



Memo

Date: 14 March 2024
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 20 February 2024 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, 20 February 2024, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Market 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 6:16 p.m.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member
Craig Simons, 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.

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance. Council Member Simonsen gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 20 February 2024 City Council Regular Meeting
- b. Warrants
- c. Jennifer Booth as a full member of the Midway City Historic Preservation Advisory Committee
- d. Ordinance 2024-05 prescribing the time and place of the regular meetings of the Midway City Council
- e. Travis Nokes as a full member of the Midway City Planning Commission
- f. Craig Knight as an alternate member of the Midway City Planning Commission
- g. Midway City Council Assignments

Note: Copies of items 2a through 2g are contained in the supplemental file.

Motion: Council Member Orme moved to approve the consent agenda.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

3. Statement / Public Comment (Mayor – Approximately 5 minutes) – A statement regarding public comment at meetings.

Mayor Johnson read a statement regarding public comment at meetings.

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

4. Ordinance 2024-06 / Public Comment (City Attorney – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve Ordinance 2024-06 amending the Midway City Municipal Code regarding public comment at meetings.

Corbin Gordon read the proposed ordinance. Council Member Simonsen asked if a time limit of one minute was too short. Council Member Orme responded that the Mayor could grant more time to a commentor if needed.

Motion: Council Member Drury moved to approve the ordinance as presented.

Second: Council Member Simons seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

5. Public Comment (At the discretion of the Mayor)

All public comment shall: 1) only be made by those physically present at the City Council meeting and only after the person states his or her name and address for the record; 2) may last no longer than 1 minute unless otherwise allowed by the Mayor; 3) must be germane to the authority of the City Council and be directly related to city programs, projects, services or events; and 4) may not address an item already on the agenda.

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

6. Department Reports

Legislative

Katie Villani gave a presentation on relevant legislation in the current session of the Utah State Legislature. She specifically reviewed legislation regarding the following topics:

- Land use
- First home initiatives
- Landings & setbacks
- Modular homes
- Infrastructure financing districts
- First home investment zones
- Housing affordability
- Land Use Task Force
- Local government bonds amendment
- Employment confidentiality
- Compensation amendments
- Utah Retirement System amendments
- Data privacy

North Center Street Trail

Council Member Simonsen reported that a rough design for the trail, along north Center Street, would be brought to the Council. He asked what type of public input the Council wanted regarding the project.

Animal Services / Changes

Council Member Simonsen reported that a new animal services agreement would be prepared. He indicated that a copy would be sent to the Council and the City Attorney. He added that structural changes in the organization would also be made. He indicated that a full-time technician would be hired, a new truck purchased, and the cost to local governments would be increased.

Ameyalli Resort / Master Plan Amendment / Height

Michael Henke reported that the proposed master plan amendment, for the Ameyalli Resort, no longer included a building height increase.

Cemetery / Mud

Council Member Orme reported that the City’s cemetery was muddy because of the wet weather. She indicated that any damage would be repaired in the spring. Council Member Drury recommended that mats be used when digging graves and placing vaults.

Town Hall / Floor Gaps

Council Member Orme reported that there were gaps in the wood floor of the main room in the Town Hall.

- 7. Resolution 2024-06 / Budget Amendment** (Nancy Simons – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-06 adopting an amendment to the Fiscal Year 2024 Midway City Budget. (**Public Hearing** - Public comment must be related to this item on the agenda)

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 Simons moved to approve Resolution 2024-06 adopting a budget amendment as reviewed and updated.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

- 8. Swiss Haven Annexation / Further Consideration** (City Recorder – Approximately 15 minutes) – Discuss and possibly deny or approve for further consideration the Swiss Haven Annexation located at approximately 850 West Bigler Lane.

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

- Annexation process
- Intent of annexation in the Municipal Code
- Location of the annexation
- History of the property and its association with Zermatt
- Location of the units
- Discussion items
- Possible findings

Mr. Henke also made the following comments:

- There was no sunset clause in the Municipal Code when the property was approved for development.
- The development agreement was approved in 2023.
- It was decided that all the property should be in the City.
- The annexation met code requirements.

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

Council Member Simons indicated that Bigler Lane had been damaged by construction on the property. Wes Johnson responded that the developer would have to repair the road in front of his property. He added that the City would have to repair the rest of the road.

