

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

**Tuesday, 16 October 2018, 9:00 a.m.
Midway City Office Building, Old City Council Chambers
75 North 100 West, 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

Mayor Johnson called the meeting to order at 9:00 a.m.

Members Present:

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

Michael Henke, Planning Director
Wes Johnson, Engineer
Shane Owens, Public Works Assistant Crew
Chief
Brad Wilson, Recorder/Financial Officer

Others Present:

None

Staff Present:

Corbin Gordon, Attorney

- 2. Ordinance 2018-23 / General Plan Amendment** (City Planner – Approximately 20 minutes)
– Discuss Ordinance 2018-23 amending the Midway City General Plan to adopt a chapter regarding open space. Recommended without conditions by the Midway City Planning Commission.

Michael Henke gave a presentation regarding the proposed chapter on open space and reviewed the following items:

- Why another chapter?
- Sections of the chapter
- Possible findings

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

Mayor Johnson indicated that the chapter was prepared by Woody Woodruff and the Midway City Open Space Advisory Committee.

- 3. Resolution 2018-30 / Statement of Intent** (Council Member Simonsen – Approximately 30 minutes) – Discuss Resolution 2018-30 adopting a statement of intent regarding the proposed use of open space bond proceeds, and related matters.

Council Member Simonsen made the following comments regarding the proposed statement of intent:

- The public wanted more information regarding the open space bond.
- Prepared the statement before he saw the proposed chapter to the General Plan.
- Did not want the statement to duplicate the chapter.
- It clarified the City Council's intentions and let people know what they were voting for.

The Council and staff discussed the following items:

- Suggestions by the Open Space Committee had been incorporated into the statement.
- The language in Item #5 could be improved.
- It could appear that the City was promoting the bond with the statement.
- The information should be provided before rather than after the election.
- The Open Space Committee had been working for months on the issues related to preserving open space.
- It was poor timing to approve a statement the day that ballots were mailed.
- Should the open space chapter be approved, and the statement tabled?
- The statement showed that the City was addressing the public's concerns and being transparent.
- Private but not City resources could be used to promote or oppose the bond. City resources could be used for other issues like roads, parks, etc.
- The statement was intended to be neutral.
- Inappropriate accusations had been made on social media.

- 4. Cemetery / Determining Rights to Burial Plots** (City Sexton – Approximately 20 minutes) – Discuss how to determine which descendants have rights to burial plots in the Midway City Cemetery.

- 5. Cemetery / Sale of Burial Plots to Non-Residents** (City Sexton – Approximately 10 minutes) – Discuss allowing the sale of burial plots to individuals that do not have their primary residence within the 84049 ZIP code.

Shane Owens made the following comments regarding burial rights and selling burial plots to non-residents:

- Had reviewed the burial rights policies for other cemeteries.
- The City Attorney had some suggestions.
- Descendants wanted to be buried in plots but could not show ownership. 12 such people were waiting for a determination by the Council.

- People who did not live in the 84049 ZIP code wanted to be buried in the City's cemetery. They sometimes tried to get residents to purchase the plots for them.
- The Municipal Code required that non-residents pay a significant penalty if they purchased a plot from a resident.
- The City had allowed the first descendants, that made the request, to be buried in the available family plots.
- The previous City Attorney indicated that burial rights could end if a plot was not used within 60 years.
- Some people owned many plots.

The Council and staff discussed the following items:

- Should burial rights be treated the same as any other type of property?
- Should descendants have to go to court to determine heirship?
- One descendent wanted the body of another descendent to be exhumed and moved.
- The City should be proactive.
- It would be difficult to contact all descendants regarding an unused plot.
- Was 60 years long enough before burial rights were forfeited? Should it be 120 years?
- Could an annual fee be charged to maintain a burial right? Charging an annual fee for perpetual care was discontinued because it was difficult to administer over time.
- Should the holder of the burial rights be required to immediately assign future ownership to each plot?
- A burial right should not be taken away just because someone died, and the family could not find the proper documents.
- Contact information changed over time.
- Should burial rights be audited? Should this be done every five years?
- Any potential loss of burial rights should be sufficiently noticed to the public.
- The sale of plots was limited, to those living in the 84049 ZIP code, because space was running out in the cemetery
- The City should look for additional property for the cemetery.
- If the City allowed people, living outside of the 84049 ZIP code, to purchase plots then it should charge them enough for the purchase of additional property.

Corbin Gordon explained the transfer of property rights when someone died. He reviewed the process to adjudicate and foreclose on water rights. He asked if the same process should be used for burial rights.

Mayor Johnson asked that policies, regarding burial rights and selling plots, be in place by the first of the year.

6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Van Wagoner moved to go into a closed meeting.

Second: Council Member Probst seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: Closed meeting 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 meeting.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

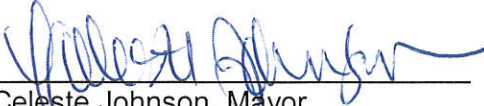
7. Council Schedule

The Council reviewed their meeting schedule for the holiday season including activities sponsored by the City.

8. Adjournment

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

The meeting was adjourned at 11:30 a.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder