

**MINUTES OF THE
MIDWAY CITY COUNCIL
(Regular Meeting)**

**Wednesday, 11 May 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.

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. Doug Jenkins 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 11 May 2016 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 2 May 2016 City Council Budget Meeting
- d. Ordinance 2016-07 Adopting Various International and National Building Codes
- e. Conclude the New Hire Probation Period and Authorize a Wage Increase for Mike Mair

- f. Conclude the Warranty Period and Release the Remainder of the Bond for the 5K Ranch Subdivision, Located at 703 North River Road, Subject to the Payment of all Fees Due to Midway City

Note: Copies of items 2a, 2b, 2c, 2d, 2e, and 2f 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	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. **Probst Family Funerals/Conditional Use Permit (Paul Berg)** – A Request for a Conditional Use Permit for a Mixed Use Development, that will Include a Mortuary and Residence, Located at Approximately 747 East Main Street. Recommended for Approval with Conditions by the Midway City Planning Commission.

- 4a. **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 development
- Site plan

- Building elevations
- Recommendations of the Water Advisory Board
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The City owned property on the south side of the project that it would transfer to the applicant. The transfer would be on a future council agenda.
- There would be no parking on the south side which would be greenspace.
- The building had been reviewed by the Vision Architecture Committee (VAC).
- There would be a future city street on the east side which would access the properties to the north.
- The streetscape on the south side would be the same as along Main Street from 200 West to 300 East. The City would maintain the portion between the road and the sidewalk.
- The City would approve the streetscape and associated landscaping.

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

Kraig Powell explained the process to dispose of city property and made the following comments:

- The property to the south was of no use to the City.
- It was better for the applicant to own it and improve it.
- The value of the property was not worth an appraisal.
- It would be transferred to the applicant for a nominal amount.

4b. Public Hearing – Receive Public Comment on the Request

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

4c. Action – Discuss and Possibly Approve the Request

Motion: Council Member Van Wagoner moved to approve the conditional use permit for Probst Family Funerals as proposed by staff and with the conditions stated 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	Aye
Council Member Probst	Aye

5. 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.

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

- Land use summary
- Location of the proposed project
- Evolution of access for the project
- Current site plan
- Open space
- Public trails

Mr. Henke also made the following comments:

- The proposed project was continued from a previous meeting.
- A work meeting was held to discuss access for the project.
- The current site plan discouraged through traffic and included traffic calming measures.
- The project would connect to Dutch Canyon Road in the future.
- The applicant requested the rural cross-section which required council approval.
- Lot #3 would be accessed from the stub road that would go to Dutch Canyon.

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

Mayor Bonner asked that the trail, connecting to the long cul-de-sac, align with the street cross-section. Paul Berg, Berg Engineering Resource Group and representing the applicant, responded that the area along the trail would be maintained by the HOA and provide space for the water and sewer lines on either side.

Mr. Berg requested the rural cross-section, with a trail on one side of the road, and no curb and gutter. He noted that the surrounding developments had the same cross-section.

Mr. Berg noted that the stub road in Dutch Fields, which would connect to the proposed project, was narrower than the current city standard. Wes Johnson was comfortable with the road transitioning from the old to the current width.

Mayor Bonner asked the Council which road cross-section should be approved for the project.

Council Member Kohler did not like a trail only on one side of the road.

Council Member Christen noted that there were not any trails or sidewalks along the sides of the roads in Dutch Fields. She wanted something along the streets in the proposed project and was not opposed to a trail.

Council Member Dodge preferred pedestrian paths along both sides of the streets. He said this would limit the number of times that people would have to cross a road.

Mr. Berg suggested a trail on one side of the road with a five-foot asphalt sidewalk on the other side. He suggested that the concrete ribbon be used instead of curb and gutter, which he thought created an urban look. Council Member Dodge disagreed that curb and gutter looked urban. He thought that it was cleaner and easier to maintain.

Wes Johnson explained that curb and gutter provided an edge for plowing snow but it also collected all of the storm water. He said a swale absorbed some of the water. He noted that a concrete sidewalk was less maintenance but runners preferred asphalt.

Mr. Berg said that city planning should not be dictated by those plowing snow.

Mayor Bonner noted that streets could be flagged to help with snow plowing.

Brad Wilson pointed out that property owners tended to landscape in the swale, along the road, which limited its effectiveness and hindered snow plowing.

Russ Watts, applicant, also thought that curb and gutter created an urban feel. He suggested putting cobble rock in the swale to delineate and protect it. He suggested using slag for the trail instead of asphalt which he said would last over 30 years and be easier to clean and maintain.

Wes Johnson thought that trail users would not use the sidewalks. He thought that they would use trails that were not along the streets.

Mr. Berg suggested a five-foot sidewalk, on either side of the road, without curb and gutter. Mr. Watts did not want to collect all of the storm water with curb and gutter. Wes Johnson agreed.

Mayor Bonner asked if the City needed to adopt a new street cross-section. Mr. Johnson responded that the Council had the flexibility to modify an existing cross-section.

Mayor Bonner explained that Steve Nichols, who lived in Dutch Fields, requested that when Dutch Canyon Road was improved that it be connected to the proposed development. Paul Berg pointed out that the person who would develop the property, between Dutch Canyon Road and the proposed development, was required to improve the road. Kraig Powell noted that the property might not be developed for a long time. He said that it would be difficult to require the connection just when the road was improved.

Mayor Bonner thanked the applicant and public for their patience. She said the proposal went through a thorough approval process and wanted it to be a quality project.

Motion: Council Member Dodge moved to grant preliminary approval to the Dutch Canyon Subdivision located at 600 East Saddle Drive with the conditions as discussed that evening including a ribbon on the sides of the road asphalt, five-foot concrete sidewalks on both sides of the roads, traffic calming features on all three entrances, an extended cul-de-sac as shown on the most recent site plan, a transition to the narrower road in Dutch Fields, the recommendations of the Water Board with 90 acre feet of water placed in escrow, and the developer working with the City Engineer to create effective swales.

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

6. Ordinance 2016-05/Roof Pitches (Todd and Cindy Drennan) – Discuss and Possibly Adopt Ordinance 2016-05 Amending Section 16.13.40 (Requirements for Single Family Dwelling Units) of the Midway City Municipal Code Regarding Roof Pitches. Recommended without Conditions by the Midway City Planning Commission.

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

- Current code
- Proposed code
- Impact of the proposal
- Committee recommendation
- Findings in favor of the proposed ordinance
- Findings against the proposed ordinance

Mr. Henke also made the following comments:

- The item had been continued from a previous council meeting.
- A committee was formed to brainstorm items regarding roof pitches.
- The overall impact of the proposal would be minor.
- Did not anticipate a lot of homes with flat roofs in the future.
- HOA's and CC&R's would prohibit a lot of flat roofed homes.

- The current code was discriminatory and required administrative review and time.
- The current code limited property owners' freedom.
- Flat roofs did not impact property values.
- Only one flat roofed home had sold in the City recently and it sold for a higher price than was asked.

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

Mayor Bonner suggested that houses with flat roofs be lower in height. She said that they could look more massive than houses with pitched roofs. Kraig Powell responded that they could be limited in height so long as the limitation was not arbitrary or capricious.

Council Member Kohler asked if Wasatch County allowed houses with flat roofs. Mr. Henke responded that the County had the same restrictions as the City. Todd Drennan, applicant, added that Heber City allowed them.

Mr. Drennan gave a presentation regarding the flat roofs and made the following comments:

- Had spoken to most of the Council regarding the proposed ordinance.
- Did not oppose a lower height for houses with flat roofs. However, he noted that some houses with pitched roofs also had sections that were flat and would fall under the restriction. That restriction should be done at the City's expense and not his.
- Three public meetings had been held on the ordinance.
- The current prohibition on flat roofs was adopted to limit trailer homes.
- Many people opposed the restriction.
- Enforcing it was time consuming.
- Roof pitches were better regulated by HOA's. They could grant variances were the City could not.
- The older section of the City had many different styles of houses.

Mayor Bonner noted that the proposal went through a rigorous process and appreciated everyone's patience.

Motion: Council Member Kohler moved to adopt Ordinance 2016-05 amending Section 16.13.40 (Requirements for Single Family Dwelling Units) of the Midway City Municipal Code regarding roof pitches, recommended without conditions by the Planning Commission, and based on the staff report and recommendations of the committee.

Second: Council Member Christen seconded the motion.

Discussion: Council Member Dodge asked if any limitations on height should be added to the motion. Mr. Powell reviewed possible options and asked if a clause was needed based on the percentage of the roof which was flat. Council Member Dodge suggested that any portion of a roof, which was flat, should be under a lesser height.

Mr. Drennan noted that several homes in the City would not meet a restriction of 30 feet for the portion that was flat. He suggested lowering the height if more than 50% of the roof was flat.

Mayor Bonner suggested that the City consider a height restriction separately through the normal amendment process.

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

Council Member Van Wagoner	Nay
Council Member Dodge	Aye
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

7. Mountain Goat Apartments/Conditional Use Permit Amendment (Jean Hoover) – A Request for an Amendment to the Approval of 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.

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

Mr. Henke also made the following comments:

- The Council previously granted a conditional use permit with conditions for the development.
- The developer was now proposing that the side setbacks be eight feet on the west and four feet on the east.
- The developer requested that the Council amend its motion to approve the new proposal.
- The rear setback would remain at 15 feet.

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.

Michael Schneider, 275 East Main Street

Mr. Schneider asked if Craig Kaslow, with the Hardy Foundation, had been contacted by the City regarding the project. Mr. Henke responded that he spoke with Mr. Kaslow, who owned property bordering the project, and he wanted the setbacks to remain at 15 feet on both sides.

Mr. Schneider asked that the larger setbacks be maintained and noted that the current approval was a compromise with the developer. He said he bought in Midway because of how it looked and because of its uniqueness. He did not like the look of the other apartments on the same block.

Craig Roberson, 244 East 100 North

Mr. Robertson made the following comments:

- The Council previously compromised with requiring eight feet on either side.
- The approval should not be amended.
- The lot was narrow and two small for four families.
- The project was not the right look or feel for Midway.

Sarah Finley, 244 East 100 North

Ms. Finley made the following comments:

- The proposed four feet on the east side was not wide enough for fire protection and safety.
- The development was a large structure in a small area.
- It would be difficult to plow snow.
- There would not be room for children to play.
- Appreciated that the property owners wanted to develop.
- The project should be redesigned to have two cottages.
- Was not happy with the Council's original approval but it was a compromise.

Matt Krop, 87 East 100 North

Mr. Krop was concerned with the growth in the City. He asked the Council to use the City's vision and mission statements to guide it.

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:

- Thanked the Council for reconsidering the approval.
- The original approval prohibited her from doing the project as designed.
- Would have to redesign the project.
- She and her husband had invested their retirement into the project and could not afford to redesign it.
- Worked with the City Planner to insure that all requirements were addressed.
- Moved the apartments forward 15 feet to accommodate the concerns of the Council and the neighbors.
- The property owners to the east bought into an already existing commercial zone.
- Bordering property would have zero setbacks once her lot was developed for a commercial use.
- No code was perfect.
- If the bedrooms in the apartments were smaller, to meet the original approval, they would not be large enough for a bed.
- The footprint of the apartments was only 2000 sq. ft.
- A lot of people had already called her to rent an apartment including the Wasatch County School District.

Council Member Christen reported that she spoke with the City Attorney and it was not a conflict of interest for her to vote on the request.

Council Member Kohler made the following comments:

- The lot on the west side, of the proposed development, had structures right on the property line.
- Supported the applicant's new proposal for the side setbacks.
- The eight-foot west setback would allow room for emergency services.
- A fire in the apartments would be fought from the front of the building.
- Changes had been made to improve the parking.
- The City had granted exceptions to the setbacks for other buildings in the commercial zones.

Council Member Christen pointed out that there would be no windows on the far sides of the apartment building. She thought that the developer could not build the project with the current approval.

Mayor Bonner made the following comments:

- The City was growing and development in its commercial zones was increasing.
- Wanted to do what was responsible.
- It was difficult to have a municipal code that perfectly fit everything.
- The first person to develop in the commercial zones was at a disadvantage.
- The Municipal Code allowed for reasonable discretion on commercial setbacks.

Mr. Henke indicated that the size of the bedrooms would not meet the Building Code if they

were made smaller.

Council Member Probst made the following comments:

- Walked the property and wondered how four apartments could be built in such a small space.
- Hoped the project would have been redesigned as a duplex which was a better option.
- Worried about the site plan as it related to children and vehicles.

Council Member Van Wagoner made the following comments:

- Had mixed feelings about the project.
- Was concerned about the apartments behind a business as that related to law enforcement.
- The setback requirements penalized the first person to develop in the commercial zone.
- Preferred eight-foot setbacks on both sides but would accept eight on one side and four on the other.

Council Member Dodge made the following comments:

- Allowing lesser setbacks would set precedence.
- This type of project could be replicated many times up and down Main Street.
- Did not want this type of project up and down Main Street.
- Four apartments in such a small area did not fit the vision of Midway.
- Preferred that the project be redesigned to limit the number of units and meet the recommended setbacks in the Code.
- Delaying the project was a hardship but the City should address the larger issues first.

Motion: Council Member Kohler moved to amend the approval of the conditional use permit for a mixed use development, called Mountain Goat Apartments and located at 269 East Main Street in the C-2 Zone, with an eight-foot setback on the west side, a four-foot setback on the east side, a 15-foot setback in the rear, and including all other conditions of the original approval.

Second: Council Member Christen 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	Aye
Council Member Probst	Nay

8. Brinton Small-Scale Subdivision/Preliminary and Final Approval (James Mack) – A Request for Preliminary and Final Approval for the Brinton Small-Scale Subdivision Located at 310 West 200 North (Zoning is R-1-9). Recommended 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:

- Land use summary
- Location of the proposed subdivision
- Plat map
- Public trail easement
- Sewer lateral easement
- Water Board recommendations
- Possible findings

Mr. Henke also made the following comments:

- No access to Lot #1 would be allowed on 200 North.
- The lot would have a small building envelope.
- The existing home was non-confirming.
- Duplexes were allowed in the zone but required additional water.

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

Council Member Dodge asked who would build the trail in front of the project. Mr. Henke responded that the developer would dedicate the right-of-way but the City would build the trail.

Council Member Dodge asked if impact fees would be paid on the project. Mr. Henke responded that impact fees would only be paid when a house was built on Lot #1.

Council Member Christen noted that the 5K Ranch Subdivision had to build a section of trail along River Road. Mr. Henke responded that responsibility for trail construction depended upon the City's trails plan.

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

Motion: Council Member Dodge moved to grant preliminary and final approval for the Brinton Small-Scale Subdivision Located at 310 West 200 North with the recommendations of the Water Board.

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

Motion: Without objection, Mayor Bonner recessed the meeting at 7:59 p.m. She reconvened the meeting at 8:09 p.m.

9. Midway Self Storage and Offices/Conditional Use Permit (Mark Steven Banks) – A Request for a Conditional Use Permit for a Mixed Use Development, that will Include One Residential Unit, a Commercial Building, and Warehousing and Mini-Storage Units, located at Approximately 525 East Main Street (Zoning is C-2) – Recommended for Approval with Conditions by the Midway City Planning Commission.

Council Member Dodge explained that he owned the property, where the development was proposed to be built, for the previous 20 years. He said the property was under contract to be sold to Mr. Banks. He said that he had no financial interest in the project itself. He recused himself from the vote on the permit but said he would participate in the discussion if it was helpful.

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:

- Land use summary
- Location of the proposed development
- Site plan
- Types of storage units
- Elevations of the buildings
- View from Memorial Hill
- Storage unit requirements

Mr. Henke also made the following comments:

- Mr. Banks had previously requested a conditional use permit for a similar project on the property just to the east. That request had been withdrawn.
- This was a new application.
- The proposal had been reviewed by the Planning Commission and the VAC.
- The setbacks with the neighboring residential uses was 15 feet. The applicant was not asking for an exception to the setbacks.
- The setbacks on Main Street would be ten to 30 feet.
- The setbacks on the east side would be zero.
- The setbacks on the north side would be 15 feet.
- The active uses would be in the front along Main Street.
- There would be a caretaker building on the property.
- The applicant was willing to work with the neighbors on the exterior landscaping.
- All of the storage units were required to be under a roof.
- The look of the walls would be broken up.
- The streetscape would match that along Main Street from 200 West to 300 East.

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

Clayton Vance, Clayton Vance Architecture and representing the applicant, indicated that the buildings on Main Street would look like those seen in Switzerland. He said the placement of the windows might change depending upon the use.

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

Mayor Bonner opened the public hearing.

Parker Nelson, 60 North River Road

Mr. Nelson read a letter from Robert and Kelly Ward opposing the development. He said that storage units would be an eyesore, especially next to Memorial Hill, and thought that there were better places for them.

Inez Wilde, 473 East Main Street

Ms. Wilde made the following comments:

- The proposed development would be to the north and east of her house.
- Was concerned about privacy, safety, trespassers, noise, garbage, lights, traffic, theft, and her view.
- There should at least be a six to eight foot wall around the development.

- Storage units should be in an industrial zone.

Launa Nelson, 60 North River Road

Ms. Nelson made the following comments:

- Most residents did not understand that the development was now being proposed on a different parcel.
- When she bought her property it was zoned residential and agricultural. It was then zoned commercial and the allowed density increased without notifying the property owners.
- The applicant had a right to put in commercial development but storage units were a conditional use.
- Did not want almost 700 storage units in her backyard.
- The project would reduce the surrounding property values.
- The project did not have to be approved as the applicant requested.
- The City was not required to help developers make money.

Hilary Wilson, 470 East Main Street

Ms. Wilson made the following comments:

- Storage units should be in an industrial park and not at the entrance to the City.
- They did not maintain the look of the City.
- Was concerned about safety, illegal activity, traffic, and lighting.
- People did not live in Midway because it had storage units.

Sarah Finley, 244 East 100 North

Ms. Finley was concerned about the impact the project would have on the neighbors and the entry corridor into the City.

Carol Hunt, 15 South 700 East

Ms. Hunt was concerned about the proposed project.

Amaria Scovil, 90 North River Road

Ms. Scovil supported the previous comments by the public. She said that Midway was a gem and she was lucky to live in the Heber Valley. She asked the Council to move slowly and think about the project because it could not be undone once it was built.

Trisha Carlson, 65 South 700 East

Ms. Carlson made the following comments:

- Was considering buying a home near the project but would not if it was approved.
- Did not want to leave Midway.
- Could not imagine approving 700 storage units no matter what they looked like.
- The project would negatively impact the view from Memorial Hill.
- Was concerned about things that happened in storage units.
- Storage units should be in an industrial zone.

Steve Stevens, 675 East Main Street

Mr. Stevens agreed with what had been said. He opposed storage units at the entrance to the City and near Memorial Hill. He asked if the hours of operation would be limited. He was concerned about access to the project.

Steve Nelson, 60 North River Road

Mr. Nelson said that business was important and the project had an impressive street view but it was still “putting lipstick on a pig”.

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

9c. Action – Discuss and Possibly Approve the Request

Steven Banks, applicant, made the following comments:

- Thanked residents for attending the meeting.
- It was helpful to know peoples’ concerns.
- The project would be one story except for the commercial buildings along Main Street.
- The exterior of the project would look like single story houses with their roof lines broken up.
- No one would see the storage units from the ground.
- The project was considered by the VAC several times and the Planning Commission twice.
- There was a demand for storage units.
- Residents would rent units.
- The development would have security cameras and be well lit. The lights would be dome shaped as required by the City.
- Would work with the neighbors on the landscaping.
- If he did not do the project, then a large storage unit company would.

- Ms. Wilde would have the caretaker's residence and a retail building next to her property rather than storage units. The retail building did not need to be built immediately.
- Wanted the storage units to be open 24 hours a day.
- There would be a gate to the storage units and only renters would have an access code.
- Renters would generally access their unit twice a year which would not increase traffic that much.

Mayor Bonner asked about the height of the wall. Clayton Vance responded that it would be six to eight feet high. He said that it would not be a blank wall and would be done well for the entrance to the City. He indicated that the buildings along the street would look Swiss. He noted that the storage units would be well back from the road and behind other buildings.

Mayor Bonner indicated that certain hours of operation could be required because the business was a conditional use.

Mayor Bonner liked that a tower was straight to the north of the entrance to the storage units.

Mayor Bonner noted that the project would have a significant impact on the City.

Kraig Powell made the following comments:

- State law stated that conditional use permits had to be approved if reasonable conditions could be imposed to mitigate any detrimental effects.
- The conditions had to be based on standards in the Municipal Code.
- Conditions should be as specific as possible.
- The most recent amendment, to the City's storage unit regulations, included specific standards.

Council Member Kohler thought that the main concern with the development was the number of storage units. He understood the neighbors' concerns because so many units would have a huge impact.

Mayor Bonner indicated that Council Member Kohler was on the Planning Commission when she tried to prohibit storage units.

Council Member Probst felt for the neighbors because the development was so large and there were so many storage units.

Council Member Van Wagoner said that no one favored so many units but the project as proposed was allowed by the Municipal Code. He confirmed that only reasonable conditions could be required. He recommended that the item be tabled so that the Council could consider any conditions.

Mayor Bonner proposed that a work meeting be held to discuss the project because of its size and scope. She did not want to make any mistakes with the approval. She added that the only guaranteed way to preserve open property was to purchase it.

Council Member Christen said that she would not be able to attend the next regular council meeting.

Council Member Van Wagoner asked the City Attorney to prepare a written memo on what the Council could and could not do when considering the project and conditional uses.

Mr. Powell made the following comments:

- The Council should identify the issues that needed to be addressed.
- Cautioned that the number of units went to the heart of the value of the project.
- Conditional uses were the most litigated aspect of land use.
- Most experts recommended that they be eliminated.

Mr. Banks noted that the closing on the property was contingent upon the project being approved. He indicated that the closing deadline was the following week.

Mr. Banks said that he was confused why the project could not be approved that night, because he had met all of the conditions. Mr. Henke responded that Mr. Banks was confusing the conditions in the Municipal Code with the reasonable conditions the Council could require.

Mr. Banks indicated that the Municipal Code did not limit the number of units. He was open to limiting the hours of operation to 6:00 a.m. to 11:00 p.m.

Mayor Bonner suggested a work meeting on May 20th at 9:00 a.m. to further discuss the project.

Wes Johnson noted that the project was mostly impervious surface and there would need to be a large area to contain runoff and also protect the groundwater. Mr. Banks responded that gravel would be placed under the project for water retention. Mr. Johnson requested something showing how the water from a 100-year storm would be contained.

Motion: Council Member Van Wagoner moved to table the item and hold a work meeting on May 20th at 9:00 a.m.

Second: Council Member Christen seconded the motion.

Discussion: Kraig Powell explained to the Council that it needed to diligently process the application and could not unfairly delay approval.

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

Council Member Van Wagoner	Aye
Council Member Dodge	Abstained
Council Member Kohler	Aye
Council Member Christen	Aye
Council Member Probst	Aye

The applicant was asked to explain the type of wall that would be around the project. Clayton Vance responded that the wall would actually be the backs of storage unit which were made of metal and would be covered with stucco.

Mr. Henke asked about the gaps in the units. Mr. Banks responded that the gaps would be fenced and landscaped.

10. Ordinance 2016-09/Submission of Building Permits (City Planner) – Proposed Ordinance 2016-09 Amending Title 16 (Land Use) of the Midway City Municipal Code Requiring that a Plat Map Be Recorded Prior to the Submission of a Building Permit. Recommended for Approval without Conditions by the Midway City Planning Commission.

10a. Presentation – Receive Presentations on the Proposed Ordinance from Staff and the Applicant.

Michael Henke gave a presentation reviewing the proposed code text amendment and made the following comments:

- The City received pressure from developers and builders to allow building permits to be submitted before the associated plat map was recorded.
- The Municipal Code did not reflect the current policy of requiring a plat map be recorded first. It allowed permits to be submitted but not issued prior to recording.
- The proposed amendment would require recording before submission.
- The amendment was recommended by staff.
- A larger deposit could be required if submission was allowed before recording.

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

Mayor Bonner said it did not make sense, with staff so busy, to review a building permit if the plat map might not be recorded for some time.

10b. 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.

10c. Action – Discuss and Possibly Adopt the Proposed Ordinance.

Motion: Council Member Van Wagoner moved to adopt Ordinance 2016-09 amending Title 16 (Land Use) of the Midway City Municipal Code requiring that a plat map be recorded prior to the submission of building permits.

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

11. Johnson Mill Road Annexation/Ordinance 2016-08 (City Recorder) – Proposed Ordinance 2016-08 Approving the Johnson Mill Road Annexation Located on the East Side of Johnson Mill Road from Approximately Main Street to 131 Ryans Lane. Recommended without Conditions by the Midway City Planning Commission.

11a. Presentation – Receive Presentations from Staff and the Applicants on the Proposed Ordinance.

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

- Annexation history
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The Maisey family owned property in the annexation. Had unsuccessfully tried to contact and include them. The Annexation Declaration had been amended to include their property.
- The zone would be changed to RA-1-43 to match the density the property was in the County.

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

Mayor Bonner asked about the section of Ryans Lane that would remain in the County. Mr. Henke responded that the County wanted the City to maintain the entire public portion of the road.

11b. 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.

11c. Action – Discuss and Possibly Approve the Proposed Ordinance.

Motion: Council Member Kohler moved to adopt Ordinance 2016-08 approving the Johnson Mill Road Annexation.

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

12. Tentative FY 2017 Budget (Financial Officer) – Discuss and Possibly Adopt the Proposed Fiscal Year 2017 Tentative Budget for Midway City

Motion: Council Member Van Wagoner moved to adopt the Fiscal Year 2017 Tentative Budget for Midway City.

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

13. Set Public Hearing on Adopted FY 2017 Tentative Budget (Financial Officer) – Discuss and Possibly Set a Time and Place for a Public Hearing on the Adopted Fiscal Year 2017 Tentative Budget

Motion: Council Member Van Wagoner moved to set a public hearing for May 25th, 6:00 p.m. at the Community Center to receive public comment on the Adopted Fiscal Year 2017 Tentative Budget.

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

14. CDRA Meeting – A Meeting of the Community Development and Renewal Agency for Midway City (Please See Separate Agenda)

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	Aye
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 Probst seconded the motion.

Discussion: None

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

Board Member Van Wagoner	Aye
Board Member Dodge	Aye
Board Member Kohler	Aye
Board Member Christen	Aye
Board Member Probst	Aye

15. 2016 Road Surface Treatments/Award Contract (City Engineer) – Discuss and Possibly Award a Contract for Surface Treatments on Selected Roads in Midway City

Wes Johnson reviewed the bids for surface treatments. He explained that the low bidder did not meet the required specification of using a continuous paving machine. He recommended that Intermountain Slurry Seal, which was the next lowest bidder, be awarded the contract at an amount of \$147,924.

Council Member Dodge asked if there was a difference in the product with or without a continuous paving machine. Mr. Johnson responded that the continuous paving machine was better. He said it was not fair to give the bid to a company that did not follow the required specifications.

Mr. Johnson thought that the other bids would have been lower if they had not used a continuous paving machine.

Council Member Kohler wanted to use a continuous paving machine for the project which included main or collector streets. He noted that a truck mounted paving machine would leave seams in the asphalt.

Mr. Johnson said that Burgi Lane, the roads in the Alpenhof Subdivision, the roads in the Dutch Fields PUD, the Valais Park trail, and other roads would be crack sealed. He said that a micro seal would also be laid on Burgi Lane and a slurry seal laid in the Alpenhof Subdivision.

Motion: Council Member Kohler moved to award the contract to Intermountain Slurry Seal, for the amount of \$147,924, and authorize the Mayor to sign it.

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

16. 2016 Trip Hazard Removal/Award Contract (City Engineer) – Discuss and Possibly Award a Contract for the Removal of Trip Hazards on Selected Sidewalks in Midway City

Wes Johnson reported that there was a lot of interest in the project but only Precision Concrete Cutting submitted a bid. He explained that mostly sidewalks in the original part of town would be done.

Mr. Johnson recommended that a contract be awarded to Precision Concrete Cutting, for the amount of \$15,200, and authorize the Mayor to sign it.

Motion: Council Member Van Wagoner moved to award a contract to Precision Concrete Cutting, for the amount of \$15,200, and authorize the Mayor to sign it.

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

17. Resolution 2016-11/Heber City Airport Expansion (Council Member Dodge) – Discuss and Possibly Approve Resolution 2016-11 Regarding the Expansion of the Heber City Airport

Council Member Dodge made the following comments:

- The Federal Aviation Administration (FAA) was encouraging the expansion of the Heber Airport.
- Heber City opposed the expansion.
- It was unable to obtain information from the FAA regarding the ramifications of not expanding.
- Wanted the Governor and Utah’s congressional delegation to pressure the FAA for the information. Passed a resolution making that request. Wanted the Midway City Council to pass a similar resolution.

Kraig Powell made the following comments:

- Heber City could lose as much as 90% of its funding for the airport if it was not expanded.
- The Heber City Council's general desire was not to expand the airport.
- The proposed resolution requested information but was not a strong statement on the airport.

Mayor Bonner said that Midway should be a good neighbor and pointed out that the airport affected Midway's airspace.

Motion: Council Member Dodge moved to approve Resolution 2016-11.

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

18. Department Reports

Bob Probst, Council Member

Community Center Brick – Council Member Probst reported that he found some brick to replace those that were damaged on the Midway Community Center. He said that he would do the repairs.

Town Hall Stage – Council Member Probst reported that he would have some costs, at the next council meeting, regarding leveling the stage at the Town Hall.

Cemetery Fence – Council Member Probst reported that the fence was being painted at the cemetery.

Kent Kohler, Council Member

Food Trucks – Council Member Kohler asked the status of revisions to the food truck regulations. Michael Henke responded that an ordinance would be presented at the next council meeting.

Kraig Powell indicated that local restaurant and business owners would be notified of the meeting. Mayor Bonner added that a public hearing would be held on the proposed ordinance.

Burgi Lane/Light on Speed Limit Sign – Council Member Kohler reported that the City received a complaint about a light on a speed limit sign on Burgi Lane. He said that the complainant lived in Lacy Lane. He felt that the City’s first responsibility was for the safety and welfare of its citizens. He would again look at the light from the complainant’s property after that meeting.

Shane Owens indicated that if the sign was moved then the light could affect Valais residents.

Council Member Kohler thought that the sign and light should remain at the current location.

Karl Dodge, Council Member

Cari Lane/Handmade Speed Limit Sign – Council Member Dodge reported that a handmade speed limit sign was still on Cari Lane. The Council asked that it be removed.

Seminar – Council Member Dodge reported that a seminar regarding branding would be sponsored by Heber Valley Tourism and Development. He said there would be a section on branding cities.

Heber Valley Chamber of Commerce – Council Member Dodge reported that there were 158 members of the Heber Valley Chamber of Commerce.

Deer Cove – Council Member Dodge reported on Deer Cove which would be an 852-unit hockey hotel near Jordanelle Reservoir.

Ice Rink/Contractor – Council Member Dodge reported that the numbers reported to the City, by the ice rink contractor, were for the person’s entire business and not just for the rink.

Ice Rink/Tubing – Council Member Dodge said that he spoke with the ice rink contractor regarding the condition of the tubing underneath the rink. The contractor said that Commercial Mechanical recommended the tubing be replaced two years ago. Wes Johnson thought that was just for the exposed portion of the tubing.

Brad Wilson said that some of the tubing had been sealed off, according to the Public Works Department, because of leaking.

Ken Van Wagoner, Council Member

500 South/Wasatch County – Council Member Van Wagoner reported that Wasatch County would participate in repaving 500 South.

Lisa Christen, Council Member

Valais Park/Dog Park – Council Member Christen reported that it would be expensive to move the dog park in the Valais Park. She said that the master plan for the park was being reviewed to see if the dog park could remain in the same location.

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 it would cost \$30,000 to replace the dirt in the infield with the City's public works department doing the work. She said that the County would give the City \$50 per game when the field was used for tournaments. She also said that the County would give the City the equipment to maintain it and it would prepare the field for tournaments. She noted that the field did not have an outfield fence.

Council Member Probst noted that an improved baseball field would require a high level of care. Council Member Van Wagoner agreed that the field would have to be to a certain standard for tournaments and would have to be properly maintained. Council Member Christen said that the operation and maintenance of the fields would be less.

Council Member Kohler did not want the Public Works Department to have to maintain it on Saturdays.

Council Member Dodge asked if the turf was up to standard. Mayor Bonner responded that it might need some sand over time.

The Council approved of improving the field.

Valais Park/Sign – Council Member Christen said some residents still thought that the Valais Park was private. Council Member Dodge suggested that a sign be installed stating that it was public. Mayor Bonner said a sign had been made and would be installed.

Wes Johnson, Engineer

2016 Road and Utilities Project – Mr. Johnson reported that awarding a contract, for the 2016 Road and Utilities Project, would be on the next council agenda.

Catch Basin/1400 West – Mr. Johnson reported that a catch basin in the Alpenhof Subdivision, on 1400 West, was inadequate and needed to be expanded. He said an unfinished basement had already been flooded because of it. He recommended that KW Robinson be given a change order to do the work because it was urgent. He thought that the cost would be \$10,000 to \$12,000.

Council Member Van Wagoner asked if the City still had a contract with KW Robinson. Mr. Johnson responded that the 2015 Road and Utilities Improvements had not yet been finalized.

The Council agreed that a change order should be granted for the work.

Michael Henke, Planning Director

Commercial Zones/Setbacks and Uses – Mr. Henke reported that the Planning Commission was reviewing the setbacks and uses in the City’s commercial zones.

General Plan/Committee Meetings – Mr. Henke reported that the various committees, reviewing the General Plan, were meeting.

Brad Wilson, Recorder

Banking Services – Mr. Wilson reported that a request for bids would be released for banking services.

Financial Summary/January – March – Mr. Wilson reported that the Council and staff had received a financial summary for the months of January thru March.

19. 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 10:47 p.m.



Colleen Bonner, Mayor



Brad Wilson, Recorder