



# Memo

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**Date:** 8 May 2015

**To:**

**Cc:**

**From:** Brad Wilson, City Recorder

**RE:** Minutes of the 22 April 2015 City Council 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, 22 April 2015, 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 Department, Public Works Administrative Lead, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice 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  
Dick Hines, Council Member  
Danny Hofheins, Council Member  
Ken Van Wagoner, Council Member  
Karl Dodge, Council Member  
Kent Kohler, Council Member

**Staff Present:**

Michael Henke, Planning Director  
Kraig Powell, Attorney  
Wes Johnson, Engineer  
Shane Owens, Public Works Administrative  
Lead  
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 Kohler 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 22 April 2015 City Council Regular Meeting
- b. Warrants
- c. \$2,000 to Purchase the Copyrights for *Midway: Portrait of a Town, Midway Memories* and Various Interviews by W. Dee Halverson

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

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

**Second:** Council Member Hines seconded the motion.

**Discussion:** None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	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. URMMA/Non-Municipal Entities (Paul Johnson)** – Discuss and Possibly Agree to Allow Non-Municipal Entities to Join the Utah Risk Management Mutual Association (URMMA).

Paul Johnson, executive director for URMMA, made the following comments:

- The organization only included Utah municipalities.
- A small fire district in southwest Utah wanted to join the organization.
- Recommended the addition of the district.
- To allow non-municipal entities the organization’s interlocal agreement needed to be unanimously amended by its members.
- Wanted to know if the City had any strong objections to the change.
- Any new members would have to have a strong commitment to risk management and lose control.

The Council approved of the change. Kraig Powell also approved.

- 5. The Hiking Inn/Conditional Use Permit (Lynn David)** – Discuss and Possibly Approve a Conditional Use Permit for a Bed and Breakfast, Called The Hiking Inn, Located at 364

Tanner Lane (Located in the R-1-22 Zone). Recommended for Approval by the Midway City Planning Commission.

Mayor Bonner explained that consideration of the conditional use permit was tabled at the last council meeting. She further explained that city staff had met with a group of neighbors, to the proposed business, who requested a number of conditions for approval. She read the proposed conditions.

**Note:** A copy of the proposed conditions is contained in the supplemental file.

Michael Henke read a letter from the applicant.

**Note:** A copy of the letter is contained in the supplemental file.

Greg Simonson, an attorney representing the applicant, indicated that his client was concerned with the proposed conditions but had worked with Kraig Powell to make several change. He said that his client now accepted them. He also said that his client wanted to comply with the law.

Mr. Powell reviewed the meeting with the neighbors. He explained to them that the City could not tell the business what it could or could not do, but it could impose conditions based on verifiable impacts.

Mr. Powell said that the Council might want to change the Municipal Code to prohibit bed and breakfasts in residential zones.

Council Member Hines thought that the current regulations already addressed the issues in the proposed conditions. Mr. Powell responded that some of the conditions were verbatim from the Municipal Code but the neighbors wanted them emphasized.

Mayor Bonner said the Planning Commission would consider if bed and breakfasts should only be allowed in the Transient Rental Overlay Zone.

Council Member Kohler asked what other bed and breakfasts operated in the City. Mr. Henke responded that there was the Invited Inn and the Blue Boar Inn.

**Motion:** Council Member Dodge moved to approve a conditional use permit for the Hiking Inn, with the findings of staff, and subject to the conditions as outlined in the memo prepared by the City Attorney and agreed to by the applicant.

**Second:** Council Member Van Wagoner seconded the motion.

**Discussion:** None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

## 6. Department Reports

### Ken Van Wagoner, Council Member

**Fencing Water Tanks** – Council Member Van Wagoner reported that there was vandalism at some of the City’s water tanks and they needed to be fenced. He explained that the proposed budget for the following year included the fencing, but he requested that the work be done in the current budget year.

Council Member Van Wagoner indicated that a gate would also be installed at the beginning of the City’s property on the road to the Cottages tank.

Shane Owens reported that the Wasatch Mountain State Park also wanted the Mahogany spring fenced.

### Colleen Bonner, Mayor

**Midway Sanitation District/Midway City** – Mayor Bonner wondered if it was time for the Midway Sanitation District to be dissolved and become part of the City. She noted that the District already contracted with the City to do most of its work.

Kraig Powell explained that he would have to research the creation of the District to determine how it could be dissolved. He thought that it was created by Wasatch County.

Wes Johnson thought that the proposal could work but noted that Interlaken, which was now a town, was part of the District.

Council Member Dodge asked if the proposal would increase the City’s liability. Mr. Powell responded that its liability would remain the same.

Mayor Bonner asked the Council to think about the proposal.

Council Member Kohler indicated that the proposal would simplify the two organizations’ insurance.

Mayor Bonner indicated that if the two entities were combined then the sewer would be treated as a department of the City just like water. She discussed the issue with the Sanitation District Board and they wanted to think about it.

Mr. Powell emphasized that the City Council would not make the final decision. He thought it would be made by the District Board, Wasatch County, or the District's customers.

**Lime Canyon Road/Trees** – Mayor Bonner reported that she visited with Andre Tita who had illegally planted trees along Lime Canyon Road across from his house. She said that he had until July 1<sup>st</sup> to remove the trees.

**Lime Canyon Road/Landscaping Strip** – Mayor Bonner reported that Kristen Curley wanted to fill the landscaping strip in front of her home with concrete. Wes Johnson pointed out that people would park on the concrete and sidewalk which would be a problem. Mayor Bonner indicated that she would deny the request.

**Culverts** – Mayor Bonner reported that culverts along with drain boxes were being installed in several locations around the City. Shane Owens reviewed work at each location.

#### Kent Kohler, Council Member

**Workers' Compensation Premium** – Council Member Kohler reported that he met with the City's workers' compensation carrier. He said that the annual premium would go up \$5,000 because of an increase in payroll. He indicated that two claims had been filed but none had been paid.

#### Kraig Powell, Attorney

**Emergency Services Building/Lease Agreement** – Mr. Powell reported that the Wasatch County Attorney was still reviewing the lease agreement for the new emergency services building. He recommended that the building permit not be issued until the agreement was signed.

**Derelict Home at 250 North Homestead Drive** – Mr. Powell reported on raising the derelict home. He said that the asbestos has been removed and the home was ready to be demolished.

Several council members indicated that they did not receive a solicitation from the Midway Heritage Foundation to donate to the project. Council Member Dodge suggested that the organization broaden its fundraising effort.

#### Wes Johnson, Engineer

**2015 Road Improvements/Pine Canyon Road** – Mr. Johnson reported that the sewer and pressurized irrigation systems were operating on Pine Canyon Road. He said that the road would now be pulverized and the new culinary water line installed.

Michael Henke, Planning Director

**Building Permits** – Mr. Henke reported that 20 building permits had already been received that month. He said that was the most received in a month since March of 2007.

**Heber City Bypass Road** – Mr. Henke reported that the proposed bypass of Heber Main Street was not a high priority for the Utah Department of Transportation (UDOT). He said that other UDOT roads had higher traffic counts.

**Michie Lane Survey** – Mr. Henke reported that the survey of Michie Lane was almost completed.

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

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

**Second:** Council Member Kohler seconded the motion.

**Discussion:** None

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

Council Member Hines	Aye
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	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 Hines moved to go out of the 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 Hines	Aye
Council Member Hofheins	Aye

Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

**8. FY 2016 Budget** – Discuss the Proposed Budget for Fiscal Year 2016

Brad Wilson presented the proposed budget for FY 2016. He reviewed each fund and department. He indicated that the department heads were asked to increase their budgets by no more than 3%. He also indicated that it represented the department heads' wish lists.

**Note:** A copy of the proposed budget, as presented at the meeting, is contained in the supplemental file.

The Council set a meeting for 27 April 2015 at 10:00 a.m. to discuss the budget.

**9. Adjournment**

**Motion:** Council Member Dodge moved to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 10:55 p.m.

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Colleen Bonner, Mayor

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Brad Wilson, Recorder