

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Wednesday, 8 June 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 6:13 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. Council Member Probst 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 8 June 2016 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 11 May 2016 City Council Regular Meeting
- d. Minutes of the 20 May 2016 City Council Budget Meeting
- e. Minutes of the 25 May 2016 City Council Regular Meeting
- f. Resolution 2016-14 Establishing the Certified Property Tax Rate for Midway City

- g. Ordinance 2016-12 Restricting the Discharge of Fireworks within Specific Areas of Midway City

Note: Copies of items 2a through 2g are contained in the supplemental file.

Brad Wilson indicated that the Utah State Tax Commission had not finalized the property tax rate and Item 2f needed to be taken off of the consent calendar.

Council Member Dodge noted that the 11 May 2016 minutes needed to be corrected to show that he abstained from the vote on Midway Self Storage and Offices.

Motion: Council Member Van Wagoner moved to approve the consent calendar with the correction to the minutes and excluding Item 2f.

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

- 3. **Public Comment** – Comments will be Taken on Any Item Not on the Agenda, 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. **Paws for Life/Donation (Kathy Boruch)** – A Request by Paws for Life for a Donation for the Construction of an Animal Adoptions Building

4a. Presentation – Receive a Presentation on the Request

Ms. Boruch, Paws for Life, gave a presentation on the proposed animal adoptions building and

reviewed the following items:

- Problem statement
- Current situation
- Concept for expansion
- New adoptions center
- Wasatch County growth forecast
- Heber Valley animal shelter
- Current animal shelter floor plan
- Proposed location of the adoptions center
- Concept floor plan for the adoptions center
- Naples, Florida adoptions center
- New building costs
- Fundraising strategy
- Summary

Note: A copy of Ms. Boruch's presentation is contained in the supplemental file.

4b. Action – Discuss and Possibly Grant the Request

Mayor Bonner asked if Paws for Life wanted a donation for the proposed facility. Ms. Boruch asked that the three governments, which participated in Heber Valley Animal Services, pay half of the cost. She explained that Wasatch County had agreed to a donation each year for three years. Officer Justin Hatch, animal control supervisor for Heber Valley Animal Services, asked that the City donate based on the percentage it paid for operation and maintenance (O&M). Mayor Bonner said that the percentage was 16.01% and estimated that the donation would be \$22,500 a year for three years.

Mayor Bonner suggested increasing the licensing fees to help pay for the project. Office Hatch responded that the fees had just been raised. Brad Wilson reported that the City collected and passed on to Animal Services about \$2,000 in licensing fees each year. He added that the City's contribution for O&M was approximately \$40,000 a year.

Ms. Boruch explained that Paws for Life paid for one contract hire and medical care at the current shelter.

Ms. Boruch estimated that \$100,000 had already been raised for the project. She added that the organization was actively applying for grant money.

Council Member Dodge asked when Animal Services would outgrow the new facility. Ms. Boruch estimated 15 to 20 years.

Mayor Bonner suggested that the facility also be built with in-kind donations.

Council Member Van Wagoner stated that the City's agreement for animal services was

reasonable even with the cost of the new adoptions center. He noted that the City could not afford to provide its own animal services.

Motion: Council Member Dodge moved to tentatively fund 16.01% of half of the estimated cost, of the adoptions center, with the donation being reviewed by the Council if it exceeded \$22,500 a year over three years.

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

- 5. Midway Self Storage and Offices/Conditional Use Permit (Mark Steven Banks) –** Discuss and Possibly Approve a Conditional Use Permit for a Mixed Use Development, that would Include One Residential Unit, Two Commercial Buildings, and Warehousing and Storage Units, located at Approximately 525 East Main Street (Zoning is C-2) – Recommended for Approval with Conditions by the Midway City Planning Commission.

Mayor Bonner reported that the applicant requested that the item be temporarily put on hold. Michael Henke added that the related landscaping meeting with the neighbors had been cancelled.

- 6. Human Resources Manual/Compensatory Time (Human Resources Manager) –** Discuss and Possibly Amend Section 9.8(B) of Midway City Human Resources Policies and Procedures Manual Regarding the Payment of Compensatory Time.

Mayor Bonner explained that the proposed change, regarding the payment of compensatory time, had been continued from the last meeting because of concerns with possible abuse. She indicated that the City usually paid overtime instead of comp. time. She said that the Building Safety Official recommended saving comp. time for up to six months but limit the total number of hours to 16 to 24.

Council Member Christen felt that city employees should be able to save up to two weeks in comp. time.

Council Member Van Wagoner asked if all staff could actually use the comp. time before it had to be paid out.

Georgia McGuire, human resources manager, explained that most employees did not accrue comp. time and preferred to be paid overtime. She said that most of the comp. time came because of evening meetings. She noted that the City's human resources manual gave an employee the choice of taking comp. time or overtime. She said that it also gave the supervisor discretion in allowing the use of comp. time.

Council Member Van Wagoner asked if overtime should be paid if an employee was too busy to take comp. time.

Ms. McGuire said that one suggestion was to save comp. time for up to 120 days.

Council Member Dodge preferred to limit the hours of comp. time that could be accrued. Council Member Van Wagoner suggested a limit of 20 to 24 hours. Mayor Bonner suggested 20 hours. Council Member Dodge suggested 18 hours. Council Member Christen suggested up to 40 hours.

Council Member Dodge worried that a significant amount of time could be taken off when combining comp. time and vacation.

Council Member Van Wagoner asked about the legality of the proposals discussed that evening. Kraig Powell said that all of the proposals were legal if they were included in the City's human resources manual. Ms. McGuire added that the proposals did not violate the Fair Labor Standards Act.

Motion: Council Member Christen moved to amend the Human Resources Policies and Procedures Manual to state that up to 30 hours of compensatory time could be saved, at any one time, and that it would be paid out at the end of the fiscal year.

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

7. Ordinance 2016-11/Use of City Parks for Commercial Events (City Attorney) – Discuss and Possibly Adopt Ordinance 2016-11 Amending Title 5 (Public Health and Safety) of the Midway City Municipal Code Regarding the Use of City Parks for Commercial Events.

Kraig Powell reviewed the proposed ordinance. He explained that it governed the rental of parks for commercial uses. He said that commercial events would be allowed in parks if approved by the City. Mayor Bonner noted that the Valais Park was excluded because it was so large and not yet complete.

Council Member Dodge was concerned about other people being able to use a park during a commercial event. Mayor Bonner thought that such events would be rare.

Council Members Van Wagoner and Dodge were concerned about the City having to police the use of the parks. Brad Wilson added that solicitors and advocacy groups might try to take advantage of a commercial event at a park.

Michael Henke was also concerned about policing the use of parks.

Mr. Powell said that “exclusive” could be taken out of the Municipal Code when referring to the use of parks.

Mr. Powell indicated that if someone complained, about others using a park they had rented, then the City would have to intervene.

Mayor Bonner suggested that signs be put in the parks indicating when they were rented.

Council Member Van Wagoner asked if vendors had to have a Midway City business license. Mr. Henke responded that they would meet similar requirements as festival market vendors. He noted that the Tax Commission would be notified of each event and the vendors that participated.

Council Member Van Wagoner asked what would happen if someone wanted to hold an event every Saturday. Mr. Powell responded that the City could not discriminate because by renting its parks it was turning them into public forums. He indicated that if problems arose then the regulations could be amended.

Motion: Council Member Van Wagoner moved to approve Ordinance 2016-11, regarding the use of city parks for commercial events, with the word “exclusive” removed.

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

8. Resolution 2016-16/Fee Schedule Amendment (Human Resources Manager) – Discuss and Possibly Approved Resolution 2016-16 Amending the Fee Schedule for Midway City Regarding Fees for Commercial Events at City Parks.

Motion: Council Member Van Wagoner moved to approve Resolution 2016-16 amending the fee schedule.

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

9. Resolution 2016-15/Fiscal Year 2017 Budget (Financial Officer) – Discuss and Possibly Approve Resolution 2016-15 Adopting the Final Fiscal Year 2017 Budget

Brad Wilson gave a presentation on the proposed budget.

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

The following changes were made:

- \$22,500 added for the new animal adoptions center.
- \$320,000 added for the replacement of public works vehicles.
- Increase in the hours of seasonal part-time employees.
- The comments changed for the capital improvements at the Valais Park.

Mayor Bonner asked for an analysis of the Public Works Department’s vehicles and which ones should be replaced first.

Wes Johnson explained that the ten-year plan for roads and utilities did not include the slope change for Cari Lane. He estimated that the additional cost would be \$200,000, which would be \$100,000 less than building a retaining wall.

Mayor Bonner asked if the cost of the slope change could be lowered by getting fill from the hot springs property owned by Ken Patey. Mr. Johnson responded that was a possibility.

Council Member Van Wagoner felt that other roads needed to be repaired and opposed the additional money for the slope change.

Mayor Bonner suggested just replacing the water line in Cari Lane, if the fill could not be obtained from Mr. Patey, and not changing the slope.

Council Member Dodge asked if the fill would be available when the City needed it. Mr. Johnson responded that Cari Lane could be done when the fill was available. Mayor Bonner thought that Wasatch County required Mr. Patey to quickly move the fill.

Mayor Bonner suggested that the budget for Cari Lane remain unchanged. She pointed out that it could be amended in the future if needed.

Motion: Council Member Van Wagoner moved to approve Resolution 2016-15, adopting the fiscal year 2017 budget, with the changes indicated that evening.

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

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

Motion: Council Member Kohler moved to convene as the governing board of the Community Development and Renewal Agency of 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

Note: Minutes of the Agency are maintained separately.

Motion: Board Member Van Wagoner moved to adjourn the board meeting of the Community Development and Renewal Agency and to continue the city council meeting.

Second: Board Member Christen 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

11. Department Reports

Bob Probst, Council Member

Town Hall/Stage – Council Member Probst asked what the Council wanted to do with the stage in the Town Hall. Mayor Bonner said that users of the stage wanted a hardwood surface. She recommended that it not be raised and that the piano be blocked so that it would not roll off.

Mayor Bonner indicated that the sound created by the surface was a significant issue to users.

Council Member Dodge asked if a wood substitute had been considered. He thought that it would last longer than wood.

Council Member Probst said that he would talk to flooring contractors regarding which surface would be best.

Cemetery/Fence – Council Member Probst asked the status of the cemetery fence. Shane Owens said that he would check and report back to him.

Cemetery/Memorial Day – Council Member Probst said that the cemetery looked good for Memorial Day.

Cemetery/Extend Roads – Council Member Probst asked to meet with Wes Johnson regarding extending the roads in the cemetery.

Cemetery/Headstone Policy – Kraig Powell reported that state law did not address headstones. He said that the Municipal Code specifically stated that they were the property of the family and it was their responsibility to take care of them.

Kent Kohler, Council Member

ULGT/Annual Premium – Council Member Kohler reported that the City’s annual premium, for liability insurance through the Utah Local Governments Trust, would remain the same but the coverage would increase. He added that a dividend would be paid to members of the Trust and the City could receive \$1,500 for doing certain things to reduce claims.

Colleen Bonner, Mayor

Main Street/Flowers – Mayor Bonner reported that the flowers would be hung along Main Street that Saturday.

General Plan Open House – Mayor Bonner reported that an open house would be held on June 14th to seek public input on the update of the General Plan.

Road Respect Program – Mayor Bonner reviewed the activities to be held the following day regarding the Road Respect Program.

Main Street/Improvements – Mayor Bonner reported that UDOT did not have much money for improving Main Street west of 300 East. She said a different and less costly road cross-section might have to be used.

Michael Henke added that drainage was the expensive part of a design. He indicated that UDOT would participate if the City already had some money for the project.

Wes Johnson indicated that a ribbon curb could be used which would collect less run-off and use small retention basins. He also indicated that fewer streetlights could be used to save money.

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/Approved Plan – Council Member Christen reported that the approved plan for the Valais Park was being amended. She said that it would included the same amenities but in different locations.

Wes Johnson, Engineer

Projects – Mr. Johnson reviewed the projects being done that summer.

Sidewalks/Trip Hazard Maintenance Contract – Mr. Johnson asked the Council if it wanted to enter into a five-year contract to cut out the trip hazards in the City's sidewalks. He said that this would eliminate the cost to bid the work again. He indicated that the cost would remain the same with the exception of an increase for fuel. Council Member Dodge questioned the increase in the fuel cost.

Council Member Dodge asked if the contract would include removing roots that caused some of the trip hazards. Mr. Johnson responded that it did not but that was something that needed to be done.

The Council agreed to enter into the five-year contract.

Valais Park/Tennis Courts – Mr. Johnson reported that the asphalt tennis courts, at the Valais Park, could be repaired with a crack seal or by cutting out and replacing the cracked sections. He said that work could be added to the current road repair contract. He estimated the cost at \$1,000 to \$5,000.

Council Member Dodge did not oppose the work so long as the reason for the cracking, such as roots, was also eliminated. Mayor Bonner responded that some trees around the courts would have to be removed.

Michael Henke, Planning Director

General Plan Update – Mr. Henke reported on the update of the City's general plan. He estimated that the various chapters would be completed within a couple of months and then could be reviewed by the Planning Commission and considered by the Council.

Council Member Dodge asked that the current plan be annotated with the changes.

Homestead Trail – Mr. Henke indicated that the irrigation ditch, along 200 West, could not be piped because of the high mineral content in the water. He said that the issue would have to be resolved for that section of the Homestead Trail to be constructed.

Brad Wilson, Recorder

Financial Report – Mr. Wilson indicated that the Council had been given a written financial report for April.

Elections/Voting by Mail - Mr. Wilson noted that the election that year would be done by mail.

He asked the Council to consider how the municipal election should be conducted the following year.

Lisa Christen, Council Member

Storage Units/Midway Self-Storage and Offices – Council Member Christen asked if storage units could be eliminated and if that would affect the current application for Midway Self-Storage and Offices. Michael Henke responded that the current application would not be effected because it was valid for one year.

12. Adjournment

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

The meeting was adjourned at 8:14 p.m.



Colleen Bonner, Mayor



Brad Wilson, Recorder