

# MINUTES OF THE MIDWAY CITY COUNCIL

## (Regular Meeting)

Wednesday, 9 March 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.

#### Members Present:

Colleen Bonner, Mayor  
Ken Van Wagoner, Council Member  
Karl Dodge, Council Member  
Kent Kohler, Council Member  
Bob Probst, Council Member

#### Staff Present:

Michael Henke, Planning Director  
Wes Johnson, Engineer  
Shane Owens, Public Works Assistant Crew  
Chief  
Brad Wilson, Recorder/Financial Officer

#### Members Excused:

Lisa Christen, 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. Jean Hoover 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 Van Wagoner.

### 3. General Consent Calendar

- a. Agenda for the 9 March 2016 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 24 February 2016 City Council Work Meeting
- d. Minutes of the 24 February 2016 City Council Regular Meeting
- e. Minutes of the 24 February 2016 City Council Closed Executive Session
- f. Release the Construction Bond, Minus 10%, and Begin the One Year Warranty Period for the Bowden Fields Subdivision Located at 200 South and 300 East
- g. Ordinance 2016-04 Vacating the High Valley Ranch Subdivision, located at Approximately 600 South Center Street, and the High Valley Ranch PUD Located at Soaring View Drive (Approximately 690 South and 100 West)

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

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

**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	Excused from the Meeting
Council Member Probst	Aye

- 4. 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.

### **Preservation of Farm Land/Open Space**

Paul Berg explained that longtime farming families were trying to sell their property because they had no other options. He gave the Remund and Ward families as examples. He asked the City to look at options, to preserve open space, as part of its general plan review that year. He noted that the current zoning was working too well and there was no incentive to transfer development rights to preserve open space.

## **5. Memorial Hill Monument Expansion/Donation (Terry Edwards)**

### **5a. Presentation** – Receive a Presentation on a Proposed Expansion of the Monument on Top of the Memorial Hill

Terry Edwards presented the proposed expansion and made the following comments:

- There was not any more room on the monument for the names of veterans.
- It was proposed that the existing monument be duplicated with the exception of the flag pole.
- Stamped concrete and cinderblock with pot rock would be used.
- No work had been done on the monument since 1929.
- The work would be done by local contractors and residents.

**Note:** A copy of the proposed expansion is contained in the supplemental file.

### **5b. Donation** – Discuss and Possibly Approve a Donation for the Expansion

Mr. Edwards asked the City to donate to the project. He thought that Heber City would donate \$40,000 over several years. He also thought that Wasatch County would donate the balance because it owned most of the Memorial Hill.

Mayor Bonner indicated that a committee, to oversee the Memorial Hill, was supposed to have been formed by Wasatch County the year before. She also indicated that the County would have overseen and been responsible for any donations. She said that the City was willing to donate when the committee was formed and the County became responsible for the money. She also said that such an arrangement would provide transparency. She noted that the City had \$5,000 in its current fiscal year budget for the project.

Mr. Edwards said that Mike Kohler, who was a member of the Wasatch County Council, would be the liaison and oversee any donations.

Council Member Probst and Mayor Bonner supported the project.

Mr. Edwards asked if the City would be willing to donate additional money over time. Mayor Bonner responded that request would have to be considered when preparing the next budget.

Council Member Probst asked the estimated cost of the project. Mr. Edwards said that it was estimated at \$100,000 but thought that it would be \$65,000 to \$75,000 if local labor was used.

Council Member Kohler approved of the expansion but also wanted the County to oversee the finances. He asked if Mr. Edwards had solicited private donations. Mr. Edwards responded that both his organization and Heber City had sought private donations, for memorials, but had been unsuccessful. He noted that Duchesne had a nice veterans' memorial.

Travis Skovgaard, also representing the effort to expand the memorial, asked that the committee include veterans. Mayor Bonner agreed.

Mayor Bonner again supported the project and asked the group to work with the County. She asked them to return when the committee was established and a cost for the project had been finalized. She reiterated that the City was willing to donate to the project.

Mayor Bonner asked that the monument be modified so that the American flag could be flown at half-staff. Mr. Edwards responded that a winch could be added at the base of the pole to lower the flag.

**6. People Performance/Annual Report (Nicole Stevens and Erick Kuhni) – Receive an Annual Report from People Performance which is the Health Insurance Broker for Midway City.**

Erick Kuhni presented the following items:

- Health insurance rates for FY 2016 and FY 2017
- Rate creep
- Standard allowance for employees
- Employee survey

He also made the following comments:

- The City wanted to make health insurance rates fair between employees.
- It changed to Select Health.
- The remainder of any allowance, not spent on the premium, would go into a health savings account.
- Family premiums for the old health insurance were too expensive for the City's employees.
- There were only two changes in enrollment when the City switch providers.
- Multiple options were offered to employees.
- Health insurance rates would increase by 17% to 18%.
- The allowance would remain the same.
- Any increases in Select Health rates over the next four years would still be less than the rates of the previous insurance policy.

Council Member Dodge asked if the City's employees were happy with the current insurance plan. Nicole Stevens responded that the employees had given positive feedback.

**7. Mountain Goat Apartments/Conditional Use Permit (Jean Hoover) – A Request for a Conditional Use Permit for a Mixed Use Development, called Mountain Goat Apartments, located at 269 East Main Street (Zoning is C-2). Recommended with Conditions by the**

**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:

- Land use summary
- Location of the project
- Site plan
- Landscaping
- Apartment elevations
- Floorplan
- Water Board recommendations
- Planning Commission recommendations
- Possible findings

Mr. Henke also made the following comments:

- Apartments on their own were not allowed in the City.
- They could be part of a mixed use development.
- The proposed project included a historic house which would become a commercial building.
- An addition to the house and outbuildings on the west side of the lot would be raised.
- The existing driveway would be moved from the east to the west side of the lot.
- Safety had been considered.
- The Utah Department of Transportation (UDOT) had reviewed the proposal.
- The entrance would be 20 feet wide.
- Wanted to limit the number of sidewalk crossings and hardscape.
- There would be eight parking stalls for the apartment, three stalls for the commercial building and two stalls that could be rented.
- The Planning Commission recommended approval.
- There would not be windows on most of the sides of the apartments to maintain privacy for the neighbors.
- Mayor Bonner suggested that the roof extend to cover the deck.
- The proposed drainage plan met city requirements.
- Written approval was needed from UDOT.
- 20% of the project had to be commercial.
- The neighbors were concerned about the requested setbacks for the apartments.
- The Planning Commission recommended greater setbacks.
- The Municipal Code specified 15 foot setbacks when a commercial property bordered a residential use. However, it did allow the Council to reduce the setbacks on a case by case basis.
- The City reduced the setbacks for the new bank.
- Requiring the full setbacks would limit the buildable area of the lot.

- No setbacks were required for commercial lots next to other commercial properties.
- The lots on Main Street were deep with a lot of empty area in the middle of the blocks.

**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.

Joyce Kohler, 243 East Main Street

Ms. Kohler opposed the conditional use permit for the following reasons:

- Proposed setbacks for the project
- Noise
- Equipment and dust during construction
- Possible damage to her fence
- Encroachment on her driveway
- Difficulty of removing snow in the project
- Proposed access too narrow for two lanes
- Storage units proposed on the other side of her property were required to limit noise during the night.
- The proposed access would be under her bedroom window.
- The proposed apartments would cast a shadow on her garden and greenhouse.

Craig Roberson, 244 East 100 North

Mr. Roberson made the following comments:

- Owned the lot, which was in a residential zone, on the north side of the proposed project.
- The Council should not approve an exception to the setbacks for private good.
- Maintained his lot which added value to Midway.
- Approving the proposal would devalue his property and almost double the density on the block.
- It did not have any green space for children who would live in the apartments.
- It would be in other property owners’ backyards.
- There would be problems with snow removal and parking.
- Strongly opposed the project.

Michael Schneider, 275 East Main Street

Mr. Schneider made the following comments:

- Owned the lot to the east of the proposed project.
- Purchased his lot and house from the Hardy Foundation and agreed in writing that he would not develop or raise the home.
- Had significant plans for the house and wanted to raise his family in it.
- The project would take away from Midway which should remain a village.
- The proposal would devalue his property.
- Opposed the project.
- Apartments were not right for that area.
- Parking and traffic would be issues.

Sarah Finley, 244 East 100 North

Ms. Finley made the following comments:

- Was concerned about the density of the project.
- Did not oppose the building, at the front of the lot, but it was inconsistent to have apartments in the rear.
- There was not enough space between the apartments and neighboring properties.
- Children who lived in the apartments needed a place to play. They would be forced to play along Main Street.
- Fire safety was an issue with the proposal.
- The proposal would devalue her property.

Mr. Henke responded that the project met fire standards and vehicles would not have to back onto Main Street.

Millie Medby, Fill'er Up Coffee Station

Ms. Medby made the following comments:

- Fill'er Up Coffee Station was at a location which had always been a business and was never residential.
- Wanted to preserve the beauty and historic appeal of the City.
- Opposed the project because it would decrease safety and privacy.
- It would also encroach on other properties.
- The area was not the best location for apartments. They would encourage transient residents.
- The City should reduce the number of conditional use permits while it was revising its general plan.
- Liked the applicants and her opposition was not personal.

Dale Kohler, 243 East Main Street

Mr. Kohler opposed apartments in such a small area.

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

### **7c. Action** – Discuss and Possibly Approve the Request

Jean Hoover, applicant, made the following comments:

- Her and her husband purchased the property in 2009 with retirement funds.
- A lot of thought and consideration had been put into the project.
- Had lived in Midway for 30 years.
- Understood the vision of Midway and what people wanted it to be.
- Knew that the proposal would be a problem and that change was difficult.
- The property was zoned C-2 when they purchased it.
- Was told that the setbacks were zero in that commercial zone.
- While they owned the property other commercial projects had been approved with no setbacks. There had not been problems with drainage and snow removal on these other properties.
- The project had been engineered and complied with the Building Code.
- The apartments would be small with grass on either side. They would have a six-foot deck where renters could enjoy the outdoors.
- There would be grass in the parking lot and around the house.
- The renters could walk to schools, stores, etc. which would increase walking traffic.
- The house was a nice old pioneer home and would look the same after the property was developed. Any business in it would be quite.
- There was a lot of interest in business space.
- Turning the house into a business space was required to have the apartments.
- The shorter setbacks were needed.
- The Planning Commission recommended greater setbacks which would be difficult but not impossible.
- No one would use the space created by the greater setbacks because of the fence.
- Offered to continue the fence, installed by the Mr. and Ms. Kohler on the back portion of their property, to the front of their lot.
- Would repair any damage done to a fence during construction.
- Would be good neighbors.
- The apartments would be a long distance from the neighboring homes.
- An addition to the home and some of the existing outbuildings would be raised.
- The outbuildings on the Kohler's property went to the property line.

Council Member Dodge asked about snow removal and where the snow would be stored. Mr. Henke responded that there would be some area for snow storage but it might have to be hauled off.

Council Member Dodge asked what would happen if the owners wanted to raise the house. Mr.

Henke responded that the City would not issue a demolition permit unless the house would be replaced with another commercial building.

Council Member Van Wagoner asked if the apartments could be separated from the house and then sold. Mr. Henke responded that the apartments could not be divided off because they needed a certain amount of frontage on the street.

Council Member Van Wagoner suggested that the planter strip behind the house be moved to the apartments. He noted that this would provide a play area for children and remove a blind spot in the parking lot.

Ms. Hoover doubted that many of the renters would have children. She suggested that the planter strip be gravel. Council Member Van Wagoner pointed out that many young families with children rented apartments.

Council Member Kohler noted that the proposal was in the C-2 zone. He thought that the setbacks were the most significant issue especially since other businesses had been approved with not setbacks. Mr. Henke explained that those businesses had been approved before he worked for the City.

Council Member Dodge asked if the City had changed its setbacks for commercial properties. Mr. Henke responded that they had not changed since he worked at the City.

Council Member Probst said that he had some of the same concerns as Council Member Van Wagoner. He worried that the renters would have multiple vehicles. Mr. Henke responded that the proposal exceeded the required number of parking stalls by two.

Council Member Dodge asked if a triplex could be built instead and meet the setbacks. Ms. Hoover responded that they had spent a lot of money designing the project and would have to start over to do a triplex.

Mayor Bonner said that the decision was difficult because the property had residential uses on all sides. She pointed out that any of those properties would not have a setback, with the proposed project, if they were developed as commercial. She wanted to encourage commercial uses but noted the commercial zone ended halfway through the block. She wondered how someone could develop in a commercial zone but mitigate the impact on neighboring residential properties.

Council Member Dodge stated that the request was difficult because the Municipal Code encouraged commercial development but also encouraged certain setbacks. He said that the Council should follow the Code and only allow the lesser setbacks for a good reason. He also said that it would be difficult to vary from the setbacks when there was so much opposition from the neighbors.

Council Member Dodge wondered why the Council had granted reduced setbacks in the past. Mr. Henke responded that he would have to research those cases.

Mayor Bonner indicated that the item could be tabled while other commercial approvals were

reviewed. Council Member Dodge thought a decision could be made that night.

**Motion:** Council Member Kohler moved to table the conditional use permit request for two weeks.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

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

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

Heidi Robertson, architect for the project, noted that a lot of money had been spent on the engineering for the project. She said that the applicants were willing to work with the Council and make minor revisions.

Craig Roberson explained that his lot bordered another four-plex which was not a problem because it had a large backyard. He requested that at least the required rear setback be maintained for the proposal.

**8. Ordinance 2016-02/Parking Requirements for Mortuaries (Paul Berg)** – Proposed Ordinance 2016-02 Amending Section 16.13.39(A)(10) of the Midway City Municipal Code Regarding Parking Requirements for Mortuaries. Recommended without Conditions by the Midway City Planning Commission.

**8a. Presentation** – Receive Presentations on the Proposed Ordinance from Staff and the Applicant

Michael Henke gave a presentation regarding the request and reviewed the following areas:

- Current code language
- Proposed code language
- Parking stall requirements
- Site plan for a mortuary proposed by Probst Family Funerals
- Sample codes from other municipalities

Mr. Henke also made the following comments:

- The current code required 160 parking stalls for a 4,000 sq. ft. mortuary.
- The proposed code would require a minimum of 40 stalls and then one stall for every 60 sq. ft.
- The required number of stalls was similar to Salt Lake City's and Vernal's requirements.
- Recommended that the Council adopt the proposed ordinance.

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

Council Member Dodge asked who determined the proposed number of stalls. Mr. Henke responded that Paul Berg, Berg Engineering Resource Group, and Probst Family Funerals recommended the number. Mr. Berg added that the numbers were based on other municipal codes and in line with industry standards.

Council Member Dodge asked if the parking calculations, for the proposed mortuary, included the residence which was part of the building. Mr. Henke responded that the required two spaces for the residence had been included.

Mr. Berg explained that the site plan met the proposed ordinance, had a garage, and possible overflow parking. He said the overflow parking was not included in the parking calculations.

Mayor Bonner asked that the streetscape, on the south side of the proposed mortuary, match the rest of Main Street.

**8b. 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.

**8c. Action** – Discuss and Possibly Adopt the Proposed Ordinance

**Motion:** Council Member Van Wagoner moved to adopt Ordinance 2016-02 as proposed by 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	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Excused from the Meeting

**9. Resolution 2016-03/Budget Amendment (Financial Officer) – Proposed Resolution 2016-03 Amending the Fiscal Year 2016 Budget for Midway City for the Purchase of a New Vehicle and Other Items**

**9a. Presentation – Receive a Presentation by Staff on the Proposed Resolution**

Brad Wilson gave a presentation regarding the budget amendment. He indicated that the Building Safety Department wanted to replace one of its vehicles, which was in poor condition, with a small SUV. He said the purchase would be made with building permit revenue in excess of the budget.

Mr. Wilson also explained the City's vehicle replacement program.

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

Shane Owens added that the current vehicle was purchased in 2005 and had 110,000 miles. He said that it needed extensive repairs.

Council Member Probst asked what the City did with its old vehicles. Mr. Owens responded that employees were able to bid on them for an amount above the bluebook. He said they were then placed on an online government auction site.

Council Member Kohler asked about the City's other vehicles. Mr. Owens reviewed the fleet and indicated that some vehicles were 20 years old. He suggested that the City reduce the time it kept vehicle to five years. He would contact other entities to see how long they kept their vehicles.

**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 Possible Approve the Proposed Resolution**

**Motion:** Council Member Van Wagoner moved to adopt Resolution 2016-03 amending the Fiscal Year 2016 Budget for Midway City for the purchase of a new vehicle.

**Second:** Council Member Dodge seconded the motion.

**Discussion:** None

**Note:** 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	Excused from the Meeting
Council Member Probst	Aye

## 10. Department Reports

### Kent Kohler, Council Member

**New Phone System** – Council Member Kohler asked how the new phone system in the City’s office building was working. Michael Henke responded that the system worked well with the exception of static on one of the incoming lines when it rained.

**Xpress Bill Pay** – Council Member Kohler asked how Xpress Bill Pay was working. Brad Wilson said it was working well but residents were requesting to use it for more than just utility payments. Mr. Wilson explained the added steps to expanding the service. Mr. Wilson said that he would provide to the Council the percentage of utility customers that used the service.

### Colleen Bonner, Mayor

**Council Members/Conferences** – Mayor Bonner reviewed several conferences that the council members could attend that year.

**Ice Rink/Ice Skates** – Mayor Bonner reported that the ice rink contractor had purchased 15 additional pairs of ice skates. She said that they were not in the budget and might have to be paid for from the FY 2017 budget.

### Karl Dodge, Council Member

**Swiss Heights Mobile Home Park/Stop Sign** – Council Member Dodge reported that the stop sign, at the east entrance/exit to the Swiss Heights Mobile Home Park, was faded and needed to be replaced.

### Wes Johnson, Engineer

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

**Spot Road Repairs** – Mr. Johnson asked the Council to let him know of any spot road repairs that needed to be made.

**100 West/Main Street to 100 South** – Mr. Johnson said the design for 100 West, from Main Street to 100 South, had been completed. He said the Council needed to decide if the road would be a one-way street.

**New Alpenhof Well/Chlorination System** - Mr. Johnson reported that the State was hesitant about a new type of chlorination system that would be installed with the new Alpenhof well. However, the City had been allowed to put the project out to bid while the system was being reviewed.

**100 West/Main Street to 100 North** – Wes Johnson explained that 100 West, from Main Street to 100 North, did not have curb and gutter. He indicated that vehicles were parking on the sidewalk. He reviewed a proposal to saw cut 8 feet of asphalt on the west side, install curb, a landscaping strip, pressurized irrigation, and electrical for Swiss Days. He estimated the cost at \$50,000.

Mayor Bonner indicated that the Public Works Department would do a lot of the work. She indicated that the project was not in the current budget.

Council Member Dodge asked the main motivation for the project. Mayor Bonner responded that it would keep vehicles off of the sidewalk, which would allow it to be plowed in the winter, and would look better. She also noted that it would help with Swiss Days.

Mr. Johnson indicated that the same design had been proposed for the north side of the Town Square from 100 West to the parking lot.

Council Member Dodge asked if the same thing would be done to the other side of 100 West.

**Note:** A copy of the proposed plan and estimated costs are contained in the supplemental file.

**Sidewalk Trip Hazards** – Mr. Johnson reported that a request for bids had been let out for the cutting or grinding down of the trip hazards in the City's sidewalks.

**Calendar Year 2016 Road and Water Project** – Mr. Johnson reported on the road and water project planned for that year. He reported that he met with the owner of the property on the southeast corner of Homestead Drive and Cari Lane. He said the owner had not yet granted permission to slope the side of the road down onto his property.

Michael Henke, Planning Director

**Homestead Trail** – Michael Henke reported that UDOT would provide money for the Homestead Trail. He added that the City would apply for a grant for the project. He hoped that the portion of the trail, from Main Street to Snake Creek, could be built in 2017.

**Snake Creek Lodges** – Mr. Henke reported that one of the remaining eight-plexes, in the Snake Creek Lodges PUD, would be completed.

Wes Johnson asked if the sidewalks in the project should be completed so that the bond could be released. The Council decided not to finish the sidewalks until the remaining units were constructed.

Brad Wilson, Recorder

**FY 2017 Budget** – Mr. Wilson indicated that department heads were preparing the budgets for their departments. He said they would be working with the Council on the budgets.

Shane Owens, Public Works Assistant Crew Chief

**Fee for Bad Water Samples** – Mr. Owens reported that culinary water systems would be fined for bad water samples and then have to go through a sanitary survey of the system. He suggested that the City might have to inspect all sprinkler systems to find any cross-connections.

## 11. Adjournment

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

The meeting was adjourned at 8:38 p.m.

  
Colleen Bonner, Mayor

  
Brad Wilson, Recorder