

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 24 February 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 6:04 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

Kraig Powell, Attorney (Arrived at 8:23 p.m.)
Wes Johnson, Engineer
Shane Owens, Public Works Assistant Crew Chief
Georgia McQuire, Human Resources Manager/Events Coordinator (Left at 7:25 p.m.)
Brad Wilson, Recorder/Financial Officer

Members Excused:

Ken Van Wagoner, Council Member

Staff Present:

Michael Henke, Planning Director

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 Dodge 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 24 February 2016 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 10 February 2016 City Council Regular Meeting
- d. Minutes of the 10 February 2016 City Council Closed Executive Session
- e. A Temporary Use Permit for High Valley Arts to Exceed the Allowed Sound Levels for a Musical Production at 100 South and 400 East for the Months of June and July of 2016

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

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

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

- 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. Wasatch County Sheriff’s Department/Annual Report (Sheriff Bonner)** – Receive an Annual Report from the Wasatch County Sheriff’s Department

Sheriff Todd Bonner reviewed the calls for law enforcement service in Midway made during 2015. He made the following comments:

- The overall numbers were consistent with 2014, despite an increase in population, with the exception of suicidal subjects which had increased.
- He did not know the reason for the numbers remaining the same despite a population increase.

- There generally had been an increase in hostility towards law enforcement. This was due to the media, copycats, and the glorification of such hostility.
- The City contracted with the Sheriff's Department for 40 hours of service a week. On average the Department provided 75 hours a week.
- Thanked the City for assisting with BackNET.
- The City had paid for additional law enforcement at Swiss Days.
- Was working to replace several people who had left the Department.
- Wanted to add a new dispatch center to the Department's current building.

Council Member Dodge asked about violent crime. Sheriff Bonner responded that there had been an increase in such crime but it was in and around outlying recreation areas and not in Midway City.

Council Member Kohler asked if the Department would hire additional personnel as the population of the County grew. Sheriff Bonner responded that the County Manager had committed to additional hiring within the next several years. He also indicated that the Department needed to raise its wages to have experienced officers.

Council Member Kohler reported that residents were concerned about the amount of traffic/speeding enforcement. Sheriff Bonner responded that the Department had to spent most of its time responding to calls and could not do a lot of traffic enforcement. He pointed out that 101 traffic citations had been insured in Midway during 2015. He would have liked the number to be around 300.

Sheriff Bonner wanted to have an officer in each school zone each week day.

Sheriff Bonner indicated that motorists' speed decreased when speed trailers were used but it increased when the trailers were removed.

Note: A copy of *The Calls for Law Enforcement Service* is contained in the supplemental file.

5. Cowboy Poetry/Annual Report (Rachel Kahler) – Receive the Annual Report of the Heber Valley Western Music & Cowboy Poetry Gathering and Possibly Approve a Donation to the Event

Tom Fowler, representing the event, reviewed the following items:

- Sponsorships
- Ticket sales
- Trends
- Entertainment
- 2015 financial summary
- Revenue drivers
- 2016 action items

Rachel Kahler, also representing the event, reviewed the following items:

- The event's partnership with the Wasatch County School District
- Marketing campaign
- Media coverage
- Website
- Economic benefits

Mr. Fowler requested a donation of \$5,000 each year for three years. He noted that Wasatch County and Heber City had also donated.

Mayor Bonner thanked the organizers of the event. She thought that it brought business to Midway City during a slow time of the year. She said that it should be supported by the community.

Council Member Dodge stated that the event's finances were well managed. He thought that the event was positive for the community and asked the Council to support it.

Council Member Christen said that the event filled hotel rooms and attendees came back to the area.

Council Member Kohler felt that a lot of people would be disappointed if the event ended. He indicated that the City should continue to donate to it.

Council Member Probst agreed that the event helped local businesses and should continue.

Mayor Bonner noted that the City also waived the Town Hall rental fees for the event. She estimated that was a \$2,000 in-kind donation.

Motion: Council Member Dodge moved to donate \$5,000 a year for three years to the Heber Valley Western Music & Cowboy Poetry Gathering.

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. Ordinance 2016-03/Alpenhof Estates Subdivision Vacation (Corbin Gordon) – Discuss

and Possibly Adopt Ordinance 2016-03 Vacating a Portion of Lot #35, in the Alpenhof Estates Subdivision, Located at 1347 West 310 North

Brad Wilson reviewed a dispute between Israel Kohler and Morris Tanner. He indicated that a proposed settlement, between the two, included Mr. Tanner acquiring a small portion of Lot #35 in Alpenhof Estates. He explained that the City's land use authority, which was the Council, had to approve by ordinance the amendment to the development.

Corbin Gordon, representing Mr. Kohler, explained that Mr. Tanner would also acquire the bulb shaped property on the east side of Lot #35. Mr. Gordon explained that the City Council had to approve the change in the lot because it was part of a recorded plat map. He stressed that the State Code allowed such a change without recording an amended map.

Michael Henke reported that the two parties had signed the settlement agreement.

Sheriff Bonner asked if the agreement placed any restrictions on the use of Tanner Lane. Mr. Gordon responded that Mr. Tanner now owned all of the road but had agreed not to park any vehicles along the side facing Mr. Kohler's house.

Motion: Council Member Kohler moved to adopt Ordinance 2016-03 vacating a portion of Lot #35, in the Alpenhof Estates Subdivision, located at 1347 West and 310 North.

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

7. Resolution 2016-05/Fees for Events on Public Property – Discuss and Possibly Adopt Resolution 2016-05 Amending the Fee Schedule for Midway City Regarding Fees Charged to Events on City Property

Michael Henke made the following comments regarding the proposed resolution:

- The regulations for festival market business licenses had been amended and third party vendors were allowed throughout the year.
- The changes to the fee schedule would apply to vendors on the City's property. Currently \$25 was required per vendor.
- Recommended that the set fee be eliminated and that the amount charged be based on the

event's impact. Determining the fee could be subjective but the amount could always be appealed to the Council.

- An event with vendors required a site plan and that individual vendor information be provided to the State Tax Commission.
- An application for events would be created that required the signatures of the Wasatch County Sheriff's Department, Wasatch County Emergency Medical Services and the Wasatch County Health Department.

Council Member Christen indicated that the fly fishing event, held at the Hamlet Park, had created significant traffic problems. She asked that the organizer and the City plan ahead to mitigate the problem. Mayor Bonner asked if the parking area, created for the Johnson Mill, could be used. Council Member Christen thought that could be a possibility.

Georgia McGuire, who oversaw events for the City, reported that mostly non-profit events, races, and the fly fishing event were held on city property.

Council Member Dodge asked if the proposed fee was too vague. Mr. Henke responded that the City Attorney approved the change. He thought that the fee would usually be less rather than more based on the event's impact.

Council Member Dodge asked if there was a deadline to apply for an event. Mr. Henke recommended that the application be submitted at least 60 days before the event. Council Member Dodge noted that sufficient time was needed to appeal the amount of the fee.

Mayor Bonner indicated that a list of vendors would also have to be provided to the City.

Council Member Christen asked the criteria for determining the amount of the fee. Mr. Henke responded that it would be based on usage and impact. He said that other people could use the Hamlet Park during the fly fishing event.

Ms. McGuire said that the organizer of the fly fishing event supported the change. She also agreed that there should be a deadline of 60 days.

Motion: Council Member Kohler moved to adopt Resolution 2016-05 amending the fee schedule for Midway City regarding fees charged to events on city property.

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

8. Long-Term Use of City Buildings – Discuss Allowing the Long-Term Use of City Buildings

Georgia McGuire, who oversaw the use of city buildings, made the following comments:

- Residents were charged less to use the City's buildings because their taxes subsidized maintenance and repairs. Non-residents were charged more.
- The fees to use the City's buildings were the lowest in the area.
- Non-residents tried to get residents to rent the buildings for them.
- The City had received requests to use its buildings on an on-going basis.
- Recommended that the City only adopt a policy, allowing on-going usage, if certain criteria were established. One criteria could be renting during low use times of the day.
- Several arts related groups used the buildings on an on-going basis.
- Asked how much the City should charge for an on-going use.

Mayor Bonner explained that an instructor wanted to use the Community Center for an exercise class and charge each participant. She said the current fee of \$50 a day would be prohibitive.

Council Member Christen pointed out that Wasatch County's recreation center could not be rented for classes. Ms. McGuire added that Charleston Town also did not rent out its town hall for on-going uses.

Council Member Christen questioned renting buildings to for-profit organizations on an on-going basis.

Ms. McGuire indicated that a quilting guild used the Community Center but they were not charged a significant amount. She also indicated that the guild charged its members a minimal amount.

Council Member Dodge recommended against renting buildings to for-profit organizations. He pointed out that the amount of money made by a renter could vary significantly.

Council Member Kohler supported groups, like the local bell ringers, using the buildings but opposed their use by for-profit groups. He did not want the City to compete with private enterprise.

Ms. McGuire recommended that the City not rent to for-profit groups.

Council Member Probst asked if there had been a lot of requests for on-going rentals. Ms. McGuire responded that six groups had made such requests.

Ms. McGuire explained that a church had asked to use the Town Hall on Sundays on an on-going basis. She said the request was denied because city staff would then have to be available on Sundays.

