water connections. He stated that additional connections would require City approval.

Council Member Dodge indicated that the agreement was an exception to established policy. He recommended that it state the reasons why an exception was being made. Mayor Bonner agreed

and noted that the request was an emergency and protected health and safety.

Council Member Dodge recommended that each property owner sign the agreement.

Note: Slides used in the discussion are contained in the supplemental file.

Motion: Council Member Dodge moved to approve Resolution 2016-02 adopting a culinary water service agreement for the ward property as presented with the changes recommended by the Council and staff.

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

7. **Open and Public Meetings Training (City Recorder)** – Receive Training on the Open and Public Meetings Act of the State of Utah.

Brad Wilson gave training on the Open and Public Meetings Act of Utah. He reviewed the following items:

- Purpose of the Act
- Definitions
- Noticing
- Minutes and recordings
- Closed meetings
- Emergency meetings
- Penalties for violations

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

8. **Department Reports**

Kent Kohler, Council Member

10 Year Roads and Water Plan – Council Member Kohler indicated that he wanted to change

some of the road and water projects on the City's ten-year plan. He recommended that the City better track water line leaks and breaks so it could determine when each water line needed to be replaced.

Wes Johnson explained that the Public Works Department could indicate on a paper map where a water leak occurred. He said his firm could then input that information into its geographic information system (GIS) software and track it.

Council Member Dodge asked if the City had historical data on water leaks. Mr. Johnson responded that it had that data since his firm started working for the City. He indicated that it would be impossible to obtain older information. Mr. Powell pointed out that data over 25 years old would be irrelevant. Mr. Johnson added that other factors also determined the life of a water line.

Colleen Bonner, Mayor

USU Water Survey – Mayor Bonner reported that Utah State University (USU) did a water survey of the Heber Valley and Midway. She distributed copies to the Council and staff.

Kraig Powell, Attorney

Michie Lane/Rights-of-Way – Mr. Powell reported that he and Michael Henke were working with property owners to obtain the necessary rights-of-way to complete Michie Lane. He said that The Church of Jesus Christ of Latter-day Saints (LDS Church) was actively considering the City's proposal.

Mr. Powell explained that the owner of property, on the northwest corner of Michie Lane and Fox Den Road, asked if a road could go from the property onto Michie Lane. Mr. Henke responded that because Michie Lane was a collector street that road access could only be approval by the Council. He encouraged limiting the number of streets connecting to collector roads.

Mr. Henke reported that he and the Mayor would meet with the Wasatch County School Board the following day regarding the needed right-of-way at Midway Elementary. Mayor Bonner explained her proposal to expand the elementary school to the north.

Wes Johnson, Engineer

Calendar Year 2016 Road and Water Projects – Wes Johnson indicated that Michie Lane (Center Street to 80 East), 100 West (Main Street to 100 South) and Cari Lane (Homestead Drive to Cari Lane) would be the projects done that summer.

Mayor Bonner asked the Council to consider making 100 West a one-way street going south from Main Street. She thought this would resolve a lot of the problems with Café Galleria,

parking, U-turns, etc. She also noted that it was difficult to see when turning left from the road onto Main Street. She did not know how the area residents felt about the proposal. She recommended holding a public hearing to get their input.

Council Member Dodge suggested that the owner of Café Galleria purchase the lot to the west of the business for parking. Mr. Henke responded that the owner did not want to sell the property and did not want to enter into a use agreement for the existing parking lot.

Michael Henke, Planning Director

Dutch Canyon Subdivision – Mr. Henke reviewed the proposed Dutch Canyon Subdivision and issues with road connectivity.

Midway Springs Subdivision/PUD – Mr. Henke reviewed the Midway Springs Subdivision and PUD, proposed for the Remund property south of 600 North, and indicated that it included 89 lots.

General Plan Update – Mr. Henke reviewed the update to the City's general plan which would occur that year. He said that residents could take a survey and serve on various committees. Mayor Bonner asked if an open house would be held before the committees were formed. Mr. Henke suggested that it be held after their formation.

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 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

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 Kohler moved to go out of the 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 Van Wagoner	Excused from the Meeting
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

9. Adjournment

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

The meeting was adjourned at 8:23 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder