

# MINUTES OF THE MIDWAY CITY COUNCIL

## (Work Meeting)

**Tuesday, 15 October 2019, 9:00 a.m.**  
**Midway City Office Building, Upstairs Conference Room**  
**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 9:05 p.m.

#### **Members Present:**

Celeste Johnson, Mayor  
Jeff Drury, Council Member (Stopped  
participating electronically at 11:52 p.m.)  
Lisa Orme, Council Member  
Bob Probst, Council Member  
JC Simonsen, Council Member  
Ken Van Wagoner, Council Member

a.m. and left at 11:15 a.m.)  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Georgia McGuire, Human Resources  
Manager/Buildings Coordinator  
Nancy Simons, Accounting  
Brad Wilson, Recorder/Financial Officer

#### **Staff Present:**

Corbin Gordon, Attorney (Arrived at 9:19

### 2. ULCT / Conference (Mayor Johnson – Approximately 15 minutes) – Discuss and determine who will attend the Utah Leagues of Cities and Towns conference in St. George.

Mayor Johnson and Council Member Orme explained the importance of the ULCT Conference. Mayor Johnson suggested that the Council hold a strategic planning meeting at the conference.

### 3. Fall & Winter Schedule (Mayor Johnson – Approximately 15 minutes) – Discuss events and meetings for the fall and winter.

Mayor Johnson reviewed the council meeting schedule for the remainder of the year. The meeting on November 5<sup>th</sup> would be cancelled but meetings would still be held on December 3<sup>rd</sup> and 17<sup>th</sup>.

- 4. Town Party / Tree Lighting Ceremony** (Mayor Johnson – Approximately 10 minutes) – Discuss combining the town Christmas party and the tree lighting ceremony because of the timing of Thanksgiving and the annual creche exhibit.

The Council discussed combining the tree lighting ceremony with the town Christmas party. It was decided to hold the ceremony on November 30<sup>th</sup> and the party on December 2<sup>nd</sup>. Combining the events would be reconsidered in 2020.

- 5. Valais PUD / Water Line Maintenance** (Council Member Van Wagoner – Approximately 15 minutes) – Discuss the maintenance of a water line in the Valais PUD.

Council Member Van Wagoner made the following comments:

- A section of a ditch had been piped through the Valais PUD.
- The pipe was starting to plug, and homes could possibly be flooded.
- The Midway Irrigation Company said that maintenance of the pipe was the responsibility of the HOA.

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

- The City Attorney had received a letter from the HOA President and was preparing a response.
- A slope protected the homes from flooding.
- Other property owners, that requested ditches to be piped, were told they would assume responsibility for maintenance of the pipe.
- There was an agreement between Watts Enterprises, the Midway Irrigation Company and Kohler Lane Limited regarding the ditch and the pipe.
- A culvert under Interlaken Road for the ditch was also plugging. The Public Works Department had been unplugging it.

- 6. Alpenhof Weber Well / Update** (Council Member Van Wagoner – Approximately 10 minutes) – Receive an update on the Alpenhof Weber Well.

Council Member Van Wagoner made the following comments:

- There was a verbal agreement, between Midway City and the Midway Irrigation Company, that water from the Alpenhof Weber well could be used to supplement irrigation water on the west side of the City.
- Supplemental water would no longer be needed when the irrigation infrastructure was improved along Homestead Road.
- The City had rejected an offer from the Midway Irrigation Company to help pay for drilling the well.
- The City was using less than 1/3 of the well's capacity.
- The well could be connected to a nearby pressurized irrigation (PI) line.
- Was trying to clean up loose ends.
- The supplemental water would benefit all residents and extend the life of other water sources.

Wes Johnson made the following comments:

- The City was using 200 gpm of the 600 gpm capacity of the Alpenhof and Alpenhof Weber wells.
- The additional capacity was for future growth.
- Any water used from the well would be chlorinated with an associated cost.
- Mechanically the well could be connected to the pressurized irrigation (PI) system.
- There would also be pumping and O&M costs.
- If the Irrigation Company used water from the well then there should be a formal agreement. The agreement should state that as the City's demand increased then the Irrigation Company's usage would decrease.
- Water rights were needed to take additional water from the well.
- The additional usage could be addressed in pending change applications.

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

- The Irrigation Company would have to transfer water rights into the well.
- The supplemental water should not be a replacement for improving the PI system along Homestead Road.
- Would approving the request set precedence?
- Additional agreements should be avoided and there needed to be a clear delineation between the City and the Irrigation Company.
- There should be a meeting between the City Council and Irrigation Company Board possibly in January.
- An agreement should be started for possible approval in January.

**7. Buildings / Renting and Scheduling** (Mayor Johnson – Approximately 60 minutes) – Review and discuss the policies, procedures and fees for using/renting city owned facilities.

Mayor Johnson reviewed the renting and scheduling of the City's buildings. She made the following comments:

- The buildings were used a lot.
- The first of the year would be a good time to change renting and scheduling policies.
- Several groups were monopolizing the buildings.
- They were the cheapest buildings in the area to rent.
- Many different groups now used the buildings.

Georgia McGuire made the following comments:

- The City Council previously decided to give special rental rates to certain groups.
- The Midway Art Association used a room in the Community Center at no charge.
- Rental rates did not cover the cost of cleaning and utilities.

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

- Should costs be covered, or should the buildings be loss leaders?
- A maintenance program was needed for the buildings.
- It was difficult to have non-resident and resident rates. Non-residents could find residents to rent the buildings at the lower rates.

- Non-profits wanted to use the buildings at no charge.
- Should the City charge a rental fee, which could be waived, but also charge a cleaning fee that could not be waived?
- The cleaning deposit should be high enough that renters really cleaned the buildings.
- The constant use of the buildings by the same groups needed to be addressed.
- Should the fees increase as length of the rental increased?
- Individuals could not use the buildings because others were monopolizing them.
- The City should have a clear rental policy to avoid judgement calls.
- Any policy should be consistent and fair.
- Should waivers only be granted by the City Council?
- Criteria should be set for any waivers.
- Discretion equaled discrimination.
- Exceptions should not be made.
- Groups that stored items in the buildings should have renter's insurance.
- Should rental fees be charged for funerals?
- Should residents be allowed to use a building once a year at little or no charge?
- Fees should only be waived for funerals of residents.

**Note:** Council Member Drury left and began participating in the meeting electronically.

- Renters should be at least 18 years old.
- Should the rate vary depending upon the time of day? Evenings were generally used more than mornings.
- Some renters forfeited the deposit, so they did not have to clean the building.
- Should an hourly fee be charge for cleaning?
- Should a service fee be charged?
- A policy might be so specific that staff would have to inspect the building before and after a rental.
- There should be a checklist for cleaning.
- Someone could stop payment on a check if the City held it for a cleaning deposit but did not cash it.
- Depositing all checks was the safest policy.
- How far in advance should someone be allowed to rent a building?
- If groups scheduled at the first of the year, then time should be left for other rentals.
- Some groups were harder on buildings than others.
- The buildings should be for the community.
- Using the buildings for performances was good but practices for the performances took too much time.
- The City should look at other communities' rental policies.
- The City should not compete with commercial space.
- A draft policy should be prepared and presented to the Council.

**Note:** Corbin Gordon left at 11:15 a.m.

**8. Budgeted Projects** (City Recorder – Approximately 30 minutes) – Review the budgeted projects in the FY 2020 Budget.

Nancy Simons, accounting, presented a list of budgeted capital expenditures for FY 2020. The Council and meeting attendees discussed each item on the list.

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

Council Member Van Wagoner suggested that two-way radios be added to each city vehicle.

Council Member Simonsen reported that the Dutch Fields HOA wanted the City to assume responsibility for the trail along River Road. The HOA would pay an amount yearly to help with the maintenance. The HOA also wanted to be indemnified by the City. Council Member Van Wagoner did not want to set precedence and suggested that the yearly amount increase for inflation.

**Note:** Council Member Drury stopped participating at 11:52 p.m.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 11:52 p.m. She reconvened the meeting at 12:06 p.m.

**9. Fee for Planner's Time / Proposal** (City Attorney – Approximately 30 minutes) – Receive a presentation and discuss a fee for time spent with the Midway City Planner.

Corbin Gordon reviewed a memo and cost of services study for planning and community development.

**Note:** A copy of the memo and study is contained in the supplemental file.

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

- Applicants paying a fee to cover the City Planner's time.
- Some people were using the City Planner as a free development consultant.
- Land speculators took a lot of the City Planner's time.
- The City Planner wanted to focus on serving the Council.
- Developers went to the City Engineer when the City Planner was unavailable.
- Residents needed to be able to work with the City Planner and ask him questions.
- It would be counterproductive to charge someone who was already upset about an issue.
- How would you determine who should and should not be charged?

**10. Land Use Agreements / Duration** (City Attorney – Approximately 15 minutes) – Discuss the duration of various agreements related to land use including annexation agreements, master plan agreements, development agreements, etc.

The item was not discussed.

## 11. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

**Motion:** Council Member Simonsen moved to go into a closed meeting.

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

**Discussion:** None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	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 Probst moved to go out of the closed meeting.

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

**Discussion:** None

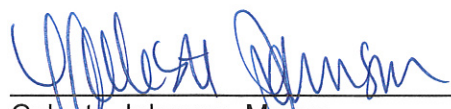
**Vote:** The motion was approved with the Council voting as follows:

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

## 12. Adjournment

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

The meeting was adjourned at 1:18 p.m.

  
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Celeste Johnson, Mayor

  
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Brad Wilson, Recorder