

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 27 April 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 6:47 p.m.

Members Present:

Colleen Bonner, Mayor
Ken Van Wagoner, Council Member
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
Brad Wilson, Recorder/Financial Officer

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. Brett Walker 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 April 2016 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 6 April 2016 City Council Budget Meeting
- d. Minutes of the 13 April 2016 City Council Regular Meeting
- e. Proclamation 2016-01 Proclaiming the Month of May 2016 as Building Safety Month
- f. Elisabeth Crittenden as a Full Member of the Midway City Board of Adjustment

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

Motion: Council Member Van Wagoner 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	Aye
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. Memorial Day Celebration (Adaire Willoughby)** – Receive a Presentation on the Memorial Day Celebration Held by Wasatch County

Brad Wilson explained that a representative of the event was unable to attend that night's meeting. He indicated that the organizers were grateful for the City's donation.

- 5. Mountain Goat Apartments/Conditional Use Permit (Jean Hoover)** – Discuss and Possibly Approve 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 Midway City Planning Commission.

Mayor Bonner explained that the applicant, for the conditional use permit, requested that the Council reconsider the conditions of its approval. She said the request would be considered at the next regular council meeting when a public hearing would be held and after the neighbors could be notified.

6. Dutch Canyon Subdivision/Preliminary Approval (Paul Berg) – Discuss and Possibly Grant a Request for Preliminary Approval for the Dutch Canyon Subdivision Located at 600 East Saddle Drive (Zoning is RA-1-43). No Recommendation from the Midway City Planning Commission.

Motion: Council Member Van Wagoner moved to table consideration of preliminary approval for the Dutch Canyon Subdivision.

Second: Council Member Probst 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

7. Resolution 2016-07/Dutch Hollow Annexation Agreement Amendment (Jeremy Pope) – Discuss and Possibly Approve Resolution 2016-07 Amending the Annexation Agreement for the Dutch Hollow Annexation Located on the West Side of Dutch Canyon Road at Approximately 1600 North.

Michael Henke made the following comments:

- The requested amendment had been continued from the previous council meeting.
- Staff met with Jeremy Pope, the applicant, and Russ Watts who was developing the Dutch Canyon Subdivision.
- Mr. Watts made a proposal for the required improvements of Dutch Canyon Road but it was not accepted by Mr. Pope.
- Spoke with Mr. Pope that day but his position was unchanged.
- Mr. Pope was unable to attend that night's meeting.

Kraig Powell indicated that there was not a proposal or resolution to be considered that evening.

8. Verizon Wireless Tower and Antenna Landscaping Design and Lease Revisions (City Planner) – Discuss and Possibly Approve the Landscaping and Design and Revision to the Lease for the Verizon Wireless Tower and Antenna to be Located at the Centennial Park.

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

- Architecture of the Facility
- Monopine Design of the Tower
- Landscaping
- Location of the Tower

Mr. Henke also made the following comments:

- Verizon Wireless received a special use permit for a cellular tower the previous year.
- The Council placed several conditions on the permit including its approval of the landscaping.
- The Municipal Code promoted co-location of cellular antennas.
- Some residents were concerned about the aesthetics of the tower.
- Many residents wanted better cellular service.
- The tower was approved for a height of 80 feet.
- There could be up to three providers at the approved location.

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

Pete Simmons, representing Verizon Wireless, made the following comments:

- The architecture blended with the existing pavilion in the park.
- There would be a wall around the facility that would obscure most of the equipment.
- Would work with the City to determine the location of the required additional pine trees.
- The agreement would be amended to require that lease payments begin in April 2017 even if construction had not yet begun.
- Verizon could not give a firm date when construction would begin.
- Construction would take two to three months.

Kraig Powell reviewed the approved agreement and indicated that the lease payments would begin at \$10,000 a year and then increase to \$15,000 a year over time.

Mr. Simmons explained co-location and indicated that additional carriers could contract with both Verizon and the City to use the location and the tower.

