



Memo

Date: 10 May 2023

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 2 May 2023 City Council Regular Meeting

Please note that the following minutes await formal approval and are in draft or unapproved form.

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

**Tuesday, 2 May 2023, 6:00 p.m.
Midway Community Center, 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, 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 6:02 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member
JC Simonsen, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Nancy Simons, Accounting
Brad Wilson, Recorder

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 Payne gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 2 May 2023 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 18 April 2023 City Council Work Meeting
- d. Minutes of the 18 April 2023 City Council Regular Meeting

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

Council Member Dougherty indicated that he emailed the Council and staff a change to the regular meeting minutes.

Motion: Council Member Orme moved to approve the consent calendar with the change sent by Council Member Dougherty.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

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

Mayor Johnson asked if there were any comments from the public for items not on the agenda. No comments were offered.

4. Department Reports

ULCT Conference

Council Member Orme reported on the Utah League of Cities and Towns' conference. She focused on a speaker who talked about being dignified when disagreeing.

Cemetery / Sod

Council Member Orme reported that sod could not be laid at the cemetery until the pressurized irrigation system was turned on for the season.

Town Hall / Community Center / Improvements

Council Member Orme reported on improvements to the bathrooms in the Town Hall and the kitchen in the Community Center.

Trails / Sweeping

Council Member Simonsen asked when the City's trails would be swept. Mayor Johnson reported that the trail at Burgi Hill Park had been swept.

Founders Day

Mayor Johnson reported on preparations for Founders' Day.

Arborist / Tree Pruning

Mayor Johnson reported that an arborist was pruning the Cities trees.

Branches / Clean Up

Council Member Simonsen reported that the City would clean up tree branches put along the sides of public roads. He added that this would happen until May 30th.

Mental Health / Banners / Retreat

Mayor Johnson reported that Midway and Heber City would hang banners, paid for by Wasatch County, publicizing Mental Health Month. She would also attend a retreat on mental health issues.

HVRR / Legislative Funds

Mayor Johnson reported that the Heber Valley Railroad (HVRR) had received \$1 million in funding from the Utah State Legislature.

HVSSD / Agreements

Mayor Johnson reported that the Heber Valley Special Service District was updating its agreements with the various sewer districts.

5. Wasatch Arts Council / Update (Pat Sweeney – Approximately 20 minutes) – Receive and discuss an update from the Wasatch Arts Council.

Pat Sweeney gave a presentation and reviewed the following items:

- Grants
- Purpose of the organization
- Trails, Arts, and Parks (TAP) Tax
- Heber Valley Arts Center

Note: A copy of Ms. Sweeney's presentation is contained in the supplemental file.

6. Tentative FY 2024 Budget / Adoption (Budget Officer – Approximately 15 minutes) – Discuss and possibly deny, continue, or adopt a tentative budget for FY 2024.

Motion: Council Member Simonsen moved to approve the tentative budget for FY 2024, that the Council had been reviewing and discussing, with the following changes made immediately so that they could be posted for the public hearing:

- A fund for small parcels of open space would be established for \$25,000.
- \$80,000 would be set aside for a trail for north Center Street.
- \$3,600 for a graphic design retainer.
- A 5% COLA for the City’s employees.
- A housing allowance of \$200 per pay period for full-time employees, \$100 per pay period for part-time employees, and \$50 per pay period for crossing guards.
- Allocate funds for a receptionist and two additional public works employees.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

7. Tentative FY 2024 Budget / Set Public Hearing (Budget Officer – Approximately 5 minutes) – Discuss and possibly deny, continue, or set a public hearing, on the tentative budget for FY 2024, for 16 May 2023, 6:00 p.m. at the Midway Community Center (160 West Main Street, Midway, Utah).

Motion: Council Member Drury moved to set a public hearing, on the tentative budget for FY 2024, for 16 May 2023, 6:00 p.m. at the Midway Community Center (160 West Main Street, Midway, Utah).

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

8. Ordinance 2023-07 / General Plan Update (City Planner – Approximately 15 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2023-07 updating the Midway City General Plan.

Michael Henke made the following comments regarding the General Plan:

- The last issue to be decided was residential density in the commercial zones.
- The density in the zones had been reduced over time.
- Should residential developments only be in residential zones?
- Should transient rentals be allowed in the commercial zones?
- The General Plan only said that density should be where the services were located.

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

- Should workforce housing be allowed in the commercial zones?
- Density should decrease as you moved further from the center of the City.
- The General Plan justified affordable housing.
- Parking, water requirements, and other options could be used to encourage affordable housing.
- Additional density should only be allowed with deed restrictions.
- Specifics were needed to obtain affordable housing.
- Everyone on the Council wanted to encourage affordable housing. It should be a top priority.
- The Council should reduce the allowed density if it wanted less density.
- The Council would allow greater density for affordable housing.
- The City could adopt a planned performance code.

Motion: Council Member Drury moved to approve Ordinance 2023-07, updating the Midway City General Plan, with the following findings:

- The adoption of the amended General Plan would help the City Council and other recommending bodies when considering legislative actions.
- The proposed amendments to the General Plan were made after reviewing and considering hundreds of comments made by members of the community during the charette and from the open-ended questions that were made in the General Plan nonscientific survey.
- The proposed amendments to the General Plan were made after reviewing and considering the responses to the questions in the nonscientific survey that was taken by hundreds of members of the community.
- The General Plan committees were comprised of a broad array of community members including City Councilmembers, Planning Commissioners, citizens, County governmental staff, and Midway staff.
- The proposed General Plan would help Midway to retain a high quality of life by helping guide improvements made to the community and to assure that new growth followed the vision as outlined in the General Plan.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

9. The Reserve at Midway, Phase 1 / Second Plat Amendment (City Planner – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve a second plat map amendment for Phase 1 of The Reserve at Midway located at approximately 8 East Altamont Drive. Recommended without conditions by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the development
- Proposed plat map
- Current plat map
- Pictures of the property
- Utah Code 9A-608
- Possible findings

Mr. Henke also made the following comments:

- The request had to be approved because it complied with the land use code.
- Did not have any recommended conditions.
- The water requirements for the development would not change.
- The applicant and developer still controlled the HOA.
- The owner no longer wanted to maintain a piece of his property and proposed that it become common area.
- No additional lots would be created.

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

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Motion: Council Member Orme moved to approve the second plat amendment for The Reserve at Midway, Phase 1.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

10. Ordinance 2023-03 / Planning and Zoning Administrator(s) (City Planner – 15 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2023-03 amending Chapter 2.01 (City Officers) of the Midway City Municipal Code.

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

- Proposed language
- Appeals process

Mr. Henke also made the following comments:

- The three ordinances being considered that night were related.
- The ordinance ensured that an item could be kept off the agenda for certain reasons. This would save the Council, Planning Commission, and other entities time and energy.

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

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

- The proposal did not apply to already submitted applications.
- It applied to all future land use applications.
- Should it apply to other applications like business licenses and event permits?
- Should it apply to other types of employees?

Motion: Council Member Payne moved to approve Ordinance 2023-03 relating to planning and zoning administrators with the following findings:

- The proposed code would clarify that the Planning Administrator/Zoning Administrator could determine if a land use application was incomplete or not compliant with the code.
- If an application was determined by the Planning Administrator/Zoning Administrator to be incomplete or not compliant with the land use code, then the application would not be placed on a Planning Commission or City Council agenda.
- The proposed language would better serve the City and the public by clarifying the process.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

11. Ordinance 2023-05 / Appeal Authority (City Planner – Approximately 15 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2023-05 amending Section 16.26.6 (Appeal Authority) of the Midway City Municipal Code. **Public Hearing**

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

- Appeal authority
- Proposed language
- Possible findings

Mr. Henke also made the following comments:

- The ordinance was recommended by the Planning Commission.
- It was the next step in the process after the previously adopted ordinance.

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

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

- Was a time provision needed in the Municipal Code especially since city employees did not work on Fridays? Such a provision was not needed.
- The proposed language was from the State Code.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Motion: Council Member Payne moved to approve Ordinance 2023-05, regarding appeal authority, and adopt the following findings and conditions:

- The proposed language would match State law.
- The proposed language clarified the appeal timeline and process.
- The proposed language would better serve the City and the public by clarifying the process.
- The City Attorney would research State law regarding time calculation and the manner of

issuance.

Second: Council Member Dougherty seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

12. Ordinance 2023-06 / Conditional Use Approvals and Regulations (City Planner – Approximately 15 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2023-06 amending Section 16.26.12 (Conditional Use Approvals and Regulations) of the Midway City Municipal Code. **Public Hearing**

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

- Current and proposed language
- Possible findings

Mr. Henke also made the following comments:

- Was the same as the previous ordinance but applied to conditional use permits.

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

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

- The verbs should be put together and the active voice should be used in one of the sentences.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Motion: Council Member Dougherty moved to approve Ordinance 2023-06, regarding conditional use approvals and regulations, with the following findings and changes:

- The proposed language clarified that the Planning Administrator would not place an item on an agenda if it did not comply with the zoning code.

- The proposed language clarified the abilities of the Planning Administrator.
- The proposed language would better serve the City and the public by clarifying the process.
- The proposal would read “After receiving an application, the City Planning Administrator shall review and verify the applied for use as complete and in compliance with the applicable zoning ordinances. If it is complete and in compliance, then the City Planning Administrator shall then recommend...” with the rest of the language remaining the same.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

13. Adjournment

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

The meeting was adjourned at 7:59 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder