

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

**Tuesday, 3 October 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 5:04 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
Katie Villani, Planner
Brad Wilson, Recorder

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

2. Code Text Amendments (City Planner – Approximately 60 minutes) – Discuss possible code text amendments based on the recent revisions to the Midway City General Plan and changes to the Utah State Code.

Public Hearings

Mayor Johnson made the following comments regarding public hearings:

- Public hearings for most developments were required by the Municipal Code but not the State Code.
- The City Council could not deny most developments that met all requirements.
- Having the public come to a hearing gave them a false sense of influence.
- Appreciated public participation but suggested that public hearings not be held for those projects that had to be approved.

Michael Henke reviewed when the State Code required public hearings. He explained that the public should be involved in the code creation process. He recommended that the City review all of its public hearing and notice requirements.

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

- Debate was valuable.
- Good things could come from a public hearing.
- Hearings gave the public a chance to air their grievances. They also allowed a developer to listen to the public's concerns.
- In the past, some developers had listened to the public and made changes to their projects.
- The setbacks for Watts Remund Farms were increased based on public input.
- Hearings opened dialog between the parties.
- The Council did not have many opportunities to engage with the public.
- Hearings could be teaching experiences.
- They helped inform the City on possible code changes.
- Efficiency was not a justification for discontinuing public hearings.
- A significant tree was saved in the Malinka Subdivision because of a public hearing.
- Some mayors might restrict public comments during meetings. Public hearings guaranteed the public a forum.
- Eliminating some hearings would create the perception that the City was hiding something or shutting out the public.
- The City had never been accused of communicating too much.
- Notifications of public hearings should include what the Council could and could not do regarding the item.

Mayor Johnson indicated that staff would review the Municipal Code regarding public hearings. She added that noticing and other items could be done more clearly.

Sports Courts / Pickleball

Katie Villani gave a presentation regarding sports courts and pickleball. She reviewed the following items:

- The number of private courts in Midway
- Concerns
- Activity nationally with pickleball
- Regulations in Park City
- Possible regulations

Ms. Villani also made the following comments:

- Noise was the biggest issue with pickleball.
- USA Pickleball suggested different equipment to reduce the noise.
- Setbacks could be used to preclude sports courts.
- Pickleball could be 70 dB at 100 feet which was higher than allowed in Midway.

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

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

- Pickleball created a penetrating sound.
- A definition was needed for formal and informal courts.
- A balanced approach was needed.
- Owners should be able to do what they want with their property.
- The City already had nuisance regulations that would solve the problem.
- Would the City require a sports court be removed if it violated its nuisance regulations?
- Commercial use of private courts should be prohibited.
- Restricting the hours of play or using different equipment would help.
- Court lighting should not be a nuisance.
- Construction noise was more annoying than pickleball.
- The City did not enforce its nuisance regulations and contractors abused them.
- Commercial activities should be based on the zone.
- Limiting the hours of play was the best way to regulate the nuisances caused by pickleball.
- The allowed hours for construction should be shortened.
- Owners could use their property so long as they did not unduly impact their neighbors.
- Prohibiting lighting at courts would eliminate any nuisances.
- The City needed to be fair.
- One person's complaint might not be another's.
- It would be hard to single out one aspect of pickleball.
- The City should error on the side of being more liberal.
- The number of courts could be limited per location.
- The current language regarding sports courts did not need to be changed.
- The nuisances should be dealt with before they become a problem.
- Height affected the nuisance created by lighting.
- A grant could be obtained to incentivize owners to change their court lights.
- The City should review its nuisance regulations.
- There should be setback requirements to prevent pickleball courts next to property lines. Currently, there were no setbacks for sports courts. Setbacks were helpful but not significant.
- A lawn could also be a sports court.
- The height of fencing around sports courts was also a problem.
- Sports courts could be prohibited from the public utility easements around lots.

Code Text Amendments

Council Member Drury indicated that SB 174 and affordable housing were his priorities for code text amendments. He was not interested in the amendments discussed that night.

Council Member Payne indicated that SB 174 and the commercial zones / Main Street were his priorities.

3. Adjournment

The meeting was adjourned at 6:04 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder