



Memo

Date: 17 November 2016
To:
Cc:
From: Brad Wilson, City Recorder/Financial Officer
RE: Minutes of the 2 November 2016 City Council Regular Meeting

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, 2 November 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 6:02 p.m. She excused Council Member Van Wagoner.

Members Present:

Colleen Bonner, Mayor
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

Members Excused:

Ken Van Wagoner, Council Member

Note: A copy of the meeting roll is contained in the supplemental file.

Mayor Bonner asked if a Midway City resident in attendance would like to give the opening remarks or invocation. Council Member Christen 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 2 November 2016 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 3 October 2016 City Council Special Meeting

- d. Minutes of the 12 October 2016 City Council Regular Meeting
- e. Release the Construction Bond, Minus 10%, and Begin the One Year Warranty Period for the Whimsy Willow Subdivision Located at 1120 South Stringtown Road.

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

Mayor Bonner indicated that the applicants, for the Midway Ranches, asked that their items be taken off that night’s agenda.

Motion: Council Member Kohler moved to approve the consent calendar with the items for Midway Ranches taken off the agenda.

Second: Council Member Probst seconded the motion.

Discussion: None

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

| | |
|----------------------------|--------------------------|
| Council Member Van Wagoner | Excused from the Meeting |
| 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.

Nora Lundin

Ms. Lundin read a statement and made the following comments:

- Asked the City Council not to rezone her family’s property, from R-1-22 to RA-1-43, as part of the revisions to the General Plan.
- Her family had no plans to develop most of the property but wanted to do a four-lot subdivision soon.
- She and her brother would build their homes on two of the four lots.

- Her family was the largest private landowner in the Midway area.
- She wanted to live where she worked.
- She wanted to participate in the next meeting regarding the revisions.

Michael Henke explained that the property could be rezoned as one acre lots, as part of the revisions, but then annexed as something different.

4. Ordinance 2016-17/Secondary Water Connections (City Attorney) – Discuss and Possibly Adopt Ordinance 2016-17 Amending Title 10 of the Midway City Municipal Code Regarding the Installation of Secondary Water Connections to Developments.

Kraig Powell read the proposed ordinance. He explained that it would require developers to connect their projects to the secondary water system and construct all associated infrastructure.

Motion: Council Member Dodge moved to adopt Ordinance 2016-17 as proposed.

Second: Council Member Christen seconded the motion.

Discussion: None

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

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

5. Ordinance 2016-15/Commercial Setbacks and Uses (City Planner) – Discuss and Possibly Adopt Ordinance 2016-15 Amending Section 16.5 (Commercial C-2 and C-3 Zones) of the Midway City Municipal Code Regarding Setbacks, Uses and Other Regulations. Recommended without Conditions by the Midway City Planning Commission.

Michael Henke gave a presentation on the proposed ordinance.

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

Council Member Dodge asked if rest homes would only be allowed in the commercial zones. Mr. Henke responded that they were also allowed in the residential zones.

Council Member Dodge asked if automotive repair shops would still be prohibited. Mr. Henke responded that was not changed in the proposal. Council Member Dodge asked if a spot zone

could be created for such shops. Mr. Henke indicated that a zone would have to be chosen for the use. Council Member Dodge said that the existing shop should be moved, to facilitate development in the area, rather than encouraging new ones. Mr. Henke recommended waiting to change the Municipal Code until the current shop needed to be moved.

Mr. Henke reviewed the proposed changes to mixed use developments including setbacks. He noted that the Council could still adjust the setbacks on a case by case basis. Mayor Bonner supported such flexibility because of the uniqueness of each project.

Mr. Henke reviewed the proposed requirement for a landscaping plan.

Mayor Bonner indicated that Council Member Van Wagoner, who was excused from the meeting, was concerned with several items including setbacks between commercial and residential uses.

Council Member Dodge asked if theaters would be allowed. Mr. Henke responded that they would be allowed in the TOZ but not the actual commercial zones. Council Member Dodge confirmed that they would be prohibited until the TOZ was adopted. Mayor Bonner recommended that the TOZ be adopted before the City Attorney was replaced at the first of the year. She said that a special meeting could be held.

Motion: Council Member Christen moved to adopt Ordinance 2016-15 as amended.

Second: Council Member Kohler seconded the motion.

Discussion: None

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

| | |
|----------------------------|--------------------------|
| Council Member Van Wagoner | Excused from the Meeting |
| Council Member Dodge | Abstained |
| Council Member Kohler | Aye |
| Council Member Christen | Aye |
| Council Member Probst | Aye |

Council Member Dodge said that he did not have to abstain from the vote, but he did so because he owned property in one of the commercial zones.

6. 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 | Excused from the Meeting |
| 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 | Excused from the Meeting |
| Board Member Dodge | Aye |
| Board Member Kohler | Aye |
| Board Member Christen | Aye |
| Board Member Probst | Aye |

7. Department Reports

Bob Probst, Council Member

Town Hall/Stage – Council Member Probst reported that the resurfacing of the stage in the Town Hall was complete.

Town Hall/Piano – Council Member Probst reported that something still needed to be purchased to prevent the piano in the Town Hall from rolling.

Colleen Bonner, Mayor

Valais Park/Tennis Courts – Mayor Bonner reported that she met with a company that could repair the tennis courts at the Valais Park. She said the work would have to be put out for bid but the company gave an estimate of \$12,000 to repair the cracks and \$24,000 if surfacing was included. She said the company would not guarantee the work but estimated that it would last five years.

Wes Johnson explained the process that the company would use to repair the cracks. He said that the company was the only one who could do the work. He noted that any other contractors would just subcontract the work out to that company.

Mr. Johnson explained the cost just to put the work out to bid. He asked if the City wanted to go through the bid process. Brad Wilson recommended that the City follow the required bid procedures. He noted that certain residents were concerned about the park and would be watching how the City proceeded. Mayor Bonner agreed. Mr. Johnson explained that it could be a quality based selection process.

Mayor Bonner indicated that most companies did not want to repair asphalt courts and recommended replacing them with post tensioned concrete.

Council Member Dodge asked if the tree roots, which were causing some of the cracking, would be removed. Mayor Bonner responded that they would be removed. She added that she spoke with a landscaping company about the trees, berms, etc. around the courts. She said that the company would make a recommendation on the landscaping. She noted that the Public Works Department could do a lot of the work.

Mayor Bonner said that the courts would also be painted for pickleball if they were resurfaced.

Council Member Christen pointed out that water ran onto the courts which was a problem. She asked if that would be corrected. Mayor Bonner responded that water would always be a problem because of the slope. Council Member Christen recommended berms to protect the courts.

Council Meetings/Winter Schedule – Mayor Bonner reported that Council Member Van Wagoner wanted to reduce the number of council meeting to one a month during the winter. She said that a work meeting could be held the Monday before the regular meeting.

Meeting with Business Owners – Mayor Bonner reported that a meeting would be held on November 14th with local business owners. She hoped that the business alliance could be re-established. She also said that the City would have coupons on its website during December to promote local businesses.

Legal Services RFP – Mayor Bonner reported that the City Attorney was preparing a request for proposals (RFP) for legal services. She said the Council might have to hold a work meeting to consider the proposals. Mr. Powell said that his leaving to become a district court judge was bittersweet.

Water Audit – Mayor Bonner reported that the water audit was being reviewed by the City's water attorney. She said that it would be finalized by November 10th.

Council Member Dodge asked if any developers had complained about the water changes. Wes Johnson responded that none had complained.

Mayor Bonner said that the final report for the audit would be presented to the staff and then the Midway Irrigation Company.

Wes Johnson recommended that a spreadsheet be created and updated to track the water rights owned by the City.

Lisa Christen, Council Member

Performing Arts Center – Council Member Christen reported that she attended the first committee meeting regarding a performing arts center for the area. She said that it was a good committee and thought that it would accomplish something.

Council Member Christen said that the committee was looking for land for the facility. She said that land, owned by Wasatch County, was available west of the Heber Valley Railroad in Heber City. She wondered if the Council wanted the facility there or in Midway. Michael Henke responded that the revised General Plan envisioned it in the new Tourism Overlay Zone (TOZ). He said that it would attract other businesses to the TOZ.

Council Member Dodge thought that the City should work to have the facility in Midway. He said that Midway needed something to draw visitors. He thought that Mark Nelson, Heber Valley Railroad Executive Director, wanted the facility next to the railroad.

Mayor Bonner explained that a convention center, with a roundtable, was already being considered next to the railroad.

Council Member Christen said that the County was offering the land instead of bonding for the project. She noted that land prices were high.

Mr. Henke thought that Midway City had the tools to get the arts center.

Council Member Dodge said that the City needed to be very aggressive to obtain the facility. He noted that any convention center would compete with the Zermatt Resort. He did not want Midway to just be a bedroom community. Council Member Christen said that the committee discussed hotels being built in Heber to service the convention center.

Brad Wilson suggested an ad hoc committee to develop a plan to solicit the arts center.

Council Member Dodge explained that the base of Memorial Hill had been suggested as a site for an arts center. He said that if the area was developed then the City could get the land.

Council Member Dodge suggested that the City lobby the Midway residents on the committee.

Mayor Bonner thought that the location in Heber City did not lend itself to an arts center. Council Member Dodge agreed that Midway would be a better location.

Council Member Christen said that the arts center would have a large and a small theater with teaching spaces and a gift shop. She said that some people wanted it with the convention center to create synergy.

Mr. Henke indicated that a large annexation might happen just north of the proposed location at the base of Memorial Hill.

Mayor Bonner scheduled a meeting the following Friday with herself, Council Member Christen and staff to discuss strategy to obtain the facility.

Council Member Dodge recommended that Ryan Starks, Wasatch Economic Development/Heber Valley Tourism Executive Director, be part of the effort.

Commercial Building/260 South Center Street – Council Member Christen reported that she spoke to a baker who wanted to lease the commercial building at 260 South Center Street. The baker said she was having a difficult time getting a business license. Kraig Powell responded that the building needed a commercial kitchen and a separate sewer lateral. He said that the City and Midway Sanitation District had worked hard to accommodate the building owner and the baker. He added that the owner had submitted a bond to ensure that the sewer lateral was installed in the spring.

Kraig Powell, Attorney

Michie Lane/Kohler Property – Mr. Powell reported that an agreement had been reached with the Kohler family regarding its property on Michie Lane. He said that the necessary right-of-way, to widen the lane, would be given to the City.

Mayor Bonner wanted to start construction of the road at the end of that school year.

Michael Henke, Planning Director

Soldier Hollow – Mr. Henke reported that he met with the new director for Soldier Hollow and other key personnel. He said that the director wanted to reorganize the facility and work with area governments and schools. He added that it was again a class “A” facility and an open house would be held in December or January.

Brad Wilson, Recorder

2016 Election – Brad Wilson reported on the 2016 Election.

8. Adjournment

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

The meeting was adjourned at 7:47 p.m.

Colleen Bonner, Mayor

Brad Wilson, Recorder

DRAFT