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**Date:** 6 October 2016  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 28 September 2016 City Council Regular Meeting

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Please note that the following minutes are awaiting formal approval and are in draft or unapproved form.

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

**Wednesday, 28 September 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 6:01p.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  
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 Christen gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

**2. General Consent Calendar**

- a. Agenda for the 28 September 2016 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 13 September 2016 City Council Regular Meeting
- d. A Second One Year Extension of Preliminary and Final Approval for the Burgi Hill Subdivision Located at Approximately 1224 North Interlaken Drive
- e. Appoint Shauna Kohler as an Alternate Member of the Midway City Planning Commission

- f. Appoint Jeff Nicholas as an Alternate Member of the Midway City Planning Commission

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

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

**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

- 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. **Wasatch County Sheriff's Department/Report and Invitation (Chief Deputy Jared Rigby)** – Receive a Report from the Wasatch County Sheriff's Department and an Invitation to a Candle Light Vigil.

Deputy Rigby explained the organization of the Sherriff's Department and reviewed the calls for service during the first and second quarters of 2016. He noted that suicidal subject calls had increased significantly. He explained directed patrols.

Mayor Bonner asked about speed limit enforcement. Deputy Rigby responded that more officers were patrolling school zones. He explained that officers spend an average of 66 hours a week in the City while it was contractually obligated to just 40 hours.

Deputy Rigby invited the Council and meeting attendees to a candlelight vigil regarding domestic violence and introducing the Wasatch County Domestic Violence Coalition.

**5. Ice Castles/Charge for Water (Ryan Davis) – Discuss and Possibly Approve a Charge for the Use of Water by the Ice Castles**

Mayor Bonner explained that the Ice Castles wanted to move its event to the Homestead Resort. She expressed appreciation for the event and noted that it did pay sales tax.

Mayor Bonner reported that she, the City Attorney, and the City Recorder met with Ryan Davis regarding the use of city water.

Brad Wilson gave a presentation regarding the event and water use. He specifically reviewed the location of fire hydrants near the proposed site. He outlined the following proposed agreement:

- The Ice Castles would use the fire hydrant at the end of Mountain Springs Drive and on the east side of the Crater Springs driving range (This water was not pumped).
- The standard \$2,000 refundable deposit would be required to assure the return of the fire hydrant meter in good working order.
- The standard \$10 a day would be charged for the use of the fire hydrant meter.
- Although a fire hydrant would be used, the actual charge for water would be the same as a six-inch meter (\$1,792 a month). Because the City did not assess overage charges from November through March, including commercial users, such charges would not apply.

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

Wes Johnson said that back flow should be prevented with the connection. He also indicated that the hydrant would still be usable for fire control. He noted that metering the water would help determine overall system loss.

Mr. Ryan made the following comments:

- Only a two-inch meter was required but the company would pay the cost for a six-inch meter.
- Would not use a large volume of water but the hydrant would also have to remain on to prevent freezing of pipes, etc.
- The size of the ice castles would be larger than what had been on the Town Square.
- Tickets were sold for time slots which would significantly reduce traffic.
- The event provided measurable value to the area. Including an estimated 10,000 hotel nights and two million dollars in revenue.
- 50 people would be hired locally.
- There would be parking for 800 vehicle including an open area on the southwest side of the resort.

- On peak days some motorist might park on Homestead Drive.
- Would have parking attendants on the weekends.
- Would insure that the sales tax was credited to Midway.

Council Member Dodge supported the proposal because the event would pay sales tax.

Mayor Bonner thought that the event would help the resorts and community during their slow time of the year.

Council Member Kohler said that the event would be good for local businesses. He added that the proposed location would alleviate parking problems in residential neighborhoods.

**Motion:** Council Member Van Wagoner moved to accept the proposed agreement with the rates as specified.

**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

**6. Ordinance 2016-16/General Plan Update (City Planner)** – Proposed Ordinance 2016-16 Approving an Updated General Plan for Midway City. Recommended without Conditions by the Midway City Planning Commission.

**6a. Presentation** – Receive a Presentation on the Ordinance from Staff

Mayor Bonner thanked staff and the various committees that had worked on the update.

Michael Henke gave a presentation on the update and reviewed the following areas:

- History
- Survey
- Charrette
- Sources of authority
- Planning tools
- General Plan vs. Land Use Title
- Ordinances

- Requirements of the General Plan
- Vision Statement
- Chapters in the General Plan
- Review process
- Community vision
- 2016 additions and revisions
- Land use
- Development vision
- Economic development and resorts
- Transportation
- Moderate income housing
- Environment and sensitive lands
- Main Street
- Historic preservation
- Parks, trails and recreation
- Zoning map – annexation boundary extension
- Zone changes
- Trails map
- Transportation map

Mr. Henke also made the following comments:

- The General Plan was required to be updated every five years.
- Each chapter was reviewed by a specific committee.
- The proposed revisions were on the City’s website.
- The General Plan was a guiding light but only advisory.

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

**6b. Public Hearing** – Receive Public Comment on the Ordinance

Mayor Bonner opened the public hearing.

Ted Caldwell, 580 West Wards Lane

Mr. Caldwell asked if the proposed roads on the transportation map were in specific locations. Mr. Henke responded that they were not and the map only indicated the general locations of future roads.

Holly Bodily, 730 Dutch Valley Drive

Ms. Bodily wanted more open space and trails but opposed bonding and tax increases. She asked

if the amount of growth could be limited each year.

Rob Bouwhuis, 230 East Deer Ridge Way

Mr. Bouwhuis made the following comments:

- Was a member of two of the general plan update committees.
- Supported the change that limited the RA-1-43 Zone to no more than one unit per acre.
- Supported not allowing sensitive lands to count as a portion of the required open space.
- Supported parking areas along Main Street because they would allow better use of commercial parcels.
- Residents should be notified when changes were planned for parks.
- Visual corridors should be identified and protected.
- Trails should be prioritized and important ones emphasized.
- Trails should be connected.
- Questioned changing the zone south of the Memorial Hill to C-2.
- If the City wanted to emphasize Swiss/European architecture, then it should be better defined.

Scott Lewis, 541 North Meriwether Way

Mr. Lewis made the following comments:

- A strategic plan was needed for open space.
- The Crater Springs Golf Course should be preserved.
- Existing homes on Main Street could be used as transient rentals.

Katy Noble

Ms. Noble supported limiting building permits especially because of the impact of growth on the school system. She asked if bonding could be limited by income level. She supported five acre lots and protecting the historic homes on Main Street.

Diann Glenn, 738 Dutch Creek Court

Ms. Glenn made the following comments:

- The rural feel should be preserved along major corridors.
- A community needed to have open space.
- Did not want more development but was concerned about housing affordability.
- Children should be able to live where they grew up.
- A community needed a mix of people.

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

**6c. Action** – Discuss and Possibly Adopt the Ordinance

Mayor Bonner thanked the public for their comments. She said that the Council would consider their comments and further study the proposed revisions.

**Motion:** Council Member Van Wagoner moved to table consideration of the ordinance to review the comments received that night.

**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

**Motion:** Without objection, Mayor Bonner recessed the meeting at 7:41 p.m. She reconvened the meeting at 7:50 p.m.

**7. Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation**

**Motion:** Council Member Dodge moved to go into a closed executive session.

**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

**Note:** Closed executive session minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

**Motion:** Council Member Van Wagoner moved to go out of the closed executive session.

**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

### 8. Department Reports

Bob Probst, Council Member

**Town Hall/Stage** – Council Member Probst reported on the resurfacing of the stage in the Town Hall. Mayor Bonner noted that the Midway Boosters would donate \$5,000 to the project.

Colleen Bonner, Mayor

**Work Meeting** – Mayor Bonner asked that the council work meeting, scheduled for October 3<sup>rd</sup>, be change from 3:00 p.m. to 2:00 p.m. because of the fire station open house. The Council agreed.

**Valais Park/Frisbee Golf** – Mayor Bonner reported that a Frisbee golf course would be built at the Valais Park as part of an Eagle Scout project.

Karl Dodge, Council Member

**Tourism Conference** – Council Member Dodge reported that a statewide tourism conference was being held at the Zermatt Resort. He said that area tourism promotion needed to focus more on Midway.

Brad Wilson suggested that the City develop a short list of the things that it wanted to promote.

Lisa Christen, Council Member

**Grant Money for Parking Lots** – Council Member Christen reported that there was grant money available for parking lots.

Kraig Powell, Attorney

**School District/Michie Lane Right-of-Way** – Kraig Powell reported that he spoke with Scott Sweat, the new superintendent of the Wasatch County School District, about the needed right-of-way for Michie Lane. He said that Superintendent Sweat was considering the issue.

Wes Johnson, Engineer

**Main Street and Center Street/Main Street and River Road/Street Lights** – Mr. Johnson reported that street lights would be installed, by the Utah Department of Transportation, at the intersections of Main Street and Center Street and Main Street and River Road. The Council agreed that the lights should be installed.

**Town Square/East Entrance** – Mr. Johnson reported that the east entrance to the Town Square would be redone that Thursday.

**Trails** – Mr. Johnson reviewed maps that showed the current and planned trails in the City. Mayor Bonner suggested that the City complete several major trails and then have bike lanes. She also suggested using annexation fees for trails.

Mayor Bonner asked the Council if they wanted trails made with slag. Michael Henke responded that slag required metal liners that were raised and problematic.

Michael Henke, Planning Director

**Building Permits** – Mr. Henke reported that the City was still receiving a lot of building permit applications.

**Midway Springs** – Council Member Van Wagoner asked when the Council would consider the Midway Springs Subdivision proposed for the old Remund dairy. Mr. Henke responded that there would be a request for preliminary approval within a couple of months.

**Limiting Building Permits** – Mayor Bonner asked if the City could limit the number of building permits as had been suggested that night. Kraig Powell responded that was prohibited in Utah.

## 9. Adjournment

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

The meeting was adjourned at 9:43 p.m.

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Colleen Bonner, Mayor

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Brad Wilson, Recorder

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