Motion: Council Member Dodge moved to approve the landscaping, design, and revision to the lease for the Verizon wireless tower and antenna, to be located at the Centennial Park, and authorize the Mayor to sign the new lease document.

Second: Council Member Kohler seconded the motion.

Discussion: Council Member Christen asked if the motion needed to address other cellular carriers. Mr. Powell responded that was included in the agreement.

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

9. Hours of Operation (Mayor Bonner) – Discuss and Possibly Change the Standard Hours of Operation for Midway City.

Mayor Bonner explained that information, regarding a change in operating hours for city employees, had previously been given to the Council for its review. She proposed that public works employees work ten hours a day from Monday thru Thursday. She further proposed that other city employees work from 7:30 a.m. to 5:30 p.m. from Monday thru Thursday and 8:00 a.m. to noon on Fridays.

Council Member Dodge asked if staff approved of the change. Mayor Bonner responded that staff did approve of the change.

Mayor Bonner indicated that staff had monitored their calls on Fridays and that the number was not significant.

Council Member Van Wagoner pointed out that most holidays were on Mondays which created problems with a schedule of ten-hour work days. Shane Owens noted that the Public Works Department was already working a modified schedule and had dealt with the problem of holidays.

Council Member Van Wagoner noted that the Wasatch County Sheriff's Department changed to ten-hour work days and found that it affected vacations, vacation days, and made it difficult to have enough staff around holidays. He thought that any problems with the proposed schedule could be worked out.

Council Member Kohler asked if service would be effected by the change. Mayor Bonner responded that the change would be rescinded if service was negatively impacted.

Council Member Probst thought that ten hour days were less productive.

Mayor Bonner said that during the summer the Public Works Department was so busy that the entire day would be productive.

Council Member Dodge suggested a six-month trial of the new schedule. Council Member Kohler recommended that the City get the public's feedback during that period.

Council Member Dodge recommended that the change be well noticed. Council Member Van Wagoner suggested that the change not take effect for 30 days.

Motion: Council Member Van Wagoner moved to change the hours of operation for a six-month trial period beginning May 30th with it being re-evaluated on October 26th.

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	Aye
Council Member Probst	Aye

10. Loughlin Water Associates/Additional Fee Request (City Engineer) – Discuss and Possibly Approve a Request for Additional Fees by Loughlin Water Associates.

Wes Johnson made the following comments:

- The City signed a contract with Loughlin Water Associates for \$15,360 to perform a water audit.
- The City's water rights were more numerous and complex than expected.
- The last bill submitted by Loughlin put the project over budget.
- Work still needed to be done on two of the six contract items.
- Asked Loughlin to provide additional guidance and requirements for the remaining work.
- An additional \$11,500 would be needed to complete the audit.
- The company had not wasted any time or money.
- The audit was 90% complete with the City's water related legal counsel reviewing what had already been done. Needed the legal counsel to confirm that he could defend the conclusions of the work in court.

Kraig Powell pointed out that the original agreement included three meetings with staff. He said that many more meetings had been required. He stated that the remaining work including the summary report was important.

Mr. Powell indicated that the audit needed to be completed by August of that year.

Mayor Bonner did not want to abandon the project before it was completed.

Mr. Powell said that the audit would help avoid large legal bills and prevent problems in the future.

Motion: Council Member Dodge moved to amend the amount of the contract, from \$15,360 to \$30,360, to complete the study.

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	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

11. Department Reports

Michael Henke, Planning Director

Helicopter at Homestead – Mr. Henke reported that a group wanted to land a helicopter, on May 17th at the Homestead Resort, for training. He said that the Council had to approve the request.

The Council did not object to the request. Mayor Bonner asked that it be on the consent calendar for the next council meeting.

General Plan Update – Mr. Henke reported on the update of the General Plan. He said that committee meetings would begin the following day.

Wes Johnson, Engineer

Alpenhof Well – Mr. Johnson reported that work on the new Alpenhof well house and associated infrastructure would begin in one to two weeks.

Sidewalk Trip Hazards – Mr. Johnson reported that the project to remove sidewalk trip hazards had been let out for bid.

Developments – Mr. Johnson reported that there were a lot of developments under construction in the City.

Rain – Mr. Johnson reported there had been problems because of the recent rain.

Kraig Powell, Attorney

Michie Lane/School District – Kraig Powell reported that he and Mayor Bonner met with the Wasatch County School Board regarding the right-of-way needed for Michie Lane. He said that there was no progress on purchasing land from Matt Johnson, but the Board wanted to talk to him one last time.

Mr. Powell indicated that the City might have to pay for one or two portable classrooms to be moved to free up the needed right-of-way. Wes Johnson said the cost to move them would be \$30,000 to \$50,000.

Wes Johnson explained that there could be a bus access to the school on Michie Lane.

Mayor Bonner reported that the School Board might have an architect look at the school and the site.

Mayor Bonner noted that the City would vacate 180 South if 100 South was constructed on Matt Johnson's property.

Michie Lane/Restar – Mr. Henke reported that he was contacted by someone who wanted to development the property along Michie Lane owned by Restar Corporation. He thought that they would give the City the needed right-of-way to completed the road.

Legislative Campaign – Mr. Powell reported that he would not run again for the State Legislature and would focus on his law practice.

Lisa Christen, Council Member

Park Planning Group – Council Member Christen reported that she was meeting with a group that wanted to help plan the City's parks.

Valais Park/Swings – Council Member Christen reported that the swings at the Valais Park had been removed until the swing set could be repaired.

Valais Park/Baseball Field – Council Member Christen reported that she met with the Wasatch County Parks and Recreation Department regarding the baseball field at the Valais Park. She said that they would have costs that Friday to upgrade the field so that it could be used for tournaments. She said that the City might receive the fee for its use in those tournaments.

Colleen Bonner, Mayor

City Clean-Up – Mayor Bonner reminded the Council that the city clean-up would be that Saturday.

Bob Probst, Council Member

Cemetery Fence – Council Member Probst said that bids were being sought to replace the fence on the east side of the Cemetery.

Town Hall Stage – Council Member Probst reported that another proposal had been received to level the stage in the Town Hall.

Community Center/Replace Brink – Council Member Probst reported that he might have found some replacement brick for those damaged on the Community Center.

Office Building/Town Square Shelter/Rain Gutter – Council Member Probst reported that rain gutter had been installed on the City's office building and the shelter on the Town Square.

Community Center/ADA Improvements – Council Member Probst asked about the proposed Americans with Disabilities Act (ADA) improvements at the City Office Building. Mayor Bonner reported that some of the improvements would be in the FY 2017 budget.

Shane Owens, Public Works Assistant Crew Chief

Cemetery Fence/Painting – Mr. Owens reported that someone was painting the fence at the Cemetery as community service.

Traffic Signs/Graffiti – Mr. Owens reported that graffiti had been painted on 45 traffic signs in the City. He added that some of the signs did have an anti-graffiti coating.

Speed Trailer/Repairs – Mr. Owens reported that the City's speed trailer, which indicated a vehicle's speed, had been damaged and was being repaired. Mayor Bonner asked that the trailer only be used during the day.

Requests for Speed Limit Signs – Mr. Owens reported that he received several requests to install speed limit signs at certain places in the City.

Homemade Speed Limit Sign on Cari Lane – Mr. Owens reported that a resident made a speed limit sign and put in on Cari Lane.

Snake Creek Water Level – Mayor Bonner asked if the water level of Snake Creek was rising. Mr. Owens responded that it was still below the top of the culvert in Stringtown Road.

12. 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 8:43 p.m.

Colleen Bonner

Colleen Bonner, Mayor

Brad Wilson

Brad Wilson, Recorder