Mayor Bonner noted that several of the arts groups, which used the City's buildings, sold tickets to their events.

Mayor Bonner indicated that the current policy and fees would not be changed.

9. Alpenhof Master Plan – Discuss and Possibly Adopt a Master Plan for the Alpenhof Park Located at Tanner Lane (1320 West) and Alpinhof Lane (310 North)

Motion: Council Member Christen moved to adopt the master plan for the Alpenhof Park, located at Tanner Lane and Alpinhof Lane, with the changes discussed during the work meeting that evening.

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

10. Department Reports

Brad Wilson, Recorder

Swiss Days Pin – Randon Wilson reviewed a proposed design for a Swiss Days pin that would honor the City. He asked if the Council approved of the design and said that 500 would be minted for the celebration that year. The Council approved of the design.

Sales Tax Spike – Brad Wilson explained that the spike taxes, during the first part of the fiscal year, was the result of an audit of an event organizer. He said that the event organizer had to pay several years of taxes. He noted that the taxes were also incorrectly applied to the City and would be redirected to Wasatch County.

FY 2017 Budget – Mr. Wilson reported that revenue projections for the FY 2017 budget would be prepared that week.

Michael Henke, Planning Director

Proposed Developments – Mr. Henke reviewed proposed developments within the City.

Building Permits – Mr. Henke reported that a significant number of building permits were still being submitted to the City.

Wes Johnson, Engineer

Sidewalk Trip Hazards – Mr. Johnson reported that a request for bids would be let out to cut or grind down the trip hazards in the City's sidewalks.

New Alpenhof Well - Mr. Johnson reported that the design, for the new Alpenhof well house, was close to being approved by the State. He noted that the approval was taking longer than 30 days and technically the City could move ahead with the project.

Calendar Year 2016 Road and Water Project – Mr. Johnson reported on the road and water project planned for that year. He was still unable to meet with the owner of the property on the corner of Homestead Drive and Cari Lane.

100 West/Complaint – Brad Wilson reported that a complaint had been received regarding 100 West and Café Galleria. Mayor Bonner suggested that a council work meeting and then a public hearing be held to discuss the issues before the road was repaved that summer. She again suggested that the road be one-way from Main Street to 100 South.

Calendar Year 2016 Surface Treatments – Mr. Johnson reported that road surface treatments would again be done that year.

Intersection of Main Street and Center Street – Mr. Johnson reported that he would meet with the Utah Department of Transportation the following week to hear their recommendations for the intersection of Main Street and Center Street. Mr. Johnson explained that the Hardy Foundation, which owned the property on three of the intersection's four corners, opposed a roundabout because it would not be pedestrian friendly. He added that some of their property would be needed for a properly sized roundabout.

Mayor Bonner wanted to meet with the Foundation before a roundabout was rejected.

Lisa Christen, Council Member

Miss Utah Outstanding Teen Pageant/Use of City's Name – Council Member Christen reported that a pageant did not need to be held for the City to allow its name to be used in a title like Miss Midway Outstanding Teen.

Colleen Bonner, Mayor

Swiss Days/Additional Law Enforcement – Mayor Bonner reported that the Swiss Days Committee might pay for half of the cost for additional law enforcement during Swiss Days.

HL&P/Renewable Energy – Mayor Bonner reported that the Heber Light & Power Company (HL&P) was discussing renewable energy sources. She asked if the Municipal Code addressed such energy sources. Michael Henke responded that the Code regulated solar and wind power. He explained the solar power regulations.

Bob Probst, Council Member

City Buildings/ADA Compliance – Council Member Probst reported that a meeting was held to discuss the City’s buildings and their compliance with the Americans with Disabilities Act (ADA). He said that the handicapped ramp at the City Office Building was a concern. Mayor Bonner added that the City was not exempt from ADA requirements.

11. Closed Executive Session to Discuss the Purchase of Real Property

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

Department Reports (Continued)

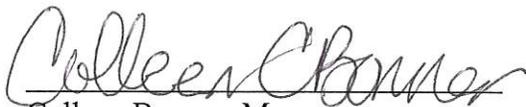
Kraig Powell, Attorney

Water Issues – Mr. Powell reported that various water issues continued to be discussed and another meeting regarding them would be held soon. Wes Johnson added that he met with Corbin Gordon, who was the attorney for the Midway Irrigation Company, and felt that common ground could be reached regarding water requirements.

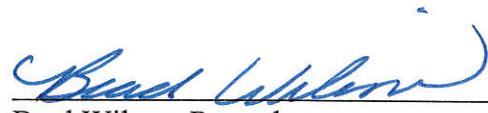
12. Adjournment

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

The meeting was adjourned at 8:44 p.m.



Colleen Bonner, Mayor



Brad Wilson, Recorder