

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

**Wednesday, 22 August 2018, 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 United States Post Office, 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; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:01 p.m. She excused Council Member Drury.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Jeff Drury, Council Member

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

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance. Council Member Van Wagoner gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 22 August 2018 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 8 August 2018 City Council Work Meeting
- d. Minutes of the 8 August 2018 City Council Closed Meeting
- e. Minutes of the 8 August 2018 City Council Regular Meeting

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

Council Member Simonsen indicated that the second to the motion, to adjourn the closed meeting, was incorrect. He asked the City Recorder to review the meeting recording and determined who seconded the motion and correct the minutes.

Motion: Council Member Simonsen moved to approve the consent calendar with the correction to the closed meeting minutes.

Second: Council Member Van Wagoner seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public.

501 North Rainbow Lane / Transient Rental

Linda Morse made the following comments regarding the transient rental at 501 North Rainbow Lane:

- Lived next to the transient rental.
- There had been a lot of problems with the rental.
- The number of problems had decreased since Midway City adopted new transient rental regulations.
- In March 2015 a large party at the rental had to be shut down by law enforcement. The property owners were put on probation.
- Problems had recently increased
- The HOA for the development, which included the rental, wanted the City to deal with the problems.
- 14 people could stay at the rental.
- There had been problems at the rental that weekend. The renters had covered the lower windows.
- Had sent emails regarding the problems to Michael Henke, the HOA President and the property manager. Left a voice message with the property manager.
- This type of activity was not meant for a residential area.
- The rental was being used as an event center.
- Had told renters to stop yelling because they were in a residential area.
- The property manager told her that she was scaring off potential renters and should be

sued.

- The City Council should revisit the issue of nightly rentals and cap the number of people allowed in a rental at any one time.

Mayor Johnson made the following comments:

- Spoke with Mr. Henke regarding the complaint.
- The transient rental regulations could be revised to limit the number of people during the day.
- Had received several requests to expand the Transient Rental Overlay District (TROD).
- This was a reminder why the size of the TROD had been limited.
- Transient rentals were allowed in the area where Ms. Morse lived.
- The Municipal Code did not limit the number of guests at a house that was occupied by the owner or a long-term renter.
- The Council could direct staff to review the regulations.

Mr. Henke made the following comments:

- Transient rentals had been allowed in the area that included the rental since the current regulations were adopted.
- These regulations generally worked well.
- Had a good relationship with the property manager of the rental.
- The regulations did not limit the number of people at a rental during the day.

Council Member Van Wagoner agreed that the regulations should be reviewed.

Council Member Simonsen noted that transient rentals could be beneficial to homeowners and provide revenue to the City. He also noted that a lot of nightly rentals could change the face of a community.

No further comments were offered.

4. Department Reports

Legislative / Resort Tax

Council Member Christen reported that Mike Kohler, who was the City's lobbyist at the State Legislature, was addressing the loss of the resort tax.

Parking Signs

Council Member Christen again noted that parking was a problem along and around Main Street. She asked when the signs, directing people to available public parking, would be installed. She also recommended that the area between the Town Hall and Community Center be returned to parking. Council Member Simonsen responded that staff was working on the signs.

Michael Henke reported that the Planning Commission was still reviewing possible

improvements to parking regulations.

HL&P / Transmission Lines

Mayor Johnson reported that the Heber Light & Power Company (HL&P) was still addressing the proposed transmission line through the valley. She said that ways to mitigate the impact of the line were being considered.

HVRR / Carriage House

Mayor Johnson reported that the Heber Valley Railroad (HVRR) was seeking grant money to build a carriage house to protect some of its rollingstock from the weather and vandalism.

Town Square / Tree Replaced

Mayor Johnson thanked Clint Coleman for replacing a tree that had been blown over on the Town Square.

Parks / Restrooms

Council Member Van Wagoner reported that the restrooms in the parks were being cleaned well.

Cemetery / Condition

Council Member Van Wagoner was impressed with the condition of the City's cemetery considering the dry year.

200 West / Closure

Council Member Van Wagoner reported that he received several complaints because 200 West had been closed for so long. Wes Johnson responded that he would address the issue with the contractors who closed it.

5. Climate Change Op-Ed (Mayor Johnson) – Discuss and possibly authorize the Midway City Mayor to sign an op-ed piece regarding climate change.

Mayor Johnson explained that the op-ed piece showed support but did not obligate the City. She added that it was a grassroots effort regarding climate change. She read the op-ed piece.

Council Member Simonsen indicated that there was disagreement on climate change but noted the serious air pollution problem in Utah.

Council Member Van Wagoner supported the op-ed piece because it did not obligate the City. He recommended that grazing be allowed on public land to prevent wildfires.

Council Member Probst indicated that driving would have to be reduced to address air pollution.

Motion: Council Member Probst moved to authorize the Mayor to sign the op-ed piece.

Second: Council Member Simonsen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

6. Town Square Tennis Court / Pickleball (Council Member Simonsen – Approximately 10 minutes) – Discuss and possibly approve modifying the tennis court at the Town Square to accommodate pickleball.

Council Member Simonsen made the following comments:

- A local pickleball club volunteered to paint the Town Square tennis court to accommodate the sport. They would supply the labor and materials.
- The Trails and Parks Advisory Committee supported the dual use of the court.
- Lyle and Nola Gertsch, who organized refurbishing the court and helped maintain it, also supported the dual use.
- The pickleball court would be the same direction as the tennis court. The existing tennis net would be used for both sports.
- An agreement was not needed for the project.

Motion: Council Member Simonsen moved to approve the tennis court restriping by the pickleball club subject to the club paying all the costs and not damaging the court.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

7. Resolution 2018-29 / Interlocal Agreement with MSD (Mayor Johnson – Approximately 15 minutes) – Discuss and possibly approve Resolution 2018-29 adopting an interlocal agreement for services to be provided for the Midway Sanitation District.

Mayor Johnson reviewed the agreement and made the following comments:

- It updated the amounts charged to the Midway Sanitation District (MSD).
- All agreements or contracts should be reviewed at least every three years.
- MSD reimbursed the City for use of office equipment and the actual hours spend by city employees working for the District.
- The MSD Board approved the agreement.

Motion: Council Member Van Wagoner moved to approve Resolution 2018-29 adopting an interlocal agreement for services to be provided for the Midway Sanitation District.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Excused from the Meeting
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

8. Ordinance 2018-22 / Control of Varmints and Predators (City Planner – Approximately 20 minutes) – Discuss and possibly adopt proposed ordinance 2018-22 allowing for the control of varmints and predators subject to certain conditions and notification.

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

- Section 5.02.140 of the Midway City Municipal Code
- Exceptions to the restrictions on discharging weapons
- Land use map
- Zones where discharging weapons was allowed

Mr. Henke also made the following comments:

- An ordinance had not yet been prepared.
- There were properties with a varmint problem that were not in a zone where a weapon could be discharged. A request had been made to allow the use of weapons on these properties.
- This issue could become emotional.
- Safety was a concern.
- Did the Council want to change the current restrictions?
- Varmints needed to be controlled on open space.

- The holes created by varmints were a problem for livestock.

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

The Council, staff and meeting attendees discussed the following items:

- Varmints were damaging the natural shelf along the Provo River.
- Shotguns were less effective against varmints.
- Poison could be eaten by pets, birds, etc.
- Homes around open areas with varmints were a concern.
- Varmints could not be trapped fast enough.
- People were hesitant to have someone using a gun near their home.
- Children should not be playing near an area with shooting.
- Should City Council approval and a public hearing be required for someone to shoot varmints on their property?
- Should a permit be issued to shoot varmints?
- Should residents hire a professional to eradicate varmints? Such professionals were expensive and hard to find.
- State law prohibited shooting within 300 feet of a dwelling.
- In which zones would shooting varmints be allowed?
- Should there be an age limit for hunting varmints?
- Any regulations should be fair.

Mayor Johnson asked staff to research how other cities controlled varmints.

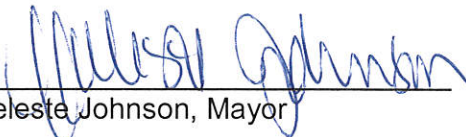
9. Board of Equalization / Training – Approximately 10 minutes) – Receive training on how to conduct a Midway City Board of Equalization meeting.

Corbin Gordon reviewed the Board of Equalization and the process to consider and possibly correct water assessments. He recommended that the Board usually take a request under consideration and then make a decision at another meeting.

10. Adjournment

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

The meeting was adjourned at 7:09 p.m.


Celeste Johnson, Mayor


Brad Wilson, Recorder