Motion: Council Member Payne moved to approve for further consideration the Swiss Haven Annexation as proposed with the following findings:

- The proposed annexation complied with the intent of the annexation code.
- The application was complete to decide further consideration.
- Further consideration of the petition by the City Council did not guarantee the property would be approved for annexation by the City Council.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 7:41 p.m. She reconvened the meeting at 7:49 p.m.

9. Resolution 2024-07 / Southill PUD Master Plan Second Amendment (Dan Luster – Approximately 45 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-07 adopting a second amendment to the master plan agreement for the Southill PUD located at 541 East Main Street.

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

- Location of the development
- Phasing plan
- Location of units 31 and 32
- Possible findings
- Reasons for the separation of commercial and residential development in the agreements
- Proposed conditions

Mr. Henke also made the following comments:

- Up to five units could be affected.
- Probably two units would have enough parking. The parking for the other units might be in other phases.
- The parking and water in the commercial areas were based on the uses and more water might need to be provided.
- An additional 12 parking spaces would be available in Phase Two.
- The additional parking spaces would not reduce the amount of open space. They would be in the right-of-way.
- Home occupations and cottage industries would be allowed throughout the project.
- The units being discussed would have purely commercial uses on the main floor.
- The amendment would increase the ratio of commercial development to residential development in the project.
- The Water Advisory Board took its best guess at how much water would be needed.
- Additional water would be required before the plat map was recorded or a business license was issued.
- Any conditional uses had to be considered by the Council.

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

Dan Luster, applicant, reviewed the following items:

- Arts village
- Commercial spaces
- Street views
- Examples of mixed-use units.
- Access to the residential and commercial areas
- Parking calculations
- Benefits and impacts
- Summary

Mr. Luster also made the following comments:

- Two units were a priority but would also like an additional three units included in the amendment.
- The units were close to the commercial area. It made sense that they should also have a commercial component.
- The amendment created flexibility.
- Three additional units were added because they were next to the first two.
- The units would have smaller and more limited uses. The uses would not be designated.
- The project had a total of 35 extra parking spaces.
- Parking pullouts were safer and more appealing.
- Conservative estimates had been used for the water rights and parking requirements.
- A business license could not be issued unless enough water and parking were provided.
- Midway residents received tax revenue from the project. It also provided beneficial commercial uses.
- The amendment was an optimization.
- Residential structures along Main Street could be converted to commercial uses.
- The request was being made then, rather than during the original approval, because the project was complex, and it arose as the project progressed.
- The amendment made the project more interesting for the City and buyers. It created flexibility and better solutions for the area.
- Water was available for the amendment.
- The trail on Memorial Hill would be addressed in Phase Three or Phase Five.
- Was not interested in paying anything additional for the approval.
- The City should not be punitive or insure that the project did not make too much money.

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

- It should be disclosed to neighboring unit owners that their property was next to mixed-use units.
- The additional parking in the right-of-way would block a view corridor.
- The amendment was concerning.
- The extra parking was needed in case the commercial uses required it.
- The maximum possible parking should be determined and that should be the requirement for parking spaces.
- The garages were not counted as residential so that the project could meet the requirement for 20% commercial development. Garages should not be counted as commercial space.
- No additional commercial should be allowed without the necessary water rights.
- Residents had made many contributions to the project to be successful. They should receive the same additional value that the developer did from the amendment.
- The buildings being constructed in the project did not look like the renderings.
- The units would not be affordable.
- Additional parking could be purchased from the City.
- The mixed-use units would be beneficial.
- Once a space was commercial it could not return to residential.
- A business license or change of use would not be granted until enough water and parking was provided.
- More water and parking than needed should not be required.
- Residential properties changed to commercial uses should be allowed to return to

residential.

- Commercial buildings had to be razed for the property to be used for mixed-use.
- The units would be built either way.
- The project had a lot of history.
- Parking was a significant concern.
- The walkability of the project was beneficial.
- Had the residents received enough for this request to be approved?
- The City could not require more parking spaces than what was required in the Municipal Code.
- The City's restaurants had parking problems.
- The amount of required parking needed to be addressed.
- Recent parking requirements had not been fully tested.
- It was costly to buy property for parking.
- It would be difficult to determine how much parking a business needed to be successful.
- The neighbors should be notified of the request. The City told them that no changes would be made without notification.
- Parking structures were not allowed in Midway if they were above ground.
- Street parking could be problematic.

Motion: Council Member Payne moved to continue the item to the next council meeting and instructed staff to notice it.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

10. 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 9:41 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder