



Memo

Date: 23 May 2023

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 16 May 2023 City Council Work Meeting

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

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

**Tuesday, 16 May 2023, 5:00 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

Mayor Johnson called the meeting to order at 5:03 p.m.

Members Present:

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

Staff Present:

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

Members Excused:

Lisa Orme, Council Member

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

2. Legislation / Update (City Attorney – Approximately 60 minutes) – Receive and discuss an update on recently enacted state legislation regarding land use.

Corbin Gordon gave a presentation regarding the request and reviewed the following items:

- Introduction
- Utah Code Annotated, Section 10-9a-604.1
- Utah Code Annotated, Section 10-9a-604.2
- Plat amendments
- Conclusion
- Suggestions
- Constitutional challenges
- Moderate income housing report

Mr. Gordon also made the following comments:

- The City's land use title would have to be rewritten.
- A development moratorium might be needed.
- The Utah League of Cities and Towns (ULCT) failed by not opposing the legislation.
- The City could help other communities understand the legislation and oppose it.

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

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

- Larger cities delegated administrative development approvals to staff.
- Annexations and master plan approvals were contracts and might not be considered land use approvals.
- Master plans were needed to ensure that each phase of a development functioned.
- The City's fee schedule would also need to be reviewed and possibly updated.
- Conditional use permits would still be approved by the City Council.
- Citizens had a constitutional right to petition their government.
- Could all zones be reduced to one unit per acre? A zone change, which would have to go before the Council, would be needed to increase the density. The density would have to be decreased to at least one unit per five acres.
- Smaller communities with significant growth could meet with the Governor to oppose the new law. The Governor signed the legislation.
- The City needed to consider the worst case scenario.
- The Council could reduce density and then allow additional increases through a performance code.
- Any reduction then increase of density would be seen by residents as just a density increase.
- Spot zoning was prohibited. Would it be spot zoning if the same opportunity was given to everyone?

Note: Council Member Drury left at 5:45 p.m.

- The State's website prevented the City from filing a moderate income housing report in 2022.
- The ULCT needed to be held accountable for not opposing the legislation.
- A subcommittee of the Council should meet more frequently regarding the issue.
- Were the changes precipitated by developers complaining about the length of the development approval process?

3. Adjournment

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

The meeting was adjourned at 6:00 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

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